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EP – a Parliament without Demos

Exploring the role of the European Parliament and Representation in EU

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Abstract

In this thesis the role of the European Parliament has been explored and analysed. Four scenarios for European Integration—*Europe of States*, *United States of Europe*, *Europe of Regions* and *Europe of Networks*—developed by Jönsson et al, have been employed as a framework for the analysis. To examine the principle role of the EP in each scenario, in addition to the varying possibilities and challenges each democratic scenario poses, Christopher Lord's model of Audit Democracy, as well as Oddvar Eriksen and Erik Fossum's deliberative models for democracy, have been employed. The role of the EP as a representative institution is challenged in *Europe of Networks* and *Europe of States*. In the *United States of Europe,* the EP has the role of a federal parliament. The EP's status in *Europe of Regions* depends on whether the regions will replicate the representative institutions of nation states or if new forms of organisation will develop.

All the scenarios are found to face difficulties in meeting the democratic models' requirements. Different forms of identity are a key aspect of the models' feasibility. A general difficulty is how to combine territorial and non-territorial forms of organisation.

Key words: European Parliament, Democratic deficit, Deliberative theory, Audit Democracy, European Integration

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1 Introduction

Whilst interning at the European Parliament, questions about the nature of the parliament often arose amid daily work. What are the principle relations between the European Parliament and national parliaments? Who do the parliamentarians in the EP represent? The more I thought about it, I realised there are no clear answers to these questions, among either politicians or students of European Integration. My ambition with this thesis is to explore the role of the European Parliament in relation to national parliaments, and different ways of thinking regarding parliamentary representation in the European Union.

1.1 Why Study Democracy in an EU Context?

The European Parliament has been said to be the institution: "most commonly and most interestingly associated with the EU's democracy problem" (Warleigh 2003, p. 77). The question of what role the European Parliament ought to have is intrinsically connected to the institutional democratic design of the European Union. Before discussing the role of the EP, some notes regarding democracy in the EU will therefore be outlined.

Contemporary observers of European integration have far from reached a consensus either if the EU in its internal decision-making can and ought to be democratic, or that the current institutional design is suffering from 'democratic deficit'. Even if one tends to agree in both cases, this does not clarify *what kind* of democratic institutions are desirable. Why then should it matter if the EU is democratic? First and foremost, its embrace of democracy is stated in its charter (Art 6.1 TEU; more recently expressed in article 1:a of the *Lisbon* Treaty). I also wholeheartedly agree with Mitrany that all public action is political, and from this it follows that all public action (including in the EU) should be democratic (Warleigh 2003, p. 127).

There are, however, other positions on the question of democracy in the EU, some of which I will briefly describe here. Giandomenico Majone is one of the supporters of the no 'Democratic deficit thesis' (1998). He argues economic integration does not necessarily have to lead political integration, and standards of legitimacy derived from parliamentary democracies are therefore not applicable in an EU context. As long as the majority of voters and their elected representatives oppose the idea of a European federation, while supporting far-reaching economic integration one cannot expect parliamentary practise to work within the EU. On the contrary, he argues the perceived 'democratic deficit' is democratically justified (Majone 1998, p. 7).

European Integration has, however, evolved beyond solely economic cooperation (Beetham and Lord 2001), and arguments that strict intergovernmental cooperation or developing a European federation, are the only options is questionable (c.f the view of Eriksen and Fossum 2008, p. 8). In the *European White Paper on Governance* the Commission draws the following conclusion:

> The Union is changing as well. Its agenda extends to foreign policy and defence, migration and the fight against crime. It is expanding to include new members. It will no longer be judged solely by its ability to remove barriers to trade or to complete an internal market; its legitimacy today depends on involvement and participation (2001, p. 11).

Another argument in line with Majone's is that non-democratic structures can operate within a framework laid down by democratic ones (Lord 2004a, p. 16). This would however require that the EU is within the ultimate controlling power of the Member States that comprise, which is questionable.

> In sum, the integration process has itself changed national democracies and the ultimate rule-making authority of Member States in ways that render those things unavailable for the indirect legitimation of Union power. The claim that only bodies that cannot be controlled by democracies are in need of independent democratic legitimation is no longer an alibi for a democratic EU. It is now an argument for it. (Beetham and Lord 2001, p. 449)

A third, more general, indirect argument is that the EU is a state in the making and that its creation been more democratic than that of most Member States (Lord 2004a, p 76; Manin 1997). In the case of the EU, polity came before democracy, in contrast to national states, where the state was established first, followed by the development of democratic procedures. Given Mitrany's statement that all public action should be democratic the argument of 'developing democracy' fail.

The reason that the European Parliament is the institution most associated with democracy in the EU is probably because the Parliamentary model is a classic component to democracy, as we know it. Direct European elections, however, has failed to make a significant public impact, and little consideration has been given from national governments to issues such as how links should be made between national and European parliament (Warleigh 2003, p.85). Is the EU "the most visible example of post-parliamentary governance" (Andersen and Burns in Warleigh 2003, p. 2), or are we perhaps witnessing a 'reparliamentarisation' of European politics (Blichner 2000, p. 142)?

1.2 Outline of the Study and Delimitation

Students of the EU today tend to agree that the Union represents a political order that is neither an intergovernmental organisation nor a supranational state, a political form that seems to be: "hard to catch within available theoretical nets" (Jönsson *et al* 2000, p. 126). Some reasons for this are their fluidity and complexity, as well as the constant transformations that are characteristic of European Integration (*ibid*). An important aspect is the tension between territorial and non-territorial forms of organisation, which is inherent in the European project. On the one hand, the EU is a union between national states, whilst on the other, policy making within the union is, to a high degree, organised around networks that include actors other than the official representatives of the Member States (Jönsson *et al* 2007, p. 247).

Given the above-described characteristics, and the fact that there is no simple definition of what the EU is; what can be said about the democratic features of the EU? How can one avoid "getting stuck" in having to define what kind of entity the EU really is before any conclusions can be drawn about the democratic design of the union? Connected to this problem is the fact that any proposed democratic design has to have a reasonable chance of success in a European context; as Weale puts it: "any 'non-utopian' normative theory is committed to the position that 'ought implies can'" (cited in Lord 2004a, p. 7).

To avoid this problem, four scenarios will be used as a framework for my analysis. The scenarios represent four possible lines of development for Europe, as worked out by Jönsson *et al* (2007). Although they are not about democracy *per se*, each scenario has implications for the ability to pursue democracy in Europe. Originally, they were a part of a macro trend analysis of European Integration, however, in my thesis they will be employed as a conceptual tool to formulate clear-cut alternatives as a base for the analysis.

I will then use two different models of democracy, based on a representative and deliberative ideal respectively, to analyse what possibilities and challenges with regard to democracy each scenario poses. The thesis design will help me to analyse the principal relations between national parliaments and the EP in each scenario, and to on the basis of the democratic models chosen, what democratic challenges each scenario poses for representation in the EU.

Some of the scenarios can be combined, which probably is the most likely development. For the purpose of delimitation, such combinations will not be covered in this thesis.

A possible objection to the thesis design is whether it is relevant to study only one of the EU institutions (the EP), since the institutions can be said to complement each other and, combined constitute a legitimate political system. With the growing influence of the EP, its defined competences and the thesis's focus on parliamentary assemblies in European Integration I would argue that the problems of studying the EP in its own right does not provide a major obstacle (c.f Lord 2004a, p. 4).

Dryzek presents some important criticism of the analytical usefulness and constructions of normative models for democracy. In his view, thinking in terms of models of democracy is often less productive than doing so in terms of processes of democratisation. He argues that democracy is an essentially contested concept, and that this does not only result in competing models vying for our attention, but that contestation over defining democracy is central to the concept itself.

> The process of democratization requires space for this contestation, and for the democratization path to be affected by it. The search for improving the democratic qualities of any polity is always context-specific – and particular models may or may not be capable of providing useful insights in specific contexts. Democracy is actually an open-ended project that should not be thought of as converging on any single model (Dryzek 2007, p. 47)

The argument above has some merit, in the sense that it is important to separate the idea of democracy from its practise, so as not to mistake the approximation of democracy with democracy itself. As Eriksen and Fossum states, any institutional arrangement is at best an approximation to the ideal of procedural democracy (2007, pp. 6-7). If we are to say anything about democracy, some notions are needed, and models can be valuable tools for providing coherent, non-conflicting conceptualisations of democracy, used to evaluate empirical practises.

An important question for the design of the study was how to select representatives for each democratic theory. The central concern was to pick representatives who had elaborated in detail on the issue, but at the same time was broad enough to represent the central ideas for each democratic model. As a result, the deliberative theories of Erik Oddvar Eriksen and John Erik Fossum as well as Christopher Lord's representative model for 'audit democracy', have been chosen. Lord's model has traits of consociational democracy developed by Arend Lijphart, in an attempt to make a representative model fit the multinational EU context. Eriksen and Fossum have written extensively on both democracy in the EU and democratic deficit. In their working paper they construct three models for European Integration as a means to regain democratic legitimacy, these will be integrated I my approach. To avoid confusion, these will be referred to as sub-models, to distinguish the overarching model.

Using their models inside a larger framework constituted by the scenarios provides the possibility of making comparisons with other democratic model. In this case Lord's model based on a representative democratic ideal give an interesting contrast to Eriksen and Fossum's deliberative model.

Since my interest lies in one specific case, namely the European Parliament, the issue of how to select cases is irrelevant. I do, however, agree with Lord that the EU is a good case for studying how we think about democracy in a contemporary international setting (2004, p. 2) and that this also gives rise to interesting questions about democracy beyond the (nation-) state. Studies on democracy in EU might, therefore, provide insights for other topics of research, but since it possesses some unique traits in comparison to other examples of regional integration (where EU is the only case where democracy on

supranational level is pursued) I deem the level of direct generalisability to be low.

1.3 Research Questions

Guided by the democratic models, the aim of the thesis is to answer the following questions:

- What is the principal relation between the EP and national parliaments (or equivalent institutions) in each scenario?

- What are the challenges and possibilities for the EP as a representative institution? What challenges do the four scenarios pose in relation to models of representative and deliberative democracy?

1.4 Methodological Considerations

1.4.1 Normative Method

The aim of a normative study is to analyse, problematise and shed light on assertions regarding values. It can also include scrutiny of the justifications for positions on political matters (for example 'should one obey the law'). In this thesis, four scenarios will be analysed in relation to two democratic models, in order to investigate what implications each model has (Badersten 2006, p. 7).

The distinction between normative and empirical, fact and value has been a matter of extensive debate in the history of Philosophy as well as that of Social Science (c.f Badersten 2006, p. 38; Meehan 1971, p. 142). The following analysis is normative the sense that it investigates scenarios in regard to normative models of democracy. The ambition is, however, neither to discuss the normative foundations of the models, nor pass any judgements on which theory is better. I will instead, in a neutral manner, analyse the implications for each scenario. Therefore the study is normative in the sense that I am analysing values and passing judgements on how each model fits with the scenarios discussed. Naturally, this design involves a certain element of interpretation. It is my reading and understanding of the democratic theories, however, with an aim of *intersubjectivity*. This means that I will try to avoid hidden assumptions and attempt as explicitly as possible to clarify how I reach my conclusions (Lundquist 1993, p. 52; Badersten 2006, pp. 74-78). The design I have chosen will, as in most normative studies, result in high demands on clarity and consistency. I would argue, however, that these demands are not *fundamentally* different to the ones

that are the required for a more empirical analysis, for example: when it comes to precision in concepts used (Meehan 1971).

According to Lord, evaluation (normative judgements) has sometimes been avoided for fear of confusing facts and values and reaching conclusions which is no more than the subjective opinion of the researcher (2004, p. 8). The latter has already been discussed; the former – inferring values from facts or vice versa – is a mistake that should to be avoided. The notion that normative statements cannot follow from facts is sometimes referred to as Hume's law and is central to normative studies -if the distinction is not upheld logically, the meaning of any normative statement is lost (see Badersten 2006, pp. 56-71 for a further discussion).

To conclude, values studied in a normative analysis must have *intersubjective validity*- shared meanings outside of the evaluating evaluated subject. Given the ontological and epistemological position, one can view values in different ways. The basic stipulation for my study is the existence of values, at least in the sense that they exert influence on human action modes of thought, as well as be put under scientific scrutiny (Badersten 2006, s. 69).

1.4.2 Scenario Analysis

The scenarios forming the framework for my analysis are taken from *Europa Quo Vadis?*, a multidisciplinary work by a political scientist, a historian and a geographer, exploring four different ways of organising European space[1] Regarding the methodology in constructing scenarios Jönsson *et al* state the following:

> Predictions about the future, depicted in the form of a scenario are not scientific in the strict positivist sense; they cannot be empirically proven, verified or falsified and the validity can only be judged in retrospect. Even though the basis for testing is not present at the moment when the research is conducted, it should be put under the same scrutiny as other social research. Criteria such as theoretical consistency, relevance for the given topic, validity and sufficient material for the formulation of hypotheses are as relevant for future studies as for social science in general. (Jönsson et al, 2007, p. 181)

The reasoning behind historical method is that in order to understand and evaluate alternative futures, contextual knowledge regarding historical crossroads and previously existing alternatives from different periods is necessary.

> The historical perspective is also essential to a better understanding of the way humans have organized their existence in time and space, how and where their loyalties have been established, and how they built their communities (Jönsson et al 2000, p. 166).

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[1] For the same topic in English, *Organizing European Space*

The intention for the scenarios presented in my analysis is not to predict the future to explain European Integration, or draw conclusions on the probability of each scenario. It is, however to, in combination with the democratic models, provide an analytical tool to "map out" different possible roles for the European Parliament and its relations to national parliaments.

1.5 Earlier Research – European Integration, the EP and National Parliaments

1.5.1 National Parliaments in European Integration

The literature on national parliaments and their role in European Integration is generally empirically oriented (for example Bergman and Damgaard 2000, Corbett 1998, Hegeland 2006, Katz and Wessels 1999). The focus has often been on examining if, and how, the influence of the national parliaments has changed with developments in European Integration. A common notion in the literature is that national parliaments are "victims of European Integration", losing influence as a result of the process (Raunio 2007, p. 158; Gabel 2002). Little theoretical consideration has been given to the principal relation between the European Parliament and national parliaments, since focus is often on the national parliaments' role of scrutinising the actions of national governments (sometimes by employing a principal-agent approach).

In Member States, the role of national assemblies varies, due to the political system of each state. In regard to the position the national parliament has in influencing national EU policies, EU Member States can roughly be divided into three categories. Parliaments in Denmark, Sweden, Finland, Austria, and to some extent the United Kingdom, Germany and the Netherlands have strong positions. National parliaments in France, Belgium and Luxembourg have some influence, while parliaments in southern Europe and Ireland lack the mechanisms to play role in the respective EU-policies (Hegeland 2006, p. 18).

COSAC (a co-operation between committees of national parliaments that deal with European affairs and representatives from the EP) states: that of the 27 Member States of the European Union, 14 have a unicameral parliament and 13 a bicameral parliament. Due to this mixture of unicameral and bicameral systems, there are 40 national parliamentary chambers among the 27 EU Member States (COSAC 2009).

1.5.2 Basic functions of the EP

The parliament today lacks one most central function– namely control of the executive power. It does, however, have other areas of influence. In Burns' list the EP has five main formal powers as follows:

- First, the EP has the ability to amend legislation- a power that can be extensively used if the legal base of the legislation in question so permits.
- Second, the EP shares the Council's responsibility as the EU's budgetary authority.
- Third, the EP has certain powers of scrutiny over the Commission, including the right to grant discharge of the Union budget, the right to convene Committees of Inquiry into alleged maladministration in the implementation of EC law, and the right to ask questions to the Council and the Commission.
- Fourth, the EP has powers of appointment over other EU bodies such as the Ombudsman's position and increasingly in the Commission.
- Fifth, the EP has the ability to dismiss the Commission as a whole (although it cannot dismiss individual Commissioners).
  (Burns cited in Warleigh 2003 p. 79)

1.5.3 Relation between the EP and National Parliaments

Lord presents three principal views regarding the relations between the EP and national parliaments. The first is that the controlling roles of the EP and national parliaments are both additive and complementary. These bodies should collaborate and divide their labours, in order to maximise the total quantum of parliamentary control in the European arena. One notion of a desirable division of labour is that the EP should scrutinise the Council as a collective, decision-making body whilst national parliaments should concentrate all their energies on holding their governments to account for their individual contributions. Another division of labour is that national parliaments should focus on matters where the Council decides by unanimity (Treaty Change, CFSP, and Justice and Home Affairs) and the EP on those areas where it decides by majority (Lord 2004a, p. 166).

A second view, is that national parliaments have delegated powers to the overall complex of Union institutions, all of which they need to monitor all of these if they are to ensure no-one oversteps the terms of their agency. They may even be especially watchful of the EP, given its history as an "energetic 'agency-shaper' and enthusiast for supranational solutions"(Lord 2004a, p. 167).

Lastly, the concept of labour division can also be criticised from the point of view of the EP. If the EP is the 'parliament of the European Union', it has responsibility to scrutinise all three pillars, given that any meaningful public control may need to include the external effects of decisions taken under one pillar on the other two (Lord 2004a, p. 167).

The European Parliament has released a number of reports about relations to national parliaments (1997, 2002 and in 2009 a report on the relation between the EP and national parliaments under the Lisbon Treaty was released). The general view expressed in the reports, is an increased influence of *both*, the EP and

national parliaments, as a way to increase parliamentary control and reduce the democratic deficit.

A 1997 report equalised the democratic deficit with areas where the EP has little influence, and thus implicitly concludes that the EP is the institution that ought to transform the deficit (EP 1997, p. 5). In a 2002 report from the European Parliament on the relations with the national parliaments it is stated: "the European Parliament does not see itself as the exclusive representative of the citizens and guarantor of democracy in relations with the other Union institutions; it does not concern itself exclusively with acquiring greater powers, ignoring recognition of the role of the national parliaments" (p. 6).

It is also stated that parliamentarisation is necessary in the EU and must rely on two fundamental approaches involving the broadening of the European Parliament's powers *vis-à-vis* all the Union's institutions but also the strengthening of national parliaments' powers *vis-à-vis* their respective governments. The primary task and function of the EP and the national parliaments, is to take part in legislative decision-making and scrutinise political choices at both the national European levels respectively.

Regarding the current relations with national parliaments it is stated that it have developed fairly positively in recent years, but not yet to a sufficient extent. A number of positive measures is mentioned including: Joint parliamentary Meetings on horizontal topics going beyond the competence of one committee, regular Joint Committee Meetings at least twice per semester, inter-parliamentary meetings at the level of committee chairs, visits by members of national parliaments to the EP in order to take part in meetings of corresponding specialised committees and meetings within the political groups or parties at a European level, bringing together politicians from all Member States with Members of the European Parliament (EP 2002).

Future relations between the EP and national parliaments are also touched upon. It is stated that innovations at the level of national parliaments should be developed. This could include granting Members of the EP the right to be invited once a year to speak in plenary sittings of national parliaments, to participate in meetings of European affairs committees on a consultative basis, to take part in meetings of specialised committees whenever they discuss relevant pieces of EU legislation, or to take part in meetings of respective political groups on a consultative basis. The future political role of COSAC will have to be defined by close cooperation between the European Parliament and the national parliaments:

> Relations between the European Parliament and the national parliaments must take the form of cooperation, which is more structured, but not necessarily more formalised. [..]Interparliamentary cooperation must not encroach on parliaments' decision-making powers. Any form of interparliamentary cooperation should be deliberative by nature, non-decisive with regard to the existing EU policy cycles and characterised by mutual recognition of parliaments and parliamentarians as mirrors of society (EP 2002. p. 12)

2 Four Scenarios for European Integration

Scenario technique is employed, on the basis of empirical observations and theories of social science, to choose and isolate certain trends or developments (Jönsson et al 2007 pp. 177-180). Jönsson et al discuss European Integration and the organisation of European space in a historical perspective, and from this discussion depict four lines of development for the EU, each with its own logic:

- Europe of States
- United States of Europe
- Europe of Regions
- Europe of Networks

The first three are territorial to their nature and the last organisational. Sovereign states are caught between supranational integration, autonomous networks and self-aware regions. The tension among them becomes apparent in contemporary discussions about the foundations of political power, democracy and legitimate normative systems. The trend of regionalisation coincides with globalisation, as they seemingly reinforce each other (Jönsson et al 2000, p. 141). Each scenarios relation to globalisation and regionalisation is illustrated in figure 1.

2.1 Europe of States

The modern national state has its origin in 17th Europe. It then spread throughout the world to became the dominant form of political organisation. Guided by the concept of sovereignty, Jönsson et al present an understanding of a state as:

- (a) an organisation with far reaching authority claims but with varying control;
- (b) situated at the international/national vortex with 'dual anchorage' enabling it to exercise power both domestically and internationally;
- (c) an entity whose control is based primarily on coercion and economic exchange, domestically (policing/taxation) as well as internationally (warfare/trade):

- (d) an entity which has legal personality and is to be seen as an actor in its own right, and not merely a reflection of societal and economic interests" (Jönsson et al 2000, p. 80)

The last two requirements are especially interesting since taxation as well as warfare is central functions of a state, where the EU has very small capabilities. The last stipulation defines a state as more than just a reflection of societal and economic interests and implies that if EU is to be viewed as actor close to a state, it needs to be more that just economic cooperation. During the early 19th century, ideas about representative democracy—as opposed to earlier notions of democracy where the citizens gathered in assemblies and public places—become the dominant source of legitimacy for nation-states (Jönsson et al 2000, p. 84).

In a *Europe of States*, the EU functions as a traditional, multilateral organisation. The EU has retracted much of its influence, the level of supranational influence is minimal and the Member States' governments are in control (Jönsson et al 2007, pp. 191-6). One of the driving factors and preconditions for this development is continued enlargement, which results, in more heterogeneous union where the Member States have less and less in common. The EU's ability to agree on rules of decision-making will be minimal; both externally where the Member States will have their own foreign policies as well as internally, where for example the agricultural polices might be re-nationalised (Jönsson et al 2008, pp. 191-4).

Another precondition for this scenario is the attempts to develop a common European identity—a European demos—as well as attempts do establish democracy on a EU level have failed. The most important attempts to legitimise and develop democracy are taking place on national level (Jönsson et al 2008, p. 195).

2.2 United States of Europe

This scenario implies the current Member States are transformed into units of a federation, with clearly defined competences and sets of powers in relation to the central (federal) government.

The vision of a federal Europe, comparable to the USA is not new. The many languages and historically grounded national identities do, however, set Europe apart in comparison to the USA. According to Jönsson et al, the German federal model might therefore be better suited as a blue print for a future European federation. Already today the EU and Germany share many traits: a strong executive branch and a weaker parliament, shared competence between different levels and a culture of negotiation (Jönsson et al 2007, p. 196).

Jönsson *et al* state a number of prerequisites for the development of a federal structure. Two of them are especially relevant for this analysis. The first, is the creation of a constitution where the relation between the Member States and the EU is explicitly stated. The second, is strong democratic support, as a necessary

basis for a legitimate European federation. Direct election to the European parliament can be said to be the first step, but is in itself far from enough. The turnout is considerably lower than in national elections, which still can be said to be the European demos (Jönsson et al 2007, pp. 196-200).

2.3   Europe of Regions

Europe's regions can be seen as the geographical building block of history. From throughout the Middle Ages to the 19th-century, descriptions of everyday life, trade and settlement were reflected in regional mosaic (Jönsson et al 2000, p. 138). Today the concept of region can have a variety of meanings. A region is here defined as a unit smaller than an ordinary national state but larger than a municipality. In other words, it is an entity between the national and the local (Jönsson et al 2007, p. 105)

In this scenario, the state has lost its leading role and the EU has neither an intergovernmental nor a supranational form of organisation. Instead, regions are the main unit of organisation. Whilst national capitals and Brussels are perceived as too far from the 'people', regions will fulfil the demand for engagement and inclusion (identity). A prerequisite for this scenario is, however, that the democratic crisis, in terms of decreasing turnout in national elections and engagement in national politics, in the national state and at the EU level is worsened. It will probably also demand strong leadership at regional level.

Jönsson et al discuss different types of regions. In earlier periods, physical geography determined regional borders; waterways and roads united areas while mountains and forests separated. The regions of Italy and Spain and the Cantons of Switzerland are examples of *physical-geographic* regions.

Ethnic and *cultural* regions often originate within the physical confines discussed earlier. Their endurance has, however, less to do with problems of transport than with phenomena associated with identity. According to Jönsson et al, identity is a dual concept consisting of external remoteness and internal community. It connotes remoteness and delimitation as well as commonality and community (2000. 139). Identity rests on linguistic, cultural and ethnic similarities and often includes a shared history and religion. Furthermore, identity bearing regions are the principal pillars of diversity in Europe.

Functional regions are demarcated from the outside world in terms of travel, transportation contacts and other dependency relations that connect people and structures. This type of region is often described as centred, since it typically has an obvious core in the form of an urban centre, whose influence diminishes with distance. Regional borders thus become the interfaces between such fields of influence. The modern form of functional regions are often labelled as urban or city regions. Increasingly, however, cities in close proximity to each other are creating regions with multiple cores, where the largest are knows as conurbations (Jönsson et al 2000, p. 149).

Administrative regions, are types of functional regions where a system of administrative regulations forms the basis for the division. Throughout Europe, they are used as territorial units for the collection of public statistics. Examples include the French départements and German Länder (*ibid.*) The different types of regions can of course also converge.

According to Jönsson et al, historically, ethnic and cultural particularities usually evolved during the centuries within the shelter of physical barriers. Successive generations then created social, administrative, economic and political institutions to strengthen this cohesion. There are also cases of administrative divisions split physical regions, territorial identities and functional areas. It is in areas where administrative divisions, identity, contacts and patterns of daily movements coincide, that the best examples of homogenous, strong regions can be found (Jönsson et al 2000, p. 140).

Even though regional independence has increased in much of Europe, the strength and independence of the regions differ strongly. France has approximately 36,000 municipalities and has been a centralised, unitary state since the French Revolution. In 1982, the country was divided into 20 regions, each with a directly elected council and an administration with a president. The authority of these, however, is low. Conversely, in Switzerland, there are more than 3,000 counties, each divided into twenty-six cantons with a high degree of autonomy. Each canton has full sovereignty in all matters not explicitly designated as the concern of the confederation in the Swiss constitution. A third example can be found in Spain. While officially a unitary state, Spain is composed of 17 regions with varying amounts of political independence. The historical regions of Catalonia, Andalusia, Galicia, the Basque Provinces and Navarre, have a strong sense of regional identity and greater autonomy than the other regions. Germany is a federation of 16 Bundesländer, each with its own constitution and legislative powers and a directly elected parliament who in turn appoints a government, headed by a president. Several countries, such as Sweden and Denmark, lack an existing regional tradition (Jönsson et al 2000, p. 144).

In the EU and the in Council of Europe, several organs exist to promote the regions' interests. The Council of Europe's *Congress of Local and Regional authorities* (CLRAE) was created in 1994 to allow regions and counties to participate in decision-making. In 1993, the EU's *Committee of the Regions* was established, representing 200 local and regional organs. The members are nominated by state governments and formally appointed by the Council of Ministers. The *Committee of Regions* has a consultative rather than decision-making function and advises the Council of Ministers and the Commission on matters of concern for the counties and regions. Other examples of regional bodies are the *Council of European Municipalities and Regions* (CEMR) and the *Assembly of European Regions* (AER), consists of a large number of regions and counties from throughout Europe with the aim of strengthening influence and representation within the different supranational institutions and cooperate organs in Europe (Jönsson et al 2000, p. 145).

To conclude on regions within the EU, the bureau of statistics has divided the Union into territorial units, so-called NUTS (Nomenclature of Territorial Units for

Statistics). In turn, these are divided into three levels, ranging from smaller to lager areas. As far as possible, the division is based on existing administrative units. This demonstrates the heterogeneity of the 'Europe of Regions', where some Member States such as Denmark, Sweden, Luxembourg and Ireland have such small populations they qualify as regions at the first level (NUTS I) (Jönsson et al 2000, pp. 145-146).

2.4   Europe of Networks

This scenario implies the principle of territory is no longer the main basis for societal organisation. Instead of being organised through geographical levels — regional, supranational, etc. — decisions are being made within informal, policy-based transgressing networks, with participants from different levels. The development of networks is driven by a segmentation of political power where each policy area demands a certain expertise and can be seen as a continuation of the ongoing process in the EU for the last decades:

> The proliferation of networks in the EU can both be seen as a condition and as a consequence of the complexity of the formal European framework. As the dispersion of power renders hierarchical governance impossible, networks provide an alternative mode of policy coordination (Jönsson et al 2000, p. 130).

The centralising of power in the hand of bureaucrats' hands undermines democratic decision-making on a state level and in this sense efficiency and output are valued more than democratic values. Networks can be combined with most forms of government; they would probably work best sheltered by another formal organisation (Jönsson et al 2003, pp. 203-5).

Institutional (organisational) networks bind together the different sites and entities of economic and political life. When links exist within an organisation, such networks can be internal. External or inter-organisational networks bind together places of work that belong to different organisations. To apply the concept of network, there must exist enduring interdependence between the participating entities (Jönsson et al 2000, p. 24).

Social or cultural networks unite individuals, thus uniting fields of knowledge and social environments. These networks are sometimes referred to as 'social webs' or 'fabrics'. Many of today's most important societal functions are organised in networks and within the world economy like modern industrial production and successful research. Network structures are so prominent, one may speak of an emerging network society (Jönsson et al 2000, p. 24).

Fig 1. *The territorial field of tension* (Jönsson et all 2000, p. 20). Four Scenarios, globalisation and regionalisation

Globalisation

Integration

Fragmentation

Union	Network
State	Region

Regionalisation
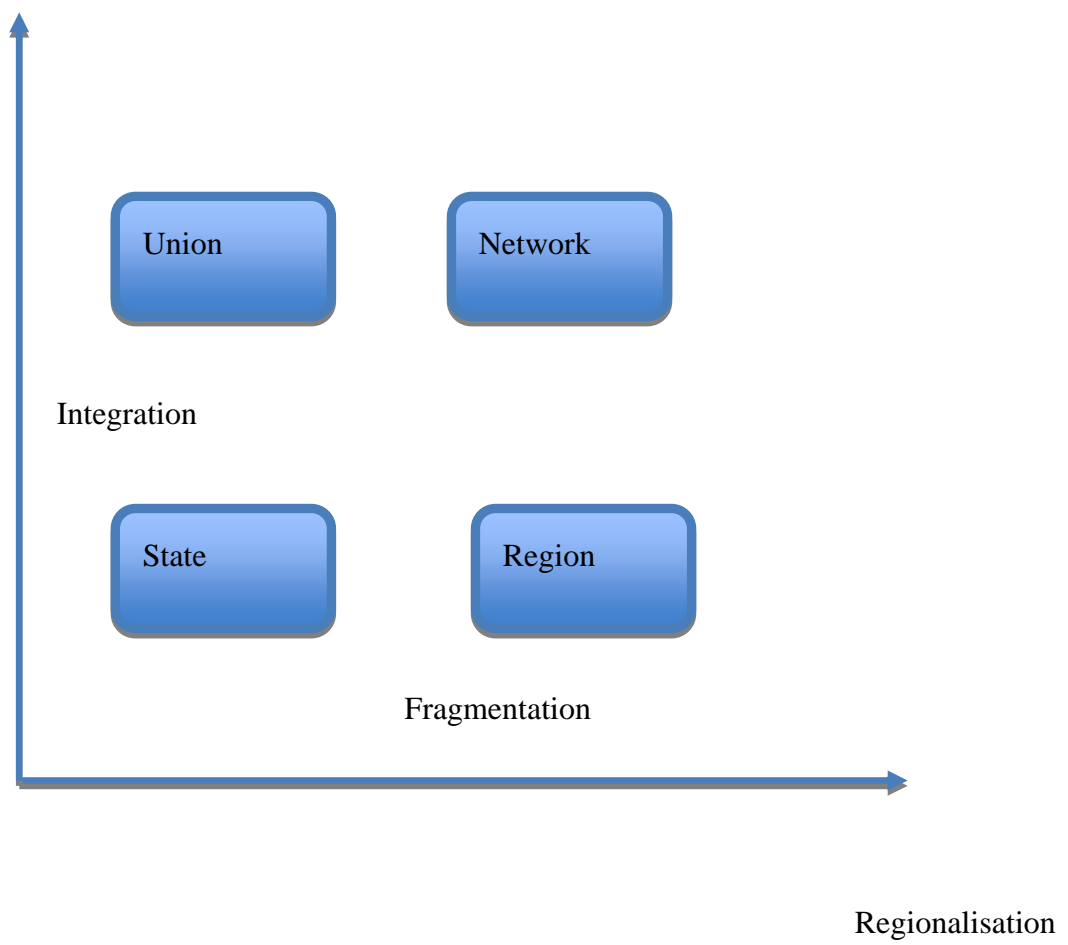
3   Democratic Theory

As Alex Warleigh concludes, there has been a normative turn in EU studies. Earlier, the two major schools of European Integration did not pay much attention to questions about democracy. The so-called neo functionalists studied what they perceived to be the 'mechanics of system-building' while intergovernmentalists explored the diplomatic processes by which national governments cooperated. Neo functionalists assumed integration was in the public interest and that considerations of democracy could be subsumed in studies of how the system worked, intergovernmentalists thought democracy was a non-issue, since integration was a case of Member States foreign policy, not a process of polity-building and democracy therefore was no more relevant than any other area of foreign policy (Warleigh 2003, 17).

Since the rejection of the Maastricht Treaty by Danish voters in 1992, European Integration has however been a significantly more controversial issue. A debate on the perceived "democratic deficit" of the EU as well as questions of what the long term aims should be for European Integration has been raised in relation to enlargement of the EU, and in the debates about the constitution (Warleigh 2003, p. 22). Despite much attention on the topic of democracy in the EU, I agree with Norwegian political scientists Eriksen and Fossum that there is lack of "a clear conceptual-theoretical 'map' specifically calibrated to suit the European experience", which has led to a difficulty for the debate on democracy to connect with the European debate so as to "clarify what is at stake in general terms" (2007, p. 2). As a consequence, theoretical tools for, among other things, analysing the principal relation between the EP and national parliaments is missing. In the following chapter two democratic models will be presented. A short overview will precede the discussion of their relevance to the EP.

3.1   Deliberative Democracy

3.1.1   Deliberative Theory

Deliberative democratic theory has over the last decade gained prominence among scholars of democracy and European Integration. Some examples include: Warleigh (2003) and his account of *critical deliberativism,* Eriksen and Fossum, Dryzek with his *discursive deliberativism* (1999), Habermas (2003) and Bohman (2007).

Warleigh, guided by a deliberative ideal states: "rather than make half-hearted attempts at reform based on liberal democracy, the Union must seek more

imaginative solutions appropriate for its transnational nature" (2003, p. 2) Among the different accounts of deliberative democracy in a European context, I have chosen the works of Eriksen and Fossum. Following a deliberative ideal they have developed three models for reconstituting democracy in the EU and address the democratic deficit, as well as views on how deliberative democratic theory is relevant for analysing democracy in European Integration.

3.1.2 Eriksen and Fossum; Deliberative Democracy

According to Eriksen and Fossum, a deliberative ideal is suitable for the EU as it is not confined to "the nation-state template and its presuppositions of sovereignty, demos, territory and identity; it can therefore also be applied to the study of alternative forms" (2007, p. 3). Deliberative democracy can be described as a mode of thinking that seeks to reconstruct democracy as governance based upon the public use of reason (Eriksen and Fossum 2000, p. 1; c.f Warleigh 2003 p. 50).

A basic tenet is that democratic legitimacy requires public justification of political decisions to those who are affected by them. In Eriksen and Fossum's theory this can be operationalised through the concepts of *congruence* and *accountability*. The basic principle behind congruence is those affected by laws also should be authorised to make them. Accountability refers to: "justificatory process that rests on the reason-giving practise, wherein decision-makers can be held responsible to the citizenry, and that, in the last resort, it is possible, to dismiss, incompetent rulers" (Eriksen and Fossum 2007, p. 3). According to Eriksen and Fossum, representative democracy relies on deliberation to produce cogent results. The main argument for deliberative democracy is that a free and open discourse brings forth qualitatively better decisions, which are justified to the affected parties (Eriksen and Fossum 2007, p. 8).

For reasons of scale, scope and complexity of a modern political order, to be legitimate, it must reconcile the need for rational decision-making, with proper representation of affected interests. Public discourse and criticism together with party-competition and periodic election are the best ways for realising popular sovereignty (*ibid.* : c.f Warleigh 2003, p. 31). Both a polity and a forum are required. Hence, two conditions for a democratic order can be specified:

- Authoritative institutions equipped with an organised capacity to make binding decisions and allocate values;
- A common communicative space located in civil society, where the citizens can jointly form opinions and put power holders to account (Eriksen and Fossum 2007, p.8).

To sustain a governmental entity, a measure of territorial control is required, as is the performance of certain functions such as resource acquisition (compare the view of Jönsson et al on the Westphalian state). For the political system to comply with the core tenets of deliberative democracy —congruence and accountability—

some degree of territorial-functional contiguity is required, but it does not have to sum up to exclusive territorial control (Eriksen and Fossum 2007, p. 9).

3.1.3 Representation and Parliamentary Bodies in Deliberative Theory

The public sphere located in civil society, holds a unique position in deliberative theory. This is where everyone has the opportunity to participate in the discussion of how common affairs should be handled and where decision-makers can be held accountable. This implies equal citizens assembling into a public, constituted by a set of civil and political rights and liberties, where the citizens set their own agenda through open communication and address an indefinite audience. Public discourse is the medium through which members can reflexively address themselves and form collective opinions. It connects to the polity through different channels of communication. According to Eriksen and Fossum, the attendant configuration is a legally entrenched system of representation, identity and legitimacy (2007, p. 17).

The concept of representation refers to procedures and processes for citizens to influence political decision-making and the actions of public officials in manners generally considered to be legitimate. Eriksen and Fossum state the modern conception of representation can be said to be parasitic on deliberation, since "no person can consider herself to be legitimately represented unless the mandate and accountability terms are spelled out, and the represented are offered acceptable justifications for decisions taken on their behalf" (2007, p. 17). Representation can be seen as a precondition for political rationality, as it secures institutional fora removed from local pressure where elected members of constituencies can peacefully and co-operatively seek alternatives, solve problems and resolve conflicts on a broader basis.

Blichner discusses the role of parliaments, as representative institutions, in European Integration. In the Maastricht Treaty, concern was expressed about the limited role of national parliaments in the EU. A protocol with two parts was adopted, with the first part covering the need for national parliaments to acquire necessary information in time, and the second defining the role of COSAC. Before 1979, when direct elections to the EP where introduced, most EP representatives were also members of national parliaments. Direct elections removed this link between EP and national parliaments. According to Blichner, the change —along with the increasing powers given to the EP— raised fears at the national level about the possible development toward a federation. In a federal system the relationship between federal and 'national' parliaments is established constitutionally. A clear division of tasks would mean the federal parliament is accountable for decisions taken at the federal level, leaving national parliaments accountable for national level decisions. Clearly this is not the case in the EU where the European Parliament has limited, albeit increasing powers and where decisions at the European level, in the Council of Ministers, are democratically

accountable through each national government's duty to answer to national parliaments (Blichner 2000, pp 141-3).

In his account of the role of parliaments in European Integration, Blichner also discusses the principal role of parliaments. Any democratic theory in some way has to explain how the will of the people is transformed into authoritative decision-making. Economic theories of democracy answer this question by referring to the processes of preference aggregation. According to Blichner, much of the criticism against the EU is based on such models; in different ways the claims that the aggregation from individual preferences to decisions at the EU level is incomplete, distorted or both. Elections to the EP are not based on one member, one vote, the discussions tend to concern national issues rather than genuinely European issues, the turnout is too low or/and the powers of the EP are to small (Blichner 2000, p. 147). Deliberative democratic theory has a different point of departure. If the democratic institutions of the EU are to live up to the standards of deliberative democratic theory, they have to reflect not only the preferences and priorities of the electorate, but more importantly, they must also reflect the continuing process of justification existing in the civil sphere. Blichner quotes Kerstin Jacobsson, who states the challenge is to develop the: "porous relationship between civil society and the decision making system, in open, non-exclusive ways" (Blichner 2000, p. 147). The legitimacy problem of the EU is thus linked to the non-communicative nature of the legislative process; the formal powers of the EP have little democratic significance in itself if the link to the civil sphere is broken. While what Blichner refer to as 'economic democratic'[2] theory focuses on the aggregation process and the formal power to decide, deliberative democracy focuses on the communicative power that emanates from free and open discussions that are eventually turned into *collective* preferences. The problem on a European level is public spheres have developed poorly. In Blichner's view, this is one reason why Euro-sceptics have more trust in the national parliaments acting as guardians of democracy than the European Parliament. Still, as long as decisions made at the European level affect people across Europe equally, there will still be needs for deliberation across borders (Blichner 2000, p. 148).

Parliamentary sovereignty can be understood as the communication and consultation between the sovereign people and its representatives in parliament. A deliberative version of democracy takes the principle of accountability even further: in a democracy, each should in principle be accountable to all. Ideally, this is only possible if everyone affected takes part in the same discussion. As previously stated, this is impossible in practise in a modern, complex large-scale society. As a result the discussion has to be institutionalised. The parliament must deliberate for all. Eriksen makes a distinction between *opinion formation* —the domain of the public sphere — and *will formation* —the domain for decision—making units within the political system. Publics do not act, as they possess no decision-making agency. In public discussions, however, problems are identified

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[2] Blichner refers to Jon Elster

and solutions formulated, thematised and dramatised in such a way that they potentially become relevant for parliamentary bodies (Eriksen 2000, p. 54).

3.1.4 Three (sub)models for Reconstituting European Democracy

A democratic system that complies with the criteria of congruence and accountability presupposes a particular relationship between the public sphere and the polity. This can however give rise to many different kinds of institutional configurations and thus result in quite different political systems (Eriksen and Fossum 2007, p. 10). Using deliberative democratic theory as a yardstick, Eriksen and Fossum have developed three models, which they claim provide solutions to the democratic challenges European Integration faces (2003, p. 3). Even though they claim all models are normatively justified, objections are raised regarding their feasibility. As stated earlier the models have great similarities with some presented scenarios.

The first sub model for 'delegated democracy' envisages democracy as being directly, and exclusively associated with the nation state. The underlying assumptions is only the nation state can generate the solidarity and trust that is required in a democratic polity (Eriksen and Fossum 2007, p. 11). In this model the EU is a functional regime aimed at problem solving in a globalized context, for issues the Member States cannot handle alone (i.e. environmental problems, migration and cross-border crime). The model presupposes the Member States delegate competence to the EU, which in principle can be revoked. Democratic authorisation from the Member States could take different institutional forms, like intergovernmental bodies in which contracting parties negotiate or a Union-wide representative body. The latter would only serve as an agent of audit democracy not a representative body — and together with transnational and/or supranational institutions (such as a court) supervise and control the EU's actions (*ibid*.). According to Eriksen and Fossum, European Integration has proceeded beyond the model's core requirement. An early sign was the institutionalisation of a "High Authority", later the commission with some regulatory competence apart from the contracting parties (the Member States' governments). The legal structure, with the ECJ acting as a trustee of the treaties (and not as an agent of the Member States) as well as EU conferring citizenship rights and Europeans being represented in the directly elected EP are also signs of this. The Union has increased its democratic ambitions to direct legitimacy. Due to complex interdependence and economic globalisation, rolling back the EU's democratic structures would not, according to Eriksen and Fossum "rescue" national democracies and give power back to national parliaments. At most, it would ensure procedural accountability, as opposed a substantive one (Eriksen and Fossum 2007, pp. 14-5). In many ways this model resembles the *Europe of States* scenario.

The second sub-model rests on the notion of democracy, in which all political authority emanates from laws laid down in the name of the people, a constitution. The legitimacy of the law stems from the presumption that it is made by the

people, or their representatives. Applied to the EU this kind of polity would require a common European identity —a collective and symbolic 'we'— and would be institutionally equipped to claim direct legitimacy. This requires authoritative institutions, including a parliament, at the Union level, organised along federal lines and equipped with final word in those matters falling under each level's respective jurisdiction. Today, however, the EU's own institutions are at their weakest in the core state functions: taxation, military and police. The European Parliaments lack many of the powers of federal parliament. The EU is also far more institutionally diverse than most federal states (Eriksen and Fossum 2007 p. 16). This sub model is close to the *United States of Europe* scenario.

The third sub-model envisages democracy beyond the nation state template. The EU has obtained competencies and capabilities that resemble those of an authoritative government. The bearing idea is that 'government' does not have to be equivalent with 'state'. As such, it is therefore possible to conceive of a non-state, democratic polity with explicit government functions. This also results in the possibility to accommodate a greater measure of territorial-functional differentiation. The Union's democratic legitimacy will be based on the credentials of criss-crossing public debate, multileveled democratic decision-making procedures and the protection of fundamental rights to ensure an 'autonomous' civil (transnational) society (Eriksen and Fossum 2007, p. 21). The question is, how such an entity can be effective in the lack of coercive measures. When Member States hold the monopoly on violence, such an order can only be effective to the degree that actors comply on the basis of voluntary consent. The answer from Eriksen and Fossum is through a series of 'soft' mechanisms that range from "moral consensus on human rights, via consultancy, deliberation and problem-solving transnational structure of governance, to the institutionalised procedures for authoritative decision-making un intergovernmental and supranational institutions, which are similar to the ones that at the national level confer legitimacy upon results" (Eriksen and Fossum 2007, pp. 20-1).

When applying the model to the EU, according to Eriksen and Fossum two implications arise: firstly, reconstituting democracy in Europe entails decoupling government as the democratic form of rule, from the state form. Secondly, the model posits that the borders of the Union are not drawn on essentialist grounds. The EU, can therefore only justify itself through drawing on the principles of human rights democracy and rule of law. The core assumption is European citizens will be able to consider themselves as self-legislating citizens within the functional domain that is the exclusive preserve of the European government (*ibid*.).

3.2   Representative Democracy

3.2.1   Representative Theory

In comparison with proponents of deliberative democracy, adherents of representative democracy have been more hesitant in developing specific democratic models for the EU. The reason is probably that many theorists — including, the perhaps most prominent, Andrew Moravcsik — have considered the national state, with its clearly demarcated demos, as the natural unit for democracy (Moravcsik 2002). A different position is taken by Christopher Lord who has conducted a democratic audit — a concept originally developed by Beetham and Weir for assessing the democracy in the United Kingdom — of the EU. For conducting his audit, Lord employs a model that uses 'modified consociationalism' complemented with what Lord refers to as concurrent consent (for other accounts of consociationalism and EU, see for example Gabel 1998).

3.2.2   Basic Tenets of Audit Democracy

The core definition of democracy, from which Lord carries out the audit is: *public control with political equality*. The argument for this minimum condition is inductive and runs as follows: a democracy is conceivable where the citizens do not rule in person, but not one where they do not control those who make decisions in their name. If some people, however were to count for more than others in exercising that public control, the resulting system would be rule of some people by others, rather than rule by the people (Lord, 2004, p. 10). From this core value, a number of mediating values emanate: authorisation, participation, responsiveness, representation, transparency, accountability and solidarity.

Given this conclusion Lord develops two sets of tests for determining the level of democracy in the EU. The first is based on 'modified consociationalism' and stipulates four requirements:

1. Provide inclusive and proportional representation of office-holders designated by national democracies;
2. Respect the autonomy of national democratic practices;
3. Allow representatives of national democracies to retain veto rights in matters they consider of vital importance;
4. Representatives of national democracies are themselves open to control by their publics or national parliaments in how they exercise the powers and rights of each national democracy within the EU's institutional order
   (Lord 2004a, p. 26-27)

The first three of these conditions are taken from consociational theory developed by Arend Lijphart, while the forth is designed by Lord to suit the situation in the EU (Lord, 2004, p. 26).

The second test is referred to as 'concurrent consent' by Lord. In a consociational European democracy it is assumed representatives of the national democracies control the institutions in the EU, often with formally equal rights and veto rights. 'Concurrent consent' conversely requires national representatives not only reach a high level of consensus between them but also with those elected for the express purpose of representing the public in Union institutions. By definition, however, this requires consensus between two representative bodies (Lord 2004a, p. 25). The EU today consists of both elements. It uses modified consociationalism for assigning competences that can be exercised in designated areas by decision rules of concurrent consent (Lord 2004a, p. 223).

The units of analysis for Lord's democratic audit includes specific procedures and policy instruments, each institution of the Union[3], the three pillars, the Union as a whole and lastly processes of institutional design (Lord 2004a, p. 36).

3.2.3 What Kind of Representation?

Democracy through representation is at the centre of Lord's model. Representation, however, is multidimensional and contested concept.

> Some hold that there are particular human needs that can only be understood by representatives who resemble the represented. Others argue that what matters is not resemblance but mechanism that make it likely that representatives will act on the preferences of the represented. Still others doubt if even that is necessary; representatives may be expected to use their judgement in ways that may be unpopular with the represented (Lord 2004a, p. 96).

Other important questions include whether the representatives would have to take public decisions themselves, or if it is enough to have some ultimate control over those who actually decide? To what degree should representatives compete or cooperate with each other? Should they concentrate on bargaining the preferences of those they represent, or should they also take part in deliberations aimed at discovering commonly agreed norms for regulating aspects of the common lives of community members? On top of these classic questions of representation there are specific questions about political representation in the EU.

To cut through this indeterminacy, Lord makes two working assumptions about representation. Common for all definitions is the first idea of 'standing in for others'. The second is most expectations from citizens and societies are likely to presuppose high levels of agreement, either between those 'standing-in' for the

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[3] The Commission, the Council of Ministers, the EP, the European Court of Justice (ECJ), the European Central Bank (ECB)

national cultural segments of the Union or between those capable of articulating the Union-level cleavages that cross-cut Member States (such as left-right values) or some mixture of the two" (Lord 2004a, p. 97).

Given the diversity of the European societies there are however a multitude of representational categories. Lord analyses representation based on nation-territory, region, interest and ideology. Nation-territorial input to the legislative powers of the Union are made through the European Parliament. Member States form the constituencies for elections to the EP with each receiving a fixed allocation of seats. Most Members of European Parliament (MEPs) also owe their election to parties that are represented in national parliaments, although they are organised in transnational party groups in the EP. Voting is also often organised by the bureaux on which each national party is represented, with most groups attempting to agree by consensus of national party delegations (Lord 2004a, p. 101). With regard to the allocation of seats in the EP Lord states the current composition is close to the limits of proportionate to population when using the Member States as constituencies and guaranteeing the smallest states a minimum representative base (Lord 2004a, pp. 104-5).

Lord also discusses regional representation. The Commission has argued responsiveness in general would be enhanced by a direct interface between Union institutions and those territorial units of governance closest to citizens. The trend towards regionalisation and decentralisation mean increasingly sub-national authorities often are EUs partners in implementation. The Maastricht Treaty introduced the *Committee of Regions* (CoR) that must be consulted when policies are introduced under certain articles. According to Lord, the EP expresses the probably widespread view that despite the creation of the Committee of Region, region authorities often feels sidelined. In the EP's view, tensions have been caused by the Committee setup, where prime ministers of the largest regional governments sit alongside small town mayors. Diversity in the sub-national composition makes it difficult for the Union to structure local and regional authorities into a single representative institution to the satisfaction of all (Lord 2004a, 109).

Regardless of how effectively regions or Member States can function as intermediaries between citizens and EU institutions it is doubtful whether any system of territorial representation can satisfy all the representative needs of citizens in European arena. A fundamental problem is the needs and interests of citizens may crosscut national and regional territorial divisions. Interest representation would be one way to channelling what Philip Schmitter refers to as the "transversal preferences of Euro-proletarians, Euro-professionals, Euro-consumers, Euro-environmentalist, Euro-feminists, Euro-regionalists, Euro-youths or just plain Euro-citizens" (cited in Lord 2004a, pp.111-2). Early European Communities attempted to institutionalise interest representation through the *Economic and Social Committee* (EESC), which the Treaties require to be consulted on a range of legislative issues. In spite of attempts to update its role and composition the EESC was constructed on corporatist assumptions that interest representation would be effectively delivered through tripartite

discussions between employer organisations, labour unions and political authorities.

There is however limits to the democratic representation that can be delivered through interest based policy networks on how to:

- Represent the diffuse public interests left over after individual lobbies have influenced the political system without reward for the cumulative external effects of their specific actions
- Allow organised private interests access without capture of what is after all a public process
- Avoid reproducing the inequalities already to be found in society
  (Lord 2004, p. 114)

In a representative democracy, the shortcomings of interest representation are normally met through a system of political parties. Their role is in bundling issues into broad programmes, which deal with the problem that key choices of value are not only to be found in the management of one policy but, in trade-offs between several (Lord 2004a, p. 115). Parties can also facilitate responsible government if their party programmes and actions are coherent. The party programme can be viewed as a form of *ex ante* public control, where the public can scrutinise what the parties seek when in office. The scope of holding a party responsible for its record – with reputational costs and benefits, sometimes persisting for decades – is conversely a power instrument *ex post* accountability (Lord 2004a, p. 116) Moreover, parties are also radical simplifiers allowing citizens to participate in complex democratic processes with little or minimal information.

Given these features of political parties, the lack of specific *European* parties is often viewed as a defect in the EU's capacity to deliver representative politics.

The case of the EU being a party-less political system, incapable of ideological representation is, however, not straightforward. There are a series of party formations on a European level, consisting both of federations of national parties and multinational party groups in the EP (that somewhat correspond to the federations) *(ibid.)*. This can according to Lord be seen as a complete party structure in two senses. First, it covers most ideological groupings common to the member societies of the Union (Christian Democrats, Conservatives, Socialists and Social Democrats, Liberals, Greens and Euro sceptics). Second, the federation and groups feed into several institutions of the Union. Within the EP in particular there are indications, the EU party system has stability, cohesion and defined dimensionality (Lord 2004a, p 117; see also Lindberg 2008 for a study on party cohesion in the EP). The representative qualities of the EP can be questioned, as no EU citizen has the opportunity to vote directly for the transnational party groups in the EP and the only mass membership parties with roots in civil society are national ones. The key question here according to Lord is whether this split-level party system provides an adequate electoral link between the represented and their parliamentary representatives (Lord 2004a, p. 119). The scepticism has mostly focused on the 'second order character of the elections', which imply that the European elections do not have much to do with the institution that is in fact

being elected, but about national political issues. If this is the case European election do not deliver neither *ex ante* nor *ex post* representation. The observation that European elections are often fought on domestic issues does not in itself justify the conclusion that they are irrelevant to the functioning of the Union, as this would require that national and EU issues are neatly separable and that choices made in relation to one cannot in some sense function as proxies for the other. Many MEPs taking part in a survey characterised the content of European elections as Union issues framed in a national context (Lord 2004a, p 125).

Another criticism is the development of the EU party system as an outgrowth of national party politics duplicates a conventional left-right focus, which in turn prevents the overall structure from adding any value to how citizens are being represented at a European level (Lord 2004a, p. 121). Similar criticism have also been constructed around the ability of national parties to block the entry of more transnational parties. In the Laeken Declaration, the possibility of reserving some EP seats (perhaps 10 or 20 percent) to be allocated in proportion to votes cast on Union level, as a way to create incentives for parties to present themselves in a form suitable to more than one Member State (*ibid.*).

Lords conclusions about the present outlook for ideological, interest and regional representation are: the first are constrained by shortcomings in the EP's electoral connection; the second by inequalities; the third is only patchily developed (Lord 2004a, p. 129).

3.3 Theoretical Framework – A Comparison of the Two Models

The earlier part of this chapter has illustrated central differences between the two democratic models, on the concept of representation as well as the role of parliamentary institutions. When it comes to representation Lord's model of audit democracy examines how well preference aggregation works, in relation to social cleavages in societies on a European level.

Eriksen and Fossum's deliberative account takes a different view and focuses on the opinion and preference formation driven by deliberations in public sphere. The parliaments act as an intermediary public sphere (either through COSAC, or directly between the EP and the national parliaments).

The two models do however have connection points. The most obvious is Eriksen and Fossum views on public deliberation in combination with representation with party elections producing the best democratic results. Lord also mentions the importance of the deliberative features of representative institutions, in reference to John Stuart Mill and his view of parliaments as 'congresses of opinions' (Lord 2004a, p. 24).

Eriksen and Fossum refer to the concept of delegated, audit democracy in their first model. In their definition, this would not Lord's second set: Namely that the elected should not only reach a high level of consensus between themselves but

also with those elected for the express purpose of representing the public in Union institutions ('concurrent consent').

The democratic models also have differing views on the roles of parliament, Eriksen and Fossum emphasise the link to the public sphere as essential for democratic legitimacy. Lord on the other hand, focuses on representation as "high levels of agreement either between those 'standing-in' for the national cultural segments of the Union or between those capable of articulating the Union-level cleavages that cross-cut Member Stats or some mixture of the two. Representation in Eriksen and Fossum's model, ultimately also implies that through public discourse and civil society, each should in principle be accountable to all.

As earlier stated, the models of Eriksen and Fossum share many similarities with the scenarios. The audit democracy is similar to *Europe of the States*; federal democracy is the same as *United States of Europe*, while Cosmopolitan democracy is involves the network structures presented in Europe of Networks and at the same time as it is a non-territorial form of organisation, not dependent on the nation state template.

Fig. 2 Thesis Design

Audit democracy	Deliberative democracy		
	1	2	3

Europe of States	United States of Europe	Europe of Regions	Europe of Networks
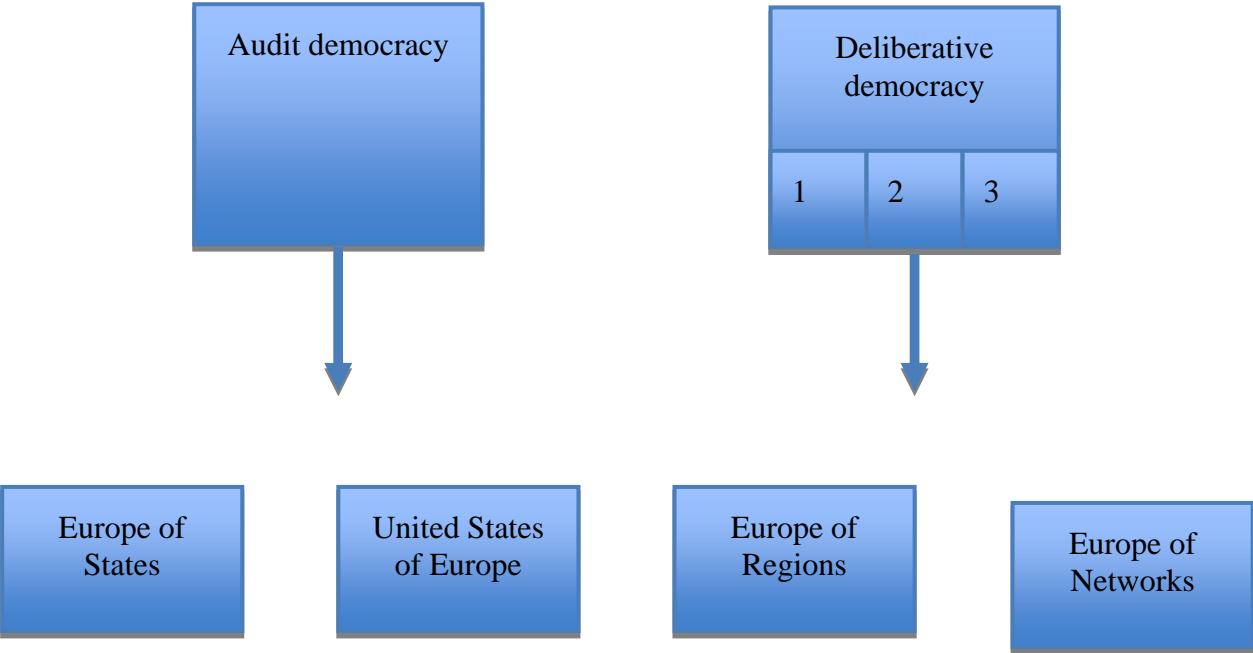
Eriksen and Fossum's three sub models
1 Delegated Democracy
2. Federal Democracy
3. Cosmopolitan Democracy

4 Analysis – The Four Scenarios Revisited

Having described the democratic models and the scenarios, the models will now be applied. The aim is not to elaborate in great detail on how every model can be applied in each scenario, but to investigate principle questions arising when the 'scenario meets the models'.

One way of understanding the deepening European integration is in the terms of the EU's widening *geographical domain*, expanding *functional scope* and enhanced *institutional capacity* (Jönsson et al 2000, p. 121). To illustrate each scenario, the same terms will be used to analyse the EP's position. *Geographical domain* refers to the number of countries involved. As one scenario is focused on geographical units other than nation-states (namely, regions) the term will be modified here to refer the territorial entities that serve as constituencies. *Functional scope* refers to issue-areas on the European agenda. *Institutional capacity* regards the capacity to make, implement and enforce decisions (Jönsson *et al* 2000, p. 121).The question, therefore, is whether the parliamentary model is relevant for all scenarios, and what it would mean in each of them.

The three earlier-presented principal relations between the EP and national parliaments will also be discussed in relation to each scenario. The first view is that the controlling roles of the EP and national parliaments are additive and complementary. A second, is that national parliaments have delegated powers to the overall complex of Union institutions, all of which they must monitor if they are to ensure no one oversteps the terms of their agency. The third viewpoint concludes that as the EP is the parliament of the European Union, it has the responsibility to scrutinise all three pillars, given that any meaningful public control may need to include all the external effects that certain decisions taken under one pillar might have on the other two.

4.1 Europe of States

- Geographical domain: EU Member States.
- Functional scope: Transnational issues that cannot be solved within each Member State, no influence on core state functions such as military, security, police and taxation
- Institutional capacity: Agent for audit democracy,

4.1.1 Deliberative Model

As stated earlier, this scenario is similar to the first of Eriksen and Fossum's three models ('delegated democracy'). The role of a union-wide representative body as the EP would therefore be limited to Eriksen and Fossum's definition of it as delegated democracy, rather than representative democracy (Eriksen and Fossum 2007, p . 12). Such an assembly would therefore not be able to pass laws or expand the Union's competencies.

The ultimate decision making power would be in the hands of the Member States' governments. Considering the core tenets of Eriksen and Fossum's models, a common European communicative space would be lacking, a problem they do not address when constructing their model. As Blichner points out, provided decisions are made at a European level, equally affecting people across Europe, there will be a need for deliberation across borders. This problem might be remedied by an interparliamentary association such as COSAC, functioning as an intermediary public sphere connecting the many, separate, national communicative spaces. I would, however, argue that it is unlikely for this solution to address to the problem sufficient, especially considering the low activity of COSAC today.

Another challenge in this scenario is the lack of transparency in traditional intergovernmental conferences, at which, decision-making is made behind closed doors. In the tenets, it is stipulated that a common communicative space is an arena where citizens jointly form opinions jointly and power-holders are held accountable. Given the closed structures of negotiations, it will be hard for citizens to hold power-holders accountable, since it is unclear who is responsible. Deliberations must also go beyond elite level. The deliberative model's fit to this scenario can be questioned.

A further objection is what effects globalisation and interdependence, will have, i.e. the question of whether it is possible to roll back integration and return influence to the governments of Member States. Eriksen and Fossum state rolling back of European Integration only would amount to procedural accountability; effects of the decisions taken by each Member State would be small and the institutional capacity low. It is notoriously difficult to confine supranational bodies to the role of agent democracy, since for purposes of efficiency and representation they might argue for the need of a supranational representative body (Eriksen and Fossum 2007 p. 14). A case in point is the EP -who started out as an assembly- was close to the audit ideal but was turned into a directly elect European representative body.

4.1.2 Representative Model

This scenario suits the basic demands posed by audit-democracy. Lord, however, also raises the same doubts about the feasibility of rolling back European Integration in regard to output legitimacy, or as in the words of Jönsson *et al*:

"[t]erritorial systems of accountability no longer necessarily coincide with the spatial reach of sites of power" (2000, p. 178)".

Issues of representation present a further stumbling block. This scenario will only give regard to national-territorial identities, represented through each of the Member States' elected governments. Given the level of economic and social integration in Europe, other identities, for example regional or local might develop, but not be represented. Regardless of how well the national parliaments represent their citizens and exert their influence within EU institutions, it is also doubtful whether any system of territorial representation can satisfy all the representative needs of the citizens in the European arena (Lord 2004a, p 111). Ideological representation would probably also be insufficient, since it is unlikely that trans-European party systems would develop without a clearly designated locus, a representative decision making body.

In relation to principal relations between the EP and national parliaments, this scenario would be close to the second view, in which national parliaments have delegated powers to the overall complex of Union institutions, all of which they must monitor if they are to ensure they do not overstep the terms of their agency.

4.2 United States of Europe

- Geographical domain: Federal EU Member States.
- Functional scope: All the issues that in the constitution are defined to be on federal level
- Institutional capacity: Strong EP with direct representative links to the citizens.

4.2.1 Deliberative Model

As Blichner stated, a federal model requires a constitution in which a clear division of tasks between national and federal levels is established. As one of the core requirements of Eriksen and Fossum's democratic model, is that decisions have to be agreed upon by those affected (congruence), by analogy this would thus require that the national parliaments' of the Member States agree on the creation of a European federation. In order to get majoritarian decisions accepted by the minority, the governed represented in the parliament must have a certain level of social unity, in the form some sort of a common identity.

For the EU to comply with this scenario, it would have to be reconstituted as a polity, including not only increased competencies but also the establishment of direct representative links to the citizens, in all relevant functional domains (Eriksen and Fossum 2007, p. 19). This would require the EP to be transformed into a federal parliament, with full legislative powers concerning all issues at a federal level.

To be legitimate, a federal Union must also be institutionally equipped to claim direct legitimation and the European institutions must be able to sustain identity-building processes. Given already existing national projects, as well as strong regional identities within Europe, the proper design would result in multi-national federal state (Eriksen and Fossum 2007, p. 16). If this process is successful, there should be no principal objections against the formation of a federal state from the deliberative democratic perspective.

Inter-parliamentary discourse between national parliaments and EP might help provide certain legitimacy, however not to a sufficient degree for the justification of a federal system.

4.2.2 Representative Model

With regard to Lord's democratic model, and the different forms of representation, one objection can be raised on whether a federal design would fit the social cleavages in Europe (in line with the consociational feature of Lord's model), with voting directly for a transnational European party group. The question is if they provide an adequate electoral link between the represented and their parliamentary representatives. In practice, if no consideration to the border of national states is given, it would probably mean that smaller member states would not be guaranteed a MEP in the EP. If citizens feel attached to their nation states, or regions a mismatch would occur.

Another risk is that the deliberation might be too fragmented to be aggregated into a single public space at the European level. In the case of EU and a federal state, democratisation and identity formation stand in an unusually problematic relationship (Lord 2004a p. 21). The EU today according to Lord is best described as a plurality of polities at differentiated levels of aggregation (*ibid.*).

Regarding the principal relation between EP and national parliaments, the scenario can fit both the first and the third view. In a federal system the controlling roles of the EP and national parliaments can be seen as mainly additive, since a constitution will define the competence of each institution, and given a common European identity, the institutions will have common interests in representing the citizens of the EU. The third view concludes the EP as the parliament of the European Union, has responsibility to scrutinise all three pillars, if meaningful public control may need to include the external effects of decisions taken under one pillar on the other two. Even though this view implies a blurring of the distinction between federal and national level, it is still a likely outcome, given that the EP vies itself as a legitimate representative of the European citizens.

4.3   Europe of Regions

- Geographical domain: Regions of Europe.
- Functional scope: Issues that transcend each region, on Pareto efficient basis?
- Institutional capacity: Unclear, especially regarding authoritative, binding decisions.

Even though the process of regionalisation described in this scenario is connected to modern globalisation, historical analogies can help considerations of what is at stake in terms of democracy. In an article examining democracy and the effects of the Maastricht Treaty for EU Member States, Robert Dahl discusses the dilemma between system effectiveness and citizen participation. According to him, the dilemma transcends the EU: "it exists whenever societies and economies within democratic states are subject to significant external influences beyond their control. It has, therefore, existed ever since the idea and practice of democracy evolved in ancient Greece 2500 years ago." (1994, p. 24)

The history of democracy, according to Dahl, can be seen as consisting of three great transformations. The first occurred during the opening half of the 5th B.C where Grecian non-democratic, small-scale city-states developed into assembly democracies. In the next stage, the city-state was made obsolete by the emergence of large-scale nation-states. This was made possible by the concept of representative democracy. The third transformation is, taking place now, as countries boundaries', even those as large as the United States, have become smaller than those of the decisions that significantly affected the fundamental interests of its citizens (Dahl 1994, pp. 25-27). This transformation however, has democratic implications, as suggested in the title of his article— namely a dilemma between efficiencies — in the sense of solving pressing issues, for example environmental issues, and the access and participation of citizens' access and participation in these new supranational institutions. The scenario of regionalisation can be viewed a backlash to this development, with the potential to provide closer links between citizens and their elected representatives, but with the risk of losing output efficiency.

Loughlin makes an important point in distinguishing between *regionalism*, as an inherently bottom-up process with set of demands from regional actors (usually related to greater control over political, social, cultural or economic development of the region) to central governments and *regionalisation* which is top-down approach to regional problems from central governments (1999, p. 5). The question in this scenario is whether the regions will replicate state institutions and functioning, which in the case of representation would include representative institutions, or if new forms of organising the political entities will arise.

The diversity of the sub-national composition makes it difficult for the Union to structure local and regional authorities as a single representative institution that secures the satisfaction of all involved (Lord 2004a, 109). The EP has concluded that this makes it hard to involve regions in more than consultation (EP 2002, p.

5). The question is, to what extent the regions could organise themselves, and how issues about, for example, equality between regions would be addressed within these institutions.

4.3.1 Deliberative Model

A multitude of organisational forms can be pictured in this scenario. Returning to the two tenets for deliberative democracy, the question is how a system of authoritative institutions equipped with an organised capacity to make binding decisions can be achieved within a regional framework and if a common communicative space can develop. The question has both internal and external dimensions; how regions can organise internally and how their external relations between each other will be managed. In the scenario description different types of regions are mentioned, Jönsson *et al* state that the kind of regionalising processes can reinforce each other, and that when this happens strong region develops. Internally, within the region, ethnic and cultural features can supply the necessary common identity for a communicative public sphere. The functional and administrative features can affect the ability to develop authoritative institutions. The external dimension is however more unclear. How will the relations between the regions be organised? Given the demand for authoritative institutions, able to make binding decisions diversity in regions will pose a problem, since diverse regions most likely will have different needs and views on cooperation. Regions organised in loosely based policy groupings, where each region can choose what areas to participate in will be hard to reconcile with Eriksen and Fossum's demand for authoritative institutions, able to make binding decisions and allocate values.

If the Regions organise themselves in representative institutions, the possibility of a European Parliament consisting of representatives from regions would not constitute a problem. As both are territorial forms of organisation, a parliament of regions could function in a similar fashion of parliament of nation states.

4.3.2 Representative Model

With reference to Loughlin the question is whether this scenario is a result of regionalisation or regionalism. In either case, regions replicating the role and organisation of the national state are conceivable. As a reaction to the *Commissions White Paper on Governance* the Catalan (regional) parliament expressed the following demands:

- The Committee of the Regions should be directly elected.
- The Commission and Council should have to give a direct explanation for why they do not follow a recommendation from the CoR

- COSAC should be extended to include regional assemblies with legislative powers.
- Regional, not national, parliaments should have the rights to scruting where they, and not Member States, are implementing authority, or where they would have been the legislating body had their country not joined the EU (cited in Lord 2004a, p. 110).

The ambition of replicating national state institutions is clear. As earlier stated the institutional setup of diverse regions is problematic, where the prime ministers of the largest regional governments sit next to mayors of small town. As with the other forms of territorial representation, it is questionable if regional representation will be the only important dimension of representation. If a system of regional representation can deliver representative democracy, there are no principal objections from Lord's model.

4.4   Europe of Networks

- Geographical domain: Unclear, as it is not a territorial form of organisation (in Eriksen and Fossum's account, a cosmopolitan idea)
- Functional scope: All issues network actors can bring up
- Institutional capacity: Unclear. The question is to what extent EP will have the traditional parliamentary powers to implement and enforce decisions.

This scenario poses a challenge to the parliamentary model, while meeting the fundamental problem, of needs and interests of citizens crosscutting national and regional territorial divisions. The question is what role the nation states, and EU and their institutions will play in the scenario. As with the scenario *Europe of Regions* many different designs are possible. Returning to the understanding of network, and what separates this form of organisation from others can provide some guidance. Territory is distinguished from its environment by boundaries, who decide the difference between inside and outside. Moreover the term is also used to designate 'political space' or 'power sphere'. Networks depict the geographic space as points (nodes) connected by lines (links), discrimination between nodes that are tied to the net and those who are not (Jönsson *et al* 2000, 99). The question of access is thus a defining feature of a network. Only small networks with a limited number of participants can be flat (where each node is directly connected all others) and open to all actors[4], access is therefore a critical source of power and domination (Jönsson *et al* 2000, p. 101). Applying these

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[4] As Jönsson *et al* illustrates with simple arithmetic, a flat network with four nodes require six channels of communication, six nodes 30; 100 nodes, 4950, 1000 nodes; 499,500.

theoretical insights on policy networks the question is how access will be granted, what institutions take the form of centralising nodes.

Even though networks challenge the authority of nation state, states tend to occupy central positions in policy networks in the EU. Since states often have the capability to reach as well as being reached by most other organisations in networks, they often have 'linking pin' positions. The notion of states sovereignty also remains a bargaining asset in transnational networks (Jönsson *et al* 2000, p. 176). The question is what role a representative institution such as the EP can play in this scenario of network governance. The position as a central network node, with a 'linking pin' status would be depending on its authority and decision-making abilities. This is however just what scenario challenges, as the parliamentary model with neutral bureaucracy set out execute the policies decided by the parliament, has given way to policy networks.

4.4.1 Deliberative Model

Networks can be combined with many forms of government. An initial question is therefore how well the scenario fits Eriksen and Fossum's model of cosmopolitan democracy, with its clear network traits and legitimacy based on criss-crossing public debate in multi-levelled, democratic decision-making procedures. As policy-making implementation and law enforcement would take place within a variety of organisations (Eriksen and Fossum 2007, p. 22), the role of the EP would come closest to a node in the network of decision-making.

As Eriksen and Fossum state: a particularly tricky issue for non-state based entities is how to ensure democratic ideals of congruence and accountability. The answer for the assurance of accountability is that the EU handles a limited range of functions in which it has final authority, within a system of certain fundamental legal guarantees. When it comes to congruence, it possesses a different status since it cannot simply refer back to a delimited democratic constituency, but must always balance the requirements of certain constituency with the: "universal principles embedded in cosmopolitan law" (*ibid*.). Civil society and the public sphere must therefore have a central role in demanding and ensuring proper justificatory accounts.

Focusing on the role of the EP, the basic question is how parliaments can be combined with network decision-making. In the parliamentary model, elected representatives make decisions that neutral bureaucracies then execute. The notion of multi-level, crisscrossing decision making challenges this, as actors outside of the representative system make and implement decisions. Can it still play a role as intermediary link between the public sphere and the parliamentary democracy?

According to Blichner, the interparliamentary co-operation he advocates, already takes place in an arena that is more institutionalised than public spheres in civil society, but less institutionalised than parliamentary institutions both at national and European level (Blichner 2000, p. 142). Still, as pointed out earlier: publics cannot make decisions; a central feature of parliamentary institutions is making decisions (or in the words of Eriksen and Fossum, *will formation*). The

point of co-operation between national parliaments and the EP is also for the national parliaments to influence the decision-making agenda, and for the EP to get input from and legitimacy Member States. If the EP lacks an institutional capacity to legislate and make decision binding, the point of the deliberation with national parliaments disappears.

Smismans argues functional representation, through institutions such as European Economic and Social Committee (EESC) is an alternative way to ensure legitimacy of European policy-making, "given the limits of territorial representation, and given the particular heterogeneity of the 'European demos'" (1998, p. 6). The deliberative features of a body consisting of socio-occupational representatives as the EESC has yet to be proven. The EESC also highlights the general problem of access to networks, and how to identify legitimate stakeholders.

4.4.2 Representative Model

Lords model is focused on national states as political units, which badly suits the network scenario. The developing of policy networks is viewed a result of the diverse nature of the EU: "A dispersed and decentred polity is almost bound to be in constant search of co-ordination mechanisms that operate, as it were, 'behind the back' of formal institutional rules" (Lord 2004b, p. 3).

Not surprisingly critique is directed against the democratic qualities of network governance in the EU, on the basis in of the basic tenets of his model: public control and political equality. According to Lord the argument EU is, or should be a 'postnational non-state political system' is often taken to imply that it should also be a post-parliamentary one (Lord 2004b, p. 5) He claims there still has been attempts to design systems of network governance to mimic the parliamentary model. The most ambitious attempt is be found in the advocacy of *proceduralisation* from the Forward Studies Unit (FSU, 1997) of the European Commission. The proper role of the Commission is:

> [N]ot so much to decide as to facilitate: to ensure representatives of all affected by a decision really do have access to the stakeholder networks that should increasingly takeover the tasks of policy framing and evaluation; to equalise the 'material and cognitive' resources available to different stakeholders; to ensure any one policy is 'evaluated from the point of view' of all others; and to encourage 'collective learning' and the substitution of public reason for purely private preference formation. Thus stakeholders should be asked to 'clarify the presuppositions they bring to a particular issue', to reflect on the contingency of their models' and to 'demonstrate the coherence of their constructions, not only in terms of their positions but in terms of the positions of others as they have evolved during a process of collective learning. (Lord 2004b, p. 8)

The starting point of the critique is that every stage of the proposed mimicking of parliamentary politics depends on criteria for: determination of patterns of access and participation, transparency and publicity, fairness and equality of opportunity

and resources, deciding what is better argument and what it is to meet deliberative standards such as 'good reasoning' (Lord 2004b, p. 9).

The most cumbersome criteria to set is how to identify stakeholders (for similar critique Karlsson 2008). Even assuming stakeholder networks are able to identify and include all those affected by their decisions, the risk is that a cartelising of public benefits in manner that favours insiders at the expense of outsiders (Lord 2004b, p. 10). The earlier mentioned general problems with policy networks are highly relevant for the scenario:

- Represent the diffuse public interests that is left over after individual lobbies have influenced the political system, without reward for the cumulative external effects of their specific actions.
- Allow organised private interests access, without capture of what is after all a public process.
- Avoid reproducing the inequalities already to be found in society (Lord 2004a, p. 114).

Network governance can perhaps deliver Pareto-efficient deals but no political equality – as access to networks is unequal — or public control – as the ultimate control of the networks does not lie in the hands of the citizens — which are the core definition of democracy in Lords model.

Beetham and Lord conclude that democratic governance in networks is impossible without representative institutions:

> [C]lassification of the EU as a non-state political system does not remove the need for it to meet the same standards of legitimation as a liberal-democratic state. The central implication is that the Union cannot escape the need for representative institutions if it is to deliver the core attribute of democratic governance, which we take to be public control with political equality. (Beetham and Lord 2001, p. 458).

5   Conclusions

> Nationalism laid a foundation for modern democracy by defining the demos
> in terms of a nation, which in turn was to coincide with the state. The demos
> of modern democratic practise thus became territorially bound. If we
> envisage the future of Europe as negotiation and power sharing between
> territorial states and non territorial entities, this seemingly firm foundation
> begins to crumble (Jönsson et al 2000, p. 177).

The thesis started with general queries about the nature of the European
Parliament, the principal relation to national parliaments and representation in
Europe. Since European Integration is characterised by complexity and constant
transformation, the question of democracy in the EU involves both fundamental
questions on the nature of politics and society, as well as the nature of European
Integration. As a way to formulate clear-cut alternatives and to map out possible
roles for the European Parliament four scenarios for European Integration,
developed by Jönsson (2007) *et al* was chosen as a framework for the analysis.
The scenarios are named as follows: *Europe of States*, *United States of Europe*,
Europe of Regions and *Europe of Networks*.

   Two different models of democracy, based on a representative and
deliberative ideal respectively, were chosen to analyse what possibilities and
challenges with regard to democracy each scenario poses. Lord's democratic
model has traits of consociational democracy developed by Arend Lijphart, as an
attempt to make a representative model fit the multinational EU context. The core
definition of democracy from which Lord carries out the audit is *public control
with political equality.* Eriksen and Fossum use deliberative democratic theory as
a yardstick when developing their account on democracy in the EU. In a working
paper they construct three sub models for European Integration as a means to
regain democratic legitimacy, which has some similarities to the scenarios
presented. Eriksen and Fossum's two basic conditions for a democratic order are:
*authoritative institutions equipped with an organised capacity to make binding
decisions and allocate values*, and *a common communicative space located in
civil society, where the citizens can jointly form opinions and put power holders to
account* (Eriksen and Fossum 2007, p.8).

   The combination of scenarios and democratic theory, gives the possibility to
specify the initial queries into the following research questions:

- What is the principal relation between EP and national parliaments (or
  equivalent institutions) in each scenario?
- What are the challenges and possibilities for the EP as a representative
  institution? What challenges do the four scenarios pose in relation to
  models of representative and deliberative democracy?

An important conclusion about the democratic theories used, is that despite their different starting points they converge on some fundamental issues. Firstly they both view representative institutions, as an important part of any future European polity. Lord does so in a direct way, basing his model on representative democracy. By contrast, Eriksen and Fossum do so indirectly, stating that due to the complexity and scale of modern society representative institutions is necessary. Secondly, they both stress — albeit to different extent — the importance of public deliberation. For Lord, public deliberation is inherent in the parliamentary system. As a part of political equality, members of a democracy must be able to deliberate what they propose to do in common in a way that abstracts from power relations. Moreover, the act of voting is more likely to be acceptable to the losing side if accompanied by discussion, consultation and persuasion (Lord, 2004a, p. 24). Eriksen and Fossum have a similar view, stating that representative democracy relies on deliberation to produce cogent results. More emphasis is, however put on the deliberations in the public sphere. Decisions taken not only have to reflect the preferences and priorities of the electorate, more importantly, to reflect the continuing process of justification existing to the civil sphere.

What happens when the models are applied on the scenarios? None of the models fits very well with the democratic theories. In the *Europe of States* scenario, integration is rolled back, the ultimate decision making power is in the hands of the Member States' governments and the EP has a role of audit agent, in contrast to a representative institution. The deliberative qualities of intergovernmental conference can be questioned in line with Eriksen and Fossum's demands for a public sphere. A further doubt can be expressed regarding the risk of rolling back European Integration causing procedural accountability, as opposed to a substantial one. From Lord's model the issue of representation presents a stumbling block. Depending on the levels of economical and social integration in Europe, other identities than the national one might not be represented.

In *United States of Europe* the EU has developed into a federation. With the EP as a federal parliament with full legislative power, the relation between the EP and national parliaments is defined in a constitution. The principal objection from Eriksen and Fossum's model would be that this scenario requires the Union to be institutionally equipped to claim direct legitimation and the European institutions (including the EP) must be able to sustain processes of identity-building. With regard to Lord's democratic model, and the different forms of representation, one objection can be raised on whether a federal design would fit the social cleavages in Europe (in line with the consociational feature of Lord's model). If citizens feel more attached to their nation states, or regions a mismatch would occur. The risk is that the deliberation might be too fragmented to be aggregated into a single public space at the European level.

Europe of Regions, implies an order in which regions are the driving force of European Integration, as the state has lost its leading role and the EU has neither an intergovernmental nor a supranational form of organisation. A multitude of organisational forms is conceivable, the question is if the regions will replicate the

nation state institutions or whether new forms of organisation will develop. The objection from Eriksen and Fossum's model is how a system of authoritative institutions equipped with an organised capacity to make binding decisions might be achieved within a regional framework and if a common communicative space can develop, given the diversity of the regions today. If the Regions organise themselves into representative institutions, the possibility of a European Parliament consisting of representatives from regions would not constitute a problem. Since both are territorial forms of organisation, a parliament of regions could functions to a similar fashion as parliament of nation states. From Lord's model the principal objection would be to what extent regional representation adequately delivers representative democracy.

The last of the four scenarios represents a *Europe of Networks.* This scenario implies territory is no longer the main organisational base. Instead of being organised through geographical levels—regional, supranational, etc.—, decisions are made within informal, policy-based transgressing networks, with participants from different levels. It poses a challenge to the parliamentary model, while promising the possibility of meeting the fundamental problem of needs and interests of citizens crosscutting national and regional territorial divisions.

With regard to Eriksen and Fossum, a particularly tricky issue for non-state based entities is how to ensure democratic ideals of congruence and accountability. The solution for the assurance of accountability is that the EU handles a limited range of functions on which it has final authority, within a system of certain fundamental legal guarantees. When it comes to congruence, it possesses a different status since it cannot simply refer back to a delimited democratic constituency, but must always balance the requirements of certain constituency with the: "universal principles embedded in cosmopolitan law". Civil society and the public sphere will therefore have a central role in demanding and ensuring proper justificatory accounts. The question is what role representative institutions will have. A European Parliament without decision making capabilities, could however not function as a link between the *opinion formation* in the public sphere and *will formation* the decision making, as suggested by Eriksen and Fossum's model.

Lord's model fits poorly with networks, as Network governance is difficult to combine with the tenets of the model: public control and political equality. The problem includes: how to achieve transparency and publicity, fairness and equality within the networks, how to reach decisions and the perhaps greatest difficulty, how to decide on legitimate stakeholders (i.e. access to policy making networks). Network governance upsets the basic feature of a representative model, namely that elected, representative bodies take decisions that neutral bureaucracies executes and network governance is therefore difficult to combine with Lord's model.

From the conducted study some concluding remarks can be made. The analysis has demonstrated classic questions about representation and accountability are valid in the context democracy of the EU (and perhaps have experienced a renaissance?). The scenarios have provided the conceptual

background to explore the nature of the EP, and its role in different settings of European Integration.

A general difficulty, in all scenarios is how to combine territorial and non-territorial forms of organisations. Even though Eriksen and Fossum state their deliberative model it does not presuppose nation state, it still has great difficulties in conceiving a democratic design, not dependent on the representative structures of the nation state. Different forms identity (regional, national or 'European') is a key aspect for the feasibility of the model in all scenarios.

6   Executive Summary

The European Parliament has been said to be the institution: "most commonly and most interestingly associated with the EU's democracy problem". The overall topic this thesis seeks to explore is the institutional role of the European Parliament (EP) and representation in the EU.

Students of the EU today tend to agree that the Union represents a political order that is neither an intergovernmental organisation nor a supranational state, a political form "hard to catch within available theoretical nets". Some reasons for this are the fluidity and complexity, as well as the constant transformations that are characteristic of European Integration, where an important aspect is the tension between territorial and non-territorial forms of organisation, which is inherent in the European project. On the one hand, the EU is a union between national states, whilst on the other, policy making within the union is to a high degree, organised around networks that include actors other than the official representatives of the Member States.

The above-described characteristics and the problem of finding an accurate description of the EU create difficulties for the study of democracy in the EU. In this thesis four scenarios describing European Integration have been used to formulate clear-cut alternatives and to map out possible roles for the European Parliament. The scenarios represent four possible lines of development for Europe, capturing important aspects of European Integration. The respective scenarios are as follows: *Europe of States, United States of Europe, Europe of Regions* and *Europe of Networks*.

In the *Europe of States*, the EU functions as a traditional multilateral organisation. The EU has retracted much of its influence, the level of supranational influence is minimal and the Member States governments are in control. *Untied States of Europe* implies the current Member States are transformed into units of a federation, with clearly defined competences and sets of powers in relation to the central (federal) government. With *Europe of Regions*, the state has lost its leading role and the EU has neither an intergovernmental nor a supranational form of organisation; instead, regions are the main unit of organisation. Here a region is defined as a unit smaller than an ordinary national state but larger than a municipality. Simply put, it is an entity between the national and the local. *Europe of Networks* implies territory is no longer the main base for the organisation of societies. Instead of being organised through geographical levels-regional, supranational, etc.-, decisions are being made within informal, policy-based transgressing networks, with participants from different levels. Network development is driven by a segmentation of political power where each policy area demands a certain expertise and can be seen as a continuation of the ongoing process in the EU for the last decades

Furthermore two different models of democracy, based on a representative and deliberative ideal respectively, are employed to analyse the role of EP in each scenario. Combining scenarios and democratic theories following research questions is asked:

- What is the principal relation between the EP and national parliaments (or equivalent institutions) in each scenario?

- What are the challenges and possibilities for the EP as a representative institution? What challenges do the four scenarios pose in relation to models of representative and deliberative democracy?

Deliberative democracy can be described as a mode of thinking that seeks to reconstruct democracy as governance based upon the public use of reason. A basic tenet is that democratic legitimacy requires public justification of political decisions to those who are affected by them. This is guaranteed through the concepts of *congruence* and *accountability*. Congruence holds that those affected by laws also should be authorised to make them. Accountability refers to a justificatory process wherein decision-makers can be held responsible to the citizenry, and in the last resort it is possible to dismiss incompetent rulers.

According to Eriksen and Fossum, representative democracy relies on deliberation to produce cogent results. The main argument for deliberative democracy is a free and open discourse brings forth qualitatively better decisions, which are justified to the affected parties**.** Public discourse and criticism together with party-competition and periodic election are the best ways for realising popular sovereignty. The public sphere located in civil society holds a unique position in deliberative theory, this is where everyone has the opportunity to participate in the discussion of how common affairs should be handled and where decision-makers can be held accountable.

The representative theories original use was as a part of an audit of democracy in the EU. The core definition for this democratic model is *public control with political equality*. From this core value a number of mediating values emanate: authorisation, participation, responsiveness, representation, transparency, accountability and solidarity. Two sets of tests for determining the level of democracy in the EU forms the backbone of the model. The first seeks to test whether EU can be controlled by national democracies. The second adds the requirement that representatives of national democracies should not only reach a high level of consensus between themselves, but also with those elected for the express purpose of representing the public in Union institutions. By definition, however, this requires consensus between two representative bodies.

An important conclusion about the democratic theories used, is that despite their differing staring points they converge on some fundamental issues. Firstly they both view representative institutions, as an important part of any future European polity. Lord in a direct way as he bases his model on representative democracy, and Eriksen and Fossum indirectly, as they state that due to the complexity and scale of modern society representative institutions are necessary.

Secondly, they both stress, albeit to different extent the importance of public deliberation. For Lord public deliberation is inherent in the parliamentary system. As a part of political equality, members of a democracy must be able to deliberate what they propose to do in common in a way that abstracts from power relations. Moreover the act of voting is more likely to be acceptable to the losing side if accompanied by discussion, consultation and persuasion. Eriksen and Fossum have a similar view, whereby representative democracy relies on deliberation to produce cogent result. Stronger emphasis, however, is put on the deliberations in the public sphere. Decisions taken not only have to reflect the preferences and priorities of the electorate, but more importantly, also reflect the continuing process of justification existing civil sphere.

In the scenario *Europe of States*, European Integration is rolled back and the ultimate decision making power is in the hands Member States governments and the EP has the role of audit agent, in contrast to a representative institution. The deliberative qualities of intergovernmental conference can be questioned in line with demand for a public sphere. Rolling back European Integration also faces the risk of causing procedural accountability, as opposed to substantial one, which is a requirement in Eriksen and Fossum's model. From Lords model the issue of representation presents a stumbling block. Depending levels of economical and social integration in Europe, other identities than the national one might not be represented.

In *United States of Europe* the EU develops into a federation, with the EP as a federal parliament with full legislative powers. The relation between the EP and national parliaments is defined in a constitution. The principal objection from Eriksen and Fossum's model would be that this scenario requires the Union to be institutionally equipped to claim direct legitimation and the European institutions (including the EP) must be able to sustain processes of identity-building. With regard to Lord's democratic model, and the different forms of representation, one objection can be raised whether a federal design would fit the social cleavages in Europe (in line with the consociational feature of Lord's model). If citizens feel more attached to their nation states, or regions a mismatch would occur. The risk is that the deliberation might be too fragmented to be aggregated into a single public space at the European level.

Europe of Regions, implies an order where regions are the driving force of European Integration, since the state looses its leading role and the EU has neither an intergovernmental nor a supranational form of organisation. A multitude of organisational forms are conceivable, the questions is whether the regions will replicate the nation state institutions or if new forms will develop. The objection from Eriksen and Fossum's model is how a system of authoritative institutions equipped with an organised capacity to make binding decisions can be achieved within a regional framework and whether a common communicative space can develop, given the diversity of the Regions today. If the Regions organise themselves in representative institutions, the possibility of a European Parliament consisting of representatives from regions would not constitute a problem. As both are territorial forms of organisation, a parliament of regions could function in a similar fashion as parliament of nation states. From Lords model the principal

objection would be to what extent regional representation adequately delivers representative democracy.

The last of the four scenarios represents a *Europe of Networks*. This scenario implies the principle of territory is no longer the main basis for societal organisation. Instead of being organised through geographical levels—regional, supranational, etc.—, decisions are being made within informal, policy-based transgressing networks, with participants from different levels. It poses a challenge to the parliamentary model, while promising the possibility of meeting the fundamental problem of needs and interests of citizens crosscutting national and regional territorial divisions. As theoretically driven discussion demonstrates, the question of access is a defining feature of a network.

With regard to Eriksen and Fossum, a particularly tricky issue for non-state based entities is how to ensure democratic ideals of congruence and accountability. The answer for the assurance of accountability is that the EU handles a limited range of functions in which it has final authority, within a system of certain fundamental legal guarantees. When it comes to congruence, it possesses a different status since it cannot simply refer back to a delimited democratic constituency, but must always balance the requirements of certain constituency with the: "universal principles embedded in cosmopolitan law". Civil society and the public sphere will therefore have a central role in demanding and ensuring proper justificatory accounts. The question is what role representative institutions will have. A European Parliament without decision making capabilities, could however not function as a link between the *opinion formation* in the public sphere and *will formation* the decision making, as suggested by Eriksen and Fossum's model.

Lord's model fits poorly with networks. Network governance is hard to combine with the tenets of the model: public control and political equality. The problem includes: how to achieve transparency and publicity, fairness and equality within the networks, how to reach decisions and the greatest difficulty, how to decide the legitimate stakeholders (i.e. access to policy making networks). Network governance upsets the basic feature of a representative model, namely that elected, representative bodies take decisions that neutral bureaucracy executes and network governance. Therefore network governance proves difficult to combinw with Lord's model.

From the conducted study some concluding remarks can be made. The analysis has demonstrated classic questions about representation and accountability is valid in the context democracy in the EU. The scenarios have provided the conceptual background to explore the nature of the EP, and as its role in different settings of European Integration.A general difficulty, in all scenarios is how to combine territorial and non-territorial forms of organisations. Even though Fossum and Eriksen state their deliberative model it does not presuppose nation state, it still has great difficulties in conceiving a democratic design, not dependent on the representative structures of the nation state. Different forms of identity (regional, national or 'European') is a key aspect for the feasibility of the model in all scenarios.

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