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Tracing the use of evaluations in legislative processes in Swiss cantonal parliaments

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ABSTRACT

Several studies have challenged the notion that members of parliament use information from evaluations to make policies. However, it is also argued that the function of evaluations in an inherently political context such as parliament is to provide arguments and justifications rather than simply supply information for policymaking. This paper provides a fine-grained account of the use of evaluations by members of parliament in the context of political conflict. Previous research has highlighted the importance of this factor, but the findings are controversial. Here, four case studies of policy processes in two Swiss cantonal parliaments illustrate that political conflict is highly context-specific. Documentary analysis and interviews show that the members of parliament used evaluations to inform themselves as well as to gain political support in the moderately contested case. This both supports and challenges previous research. Comparing the cases reveals that the administration's use of evaluations strongly influences their use in the non-professional cantonal parliaments. However, Switzerland's semi-direct democracy and its conflict-resolving mechanisms shape and limit this role, particularly if political conflict is high.

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1. Introduction

The question of how evaluations are used is at the centre of research on evaluation; however, comparatively few studies have been devoted to members of parliament (MPs) as users of evaluations. Dealing with increasingly complex and interconnected issues, modern parliaments are confronted with the demand to base their policies and decisions on sound evidence such as that provided by evaluations. From a democratic theory perspective, this also raises fears that pursuing a rational, technical approach to policymaking undermines the representative function of parliaments. Yet, research does not support such fears of technocratic policymaking in parliaments. Rather than base policies on evaluations, MPs use them for political purposes such as bolstering arguments or legitimizing decisions (Frey, 2012; Shulock, 1999; Weiss, 1989; Whiteman, 1985). Scholars have argued that research needs to integrate the inherently political context of parliaments and "the political factors which affect use" (Whiteman, 1985; p. 294). According to this argument, the role of evaluation is not only to inform policies but to provide explanations, arguments, and justifications (Henry, 2000; Majone, 1989; Shulock, 1999).

This paper aims to answer the following questions: When, by whom, and for what purposes are evaluations used in the parliamentary policy process? In this respect, the paper further addresses the question of how evaluation use is shaped by political conflict. Many scholars have highlighted the role of this context factor (Esterling, 2011; Frey, 2012; Jenkins-Smith & Sabatier, 1993; Whiteman, 1985). However, previous findings are contradictory. Evaluation use has been observed both in stable political contexts and when issues were controversial and political actors disagreed (Nutley, Walter, & Davies, 2007).

By studying four most similar cases of policy processes in two Swiss cantonal parliaments, this paper investigates evaluation use across different levels of political conflict. Switzerland's semi-direct democracy[1] is often seen as an obstacle for evaluation use. In order to prevent the failure of bills in referendums, Swiss policymaking is oriented towards gathering consensus. This leaves little room for evidence to shape policymaking, particularly if the political actors have strongly conflicting interests and a

[1] The system in Switzerland is described as a semi-direct democracy. It mixes both representative and direct democracy, as a referendum is not mandatory for all decisions (Linder, 2010).

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referendum is already expected at early stages of the policy process (Sager & Rissi, 2011; Widmer & Neuenschwander, 2004). Yet, the institutionalization of evaluation in Switzerland is very advanced compared to other countries, notably in the legislatures (Jacob, Speer, & Furubo, 2015). In a recent survey, Swiss cantonal and federal MPs also indicated that they seek and use evaluations rather frequently (Eberli, Bundi, Frey, & Widmer, 2014). Swiss parliaments are generally non-professional, and previous research on the federal parliament has highlighted the importance of the administration for policymaking and evaluation use (Frey & Widmer, 2011; Widmer, 2009). This is supposedly more pronounced in the member states of the cantons whose parliaments have fewer resources than the federal parliament. Having their own constitutions, parliaments, governments, and courts, the cantons retain all powers that are not constitutionally granted to the Federation (Linder, 2010). Therefore, the cantons both share a common framework and have comprehensive legislative competencies, which makes them ideally suited for case comparisons.

Evaluation use is traced by examining diverse documents from governments, parliaments, and political parties and through interviews with MPs and civil servants. The case studies show that the MPs most often used evaluations to inform themselves in the comparatively moderately contested case. This supports previous hypotheses stating that MPs should be particularly open to evaluations in such situations (Jenkins-Smith & Sabatier, 1993). The case study evidence also contrasts with previous studies (Frey, 2012; Jenkins-Smith & Sabatier, 1993; Whiteman, 1985), because the MPs made comparatively little use of evaluations to gather political support in the most contested case. The case comparison shows that political conflict is shaped by the framing of the issue at hand and suggests that the administration's use of evaluations can facilitate MPs' use of them. However, if political conflict is high and a referendum is expected, the impact of the administration's use is limited.

This paper first provides an overview of the legislative procedure in the Swiss cantons. It then defines evaluation use and political conflict as a context factor. After a description of the methodological approach, the case study evidence is presented. The paper concludes with a comparison of the cases and a discussion.

2. Law-making in the Swiss cantons

While exact rules and procedures differ between the cantons, this paper distinguishes three broad phases of legislative procedure[2]: pre-parliamentary, parliamentary, and post-parliamentary. In the *pre-parliamentary phase*, after the legislative procedure has been initiated, an administrative unit drafts a bill and consults the administration and third parties such as municipalities, interest groups, and political parties. Then, the government decides on the proposed bill and submits its proposal to the parliament. This decision marks the beginning of the *parliamentary phase*. The bill is then assigned to a parliamentary committee for preliminary deliberation. The committee can usually hold hearings to consult interest groups, practitioners, and experts. Consequently, this step is thought to be important for involving evaluations in the process. After deliberation in the committee and the parliamentary party groups, the bill is discussed in a plenary meeting. The parliament first decides whether to enter the bill and, if it does, proceeds to the first reading of the bill, in which the bill is discussed paragraph by paragraph. After a more or less extensive second reading in the committee, the parliamentary party groups, and subsequently the plenum, the parliament usually proceeds to the final vote. In the *post-parliamentary phase*, the law is published and, if requested, a referendum is held. In some cantons, the referendum can include a counterproposal, by which voters can propose specific amendments to the bill. The parliament then discusses this counterproposal and decides on giving a recommendation to the voters and if it does, whether to recommend the initial bill or the counterproposal.

This paper focuses on the pre-parliamentary and particularly on the parliamentary phase. Previous research suggests that evaluation use occurs in diverse forms in the pre-parliamentary and early parliamentary phases, but in the later stages its use for political purposes prevails (Weiss, 1989; Whiteman, 1985). Moreover, the documents prepared by the administration in the pre-parliamentary phase are thought to be an important information source for the MPs.

3. Theoretical framework

3.1. Evaluation use: definition and forms of use

This paper investigates the use of policy evaluations. However, it is questionable whether MPs differentiate evaluations from other studies (Frey, 2012). The MPs' use of evaluations is therefore understood to mean that MPs use information that is usually acquired from policy evaluations. In order to define the information acquired from policy evaluations, this paper draws on the logic model of a (public) policy. The logic model represents an implicit theory of how a policy[3] works. It describes the causal relationships assumed to exist between the elements of a policy. The logic model usually distinguishes five stages: input, process, output, outcome, and impact (WK Kellogg Foundation, 2004). An evaluation consequently provides information about one of these stages, and the information was gained by following a systematic and transparent approach. This paper hence refers to the use of the findings of evaluations and not to changes due to MPs' participation in evaluations, which rarely occurs.

This paper further distinguishes between analytical use and political use of evaluations. This distinction follows from Frey's (2012) conception, but it is also connected to the classical forms in research on evaluation. Analytical use encompasses instrumental and conceptual forms of use. The starting point of analytical use is to draw on or to solicit evaluations as tools with which to improve policies. MPs therefore have to be open to findings and to altering their position. Political use lacks this intent of improvement and refers to all forms of symbolic use for the purpose of gaining political support. MPs do not have to alter their position to use evaluations politically. Moreover, those two forms are understood to be both complementary and substitutive.

MPs can acquire the information provided by evaluations in different ways. They can, for instance, read an evaluation report or its management summary. However, their resources for gathering knowledge, particularly time, are restricted. As information is often transmitted orally in parliaments, it seems more likely that MPs acquire information through presentations by experts or the administration (Frey & Widmer, 2011; Weiss, 1989; Whiteman, 1995); MPs do not have to read evaluations themselves in order to use them.

3.2. Political conflict

Political conflict is a context factor that has been much discussed in research on evaluation use. Jenkins-Smith and Sabatier (1993, p. 49) describe it in their framework as "the

[2] This distinction is similar to Linder's (2010) for the federal level.

[3] The logic model is also used for other objects of evaluations.

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