



## **Representative Assemblies And The Future Of Nigerian Democracy: A Case For Legislative Research**

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### **ABSTRACT**

The legislature as the purveyor of the people, demands and interest has become academically stale and closed-up due to lack of research on the dynamics and operations of its workings especially in Nigerian both at the federal and state tier. One of the objectives of this paper is to encourage research that can identify the elementary and complex changes that have taken place in the continuous exchange between the institutional structure of the legislature and environment. The theoretical foundation is anchored on the Neo-institutionalism which seeks to move the study of politics away from the normative nature to a more radical approach that can establish a relationship between the culture of institution and the behavior of the people that make up such institution. It was recommended that since there is a dearth of scholarship into this hallowed institution. Researchers should as a matter of urgency dedicate study to understand the deeper dynamics and complexities of representative assemblies.

**Keywords:** Legislative Research, Democracy, Representative Assemblies, Neo-institutionalism

### **INTRODUCTION**

The legislature, a vital component of the governmental process, is meant to engender and promote proper governance in the modern world. In the world of today, Government has grown to become a very important institution that drives both the individual and the state in the quest to ensure the fulfillment of aspirations and dreams both individually and collectively. In order to ensure efficiency and effectiveness, Government which comprised of the three arms namely the executive, the judiciary and the legislature are closely related to one another. Representative assemblies do not operate in isolation from the two other arms; the executive and the judiciary and of course, the electorate and the masses who are beneficiaries of the governmental process. Thus, the realization on the importance of the legislature is mounting in the development process. Since this is the case, there is need to synergize the functions of the three governmental institutions as they provide the overall framework for effective operation of the governmental process under a democratic ambience.

In most countries, Representative Assemblies responsible for law making which is its primary function. However, there are other functions that the legislature performs. For instance, in Nigeria the legislature has the power of appropriation which involves the control of revenue and expenditure of the state. It also performs the role of constitutional amendment; the legislature can also remove the President and the Governors through impeachment. In terms of organization and depending on the nature and character of the state, some countries operate a unicameral legislature while others prefer the bi-cameral legislature. In Nigeria, the National Assembly has two chambers- the House of Senate and the House of Representatives. While the Senate is composed of 109 members with each member representing one third of a State; the House of Representatives has 360 memberships, each representing a Federal Constituency as delimited by the electoral umpire. But at the State level, the Houses of Assembly in the all the 36 States of the Nigerian Federation has a unicameral legislature.

### Objective of the Study

1. One of the objectives of this paper is to provoke research that can identify the elementary and complex changes that have taken place in the continuous exchange between the institutional structure and its environment.
2. To provoke research into understanding the culture of the rules and procedures, norms and values and how these are conveyed to new generation legislators with a view to ensure proper cultural socialization and orientation.
3. To encourage inter-disciplinary approach through the borrowing of theory from other disciplinary such as economic and sociology in the study of individual legislators and how these have overall impact on the norms and value of the legislature. For instance, the rational choice theory is one theory which can be applied in this regard.
4. Another objective is for Researchers to undertake the study of the workings of the Representative assemblies in order to make its opaque character more transparent that laymen and pedestrian understand the true meaning of the institutional structure of the legislature.
5. The call by this paper for deeper research into the legislature may lead to a reduction in the effect of primordial sentiment/elements thereby making the business of law making more scientific and objective.

### Statement of the Problem

That the representative assemblies occupy a pride of place in the democratic project is no longer in doubt. In fact, democratic practice(s) revolves around the operations of the legislature. This being the case, it becomes vital that focus be placed on the study of the legislature and its dynamics.

The study is intended to steer academics into laying emphasis on the legislature. In fact, a dearth of literature on the institution deprive Statesmen, students, NGOs, lawyers etc on the proper workings of a representative assembly. We are still grappling with high rate of legislators' turnover making the institutions to lose institution memory.

### Theoretical Underpinning

The theoretical foundation of this work is anchored on Neo-institutionalism. It is a fact that the study of governmental institutions has a long history in political science. As argued by Chafe (1994) the primary requirement for debating anything is to understand first and foremost the actual thing being discussed. Neo-institutionalism is a radical shift away from the old institutionalism where focus was mainly on a methodology that was descriptive and largely inductive, concentrating on the formal and legal structures but providing a historical and comparative perspective cited in (Rhodes 1995). In fact classical institutionalism is the description of analysis of political institutions both within and across boundaries (comparism) of bureaucracies, court system e.t.c was prominent in these studies. ( Finer 1932, 1958, Raush 1980).

Though, great success was attained in the usage of institutionalism in the study of the nature of political institutions; Eulau (1963) argued that a study of politics which leaves man out of its equation is a rather barren politics. Political science has studied political ideas, customs, values, symbols, institutions, processes and policies without reference to their creators for a long time, but the cost has been high. Peters 1999 had argued that important political action takes place at the individual level and this is where political analysis most takes place.

Neo-institutionalism is therefore a belief that research approach should seek transformation away from the descriptiveness of the old institutionalism to "the development of general explanatory theories, the use of empirical-qualitative data for a rigorous/analytical treatment of phenomenon, and the adoption of scientific-based methodology approach, as well as an explicit recognition of the individual actor in politics" (Hedlund 2008 et al). Patterson (1995) contended that political institutions are more than regularized patterns of behavior reflecting inform and formal rules, rather they are separate entities having distinguishing properties of the arm amenable to analysis.

It is in the light of the above, the Representative Assemblies in Nigeria both at the federal and the state level provide a huge gamut of researchable data which can lead to general explanatory theories. The use of empirical-qualitative data can ensure rigorous analysis of phenomenon.

Based on this, there is a sizable gap between the reality of representatives assemblies... on the one side, and our knowledge about the reality, on the other (Hedlund et al 2008). It is on this wise that

there is the challenge of intellectual capital experience in the field of legislative research. However, Geddes (2002) had contended that “legislative studies are on the research frontier for those working on new democracies.” Nigeria may be referred to as part of the new democracies which can provide data that may lead to theoretical generalizations.

### **Generations of Legislature in Nigeria**

This legislature in Nigeria is the only arm that has witnessed more instability among the three arms of government owing to incessant military incursions into governance in Nigeria. This instability which has precluded the development of strong institutions, dependable manpower, skills and capacity of Representative Assemblies is of great challenge. This has made the people detached from the political space because of the nature of politics in Nigeria. Political activities in Nigeria are more or less warfare. There is vast deployment of force (instrument of coercion) both on the part the ruling party and the opposition parties which has cast doubt on the legitimacy of the electoral process. The nature of politics in Nigeria has a large extent brought into existence what Geddes (2002) termed legislative selection without competition especially at the state level of the Houses of Assemblies. Since the legislature represents the people directly, the nature of politics has to a large extent eroded the credibility of the democratic process. And since the legislature and the legislative process is relatively young, much is not known about the nature and complexity of the process of law making in Nigeria. For instance, apart from the legislature that went through colonial tutelage between 1922 and 1957 who really understand the rudiments and the complex nature of the legislative process, all other periods of civilian democratic era were castrated by military incursion. The periods between “1979-1983” and the period between 1991 and 1993 are cases in point. They were more of legislative tutelage. More so, the democratic actors that went through legislative colonial tutelage were by the middle of the 80s cut up with age. The expertise and experience of such actors may not have been documented in research studies. For instance, it is debatable that parliamentarians under the first republic and those of the latter republics may not approximate in terms of skills, knowledge and motivation toward legislative duties, legislative socialization an overall adequate representation of their constituents. There was more focus on developing legislation based on nationalist tendencies for development rather than for the perks and patronage of the office. Legislators in the 60s were not given to the ownership of wealth unlike what is obtainable presently. Today Nigeria Federal receives higher remuneration and allowances by their counterparts in advanced democracies.

Representative Assemblies in Nigeria have gone through great challenges ranging from the effect of military rule which to a large extent handicapped the development of the legislature.

Also, between 1999 and present, there has been a huge degree of legislative turnover.

Representative Assemblies are also faced with the challenge of skills, value and norms transfer from one generation to another through a form of legislative socialization. There is also the constant interplay and tension between political parties on the one hand and the behavior of individual Representatives on the other hand and the general framework of the dynamics and complexity of the legislative as an institution.

This is why Hedlund et al argued that “we as social scientist look beyond any case for a theoretical understanding of how and why and the pattern of an institutional forms, origins and subsequent development”.

Legislators in Nigeria can be grouped into three generations. A generation is assumed to be a period of 25-30 years. The first generation legislators were those that went through colonial tutelage which span from 1922 through to 1959 especially before the 1959 general election that took the country to independence in 1960. The second generation legislatures are those from 1979-1983 and 1991-1993 whose legislative activities were truncated by the advent of military rule. The second generation never saw the consummation of their generation before military rule. We are presently experiencing third generation legislature from 1999. A table is prepared below showing each generation from 1959.

**Legislative Generations in Nigeria Since 1959**

YEAR OF ELECTIONS	LEGISLATIVE GENERATION	STAGE OF COMPLETION
1922-1959	First generation Legislature	Complete Legislative Circle
1979-1993	Second generation Legislature	Incomplete Legislative Circle
1999-till date	Third generation Legislature	??????????????

Source: Field work

From the above table, the Nigeria legislature from inception has experience three generations with one complete Legislative Circle, in-complete Legislative Circle and a Legislative Circle that is almost a generation. It is this continuous retention of knowledge, skills and capacity that makes the legislature develop a legislative culture, a hallmark of any institution which mirrors in the long run the development and the growth of a society. Thus, the truncation of any legislative circle stunts and hampers the development of any society depriving such society the loss of human capital whose training and exposure is at the expense of the tax payer’s money. Since independence, in 1960 it is only between 1999 till date that there is relative transfer of legislative knowledge, skills, norms and values in the dynamic and complex legislative process. This is due to the relative stability of the civilian democratic process. Based on the analysis above most especially with the relative stability in the legislative process, to what extent has this stability translated into a deep understanding of not only the legislature but the attitude, belief and ideology of parliamentarians in course of the complex process of the legislation? In what way can academics gauge the difference between the temperament of representative assemblies of the 60s and legislators of this present era? Has there been any ideological shift between the 60s and now? How has the practice of unicameralism at the periphery affected the practice of the separation of powers in the states in Nigeria? How do scholars account to the spat of ‘decamping’ that has characterized the legislature our nascent democracy? Is it tied to any ideological differences? What is the role of the political parties in the movement of our legislators from one party to the other? What effects does it have on the legislative process?

The above questions can only be answered in the field of legislative research. In-fact, a compendium of the operations of the legislative assemblies is lacking and it seems that the knowledge of their operations is a bit opaque or how else could one explain a lack of the workings of Representatives Assemblies in Nigeria? It is on this note that we are in forefront of calling on studies that make an expose of legislative practice and procedures that will engender a theoretical basis and base of legislative processes, identify coarser agent which should empirical analysis and thus develop a scientific based methodological projection.

**Influence of Scholars in America on Legislative Research**

Essentially, scholars of legislative research in United States of America have been in the fore of ‘viewing institutional and collective behavior from the perspective of individual legislators ’and that ‘the perspective of individual actor based analysis, in the context of both role theory and system analysis provides a link to a broader perspective to institutional approaches’ (Geddes 2002, Hedlund et al 2008). The field of legislative research studies has had influence of scholars in America. According to Hedlund et al (2008) ‘the combination of one powerful congress and 50 State legislatures with a large political science profession has given legislative research studies in the post world war II period a marked America accent.’ A review of the early US Congress noted, ‘the rich treasure trove of data will lie with those legislatures that have most recently experienced democratic transitions (Wilson 2002). Hordes of studies on the operation on the State Houses of Assemblies abound (Hickok 1992, Fordham 1959, CCSL 1971, Chaffey 1970 ). Accordingly, while methods may be transported across national boundaries, theoretical perspectives about representative’s assemblies are more likely to reflect constant attribute of the America political system (Cited in Hedlund et al 2008). In engaging in the field of legislative studies there are two branches of research, which are applied research which seek to serve the practical needs way beyond the purview of academics and basic research which is driven by intra-disciplinary motivations and fashion (Hedlund et al 2008). Since this is the case, a provision has been made for other countries to tap into the rich data provided by these scholars to apply such theoretical postulation to understand the deeper complexities

of legislative business. It is gladdening to note that there is ‘proliferation of new parliaments...(which) has greatly increased scholarly attention to the beginning stages of legislatures in which activity neither level nor any organizational or institutional form have been stabilized’ (Hedlund et al 2008).

### **Some Theories in Legislative Research Studies**

Since there is much focus on the legislature as an institution in terms of theoretical generation, Binder (2002) has had cause to argue that ‘there are three core challenges of the scholars of legislative politics. Firstly, where does preference come from? How do they merge before and during legislative process? Secondly, how do legislature diverse and conflict interest and preference ‘get to yes’ (Binder and Lee 2013)? Under what condition do leader decide to negotiate and how do we explain the nature of the policy compromise that emerge? And thirdly, where do institutions come from? And as Riker asked ‘if preference over institutions are prone to cycling (just as are preference over policy)’, why do institutions seems so sticky? To this end, there is no well-developed theoretical background characterizing legislative research neither is there comparative legislative research with any theoretical framework (Hedlund et al 2008). In fact, Jewel (1979) argued the position of legislative studies when he asks that ‘why are we suffering from theoretical deficiencies and how can we overcome them?’ Thus, scholars of legislative research such as Jewel, Heinz Eulau and others have continued to develop an extensive theoretical basis to orient research on the legislature. There is much bibliography on the growth of research on the legislature. For instance, Patterson 1974, 1995, Mezey 1983, Based on the above, legislative scholars like other specialist in the study of politics have clearly become expert in borrowing theoretical approaches from other discipline (Binder 2015).

Legislative scholars have continued to advance the frontiers of research on representatives assemblies by ensuring its theoretical basis. This fact has therefore encouraged legislative scholars into becoming experts at borrowing theoretical approaches from other disciplines within the social science genre. For instance, Fenno’s (1966) work entitled ‘landmark power of the purse’ including Matthews (1960) ‘US Senators and the world, clearly reflects themes from sociology. Such works encouraged to think about the USA congress as a complex social system and to consider how law makers behavior were shaped by norms and ‘folkways’ embedded within the system cited in (Binder 2015). Legislative scholars also borrow from economics for theoretical foundations. As argued by Binder (2015) scholar’s sees congress and other legislators as people driven by ‘ambitions with exogenous given preference pursuing their goals within a set of endogenous institutional constraints’. Studies by Baron and Freejohn (1989) on legislative bargaining and distributive politics as well as Shepsle and Weingasts (1989) on structure induced equilibrium have also paved way for scholarship on the impact of institutional structures on policy choices within majority rule legislatures. In-fact, there have been substantial debates about the impact of legislative organization both in legislative committees and party based preferences has been the focal point of international legislative Journals such as the Legislative Studies Quarterly (LSQ). It has in its forty years of developing theoretical foundation for legislative studies; LSQ has been involved in providing information for the development of rational choice and distributive models in the study of legislative organizations. Binder has gone to expand the frontiers of theoretical legislative research by advocating the incorporation of themes and insights from psychology into legislative studies by arguing that ‘there is more to be learned from the psychological approach to the study of politics and decision making’. Accordingly, ‘what factors and influences affect legislators’ choices? Are they rational in choices or play interest maximization in casting votes, draw regional lines and negotiating agreements? In attempting to move legislative research forward as a sub-field of political science, there has been innovation in methodological approach. According to Binder (2015) the challenge remains for legislative scholars to determine the appropriate role for methodology in legislative research studies. Accordingly, the Monte Carlo simulation, method of casual inference, ideal point estimation, automated texts analysis and many more some the methodology in use in legislative research. For instance, the method of casual inference now enables scholars to craft research design that permits more careful tests of casual effects in legislative settings. It is the hope and belief that when legislative research studies finally takes root in Nigeria, these methodologies will serve as a means to understanding the Representative Assemblies in sub-Saharan Africa.

### **The Legislature and Legislative Research Studies in Nigeria**

Research studies on the legislature are necessary to make the legislature process better informed, more transparent and participatory. This is because given the diversity of the topics at issue and the technical nature of many of them, research studies therefore is necessary. However, given the incessant truncation of civil democratic ethos and rule in Nigeria by the military, research studies on the legislature are therefore a recent call. For instance, efforts at establishing legislative studies were only a recent development. The National Institute for Legislative Studies (NILS), a research organ of the National Assembly which Act was signed into law by President Good luck Jonathan on March 11, 2011 is a case in point. The NILS has among its functions ensured quality academic and professional research, policy analysis, training and documentation and advocacy on democracy governance and legislative practice. The National Assembly has over the years received support from the Policy Analysis Research Project (PARP). The PARP was established in 2003 as a capacity institution of the National Assembly with the financial support of the African Capacity Building Foundation (ACBF). Accordingly, the PARP has over the years been able to support and strengthen the capacities of legislators and ensure that the positions and proposal advanced by the National Assembly are informed by requisite research and analytical support. The NILS is responsible for the provision of quality academic and professional research, policy analysis, training and documentation and advocacy on democracy governance and legislative practice and procedures. It should be noted that the vast world of information that exist in our legislative libraries will in no distant future serve to grow studies on legislative research.

Elsewhere, legislative research studies has grown that in some instances there is journal on legislative research specifically. There is the journal of legislative studies first published in 1995 by the University of Hull in England. The journal covers all aspect of legislative research and development and it is global in scope, inter-disciplinary in range and eclectic in approach. Also, the Legislative Studies Quarterly (LSQ) of the George Washington University has been researching on the legislature for about forty years and has provided avenue for theoretically induced debates and discussions on the impact of legislative organizations- both committee based reports and party based reports and individual preferences including bargaining and distributive politics. It should be noted that there is no Academic Journal that specifically research on the legislative process in any Nigerian University. This may not be unconnected with the interference by external forces on Nigeria civil democratic process.

### **Importance of Legislative Research**

Legislative research studies can assist legislators to enhance legislators' capacities to represent their constituent, drafts and pass laws and conduct oversight functions. Legislative research plays the role of support to the legislative learning through the provision and control of information in print and other media through assistance with its retrieval and through the provision of facilities for its use. It gives the legislature ability to gather information from primary and secondary sources to enhance their research work.

Legislative research studies provided a platform on which synergy between the legislators' and the academics will be established thereby facilitating routine and regularized interactions. For instance in Taiwan, the legislators' committee rely heavily on contacts with (often academics) researchers either through informal but longstanding linkages with experts in particular fields (e.g. gender quality).

Legislative research studies will bridge the lacuna in terms of theoretical deficiencies by providing theoretical methodologies on legislative organization.

Morris (2011) held that 'contemporary legislative research has implication for representation, responsiveness, accountability, governance and efficiency and generally for improving the way the society is governed'.

In conclusion, there is need to awaken research on the legislature in order to reposition the legislative organization to viz-a-viz academic and research institutions, because one of the challenges faced by social science enquiry into Representative Assemblies is the tendency of censorship and suppression of information by bureaucrats relevant to research though; there is freedom of information Act.

Though as argued by Binder (2015) legislator may see themselves as experts of ten questioning the value of political science treatments of the legislative process and politics. In-fact, they may have confidence in their own diagnoses of the causes of institutional problems' which may pose serious challenges to the development of research studies on the legislature especially in third world country

in general and Nigeria in particular. This is especially so considering level of legislators' turn-over which may not be unconnected to the degree of patron age in the political system. Also, legislators' insularity raises the challenge for the scholars in seeking to engage normatively and critically on legislative problems and solutions. The above challenges may not obviate from scholars and researchers from critical Theoretical postulation.

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