

Democracy, Deliberation and Social Distancing in the Pandemic: Adaptive Strategies in Legislatures and Political Parties

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Introduction

The COVID-19 pandemic has challenged one of the foundations of democratic practice, namely that people meet in order to decide about the rules and regulations concerning their community. The principle of personal meetings is as old as democracy, as we know from classic Athens. Initially, the demos would simply meet on the market square or forum, and as the size of political communities grew, the principle of representation was invented. Still, the basic principle remained intact and unchallenged: representative assemblies make decisions when meeting in person. This principle is almost universal and applies to other areas also, such as juridical courts or university exams.

This basic principle of decision-making survived centuries and was only partially challenged through the advent of modern information and communication technologies (ICTs), which made it technically possible to deliberate without being physically present in the same location (starting with the telephone and radio). However, while governments and parties embraced these new technologies to connect and reach out to citizens, they have rarely been employed for actual decision-making. Indeed, as recently as 2019 the UK parliament was debating the propriety of allowing MPs on maternity or paternity leave to cast votes by proxy (Kelly 2020). Arguably, this is not solely due to well-known problems of security. Meetings without physical presence fundamentally change the nature and logic of decision-making, and this seems to be a major reason why parliaments and parties have hitherto mainly refrained from going virtual. Thus, in legislative chambers around the globe it has been normal to see legislators rush into otherwise deserted chambers whenever votes are called.

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However, the pandemic left little choice but to consider and try methods of decision-making under restrictions on physical presence. To be sure, going virtual is only one strategy, as we will show below. Shifting decisions to smaller groups of people or cancelling plenary sessions or party congresses are also options - at least for a limited period of time. This research note will provide a first, broadly comparative overview of the responses chosen by parliaments and parties around the democratic world in the initial wake of the pandemic, and will consider some implications of the different strategies that parties and parliaments have employed. It mainly draws on an online data collection administered by the authors with the help from many colleagues from the Political Party Database Project (PPDB) and further country experts.⁴ Our data on legislatures and parties reflect decisions as of the end of July 2020.

Strategies of distance and presence

The primary effect of the pandemic was that it turned normal physical presence into a health threat. Many countries reacted with drastic measures including curfews of varying strictness. For democratic politics, this meant that alternative solutions needed to be found - or at least considered - for all meetings in physical presence involving a larger number of participants. In essence, this applied to all major meetings of political parties, inside and outside of parliaments, including party congresses and party councils, also to plenary sessions of parliament and, to a lesser degree, meetings of parliamentary committees. In most of these cases, it was technically not possible to simply move to a larger venue. Parties' and parliaments' strategies to deal with the newly-necessary restrictions on physical presence can be divided into three categories.

a) *Strategies of physical presence* aim at reducing the number of required participants in order to allow all participants to keep a safe distance while leaving

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the normal decision-making procedures unchanged. For parliaments, one solution is to reduce the quorum; that is, reducing the number of those needed to be present to make a binding decision in order to allow for the necessary distance in the plenary. Of course, the corollary of this is that somebody needs to have the legitimacy to decide who is admitted to a reduced plenary session. Another solution is to shift decisions from a plenary session to a parliamentary committee. For political parties, the corollary solution is to cut the number of delegates at party congresses, or to shift decisions from party congresses to smaller, less inclusive bodies. It is likely that this reduction of inclusiveness would entail a loss of intra-party democracy.

b) *Strategies of physical distance* (at least temporarily) suspend existing decision-making structures of physical presence and introduce new procedures of deliberation and decision-making, ones that do not require meeting in person. In the most extreme case, this could mean that decisions are simply taken by the party leader or the chair of a representative body such as a parliamentary party or even parliament. As this will, in the vast majority of cases, simply be irreconcilable with the principle of democracy, other strategies are more likely, but in the context of an emergency less democratic measures may be considered justifiable. They can involve simultaneous or non-simultaneous communication and decision-making through digital technology or more traditional means such as postal ballots for party decisions that otherwise would have been taken at a party congress. Hence, it may involve a shift towards more plebiscitary modes of decision-making, but this is only one possible option. While all-member voting would entail a widening of participatory opportunities, the opposite can also be assumed for strategies of physical distance: decisions could be shifted to higher levels of the party organization, e.g. the executive committee which is still capable of meeting while the party congress is not. This second strategy of shifting decisions to different decision-making bodies may be easier for parties to adopt than for legislative bodies, given that parties may be less constrained by legal, constitutional, and normative considerations – but even parties could face legal or political consequences if they disregard their own statutes.

Either of these strategies, which include a considerable variety of specific responses, carry important but potentially varied implications for the quality of democracy. While the temporary reduction of MPs

in plenary sessions is clearly associated with a drift towards elitism, some response strategies that are open for political parties, like the recourse to more plebiscitary decision-making, or opening up online party meetings to all interested observers, might result in a higher level of member involvement in intra-party debate and decision-making.

c) *Cancellation strategies*. In the short term, these are the easiest responses to a crisis that makes in-person meetings difficult or undesirable. Cancellation of representative meetings is clearly associated with a (temporary) loss of democracy in that it leaves executives in parties and governments free to act without the constraints of democratically legitimated assemblies. As the pandemic continued for longer than many (or most) had expected, cancellation strategies eventually turned into delayed strategies of physical presence or distance.

The prolonged process of leadership election within the German CDU exemplifies this. When CDU leader Annegret Kramp-Karrenbauer announced her resignation in early 2020, an extraordinary party congress was scheduled for April 2020. It needed to be cancelled and it soon became apparent that the party would wait until its regular December convention to elect a successor. While large gatherings would have been legally permissible by December, assembling 1001 delegates required a huge venue if the legal distancing requirements were to be observed. In the end, the regular congress was postponed and held as a virtual meeting in mid-January 2021. Under German party law, the leadership election that was held online needed to be confirmed by a postal ballot afterwards. As a result, the CDU now reports two different sets of results for its leadership election, the digital and the postal results (<https://www.cdu-parteitag.de/wahlergebnisse>).

In the remainder of this paper we provide an overview of which strategies were adopted by parties and legislatures in a sample of 29 countries. This is a non-random sample of electoral democracies, with the choice of countries primarily reflective of the authors' research networks. Our data is thus by no means comprehensive, nor is it capable of capturing all shades of responses. Nevertheless, it provides a unique overview of how many legislatures and parties responded during the first months of the crisis, and gives a sense of which of these strategies were most in evidence. We look first at national elections, then consider how parliaments and parties adapted the ways they conduct their business.

National elections

Research by International IDEA shows that, between 21 February and the end of August 2020, at least 70 countries and territories across the globe postponed elections, including 33 national elections and referendums. In 56 cases, national or subnational elections went ahead despite concerns related to COVID-19.⁵ A little over half (57%) the scheduled elections took place on the original timetable. In 21 countries (17%), elections were initially postponed but eventually went ahead. The International IDEA researchers claimed that democracies were generally quicker than autocracies or electoral authoritarian regimes to hold elections once delayed, which is perhaps no surprise.⁶ Our own analysis of parliamentary and party processes focuses on countries which fall into the democratic fold, although it does cover cases that vary considerably in terms of democratic consolidation and standards,⁷ and takes in developed and developing countries, and parliamentary and presidential regimes. We start by focusing on the impact of the pandemic on the functioning of national parliaments.

Table 1:
Changes to Parliamentary Debate Procedure*

No	Yes	Not sure
Bulgaria	Austria	Cyprus
Denmark	Brazil	
Estonia	Chile	
Japan	Croatia	
South Korea	Czechia	
Taiwan	Ecuador	
	Finland	
	Germany	
	Greece	
	Israel	
	Italy	
	Netherlands	
	Nigeria	
	Norway	
	Poland	
	Portugal	
	Romania	
	Serbia	
	South Africa	
	Spain	
	Sweden	
	United Kingdom	
Total: 6	22	1

* Data covers developments until end of July 2020

⁵ See <https://www.idea.int/news-media/multimedia-reports/global-overview-COVID-19-impact-elections>.

⁶ See <https://www.idea.int/news-media/news/what-happens-after-elections-are-postponed-responses-postponing-elections-during>.

⁷ See <https://www.idea.int/gsod-indices/#/indices/world-map>.

Parliaments

Table 1 shows that, for plenary sittings of parliaments, only 6 countries in our sample (21%) made no changes to procedures. Most countries adapted by pursuing a combination of the three strategies, in many cases including the temporary suspension of parliamentary sessions, reducing the numbers of MPs permitted to attend in person in order to facilitate social distancing, and making use of online participation. For instance, Serbia cancelled all plenary debates, partly in order to be consistent with a governmental decree that gatherings larger than 50 should be banned. Greece initially limited legislator numbers to 25, although this was increased to 60 in early May. In Austria, for a short period of time, plenary debates were limited to 96 MPs (instead of 183), with parties agreeing to maintain party groups proportional to their original size. In the UK, a hybrid system was employed in which up to 50 MPs could be present in person, subject to social distancing, while others participated online only. Other countries reducing quora and/or numbers of parliamentarians in attendance included Italy, Finland, Israel, Czechia, Croatia, and Portugal. Online participation was used exclusively in Romania, Ecuador, and in part in Brazil, Chile, and South Africa.

It should be noted that the reduction of plenary sessions of Parliament may well have carried implications for the ability of legislatures to carry out their scrutinizing functions. We do not have systematic cross-country data on this question, but the UK provides a salient illustration. An unusually high number of ‘Statutory Instruments’ (SIs) – that is, laws made by executive decree without recourse to the full scrutiny of Parliament – have been introduced since the pandemic began. Many of these concern the government’s response to COVID-19 itself, for example, new Lockdown and social distancing regulations, though not all do. Indeed, in the context of Britain in 2020, inevitably a host of these related to the country’s preparations for Brexit. Many of those relating to the coronavirus become law instantaneously before requiring retrospective parliamentary approval; they exploit ‘urgent power’ provisions in the Public Health (Control of Disease) Act 1984, which is effectively subject to little constraint. ‘Even if a measure has been trailed in the media for days, a minister only needs to declare the matter urgent to be able to use the power to make an SI on a Friday and bring it into effect on Saturday, all without prior parliamentary scrutiny’ (Fox & Fowler 2020).

Table 2:
Changes to parliamentary voting procedures*

No	Yes	Not Sure
Austria	Czechia	
Bulgaria	Brazil	
Denmark	Chile	
Estonia	Croatia	
Japan	Cyprus	
Nigeria	Ecuador	
Portugal	Finland	
Romania	Germany	
Serbia	Greece	
South Korea	Israel	
Taiwan	Italy	
	Netherlands	
	Norway	
	Poland	
	South Africa	
	Spain	
	Sweden	
	United Kingdom	
Total: 11	18	0

* Data covers developments until end of July 2020

As we can see from Table 2, 18 of the countries in our sample (62%) implemented some changes to parliamentary voting procedures. It is easier to list those that did not: Austria, Denmark, Portugal, Japan, South Korea, Taiwan, Romania, Bulgaria, Serbia, Estonia and Nigeria. In most cases, the changes to normal procedures involved restrictions in the number of legislators able to vote in person (Poland, Finland, Czechia, Brazil, Israel, Greece, Sweden, Denmark, Netherlands, Italy) and the use of online voting (Poland, UK, Cyprus, Spain, Brazil, Ecuador and South Africa). Of course, the precise mechanisms varied from case to case. In Sweden, for instance, the number of MPs present for voting was reduced from a maximum of 349 to 55, and the parties then nominated certain legislators to vote as representatives of the wider parliamentary parties. In Finland, only a quarter of MPs were allowed to participate in the plenary votes, with the total number of MPs (200) divided according to parties' relative strengths in the chamber. A similar proportional reduction of legislator numbers occurred in Italy in March and April 2020. In other cases, MPs voted in limited groups; for example, in the Netherlands, votes in the second chamber were staged in three groups of 50 members (the chamber having 150 members).

Table 3:
Changes to Parliamentary Committee Procedures*

No	Yes	Not Sure
Austria	Brazil	Bulgaria
Czechia	Chile	Denmark
Estonia	Croatia	Portugal
Japan	Cyprus	
Nigeria	Ecuador	
South Korea	Finland	
Taiwan	Germany	
	Greece	
	Israel	
	Italy	
	Netherlands	
	Norway	
	Poland	
	Romania	
	Serbia	
	South Africa	
	Spain	
	Sweden	
	United Kingdom	
Total: 7	19	3

* Data covers developments until end of July 2020

The picture is, not surprisingly, similar when it comes to parliamentary committee sessions, where two-thirds of the countries made changes to procedures (Table 3). Once again, recourse to limiting the number of those physically present and making use of modern communications technology were the order of the day. Use of online participation and/or voting in committee was introduced in Romania, Italy (though not for actual committee votes), UK, Netherlands, Germany, Cyprus, Ecuador, Finland, South Africa, Brazil, Chile and Israel. A few countries followed more of a “cancellation” strategy with respect to committee business. Thus, Norway operated with a single ‘monitoring’ committee, while Serbia cancelled all committee sessions, as it did plenary sessions.

Intra-party operations

What of the internal lives of political parties? Did these undergo similar disruptions and changes as national parliaments? The answer is, they generally did so to a lesser extent – largely because many parties did not face the same number of required events as parliaments did. For instance, Table 4 shows that 52 parties in our sample (45%) did not have national congresses scheduled at all in 2020 anyway, so for the time being at least, problems did not arise in this respect. Where party congresses were scheduled (64

Table 4:
National party congresses by country, 2020**

	No congress scheduled	Congress held as scheduled	Cancelled	Postponed to later date	Not yet clear	Total No. of Parties
Austria	4	0	0	0	1	5
Brazil	0	0	0	2	0	2
Bulgaria	4	0	0	0	1	5
Chile	1	0	0	0	1	2
Croatia	4	0	0	2	0	6
Cyprus	1	0	0	1	1	3
Czechia	2	2	0	2	0	6
Denmark	0	4	0	0	0	4
Ecuador	5	0	0	0	0	5
Estonia	0	1	0	0	1	2
Finland	3	0	0	5	0	8
Germany	2	1	2	2	0	7
Greece	2	0	0	1	1	4
Israel	2	0	0	0	0	2
Italy	0	0	0	1	0	1
Japan	0	4	1	1	1	7
Netherlands*	0	3	2	1	0	6
Nigeria	0	0	1	1	0	2
Poland	1	0	0	0	1	2
Portugal	3	4	0	0	0	7
Romania	4	0	0	1	0	5
Serbia	0	0	0	0	1	1
South Africa	2	0	0	1	0	3
South Korea	1	1	0	0	0	2
Spain	2	1	0	1	0	4
Sweden	7	0	0	1	0	8
Taiwan	2	0	0	0	0	2
United Kingdom*	0	5	0	0	0	5
Total	52	26	6	23	9	116

Note: Figures = number of parties. *All Dutch and some UK parties also scheduled to have second congresses later in year; two British parties (Liberal Democrats and SNP) cancelled Spring congresses, but still planned to hold Autumn ones.

** Data covers developments until end of July 2020

cases in total), some 41% (n=26) did proceed as planned, while 36% (n=23) were postponed (a few to later 2020). In 6 cases, congresses were completely cancelled. These were all right-of-centre parties: the CDU⁸ and AfD in Germany, the CDA and Christian Union in the Netherlands, Nippon Ishin in Japan and the All Progressive People's Party in Nigeria. In addition, a couple of British parties (the Liberal Democrats and Scottish Nationalist Party) cancelled Spring conferences, but still held their regular national conferences in the Autumn. However, all these conferences were moved online. The Labour conference was replaced by an online event called 'Labour Connected' (19-22 September), while

the Liberal Democrat conference took place the following week and the Conservative conference in early October. The Scottish National Party conference was the last major party conference of the season, also held online (28 to 30 November).

Table 5 reveals that just over 30% of the parties in the sample (n=36) were scheduled to hold leadership elections in 2020, and of these 13 (36%) went ahead as scheduled. The remainder were either postponed or the situation remains unclear at the time of writing. Where elections were held, parties often made procedural adjustments, such as holding leaderships hustings online (British Liberal Democrats and the Welsh nationalist party Plaid Cymru), and where voting was not already by postal or e-ballots, these were sometimes introduced (e.g., the Croatian People's Party-Liberal Democrats).

⁸ The CDU had an exceptional congress scheduled for April 2020 in order to elect a new party leader. This was cancelled with a view to holding that election at the regular congress in December 2020 (see above).

Table 5:
Party Leadership elections by country, 2020*

	Elections scheduled for 2020	Held as scheduled	Postponed	Unclear
Austria	0	0	0	0
Brazil	0	0	0	0
Bulgaria	3	1	1	1
Chile	1	0	1	0
Croatia	1	1	0	0
Cyprus	1	0	0	1
Czechia	1	0	0	1
Denmark	0	0	0	0
Ecuador	1	0	0	1
Estonia	1	1	0	0
Finland	4	0	4	0
Germany	2	0	2	0
Greece	0	0	0	0
Israel	0	0	0	0
Italy	0	0	0	0
Japan	2	0	0	2
Netherlands	5	3	1	1
Nigeria	0	0	0	0
Poland	1	0	0	1
Portugal	3	2	1	0
Romania	1	0	1	0
Serbia	0	0	0	0
South Africa	1	1	0	0
South Korea	1	1	0	0
Spain	1	0	1	0
Sweden	2	0	2	0
Taiwan	1	1	0	0
United Kingdom	3	2	1	0
Total	36	13	15	8

* Data covers developments until end of July 2020

One of the major political functions of parties is the recruitment of candidates for public office. Thus, candidate-selection is a vital and regular part of the internal life of parties. We therefore asked our country experts to describe any significant changes to such procedures, such as postponing selections or changing selection processes due to restrictions on face-to-face meetings (Table 6). Obviously, changes to candidate selection procedures are only necessary in case of an imminent election. Hence, the immediate impact of the pandemic has been rather moderate. Some 84 of the parties for which we have data (71%) made no changes to candidate-selection procedures, while only 8% (n=10) did; the picture remains unclear for the remaining cases. Of those that made procedural changes, these often came down to postponements (Austria, Spain, Portugal, Ecuador), while online hustings, debates and voting were also introduced in several cases (Austria, South Africa, South Korea and Ecuador).

Table 6:
Changes to Candidate Selection Procedures, 2020*

	No	Not sure	Yes	Total
Austria	4	0	1	5
Brazil	2	0	0	2
Bulgaria	1	4	0	5
Chile	2	0	0	2
Croatia	6	0	0	6
Cyprus	1	2	0	3
Czechia	6	0	0	6
Denmark	4	0	0	4
Ecuador	2	0	1	3
Estonia	2	0	0	2
Finland	8	0	0	8
Germany	7	0	0	7
Greece	4	0	0	4
Israel	2	0	0	2
Italy	1	0	0	1
Japan	0	7	0	7
Netherlands	0	6	1	7
Nigeria	2	0	0	2
Norway	0	4	0	4
Poland	2	0	0	2
Portugal	5	0	2	7
Romania	5	0	0	5
Serbia	1	0	0	1
South Africa	0	2	1	3
South Korea	1	0	1	2
Spain	1	0	3	4
Sweden	8	0	0	8
Taiwan	2	0	0	2
United Kingdom	5	0	0	5
Total	84	25	10	119

* Data covers developments until end of July 2020; country names in bold indicate national elections in 2020; elections in Croatia were held before the pandemic hit Europe.

Conclusion

This paper has examined how two types of democratic institutions (legislatures and political parties) have responded to broadly similar situations which have forced them to alter or abandon deliberative procedures which they have long considered to be normatively and legally essential to their functioning. In this early-stage data we see countries adopting a variety of responses. Not surprisingly, some responses seem to be dictated by the timing and severity of the illness in each country. Thus, the countries whose national legislatures did not alter their procedures all had comparatively low case numbers through the first half of 2020 (see Table 7).

Table 7
COVID-19 Cases as of July 1, 2020

	N	N/100,000
Nigeria	25694	13
Japan	18723	15
South Korea	12850	25
Greece	3409	32
Croatia	2777	68
Bulgaria	4989	71
Cyprus	998	84
Poland	34393	91
Czechia	11954	112
Finland	7214	131
Romania	26970	132
Chile	279393	1492
Estonia	1989	150
Serbia	14564	167
Austria	17777	201
Denmark	12768	219
Germany	194725	235
Israel	24567	277
Netherlands	50273	291
Ecuador	56342	330
Italy	240578	399
Portugal	42141	410
United Kingdom	312658	469
Spain	249271	531
Brazil	1368195	655
Sweden	68451	669

Source: World Health Organization "Coronavirus disease (COVID-19) Situation Report – 163" (July 2, 2020), https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200701-covid-19-sitrep-163.pdf?sfvrsn=c202f05b_2

Perhaps more surprising has been the variation in party responses, both across levels of severity of the outbreak, and even within the same country. For instance, of the five German parties which had conferences scheduled in 2020, one held it as scheduled, two postponed them, and two cancelled them. Japanese parties also adopted an array of strategies with regards to their conferences. In Finland, a country with a relatively low case rate, all four parties with scheduled leadership elections postponed them. In South Korea, also with a relatively low case rate, one party changed its candidate selection rules but the other did not. On the other hand, in the UK, with a relatively high case rate, two parties managed to hold leadership elections as scheduled (though in one case voting was already underway at the beginning of March). This high variation in the ways parties are adapting to the new circumstances doubtless reflects parties' greater autonomy in rule-setting. Still to be seen is how parties' members and voters respond to the new party procedures: will they feel energized or marginalized by procedures

that are arguably more accessible, but possibly also less permeable to the kind of bottom-up input (formal and informal) that party congresses have allowed? While the pandemic may have induced some lasting expansion of participatory inclusiveness in political parties, the record for parliaments is more problematic. The reduction of the number of MPs admitted to plenary sessions is certainly no gain in democracy. Also, the record for political parties, in the short term, is ambiguous. The shift towards plebiscitary decision-making and virtual meetings may enhance intra-party democracy, but the cancellation or postponement of party congresses points in the opposite direction.

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