

## RESEARCH ARTICLE

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### Going Virtual?

Analysing the Digitization of Parliamentary Work during the Covid-19 Pandemic from a Comparative Perspective

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#### Abstract

The crisis triggered by the Covid-19 pandemic has made it difficult for parliaments to function properly. Parliamentary work is primarily based on face-to-face interactions, which are at odds with social distancing measures. Unlike previous crises, the current situation has presented democratic parliaments with an unusual alternative: utilizing remote forms of participation while foregoing physical presence, either entirely or partially, albeit with uncertain consequences; or maintaining the requirement of physical presence at the cost of limiting the number of participating parliamentarians during sessions. This essay advances the hypothesis that the chosen solution to this dilemma depends on the specific role played by the parliament in various political systems. By analyzing the implementation of virtual participation methods in the legislatures of the EU-15 countries, we found that, following the outbreak of the Covid-19 pandemic, parliaments were less inclined to adopt virtual measures that could jeopardize their core activities.

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**Keywords:** Parliaments; Pandemic; Covid-19; Virtual participation; Digitalization

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#### Introduction

The Covid-19 pandemic has profoundly challenged the capacity of parliaments to perform their duties. It is well-known that emergencies fall within the jurisdiction of executives. In extraordinary times, when quick and urgent measures need to be adopted, executives typically assume increased powers. Parliaments, with their complex rules designed to maximize the representation of diverse voices, are simply not equipped to make swift decisions. However, the Covid pandemic presented a more specific obstacle to legislative assemblies, particularly during the initial phase before the development and distribution of Covid vaccines. The most crucial action to slow the spread of the virus was the adoption of social distancing measures. The pillars of social distancing include avoiding public gatherings, minimizing contact with others, and preferably staying at home. At the beginning of April 2020, all Western European countries had already decided to cancel public gatherings and restrict gatherings of less than 10 people (Hale et al., 2021). Travel bans had

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also been imposed in many countries. In such circumstances, operating large collective bodies whose very essence requires physical gatherings of many politicians discussing public problems in a closed space became difficult (Bar-Siman-Tov, 2020).

Notwithstanding the severity of the challenge, parliaments have proved to be resilient institutions, at least in democratic regimes. Moreover, they adapted with surprising speed. On March 11 2020, the World Health Organization (WHO) declared the covid-19 outbreak a global pandemic. Within one month, according to a survey covering the activities of 159 parliaments (Waismel-Manor et al., 2020), in fully democratic regimes parliaments remained open as usual or reduced their activities only slightly<sup>1</sup>. In the beginning, a common response was to reduce parliamentary activities to the essentials and limit the number of members attending official meetings. While in the very beginning, a limited number of parliaments took more stringent measures such as temporary closure (e.g. UK, Switzerland) (Rozenberg, 2020), as time passed legislatures generally adopted some forms of organizational adjustments to perform their functions in full while protecting the health of their members.

For the first time, the adoption of forms of virtual or hybrid meetings was a realistic possibility, at least in technologically developed countries. Going virtual presented two advantages in comparison to the alternatives, namely keeping parliaments fully functional while allowing all members of parliaments to participate. However, three factors limited the feasibility (and desirability) of holding plenary meetings and committee work virtually. First, there were security concerns about possible external interferences in parliamentary works; second, in many countries, there are legal requirements mandating physical presence for parliamentary meetings; finally, doubts were raised on the political consequences of introducing virtual participation in parliamentary work. In the long run, this third point is the most interesting. Security concerns can be overcome through the adoption of refined technical solutions and legal requirements can be modified by amending the relative laws. By contrast, there is no easy way to predict how a virtual parliament would perform its legislative, oversight and representative functions. Anyway, within three months of the outbreak of the pandemic, about forty per cent of parliaments use digital tools to hold committee meetings, and one in ten introduced some form of remote participation in the plenary sittings (Williamson, 2020).

Among legislative scholars, it is widely held the assumption that technological changes are not neutral but can alter how public institutions work. The impact of new technologies and practices on parliaments -such as the introduction of televised debates (Soroka et al., 2015) and the diffusion of the Internet (Leston-Bandeira, 2007)- contributed to this belief. Parliaments are ancient institutions where members debate and pass laws through in-person interactions: could they shift online and preserve their democratic standards? We believe that this question was extremely important in the minds of parliamentarians when they decided whether and to what extent it was appropriate to embrace forms of virtual participation. Our intuition is that the answer given to this question reflects the idea of parliament that is prevalent in a given country. In other words, we maintain that the pandemic created an opportunity for parliamentarians to reflect on the role performed by their institution in the broader political system. Building on the idea that not all parliamentary functions are equally adaptable to the virtual world, we assess the existence of a relationship between the specific role played by different parliaments and the degree to which they introduced forms of virtual participation. We did so by focusing on the

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<sup>1</sup> On the contrary, the most vulnerable legislatures were those in partially free countries, in which executives were tempted to shut down parliaments to increase their own powers.

parliaments of the EU-15 countries, which are comparable in many respects while presenting a sufficient degree of variation in their powers and specializations.

The first section presents a brief overview of how parliaments adapted to the pandemic. The second section is devoted to developing the theoretical argument on the potential impact of virtual participation on three parliamentary functions: legislation, representation of different voices and oversight. Next, the third section outlines our research strategy and the fourth one describes the empirical results. Finally, we discuss the significance of our findings.

### How parliaments adapted to the Pandemic

The impact of the Covid-19 pandemic on our societies cannot be overestimated. Since its outbreak, the pandemic has subjected public institutions and private companies to stress affecting each aspect of people's lives. Political institutions are not exceptions but were affected to a different extent. Executives did not require major adjustments to perform their functions. By contrast, parliaments, which by definition are large assemblies of elected representatives meeting in person, had to quickly adapt their organization to perform their essential functions. However, this was not as simple as it might seem. Adapting to the pandemic was the most severe challenge for legislative assemblies in recent years. Previous research shows that, at least in democratic regimes, legislative assemblies have largely found a way to remain open (Waismel-Manor et al., 2020), but the solutions adopted considerably differ (Akirav et al., 2021). The response given by parliaments touched on several aspects of their operations, including the rules for holding plenaries, committee meetings and organizing the work of parliamentary officers. Trial and error was an inevitable part of the process. It is obvious that, at the outset of the emergency, the simplest solution for parliaments consisted in focusing only on their most urgent activities. For this reason, many legislative assemblies reduced the number of agenda items (e.g. Irish parliament and Dutch legislative assembly) and reduced the weekly sitting days (e.g. Estonia, Germany, Portugal) (Deveaux et al., 2021).

However, as time passed, many forms of organizational adjustments were tested in an attempt to guarantee the continuity of as many important activities as possible. One of the first and most effective measures to contain Covid-19 in society was the introduction of social distancing (also called physical distancing), the practice of avoiding mass gatherings and, more in general, keeping a safe space between persons. To a certain extent, this would have been the first choice also for parliaments; nevertheless, applying it to them without changing their "soul" is not easy. Parliaments are by definition large assemblies of people who convene in the same closed space to discuss matters of public interest. They are hosted in highly symbolic buildings and consist of a fixed number of MPs. Keeping social distance intuitively requires having either more space or restricting participation to fewer persons.

The first alternative solution could be finding additional space, preferably in the same building but also moving the assembly to other locations. For instance, the Italian Chamber of Deputies, which regularly hosts 630 members, changed the seating arrangement in the hemicycle debating chamber to host only 339 seats (thus respecting social distance) and obtained the remaining seats using the tribunes usually reserved to the public (about 170 seats) and the large corridor that runs alongside the debating chamber, called Transatlatico (about 120 seats) (Curreri, 2020). Other parliaments, such as those of the Philippines, Ireland, Luxembourg and the United Kingdom, instead, moved to different places: for instance, the British Parliament held some reunions in Westminster Hall, which is usually used for ceremonial events (Akirav et al., 2021).

A second approach was to limit the number of MPs attending parliamentary meetings: this was usually achieved through the so-called “pairing”, an agreed reduction of MPs during the plenary to maintain unaltered proportionality among party groups. For instance, to make this approach feasible, the Bundestag amended its Rules of Procedures halving the quorum for making decisions from 50% to 25% of its members (Siefken, 2022). Although this approach ensured the respect of social distancing, it opened normative problems, especially on the representative nature of the assembly: for instance, who had to select the “privileged” members attending parliamentary works? According to what criteria? And what about the principle of equality among their members which is a pillar of representative assemblies?

In the current technological environment, another possible solution would be embracing forms of virtual participation. This would allow the simultaneous digital presence of all the MPs or permit the participation of members that couldn't be physically present in the Chamber due to Covid-19 restrictions. In other words, thanks to the use of technologies and personal devices, plenaries and committee meetings could take place completely or partially online. Many parliaments, indeed, opted for a hybrid modality, which included both physical presence, within the limits established, and remote participation of MPs. According to the Inter-Parliamentary Union (2021), by late 2020 one-third of the surveyed parliaments held virtual or hybrid plenaries and 5% of them held entirely virtual sittings. Despite the difficulties, countries as different as Belgium, United Kingdom, Argentina, Brazil, Chile, Indonesia, New Zealand, Greece, Poland, United States, Latvia and Slovenia held virtual or hybrid plenaries during the pandemic. There has been a considerable variation in the technological solutions adopted. For instance, the Brazilian Chamber of Deputies has utilized an established commercial software such as Zoom to host (hybrid) plenaries, while the Parliament of Latvia set up a tailored comprehensive virtual system called E-Saeima<sup>2</sup>.

A theme strictly connected to the possibility of holding virtual or hybrid sessions regards the eventual presence of constitutional dispositions prescribing physical presence for holding valid parliamentary sessions. This reveals how far parliaments may have structural difficulties when trying to change their traditional organizational settings. The contemporary presence of parliamentarians in the same place has always been an explicit or implicit requirement to debate and pass laws. However, legal problems have been often addressed with flexible interpretations of the norms or through the adoption of specific provisions, permanent or temporary, that would permit parliaments to implement the necessary organizational changes to face the pandemic.

Beyond the legal problems, the adoption of forms of virtual participation in Parliament raised a more fundamental normative question. The question was bluntly put by Rozenberg (2020, p. 6): “Is it possible for legislatures to become virtual without losing their soul?” Our working hypothesis, developed in the following section, is that such a question cannot be answered once for all democratic parliaments. Not all parliaments are created equal, and each of them has a different soul.

### Virtual Participation and the Functions of Parliaments

The pandemic has stimulated a renewed interest in the functions performed by parliaments in the context of democratic regimes. When parliaments were forced to modify their usual working modalities, it was clear that some of the tasks they usually perform would inevitably suffer. However, different organizational responses implied different types of consequences. Looking at the solutions adopted to keep parliaments open, while at the

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<sup>2</sup> <https://www.ipu.org/innovation-tracker/story/latvias-move-towards-electronic-parliament-e-saeima>, last checked on 10 November 2022.

same time containing the risk of contagion, may tell something interesting about the relative importance assigned to the functions prioritized in different political contexts. For this article, it is especially important to speculate about the possible impact of introducing forms of virtual participation on the different functions usually associated with legislatures. The first step for this effort is compiling a list of those functions.

Parliaments are often called legislatures because in the liberal constitutional tradition (which developed the idea of separation of powers) their primary role was to deliberate on the laws and pass them. This line of reasoning can be found in the theorizations of classics of Western political philosophy such as Locke and Montesquieu. However, they lived in a different time when “state involvement in social and economic matters was minimal if not nonexistent” (Blondel, 1973, p.13). The gradual expansion of the role of the state in the management of economic and social affairs made it impractical for a collective assembly to remain at the centre of the lawmaking activity. In the European parliamentary democracies, this trend was magnified by the emergence of cohesive political parties first, and the mediatization of politics afterwards. However, already in the nineteenth-century thinkers such as Walter Bagehot and John Stuart Mill described the British House of Commons as an intermediate body making “governments responsive to the people and the people willing to comply with decisions of governments” (Loewenberg & Patterson, 1979, p.43). Bagehot’s list of parliamentary functions (elective, expressive, teaching, informing and legislative functions) has long been treated as the basic starting point to describe what parliaments do. Nevertheless, scholars dealing with comparative studies discovered that parliaments are flexible institutions which may perform several functions in a political system (Mezey, 1979). An interesting approach was adopted by Coghill and colleagues (Coghill et al., 2012): to avoid the risk of imposing one’s normative criteria on a complex reality, they looked at how several parliaments describe themselves on their websites. The resulting list was not very different from the standard account, as the three core functions emerging from this effort were those of representation, legislation, and oversight (although other more specific functions were also mentioned). It is worth noting that representation can be intended in a very broad fashion or in a narrower way. This distinction is similar to that introduced by John Stuart Mill (1861, p. 104) when he stated that the British House of Commons should be “at once the nations’ Committee of Grievances and its Congress of Opinions”. In its most general sense, political representation refers to the activities through which citizens are made present within the governing institutions.

Obviously, this is partially done through the activities of legislating and overseeing the government, but the activity of representing has also a more performative dimension (Saward, 2017), which is especially visible in parliamentary debates. Parliaments are the institutional venues in which popular opinions are reflected and, at the same time, shaped. In contemporary democracies, where collective (partisan) representation is central, the voice of citizens is mainly reflected in the public exchanges between (the leaders of) political parties. In ensuring that all opinions can be publicly expressed, the parliamentary venue is especially important for opposition parties which are not represented in government. Representation can also be defined more narrowly, referring to the capacity of the assembly to redress citizens’ grievances against the government. If we conceive representation as consisting of two pillars, one collective and the other individual (Weissberg, 1978), redressing grievances is the typical activity conducted by individual members. In this sense, the line separating it from constituency service (Papp, 2020) is somehow blurred. In this work, we focus only on the more general meaning of

representation, leaving aside the function of redressing grievances<sup>3</sup>. In the remainder of this section, we discuss how virtual participation can affect three parliamentary functions: legislating, representing the plurality of political visions and overseeing the government.

### *Legislative function*

The basic defining function of parliaments is that of giving “assent, on behalf of a political community that extends beyond the executive authority, to binding measures of public policy” (Norton, 1990, p. 1), or in other words to approve laws. However, the role of parliaments in the legislative process is highly variable in different political systems and at different times. It is well known that in parliamentary democracies most laws, and certainly the most important ones, are drafted and initiated by governments, but parliaments can often amend or reject government bills and formulate their legislative proposals. Jean Blondel (1970) elaborated a pioneering perspective to measure the power of parliaments to slow down and amend the proposals put forward by the executive. This capacity is called “viscosity”, and parliaments can be ordered on a continuum ranging from full compliance to the executive’s will to total freedom. A second influential analysis can be found in the work of Nelson Polsby (1975), who distinguishes between two ideal types, transformative and arena legislatures. The two mainly differ concerning the sources of decision-making power: in arena legislatures, legislative outcomes are primarily determined by outside forces, whose equilibrium is reflected in parliament. Arena legislatures are fora in which policy alternatives elaborated elsewhere are publicly discussed, but not chosen. By contrast, transformative legislatures have a much more autonomous role in the policy-making process, as their internal articulations and organizational/political culture influence legislative outcomes. The most important factor determining the nature of the legislature is the character of political parties. Countries in which parties are highly hierarchical and centralized tend to have arena legislatures because parliamentarians enjoy little autonomy. On the contrary, decentralized parties are compatible with transformative legislatures. Kreppel (2014) notices that in Polsby’s analysis, aside from the fact that such terminology had still to be invented (Lijphart, 1984), the degree of legislative independence is mainly linked to the majoritarian or consensual character of the parliamentary parties. The capacity of parliaments to influence policy-making is also central to the work of Mezey (1979) who, in his *Comparing Legislatures*, distinguished legislative assemblies with regard to the popular support they enjoy and their capacity to influence policy-making. With regard to the latter point, parliaments can have strong, modest or little policy-making power. A more general model was advanced by Lijphart (1984) with the intention of classifying different types of democracies. In his model, which has somehow evolved over time (Lijphart, 2012), there exist two ideal-typical models, consensus and majoritarian democracies. In the majoritarian model, the power is concentrated in the hands of the executive, while in the consensus model, the power is dispersed among a number of actors. With regard to the relationship between parliaments and governments, in the majoritarian model, the executive is predominant and the parliament is the stage in which the visible confrontation between government and opposition takes place. By contrast, in the consensus model, there are a number of parliamentary actors with considerable powers, and the outcome of the parliamentary process will reflect the relative and variable influence enjoyed by

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<sup>3</sup> Redressing grievances is something that parliamentarians often do by asking parliamentary questions (Martin & Rozenberg, 2012). As we consider the ability to ask questions as a form of oversight (see below), in practice we have no empirical strategy to differentiate between oversight and grievances redress. The point is also theoretical, because often parliamentary control is achieved as an unintentional by-product of the activities conducted by MPs in their attempt to represent the demands asked by citizens (Wiberg, 1995).

parliamentary groups supporting the executive, committee leaders and even the opposition. In a slight modification of the terminology introduced by Lijphart, Cotta (1987, 1994) calls this second model polycentric instead of consensual, to stress the fact that power is dispersed among several actors among which consensus may (or may not) exist.

From the classic works mentioned above, it is clear that parliaments widely differ in their capacity to influence legislative outputs, that this distinction is related to the nature of the legislative-executive relations and that these factors depend on the broader model of democracy adopted in a political system. The pandemic has not stopped the legislative activities of legislatures, where such institutions were strong and legitimated (Waisman-Manor et al., 2020), but the type of organizational reactions adopted may have had different consequences on the capacity of parliaments to exert legislative influence. It is important to note that when parliaments amend or modify legislative proposals, informal contacts are at least as important as formal procedures (Andeweg & Nijzink, 1995; Norton, 2019; Russell & Gover, 2017). Based on this consideration, it has been argued that virtual meetings can reduce the legislative influence of parliaments exactly because, at least at the current stage of technical development, informality works at its best in physical presence. As it was expressed by Rozenberg (2020, p. 6) “the possibility for backbenchers to conduct informal discussions in lobbies, the glances exchanged by participants during committee meetings, or the involuntary body language of orators are all subtle elements which disappear behind a computer screen”. Likewise, with virtual meetings, it is more difficult for backbenchers to informally approach ministers and their staff. There are fewer opportunities for having unscheduled interactions between parliamentarians belonging to different parties (Malloy, 2020, p. 308). Mencarelli (2021) goes as far as to speak of a relational cost caused by the lack of spontaneity of debates and the rarefaction of informal personal contacts, which are often functional to reach the compromises that are often necessary to achieve a parliamentary majority.

Suppose legislative influence is often achieved through informality. In that case, it is reasonable to expect that parliaments, which are invested in transformative powers, will resist the adoption of virtual meetings, relying on a set of more traditional organizational adjustments (e.g. use of face masks, social distancing, changing seating arrangements) that are compatible with operating in physical presence. As committees are usually the internal articulations in which government proposals and amendments are discussed, we expect that parliaments invested with considerable law-making influence will resist the adoption of virtual meetings not only in the plenary but also in committees. In the absence of comparative scores of parliaments’ viscosity or degree of transformativeness, we will compare parliaments in consensus and majoritarian democracies:

H1: Parliaments in consensus democracies will be less likely than those in majoritarian democracies to introduce forms of virtual participation.

### *Representing the plurality of political visions*

Representative assemblies are called “parliaments” -from the French verb parler- because they are institutions in which a group of elected politicians convene to speak about the most important problems of a country. Parliaments are the institutionalized venues in which political debate is conducted; it is there that the priorities and positions of the various political forces are publicly discussed. Different societal interests are represented and articulated, not only those which are championed by the government but also those which are defended by the opposition. This process, which is based on the public confrontation

between two or more political forces, is important to increase the legitimacy of the political system.

Not all parliaments place the same emphasis on making visible the confrontation between the majority and the opposition. This characteristic has something to do with Bagehot's expressive function, the possibility for members of all sections of the society to make their arguments heard. Since the advent of the age of collective representation, the primary voices to be heard are those of the different political parties<sup>4</sup>. Given that parties in government have privileged access to multiple channels to make their voices heard, the most interesting empirical problem concerns the arrangements to give opposition parties an opportunity to articulate their views in the parliamentary arena. In the attempt to develop a comprehensive Opposition Power index, based on the institutional opportunity structures offered to the parliamentary opposition in different legislative settings, Garritzmann (2017) distinguished between the power to control the executive and the power to present itself as an alternative to the government of the day. Similarly, but looking only at parliamentary questioning, Russo and Wiberg (2010) ranked parliaments according to the opportunities they offer for the opposition to extract information from the government and to create a lively public debate.

In general, the pandemic altered the perceived importance of different parliamentary functions. After the first months of the pandemic, observing the adaptations of the Canadian parliament, Malloy (2020) argues that the crisis exacerbated the tension between two competing logics, that of governance and that of representation. Passing laws and scrutinizing government actions respond to the logic of governance, whereas proposing policy alternatives and giving voice to backbenchers follow the logic of representation. According to his account, in the Canadian case, both the majority and the opposition discussed the appropriate organizational adjustments only with regard to the logic of governance, while the necessity to ensure representation was largely ignored. This is not surprising during an emergency that is severe but arguably brief. In the short term, the political confrontation between different parties is not hindered by sacrificing parliamentary debates, because there are other channels through which political forces can communicate their policy views. Traditional and new media can be reasonable alternatives. By contrast, only the parliament can pass laws and force the government to justify its actions. However, in the long run, reducing the centrality of the parliamentary arena as the institutionalized venue in which the positions of the majority and the opposition can be publicly articulated would be a challenge for democratic systems.

The character of parliamentary debates is arguably very different when taking place in person or in the virtual world. As was effectively expressed by Rozenberg (2020, p. 7) "The unforeseen development of certain exchanges, their rhetorical effects, the emotional range of some claims are more likely when orators are physically present and all contribute to maximizing the pro et contra aspects of the debates". The lack of spontaneity of online debates and the limited role of nonverbal communication would probably reduce the interest of the media and the public in what happens in parliament. Following this line of reasoning, it can be hypothesized that parliaments in which the public confrontation between political parties is most relevant will resist the adoption of virtual meetings, especially for plenary sittings.

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<sup>4</sup> Using the categorization developed by Nelson Polsby (1975), we might be tempted to simply reverse the arguments made in the previous section arguing that arena legislatures are those in which policy alternatives elaborated elsewhere are publicly discussed. However, Polsby's classification is based on the relative autonomy through which parliamentary forces are able to influence the policy making process.

H2. Parliaments placing much emphasis on the confrontation between the majority and opposition will be less likely than others to introduce forms of virtual participation in plenary sittings.

### *Oversight function*

Oversight is often used interchangeably with terms such as scrutiny and (parliamentary) control and generally refers to the goal of “holding the government to account”. The notion that parliaments should give priority to its control function was clearly expressed already in the nineteenth century by John Stuart (1861, p. 104): “the proper office of a representative assembly is to watch and control the government: to throw the light of publicity on its acts; to compel a full exposition of all of them which any one consider questionable...” This view gained further popularity in the most recent decades, even in the context of European parliamentary systems<sup>5</sup>. A comprehensive review of this debate is outside the scope of this work, but it is worth citing the major findings of the Green Paper “The Future of Parliamentary Democracy: Transition and Challenge in European Governance” (Burns et al., 2000). According to the experts who worked on the report, parliaments have been progressively marginalized from the legislative function because of three recent developments: the growing complexity of modern policies, which implies a frequent intervention of the “experts”; the emergence of forms of “new governance”, where economic and social organizations participate to the policymaking process on a formal parity with executives; the transfer of some formerly national competences to supranational institutions. These trends, albeit sometimes described with slightly different words, pushed several theorists and experts to state that in the current context, parliaments are no longer able to effectively contribute to law-making, but should focus more on oversight and control. At the same time, important theoretical studies on how to conceptualize and study parliamentary oversight in parliamentary systems started to be published (Saalfeld, 2000).

Despite this new awareness, it has proved to be difficult to compare parliaments on the basis of their capacity to scrutinize the executive. Some authors focused on the formal availability of different procedures enabling parliaments to extract information from the government and the bureaucracy (Pelizzo & Stapenhurst, 2004; Russo & Wiberg, 2010), while others measured the actual use of those procedures, most frequently parliamentary questions (Wiberg, 1994). A different approach was followed by Sieberer (2011), whose aim was to develop a comprehensive comparison of the powers held by Western European parliaments. Arguing against the common conceptualisation of parliamentary power as a unidimensional phenomenon, Sieberer distinguished different mechanisms through which parliaments can influence the policies adopted by governments: policy-making powers (the lawmaking function), the selection of external officeholders (the elective function) and ex-post control of the cabinet (the control function). Parliaments in Austria, Denmark and Spain are extremely well equipped to perform the control function, while the reverse is true for cases such as Sweden and France (Sieberer 2011, p.747).

Emergencies such as the pandemic further strengthen the policy-making powers of governments, but at least in principle, they reinforce the necessity for parliaments to keep the executive accountable. Can parliaments do that equally well by forgoing physical presence in favour of virtual meetings? According to Rozenberg (2020), contrary to legislation, the oversight function is not negatively affected if parliaments go virtual. There are some activities, such as asking parliamentary questions for written answers, which do

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<sup>5</sup> In the US there was already an intense debate of how the Congress could oversee the action of the executive (McCubbins & Schwartz, 1984).

not require synchronous interaction between parliamentarians and ministers: in many parliaments, MPs submit their questions through digital devices and the relevant minister publishes the replies in the official proceedings. It is true that other procedures, such as parliamentary questions for immediate reply, are arguably less effective when conducted online, but they are more an instrument to represent the conflict between government and opposition than to monitor the actions of the executive (Russo & Wiberg, 2010). From this line of reasoning, we conclude that the degree to which a parliament is focused on the oversight function is unrelated to the adoption of virtual participation during the pandemic.

H3: There is no relationship between the importance of the oversight function and the adoption of virtual forms of participation.

### Methods and data

As discussed in the previous sections, social and political dynamics have been decisive in facing the pandemic. Variables such as the level of democracy, economic and technological resources and political culture are probably the most important factors explaining the response of different parliaments. Therefore, in order to test our hypotheses, it is necessary to restrict the empirical analysis to a group of countries that are sufficiently similar to be comparable. We decided to focus on the Western European democracies belonging to the EU-15 group, those which constituted the European Union from 1995 to the 2004 enlargement: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxemburg, Netherlands, Portugal, United Kingdom, Spain, Sweden.

This choice allows us to keep many possible confounding variables constant. In particular, given the theoretical focus of our investigation, the most important requirement is comparing consolidated democracies. By looking at the Polity's Democracy Index (Marshall 2020), it is clear how the EU-15 countries are highly democratic<sup>6</sup>. Secondly, according to the United Nations (2022), all these countries are developed economies, which is a good proxy for their capacity to implement sophisticated technological solutions to allow Members of parliament to participate remotely. An additional important confounding variable that is controlled by selecting these cases is the system of government because there are no countries adopting a presidential system where the separation of power holds. In all EU-15 countries, which are commonly classified as either parliamentary or semi-presidential systems, the cabinet is accountable to the parliament. In addition, these countries share much more in terms of their political traditions, which are firmly rooted in the liberal constitutional spirit. Finally, the responses to the pandemic adopted by these parliaments are well documented.

While these countries are similar in many respects, they significantly differ with regard to the independent variables entering our hypotheses (see the next section).

After selecting the cases, it is important to define and measure our dependent variable, the adoption of virtual forms of participation in parliamentary works. This aspect is crucial because of the very heterogeneous utilization of online tools made by different parliaments. At one extreme there are some assemblies which, for a certain period of time, shifted all their work online: for instance, this is the case of the European Parliament, which held the plenary session of October 2020 virtually, giving to its Members the right to intervene in the

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<sup>6</sup> That index is calculated by subtracting the variable *Autoc*, which ranges from 0 to 10 and measures the authoritarian character of a country, to the variable *Democ*, which measures democratic characteristics. As a result, the index varies from -10 (highly authoritarian regime) to +10 (highly democratic regime). All EU-15 countries achieve a score that is equal or greater than 8, with most of them reaching the maximum theoretical value of the index.

debates and vote using a remote system<sup>7</sup>. On the other extreme, remote systems were used only for preparatory and informal meetings, as it happened for instance in the Italian Parliament (Curreri, 2020).

In this work, we consider parliamentary participation as the possibility of actively intervening on agenda items and interacting with other MPs during official sittings. Voting remotely is considered a form of active participation, but the mere possibility of following the debate through a form of live streaming without the possibility of intervening does not qualify as participation. Likewise, actively participating in informal or preparatory meetings held remotely has not been considered a form of participation<sup>8</sup>.

By focusing on the opportunity for MPs to participate remotely, we do not distinguish between parliaments adopting fully virtual and hybrid modalities. A finer distinction would require measuring the degree of “virtualization” of each parliamentary activity by looking at the proportion of parliamentarians participating in physical presence and online. However, in the current state of knowledge, comparable data of this kind are not available. In other words, we decided to focus on the possibility to participate remotely rather than on the mandatory and complete shifting of all parliamentary activities online.

It is essential to stress that, for the purpose of this article, we consider every form of virtual participation even though they have been adopted temporarily or permanently during the pandemic. In fact, most provisions to introduce forms of virtual participation were temporary in nature. In some cases, an example is France, the decision to allow forms of virtual participation in parliamentary work was first adopted by the Parliament itself, and subsequently reversed by the judiciary (Crego & Mańko, 2022, p. 9). Given the purpose of this work, the focus is on the political decision to allow virtual participation rather than on its actual application or persistence. Finally, in the case of bicameral systems, we only focus on lower chambers.

To date, several reports and country studies describing the adoption of virtual forms of participation in Parliament have been published. For the measurement of our dependent variable, we mainly relied on the following sources:

- Three documents produced by the Inter-Parliamentary Union: “Country compilation of parliamentary responses to the Pandemic” (Inter-Parliamentary Union, 2020a); The report “How to run a parliament during a pandemic: Q and A” (Inter-Parliamentary Union, 2020b); The report “World e-Parliament Report 2020” (Inter-Parliamentary Union, 2021);
- The working paper “Parliaments in the Pandemic I” (Akirav et al., 2021), the first public report of an ongoing research collaboration promoted by the Research Committee of Legislative Specialists of the International Political Science Association.
- The report from the House Democracy Partnership and Swiss Agency for Development and Cooperation “Parliaments Responding to a Pandemic: Lessons Learned for Emergency Planning” (Deveaux et al., 2021);
- The briefing of the Study Service of the European Parliament entitled “Parliaments in emergency mode. Lessons learnt after two years of pandemic” (Crego & Mańko, 2022).

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<sup>7</sup><https://www.europarl.europa.eu/news/en/press-room/20201015IPR89406/next-week-s-plenary-session-to-take-place-remotely> (last accessed 23 May 2023)

<sup>8</sup> Informal or preparatory meetings held virtually have not been considered as a form of participation essentially for three reasons. First, it is difficult to find comparable data about unofficial meetings. Second, the degree of informality may differ among different parliaments, making comparisons slippery. Third, and perhaps most importantly, there is a substantial difference between formal and informal meetings: considering them alike would artificially reduce the observed (and substantially important) variance.

These sources have been integrated, whenever possible, with academic essays dedicated to the study of specific cases.

The results of our explorations are presented in Table 1, a simple contingency table distinguishing the EU-15 national parliaments on two dimensions:

- A. whether they allowed some forms of remote participation in committee meetings
- B. Whether they allowed some forms of remote participation in plenary sittings.

We distinguished between the two because the above-mentioned reports stressed that parliaments encountered fewer technical and legal obstacles in shifting committee work online. The first finding of our exploration is that this was not the case in EU-15 countries, perhaps because of our choice of not counting informal committee meetings.

Among the cases considered here, only two parliaments have adopted virtual participation for plenaries and physical presence for committees (Finland and Spain). In Spain, this is the effect of considering remote voting as a form of participation<sup>9</sup>. The other countries are evenly distributed in one of the three remaining cells. In Austria, Denmark<sup>10</sup>, Ireland<sup>11</sup>, Italy<sup>12</sup> and the Netherlands<sup>13</sup> no form of virtual participation was introduced. The parliaments of Germany, Portugal<sup>14</sup> and Sweden<sup>15</sup> allowed some forms of virtual participation only for committee meetings. Finally, in Belgium, France<sup>16</sup>, Greece, Luxemburg and the UK virtual participation was allowed in both committee and plenary sittings, although often for a limited period.

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<sup>9</sup> For the MPs who could not attend plenaries, it was guaranteed the possibility of following debates and voting remotely through the extension of an already existing procedure that was reserved for a limited number of health-related situations (Crego & Mañko, 2022; Inter-Parliamentary Union, 2020a; Williamson, 2020)

<sup>10</sup> Plenary meetings were held in presence with a significant reduction of MPs (only 6% of all MPs). Other MPs could follow the plenaries through a broadcasting system in their offices: however, they could not intervene or vote. For this reason, this modality does not fulfil our requirements for being considered a remote form of participation. Furthermore, Danish committees held only informal reunions relating to Covid-19 remotely (Pedersen & Borghetto, 2021)

<sup>11</sup> Remote voting was allowed only within the parliament's premises and it hasn't been considered as a virtual form of participation of MPs (Inter-Parliamentary Union, 2021)

<sup>12</sup> Committees met remotely only for informal meetings (Curreri, 2020; Inter-Parliamentary Union, 2020a)

<sup>13</sup> The Dutch Eerste Kamer has guaranteed remote participation for plenaries and committees, but it doesn't affect our analysis that is limited to lower chambers.

<sup>14</sup> Committees held reunions when necessary by videoconference using Skype (Country compilation of parliamentary responses to the pandemic (Inter-Parliamentary Union, 2020a)

<sup>15</sup> Formal online committee meetings have been allowed through a change of the Riksdag Act on June 17, 2020 ([https://www.robert-schuman.eu/en/doc/ouvrages/FRS\\_Parliament\\_Sweden.pdf](https://www.robert-schuman.eu/en/doc/ouvrages/FRS_Parliament_Sweden.pdf), last viewed on 21 November 2022)

<sup>16</sup> As already mentioned in the text, the possibility of remote participation was originally introduced by the Parliament and then reversed by the Constitutional Court (Crego & Mañko, 2022).

**Table 1. Adoption of forms of virtual participation in plenary and committee meetings in the EU-15 national parliaments**

	No virtual participation in plenary	Virtual participation in plenary
<b>No virtual participation in committees</b>	Austria Denmark Ireland Italy Netherlands	Finland Spain
<b>Virtual participation in committees</b>	Germany Portugal Sweden	Belgium France Greece Luxemburg United Kingdom

*Source: authors' elaboration of several reports (Akirav et al., 2021; Crego & Mañko, 2022; Deveaux et al., 2021; Inter-Parliamentary Union, 2020a; Inter-Parliamentary Union, 2020b, Inter-Parliamentary Union, 2021) integrated when necessary with the country studies mentioned in the text.*

To test our hypotheses, it has been essential to measure the level of consensualism of each political system (H1), the importance given to the visible confrontation between majority and opposition (H2) and the propensity of parliaments to scrutinize government's actions (H3). The operationalization of these variables is described in the following section.

### A test on Western European parliaments

The number of cases included in our analysis does not allow for sophisticated quantitative analyses, but it is sufficient for computing bivariate correlations. Naturally, finding a correlation could not be taken as proof that a causal relationship exists between our dependent and independent variables, but would constitute only a plausibility test. However, the opposite is true: finding no relationship would amount to persuasive proof against our hypotheses. The previous section distinguishes between virtual participation in plenary sittings and committee meetings, thus the analyses that follow will be conducted taking into account both dimensions separately.

The first hypothesis (H1) posits that consensual democracies are less likely to have introduced forms of virtual participation. To check whether the hypothesis holds, we have treated Liphart's Executive-Party dimension as a continuous variable and computed the polyserial correlation coefficient between it and the adoption of forms of virtual participation in either committee meetings or plenary sittings (both dichotomous variables). The polyserial correlation coefficient<sup>17</sup> between Liphart's EPD and having virtual participation in committees goes in the expected direction, albeit its magnitude is only moderate (-0.57). However, the correlation is statistically significant (p-value = 0.013). Adopting a different measure such as Kendall Tau-b the correlation coefficient is slightly lower (-0.43), but the direction of the effect is confirmed. The correlation between Liphart's EPD and having virtual participation in plenary sessions is of similar strength (-0.60), and

<sup>17</sup> Polyserial correlation can be trusted only after testing for bivariate normality. When not indicated, the assumption has been verified.

statistically significant even at the most stringent conventional levels ( $p$ -value < 0.001). Computing Kendall Tau-b results in a lower coefficient (-0.35).

To visualize the relations between models of democracy (majoritarian-consensual) and virtual participation table 2 discretizes the continuous score on Lijphart’s EPD, dividing democracies into three groups. For this purpose, we consider:

1. Consensual democracies, those with Lijphart’s EPD greater than 1
2. Mixed democracies, those with Lijphart’s EPD ranging from 0 to 1
3. Majoritarian democracies those with Lijphart’s EPD less than 0.

We then computed an overall index of virtual participation by adding the two dummy variables concerning committees and plenary meetings: the index has a value of 0 when no form of virtual participation has been introduced; it has a value of 2 when virtual participation has been introduced in both the plenary and committee meetings. Finally, it has a value of 1 in intermediate cases. The polyserial correlation coefficient between Lijphart’s EPD and the overall index of virtual participation is -0.64, significant at the most demanding conventional levels ( $p < 0.001$ ).

The graphical presentation of the results fits nicely with our argument. Nine parliaments out of fifteen are placed in the grey cells, those on which we would expect to find all parliaments if the relationship between the model of democracy and virtual participation were deterministic. Most consensual democracies scored 0 on the index of virtual participation (Denmark, Italy and the Netherlands), while most majoritarian democracies (France, Greece and the UK) scored 2. Democracies with an intermediate position in Lijphart’s EPD are mostly in the in-between category. The only true outlier is Belgium, the parliament of a consensual democracy which introduced virtual participation in both committee meetings and plenary sessions.

**Table 2. Adoption of forms of virtual participation in plenary and committee meetings in the EU-15 national parliaments**

<b>Lijphart’s Executive-Party Dimension (EPD)</b>			
<b>Index of virtual participation</b>	<b>Consensual (EPD&gt;1)</b>	<b>Intermediate (0≤EPD≤1)</b>	<b>Majoritarian (EPD&lt;0)</b>
<b>0</b>	Denmark (1.35) Italy (1.13) Netherlands (1.17)	Austria (0,64) Ireland (0,38)	
<b>1</b>	Finland (1.48)	Germany (0.63) Sweden (0.87) Portugal (0.04)	Spain (-0.63)
<b>2</b>	Belgium (1.10)	Luxemburg (0.38)	France (-0,89) Greece (-0.55) United Kingdom (-1.48)

*Note: Values in parenthesis are countries’ scores on the Executive-Party Dimension according to Lijphart (2012)*

*Sources: authors’ elaboration on Lijphart (2012)*

The second hypothesis holds that parliaments placing much emphasis on the confrontation between the majority and opposition will be less likely than others to introduce forms of virtual participation in plenary sittings. The previous analysis reveals that, if we operationalize the importance of parliamentary confrontation with the majoritarian/consensual character of the broader political system, this hypothesis does not hold. However, it would be more appropriate to employ a specific measure relating only to the executive-legislative subsystem. Russo and Wiberg (2010, p. 226) developed an indicator to evaluate the degree to which the parliamentary procedures to ask questions for oral answers are conducive to a lively debate in the plenary; the indicator varies between 1 (low potential to create a lively debate) to 3 (high potential). The indicator is available for all countries covered in our study aside. Despite this, none of the typical measures of correlation that can be used for ordinal variables achieves the conventional level of statistical significance. The polychoric correlation coefficient between them is in the expected direction but only weak (-0.23), and not statistically significant. The Kendall Tau-B gives an even lower correlation (-0.17). A different measure to evaluate the effectiveness of Question Time for criticizing the government has been developed by Garritzmann (2017): it is a continuum index varying between 0 (low opportunities for the opposition) to 1 (high opportunities). This indicator is however not available for two of the countries included in our analysis, Luxembourg and Greece. We computed the polyserial correlation between Garritzmann's Question Time Index and the introduction of virtual participation in plenary sittings. The correlation is weak (-0.25) and not statistically significant. It is quite clear that the data does not support H2.

Our third hypothesis is that the potential for parliamentary oversight in different countries is not related to the adoption of virtual forms of participation because checking the actions of the government can be done reasonably well even by going virtual. It is difficult to find comparable data on the capacity of parliaments to shed light on the implementation of government policies. There is a stream of comparative literature, based on the data collected by the Inter-Parliamentary Union, assessing the number of oversight instruments that are available in different legislative assemblies (Pelizzo & Stapenhurst, 2014, 2004). However, the inclusion of as many as 120 parliaments operating in countries with different forms of government and variable levels of democracy tends to obscure the variance of relatively similar countries such as those that are the object of our analysis. Other analyses conducted by legal scholars (Maffio, 2002; Griglio, 2020) are more focused on European countries, but their interest lies more in classifying oversight tools than in rating the oversight potential of different parliaments. Russo and Wiberg (2010) propose an index of "potential for information" based on procedural features to ask questions for written answers. However, a more comprehensive index of "ex-post control" was provided by Sieberer (2011) in his attempt to measure different dimensions of parliamentary power in Western European countries. The index is derived from a factor analysis of different items. Those contributing to the "ex-post control" factor are mainly measures related to the institutional strength and formal powers of parliamentary committees (Sieberer, 2011, p. 754), under the assumption that powerful committees are central to scrutinizing the government effectively. The index of ex-post control is available for 14 out of our 15 countries (all parliaments aside for Luxembourg).

To assess the relationship between our variables we computed the polyserial correlation coefficient because the index of "ex-post control" is measured on a continuous scale. Contrary to our expectations, there is a strong ( $\rho = -0.75$ ) and statistically significant ( $p > 0.001$ ) negative correlation between Sieberer's index and the adoption of virtual forms of participation in the committees. As usual, Kendall's Tau-B gives a lower correlation

coefficient (-0.43), but in the same direction. By contrast, there is no significant relationship between the index of ex-post control and introducing forms of virtual participation in the plenary (Polyserial Rho= -0.32, p=0.310).

To visualize the relationship between parliamentary ex-post control powers and the adoption of virtual forms of participation in committees, we discretize Sieberer's index and divide democracies into three groups, as shown in Table 3:

1. Parliaments with weak ex-post control powers are those with Sieberer's index less than -1
2. Parliaments with intermediate ex-post control powers are those with Sieberer's index ranging from -1 to 1
3. Parliaments with strong ex-post control powers are those with Sieberer's index greater than 1.

Based on this table, it is evident that parliaments with intermediate ex-post control powers are evenly divided between the two categories. However, parliaments with either exceptionally strong or exceptionally weak ex-post control powers are grouped together. Notably, parliaments with strong ex-post control powers have not implemented virtual forms of participation in committees<sup>18</sup>.

**Table 3. Adoption of forms of virtual participation in committee meetings in the EU-15 national parliaments**

<b>Sieberer' Index of ex-post Control Power (ICP)</b>			
<b>Virtual participation in committee meetings</b>	<b>Weak (ICP&lt;-1)</b>	<b>Intermediate (-1≤ICP≤1)</b>	<b>Strong (ICP&gt;1)</b>
<b>No</b>		Italy (-0.364) Ireland (0.021) Finland (-0.662) Netherlands (-0.337)	Austria (1.834) Denmark (1.892) Spain (1.686)
<b>Yes</b>	France (-1.061) Sweden (-1.052)	Belgium (-0.558) Germany (0.300) Greece (-0.503) Portugal (-0.345) UK (-0.360)	

Source: Authors' elaboration on Sieberer (2011)

### Concluding remarks

The necessity to keep parliaments open during the Covid-19 pandemic was strongly felt in democratic countries. Despite the frequent lamentations that emergencies marginalize parliaments, the experience of the last two years has revealed that legislatures can find

<sup>18</sup> Although it is notable that all extreme cases behave as predicted, we must concede that the results are driven by a rather limited number of observations. However, this limitation is inherent in the research design adopted.

creative solutions to fulfil their role even under extremely unfavourable conditions. While many parliaments initially closed or limited their activities in the early weeks of the crisis, it soon became a matter of how, rather than if, parliaments should adjust their organization to remain open. One of the significant debates revolved around the trade-offs implied by different solutions. Limiting the number of MPs who could attend parliamentary work risked violating the rights of individual parliamentarians and raised fundamental questions regarding the representative nature of these "diminished" assemblies. Granting parliamentarians the right to participate remotely created the equally concerning doubt that introducing virtual participation could reduce the power and alter the very essence of democratic parliaments.

In the comparative context, there are cases of parliaments that, despite facing similar challenges, took opposite stances on the possibility of adopting virtual means. The most extreme examples of embracing virtual participation include the European Parliament and the Brazilian Congress, while at the opposite end, several parliaments adopted alternative mitigation strategies to function exclusively in person. We argue that this difference can be explained not only by factors related to the severity of the pandemic or the material resources available to different parliaments but also by a matter of preference.

We argue that parliaments perform different roles in different systems, and this can influence the expected costs of transitioning to virtual participation. Through the study of the adoption of virtual participation forms in the parliaments of EU-15 countries, we have identified two main trends. Firstly, parliaments in which the relationship between parties and the executive is consensual have been less inclined to introduce virtual participation forms. This finding aligns well with the notion that in consensual democracies, parliaments serve as arenas for reaching compromises and amending governmental proposals. It is widely recognized that these activities are not easily replicated without the informal meetings made possible through in-person interactions. Secondly, we found an inverse relationship between the likelihood of introducing virtual participation forms in committee meetings and the ex-post oversight power of parliaments, as measured by Sieberer's index (2011). This result contradicts our initial expectation that there should be no relationship between the oversight potential of parliaments and their inclination to adopt virtual means. Our hypothesis was based on Rozenberg's (2020) consideration that oversight can be equally effective when conducted remotely or in person. While this consideration may hold true objectively, it could be the case that during the pandemic, parliamentarians were averse to the idea of shifting their traditional practices to the virtual world.

This empirical study represents one of the initial attempts to explain why parliaments have taken different stances towards the idea of embracing virtual participation. Our empirical approach does not technically enable us to demonstrate a causal relationship between the functional specialization of parliaments and their decision to adopt virtual participation forms. However, we have considered the causal mechanism that could substantiate this relationship (i.e., parliamentarians perceiving virtual participation as a threat to the effectiveness of certain activities) and found some empirical evidence in support of this view. Future studies can further illuminate this issue by pursuing three complementary strategies. Firstly, we acknowledge that our study employs a relatively simplistic measure to determine whether parliaments have adopted virtual participation forms. Future studies could develop more nuanced approaches to evaluate not only the adoption but also the extent of virtual participation. Secondly, a more refined comparative design could expand beyond the limited geographic area we have focused on, analyzing additional countries and examining how parliaments gradually adapted their responses during the pandemic crisis. Lastly, in addition to elucidating the factors explaining the adoption of virtual participation,

conducting in-depth qualitative studies would be valuable for understanding the arguments raised both in favor of and against the opportunity of going virtual.

By pursuing these avenues, the Covid-19 pandemic can serve as a lens through which legislative scholars can enhance their understanding of how legislative institutions perceive themselves.

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