Parliaments in the 21st Century: the representative challenge[*]

di Lord Norton of Louth

SUMMARY: 1. Introduction. - 2. Decline. - 3. Opportunity. - 4. The Way forward. - 5. Conclusion.

1. INTRODUCTION – At the heart of a democratic system is the legislature. No democracy is without a legislature and most non-democratic regimes go through the motions of establishing one. The nations presently represented at the United Nations that are without a legislature can be numbered on the fingers of one hand.

On the face of it, legislatures should be significant political actors. Democracies are more to the fore than ever before. At the start of the 20th Century, democracies were in a minority. By the end of the century, they dominated the globe. Legislatures have one core defining function: that of giving assent to measures that are to be binding within the territory they cover.[1] They may not be law making bodies, in the sense of crafting coherent measures of public policy, but they are law-effecting bodies. Executives may draw up the measures, but they need the legislature to give approval. The capacity to say 'no' to the executive is what gives legislatures their impact within a political system.

We should thus expect parliaments to be crucial actors in the determination of public policy. Yet for many years, they have been seen as being in decline. There have been long-term developments at work, undermining the place of the legislature, as well as more recent pressures – both in terms of

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[*] *Lectio magistralis*, held at the Italian Chamber of Deputies on Tuesday, 13 November 2012.

foreign and economic policy – that are viewed as pushing to the margins the bodies that are chosen to represent the people.

In my talk, I wish to detail these pressures. I will then address what I see as the opportunities facing parliaments. They may be under greater pressure than ever before, but the circumstances now faced by nations – in terms of globalisation and recent economic crises – make the role of the legislature even more important than before. Legislatures are crucial to maintaining political stability at a time of uncertainty and social unrest. They may not meet the challenge, but it is essential that one recognises the potential to do so.

2. DECLINE – The perception of decline derives largely from the growth of mass membership political parties. The emergence of such parties is itself a product of wider social change. Parties serve to aggregate the opinions of electors and to provide a government that may be accountable collectively to electors. As such, they are essential to a healthy democracy. However, they are seen concomitantly to shift policy-making power from the legislature to the executive. Formally, the executive is the agent of the legislature. The political reality is that the legislature is seen, in most cases, as the agent of the party-dominated executive.

It is not clear precisely from what legislatures have declined, but the perception has persisted. It has been a feature of the literature on legislatures from the end of the 19th Century. The writings of Ostrogorski and Lawrence Lowell bewailed the effects of party caucuses and discipline in parliamentary parties.[2] Lord Bryce in his book *Modern Democracies,* published in 1921, titled one chapter 'The Decline of Legislatures'[3] and that view of legislatures has tended to persist.

The perception of decline was exacerbated in the 20th Century by the development of the welfare state, with the executive being the body responsible for determining the distribution and the redistribution of resources. The dominance of the executive has been writ large at times of national threat, be it in terms of economic or military crisis. National governments have had to mobilise

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[1] See Philip Norton, 'General Introduction' in Philip Norton (ed) *Legislatures* (Oxford: Oxford University Press, 1990), p. 1.
[2] See Norton, 'General Introduction' in Norton (ed) *Legislatures*, pp. 4-5.
[3] Lord Bryce, *Modern Democracies* (London: Macmillan, 1921), vol. 2, p. 391.

military or economic resources in order to fulfil international obligations, protect the integrity of the state or maintain the national welfare.

Legislatures have not been able to compete with the executive, lacking the resources and often the political will to challenge effectively the decisions taken by government and increasingly decisions taken in an international arena. Globalisation is seen as a challenge for national governments, but it creates a particular challenge to national legislatures. Decisions are taken at one further remove from their sphere of influence, and in a setting for which they have no equivalent, or at least no equivalent to affect the decision making process.

The perceived seepage of power from the legislature to the executive and from national executives to international organisations, has left legislatures appearing marginal actors, and especially so at times of international conflict and global economic recession. People look to national governments to act and, if necessary, to draw on experts to act rather than those elected to represent the people.

3. OPPORTUNITY – This perception of decline has a clear resonance, but I wish to counter it by identifying the opportunity faced by national legislatures. They are more significant than is often popularly realised and have the potential to serve as crucial actors at times of crisis.

There are significant opportunities. One is at the wider systemic level. Though democracies were in a majority at the end of the twentieth century, liberal democracies – with a balance between free and fair elections and the embedding of the rights of citizens – were not.[4] They are outnumbered by what have been termed 'electoral autocracies', failing to meet international standards of free and fair elections, and 'electoral democracies', failing to protect the rights of all.[5] Recent decades have seen the emergence of new democracies in the different waves of democracy identified by Samuel Huntington[6] and we see continued pressures for democracy in Africa and the Middle East.

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[4] L. LeDuc, R. G. Niemi and and P. Norris, *Comparing Democracies 3: Elections and Voting in the 21st Century* (London: Sage, 2010), p. 12.
[5] LeDuc, Niemi and Norris, p. 12.
[6] Samuel Huntington, 'Democracy's Third Wave', *The Journal of Democracy,* Vol. 2 (2), 1991.

The move at least is toward democracy, though there is still some way to go between crafting a democratic constitution and establishing a liberal democracy, enshrining a culture of constitutionalism.[7]   For those committed to liberal democracy, the pressures are in the right direction. However, not only is there some way to go in the case of emerging democracies, but there are also tensions within existing liberal democracies as regimes prove in danger of not being able to maintain stability at a time of economic crisis.

Crafting a legislature in a democratic regime requires the democracy to be created. Legislatures are a consequence of that process. One is thus dependent on wider systemic pressures. My focus is on what legislatures can do. Even within established liberal democracies, are legislatures now simply bystanders to the actions of executives as they seek to cope with a diminution of resources and decisions taken beyond their shores?

In addressing the potential of legislatures, we need to note that the perception of decline is narrow, focusing on public policy, and largely confined to the relationship between the legislature and the executive. The legislature is seen as having been chosen by the people and then expected to fulfil a number of functions in its dealings with the executive. Though elected by the people, there is often a sense of detachment.

That focus largely neglects the relationship between the legislature and the people. The emphasis in the literature is on the legislative-executive relationship and the unwillingness of the legislature to constrain and if necessary say 'no' to the executive. It has largely neglected the tasks, the functions, fulfilled by the legislature in relation to the people.

That relationship underpins a wider truth about legislatures. That is, that though they fulfil the core defining function of giving assent, they are multi-functional and functionally adaptable bodies. Even legislatures in non-democratic regimes have managed to carry out some functions beyond that of simply approving whatever is laid before them.[8]   In democracies, they have a much broader

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[7] See Philip Norton, 'Constitutional Change and the Tensions of Liberal Democracy', in James Connelly and Jack Hayward (eds), *The Withering of the Welfare State: Regression* (Basingstoke: Palgrave Macmillan, 2012), pp. 71-85.
[8] See Liam Allmark, 'More than Rubber Stamps: The Consequences Produced by Legislatures in Non-Democratic States beyond Latent Legitimation', *The Journal of Legislative Studies,* Vol. 18 (2), 2012, pp. 184-202.

range of tasks. Crucial for my purposes, they serve several functions in relation to the executive *and* to the people. The legislature is essentially the buckle between two. The focus of attention, as I have said, has tended to be on the relationship of the legislature to the executive; within that there are, as Anthony King has shown, different modes of relationship.[9] Less attention has been paid to the relationship of the legislature to the people and, indeed, to the fundamental role of the legislature in linking the two sets of relationships.

A distinguished British parliamentarian, Enoch Powell, argued that in the United Kingdom, the House of Commons was the body through which the people spoke to the government and the body through which the government spoke to the people.[10] The legislature, though, is more than a channel of communication. It has a deliberative role. The legislature listens to the people and determines which of their concerns and demands to pursue with the government. The legislature listens to the government and determines which of its policies and proposals for law should not only be endorsed through votes within the legislature but also through being taken to the people.

In the 1960s, the America political scientist, Samuel H. Beer, identified the role of the legislature as a body for mobilising the consent of the people for measures of public policy.[11] He was stressing the role of the legislature in reaching out to the people, rather than being confined in between elections to dealing primarily and possibly exclusively with tasks in relation to the executive. In doing so, he was following in the paths of a much earlier writer, Walter Bagehot, who in the 19th Century ascribed to the British House of Commons the tasks of informing and of teaching the nation. 'A great and open council of considerable men', declared Bagehot, 'cannot be placed in the middle of a society without altering that society. It ought to alter it for the better. It ought to teach the nation what it does not know. How far the House of Commons can so teach, and how far it does teach', he went on, 'are matters for subsequent discussion'.[12] This is precisely one of the things I wish to discuss.

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[9] Anthony King, 'Modes of Executive-Legislative Relations; Great Britain, France and West Germany', *Legislative Studies Quarterly,* Vol.1(1), 1976, pp. 11-34.
[10] Enoch Powell, 'Parliament and the Question of Reform', *Teaching Politics,* Vol. 11 (2), 1982, p. 169.

[11] Samuel H. Beer, 'The British Legislature and the Problem of Mobilising Consent', in E. Frank (ed), *Lawmakers in a Changing World* (Englewood Cliffs: Prentice Hall, 1966), pp. 30-48.
[12] Walter Bagehot, *The English Constitution* (1867; London: Fontana, 1963), p. 152.

I advance two basic propositions. First, legislatures have a crucial role to play in the relationship between people and government, especially in times of crisis. Second, the opportunity to engage with the people is now arguably greater than it has been in decades and, in the case of some nations, greater than it has ever been before.

The first proposition derives from what I have already said. Legislatures alone have the authority to deliberate on proposals for law and to give assent on behalf of a body beyond that responsible for drawing up the measures. The legislature, or at least one chamber of the legislature, is chosen by the people to act on their behalf. A president may be directly elected, but is not a deliberative body and *is* the executive. The position of the legislature is thus unique. No other body can substitute for it.

The legislature is the collective authoritative body that can give voice to the needs and demands of the people. It is necessary, if not sufficient, for the maintenance of political stability. People have to trust the process by which they are governed and their laws are made. They have to accept that the action of assent giving on their behalf by the legislature to measures that are to be binding in society is legitimate. If they feel detached from the process, then their acceptance of the legitimacy of the process is at risk.

Legislatures thus need to give voice to the needs and expectations of the citizens, and to be seen to do so, and to do so consistently between elections. Political stability rests on a popular acceptance of the measures of public policy to which the legislature has given assent. That is where the relationship between the legislature and the people, in terms of the legislature speaking to the people, in addition to the people speaking to the legislature, becomes important. The people need to have the facility to express their views to the members of the legislature, but the members of the legislature, and the legislature as an institution, have to have the means to speak to the people.

The need for people to be heard by the legislature and for the legislature to be heard by the people is crucial in any democratic polity. It is also crucial that the executive hears what the legislature has to say. Governments may not welcome greater questioning and scrutiny by the legislature, or

simply being forced to hear what the legislature has to say, but it is in their own interests to do so. Good government requires an effective legislature. That is especially the case in a parliamentary system of government, but is also relevant in a presidential system. As Richard Rose has observed, political authority rests on the twin pillars of effectiveness and consent. 'An organisation that cannot effectively influence the society around it is not a government', he wrote, 'A government that acts without the consent of the governed is not a government as we like to think of it in the western world'.[13] The executive needs the legislature not only to give assent to measures of public policy, but also to underpin the legitimacy of the political process.

This crucial role of the legislature standing at the intersection of people and government assumes even greater significance at times of crisis. When things are going well, the legislature – and the political process generally – may be taken for granted. When things are not going well, and there are tensions within the system, the legislature may not be taken for granted. It needs not only to act in its own interests, if it is not to be seen as irrelevant, but also in the interests of maintaining the legitimacy of the political system.

Political distrust has grown, with declining participation, as government has become more complex and been expected to meet a growing range of demands.[14] As I have noted elsewhere, 'the more government seeks to satisfy as many demands as possible, the more it may be viewed as not delivering what the people want. Top-down pressures from economic and political globalisation may come up against bottom-up demands for maintaining the benefits of the welfare state.'[15] Tensions between popular will and international obligations are pronounced at times of declining resources. 'The welfare state encompasses all when there are resources to provide for all. At times of economic crisis, the obligation to respect of rights of all may come under pressure.'[16]

The tensions we witness at the moment, in terms of the economy and international conflicts, emphasise the need for the views of citizens to be heard and, equally important, for the support of the people to be maintained. That does not necessarily entail the legislature blocking the actions of

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[13] Richard Rose, 'Ungovernability: Is There Fire Behind the Smoke?' *Political Studies*, Vol. 27, 1979, p. 353.
[14] Russell Dalton, *Democratic Challenges Democratic Choices* (Oxford: Oxford University Press, 2004), pp. 152-3.
[15] Norton, 'Constitutional Change and the Tensions of Liberal Democracy', p. 82.
[16] Norton, 'Constitutional Change and the Tensions of Liberal Democracy', p. 82.

the executive, but it does mean that people need to know that they are being heard. The target may be government, but the legislature is the authoritative channel for those views. The legislature, as I have stressed, is necessarily a channel, but also much more than that. It has not only to hear, but also to engage.

4. THE WAY FORWARD – If legislatures are to fulfil their potential at times of national uncertainty and stress, there has to be the political will on the part of legislators. That is a necessary condition, but it is not sufficient. I propose to identify three steps that legislators need to take if they are to engage effectively with the people.

The first is to exploit technological advances. The advances of recent years create unparalleled opportunities for legislators, and legislatures, to achieve direct contact with electors. The actions of legislative chambers have previously been conveyed to the people primarily through third parties, that is, television and the press. Coverage has necessarily been selective – there are other matters to report – and in recent decades coverage has declined as the media respond to public demand for more entertainment and human-interest stories. There is a degree of circularity involved in that perceptions of decline justify decreasing media coverage of a legislature and that very decrease in coverage appears to confirm the declining relevance of the institution.

The Internet has provided unique opportunities for legislators and legislatures to engage directly with the people. Legislatures have generally made use of the opportunity. Hardly any national legislature is now without a website [17]and through the Internet legislatures have become, in the words of Cristina Leston-Bandeira, 'more accessible, transparent and visible'.[18] More than 30 per cent of the world's parliaments are now using Facebook. Legislators individually are also making use of the Internet, in some cases generating their own blogs and utilising Facebook, YouTube and Twitter.

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[17] See the websites accessible via the Inter-Parliamentary Union (IPU) website, http://www.ipu.org/english/parlweb.htm
[18] Cristina Leston-Bandeira, 'Parliaments' Endless Pursuit of Trust: Re-focusing on Symbolic Representation', *The Journal of Legislative Studies,* Vol. 18 (3/4), 2012, p. 518.

Both the legislature and its members are making greater use of the facility to reach out to electors. However, I distinguish between reaching out to voters and engaging with voters. The technology tends to be used as a means for transmitting information from legislature, or legislator, to the voter. It is a one-way flow, with little opportunity for comment and response. A study of some European legislatures found they recognised the importance of the Internet revolution and invested resources in the technology. As the study recorded, 'A growing amount of information about parliamentary institutions and the legislative process is being made available on the Internet. This makes the Internet arguably more important and effective than any other type of communications technology in history, in making the parliament a transparent institution. It is not an exaggeration that the parliamentary website has already become a virtual face of the parliament.'[19]

However, one of the other findings was that the features of the Internet were generally under-exploited by parliamentarians. Parliamentary and parliamentarians' websites provided very low levels of interactivity. In the words of the study, 'both institutional and individual websites largely serve the purpose of information provision, rather than interactive engagement of citizens.'[20] Though there have been significant advances since the time the study was published in 2008, the use of the Internet continues to be used to reinforce and replicate a reaching out to electors rather than exploited as a novel and efficient way of engaging with them. It is an innovative technology that is being exploited, but not in an innovative way. It is used to promote parliamentarians and normally through the prism of the parliamentarian's political party. As Leston-Bandeira has written more recently, 'Whilst there is a general trend of parliaments developing linkages with citizens, this is slow going and, in particular, we have not witnessed the revolutionary move that early "visionaries" had predicted new media would bring'.[21]

This is exemplified in the case of Italy, where attempts to move away from the perception of a 'closed' institution have not proved very successful, with only a minority of deputies being willing to establish a more direct link with electors through the Internet. As Russo and Verzichelli have noted of the Italian experience, 'All in all, the established perception of a considerable distance

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[19] Xiudian Dai and Philip Norton, 'Parliamentary Democracy Online: Lessons from Europe', in X. Dai and P. Norton (eds), *The Internet and Parliamentary Democracy in Europe* (London: Routledge, 2008), pp. 138-9.
[20] Dai and Norton, 'Parliamentary Democracy Online: Lessons from Europe', p. 140.

between the work of parliament and ordinary people has not been much reduced in almost 20 years of discussion'.[22] Indeed, it is worth recording that the title of Russo and Verzichelli's article is 'Parliament and Citizens in Italy: An Unfilled Gap'.

A failure to engage is not confined to Italy. Only 16 per cent of legislatures have retention policies of messages received from citizens.

There is thus a case for pressing legislatures to adopt a new approach to the Internet, that is, to exploit it in an innovative way as a means of engaging with electors, of ensuring that voters have the opportunity to make their views known. This entails ensuring that they can make their views heard in a timely manner and have an input into the parliamentary process at a point where it may have some effect. The Internet is a crucial mechanism for ensuring direct contact between legislatures and electors – free of the mediation of third parties – and enabling parliaments and parliamentarians to speak to the people, and the people to speak to parliamentarians.

Governments, and political parties, should have no fear of such direct engagement. By engaging electors in the political process, one is bolstering the popular legitimacy of that process, a legitimacy that is essential to the health and future of both political parties and of government. Indeed, as the work of van der Meer has shown, nurturing the link between legislatures and citizens – what is termed the 'care relationship' – may be more important to trust in a parliament than accountability.[23] His research suggests, as Leston-Bandeira notes, 'that initiatives through which parliament's engagement with the public takes place more directly and frequently may have a positive effect on trust; not necessarily because of a rational evaluation of performance but because of more subjective assessments'.[24] If people feel a sense of connection, then they may trust the institution.

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[21] Leston-Bandeira, Parliaments' Endless Pursuit of Trust: Re-focusing on Symbolic Representation', p. 520.

[22] Federico Russo and Luca Verzichelli, 'Parliament and Citizens in Italy: An Unfilled Gap', *The Journal of Legislative Studies,* Vol. 18 (3/4), 2012, p. 364.

[23] T. Van der Meer, 'In What We Trust? A Multi-Level Study into Trust in Parliament as an Evaluation of State Characteristics', *International Review of Administrative Sciences,* 76 (3), 2010, pp. 530-1, cited in Leston-Bandeira, Parliaments' Endless Pursuit of Trust: Re-focusing on Symbolic Representation', p. 522.

[24] Leston-Bandeira, 'Parliaments' Endless Pursuit of Trust: Re-focusing on Symbolic Representation', pp. 522-3.

The engagement between electors and legislators that is facilitated by the Internet leads to the second step. It is not sufficient simply to exploit ever-increasing technological opportunities. It is necessary to adapt the parliamentary process to enable electors to have their voices heard within the legislature and at an opportune time. That necessitates an open and transparent institution and one with the facility to invite input when a measure of public policy is being contemplated or has been introduced as a legislative proposal.

Legislatures are often closed institutions in that deliberations may take place, and decisions taken, away from the public gaze. Legislatures face a choice between transparency and efficiency. By that, I mean a choice between allowing citizens to know what legislators are doing in their name and keeping deliberations, not least negotiations in committee, private.[25] Some legislatures have and utilise the facility for secret votes. Some committees are sites for bargaining between parties in the legislature. Members of the public are not privy to the deliberations. As Lupo and Fasone have shown, the problem is notable in the Italian case where, in the choice between informality and transparency in committees, informality wins out, with few political imperatives existing to favour transparency.[26]

There is a case for legislatures to engender public interest and trust by being more open in their proceedings. That, though, does not meet the need for greater engagement with the public. There is also a powerful case for members of the public to be given a greater input into those proceedings, that is, to engage with parliamentarians as measures of public law are being considered.

The Declaration on Parliamentary Openness, launched in Rome on 15 September at the 2012 World e-Parliament Conference, recognises the need for openness and engagement,[27] but most of the recommendations are geared to openness.

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[25] See Philip Norton, 'Conclusion: Developing the Links', in P. Norton (ed), *Parliaments and Citizens in Western Europe* (London: Frank Cass, 2002), pp. 187-8.

[26] Nicola Lupo and Cristina Fasone, 'Transparency v. Informality in Legislative Committees. Comparing the U.S. Congress, the Italian and European Parliaments', Paper presented at the Tenth Workshop of Parliamentary Scholars and Parliamentarians, Wroxton College, United Kingdom, July 2012.

[27] OpeningParliamernt.org, *Declaration on Parliamentary Openness,* August 2012. Available at: www.openingparliament.org/

To achieve effective engagement, legislatures need to utilise the means to let people know what is on the parliamentary agenda and how to make their views known. That encompasses making views known to individual members who may have particular interests or status relative to the proceedings or, more directly, to committees of the legislature. It is not unusual for legislative committees to have and utilise the power to receive oral and written evidence from citizens and groups, with that evidence being on the public record. It is common for legislatures to have committees to consider public petitions.

There is a case not only to enhance these facilities – not least through electronic means, such as e-petitions – but also through more directed engagement, through, for example, online consultations. The use of such consultations has proved valuable in the UK Parliament, where it has been utilised to inform parliamentarians on a range of issues, including domestic violence, hate crimes in Northern Ireland, family tax credits, and electronic democracy. Some of these, as on domestic violence, have enabled people to have some input who may otherwise not have been able or willing to contribute to a parliamentary inquiry. A crucial point to bear in mind is not just how many people engage in such consultations, but the wider recognition by citizens that such an opportunity exists.

We now have the technology not only for legislatures and their agencies, such as committees, to engage with the public, but also members individually. The Internet has undermined the dominant position of well-resourced groups in making representations to parliamentarians. All forms of groups, as well as individuals, are now able to contact and lobby members of the legislature. Some members resent such lobbying, regarding it as an intrusion as well as a burden on resources, but it is important that they recognise the value of such contact. There is only one thing worse than extensive contact with parliamentarians by groups and individuals and that is no contact at all. The failure of groups and individuals to get in touch with parliamentarians would be an acknowledgement of the irrelevance of the legislature in the eyes of the public. If the parliament is ignored in favour of direct contact with the executive, or of taking to the streets, then the health of the system is under threat. Parliamentarians may not welcome groups and individuals getting in touch, but receiving and indeed encouraging such representations are essential to the maintenance

of political stability. People need to feel that have had the opportunity to make their view heard. Acting as a safety valve is a key feature of a representative assembly.

Legislatures thus need if necessary to reconfigure their institutional framework in order to enable citizens to make their views known when proposals are being considered, and for parliamentarians to engage with, to respond to, those citizens who get in contact. Deliberations on legislative proposals should not be seen as something that takes place in a detached manner and as purely an aspect of legislative-executive relations; it should be seen as extending to the relationship between people and parliament and, indeed, between parliament and people. Legislatures need not only to be seen to listening to the people in the course of their deliberations, they need to utilise the facility to inform and mobilise electors, to raise public support for those measures that they deem essential and which require public support in order to be effective. That entails seeing the end point of the legislative process not as the giving of assent to measures of law but as explaining those measures to electors.

Legislatures as well as legislators need to reach out, if not physically then at least electronically, to explain why decisions, on occasion unpopular decisions, have been taken. At times of national tension, when unpopular decisions have to be taken, there may be a tendency for parliamentarians to retreat within the confines of the legislature. The challenge is to do the opposite and to go out and engage with electors.

The third step is to be more outward looking internationally. There needs to be greater engagement with citizens within the nation, but also greater engagement with other national legislatures. A national legislature is limited in challenging decisions taken by national governments at an international level. There may be a role in ratifying treaties, but there is rarely engagement with the deliberative process leading to treaties or with other decisions taken on an international or global basis. It is globalisation that makes citizens feel especially excluded from having an impact on the decisions that are going to have an impact on their lives. That is why it is essential that legislatures serve as safety valves, ensuring that citizens' views are heard and expressed, expressed to national government and ideally beyond.

AMMINISTRAZIONE IN CAMMINO

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Collaboration between national parliaments can serve to mirror deliberations between national governments. There are bodies for sharing best practice between legislatures, such as the Inter-Parliamentary Union, but there is limited opportunity to come together to discuss or have an impact on decision making.

We see some evidence of collaboration at the level of the European Union through COSAC – the committee drawing together representatives from EU committees of the parliaments of member states – and IPEX, a somewhat clunky means of sharing information electronically between national parliaments in the EU. There is also the means for national parliaments to have a formal input in EU law-making through the so-called yellow and orange card procedure under the Lisbon Treaty, but that is essentially at the margins.[28] It does not enable parliaments to be engaged at an early stage of the legislative process and it encompasses only the principle of subsidiary and not that of proportionality. If national parliaments are to affect EU law making, they need to do so at the gestation stage of proposals. Nonetheless, the provisions of the Lisbon Treaty provide some indication of what is possible in terms of national parliaments having some impact, however minor, on the process of supranational decision-making.

The need is to go further and to ensure that international parliamentary assemblies are more than arena for talking, with little direct engagement with the national legislatures that sends members to such gatherings. They need to become more substantial bodies for alerting national parliaments to what is happening and enabling them to take action in relation to their governments.

I appreciate the sheer practical difficulties that this imposes. It is, though, important to recognise it as a desirable goal. It is crucial in tackling what is seen as the growing democratic deficit, with more and more decisions being taken beyond the shores of any one nation but with those decisions not being clearly linked to the processes by which citizens make their voices heard.

5. CONCLUSION – To conclude, my essential message is that there needs to be a culture shift to more open and outward looking legislatures. Political will on the part of legislators is essential. As the recent global report of the Inter-Parliamentary Union and the United Nations Development

Programme on *The changing nature of parliamentary representation* noted, 'There are undoubtedly examples of effective consultation and citizen participation in different parts of the world, but they have tended to work well only when there has been significant political momentum behind them – either from politicians or from public outcry.'[29]

Legislatures need to engage more with the people – utilising technological developments and adapting the processes within the legislature to achieve that – and to share information and collaborate more with other national legislatures, if necessary through enhancing existing international assemblies or creating new ones. These goals may be seen as aspirations, but the need to achieve them is neither theoretical nor distant. The crisis of legitimacy is not confined to non-democratic regimes, but extends, albeit in different form, to democracies. Legislatures are the means through which the people can be heard. The voices of the people need to be channelled through the legislature and support for measures of public policy, which may be necessary but unpopular, mobilised through the legislature. Popular trust will not be achieved purely through what happens within a legislature, but rather as a consequence of the connections it forges, and is seen to forge, with the people. It is a daunting challenge, but it is one that can put legislatures where they belong, at the heart of a representative democracy.

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[28] See Philip Norton, *Parliament in British Politics,* 2nd edn. (Basingstoke: Palgrave Macmillan, 2013 forthcoming).
[29] Inter-Parliamentary Union/UN Development Programme, *Global Parliamentary Report: The changing nature of parliamentary representation* (Geneva/New York: IPU, UNDP, 2012), p. 41.