Doctoral thesis

Balázs András Orbán

The Constitutional Law Context of the Free Mandate and National Sovereignty

Eötvös Loránd University
Doctoral School of Law

Supervisor:

Prof. Dr. István Kukorelli DSc.

2024

Contents

1. Problem thematization and relevance of the research

From the historical establishment of modern public law arrangements in the 18th and 19th centuries, the free mandate became one of the most important concepts in political structures that are based on popular representation.[1] Considering the parliamentary history of the past two centuries or so, a clear picture can be drawn of the free mandate – both in an institutional and a substantive sense – corresponding to a sort of minimum level of democracy.[2] Today, however, it is about much more. In the context of the legal and constitutional development of the past decades, the free mandate – in contrast to the so-called imperative one – has been organically and inseparably interlinked with the notion of democratic representation,[3] while that of the imperative mandate has become irreconcilable with it.[4]

The significance of the free mandate is linked with the legitimacy of a political system built on the principle of popular representation. A representative free of encumbrances, without the possibility of being instructed, freely carrying out his or her representative duties – with the free mandate embodying all of these – represents the modern approach and institutional design of popular representation, built on the idea of the nation as the framework for the coexistence of the community.[5] As such, it represents one of the common and essential elements of many definitions of parliamentarism.[6] The source of this thought can be tied to the famous speech of Edmund Burke, addressed to the voters (electors) of Bristol. According to Burke, the parliament shall be the *deliberative assembly* of the people, where the respective representatives are not the envoys of their constituencies, but are *members of parliament*, and as such are not dealing

[1] Bradley, Anthony W. – Pinelli, Cesare (2012): Parliamentarism. In: Rosenfeld, Michel – Sajó, András (eds.): *The Oxford Handbook of Comparative Constitutional Law*. Oxford University Press, Oxford. 662.; Van der Hulst, Marc (2000): *The Parliamentary Mandate*. Inter-Parliamentary Union, Geneva.; Venice Commission (2008): *Report on the Imperative Mandate*. Study No. 288/2008, Strasbourg.; Weber, Max (1987): *Gazdaság és társadalom. A megértő szociológia alapvonalai I*. Közgazdasági és Jogi Könyvkiadó, Budapest. 296.

[2] Dezső, Márta (1998): *Képviselet és választás a parlamenti jogban*. Közgazdasági és Jogi Könyvkiadó – MTA Állam- és Jogtudományi Intézete, Budapest. 83.; Erdős, Csaba (2019): Parlamenti képviselő. In: Jakab, András, Könczöl, Miklós, Menyhárd, Attila and Sulyok, Gábor (eds.): *Internetes Jogtudományi Enciklopédia*. [7] and [12].; Kędzia, Zdzisław – Hauser, Agata (2011): *The impact of political party control over the exercise of the parliamentary mandate*. Inter-Parliamentary Union, Geneva. 5 and 22.

[3] Kertész, Gábor (2008): Szabad mandátum kontra frakciófegyelem. *Magyar Szemle*, 2008/7-8. 45–47.; Palonen, Kari (2014): Parliament/Parliamentarism. In: Gibbons, Michael T. (ed.): *The Encyclopedia of Political Thought*; Szente, Zoltán (1998): *Bevezetés a parlamenti jogba*. Atlantisz, Budapest. 159.; Szente, Zoltán (2003): Képviselet és választójog. In: Mezey, Barna – Szente, Zoltán (eds.): *Európai alkotmány- és parlamentarizmustörténet*. Osiris, Budapest. 561–564.

[4] Schmitt, Carl (2008): *Constitutional Theory*. Duke University Press, Durham – London. 289.; Venice Commission (2008) 2–3.

[5] Birch, Anthony Harold (1971): *Representation*. Pall Mall Press, London. 30–49.; Van der Hulst (2000) 8–9.

[6] Pesti, Sándor (2002): *Az újkori magyar parlament*. Osiris, Budapest. 19.

with particular interests, but the national interest and the common good.[7] That is to say, the development of the free mandate coincides with the appearance of the paradigm of national sovereignty.

We can say that without a free mandate on the national level there can be no legitimate exercise of power or representative work in accordance with modern constitutional standards and requirements. In this sense, the political community not only exercises its power through its representatives, i.e., indirectly, but every member of that community has access to equal representation, specifically thanks to equality of representation and the freedom of the mandate.[8] Thus, the free mandate constitutes the public law guarantee that parliamentary decisions – where he representative work is not unduly influenced or affected

– shall originate from a free and autonomous formation of the legislature's w0ill, and be construed as the legitimate embodiments of the expression of the national political will.[9]

The free mandate is the axiom of modern parliamentarism. Precisely because of this, for public law science, the issue of representatives' free mandate qualifies as an *ad acta* problem, already dealt with. In contrast, we think that it is worthwhile – and indeed necessary – to deal with the deeper constitutional law contexts of the free mandate. In our view, the free mandate continues to be a relevant and living question of constitutional law doctrine, which – when seen in a different light – can be used to map out those fundamental doctrinal and conceptual relations which lie in the background of this supposedly axiomatic feature. All this is done by placing the notion of the free mandate into a new context by using an auxiliary concept to aid us in explaining the phenomenon in question.

The auxiliary concept we apply is the concept of national sovereignty. We see the virtue in this firstly because, through it, the essential conceptual elements of representative systems can be best identified. Secondly, given that we are creating a relational system between the notions of the free mandate and national sovereignty, we can thereby gain an understanding of the

[7] Burke, Edmund (1774): *Speech to the Electors of Bristol*.
[8] The freedom of the mandate and its equality are fundamental elements of any representative status. For more on this, see: Sebők, Noémi (2022): A képviselők jogállása. In: Dukán, Ildikó – Varga, Aida (eds.): *Parlamenti jog - Az Országgyűlés működése, feladat- és hatáskörei, kapcsolódó intézmények*. Országgyűlés Hivatala, Budapest. 97.
[9] Szente, Zoltán (1996): A képviselői jogállás főbb jellemzői a polgári demokráciákban. In: Soltész, István (ed.): *A képviselők jogállása. 1. rész.* Parlamenti Módszertani Iroda, Budapest. 133–134. On the "dual nature" of parliament in this regard, i.e. as the last link in the chain of will formation and the apex of state institutions (as the origin of will), see: Petrétei, József (1996): A képviselet. In: Kiss, László (ed.): *Válogatott fejezetek a rendszeres alkotmánytan köréből*. Janus Pannonius Tudományegyetem Állam- és Jogtudományi Kar, Pécs. 190.; Pokol, Béla (1981): A polgári parlamentek működése. *Jogtudományi Közlöny*, 1981/6. 527–533.

operational logic of institutions working based on an imperative mandate. In our view, it is a mistake to state that the imperative mandate is no more than an obsolete phenomenon of constitutional history. The free mandate did not replace it, and has not curtailed it. This fact also supports the view we still hold, that the investigation of scientific questions regarding representative mandates remains current and relevant. This aspect, in turn, leads us to the hypotheses of the dissertation.

2. Research hypotheses

We examine two hypotheses in the doctoral dissertation, one in relation to the free mandate and the other in relation to the imperative one. The first, H1, asserts that the institution of the free mandate was historically created together with modern representative systems, and as such, has been intertwined with the concept of the nation as the holder and subject of sovereignty.[10] Ergo, the free mandate, with representation based on national sovereignty providing the framework for such mandates, constitutes a conceptual and logical unity which – if one of its elements is absent – will fail and cannot be implemented in practice, ultimately subverting the whole concept.

As already signaled, the examination of this statement is important, because the free mandate appears as a sort of self-explanatory characteristic in scientific literary discourse, whereas the systematic untangling of its dogmatic contexts, the analysis of the relationship between these concepts, and the disquisition upon their international comparability and historical development, as well as their current scope, continue to be scientifically relevant.

The other important argument of this dissertation follows from the results of the analysis under H1, which clearly demonstrate a historical and dogmatic link between the ideas of the free mandate and national sovereignty. Abiding by the rules of forming hypotheses, the intentionally bold second hypothesis, H2, contains our view that – eventually, in a doctrinal sense – the idea of the free mandate can exclusively be maintained in the context of national sovereignty. Consequently, for those representative institutions that attempt instead to carry out their task

[10] Chronowski, Nóra – Petrétei, József (2020): Szuverenitás. In: Jakab, András – Könczöl, Miklós –Menyhárd, Attila – Sulyok, Gábor (eds.): *Internetes Jogtudományi Enciklopédia*. [19]–[20].; Grimm, Dieter (2015): *Sovereignty. The Origin and Future of a Political and Legal Concept*. Columbia University Press, New York. 33–67.; Müßig, Ulrike (ed.) (2016): *Reconsidering Constitutional Formation I National Sovereignty: A Comparative Analysis of the Juridification by Constitution*. Springer Online.; Szűcs, Jenő (1974): „Nemzetiség" és „nemzeti öntudat" a középkorban. Szempontok egy egységes fogalmi nyelv kialakításához. In: Szűcs, Jenő: *Nemzet és történelem. Tanulmányok*. Gondolat Kiadó, Budapest. 209.

through principles built on supranational, subnational, regional or group interests or identity – even if they stand on the basis of the free mandate – the idea of transition into an imperative mandate system inevitably looms. Challenges and new approaches affecting structures built on the idea of national sovereignty thus – at least implicitly – question the logic of the free mandate as well. Thinking about the future, we could argue that the idea of national sovereignty is a paradigmatic prerequisite of the preservation of a representative system built on the free mandate, not just under 18th or 19th century circumstances, but also in the 21st century.

From the standpoint of representative theory, the two hypotheses, H1 and H2, could be construed in such a way that the free mandate embodies the 'acting for' type of representation in the classical mandate-independency controversy. This means that in order for representatives to be able to handle the interests of the nation as a whole, they need to be carrying out a legally unbinding mandate, with autonomy, and with a legal status necessary for autonomous action.[11] The free mandate in and of itself is thus general and representational,[12] as the representatives may only act for the public and the community if they cannot be recalled or instructed, i.e., if no forms of direct power are tied to the exercise of the mandate in a public law sense. The free mandate is thus tied to the principle of the nation as a whole. By contrast, the imperative mandate embodies the 'standing for' type,[13] wherein representatives can be instructed to solely represent the specific interests of a given constituency, and if they do not comply with their instructions, they can be recalled as a form of influencing their activity. The nature of the imperative mandate is thus particular and only partially representative, as the given group or entity can only actually represent its interests through its representatives if they act as envoys, whose mandate – in a public law sense – is dependent upon those electing them, and their mandate rests on the means of directly exercising public power. Consequently, the imperative mandate is tied to the nonnational, other-than-national, or particular principle.

[11] Pitkin (1972): 151–152.
[12] Cf. Van der Hulst (2000) 8–9. For more on this, see: Vučković, Nataša (2016): *The nature of the mandate of members of the Parliamentary Assembly*. Parliamentary Assembly, Report, Doc. 14077. 11–13.
[13] Pitkin (1972) 151.

3. Application of the methodology and analytical framework

3.1. The Analysis of Hypothesis H1

The aim of the analysis of hypothesis H1, namely the conceptual link between national sovereignty and the free mandate, is to show the history and changing meaning of the concept of the nation, based on a distinction between the concept of sovereignty and the timeless and modern conceptualizations of the nation, in the light of the changing subject of sovereignty. Through analytically separating the concepts of sovereignty and the nation, and examining them from a historical perspective, we strive to eventually point to the change that was largely taking place at the end of the 18th century, which can be described as a pulling together of the concepts of sovereignty and the nation. This, indeed, has been a key circumstance in the establishment of the constitutional studies axiom embodied in the fundamental principle of representation, falling between national sovereignty and the free mandate. The fact that the hypothesis H1 contains a statement that is also valid in 21st-century circumstances – namely that the free mandate is the most important public law institution in the representational paradigm of national sovereignty, and that these two now jointly define the operation of the institutions of democratic representation – can be illustrated through an overview of constitutional provisions and constitutional court jurisprudence.

3.2. The Analysis of Hypothesis H2

The statement contained in H2 is examined from a comparative methodological perspective. We benefit from the functionalist approach of comparative legal studies, which places the function of the given institution and not the institution on its own into the foreground of evaluation.[14] In other words, functionalist comparativism designates the basis of comparison regarding the function subject to analysis,[15] and in that regard examines what sort of institutional solutions help perform that function.

In addition, we present the examination of hypothesis H2 through case studies. Besides the fact that comparative law primarily relies on the toolbox of case studies,[16] the methodological process, relying on fewer cases and elements, comes closer to the nature of the subject of the

[14] Cf. Fekete, Balázs (2016): Jogösszehasonlítás. In: Jakab, András – Fekete, Balázs (eds.): *Internetes Jogtudományi Enciklopédia*. [9].
[15] Siems, Mathias (2018): *Comparative Law*. Cambridge University Press, Cambridge. 32.
[16] Samuel, Geoffrey (2014): *An Introduction to Comparative Law Theory and Method*. Hart, Oxford – Portland. 71.

dissertation.[17] In addition, *multiple case studies* make it possible for H2 to be examined according to more types of cases. Case studies also help in seeking an answer to the question of *How?* behind the phenomena examined.[18] Thus, in the case studies, we seek answers to the following questions: How are the interests of a particular entity represented in a public legal sense through institutionalized fora of representation? How are the free mandate and the legal institutions associated with it challenged by a bound mandate supporting the representation of a given part? To describe these, we apply as tools analytical elements such as the subject and purpose of representation; the principle and framework of representation; the method of the creation of mandate (delegation or direct election); the forms and possibilities of representative accountability (instructions and recall); the institutional safeguards of representative independence (immunity, financial independence); and the place, role and function of the representative institution based on competences in the specific institutional order.

Based on this, the hypothesis H2 is tested across several dimensions, based on case types. On the one hand, we interpret the principle of representation in the context of international organizations. In this context, the case selection criterion was to compare two institutions, one in which the representatives have a bound mandate and the other in which they have a free mandate. This important difference allows us to illustrate and demonstrate the content of the representational context we have hypothesized. The first is the UN General Assembly, where the ambassadors of the State Parties meet. The purpose of representation in the General Assembly is to represent the interests of individual states, and the institutional modality for this is the imperative mandate: delegates must comply with the instructions they receive from their sending state. Another example of an international organization is the European Parliament, which comprised delegates from national parliaments when it was set up in 1957 but has, since 1979, been a directly elected body, in which its members have a free mandate. This is the relevance of the analysis of the European Parliament, since, while the original solution fitted into the framework of the law of international institutions, the fact that since 1979 the mandate of its members has followed national constitutional practice and doctrine makes this body specific and unique in the EU institutional system from the point of view of representation theory and public law. The second dimension is represented by the second chambers of the

[17] Pál, Gábor (2020): Kvalitatív esettanulmány és diskurzuselemzés. In: Jakab, András – Sebők, Miklós (eds.): *Empirikus jogi kutatások. Paradigmák, módszertan, alkalmazási területek*. Osiris Kiadó – MTA TK, Budapest. 462–463.

[18] Webley, Lisa (2012): Qualitative Approaches to Empirical Legal Research. In: Cane, Peter – Kritzer, Herbert M. (eds.): *The Oxford Handbook of Empirical Legal Research*. Oxford University Press, Oxford. 939–940.; Yin, Robert K. (2017): *Case Study Research and Applications: Design and Methods*. Sage, Thousand Oaks. 3–23.

legislatures of federal states. Here the problem of the free versus the bound mandate arises, because these representative bodies are often formally organized along territorial lines. In other words, the logic of representation – in relation to national sovereignty – changes. From this point of view, it is interesting to compare how in the US Senate the representational relationship between the free mandate and national sovereignty has developed. In Germany, by contrast, in the Bundesrat, which is composed of members of the *Länder* governments, the imperative mandate, enforced through the institution of recall and instruction, is in force in a way that is fixed in public law.

Finally, we want to present representative institutions that represent the interests of specific groups. These include the parliaments of the orders, the corporative-occupational representative bodies of the first half of the 20th century, the communist constitutions that based class consciousness and class society on the constitutional foundations of the Marxist-Leninist conception of representation, and finally the post-representative alternatives that critique parliamentary representative institutions.

4. Conclusions and use of the results of the dissertation

The research results of this dissertation seek to contribute to the discourse in constitutional studies on two points:

From a theoretical point of view, the use of national sovereignty as an auxiliary concept can point not only to the essential conceptual features of the free mandate, but also to the fact that it is still timely to address the nature of the mandate of the representative. We can say that national sovereignty is a model of public law, established by a national community and reflected in the constitution, whose main purpose is to ensure that the interests of the national community are represented in the exercise of power. The free mandate is the modality that ensures the representation of the interests of the national community, and the purpose of representation as understood in the modern conception of national sovereignty. Thus, not only is there a historical link between national sovereignty and the free mandate, but the two concepts are axiomatically united even now, in the first decades of the 21st century. Without national sovereignty there is no free mandate, and without a free mandate there is no national sovereignty. In the same way, anyone who argues against national sovereignty is ultimately also arguing against the free mandate, and anyone who supports the idea of national sovereignty must necessarily be in favor of a model of representation based on the free mandate.

From a practical standpoint, we wish to contribute to exploring how careful reflection on the nature of the mandate of a given representative body can prevent institutional dysfunctions from occurring, and how existing dysfunctions can be avoided. With this research ambition, we aim to contribute to streams of discourse[19] on institutional design, constitutional design, and constitutional engineering, and in particular the current of research on legislatures and representation.[20]

When designing the institutional order of legislatures, the free mandate can be seen as an institutional default position,[21] which realizes the normative desire to represent the interests of a community as a whole. In other words, if the aim is to institutionalize this principle of representation, then the free mandate is an indispensable element. And the same applies to the imperative mandate: in order to establish the representation of a transnational or subnational interest, the starting point for institutional design must be the imperative mandate.[22] The insights gained through this research can be used as a guide for political regime change and democratic institution building, but should also be considered as a guide for the debate on the future of the European Union, contributing to the institutional approach to the challenges of European integration, or at least to the formulation and presentation of alternative proposals.

[19] For some works on the topic see e.g. Ginsburg, Tom (ed.) (2012): *Comparative Constitutional Design*. Cambridge University Press, Cambridge.; Reilly, Benjamin (2012): Institutional Designs for Diverse Democracies: Consociationalism, Centripetalism and Communalism Compared. *European Political Science*, Vol. 11., issue 2. 259–270.; Reynolds, Andrew (ed.) (2002): *The Architecture of Democracy Constitutional Design, Conflict Management, and Democracy*. Oxford University Press, Oxford.; Sartori, Giovanni (1994): *Comparative Constitutional Engineering. An Inquiry into Structures, Incentives and Outcomes*. Palgrave Macmillan, Basingstoke – London.

[20] Babeck, Wolfgang (2022): The Deputy. In: Babeck, Wolfgang – Weber, Albrecht: *Writing Constitutions. Volume I: Institutions*. Springer, Cham.; Böckenförde, Markus (2011): The Design of the Legislature. In: Böckenförde, Markus – Hedling, Nora – Wahiu, Winluck: *A Practical Guide to Constitution Building*. International IDEA, Stockholm. 185–220.; Ginsburg, Tom (2018): *Constitutional Design for Territorially Divided Societies*. International IDEA, Stockholm. 6–7.

[21] Cf. Rehfeld, Andrew (2005): *The Concept of Constituency. Political Representation, Democratic Legitimacy, and Institutional Design*. Cambridge University Press, Cambridge. 178–179.; Rehfeld, Andrew (2008): Extremism in the Defense of Moderation: A Response to My Critics. *Polity*, Vol. 40., issue 2. 264–265.

[22] To this extent, the representative principle can be seen as an ideal concept, and the mandate as a legal institution that operationalizes the concept, cf. Nwokora, Zim (2022): Constitutional design for dynamic democracies: A framework for analysis. *International Journal of Constitutional Law*, Vol. 20., issue 2. 601.

5. Publications on the subject of the dissertation

Árpási, Botond – Orbán, Balázs (2023): A szabad és a kötött mandátum alkotmányjogi összefüggései a föderális második kamarák képviseleti rendszerében – Összehasonlító elemzés. *Jog-Állam-Politika – Jog- és politikatudományi folyóirat*, vol. XV, issue 3, 3–24. DOI: 10.58528/JAP.2023.15-3.3

Orbán Balázs (2022): „Időtlen" magyar nemzeteszme? Nemzetfogalmunk specifikumairól, különös tekintettel az alkotmánytani vonatkozásokra. In: Erdős Csaba – Orbán Balázs – Smuk Péter (eds.): *Gubernatio, Constitutio, Communitas. Ünnepi írások a 65 éves Stumpf István tiszteletére*. Századvég Kiadó, Budapest. 283–295.

Orbán Balázs András (2021): Changes to the Concept of Sovereignty in post-1989 Hungary. *Pro Publico Bono – Public Administration*, Vol. 9., issue 4. 20–51. DOI: 10.32575/ppb.2021.4.2

Orbán Balázs András (2014): Pillanatkép az Országgyűlés törvényalkotási tevékenységéről – 2014. *Pro Publico Bono – Magyar közigazgatás*, 2014/4. 59–99.

Orbán Balázs (2011): A frakciók helye az alkotmányban, különös figyelemmel a frakciók lehetséges szerepére annak stabilizálásában. *Közjogi Szemle*, vol. IV, issue 1, 59–67.

Bibliography

Babeck, Wolfgang (2022): The Deputy. In: Babeck, Wolfgang – Weber, Albrecht: *Writing Constitutions. Volume I: Institutions*. Springer, Cham. Available online at: https://link.springer.com/chapter/10.1007/978-3-030-94602-9_2 DOI: 10.1007/978-3-030-94602-9_2

Birch, Anthony Harold (1971): *Representation*. Pall Mall Press, London.

Böckenförde, Markus (2011): The Design of the Legislature. In: Böckenförde, Markus – Hedling, Nora – Wahiu, Winluck: *A Practical Guide to Constitution Building*. International IDEA, Stockholm. 185–220.

Bradley, Anthony W. – Pinelli, Cesare (2012): Parliamentarism. In: Rosenfeld, Michel – Sajó, András (eds.): *The Oxford Handbook of Comparative Constitutional Law*. Oxford University Press, Oxford. 650–670. DOI: 10.1093/oxfordhb/9780199578610.013.0032

Burke, Edmund (1774): *Speech to the Electors of Bristol*. Available online at: https://www.econlib.org/book-chapters/chapter-vol-4-miscellaneous-writings-speech-to-the-electors-of-bristol/

Chronowski, Nóra – Petrétei, József (2020): Szuverenitás. In Jakab, András – Könczöl, Miklós – Menyhárd, Attila – Sulyok, Gábor (eds.): *Internetes Jogtudományi Enciklopédia*. Available online at: https://ijoten.hu/szocikk/szuverenitas

Dezső, Márta (1998): *Képviselet és választás a parlamenti jogban*. Közgazdasági és Jogi Könyvkiadó – MTA Állam- és Jogtudományi Intézete, Budapest.

Erdős, Csaba (2019): Parlamenti képviselő. In: Jakab, András, Könczöl, Miklós, Menyhárd, Attila and Sulyok, Gábor (eds.): *Internetes Jogtudományi Enciklopédia*. Available online at: https://ijoten.hu/szocikk/parlamenti-kepviselo

Eulau, Heinz et al. (1959): The Role of the Representative: Some Empirical Observations on the Theory of Edmund Burke. *American Political Science Review*, Vol. 53., issue 3. 742–756. DOI: 10.2307/1951941

Fekete, Balázs (2016): Jogösszehasonlítás. In: Jakab, András – Fekete, Balázs (eds.): *Internetes Jogtudományi Enciklopédia*. Available online at: https://ijoten.hu/szocikk/jogosszehasonlitas

Ginsburg, Tom (ed.) (2012): *Comparative Constitutional Design*. Cambridge University Press, Cambridge. DOI: 10.1017/CBO9781139105712

Ginsburg, Tom (2018): *Constitutional Design for Territorially Divided Societies*. International IDEA, Stockholm.

Grimm, Dieter (2015): *Sovereignty. The Origin and Future of a Political and Legal Concept*. Columbia University Press, New York. DOI: 10.7312/grim16424

Kędzia, Zdzisław – Hauser, Agata (2011): *The impact of political party control over the exercise of the parliamentary mandate*. Inter-Parliamentary Union, Geneva.

Kertész, Gábor (2008): Szabad mandátum kontra frakciófegyelem. *Magyar Szemle*, 2008/7-8. 45–62.

Müßig, Ulrike (ed.) (2016): *Reconsidering Constitutional Formation I National Sovereignty: A Comparative Analysis of the Juridification by Constitution*. Springer Online. DOI: 10.1007/978-3-319-42405-7

Nwokora, Zim (2022): Constitutional design for dynamic democracies: A framework for analysis. *International Journal of Constitutional Law*, Vol. 20., issue 2. 580–610. DOI: 10.1093/icon/moac030

Palonen, Kari (2014): Parliament/Parliamentarism. In: Gibbons, Michael T. (ed.): *The Encyclopedia of Political Thought*. Available online at: https://onlinelibrary.wiley.com/doi/epdf/10.1002/9781118474396.wbept0748

Pál, Gábor (2020): Kvalitatív esettanulmány és diskurzuselemzés. In: Jakab András – Sebők Miklós (eds.): *Empirikus jogi kutatások*. Osiris – MTA TK, Budapest. 461–475.

Pesti, Sándor (2002): *Az újkori magyar parlament*. Osiris, Budapest.

Petrétei, József (1996): A képviselet. In: Kiss, László (ed.): *Válogatott fejezetek a rendszeres alkotmánytan köréből*. Janus Pannonius Tudományegyetem Állam- és Jogtudományi Kar, Pécs. 189–198.

Pitkin, Hanna F. (1972): *The Concept of Representation*. University of California Press, Berkeley.

Pokol, Béla (1981): A polgári parlamentek működése. *Jogtudományi Közlöny*, 1981/6. 527–533.

Rehfeld, Andrew (2005): *The Concept of Constituency. Political Representation, Democratic Legitimacy, and Institutional Design*. Cambridge University Press, Cambridge. DOI: 10.1017/CBO9780511509674

Rehfeld, Andrew (2008): Extremism in the Defense of Moderation: A Response to My Critics. *Polity*, Vol. 40., issue 2. 254–271. DOI: 10.1057/palgrave.polity.2300097

Reilly, Benjamin (2012): Institutional Designs for Diverse Democracies: Consociationalism, Centripetalism and Communalism Compared. *European Political Science*, Vol. 11., issue 2. 259–270.

Reynolds, Andrew (ed.) (2002): *The Architecture of Democracy Constitutional Design, Conflict Management, and Democracy*. Oxford University Press, Oxford. DOI: 10.1093/0199246467.001.0001

Samuel, Geoffrey (2014): *An Introduction to Comparative Law Theory and Method*. Hart, Oxford – Portland. DOI: 10.5040/9781849468442

Sartori, Giovanni (1994): *Comparative Constitutional Engineering. An Inquiry into Structures, Incentives and Outcomes*. Palgrave Macmillan, Basingstoke – London. DOI: 10.1007/978-1-349-22861-4

Schmitt, Carl (2008): *Constitutional Theory*. Duke University Press, Durham – London.

Sebők, Noémi (2022): A képviselők jogállása. In: Dukán, Ildikó – Varga, Aida (eds.): *Parlamenti jog - Az Országgyűlés működése, feladat- és hatáskörei, kapcsolódó intézmények*. Országgyűlés Hivatala, Budapest. 97–101.

Siems, Mathias (2018): *Comparative Law*. Cambridge University Press, Cambridge. DOI: 10.1017/9781316856505

Szente, Zoltán (1996): A képviselői jogállás főbb jellemzői a polgári demokráciákban. In: Soltész István (ed.): *A képviselők jogállása. 1. rész.* Parlamenti Módszertani Iroda, Budapest. 133–182.

Szente, Zoltán (1998): *Bevezetés a parlamenti jogba*. Atlantisz, Budapest.

Szente, Zoltán (2003): Képviselet és választójog. In: Mezey, Barna – Szente, Zoltán (eds.): *Európai alkotmány- és parlamentarizmustörténet*. Osiris, Budapest. 559–578.

Szűcs, Jenő (1974): „Nemzetiség" és „nemzeti öntudat" a középkorban. Szempontok egy egységes fogalmi nyelv kialakításához. In: Szűcs Jenő: *Nemzet és történelem. Tanulmányok*. Gondolat Kiadó, Budapest. 189–279.

Van der Hulst, Marc (2000): *The Parliamentary Mandate*. Inter-Parliamentary Union, Geneva.

Venice Commission (2008): *Report on the Imperative Mandate*. Study No. 288/2008, Strasbourg.

Vučković, Nataša (2016): *The nature of the mandate of members of the Parliamentary Assembly*. Parliamentary Assembly, Report, Doc. 14077.

Weber, Max (1987): *Gazdaság és társadalom. A megértő szociológia alapvonalai I*. Közgazdasági és Jogi Könyvkiadó, Budapest.

Webley, Lisa (2012): Qualitative Approaches to Empirical Legal Research. In: Cane, Peter – Kritzer, Herbert M. (eds.): *The Oxford Handbook of Empirical Legal Research*. Oxford University Press, Oxford. 926–950. DOI: 10.1093/oxfordhb/9780199542475.013.0039

Yin, Robert K. (2017): *Case Study Research and Applications: Design and Methods*. Sage, Thousand Oaks.