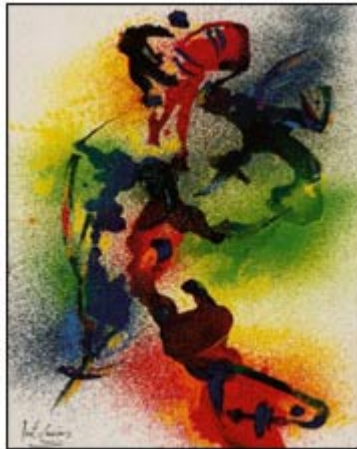


6th ESA CONFERENCE  
MURCIA



2 0 0 3

STREAMS 9  
**Political Sociology**



*Sociological and public opinion research  
as reflection for the parliament and civil society*

**Aare Kasemets, Estonia**

## **SOCIOLOGICAL AND PUBLIC OPINION RESEARCH AS REFLECTION FOR THE PARLIAMENT AND CIVIL SOCIETY**

By Aare Kasemets, Estonia

*This paper is an elaboration of earlier treatments of implications of social theory and sociology in the context of parliamentary functions and interactions. The Estonian Parliament, Riigikogu, has been comparatively open to new ideas and changes after restoration of independence in 1991. In comparison to bigger societies and other parliaments, the Riigikogu is developing a rather unique approach in mediating sociological information to build a bridge between the legislative institutions and civil society. From 1996 to VII.2003, 46 complex public opinion studies and different qualitative studies related to trust in public institutions, legal system, public services, state budget, NGOs, media, values, ideologies, political reforms, europeanization etc. have been conducted based on contemporary concepts such as legal state, civil society, participatory democracy etc.*

*The communication between the parliament and society is a great interaction. The surveys, focused on the parliament functions like representation of people, legislation and impact assessment, control of executive, legitimatisation of laws etc., reflect a wider variety of opinions and interests in society. Both MPs, officials and media need to have an the overview about the comprehension of and need for information of members of society (=silent majority), also, it is useful to know what and why social groups feel, want and expect from policy makers. Parliament has to find out if the people are ready for reforms. Survey data help to recognise socio-economic and cultural issues, and if the public opinion or the opinion of target groups of draft law is strongly for one or another political alternative, it makes easier to achieve the political agreements. Providing rational arguments, based on results of sociological studies, and supporting dialogue that raises both political and social capital within society. The quality of legislation as well as the people's consciousness of justice depends on the interactive co-operation of the institutions, organisations and individuals participating in the legislative process, as well as on the clarity of the current problem and the professional qualification of the participants.*

### **1. The contexts for ordering sociological and public opinion research.**

This working paper is an elaboration of earlier treatments of implications of social theory in the glocal parliamentary context.<sup>1</sup> The main purpose of this text is to give an overview of the some theoretical frames and consensus-oriented practices that were most influential in the design of the *Riigikogu* research services and its tasks to plan and coordinate the ordering of sociological and public opinion research in 1996-2002.

Among the parliaments of Europe, the current practice of the *Riigikogu*, the ordering of the sociological and public opinion researches<sup>2</sup> is rather peculiar both by the consensus procedure of the preparation of studies and also by the content connected with the functions of the parliament (Table 1). These studies can be regarded as the application of contemporary democracy doctrines and the principles of a state based on the rule of law,<sup>3</sup> as an information channel guaranteeing the feedback between the representative body and civil society which helps the parliament better fulfil such tasks as analysing the effect of political choices, the comparison of the priorities of the state budget with people's expectations, assessing the trustworthiness of and the need for control in state institutions, clarifying the people's values, worries, needs, readiness for reforms, their/our channels for information,

<sup>1</sup> Glocal = local + global = conveys the idea of intertwining between the local and global culture.

<sup>2</sup> In 1996-VII. 2003, 46 different sociological studies were ordered, including 24 public opinion polls, ca 15 qualitative studies of focus groups, 3 content analysis of mass media (newspapers) etc. The reports can be seen in the web page of the Riigikogu as a part of the parliamentary public service (in Estonian), short in English: [www.riigikogu.ee/?id=11129](http://www.riigikogu.ee/?id=11129) (will be updated).

<sup>3</sup> On the metatheoretical level, we are dealing with a synthesis of system and action-theoretical approach, where the purpose of the first is to handle the social complex connected with legislation systematically, proceeding from the functions of the parliament; the purpose of the second approach is democratisation and the moral and practical learning process connected with it (Habermas 1984, 1996; Carlsson, 1995; also OECD 1998; Kasemets (2000): [www.ifla.org/IV/ifla66/papers/073-98e.htm](http://www.ifla.org/IV/ifla66/papers/073-98e.htm)

and defining the problems and interests in the public sphere for the public discussion in the parliament.<sup>4</sup>

**Table 1. How could complex public opinion research (POR) contribute to a better fulfilment of the functions and challenges of modern parliaments?**

Main tasks of the parliament and MP-s in the political and social interaction	Parliamentary and public debates where use of POR is possible and/or needed	
	Parliamentary procedures are supporting the use of POR	Public self-reflection, communicative action via media
1. Legislation and the impact assessment of its political, legal, social, economic, environmental etc. goals, means and effects	+++	+++
2. Representation of its electorate, party, parliament and/or state on national or international level. On the level of electorate and NGOs, one of the modern preconditions for representation is involvement of social groups and citizens (related to items 4, 6-8)	+++	++
3. Annual debate and adoption of state budget to guarantee the accountability of public spendings and implementation of adopted laws and political programmes.	++	++
4. Oversight of government and other authorities. Controlling the executive power, surveillance over the compliance with laws and the performance of programmes funded from state budget using instruments like oral/written questions and interpellations, also new ICT for on-line access to governmental databases ( <i>inter alia</i> in cooperation with the State Audit Office, Ombudsman, Court and various NGO-associations and mass media agents). <sup>5</sup>	++	++
5. Promotion of political dialogue and giving recommendations and tasks to the government.	+++	++
6. Maintenance of public space for discussion and reflection with promotion of public debate, informing and teaching the public about the democratic activities of the parliament and the content / impacts of the decisions already made or to be made (1-5). <sup>6</sup>	+++	++
7. Providing leverage against political and social tensions or conflicts by using political means and constitutionally grounded common values. Providing rational arguments, based on opinions and expectations of different social groups, and supporting dialogue that raises political & social capital within society.	+++	++
8. Making legitimate legal, political, economic, cultural etc. systems/orders based on collective decisions and policies. Frequently this function is related to others, e.g.: protection and maximum realisation of the values of transparency, accountability, and open democratic processes operating outside parliament (1-7). <sup>7</sup>	++	++

© Aare Kasemets, first drafted for the WAPOR conference in Poland, Oct 2001

<sup>4</sup> In addition to the members of the *Riigikogu*, the results of the studies ordered by the Chancellery of the *Riigikogu* have been used by other constitutional institutions, and also scientists, students, media and NGOs.

<sup>5</sup> Interactive processes with broad social participation offer politicians the possibility of organising these political processes. They can select proposals, to guide the social debate, to act as catalysts or as managers of the process and to control the quality of the political process and implementation of laws and international treaties if required (Kasemets 1999; Esselbrugge 2001).

<sup>6</sup> EC (2000) The Future of Parliamentary Democracy: [http://europa.eu.int/comm/governance/docs/doc3\\_en.pdf](http://europa.eu.int/comm/governance/docs/doc3_en.pdf)

<sup>7</sup> *ibid*; Lebissis, Pareson (1999): <http://europa.eu.int/comm/cdp/working-paper/improving.pdf>; also Ward (2003);

Communication between the parliament and society is a great interaction. These **parliamentary multi-functional tasks can also be treated as communicative action**, as the processes of procuring information relevant for the parliament, its analysis, processing and dissemination... trying to reflect public expectations and preferences<sup>8</sup>. Which information is needed by Members of Parliament for political decisions, and when, and which information is expected by different groups of constituencies from the parliament? Anyway, the parliamentary information products (speeches, reports, laws, explanatory notes etc) that could be treated as a high-quality public service of the parliament compete on the information market for the attention and recognition of people and it is useful for politicians and other interest groups to know the public opinion and its societal grounds.

## 2. Theory: an interdisciplinary framework

The sociological and public opinion research conducted in an acknowledged way creates possibilities for more knowledge-based (also moral) policy-making and supports communicative rationality in the public discourses.<sup>9</sup> First, establishing a permanent information channel between the legislator and the *silent majority* of the society guarantees feedback for the political and legal sub-systems; second, this information represents the public and facilitates participation in weighing political choices during the period between elections and, last, the sociological information helps in striving for the harmony of the three validity requirements of laws (legal, social, ethical),<sup>10</sup> keeping in mind that the parliament is the only institution that has the right to change the negotiated social facts into legally constructed norms that apply for everybody who belong to the sphere of influence of a concrete law.

Thus sociological and public opinion research conducted by the parliament are means of collecting information in guaranteeing the sustainable development of the state, market and society<sup>11</sup> that, together with other statistical surveys and internationally comparable social indicators create a background for concrete draft laws (bills), state budget programs, economic analyses, focus group studies, programs for informing and involving target groups etc. connected with the application of national and EU laws.

The author proceeds from the understanding that in a democratic state **the important decisions of public authority should strive to be in harmony with the opinions, development possibilities and justified expectations of the majority of the society**. In one or another way the constitutions in the Occidental legal cultures define people/nation as the highest authority, democracy as the best form of government and the values and competencies established by the constitution as social contract (Habermas 1996: 44-). In the framework of this normative view, if one agrees with the three statements below, then one should also agree with the conclusion that the parliament, the government, the market and the civil society need for rational co-operation the self-reflecting information which is offered by social-scientific studies. Three statements:

**I.** Democracy as the *power of the people* and *participation in decision-making* is not confined to the right to vote at general elections,

**II.** The principle of freedom, justice and right is written down in the constitution – all persons are equal before the law,

**III.** The legal acts (e.g. state budget) adopted by the parliament and the government are means of preserving, increasing or re-distributing public resources (e.g. information, education), the use and managing of which for objective reasons are not evenly and justly divided in society.

Citizens can use their political rights and information channels to increase the quality and legitimacy of the decisions of the bearers of public authority (parliament, government etc.) but when we sum it up,

<sup>8</sup> Katsh (1989: 5-): *Laws and the legal system as an institution are organized as a system for creating, saving, depositing, processing and forwarding legal information. Laws should be responses to information generally acknowledged to be right by society*. By Habermas (1996: 107) *only those norms are valid to which all affected persons could agree as participants in rational discourse*;

<sup>9</sup> Habermas (1984: 75-; 1996: 8, 143, 168, 183-); also Carlsson (1995: 475-), Nelken (1996: 11-);..

<sup>10</sup> Dorbeck-Jung (1999: 211-)

<sup>11</sup> In this context, *sustainable development* is seen as more rational use of the social and cultural capital of the society.

besides **general elections, referendums and public opinion polls** with sufficiently large sample there are not many other methods for finding out the opinions and preferences of the majority of the population about the decisions influencing the whole society.<sup>12</sup>

As we know, the decisions of politicians are most influenced by **elite groups** dominant in economy, media and NGOs, who have better facilities and privileged access to the decision-making of government and parliament. In the present situation, one of the aims of the sociological and public opinion research ordered with the participation of the parliament is ascertaining the opinions, expectations and preferences of a sample of population representing the majority of people and using the results in the discussion of political choices influencing the society. With the help of sociological analysis, the satisfaction of the people with the work of the politicians, the effect of laws on the quality of life of target groups etc. can be measured (see Kirch 1999, 2000), but the results of research and its interpretations are first and foremost the material for academic, social and political discussion and have informative and advisory meaning to the elected parliament. More exactly - to study the institutions of power, political domination, social problems, law-making and contradictions between constitutional rights and 'real life' - is to study **democracy**. That is why sociological surveys as *mirrors of society and politics* have a naturally critical role in the observation of legislation and the legal system (Munger 1993: 94; Hisschemoller, Hoppe 1995; Habermas 1996: 43-; Cotterrell 1998: 171, 190).<sup>13</sup>

The law can have no influence in the society by itself; **the effectiveness and influence of a law** depend also on the extent of support to the law finds in the cultural traditions of the society, **in shared values and public opinion** (Black 1989; Evan 1990: 66-; Habermas 1996: 183-). **The communication of parliament and society in the production and marketing of laws is directed by the expectations of the society**. By Carbonnier (1978: 319), the effect of a law depends to a great extent on the spontaneous expectation the public opinion has when it receives the law – seeing and understanding that expectation is the essence of the art of law-making. The task of pre-legislative sociology is the analysis and psychological preparation of the audience of the new law, and the task of post-legislative sociology is the explanation of the effectiveness of the law. Laws are *products* of the state and the legislator is forced to develop its organisation of market research, public relations and the use of laws (also Käärik 2000). In legislation, the **parliament must see the people and the state as a whole and analyse the effect of a law to the whole society**, because it is the task of the parliament to balance the often capital city and budget centred approach offered by the government. In addition, the parliament has to find out if the people are ready for legal reforms and socio-economic and -cultural changes in their lifeworld (Schick 1991: 99-; OECD 1998a; Kasemets 1999; Robinson 2002).

**The communication of parliament and government and the decision-making process is in the context of today's media society a complicated interaction** which besides declared political values and purposes is directed by current events, the problems raised by the press, lobbying of interested groups, and the rights, duties and responsibilities determined by the law (Olsen 1991; Kasemets 1999, 2000). Proceeding from the essence of this interaction: **a)** the need for information of public authority is connected with the current problems of the society which can become a focus of interest even at the initiation of a comparatively small interest group; **b)** sociological and public opinion studies, presented to the public, bring to the politicians and other participants in the interaction information about the changes in the opinions, situation, attitudes and expectations of the *silent majority* of the society; **c)** the use of the results of research reports

---

<sup>12</sup> A precondition for these three methods is that people understand their choices and make a conscious decision.

<sup>13</sup> Two remarks: **a)** In April 2001, the based on sociological surveys and critical analysis of policy, 26 Estonian social scientists signed a public memoranda addressed to the parliament and government, where the problems of political alienation, socio-economic inequality, deficit of democratic discourse etc. have been raised. The result of this memoranda was the establishment of special advisory committee by the Prime Minister in June 2002. In addition, *Riigikogu* passed with political consensus *The Estonian Civil Society Development Concept* in December 2002: [www.emy.ee/alusdokumendid/concept.html](http://www.emy.ee/alusdokumendid/concept.html) [see Lagerspetz 2000; Ruutsoo 2001; Liiv 2001, compare: Morison, J. (2000) -*The Government-Voluntary Sector Compacts: Governance, Governmentality and Civil Society* - in J. of Law & Society; Vol. 27 Issue 1]; **b)** Despite of the ruling modernist paradigm in the national constitutions and legal institutions, the post-modern frames are dominant in the everyday political communication – it means - the knowledge, laws and values are fundamentally interrelated and different scientists and politicians can construct 'their own truth' if there are no common standards based on social indicators etc (Santos 1995: 20; Watkins 1994).

in politics is selective and depends on the situation, the interests and the qualification of the users (Kenkmann, Ginter 1999; Kasemets 2001, 2002; also Zapatero 2001; Esselbrugge 2001).

**The plurality of interests, contradictions of values and understandings, “minorities’ rights revolution” and other such phenomena** have changed the behaviour of both media and the politicians. Post-modernist paradigm prevails in the situation where the idea of the constitution has remained the carrier of modernist *spirit of freedom, justice and solidarity*. In this environment, interactive processes with many participants offer the politicians a possibility to organise them: the politicians and others who are aware of the problems of the society and the opinions of target groups can direct the discussions of problems, act as a catalyst, be negotiators in overcoming the contradictions between interest groups<sup>14</sup> and check the resultativeness of the application of laws (Katsh 1989; Santos 1995; Esselbrugge 2001; Kasemets 2001).

Taking into account the principles of participation democracy in **planning political and legal communication** has been relatively little studied in Estonia both in theory and in practice, but in spite of that the following **questions connected with timing the decisions** have cropped up in the work of politicians and civil servants: 1) *When are the society and target groups sufficiently informed to understand the impact of a political decision (e.g. draft law, reform program etc) and participate in the discussion?* 2) *When are the ministries and local governments administratively and financially ready to apply new legal act?* 3) *When are the target groups of legal acts (e.g. entrepreneurs, schools, NGOs etc) ready for carrying out political decisions, including the use of public services?* 4) *When are the parliament and the government ready to make a decision and when it is useful for the parliamentary majority and the government to pass a political decision?* (Hancock 1990; Middleton 1992; Windahl *et al.*, 1992; Kasemets 2002; Lauristin 2002).

**The legal system and its legitimisation is a part of the cultural system.** This is the reason for the relationship between the law and society often being observed through the perspective of political and legal culture. The norms do not make up the “heart” of the legal system – instead, the prevalent values, ideas and opinions in society about policy, justice and legal system determine the legitimisation of norms and formation of the behavior of individuals. The legal system is largely made up of informal norms, including upbringing values, customs and moral traditions, socio-economic relations, also the behavior of the police, government procedure, the actual court decisions etc (Timasheff 1974; Evan 1990; Cotterrell 1992; Rock 1995; Tamanaha 1995 etc). In this context the wide-range translation/implementation of a foreign legal system (culture of other legal systems) is not possible. The development of the national legal system, based on constitution, general expectations of democratic *silent majority* etc, needs to follow the specifics of the national legal culture and communication (e.g. the ‘language as power’) so that the laws can follow an expected role in society striving for the harmony between three validity requirements of laws - e.g. legal norms, social facts and shared values of society (Loorits 1938; Black 1989; Dorbek-Jung 1999). In short, both massive transposition of international legal acts and lack of social impact analysis of national draft laws without satisfactory public debate can increase the ‘systematically distorted communication’, ‘discrimination of informal legal pluralism and cultural traditions of communities’ etc. In this context the national parliament has to understand the society and balance the universal and culture-specific legal values (see Habermas 1976, 1996; Friedman 1996; also Bourdieu 1992; Lauristin, Vihalemm *et al.* 1997; Fraser 2001; Black 2002)

**Knowledge is power** and an important precondition for staying in the political competition – therefore the results and conclusions of sociological studies in political information environment are never neutral, outsiders (Robinson 2002). The results of given studies obtained with methodologically correct and ideologically balanced research instrument can be regarded as part of the **sociological analysis of the work of the parliament and the government and the impacts of laws**, and they are also an input to parliamentary debates (U.S. Department of Commerce *et al* 1994; Kasemets 1998). This sets higher standards of **professional ethics** to social scientists studying the relations between politics, market and society, and forces them to observe what happens to the social information in

---

<sup>14</sup> ..comparing the specific interests of organised groups with public opinion and expectations of *silent majority*...



legislation and whether the (draft) laws for regulating social behaviour take the sociological and public opinion research into account (Kenkmann 2000; EC 2001; Kasemets 2002a; Respect project 2003).

To sum up, the above-mentioned frames can be seen in the light of the concepts of **knowledge-based and responsible policy-making** (Selznick, 1992: 268; Dorbek-Jung 1999: 218-; also EC 2002). It means also, that the parliament has to be well informed about the societal happenings and has to weigh carefully the need for interfering legally in the mostly self-regulatory interaction of the societal sub-systems. Empirical sociology is needed, because the cost of failure in the field of societal reforms and experiments can be too high (also Evan 1990: 232-; Hillyard 2002).

### **3. The principles of ordering the studies, trend subjects and partners in 1996-2003.**

Principles in short: **a)** sociological or other scientific studies ordered by/for the *Riigikogu* must be connected with the functions and actual need for information of the *Riigikogu* (Table 1); **b)** the contents of the polls (problems, questionnaires etc) are discussed in co-operation by representatives of the coalition and opposition parties of the *Riigikogu* and the sociologists (since 2001 in the consultative council of research); **c)** the national trends are observed (since 1991) to guarantee the analysis of changes; **d)** use of the social indices and indicators for international comparisons; **e)** to observe that the content of poll and questioning instrument are not ideologically or politically biased; **f)** since 2001 the presentation of preliminary results has been an open event for political parties, mass media and related NGO-s (invitations via e-mails);<sup>15</sup> **g)** the results of sociological and public opinion research gathered with help of independent research firms go to the web site of the *Riigikogu* and also to Estonian Social Science Data Archive\* as parliamentary public service, databases (in SPSS) are available for secondary analysis (\* [www.psych.ut.ee/esta](http://www.psych.ut.ee/esta) ).<sup>16</sup>

The Chancellery of the *Riigikogu* started ordering complex polls in 1996, continuing the observation of the trustworthiness of institutions, development of democracy and other trends with research firm *Saar Poll*. In total, in seven years, the interrelated opinions, expectations and preferences of the people have been studied with nearly **70 repeat questions in the following research trends:**

**A.** General attitudes of the population, including interest in politics, optimism/pessimism, assessment of the situation of the state of Estonia, democracy, economy and domestic politics, attitude towards accession to the EU and NATO etc.

**B.** Trusting of institutions of public authority (ca 15, incl. press and church), being informed and the need of information about the work of state institutions, communication channels for getting/giving information, ability to influence institutions of power on the state and/or local level; political and social resources.

**C.** Constitutional order, the work of courts, police etc. in the legal system, relations between institutions, attitude towards the state, parties, laws and state symbols, voting in elections.

**D.** Work of the *Riigikogu*, including the work, priorities of policy-making, the role of MP-s, committees and factions; lobby and target groups, communication problems etc.

**E.** Civil society, including the relations with the state, local government and private sector, people's awareness of their rights, belonging to associations, readiness to defend the rights, role of the state and local governments to support voluntary sector etc.

**F.** Public services and interest, guaranteeing people's rights, consciousness of rights and satisfaction with the public services of state and local governments, including constitutional rights vs. reality, corruption, information about the laws and public services, accessibility etc.

<sup>15</sup> Usually the informal part of the contract is the agreement that social scientists will write on the basis of report the article for the Journal of Estonian Parliament, *Riigikogu Toimetised*, available via the Internet (e.g. summaries in English and in Russian) – see Kenkmann 2000; Käärik 2000; Saar 2000; Saar, Rentel 2000; Kirsipuu 2000; Lagerspetz 2000; Ruutsoo 2001; Vetik 2001; Saarts 2002; Murutar 2002; Kirch A. 2002; Rull 2002; Taru, Toomla 2003. In broad sense, this parliamentary journal is one of the meetingplaces of politicians and social scientists..

<sup>16</sup> For example – in 2002 the Chancellery of the *Riigikogu* ordered 2 quite massive all-nation public opinion studies and 3 secondary analysis (e.g. policy-making and civil society; employment market, integration processes). The questionnaire of the first all-nation public opinion survey (by ES Turu-uuringute AS) includes 98 different questions with their sub-questions, and second (by Ariko MG) includes 67 different questions with sub-questions (The reports are available via the *Riigikogu* web site in Estonian <http://www.riigikogu.ee/?id=9263> ).

- G. Indicators of the quality of life in retrospect and perspective, including welfare, relations, worries, environment etc.
- H. Values, worldview and identities, including social and symbolic capital, importance of national holidays, rites, religion etc.
- I. State budget priorities, tax policy and reforms, including the use of taxes, the readiness of people to support state programs by increasing some taxes (e.g. education, health care, employment etc).
- J. The opinions, expectations and preferences of social groups regarding political choices. The preferences of family, health, employment, security, and foreign and regional policy have been studied repeatedly and they have an important place in the hierarchy of people's worries and values, budget priorities and the list of important state issues requiring the discussion in the *Riigikogu*.

An important precondition to start the ordering of sociological and public opinion research in 1996 was a remarkable political and administrative support, e.g. from the social scientists becoming the members of the parliament. In planning and presenting the sociological and public opinion research, information was exchanged with the representatives of Prime Minister, State Auditor, Legal Chancellor and President offices, also with several ministries, universities and NGO-s. But analysing the institutional framework and the use of sociological information in public policy it cannot be said that the co-operation of institutions and also use of sociological information has been sufficiently systematic in 1996-2003 (see also Watkins 1994; Kenkmann 2000; Käärrik 2000).

#### 4. Some conclusions.

Estonia is a relatively small multinational society (1,4 million people). The legal acts adopted in the *Riigikogu* and the government with the purpose of regulating and co-ordinating some economic, social, administrative or cultural processes can be regarded as **political and social experiment** or a **state-governing project**. The structure of the institutions of state, market economy and civil society in Estonia in comparison with other transitional states have been regarded as a successful project, at least in what concerns the state and market. The experience of the use of sociological and public opinion research is one of the sub-projects of *Sustainable Estonia Project* that deserves to be continued and helps to shape a society and policy-making based on knowledge. In 1996-2003 a certain habit (institutional memory) has formed in the procedures of ordering the studies and using their results in the *Riigikogu*, which does not mean in any way that the possibilities of promoting the organising and use of sociological research are exhausted. How the sociological and public opinion research can be of help in improving the work of parliament, government, courts and other institutions is becoming the main question (also Mäkelä 1985; OECD 1998a; Winter 1999: 242-).

When the methods of the sociological research mapping the situation, expectations, political preferences and readiness for new ideas (see Campell 2002) of different groups of society is acknowledged and transparent, then the results express the will of the people, and carrying out the will of the people in the best possible way is the mission of politicians and officials in a democratic state where people are the bearer of the highest authority. It's a part of mutual lifelong learning.

Aare Kasemets<sup>17</sup>

Office: *Riigikogu*, Toom-kooli 3-301, 15 165, Tallinn, ESTONIA

---

<sup>17</sup> **Aare Kasemets /39/, CV in short: Education and research:** Estonian Agricultural University – agronomy, rural sociology 1982-1987; Tartu University – journalism, media research, sociology 1988-1993, MA in sociology 2001, PhD student 2001+ (sociology of law and communication, political sociology, regulatory impact analysis); **Occupational:** Estonian Parliament, *Riigikogu* – adviser 03.2003+; head of research department and correspondent of ECPRD: [www.ecprd.org](http://www.ecprd.org) 1995-2003; adviser of Economic Committee 1993-95; editor in chief of Journal of Estonian Parliament, *Riigikogu Toimetised* 1999-2001, Board member 2002+; **Civic:** Association of Estonian Sociologists 1996+, Board member 1997-98, 2001-03; Estonian Club of Rome 2000+, Estonian Association of System Analysis 2001+; Member of Representative Council of Estonian Round Table of Non-Governmental Organisations: [www.emy.ee](http://www.emy.ee) 2003+; European Sociological Association 2003+ [**NB!** The author has been also the actor in the parliamentary institution-building 1994+ and it's a bit difficult to distinguish the roles of observer and participant]



Tel. (+372) 631 66 34; E-mail: [aare.kasemets@riigikogu.ee](mailto:aare.kasemets@riigikogu.ee)  
 University of Tartu: Department of Sociology and Social Policy  
 Tiigi 78-227, Tartu, ESTONIA  
 Tel. (+372 7) 375 924; E-mail: [socdept@psvch.ut.ee](mailto:socdept@psvch.ut.ee)

## References

- Black D. (1989)** *Sociological Justice* - Oxford University Press
- Black J. (2002)** Regulatory Conversation – J. of Law and Society, V. 29, pp 163-196
- Bourdieu P. (1992)** Language and Symbolic Power – Polity Press in association with Blackwell Publishers;
- Campbell J. (2002)** Ideas, Politics and Public Policy – Annual Reviews, pp. 21-38
- Carbionnier J. (1978)** - Sociologie juridique - Paris: Presses Universitaires
- Carlsson B. (1995)** - Communicative Rationality and Open-ended Law in Sweden - in Journal of Law and Society, p. 475-503, Blackwell Publishers Ltd.;
- Cotterrell R. (1992)** The Sociology of Law: An Introduction. London: Butterworths; **(1998)** Why Must Legal Ideas be Interpreted Sociologically? - in *J. of Law and Sociology*, Vol 25;
- Dorbec-Jung B. (1999)** Realistic Legisprudence: A Multidistiplinary Approach to the Creation and Evaluation of Legislation - Associations, 2, 211-237
- Esselbrugge, M. (2001).** Interactive Policy-making and the Primacy of the Dutch Parliament: In Search of New Rules for its Legislative Function. - Managing Parliaments in the 21st Century. EGPA Yearbook. Eds P. Falconer, C. Smith, C. W. R. Webster. Amsterdam: IOS Press, 59-65.
- European Commission - EC (2000).** The Future of Parliamentary Democracy: Transition and Challenge in European Governance. Green Paper prepared for the Conference of the European Union Speakers of Parliament. Sept, Brussels, AS/D. [http://europa.eu.int/comm/governance/docs/doc3\\_en.pdf](http://europa.eu.int/comm/governance/docs/doc3_en.pdf); **(2001a)** - Democratising Expertise and Establishing Scientific Reference Systems - White Paper on Governance. Report of the Working Group 1b. May 2001: [http://europa.eu.int/comm/governance/areas/group2/report\\_en.pdf](http://europa.eu.int/comm/governance/areas/group2/report_en.pdf) ; **(2001b)** - European Governance. A White Paper, Brussels, 25.7.01, COM(2001) 428 [http://europa.eu.int/comm/governance/white\\_paper/en.pdf](http://europa.eu.int/comm/governance/white_paper/en.pdf)
- Evan W.M. (1990)** Social Structure and Law. Theoretical and Empirical Perspectives. Newbury Park: Sage
- Finsterbusch K. (1982)** - State of the Art in Social Impact Assessment in the United States - Paper for International Sociological Congress, August'82. Mexico City
- Fraser A. (2001)** A Marx for the Managerial Revolution: Habermas on Law and Democracy – J. of Law and Society, Vol 28, No 3, pp 361-83
- Friedman L. M. (1996)** Borders: On the Emerging Sociology of Transnational Law. – Stanford Journal of International Law, 32, 65-90
- Gane, N. (2001)** - Chasing the 'Ruaway World': The Politics of Recent Globalization Theory – Acta Sociologica, Vol 44, pp 81-89
- Habermas J. (1976)** On Systematically Distorted Communication – in Critical Sociology: Selected Writings. Ed. P. Connerton; **(1984)** The Theory of Communicative Action: Reason and the rationalization of society. Polity Press, Cambridge; **(1996)** Between Facts and Norms. Contribution to a Discourse Theory of Law and Democracy. Cambridge, Polity Press;
- Hancock A. (1990)** Methods for analysis. Resource assessment. – Communication planning, UNESCO.
- Hillyard P. (2002)** – Invoking Indignation: Reflections on Future Directions of Socio-legal Studies – Journal of Law and Society, Vol. 29, No 4, Dec 2002, pp 645-56
- Hisschemoller M. and Hoppe R. (1995)** – Coping with intractable controversies: the case for problem structuring in policy design and analysis – Knowledge & Policy, Winter95, Vol. 8, Issue 4
- Kasemets A. (1998)** Sotsioloogilised uuringud - *sild riigivõimu ja kodanike-ühiskonna vahel*. Miks poliitikud ja ametnikud parlamentides, valitsustes või omavalitsustes vajavad sotsioloogilisi uuringuid? /*Sociological studies – a bridge between political power and civil society. Why politicians and civil servants need sociological studies?*/ Riigikogu Kantselei, MSI; **(1999)** The Role of Parliamentary Information and Research Services in the Political and Social Interaction - in *Society, Parliament and Legislation*, eds A.Kasemets, K.Hammer - Riigikogu Chancellery, pp. 91-125; **(2000)** Implications of new public management theory in parliamentary research services –Section of Parliamentary Libraries and Research Services, IFLA, Jerusalem, 14. August, [www.ifla.org/IV/ifla66/papers](http://www.ifla.org/IV/ifla66/papers); **(2001)** The Use of Social Sciences in the Estonian Law-Making: Theoretical and Practical Aspects - MA thesis, Department of Sociology, Faculty of Social Sciences at Tartu University; **(2002)** Communication planning between parliament, government, local government and different social groups: problems and solutions – Working paper. International Conference *Electronic Government for Russia's Northwest: Western Experience and Russian Trends*, February 5-6, 2002, St. Petersburg; **(2002a)** Teadmistepõhisema poliitika, õigusloome ja avaliku halduse poole: valitsusasutuste tellitud uuringud 1999-2001 /*Towards a more knowledge-based public policy, legislation and public administration - government agency-commissioned studies from 1999-2001*/ - Riigikogu Toimetised 6, 107-117. Summary: [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) > RiTo 6/2002
- Katsh M. E. (1989)** The Electronic Media and the Transformation of Law. Oxford Univ. Press. (refereerinud A.Kasemets - Riigikogu Toimetised nr 2/2000, lk 295-297)
- Kenkmann P., Ginter J. (1999)** Use of Social Information in the Law-making Process of Parliaments: Opinions and

Practices. An Overview of the Comparative Study – in Society, Parliament and Legislation, compiled by Kasemets, A., Hammer, K. *etc.*, Riigikogu Chancellery, pp 18-26

**Kenkmann P. (2000).** Sotsiaalne informatsioon seadusloome edendamise teenistuses / *Social Information in the Service of Legislative Development: Situation and Proposals*/ - Riigikogu Toimetised 1:139-147, [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) (Summary in English)

**Kirch M. (1999)** – Integration of Non-Estonians: Sociological Approach and Existing Regulation - in Society, Parliament and Legislation, eds. Kasemets A., Hammer K., Riigikogu Chancellery, pp 58-66; **(2000)** Kas Riigikogu tegevus vastab rahva ootustele? /*Do the Activities of the Riigikogu Meet the Expectations of the People?*/ – Riigikogu Toimetised 1: 197-200 [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised)

**Kirch A. (2002)** Eesti avalik arvamus Euroopa Liiduga liitumisest: heaolu on domineeriv tegur /*Well-being is the predominant factor in public opinion of EU accession*/ - Riigikogu Toimetised 6: [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) (Summary in English)

**Kirsipuu L. (2000)** – Poliitiline toetus ja võimu legitiimsus 1999.a. lõpul /*Political Support and Legitimacy of the Power in the end of 1999*/ - Riigikogu Toimetised 2:163-172 [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) (Summary in English)

**Kulcsar K. (1987)** - Modernization and Law. Theses and Thoughts. Budapest: Hungarian Academy of Sciences

**Käärrik H. (2000)** Õigusotsioloogia ja õigusloome - /*Sociology of Law and Law-making*/ - Riigikogu Toimetised 1, lk 125-139; [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) (Summary in English)

**Lagerspetz M. (2000)** Kodanikeühiskonna rollid tänases Eestis /*The Roles of Civil Society in Today's Estonia* / - Riigikogu Toimetised 2, lk 230-236 [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) (Summary in English)

**Lauristin M. (2001)** Kas me oleme piisavalt kasutanud uue meedia võimalusi demokraatia edendamiseks? / *Do We Know How to Use New Media Facilities for Developing Democracy and Do We Want to Do This?*/ - Riigikogu Toimetised 3: 21-26; [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised); (Summary in English)

**Lauristin M., Vihalemm P., with Rosenberg K.E., Weibull L (1997)** Return to the Western World - Tartu University Press, 388 p.

**Lebissis N., Pareson J. (1999)** eds - Improving the Effectiveness and Legitimacy of EU Governance. A possible Reform Agenda for the Commission – European Commission, Forward Studies Unit. Working Paper CdP (99) 750 > <http://europa.eu.int/comm/cdp/working-paper/improving.pdf>

**Liiv D. (2001)** – Koostöökokkulepped Suurbritannias ja mida meil on neist õppida? /*Compacts between the Government and Third Sector in Great Britain and What Can We Learn from Them*/ - Riigikogu Toimetised 3; [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised); (Summary in English and Russian)

**Loorits O. (1938)** Eesti kultuuri struktuurist, ideoloogiast ja traditsioonidest /*About structure, ideology and traditions of Estonian culture*/ – Varamu 6,

**Luhmann N. (1993)** *Communication as a Social System*, in N.Luhmann, *Ecological Communication*, pp 28-31

**Marschall S. (1996)** - Die Reform des Bundestages 1995: Inhalte, Hintergründe, Konsequenzen. Zeitschrift für Parlamentsfragen, August, Heft 3

**Middleton J. (1992)** - Conceptual bases for communication planning - in “Communication planning revisited” 3, UNESCO

**Munger F. (1993)** - Sociology of law for a postliberal society - Loyola of Los Angeles Law Review - Nov 1993, Vol 27:65, lk 79-125.

**Murutar A. (2002)** – Eesti küla, külavanem, vallavalitsus ja riik /*The Estonian village, village leaders, local governments and the state*/ - Riigikogu Toimetised 6: [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) > RiTo 6/2002 > Summary in English

**Mäkelä K. (1985)**- Sociology and law-drafting - in Law drafting and sociology.- ed. by A.Kivivuori - Seminar report. Ministry of Justice. Helsinki.

**Nelken D. (1996)** Law as communication – ed. – Dartmouth;

**OECD (1998)** European Principles for Public Administration, Sigma No 27. Paris; **(1998a)** - Public Opinion Surveys as Input to Administrative Reform, ed. by Jak Jabes, Sigma Paper No 25, Paris; **(2000)** OECD Report on Parliamentary Procedures and Relations - Conference of the Speakers of EU Parliaments, Rome 22-24 September; OECD veeb: <http://www.oecd.org/regreform/products> ;

**Olson D. M. (1991)** Rational Ignorance, Professional Research and Politicians' Dilemmas - in Robinson, W.H., Wellborn, C.H. (Eds.) Knowledge, Power, and the Congress - Congressional Quarterly, Washington;

**Respect - Draft Code of Professional Conduct in Socio-Economic Research (2003)**, European Commission funded RESPECT-project <http://www.respectproject.org> , sent via e-mail by Hermann C. in August 6, 2003

**Robinson W. H. (2002)** - Knowledge and Power. The Essential Connection Between Research and the Work of Legislature - *ECPRD, European Parliament*: [www.ecprd.org](http://www.ecprd.org).

**Rock P. (1995)**- Sociology and the Stereotype of the Police - in Socio-Legal Studies in Context: The Oxford Centre Past and Present - edited by D. J. Galligan, - Journal of Law and Society - Blackwell Publishers Oxford, UK & Cambridge, USA, p 17-25;

**Rull I. (2002)** /Estonian media coverage of parliamentary proceedings/ - Riigikogu Toimetised 5; pp. ....: [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) > RiTo 5/2002 > Summaries in English

**Ruutsoo R. (2001)** Kodanikeühiskond, kolmas sektor ja sotsiaalne kapital /*Civil Society, the Third Sector and Social Capital*/ – Riigikogu Toimetised 3: [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) > (Summary in English)

**Saar A. (2000)** - Riik ja rahvas: elanikkonna poliitiline kompetentsus / State and nation: The political competencies

of population – Riigikogu Toimetised 1: 184-196: [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) > (Summary in English)

**Saar A., Rentel A. (2000)** - Eesti elanike õigusteadvus /*The legal Consciousness of Estonian People*/ – Riigikogu Toimetised 2, lk 173-179.: [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) (Summary in English)

**Saarts T. (2002)** - Sotsiaalne kapital ja võimuinstitutsioonide usaldus /*Social capital, perceptions of influence with political institutions and trust in institutions of power*/– Riigikogu Toimetised 6: [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) > (Summary in English)

**Santos B.S. (1995)** - Toward a New Common Sense: Law, Science and Politics in the Paradigmatic Transition - Routledge, N-Y, London

**Schick A. (1991)** - Informed Legislation: Policy Research Versus Ordinary Knowledge - in Robinson & Wellborn, (Eds.) Knowledge, Power, and the Congress - Congressional Quarterly, Washington.

**Selznick P. (1992)** The Moral Commonwealth. Social Theory and the Promise of Community –Barkley University of California Press

**Shapiro RY 1998** Public opinion, elites and democracy – Critical Rev 12: 501-28

**Tamanaha B. (1995)** An Analytical Map of Social Scientific Approaches to the Concept of Law. Oxford J. of Legal Studies 15, 501-535

**Taru M., Toomla R. (2003)** - Eesti elanike valimiskäitumise motiivid ja mehhanismid /*Motives and mechanisms for the Estonian electorate*/ - Riigikogu Toimetised 7: [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised) (Summary in English)

**Timasheff N.S. (1974)** An introduction to the sociology of law - Harvard Sociological Studies (c1939)

**U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service (1994)** - Guidelines and Principles for Social Impact Assessment – Prepared by The Interorganisational Committee. © International Association for Impact Assessment.

**Vetik R. (2002)** – Usaldus riigi institutsioonide vastu Eestis / *Trust in state institutions in Estonia*/ - Riigikogu Toimetised 5, [www.riigikogu.ee/rva/toimetised](http://www.riigikogu.ee/rva/toimetised)

**Watkins J. M. (1994)** – A Postmodern Critical Theory of Research Use – Knowledge and Policy, Winter94/95, Vol. 7, Issue 4

**Wintgens L.J. (1999)** Legisprudence: Elements for a New Theory of Legislation - Associations 2, 185-210

**Windahl S., Signitzer B. with Olson J.T. (1992)** Using communication theory. An introduction to planned communication - SAGE Publications.

**Winter H.B. (1999)** Evaluation of Legislation: the Forum Model - Associations, 2, 238-256