

## Concept note

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### 1. Name of the Organization:

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### 2. Title of the Project: La Fabrique de la Loi (The Law Factory)

### 3. Period: Mai 2011-Mai 2014

### 4. Donor: Île-de-France Region, by its **institution-citizens partnership** (PICRI)

### 5. Context

**On the one hand, the structural elements of contemporary political systems suggest that modern parliaments in general and the French Parliament in particular, are not (or not any more) critical in regards to the law.** Parliaments are certainly keeping a formal role of validation of the law, but the executive tend to monopolize the actual decision. Subject to multiple constraints, international, European, constitutional, partisan media, Parliament would no longer make the law, but controls it, in the best case, by discussing it. Number of case studies, mainly from the legal and political science area, are also corroborating the diagnosis of a possible "parliamentary impotence." The Fifth Republic would have accentuated this trend common to Western democracies because of the inclusion in the Constitution of the Fifth Republic of the so called rationalized parliamentarianism tools, of the extension of the powers of the President - including its own powers, and the direct election of the latter.

**On the other hand, some indications show a greater complexity of the relationship between parliaments and public action,** either in terms of success rate of the amendments, of the progress of parliamentary rebellions, of the extension of lobbying, of the multiplication of constitutional revisions supposed to be in favor of Parliament, of the increasing specialization of certain representatives on sectors or issues of public policy, of the persistence of public controversy expressed in the chamber, not to mention countries where assemblies are considered to be more active than in France (presidential systems, consensus democracy, EU ...).

### 6. Rationale for the Proposed Project

This generalized Parliament impotence, must be questioned. To this end, this research project aims at using different software and informatics tools. By systematically exploiting large public databases related to parliamentary activities, in fact, these instruments offer an unique resource of visualization, understanding and analysis of parliamentary debates. The project includes a focus on those areas of legislation that have been changed as a result of parliamentary amendments. It aims at offering one intelligent visualization that allows quantitative but also qualitative analysis of parliamentary activity. This instrument is intended for both the academic community and the large

public. The aim is first, to deepen the knowledge about contents and procedures of parliamentary activities, and secondly, to enable citizens to use the data on this issue.

## 7. Project Goals and Objectives

**The scope** of this project is to contribute to the larger debate on the quality of our democracy and its future, starting from a reflection on the mechanisms that characterize representative institutions.

For this purpose, a collaboration between citizens and researchers seeking to produce new type of data on the functioning of parliamentary democracy was established. More precisely, the question that guides our research is: «to what extent the parliamentary phase modifies the law?». In other words, what is the specific impact of the Parliament as an institution on laws?

Observing the evolution of a bill from its original version to the official promulgation will allow us to identify those areas of text that have been modified through amendments. By describing the substantive or cosmetic nature of these amendments and by identifying their authors and the associated debated, we seek to develop data allowing us to study the extent to which Parliament is concretely involved in the law making process. Following the work of [Ben Fry at MIT on the work of Darwin](#), we can then create innovative visualizations to evaluate the evolution of legislation and the impact of each of the authors.



Visual representation of Darwin's *On the Origin of Species*

## 8. Project Strategy

The question of the Parliament influence is addressed by focusing on the parliamentary amendments, namely the legislation modification in the parliamentary phase of the legislative process. The project aims at addressing the question of the influence of the French Parliament in regards to the law by developing an original tool of visualization of parliamentary amendments. The general principle is to develop an instrument to see, count, differentiate and analyze the parliamentary amendments.

a) **Amendments visualization.** The main idea of the project is to build an informatics document in order to view those parts of text, phrases, words or punctuation elements that have been modified during the parliamentary phase. Computer processing of large corpus should automate the process and should enable us to have this type of instrument for all legislation adopted under the current term begging with 2007. The visualization of parliamentary amendments could take the form of a lineage- amendment zones, or a sequence of different versions of a bill following the parliamentary

review, on the model of Visual representation of Darwin's *On the Origin of Species* (see: <http://www.benfry.com/traces/> ) or writing the new version of the GPLv3 license (GPL v3 discussion). Visually, the goal is to show the text boxes that have been changed and contested.

b) **Count and distinguish the amendments.** Besides the work on the text, the systematic treatment of the amendments aims at automatically generating statistics on the number of amendments and their success rate, by distinguishing the different variables of the legislative process: governmental or parliamentary vs. National Assembly. Senate, 1st and 2nd reading, committee versus plenary amendments, majority or opposition sponsorship... The mass of data used will allow us to build a statistical system referring to the central issues of parliamentary activity. This is not only whether the deputies or senators can sometimes make the law but to identify procedures, institutional and partisan configurations, and those types of elected officials that can be relevant.

c) **Analyze the amendments.** A better understanding of the parliamentary phase of the law making requires not only to see and count the amendments but also to return to the analysis of their importance. In this respect, a challenge for all international research on the topic is to distinguish the between formal amendments and substantial ones. Faced with these questions, our project seeks to provide two types of answers. First, is it possible to develop an automated processing of the distinction between substantial and superficial amendments? It is possible to distinguish the accepted parliamentary amendments by their size or by their focus on elements of syntax. However, the unimportance of short and/or formal amendments should be assessed. Second, besides from exploring the possibilities of process automation, the informatics tool will enable citizens and researchers to draw individual assessment. The principle is to allow the user to decide on this question, his/her opinion generating additional statistics.

## 9. Innovation

In continuation of the pioneering work carried out for over a year by *Regards Citoyens*, the project aims not only to develop an expertise in regards to the parliamentary activities but also the public's ability to use data and issues related to parliamentary activity. It is not just to find out "Who makes the law? " but also, through web interfaces and original tools, to provide citizens the ability to form their own answer to this question - along with that of experts. Finally, the partners will reflect upon the use of public data related to the functioning and deliberations of the Île-de-France Region as part of the collaboration in the project. These thoughts can lead to an extension of the project in this field.

## 10. Complete Contact Information

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