

# Parliamentary Questions and Open Government

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*Parliaments, the conventional wisdom suggests, tend to be dominated by the executive, with little ability to monitor the government's activities. Yet, the ability of legislators to question members of the executive is an important feature of many democratic legislatures. This paper provides an account of the procedures and practices of parliamentary questions across a variety of countries. The roles and functions of questions on the floor of the legislative chamber and in written form are explored. Parliamentary questions help elected politicians accomplish their representative roles while also providing the legislature with a tool to monitor and hold accountable the executive. Drawbacks to aspects of parliamentary questioning are discussed and measures to maximize the value of questions as a tool of open government are suggested.*

## **Introduction**

A common feature of legislative organization, particularly in countries operating under a parliamentary system of government, is the ability of members of the legislature to ask questions of members of the government.<sup>1</sup> Legislatures provide for a dedicated question time on the floor of the chamber during which government ministers are expected to make themselves available to reply to questions posed by legislators. The United States Congress is a notable exception, having nothing equivalent to a parliamentary question time. In addition, legislators in many countries are able to table written questions – providing the relevant minister the opportunity to have the issue researched by staff and an answer subsequently provided in writing. Again, the United States Congress proves an exception.

Where they exist, parliamentary questions (PQs) are amongst the most important and significant tools used by parliamentarians. In an era where legislatures in many countries are finding it increasingly difficult to counter the informational and strategic advantage of the executive, PQs are one of the few tools which provide legislators with access to information and the opportunity to hold the government to account. This may explain why question time tends to receive significantly more media attention than other legislative activities in many countries.

In the next section, the operation of PQs is reviewed. Variation in how PQs are organized is evident. It is possible to identify noteworthy patterns in how different legislatures manage questions. Subsequently, the roles, functions and advantages of questions are considered. Although PQs are used primarily to hold the executive to account or to channel constituents' interests, other significant advantages accrue

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<sup>1</sup> In this paper, the term “government” and “executive” are used, interchangeably, to denote that part of the political system with executive authority – typically the President and Cabinet under presidentialism and the Prime Minister and Cabinet under parliamentarism.

indirectly from questioning government ministers. In section three, building on observations of how PQs operate in multiple settings, potential drawbacks to PQs are considered – with suggestions as to how such drawbacks can be mitigated by the careful design of rules and procedures.

### **The Operation of Parliamentary Questions**

The structure of PQs differ greatly between legislatures and, in bicameral systems, between chambers of the same legislature. Such variation provides opportunities to compare and contrast how PQs work in different political and cultural settings. Here, the focus is on the common major variations in PQs structures and rules. A country's constitution, the chamber's standing orders, written guides to precedent and practice (such as *ERSKINE MAY*) as well as norms and informal rules all guide PQs. We consider first what is probably the best-known and most cited example of PQs – Prime Minister's Question Time in the British House of Commons. Prime Minister's Question (PMQs) are a relatively recent addition to the parliamentary landscape in Britain, having been introduced in 1961.

When the British House of Commons is in session, the Prime Minister comes to the chamber every Wednesday afternoon to answer questions from Members of Parliament (MPs).<sup>2</sup> This 30 minutes session is the most analyzed part of the regular weekly cycle of parliamentary life, and the best attended by MPs often with standing room only in the chamber itself. PMQs is, in short, the highlight of the parliamentary week. So what happens? The politically-neutral presiding officer (typically the Speaker) calls on a pre-selected MP to ask questions. By tradition, the first question asks the Prime Minister about his or her schedule that day, with the opportunity for a supplemental question typically of more substance but related somehow to the engagements of the Prime Minister. For example, the MP tabling the first question may follow with a supplemental asking if the Prime Minister is available to visit the MP's constituency. After the first question, the real questioning begins. The Leader of

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<sup>2</sup> The length and timing of PMQs have varied. Between 1961 and 1997, PMQs were scheduled twice weekly – on Tuesdays and Thursdays, from 3.15pm to 3.30pm. In 1997, the two shorter times were merged to form a once-weekly PMQs – on Wednesdays at 3.00pm until 3.30pm. The change occurred, apparently, at the request of Prime Minister Blair. In 2003, further reforms saw PMQs begin at 12pm – apparently to facilitate coverage on the national lunchtime news programmes.

the Opposition (that is to say, the leader of the largest party in the House of Commons not in government) is permitted to ask six questions – typically in two groups of three questions, with the Prime Minister responding after each individual question. The leader of the Opposition is privileged in having the right to ask questions. Other party leaders may have similar rights to ask, albeit fewer, questions, depending on the size of their parliamentary group. Limited time remains for backbench MPs.<sup>3</sup> Indeed, the time made available to ask questions is insufficient to meet the demand to ask questions of the Prime Minister. Therefore, a system of selection is managed by the parliamentary administration which conducts a lottery to determine which backbench MPs will ask a question. ‘The Shuffle,’ as the lottery is referred to within Westminster, is intended to ensure even-handedness and an equal chance of access to question time for all backbench MPs.

PMQs tends to be extremely theatrical. The Prime Minister generally receives supportive questions from party or coalition colleagues – providing an opportunity for the Prime Minister to showcase in his or her answer the competency of, and good policies emerging from, government. More challenging questions come from the leader of the opposition, the leader of each of the other major parties not in government, and opposition backbenchers who aim to challenge the Prime Minister on her/his record or the record of the government. Indeed British Prime Ministers, and Leaders of the Opposition are assessed closely on their performance during question time. PMQs is covered live on national TV, on radio, and features prominently in news broadcasts. The print media also report and analyze carefully PMQs the next day. How key political actors perform during question time is of enormous significance in terms of how they are perceived by voters – in terms of competency, communication skills and the ever-necessary mix of information, empathy and humor. Margaret Thatcher was considered an excellent performer; she was often able to turn negative questions to her advantage and even embarrass the questioner. In contrast, Gordon Brown’s performance varied considerably, with many perceived lackluster performances only partly balanced by occasional displays of merit. Many MPs react verbally to the performance of the Prime Minister or the questioner. Often the Speaker

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<sup>3</sup> Backbench MPs are those parliamentarians who do not hold higher political office, such as being a member of the Cabinet, a junior minister or a senior member of the opposition parties such as party leader or shadow (opposition) cabinet.

will intervene to ask MPs to become quiet if the chamber is too noisy and boisterous with MPs shouting approval or disapproval and waving their order papers. We return later to the advantages and disadvantages of such theatrical question times.

Given the significance of PMQs to the political standing of the party leaders, it is not surprising that the Prime Minister prepares carefully for the encounter. Noteworthy is that, with questions from the opposition benches, the Prime Minister is not aware in advance of the question. Thus, the Prime Minister must answer questions within seconds of the question being asked. To prepare for this, the Prime Minister will generally spend much of the morning in advance of question time studying answers to potential questions with policy and communications advisers. The Prime Minister, as head of government, is responsible for all government policy - unlike individual ministers who have responsibility for particular portfolios and policy areas. Consequently, preparing for PMQs is a daunting task. It would typically be unacceptable and politically damaging for a Prime Minister to say "I'm sorry I do not know the answer to that question." The questioner is advantaged by the ability to ask what questions they want without notification of topic, and opposition MPs, including the leader of the opposition party, will try to inflict maximum political damage on the Prime Minister during PMQs. The Prime Minister is expected to provide an answer to the question rather than criticizing the questioner or changing the topic of the answer from the topic of the question. Failure to answer the question may result in an on-the-spot rebuke from the Speaker.

Despite the disadvantage of not knowing the topic of questions, one significant political advantage enjoyed by the Prime Minister during PMQs is that she or he has the last word on any question. For example, the opposition leader may ask six questions and the Prime Minister will provide six answers with the last part of the interaction in the hands of the Prime Minister. Most questioners get no opportunity to follow-up, leaving the final word on any topic to the Prime Minister. This fact has been known to frustrate many legislators who are unhappy with the Prime Minister's reply.

PMQs are just one example of what are more generally classified as oral questions. Oral questions are questions that are asked and answered on the floor of the chamber.

Continuing with the British case, each Government Minister answers questions related to their departments on the floor of the House of Commons. Although not as intensely scrutinized as PMQs, ministerial questions nevertheless provide opposition leaders and backbench MPs from all parties with a significant opportunity to question ministers on their performance, policy and departmental administration. Rather than all ministers appearing in the chamber at the same time, ministers appear in weekly rotations – minimizing the amount of time questions in parliament take from a minister’s busy schedule. In contrast, all available ministers attend each day for question time in the Canadian House of Commons, with MPs able to question any minister present.

A significant portion of parliamentary business is dedicated to oral question time in a number of legislatures. An important issue concerns how to manage the time available during plenary sessions. Typically, the demand to ask questions outweighs the time available for questions. Adding more time for questions reduces the period available for speeches and parliamentary debates. Thus, rules governing PQs generally limit either the time available for questions or, as in the case of the Swiss *Nationalrat*, the number of questions an MP can ask during a specified period of time.

The lack of plenary time available for questions has been overcome in many legislatures by introducing differing forms of oral question time. The Norwegian *Storting* operates a Question Time and a separate Question Hour. For Question Time each MP may table one ordinary question per week, and each Question Time continues until the last question has been answered. In contrast, the more party-controlled Question Hour operates within fixed time limits - almost exactly one hour.

In addition to weekly question time, a number of legislatures also make provisions for emergency questions. Politics by its very nature is fast-paced, and significant developments occasionally occur that may warrant a legislator tabling an emergency question to a minister or to the Prime Minister. Urgent questions provide an opportunity for the legislature to be at the heart of politics – requiring the appropriate minister to come to the chamber and answer questions of an urgent nature. Again, rules vary significantly across different legislatures. Often, the presiding officer determines whether requests for emergency questions are appropriate. In some

legislatures, such as the German *Bundestag*, a petition from a group of MPs can call an emergency interpellation – a short debate focused around a series of questions on a particular topic.

Under parliamentarism, not all ministers are necessarily members of the legislature. In Ireland, for example, up to three ministers can come from outside the legislature. Indeed, as in many continental European countries, holding a ministerial position is incompatible with serving as a legislator. Similarly, under semi-presidentialism, cabinet members are often not members of the legislature. Oral question time, with the responsible minister answering questions, is not incompatible with such arrangements. Non-member ministers typically attend the chamber but only to take and answer questions. For example, Members of the European Parliament (MEPs) hold plenary question times with representatives of the Council and Commission present to answer questions from MEPs.

A similar procedural issue arises where the legislature is composed of multiple chambers but where ministers can be drawn from either chamber. Most bicameral systems with PQs follow the British tradition with a minister taking and answering questions only in the chamber of which they are a member. In Australia, a minister from the House of Representatives will take questions in the House of Representatives and a Senator will take questions in the Senate. Such arrangements necessitate ministers answering questions outside their portfolio to ensure that members of each chamber can table questions on any aspect of government policy. In contrast to this system, some second chambers do not have a question time – the Irish Senate being one example. Here, Senators who are ministers appear in the lower chamber to answer questions.

Written questions provide an alternative to oral questions. With written questions, legislators (or in some parliaments a legislator's member of staff) submit the question in writing and the answer is provided to the member in writing. Answers are also recorded in the published parliamentary proceedings. In many legislatures, written questions are now more frequently than oral questions. As with oral questions, the exact structure of written questions varies from legislature to legislature. Individual MPs may be able to table as many written questions as they desire or the number of

questions tabled may be restricted – an issue we return to later when discussing the resource implications of questions. Notwithstanding any limitations on the number of questions which may be asked in written format, the process of asking a written PQ takes the following generic format in most legislatures:

1. A parliamentarian (or a staffer with authority to act on the parliamentarian's behalf) poses a question to a particular minister via the parliamentary administration. Increasingly, many parliaments provide for the electronic submission of questions, typically through the chamber's intranet. Other parliamentarians have software designed specifically to manage written PQs. On receipt of a draft question, the parliamentary administration reviews the question and determines whether it is correctly formatted, follows the rules, and is directed at the appropriate minister. Formally, the presiding officer of the chamber may be empowered to reject questions. Rules regarding questions should be specified, easily understandable and transparent. Equality of access to written questions is an important issue and parliamentary administrations must ensure a process that is, and is seen to be, fair and immune to favoritism.
2. The parliamentary administration forwards the written question to the relevant government department or agency. Exactly which government agencies are subject to PQs needs to be specified. Typically, any organization for which a minister has responsibility can be the subject of PQs. A team of public servants (*bureaucrats* in the American terminology) are entrusted with managing questions from initial receipt until a reply has been sent back to parliament. The unit administering replies will either seek the necessary information from the relevant division of the department or will forward the question to the relevant division seeking a draft reply. The point worth emphasizing here is that public servants draft the ministerial response. In most public administrations, this entails acting formally in the name of the minister although the minister may not be directly involved in answering the question. Government departments and agencies to whom written PQs are addressed must have a well structured process to deal with answering questions in an efficient and timely manner. It is generally unacceptable for questions to go unanswered or incur significant delays in reply. Such behavior will reflect



poorly on the relevant department and minister and may result in a public rebuke from the original questioner or the parliament's presiding officer.

3. After the question has received a draft answer within the department, it is common for the draft to undergo a quality-control process before leaving the department. Either a senior civil servant or, in some cases, the minister will review drafts. The ability of ministers to personally review answers is determined by the number of questions a ministry receives. Answers to written questions matter as legislators have taken the time to ask the question in the first place. Moreover, the ministerial answer becomes part of the public record. There is evidence from Westminster systems that government departments take written questions extremely seriously and invest significant resources in ensuring that the "best appropriate answer" is provided. As we will see later, the "best appropriate answer" may reflect a balance between giving the questioner the information she or he is seeking while ensuring that the minister and public administration are portrayed in as positive a light as possible. It may be unlawful or against the rules of public administration for replies to PQs to contain outright lies, but drafters can be "economical with the truth," perhaps even intentionally misinforming the questioner without providing overt misinformation. Given the political sensitivity of replies, ministers and their most senior civil servants tend to monitor closely draft replies.
4. The final answer to the PQ is forwarded to the parliamentary administration from where it is typically communicated directly to the questioner and subsequently published in the official proceedings of the parliament. The latter is an extremely important point – the minister's answer becomes part of the public record accessible to all MPs, to journalists, and to any member of the public who chooses to read the daily record of parliamentary proceedings.

Written PQs entail a far lengthier process than oral questions and generally involve more actors and stages. Information technology can play a significant role in mainstreaming the communication of questions and answers between the individual MP, the parliamentary administration, and the relevant government department or agency.

Noteworthy, are two key differences between oral questions and written questions: First, written questions tend to be less political and partisan in nature. A significant period of time can lapse between a question being tabled and an answer being provided. By the time the answer is forwarded to the member who originally asked the question, the topic of the question may no longer be as salient a political issue. Seeking the governments' response to a breaking political story is better suited to oral question time. In addition, whereas a minister must respond immediately to an oral question, civil servants have significant time to carefully draft a reply to a written question – likely producing the best possible answer in terms of portraying the minister and administration as positively as possible. Thus, written questions are typically the least effective questioning mechanism by which to engage in the rough-and-tumble of partisan politics.

Second, the information that the member is seeking through written questions tends to be more specific in nature. Written questions tend to focus on obtaining detailed information and facts from the minister. Replies may require new research or detailed information that ministers would not be expected to have during oral question time. The detailed information that can be gleaned from answers to written PQs can be a particularly powerful tool of executive oversight. While ministers may be able to evade general questions on the floor of the chamber, specific questions about past government action are much more difficult to evade in a written answer - particularly where there is a legal requirement to provide honest information in answers to written PQs.

Parliamentarians can uncover embarrassing information on the government and systems of governance through written questions. It is not unusual in many democracies for answers to written PQs to form the informational basis of political scandals and high profile news stories. For example, specific questions on government expenditure require detailed answers. Information provided in such answers may disgrace the incumbent administration. It is very difficult for specific questions requiring specific quantitative information on past spending to be answered qualitatively. A minister in the chamber may be able to sidetrack the opposition during oral questioning. With a written reply, the same evasive maneuvers are not possible. The parliamentary administration may have a specific role to play in

ensuring government departments answer appropriately the questions tabled. Thus, parliaments may be able to censure a minister if their department is evasive in written answers in a way that is not possible in the much more political and heated atmosphere of a chamber during oral PQs.

A key difference between written PQs and private correspondence between a legislator and government department is the publicly-recorded nature of the former. Written PQs and the subsequent reply become part of the public record – typically published either as part of, or an annex to, the parliamentary journal of proceedings. Increasing numbers of legislatures are publishing PQs online, often searchable by topic, questioner or department. While most written answers may go unnoticed by most voters, the open nature of PQs do permit journalists and special interests to monitor replies. In summary, although PQs in the written form may appear less electrifying than their oral counterparts, written PQs are a potentially powerful mechanism by which members of parliament can extract information on the government, thus helping the legislature hold the executive to account.

### **The Roles and Functions of PQs**

Exactly what is the purpose of asking PQs? Moreover, what can be achieved by a well structured system of PQs? In this section, the role and function of parliamentary questions are reviewed with an emphasis on how PQs can serve as a tool to strengthen the capacity of individual legislators and the legislature as a whole.

*Executive Oversight and Accountability:* In classic accounts of the function of parliament, oversight of the executive is considered one of the legislature's most important roles. In parliamentary systems, parliament selects the government, and the government remains continually accountable to parliament, governing only as long as parliament has confidence in the executive. Under parliamentarism, cabinets act on behalf of parliament, and parliament must hold the cabinet to account for its actions and behavior. Similarly, under presidentialism, the legislature is empowered with oversight functions. Indeed, accountability and executive oversight by legislatures in presidential systems tend to be even stronger than under parliamentarism.

Yet, legislatures face an enormously difficult task in attempting to hold the executive to account. The executive tends to be better resourced, speak with one unified voice, and have an informational advantage. Government tend to be secretive, making it difficult for political parties not in control of the executive to obtain accurate and useful information on executive actions. To overcome such informational disadvantages, legislatures are empowered with a number of tools of oversight. In some legislatures, committees are empowered with oversight capabilities and are a significant organizational feature of the parliament. In other legislatures, committees tend to be much weaker – performing only the most elementary oversight of planned legislation and/or executive oversight. Moreover, political parties may dominate legislative activities and under cases of majority government (under parliamentarism) or of unified government (under presidentialism) it may be very difficult for the non-governing parties to use committees to scrutinize the executive.

PQs provide a tool by which individual legislators, or their designated leaders, can obtain information regarding the activities of government. In most parliaments, the substantive concern of questions covers the activity of the government, the behavior of individual ministers, proposed activity (such as planned legislation), and the implementation by the executive of enacted legislation.<sup>4</sup>

PQs provide an opportunity to get basic factual information on the operation of government that would otherwise not be made available by the government or the bureaucracy. Ministers when questioned within the legislature during oral question time are under enormous pressure to respond to comments and criticisms. The advantage of PQs – written or oral – is that ministers may face little choice but to respond directly to the question asked. This provides a real insight into the actions of government and the preferences of ministers. Voters can see accountability in action with parliament scrutinizing the executive and ministers having to justify their actions or inactions. PQs are somewhat analogous to police interrogation of suspects. A police investigation can uncover significant evidence, akin to the ability of a committee in the legislature to undertake detailed desk-based research ahead of oral

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<sup>4</sup> It is worth noting that the lawmaking function of parliament may be meaningless if, as is often the case, the task of implementing legislation is delegated to ministers and the bureaucracy. Legislatures need a tool by which they can assess the degree to which laws enacted by the chamber are being implemented by the government.

hearings, oral PQs are a form of real-time interrogation, providing the questioner all the possibilities of uncovering the actions and motivations of the government minister.

Providing an answer to a PQ obliges the government to go on the official record of parliament. Ministers must be careful to answer questions truthfully and honestly in a way that may not be a high priority when being interviewed by, for example, by the media. A number of legislatures specify that members must be honest and truthful when on the record of the chamber and being misleading is considered a serious offence in many countries. Therefore, the opportunity to lie or “spin” is significantly less when politicians are answering PQs than when speaking outside the chamber.

It is important to note that PQs may not be the only mechanism by which legislators can obtain information and hold the government to account. The media have an important role in monitoring and assessing executive decisions and actions. Committee enquiries are similarly important, providing an opportunity for an interactive discussion between committee members and those giving evidence. A number of democracies also operate a freedom of information system by which citizens may request in writing information on the administration of government. Such accountability and oversight mechanisms tend to compliment rather than replace the need for PQs. Indeed in many legislatures, a pattern of legislators tabling PQs as a means to obtain information for their committee is evident – indicating the usefulness of PQs even in legislatures endowed with strong committee systems.

*Intra-Party Control:* Above, we have discussed the ability of the minority (or non-governing) parties to hold the majority (or governing) to account. PQs can also function as an important oversight and accountability tool within political parties. Thus, it would be wrong to assume that oversight is merely a function performed by the minority party or opposition party. Political parties can be ideologically broad churches composed of members with very different preferences all seeking to exert their influence on the party leadership. One mechanism by which ordinary members control the party leadership, and thus the direction of policy, is by tabling PQs. This is particularly the case when the governing party is composed of factions – groups within the same parliamentary party that disagree on policy. Just as PQs can be used

by the opposition to control the government, factions within the party use PQs to monitor the party leadership. In many parliaments, PQs come from party colleagues, seeking information on ministerial actions and behavior – particularly when those actions and behavior run counter to the preferences of many members of the parliamentary party. While party meetings may provide a private forum for such intra-party deliberations, PQs may be more effective in extracting information from ministers on their actions, behavior and attitude towards a particular policy.

*Keeping Tabs on Multiparty Government:* In cases of multiparty government, PQs provide a tool for parties in government to keep tabs on each other. Multiparty government occurs under parliamentarism when the cabinet is composed of ministers from more than one political party – typically because no single party has secured the necessary number of seats in the parliament to govern without entering a coalition with other parties. When individual ministers enjoy considerable policy discretion over their particular portfolios, it is difficult for each of the parties in government to control the actions of individual ministers. While cabinets in multiparty government tend to have an important role in monitoring individual ministers, frequently ministers have the ability to act without the knowledge of the collective cabinet due the cabinet's busy schedule or infrequent meetings. Where two parties govern together, we would expect legislators from one governing party to be most active in questioning ministers from the other governing party. The pattern should be strongest on topics where the governing parties disagree in their policy preferences. Rather than undermining the cohesiveness of the government, ongoing monitoring of individual ministers reduces the possibility of sudden conflict that could lead to a coalition crisis or a gradual but significant drifting apart of the coalition parties to the point where a dissolution of the coalition becomes the only practical step. By allowing parties in coalition government to keep tabs on each other, PQs serve an important stabilizing function.

*Bureaucratic Accountability:* Elected officials or their political appointees are typically responsible for policy making and policy implementation. The reality of modern government can be very different with the permanent civil service or bureaucracy enjoying extraordinary power and privileges in terms of policy formulation, implementation and the delivery of public services. While such officials

may remain formally responsible and accountable to the political head of the department or agency, such heads may not have the ability to effectively control and monitor their subordinates. PQs provide an opportunity not just to hold politicians accountable but also to delve into the quality of public administration. While legislators from the governing parties may be unwilling to criticize the minister, they may be more willing to criticize the quality of public administration and thus focus their oversight attention not on the politician but on the bureaucracy. Once again, parliamentary questions provide an opportunity to obtain detailed information on the operation of government, often uncovering cases of poor administration.

As we have seen, PQs provide an opportunity for legislators to query and monitor the executive. However, PQs provide an opportunity to do more than simply demand information from the executive branch. As we discuss next, individual legislators may use parliamentary questions for reasons not directly related to accountability and executive monitoring.

*Interest Representation:* Many elected officials enter politics to influence public policy. In reality, limited opportunities exist in many legislatures for individual legislators to have any significant influence in policy making beyond their vote in a roll call. Time for debate during the plenary session is extremely limited in most legislatures. PQs can provide a much-needed avenue for individual legislators to express their preferences and put on record their interests. The content of the question can send a clear signal as to their interests and preferences on a given topic. As such, PQs provide potentially unlimited opportunities for individual legislators to signal their policy preferences and interests. Thus, a legislator interested in international human rights may be able to use PQs not so much to hold the government accountable on their international human rights record, but to signal to the government, the bureaucracy and voters, their interest in the topic. Such signals may be enough to encourage the executive and the bureaucracy to take seriously particular policy issues. The department receiving many PQs on a particular topic may, at senior management level, identify some topics as being of particular significance to policy makers. As a result, these topics may be given greater levels of attention within the department. As such, the actual question may be as important to the legislator as any reply.

Oral PQs are a particularly valuable opportunity for individual legislators to signal their policy preferences given the media attention focused on question time. Voters are more likely to observe their representative on the floor of the chamber rather than in committee or asking a written question. The practice of broadcasting parliamentary proceedings on television or radio increases a legislator's visibility during oral questions.

Some evidence suggests that parliamentarians use parliamentary questions to signal to fellow political elites their competency and interest in policy. In Switzerland, for example, PQs are a tool to indicate interest in national policy over parochial issues. A good record of PQs may be an essential criteria for promotion within the parliamentary party. Under parliamentarism, legislative office is often a stepping stone to more senior office – such as committee chair or ministerial office. Promotion can be based on competency, policy interests and enthusiasm – all of which can be indicated through a record of asking PQs.

PQs are used by legislators to represent the interests of others. Evidence suggests that in many political system, PQs are used by interest groups and lobby groups to publicize their causes and preferences and to signal to government the need for a particular course of action. It is possible therefore to think of individual legislators as brokers, asking questions on behalf of interest groups. Interest representation can be an important and legitimate aspect of a legislator's role and function. However, as we will discuss later, a danger may exist where legislators ask questions on behalf of commercial or for-profit interests in return for consultancy payments or political donations.

*Constituency Representation:* Much of our knowledge of legislative organization and behaviour indicates that what legislators do is influenced heavily by their desire to gain re-election. Different legislatures are elected by different electoral systems, but it is frequently the case that incumbents must cultivate the support of electoral constituencies in order to gain re-election. Even where legislators are not motivated by the need to gain re-election it may be the case that the representation of constituency interests is seen as an integral role to be performed on behalf of citizens. Although we may not know with certainty why legislators behave as they do,



legislators' interest in local affairs is observed in many countries. Legislators perform geographically-focused constituency service by various means, including but not limited to casework, legislative particularism, holding town hall meetings and having one-on-one meetings with constituents in their district.

In parliaments with PQs, an "electoral connection" is often observed in the substantive content of PQs. PQs can be a tool of constituency representation in at least three ways: First, members can ask questions concerned with individual constituents. The question will be addressed to the relevant minister and could be regarded as a form of clientelism. Clientelism occurs when an elected politician intervenes between the government and a citizen on the citizen's behalf. Rights of access to government welfare programs for individual constituents is a frequent topic of PQs in many legislatures. The member will ask a question concerning a specific individual and the relevant department will then respond. When published in the official proceedings, it is typical for the name of the individual to be withheld for privacy purposes. Such questions are very detailed, involving perhaps just one individual case and can have multiple motives: First, the legislator can present the question (and reply) to the constituent as evidence of the legislator's attempt to represent the interests of that individual. "I am so concerned about your case that I have tabled a parliamentary question to the Minister responsible" is a credible, visible signal to the voter of the representative's efforts to secure whatever it is that the voter is seeking.

Second, the PQ requires the administration to examine the details of the individual case. This examination provides an effective avenue of appeal whereby all the details surrounding the individual must be reassessed in order for the parliamentary answer to be drafted. Any mistakes or maladministration must be corrected if found. It is not clear how often a PQ results in a changed decision. It is more likely that the administration must provide evidence to justify the original decision.

Third, and perhaps most significantly in terms of macro-level impact, PQs focusing on individual constituents keeps the bureaucracy alert to the need to make justifiable decisions. In essence, a PQ can be a tool of appeal whereby individuals can challenge a decision of the public sector via their elected representative. Whether the legislator expects the question to have any substantive impact on the case, or asks the question

only to signal to voters an interest in the constituent's plight is debatable. As we will see later, using PQs to question operational decisions of the public administration is not without costs.

Beyond the cases of individual constituents, PQs provide an avenue to represent the interests of groups of constituents. A common theme in PQs relate to the government's provision of public goods – such as, for example, local post offices, schools, and in countries with universal or publically-provided healthcare, hospital and local healthcare provisions. A legislator asking a question about resources available for a particular school is representing a segment of his or her constituency. Again the impact is similar to that of a legislator asking a question about an individual constituent; the relevant departmental officials must review and study the case in order to draft a reply to the legislator. The Minister will want to avoid any political embarrassment and may therefore take action within the department with consequences for the allocation of local resources.

Finally, legislators may ask PQs on topics of particular relevance to a significant portion of their constituents. Economic interests are often geographically concentrated and will typically need, for electoral purposes, to make representations to government on behalf of the districts' primary economic interests. PQs provide an opportunity for local representatives to put on the parliamentary record the role and significance of a particular industry. PQs can also be used bring to the attention of government any specific needs of the industry. Such representation of constituents' economic interests will overlap with interest groups' attempts to influence legislators to table PQ to further their interests.

It is possible to view the use of PQs to represent constituency interests as a critically necessary aspect of the representative process. Ministers and decision-makers in the public administration are likely removed from citizens and local preferences. Legislators ask PQs to signal local preferences and possibly to, directly or indirectly, seek an appeal to a decision made. On the other hand, the public administration may see a legislator's use of PQs to represent local interests as being merely parochial and an affront to proper policy-based administration of government programs.

In summary, PQs serve two key functions - oversight and representation. Gaining access to the workings of government and public administration can be challenging. PQs provide a unique avenue to secure information on government actions and an insight into government thinking. Particularly in parliamentary system where individual parliamentarians are frequently incapable of independent action owing to the strong role played by party leaders, PQs can provide a voice by which the concerns and interests of constituents can be voiced by their representative in parliament. Yet, PQs are not a costless exercise. In the next section, potential drawbacks of the system of PQs are evaluated. Our aim is not to undermine the usefulness and significance of PQs but rather to identify some of the costs and potential dangers associated with this tool with a view to designing PQs institutions that minimize such hazards.

### **Identifying and Minimizing Weaknesses**

For all the benefits of a well structured system of PQs, it is important to recognize some potential pitfalls and dangers. In this section, common problems observed with PQs are discussed, with suggestions for how such problems can be avoided or minimized.

*Partisanship:* There is a danger that PQs become purely partisan devices with members of the majority/government party asking questions that reflect positively on the government and opposition politicians asking questions merely to score political advantages against their opponents in power. Oral questions in particular, given the attention focused on this period of the parliamentary day, are in danger of becoming a performance arena where politicians seek to maximize their standing at the cost of the reputation of their opponents. While this political theatre may be entertaining, such highly-partisan interactions provide little of substance in terms either of representation or oversight of government. The image of legislators shouting at each other across the floor of the chamber may change the atmosphere of politics from one of cooperative deliberation to one of open conflict. As with negative election campaigns, overly negative oral question times have the potential to be off-putting for voters.

For the minister answering oral questions, a practical approach may be to attempt to avoid answering a difficult question and instead to verbally attack the questioner. British Prime Ministers will often attempt to criticize the policy position of the opposition party even though the Prime Minister is meant only to be responding to the question asked by the MP about the government. Where necessary, the presiding officer may intervene to demand that the minister provide an answer to the question asked rather than criticize the question or questioner. Likewise, some MPs use question time to advance their position, giving what are effectively short statements, rather than to ask questions. In the British House of Commons, such behavior is typically cut short with shouts from MPs demanding “where is the question?” Such examples draw attention to the degree to which questions can become focused on partisan politics and point-scoring rather than on their supposed role as a tool of oversight, accountability and representation. The chamber must regulate PQs in order to achieve the right mix between partisanship and the opportunity to ask and have answered substantive questions.

Yet for all the conflict that oral question time may bring the floor of the legislature and to the system of politics more generally, recent research has argued that highly partisan and “noisy” oral question times have significant positive consequences for the political system: Active question time is reported widely in the national media and has the, perhaps unintended, consequence of engaging citizens in politics. Voters have little time to study closely the activities of their political representatives, relying instead on informational shortcuts to understand politics and political choices. Oral question time provides such a shortcut – a quick, often sizzling political battle with politicians of differing views attempting to persuade voters as to which policy is best and which party more capable of running the country. As an example of the potential positive benefits of partisan PQ battles, evidence suggests that political systems with active question time tend to have higher levels of voter turnout at election time. By engaging, exciting and possibly even entertaining voters, oral PQs perform an unexpected function by bringing parliament into the living rooms of citizens. Voters know more about politics and have a better understanding of the oversight and accountability function of parliaments and hence are more likely to vote.

*Performance Versus Substance:* Related to worries over partisanship, is the worry that performance will trump substance during oral question time on the floor of the chamber. Owing to the close media scrutiny of question time and the interest of voters, PQs have the potential to become more about theatre than about the substantive business of government. Indeed, media coverage of PQs frequently focus on the performance of the questioner and minister rather than the substance of the questions and answers. The issue then is who performs better: the questioner or the person answering the question? In the British House of Commons, Prime Minister Margaret Thatcher was considered to be an excellent performer during question time, often leaving the Leader of the Labour Party looking weak, bungling and ineffectual. A careful balance is needed between ensuring PQs perform their function in representing legislators' preferences and providing oversight of the government while having question time remain engaging and capable of capturing the interest of voters. The presiding officer has an important role in this respect; the presiding officer can, for example, remind the person replying to the question to answer the question. It is demeaning for a minister to be rebuked for failing to adequately answer a question, and even the fear of such an intervention by the presiding officer may influence the minister to take PQs seriously.

*Asking the Right Question?* Even in small political systems, modern government is a large and complex industry and monitoring the actions and inactions of government is a complex and difficult task. The usefulness of PQs as a mechanism to monitor government and individual ministers is dependent on the ability of legislators to identify and ask the most pertinent questions. Tabling important PQs may require some initial detective work to uncover important topics and subjects about which a subsequent PQ could uncover important information. For example, uncovering a case of maladministration through PQs may be akin to looking for a needle in a haystack. Indeed parliamentary questions are not particularly suited to intensive investigation. Other monitoring mechanisms equally suffer from the need to identify correctly the particular issues that need to be uncovered. Other forms of oversight, such as having a well-resourced and legally powerful comptroller and auditor general are more capable of providing in debt accountability and oversight. While PQs can uncover basic factual information, they can never provide a quality assurance review of government

agencies, department or ministers. PQs should be seen as but one tool by which the government is held accountable.

*Quality of Answers:* The attitude adopted by ministers in answering oral questions, and by bureaucrats in preparing answers to written questions, is critical to the effectiveness of PQs as an oversight mechanism. If the government ministers tends to be dismissive of questions, the answers are unlikely to contain valuable information. Likewise, how the bureaucracy views PQs impacts the usefulness of PQs as a tool of government oversight. A culture of secretary or non-cooperation greatly reduces the likelihood that PQs will be effective. In practice, huge variation exists across countries and over time in the attitude taken by governments towards PQs. At one extreme, ministers might be unwilling to answer PQs at all. Indeed, in many systems, compulsory maximum response times are required to motivate responses by government agencies and departments. Yet, it is not always the case that governments respond within the required timeframe established by parliament and the consequences for the government department are not always significant. Thus, some PQs simply go unanswered.

More commonly however, alongside a recognition that PQs must formally be responded to, an unconstructive attitude towards PQs frequently prevails in the public sector. In such situations, PQs received a formal response but frequently contain very little substantive information that is of any significance. The reply may not directly answer the question asked or hide the answer without technically lying (commonly referred to as “being economical with the truth”). Answers can be written in such a way as to provide only general, vague facts, while containing no real information. For example, an investigation into maladministration in Ireland in the 1990s found clear evidence of deliberate vagueness in replying to parliamentary questions. Civil servants’ primary concern was to protect the minister and department rather than to provide information. This example raises important administrative and constitutional issues regarding the role of public servants. Is the primary responsibility of the person drafting a reply to a PQ to provide the requested information to the legislator or to protect their department and minister? If the latter, then the content of replies to parliamentary questions must always carry the suspicion that the bureaucracy and minister may not be fully forthcoming with their answers. A principle of complete

honesty, candor and frankness in drafting replies to PQs is often necessary, particularly in newly-democratizing countries, to overcome any prevailing or traditional culture of secrecy. This may require not just a change to the law or the operating manual for civil servants but also a change to the training of civil servants and ministers to explain the need for, and ultimate advantages of, PQs for democratic government.

Even long-established democracies may find it difficult to establish a culture of information sharing through PQs. This is particularly true where a pervasive culture of secrecy exists and public servants work to protect the minister. Again, the administration of the parliament has an important role to play in ensuring that all parts of the government – from junior civil servant to the cabinet minister - takes their responsibilities to the legislature seriously by answering, in an appropriate manner, the PQs asked of them.

Most evidence points to bureaucrats taking PQs very seriously. It is common in the Westminster tradition for the permanent head of each department to personally monitor replies to PQs. It may be that PQs are supervised by senior bureaucrats so as to ensure ministers are not in any way embarrassed by the reply drafted by junior colleagues. It may be that senior officials are concerned with the accuracy of information going back to legislators. That the most senior bureaucrats take a personal interest in PQs suggests that PQs have the potential to be a significant tool in signaling legislators' preferences and priorities to the administration. Such signaling strengthens the chain of delegation from elected officials to bureaucrats, reminding bureaucrats of the priorities and interests of their elected masters.

*Resource Implications:* PQs are not costless. They require the attention of individual legislators or their staff to draft questions. Drafting questions, particularly PQs that will have a significant impact, may require considerable research. Legislators continually face time and resource constraints, particularly in legislatures with little resource capabilities. PQs have opportunity costs, likely taking time away from other tasks performed by legislators and their staff.

PQs also have resource implications for government ministers. Ministers appearing in the chamber to answer PQs must be well prepared. The time at the dispatch box during which questions are answered is typically minimal compared with the time spent preparing to answer questions. Biographies of past British Prime Ministers indicate that much of the morning in advance of PMQs is spent with close advisers and communications managers preparing for the encounter in the chamber. Likewise, the opposition frontbench spend considerable time preparing questions. Thus, preparing for oral question time requires considerable resources on the part of the questioner and the person answering the questions.

It could be argued that the time spent preparing for question time allows and requires the Prime Minister or government ministers to receive an overview of what is going on in their department and to ensure that they are fully up to date with all departmental activities. Oral questions also requires politicians to respond quickly to developing situations. The balance therefore must be struck between the amount of time taken from a politicians already busy schedule and the degree to which preparation for PQs is an opportunity for politicians to receive in-depth, quality briefings from their senior staff – requiring them to be fully alert to all activities under their remit as well as breaking news stories. The time spent preparing for PQs cannot be simply discounted as waste time – useful briefs are reviewed and the minister is motivated to be on top of their brief. Without oral questions, it would be much easier for government ministers to limit their engagement with their department, leaving details to the bureaucracy while they engage in fundraising or other political activities. Oral questions then engender hard work on the part of elected politicians – forcing them to be fully proficient on all important matters, lest they be seen as being unintelligent or ill-prepared.

Similarly, written PQs are resource intensive. They must be tabled by a member (or the members' representatives) and must be processed by the parliament administration. To deal with written PQs, most parliaments have an office dedicated to PQs whose function include receiving questions from members, confirming that the PQ is appropriate and, if so, distributing the PQ to the relevant agency or department. The same office often receives the reply from the agency or department and forwards



the reply to the questioner. This office also arranges for the PQ and answer to be published in the parliamentary proceedings.

In addition, a significant administrative burden lies with the agency or department to which the PQ has been directed. The more detail-oriented the PQ, the greater the amount of information needed to draft an answer. Replying to such PQs can be labor-intensive and time consuming. Agencies and departments may need to maintain a quality management information system to be in a position to answer PQs. The volume of written PQs directed at the body, the availability of information, and the procedures for answering questions will dictate the resources that needs to be allocated to these questions.

It is difficult to calculate precisely the cost of parliament questions. Real marginal costs entail the number of civil servants directly employed to answer questions, that is the number civil servant hours spent researching and drafting replies to PQs. Larger departments may have entire units dedicated to drafting answers. A more subtle but no less significant cost arises from the practice in many countries of having senior civil servants quality assure the process. The British House of Commons has calculated that the average cost of a written question was £149; an oral question cost £410, on average. In some parliaments, occasional criticism is made of the number of written PQs asked by certain individual members who have been identified as heavy users of PQs. Such criticism is exacerbated by the fact that PQs are often used not for issues of oversight by the legislator to obtain otherwise accessible information on behalf of constituents or constituency interests.

There are two effective ways to limit the costs of PQs: The first, as employed in Switzerland, is to limit the number of PQs any single member can ask during a given period of time. The restricted number of PQs ensures that government bureaucracy is not inundated with requests of a relatively trivial nature. This has the added bonus of ensuring that members take seriously PQs as a tool of representation and parliamentary scrutiny. As an alternative to establishing a quota of PQs for each legislator, parliament could establish rules requiring that PQs have a cost threshold beyond which a reply will not be given. The British House of Commons, for example, specifies a “disproportionate cost” – the cost above which PQs will not be answered.

Allowing situations where the target agency or department can decline to answer PQs based on the cost of compiling the necessary information needs to be carefully monitored to ensure that the cost argument is not being used as a tool to avoid difficult or unfriendly questions.

Ultimately, the issue of cost must be weighted against both the efficiency and effectiveness of PQs as the mechanism to represent interests and monitor government and the interest and desire of legislators to ask PQs. The British House of Commons Information Office have succinctly summarized the issue of cost versus benefit as follows:

“The fact that Members continue to put down questions at the rate of several hundred a day suggests that they regard this as money well spent in the pursuit of Ministerial accountability.”

*Clientelism and Brokerage:* Nevertheless, as already noted, PQs are used by parliamentarians for reasons other than the pursuit of ministerial accountability. PQs are used by many legislators as a tool of interest representation. It is possible that PQs may be inappropriately or excessively used as a mechanism by which legislators represent specific interests. It has been long debated whether or not it is appropriate for legislators to focus their attention on constituency casework, perhaps at the expense of other parliamentary roles such as executive oversight. PQs can be used as a tool of political clientelism. Clientelism occurs when elected officials reward their supporters with privileged influence and access to resources and information. PQs may be used to extract information or signal privileged influence for a legislator’s clients – be they constituents or special interests.

Brokerage may be an even greater motivation for tabling PQs. Brokerage occurs when an elected official intervenes with the public administration to exert influence on behalf of a constituent. Constituents become clients of the legislator in return for voting for a legislator in subsequent elections. Many PQs deal with welfare issues and education issues – often involving the case of a single individual or entity. For many, such representations through PQs is a normal and welcome part of the representative process with legislators simply attempting to correct poor decision-making by the

public administration. For others, clientelism and brokerage reflects poorly on democratic politics by providing privileged access to a few and impacting on decision-making by civil servants in the allocation of public goods. Regardless of which normative perspective underlies clientelism and brokerage, there is little doubt that PQs can be used as a tool to secure information for, or to make representations on behalf of, individual constituents. Parliaments need to balance carefully the role of PQs with the function of an Ombudsman. The post of Ombudsman, in many countries a parliamentary office, may be better suited than PQs at providing citizens a process of appeal against decisions of the public administration.

Asking PQs on behalf of individual constituents may be inefficient, but the practice of asking PQs on behalf of special interests is even more problematic. Indeed the motivation for, and appropriateness of, tabling PQs on behalf of special interests is highlighted by Britain's "cash for questions" scandal. In 1994 it emerged that a small number of MPs had allegedly received money from a lobbying/public affairs company in return for tabling PQs on behalf of a well known business person. Subsequently, undercover newspaper reporters, posing as business executives, approached a number of MPs asking them to table questions in return for cash payments. Some MPs allegedly took a £1,000 payment in return for tabling PQs. It should be noted that in British politics many MPs have in the past acted as paid lobbyists for lobby/public affairs companies or directly for businesses and other organizations. Notwithstanding this practice, the idea that MPs sell the right to ask PQs shocked many people – not least because of the cost in processing and answering PQs. As a result of the outrage, rules were tightened and MPs were required to declare special interests – including when and under what circumstances they receive rewards for tabling PQs. Because PQs are tabled publicly, they are probably less subject to corruption than private interactions between legislators and senior civil servants or legislators and party bosses. Nevertheless, parliaments must specify clearly rules governing whether MPs should table PQs on behalf of special interests and what is appropriate or inappropriate in terms of rewards for such behavior.

### **American Exceptionalism**

The United States Congress is considered one of the most influential and powerful legislatures in the world. The constitutional separation of powers provides Congress with the motivation to hold the executive accountable, particularly during periods of divided government.

Yet the United States Congress lacks anything identifiable as an oral question time or any form of written PQs. The President comes to Congress typically only to deliver a state of the union address which involves a non-interactive, unidirectional address by the President without any questions from Members of Congress. Likewise, members of the President's Cabinet tend not to appear before Congress and when they do, it is to appear before a Committee rather than the Plenary. Presidential government in the United States therefore does not provide for oral or written questions from members of Congress that are recorded in the proceedings.

Indeed, many Americans appear somewhat bemused by question times in other legislatures. The popularity of PMQs in the British House of Commons, carried on the C-SPAN network, leads some to wonder about the absence of PQs in the American parliamentary tradition. In 2008, Senator John McCain made a campaign pledge to:

“Ask Congress to grant me the privilege of coming before both Houses to take questions and address criticism, much the same as the Prime Minister of Great Britain appears regularly before the House of Commons.”

The issue here concerns the degree to which Congress and many other legislatures are successful as a legislature in providing effective oversight of the government and in representing the interests and preferences of individual legislators without a system of PQs. Congress is uniquely placed however in terms of the strength of the committee system and the staff and research resources available to members. Whether a system of Presidential PQs would further strengthen Congress and American democracy is an open question. That PQs are one of the most powerful tools in the hands of legislators in other countries is unquestionably true.

The strength of committees in the American Congress in conjunction with the absence of a system of parliamentary questions raises the issue of whether strong committees and strong PQs are competing or mutually exclusive forms of legislative organization. In reality, committees and PQs should be seen as complimentary tools to help individual legislators and the legislature as a whole undertake executive and bureaucratic oversight. Many parliaments have both a system of PQs and a committee system. Where this exists, some evidence indicates that committee membership explains the pattern of questioning: committee members seem to use PQs to gather factual information in advance of formal hearings or investigations at committee level.

More generally, PQs and committees can be seen as being complimentary rather than competitive forms of legislative organization. Oral question time tends to be an ideal venue for discussing, on a regular basis, issues of contemporary interest to voters and their representatives. Committees are typically more suited to medium-term, in-depth investigative work resulting in a substantive report or list of recommendations for policy change. From this perspective, the complimentary rather than competitive relationship between PQs and committees should provide no barrier to the adoption of PQs in presidential as well as parliamentary systems with existing strong committee systems.

## Appendix: Parliamentary Questions in Select Advanced Industrial Democracies

<b>Country</b>	<b>Written Questions?</b>	<b>Oral Question Time?</b>
Australia	Yes	Yes
Austria	Yes	Yes
Belgium	Yes	Yes
Canada	Yes	Yes
Chile	No	No
Czech Republic	Yes	Yes
Denmark	Yes	Yes
Estonia	Yes	Yes
Finland	Yes	Yes
France	Yes	Yes
Germany	Yes	Yes
Greece	Yes	Yes
Hungary	Yes	Yes
Iceland	Yes	Yes
Ireland	Yes	Yes
Israel	Yes	Yes
Italy	Yes	Yes
Japan	Yes	Yes
Korea	No	Yes
Luxembourg	Yes	Yes
Mexico	No	No
Netherlands	Yes	Yes
New Zealand	Yes	Yes
Norway	Yes	Yes
Poland	Yes	Yes
Portugal	Yes	Yes
Slovak Republic	No	Yes
Slovenia	Yes	Yes
Spain	Yes	Yes
Sweden	Yes	Yes
Switzerland	Yes	Yes
Turkey	Yes	Yes
United Kingdom	Yes	Yes
United States	No	No

Notes: List of countries correspond to the current membership of the Organisation for Economic Co-operation and Development.

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