



Parliament  
Austria

Parliamentary Administration

# Seminar “Time(s) and Parliaments”

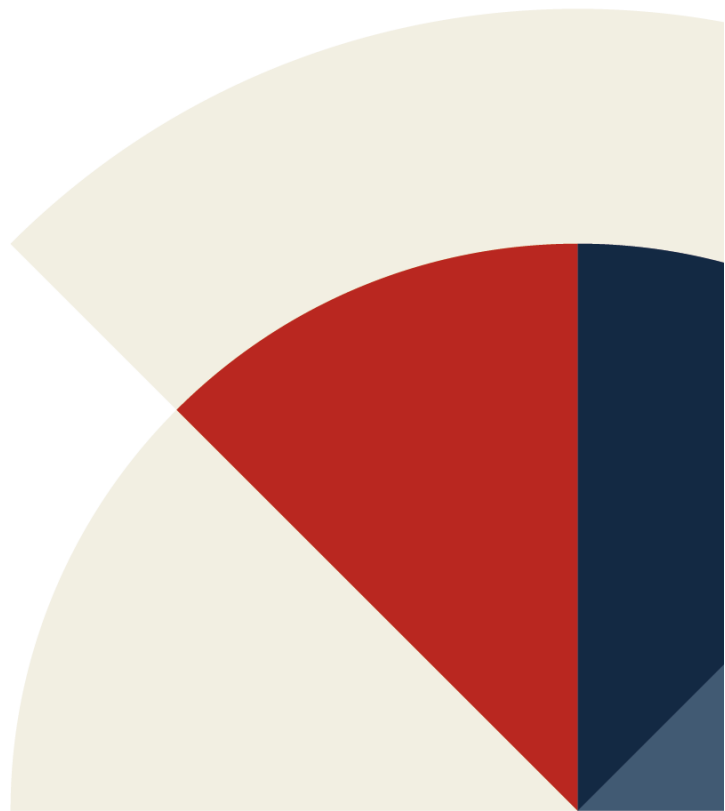
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## **Lecture by Tapio Raunio (Tampere University): How to make parliaments more influential in policymaking**

I'm going to talk about parliaments and their influence, but more broadly about how to make parliaments more relevant. Now, relevance is different from influence because if you try to make parliaments more influential, that is very difficult. You can redesign parliaments in many ways, establish new committees, whatever, but so much will depend on party politics, what kind of a government is in place, and how cohesive political parties are, et cetera. In that sense, when you talk about relevance, it is more manageable. By relevance I mean the fact that the parliament as a whole, as an institution, is more present in the society, in the lives of citizens. And that's basically the main goal of my talk: to talk about avenues for achieving this.

So there are these big obstacles, like I said: party politics, influences, all kinds of things. And you know, there was an argument made two or three decades ago when these far right populist parties were starting to emerge, that okay, once you have enough politicization and polarization in politics, then people will take notice of parliaments. But that doesn't really happen, because especially these far right politicians, they campaign on social media and other platforms, not in the parliament. So the plenary is not often the center of debate, or that is not the main forum for political debate in a country. And ideally, I think it should be, but in these days of, you know, what the media is like, often the debates take place elsewhere.

And then, of course, you have this problem of agenda setting completely or almost in the hands of governments. Also, of course, the European Union is producing legislation, but mainly national governments. And: You know, I'm an institutionalist. I do believe that institutions make a difference and rules make a difference. But at the same time, when I've been visiting all types of parliaments around the world and listening to MPs and even political scientists from different countries: They all end up defending their own systems. You know, the British scholars, British MPs will say how



wonderful their majoritarian system is with its government-opposition divide. Then I come from a region of Europe where it is – or at least used to be – more about sort of consensual politics, of building bridges between parties from the left and the right, although it is changing now quite significantly as well.

So parliaments often think that they are doing a wonderful job and they are not really willing to learn from other parliaments. And I think that is still sort of a big problem. Parliaments defend their own ways of doing things.

Now what I call solutions: I'm not saying that these will work, that they will not produce miracles overnight, but I do believe in them, and that's why I'm going to talk about them. I talk about revitalizing political parties – yes, it may sound very old-fashioned, but I do still believe that there is power in collective organizations like political parties – and then investing in making parliaments more inclusive. That is the key point. And this ties in with this theme of time and of future-oriented approaches in parliamentary work.

And then finally, since I'm a scholar, I like to champion the idea of there being much more tighter cooperation between parliaments and academics. Now let's see what you think of these so-called solutions.

So when we talk about revitalizing political parties, we have to remember that even though formally parliaments take decisions, in reality they are political parties that take decisions. Normally it's governing parties that control the majority in the legislature. So the main argument that I have regarding parties is that the more political parties embrace participatory mechanisms, the more democratic, at least indirectly, is parliamentary decision-making.

Of course, we do know that a lot of parties – I don't know about Austria, but a lot of parties throughout Europe – have been embracing these kinds of participatory platforms, often sort of online type, but the progress is very uneven, very cautious.

Of course, this has to do with power. Party leaders want to maintain hold of things. They want to control things for obvious reasons. They have to win elections. So they



are often a bit sceptical when it comes to opening up avenues or making parties internally more inclusive or more democratic.

But then there is something, and here is a link to a piece published by two of my colleagues from Finland: They interviewed a really large number of parliamentarians, parliamentary civil servants, et cetera and they talked about what they termed the imperative of expertise, meaning that party groups in parliaments need information, timely information, so that they can control the government – of course, their own government, but still nonetheless the government – and that they can perhaps then more meaningfully scrutinize legislation.

Now of course you can criticize me that, well, I'm naive, because I suggest that you give more resources to political parties. But here is the difference: You don't give resources to the central offices of political parties, you give resources exclusively to the party groups with the law stating that that money cannot be spent on campaigning. This solution has been adopted in a number of countries and I think it works: You make it clear that the money, the staff, whatever, that is given to these party groups cannot be used for campaigning, either campaigning by the parties or by the MPs.

Now I know you cannot perhaps really make sure one hundred percent that the letter of the law will be followed, But I think nonetheless, if such a clause is written into the law, then it is more likely that the money and the staff will go into looking into policy issues instead of doing more campaign work. So this deals more with the influence part of parliaments, of how parliaments, in an environment that is very much government-driven, can improve the scrutiny and knowledge that parliaments have – in this case, the political parties, the party groups.

There's been a lot of studies on parliaments and parliamentary committees in terms of who they hear, that is, who are the experts that are called in to provide evidence when committees process bills, law proposals. The picture is fairly sad, in my opinion: They are the usual suspects. You know, the big non-governmental organizations, the big companies, and the big trade unions.



Now I'm not saying that those people should not be heard. Of course they need to be heard, because they are powerful and, for example, trade unions may have millions of members, so of course they need to be heard. But at the same time, the problem is that parliamentary committees are very conservative when it comes to hearing new people or embracing some kind of participatory mechanisms whereby committees would directly engage with citizens or with marginalized groups like youth. We know that the youth are not voting in elections. Of course some of them are, but they are not voting as much as senior citizens are. That's why the electoral campaigns are focused on senior citizens as opposed to the young.

So I'm just saying that parliaments could do a whole lot more, but there are reasons, of course, why MPs want to hear these usual suspects as opposed to branching out to a larger range of stakeholders. I find this particularly sad, because nowadays you have the technical tools for reaching out. It's easily done, and hence it sort of frustrates me, when in this day and age parliaments tend to be conservative. I mean, sometimes it's good to be conservative in terms of institutional reforms, but often not.

Now, I've been studying these future-oriented approaches in parliamentary work for a number of years. And you may say that this is very esoteric, that this is from outer space, that this is not the real world, but it is. There are about ten parliaments nowadays across the world that have these so-called future committees, that is, committees established precisely with the goal of looking into the future, predicting what happens in the future, providing scenarios of what happens in the future.

The first one was established in Finland in 1993 and then you have about 10 others all over the world, in fact: the Philippines in Asia, Lithuania, Estonia in the Baltic countries, the Bundesrat here in Austria – although I believe that is more geared towards technology et cetera as opposed to more broadly future, but at least it reads in the committee-title –, then you have Chile, Brazil, Uruguay, Iceland. I probably have forgotten one or two but I mean nonetheless there are some and this is an increasing trend.

What I find really encouraging is that this is happening especially in Latin America,



which is perhaps not a region you might associate with these kinds of things, but it's really taking hold on in there. The reason why this ties in with being more inclusive is the fact that these future-oriented committees by nature don't operate like normal parliamentary committees. They don't have these usual suspects. So they are free to engage with anyone, basically, depending on what is the issue that they study.

So these future committees don't deal with government proposals, instead, they themselves decide what issues deserve attention. So it might be climate change, it might be artificial intelligence, it could be the future of cars, it could be the future of energy policy, the future of children – there's all kinds of topics.

That means that these future committees then are free to decide who they want to work with. They also work directly with academics. The outputs of these future committees are not like short statements on government's law proposals, instead, they are often more like semi-academic reports. It could be a hundred plus pages.

So it's a very different type of approach to parliamentary work than the usual party-politics-driven way of thinking about how legislatures operate.

Now, of course, the fact that these operate differently from normal parliamentary committees also means that often these future committees tend to be a bit sidelined from normal parliamentary business with a lot of MPs thinking these don't matter, they are too obscure to have any relevance. I disagree, but a lot of MPs think like that.

Then there is an example, by the way, of agenda-setting as well, that you can use this future dimension so that parliament can sort of at least momentarily engage in agenda-setting independently of the government: For example, in Chile, there is this Congreso Futuro. It is an annual event organized by the parliament together with others, where for a few days a variety of people from the country and also from abroad get together to discuss the future. Every year there are selected themes that this congress will focus on.

I think that any parliament could do something similar. No law stops any parliament



from doing that. It's just the imagination, which is lacking, and the will.

How could political science help? – Well, I'm not always convinced that MPs want to talk to us political scientists. The problem is that much of social science, including political science, is so quantitative now, and you have so much easily available online data: plenary speeches, parliamentary questions, whatever. You can just use, for example, web scraping tools to have a wonderful big data set. Downside: I have a lot of colleagues who claim to know parliaments and they study parliaments, but they have never visited a parliament, they have never talked to an MP. – This is true and I find that very sad.

So I think, when we think about who is to blame – is it the political scientists or the MP's –, I think both deserve a bit of the blame.

Now, I do believe that parliaments should invest in producing information themselves, not just waiting passively for something to come from the government. The European Parliament's research service, I think, is wonderful. Go and look at its webpage, its studies: They are studies that the European Parliament purchases basically from scholars, and of course also the European Parliament's own research specialists contribute. These are really good studies, and they are studies that are not too scientific. They are quite easy for people to understand.

Of course you could claim that this is explained by the fact that the EU operates in a different type, it's more like a checks-and-balances-system as opposed to a parliamentary regime, but nonetheless: What stops any parliament from investing more into its research services? I do know that there are select parliaments that do this, but in most parliaments it's very, very limited.

I often also think that maybe these inter-parliamentary organizations could do more. I'm often frustrated with the reports of the, let's say, Inter-Parliamentary Union or COSAC in the EU, the organ of the EU-committees of national parliaments. Often their reports tend to be of quite limited use for scholars. There are big reliability problems, et cetera. I often hope that there could be perhaps more cooperation



between academics and these organizations so that the quality of the reports would be higher.

And one practical example from Sweden – there might be other parliaments that offer this and I think this is wonderful –: In Sweden, I think going on for about 40 years, the parliament, the Riksdag, has offered an annual scholarship for doctoral students in political science so that a doctoral student goes to the parliament, works there for a full year, and at the same time pursues her or his doctoral studies. Thereby, that person becomes very familiar with how the parliament works.

Finally, I decided to be a bit modern and I asked Chat-GPT: What does a future-oriented parliament look like? By the way, I used different terms, not just „future-oriented parliament“, but I asked: What does it look like? And here is the answer. (A picture is shown.) Now, I don't know what Chat-GPT has against women, but it seems to be like an all-male institution. I hope not. I mean, in fact I hope that in the future, there would be maybe even more women than men in parliaments, but Chat-GPT disagrees. It's all male. But what is interesting about this: It looks pretty disciplined, right? Like from science-fiction-stuff. There is a bit of future, though: If you look at the laptops that they have in front of them: There are all kinds of graphs and figures and statistics. So presumably, there is some kind of learning from science or whatever is taking place.

I thought this would be a sufficiently light ending to my talk. So thank you very much.





## **Lecture by Maria Bertel (University of Graz): Is there a future for legislation?**

Thank you very much for the invitation. I am glad to be here.

I did not ask Chat-GPT, but since Tapio did that, I would like you to keep that picture in mind, not only because it was just men sitting in this parliament, but they were also all wearing the same suit, it seemed to me. And since I will close on a similar note, please keep that picture in mind.

So what about the future for legislation? – The question can be understood in two distinct ways. First, it raises the broader issue of whether legislation will remain necessary for norm setting in the future, especially in digitalized societies where algorithm-driven norm production probably tailored to the individual may become feasible. The role of parliaments as norm setters may diminish and administrative decision-making may gain prominence.

Second, the question goes into the direction of whether legislation itself must be oriented towards the future. While one might argue that legislation is by definition directed at future behaviour, the issue is more complex since technological advancement has put us in the position that actions we are taking have long-reaching consequences. This raises the question of whether and how the law and constitutional law in particular responds to that far-reaching impact of nowadays decisions.

But let me start with a preliminary conceptual issue. What do we mean by the future? Does it refer to the long-term consequences I have just mentioned? And what or who is the point of reference – future generations, which future generations, future individuals? We can only think about the future when we have a perception of time. If we look it up in a lexicon, the future is generally defined as the time that has not yet come and is not yet here. One of the key features of the future is that we cannot be certain what will happen. We can only make forecasts or assumptions about what the future will look like, and at least for now, there is always an element of uncertainty.



Interestingly, when we compare constitutions, other than the future of the constitution – I will come back to that in a minute – the future itself is not addressed by most constitutions. Sometimes constitutions refer to the future of the nation. Increasingly, future generations are mentioned in constitutions. These generations are addressed in different ways. Sometimes reference is made to their rights. Sometimes they are to be considered. Sometimes people or human beings are mentioned. In a few cases, future citizens are mentioned. Constitutions also differ in terms of where in the constitution future generations are mentioned, sometimes in the preamble and sometimes in the articles of the constitution itself.

Various constitutions consider the future in the sense of the future of the constitution or some values of the constitution itself. Eternity clauses and rules regarding constitutional amendments clearly demonstrate that constitutions have a say in their own future. While constitutions are generally harder to amend than simple laws, some protect specific values even more. Why do I emphasize this? – Because those values, which are protected by an eternity clause or, in the Austrian case, by a referendum, are intended to last for a long time. As I will explain later, these values could also have a specific function in determining whether and, if so, how the legislator must take the future into account.

References to the future in the Austrian constitution are rather rare. One example is the Federal Constitutional Act on Children's Rights, which refers to intergenerational justice and fairness between different generations. However, it is not yet clear whether there is a right to intergenerational justice. Similarly, paragraph 1 of the Federal Constitutional Act on sustainability, animal protection, comprehensive environmental protection, on water and food security as well as research commits the republic to the principle of sustainability in the use of natural resources in order to ensure the best possible quality of life for future generations. So, in that case, different to the Children's Rights Act, sustainability is linked somehow to ecology since it relies on natural resources. Lastly, I would like to mention the Federal Constitutional Act for a Nuclear-Free Austria, which prohibits the construction or operation of nuclear power plants and which also points to the future.



However, as previously mentioned, as long as the law itself does not come with a sunset clause or specifies a particular time frame, the legislator is essentially legislating for the future. The idea of combining considerations regarding future generations as well as looking into the endurance of laws is not a new idea. Already in 1789, Thomas Jefferson wrote to James Madison, and I quote: „Every constitution then, and every law, naturally expires at the end of 19 years. If it be enforced longer, it is an act of force, and not of right.“

So, does the legislator have a responsibility towards the future? – For Austria, responsibilities in the legal sense may arise from public international law as well as EU law, but that is not the focus of my speech here. Instead, I want to have a quick look into constitutional law. When we examine comparative constitutional law in relation to those constitutions that explicitly mention future generations, it is difficult to argue that the future plays no role for the legislature. The question is whether there is a legally or constitutionally binding responsibility to do so. This is a discussion we are very familiar with in the Austrian case, since both of the aforementioned provisions, the Children’s Rights Act and the Sustainability Clause, are part of the substantive body of constitutional law. They are part of the constitution. However, according to the prevailing stream of thought in public law literature, these are so-called state aims with limited enforcement possibilities, at least for the individual.

However, and that’s a point I want to make, if we agree that the constitution and its provisions have normative force, the fact that future generations are mentioned in the constitution implies a responsibility for legislators and also for the Austrian legislature to consider future generations to some extent. What I would like to do right now is to have a look at the Austrian constitution, also with a comparative mindset, whether and where we could find such norms.

First, I want to start with what in literature is called future-proofing laws. What does future-proofing mean? – In legal literature, up until now, only few authors have looked into future-proofing. One of them is a colleague, Sofia Ranchordas, who is working in the Netherlands. Together with Mattis van 't Schip, she defines future-



proofing as follows: „Future-proofing is an overarching approach that seeks to anticipate change, prolong the longevity of products and systems, and ensure that they are resilient.“

Future-proofing seems to be on the rise. The growing interest in it, at least in Europe, can be tied to the EU's better regulation agenda as well as to the current crisis.

In Austria, one aspect of future-proofing of legislation can be seen in impact assessments. Impact assessments look at the expected impact of a bill, but future-proofing of law goes further by also predicting or taking into account technological, societal, and environmental developments, and finding design for a bill that allows the law to be applied in the future without frequent changes. Technology can play a significant role in this regard.

Future-proofing, and I think that's important, is not a legal exercise, it is an interdisciplinary one. And this raises the question of the balance between the impact of science and democratic decision-making. Therefore, for Austria, we could ask whether future-proofing is part of the democratic process. In Austria, impact assessments, as you know, are rooted in the budgetary principles of the Federal Constitutional Act, and therefore seen in the Federal Budget Act. However, impact assessments are not part of the legislative process set out in the constitution for the enactment of a law. Therefore, the Constitutional Court has not recognized the role of impact assessment when examining the constitutionality of a law. So although impact assessments do play a role, because they must be carried out in most of the law-making processes, they are not part of the constitution.

Returning to the international rise of future-proofing, it is not only, as I mentioned, linked to the impact assessments discussed here, but it is also discussed, and I think that is an important point, in relation to legislative techniques. More flexible wording of laws, for example, the use of goals and general clauses are seen as tools for creating resilient and hopefully long-lasting laws. So future-proofing can be part of the legislative process when the constitution or relevant norms provide for it. In the Austrian case, as I mentioned, there are very few formal constraints regarding future-



proofing, at least at the constitutional level.

However, the future of future-proofing may be bright if we look into the literature, as technology will enable more accurate predictions, and AI could streamline the sometimes arduous process of future-proofing and impact assessments. Against this background, it is not surprising that voices in literature are warning against excessive future-proofing, as it could reduce the scope of democracy in the end.

So let's move on to the substance. What about substantive constitutional provisions, such as state objectives, state aims, or fundamental rights? Do they oblige the legislator to consider long-term consequences? – With regard to the aforementioned state aims and future generations, I would clearly answer yes. However, the extent to which legislators must consider these interests and how to do so remains, at least for Austria, unclear.

In the Austrian context, it seems at least imaginable that the serious disregard for the interests of future generations or serious intergenerational injustice could be considered a violation of the equality principle of the Austrian constitution. In the sphere of climate law and litigation, the question arises as to whether the state has a duty to legislate or act in order to protect people from the serious consequences of climate change. Since climate change is a long-term phenomenon, where inaction or inadequate action today will affect future generations, it seems reasonable for the legislator to also take future generations into account. The German Federal Constitutional Court paved the way for this in its now famous Klimabeschluss, in which, and I'm simplifying here, it argued that the future enjoyment of human rights depends on what we do today. Therefore, rather than invoking the rights of future generations, it argued that today's legislators are not permitted to make too much use of their powers in order to safeguard the enjoyment of fundamental rights in the future.

Another interesting case you're probably all familiar with is the European Court of Human Rights' case of KlimaSeniorinnen versus Switzerland. There, the Strasbourg Court derived state obligations arising from Article 8 of the European Convention on



Human Rights, requiring states to take actions to mitigate and adapt to climate change. While I'm quite confident that the Austrian Constitutional Court will align with the Strasbourg Court's state duties of protection under Article 8, the significant issue here is how this dimension of Article 8, ECHR, can be enforced by individuals. In this regard, the jurisprudence of both the Austrian Constitutional Court as well as the Strasbourg Court will pave the way for more climate cases or not. So access to courts is the issue here.

However, I would argue that guaranteeing human rights in an objective manner – so the individual does not have to go to court, but the legislators take into account human rights already when legislating – strengthens the timelessness of legislation because the legislator must consider the interests of the future at least to some extent. And in this regard, the constitution evolves from a rather synchronic to a diachronic document, meaning that the future effects of a norm must be considered already today, also when deciding on the constitutionality of a law. To again relate to Thomas Jefferson here, he compared each generation to an individual. He assumed a lifespan of around 19 years for each generation, and he coined the idea that each generation should be free of the debts of the preceding generation. I quote again: „Each successive generation would, in this way, come on, and go off the stage at a fixed moment, as individuals do now. Then I say the earth belongs to each of these generations, during it's course, fully, and in their own right. The 2d. generation receives it clear of the debts and encumbrances of the 1st. the 3d of the 2nd. and so on. For if the 1st. could charge it with a debt, then the earth would belong to the dead and not the living generation. Then no generation can contract debts greater than may be paid during the course of it's own existence.“

This leads me to the third and last question. Here, I would like to adopt a more indirect perspective and examine existing constitutional or statutory mechanisms that might currently support or hinder future-oriented legislative decision-making. Therefore, I am going quite a bit further than what the heading or the question promises, and I would like to point to just a few topics which have already been mentioned by Tapio. For example, the rights of a parliamentary minority to access the



Constitutional Court would be a mechanism. The separation of powers, I believe, is also a very important topic for the future. And lastly, and that links my presentation to Tapio's, parliamentary scientific research units can help representatives to be well-informed, to also mention an example regarding the institution of parliament.

Does legislation as such have a future? – I am going back to the beautiful picture – I'm not sure if it is beautiful – Tapio has shown us. We live in a world where artificial intelligence can outperform humans in predicting outcomes, and therefore the future seems less uncertain than it used to be. So the challenge lies in striking a balance between the freedom to make irrational but democratic decisions and the freedom to make rational but maybe not so democratic decisions. The question, I think, will increasingly not only be how we make laws, but also which values and ethical principals we use when we are deciding upon them.

I would like to close with an idea which is not mine, but which, I think, I share with many thinkers. Iris Eisenberger has given a talk in that direction, and lately also Viktor Mayer-Schönberger talked about it in Graz. I would like you to recall Tapio's picture, and I would like you to recall that there were men sitting in the room, and I would like you to recall that those men were all using their computers, with similar graphs, and they were all wearing the same suits. I think that the value in legislation and the value of parliaments is strongly linked to democratic decision-making. There is a value in uncertainty about the outcomes, which reduces the risk of one-dimensional solutions. So there might also be failure, and there might be inefficiency, but upholding plurality for future generations will be worth it.

Thank you so much for listening.



## Discussion with Tapio Raunio and Maria Bertel – moderated by Christoph Konrath (Parliamentary Administration)

**Christoph Konrath:** Dear Maria, dear Tapio, thank you for your lectures. Both disciplines that you represent, law and political science, use the notion of parliament and legislator or legislative assembly, but more often than not it can be quite difficult to distinguish between the two. I have the impression that you have just showed us why such a distinction may be helpful, and how it might broaden our views on elected assembly, to use the broadest possible term, for future possibilities, opening up new ways for the future and overcoming the imagined glories of the past or the current challenges that dominate many political and academic debates.

Tapio, you have emphasized policy-making and presented compelling reasons to do so to make parliaments more relevant. Would you therefore answer no to Maria's question about whether legislation has a future?

**Tapio Raunio:** Now, we do need legislation. We do need formal rules. I'm not a big fan of law and order, but I do believe you need it. You need some structure, some rules that guide us people. We're prone to making mistakes, so we need some kind of rules. But I do believe that much of what parliaments do could be maybe reoriented more into a direction so that the outputs would be more varied, because: Now parliaments don't really produce anything. What they do is that they wait for the law proposal to arrive from the government, and then the committee, where the government has a majority, may not rubber-stamp the proposal, but almost. So there might be minor amendments to these bills, but that's just about everything that the parliament produces. There are committee statements, but a committee statement often uses a lot of copy-and-paste from the government's law proposal, and then in the end there is a very minor bit where the committee explains if it deviates from the government's proposals.

So I'm wondering that maybe parliaments could be more flexible in how they go about





their work, producing these reports of their own. Why can't they do also a bit of their own research, like I suggested? This could be at the level of committees, or it could be at the level of the whole parliament. And if there would be proper press releases, a proper public event when these reports would be launched, that would be a way for the parliament to assert its more sort of independent stamp on policymaking.

So I'm not saying that legislation is not needed, but I'm just thinking that the outputs of parliaments could be more varied and more interesting for the citizens.

**Christoph Konrath:** Thank you.

Maria, you have made us aware of some temporal paradoxes of law. On the one hand, legislation responds to past experiences and sets out some course for action for the future. On the other hand, legal doctrine that guides legal practice – and you have referred a lot to Austria, where this is very strong – has a certain timelessness about it. In Austria they even use the word „Versteinerungstheorie“, frozen to stone at some point. Do you think that Tapio's approach, a broader focus on expertise, participation, policy discussion, could make parliamentary legislation more relevant in the future?

**Maria Bertel:** Yes. It's a quick answer. Tapio, you convinced me. I think it's very important. Communication is very important, let me put it like that. That does not only entail parliament communicating maybe more with citizens, but also lawyers communicating more with other disciplines, because: We need law. And yes, I'm a lawyer, I have to say that, but I can also see that law alone will not be able to solve the problems. If we think about resilience of democracy, for example, we as lawyers will not alone be able to make democracy more resilient. And I think time and parliament, timeframes also, your institutional settings are a way of making parliaments more relevant and hopefully also more resilient.

**Christoph Konrath:** So you have now underlined your arguments for institutional support. Tapio, you spoke of political parties and research services. Maria, you spoke of institutional and procedural mechanisms. And I can personally understand and support it very well. If we are to have a democratic future, we need to discuss these



institutional designs, their stability and the long-term outlook, but also the space for transformation and experimentation.

But as Tapio has somewhat mentioned, this could be criticised as an outside attempt to constrain politics, to tell them what they should do. Tapio also mentioned the word naïve. When we would go around in this house and ask about more funding for political parties, they would certainly tell us that the political parties will always find ways to divert this funding and resources to maintain their political presentism and campaigning issues, sort of to stay in this time and not to think of the future in the long term, but just to think: When is the next election?

So what makes you sure that your approaches can make a difference and how can they open up futures?

**Tapio Raunio:** Well, I mean, I cannot, of course, be certain of what would happen, but I do think that if you indeed explicitly state in the law that the resources would be directed only to the party groups, not the party central office, not the individual MPs, but to the party groups, then that would mean that the party groups would presumably prioritise, and I know that this has happened in Finland because of such a law, they have prioritised the recruitment of policy specialists who will then help the party groups in scrutinising the law proposals coming from the government, contributing thereby hopefully to better legislation.

But at the same time, in this modern world, which is very much about individuals, I still strongly like to believe in the force of collective organisations, whether it's trade unions or political parties, because it's not just about lobbying, like trade unions lobbying the governments or political parties having campaigns, it is also about these organisations socialising people from within, training people, making sure that there are young people that join parties, join all kinds of organisations.

Now what worries me is that the future for political parties doesn't look very bright in the sense that their memberships are declining across Europe. The average age of a party member, at least in what used to be called Western Europe, tends to be quite



high – I would be fairly young there, sort of. And I just think that parties could utilise these online tools, including social media, to a much larger extent.

That is, political parties as well as parliaments, they need to go where people are. They can't just expect that people would flood this building, walk in here in large numbers. Instead, parliaments and political parties have to go where people are. And if they happen to be on Tiktok – I don't know anything about that, but that's what I've been told, that's where the action happens –, then that's where you need to be as well. It's as simple as that.

So I just believe that there's so much more that political parties could do. And like I said, I think it indirectly then would benefit also parliamentary expertise and parliamentary influence.

**Maria Bertel:** So I'm not sure about procedures and I'm not sure about institutions, but I strongly agree with Tapio on the relevance of rules, of procedures and of structures. And I think we can see this in the KlimaSeniorinnen judgement of the European Court of Human Rights. It's difficult also for courts, and it's difficult, or might be difficult, in the public to uphold legitimacy of those decisions. So there, the court is creating something new, and I think procedures are kind of safeguarding also innovation if they are flexible enough to leave space for experiments.

I would not say that, and – this is not a legal argument – I would also say that it's important to have innovation, also to have plurality or uphold pluralism, because that points into what I tried to say with my final words: I think that it's important, but I also think that it is important that the law – and the parliament – is not something that is there and experiments or all these things going on, creative things maybe, are somewhere out there and are not linked to the law, because I really think they have to be enshrined in the democratic process, and this has to be reflected somewhere in the law.

**Christoph Konrath:** One last question: Both of you have mentioned digital technologies and artificial intelligence. A lot of people have the impression that it



accelerates things in a speed unknown before, and parliaments might seem to be especially slow. You can see this now in the United States where it's all centered on the executive power and Congress does not say anything at all, and it seems as if it's moving far too fast. So how do you both assess time for politics in a world that is changing so fast?

**Tapio Raunio:** Well, I kind of prefer that politics proceed slowly. I like that, because outside of so-called crisis periods, there's normally no rush in politics. Of course, you cannot delay things infinitely, but it would be perfectly acceptable and indeed normal for a lawmaking process that from the moment that the government introduces the law proposal to its final adoption it would take even a year or at least several months, so that there is proper debates in the parliament, inside political parties and preferably also in the public.

So I think in that way slowness, taking things slowly, often just indicates good politics. Now what I'm concerned about is that there seems to be this tendency among the public – I don't know about Austria, but I do know from these comparative public opinion surveys – that a lot of people, a higher share than before, somehow have this feeling that decisionmaking is inefficient and it doesn't happen quickly enough. And then these same people want efficient, quick leadership. They sort of want somebody there, and often like a strong man type of approach, and of course Donald Trump personifies this.

For me, what is the problem here – and I'm sure this will not be corrected in the United States – with the US Constitution is that the president enjoys very wide decree powers, what they call executive orders, et cetera. So Trump can basically just bypass Congress. And in a lot of European countries that have presidents as well, presidents do not enjoy similar decree powers because it was seen best that presidents would not have such independent authority, but instead that the parliament's position should be safeguarded.

So yes, taking things slowly works just fine.



**Maria Bertel:** I would add something I could not expand in my speech before. I fear that democracy is not itself efficient in the sense of giving quick results and this has advantages, and I think the same holds true to some extent for the separation of powers. Checks and balances need time. So I think, yes, it is an issue. It is something I think for us lawyers to think about ideas, concepts, how to uphold separation of powers in times of digitalization and AI. And also the process of lawmaking: It's divided into steps and I think it makes sense to have those steps because they also safeguard that in the end there is a good outcome and a good result.

**Christoph Konrath:** Thank you both for your very interesting lectures and this discussion.