

Debate and Deliberation in Parliament¹

André Bächtiger

Forthcoming in Strøm, Kaare, Saalfeld, Thomas, and Shane Martin (eds.), *Oxford Handbook of Legislative Studies*, Oxford: Oxford University Press.

According to the *Online Etymology Dictionary*, the word “parliament” has its origin in the Old French word “parlement”, denoting an assembly where elected or appointed members discuss and debate political issues. Yet, despite the central role of speech and debate in parliament, parliamentary speech has not figured prominently on the scholarly agenda in contemporary Political Science. As Proksch and Slapin (2012) note: “Participation in legislative debates is among the most visible activities of members of parliament (MPs), yet debates remain an understudied form of legislative behavior.” The conventional view holds that parliamentary debate does not have any impact on policy-making and is little more than the “public displays of the policy platforms of both government and opposition” (Brennan and Hamlin 1993:447). Consequently, the purpose of parliamentary debate seems largely symbolic.

In the last two decades, however, scholars have begun to refine as well as to challenge the conventional view. Not only is legislative speech more varied than commonly assumed, some scholars also argue that under specific conditions, legislative speech may be much more than the sterile argumentative confrontation of government and opposition and even display features that have normative appeal. Three approaches can be distinguished: a strategic and partisan-rhetoric approach (anchored in rational choice theory), a deliberative approach, and a discourse approach. The strategic and partisan-rhetoric approach provides a systematization and extension of the conventional view: starting from the assumption that legislative speech is cheap talk and its main purpose partisan and electoral, it offers some intriguing insights in its variability, especially by adopting a comparative approach and by exploring the effects of

¹ I would like to thank Susanne Fuchs, Seraina Pedrini, Paul Quirk, Thomas Saalfeld, and Reto Wüest for excellent comments on previous versions of this chapter. I am grateful to the Hanse Wissenschaftskolleg (HWK) for providing an excellent research environment as well as financial support when writing up this chapter.

different institutional arrangements and intraparty politics on the structuring of parliamentary debate. The deliberative approach, in turn, challenges the conventional understanding of legislative speech: it tries to identify institutional and issue-based conditions under which legislative speech can be deliberative, i.e., reasoned, respectful, informed and oriented towards finding agreement. The discourse approach, finally, focuses on the constitutive features of parliamentary debates and offers an in-depth look at its norms and conventions. Recent variants of the discourse approach have also started to analyze specific framings of legislative speech, sometimes also in connection with normative expectations.

This chapter gives a broad overview of the strategic/partisan-rhetoric, deliberative, and discourse approaches to parliamentary debate. It starts with the basic theoretical assumptions of the three approaches, followed by a presentation of some major empirical findings. Given deliberation's prominence in contemporary political theory, its different take on legislative speech, and the big controversy about deliberation's viability in the realm of legislatures, this chapter takes a special focus on the deliberative approach to legislative speech.² At the end, the chapter will discuss a number of commonalities, remaining tensions, as well as some avenues for future research.

Strategic and partisan-rhetoric approach

The rational choice (or, formal) approach to legislative speech provides a systematization and extension of the conventional view on legislative debate. Two versions can be distinguished. Austen-Smith (1990) presented a model where legislative debate is viewed as “cheap talk” and may influence decision-making through information revelation, i.e., by exchanging information that other legislators do not possess. Austen-Smith's formal model posits that the role of debate is limited and one of *timing*. A debate stage in the policy-making process reveals all the information that otherwise would be revealed through agenda setting. Or, as Austen-Smith's (1990: 144) succinctly puts it: “debate does not elicit information that otherwise would not be made available during the decision-making process”. Generally, the revelation of private information may affect legislation, but only under some very restrictive conditions, namely when the distribution of legislators' preferences over consequences is not too “dissimilar”. In contrast, when legislators' preferences are “dissimilar”, they have an

² Paul Quirk and William Bendix (2011) have written an excellent piece on “Deliberation in Congress” in the *Oxford Handbook of the American Congress* (ed. E. Schickler and F. E. Lee). Their chapter is partly complementary to the present one but takes a prime focus on the informational and deliberative aspects of legislative speech in connection with the specifics of the American context.

incentive to misrepresent information and manipulate the decision-making process in their favor. Since “similar” preferences of legislators are a very rare scenario in legislative politics, information revelation through debate will only very rarely affect the final outcome. As Proksch and Slapin (2012) concur, if legislators mainly cared about the persuasive impact of legislative speech for other MPs, then “we would expect not to find much legislative debate at all”. Consequently, there must be other rationales why MPs engage in legislative debate.

A second view in the rational choice tradition starts from the assumption that legislators are concerned with electoral and partisan considerations when giving speeches in parliament. Legislative speech enables MPs to give a party or personal message to voters and partisan rank-and-file, as legislative debate receives coverage in all types of media. Legislative speech thus provides an opportunity for “position-taking”, “advertising”, and “credit-claiming”, which are key strategies to enhance the re-election chances of an MP (Mayhew 1974). Moreover, rational choice theorists have also started to take an in-depth look at intraparty politics (e.g., the relationship between parties and their voters) and institutional arrangements (e.g., different electoral systems), which are considered key factors for explaining variation in legislative speech. However, following Austen-Smith’s pessimistic expectations about the importance and influence of debate, a core assumption of the partisan-rhetoric view is that legislative speech can generally have no persuasive effect on policy-making. As we shall see below, this is in stark contrast with the deliberative approach, arguing that legislative speech may not be fully captured by a strategic model of position taking where communication is exclusively tailored to secure or enhance electoral success.

In recent years, rational choice scholars have made a dedicated effort to examine parliamentary debate empirically. One important area of research is to use legislative speech in order to analyze positions of members of parliament or political parties (e.g., Laver and Benoit 2002; Monroe and Maeda 2004; Proksch and Slapin 2010; Diermeier et al. 2012). This is mostly done through computer-based content analysis (such as WORDFISH), a topic that is dealt by Proksch and Slapin’s chapter in this Handbook. This research, however, is not directly concerned with the functioning of legislative debate and therefore not addressed in this chapter.

A further area of empirical research examines why legislators actually deliver speeches. In a pioneering study, Maltzman and Sigelman (1996) examined which factors influence the use of unconstrained floor time in the U.S. Congress. Drawing on Fenno’s (1973) claim that MPs are motivated by both electoral and policy considerations, they focus on electoral and policy-

based explanations for the propensity of delivering speeches. Empirically, Maltzman and Sigelman's (1996) find that electorally-based explanations do not perform well. For instance, more electorally vulnerable members used less unconstrained floor time than their more electorally secure colleagues. In contrast, policy-based explanations fare much better: party leadership, minority status, and ideological extremism were all conducive to longer floor speeches. While party leaders may have an interest in protecting and promoting the party's "brand", minority party members and political extremists may find it difficult to shape policy outcomes, thus have an incentive to speak up on the floor. Maltzman and Sigelman conclude that the failure of electoral explanations does not necessarily mean that MPs would not be concerned with them: "It is conceivable that electorally vulnerable members find that their time is better spent in other activities, such as fundraising, than in delivering speeches to the C-SPAN audience" (Maltzman and Sigelman 1996: 827-28).

Building on the work of Maltzman and Sigelman (1996), Morris (2001) focused on the frequency of MPs to make partisan-oriented one minute speeches in the 104th Congress. While confirming some of Maltzman and Sigelman's findings, he also found that partisanship had a strong impact on debating behaviour. For instance, MPs with less electoral security used more partisan rhetoric. In this regard, Quinn et al. (2010) also demonstrate that in election times, politicians put more emphasis on symbolic and social issues in speeches.

Recent studies in the rational choice tradition take an in-depth look at intraparty politics and institutional arrangements that shape the structure of parliamentary debate. Martin and Vanberg (2008) argue that coalition parties in parliamentary democracies must communicate to their voters that they have not violated their electoral promises when they agree to policy compromises with their coalition partners. One pathway to accomplish this goal is through legislative debate. Martin and Vanberg hypothesize that coalition parties will communicate more extensively on issues that divide them from their coalition partners. This combines with an electoral cycle argument: the closer elections are, the more parties will engage in this activity. Using the length of legislative speeches as a proxy for the extent to which parties communicate with their constituents, they demonstrate that coalition parties indeed communicate more extensively on issues that divide them from their coalition partners and do so increasingly when elections approach. Even though the mere length of speaking does not give direct insight into the content of speeches, the study still provides "circumstantial" evidence that coalition parties use legislative debate to convince constituents "that they have

not given away the store in exchange for the spoils of office” (Martin and Vanberg 2008: 513-514).

Proksch and Slapin (2012) present a comparative institutional approach to legislative speech that is based on a strategic model of intraparty politics. They start from the assumption that in order to uphold the party’s “brand”, party leaders must prevent their MPs from delivering speeches that contradict the party’s central message. How much control is exerted by party leaders, however, depends on institutional factors, namely the configuration of the electoral system. In this regard, Proksch and Slapin focus on four scenarios. In scenario 1, a presidential system with a majoritarian electoral system, the electoral independence between legislature and executive means that party unity is not very important and party leaders will not exert much control when MPs take the floor. In scenario 2, a parliamentary system with a majoritarian electoral system, party leaders will generally place more weight on party unity than party leaders in a presidential system. Nevertheless, in a first-past-the-post electoral system which emphasizes the importance of individual candidates, party leaders place less weight on party unity and exert less control when MPs take the floor. In scenario 3, a parliamentary system with closed-list proportional representation, party leaders will place high value on party unity, as voters rely heavily on party “labels” to make their electoral choices. Consequently, party leaders will control the public exposure of MPs. In scenario 4, a parliamentary system with mixed-member proportional representation, elements of closed-list PR are combined with single-member districts. This means that while party leaders put a high value on party unity, MPs have different incentives depending upon whether they are elected off the party list or from single-member districts. While MPs elected from the party list will value the party’s position highly, this is less true for MPs elected in a single-member district. Consequently, party leaders will try to keep such MPs off the floor, since the latter will have an incentive to present their own positions to voters which may deviate from the party’s central message. Proksch and Slapin test the implications of their theoretical model with data on the amount of legislative speeches made by party leaders and backbenchers in the United Kingdom (an example of parliamentary democracy with a majoritarian electoral system) and Germany (an example of a mixed-member proportional representation system). The findings corroborate the theoretical expectations: party leaders in Germany are more active on the floor than backbenchers. By contrast, in the United Kingdom, the majoritarian electoral system provides leaders with fewer reasons to keep backbenchers off the floor. Moreover, German MPs who are ideologically distant from their party leaders are less likely to take the floor; in the United Kingdom, ideologically distant MPs are more likely to take the floor than MPs

who are on the party line. Finally, the German data show that MPs elected in single-member districts tend to make fewer speeches than MPs elected from the party list, but this effect weakens when the ideological distance between backbenchers and leaders is taken into account. The study not only suggests that legislative debates are strongly affected by partisan strategizing within specific electoral contexts, it also shows that party cohesion is inversely related to party positions communicated in legislative speeches: “Speeches may [...] underestimate the ideological differences within parties in many parliamentary systems” (Proksch and Slapin 2012). This has important implications for the use of legislative speech as a resource to estimate party preferences and party cohesion.

These two examples nicely illustrate how rational choice analysis can deepen our understanding of legislative speech, even though the basic assumptions are fully in line with the conventional and partisan-rhetoric understanding of parliamentary debate.

Deliberative Approach

The deliberative approach to parliamentary debate brings a normative dimension back to legislative politics. In its classic version, deliberation means that actors justify their positions with a focus on the common good, “weigh” alternative arguments and positions with respect, are willing to yield to the force of the better argument, and try to find a reasoned consensus on validity claims (Habermas 1983; 1996; Chambers 1996; Gutmann and Thompson 1996). The goals of deliberation are geared to both epistemic fruitfulness and consensus: deliberation should generate decisions that are better reasoned and informed, more public-orientated and consensual, and consequently more legitimate and effective. In the past decade, deliberation has become one of the “most active areas of political theory” (Dryzek 2007: 237). The deliberative approach has not only given a new language to analyze political talk, it has also prompted a vigorous debate of how politics should ideally function. In this regard, deliberative theory has taken issue with the standard aggregative models in legislative studies (and Political Science in general) where outcomes are determined by numbers, i.e. who has the most votes, and not by reasons, i.e. who has the best arguments.

Prominent deliberative theorists have repeatedly argued that parliaments are an important sphere of deliberation because they serve essential legitimizing and social integrative functions (e.g. Habermas 1996). Habermas (2005: 389) even states that legislative

deliberation “reaches just to the centre of the whole approach to deliberative politics.” In his book *Mild voice of reason*, Joseph Bessette (1994) has also provided the first deliberative reading of policy-making in the U.S. Congress. Here, Bessette contrasts “political” (or, electoral) and “deliberative” explanations for key aspects of legislative politics. For instance, while a “political” explanation views the function of floor debate only “pro forma” to enhance the standing with constituents, a “deliberative” explanation views floor debates as the “final opportunity to hear the strongest arguments pro and con” (p. 152), while simultaneously serving as an information source for the contents of complex bills. Or, while a “political” explanation views committee hearings as publicizing devices “to mobilize support outside of Congress”, a “deliberative” explanation views hearings as fora “to elicit the information and arguments necessary to make informed judgments” (ibid.).

Yet, many political scientists – and even some deliberative scholars (e.g., Fishkin and Luskin 2005) - strongly question whether parliaments can entail genuine deliberation. The key criticism is that parliamentary debate is oriented towards voting, not towards collecting and aggregating information (see Ferrié 2008; Rasch 2011). Drawing from the partisan-rhetoric approach, critics hold that arguments in legislative speech are not directed towards persuading other MPs but towards mobilizing an outside audience - voters, citizens, as well as partisan rank and file. Deliberation in parliament is also constrained by the fact that modern legislatures operate under severe time constraints and have strictly regulated access to delivering speeches (Rasch 2011). Time constraints and access regulations give parliamentary debates a ritualized and rigid character. Speeches are not spontaneous, but frequently prepared in advance. Rasch (2011) summarizes the critical view on parliamentary deliberation as follows:

“Arguing seldom affects information and preferences in a way that become important at the final voting stage. Outcomes almost always are known in advance. Plenary debates lack the dynamic elements that are central to any deliberative process marked by conflicting preferences.” (p. 20)

In other words, a deliberative lens on parliamentary debate, assuming that parliamentary debate can change the opinions of MPs seems “aspirational” and “critical” rather than “descriptive” (see Esterling 2011: 191).

Current deliberative scholarship acknowledges that electoral, partisan, and representative pressures loom large in parliaments, constraining full-fledged deliberation. They nonetheless argue that the conventional and partisan-rhetoric approach may be too limiting. First, much of the criticism against the possibility of deliberation in parliaments stems from an analysis of parliamentary systems as well as of contemporary American politics. As we shall see below, critics are certainly not misled with regard to deliberative failures in parliamentary systems as well as in the contemporary U.S. Congress; but critics tend to ignore that a different institutional organization of legislatures – in combination with issue type and partisan strategies - may be conducive to a much higher potential for deliberative action. In this regard, deliberative scholars also claim that the role of institutions and contexts in shaping political behavior is more profound than rational choice scholars tend to assume. They think that institutions and other contexts do not only affect the strategic incentives of legislators, but may also create *spaces* for different action logics (including deliberation). In this view, strategic action is not the only action logic in politics and the importance of strategic action may vary according to different contexts. The claim is that when stakes are high, actors will follow a course of action that is highly compatible with the predictions of rational choice theory. But if stakes are lower, actors have more space to behave *differently*: they may remain strategic but they may also become genuine deliberative actors (see Bächtiger and Hangartner 2010). Second, while deliberative scholars concede that fundamental opinion changes in core values are unlikely in parliaments, even under the best circumstances, deliberation can still contribute to the “theory-component” of legislator’s preferences (Vanberg and Buchanan 1989) by allowing legislators to update their preferences or learn about unforeseen policy consequences. Concrete policies are complex entities, comprising smaller elements on which participating politicians can learn and change minds. Third, critics also (partially) misrepresent the link between deliberation and voting. Whether persuasion actually occurs is not always a major consideration in deliberative theory, since this literature accords normative importance to the quality of argument and discussion itself (see Esterling 2011: 192). Thus, prepared speeches may be “deliberative”, i.e., they may display high justification rationality and respect, or even document opinion change, even though they are not fully interactive. Fourth, and perhaps most importantly, we should not pre-judge the possibility of parliamentary deliberation: claims for and against the possibility of deliberation in legislatures need to be proven or disproven empirically.

But how much deliberative action is there really in legislatures, and how does it work? For this purpose, let us focus on three different legislatures, namely those of Switzerland, the United States, and Germany (see Steiner et al. 2004; Bächtiger 2005). Specifically, the Swiss parliament serves as an example of a “non-parliamentary” consensus system, the United States’ Congress as an example of a competitive presidential system, and the German parliament as an example of a competitive parliamentary system. The analysis presented here is a re-analysis of the study by Bächtiger (2005). It considers a total of 52 recorded debates in the three countries, stemming mostly from the late 1980s and the 1990s. These debates cover topics with high partisan polarization such as economic policies and abortion, as well as less polarized topics such as rights of the disabled, animal welfare, and crime prevention. The debates comprised nearly 4,500 speeches, which were coded for their deliberative quality. Notice that in the Swiss and German legislature, recorded debates in non-public committees could be used for a quantitative analysis of deliberate quality.

The quality of deliberation is measured by the “Discourse Quality Index” (DQI; Steenbergen et al. 2003). Rooted in a Habermasian understanding of deliberation, the DQI employs a number of philosophically derived indicators of deliberative quality. The focus in this chapter is on four key indicators: (1) justification rationality (Do speakers give elaborated reasons for their positions or do they forward demands and positions with no or only simple reasons?”); (2) common good orientation (Do speakers cast their justifications in terms of conceptions of the common good or in terms of narrow group or constituency interests?), (3) respect toward demands and counterarguments (Do speakers degrade, treat neutrally, value, or agree with demands and arguments from other speakers?); and (4) constructive politics (Do speakers sit on their positions or submit alternative or mediating proposals?). These four indicators capture two essential concepts underlying deliberative theory: the concept of rational argument – measured by justification rationality and common good orientation - and the concept of “weighing” positions and reasons with a “favorable attitude toward, and constructive interaction with, the persons with whom one disagrees” (Gutmann and Thompson 1990: 85) – measured by respect and constructive politics. The DQI has proven to be a reliable measurement instrument, i.e., there is generally broad agreement where a particular speech act falls on the six indicators. For the debates considered in this article, two independent coders scored a subset of the speech acts. The rate of inter-coder reliability ranges from a low of .919 for respect toward counterarguments to a high of 1 for content of justification. Cohen’s kappa, which controls for inter-coder agreements by chance, ranges

from .881 for respect toward counterarguments to .954 for constructive politics. These figures indicate excellent inter-coder reliability.³ The DQI has also met with considerable support from deliberative theorists (Habermas 2005; Thompson 2008). For example, Habermas (2005: 389) writes that the DQI captures “essential features of proper deliberation.” Thus, the DQI appears to have good construct validity.

Let us first focus on the *extent* of deliberative action in the three legislatures. Overall, the amount of high quality deliberation is fairly limited, which seems to corroborate pessimistic expectations: sophisticated justifications amount to 39 percent, common good appeals to 15 percent, explicit respect toward (and agreement with) demands or counterarguments to 12 percent, and mediating proposals to 9 percent. However, there is considerable variability of deliberative quality across the three legislatures as well as across different arenas and issues within these legislatures. Let us now explore what drives this variability. The data constitute a multi-level structure with nearly 4,488 speeches nested in 52 debates, which in turn are nested in seven legislative institutions (the German Bundestag, Bundesrat, and Vermittlungsausschuss; the Swiss Nationalrat and Ständerat; and the U.S. House of Representatives and Senate). Because of this data structure multilevel analysis is used. The analysis includes fixed effects for the different predictors and variance components at the levels of legislature, debate and, where appropriate, speeches (i.e., a random intercept model was estimated). System type and chamber vary across legislatures, whereas the remaining predictors vary across debates. There are no predictors at the level of speeches.

³ The high reliability scores could be replicated by other researchers using the DQI (see, e.g., Lord and Tamvaki 2012; Caluwaerts 2012). It appears that measuring formal aspects of argumentation – such as argumentative links or respect – do not seem to posit overly demanding requirements on coders.

Predicting the Quality of Deliberation in Three Legislatures (Switzerland, United States and Germany)

Predictor	Sophisticated Justification	Common Good Appeals	Respect Demands and Counter- Arguments	Constructive Politics
<i>Fixed Effects:</i>				
Consensus Democracy	.45 (.86)	-.23 (.20)	.40** (.07)	-.27 (.18)
Second Chamber	.15 (.78)	.24 (.15)	.36** (.07)	-.22 (.17)
Non-public Arena	-2.33** (.28)	.86** (.17)	.31** (.06)	-.11 (.08)
Low Issue Polarization	.52** (.19)	-.03 (.15)	.43** (.07)	-.09 (.08)
Low Party Discipline	1.37** (.37)	-.31 (.22)	.09 (.09)	.16 (.13)
Strong Veto Power	.13 (.23)	-.20 (.18)	.03 (.09)	-.01 (.10)
Constant	-.77 (.71)	.63** (.21)	1.74** (.10)	.79** (.18)
<i>Variance Components:</i>				
Legislature Level	.97+ (.55)	.00 (.00)	.00 (.00)	.04 (.03)
Debate Level	.23** (.07)	.11** (.04)	.03** (.01)	.03* (.01)
Speaker Level			1.36** (.03)	
Number of Speeches	4464	4464	4464	4464
Method	Logit	Gompit	Linear	Gompit

Notes: Table entries are maximum likelihood multilevel model estimates with estimated standard errors in parentheses. The linear models were estimated using an iterative generalized least squares (IGLS) algorithm. The logit and gompit models were estimated using 2nd order penalized quasi likelihood (PQL) estimation. Gompit

models take into account extremely skewed distributions; note that in Gompit models, a score of 0 is predicted. All estimates were obtained using MLwiN version 2.01. ** $p < .01$, * $p < .05$, + $p < .10$ (two-tailed tests).

Table 1 displays the results of the comparison of deliberative quality among the three legislatures. We see that respect is the most sensitive deliberative indicator, while other indicators, especially constructive politics, showed remarkable resilience to institutional and issue variation. A robust finding is that the Swiss grand coalition setting enhances respectful behavior of MPs. On a 7-point respect scale, the difference of the Swiss Parliament to the U.S. Congress and the German parliament is 0.4. The institutional argument is that coalition arrangements open up spaces for less politicized interactions, since parties can jointly profit from policy successes (at least occasionally). In the Swiss case, the deliberative space is widened by the fact that the coalition arrangement is permanent, enabling parties to accept more risk and have a greater legislative range (Strom and Lupia 2008: 36-37). By contrast, government-opposition (or majority-minority) settings – such as Germany or the U.S. Congress – are conducive to zero-sum games among the parties involved, undermining respectful behavior and constructive problem-solving activities. The German parliament represents an intriguing case here. Even though Germany is frequently described as a “consensus system” (Lijphart 1999) with a “consensus legislature” (Gallagher et al. 2006: 64), this does not translate into more deliberative behavior among German MPs. In Germany, the combination of parliamentarism with strong party competition has the effect that parliamentary debate is indeed exclusively oriented towards voting, pressuring MPs to vigorously defend the positions of their parties. Consensus-building and problem-solving activities are delegated to other bodies (such as the Conference Committee in Germany). This is even the case when government and opposition parties are forced to work together (which may happen, for instance, when the opposition parties have a majority in the upper House (Bundesrat) and can veto policies of the government). Furthermore, presidentialism and lower party discipline do barely affect the DQI indicators. At first glance, this is a surprising result. In presidential systems and situations of lower party discipline, where legislators can vote against the government without threatening governmental stability, one would expect a much higher potential for deliberative action than in parliamentary systems with strong party discipline (see Lascher 1996). However, this result is largely driven by the low deliberative quality in the contemporary U.S. Congress. Here, we are confronted with the fact that low party discipline as a mechanism promoting deliberation has become inactive in recent times. Studies on voting behavior in the House (e.g., Aldrich and Rohde 2000) show that there is a

clear partisan voting pattern, especially since the “Gingrich Revolution” in the mid-1990s. Next, veto power - measured as the ability of parties to block policies - does not affect deliberative quality. Here, the literature is quite ambiguous: psychologists have argued that under veto power, exit in the form of a registered dissent is not a possibility, leaving persuasion and deliberation to be the best option (Warren 2007). Conversely, Austen-Smith and Feddersen (2006) have claimed that veto power and unanimous voting rules creates incentives for some actors to conceal information, making information from all discourse participants suspect. Consequently, the deliberative process tends to break down under unanimity rule. The results here do not support either approach. New experimental results, however, show that both unanimity and super-majority voting rules increase deliberative quality (as measured by the DQI; Caluwaerts 2012). Next, the publicity of a debate is a double-edged sword. In public floor debates, respect levels are lower than in non-public committees, while justification rationality and common good orientation are higher (remind that for common good orientation, a gompit model is employed predicting narrow group or constituency interests). Especially the effect for justification rationality is sizeable: holding all other predictors at zero, moving from the public to the nonpublic arena reduces the predicted probability of a sophisticated justification by .28 (from .32 to .04). Higher respect levels in non-public committees confirm scholars arguing that when pressures of representation are lowered, it is easier for politicians to be reflective, to show respect for the claims of others, or even to change their opinions (e.g., Stasavage 2007). Conversely, the fact that public arenas enhance justification rationality and common good orientation supports Elster’s (1998) argument that publicity increases “civility” in that actors want to appear reasonable and common good-oriented in public. Second chambers, in turn, enhance respect levels. Several factors lubricate this deliberative process: members of the second chamber usually have greater political experience, are usually elected for longer terms, and work in a smaller chamber than their first chamber peers. Finally, the type of issue also affects deliberation: less polarized (and less salient) issues lead to more reasoned and respectful debates than highly polarized (and highly salient) issues. This finding indirectly confirms Austen-Smith’s (1990) formal result that consequential information exchange can occur only when the distribution of preferences over consequences is not “too” dissimilar.

Besides institutional and issue factors, partisan characteristics matter as well. Focusing on Germany and Switzerland, Bächtiger and Hangartner (2010) distinguished between government parties and opposition parties. The argument is that opposition parties are less

cooperative and deliberative, since they will not equally profit from policy successes than government parties (Ganghof and Bräuninger 2006). Indeed, MPs of government parties in Germany and Switzerland score higher on respect than respective opposition parties. In Switzerland, an intriguing result is that not all parties in the grand coalition adopt the same strategies (see Bächtiger and Hangartner 2010). The deliberative work is primarily accomplished by moderate and middle parties that are willing to take governmental responsibilities, whereas “oppositional” government parties are far less deliberative. The effects of other actor characteristics were modest. Gender, longer tenure, age and the chairperson role do not (or, only very modestly) affect deliberative quality. These results may not be so surprising: legislatures are highly institutionalized and party-dominated settings that make most individual characteristics of legislators irrelevant. In sum, controlling for partisan characteristics did not wipe out the institutional differences between Switzerland and Germany, indicating that institutions and partisan characteristics combine to shape the deliberative capacities of legislatures.

But are the differences between the Swiss, American, and German parliament institutional or cultural? A popular argument in the literature holds that differences in deliberative quality are not the product of different institutions but of different political cultures. To shed light on this question, Bächtiger and Hangartner (2010) have studied debates in Switzerland and Germany where partisan rules varied within a country or cultural context. They compared respect scores of a number of policy issues in Germany where the context of debating approximated the Swiss grand coalition setting, i.e., where party discipline was relaxed and debate was not considered a government-opposition affair. In Germany, respect levels changed dramatically and the German debates had identical respect scores than comparable Swiss debates (see Bächtiger and Hangartner 2010). It is also interesting to see that when “institutional” conditions changed in the German parliament, there were several recorded opinion changes, whereby legislators affirmed that persuasion happened on the basis of the “better argument” presented by other parties or MPs. These findings not only defy a rigid application of the conventional and partisan-rhetoric view on parliamentary debate, they also provide an important hint that a change in the institutional arrangement can have a profound effect on deliberative quality, regardless of the country or cultural context (see also Pedrini 2012).

When we consider the size of the effects, however, one must conclude that the institutional and issue factors do not bring about a sea change in deliberative quality. For instance, on the

7-point respect scale, differences between different institutional and issue contexts are only about .3 and .5 points. This clearly underlines that despite variance in institutional design, parliamentary discourse still shares many similarities. However, when favorable conditions combine, i.e. when a less polarized issue is debated in the Swiss consensus setting, we find debates that have in parts features of "ideal" deliberation with actors being highly respectful, reflective, open, reasoned and constructive. Here, the amount of explicit respect towards demands and counterargument goes up to 70 percent, while sophisticated justifications is at 54 percent, common good orientation at 28 percent, and constructive politics at 15 percent. Remind that the corresponding figures for the debates considered in the above analysis are 12, 39, 15 and 9 percent respectively.

Let us now turn to the relationship between deliberation and legislative outcomes. In order to minimize institutional confounding, Spörndli (2004) analyzed formal and substantive outcomes in a single institutional context, the German Conference Committee (*Vermittlungsausschuss*), a body which tries to reconcile conflicts between the Bundestag and the Bundesrat. With regard to formal outcomes, he found that in the Conference Committee unanimous or nearly unanimous decisions were associated with a high level of deliberative quality in the preceding debates, measured by the DQI.⁴ This is indicative that deliberation can produce an enhanced willingness to compromise. With regard to substantive outcomes, however, Spörndli found no association between discourse and more egalitarian decisions (in the sense that the most disadvantaged in society are particularly helped). Nonetheless, Spörndli's findings still provide some hints that under favorable conditions, deliberation may be more than a procedural "amuse-bouche" that delights only before the real power meal of politics begins.

Notice finally that the study by Steiner et al. (2004) only depicts a *potential* for deliberation in the context of three ideal-typical legislatures. Thus, the study does not say anything about the *general frequency* of deliberation in parliaments worldwide. Indeed, it may be true that the large majority of parliaments worldwide are not deliberative at all, as many critics of the deliberative approach have argued. Nonetheless, the above results underline that under appropriate institutional, issue and partisan conditions - namely coalition settings, low issue

⁴ Spörndli (2004) focused on minutes of the Conference Committee that were available and of sufficient quality. This was the case between October 1969 and September 1982. He selected twenty debates according to the following criteria: a certain minimum length (minimum often pages in the minutes), no sub-committee debates (which are not protocolled), and including a (re-)distributive dimension.

polarization, and the strong presence of moderate parties - genuine deliberation is a possibility in legislatures (see also Lord and Tamvaki 2012 for a DQI analysis of selected debates in the European parliament).

Two other studies have taken an in-depth look at the deliberative quality of parliamentary debate in the U.S. Congress, focusing on the epistemic side of deliberation and refining the analysis by Steiner et al. (2004). Mucciaroni and Quirk (2006) have studied the informational quality of three major policy-processes between 1995 and 2000 in the House and Senate: welfare reform, the repeal of estate tax, and telecommunications deregulation. They focus on the accuracy and realism of legislators' claims about (or, relevant to) the effects of policies. They compare legislators' claims to the best empirical evidence and analysis that was available at the time the debates took place (if the relevant evidence and opinions are mixed or inconclusive, then legislative claims and rebuttals should reflect the same level of uncertainty). They categorized entire debates ranging from "very good" to "very poor". A "very good" debate is one in which all of the essential information is supported by the best available evidence. A "very poor" debate is one in which the initial claim is inaccurate and there is no attempt to correct this. Notice that Mucciaroni and Quirk are not concerned with DQI standards such as level of justification, common good orientation, or respect. In accordance with the partisan-rhetoric approach to legislative speech, they argue that legislators have a clear incentive to use rhetoric and information that they think will have the greatest political impact on their audience. But at the same time, they argue that legislators are also concerned with credibility. It is this credibility aspect which provides an incentive for legislators to care about accurate and realistic claims.

Overall, Mucciaroni and Quirk found a considerable amount of misleading information and "outright falsehood" in the debates they studied. 39 percent of the debates were categorized as "very poor" or "poor", while only 24 percent were coded as "very good" or "good". Mucciaroni and Quirk found it particularly disappointing that legislators persistently reassert inaccuracies even after they have been corrected multiple times. Adopting a comparative lens gives a more nuanced picture, however. First, informational quality on the most prominent effect issues is usually better than issues that receive less attention. Under such conditions, debates include statements in which speakers concede the accuracy of a claim from the other side or the inaccuracy of a claim from their own side. Second, Mucciaroni and Quirk found that debates cover telecommunications deregulation which cut across party lines were generally better than debates over welfare reform and estate tax repeal, where differences

between Democrats and Republicans were large. This corroborates the findings of Steiner et al. (2004) on higher deliberative quality in the context of coalition arrangements. Contrary to the findings of Steiner et al. (2004), however, the quality of parliamentary debate did not decline very much in the context of highly salient issues. Mucciaroni and Quirk (2006) also found that debates in the Senate generally had a better quality than those in the House. A key reason is the amount of time devoted in the Senate to debate. However, House and Senate differences largely disappear when the House took more time for debating.

Esterling (2011) has focused on falsifiable and non-falsifiable arguments in the context of US Congress hearings on the Medicare program, held between 1990 and 2003. Esterling proposes that falsifiable argument is an indicator of deliberative quality, which he derives from the Habermasian idea that assertions must contain contestable validity claims. By contrast, non-falsifiable arguments make empirically untestable assertions, or contain non-refutable statements as well as subjective experiences. Esterling hypothesizes that falsifiable argument is most likely to occur under moderate disagreement. Under such conditions, participants can hope that others are more open to persuasion. With extreme disagreement, however, participants are more likely to ignore falsifiable arguments. The results of Esterling's sophisticated statistical analyses corroborate these expectations: in the context of moderate disagreement, participants in the Medicare committee hearings used falsifiable rationales at a much higher frequency than in the context of extreme disagreement. Institutional and individual features also affect the frequency of falsifiable arguments. Similar to the findings of Steiner et al. (2004), the amount of falsifiable arguments increases under bi-partisanship, less ideological issues (i.e., issues that do not concern "left-right" topics), low salience (the amount of press coverage of an issue), and in the context of Senate committees. Overall, the studies by Esterling (2011) and Mucciaroni and Quirk (2006) indicate that there is more to Congressional debate than mere strategic communication, but that appropriate contexts strongly matter for the possibility of informed and deliberatively desirable debate.

Not all empirical studies yield the same positive conclusions for deliberative action in the realm of legislatures. Comparing a plenary parliamentary debate and a citizen conference the import of embryonic stem cells in Germany, Landwehr and Holzinger (2010) find that parliamentary debate is not deliberative. In their empirical analysis, parliamentary debate turns out to be monologic and not "coordinative", i.e., not geared towards consequential policy-making. Landwehr and Holzinger's (2010) study reifies the conventional view on parliamentary deliberation. But as mentioned before, the definitional emphasis on dialogical

and consequential discussion as the hallmark of deliberation is at odds with some prominent strands in deliberative theory. Deliberative theory is also concerned with epistemic and process-inherent quality standards such as falsifiability and respect, which are not fully dependent on the direct interactive and consequential nature of communication.

A final aspect of parliamentary deliberation is “the degree to which an assembly helps form and support the wider public sphere and enhance the quality of rational public debate in civil society” (Uhr 1998: 226). This idea also goes back to Bagehot’s (1867) “teaching function” of Parliament, bringing “true ideas before the nation, and is the function of its highest minds.” But this teaching function should not be a one-way affair. Drawing from Habermas’s (1996) two-track model of deliberative democracy, Depauw (2007) argues that the interplay between formal legislative bodies and the informal public sphere is of critical importance: “Parliaments, then, are to remain open to the problems that are detected, and the normative reasons put forward, by the communication networks of citizens that constitute the public sphere.” This focus is in line with the re-newed focus on “deliberative systems” (Parkinson and Mansbridge 2012), holding that researchers should not only focus on the interactions within a specific body (such as parliament), but fully take into account the interactions and relationships of various sites of deliberation (such as parliament and civic sphere). To date, such systemic approaches have not yet been put to systematic empirical scrutiny. However, there have been real-world attempts to better link parliaments with the civic sphere. An intriguing example in this regard is the newly founded Scottish parliament, which has an institutionalized sphere of interaction between representatives and the wider public, the organized civic sphere but also ordinary citizens. Focusing on the nature of all deliberative instances in Scottish parliamentary committees between 1999 and 2009, Davidson and Stark (2012) find that there has been a relatively high frequency of deliberative events where MPs have directly interacted with stakeholders and citizens. However, this “deliberative system” is currently in decline.

Discourse Approach

The discursive approach focuses mainly on the constitutive features of parliamentary debate, its underlying rules, conventions, and routines. Bayley (2004) describes it as follows: “Parliamentary discourse is ritualised and rule-bound; it is governed by tradition, rules and regulations, and new Members are required to respect them.” Recent theorizing understands such constitutive features of parliamentary debate also in terms of ceremony and ritual (Crewe 2005; Rai 2010). According to Spary (2010: 340), [p]arliamentary debate is one of many rituals which embody the symbolic norm of democratic representation in the institution of parliament.” In general, parliamentary discourse exhibits a number of specific features that distinguishes it from everyday talk. It is made up of a series of monologues that all address the same question, even though its overall nature “is not monologic but dialogic.” (Bayley 2004: 25) The dialogical character arises from the fact that MPs make reference to and contest or agree with what other MPs have said. Parliamentary debates also have some specific “textual properties”, such as specific forms of political impoliteness, as well as some well-known politeness formulas, such as “my honorable friend”. According to discourse theorists, the general rationale of parliamentary debates lies in the existence of opposite political camps (van Dijk 2004). At the same time, parliamentary discourse is marked by a strong awareness of acting for and in front of several audiences. The combination of party competition and audience expectations is conducive to “confrontational dialogue” and a rhetorical stance on part of the MPs (e.g., Ilie 2003). As Ilie (2010) writes, “MPs deliberately call into question their opponents’ *ethos*, i.e., their political credibility and moral profile, while enhancing their own *ethos* in an attempt to strike a balance between *logos*, i.e. logical reasoning, and *pathos*, i.e. emotion eliciting force.” In this regard, MPs also rely heavily on rhetorical commonplaces: “MPs tend to reinforce generally held beliefs, values and norms, which are often predictable ingredients of party political ideologies” (Ilie 2010). Thus, parliamentary discourse is not a genuine reasoning process or a discussion aimed at finding the truth. MPs are fully aware of the fact that they cannot realistically hope to persuade political opponents of the superiority of their ideas and beliefs. However, in the view of discourse theorists, it would also be misleading to depict the nature of parliamentary discourse as exclusively adversarial. As Bayley (2004: 21) writes, not only is there bi-partisanism in many parliaments, all parliaments also deal with a considerable amount of routine business which is not truly politicized. Under such conditions, “mutual consultation, systematic deliberation and joint discursive undertaking” become the guiding logics of parliamentary discourse (Ilie 2003:

73). Here, a primary concern of MPs is to reinforce their own credibility by showing professional competence as well as consistency between their statements and their actions.

However, apart from a few major publications (Wodak and Van Dijk 2000; Bayley 2004), few systematic empirical investigations have been carried out about parliamentary practices in terms of the institutionalised uses of language. Ilie (2004), for instance, presents an empirical study of “(un)parliamentary language”, comparing Sweden and the United Kingdom. By “(un)parliamentary language”, she understands insults and other disparaging comments. Ilie finds major differences between the two parliaments. Even when they use insults, Swedish MPs are more concerned with ideological issues than their British peers. In contrast, when using insults, British MPs focus much more on personality aspects, such as the intellectual capacity of the political opponent. According to Ilie (2004), this is due to a particular audience expectation in Britain, “namely to see MPs call into question other MPs and thus engage in a real battle of wits”.

Another way of analysing parliamentary discourse consists of using computer-assisted textual analyses to identify prominent themes and distinct patterns of discourse in legislative debate (see, e.g., Bara et al. 2007; Bayley and Schonhardt-Bayley 2008). Focusing on the of Senate debates on the 2003 Partial-Birth Abortion Ban Act and using the automated content analysis tool *Alceste*, Schonhardt-Bayley (2008) identified two important dimensions of the debate: an emotive battle over the abortion procedure itself vs. a battle over the constitutionality of the bill. Surprisingly, the first dimension did not reflect the divide in final vote, which is captured by the second dimension. This “anomaly”, so Schonhardt-Bayley, can be explained by the discursive strategy of the sponsors of the bill: while passing the bill in Congress was not a major problem, the main target of the bill’s sponsors was the Supreme Court. By framing partial-birth abortions as morally unacceptable, namely as infanticide, they sought to promote their anti-abortion agenda, while simultaneously pushing pro-choice proponents into a difficult rhetorical position. Indeed, most opponents of the bill in the Senate did barely engage with the topic of the abortion procedure; instead, they concentrated on the constitutional argument, which then defined the content of the final vote. Schonhardt-Bayley (2008: 384) concludes that an in-depth analysis of legislative discourse is crucially important for a better understanding of political decisions: “By looking only at the vote, we cannot determine the reasons why members of Congress cast their votes as they did. There is, therefore, a strong case for moving beyond the analysis of the roll-call vote to examine the arguments, deliberations and rhetoric that shaped the content of the bill and the outcome.”

In a recent study, Weale et al. (2012) used *Alceste* to explore whether the deliberative principle of “reciprocity” (Gutmann and Thompson 1996) was present in UK parliamentary debates on abortion. In concrete, they analysed whether arguments were framed in a way to make them as widely acceptable as possible, whether there were attempts of bringing together partial understandings, and whether MPs accepted ‘the broader implications of the principles presupposed by their moral position’, so that for example anyone opposed to abortion ought to be in favour of adequate programmes of financial support to promote the well-being of children (Gutmann and Thompson, 2004, p. 82). The major finding is that “there is not the gross departure from reciprocity that would be implied by the phenomenon of partisans talking past one another” (p. 22), as we typically find it in political campaigns. Quite to the contrary, Weale et al. find evidence of attempts to engage with one another’s position and “to find some common civic ground upon which the decision can be made widely acceptable” (p. 13). Yet, when it comes to bringing together partial understandings, the evidence is less rosy: different MPs not only focused upon different aspects of a complex question, they also placed different interpretation upon matters that are commonly agreed to be important. Finally, few MPs acknowledged the broader implications of principles that they advanced. The studies by Weale and his co-authors represent an intriguing new line of research in discourse analysis, testing philosophical expectations against the reality of parliamentary discourse.

Despite such methodological and conceptual innovations, empirical studies in the discourse tradition are still in their infancy. Compared to empirical work carried out by rational choice and deliberative scholars, existing work in the discourse tradition focuses on relatively isolated aspects of parliamentary discourse and there is little theorizing about the exact causes of discursive variations across legislatures. Moreover, even though discourse scholars refer to varieties of parliamentary discourse, there is still a tendency to ‘pass on’ the conventional view of parliamentary debate, by emphasizing its ritualised and adversarial character. Indeed, the discourse approach sometimes merely “rationalizes” how practitioners (in competitive and parliamentary systems) would describe their own activities. Finally, discourse scholars have not (yet) tackled the question whether (and how much) the specific structuring of parliamentary debate and its “textual properties” are a consequence of norm-guided and routine behaviour or whether (and how much) strategic incentives shape the tone and content of legislative speech. Indeed, the study by Schonhardt-Bayley (2008) underlines the importance of strategic considerations in this regard.

Outlook

For a long time, parliamentary debate has not attracted much scholarly interest in Political Science. This has clearly changed in the past decade. Scholars working with rational choice, deliberative, and discourse frameworks have started to take a more in-depth look at legislative speech, exploring its variability as well as re-thinking its nature under various conditions. The emerging picture may not fully alter the conventional view on parliamentary debate, emphasizing its inconsequential and purely adversarial character. But the new lines of research described in this chapter demonstrate that different institutional arrangements (frequently in combination with intraparty politics and issue type) can produce substantial variation in the way parliamentary debate is conducted. For instance, deliberative scholars have found that under the conditions of “grand coalitions”, “bi-partisanship” and “moderate disagreement”, informed, respectful, and consequential interaction becomes a possibility in parliaments. Surely, this does not describe the modal way of how parliamentary debate is structured. But the sheer fact that this possibility exists in the real world of legislatures might tickle our fantasy of how institutional changes could promote different ways of doing parliamentary business. Indeed, by bringing back a normative dimension to legislative speech, the deliberative approach has prompted researchers and to re-think the very purposes of parliamentary debate: should we stick with liberal and aggregative precepts and (re-)value adversarial debating (see Follesdal and Hix 2006), or should we vie out for a more deliberative orientation of legislatures?

Let us finally put the three approaches in relationship with each other, identifying commonalities and remaining tensions among them, as well as highlighting some avenues for future research.

Both the rational choice and the deliberative approach emphasize the crucial importance of institutional arrangements as well as intraparty politics and partisan strategies for capturing variation in legislative speech. The dividing line between the two approaches, however, is that rational choice models assume that legislative speech is fundamentally strategic and preferences cannot change through legislative debate. This is in stark contrast with deliberative approaches, arguing that strategic communication is not a constant but may be complemented (or, even superseded) by other action logics (such as deliberation) when (institutional) context changes. While research on legislative speech shows that genuine deliberative moments are rare events (and possible only under favorable institutional and issue contexts), deliberative scholars would still leave open the possibility that there is

something like reason-based preferences (Dietrich and List 2010) and argumentative-based learning in legislative encounters. It is clear that much more research is necessary to substantiate this claim (see also Quirk and Bendix 2011: 567). A pressing problem in this regard is that the deliberative approach is not (yet) in a position to fully distinguish between true deliberative and strategic action. Empirically, it proved to be extremely difficult to measure whether actors really mean what they say or say what they mean. Recent trends in deliberative theory even deny the importance of drawing such a distinction (e.g., Thompson 2008). As Mansbridge (2009) stresses, deliberative elements such as respect in bargaining processes should be considered an integral and legitimate part of democratic deliberation. But this may not fully satisfy rational choice scholars, requiring that deliberative scholars find better ways to properly distinguish between strategic and deliberative action. One way to do so is going beyond the analysis of transcripts and by interviewing legislators of how they judge the possibilities and spaces for deliberation in parliaments (an attempt in this direction has been made by Gardner (2007)).

To date, deliberative and discourse scholars have barely engaged with each other. However, recent openings in deliberative theory towards rhetorics (Dryzek 2010) may spur such a venture. For instance, deliberative scholars may learn how crucial deliberative indicators – such as respect – can also be used as rhetorical devices and semantic strategies. While there has been an effort in deliberative research not to code ritualized forms of politeness (such as “My honorable friend”) or clear strategic moves as deliberative instances, deliberative scholars may be well advised to learn more about typical rhetorical strategies in political encounters. A combined research effort might lead to more valid classifications of parliamentary speech.

To end, parliamentary debate is a much more fascinating research topic than conventional wisdom might have it. It is an essential aspect of parliamentary politics that warrants the attention of political scientists.

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