# The Digital Transformation of Parliaments and Implications for Democratic Representation

## Thomas Saalfeld, Dmytro Lutsenko, and Marie-Madeleine Eklund

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### **ABSTRACT**

Using examples from the German Bundestag and the British House of Commons, this chapter charts some of the developments being adopted by parliaments in their digital transformation. It also assess some of the broader normative implications for democratic representation, including questions of executive accountability vis-à-vis the legislature and explores more individualised styles of representation that have challenged the virtual monopoly of political parties in organising voter communication.

#### **ABOUT THE AUTHORS**

Thomas Saalfeld is Professor of Political Science and Vice President for Research at the University of Bamberg. His work has appeared in many international journals, focusing on legislative organisation, the representation of immigrants in European democracies, legislative behaviour, parliamentary accountability and coalition government in European democracies.

Dmytro Lutsenko is a doctoral researcher and Fellow at the University of Bamberg Graduate School of Social Sciences. His research interests include party politics, political communication (especially online communication and the study of political rhetoric).

Marie-Madeleine Eklund is a researcher at the German Bundestag and is reading for an MA degree in Political Science at the University of Bamberg.

### INTRODUCTION

The digital transformation of parliaments has improved the working conditions for legislators and their support staff on the one hand and citizens' access to parliamentary records on the other. Parliaments have opened digital channels for citizens to submit electronic petitions. The COVID-19 pandemic has forced parliaments, which have had a strong culture of personal meetings, to employ 'digital and technological alternatives to the traditional physical-presence and paper-based legislative process' (Bar-Siman-Tov, 2020a: 17). The longer-term effects of these adjustments to a crisis remain to be seen. Yet the digital transformation has gone beyond parliaments as formal institutions: parties and candidates for legislative elections have increasingly relied on digital forms of communication. Social media have become far more important in structuring legislators' communication with constituents, voters, and their parties' grassroots. This chapter charts some of these developments, with illustrations mainly from the German Bundestag and the British House of Commons. We assess some of the broader normative implications for democratic representation, including questions of executive accountability vis-à-vis the legislature. In this context, we also argue that more individualised styles of representation have challenged the virtual monopoly of political parties in organising voter communication, and that established parties have lost some of their organisational advantages over new parties.

## DEMOCRATIC REPRESENTATION AS CHAIN OF DELEGATION AND ACCOUNTABILITY

Digital transformation has affected many actors around legislatures and the entire process of

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democratic representation. This includes parliamentary members, but also parliamentary party groups, governments, legislative staff, journalists, interest and advocacy groups, professional consultancies and lobby firms, the providers of digital services, and, not least, citizens.

Advocates of principal-agent models in the study of democratic government have modelled representation as chains of delegation and accountability where the voters are the ultimate principals who delegate policymaking powers to legislators in the chamber as their agents. Simultaneously, legislators are agents of their extra-parliamentary parties and the leaderships of their parliamentary party groups in the chamber. Carey (2007) speaks of 'competing principals' in this context. Not only do Members of Parliament (MPs) serve as their constituents' and grassroot organisations' agents to represent the (possibly competing) interests of these groups, but parliamentarians in parliamentary systems of government are simultaneously principals of the government as they elect (or select) a head of government as the agent of the parliamentary majority. In a further link of the chain, the head of government is simultaneously agent of the parliamentary majority and the principal of the members of his or her cabinet. In the final link of the chain, the cabinet members are agents of the head of government and principals of officials in their ministries and executive agencies where policies are both prepared and implemented. The focus of principal-agent models is on the information principals have about agents who may communicate strategically, if their own interests differ from the principals' preferences.

One reason for the important role of information is the normative notion of the chain of delegation sketched here being mirrored by a chain of accountability, which runs backwards from the bureaucracy, via ministers, the head of government,

and legislature back to the voters (Strøm, 2000). The extent to which democratic principals in this chain can ensure agent accountability depends on their ability to tackle two informational problems, namely the risks of delegation - adverse selection (selecting an unsuitable agent) and moral hazard (opportunistic behaviour of the agent against the interests of the principal). Institutions such as the procedures for candidate selection may offer principals certain controls before delegation (e.g., institutionalised screening of agents or contract design) or after it (e.g., through monitoring) (Kiewiet & McCubbins, 1991; Saalfeld, 2000). The risk of adverse selection based on incomplete information on a candidate's suitability is, for example, reduced through the competitive rules of intra-party candidate selection (e.g., in primaries or more representative procedures) and electoral campaigns in which candidates must prove their abilities in full public view and are exposed to intense media scrutiny. The risk of moral hazard can be reduced through legislative rules of procedure where law-making, debates about the record of legislators in government, and about any alternative policy proposals offered by the opposition are exposed to citizens.

This model obviously constitutes a strong oversimplification but illuminates some of the key issues of agency theory: interaction between different actors pursuing their own interests where agents tend to have informational advantages over their principals. This informational asymmetry may be so strong that agents are relatively unconstrained to pursue their own preferred policies, even if those policies conflict with the principal's preferences. If agents are free to do so at any link of the chain, their democratic accountability is in jeopardy. In fact, accountability depends on the informational asymmetry at the weakest link in the entire chain (wherever it may be located; see Strøm, Müller, & Bergman, 2003).

The quality of representation depends on the availability and control of information at every link of the chain. Access to, use of, and control of digital information may affect both the ability of agents to hold principals to account. There has been a considerable amount of scholarly discussion about whether the expansion of digital information increases the informational gap in the agents' favour (e.g., the informational advantages of ministers vis-à-vis members of the legislature, especially those not belonging to a government party) or whether it has reduced the gap and empowered democratic principals.

This includes studies of the use of modern information technology in legislatures (Zittel, 2004; Theiner, Schwanholz, & Busch, 2017), the potential for more efficiency in parliamentary procedures and processes (Voermans, Fokkema, & Van Wijk, 2012), the transformation of political parties (Cunha & Voerman, 2007), the modernisation of parliaments in new democracies (Gostojić, Ledeničan, & Gršić, 2020), the opportunities to expand democratic participation and deliberation (Hilbert, 2009), and the risks of excluding citizens from access to government and public services (Ranchordas, 2020).

## HOW DIGITALISATION HAS IMPROVED PARLIAMENTARY INFORMATION

Digitalisation has improved both citizens' ability to access information on legislators and legislative proceedings (i.e., reducing the informational gap between citizens as the ultimate democratic principals and their elected representatives). It has also improved the support the legislatures' research services were able to make available to legislators. This, in turn, may have helped to reduce the informational disadvantage of legislators vis-à-vis their agents in government.

Turning first to the link between citizens and legislators, television has been the main medium offering public information on legislatures and legislative proceedings in most liberal democracies since the 1950s. Nevertheless, television footage has not necessarily improved public understanding of how legislatures work. For example, the focus of media coverage in the German Bundestag is on clashes between, or rows within, the parties, or on empty seats in plenary sessions, rather than the day-to-day work legislators carry out in parliamentary committees or in their constituencies. Not least for this reason, parliaments have increasingly expanded television coverage of their proceedings. In the British House of Commons, televising parliamentary procedures was proposed for the first time in 1964, but it was not until 1989 that the first plenary debate was televised in the Commons, after the House of Lords had started televising its debates in 1985 (UK Parliament, n.d.).1 Many parliaments established their own parliamentary television channels (e.g., Parliament TV in the UK or Parlamentsfernsehen in Germany). The footage is offered free of charge to public and private television stations and has increasingly been used by private news channels and legislators themselves (e.g., Feldkamp & Ströbel, 2005: 795-796).

In addition, parliaments have vastly enhanced their internet-based information to the public covering both history, rules of procedure and current developments. Their administrations have generally sought to make the pages more accessible to people with special needs and non-native speakers.2 Not least, they have made available numerous legislative databases through their websites providing online access to important documents (e.g., parliamentary debates, questions, information on votes, information on the progress of bills in the chambers and other reports). Increasingly, legislatures have improved access to their databases further through open-data interfaces such as the Open Data page of the Bundestag in Germany.<sup>3</sup> In some cases, independent actors have sought to enhance these services, including the British platform 'TheyWorkForYou',4 which in its words 'takes open data from the UK Parliament, and presents it in a way that's easy to follow - for everyone'. Many legislatures also maintain their own channels on YouTube, producing a record of individual speeches that legislators themselves can link to in their individual social media outlets or on their personal web pages.5

The open data provided by legislatures have also been utilised by non-governmental organisations to present them so that citizens can follow the activities of their representatives, including their speeches and voting in the chamber.<sup>6</sup> Other services have specialised to make party finance, lobbying activities or donations more transparent, and provide citizens with a channel to send questions to their representatives.<sup>7</sup>

While the digitalisation of parliamentary records and services has opened legislatures to citizens and thus enhanced accountability, it has also improved the information that legislators receive about the grievances of citizens. For example, Article 17 of the German Basic Law grants the country's residents the right to address petitions to executives and parliamentary chambers at federal and state levels. Petitions are written 'requests' or 'complaints' requesting legislation, administrative action, or the redress of particular grievances. If identical petitions are submitted or signed by more than one person, they are generally referred to as 'mass petitions'. With the introduction of e-petitions in 2005, it became possible to submit such petitions digitally. In this context, we can distinguish two types of e-petition: 'individual' (Einzelpetition) and 'public petitions' (öffentliche Petition). The former are submitted by individuals and are dealt with individually The digitalisation of legislative information has helped individual legislators and their parliamentary party groups to hold the government to account

without being publishing online. The latter are made public, revealing the original petitioner's identity. They can be signed online by further persons and often allow a public debate in an internet forum. Requests for public petitions are pre-checked by the clerks of the committee, ensuring that the issue is of sufficiently general interest and suitable for publication (Lindner & Riehm, 2009: 504).

According to Article 45c of the Basic Law, citizens' complaints and proposals are to be processed and, if considered necessary, followed up by the Bundestag's Committee on Petitions. Except for issues of national security, the federal government and the federation's administrative agencies are obliged to grant the Committee on Petitions access to all documents, information, and their premises. The Committee has the power to call witnesses and experts, including members of the federal government and the complainants. It can investigate a complaint directly in the relevant agency and at the appropriate level. It is obliged to inform the minister about its investigation, but does not need the minister's approval. It cannot, however, investigate matters that were not explicitly referred to it in a specific complaint.

Secondly, the digitalisation of legislative information has helped individual legislators and their parliamentary party groups to hold the government to account. Not only are legislative information systems available to legislators, but also to their research staff, the parliamentary party groups' staff, and the legislatures' research services. In the German case, the Bundestag's research services (Wissenschaftlicher Dienst) draw heavily on digital information and databases to retrieve and present independent information to the research staff

of individual legislators and of the parliamentary groups. The Bundestag's research services have been an important driver of the digital transformation of the Bundestag in recent years.

An important driver of accelerated digitalisation was the COVID-19 pandemic that affected legislatures globally (Bar-Siman-Tov, 2020a, 2020b; Cormacain, 2020). Not only did it strengthen the executive (Griglio, 2020; Petrov, 2020), but it also forced legislators to rely more strongly on digital communication, including the use of digital messenger services. In the case of the German Bundestag, for example, staff members report that the messenger application Signal has become the most widely used communication tool among legislators and their administrative and research staff, who own various groups to exchange information and coordinate their work more quickly and efficiently than in the past.

Nevertheless, one aspect that has held back digital communication within legislatures and between legislators and public agencies is concern about cybersecurity. The German Bundestag, for example, has been the target of several attacks infecting the systems with malware or spying software since 2015. These have included the chamber's internal computer network (Parlacom). Therefore, the legislature passed additional measures to protect critical information technology infrastructure in general, including the Bundestag's networks. Nevertheless, there is a widespread view among legislators that digital communication may introduce risks as well as opportunities.

## DIGITALISATION, INDIVIDUALISATION, AND THE PERMANENT ELECTORAL CAMPAIGN

Empirical work on the motivations and behaviour of legislators has tended to emphasise their desire to get re-elected as a crucial variable to build theoretical models. The 'electoral connection' has been shown to drive legislators' individual behaviour in the US Congress (Mayhew, 1974) as much as the legislative behaviour of political parties in less candidate-centred systems (Strøm, 1990). Therefore, individual and partisan behaviour in legislative chambers can be seen as part of 'a continuous election campaign' as Crick (1964: 246) pointed out in his much-cited phrase. The main idea is that elected representatives tend to use their time in the legislature to maintain or enhance their chances of getting re-elected (Blumenthal, 1982).

In classical Westminster systems, the two-party system, supported by the first-past-the-post

electoral system, single-party majorities and high levels of party unity tend to result in a highly competitive relationship between the government majority and oppositional minority. The minority has little direct influence on public policy (e.g., through policy work in committees). Rather, the system favours an adversarial relationship between government and opposition with the minority publicly challenging the government's record in office, aiming to defeat the government at the next general election. While this competitive relationship between government and opposition has traditionally been seen as a 'continuous election campaign' between parties in parliamentary systems of government (King, 1976; Russell & Cowley, 2018), some scholars have observed a growing individualisation of representation as a result of technological change (the digitalisation of political communication, which triggered changes in the way representatives communicate with their electorates) (Zittel & Gschwend, 2008; Zittel, Nyhuis & Baumann, 2019). This may be the result of growing competition for reselection within political parties where candidate selection has become more inclusive and competitive in many extra-parliamentary party organisations. Incumbents still have advantages in most political parties, but in many liberal democracies local grassroots have become more assertive and more critical as far as their representatives' activities in the legislature are concerned.

The growing availability of digital information on legislators' attendance, activities, voting behaviour, links to interest groups, financial activities, and professional conduct in the chamber has enhanced representatives' accountability not only vis-à-vis voters but also in relation to the 'selectorates', that is, the bodies controlling candidate selection within political parties. As a result, political parties and candidates rely on professional and strategically planned communication with voters throughout the entire period of their term in office (Tenscher, 2013). Efficient communication becomes an everyday necessity. Although a significant part of this communication is still conducted through traditional media and party organisations, digital information has become far more important, especially for smaller parties and individual representatives and candidates (Zittel, 2009b).

The growing role of digital communication has changed the way various organisational elements interact in political parties and how the parties campaign. In the past 25–30 years, political communication has developed rapidly. The first phase of

this development involved the creation of websites used for the unidirectional transmission of political messages and for collecting donations (Jungherr & Schoen, 2013). Political parties and individual legislators and candidates created their websites including blogs designed to share their views on current issues and inform the represented about their latest activities. Individual representatives were able to reduce their dependence on their party organisations and the goodwill of the news media in this new form of unidirectional political communication (Zittel, 2009b).

In a subsequent phase, the expansion of social networks allowed politicians to respond even more easily to relevant events and obtain direct feedback from the interested public. The effect of these developments was ambivalent. On the one hand, social networks provided representatives and candidates with free online space for communication that allowed them to interact directly with voters and party grassroots. On the other hand, they began to feel the stress caused by antagonistic. offensive, and even threatening responses. In the most recent phase, digitalisation has led to further developments in campaigning, which has mainly benefited candidates with considerable financial resources and political parties: Data-driven political campaigning has allowed the application of sophisticated targeting methods used to mobilise voters in critical phases of campaigns. This can be observed particularly extensively in the USA where such data are used systematically to send narrowly targeted messages to voters both online and offline (Hersh, 2015).

In other liberal democracies, however, the institutional conditions were not suited to follow the lead of strongly data-driven electoral campaigns observed in the USA since the early 2010s. One explanation for the lack of micro-targeting in some European democracies such as Germany are the laws on data protection in the European Union that render the collection of data for campaigning purposes problematic (Kruschinski & Haller, 2017). Political parties in such legally constrained environments have had only direct mails and telephone banks at their disposal, which they have applied since the 1980s (Gibson & Römmele, 2009). In general, they have relied more heavily on door-to-door campaigning as their main source of data collection. Nevertheless, certain effects of digitalisation can be seen in such constrained environments as well. In 2013 and 2017, for example, apps were used successfully in German electoral campaigns to support

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volunteers in contacting voters directly (Jungherr, 2013, 2017).

The increased emphasis on online communication inside and around legislatures was further fostered by the COVID-19 pandemic when restrictions on public assembly drastically reduced the possibility for public rallies. As a result, politicians began to utilise social networks more systematically. Germany may serve as an example once again. Although German online campaigns had displayed developments towards a more extensive and qualitatively enhanced application of digital tools to communicate with voters since 2005, the 2021 Bundestag election - fought during the pandemic - appears to have been a watershed. Parties and candidates prepared extensive online campaigns systematically as traditional forms of campaigning were impossible to plan under the conditions of the pandemic.

Yet it has to be noted that the digitalisation of political campaigning has been Janus-faced. On the one hand, it has removed some of the disadvantages that smaller and new parties have in competing against larger and more established parties with better access to public media, superior financial resources, and a larger base of volunteers. This was, for example, reflected in the successful online campaigns of the German right-wing populist Alternative for Germany (AfD) and the Left party (Die Linke) during the 2017 general election. They conducted the most successful online campaigns on Facebook in terms of likes per day, shares, and engagements, being able to broadcast their messages to more voters on social networks than their mainstream rivals (Haller, 2017). From the perspective of theories

of democracy, these changes in the technology of political communication have removed some barriers for small and new parties. At the same time, populist and polarising parties have been particularly successful in using these tools. Apart from the examples mentioned above, this has included the campaigns of Donald Trump (Schneiker, 2019) or the Brexit campaign in the UK.

Not only has the digitalisation of political communication had profound effects on political parties and their organisations (e.g., Saalfeld & Lutsenko, 2022), it has also affected individual legislators. In his comparative study based on data from the early 2000s. Zittel (2010) found significant cross-national and inter-individual differences in the way legislators used digital tools in their political communication. In comparison to the USA and Sweden, German Members of the Bundestag were late adopters. Zittel also demonstrated that the mere availability of digital means of communication does not mean that all legislators adopt them to the same extent. Although Facebook, Twitter, Instagram, and TikTok have become generally more important for individualised communication, variations in the adoption of such tools are not merely idiosyncratic or related to the age of candidates (younger candidates being more likely to employ social media in their personal campaigns than older ones). Zittel (2009a, 2009b, 2015) found that both Germany's electoral 'personalised system of proportional representation' (Saalfeld, 2005) and the strategic calculus of candidates had a significant impact: all else being equal, candidates seeking to get elected in single-member district races and candidates with high levels of electoral vulnerability were more likely to exploit the entire range of digital communication than candidates seeking election via their parties' regional lists or candidates whose re-election is relatively certain, because they run in 'safe seats' or had relatively safe positions on their parties' lists.

## DISCUSSION

The digitalisation of political communication has begun to affect democratic representation and accountability profoundly. Adopting a principalagent framework to model the different stages of democratic representation in liberal democracies, we have argued that the digitalisation of political information and communication has affected both the direct links between (a) voters and legislators and (b) legislators and executives. In addition, it has affected the role of intermediary actors in the

process of delegation and accountability, especially political parties (selecting candidates for legislative office and controlling individual behaviour in the legislature) and the mass media (traditionally being gatekeepers in the communication between elected politicians and citizens).

Studies of parliamentary bureaucracies have highlighted their role as "silent" organisations playing a fundamentally serving function', and offering 'a crucial contribution to the well-functioning of representative assemblies' (Christiansen, Griglio, & Lupo, 2021: 477). Using the British and German parliaments as examples, we have shown how parliamentary bureaucracies have exploited the opportunities of digitalisation to enhance the information required for democratic accountability to work in legislatures. The digital channels have improved the information accessible to citizens, legislators, and parliamentary parties; they have enabled new forms of communication and linkage. This process has been further accelerated during the COVID-19 pandemic when the possibility for in-person meetings was severely restricted in many legislatures.

We have also argued how political parties, individual candidates, and representatives have actively used digital tools to advance their chances of getting re-elected. While research has established some idiosyncratic patterns and established generational differences, empirical studies have also shown that institutions (e.g., laws on data protection or electoral laws) and electoral strategies have been effective predictors of variations in the adoption of digital tools. This is particularly observable in analyses of electoral campaigning.

While the digitalisation of political communication has reduced the traditional function of mass media as gatekeepers, it has strengthened the role of some independently funded non-governmental organisations (such as the British 'TheyWorkForYou' or the German 'abgeordnetenwatch.de') providing information and enhancing the accountability not only of governments, but also of individual legislators vis-à-vis their voters. The availability of technology has empowered citizens' initiatives such as the crowd-funded Hellenic OCR Team to provide digital access to parliamentary records.8 Open data strategies pursued by legislatures themselves have also allowed data journalists to analyse legislative behaviour more systematically than ever before. Similarly, academic institutions have provided digitally generated information on the political biographies of legislators to an academic audience (Göbel & Munzert, 2022).

There is limited research on the effect these developments have had on individual parliamentary behaviour. Evidence from the House of Commons suggests that some MPs responded strategically to digital monitoring, increasing the quantity of certain visible activities on the floor of the chamber, including speeches and parliamentary questions. In some cases, however, this increased quantity of activities has been symbolic and not always added to the quality of representation. Summarising anecdotal evidence, Korthagen and Dorst (2020: 155) noted that in many cases these MPs 'did not speak of anything of substance, and this therefore skewed the totals for individual MPs and compromised the integrity of the information being provided to citizens'.

Not only has the availability of more and more sophisticated means of political communication and data collection on potential voters contributed to a trend towards more individualised representation in party democracies, but it has also improved the chances for smaller and emerging political parties to compete in the electoral arena. It remains to be seen whether this has reduced the tendency towards 'cartel parties' in many advanced liberal democracies (Katz & Mair, 1995). While this effect has the potential for improving the electoral accountability of incumbent parties and legislators, it has also demonstrated the potential of digital platforms to become catalysts of political polarisation, undermining representative institutions in liberal democracies. Beyond the signs of growing polarisation in many liberal democracies, individual candidates and legislators have also had to deal with adverse effects such as emotionalised, offensive, and threatening feedback from citizens active on social media. Not least, the growing reliance on the processing and exchange of digital data has increased legislatures' and legislators' vulnerability to external attacks on the legislature's digital infrastructure. While there is little evidence that digitalisation has compromised the confidentiality of formal parliamentary meetings, the leaking of exchanges on digital messengers or running commentaries via Twitter on difficult parliamentary negotiations have a potential to undermine trust and communication, as may have been the case in the German coalition negotiations in 2017 (Siefken, 2018). In short, the digitalisation of political communication around legislatures is a multifaceted phenomenon that entails threats as well as opportunities for democratic accountability.

#### NOTES

- 1. https://www.parliament.uk/about/living-heritage/ evolutionofparliament/parliamentwork/communicating/ keydates/commonsproceedingstelevised/.
- 2. For example, https://www.bundestag.de/ and https://www. parliament.uk/.
- 3. https://www.bundestag.de/services/opendata. For example, the Bundestag makes the report on plenary sessions in available PDF, XML, and JSON formats.
- 4. https://www.theyworkforyou.com/.
- 5. https://www.voutube.com/c/bundestag/videos for the German Bundestag, and https://www.youtube.com/user/ UKParliament/videos for the British House of Commons.
- 6. For example, https://www.theyworkforyou.com/.
- 7. For example, https://www.abgeordnetenwatch.de/.
- 8. https://hellenicocrteam.gr/.

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