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ELECTORAL REPRESENTATION AT THE EUROPEAN
LEVEL AND ITS INSTITUTIONAL DESIGN:
A REAPPRAISAL OF RECENT REFORM PLANS

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ROBERT SCHUMAN CENTRE FOR ADVANCED STUDIES

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Abstract

The double role of national political parties in both national and European politics is an important explanatory factor for the dilatory development of European democracy. This paper contends that the present institutional design of electoral procedures has political costs and is one of the main reasons for this two-faced representation. The argument proceeds in four steps. In the first part, the paper recapitulates that representation is a concept closely related to issues of accountability and responsiveness. Its practical application at the European level depends very much on the definition of the "object" of representation. The second part demonstrates that democracy has not been a legal-normative notion during the early stages of European integration. However, since the signing of the Maastricht treaty genuine attempts have been made to go beyond regulatory matters and to create a political system with democratic credentials. Thirdly, the essay analyses new approaches in the design of electoral rules and evaluates the functioning of European political parties in view of the construction of a transnational political community. The final section addresses the knotty question whether it is desirable or even necessary for the European Union to become a more politicized governance system.

Keywords

1. Introduction[*]

The entry into force of the Treaty of Lisbon on 1 December 2009, after a decade of noisy ups and downs in both the drafting and the ratification of the document, was almost completely eclipsed by the near high-water mark of the banking and sovereign debt crises. Many actors, national political leaders as well as MEPs, Commissioners and eurocrats, had fought institutional and popular resistance to arrive at a further important step of constitutional reform. The event was thus perceived as both an anti-climax and an evolving opportunity to display the new instruments at work in response to a huge economic challenge. Although the Lisbon Treaty enacts important institutional and other reforms, such as a legally binding Charter of Fundamental Rights, the extension of codecision (now the ordinary legislative procedure) to agriculture and home affairs, the establishment of a long-term presidency of the European Council, or the creation of the European External Action Service, significant changes in macroeconomic governance and financial regulation were not among them.

This explains why only months after Lisbon came into force there was talk of another treaty modification. Before, a rather widespread constitutional fatigue had led most actors to hope for an extended period of stability and consolidation. The change that will probably come about in the course of this year is limited to Article 136, to enable the establishment of a durable mechanism to come to the succor of Euro countries in budgetary difficulties or having an unsustainable level of sovereign debt.[1] However, the conditionalities which will seemingly be attached to any future help programs in a legally binding way are revolutionary. They will apparently give other EU member states, if not the central Brussels institutions, the wherewithal collectively to get influence on hugely important policies in states requesting financial help from the EU: the age from which it will be possible to take retirement, wage indexation and wage bargaining structures, harmonization of taxation and public expenditure and some more (Bohle 2010, Eichengreen 2011).

One important claim of the liberal intergovernmentalist account of the evolution of the EU has been that there really is no "democratic deficit" in the way the European Union works (Moravcsik 2002). This is because European legislation (notably in its regulatory variety, see Majone 2006, among many others) focuses on policies where popular participation and accord are unnecessary because individuals' lives are only marginally touched.[2] Obviously, parameters like the retirement age or new regimes of wage negotiations present some direct interest for citizens, at least for those who depend on salaries and pensions. So are we coming to a situation where the endlessly debated democratic deficit (Marquand 1979) gets real? And what does this mean for the future of European democracy? The mantra justifying the three last treaty reforms was to obtain more transparency, efficiency and

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[*] This paper was written in a personal capacity and engages neither the European Parliament nor the EUI. A previous version was presented at the 12th Biennial Conference of the European Union Studies Association (3-5 March 2011). I am grateful for instructive comments from co-panelists and participants. Furthermore, I would like to express my gratitude to Rainer Bauböck, Pepper Culpepper, Adrienne Héritier, Peter Mair and Alexander Trechsel for their generous guidance. During my stay at the Robert Schuman Centre they shared with me unexpected and very pertinent perspectives on European democracy and its dilemmas. The Centre was a higly inspiring and agreeable environment for pursuing this project. I am indebted to Stefano Bartolini for his hospitality and encouragement. Angelika Lanfranchi made my stay at Villa Pagliaiuola a most pleasant one. I also appreciated her professional help during the final stages of editing the paper. Comments are very welcome and should be addressed to wilhelm.lehmann@europarl.europa.eu.

[1] With the approval of the European Parliament, the European Council of 24/25 March 2011 decided, pending ratification, to add to Article 136 of the Treaty the following paragraph: "The Member States whose currency is the euro may establish a stability mechanism to be activated if indispensable to safeguard the stability of the euro area as a whole. The granting of any required financial assistance under the mechanism will be made subject to strict conditionality".

[2] It is beyond the scope of this paper to address the related intergovernmentalist and "new modes of governance" claim that increasing the independence of expert actors and institutions from electoral politics and decision-making based on majorities enhances their capacity to deliver public goods and increase common welfare in the long-term because of less self-interested interference and rent-seeking.

legitimacy for European governance. The number of European Parliament resolutions maintaining and reiterating these goals must go into the hundreds.[3] The intention to "democratize" the Union was perhaps expressed with some more caution because of the central question of whether or not true democracy was limited to the nation-state. Still, for many the triad of more transparency, efficiency and legitimacy meant almost the same thing and, often enough, scholars and politicians do not shy away from demanding more European democracy (Schmitter 2000).

Democracy is of course unthinkable without elections and political parties. This is not only the impression one gets from public discourse but also an essential claim of democratic theory since the 1950s.[4] However, until quite recently scholarly and political debate about European democracy have curiously underplayed the importance of these institutions at the European level. Although for many years the reflexive response to a diagnosis of "democratic deficit" was a call to increase the powers of the European Parliament, much less thought was given to the up-stream aspects of how MEPs are elected. Moreover, any extension of Parliament's powers would necessarily be limited by the legal powers expressly conferred on the Union by its member states. This constraint was rarely given attention in the European democracy debate. Counter-factually, Moravcsik's argument would be valid even if the Parliament had full control of EU policy-making. In contrast, another observation was very much commented on over recent years: the more powers Parliament obtained (it now has an almost equal standing with the Council of Ministers in EU legislation[5]), the lower citizens' participation in European elections became. To some authors, it even seems that the democratic deficit has worsened ever since the first direct elections to the EP, in 1979 (Mény 2002).[6] Consequently, we must admit that the "easy" solution to increase the political production of the Parliament (within the above-mentioned constraints) did apparently not suffice to convince EU citizens of the usefulness and trustworthiness of European democracy. Or, at least, it did not give them the impression that bothering to vote would be worth the trouble as much as in national elections.

This paper intends to address the present state of European democracy by focusing on institutional and procedural issues related to the European elections. It will, however, also be necessary to spend some time on the construction of a European politics, i.e. the role being played by European and national political parties and the prospect of rendering the European polity more political, in the sense that ideological competition should become more prominent and opposition to European policy decisions more effective. In order to provide a wider perspective on the political and social factors influencing these debates the paper starts with a review of critical voices commenting on the socio-economic elite character and the imperviousness of EU policy-making.

2. Why (still) bother ? The social and the political deficit of the EU

A massive stream of literature from various disciplines, notably European governance studies, political history of European integration and European constitutionalism, has arrived at the conclusion that the "multi-actor, multi-functional, and multi-level" (Curtin et al. 2010: 933) mode of the "Euro-polity"

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[3] Perhaps still the most coherent text elaborating these reform goals is Parliament's resolution on the Constitutionalization of the Treaties, based on the report presented by Olivier Duhamel (OJ C197 of 12 July 2001, p. 186).

[4] Although it must be added that some proponents of democratic theory stress that the rule of law and protection of individual rights and freedoms are the essential elements of a modern democracy.

[5] But still with the exception of quasi-constitutional issues such as the Union's own resources, treaty reform, or electoral procedures, plus the competences that have remained at the national level (tax and spending, among others).

[6] Not surprisingly, this provokes some academic observers to envisage the abolition of the European Parliament as one possible solution to the constitutional predicaments of the European Union (Brunkhorst 2006, Menon 2009). See also van der Eijk/Mark Franklin 1996.

(Schmitter 2000) makes it futile to derive inspiration from nation or even non-nation state systems. [7] On the other hand, Schmitter, in the book to which the title of this section alludes, has argued very persuasively that although there appears to be no popular pressure for European democratization a continuing absence of democratic legitimacy could put at risk the *acquis* and even lead to a reversal of what he calls, following Karl Deutsch, the European "security community" behind it (Schmitter 2000: 19).

Concomitantly, a considerable literature on the so-called "social deficit" of the EU has accumulated over the past 15-20 years. It started with an analysis of several veto-points and quasi-constitutional "traps" in EU decision-making representing serious obstacles to tackle social policy questions, notably for member state governments having such inclinations (Scharpf 1999). More recently, these criticisms have been sharpened and extended. It is now claimed by some scholars that the whole project of European integration may be considered as an almost hypocritical endeavor: talk of constitutionalism without any constitution in a thick meaning of the term, democratic rhetoric without effective democracy at the European level, and talk of citizens' rights without the competences and institutional resources to implement most of them (Bartolini 2005, 2010). Other commentators insist on a systemic incompatibility between representative democracy and European governance (Scharpf 2009) and even question the desirability of reform efforts seeking to democratize the EU, deploring the absurdity of achieving "democracy through market" (Schulz-Forberg/Stråth 2010) or the futility of bringing the rationally ignorant voter to the European ballot box (Majone 2009).

At first sight, these partially contradictory claims seem to confirm Cécile Leconte's observation that in the history of ideas concerning the European Union originally pro-integration terms have often been hijacked by euroskeptics (Leconte 2010: 54). But if we look closer we find that the creativity of intergovernmentalist and new governance authors in finding new ways of defending the EU's legitimacy comes at a price. Firstly, it undermines the notion of citizenship as well as the conditions for democratic accountability and, secondly, it implies tacitly that further integration is not really recommended for the foreseeable future. On the other hand, those who bemoan the lack of social policies at the EU level and, therefore, have become more and more skeptical towards rhetoric of European democracy may have hoped that the socio-economic difficulties they have identified could be tackled by the European Union. The problem can thus be rephrased: are there plausible reasons to keep the present divided-powers and multi-actor system of European governance or are we in need of a more democratic approach of problem-solving, including a stronger involvement of the electors and the elected?

The governance account of the EU's evolution leaves one question open: is the non-popular system of governance really successful or, to put it differently, what is the definition of regulatory success? How is efficiency - as opposed to participation and openness – defined? Perhaps the 2008-10 financial crisis has somewhat modified the optimism and approval expressed by many proponents of "new governance". Let us turn for a moment to the U.S., a political system which not only is often considered to be a model for the net-worked, non-hierarchical and "non-democratic" (Rose 2010: 14) European governance of late, but was also an inspiration for much theorizing and empirical research on the subject. At the beginning of 2011, the Financial Crisis Commission's final report summarized its findings thus:

> "The Commission concluded that this crisis was avoidable. It found widespread failures in financial regulation; dramatic breakdowns in corporate governance; excessive borrowing and risk-taking by households and Wall Street; policy makers who were ill prepared for the crisis; and systemic breaches in accountability and ethics at all levels."[8]

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[7] Further on, Curtin et al. refer to the "sheer contestedness of concepts that are drawn from the constitutional state and then applied to different and possibly non-state levels of governance." (p. 939).

[8] Available at http://fcic.gov/report/conclusions

Of course, the level of competence of "non-democratic" regulation is likely to be as uneven as many outcomes of popular representation. Outside of fringe groups, parliamentarians have not distinguished themselves as particularly lucid voices warning of things to come. Yet, the above assessment of a rather important regulatory domain would also seem to prohibit a sanguine appraisal of regulatory governance without political involvement. It may be useful for some market operators to adhere to the neo-realist tenet of the superior quality of types of governance that are unencumbered by concerns of popular legitimacy and democratic accountability. They may indeed prefer to argue that people "do not have" or "should not have" different preferences and values in certain fields and issues (Bartolini 2010: 22). If combined with a casual attitude towards the rule of law and a sweeping defense of the inapplicability of democratic norms to the European Union such arguments risk to confirm reservations about the whole project, as Schmitter feared more than ten years ago. It is perhaps for such reasons that even an author who for a long time was quite skeptical of (European) popular democracy now argues that bringing the people into debates on policy is necessary to secure a democratic endorsement of technocratic measures that impose widespread and immediate costs in pursuit of long-term benefits: "Elected policymakers are able to provide the necessary political counterweight to the Central Bank's technocrats" (Majone 2010: 150).

At present, democracy is usually not seen in Europe and the Western world as a Schumpeterian mechanism to choose the governing elite but as a form of rule which respects a certain number of normative principles: equal respect and concern for each citizen (Bellamy 2009), individual self-determination (Nettesheim 2005), and accountability of the governors (Mansbridge 2003). In other words, democracy is not limited to elections but comprises the protection of fundamental rights, the rule of law and a certain amount of redistribution in order to guarantee equality of opportunity. If the new governance argument tends to defend the exclusion of certain policies from electoral influence, notably at the European level, it claims that essential democratic norms are better respected than in representative and majoritarian democracy. In contrast, historians and social scientists criticizing the EU's social deficit arrive at the conclusion that this particular set-up of EU governance will favor strong organized interests, lead to an untenable situation for the majority of European citizens, whose interests and preferences are not respected, and hence undermine the long-term stability of the European Union as a polity. For example, Bartolini (2005) argues that European integration consists in the selective removal of internal boundaries (primarily economic and legal) and the openness of external boundaries (as demonstrated by the successive enlargements of the EU and the flexible integration of non-member countries). This boundary removal and de-differentiation undermines what he calls "political structuring" at the EU level.

However, one major caveat must be added at the end of this section before we discuss possible ways to structure a political Europe. In view of past and current political trends in most member states it is far from clear that more electoral politics in the EU would lead to more social policy. One deep misconception in much of the social deficit literature is that a return to more national influence would also mean more equitable policies. Despite all the complaints about "social dumping" and "free-riding," EU member-states seem reconciled to tolerating substantial differences in the provision of social services and extraction of taxes at the national level (Schmitter 2000a: 44). Wolfgang Streeck's analytical narrative of the transformations of German capitalism and notably the failure or unwillingness of national political leadership to safeguard the welfare state makes it somewhat difficult to believe in the rescue of the welfare state at the European level (Streeck 2010). Moreover, if one considers the depiction of the fight over the services directive by one of the most outspoken proponents of European "politicization" (Hix 2006), there emerges no particular priority to address the situation of those citizens who have come to be called the "integration losers" or "policy-takers" (Schmitter 2000).

To summarize, the contradiction between the acknowledgement of deficits of policy output (e.g., in social policy or financial regulation) and the reluctance to move towards an overhaul of participatory and electoral input could in the long run put at risk the viability of the European Union as a political

system. The arguments developed here need not rest on the presumption of a real risk of rolling back European integration, a claim which has been made but appears quite speculative. The goal of what follows is rather to explore the rationale for a reform of European *politics*. At the European level great obstacles to increase citizens' trust and political allegiance exist and make it a challenge to improve democratic representation. But most academics and political pundits are still convinced that an important number of current problems are beyond the reach of the European nation-state. If this widespread claim is true creating a more democratic institutional and political environment for effective and legitimate European policy-making seems desirable.

3. Elements of a theory of European democracy: who should be represented and how?

As mentioned in the introduction, current political ambiance appears to be oriented towards constitutional settlement, although different views on the stability of the present settlement persist (Majone 2006). Reformatory zeal is not the motto of the day, neither in politics nor in academia.[9] After the flourishing of constitutional debates and new ideas in the wake of the Convention for the Future of Europe there seems to be a certain need for respite. However, the case law of some national constitutional courts in the context of treaty ratification continues to underline the democratic weaknesses of European governance and usually arrives at the conclusion that real democracy must remain limited to the nation-state. While this is not entirely new, the German *Bundesverfassungsgericht* in its decision of 2009[10] on the ratification of the Lisbon Treaty has made some innovative statements on EU electoral procedure, which, in its view, foreclose any possibility that the European Parliament could ever be a fully legitimate body directly representative of European citizens. What is new about this judgment is indeed the critical focus on the democratically elected institution of the European Union. It almost seems as if the German Federal Constitutional Court (GFCC) had somewhat acquiesced with respect to its long-standing competition with the Court of Justice of the European Union (CJEU) and is now more than ever using concerns about the democratic legitimacy of the European Parliament to defend its nation-state centered positions. The judgment has been widely commented and criticized, notably by German legal scholars.[11] Hence, the purpose of the following sections is not a rehearsal of these arguments but a conceptualization of the three ideas centrally related to any attempt to strengthen European democracy: representation, democracy as a normative standard for the EU, and electoral equality.

On political representation

Representation and democracy, although often treated as almost identical concepts, can and should be examined separately. As Pitkin and Manin have reminded us, representation was a system devised by "English aristocrats, American landowners, and French lawyers at the end of the 18th century" which proved astonishingly flexible (Manin 1997: 234). Hannah Pitkin has shown that the origins of representation were obligations to be obeyed rather than rights to be invoked against the monarch (2004). Her classic distinction of formalistic, descriptive and symbolic representation remains an important tool for any analysis of political representation. Apparently, there has been a renewed interest in symbolic representation recently. For instance, Manow's work (2008) has provided evidence that the representative role of the monarch had to be transferred ideationally from the person of the king to the parliamentary assembly. In some traditions, notably the British notion of "King in

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[9]   I do injustice to a certain number of reform proposals that can be found in the literature but most of them are either directed to (important) practical issues (see notably Leonard 1997 and Arbuthnott/ Leonard 2003) or, conversely, tend to remain at a very abstract level of constitutional design (Menéndez 2009). For more recent initiatives, see the papers published by *Notre Europe* over the last few years and discussed below.

[10]   BvE 2/08 of 30 June 2009

[11]   For a more detailed review of these academic responses to the decision see my Constitutional identity politics ? (2010).

Parliament" the role of Parliament was not at all seen to "mirror" society at large but to be a restricted circle of lords and commons mainly dealing with the business concerning its members and, in earlier times, defending its powers against the king (Sternberger 1967: 529). This was justified as a political necessity which enabled a wise, responsible elite to "discern the true interests of their country" (Hamilton). The introduction of universal suffrage thus radically changed the symbolic significance and the political role of Parliament. Moreover, it had a strong socio-economic effect. In Frank Schimmelfennig's expression, "democratization is the shift to a regime in which taxation and distribution follow the preferences of the majority rather than that of small, affluent elites" (2010: 215).[12]

This rather provocative statement directs our attention to the fact that representation as such has a number of objectives which are not easily reconciled with modern democracy. The standard account of political representation is still somewhat contradictory, as is nicely rendered in Andrew Glencross' expression that "representation is in effect an agent that creates a principal" (2008: 3). Moreover, as Hanna Pitkin has admitted herself, her famous argument that representation at its most direct interpretation means that "somebody or something not literally present is nevertheless present in some non-literal sense" has a paradoxical core (2004: 336). However, she insisted that "political representation is primarily a public, institutionalized arrangement involving many people and groups, and operating in the complex ways of large-scale arrangements." (1967: 221) and that "representative government is defined by long-term systematic arrangement - by institutions and the way in which they function to ensure systematic responsiveness" (234). We should of course not forget that Pitkin's and Manin's seminal work on representation, like much democratic theory, is inherently restrained to serve the analytical needs of a theoretical framework where the nation state is the sole reference point. According to Mark Pollack there are five major fallacies in many models of representation (Pollack et al. 2009: 26):

- representation was invented to make democracy work in large-scale political communities;
- the absent is the people which acts via the representative body;
- representation is a direct social relationship between representative and represented;
- representatives have to be elected;
- good representation is equal to responsiveness.

If we agree with the first tenet, it must still be said that the necessity of representation, at least in its democratic incarnation, arose with the enlargement of the political units to be represented. The second fallacy, in Pollack's terms, raises the crucial question of whether there is a people to be represented at the European level. There are, as we know since the GFCC's Maastricht decision, many different views on this but what can safely be said at this point is that the sequence *ethnos – demos – politeia* defended by the GFCC and many others is not the only legitimate view of representing European citizens (Schmitter 2000: 118).

Pollack's last "fallacy" concerns a link that Hannah Pitkin considered essential. It has been rephrased by other authors as the tension between responsive and responsible government, which plays a particular role in European Union politics as it has been shown that parties in government act differently at the European level from parties in opposition. Another analytical dimension is whether representation is mainly seen as a top-down or a bottom-up process. According to Andeweg, the acid test for representation from below is 'responsiveness', the degree to which representatives express the opinions of the represented, whereas the test for representation from above is 'accountability' (2003: 152). Concurring with Manin, Pitkin and other observers of the transformation of representative government into a more elitist variety he forecasts that accountability mechanisms will become the dominant relation between electors and elected.

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[12] More skeptically on this: John McCormick (2011) and Philippe Schmitter (2000a).

As we can see, representation as an object of study has not ceased to attract interest (Pitkin 2004, Lord/Pollak 2010). As representative government has become the norm in all nation-states and reality in many of them, scholarly interest has increasingly expanded to its meaning and significance at the international and supranational level. Although in the national context equal representation of all societal groups, including minorities of different types, is far from being an issue of the past (see the various movements for more autonomy in several regions of EU member states or the difficulties of federal member states such as Belgium) it is, of course, an even bigger challenge in a transnational context. In analyzing non-national forms of representation we still have to take into account the strong influence of international relations theory and diplomatic practice. In the words of Lord and Pollak (2010: 117) "the EU seems to challenge the notion that representation within and beyond the state can and should be two distinct things, confined beyond the state to a monochrome of diplomatic representation, while, within the state, taking on all the colors of the domestic political rainbow." To summarise what representation could mean today, independently from the way it is produced technically, we could say that it is a mode of government executed by an institutional structure which reflects in a less than perfect but nevertheless normatively convincing manner those who are represented. The representatives make use of their own judgment and external expertise to act in the best interest of the represented and often have also a certain responsibility toward the territorial unit which has mandated them.

Finally, a crucial problem affecting political representation at present is the significant change of powers and ambitions of public actors which has occurred in most European countries. Government was transformed from a carrier of sovereign powers to a service provider in an increasing number of domains. A trend towards deregulation and lean government changed the public sector (Moran 2003). This concerned not only the distribution of tasks between the private and public sectors but also the objectives and instruments of governmental activities. For instance, Andeweg observes that governments are giving more autonomy to bureaucratic agencies, while at the same time reinforcing mechanisms of accountability through inspectorates, ombudsmen, auditors, internal regulators, etc., amounting to what has been called an 'audit explosion' (2003: 156). These reforms may have reduced the steering capacity of the public sector, and in particular its capacity to exercise control over the policies of government. A standard response to such discontents is to increase public scrutiny and transparency of decision-making, in other words accountability. Political theory is of course aware of the fact that governments can to some extent escape from public scrutiny and public control. To what extent is difficult to say because "as conceptual discussions of representation indicate, even the yardsticks are difficult to establish, not to speak of their realization." (Manin et al. 1999: 23). All this is to say that the limited range of powers of European policy-making, the conferral of enumerated competencies, finds a certain equivalence in the shrinking purview of public authority in the member states. This leads to the question how, in such an environment, we should define European representative democracy.

Democracy in Europe – its origins and transformations

From the establishment of the European Coal and Steel Community to the early 1990's, strengthening the European Parliament's institutional role was seen as the only necessary amendment needed for the purpose of democratic progress. Certainly, proposals for reform were primarily made to bring forward the European integration process and to create a dynamic acceleration, not because of doubts about the legitimacy of the European Communities. The liberal theory of democracy, from the time of the creation of traditional nation-states, was not considered to become obsolete at some point in the future. The appropriate standard of democracy was seen to be reached so long as the EP was fulfilling basic standards of legislative power, according to national standards. Therefore the institutional reforms in the 1970's mainly referred to the EP, and the introduction of direct elections was viewed as a significant achievement.

Following the Single European Act, which introduced the vote by qualified majority in the Council, and especially the entry into force of the Maastricht Treaty and the creation of the pillar system, the character of theoretical discourse changed. Scholars began to wonder whether the EU had perhaps progressed far enough already. The core of the debate now was how the imbalance of powers in favor of the executive had to be restricted by correcting inter-institutional relations within the Communities, and not merely by strengthening the EP's role. Traditional nation-state models were theoretically applied to the EU and influenced suggestions for institutional amendments, most famously in Claus Offe's one-liner that, had the European Union been a state and were it to apply for membership in the European Union, it would fail to qualify for membership because of its lack of democratic credentials. Discourse on a "democratic deficit" and the democratization of the EU was linked to the concept of constitutionalism and issues involving "good governance" in the EU.

In the late 1990's the debate entered its third stage. Much research now contended that traditional democratic models were simply not applicable to the complex structure of the EU. This was the result of expanding the EU's competences and its continuing evolution towards becoming a political organization. The debate was less characterized by the notion of democratic deficit than by the deficits of conventional theories of democracy. Democracy, legitimacy and constitutionalism, it was thought, must be appropriately designed under the conditions of a post-national reality. For example, Martin Nettesheim identified the influence of the integration process on democratic theories as the key issue at this current stage of the EU's development (Nettesheim 2005).

In a more institutionalist approach Frank Schimmelfennig argues that the emerging democratic features of the European Union are the result of a normative discourse pronounced predominantly by what he calls the "weaker" institutional actors of the EU (Schimmelfennig 2010). Mark Pollack had already claimed earlier that the European Parliament was the only EU institution that did not fit into the principal-agent account of European integration (Pollack 2003) since it did not obviously help member states to monitor compliance of incomplete contracts and self-obligations. He concluded that the reason for the Parliament's establishment and its subsequent strengthening through direct elections and extension of powers was normative: the attractiveness of democratic norms supplemented rational-choice arguments which hitherto were defended by intergovernmentalists as the driving force of integration. Schimmelfennig also notes that certain "demand-side conditions" prevalent in nation-state democratization are conspicuously absent in the EU: a culturally integrated and politically structured *demos*, redistributive conflict between elites and citizens, and social unrest creating revolutionary threats (2010: 212). He then goes on to show that at three critical transformative moments in the EU's history (which fit quite well the above stages of democratic theory development) "efficiency-oriented moves toward further European market integration challenged democratic norms" (229) and, as a result, "even the governments that were most skeptical of the strengthening of supranational organizations consented to extending the EP's powers in the end." (226) The conceptual value of Schimmelfennig's narrative is to show that important steps in the democratization of the EU are the result of deliberative institutional and actor competition using normative arguments. It also makes clear that each step forward depends on the will of some of these "weaker" actors to engage and on particular external shocks that require an efficiency-oriented response.

It has been said many times that representative democracy is under attack. The rise of deliberative theory (and practice) can be interpreted as one attempt to cure some of those discontents. However, many of the solutions suggested by a new industry of deliberative activism[13] bring about their own shortcomings. At least for the time being, and despite wide-spread skepticism of the parliamentary system it is hard to imagine a structure of public policy without well defined mechanisms of representation. Moreover, as Schmitter and many others (notably Verba et al. 1995) have shown, most participatory democracy schemes and interest group representation mechanisms favor privileged

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[13]   For an example, see http://www.deliberative-democracy.net

sectors of society and hence lead to highly selective representation. Analogous arguments must be made even for more egalitarian instruments such as referendums because they are vulnerable for capture through "high-energy" action groups and associations.

In his standard narrative of representative democracy, which admittedly focuses on national democratic systems, Manin analyses the origins of what he calls parliamentary democracy. In his view the parliamentary democracy of the 19th century still bears the notions of relative independence from the electorate we find in pre-democratic representative systems (Manin 1997). MPs can be seen as trustees rather than delegates having received a mandate from the electors. After the wide-spread adoption of universal suffrage electoral competition needed structuring in order to avoid a cacophony of individual and factional interests. With the birth of the modern political party parliamentary democracy was transformed, in Manin's terms, into party democracy. The life of parliamentarians was now strongly determined by external scrutiny, less from the electorate directly than from party functionaries. Hans Kelsen famously quipped: "It is illusion or hypocrisy to maintain that democracy is possible without political parties" (Manin *op.cit.*: 211). One important condition for the stability of party democracy was the existence of clearly identifiable social groups, stable and meaningful social or political collectivities, whose essential interests and ideas were quite homogenous and did not much change over time. With increasing individualization, for which certain observers hold the European Union at least partially responsible, and new media providing a floor for personalized messages from political leaders to the electorate a further evolution of modern representative democracy took place. The role of parties was reduced in favor of direct communication. Politics acquired some characters of theatrical acting and the electorate was slowly transformed into spectators of what Manin called "audience democracy" (220). One aspect of this latest transformation of representative democracy is important for this study: the fact that trust, which was important at the origins of representative government, again takes a central role. In other words, the age of voting on the incumbents' record may introduce new structures of political and electoral accountability.

In conclusion of this part of the essay it seems appropriate to have a short look at the legal definition of democracy in the context of the European Union. For many years legal scholarship on European integration focused less on the principle of democracy than on the rule of law. Democracy only slowly became a guiding principle of political actors but was not yet seen as a condition that the Community had to respect in order to be legal under its members' constitutions. But with Article F of the EU Treaty in the Maastricht version democracy found its way into the treaties - not yet as a basis for the Union itself, but rather with a view to the Member States' systems. This leap was not made until the Treaty of Amsterdam whose Article 6 TEU specified that the principle of democracy also applies to the Union. External provisions buttress this internal constitutional development, for instance national provisions such as the amended Article 23 (1) of the German Basic Law. However, at the European level, the exact legal meaning of the principle of democracy was yet to be determined.

In the TEU and TFEU after Lisbon, under the headings "The Democratic life of the Union" and "Citizens' Rights", respectively, a number of seemingly unconnected provisions are assembled; according to one observer "it will require a singular intellectual effort to reconstruct them as a meaningful whole." (von Bogdandy 2007: 35) The obvious truth is that to realize the principle of democracy, whether understood as an opportunity to participate, as a check on governmental abuse, or as individual self-determination, is more challenging under the Union's organizational set-up than within the nation-state. Greater private freedom in the Union can get in conflict with member states' self-determination. Some authors even speak of "humiliation of the nation state as a constitutional tactic" (Davies 2010). The Union's constitutive diversity and the complexity of its constitution are some of the factors that place greater restrictions on the realization of the principle of democracy by way of electing representative institutions. One guiding principle was reiterated many times by the European Parliament: the Union is based on a dual structure of legitimacy, the totality of the Union's citizens, and the peoples of the EU organized by their respective Member States' constitutions. However, following an elegant turn of phrase of Peter Huber, European democracy should strive to

give the individual citizen a sufficiently effective opportunity to influence the basic decisions of European policy through unional as well as national procedures (the "unional principle of democracy", quoted in von Bogdandy 2007). To what extent "sufficient" opportunities depend on the respect of electoral equality will be the subject of the next chapter.

Equality in a quasi-federal polity

Ever since the privileges of aristocracy and wealth in the constitution of government and the conduct of public affairs have been abolished the rule of any political order calling itself democracy is based on the principle of "One person, one vote, one value (or weight)". Although the last part of the principle is often left out, it has always been an integral part of the definition of democratic equality. It would thus be too easy to be content with neutral electoral rules allowing every adult person to take part in an election without consideration of his or her professional status, socio-economic standing or religious allegiance. It was indeed a major breakthrough, accompanied by much hand-wringing and hesitations, both in the US and in Europe, to allow the majority of the people to determine the political fate of the community by also being represented as the majority in the arguably most important governmental institution, the Parliament. Therefore, even one person – one vote was far from being self-evident until quite recently.

Free, equal and secret elections are part of the democratic *acquis* in Europe at least since the Second World War, despite the fact that there were several exceptions to the rule until the early 1980s. But free, equal and secret elections are only a necessary condition for equal consideration of individual citizens, not a sufficient guarantee for near-perfect representation of defined groups or regions in a political system. Important questions of the design of institutions, the apportionment of parliamentary seats and of due respect for territorial sub-units, especially in federal systems, have been and will remain on the agenda when democratic rule is to be established outside of unitary nation-states, or even within them. This paper does not adhere to the skeptical position of some legal theorists who maintain that the principle of equality is void of meaning and should not be used in normative debates. In the words of Peter Westen "every moral and legal argument can be framed in the form of an argument for equality. People then will answer arguments for equality by making counterarguments for equality." (1982: 596) Westen's argument certainly reflects a general problem of legal scholarship and of adjudication: to treat the equal equally and the unequal unequally can be extremely complicated in practical situations. For one, case law in fundamental rights is often confronted with the necessity to balance two or more fundamental rights of normatively equal importance. Furthermore, courts accept a considerable number of situations where factually (or, as continental legal theorists might say, objectively) different situations require a different treatment, without violating the general principle of non-discrimination. [14]

There may even exist situations where the principle of equality almost appears to be turned around: treating something that appears equal unequally for good reasons, or even something which appears unequal equally, could under certain circumstances of "objective" (biological, statistical, demographical …) differences be more respectful of this principle than slavishly trying to avoid whatever distinction there could be. The norm that member states of the Union have the right to treat their own citizens worse than those of other member states (reverse discrimination) also springs to mind (Tryfonidou 2009). Despite such principled doubts about the justification of perfect equality, and

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[14] An interesting recent example is the CJEU's recent decision prohibiting unequal treatment of men and women in underwriting insurances (Case C-236/09). This decision has been criticised for reasons not much different from the argument used here. Hence, without being too legalistic in an evidently political *problématique* it is an interesting counterfactual interrogation how the CJEU would decide a case concerning the unequal electoral weights of EU citizens from different member states (cf., for instance, decisions such as Cases 117/76 with 16/77, of 19 October 1977, notably paragraph 7: "The general principle of equality which is one of the fundamental principles of community law […] requires that similar situations shall not be treated differently unless differentiation is objectively justified.")

its practical implementation, we have to admit that, at least in the context of institutional design, near-perfect proportional representation of populations, territories, ethnic, religious or other distinct groups, is extremely intuitive as a normative and a practical rule.[15] Therefore, democratic polities are built on the respect of a certain form of equal electoral representation.

The GFCC was certainly not the first to discover the violation of the one vote – one value principle in the European elections but the importance it attributes to it as a justification for its dismissive assessment of the democratic credibility of the European Parliament appears exaggerated, or interested. There are long tracts of the judgment speaking about the importance of democracy as a constitutive element for the sovereignty of a member state, Germany. It is in these paragraphs that the GFCC considers the European Parliament to be structurally unable ever to become a source of direct democratic legitimacy. The main reason for this, according to the court, is the very strong discrepancy between the electoral impact of citizens from different Member States. This is presented to be an unacceptable violation of the principle of electoral equality, which is also jeopardized by the attribution of EP seats according to national quota.

Looking at the reality of electoral design, however, it emerges that equal representation is full of exceptions. While in every member state and in the entire Union no conditions apart from age and mental health may be imposed on the franchise equality of responsiveness, equal protection of interest, equal effect or equal political impact are concepts that are less easy to ascertain. Therefore, we find that ethnically rather homogenous federal systems like Germany are full of *Proporz* rules, that is measures to safeguard proportional representation, in governments and other elected bodies, of Catholics and protestants, of different categories of territorial sub-units (e.g., large or small; net payer or net recipient in the cross-*Länder* financial compensation scheme; governed by the center-left or the center-right), and, at least *ex post*, of certain professional categories. This principle, which is to a certain extent contradicting near-perfect equal representation, is derived from the 18th century idea mentioned above that any legislative assembly or other representative body should mirror as closely as possible the variety of situations, interests and preferences to be found in the wider population. But it also leads to a result which Verba described as follows: "Unfortunately, [the] two ideals - effective voice and equal voice - do not necessarily reinforce each other." (Verba *et al.* 1995: 516).

As we have seen, equality must be seen as an ideal norm which can never be attained in political or even jurisprudential reality. The institutional systems of the democratic world abound with different methods to balance the interests of groups or territorial units which nevertheless share one characteristic: they invariably violate the rule of near-perfect equality of representation. To give but two examples: in the US Electoral College, a body which signifies the direct electoral bond between American citizens and the most federal institution of the Union, the President, the individual electoral weight of inhabitants of some small states like Wyoming is about four times higher than that of a Californian (Alber 2009). In elections to the House of Representatives there are also, albeit smaller, differences between regions. In most Western democracies urban constituencies are underprivileged compared to rural regions in order to compensate for the difference in population density which would make it impossible for rural interests to make their voice heard. Pursuant to the German Electoral Law for the federal elections a constituency has only to be redrawn if it deviates more than 25% from the average population.[16] It becomes obvious, then, that the acceptable deviation from the equality principle is a matter of degree. One would need substantive arguments referring to the particular characteristics of the Europolity to justify, for instance, that a deviation of 1:10 is unacceptable whereas a deviation of 1:4 would be acceptable. As Rose and Bernhagen note, "there is no standard for assessing when the degree of inequality in representation crosses a notional line between marginal variation and malapportionment" (2010: 5).

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[15] From a political theory standpoint, cf. also Pitkin's portrayal of descriptive representation, mentioned above.

[16] § 3 Abs. 3 Bundeswahlgesetz

Equality in a wider sense encompasses also the outcome of a certain electoral result in terms of influence, for instance in policy-programming and –making or in choosing persons for leadership posts. In this consequentialist vein, one would have to take into the equation the experience that large blocks of votes have a disproportionally larger influence in any representative body. As many British, Polish, or Spanish MEPs would volunteer to testify, the influence of German MEPs in the European Parliament can hardly be overestimated and is certainly beyond their percentage of less than 13% of MEPs (cf. Rose 2010, Balinski/Young 1982). This not only because of the country's economic impact but also because of its disproportional influence in political groups: in three political groups, including the two dominant EPP and S&D groups, German MEPs represent clearly the biggest national delegation and in two others (Liberals and Greens) they share this privilege with only one other country (UK and France, respectively).

The conclusion we can draw from these observations is that in a somewhat different conceptualization from Westen's it becomes clear that different forms of equality exist but some are more persuasive than others. Mostly, sensible solutions could be found to tackle real or perceived weaknesses of representative institutions. Sometimes, practicability issues are invoked against them, but more often than not it is the institutional interests of some actors that block reform. For instance, it was resistance or indifference from certain member states against the idea of direct electoral representation at the European level which caused the strongly skewed distribution of seats - and the equality of seats between the four large member states – in the early European Parliaments (Duff 2010, Patijn-Report 1975[17]). In more recent reform proposals, the introduction of a double majority in the Parliament (it will soon be applied in the Council) is argued to counter the GFCC's claim that the EP cannot guarantee that a majority decision in the Parliament represents a majority decision of the citizens of the European Union. Another idea, the reduction of the minimum number of seats for the smallest member states from 6 to 4, would require a treaty change but is envisaged by some authors (Pollak 2011) because it would be almost as close to perfect proportionality as with a minimum of 1 seat per member state, a solution which would be in contradiction to the quasi-federal character of the Union. In view of the continued interest in these issues we thus have to ask why steps toward a reform of the up-stream aspect of European democracy are so hard to realize and which options may be feasible in the foreseeable future.

4. Options for a viable system of European democracy

As the previous chapter has shown parliamentary institutions continue to be the core of Western political systems but are undergoing systematic theoretical and practical erosion. Modern governance ideas and methods lead to a situation where public authority is increasingly divided into semiautonomous, specialized segments or sectors; that is, it has become multipolar and interpenetrated by state agencies and agents of civil society (Andersen and Burns 1999: 227). This phenomenon has been particularly well studied in the EU context and provoked a wide debate on whether a certain form of parliamentary democracy is an appropriate model to guide the further evolution of the EU. As Adrienne Héritier anticipated quite some time ago "there are factors [in the EU] working for more integrated policy-making, such as in monetary and fiscal policy, which will need to be embedded in the context of democratic decision-making" (1999: 280). She called for institutional measures which provide an arena to counterbalance the tendency towards segmentation and the pursuit of particularistic interests. In her view, the European Parliament would be well placed to keep overall aspects of the interlocked polities in mind. Functional differentiation is as such not able to provide democratic legitimation for the European polity as a whole.

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[17] On 24 May 1973, the Bureau of the European Parliament instructed the Political Affairs Committee to draw up a report on the election of the Members of the Assembly by direct universal suffrage. On 13 January 1975, Schelto Patijn submits the report which will be adopted by the House the following day.

The Treaty on European Union speaks a clear language. It claims that the "functioning of the Union is based on representative democracy". According to Lord and Pollak this suggests a meta-standard for evaluating how other representative principles and practices should combine within the European arena (2010: 125). On the other hand, the GFCC's denial of the existence of a European people is widely shared and reflects the consociational or compound character of the Europolity. However, to quote the Treaty once more, Article 9(1) TEU expressly mentions the 'citizens of the Union', Article 10(2) TEU states that these Union citizens are represented in the European Parliament, and Article 14(2) TEU reaffirms that the 'European Parliament shall be composed of representatives of the Union's citizens.' In contrast, Article 189 EC stipulated that the European Parliament consisted of a representation of the 'peoples of the States'. The Treaty of Lisbon has thus made a very clear step towards a more direct legitimating bond between the European level and the EU's citizens. Nevertheless, there are serious obstacles of a legal and political nature in the way for more European democracy. The subsequent sections of this piece will look at them in turn and explore options to remove them while respecting the diversity of the European political structure.

Three weaknesses of the EU's political system stand out in the debate on prospects for a strengthened European parliamentary democracy:

Lack of parliamentary control over the EU executive: The emergence of the EP as a supranational legislator was often interpreted from a national perspective. The EP's control over the executive and administrative EU organs, namely the Commission, the Council and the European Council, is of varying degree and power. Scholarly debate is mainly focused on the level of control over the Commission. Here it was often criticized that the Commission leadership did not represent the political composition of the EP. Hence, the reinforced link between the selection of the Commission President and the outcome of European elections by the Lisbon Treaty is seen as progress, but insufficient progress.

Democratic representation within the EP: The composition of the EP has long been criticized. As we have seen, it is based on a rather unproportional allocation between the member states that has been qualified as undemocratic, not least by the GFCC. The organization of the political groups in the EP has been observed with some criticism as concerns their lack of independence from national influence. Similar arguments have been made with respect to the European political parties, notably their lack of influence on candidate selection for the elections to the European Parliament.

The lack of Parliament's power in the legislative process: Referring (somewhat simplistically) to national parliaments and their influence in legislation, the post-Nice period produced a peak in the debate on this lack of EP influence in the second and third pillars. This was interpreted as a legitimacy problem through which the governments of the member states avoid having to go through the usual legislative process at national level (two-level games). More recently, the lack of a formal EP right of legislative initiative was seen by some as a major problem for full democratic legitimacy at the European level.

Taken together, these critical observations suggest that the Lisbon Treaty and subsequent implementing acts such as the renewed framework agreement between the Parliament and the Commission have contributed to alleviate some of the issues raised. But there remain crucial voids in the manner the democracy spelled out in the Treaty is realized in political practice. We will address three problems which appear to be at the heart of any serious attempt to bring a new quality to European democracy, electoral rules, the structure of political parties and the proposal to politicize (bring more politics into) European governance. In doing so, we must remind ourselves that the most intense political fights are usually over the structure of institutions, not just because institutions can structure subsequent strategies, but also because they can affect ideas about what goals ought to be pursued in the future (Steinmo 2010: 226). Despite this difficulty the issues just mentioned have met with a renewed interest over the past few years, not only in academia but also in think tanks and policy-making circles (Duff 2010, Hix/Bartolini 2006, Magnette/Papadopoulos 2006, Oelbermann/Pukelsheim 2010, Priestley 2010, Schleicher 2011, among others).

Electoral procedure – from second-order to a parliamentary system?

In most readings of the GFCC's Lisbon decision it emerges that the court will not accept any further integration unless the democratic deficit as seen by its judges is overcome (Lock 2009, Lehmann 2010). Even without the GFCC's reminder it would have been clear that the latest treaty revision again left some unfinished business, for instance the reform of those aspects of the European political system which are often summarized as the political "input" to European policy-making. Prominent among these are reform proposals that concern the elections to the European Parliament and European political parties.

European elections are arguably one of the best studied problems in research on the European Union. Many of the conflicts between the normative discourse on European democracy, not least in treaty provisions, and the empirical reality of European elections have been exposed in great detail. For the purpose of this section our focus will be on the (mostly national) rules governing these elections. It must be recalled that one important political result of current practice is the second-order character of European elections, i.e. the fact that these elections are predominantly fought over issues and topics more related to national than to European politics and policy-making. Immediately after the decision, in 1975, to introduce direct elections some wondered whether elections alone could mobilize European publics to take a much greater interest in European matters. Early empirical studies on national party membership yielded quite sobering results. E.g., Reif and Niedermayer found that as soon as it was clear that no transfer of power to the European level had taken place through the direct elections members lost much of their interest in transnational organization, policy formulation and guiding the EP parliamentary group of their political family in common (1987: 172).

A few years ago, several scholars studying political parties underlined that by democratizing the European Parliament, the polity builders in Europe may have inadvertently contributed to devaluing the electoral process as a whole (Mair 2008: 13). A recent review article draws the conclusion that the evidence of EU elections to date does not offer positive support for a politicization argument (Marsh/Mikhaylov 2010: 19). However, the review also provides some indications for possible avenues towards creating more participation and interest. It observes that most parties expend much fewer resources on European elections than they do on national elections and surmises that it could be possible that EP elections might become less second-order over time, if the EU grew more powerful relative to national governments.

According to Franklin and Hobolt low turnout at EP elections cannot be exclusively attributed to electoral apathy and lack of interest in the Parliament's (or the Union's) policy-making: "it is in the nature of [the European] elections to produce low voter turnout." (2010: 75) A rather new research field addresses indeed this "nature" of electoral procedures, especially from an institutional vantage point, and examines the fact that it is institutions that create the rules, which have their own interests that might merit some consideration. In the case of the European elections one crucial institutional factor is that electoral laws are for the most part national and oriented along the habits and traditions established in national elections (Lehmann 2009). Duff (2010) portrays the evolution of the European Electoral Act and the difficulties encountered in several member states, thus showing the reluctance to yield national influence on electoral rules. In analyzing this reluctance we may distinguish two levels of conflict: the quasi-federal problem of apportionment, that is the equitable concern for all member states, and the practical design of electoral procedure, itself a playing field for cultural and political contention.

The problem of apportionment has been scrutinized by the European Parliament and is currently the object of reform proposals which intend to remove this question from political bargaining, on the basis of a mathematically underpinned model of seat distribution after future enlargements.[18] It is one

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[18] European Parliament resolution of 11 October 2007 on the composition of the European Parliament, INI/2007/2169 (rapporteurs: Alain Lamassoure/Adrian Severin); Proposal for a modification of the Act concerning the election of the

of the oldest problems connected to elections, not only but predominantly in federal systems. One important lesson to learn from a classic account of how to implement practically the one person – one vote principle is the similarity, or even the interconnectness, of apportionment problems in both federal systems and proportional representation (PR) systems (Balinski/Young 1982). In these authors' view, the only significant difference between the two is the basis on which the appropriateness of apportionment is assessed: in federal systems it is the federal sub-units, hence territorial units with a particular size of population to be correctly represented, in PR it is political parties with their relative weight of votes. From the point of view of ideal apportionment, the essential issue of their book, Balinski and Young conclude that for each case it is quite obvious which method comes closest to the ideal of one person – one vote: Webster's (equal to Sainte-Lagüe's for all practical purposes) for federal systems and Jefferson's (equal to d'Hondt's) for PR. In the first case, the interests of both small and large sub-units are best respected, in the latter those between large and small parties although it is also known that d'Hondt gives results which are biased to a certain extent in favor of larger parties.

In reality, there are of course many political systems where both normative criteria have to be balanced. The European case represents a mixture of federal and PR criteria just as the Federal Republic of Germany or Switzerland. Even in unitary states such as France elements of federal reasoning can be discerned, for instance in attributing a minimum of two deputies to each department. Other interesting constellations are the US Electoral College and the Canadian system. In the Electoral College small states are privileged (they send their representatives of the House plus their senators) but the "winner-takes-it-all" system compensates for this because "a large block of votes [] has a power beyond its numbers" (Balinski/Young 1982: 9). In Canada each province is guaranteed as many members of Parliament as it has senators, and the number of senators varies from province to province. While in the EU system the maxima and minima and the principle of degressive proportionality are clearly intended to do justice to the wide difference in size of the EU member states the electoral procedure stipulated in the Electoral Act from the beginning (even if the UK took a long time to accept it) is predominantly proportional representation. According to Balinski and Young's above distinction minima make little sense for proportional representation systems because splinter parties receiving only very few votes are normally discouraged. But in the European case they can be justified due to the compound character of the Europolity.

While apportionment has acquired new salience in terms of legitimacy in the wake of the 2009 GFCC decision on Lisbon other factors are equally important for tackling the second-order character of European elections. Reif and Niedermayer had already noted that there was a "marked discrepancy" between the function nominally attributed to Parliament and its real function (158). Schleicher (2011) also scrutinizes the "mismatch" between high constitutional expectations and the practical design of the vote. Accepting the consociational nature of the EU which, by using proportional representation and giving multiple vetoes, ensures that "territorial minorities have representation and that policy cannot be made without widespread agreement", he nevertheless maintains that there are conflicts between the goal of making the EP a direct popular check on the Commission and Council (its institutional purpose) and the way the elections are organized. He underlines that there are tools to create electoral incentives that accord an advantage to territorially based parties which are willing to appeal to voters other than those of their own constituency. However, the EP was formally not intended to be consociational – it was supposed to provide clear guidance about the preferences of European voters about EU policies. The question raised by Schleicher is thus whether electoral rule change can provide a tool for realigning institutional purpose and practical implementation.

Schleicher's most radical idea is to require parties to attain a certain threshold of votes in more than one member states. He would draw inspiration from the regulation on Europarties which requires

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Members of the European Parliament by direct universal suffrage of 20 September 1976, INI/2009/2134 (rapporteur: Andrew Duff)

parties to be present or to campaign in at least a quarter of the member states. Hence, in Schleicher's terms a party presenting candidates for election to the European Parliament would need to have a minimum electoral success in several member states. Such a reform would probably lead to a significant reduction of the parties represented in the EP. This may be less of a problem in the view of an American scholar who is used to a two-party system but would be quite contrary to the argument that Europarties showing up on the ballot would provide the opportunity for voters in some member states to vote for parties which do not exist at the national level.

A less problematic proposal, taken up by other authors (Oelbermann/Pukelsheim 2010), concerns the design of the ballots used in European elections, which should not carry the acronyms of national parties but those of their European partners. There may be linguistic details to be sorted out but from a rational-choice perspective such a seemingly small change would enable voters to exercise their accountability function in direct relation to the European parties. This would of course take time over several electoral cycles but, as Schleicher puts it, it would allow electors to establish "running tallies" of the political decisions made by European parties, thus clarifying the purpose of the vote. Finally, since in most modern elections the most relevant tool voters have for overcoming their ignorance of politics is the heuristic provided by a political party (cf. also Manin 1997) the repeated practices of voters would contribute to growing an understanding of European politics. Two problems with Schleicher's ideas may occur: (1) On what political issues should EP voters form their "running tallies" if few salient policies are decided at the EU level, and if due to the institutional compromises prevalent in European decision-making no clear impact of separate parties can be singled out? (2) There have already been warnings from MEPs and academic commentators that turnout may fall even further due to the new and strange party names. This development can of course not be ruled out and may possibly create the risk of a self-fulfilling prophecy.

The last argument brings us to Andrew Duff's proposals for electoral reform because similar objections have been raised against his most important idea, the introduction of a single EU-wide constituency for a small number of additional MEPs (Duff 2010: 58-61).[19] Duff has been patiently pursuing this project over many years and encountered considerable skepticism not only in the Council but also in Parliament. Fellow MEPs have argued, for instance, that such a constituency would create a two-class system of MEPs, that it would intensify the personalization and mediatization of electoral campaigns, and that the presentation of foreign-sounding candidates would alienate voters even more than is the case now. Andrew Duff's rejoinder is that "the addition of a transnational list elected from a pan-EU constituency would enhance the popular legitimacy of the European Parliament by widening voter choice. The citizen-elector would be able to articulate politically his or her plural citizenship, one national, the other European: two votes are better than one." (*op.cit.*: 60). One could add that, as we have seen above in the analysis of modern representative democracy, personalization and mediatization are not at all limited to European elections and that in view of the lack of interest at present this might be an acceptable price to pay. One problem with a two-votes system is that many voters are not used to it. It would be less of a problem in Germany than in more unitary systems because the *Bundestag* is elected more or less the same way (*Erst- und Zweitstimme*).

At this moment, Andrew Duff's proposal is being dealt with by the Committee on Constitutional Affairs and is intended to arrive in plenary in May 2011. There are some further proposals in Duff's report, such as the introduction of semi-open party lists or improving the franchise for citizens living

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[19] Doc. PE440.210 of 4 November 2010. Paragraph 2 reads as follows: "[The EP] proposes that an additional 25 MEPs will be elected by a single constituency formed of the whole territory of the European Union; transnational lists will be composed of candidates drawn from at least one third of the States, and will be gender-balanced; each elector will be enabled to cast one vote for the EU-wide list in addition to their vote for the national or regional list: voting for the EU constituency will be in accordance with the preferential semi-open list system (whereby votes are allotted either to the party list or to individual candidates within a list); and seats will be allocated in accordance with the Sainte-Laguë method ; further, proposes that an electoral authority will be established at EU level in order to regulate the conduct and to verify the result of the election taking place from the EU-wide list;"

in other member states. As he mentions in his paper, perhaps the most radical effect of these changes of the electoral procedure would be to confront the European political parties with a real job: to select the candidates for the EU-wide constituency and to stage an effective campaign for them. This would in all likelihood transform the posture of Europarties over the years and enable them to acquire a more independent role with respect to national party structures. One day this might even radiate to the selection of other MEP candidates. It has of course been argued that to elect only 25 MEPs on the new transnational quota is insufficient to interest the Europarties to spend significant resources on the campaign. However, this claim probably underestimates the novelty effect and the media impact of a cross-border campaign. Moreover, it would have to be combined with clearer party programmes and a more proactive behavior with respect to the election of the Commission President. There is a certain amount of research showing that parties which display a clear position on European issues do better in the EP elections than others (Lord 2010).

In summary, Duff's EU-wide constituency would bring about most of the advantages of Schleicher's multi-state thresholds without some of the latter's possible drawbacks.[20] Plural thresholds might well be a further step of reform once an EU-wide constituency is well established. Whatever will be the near-term outcome of the European Parliament's debates, and, possibly, later discussions in the framework of a Convention, one pitfall of the current system has been laid open in this section: voters have little knowledge of the position of political parties on EU issues, partly because political parties do not take a clear stand on these issues, and partly because they do not appear in citizens' perceptions and political reasoning when voting (Marsh/Mikhaylov 2010 make a similar point). Useful as the proposals mentioned above certainly are they may not be sufficient to create the necessary conditions for a lively political debate at the European level (Bardi et al. 2010). There would probably need to be a further element: a restructuring of European political parties.

Internal party structuring: incumbents' preferences and reform

The essential role of political parties in representative democracy was outlined in part three of the paper. Without parties elections might be utterly incoherent events. In the early days pan-European parties were seen as an inevitable reaction to the establishment of a pan-European legislature, and their development would be key to its success (Schleicher 2011: 124). For the purposes of this essay it suffices to mention briefly the necessary functions of political parties: aggregation of voters' diversity of preferences, selection of competent personnel for elective office, obtaining such offices through successful campaigning and, finally, provide a structure for clear-cut lines of accountability. One further aspect of particular importance for the European level lies in their system-changing function: parties can have a developmental role where use of a political system by voters and their representatives to achieve output or input legitimacy is a capability that grows with practice (Lord 2010). At present, the impact of Europarties is rather weak (Van Hecke 2010) and their role in preference aggregation almost non-existent.

A good part of empirical research has dealt with the behavior of the party groups in the European Parliament (Kreppel 2002, Hix et al. 2007, Lord 2010). This research is of concern here insofar as it provides evidence for the balance of powers between national and Europarties. While Simon Hix' extensive research on EP groups is usually quoted as proof of increasing ideological homogeneity there are some aspects which lead to less sanguine conclusions. Hix has also found that the most cohesive actors in European Parliament votes are not the multi-national party groups but their national party delegations. In the event of a conflict of loyalties MEPs are four times as likely to vote with their national party delegation and against their group than vice versa (Hix et al. 2007). Similar findings were obtained by Amie Kreppel and Anne Rasmussen (Kreppel 2002, Rasmussen 2008). Hence, while

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[20] This paper does not discuss the requirement for some reforms to change the Electoral Act and/or the Treaty, which necessitates unanimous ratification in all member states.

the organizing power of Europarties in the Parliament should not be overstated they display an interesting feature in an interinstitutional context: transnational party federations are involved with intergovernmental institutions (e.g., the Council of Ministers and the European Council), as well as supranational institutions (e.g., the European Parliament). More generally, the fact that they operate in both institutional circuits of the EU is a unique characteristic of transnational parties (Bardi 2002). Bardi even adds that, as far as parties are concerned, "intergovernmentalism has prevailed over supranationalism" (294). Not surprisingly, then, MEPs identify somewhat more with their national parties than with their EP party groups (Lord 2010: 20).

Hence, is Stefano Bartolini right when he argues that Europarties have been largely 'engineered' as part of a *façade* politicization designed to add legitimacy to otherwise technocratic and intergovernmental modes of decision-making (2005: 355–356)? One answer to this question must be to examine the accountability structures within transnational parties and between transnational parties and their national base. Perhaps the most important influence of national party leaders on Europarties is their exclusive power to select the candidates they will put on the (mostly closed) party lists for the EP elections. Because there is little empirical research on the relationship between MEPs and their national party organization (Ladrech 2009) the European Parliament commissioned a survey conducted by national institutes of most member states (European Parliament 2009), which produced the very sobering confirmation that the influence of European parties on candidate selection was non-existent. This creates an ambivalent accountability mechanism for incumbent MEPs: they have more incentive to follow the preferences of national parties which operate as their *selectorate* than their insufficiently interested voters (Lord 2010: 22). Taken together with the above findings on the allegiance of MEPs to their national delegations it becomes clear that without strengthened European parties there is little prospect for structural autonomy of the European party segment.

Since the parties would also have the task to push for more vigorous election campaigns a crucial problem of the proposals on a reform of European elections and European parties is to create incentives for party leaders to invest in EP campaigns. Personalization in the form of candidates for the Commission presidency may be one way out. In general, however, there are justified concerns that there will be insufficient marginal returns of presenting parties to fight European Parliament elections which are separate from existing national parties, notably in view of the risk and cost of fielding pan-European parties with yet little voter recognition. Generally speaking, the EU's political opportunity structure has more relevance for domestic or European interest groups and other actors such as businesses or regional governments than for national political parties. The lack of material and political benefit that can be achieved by parties makes it difficult to overcome initial resistance. For parties especially in the older EU member states, the salience of the EU is not one that contributes to improving a party's competitive position, and in fact the tendency for parties to downplay or even suppress the EU as an issue is again a decision that rests with party leaders (Ladrech 2009: 12).

These reflections on internal party structuring concur with well established findings of comparative federalism: party systems are shaped by the locus of political and economic authority. In addition, comparative federalism suggests that there are several different drivers to party system development. These include not only "the heterogeneity of the social cleavage basis (and the extent to which cleavages cross-cut territorial divisions), but also the relative (and perceived) power of each level of government and the institutional incentives for intra-party co-operation." (Thorlakson 2005: 473). It would hence not be enough to redefine the balance of power between transnational and national parties. Without a rebalancing of salient policy-making competences the process of strengthening Europarties is inevitably slowed down.

However, in view of the unlikelihood of an extension of EU powers in the foreseeable future practicable steps to reform the present party structure should be envisaged in order to make the Europarties more independent from national leadership and more visible for the European elector. Julian Priestley has recently made use of his experience of many years in the European Parliament to make some realistic suggestions for reform which could be done without changing the treaties

(Priestley 2010). Priestley first notes that over the last few years Europarties have indeed increased their role in some decisions on the top-jobs the European Union has to offer. Referring to the situation of 2009/2010 when the Presidency of the European Council and the post of High Representative for Foreign Policy were to be selected he bemoans the fact that this welcome politicization comes at a price: little consideration seemed to be given to the qualities necessary to fill the respective posts. The successful nominees "ticked the right boxes – nationality, party affiliation, size of member state, North-South-East-West, gender. A computer program could perhaps do the job as well." (11). The author then identifies several points where the Europarties' performance is still lacking at present and makes suggestions for remedies:

- Add discernible democratic value to the process of personnel selection

- Provide guidance to the EP party groups

- Recruit individual members and activists who are more visible for public opinion

- Democratize internal party procedures ("qualified" majority votes on posts and platforms, more influence on party delegates sent to congresses, designation by secret ballot of a candidate for the Commission presidency, possibly in open primaries)

- Sharpen the ideological profile.

Many of these suggestions will require contentious debates among party leadership and take time to be implemented, particularly questions such as the apportionment of votes to parties of very different strengths of individual membership. However, there are some positive signs. At a recent hearing organized by the European Parliament[21] the Green party's Committee Member, Monika Frassoni, announced that the party would soon introduce individual membership. This is in accord with a finding in empirical research that the Green Party has benefited most over the last few electoral cycles from its clear standing on many Europe-wide issues and its efforts to carry through a partly transnational campaign, notably in 2009 (see for instance Marsh/Mikhaylov 2010).

A final issue of European party restructuring concerns their room for maneuver in the drafting of party manifestos and other forms of ideological position-taking. Many authors claim that for the moment there is little real basis for 'left-right' politics in a multi-national arena that tightly constrains how far policies can ever redistribute resources or reallocate values. A voluminous literature on the Europeanization of national political parties has shown convincingly that the constraining effect of EU rule-making on domestic ideological cleavages has reduced the ideological span across the party spectrum (forcefully, Mair 2008). It follows almost automatically, notably in view of the above accountability structures, that Europarties can hardly be expected to extend the ideological space available for national parties. The same political parties, subject to control by the same political leadership and by the same organized membership, compete in both channels, the national and the European. The key actors in both channels remain the national parties (Mair 2008). One possible solution to address this dilemma and other pitfalls is seen by some commentators in a politicization of European Union governance, to which we will now turn.

The politicization of the EU: waking up a sleeping giant?

After the defeat of the Treaty establishing a Constitution for Europe in 2005 two types of responses were prevalent. In the first group, many authors, particularly from the European constitutionalism literature, saw their previous fears confirmed that talk of constitution (and constitutional symbols) without a defining "constitutional moment" would not convince European citizens. Much of this literature is agreed that for the moment no promising avenue towards European constitutionalism offers itself (but see Isiksel 2010). In another vein, more benevolent observers and actors concluded that the widening gulf between the EU and its citizens, which became apparent not only in the

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[21] The perspectives for the development of political parties at European level, 26 January 2011

negative referendums but also in opinion polls all over the Union, should be addressed by reforms remaining under the threshold of "constitutionalization" and, if possible, avoiding treaty changes. As Hix and others have argued on many occasions, politicization of the EU could be one of the responses to the disenchantment of the European public.

There is no need to rehearse Simon Hix' many books and articles defending the idea to politicize the EU (see notably Hix 2006 and Hix 2008). His essential tenet is that making the EU an arena of political contest ("limited democratic politics") would make citizens both more interested and more attached to the Union. This is in some ways a bold claim because, as other authors have pointed out, such a conflictual climate could just as well lead to a direct questioning of the polity-character of the EU and hence a spiraling of hostile attitudes in the population to which national governments would feel obliged to respond in order to secure their national power base (van der Eijk/Franklin 1996, Bartolini 2005). Some years ago, there has been an exchange of these different views which has also produced some efforts for compromise, drawing together the positive elements of both approaches. Magnette/Papadopoulos have made a rigorous attempt to evaluate the pros and cons of the politicization hypothesis and make some observations which are concurrent with the analysis presented here. Firstly, they confirm that there are institutional settings (in their term "negotiation democracies") where the coupling between electoral politics and policy-making is relatively weak: "Even politicized - and thus hopefully popularized, if not thoroughly democratized - the EU would remain a negotiation democracy. […] Increasing the choices for voters is one thing, but finding an agreement among decision-making institutions about how to translate 'political mandates' into policies is quite another thing" (2008: 11). Hence politicization could just lead to a symbolic (or *façade*, in Bartolini's expression) left-right competition which could not substantially affect the compound nature of policy-making in the EU.

On the other hand, Magnette and Papadopoulos insist that transforming euroskepticism into "informed and qualified opposition" (Bartolini 2006) would probably be a risk worth taking. Indeed, if we consider the rising tide of literature criticizing the "hypocritical" nature of much discourse on European democracy the conclusion seems difficult to avoid that some more openness to informed opposition against European policy-making would hopefully stabilize rather than unseat the Europolity (see also Mair 2007 for the important distinction between opposition to specific policy decisions and opposition to the polity as such). But one should not lose sight of the fact that pro- and anti-European positions are also a matter of interests, whose perceptions cannot be easily transformed by deliberation only. Integration winners like the unskilled workers from central and eastern Europe and higher-income earners in the older member states support the EU while losers such as manual workers and civil servants in the older member states mistrust the EU. In view of the social deficit addressed at the beginning of this essay one problem of consociation style politics (or negotiation democracy) is their weak concern for structural minorities that have no territorial basis, such as modernization losers. Magnette and Papadopoulos conclude by suggesting the "coupling of a system of politicized 'negotiation democracy' with mechanisms of direct participation" (*op.cit.*: 22).

Thinking about the politicization of the EU should not ignore some crucial differences between state and non-state entities with respect to the narratives they have been relying on to create a sense of obligation and solidarity among their citizens. At least states with a minimum historical "track record" represent a "connection with the past, a concept of the present and an assumption about what the future will look like" (Glencross 2008: 7). Nation states in their institutional existence appear to be independent from any specific policies, parties or interest groups. Any government having won a majority of votes is then pressured by media and opposition parties to perform the role of promoting the "general good" rather than serve the interests of the government's electoral constituency (Glencross 2008: 8). For the EU such loftiness seems unattainable for the foreseeable future. There have of course been proposals to tackle this dilemma through a direct leap to statehood (Mancini 1998) but such a mechanical and unrealistic approach has not found a very favorable echo (Weiler 1998, for many others). However, empirical findings on European elections and parties do not exclude

a more modest and patient attitude. Marsh and Mikhaylov (2010), for instance, conclude an extensive review of research on European elections with the hope that "contrary to Reif's pessimism, it may be that, with continuing integration, the EU is likely to become more politicized in the future", although not necessarily or only in a pro-integration mode (17).

We are thus led back to quite practical issues. Why would national politicians and parties expend scarce political resources on the EU when their political futures depend on national elections that are mainly focused on national issues? (Schmidt 2010: 21). Quite logically they focus on issues for which they can display full responsibility, talking less about the policy areas that have moved up to the EU and more about those they fully control, such as pensions, social policy, employment policy, purchasing power, crime in the streets, education, and so on. As Schmidt has it, "national leaders have been perfectly happy with the depoliticized language of EU level 'policy without politics' because this leaves them free in their national capitals to put any kind of political 'spin' of the left, right, or centre on EU policies" (28). Two-level games of blame-shifting and credit-taking have been the staple of Europeanization research for a long time but can still be observed almost daily. In the meantime, there has emerged what could be called a meta-blame-shifting, i.e. the continuous insistence by national leaders that new policy challenges will be tackled exclusively by intergovernmental means. Angela Merkel and other members of the German government have been particularly prolific and outspoken over the past year in their effort to sell the radical innovations of macroeconomic governance as happening without any extension of powers of the European Union (meaning predominantly powers of the European Parliament and the European Commission).

According to Bernard Manin politicians are "persons who take the initiative in proposing a line of division" (1997: 226) in order to make the division an advantageous basis for political contest. It should be quite obvious then that it would make a big difference to which audience public statements are addressed. Would it be likely that promises to prioritize the interests of German, British, or Italian voters (or the public finances of their country) would carry the day in a pan-European election campaign? If the minister of an important member state makes a public comment that some of President Barroso's statements concerning Eurobonds make it difficult [for whom?] not to attribute them to his nationality, the fact that Barroso is formally entitled to speak for the European Commission, and hence for the European Union, disappears from view. The bottom-line for any moderately informed citizen might then be that talk about common European interests and policy-making is a sham and that a staunch surveillance of the "national interest" is the only reasonable approach for any member state leadership.

If some of the proposals outlined in the previous section were implemented a candidate for the European Parliament would have to correspond to the political preferences of citizens in more than one member states. For instance, candidates and parties would be obliged to obtain a minimum amount of information on the preference profile of the electorate in member states where a transnational list appears on the ballot. Consequently, European policies would have to be constructed on the basis of rational evaluations of the interests of governments, stakeholders, and citizens of other member states. Speaking of a politicization of Europe therefore does not make much sense without a parallel reinforcement of the actors of political contention, the parties and their candidates.

Of course, there are practical difficulties for non-native speakers to make public appearances in other Member States but these could to a large extent be tackled with some good will and resources. Moreover, some head-hunting might identify hitherto uninterested candidates with linguistic and other qualities, who might never have considered to get on a national list. It has been shown in empirical studies that campaigning and media reports represent very important cues for voters, in particular when they are somewhat uncertain or feel insufficiently informed.[22] The latter aspect is a standard

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[22] E.g., de Vries et al. (2011) report that the media and political parties have strong influence on the perception of electors of the issues presented to them : if they provide clear cues on where they stand on important aspects of European policy-

response to Eurobarometer and other polls. Initiatives to increase public awareness of European elections and their political stakes are hence not (only) in the selfish institutional interest of the European Parliament (as some skeptics surmise since the dawn of ages) but are quite certain to focus voters' attention on the comparison of their own preferences with those of the party positions on offer – in a European context. In fact, we may be witnessing the commencement of transnational politics right now. MEPs and national governments of the same political complexion have been in open disagreement on salient policy issues more often than ever.[23] While this is still a rather exceptional situation it could show the way towards a more self-confident European political elite.

5. Conclusion

Most scholars and political leaders see the European Union based on two components of popular legitimacy: one representing the democratically elected governments of the member states, the other representing directly the citizens of the Union as a whole through the European Parliament. This paper has demonstrated that the second element of representation is still characterized by an incongruity between political reality and treaty-based democratic norms entailing particular expectations. Increasing Parliament's powers was certainly a necessary condition for making the European Union more democratic. However, the weakness of a truly European mechanism of political accountability makes itself increasingly felt in times of popular disenchantment with both national and European public authority. Making the "democratic life" of the Union more credible remains a challenge for its future evolution.

The late Alan Milward was not considered to be a naïve proponent of European democracy. His emphasis in developing the narrative of European integration was on member states' economic interests and the way they tried to obtain satisfaction of these interests through intergovernmental bargaining. However, Milward intentionally refrained from making predictions on how the Union might develop, including possible steps towards a European democratic system. Focusing on economic history did not prevent him from seeing the decisive influence of democratic practice on the developmental path of the European Union. In 1993 he stated: "It is by their votes in [referendums and elections] that citizens will continue to exercise the preponderant influence in defining the national interest by shaping national policy. […] Political parties seeking office continue to present to the electorate the concepts of European 'integration' and 'unification' as grand general ideas, which they either favor or oppose. Would they not be wiser to descend to the detail of the relationship of any particular policy proposal to the available European international frameworks for the advancing of it?" (Milward *et al.* 1993: 201, 31). Milward of course wrote about national politics here but indicated nevertheless a possible path towards an "advancement" of European democratic functioning. But representatives just like the represented are not isolated from the *Zeitgeist* that prevails in European politics. Current institutional structures perpetuate the very obstacles that are invoked as a reason not to establish meaningful electoral politics at the heart of the European political process (Kumm 2008: 135). More than "integration by stealth" (Majone), this is probably the essential dilemma facing those who would like to see a more political EU. For instance, Moravcsik's argument for effectively doing nothing in the face of the weakness of EP elections to produce direct democratic input corresponds in some way to a call to revise the normative foundation of the organization of powers in the EU (cf. Schleicher 2011).

(Contd.) ————————

    making (and politics!) voters orient their own decision more on issues than on secondary considerations such as to sanction the national government.

[23]   Two examples: At the end of 2010 German MEPs of the ALDE group spoke out in favor of the creation of Eurobonds, whereas these were (and still seem to be) anathema for the German government. Similarly, despite the French and German governments' misgivings German members of the EPP group expressed themselves in favor of bringing Romania and Bulgaria into the Schengen area, i.e. to eliminate most border controls.

To present European governance as an inescapable trade-off between integration and democracy (*pace* Majone) ignores the fact that such a trade-off only appears when democracy is not "routinicized" (Magnette 2006; see also Schmitter's point that it is necessary to "gradually build up expectations" for a successful politicization of the EU (2000: 119)). Having elections with serious debates on European policies and, possibly, non-binding Europe-wide referendums on constitutional questions concerning the future of the European Union could lead EU citizens to see themselves as part of a larger political entity. However, as this paper has shown, such an avenue seems only promising under quite restrictive conditions: careful design of political institutions at the European level and intelligent innovations of the organization of European politics. Bardi et al. (2010) conclude, for instance, that a transnational constituency could foster closer party co-operation at the EU level, by promoting genuine transnational campaigning and EU-level party programs having a stronger impact; furthermore, preferential voting, if implemented at the European level, could have a positive impact on the development of political parties at the European level. Despite deciding on some milestones such as the direct elections to the European Parliament political leaders have generally hesitated to tamper with the "rules of the game" of national and of European politics. However, the disquiet emerging since Maastricht in many member states about the impact of the EU on their national democracies still needs a political response. The financial crisis has shown that the stakes in successful integration are still growing. This may force Europe's political leaders to be more innovative in their approach to the political fabric of integration (cf. Laffan 1999). European democracy will not be perfect in a utopian sense but further inventive steps are possible, and quite probably necessary to maintain the achievements of European integration.

There are no strong theoretical or empirical arguments for the belief that the nation state is the final geographical and political destination of democratic legitimacy, but there are no reasons either to hope that an EU *demos* is "quietly gathering strength and substance, ready to emerge fully-formed at an indeterminate date in the near future" (Donnelly/Jopp 2009: 34). Feelings of identity are the result of acquiring legal, cultural and political habits and of sustained interaction between citizens and their political institutions at various levels. Still, the interests of incumbents in political office and existing accountability structures can hardly be overestimated. Resistance to change can be explained by rational choice theories postulating that those who benefit from institutions already in place have strong incentives to use their institutional powers to veto proposals for change (Rose/Bernhagen 2010). As Mattias Kumm has convincingly argued, "infatuation with the *sui generis* character of the European Union […] has led to stigmatizing the idea of a robust European parliamentarianism as a sign of intellectual inertia. The case against representative democracy in Europe may not be as strong as it seems and the costs of making do without it may be very high" (Kumm 2008: 136). A European parliamentary system of government will certainly be different from any national model but in view of a growing discontent about the EU it still seems to be one of the more promising and logical avenues to introduce incremental steps towards it. -

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