How parliamentarians learn moral reasoning: Lessons from global research

Ken Coghill, Associate Professor, Parliamentary Studies Unit, Monash University

Colleen Lewis, Professor, Parliamentary Studies Unit, Monash University

Ross Donohue, Senior Lecturer, Department of Management, Monash University

Krzysztof Dembek, Department of Management and Marketing, The University of Melbourne
ABSTRACT

This presentation reports findings from a recent global research project (Australian Research Council Grant LP0989714) in which capacity building (professional development; training) for elected members of national parliaments (legislatures) was investigated. Parliaments selected provided a representative sample having regard to: constitutional model (e.g. executive presidency, parliamentary system); period of established democracy; and global geographic region. New research scales were developed and tested in the execution of the research, enabling new findings on the functions and performance of parliaments, including issues to do with moral reasoning.

Data was collected from elected members, parliamentary officials and other personnel involved in the provision of capacity building (for example UNDP staff). Survey questionnaires were sent to individuals in each category of personnel at over 60 parliaments. Completed returns were received from 40 parliaments and interviews with parliamentarians and parliamentary staff were conducted in 15 countries. As such, the data conveys the important voice of parliamentarians and those that work for and with parliaments.

Given recent scandals involving parliamentarians in various countries, including Australia, the approach to the development of ethical competence, which was a theme in the research project, is of particular interest to the authors of this paper. They draw on ground-breaking work on ethical competence by Professor Iordanis Kavathatzopoulos (Uppsala University), with whom collaboration for this part of the project has taken place.

It further finds little recognition amongst MPs of the significance of their ethical competence to parliamentary performance and patchy, inadequate recognition of it in parliamentary practice. It is in the interests of parliaments to accept responsibility for the ethical competence of their elected members. To be effective, the political parties must require participation in these programs as a condition of party membership. These steps would enable parliaments to improve their effectiveness and legitimacy.
1. INTRODUCTION

In this paper, we argue that the performance of parliaments is affected by the integrity of the parliamentary institution, which in turn is affected by the parliamentary knowledge, skills, abilities and attitudes (KSAA) of their members. We report global research concerning this and suggest measures that could improve the integrity of individual members of parliaments, governments and opposition parties to the benefit of the public interest.

Parliamentary democracies can be understood from the perspective of complex evolving socio-political systems theory (CES) (Mitleton-Kelly, 2003). CES takes a systems thinking approach in which the relationships between social actors – both institutional and natural persons – affect the functioning of the socio-political system. This system enables the community to determine the rules and standards applying to individuals, executive government, business, and other organisations and to relationships within the community and across its borders. This occurs through the system’s supreme institution. Parliaments (or equivalent legislatures) are the supreme political institutions in parliamentary democracies. In Australia, the constitutions of the Commonwealth, the States, the Northern Territory and the Australian Capital Territory and the constitutional conventions that we observe including the separation of the powers of the branches of government, establish parliaments as having unique authority to be exercised in the public interest with the consent of the people.

The constitution provides that only the parliament has the authority to impose taxes. It is the parliament that must pass the budget - the appropriation bills - which provides the public monies and authority for their expenditure by the executive branch – the government.

Only the parliament has the power to pass other bills that establish or amend laws, including those that create and empower anti-corruption bodies.

Parliament also deliberates on matters affecting the public interest, makes representations and seeks the redress of grievances.

As we know from the election of the 43rd Australian Parliament in 2010, the parliament may make or break government through the political necessity for the Prime Minister (Premier in the States; Chief Minister in the Territories) to have the support of a majority of Members of the Lower House.

We also observe that the parliament scrutinises the executive and seeks to hold it to account for its acts of administrative and managerial commission and omission, its policies, and its conduct in office.

These roles, identified by Hazell as the distinctive, traditional roles of the parliamentary institution (Hazell, 2001), are widely understood and accepted. For contemporary democracies, the preferred outcome of these roles is responsive rule – that is the “necessary correspondence between acts of governance and the equally-weighted felt interests of citizens with respect to those acts” (Saward, 1996, pp. 468-469).
Clearly, an effect of corruption is to distort the relationships between social actors and hence to compromise the potential for responsive rule. Accordingly, it is in the interests of democratic parliamentary institutions to prevent corrupt practices.

However, we less frequently think about the resources necessary for the parliament to successfully execute its roles. These resources include the legal infrastructure which establishes, empowers and funds the institutional arrangements and the human resources. Here, whilst acknowledging the importance of appointed personnel, we concern ourselves only with elected members.

1.1 PARLIAMENT’S HUMAN RESOURCES

A parliament’s principal resource is the members who are elected by voters to represent them in each Chamber. In most cases their individual actions (excluding improper, unethical or corrupt actions) are mediated by the political party of which each is a member. Nonetheless, it is the actions and behaviour of each which are aggregated in the parliament. Is this then a human resource development issue for the parliament?

In this paper, we argue that the performance of parliaments is affected by the parliamentary knowledge, skills, abilities and attitudes (KSAA) of their members. Further, parliaments contribute more effectively to systems of government if their members are better equipped to fulfil their roles (Coghill, 2012). We argue that this is particularly true in relation to the integrity of the parliamentary institution and ultimately the very system of government.

In addressing these issues, our research team has the very considerable advantage of being multi-disciplinary, including human resource development, political science and public management. We learn from the human resource development literature that training in organisations improves the KSAs of its people, which has been observed to improve the effectiveness of organisational performance (Stone, 2005; Tharenou, 1998; Tharenou, Saks, & Moore, 2007; Wright, Gardner, Moynihan, & Allen, 2005; Yamnill & McLean, 2001).

1.2 DEVELOPMENT OF A MEASURE OF PARLIAMENTARY PERFORMANCE

Internationally relevant assessment frameworks of parliamentary performance have been recognised to have the ability to “contribute to parliament’s own evaluative and reform efforts, as well as guide parliamentary development practitioners and donors in designing more appropriate support programmes” (United Nations Development Programme (UNDP), 2010: 8). Many international organisations including, IPU, World Bank (WB), Commonwealth Parliamentary Association (CPA) and United Nations Development Program (UNDP) have joined the efforts to develop measures and indicators of parliamentary performance resulting in a number of assessment frameworks (United Nations Development Programme (UNDP), 2010).

While a number of conceptual frameworks and preliminary measures of parliamentary performance have been proposed, no measure has been developed by applying rigorous scale construction principles. Moreover, no attempt has been made to empirically test the psychometric properties of any existing measures. One of the major goals of this research project was to address this gap by developing a new measure of parliamentary performance. Following extensive review of these
conceptual frameworks and preliminary measures, we identified four dimensions of parliamentary performance: *budget performance, legislative performance, representation performance* and *oversight performance*. Drawing on the expertise of our research group (i.e., parliamentary scholars, human resource management specialists and scale development specialists), we developed constitutive definitions of each dimension of parliamentary performance. We defined budget performance as the extent to which there is consideration of budget proposals presented by the executive (or evolved from within the legislature) and authorization of revenue raising and of expenditure by government. Legislative performance relates to the capacity of the parliament to make laws, including the approval (or disallowance) of subordinate legislation. Representation performance was defined as the extent to which there is equitable reflection of the interests and views of the (national) population, including territory, ethnic group, gender, socio-economic status, religious beliefs and cultural heritage, in the proceedings of the parliament according to fundamental democratic principles. Finally, oversight performance relates to the extent to which a parliament scrutinizes the actions and policies of government through questioning, debate, parliamentary committees and independent bodies such as the Auditor-General, Ombudsman and anti-corruption commissions.

Beginning with these definitions, we developed a large pool of items that tapped each dimension of parliamentary performance (22 legislative performance items, 21 budget performance items, 24 oversight performance items and 24 representation performance items). Next, these items were presented to an expert panel comprised of four subject-matter experts (i.e., parliamentary scholars and former parliamentarians) who rated each item in terms of how representative it was of the relevant performance dimension. We then deleted items that were deemed unrepresentative. The remaining 70 items were included in a survey administered to a sample of 254 parliamentarians from 55 countries. We then conducted a number of statistical analyses on these responses to refine each measure of parliamentary performance by removing items that were not highly representative of each dimension or lacked consistency. This resulted in a final pool of 27 items that captured facets of each dimension of parliamentary performance (8 budget performance items; 6 oversight performance items; 6 legislative performance items; and 7 representation performance items). These items are presented below in Table 1.
Table 1. Scale Items Measuring Budget, Oversight, Legislative and Representation Performance

<table>
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<th>Budget Performance Items</th>
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<tr>
<td>does substantive debate about the overall budget take place in parliament</td>
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<td>does parliament review monetary policy as it relates to the budget framework</td>
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<td>do independent auditors (e.g. Auditor General) report to parliament</td>
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<td>are exchanges between parliamentarians and Ministers regarding the budget open and public</td>
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<tr>
<td>do the media provide independent and informative coverage of the parliamentary budget debate</td>
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<td>does parliament convey information regarding the budget to the public</td>
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<td>are government leaders, ministers and officials questioned during the budget process</td>
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<td>does parliament scrutinize and monitor government departments</td>
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<th>Oversight Performance Items</th>
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<tr>
<td>does parliament effectively investigate matters of privilege</td>
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<tr>
<td>is there provision for compliance and performance auditing of the executive government</td>
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<td>are parliamentarians’ entitlements publicly disclosed</td>
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<td>are parliamentarians’ pecuniary interests publicly disclosed</td>
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<tr>
<td>is the Auditor General or equivalent independent of the executive government</td>
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<td>are Ministers accountable to parliament for the discharge of their duties</td>
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<th>Legislative Performance Items</th>
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<tr>
<td>is there parliamentary input throughout the legislative process</td>
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<tr>
<td>does the parliament review regulations and other subordinate legislation</td>
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<tr>
<td>does the parliament scrutinize the policy analysis and assumptions of legislation</td>
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<tr>
<td>does the parliament debate annual reports tabled by government</td>
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<tr>
<td>does parliament ensure that there is public input into the legislative process</td>
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<td>does parliament involve policy experts in the formulation stage of the policy process</td>
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<td>do elections in your country occur on a regular basis</td>
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<tr>
<th>Representation Performance Items</th>
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<tr>
<td>do all eligible voters participate in elections</td>
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<td>is there scrutiny of the counting of the electoral votes by representatives of the candidates</td>
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<td>is there scrutiny of the integrity of the voting process</td>
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<td>are the electoral rolls compiled and maintained by independent institutions</td>
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<td>are there sanctions against breaches of the electoral law by parliamentary candidates</td>
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<td>is the conduct of elections protected from political interference</td>
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1.3 INCENTIVES FOR ETHICAL CONDUCT

The above measures relate to the parliament as an institution rather than to the elected MPs who constitute it. However, it is important to recognise the significant differences between the roles of the parliament as an institution and the roles of the elected member of the institution.

Professor the Lord Norton of Louth has identified seven constituency roles: information provider; safety valve; dignitary; advocate; benefactor; friend in position of power; and promoter of interests of the area they serve (Norton, 1994). Samara’s research in Canada identifies five themes which categorise the role of an MP: philosopher; geographer; partisan; service provider; and, none of the above (Samara, 2010). It is immediately obvious that the roles that an MP sees herself or himself performing and the categories she or he fits do not necessarily contribute to the parliament’s discharge of its roles.

In particular, the roles that MPs perceive themselves performing do not necessarily place ethical considerations at front of mind. This is particularly so in the absence of headlines drawing attention to allegations of improper or illegal actions involving MPs. Indeed even those seem to have little cautionary effect on behaviour. Remember that some recently reported doubtful expenses claims by members of the Commonwealth Parliament actually occurred while reports of widespread rorting by members of the UK House of Commons was still fresh news (Guardian, 2009; News.com.au, 2013).

However, as misuse of entitlements illustrates, ethical competence is relevant to roles outside the Chamber as well as parliamentary roles. By ethical competence, we mean identifying and resolving ethical questions through “the use of a cognitive ability, independent of particular political, ideological, or moral values” (Iordanis Kavathatzopoulos & Rigas, 1998, p. 791).

This then is the context for our interest in how MPs develop the KSAAs relevant to the performance of the parliament and the particular case of their ethical competence.

The research project has been an investigation of induction and further professional development for members of parliaments. Our most recent work follows initial work with the Victorian parliament and later with the Australian Senate.

Arising from that work we published an extensive review “Parliamentary accountability to the public - Developing MPs’ ethical standard” (Coghill, Donohue, & Holland, 2008). We argued that it was legitimate for chambers to provide training, development and other support on ethical conduct to their members. However, we reported that:

some chambers do not see themselves as accountable for the maintenance or enhancement of standards and accordingly do not provide training in how to deal with ethical dilemmas (p. 117).

A more encouraging trend in Australia and internationally is the:

increasing number of chambers (that) are providing advice and training for members on how to handle ethical issues and the appointment of independent parliamentary officials with related responsibilities is spreading (p. 117).
The latest research that we have conducted was with national parliaments selected to represent established and emerging democracies, global regions and constitutional types e.g. parliamentary and executive presidential. Data were collected from elected members, parliamentary officials and other personnel involved in the provision of capacity building (for example UNDP staff). Survey questionnaires were sent to individuals in each category of personnel at over 60 parliaments. Completed returns were received from 40 parliaments and interviews with parliamentarians and parliamentary staff were conducted in 15 countries. As such, the data conveys the important voice of parliamentarians and those that work for and with parliaments. An overview is reported in Coghill, Holland, Kinyondo, Lewis, & Steinack (2012). We investigated baseline matters such as the nature, content and extent of induction and professional development offered to MPs and whether participation was mandatory.

The latter point is obviously crucial: if MPs do not participate then it is unlikely that either they or the parliament will gain any of the potential benefits. Worse than that, it reinforces any self-perpetuating perception that the program is worthless. The argument against compulsion is that the parliamentary privilege that an MP enjoys also frees her or him from any form of coercion. However, the modern reality is that almost all MPs are members of political parties, owe their electoral success to that membership and readily accept the party discipline that accompanies it. We argue that it follows that if the Party Leader or the Whip requests parliamentary party members to participate, they will. Having regard to the effects on at least ethical awareness and confidence reported by Kavathatzopoulos (2012) (see below), such a direction should be standard practice.

Having got MPs in the door, the program must be attractive and reflect adult learning techniques. If the induction program is launched in a flippant manner, it diminishes its attraction and the significance of both the induction and further programs offered to MPs.

It is standard human resource management practice in other occupations for there to be a training needs analysis prior to designing induction and further training as part of a human resource development program. We did not find these in the parliaments we investigated although one is now planned by the Australian Senate. More common, but not universal, is a more informal evaluation and review following each induction program and other programs conducted during the period between elections.

Given the significance of parliaments for the good governance of nations and subnational jurisdictions, it is remarkable that so little attention is given the KSAAs of their key personnel, the parliamentarians. This is particularly so in respect to the integrity of those personnel. This audience would be more aware than most of this important matter.

2 ASSESSING ETHICAL COMPETENCE

Recognising the significance of personal integrity of MPs, the survey component of our data collection incorporated questions to measure the ethical competence of the MPs who responded – “the Ethical Competence Questionnaire – Political (ECQ-P)”, developed by Professor Iordanis.
Kavathatzopoulos of Uppsala University and his colleague Georgios Rigas (Iordanis Kavathatzopoulos & Rigas, 1998). It was first used with Swedish local government politicians.

The potential value of the method was demonstrated when adapted by Kavathatzopoulos to develop and use the Ethical Competence Questionnaire – Working Life Business (ECQ-WLB). It has been evaluated with “(p)rofessionals at three different levels of organizational hierarchy from business and working life as well as people with no experience in business or working life” (I. Kavathatzopoulos, 2012, p. 394). When re-tested after participating in training workshops, the participants clearly demonstrated that they had developed “higher ethical awareness, it was easier for them to handle ethical problems at a personal level, ethical argumentation and communication was more effective, and their ethical confidence was higher” (I. Kavathatzopoulos, 2012, p. 398). Subsequent changes in behaviour are not known to have been investigated.

These results suggest that the ECQ-P has considerable potential value in helping MPs recognise and understand their own personal ethical competence. When the abstract for this paper was submitted, we expected that our analysis of the completed questionnaires would enable us to report our findings but unfortunately our progress has been interrupted and delayed. Accordingly, we can only make preliminary comments.

The first thing to recognise is that many newly elected MPs have not had to face ethical issues of the nature or significance of those they may encounter in political life. For this reason alone it is crucially important that they receive education and training on how to develop and apply their moral reasoning to the type of ethical dilemmas that may confront them during their time as parliamentarians. It is also important that this training is not sandwiched in to induction sessions that are already crammed with events and new information which would be difficult for anyone to absorb and assimilate.

3 DEVELOPING ETHICAL COMPETENCE

Amongst interviewed MPs, there was not a general interest in the inclusion of ethical issues in induction or subsequent programs. This was all the more remarkable having regard to the well-publicized reports of misuse of entitlements in a number of jurisdictions (although note that the data collection was prior to the recent revelations before ICAC).

Parliaments that we have investigated are widely split. Some regard ethics as something in which parliamentary staff should not intervene but should leave to MPs. Queensland was not part of the project but in the aftermath of the Fitzgerald Royal Commission, that parliament regards it as not only desirable but essential.

Where it is included, one session on ethical competence early in a political career would not have a significant, lasting impact. This is all-the-more-so the longer an MP is in office.

A key observation is that if the ECQ-P is coupled with professional development in ethical competence, it may assist many MPs to avoid the ill-considered pitfalls that have been reported. That is not to say that all would have been avoided!
The support provided by an appointed parliamentary integrity officer and the opportunities it provides for individual MPS to re-fresh their acquaintance with ethical competence are essential if the parliament is to sustain the integrity of its functions and its reputation. Whilst sessions using adult learning techniques, in which MPs meet to learn and re-learn through role play and case studies are valuable, they are always vulnerable to MPs being diverted from attendance by unforeseen matters demanding their urgent attention. This ever-present risk should be addressed by the ECQ-P (or equivalent) being available online. That should be complemented by online availability of a range of hypothetical scenarios and updated frequently to illustrate difficult, contemporary cases. Howard Whitton, an Australian ethicist, has extensive experience in the development and production of such scenarios (Whitton, 2009).

4  CAPACITY BUILDING

Capacity building in parliaments of emerging democracies poses a different, difficult set of issues, including very high turnover of elected members at each election (70 – 80 per cent is common). Research by Kinyondo as part of this project found that capacity building should focus on parliamentary staff, including enhancing their capacity to develop the KSAAs of their MPs (Kinyondo, 2012). However, some staff may not feel comfortable if they construe this as telling members of parliament how they should behave rather than its intended purpose which is supporting MPs in the development of moral reasoning.

5  CONCLUSION

The ethical competence of MPs underpins the quality and outcomes of governance in our socio-political systems – our parliamentary democracies. MPs’ KSAAs determine the integrity and effectiveness of parliaments. Yet there is little recognition of this amongst MPs and patchy, inadequate recognition in parliamentary practice. It is in the interest of parliaments as the supreme institutions of parliamentary democracy that they accept and apply responsibility for the ethical competence of their elected members. This should include assessments of ethical competence and professional development programs to enhance it. To be effective, the political parties must require participation in these programs as a condition of party membership.

With these simple steps, a parliament could indicate to the public that it considers enhancing the ethical competence of its members a top priority for improving the parliaments’ effectiveness and enhancing its legitimacy.

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7 REFERENCES


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