Why it matters to keep asking why legislatures matter

Introduction

Legislatures matter. Such a bold assertion is designed to grab attention, and, of course, legislative scholars have a particular professional interest in making such an assertion. Indeed, the sheer ubiquity of legislatures is often a sufficient reason to conclude that legislatures matter. Nearly every modern state has a national legislature; with some 6.5 billion of the world's 7 billion people estimated to live in states with a legislature (Inter-Parliamentary Union [IPU] 2020a). If the very existence and resilience of legislatures is, in itself, taken as compelling evidence that legislatures matter, then the next seemingly logical analytical step is to specify what legislatures do and how they do it, followed by the further step of identifying commonalties and divergences in the performance of the 'what' and the 'how'. Yet, explanations of 'what' (conceived in terms of 'functions' or 'tasks') and 'how' (conceived in terms of 'roles' and 'organisation'), in and of themselves, simply tend to point to differences in the performance of functions and roles among legislatures without necessarily posing the logically prior questions of why we would expect legislatures to perform such functions and roles in the first place, and why, in the second place, they perform these functions and roles differently in different political systems. It is far from surprising, therefore, that legislative researchers and practitioners throughout the world responded immediately to the universally life-changing Covid-19 global pandemic in early 2020 by asking what legislatures were doing and how well they were doing it in the face of cumulatively reinforcing political, economic and social crises. Questions about why legislatures were involved in state responses were either simply taken for granted – in that it was accepted implicitly that they should be – or were not even raised at all.

Our objective in this paper, therefore, is to focus attention back onto the 'why' question and to explore the grounds upon which legislative scholars might be encouraged to reconsider this basic question. But such encouragement should not be confined exclusively to legislative scholars. It should also be proffered more broadly to wider communities of political scientists concerned with 'inputs' (particularly elections and political parties) and with 'outputs' (particularly governance networks and policy outcomes) of governing processes. In their respective academic silos and discrete professional coteries, the importance of legislatures may simply be subsumed unthinkingly into the periphery of their studies or, alternatively, be summarily dismissed as being unimportant in the complex processes of state decision making. In seeking to coax academic reconsideration of the importance of legislatures, we counsel, therefore, a reorientation away from simple listings of functions, or the merits of certain categorisations and typologies over the demerits of others, or of calibrations of legislative

power and influence, or of the formal modelling of legislative procedures, or of esoteric quantitative analysis of legislative behaviour. Instead, we direct attention towards processes of legitimation and why legislatures are invested in such processes in nearly all states in the modern era. We take legitimation to mean how the exercise of state power and authority is justified, and how the strategies, practices and processes of state institutions and actors seek to shape beliefs that state power and actions are appropriately exercised. If, as we argue, an answer to the question of why legislatures matter is to be grounded in processes of legitimation, then deficiencies in those processes or the questionability of those processes also expose the contingent nature of such an answer.

In the strictest sense of the word our approach is 'academic'. It seeks to encourage a greater conceptual clarity and analytical understanding of the legitimation capacities and strategies of legislatures. It also endeavours to explain how the legitimisation of state activities may be infused by those strategies. But, from the outset, we acknowledge that while scholars of legislatures might well conclude that legislatures matter to varying degrees in most states; citizens in those states might be resolutely agnostic, unreceptive or positively hostile to the legitimation claims of legislatures. Indeed, steeply declining levels of public trust and confidence in legislatures have been recorded in many legislatures around the world (see Gallup 2020, Australian Values Survey 2018:15; CSPL 2014:15-17). Although the trajectories of decline are neither uniform, nor necessarily evident, across all states (van Ham et al. 2017:26-31; Eurobarometer 2019:T49; Afrobarometer 2019:4), nonetheless, it matters that the levels of trust, confidence and esteem in which legislative institutions are held are often precarious in many key democracies. Clearly, the empirical divergences, definitional disagreements, and methodological convolutions surrounding trust and confidence levels are far broader than we can begin to address here. Yet, it matters to our argument that citizens making judgements on trust and confidence in legislatures often know little about the very institutions that they are assessing. In these circumstances, therefore, it matters that legislative scholars should not only ask, and but also explain, why legislatures matter. It matters not only that legislative scholars should convince themselves that legislatures matter; it matters also that they contribute to a broadening of public understandings as to why legislatures matter.

What questions: classic functional studies

Our starting point is the simple query posed by the eminent legislative scholar, Michael Mezey: 'what are the basic questions to ask when seeking to compare legislatures?'. Mezey's (1979) own response, in common with that of most other pioneering comparative analysts of legislatures in the 1970s, was to ask: what do legislatures do in terms of functions (see e.g.

Loewenberg and Patterson 1979; Blondel 1973; overview in Kreppel 2014:82). Manifestly the works of Mezey, Loewenberg and Patterson, and Blondel were of their time in deploying notions of 'system maintenance' and 'conflict management' as over-arching analytical frames within which the functions ascribed to legislatures could be categorised.[1] Their lasting significance, however, was in scoping a set of functions beyond strictly 'legislative' activities; and, in so doing, of encompassing a range of functions – most especially linkage, representation, authorisation, and legitimisation – ascribed to assisting statal stability more broadly (Mezey 1979:7; Loewenberg and Patterson 1979:44; Blondel 1973:16-17,134-6). In their respective ways each of these eminent comparative scholars acknowledged the systemic significance of legislatures beyond their involvement in decision-making functions. Yet, equally, each in their own way, ultimately came to refract their analytical attention through the prism of 'decision making' – and concerns with the institutional influence and power of legislatures – rather than focus their attention upon the prisms of legitimation and representation. This refractive direction of analytical travel is perhaps best illustrated in their comparative classifications of 'types' of legislatures, which came in turn to serve as templates for many subsequent comparative typologies (see e.g. Polsby 1975:277; Mezey 1979:35-43; Norton 1990:178-80).

But the fundamental problem, from our perspective at least, is that categorisations of the relative decision-making power of legislatures have served to direct analytical attention away from, or in some instances to residualise, the importance of other elemental activities of legislatures. This is not to claim that legislative scholars have been unconcerned with these other activities, but simply to observe that they have often been more concerned with categorical variation in the functional performance of legislatures than with explicating the reasons why legislatures universally performed these functions in the first place in different political systems. [2]

The limitations of 'what' questions

Reservations have long been expressed about typologies focused primarily upon the decision-making capacities of legislatures. Thus, even before the classic functionalist categorisations, noted above, came to prominence, Robert Packenham (1970) had argued that functional studies which focused primarily upon decisional processes were likely 'to provide inadequate paradigms and knowledge' for understanding legislatures. This was particularly the case in states where their contributions to legislative processes were minimal or residual. In fact, he claimed that 'most of the legislatures of the world seem to have functions which do not fit at all closely the assumptions about functions adopted by most studies of legislatures'

(1970:367). In other words, the utility of most functional studies was severely limited 'for research on legislatures in developing countries, and indeed most of the world' (1970:546).

Despite this criticism, Packenham (1970:523) was a self-identified functionalist; and was willing to argue that all legislative scholars were functionalists in a specific sense.[3] But in acknowledging that 'different functions may be more important in different political systems' (1970:527) he proposed a rank-ordering of the most significant functions (based upon the specific experience of the Brazilian legislature under a military regime in the mid-1960s). Three basic aggregate functions were identified: legitimation; recruitment, socialisation and training to elite political roles; and political decision-making or influence. And given the specificities of the case of the Brazilian legislature under military rule, he then proceeded to rank the function of legitimation above recruitment, which in turn was ranked above decision-making (1970:526-7). Subsequently, other pioneering studies of legislatures in 'developing' states adopted Packenham's basic proposition of 'center[ing] on the legitimizing effects of the legislative institution and … representational activities' rather than upon legislative functions (Mezey 1983:512). More particularly, researchers of legislatures in non-democratic and authoritarian states came increasingly to acknowledge the importance of legitimation in understanding their role in such states (see below).

Moving from functional 'what' questions to foregrounding the 'why' question

Our basic proposition is that processes of legitimation help not only to understand why legislatures remain of elemental significance in liberal democracies but also why they matter in non-democratic political systems as well. To make this argument requires us to shift the analytical focus away from decision-making conceived as a discrete function towards a conception wherein collective decision-making is itself conceived as a *process*; which in turn is nested within interlinked representational *processes* and *processes* of legitimation. Hence, the word processes will recur frequently in the following discussion of legitimation and of the contribution of legislatures to state legitimation strategies.

Our argument builds from the simple proposition that legislatures are political institutions and, as with all other institutions, they 'exist because they have a problem to address' (Copeland and Patterson 1994:151). The fundamental problem confronting legislatures is, how within a political system are collective decisions reached that are likely to be accepted by winners and losers when there are competing and conflicting views on what those decisions should be. Any political system (whether conceived at state, sub-state or supra-state level) thus has to develop processes for decision-making which can justify, on the one hand, the 'rightfulness' of certain individuals and groups to be included in the making of decisions; as well as, on the

other hand, seeking to secure recognition of the 'rightfulness' of those processes by those individuals and groups that are subject to the resultant decisions. Such processes vary across regimes – from non-democratic to democratic, liberal to illiberal, etc. – but what they have in common is the claim made by state decision makers not only to have the capacity, but also the right, to make collective decisions.

It is insufficient, however, merely to make claims to have the right to make collective decisions. What is required also is the capacity to sustain such claims. In essence, political processes are inextricably interwoven with the exercise of power and, especially, with authority as a form of legitimate power. At its simplest, legitimate power can be conceived as 'power that is rightful' – and '*acknowledged as rightful* by those in a given power relationship' (Beetham 2013:x original emphasis). At its most complex, political legitimacy is seen to be multi-dimensional in character, historically variable, and elusive in regard to its operationalisation and measurement.[4] Nonetheless, the significance of legitimacy for our discussion is that it is crucial 'not only for the maintenance of order, but also for the degree of cooperation and the quality of performance that the powerful can secure from the subordinate' (Beetham 2013:29).

Over 50 years ago David Easton provided key insights into the intricate connection between the legitimation claims of states and the acceptance of those claims by their citizenries. These insights, particularly his notion of 'diffuse support', have particular resonance for our discussion. Easton made a basic distinction between 'specific' and 'diffuse' political support, as well as differentiating 'political authorities' (specific state institutions and their individual incumbents/occupants) from the 'political regime' (the overarching constitutional framework associated with 'the underlying order of political life' (1975:436) and 'the general matrix of regularized expectations' about political authorisation (1965:193)). On the one hand, specific support is rooted in evaluations of what authorities do and how they do it and in satisfactions with the outputs and performance of those authorities (1965:268; 1975:437). On the other hand, diffuse support is 'a reservoir of favourable attitudes and good will' (1965:273), 'typically express[ed] … through a belief in the legitimacy of political objects [of a regime, its authorities and political communities]' (1975:450-1). Notably, Easton held that such convictions 'about the appropriateness of the political order of things' may be 'rudimentary', 'inarticulate', not necessarily 'empirically … rational' (1965:279-80), or even 'covert' (1965:161). Nonetheless, the acceptance of the rightfulness of political authorities and political regimes is dependent upon 'continuing validation through some set of values, a legitimating ideology' (1965:292). Thus, in all states, 'ethical principles that justify the way power is organized, used and limited' – that engender a 'belief in legitimacy' – serve to sustain continuing validation' (Easton

1965:292-3). And, for Easton (1976:433), political legitimacy could be 'obtained only through some process of legitimation'.

In other words, state institutions and those political actors who claim the right to make authoritative collective decisions need to legitimate their exercise of power. In this respect, legitimation can be seen as 'the processes by which legitimacy is procured' (von Haldenwang 2017:270); as 'a strategy used to seek legitimacy' (von Soest and Grauvogel 2017:288); or as 'the acts and processes that aim to establish the general view that a political order is …. acceptable' (Gaus 2011:3). Following Easton, but using more contemporary analytical terminology, this general view may be rooted in a routine, or unthinking, acceptance of 'taken-for-granted' institutions, or 'ready-made' institutional configurations. These institutions and institutional matrices are familiar, readily identifiable, 'resonate' with citizens, and tap into 'existing terms and understandings' (Saward 2010:46). Certainly, legislatures, as part of the institutional configuration of modern states, may be 'taken-for-granted' insofar as citizens have limited knowledge of their specific activities and functions, yet they still retain 'a head start in terms of familiarity and perceived legitimacy' (Saward 2010:65). Our specific contention in the following sections of this article is that in all the 193 states of the world that have national legislatures those legislative institutions make significant – if variegated – contributions to generating and sustaining beliefs in regime legitimacy and to inducing diffuse support.

The importance of legitimation in understanding why legislatures matter

Legitimation dimensions: input, output, and throughput

Just as legitimacy is multi-dimensional; so too are the modes of legitimation by which the distribution and exercise of power is justified. In essence, there are three common dimensions observable across most political systems: legitimation focused on 'inputs', 'outputs', and 'throughput'. We consider each of these dimensions in turn; and in doing so we, first, briefly explain their respective meanings; second, examine some of the arguments advanced by political scientists as to why legislatures are of limited importance in comparison with other political institutions and organisations; and, third, explain why, in responding to these specific arguments, a case can be made that legislatures still matter in terms of 'the processes by which legitimacy is procured' in most state systems.

i) Input legitimation

Accounts of political legitimacy have long drawn a distinction between procedural inputs (primarily conceived in terms of democratic and participatory processes) and performance-related outputs. In drawing one of the most influential distinctions between output and input

legitimacy Scharpf (1999:6-9) maintained that, in the context of democratic regimes, political choices can be deemed to be legitimate if they respected the 'input' of the people and are derived from the 'authentic preferences of members of a community'. In this context, input legitimacy has been associated with 'the participatory quality of the process leading to laws and rules as ensured by the … institutions of electoral representation' (Schmidt 2013:4). Through processes of 'linkage', state actors and institutions embed claims to represent broader communities of interests beyond the decision makers themselves. 'This is why linkage is often used as a synonym for representation' (Dalton et al. 2011:6; Muller 1970:1149; Lawson 1980). This is so in liberal democracies, and in 'electoral' and 'competitive' authoritarian regimes alike.

In liberal democracies legislatures claim a distinctive capacity to represent the 'authentic preferences' of citizens. This is not necessarily a 'democratic' claim tied to the direct linkage of 'the people'/'the *demos*'; rather it is a 'representative' claim of linking 'communities' to decision makers. Only very recently in democratic states have such communities been defined in terms of national electorates. In non-democratic regimes, the very fact that almost all such regimes have legislatures provides a clear indication that their legitimation claims also rest, in part at least, upon 'input' justification. There is an awareness that legitimacy-relevant outputs require to be linked to the preferences of some societal groups and political organisations beyond those of authoritarian elites. Certainly, the variegated importance of legitimation through linkage in authoritarian states has been recognised by researchers in recent years (see Dukalskis and Gerschewski 2017:256-60; Lü et al. 2018:28-30; Gandhi et al. 2020:1362-6; Krol 2020:250-2,259).

On what grounds can the importance of the linkage/input legitimation claims of legislatures be contested?

Legislative scholars are prone to argue that the contribution of legislatures to the processes of political linkage is 'special' and 'distinctive' (see Loewenberg and Patterson 1979:4). These are existential claims, as they relate to the 'very reason for the existence of [legislatures]' (Copeland and Patterson 1994:154). Yet, they are also contested claims, as other institutions, most notably elections, and other organisations, most notably parties, make distinctive linkage contributions. Thus, although the starting premise of legislative scholars in analysing linkage is often a principal-agent relationship between individual voters and individual representatives and legislative institutions, notions of delegatory linkage also, simultaneously, acknowledge collective principal-agent relationships between electors and representatives grounded in political associations, most distinctly in political parties, and in electoral institutions.

Such an acknowledgement that representation 'is as much about aggregates as it is about individuals' (Ansolabehere and Jones 2011:309), has brought with it an explicit prioritisation of the collective organisations of parties in electoral competition, legislative decision-making, government formation and in structuring executive policy outputs. This has led students of political parties to advance the case that political parties are 'the primary representative agents between citizens and the state' (Dalton et al. 2011:6) and to map their own 'chain of democratic linkage' between voters and parties. Equally, students of elections, have been prone to identify elections as the key institutions of linkage between representatives and represented in representative democracies (see, e.g., Bühlmann and Kriesi 2013:46). The prioritisation of the importance of parties and electoral institutions is evident in a host of studies of linkage: variously conceived as policy congruence, responsiveness or descriptive similarity.

Indeed, the foregrounding of parties and electoral systems has been particularly evident when 'policy congruence' – 'the relationship between citizens' ideologies, attitudes, preferences, and opinions and those of their elected representatives' (Beyer and Hänni 2018:S17) – has been taken as a measure of linkage. In congruence studies attention has tended to be focused, more vigorously and discretely, upon the effects of electoral systems, party systems, and governmental policy outputs than upon the effects of legislatures themselves. In part, this is because of the relative ranking by researchers of the importance ascribed to each stage in the representative chain.[5] When linkage is conceived as 'responsiveness' – as a dynamic relationship between representatives and their constituents whereby the policy outputs produced by representatives move in the same direction as public opinion – discrete parts (or stages) of that relationship have been afforded greater importance than others. Again, as with analyses of congruence, the effects of elections and electoral systems, parties and governments/executives have tended to be prioritised in this process above those of legislative institutions (for overviews see Golder and Ferland 2018; Beyer and Hänni 2018; Wlezien and Soroka 2016; Esaisson et al. 2013). When linkage has been conceived in terms of descriptive representation – where there is a correspondence of social characteristics and shared experiences between representatives and the represented – diversity among elected representatives is deemed to be of vital importance 'for fostering democratic legitimacy' (Barnes and Holman 2018:3; Arnesen and Peters 2018:869, 892-3; Beauregard 2018:239). Clearly, numbers are the heart of descriptive representation – whether in terms of securing 'more', or a 'critical mass', or 'strict proportionality' of under-represented groups. Yet, in this regard, party strategies and electoral systems have been identified as having more impact in conditioning the numerical presence of visible and non-visible minorities, and especially women – as well as providing more purchase in explaining (and enabling) representational diversity – than the initiatives of legislatures themselves.[6]

On what grounds can the importance of the linkage/input legitimation claims of legislatures be defended?

From the foregoing brief review of linkage studies, the significance of elections and parties is clearly prioritised above the importance of legislatures. So, on what grounds and with what evidence can the contention be upheld that legislatures still matter in terms of linkage (using the categories of policy congruence, responsiveness, and descriptive similarity outlined in the preceding section)?

As a central proposition, analyses of policy congruence between citizens and their representatives hold that close congruence 'contributes to regime legitimacy' (André and Depauw 2017:378). And a mutated variant of this proposition also applies in authoritarian regimes (see e.g. Dukalis and Gerschewski 2017:260). Broadly, as Mayhew (2017:100) points out, '[representative] assemblies can excel at weighting voter intensities and blending them into packages … [and] can be a help to legitimizing a system across a heterogenous public'. Testimony to this effect can be identified in a number of recent empirical studies which identify a high degree of congruence between the represented and their representatives in legislatures, though with variation across policy areas (see e.g. Rasmussen et al. 2019:426-7; Dalton et al. 2011:23; Karoytis et al. 2014:451-2; Cayton 2017:4). In this respect, legislatures and their members have been adjudged to matter still.

'Responsiveness', as noted above, is taken as a dynamic relationship between representatives and their constituents, and 'requires that (shifting) constituent preferences change representatives' preferences, behaviour; or, ultimately, policy outputs' (Beyer and Hänni 2018:S15). More particularly, responsiveness requires that the policy outputs produced by representatives move in the same direction as public opinion. Also, as noted above, empirical studies of responsiveness have tended to prioritise elections and electoral systems, parties and governments/executives above legislative institutions. Yet, one of the most influential theorists of representation, Hanna Pitkin, maintained that legislatures should be foregrounded in the analysis of responsiveness. She argued that responsiveness was generally associated with 'some sort of collegiate representative body' (Pitkin1967:235); and, particularly, '[w]ithin a state, representation most commonly is ascribed to the legislature' (1967:227).

Those legislative researchers who have followed Pitkin's theoretical lead have come to measure responsiveness, therefore, primarily through the collection of time-series data on the position, respectively, of the represented (in terms of opinion, preferences, priorities,

ideologies) and on the corresponding positions held by individual legislators, or the collective entities of parties within the legislature, or the collectivity of members within the institution as a whole. The resultant analyses tend to show evident responsiveness of representatives' behaviour to the policy preferences of the represented (see Rosset et al. 2017:796). This means, on the one side, that legislators change their own position, and so adapt their behaviour; and, on the other, that the represented are capable of observing and evaluating such change. In this respect, responsiveness involves a dynamic, continuing relationship between represented and representatives both at election time and, importantly for our argument, in representative assemblies *in between elections* (Esaiasson et al. 2013:19-29; Esaiasson and Wlezien 2017:701-2).

Beyond liberal democracies, the signalling of responsiveness to citizens, through electoral and representative institutions, has also come increasingly to be acknowledged in 'recent incarnations of authoritarian rule' (Dukalskis and Gerschewski 2017:260). Indeed, Reuter and Robertson (2015:236) hold that such input strategies 'may allow authoritarian rulers to ape some features of democratic politics, either by including a broader set of actors who make policy concessions to important social groups … or by gathering information about demands for local public goods and channeling [such goods] to disgruntled constituents'. In this manner, legislatures in non-democratic states may serve to bolster 'legitimacy beliefs' through signalling input 'responsiveness' (no matter how limited, comparatively, the 'democratic' credentials of such processes are in practice).

When attention is turned towards descriptive representation, then, if 'numbers' are of central concern, quantitative studies reveal the constrictions on representational diversity in contemporary legislatures. Women – alongside 'visible' and 'invisible' minority groups constituted around race, ethnicity, (dis)ability, sexual preference and identity – still suffer from pronounced under-representation in legislatures, despite increased numbers in recent years. In face of such continuing under-representation the case for more proportionate descriptive representation of these groups in legislatures continues to need articulation. Rarely, however, is the case for greater descriptiveness pressed by itself and without reference to claims for the substantive impact of increased female and minority group representation upon policy outcomes. And copious empirical studies have investigated various dimensions of this proposition.[7]

Yet, ultimately, underpinning arguments about descriptive representation is the foundational presumption that legislatures matter. In the case of women, Bolzendahl (2018:165) provides a categorical statement of this premise: 'The presence of women in national legislatures has

long been viewed as a pinnacle of women's formal political empowerment'. Female representatives are aware themselves of the broader impact of their presence in legislatures, with, for example, many US Congresswomen in the 114th Congress (2015-17) believing that 'the presence of women in the institution is a "big thing"' (Dittmar et al. 2018:212). In this sense, 'it is precisely because representatives do act, do make choices, do exercise judgment, that being able to "represent" the gender or ethnic composition of the electorate so much matters' (Phillips 2020:178). Certainly, legislatures matter 'so much' for their substantive policy impacts for women and visible and invisible minorities. Symbolically, legislatures matter 'so much' in serving as one of the few political institutional forums (whether at national, sub-national or supa-national levels) where group diversity – or, equally importantly, the limitations upon such diversity – is made manifest symbolically 'under one roof'. Practically, it matters 'so much' that legislatures promote and take affirmative action to facilitate the diversity of their memberships. While electoral rules and party initiatives are undoubtedly of significance in securing enhanced descriptive representation, legislatures are not simply passive bystanders in promoting representational diversity.[8]

ii) Output legitimation

Output legitimacy is rooted in state capacities for effective governing and problem-solving. The basic distinction made between input and output legitimacy revolves around governing *by* the people versus governing *for* the people (Scharpf 1999:6; Schmidt 2013:4, 2015:91). Output legitimation is both dependent upon, and contingent upon, policy processes producing efficacious policy outcomes. Output-oriented governing claims encompass not only socio-economic well-being but also, more broadly, maintenance of stability and the territorial integrity of the state itself. In a special sense, therefore, output legitimacy is concerned with how state decision-makers exercise power.

On what grounds can output legitimation strategies be viewed as undermining the importance of legislatures?

Regimes which prioritise 'output' legitimation strategies tend to deemphasise the contribution of legislatures to such strategies. In non-democratic states, output-based legitimation strategies are of particular importance (von Soest and Grauvogle 2017:298-9). Indeed, in many of these states, such strategies – based upon performance related claims in relation to the advancement of social welfare and the maintenance of public order – are at the core of state legitimation (von Haldenwang 2017:281). Military regimes, in particular, place great emphasis upon their capacity to restore and maintain political order, revive the economy and protect the integrity of the state, in the absence of, or largely unconstrained by, legislative

institutions (see Schuler and Malesky 2014; Dukalis and Gershewski 2017:255; Wilson and Woldense 2019:593-4).

However, output legitimation strategies are not simply confined to non-democratic states they are also pursued vigorously by decision makers in democratic states. Indeed, for decades, the importance of non-majoritarian institutions (which are not directly accountable to citizens) and the growth of network governance in all democratic states have been seen as clear indications that 'output legitimation' and the 'reliance upon qualities such as expertise, professional discretion, policy consistency, fairness, or independence of judgment is considered to be more important than reliance upon direct democratic accountability' (Majone 2005:37; for an overview see Bovens and Schillemans 2020:511-25). The ubiquity of governance networks at multi-levels, has raised recurring concerns that they 'tend to undermine the formal institutions of representative democracy' (Lo 2018:654; see also Torfing et al. 2012:237; Hendricks and Boswell 2018:412); and challenge fundamentally – in many states, and especially in the EU – 'conventional parliamentary approaches' or 'classic parliamentary forms' (Shaw 1999:581; Magnette 2005:176; Héritier 2017:1255). More dramatically still, traditional notions of parliamentary democracy and the significance of legislatures' contribution to state legislative outputs have been adjudged to have been superseded by 'post-parliamentary' modes of governance (for an overview see Judge 2014:175-8).

On what grounds can the importance of legislatures be restated in the context of output legitimation strategies?

Whereas notions of governance in western democracies tended, initially, to residualise the importance of electoral representative institutions, a reappraisal has been evident in conceptions of 'metagovernance' and 'the shadow of hierarchy'. Metagovernance came to be defined primarily as the 'governance of governance' or the 'government of governance' (for overviews see Roe 2020; Gjaltema et al. 2019). Such definitions recognised implicitly the continuing capacity of the state (in its electoral, representative institutional form) to play a central role in 'setting the ground rules and context within which governance takes place' (Fawcett and Daugbjerg 2012:198). The continuing significance of pre-existing narratives of legitimation, and especially of the overarching processual framework of legitimation provided by legislatures (see below), thus came to be reinserted into notions of how governance should be governed.

The notion of the 'shadow of hierarchy' also acknowledged continuing state capacity, insofar as networks are seen to be embedded in existing hierarchical structures of accountable government' (Scharpf 1994:41). In other words, state capacity 'takes the form of authoritative

decisions with claims to legitimacy'; and, as such, also provides a "horizon of legitimacy"' (Börzel and Risse 2010:116). In effect, therefore, such an 'horizon' marks the point of intersection between the output claims of governance networks and the legitimation claims of electoral democracy and, specifically, legislative institutions; with the latter framing and constraining the activities and outputs of the former. Hence, in their different ways, ideas about metagovernance and the shadow of hierarchy reassert the importance of legitimation afforded by electoral processes and representative institutions in the practice of network governance (for a longer-term perspective see Judge 1993:120-30, 2014:111-16,185-8).

But these conceptions alone are not the basis of a restatement of why legislatures matter in a world of technocratic governance processes, and depoliticised policy making routines. Empirical studies have acknowledged how processes of legislative legitimation intrude into nominally closed network interactions: by framing and delimiting the scope of independent action by network actors, and by anchoring segmented network interactions in broader accountability relationships – whereby executive participants in networks are directly and indirectly held responsible for output agreements, and provided with a 'legitimizing interpretation' for their network activities. Ottens and Edelenbos (2019:19-20), for example, provide a concrete example of this phenomenon. Taking the case of the Dutch National Agreement on Climate Change they reveal a 'strong anchorage' of 'interactive governance processes' in the practices of parliamentary accountability, where the 'representative position of the Dutch parliament is safeguarded' and where, in turn, executive participants (ultimately accountable to parliament) have an enhanced capacity 'to apply network framing strategies' (see also, in the UK, Stark 2010:2-12, 2011:1151-3).

Moreover, and perhaps paradoxically, when governance processes become politicised – when the 'standard operating procedures' of networks are disrupted and destabilised by transitions of governing practices or ideologies, or more broadly by rapid disjunctions of 'crisis' – then the significance afforded to legislative legitimation is magnified (Judge 1990:61-66; Judge 2014:188-90; Schmidt 2020:208,217-18). In these circumstances governing processes which privileged depoliticization – through deployment of 'expertise', 'evidence-based' decisions, 'epistemic networks' etc. – are prone to witnessing the 'escape' of policy issues into more open legislative arenas, where legislatures serve as the 'go-to' institutions for network actors to seek legitimation (even retrospectively) for their actions, and for non-network actors to question the legitimacy of such actions.

iii) Throughput Legitimation

Although often treated in isolation and frequently juxtaposed – in the idea that legitimacy gains on one side come at the expense of gains on the other – a strong case has been made, nonetheless, that 'input and output legitimacy necessarily go together' (Sternberg 2015:616). Yet, exactly how these legitimation claims are connected remains relatively under-analysed. In particular what has been missing from many analyses of legitimation is a conception of what happens in the space between political input and policy output. To fill this lacuna, Schmidt (2013, 2016; 2020), borrowing from systems theory, offers a third, intervening, dimension in the theorisation of legitimacy: 'throughput legitimacy'. This form of legitimacy is 'proceduralist' in that it identifies the significance of 'black box' governance practices and routines in the processing of input demands into policy outputs (Schmidt 2013:14; Schmidt 2020:25; Schmidt and Wood 2019:729). Schmidt's basic contention is that 'the quality of the governance processes, and not only the effectiveness of the outcomes and the participation of the citizenry, is an important criterion for the evaluation of a polity's overall democratic legitimacy' (Schmidt 2013:2-3). Throughput is, therefore, 'a procedural criterion for legitimacy, which demands … processes that are accountable, transparent, inclusive, and open' (Schmidt 2020:35). Moreover, as a 'legitimizing mechanism' (Schmidt 2020:32) – as a mode of legitimation – it recognises that although throughput legitimation is not a substitute for input or output modes, nonetheless, it is 'a necessary accompaniment' (Schmidt 2020:55) to both.

While Schmidt's initial formulation was developed in relation to the specific context of the governance processes of the EU, it is also more broadly relevant to the institutionalised interlinked *processes* of deliberation, scrutiny, legislation, and accountability – with their associated elaborate procedures, rituals and symbols – embedded in the contributions made by legislatures to state decision-making processes. In this sense, it is relatively easy to see how the organisation and internal procedures of legislatures inhere throughput legitimation into a state decision making processes. In fact, the modern view of throughput legitimation distils the essence of many of the historic practices, rules of procedure, and privileges derived from pre-modern legislatures and which continue to find reflection in fundamental procedural norms of contemporary legislatures.

On what grounds can the practices of legislatures be viewed as undermining legislative throughput legitimation processes?

In modern democratic and non-democratic political systems alike, state decision-makers are still keenly aware of the need to assert the legitimacy of the very processes by which their decisions are made. In this manner, the procedures, practices, rituals and symbols of legislatures serve to signify the 'rightfulness' of state decisions made with due regard to them. Simply stated, legislatures provide for the (macro, system-wide) institutionalisation of

'throughput' legitimation. The procedural criteria listed above – of accountability, transparency, inclusiveness, and openness – are, in essence, normative principles which serve as standards of assessment for such institutionalisation (Schmidt 2020:39). Indeed, an idealised 'virtuous' view of such legitimation processes can be, and has been, built upon an institutional conception of a legislature as a 'a collection of equals' (Loewenberg 2011:49) existing within a 'legislative state of nature' (Cox 2008:141), in which all members have equal rights to make legislative proposals or engage in other unregulated deliberative activities (Cary 2008:444), and in which 'the principle of *fair play* institutionalises dissensus and debate' (Palonen 2019:54 original emphasis).

In the real world, however, it is immediately apparent that all legislatures have, in practice, accepted organisational structures and processes that manifestly result in organisational inequalities and differentiation that transmute the ideal-typical virtuous view. In this respect, all legislatures make organisational trade-offs between upholding the equal status of individual legislators and enabling their collective actions (Loewenberg 2011:49). The significance of these trade-offs for our purposes is that they pose challenges to the practical quality of internal legislative processes and to virtuous notions of throughput legitimation in three basic ways. First, 'all busy legislatures … evolve [agenda control] rules that create inequalities in members' access to plenary time and diminish ordinary members' ability to delay' (Cox 2008:144). Second, 'legislative organisation defines a set of privileged groups, that is, subgroups of parliamentarians with specific powers, and a set of procedures that specifies the powers of these subgroups with respect to the functions that legislatures perform' (Strøm 1985:62). Third, the processes and procedures of legislatures are imbued with symbolism and ritual that serve in effect to underpin power asymmetries within legislatures (Franceshet 2010:397). The significance of these challenges will now be examined in turn.

First, 'agenda control' has been at the core of organisational inequalities and conflicts within legislatures. Indeed, control of the agenda has been identified as 'the single most important institutional determinant of parliamentary power', and, as a corollary, 'whoever controls the agenda can be expected to have a crucial impact upon legislation' (Koss 2015:1064). Not surprisingly, therefore, the form and differential effects of legislative proposal and amendment rights, scheduling tactics, sequencing and ordering of voting, along with gatekeeping and veto rights have attracted widespread attention across various political systems.[9] The 'down side' of these procedural controls, inhibitors, and limitations is their impingement upon the principles of processual equality and fair play and their practical impact upon procedural quality. Indeed, if, as Curry (2019:891) argues, 'the manner by which [a legislature] considers and passes laws can have important consequences'; then public perceptions that legislative procedures have

been used to ram through legislation, to stifle debate, or otherwise to advance contentious policies in 'unfair' ways, may undermine the legitimacy of decisions made in such a manner.

Second, the specification and source of group privileges within legislatures challenges the virtuous notion of processual inclusiveness rooted in the equal rights of legislative members. As a general proposition, group privileges within legislatures are consequent upon the differentiation of members along vertical and horizontal axes. On the one hand, vertical differentiation reflects the inequalities stemming from hierarchies of power structured primarily in relation to executive office; or legislative leadership positions; or party leadership positions.[10] As a general proposition, the higher the positioning of legislators within these hierarchies the greater their capacity to manipulate the legislative procedures and institutional norms in their favour. On the other hand, horizontal differentiation reflects inequalities stemming from the organisational delegation of tasks, primarily through a formal division of labour in committees. The upside of horizontal differentiation through committees is the expeditious processing of legislative business, enhancement of scrutiny capacities, and the offsetting of efficiency losses experienced when every member has an equal claim to consider such business. The downside is that committees and their members hold the potential to act as 'gatekeepers' and 'veto points' in collective decision-processes and public policy scrutiny processes, to the detriment of plenary and non-committee members. In which event, procedural efficacy comes to be privileged over processual inclusiveness.

Third, beyond vertical and horizontal separation, other forms and modes of differentiation are apparent in the internal organisation of legislatures. The significance of these modes is highlighted by Rai and Spary (2019:344): 'While parliaments are often presented as undifferentiated institutions, … they are historically marked with deep divisions of class, caste/race, gender, (dis)ability, and sexuality. These inequalities are inscribed … in the performance of parliamentary ceremonies and rituals'. Moreover, these day-to-day rituals are suffused with differentials of power that 'maintain and reproduce the marginalisation of particular groups' (Franceshet 2010:395). Hence, although legislatures, through their ceremonies and rituals, may present themselves as undifferentiated institutions, nonetheless, the very same ceremonies, rituals, informal rules and 'routine activities' serve to disguise the persistence of social hierarchies (formed upon inequalities of gender, ethnicity, religious belief, sexual identity etc.) and processual exclusions within their internal organisational structures. The extent of these asymmetries of power in the working practices of numerous legislatures across the world has been revealed starkly in recent years.[11]

On what grounds can the throughput processes of legislatures underpin their claims of institutional importance?

Although the internal procedures and rules (both formal and informal) of legislatures often appear to ordinary citizens to be 'mysterious' (Loewenberg 2011:17), nonetheless, when stripped of their arcane form, they are of vital significance in helping to procure external acceptance of collective decisions made in accordance with such rules. They are the institutionalised form of throughput legitimation. In which case, 'respect for procedure can be seen to be an essential component in securing the people's assent to [legislatures'] exercise of authority' (Evans 2017:3). Hence, the process preferences of citizens, rooted in notions of procedural justice, as to how legislative processes and rules should work, can be seen to be of some significance in legitimating outputs made in accordance with those preferences; or in undercutting legitimacy when 'unorthodox procedures' are used (Curry 2019:890).

Legislatures across the world, in democratic and non-democratic states alike, have institutionalised processes for scrutiny, deliberation and authorisation of legislative proposals. While the amendatory impact of such processes has attracted much of the attention of legislative scholars; the legitimatory impact of the processual dynamics in the passage of legislation has received far less attention. Yet, to refer back to the notion of diffuse support, the very 'taken-for-grantedness' of the validity of an institutionalist 'stagist' process (where legislative proposals are considered sequentially in stages or readings) constitutes a key dimension in securing acceptance of that very process and the resultant outputs of that process. This is largely so irrespective of the policy consequences of that process. And this is so for democratic and non-democratic legislatures alike. 'The distinctive elements of legislative institutions and the legislative stage of policy-making', as Noble (2020:1425 emphasis in original) points out, 'are the very *publicity* entailed by initiative introduction, as well as the formal procedures for initiative amendment'. From his specific study of the contemporary Russian State Duma, Noble (2020:1445 emphasis in the original) draws the conclusion (which is more widely generalisable) that it is 'important to look inside [the black box] of legislative bodies and the parliamentary stage of lawmaking. Legislatures can matter *as institutions*, even if legislators, on the whole, do not'.

Alongside the openness, the publicity, afforded by 'stagist' legislative processes, a further 'legitimizing mechanism' ascribed to legislatures is accountability. And here we will focus exclusively upon accountability as a procedural criterion of throughput legitimation, rather than upon standard analytical prisms of principal-agent theories, or conceptions of vertical, diagonal and horizontal forms of accountability (for overviews see Bovens 2006; Bovens et al. 2014). In essence, legislatures in liberal democracies serve as public forums that compound

formal procedures, inter-institutional dependencies, and hierarchies of obligations into an 'accountability complex'. They are 'public' both in the sense of being communal institutions and in the sense of conveying the values of openness or transparency in their activities. They systematise and interconnect requirements for state actors (political and administrative executives, state agencies and associated public organisations at multi-levels) to account for their actions and outputs. Institutionalised processes – of questioning and interpellation; committee oversight and scrutiny; motions and debates; petitioning, confidence requirements – provide the procedural frame within which political accountability can be effected (for an overview see IPU 2017). In this respect, legislatures are 'particularly well suited to serve as society's main forums for democratic accountability' (Crum and Curtin 2015:65).

Significantly, recent decades have also witnessed in many legislatures institutional initiatives and procedural changes designed to enhance throughput legitimation through more inclusive and open engagement with citizens and civil society organisations (see, e.g. Leston-Bandeira 2019; Walker et al. 2019; Hendricks and Kay 2019; Murphy 2020). More broadly the promotion of intra-institutional good governance, accessibility and inclusiveness, as well as the extra-institutional engagement and participatory capacities of legislatures, has been advanced by international organisations (such as the Inter-Parliamentary Union and the Commonwealth Parliamentary Association), as well as through bilateral and multilateral knowledge exchange programmes.

In a Covid-19 world, preliminary assessments of the response of legislatures to the Coronavirus pandemic highlighted the need to reaffirm the principles of 'parliamentary oversight and scrutiny, democratic accountability, transparency, legitimacy at all stages in the legislative process' (Cormacain and Bar-Siman-Tov 2020:9). Correspondingly, immediate evidence of the need for sustaining throughput legitimation processes in a time of Covid-19 has also been provided across a range of legislatures (see e.g. Popelier 2020:149-51; Malloy 2020:306; Rayment and VandenBeukel 2020:383; Chaplin 2020:122). The symbolic importance of the very 'presence' of legislatures was also magnified at this time. Legislatures around the world, when contemplating physical closure on public health grounds, were immediately confronted with the dilemma that 'shutting down' was not simply a rational public health response but was also 'a symbolic act' (Prior 2020). Indeed, the powerful symbolism of continued parliamentary presence – even if virtual – was apparent across all states (IPU 2020b).

The importance of the symbolism associated with legislatures was evident long before the Covid-19 crisis. Easton (1975:446), over four decades ago, noted the contribution of

institutional 'rituals', 'ceremonies' and 'symbols' to the generation of diffuse support. The 'symbolic intent' (Parkinson 2012:95) of the very architecture of legislatures has been recognised, with legislative buildings designed as powerful symbols of the institutional centrality of legislatures within state systems (Rai 2010:285). However, recognition has also been afforded to the proposition that the legitimating effect of architectural symbols is not intrinsic but is interpreted (Parkinson 2012:07; Judge and Leston-Bandeira 2018:5). Whereas, the symbolic intent of the architects and designers of legislatures may be to 'bring the nation symbolically under one roof' (Saward 2010:91), that unifying and inclusive intent may be interpreted differently by key segments of the state's citizenry.

Indeed, empirical studies across the world reveal how physical spaces, in the architecture and internal design of legislatures, and parliamentary ceremonies and rituals have come to be interpreted as reflecting the preferences of dominant groups. These findings appear to constitute a fundamental challenge to the throughput legitimation claims of legislatures, and so we might have been expected to have dealt with them in the preceding section. Counterintuitively, however, they also point to the importance of legislatures as sites of contestation. It matters, as an issue of concern, therefore, that the organisational structures and norms of legislatures continue to discriminate, both formally and informally, against the full and equal participation of females and minority group members. It matters especially because there has been a growing recognition that 'when inclusive [when diversity sensitive], a parliament has the potential to become a much more effective political institution' (Childs 2016:6). Indeed, in Child's (2016:6) estimation, one key dimension of the effectiveness of diversity sensitive legislatures is 'enhanced legitimacy'. It matters, therefore, that legislatures provide a focal public space within which norms, rules, rituals and symbols – underpinned by sexism, racism, (dis)ablism and homophobia – are contested, 'disrupted', and reframed in a transformative manner (Rai 2010:292; Lombardo and Meier 2014:152-3, 2018:328-9; Rai and Spary 2019:347).

Conclusion: do we still really need to ask why legislatures matter?
Obviously, our answer to this question is: yes. We do not contend that we are alone in asking this question or in framing our answer in terms of legitimation. As we noted at the outset, some of the most eminent comparative legislative scholars were well aware, some 50 years ago, of the significance of legitimation in explaining the importance of legislatures. In the intervening decades the elemental significance of such legitimation has continued to be recognised either as simply one function, among many, of legislatures (see e.g. Leston-Bandeira 2004:6-10; Norton 2013:9-12) or, more broadly, as a normative or aspirational benchmark of democratic government at various levels (see e.g. Lord and Beetham 2001; Beetham 2006; Lord 2019).

In treating legitimation as a discrete function exercised by legislatures, the first approach has difficulty in explaining the distinctiveness and authenticity of the legitimation capacities of legislatures when compared to the legitimation claims of electoral and non-electoral modes of representation, and to other collective decision-making institutions and organisations. In treating legitimation as something of a normative benchmark, the second approach places legislatures at the analytical core of how states (at multi-levels) might claim 'justified political power' (Lord 2019:116) but without explicating fully how legislatures serve to substantiate those claims (especially in non-democratic states).

It is one thing to ask why legislatures matter, as we have done in this article. It is another to provide answers to this question. We have attempted to sketch one answer focused upon the involvement of legislatures in processes of state legitimation in democratic and non-democratic states alike. It is a sketch in the true sense of the word in providing a rough outline as to why legislative scholars need to step outside the familiar boundaries of legislative analysis or normative evaluations of legitimation. If we are intent on mapping-out the terrain of legitimation *processes* then we need to acknowledge how others perceive that terrain (often from critical and deprecatory perspectives on legislatures), and how legislative analysis can address some of the broader questions posed by other political scientists.

One particular thorny issue to address, arising from our answer provided in this article, is how to tackle the conundrum of public trust and confidence levels in legislatures. Further advancement of our understanding of legitimation processes requires engagement with the empirical and analytical complexities associated with this issue. The starting point would be to clarify the appropriateness of existing measures of trust and confidence – which tend to assume static conceptions of institutional competence and of public understandings of that positioning – when applied to *dynamic* processes of legitimation.[12] An associated objective would be to explicate the continuing analytical utility of Easton's notion of diffuse support. As noted earlier, Easton (1975:447) maintained that trust or confidence was typically an expression of diffuse support for 'the political authorities or regime'. Significantly, however, Easton's focus of attention, and that of subsequent studies following his lead, was primarily upon how citizens perceived the legitimacy of state institutions and state regimes. In distinction, our focus has been upon legitimation and the dynamic processes which seek to secure and sustain claims of the rightfulness – the authority – of state actions. Over four decades ago, Easton (1975:451) maintained that 'legitimacy has yet to receive the attention it merits in empirical research'. Our contention, now, is that more attention should be focused upon the processes of *legitimation* and how such legitimacy is procured, and, especially, upon the significance of the involvement of legislatures in those processes. Having sketched an

answer as to why legislatures matter, what is now required is further conceptual clarification, and empirical testing and substantiation of that answer.

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Notes*

* References in these notes can be found in supplemental material.

[1] 1. For an overview and critique of these approaches see Obler (1981).

[2] Manifestly many innovative and sophisticated threads of legislative scholarship and analysis have been pursued in recent decades, including, notably, historical institutionalist, feminist, anthropological, interpretivist, and performative approaches (see respectively, e.g., Kelso 2009; Celis and Childs 2020; Crewe 2015; Geddes 2020; Rai and Spary 2019; for comprehensive overviews of advances in legislative analysis see Martin et al. 2014; Benoît and Rozenberg 2020). Nonetheless, these approaches have provided, in essence, new perspectives with which to answer 'what' 'and 'how' questions.

[3] Packenham uses the term function in the sense of 'consequences'; insofar as the actions of legislatures have consequences for political systems. And it this meaning that he believes has universal application. He distinguishes this meaning from 'functional requisites' as a listing of functions that legislatures are assumed to perform.

[4] See, e.g., Rosanvallon, 2011; Beetham 2013; Knight and Schwartzberg 2019.

[5] For example, Golder and Ferland (2018:213) openly ascribe a holistic, 'stagist' view of representation, where 'representation occurs in stages. Citizen preferences are translated into votes, votes are translated into legislative seats, legislative seats are translated into governments, and government proposals are translated into policies'. In part, the emphasis upon particular stages reflects the differential costs of data analysis: with studies to examine congruence and responsiveness in relation to electoral, party, or executive institutions able to draw upon readily available cross-national data, relative cost-effective survey analysis, and the use of standardised comparative methodologies (see e.g. Dalton 2017:614; Golder and Ferland 2018:219-28); whereas legislative institutions pose more of an empirical challenge (see Golder and Ferland 2018:224; Hanretty et al. 2017:237-8; 241-3).

[6] On electoral system effects see e.g.: Franceshet et al. 2012; Hughes et al. 2017; Krook 2018; Taylor-Robinson 2014: Matland and Studlar 1996; McAllister and Studlar 2002; Reher 2018: Ruedin 2010; Childs and Lovenduski 2013; Stockemer 2018; Kubo and Lee 2017; Urbatsch 2016
On party effects see e.g.: Lovenduski 2005; Webb and Childs 2012; Childs and Kittilson 2016; Kostadinova and Mikulska 2017; Stockemer 2018; Franceschet et al 2012; Archenti and Tula 2017; Lawless 2015; Culhane and Olchawski 2018.

[7] Some have focused upon issue specialisation and its effects (see Taylor-Robinson 2014:253; Pearson and Dancey 2012:496; Lawless 2015:359; Atkinson and Windett 2019:770; Volden et al. 2018:692); Barnes and Jones 2018:132 Piscopo 2014:15; Zetterberg 2018:205; Clayton et al. 2018:25; Yoon 2011:89-90; Bauer 2012:375-8; Wilson 2010:1057-9; Wallace 2014:925; Minta 2009:210). Others have examined policy congruence, (see Dolan 1998:90; Griffin et al. 2012:41; Clayton et al. 2018:15,25; Wängerud 2009:62-3; Dingler et al.'s (2019:311-12; Hänni 2017:121; Bowen and Clark 2014:697; Kroeber 2018:912; Whitby and Kraus 2001:566-71).

[8] Although controversial, the diffusion of reserved seat quotas (a subset of legislative quotas) – to secure gender and minority representation – have, in the words of Hughes (2018:114), 'led to real and significant transformations in some countries, literally changing the faces of political power'. Some 27 legislatures, mainly in Africa, the Middle East, South Asia, along with China, use reserved seat quotas to set a threshold of seats to be occupied by women (IDEA 2020). Some 28 countries use ethnic reserved seat quotas in their main legislative chambers to assure minority representation. Such guarantees of minority group representation in deeply fissured multi-ethnic, multi-lingual, multi-religion societies have proved to be of significance in precluding secession or civil war, or as formal recognition of the cultural and ethnic diversity claims of identity-based social movements (Htun 2004:440).

[9] See Rasch 2014, Koss 2015, 2018; Huber 1992; Brouard 2005; Jenkins and Munroe 2016; Cox 2008; Cox and McCubbins 2011; Muller and Sieberer 2014; Hix and Noury 2016.

[10] Executive hierarchies are evident, most particularly in cabinet and ministerial positions in parliamentary systems (see, in the case of the UK, Shugart 2008:353; Hailsham 1978:22; Judge 1993:143; Flinders 2002:30; Kelso 2009:19). Legislative leadership hierarchies are structured around institutional positions such as presiding officers, speakers, presidents, and committee chairs (see Blackburn and Kennon 2003:203; Loewenberg 2011:63; McKay and Johnson 2010:44; Green 2010:12; Oleszek et al. 2015:22). Party hierarchies are headed by, for example, party caucus chairs, party whips, party fraction leaders (for Europe see, e.g., Blumenau 2016:13-18; de Vet and Wauters 2016:3; see also Heidar and Koole 2000; Saalfeld and Strøm 2014:374-6; for the US see, e.g., DiSalvo 2014:166; Curry and Lee 2019:47; Davidson et al. 2018:141).

[11] In the case of women, see e.g. in the UK, Crewe 2015; Childs 2016; Lovenduski 2012; in India, Rai 2010; 2014; Johnson and Rai 2014; Rai and Spary 2019; in South Africa, Hasson 2010; in Sub-Saharan Africa, Bauer and Britton 2006; in Argentina, Franceshet and Piscopo 2008; in Belgium, Celis and Wauters 2010; and more broadly see Armitage et al. 2012:329-333; O'Brien and Piscopo 2019:61-2.

[12] For overviews of some of the complexities see e.g. Judge 2014:35-46; Schnaudt 2019:21-71; Martini and Quaranta 2020:23-51; Devine et al. 2020; Warren 2019:75-94.