

Introduction:

Parliaments and security policy – control, legitimacy, and effectiveness

First Draft, July 12, 2016

Political debates and research about parliaments and security policy

The role of parliaments in security policy has become a matter of intense debate both in politics and in research. Especially in European politics, we witnessed a growing interest in involving parliaments in matters of security policy after the Cold War. The reasons for this lay in two developments, in particular. For one, the increasing prominence of robust peace-keeping, peace-making, and military interventions in foreign conflicts made the deployment of troops for many states a matter of voluntary political choice rather than a potential defensive necessity. The obvious question then, was how to make these decisions and which political actors to involve. In Central and Eastern Europe this coincided with processes of democratization in which the role of parliaments in policy-making, in general, had to be worked out.

Debates about the adequate relationship between the executive and parliament in the security realm are still in full swing. In Britain, for example, a cross-party consensus emerged in support of involving parliament in decisions on war, after the Iraq War had been regarded as a failure by wide parts of the political elite and the public at large (Kaarbo and Kenealy, 2016; Strong, 2015). Likewise, Spain introduced a parliamentary deployment law as a consequence of the decision to participate in Iraq and France recently saw a constitutional reform that gave parliament more influence on military deployments. In other states, a weakening of the role of parliaments is being discussed. In Germany, for instance, the current *Bundestag* established a commission to reassess parliamentary oversight procedures which, in its final report, suggested several options for reform, including a reduction of existing oversight powers.¹ Japan has recently witnessed what observers have interpreted as a weakening of parliament vis-à-vis the executive in the area of security policy (Sakaki and Lukner, 2015). In the US, efforts at reforming executive-legislative relations in the security realm have been going on for decades centering especially on the War Powers

¹ Kommission zur Überprüfung und Sicherung der Parlamentsrechte bei der Mandatierung von Auslandseinsätzen der Bundeswehr. 2015. "Abschlussbericht der Kommission", Drucksache 18/5000. <http://dip21.bundestag.de/dip21/btd/18/050/1805000.pdf> (accessed June 17, 2016).

Resolution, which has remained contested among political actors since its introduction in 1973 (Auerswald and Cowhey, 1997). Debates about the role of parliament have also reached the EU level where there is disagreement about the parliamentarization of EU security policy not only between Members of the European Parliament and member state governments but also between European MPs and member state parliamentarians (Herranz-Surrallés, 2011).

Such political debates could benefit much from research on the role of parliaments in security policy. Two key questions are at stake in these debates and empirical studies could certainly have contributed to answering them. First, what are the potential *effects* of involving parliaments in the decision-making on security matters at all – in terms of both policies and politics? Does parliamentary involvement foster peace and does it result in a reduction of policy failures and in better-informed political debate? Secondly (and, in a way, prior to the question about the effects of parliamentary involvement), what are the *determinants* of parliament's role in security policy? That is to say, how important are parliament's formal competences for the role that it plays? Which other aspects of political life constrain or enable parliamentarians in affecting security policy and how do they interact with parliament's constitutional position?

When political debates about parliamentary involvement in security policy intensified after the end of the Cold War, little research had been done that would have provided answers to these questions. To be sure there had been some work on the role of the US Congress in security policy but it was unclear how insights from the US presidential system could be transferred to the European context, where parliamentary democracies were in the majority. In the past years, however, we have seen the emergence of a field of research that deals more extensively with parliamentary involvement in security affairs in Europe as well. For some time, this research has focused on describing executive-legislative relations, either through intensive case studies of individual reform processes or by comparing institutional arrangements in different countries. Much of this research focused on parliament as a whole and the formal competences it possessed vis-à-vis the executive. More recently, however, we see a move towards more nuanced analyses that look at parliaments, their composite parts, and their roles in the political process in more fine-grained ways.

In this introductory paper, we will review the literature on parliaments in security policy, with a special emphasis on parliamentary systems, and highlight the move towards more fine-grained analyses. We will outline four avenues for research, in particular, which we consider especially promising for developing a more differentiated view of parliaments and the possibly ambivalent role that they can play in the security realm. Such research goes (1) beyond a dichotomous treatment of parliamentary influence; (2) beyond an exclusive focus

on formal competences; (3) beyond treating parliament as a unitary actor; and (4) beyond an exclusive focus on individual national parliaments.

Parliamentary involvement in security policy

While comparative perspectives on parliaments and security policy remain the exception, there is an established and growing literature on the relationship between the United States Congress and the Presidency over matters of foreign and security policy, particularly in the field of war powers (Auerswald and Cowhey, 1997; Böller, 2015; Fowler, 2015; Glennon, 2003; Grimmer, 2001; Hallett, 1998; 2012; Howell and Pevehouse, 2005; 2007; Scott and Carter, 2014; Zeisberg, 2013).

In this context, many authors have noted the paradox that arises from the constitutional authority of Congress, on the one hand, and political practice in legislative-executive relations, on the other hand. As Glennon underlines, the US Constitution “provides that war shall be declared by Congress – yet armed force has been used well over 200 times throughout its history, and in only five conflicts has Congress declared war” (Glennon, 2003: 323). This seeming lack of legislative influence on executive foreign and security policy resonates with a widely-held view of Congress as the “broken branch” (Mann and Ornstein, 2006).

However, an exclusive focus on the ex ante authorization of military deployments arguably underestimates other means of congressional influence on security policy. Besides the option to use informal channels to influence the executive, there are three ways in which Congress can put constraints on presidential conflict engagement: passing legislation that mandates congressional consent for prospective actions, specifying how certain funds can be used (to support its favored policies), and withholding military appropriations for ongoing deployments (Auerswald, 2000: 34). For instance, refuting the notion that Congress is irrelevant in terms of influencing the presidential use of military force, Howell and Pevehouse document “a clear connection between the partisan composition of Congress and the quarterly frequency of major uses of force” (2005: 209).

The study by Howell and Pevehouse indicates that, to appreciate the effects of Congress on US security policy, it is important to look beyond its formal powers and beyond how Congress acts as a unitary actor. This, however, is rarely done. As Böller (2015: 625) points out, the US war powers literature, by and large, suffers from three shortcomings: a concentration on the president rather than the legislature, a formal-legalistic view of congressional influence, and a misguided conception of Congress as a unitary actor.

Comparative studies tended to reproduce the focus on formal powers and parliaments as unitary actors. Such studies emerged especially in the 2000s and demonstrated that there is

substantial variance in the formal-institutional oversight powers of parliaments among consolidated democracies (Born et al., 2008; Dieterich et al., 2010; Wagner et al., 2010). While some countries like the United Kingdom and France, traditionally grant extensive powers to the executive, other countries, like Germany, Denmark, and Sweden, give more power to parliament, e.g. by placing military deployments under mandatory parliamentary approval.

The effects of this variation on the actual influence of parliaments on decisions and the effect of this influence, in turn, on political debates and policy outcomes, are far from clear, however. It is unclear, for example, whether parliament's right to veto troop deployments actually poses a significant constraint on governmental use of force, whether it improves the democratic foundation of such deployments or contributes to their effectiveness. Even in countries that require parliamentary approval parliament rarely vetoes government decisions (cf. Brummer, 2014). Rather, such requirements might contribute to parliament making consensual cross-party decisions supporting deployments, which will make it difficult for voters to attribute decisions to specific political actors and thus undermine the mechanism of electoral accountability (Bueno de Mesquita et al., 1999; Reiter and Stam, 2002). Finally, some studies show that parliamentary oversight results in an increased number of *national caveats*, i.e. operational restrictions, which can lead to substantial problems for the effectiveness of multilateral operations (Auerswald and Saideman, 2014; Saideman and Auerswald, 2012).

There are no quick and easy answers concerning the determinants and effects of parliaments in security policy. Research around these issues is intensifying and it increasingly highlights the differentiations that are necessary to fully appreciate the role of parliaments in this field. Parliaments are not simply unitary actors and policy outcomes cannot be attributed to the formal-institutional position of parliament alone. Instead, more nuanced perspectives are needed to account for the impact of parliamentary involvement on security policy which take into account, for example, party politics and ideology, parliamentary majorities, and public opinion (Kaarbo and Kenealy, 2016; Kesgin and Kaarbo, 2010; Mello, 2012; 2014; Strong, 2015).

Parliaments and security policy: a research agenda

In the remainder of this paper we highlight four such differentiations that are beginning to emerge and that provide promising avenues for further research. The first two of these point to the many ways in which parliaments can become involved in security policies, whereas the third addresses the complex composition of parliaments and the final point turns to the complexities of the political environment in which individual parliaments are embedded.

Moving beyond a focus on the right to veto troop deployments

Past research has put particular emphasis on the most observable right through which parliament can affect security policy, the right to veto troop deployments. One of the larger data collections on parliamentary competences in the security realm focuses on the presence or absence of a parliamentary veto (Wagner, et al., 2010). The same holds for the attempt to explain variation of democracy's parliamentary control competences in the security realm (Peters and Wagner, 2014; Wagner, 2006). Similarly, parliamentary practice has also been examined with special attention to the question of whether parliament did or did not vote on a troop deployment (Born, et al., 2008).

Researchers, however, have also been aware that an exclusive focus on this aspect of parliaments' formal rights in the security realm would not do justice to the multitude of ways in which parliaments can affect security policy. Even if one were to agree that the veto over deployments lies at the heart of parliament's competences in this realm, things quickly become more complex. Peters and Wagner (2011) have demonstrated that even parliamentary veto rights come in many different shades and colors and that there is "a trend towards ever more differentiation" (Peters and Wagner, 2011: 187). There is hardly any parliament that would possess a generalized veto over all potential deployments. Rather, the right usually exists only for certain types of operations, depending on their size, their goals, or the multilateral settings in which they take place, and sometimes the right is delegated to special parliamentary committees. This differentiation indicates that the absence of a formal general veto over deployments does by no means imply that parliament does not have a formal right to participate in deployment decisions. Parliaments can, for instance, enjoy the right to be informed before troops are actually sent abroad and thus make their positions heard even if they are not allowed to co-decide on the issue.

To add to this, the formal ability of parliaments to influence deployments is not restricted to their ability to participate in the deployment decision itself. Dieterich, Hummel, and Marschall (2010; 2015) have provided a comprehensive classification of parliamentary "war powers", which does not only include parliament's participation in decision-making on military deployments but also its control resources during an operation, its ability to publicly debate operations and its ability to remove actors responsible for military operations from office. They could also demonstrate that such a more fine-grained typology helped to explain variations in the level of participation in the Iraq War. Building on such more fine-grained typologies and collecting more comprehensive data on parliamentary rights in multiple dimensions, either for individual parliaments or in a comparative perspective, will better enable us to understand how formal rules can enable or constrain parliamentarians in influencing security policies.

Moving beyond the analysis of formal sources of parliamentary influence

While formal parliamentary war powers are an important and formerly neglected source of variation among democracies, it is, nonetheless, important to note that parliamentary influence in security policy does not rest on formal powers alone. On the one hand, it requires more than formal competences to conduct effective parliamentary oversight and to influence executive policy-making. On the other hand, even parliaments with weak formal empowerment are sometimes able to affect security policy through other means. To capture this, Born and Hänggi (2005; 2004) introduced the influential three-fold distinction between “authority”, “ability”, and “attitude”. They argue that parliament’s ability to affect security policy hinges on the interplay of three factors, of which its formal legal rights (“authority”) are only one. What is also important, however (and what may, at times be even more important than the formal right to decide) are a parliament’s capabilities that enable it to become involved effectively (“ability”, i.e. parliamentary resources in terms of budget, staff, and infrastructure) and MP’s willingness to actually conduct effective oversight (“attitude”).

The German *Bundestag* serves to illustrate this point. While *Bundeswehr* deployments always require advance approval from parliament (“authority”), to date there has not been a single case of a parliamentary veto against a military operation suggested by the executive. To understand this outcome, it is apparent that MPs’ “ability” and “attitude” need to be explored. This should not imply, however, that parliament should be neglected as a veto player – but to identify tangible parliamentary influence analysts also need to investigate informal and indirect means of influencing executive policy and to look beyond the mere outcome of parliamentary votes into the formulation of actual policy.

This does not only mean that parliament’s formal powers need to be supported by parliamentary resources and the willingness of MPs to put them to use in order to become effective. Moreover, even parliaments with weak or deficient war powers may be able to influence policy in decisive ways if parliamentarians are determined to do so and employ their resources accordingly. It has been demonstrated, for example, that the Dutch parliament has been able to establish a procedure through which potential troop deployments are put before parliament even though there is no constitutional veto right for the Dutch parliament (Wagner, et al., 2010: 74-5). The most prominent case in this vein certainly has been what amounted to an informal veto of the British House of Commons against military involvement in Syria in August 2013 (Kaarbo and Kenealy, 2016; Mello, 2015; Strong, 2015). While parliament’s legal and constitutional authority remained unchanged by the Syria vote (Kaarbo and Kenealy, 2016), observers argued that a new convention had arisen, which means that “Parliament now decides when Britain goes to war”

(Strong, 2015). Yet, the outlines of the new convention of parliamentary approval remain contested among the political actors in Britain (Mello, 2015).

Moving beyond conceptions of parliament as a unitary actor

While studies in Comparative Politics have moved away from treating parliaments as unitary actors, the same cannot be said for the field of International Relations where legislatures are seldom explored in a differentiated fashion. This already becomes apparent in the strong emphasis that this literature puts on the formal rights of parliament as a whole in the political process. That being said, several recent studies have gone beyond the conceptualization of parliaments as unitary actors (Böller, 2015; Boylan and Kedrowski, 2004; Howell and Pevehouse, 2007; Kesgin and Kaarbo, 2010). For example, Kesgin and Kaarbo (2010) exemplify for the case of Turkey that even single-party majority governments can be challenged by parliament, especially when there are intraparty divisions on a suggested policy. Similarly, Böller (2015) documents how members of the US Congress move between subordination and assertiveness vis-à-vis the executive on the issue of military intervention.

Analyzing parliamentary war powers of the German *Bundestag*, Brummer (2014) rightly points out that several inherent features of parliamentary systems delimit parliamentary influence in the security realm – irrespective of formal war powers. First, it follows from the logic of parliamentary politics that MPs who are also members of the governing coalition are less willing to question “their” executive on issues of security policy, which means that parliamentarians often lack the required attitude to conduct effective oversight. Second, opposition parties are rarely in agreement about the proper policy, which undermines their influence and threat potential. Finally, decisions on foreign deployments are usually relegated to parliamentary committees that deal with foreign affairs and defence issues.

However, as Brummer shows for the German case, expert politicians rarely agree on a given issue. Hence their influence in this area is further restricted. Case studies have also demonstrated the relations between executive and the legislature are internally differentiated. The information flow between the government and the parties that support it is usually much smoother than that between the government and the opposition (Peters et al., 2013: 112). Studies that would systematically explore such differences and their effect on the role that parliaments play in security policy are still missing.

Moving beyond the national level: Parliamentary oversight in a multilevel field

Much research, especially that on the US Congress proceeds from the assumption that the decisive relation to analyze is between a single legislature and a single government. This assumption, however, may be untenable in many contexts. Complications begin with the fact

that today security policies are rarely formulated by individual governments in isolation but often in multilateral settings. This holds, in particular, for military deployments, which are usually carried out by multilateral coalitions and often are embedded in a wider international legal framework. This fundamentally alters the relations between parliaments and executives. Executives can engage, for example, in playing two-level games (Putnam, 1988). While they can use the domestic constraints that their home parliament presents to elicit concessions from their international partners, they can also play the other way round. They can pressure their home parliament into accepting multilateral operations pointing out that otherwise the country's international credibility would be on the line and arguing that other countries relied on the participation and that a given crisis urgently demanded a swift international response. Parliaments are at a structural disadvantage in such situations. But they are not without defense. They can, for example, attempt to institutionalize parliamentary participation already in the negotiation phase or to establish multilateral cooperation amongst themselves in order to balance out the informational advantages of the executive.

Such dynamics have gained attention in research on parliaments and security policy but most of this research has remained confined to the security and defence policy of the EU. The EU's security policy is almost a natural starting point for this kind of research. For one, the EU is probably the most closely integrated multilevel system, even in security policy, with well-established inter-governmental relations, an elaborate administrative apparatus and also a level of inter-parliamentary cooperation. Secondly, the multilevel problem is not restricted to security policy in the EU and there is a huge body of research on the role of national parliaments in the EU's economic policies (for an overview see Raunio, 2009) that could serve as a starting point for examining the role and problems of parliaments in security policy as well (Wagner, 2015).

Soon after the EU had begun its first military operations abroad the problems of parliamentary oversight caught the attention of researchers (Bono, 2006). Analyses focused on how individual national parliaments dealt with their individual countries' participation in these operations (Bono, 2005; Born, et al., 2008) and emphasized the variation in the levels of parliamentary authority and parliamentary involvement across countries. Research into the role of the European Parliament (EP) followed a similar path by examining mainly its formal position vis-à-vis the EU executive. Studies examined the EP's lack of formal authority (Thym, 2006) and pointed to the ability of the EP to gradually extend its competences through practice (Barbé and Herranz-Surrallés, 2010; Riddervold and Rosén, 2016; Rosén, 2015).

Besides examining the workings of national parliaments and the EP in separation, however, research has also begun to address interaction among parliaments across national boundaries and levels of political organization. While the presence of multiple parliaments in

EU security policy was noted (Peters et al., 2008), the analysis of interactions among them focused especially on formal bodies of parliamentary cooperation, i.e. transnational parliamentary assemblies like the WEU Assembly and NATO Parliamentary Assembly. Research analyzed how they worked and what they contributed to democratic oversight (Hilger, 2008; Marschall, 2005; 2008). The analysis of inter-parliamentary relations was helped by Crum and Fossum's (2009) suggestion to look beyond formalized relations and analyze interactions in a Bourdieuan "multilevel parliamentary field", which could be regarded as a space for analysis in its own right. Subsequent research sought to analyze the workings of the field in concrete cases, pointing to the potential contribution that parliamentary interactions could make to the democratic scrutiny of EU security policy (Peters, et al., 2013) but also highlighting the inherent potential for conflict in a field where actors compete for influence (Herranz-Surrallés, 2014).

While we thus see the beginnings of systematic research into the effects of interparliamentary cooperation in the security realm, this research has remained focused on one particular case, the European Union. NATO's Parliamentary Assembly has only occasionally become an object for research, especially as a socializing institution that might have effects on the attitudes of its participants (Karns, 1977) or on group norms (Flockhart, 2004). Beyond this, however, the effects of the multilateralisation of security policy on parliamentary control and of interparliamentary cooperation on security policy has hardly been explored yet, even though a wider research agenda on interparliamentary cooperation as such is slowly emerging (see Šabič, 2013).

Outlook

The differentiation in research on parliaments in security policy that we have discussed here promises to result in a more nuanced understanding of the involvement of parliament in security policies and its consequences. This will be useful by itself but also contribute to at least three broader research strands: peace and conflict research, democracy research, and parliamentary studies.

Conflict research, especially in the democratic peace tradition, will benefit from a clearer understanding of how democratic decision-making processes affect states' propensity to use military force. Moving towards a more differentiated understanding of parliaments in security will help to avoid sweeping generalizations (e.g. that the participation of parliaments increases the number of veto players and thus reduces the likelihood that troops will actually be sent abroad). It holds the promise of understanding the mechanisms through which democratic decision-making procedures affect the use of force and thus of contributing to a much needed grounding of the democratic peace thesis in actual political mechanisms. The

empirical study of democracy will be helped by a clearer understanding of how parliaments contribute to politics and policies in such a key area as well. Learning whether or under which circumstances parliaments translate public concern over troop deployments in constraints on government action or affect public debate about such issues will help to better understand the contribution that parliaments still (or, no longer) make to democratic politics and to assess propositions about the decline of parliament. Finally, parliamentary research itself stands to benefit from the move towards more differentiated analysis of parliamentary work in security policy because it opens up an avenue for comparing the work of parliaments in the legislative arena to their work in security policy and to assess the generalizability (or the need for contextualization) of insights from legislative studies.

The contributions to this workshop demonstrate the move towards such a more nuanced understanding of parliaments in security and also how the insights gained in such a move relate to broader research strands. They address the two broad questions concerning the involvement of parliaments in security policy: What determines the influence of parliaments and what effects does parliamentary involvement have in the security realm? In searching for determinants of parliamentary influence they go beyond the formal veto right of parliament over troop deployments and look at parliamentary institutions more broadly (accountability mechanisms, Raunio; informal institutions, Rosén/Raube), at broader political dynamics in parliament (politicization, Herranz-Surrallés) and at the role of political leaders (leadership style and personalities of prime ministers, Kaarbo). To explain the outcomes of parliamentary decisions, papers look beyond parliament as an institution and take into account the international institutional setting (Wimmel) and the preferences of individual MPs (Böller/Möller and Buzogány). Finally, the consequences of parliamentary involvement are not only explored with respect to policy outcomes (through multivariate analysis, Wagner) but also with respect to politics within the state (Ostermann, Hegemann). These contributions are complemented by two papers that demonstrate the political relevance and topicality of trying to understand the role of parliaments in security policy by exploring the dynamics and intricacies of parliamentary involvement in two individual countries (UK, Strong; Japan, Sakaki/Lukner).

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