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Let me vote in your country, and I'll let you vote in mine. A proposal for transnational democracy

Edited by Joachim Blatter and Rainer Bauböck

European University Institute

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Abstract

Technocratic forms of international governance have spurred the rise of populist nationalists in Europe and around the globe. Joachim Blatter argues that we should tackle these intertwined challenges to representative democracy by transnationalising national democracies. In his kick-off text for the GLOBALCIT forum, he illustrates the underlining general problematique with the example of the Euro crisis, describes concrete steps towards a system of overlapping and transnationalised national democracies and outlines the potential benefits that would arise from a horizontal expansion of national demoi, elections and representation for democratic parties, parliaments and peoples.

Blatter proposes that democracies should sign “joint declarations of interdependence” in which they express their commitment to the democratisation of their joint forms of governance and reciprocally offer their citizens the status of “consociated citizens.” These consociated citizens enjoy the right to elect a limited number of “consociated representatives” in the parliaments of the consociated states. The elected and thereby directly authorised consociated representatives bring the perspectives and interests of the consociated citizens into the collective will-formation and decision-making process of the consociated states. According to Blatter, politicians and political parties would benefit since the current trade-off between being responsive and responsible would become weaker. National parliaments would regain their core place in the democratic process by serving as the central spaces for the necessary reconnect between international rule making and nationally embedded will-formation. Democratic nations would provide each other a legitimate pathway for getting involved in their domestic will-formation and decision-making processes. Citizens receive additional and constructive means for political participation and contestation.

GLOBALCIT has invited eleven scholars to engage with Blatter’s proposal. Most see it as stimulating and constructive but raise further questions and some concerns. Is it focussing too much on institutional reform of democratic processes instead of tackling issues of socio-economic inequality that propel the rise of populism? Is the model grounded in a coherent theory of democracy? Do the envisioned multiple and overlapping demoi undermine the necessary clarity of membership boundaries of political communities? Do consociated citizenship and limited powers of consociated representatives undermine a core democratic norm of political equality? The proposal assumes that reciprocity would be a helpful stimulus for the proposed expansion of the electorate, but what about the motivations of individual actors? Politicians might not want to give up current opportunities to mobilise domestic voters by blaming the external others. Furthermore, many commentators point to alternative ways of democratising relations of interdependence between states, which they perceive as more feasible or desirable, such as the strengthening of the European Parliament, transnational citizen assemblies or transnational referenda.

In his response, Blatter points to theoretical foundations of his proposal, emphasizes its conceptual innovations in imagining fuzzy boundaries and proportional equality, and argues that the proposed pathway towards a system of horizontally overlapping representative democracies offers many advantages compared to its alternatives.

Keywords

Transnationalism, democracy, citizenship, representation, interdependence, European Union.

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Kick-off contribution
Let me vote in your country, and I'll let you vote in mine.
A proposal for transnational democracy

Joachim Blatter*

The Euro was supposed to bring Europeans together, but the common currency turned out to spur what Luciano Bardi calls “horizontal Euroscepticism:” mistrust among citizens of divergent member states, nurtured and exploited by populists and nationalist parties.¹ The spread of the latter is not only endangering European integration but also representative democracy, “responsible party government”,² and political pluralism.³ The Eurozone is only the most prominent example of a more general phenomenon: the growth of bi- and multilateral forms of intergovernmental rule making. These technocratic forms of governance have hollowed out representative democracy within participating nation states; and, in turn, stimulated populist and nationalist reactions. They displaced legislatures as core sites of democratic will-formation and decision-making, undermined the trustworthiness of political parties as core intermediary institutions that link the rulers to the ruled, and offered the people no means to protect themselves against what they perceive as a threat to their democratic self-determination other than voting for nationalist populists.

In order to avoid the Scylla of technocratic intergovernmentalism and the Charybdis of populist nationalism, we should democratise bi- and multilateral orders by transnationalising national elections, parties and parliaments. After briefly illustrating the general *problematique* with the example of the Eurozone, I indicate how such a democratisation of bi- and multilateral orders could take place. Next, I address two questions: How can we make sure that national self-determination is not undermined; and how can we motivate nation states to participate? Afterwards, I scrutinise how political parties, parliaments and the people could benefit from the proposal.⁴

* University of Lucerne.

¹ Bardi, L., S. Bartolini, & A. Trechsel (2014), ‘Responsive and responsible? The role of parties in twenty-first century politics’, *West European Politics* 37(2): 235–252.

² Bardi, L., S. Bartolini, & A. Trechsel (2014), 235–252.

³ Urbinati, N. (2014), *Democracy disfigured: opinion, truth, and the people*. Cambridge, MA: Harvard University Press; Caramani, D. (2017), ‘Will vs. reason: the populist and technocratic forms of political representation and their critique to party government’, *American Political Science Review* 111(1): 54–67.

⁴ My proposal has been influenced by the boundary of the demos debate (e.g. Bauböck, R. (2017), ‘Democratic inclusion. A pluralistic theory of citizenship’, in R. Bauböck (ed.), *Democratic inclusion. Rainer Bauböck in dialogue*, 3–102. Manchester: Manchester University Press; Beckman, L. & Rosenberg, J.H. (2018), ‘Freedom as non-domination and democratic inclusion’, *Res Publica* 24(2): 181-198; Goodin, R. E. (2007), ‘Enfranchising all affected interests, and its alternatives’, *Philosophy & Public Affairs* 35(1): 40–68; Goodin, R. E. (2016), ‘Enfranchising all subjected, worldwide’, *International Theory* 8(3): 365–389; López-Guerra, C. (2014), *Democracy and disenfranchisement. The morality of electoral exclusions*. Oxford: Oxford University Press; Erman, E. & Näsström, S. (2013), *Political equality in transnational democracy*. New York: Palgrave Macmillan; Scherz, A. (2013), ‘The legitimacy of the *demos*: who should be included in the *demos* and on what grounds?’, *Living Reviews in Democracy*, 4; Owen, D. (2012), ‘Constituting the polity, constituting the *demoi*’, *Ethics & Global Politics*, 5(3): 129-152; Song, S. (2012), ‘The boundary problem in democratic theory: why the *demos* should be bounded by the state’, *International Theory*, 4(1): 39-68), by the concept of “demoicracy” (e.g. Bohman, J. (2007), *Democracy across borders*. Cambridge, MA: MIT Press; Besson, S. (2007), ‘Europe as a *demoi*-cratic polity’, *Retfaerd-Nordisk Juridisk Tidsskrift*, 30(1/116), 3–21; Cheneval, F., & Schimmelfennig, F. (2013), ‘The case for *demoicracy* in the European Union’, *Journal of Common Market Studies* 51(2): 334–350), and by the attempts to “reconnect” the rulers and the ruled in Europe by strengthening national parliaments (e.g. Bellamy, R., & Kröger, S. (2016), ‘The politicization of European integration: national parliaments and the democratic disconnect’, *Comparative European Politics* 14(2): 125–130). Crucially important have been similar proposals presented by Philippe Schmitter (Schmitter, P. C. (1997), ‘Exploring the problematic triumph of liberal democracy and concluding with a modest proposal for improving its international impact’, in A. Hadenius (ed.), *Democracy’s victory and crisis*, 297–307. Cambridge, UK: Cambridge University Press), David Miller (Miller, D. (2009), *Democracy’s domain*, *Philosophy & Public Affairs* 37(3): 201–228), Mathias Koenig-Archibugi (Koenig-Archibugi, M. (2012), ‘Fuzzy citizenship in global society’, *The Journal of Political*

The Eurozone: problems of technocratic forms of international governance

The European monetary union was supposed to be an economic, social and political integration project. The easier circulation of financial capital stimulates economic growth. The joint currency simplifies not only travel but makes it easier to spend different stages of a lifetime in different countries. Furthermore, the Euro was supposed to enhance European standing in the global financial system and overcome the hegemonic position of the German Bundesbank in the European financial system. In order to reach these goals, a majority of EU member states gave up their own currencies and thereby lost the leeway to pursue their own monetary policy. Member states pooled most of the competencies of their national banks in the European Central Bank (ECB), and established coordinating mechanisms in the fields of fiscal and economic policies (“European Semester”). Nevertheless, when the financial crisis hit Europe and turned into the Euro crisis, it became clear that the governments of the participating nation states still play the major role in governing the Eurozone. Although the ECB, together with two other technocratic institutions, the International Monetary Fund and the European Commission (the “Troika”), were officially in charge of providing a solution for Greece, the media focussed their attention on the European summits, during which heads of governments and ministers of finance tried to find compromises behind closed doors. Governmental negotiators who defended the interests of their own national constituencies and a media system that reported through nationalist lenses contributed to the perception of the Euro crisis as a conflict between German and Greek leaders. The nationalist framing of the Euro crisis and the perceived failure of centrist party governments fuelled the rise of anti-establishment and nationalist parties in many countries. In Greece, the left-wing populist Syriza ended the reign of the two traditional parties and took over government with the help of a right-wing nationalist party. In Germany, the *Alternative für Deutschland* (AfD) began as a movement against the Euro, signalling resistance against the technocratic mantra that “there is no alternative” to the policies that have been agreed on in intergovernmental negotiations.

The Euro crisis exemplifies and highlights a more general problem for democracies. In order to deal with cross-border flows and the resulting political (inter)dependencies, states have applied bi- and multilateral approaches much more often than supranational ones. The latter mean that competencies are not pooled in institutions of joint decision-making, as is the case with bi- and multilateralism. Instead, competencies are delegated to institutions that are no longer under the control of nation states. Given the fact that institutions of interest mediation and public deliberation are much less developed on a transnational level in comparison to the national level, this might be not so bad from a democratic point of view.⁵ Nevertheless, bi- and multilateral orders are less efficient and have their own democratic deficits. Effective solutions are often out of reach because political will-formation takes place almost exclusively inside the institutions of interest mediation and public deliberation within nation states,

Philosophy 20(4): 456–480), and Peter Niesen (Niesen, P. (2012), ‘Kosmopolitanismus in einem Land’, in P. Niesen (ed.), *Transnationale Gerechtigkeit und Demokratie*, 311–339. Frankfurt a. M./New York: Campus). The original stimuli came from normative and empirical research on dual and external citizenship (e.g. Hutcheson, D. S. and J.-T. Arrighi (2015), ‘Keeping Pandora’s (ballot) box half-shut’: a comparative inquiry into the institutional limits of external voting in EU member states’, *Democratization* 22(5): 884–905, 898; Lafleur, J.-M. (2015), ‘The enfranchisement of citizens abroad: variations and explanations’, *Democratization* 22(5): 840–860; Caramani, D., & Strijbis, O. (2013), ‘Discrepant electorates: the inclusiveness of electorates and its impact on the representation of citizens’, *Parliamentary Affairs* 66: 384–404; Blatter, J. (2011), ‘Dual citizenship and theories of democracy’, *Citizenship Studies* 15: 6–7: 769–98; Bauböck, R. (2009), ‘The rights and duties of external citizenship’ *Citizenship Studies* 13(5): 475–499), the realisation that the spread of dual citizenship produces a system of horizontally overlapping demoi; and the conviction that such a system needs a deliberate and explicit process of constitutionalisation (Blatter, J. (2018b), ‘Die transnationale verflochtene Welt demokratisieren’ [Democratising a transnational world], in *Terra Cognita. Schweizer Zeitschrift zu Integration und Migration*, 33, Herbst).

⁵ This proposal is agnostic in respect to the question of whether supranational approaches should be pursued. It starts from the observation that nation states prefer bi- and multilateralism to supranationalism and shows how these dominant orders can be democratised. Nevertheless, I would like to emphasise that it is embedded in a wider project that contains another proposal for the transnationalisation of the European Parliament: <https://www.unilu.ch/en/faculties/faculty-of-humanities-and-social-sciences/institutes-departements-and-research-centres/department-of-political-science/research/transnational-voting/>

which leads to egocentric stances of national negotiators. Democracy suffers because the executive branch of government and technocratic experts dominate the processes of joint decision-making whereas the legislative branch, political parties, and the people are side-lined. Furthermore, there are trade-offs between efficiency and democracy. If states facilitate the creation of common regulations by reducing the unanimity requirement, their citizens are subjected to rules they can no longer control. If states facilitate what Fritz Scharpf calls “negative integration” by mutually accepting regulations of the other states as equivalent to their own ones,⁶ then their citizens are systematically affected by the policies of the other states and have lost the right to protect themselves unilaterally.

In order to address these deficits, I propose to transnationalise national constituencies, elections, parties and parliaments. The proposed transnationalisation of national democracies will make bi- and multilateral orders more efficient and effective by internalising the perspectives and interests of “external others” in domestic processes of will-formation and interest aggregation, which enhances the chances for finding joint and mutually beneficial solutions in intergovernmental negotiations. It will make these orders more democratic by bringing international politics back closer to the people and by helping national parties and parliaments to regain their central place in representative democracies.

How to transnationalise national democracies

First, representatives of nation states sign a “joint declaration of interdependence.” In this declaration, they explicitly recognise the political interdependence of their nation states and express their willingness to democratise the existing bi- and multinational systems of international governance. To support this goal, they form a “consociation⁷ of nation states” and reciprocally offer their citizens the status of a “consociated citizen.”

Second, national citizens of the participating states sign – on a voluntary basis – “declarations of interest and identification.” In these they declare that they have a legitimate interest in participating in the will-formation and decision-making processes of the consociated state because they are subjected to the joint regulations and/or systematically affected by the policies of the other state (the “interest part” of the declaration). At the same time, they explicitly recognise that the consociated state has become a legitimate part of their overall system of governance, that they will obey to the rules produced within this interdependent system of governance and feel responsible for the functioning of the system (the “identification part” of the declaration). By signing this declaration, these citizens register as “consociated citizens” in the corresponding consociated state. This status comes with the right to vote and with the right to stand as a candidate in the national election of the consociated state.

Third, the consociated state grants the consociated citizens the right to elect a limited number of special representatives in its national parliament. Existing political parties that nominate candidates for representing national citizens can adjust their programme and expand their list of candidates with nominees for representing consociated citizens. The elected, and thereby directly authorised, “consociated representatives” bring the perspectives and interests of the consociated citizens into the will-formation and decision-making processes of the consociated states.

⁶ Scharpf, F. (1999), *Governing in Europe. Effective and democratic?* Oxford: Oxford University Press.

⁷ The term “consociated” alludes to the notion of “consociational democracy,” a concept that Arend Lijphart (Lijphart, A. (1969), ‘Consociational democracy’, *World Politics* 21 (02): 207–225) developed in order to describe and explain how a democracy can function in a stable way in contexts in which no strong integrated culture or identity exists. I want to emphasise, though, that my proposal does not follow Lijphart’s focus on the behaviour of political elites. Instead, it is much more in line with proposals to introduce electoral incentives that stimulate politicians and parties to address potential voters from divergent fragments of a society, something that has been called a centripetal approach to democracy (e.g. Stojanovic, N. (2011), ‘Limits of consociationalism and possible alternatives. Centripetal effects of direct democracy in a multiethnic society’, *Transitions*, 51(1-2): 99-114; Lacey, J. (2017), *Centripetal democracy. Democratic legitimacy and political identity in Belgium, Switzerland, and the European Union*. Oxford: Oxford University Press).

How can we make sure that national self-determination is not undermined?

The proposed expansion of parliaments of nation states through the incorporation of consociated representatives should happen in a way that carefully balances the goal to include currently excluded perspectives and interests with the right of peoples to democratic self-determination. In order to reach this goal, we first have to overcome entrenched ways of thinking about boundaries. It is often assumed that political inclusion is an “all or nothing” affair: individuals are either a member of a *demos* or not. The proposed solution overcomes this assumption without assuming that the boundary of the *demos* has to be redrawn for every policy decision. Consociated citizens are subjected to regulations that the consociated state has set up together with their nation state and/or they are systematically affected by the policies of the consociated state. Nevertheless, they are less subjected to the law-making power and less affected by the policies of the consociated state than its national citizens. Therefore, they will be granted only limited rights and responsibilities.

On a practical level, there are two potential pathways to secure a carefully calibrated incorporation of the perspectives and interests of consociated citizens into the will-formation and decision-making process of nation states:

- a) The ratio of consociated representatives to consociated citizens will be lower than the ratio of national representatives to national citizens. A higher threshold for representation corresponds to the practice of most countries that assign their external citizens special representatives in their national parliaments.⁸
- b) Consociated representatives will have limited voting rights in national parliaments. For example, consociated representatives who want to participate in a formal decision-making procedure have to justify their demand by highlighting how their constituency will be subjected to, or affected by the decision. National representatives will decide whether they accept the request. If they deny it, they also must justify their decision.

What could motivate states to set up the transnational voting schema?

Reciprocity is not only a widely accepted normative principle; but it carries a very broad motivational force, thus enhancing the feasibility of the proposal. This is most obvious when we compare the proposed expansion of the *demos* to its historic precedents. Proponents of the inclusion of lower classes, women, or non-national residents into the *demos* always argued that this expansion was not just a matter of morality, or only in the interests of the newly included. That is, they tried to convince those who had already been included that granting suffrage to new groups would benefit the entire community and would thus be in their own interest as well (think about J.S. Mill’s argument that politics would profit from the experiences of women). Nevertheless, in all those cases, the strength of the consequentialist argumentation depended upon assumptions that could be challenged. My proposal, in contrast, implies that the current members of national *demos* would get a direct and equal return for granting consociated citizens a right to vote in their national elections: they would get the same right to elect parliamentarians who represent their perspectives and interests in the national parliament of the consociated state in direct exchange.

When two or a small number of nation states start to set up the proposed scheme of transnational voting and representation, the principle of reciprocity should be interpreted as “specific” or *bilateral reciprocity*.⁹ This implies that a consociated state reserves the same percentage of seats in its (first chamber of) parliament for the consociated representatives of the other consociated state as the latter does for the consociated representatives of the former state. For example, if state A reserves five seats

⁸ See: Hutcheson, D. S. and J.-T. Arrighi (2015), 898

⁹ On different kinds of reciprocity, see: Keohane, R. O. (1986), ‘Reciprocity in international relations’, *International Organization* 40(1): 1-27.

in its parliament with 500 seats, state B should reserve 3 seats, if its parliament has an overall size of 300 representatives. The rationale behind this rule is that both states should grant their newly included members the same level of political representation and influence.

When a consociation of nation states gets larger, pragmatic reasons will stimulate a drift towards “diffuse” or *multilateral reciprocity* and adjusted rules for assigning seats for consociated representatives within national parliaments. For example, let us assume that all 19 current member states of the Euro zone sign a “joint declaration of interdependence.” The application of specific reciprocity is no longer possible because the states would have to reserve too many seats for consociated representatives in their national parliaments. A diffuse or multilateral understanding of reciprocity paves the way for a solution insofar as states could agree on rules like the following ones:

- i) their citizens can add only a limited number of consociated citizenships to their national citizenship,
- ii) each state sends “consociated representatives” only to a limited number of consociated states,
- iii) only the largest groups of consociated citizens within each consociated state are entitled to elect consociated representatives.

These rules would leave it up to the national citizens of each state to decide to which consociated states they want to send their representatives. Their act of registration as consociated citizens would be an important first collective decision that reveals the perceived levels and directions of (inter)dependency among consociated states.

These rules guarantee that all involved nations still send consociated representatives to the same number of national parliaments within other states, but they also make it possible and highly likely that some states receive consociated representatives from more nations than other states. For illustration, let us assume that the 19 Eurozone states have agreed that their citizens can select five consociated citizenships and that they can send consociated representatives into the parliaments of five consociated states. The likely result of such a system of transnational voting and representation is that a state that is perceived as powerful will be on the list of the five most selected states in all 18 other states. In consequence, this state has to incorporate the elected representatives of the consociated citizens from 18 other states, but its citizens can send representatives into the parliament of only five consociated states. The citizens of a state perceived as less powerful, in contrast, send consociated representatives into more parliaments of consociated states than their national parliament has to include. In consequence, the rules empower the citizens of the involved states to create new structures of authorisation and accountability according to how they perceive the power relations among (inter)dependent nation states. The citizens decide in a democratic process not only which interests and perspectives are represented in the national parliaments of consociated states, but they also decide how strongly consociated perspectives and interests should be represented in the national parliaments of which consociated states.

How could parties, parliaments, and the people benefit from the transnational voting schema?

First, *politicians and parties* currently face a dilemma that undermines their credibility. In election times they must be “responsive” to their electorate. As long as only national citizens can vote for national parties, parties are inclined to be responsive only to the interests and perspectives of this national electorate. Even worse, as the Euro crisis and recent elections within and beyond the EU have witnessed, it often pays politically to mobilise a national constituency by creating or highlighting threats or pressures from “the external other”. When politicians and parties govern, however, they must produce “responsible” policies. In times of transnational flows, (inter)dependencies and international regulations, producing responsible policies requires taking into account transnational effects, obligations and policy interdependencies. In other words, the current political structures force parties and politicians to behave differently when they campaign and when they govern. In contrast, an expanded electorate and the opportunity to gain further seats in the national parliament by catering to the votes of the consociated

citizens would make it easier to campaign with the same programme and strategy that they have to take into account when they form a national government and govern within the existing system of international governance. Parties would regain credibility as important and trustworthy intermediary institutions between the ruled and the rulers.

Second, the elected consociated representatives enlarge the perspectives and interests that are presented in the debates within *national parliaments* and that are taken into account in decisions. They thereby influence not only national policies, but also the stances that national governments take in international negotiations. They can point to external effects of national policies and to the consequences of proposed joint regulations for their constituencies. Currently, these interests and rights are systematically taken into account only during intergovernmental negotiations dominated by the executive branch of government. In consequence, parliaments would regain their central place for deliberation and decision-making in a representative democracy. Consociated representatives can claim that they have been authorised to represent specific perspectives and interests through a democratic vote.

Finally, the *people* of the consociated states will benefit in two ways. First, when consociated representatives present the perspectives and interests of consociated citizens in national parliaments, then debates about the right way to deal with common problems and (inter)dependences takes place within processes and institutions that are well established, well-known to the people and socially as well as culturally embedded in national contexts. This makes it easier for the people to follow and to understand the political debates and struggles for the right solutions to international problems. In other words, the proposed solution would reconnect the ruled with the rulers by bringing international politics closer to the people. Second, people who currently feel dominated by other states or by bi- and multilateral institutions seem to have only one option: they vote for nationalists who promise to defend national autonomy and interests against those states and institutions. The transnational voting schema gives them alternatives that are more productive. By registering as consociated citizens, they can send a signal to those nation states that they perceive as having an important influence on their lives. Furthermore, they can elect representatives who will present their views and vote for their interests in the political centres of these nation states.

Too little, too late

Sofia Näsström*

Joachim Blatter's proposal for a new transnational voting scheme to offset the legitimacy and efficacy deficits of national representative democracies is both sophisticated and sympathetic. In the effort to save representative democracy from being squeezed between technocratic forms of governance, on the one hand, and nationalistic and populist reactions to it, on the other, he draws on recent debates in democratic theory (notably on the all-affected principle) to advance a transnational voting scheme between countries on bilateral and multilateral grounds. Writing off the possibility of a supranational solution, he suggests that democratic will-formation and decision-making can be improved by letting citizens in countries which are most affected by decisions made in another country (or countries) be given the right to elect candidates for representing them in their parliament.

The constitutional innovativeness of this proposal notwithstanding, I think it suffers from two problems: it offers too little, and it comes too late. The disappointment with the way representative democracy works has today advanced to a state where the proposal to add yet another layer of representation on top of existing ones to all likelihood will be interpreted as a democratic decoy, a step towards more technocracy rather than more democracy. It will not impress the growing number of people who already are dissatisfied with the way *national* democracies work.¹

Furthermore, it comes too late in the process. Today we witness how right-wing populist and nationalistic parties have enhanced their cooperation across Europe. They are operating according to a political logic which Habermas elsewhere has called a performative contradiction. What they *say* ("Back to the nation!") contradicts what they *do*, which is to engage in European transnational debates in favour of nationalism. This is a clever political strategy. It means that every attempt to construct a more formal democratic cooperation between nations to counter aggressive nationalism only adds to their case: Europe is against "us". And the biggest loser in this political game is not the European Union, but democracy itself.

I agree with the bottom-line of Blatter's kick-off contribution: we need to transnationalise democracy and create channels and institutions for democratic cooperation across different classes of people. I also agree with his diagnosis when he writes that the problem is how "to deal with cross-border flows and the resulting political (inter)dependencies." Migration, environment and capital are three examples of this that need to be addressed in transnational and global fora. However, I believe that the troubles confronting representative democracy run deeper than this. My worry is that unless we have an accurate description of what Blatter calls "the general problematique" we will be preoccupied with analysing the symptoms of a problem rather than the problem itself. We will engage in debates on democratic self-defence instead of asking what kind of democracy is *worth* defending.

On that note, I would like to supplement this forum's kick-off contribution by broadening first the description of the general problematique and then giving some pointers on what can be done. The suggestions I make below are not as sophisticated and institutionally detailed as the ones offered by Blatter. But hopefully they will assist in complementing his proposal by pointing out a different path to the same goal.

The problem we face today is not merely how to protect national representative democracies from technocratic governance and right-wing populism. National representative democracies have problems of their own, two of which are of particular importance if we wish to understand the growing dissatisfaction with the way representative democracy works in many European countries.

* Uppsala University.

¹ E.g. Foa, R.S. and Yasha Mounk, Y. (2016), 'The Danger of Deconsolidation: The Democratic Disconnect', *Journal of Democracy* 27 (3): 5-17.

The first is the democratic deficit of national representative democracies. In representative democracies we govern indirectly, through the election of representatives who then represent us, or “make us present” in the governing of political affairs.² The trouble is that not all groups in society experience that they are being represented in this way. There are economically, socially and culturally marginalised groups whose voices, wishes and worries are not made present by parties gathering in the middle of the political spectrum.³ The fact that Brexit (and the election of Trump) took many people by surprise illustrates this problem well. It indicates that some voices in society are not heard in normal times, or between elections.

The second problem is the accelerating economic inequalities within consolidated democracies. Aristotle once termed democracy the rule of the poor. He pointed out that while the poor are inferior in terms of income, they are numerically superior, and this is their strength. In a democracy governed by majority rule they can always outnumber the wealthy few. Ever since the birth of democracy, elites have feared that increasing democratisation would result in excessive demands of economic equality, or worse, the overthrow of private ownership. But as Thomas Piketty, Nancy Fraser, Rahel Jaeggi and others argue, this has not happened.⁴ On the contrary, in many well-established democracies economic inequality has increased, and produced ratios that resemble those that existed in the nineteenth century. People with capital have used this economic advantage to create a kind of hereditary elite that now lives isolated from the rest of society. How, many people ask, is that possible? What kind of “democracy” is able to generate inequalities of this kind?

Taken together, these two problems—combined with the absence of realistic suggestions on how to deal with cross-border flows related to migration, environment and capital—have created what must be regarded as the most difficult problem of all: disbelief in democracy. Many people are disillusioned about the ability of democracy to cope with present-day problems, and this uncertainty is now exploited by groups seeking its demise. What to do?

“Pessimists are cowards, and optimists are fools”, Heinrich Blücher, husband of Hannah Arendt, used to tell his students.⁵ Today the only ones that seem optimistic are the nationalists, whereas the rest suffer from disbelief. To restore faith in democracy, it is not enough to suggest new political procedures. We need to shift focus from procedures to parties and from the political to the social.

Nationalists and right-wing populists are optimists. But they are no fools. They know what they are doing, and what they are doing is what other parties, which have been too busy colliding in the middle,⁶ have refrained from doing: offering optimistic visions of the future. Populism is defined differently in the literature, but two things about populists are clear if we look at nationalists and right-wing populists in Europe. They are often naïve and unrealistic in their demands (“Close the border!”), and they thrive on and perform crisis (“We are at war”).⁷ The vision they offer is not focused on the future, but on the past. Instead of looking ahead, they propose what Zygmunt Bauman calls “retrotopias”; images of a bygone and golden era.

To counter this ostrich mentality, other parties should not be moderate, reasonable and compromising. They should *copy* the populists, and be as naïve and unrealistic as they are. They should

² Pitkin, H. (1967), *The Concept of Representation* (University of California Press,).

³ Chantal Mouffe, C. (2000), *The Democratic Paradox*. New York and London: Verso.

⁴ Piketty, T. 2014. *Capital in the Twenty-First Century*. Harvard: Harvard University Press; Milanovic, B. *A New Approach for the Age of Globalization*. Harvard: Harvard University Press; Fraser, N. & R. Jaeggi (2018), *Capitalism: A Conversation in Critical Theory*. New York: Polity.

⁵ Young-Bruehl, E. (1982), *Hannah Arendt. For Love of the World*. New Haven and London: Yale University Press, 136.

⁶ Katz, R. S., and P. Mair (1995), ‘Changing models of party organization and party democracy: The emergence of the cartel party’, *Party Politics* 1 (1): 5–28

⁷ Moffitt, B. *The Global Rise of Populism: Performance, Political Style and Representation*. Stanford University Press.

exploit the uncertainty about the future to suggest large-scale political change, both at national and supranational level. They should learn from the past, and look at such “naïve” and “unrealistic” suggestions as the F. D. Roosevelt’s New Deal in the 1930s, the European Coal and Steel Community in the 1950s, and Lyndon B. Johnson’s Great Society in the 1960s. They should be pessimistic by acknowledging the worries that people have, and simultaneously be optimistic by proposing visions of the future that people may believe in, even if the horizon is a distant one.

Political institutions are essential to the working of democracy. But democracy is not merely a set of institutions. It is a political lifeform that affects people’s lives in more profound ways, notably through policies in fields such as education, citizenship, work and housing. Policy-making is often seen as a dry and technocratic arena beyond the drama of high politics. But this is where democracy becomes a life in the more concrete sense of the term. Close to home, day-to-day and material, social policies in these areas can either work to undermine or foster commitment to democracy.⁸ The neoliberal rationality that has governed these areas since the 1980s is a Trojan horse: it has the capacity to undo democracy from within.⁹ To counter this development, it is necessary for democratic parties across the board to put a stop to policies that encourage people to compete against each other for security and status. Instead they should propose means for increased social integration.

Is this too optimistic? Why should parties propose these ideas, and why should people listen to them? Pierre Bourdieu has said something important that is worth recalling in this context. Precarity, he says, is best understood as a generalised state of uncertainty that cuts across traditional social-status divisions. While it is objective and material, it is also subjective and emotional, and as such, it has a tendency to spread throughout society. Those who in objective terms live stable and materially secure lives may still worry about the future of their children, parents, grandchildren and friends.¹⁰

This is another way to interpret “the all-affected principle” that structures Blatter’s analysis of transnational democracy.¹¹ Today the uncertainty about the future affects people from different walks of life. To tame and channel that uncertainty in a democratic direction we have to think larger and in a longer-term perspective than suggested in the kick-off contribution to this debate.

⁸ Näsström, S. & S. Kalm (2015), ‘A Democratic Critique of Precarity’, *Global Discourse* 5 (4): 556-573.

⁹ Brown, W. (2015), *Undoing the Demos*. Michigan: MIT Press

¹⁰ Bourdieu, P. (1997), La précarité est aujourd’hui partout: Intervention lors des Rencontres européennes contre la précarité, Grenoble, 12–13 December. Available from: www.gurn.info.

¹¹ On the all-affected principle, see: Sofia Näsström, S. (2011), ‘The Challenge of the All-Affected Principle’, *Political Studies* 59 (1): 116-34.

Power, representation and the demos in transnational democracy

Ludvig Beckman*

I share many of Joachim Blatter's worries regarding the democratic legitimacy of bi- and multilateral forms of rulemaking. However, I am less convinced that his proposal is effective in addressing them. In contrast to Sofia Näsström, who questions whether Blatter is radical enough, I am this going to engage with the internal coherence of his proposal. According to Blatter, a new transnational demos can be created that includes citizens from separate nation-states. Instead of creating a supranational state that replaces existing national democracies, Blatter suggests that citizens should be afforded a limited representation in foreign parliaments and to vote in foreign national elections on a reciprocal basis. The aim of this scheme is to reduce the exclusive reliance on national constituencies in decisions that affect or subject people beyond national borders, thereby mitigating the democratic deficit of existing inter-governmental forms of decision-making while at the same time steering clear of radically revising the nation-state system.

A striking feature of Blatter's proposal is that it leaves the larger issues in democratic theory out of the picture. The paper identifies a problem and a remedy but says little about the values and principles upon which they are grounded. I believe this is a defect and I will try to explain why by offering just two remarks on the relationship between the demos and the powers of national parliaments and their relations to one another. In brief, my concern is, first, that the idea of transnational voting defended by Blatter is inconsistent with the status of the demos according to the democratic ideal and, second, that the scheme for reciprocal representation is oblivious to the differences between the status of national parliaments in different countries.

The central component of Blatter's proposal is that nation-states together agree to form "consociated states" where citizens from other states are reciprocally granted rights to vote in their parliaments. The point is not to dissolve national parliaments but to enlarge their constituencies by expanding the demos. Foreign citizens thus included in the demos are nevertheless offered only "limited rights and responsibilities" and the reason, as Blatter explains, is that they are less subjected to or affected by the decisions than citizens.¹ Thus, Blatter turns against the tenet that political inclusion is an "all or nothing affair" in the sense of a person either being a member of the demos or not. Instead, he imagines that a citizen can be a member of a demos to a degree. In the consociated state, foreign citizens are members of the demos only to a degree because they participate in the election of representatives with "limited voting rights" in the parliament. Deciding on the powers exercised by these members is up to the "regular" members of the parliament – those representing the citizens – who can decide on a case by case basis.

It is worth taking a brief look on the rationale for the tenet that inclusion in the demos is an all or nothing affair. I believe it derives from the conviction that procedural democracy involves what Robert Dahl called the "control of the agenda".² As stressed by Dahl, the ideal of political democracy includes the right of a people to determine freely its own fate; the distribution of power between public institutions is in the last resort for the people to decide. The control of the agenda so understood *is* an all or nothing affair, no part of the state (such as the military, the judiciary, for example) is beyond the powers of the people to regulate. In order for the people to take part in the control of the agenda, it is essential that the body exercising this control is authorised and elected by the people. An inclusive

* University of Stockholm/Institute for Futures Studies.

¹ I follow Blatter in referring to "citizens" though I believe that there are good reasons to define membership in the demos in terms of residence and not of legal citizenship. See: Beckman, L. (2014), 'The Subjects of Collectively Binding Decisions: Democratic Inclusion and Extra-Territorial Law', *Ratio Juris* 27: 252–270; Beckman, L. (2009), *The Frontiers of democracy. The right to vote and its limits*. Basingstoke: Palgrave.

² Dahl, R. (1989), *Democracy and its critics*. New Haven: Yale University Press.

demos is essential for the people to share in the control of the agenda. An inclusive demos is in that sense not just important to the individuals involved but also for the democratic status of the state.

But in Blatter's scheme, it is not true that the demos exercises control of the agenda because consociated voters cannot elect representatives with the powers to make decisions about the distribution of power between public institutions. Foreign citizens are members of the demos only in a reduced sense, due to the limited powers of the representatives they elect. Although Blatter speaks about expanding the demos to foreign citizens and creating a form of transnational democracy, I believe his scheme does neither. Foreign citizens are not members of the demos in Dahl's sense, and the resulting political order is not in fact a transnational democracy. Instead, it is a traditional type of democracy in the nation-state to which a limited scheme for the representation of affected interests has been added. The political representation of foreign citizens sketched by Blatter is more akin to liberal ways of protecting interests by the institutionalization of rights or the creation of separate bodies, such as the ombudsmen. They may of course be effective in protecting affected interests. Yet, they do not amount to democratic forms of decision-making whereby public power ultimately rests in the hands of the people.

To illustrate, consider a decision to exit from the consociation agreement with another state. The question then is who should be entitled to participate. One answer is that every member of the demos should be able to participate, including foreign citizens. After all, foreign citizens could plausibly maintain that a decision to exit from the agreement with other states affects them significantly as it removes the opportunity to influence future policy decisions that are affecting them. But if foreign citizens are allowed to vote on the future status of the consociated state, national citizens have in effect surrendered control of the agenda to the new demos and a new supra-national democracy would have been created. This option is hence inconsistent with the continued existence of separate nation-states. Yet, I doubt this is what Blatter proposes, as he argues that "national representatives will decide" whether or not the representatives of foreign citizens will be able to vote or not. In that case, it is effectively up to the national demos – excluding foreign citizens – to decide if the consociated state experiment should continue or not. The implication is that only national citizens are members of the demos in Dahl's sense and that the consociated state is not an incidence of "transnational democracy".

A less decisive objection that I believe is nevertheless important to raise is how to integrate the system of reciprocal representation envisaged by Blatter into the diversity of institutional frameworks of national democracies that currently exist. Blatter wisely insists that a system of transnational representation must be reciprocal by which I take him to mean that the powers surrendered should be roughly equal to the powers granted. Following the proposal, the proportion of seats in the national parliament reserved to representatives of foreign citizens should be the same in all consociated states. Blatter's proposal thus appears premised on equal power sharing between national parliaments. Blatter exemplifies it by arguing that if one country offers five seats out of 500 to foreign representatives, then the foreign parliament with 300 seats should make three seats available in return.

Now, such equal proportional representation does not automatically secure equal power sharing. The reason why is that the powers vested in parliaments differ between political systems, since national constitutions distribute powers differently among public institutions. Consider for example the differences between unitary systems (such as Sweden) and federal ones (such as Germany). In Germany, the Länder possess many of the powers that in Sweden are regarded as belonging to the national parliament. The legal powers vested in the national parliament of Sweden are in this sense considerably larger than the legal powers vested in the Bundestag. Or, consider a parliamentary democracy where the courts play a minor role in reviewing legislation, with a political system where power is shared between an elected assembly, an elected president and the judiciary. Arguably, the national parliament in the former country is incomparably more powerful than in the latter. Clearly, "reciprocal" representation in parliaments, even if it ascertains proportional equality, does not add up to equal power sharing. This of course undermines the motivational effects of reciprocity stressed by Blatter.

Let me add a last point: A plausible scheme for transnational representation within the framework of existing national parliaments is unlikely to be as simple as the one included in Blatter's proposal. A truly reciprocal form of representation between nations that distribute public power differently between their institutions requires a more complicated scheme that makes it much less likely to ever materialise.

The more fundamental point that I wanted to draw attention to, however, is not about feasibility but about the democratic status of the proposal itself. Voting rights are not merely vehicles for individual influence; they also play a fundamental role in democratising the collective powers exercised by the electorate and parliaments in controlling the agenda. A system of representation that ignore these powers does not amount to political democracy at all.

Transnationally affected interests and multilateral decision-making: The limits of our institutional toolkit

Joseph Lacey*

In its most extreme version, the all-affected interests principle says that everyone who is affected by a decision has a right to a say in making that decision. The only way of satisfying this principle fully is through some form of global democracy. Or, if we were to apply the principle regionally to an international constellation like the EU, we would naturally seek to empower supranational institutions to ensure that all European citizens would be equally represented in the decision-making process. This kind of proposal involves, in effect, levelling up national parliamentary politics to the international level. And there's something to be said for this. Despite its flaws, parliamentary representation is among the best ways we have yet discovered to ensure that policy-making is somewhat responsive to all those whose interests are affected within a jurisdiction. Emmanuel Macron, for one, is seduced by this image in seeking to improve the democratic credentials of the Eurozone by endowing it with its own parliament and finance minister.

Joachim Blatter, in his contribution to this forum, worries that a supranational approach such as that outlined above would be deleterious to national self-determination by disempowering the decision-making capacities of nation-states vis-à-vis supranational institutions. Instead, as I read him, he adopts a two-tiered approach to the all-affected interests principle. First, citizens must be equally represented in multilateral decision-making processes through their states. In the EU, this much is largely achieved in practice. Second, representatives and citizens of each state must consider how others will be affected by any given decision made collectively. By virtue of unanimity or supermajoritarian rules governing EU multilateralism, this second desideratum is also somewhat satisfied. High consensus requirements help to ensure outputs that are responsive to the interests of all states and their citizens in multilateral institutions.

However, Blatter takes the case of the euro-crisis to demonstrate that these conditions do not always hold. In particular, he cites the poor treatment of Greece, which was effectively forced to adopt harsh austerity as a means of reducing its sovereign debt. The first thing to note is that this outcome was in large part due to a breach of those very multilateral decision-making rules mentioned above, which are designed to ensure affected interests are considered. Recall that the handling of the Euro-crisis did not primarily take place through the normal channels, namely the Ecofin configuration of the Council of Ministers, where European finance ministers meet and make decisions under high consensus constraints. Rather, major decisions were made in the informal Eurogroup where normal procedures were dropped and debtor states were exposed to asymmetric raw power politics. It's in this context that German finance minister Wolfgang Schäuble reportedly exclaimed to Greek finance minister Yannis Varoufakis that "its my mandate against yours". Had the euro-crisis been dealt with through more procedurally proper representative channels, it's not clear that Blatter's problematic of ensuring affected interests are considered in multilateral decision-making would be felt quite as acutely. And, indeed, just how far this problem will arise seriously in the future will in part depend on how well-established multilateral procedures are followed.

That being said, there is undoubtedly value to Blatter's aim to ensure that Europe's national public spheres consider the interests of other states in the course of public debate. If citizens can be habituated into considering other national perspectives, this will ease the pressure on national representatives to resort to raw power politics and, more generally, might make them readier to accommodate the interests of other states. In other words, if Schäuble and other European leaders could speak of a mandate that was not derived purely from national self-interest, we could have expected a more just outcome of the euro-crisis. To take another example, with more transnationally aware national citizens, we should also

* University College Dublin.

expect member states to be better able to agree to burden-sharing when it comes to processing and hosting asylum seekers.

Blatter's proposal to address the problematic is to empower each Eurozone member state to elect a small number of representatives who would be sent to stand in the national parliaments of other Eurozone states. For the less complex example of a bi-lateral arrangement, Blatter suggests that each parliament would reserve one per cent of its seats for transnational parliamentarians. Due to the size of the Eurozone, he believes, however, that not every parliament would be able to hold seats for every other state. I assume that this is for reasons of legitimacy, rather than practicality, since packing national parliaments with too many transnational representatives would conceivably come into tension with the primacy of national self-determination. Indeed, Blatter is keen to ensure that self-determination is protected by giving national representatives in the national parliament the right to refuse (with good reason) the claim of transnational representatives in the same parliament to vote on an issue upon which the latter have a presumptive entitlement to cast a vote.

In his contribution to this forum, Ludwig Beckman believes that Blatter's proposal must be more sophisticated to ensure that it is truly reciprocal between the states. This is because different powers are distributed across different institutions and different levels of government in different states. For example, in some state, sub-federal units will hold powers that are instituted at the national level in other states. Similarly, in some states the national parliaments will be relatively unimpeded in decision-making, whereas in others a second chamber or Presidency or court may be empowered to check the power of parliament. However, I do not think regime diversity of this nature is a particular challenge for Blatter's proposal. He is most concerned that transnational representatives have a "say" (at least by voice and, if permitted, by vote) on transnational issues. Indeed, transnational issues are overwhelmingly dealt with at the national, rather than the sub-national level, while parliaments in every member state are the primary venues in which interests are represented by voice and vote (even if there are differing powers among them in constraining their respective executives).

Sofia Näsström is more concerned about how such a proposal will be received in the current climate of national retrenchment. Surely, she asks, transnationalising national parliaments would be seen as just more ceding of sovereignty and unwelcome interference from the outside (one can already hear the "Trojan horse" rhetoric a mile away)? This is a valid concern, but a hostile political climate is not a reason to reject Blatter's proposal in principle, or even from a practical perspective considered in the longer-term.

There are, however, three reasons to reject Blatter's proposal. One has to do with its limited effectiveness in achieving its goal. The second has to do with its weak accountability mechanism. And the third has to do with the availability of less invasive options that may do at least as good a job at achieving the goal of including affected interests into national public debates.

On the first point, the limited number of places Blatter gives to transnational representatives in national parliaments limits their ability to have their voices heard in the parliament. Minor parliamentary parties often play only very limited roles in national debate, and there is little reason to think that the small number of transnational representatives would be given particular attention (except perhaps initially, as a novelty). But if transnational representatives ever held the balance of power on an issue, and were permitted to vote on it by the rest of parliament, then the dangers of (perceived) illegitimacy could be very real and problematic. In other words, Blatter's proposal is generally likely to be too ineffective in ensuring that significant weight is given to the constituency interests of transnational representatives. But, when they are occasionally effective at doing this, it is likely to produce perceived legitimacy deficits.

On the second point, the problems of electoral accountability are well-known. It's difficult enough for citizens to monitor the behaviour of their representatives within the national sphere. Are we to expect citizens to be able to understand how their representatives are advocating for them in a range of different public spheres? It strikes me that such representatives would be more distant, and potentially less visible,

than even current MEPs (who typically receive very little public attention in national public spheres, despite having more power than the transnational representatives would typically have on Blatter's proposal).

On the third point, there are a range of other options worth considering as alternatives to Blatter's proposal that could be at least as effective at doing the very difficult job of making national citizens responsive to the concerns of those beyond their state, without requiring complicated institutional tinkering that interferes with national parliaments in any deep way. I give just two examples of such ideas here, though I cannot elaborate them in detail.

One idea would be more formal efforts to Europeanise national public spheres with transnational media frames. Each country could agree to embed something like Euronews into its national broadcasting, such that every 30 minutes of national news is accompanied by ten minutes of Euronews. This could be partly tailored to each state such that each one receives particularly relevant news from the perspective of considering affected interests. So, during the Euro-crisis, it would have been especially appropriate for creditor states to be exposed to the national discourses of debtor states. To be most effective, this strategy would need to be reproduced across various media, and not just television.

A second idea would be a transnational citizens assembly governed by deliberative norms, convened for a one-year terms. The task of this assembly, composed of say 200 European citizens (broken into working groups), would be to serve as a monitoring body over all national parliaments and the European Parliament. Its only formal powers would be to serve these parliaments with notices of concern or, more damningly, notices of censure. In effect, where the assembly considers a national parliament to be ignoring the affected interest of other states in their decision-making process, it could provide them with a reasoned opinion to this effect (notice of concern). Parliaments would then be required to offer a reasoned reply, contesting the notice of concern or demonstrating how its contents have been taken on board. An unsatisfactory reply from the parliament in question could lead to a public notion of censure. The desired effect of both formal powers would be to simply raise the publicity of affected interests in national public debates.

Of course, much as Blatter's proposal, these two possibilities seem somewhat piecemeal in that they would be limited in their ability to ensure that transnationally affected interests are more adequately considered across national public spheres within the EU. For this task, it seems that there is no more effective mechanisms than multilateral institutions that embody the equality of states through unanimity and supermajoritarian decision rules. Unless we pursue more familiar supranational ideas (such as those advocated by Macron, mentioned at the beginning of this piece), forging a thicker European demos and potentially trading-off further on national sovereignty, then the institutional toolkit available to ensure externally affected interests are appropriately considered across national contexts is underwhelming. This does not mean that such proposals should not be pursued, especially if the supranational options are non-runners on either normative or pragmatic grounds. But we should expect only marginal gains from institutional tinkering on the multilateral approach.

Europeanising parliaments or parliamentarising Europe?

Mathias Koenig-Archibugi*

The electoral advance of nationalist and xenophobic parties in Europe has injected renewed urgency into the search for ways to improve the legitimacy of pluralist democracy and governance beyond borders. While institutional reforms should be seen as only a part of a wider response, they are important not least because the problem lies not only in what the authorities do but also in how they do it. In this context, [Joachim Blatter](#)'s bold and sophisticated proposal to transnationalise national elections, parties and parliaments provides much needed food for thought to analysts of European politics as well as politically engaged citizens, notably those active in parties and other civil society associations. The proposal deserves to be discussed widely across Europe, and even the ultimately unpersuaded would benefit from a close consideration of the challenge that [Blatter](#) throws at dominant assumptions.

Broadly speaking, Blatter's proposal can be defended from two perspectives. The first perspective attaches *intrinsic* value to giving citizens (through elected representatives) a say in a forum where decisions affecting their interests are made. By contrast, the second perspective would focus on the *instrumental* benefits of transnationalising representation and argue that the resulting decisions would become "better": more effective in solving problems, fairer to all concerned, more acceptable to those who are expected to comply with the decisions, and more likely to enhance the public legitimacy of the political system in the medium and long term.

From the first, intrinsic perspective, the implementation of Blatter's proposal would certainly be a welcome improvement over the status quo. But it would fall well short of realising the principle that people who are significantly affected by a decision should be given a say in that decision. The reasons for this are explained by Ludvig Beckman in his contribution. In brief, having a say in determining the agenda is more fundamental to democratic participation than voting on the items on the agenda, but in Blatter's proposal key agenda-setting rights are reserved for nationally elected parliamentarians: whether to accept the presence of external representatives in the first place, and what participation rights the latter would have on specific decisions. Blatter argues that the arrangement he proposes "carefully balances the goal to include currently excluded perspectives and interests with the right of peoples to democratic self-determination." It seems to me that the proposal gives clear normative priority to "national" self-determination.

Even if implementing the proposal would not bring about transnational democracy, it may still be a very good idea, especially in the light of instrumental considerations. To be sure, some caution is warranted. Jon Elster reviewed instances of cross-voting arrangements in history and concluded that they rarely achieved the aim of mitigating conflicts between groups.¹ But those historical experiences should not necessarily turn us into pessimists when it comes to the prospects of cross-voting in twenty-first century Europe. The potential advantages of having transnational representatives in national parliaments can be substantial: they can transmit information on affected interests beyond borders, increase the diversity of perspectives in legislative debates, and perhaps exercise a form of moral persuasion. In this context, it is interesting to note that Lucy Kinski has found that members of national parliaments already often claim to speak for or act in the interest of citizens from other EU member states.² Her finding that there is substantial variation across countries in the frequency of such claims suggests that MPs' own understanding of the representative role of a national parliament depends partly on the context and should not be regarded as an immutable constraint. If the audience addressed by MPs

* London School of Economics.

¹ Elster, J. (2013), *Securities Against Misrule: juries, assemblies, elections*. Cambridge: Cambridge University Press.

² Kinski, L (2016), 'National MPs speak for citizens in other EU countries, too – more in Germany, less in the UK', *Research Notes on Parliamentary Democracy* 3/2016; Kinski, L. (2018), 'Whom to represent? National parliamentary representation during the eurozone crisis', *Journal of European Public Policy* 25(3): 346-368.

is extended to include actual representatives of foreign citizens, the “civilizing force of hypocrisy” might lead to decisions that are really more in line with transnational interests than they would otherwise be.³

However, I think that, considered from an instrumental and pragmatic perspective, Blatter’s proposal entails risks as well. In Europe, the inclusion of foreign interest representatives in national parliaments would not occur in an institutional vacuum, but co-exist with an entity whose *raison d’être* is the provision of a forum where elected representatives from different countries meet to deliberate and vote on matters of common concern. This entity, of course, is the European Parliament (EP). Blatter notes that his proposal is agnostic in respect to the question of whether supranational approaches should be pursued and that it is embedded in a wider project that contains a proposal for increasing the transnational dimension of EP elections. If pursuing transnational representation in national parliaments were fully compatible with, or even conducive to, the strengthening of the EP as a site for pan-European democratic deliberation and decision-making, then all would be fine. However, there are at least two reasons why there may be a tension between the two pursuits. The first is more contingent: advocating and implementing the institutional reform proposed by Blatter would absorb a considerable amount of time and energy from political parties and activists, which might have otherwise been devoted to initiatives focused on the EP. The second is more structural: the inclusion of external representatives might well be used to justify attempts by national parliaments and governments to undermine the legitimacy of the EP and resist calls for its involvement in areas so far dominated by intergovernmental negotiations, notably the management of the Euro. Such a strategy would be attractive especially for governments and parliaments that have the upper hand in such negotiations. The possibility of a trade-off between the two routes towards the improvement of representation of interests across borders should not be dismissed out of hand.

Let us assume that such a trade-off is real. Which route deserves more support then? Some observers of European politics express legitimate doubts about the capacity of the EP to act as effective pan-European democratic forum. The main exhibits are the declining turn-out in EP elections and the fact that many voters use them to express satisfaction or (more often) dissatisfaction with the government in power in their country. These limitations are real, but they do not seem sufficient to rule out the EP as the most promising vehicle for the democratisation of the EU, including its intergovernmental components.⁴ Let’s consider some of its advantages.

Blatter states that “nation states prefer bi- and multilateralism to supranationalism”, but it is useful to unpack the notion of the “nation state” and try to gauge citizens’ views on the matter. According to the most recent Parlemeter, 48% of respondents across Europe want the EP to play a more important role in the future, 27% would like the EP to play a less important role in the future, and 15% of respondents spontaneously declared that they want it to remain as it is now. It is worth noting that the proportion of those wishing for a smaller role for the EP is significantly boosted by UK respondents, who – at the time of writing – are heading for the exit.

For the purpose of comparing the potential payoff of two strategies – one focused on national parliaments and one focused on the EP – it is also useful to ask which institutions command more trust, and consequently which institutions could provide a more effective platform for promoting transnational interests. Dustmann et al. analysed all rounds of the European Social Survey (ESS) between 2002 and 2014, and found that in every year covered the average European citizen had more trust in the EP than

³ Elster, J. (1998), ‘Deliberation and Constitution Making’, in Jon Elster (ed.), *Deliberative Democracy*, 97–122. Cambridge: Cambridge University Press.

⁴ Hale, T, and M. Koenig-Archibugi (2016), ‘Are Europeans ready for a more democratic European Union? New evidence on preference heterogeneity, polarisation and crosscuttingness’, *European Journal of Political Research* 55 (2): 225-245; Van Parijs, P. (2018), ‘Demos-crazy for the European Union: why and how’, in Luis Cabrera (ed.), *Institutional Cosmopolitanism*. Oxford: Oxford University Press.

in his/her own national parliament.⁵ The advantage of the EP over national parliaments is more pronounced among the young than among older respondents (this may have implications for which type of reform has more chances to energise grassroots activists). In northern European countries, national parliaments are often trusted more than the European Parliament but – interestingly – that is not true in every ESS round. This suggests that even in those countries the EP does not hopelessly lag behind national parliaments as the most legitimate forum for key decisions. (The exiting UK stands out, again, for its large proportion of EP-sceptical respondents).

Citing these opinion surveys only scratches the surface of a complex set of attitudes and, of course, we do not know how citizens would react to alternative institutional proposals. However, it seems that European citizens “get” the idea of a transnational parliament and quite like it. In my view, this gives EP-focused initiatives a distinct advantage over other schemes for institutional reform that stretch the political imagination.

In sum, I have argued that Blatter’s proposal would not quite amount to establishing transnational democracy, but it would be an improvement over the status quo in various ways. But the inclusion of external representatives in national parliaments entails a not negligible risk that the legitimacy of the EP might be undermined, when the EP still constitutes our best bet for strengthening the democratic accountability of European policy-making, including in monetary affairs.

I would like to conclude with a thought experiment. In his contribution to this debate, Joseph Lacey quotes what German finance minister Wolfgang Schäuble reportedly told Greek finance minister Yannis Varoufakis: “It is my mandate against yours” (Varoufakis 2017).⁶ Lacey notes that the euro crisis was not dealt with through more procedurally proper representative channels, namely the ECOFIN Council of Ministers, which operates under high consensus constraints. What if all key policy-makers had been operating under a mandate provided by the EP: to address the crisis in a way that reflected the will of the largest number of EU citizens, regardless of how that number was distributed geographically across member states? What would they have done?

Simplifying a lot, policy-makers facing a debt crisis centred on a particular member state have the choice between four courses of action: (a) providing a bailout and make it conditional on austerity policies by the recipient; (b) providing a bailout on terms that are compatible with a fiscal stimulus; (c) encourage austerity without providing a bailout; (d) encourage a stimulus without providing a bailout. Which course of action would have gathered the broadest support among EU citizens when the crisis surrounding Greek debt first broke out? I am not aware of any survey that asked respondents to rank these four options. But the responses to a Eurobarometer survey conducted a few months after the first bailout of Greece, in 2010, can offer us some clues. The two questions given in the table below are especially relevant. The table shows the percentage of respondents choosing each combination of responses (in the following I bracket the problem of non-separable preferences).

⁵ Dustmann, C., B. Eichengreen, S. Otten, A. Sapir, G. Tabellini and G. Zoega (2017), *Europe's Trust Deficit: Causes and Remedies*. London: CEPR Press.

⁶ Varoufakis, Y. (2017), ‘The six Brexit traps that will defeat Theresa May’, *The Guardian*, 3 May.

		“In times of crisis, it is desirable for (OUR COUNTRY) to give financial help to another EU Member State facing severe economic and financial difficulties.”	
		Totally Agree or Tend to Agree	Totally Disagree or Tend to Disagree
“Personally would you say that to emerge from the crisis rapidly, EU Member States should first reduce their public spending or should they first invest in measures to boost the economy?”	First reduce their public spending	(a) 25%	(c) 22%
	First invest in measures to boost the economy	(b) 31%	(d) 22%

Source: Eurobarometer 74.1 (fieldwork Aug-Sept 2010). Note: have been calculated without respondents who “don’t know” or who spontaneously responded that reducing and investing were “equally important”.⁷

Supposing that the four cells correspond to the four courses of actions summarized above, we note that none would have commanded an absolute majority of preferences among European citizens. If we make the assumption that a citizen who had two preferences satisfied (on austerity and on bailout) would be happier than a citizen who had only one preference satisfied (either on austerity or on bailout), and that the latter would be happier than a citizen who had none of her preferences satisfied, we can see that the course of action that would have left citizens happiest overall is (b): providing a bailout at terms that are compatible with a stimulus. Of course, the actual outcome of the Greek debt negotiations was (a). What this thought experiment suggests is that perhaps the supporters of (b) would have been more successful if they had demanded a genuine pan-European democratic mandate rather than invoking norms of national sovereignty, a strategy unable to stave off defeat when pitted against other sovereignty claims backed up by much larger amounts of material resources.

⁷ European Commission (2013), *Eurobarometer 74.1 (8-9 2010)*. TNS OPINION & SOCIAL, Brussels [Producer]. GESIS Data Archive, Cologne. ZA5237 Data file Version 4.2.0, doi:10.4232/1.11625; European Parliament (2018), *Parlemeter 2018 – Taking up the challenge: From (silent) support to actual vote*. Eurobarometer Survey 90.1, commissioned by the European Parliament, Directorate-General for Communication, Public Opinion Monitoring Unit, PE 628.262.

What is reciprocal voting meant to achieve and why shouldn't we aim for more?

Eva Erman^{*1}

Joachim Blatter rightfully worries both about the nationalist and populist tendencies in Europe and about the democratic deficit. His proposal for how to democratise the European Union (or the Eurozone) consists of what we may call a 'principle of reciprocal representation', through which a transnational voting schema is established. According to this schema, citizens get voting rights in the parliament of other states. The idea is, roughly, that every involved state permits its citizens to elect a limited number of special representatives who will bring their perspectives and interests into the decision-making process of other states in cases where they are subjected to or affected by a decision. It is reciprocal since if state A allows five representatives from state B, the same number of representatives from A will be included in B. However, since the citizens of A are (generally) less subjected to and affected by the laws and policies of B, their representatives are granted only limited rights and responsibilities. Realising the principle of reciprocal representation, Blatter argues, strengthens democracy in the EU without undermining national self-determination.

Blatter's proposal is innovative and thought-provoking. Since I am no expert in institutional design, I will instead point to weaknesses of the project as a whole. In my view, two aspects related to the overall aim or function of the account are severely undertheorised, not only in Blatter's proposal but in the literature on regional and global democracy generally. The first concerns the kind of principle intended, i.e., what the principle is meant to achieve. The second concerns its conditions of applicability, i.e., under what circumstances the principle applies. Satisfying these desiderata is crucial for a sound proposal, or so I shall argue. Doing so not only opens up space for improving the kind of account Blatter wishes to develop, but also makes the discussions about regional and global democracy more precise and nuanced.

What does the proposal aim to achieve?

I agree with Mathias Koenig-Archibugi that Blatter's proposal, if realised, would improve the status quo. This is a rather uncontroversial claim: with reciprocal representation, the decision-making in the EU would be better or more desirable than it is today. But better in what sense? To respond to this, we have to have a much clearer grasp of what *kind of principle* is intended. For example, is it a principle of justice, a principle of political legitimacy, a democratic principle, or something else? What sort of proposal is Blatter offering? According to Blatter, it is intended to be a democratic principle, or a principle of democratisation, but on closer scrutiny it is not clear why. Even if 'external' representatives justify their demand to vote on an issue by fulfilling the criteria proposed by Blatter – showing that their constituency will be subjected to or affected by the decision – the national representatives in question may decide to deny them this right, as long as they justify their decision to do so (here no criteria for justification are offered). This does not sound very democratic. Moreover, as stressed by Ludvig Beckman, 'external' representatives are allowed to vote only on a predetermined set of issues, and therefore have no control of the agenda, which is generally considered to be a fundamental property of democracy.² The control of the agenda includes the right to determine the distribution of power between public institutions, as noted by Beckman, but it also includes the power to shape the basic form of these institutions and the overarching societal goals and aims.³

* Stockholm University.

¹ Thanks to Ludvig Beckman and Rainer Bauböck for comments on earlier drafts of this paper.

² Dahl, R. (1989), *Democracy and its critics*. New Haven: Yale University Press.

³ Erman, E. (2018), 'A Function-Sensitive Approach to the Political Legitimacy of Global Governance', *British Journal of Political Science* (Online First).

Hence, it seems to be something other than democracy that Blatter's proposal aims to achieve. Perhaps procedural fairness would be one candidate – focusing on taking into consideration in the process all those whose fundamental interests are affected – perhaps something else. But until we know what kind of principle is intended, we cannot properly evaluate the soundness of his proposal. Actually, there is a general tendency in empirically-oriented democratic theory, in particular in a regional and global context, to see any strengthening of key values associated with democracy – such as participation, voting, accountability, deliberation, and so on – as instances of democratisation. However, we have to carefully distinguish the values that a normative theory expresses from their meaning, role, normative status, relative weight and internal relation within that theory. For example, the two key values of John Rawls' theory of justice are freedom and equality. But their meaning (roughly, basic liberties and equal opportunities), status, relative weight, and internal relation must be understood within the theory as a whole. Similarly, whether more participation, voting, and deliberation leads to more democracy depends on, for example, how these values are substantiated, their internal relation, and so on within the proposed theory.

How is the proposal supposed to be applied?

The second blind spot in Blatter's proposal concerns its *condition of applicability*, i.e., how and within what temporal horizon the principle is supposed to apply. What is the sought application of Blatter's principle of reciprocal representation? It seems to be a principle of a non-ideal kind in the sense that it takes as empirical premises several facts about current political conditions, such as the state-centred decision-making in the EU, current resources and the (lack of) motivations among those involved. Hence, it is intended to be realisable here and now with some effort or at least in the foreseeable future. But these assumptions about feasibility conditions should be made explicit, for we cannot judge the soundness of a principle, or its validity, until we know to what feasibility constraints it is tied. Thus, whether Blatter "offers too little", as Sofia Näsström claims, partly depends on his response to this concern. And above all, these feasibility conditions should be motivated and defended. Why are these conditions the most appropriate when theorising democratic principles for the EU? Even if we can realise fully a non-ideal principle within a limited time frame and realise only a little bit an ideal (even unachievable) principle, it is an open (and substantial) question which path we should choose. There is nothing in the full realisation as such that makes the first option superior from the standpoint of democracy.

In the debate on global democracy generally, there has been a tendency to dismiss more ideal accounts at the outset as being too unrealistic to be of interest or of any use at all. Despite this criticism of ideal proposals, critics have themselves been rather silent about the feasibility constraints tied to their own supposedly more realistic proposals. Instead, some underspecified notion of feasibility is either implicitly presumed or articulated but not motivated. This has led to a general confusion with regard to feasibility and what role it plays in theorising global democracy. While methodological and metatheoretical questions pertaining to feasibility have been intensively discussed in the philosophical literature on global justice in recent years, the progress made there has unfortunately not made its way into the debate on global democracy in political theory (Erman and Kuyper forthcoming).⁴

For sure, sometimes non-ideal proposals of the kind Blatter offers are exactly what is called for, to guide us in our efforts to take the concrete next step towards more democracy under current conditions, characterised by lack of motivation among political actors, widespread nationalism, right-wing populism and general Euroscepticism, and so on. But sometimes they might lead us into a deadlock, or prevent us from achieving what we can in terms of democracy.

⁴ Erman, E and J. Kuyper (forthcoming), 'Global Democracy and Feasibility', *Critical Review of International Social and Political Philosophy*.

If Blatter instead would have borrowed some of Näsström's optimism, which I wholeheartedly share, and construed his account under weaker feasibility constraints – say, demanding that a principle must be compatible with the basic features of human nature as we know it and be possible to achieve from the status quo – his commitment to the all subjected principle with regard to law-making would have entailed robust supranational arrangements for EU decision-making, at least in some policy areas. Such an ideal standpoint would not only be inspiring since it forces us to keep the bar high for what democracy requires; it may also be helpful in guiding our efforts to formulate non-ideal proposals for how to come closer to this ideal. With such a long-term outlook at our disposal, alternative non-ideal proposals might come to the fore which are more attractive than Blatter's since they are equally feasible, but make European decision-making more democratic, for example, by strengthening the European Parliament. On this view, and in line with Koenig-Archibugi, it seems that the European Parliament is the most promising vehicle for the democratisation of the EU under present circumstances.

Citizens and peoples? Transnational democratisation and the question of the demoi

Anna Meine*

In his kick-off contribution, Joachim Blatter proposes transnationalising nation-state constituencies and thereby “bringing international politics back closer to the people and [...] helping national parties and parliaments to regain their central place in representative democracies.” He argues that this constitutes a third alternative for reacting to nation-states’ current reliance on bi- and multilateral forms of intergovernmental rule-making that are democratically deficient – an alternative to accepting technocratic forms of intergovernmentalism as well as to supporting populist nationalism. Blatter thereby highlights the value of existing forms of democratic decision-making and, at the same time, aims to strengthen cross-border will-formation and decision-making. He tries to *institutionally* incorporate external perspectives into national democracies by changing the underlying constituencies themselves. Thus, he proposes an innovative system of horizontally overlapping memberships to counteract one of the weaknesses of transnational public spheres: their incapacity of translating transnational processes of will-formation into institutionalised decision-making.¹ These are good reasons to seriously engage with his thought-provoking proposals.

However, Blatter’s sketch exhibits crucial flaws when looked at from the perspective of democratic theory and democratic citizenship. Thus, I’d like to follow up on the preceding contributions, especially Ludvig Beckman’s argument, by assessing in more detail the constitution and the boundaries of the demos – or rather demoi – that underlie Blatter’s proposals and the challenges of transnationally institutionalising multiple citizenships and multiple demoi.

Oscillating between states/nations and citizens

In his sketch, Blatter combines statist/collectivist and individualist arguments. On the one hand, inter-state agreements constitute the foundation of the transnational schemes Blatter proposes and states are asked to grant each other’s citizens an equal level of political representation. On the other hand, individuals assume the role of consociated citizens because they are individually subjected or affected by another state’s decisions. They individually claim the right to elect representatives or stand for office in a consociated state and should accept the duties to recognise and identify with the transnational system of governance thus created.

Reading through the proposal, however, questions arise as to who constitutes the primary point of reference and which ‘agent(s)’ Blatter is referring to, as he oscillates between statespeoples’ and citizens’ perspectives:

- “Consociated representatives can claim that they have been authorised to represent specific perspectives and interests through a democratic vote.” Or, as Blatter puts it: “[T]he people of the consociated states will benefit in two ways.” But who exactly is represented, who holds representatives accountable, and who benefits? A statespeople in its entirety? Or the individuals who have actively assumed the role of consociated citizens?
- Even the title “Let me vote in your country and I let you vote in mine”, which plays on the motivational force of reciprocity in Blatter’s account (see Eva Erman’s contribution), is open to ambivalence: Who is actually speaking and, thus, entering relations of reciprocal representation? States’ representatives who agree on a joint declaration of interdependence? Statespeoples who open themselves up to each other? Or rather the potential consociated citizens?

* University of Siegen.

¹ See also: Fraser, N. (2008), *Scales of Justice. Reimagining Political Space in a Globalizing World*. Cambridge: Polity, 96.

To be clear, I don't think that including states' or statespeoples' as well as citizens' perspectives in one institutional scheme is a bad idea. I'd even argue that it can be a promising way to move forward when we discuss new forms of democratic institution-building which extend beyond nation-states. Recent contributions on nested citizenship or a mixed constituent power in the European Union try to accomplish just that.² However, to develop compelling proposals for democratic decision-making, we need to clearly distinguish between the different logics and define their scope – by highlighting the perspective of citizenship and citizens themselves.

In my reading, Joachim Blatter's proposal comprises three possible kinds of demoi: (a) the distinct national demoi of national citizens, (b) encompassing demoi that are composed of all members of the interlinked national demoi, (c) transnational demoi composed of national citizens *and* consociated citizens. For democratic decision-making to work, it should be clear who is part of the relevant collective or citizenry, i.e. the demos, at any given time.

These ambivalences in the proposal are not only a problem in themselves. They are also interlinked with further theoretical problems that concern the composition as well as the constitution of the overlapping demoi, especially in multilateral constellations.

Who are the citizens? Who is the demos?

Beckman forcefully makes the argument that the inclusion of a national proviso that enables the representatives of the national citizens to block requests by representatives of consociated citizens to participate in a formal decision-making procedure in parliament undermines the democratic credence of the institutional proposal because it divests consociated citizens of their control of the agenda. Consociated 'citizens' therefore may have some rights associated with citizenship but they do not hold equal power. As Joseph Lacey points out, national self-determination here trumps transnational representation. In the same vein, but reframing the issue, I argue that the question at issue in Blatter's national proviso is about the boundaries of the demos.

First, it is problematic that the decision on the constitutive question who the relevant citizens are and where the boundaries of the demos should be drawn is taken on a case to case basis and interlinked with the specific issue under consideration. Second, the decision on the boundaries of the demos and thus any attempt to transnationalise the nation-state constituency is unilaterally controlled by the national demos – not just in general, but every time specific decisions and thus interests are at stake. This move does not only undermine the logic of reciprocity Blatter attempts to establish. It also fundamentally devalues the individual consociated citizenships as well as the transnational demos.

The transnational demos is not recognised as a demos in its own right and provided with a secure place within the institutional setting Blatter envisions. Yet, in order for citizens to consider a decision democratic and legitimate, they need to know, at least in principle, with whom they take the decision. In other words, they need to know who the legitimate members of the demos are. This is not so much a question of identity and belonging as of the logic of democratic decision-making itself (*see* Meine³ 2017). Linking the constitutive decision on who is a member of a demos to specific issues and, simultaneously, allocating this decision to the national demos does not only put the boundaries of the transnational demos up for debate, but it also undermines, even more fundamentally, its status as a relevant demos, for national and consociated citizens alike.⁴ This is the underlying problem causing the

² See: Habermas, J. (2012), *The Crisis of the European Union: A Response*. Cambridge: Polity.

³ See: Meine, A. (2017), *Komplementäre Bürgerschaften. Demokratische Selbstbestimmung in transnationalen Ordnungen* [Complementary citizenships. Democratic self-determination in transnational orders]. Baden-Baden: Nomos.

⁴ In this sense, Blatter's proposal is different from the system of horizontally overlapping dual citizenships he takes clues from, because he stops short of creating a structure of clearly defined but overlapping demoi of national *and* consociated citizens.

“perceived legitimacy deficits” that Lacey fears.⁵ It undermines Blatter’s aim of providing a transnational demos and, thus, a constituency of national *and* consociated citizens with a say in processes of democratic decision-making that affect them all.

To make sense of Blatter’s proposal to transnationalise national constituencies, one could (1) conceive of a set of different, clearly delineated demoi, e.g. the national demos *and* the transnational demos, and develop an institutional scheme within which the place and the status of the distinct demoi are further specified. This, however, also requires (2) a separate answer to the question of who decides on the boundaries of the demos.⁶ Following Blatter, one option would be to go back to the inter-state agreement that underlies the proposal for transnational democratisation and include specific issue areas in which consociated citizens have a right to participate in nation-state decision-making. Another option, which acknowledges that these decisions might need to be made continuously, would be to assign these decisions to a distinct body such as an encompassing, supranational forum that combines states’ and citizens’ perspectives.

Equal members of a demos?

A second and related issue, which I will cover more briefly, concerns the internal constitution of the transnational demos. By limiting the rights and responsibilities of consociated citizens as well as the weight of their votes and voices, Blatter questions the idea of political equality. He proposes to establish different levels of citizenship according to a principle of proportional equality. As Matthias Koenig-Archibugi argues with reference to the European Parliament, the value of this proposal needs to be weighed against the risks it poses to democratic self-determination in general. Declaring citizens and consociated citizens to be part of a single supposed demos while fundamentally undermining the equality of their status troubles me. My point is: If we distinguish between different levels of citizenship, we create internal distinctions within the demos – first-class and second-class citizens if you like. Proportional equality can be of value in some contexts, such as an income tax. But the institutional framework of our democracies is not a context in which I am willing to give up on the principle of numerical equality as an expression of the equal political status of members of a demos. The reason is that, for all its shortcomings, it actually forces us to try to convince a majority of persons (or their representatives) to reach a legitimate decision – without regard to who they are or what they have. While there might be good reasons for individuals to hold a different number of citizenships in distinct demoi, the equality of the members within each demos should not be questioned.

Nested citizenships as alternative?

Protecting the equality of citizens on the one hand and delineating the boundaries and the contexts of distinct, yet overlapping, demoi on the other is possible, as illustrated by the case of dual nationalities. However, keeping track of different demoi within such a network of overlapping citizenships is not a trivial task. The question arises: Is this mode of decision-making really easier for citizens to understand and “closer” to them than a nested system of citizenships and decision-making, e.g. in the European context? Why is a combination of state and supranational decision-making as it is developing within the EU not at least an equally valid option? If we agree that, under post-Westphalian conditions, democratic self-determination might rely on different citizenships as well as different demoi, nested models of decision-making on national *and* supranational levels might turn out to be not only what the citizens want (see Koenig-Archibugi); they might also bring us closer to large-scale political change (see Näsström) and could even be a more feasible approach (see Erman). They also allow us to explicitly

⁵ Lacey’s proposals, e.g. citizens’ assemblies, avoid this problem because he abstains from trying to institutionalise political rights to participation in decision-making in the first place.

⁶ See: Näsström, S. (2007), ‘The Legitimacy of the People’, *Political Theory* 35 (5): 624-658.

recognise that for some decisions different perspectives – of the members of distinct states-peoples as well as of all (e.g. European) citizens – might be relevant and offer possibilities to institutionally combine these perspectives. As such, they can furthermore form an overarching framework within which it becomes possible to transnationally open national demoi to each other because the decision on who decides can be allocated to a more suitable forum. Without a shared framework that transcends the joint declaration of interdependence by states and declarations of interest and identification by individual citizens, a transnational network of overlapping citizenships that respects each demos' boundedness and status and protects the fundamental value of political equality of citizens seems hard to defend – to democratic theorists as well as to citizens.

Does transnational voting increase national sovereignty or democracy?

Antoinette Scherz*

What is at stake? National sovereignty or democracy?

Joachim Blatter argues that the increase in bi- and multilateral forms of rule-making might lead to either technocratic intergovernmentalism or populist nationalism. Therefore, he suggests transnationalising the voting in national parliamentary elections. Blatter worries that representative democracy in national states has been hollowed out by technocratic forms of intergovernmental rule-making. Yet, is this also true of the European Union (EU)?¹ Has the EU really hollowed out democracy within its member states, or is national sovereignty at stake instead? To begin, recall Rodrik's globalisation trilemma, which claims that we can have (at most) two of the following three things: 1) international economic integration; 2) national sovereignty; 3) democracy.² Given that one of the EU's main aims has been economic integration, at least one of the other two will suffer.³ However, how can we have democracy without national sovereignty? Rodrik argues that under global federalism, democratic politics would not shrink. Rather, they would relocate. Equally in the EU, the restriction of national sovereignty might be paired with the relocation of democracy to the supranational and transnational level.⁴ In contrast to other international or multilateral rule-making institutions, the EU has debated the question of democratisation for decades; different measures have been taken to this end, such as the expansion of the European Parliament's (EP) competences. In the EU, the issue is not so much democracy, but rather a loss of national sovereignty. The restriction of national sovereignty can also be normatively problematic, but this requires another argument besides the loss of democracy.

For Blatter, the problem lies in the perceived threat to democratic self-determination. This perception, in my view, points to at least three possible problems: 1) a failure of democratisation at the supranational, i.e. the EU, level; 2) a loss of national sovereignty, not democracy; and 3) a lack of trust in the EU's democratic institutions. While it is unclear that the loss of national sovereignty is necessarily a normative problem if it is not linked to a simultaneous decline of democracy, 1) and 3) present clear challenges to democracy. Regarding 3), the lack of citizens' trust in the institutional system, not just in a particular government, undermines the functioning of democracy. Reinforcing the transnational dimension of democracy can be helpful or even necessary in mitigating the first and third issue in a multilevel democracy such as the EU. As far as 1) goes, the jury is still out on whether the EP, as it is currently constituted, is fostering transnational discourse and interests (cf. von Achenbach 2017) or

* University of Oslo.

¹ In his contribution, Blatter only considers the Eurozone and not the EU as such. In order to determine how to institutionalise democracy between and beyond states, we need the comparison with EU institutions. To be sure, the fact that many of the EU procedures were not used in the aftermath of the Euro crisis creates substantive doubts about the reliability of the EU's democratic procedures, but we should still consider them and how they could be improved.

² Rodrik, D. (2000), 'How Far Will International Economic Integration Go?', *Journal of Economic Perspectives* 14 (1): 177–186.

³ Of course, one can and should question the normative legitimacy of economic integration as an aim. However, for the purpose of this paper, I will take it as a given because I think the differences between combining economic integration with national sovereignty and combining such integration with democracy can shed light on how Blatter's proposal compares to other institutional suggestions.

⁴ Supranational bodies have authority over several states and a certain degree of independence from national governments while transitional cooperation occurs horizontally between states and across borders. In the following, I will refer to supranational democracy as a shorthand for ideal democratic institutions for the EU. These can include not only supranational (e.g. the EP and the European Court of Justice) but also intergovernmental (e.g. the Council of the European Union) and transnational elements (e.g. exchange between national parliaments). For the EU, I believe that an ideal of democracy or multilateral democracy, which includes a strong transnational dimension, is appropriate.

whether improvements are possible.⁵ In this forum debate, Joseph Lacey, Mathias Koenig-Archibugi and Eva Erman have already proposed to strengthen or reform the European Parliament or to complement it with European-level democratic forums; I have argued elsewhere that the enforcement of these transnational dynamics could be achieved by electing a Europe-wide Subchamber of the EP.⁶

Blatter and I agree that the transnational aspect of democracy is essential to establish a viable democracy beyond the state. Therefore, Blatter's institutional proposal is a thought-provoking contribution to the debate on how to strengthen such transnational integration and trust. Whether this institutional alternative would fare better than the EP in terms of creating trust in EU institutions and perhaps even solidarity between European citizens is a question of political psychology, which I cannot answer. But the proposal is valuable insofar as it tries to address the general problem that democracies are only responsive to their own constituencies and the growing gap between responsive and responsible governments. On the one hand, elections force governments to be *responsive* to their own citizens and, on the other hand, *responsible* governments in office need to find feasible solutions in an interconnected world. Promising more than can be achieved during elections to please the voters and blaming the EU for problems pays out in the EU two-level-game. This dynamic benefits the rise of national populism. Another way to address these issues would be to increase the importance of the supranational level – in particular that of the EP – shifting decision-making power up from the national level and rendering it more a one level game (with the normative problems that are associated with this). Therefore, here I will focus on how the proposal of consociated transnational voting compares to existing supranational institutionalisation in the form of the EP.

Normativity and feasibility

First, we need to clarify whether Blatter's proposal is a normative recommendation that is left to nation states to implement, i.e. is it something states should do, or something we can expect them to do? In other words, is it about *normativity* or *feasibility*? I understand Blatter's proposal as claiming both (a) that the suggested transnational voting scheme is normatively desirable, and (b) that it is at least not completely infeasible. Of course, these two aspects are not unrelated. However, we should keep them distinct and highlight their differences in order to evaluate the proposal. A second question is whether the proposal is an alternative or an addition to current or improved supranational institutions. In the former case, both the normativity and the feasibility of Blatter's proposal are in competition with supranational forms of democracy. Some other commentators (e.g. Koenig-Archibugi and Erman) argue that the proposal is normatively desirable (i.e. better than the status quo), but that it might still be less desirable than the full supranational alternative. However, the proposal can overall be more desirable because it is more feasible. Although Erman is right that feasibility does not determine the overall desirability, it is still relevant if we want to compare the two options. In the latter case, the proposal is supplementing rather than replacing supranational solutions, which raises questions of compatibility.

The proposal's feasibility depends on whether the agreement of the individual states is required. Politically, there is hardly any other way in which it could be implemented. Further, such agreement is also normatively required. The decision to expand the national demoi in the proposed way would be problematic if constituted democracies were forced to include other demoi. However, if the states have to consent to the implementation, the most influential states become veto players. If states such as Germany and France refuse to join the multilateral consociation, it would be a futile project to create transnational democracy in Europe. Yet the incentives are likely to differ for the more and less powerful

⁵ von Achenbach, J. (2017), 'The European Parliament as a Forum of National Interest? A Transnationalist Critique of Jürgen Habermas' Reconstruction of Degressive Proportionality', *JCMS: Journal of Common Market Studies* 55 (2): 193–202.

⁶ Scherz, A. (2017), 'Representation in Multilateral Democracy: How to Represent Individuals in the EU While Guaranteeing the Mutual Recognition of Peoples', *European Law Journal* 23(6): 495–508.

states. The feasibility of the proposal also depends on establishing reciprocity for the more powerful states, which in turn depends on the particular institutional implementation of the proposal.

Institutional issues

First, if the “joint declaration of interdependence” is signed and representation is agreed upon bilaterally, a fixed percentage of representatives is included in both parliaments. However, when moving to multilateral representation between several peoples, these percentages cannot simply be cumulated, or else those states that are chosen by several states (i.e. states perceived as more powerful) would have to reserve a greater number of seats in their national parliaments. Therefore, Blatter suggests a form of multilateral or *diffuse reciprocity*. What does this mean? One can imagine that the percentages in the states that are selected more than others will be higher but not cumulative. Yet, this would be a disadvantage for the more powerful states. This is, however, an issue of feasibility since it is imperative for the success of the whole enterprise to have these states on board. Alternatively, the percentages could remain fixed for all states. In states that have been selected by more than one of the other consociate states, the reserved seats would be divided. The question again is: how? Counting all votes equally, assigning quotas for states for the consociated seats, or some other formula to account for the difference in population size between states? In any case, the influence of the citizens of less powerful states on legislation in the powerful states will be reduced by the numbers of other states that decide to send representatives. This means that one part of the proposal’s revolutionary potential is diminished, because the power relations between the interdependent states are not reshaped.

Second, the matter of generating reciprocity is further complicated by the *variety of domestic political institutions*. Besides the differences in institutionalisation of the parliaments and the importance of parliaments in the different domestic settings (cf. Beckman), the influence of consociated seats will vary depending on the party systems and the majorities in different national parliaments, even if the percentages of consociated seats are the same. Lacey is right to note that this is not a normative issue for Blatter, but I think it is one of feasibility. If there are constant discussions about the equality of representation in different states, the arrangement cannot be stable. One alternative way to institutionalise the representation of consociated citizens is to give their representative only deliberative rights, i.e. a voice but no votes. This would avoid several complications of the institutionalisation such as percentage, ratio, and restricted right. However, such an advisory role would hardly motivate the citizens and parties in the way that Blatter hopes.

Third, the appropriate percentage of consociated seats in national parliaments is hard to pin down. It would need to be high enough to be salient for voters and parties in order to generate the envisaged change in deliberation, but it should not be too high, in order to protect self-determination. It is likely that higher percentages would create more opposition to implementing the proposal, making it less feasible. However, the graver normative issue is that there seem to be incompatible values at the proposal’s core, namely national sovereignty and democracy (against the background of economic integration). The more equal and thus democratic the voting rights of the consociated and national citizens are (in terms of both the ratio and the issues on which they can vote), the less compatible they are with national sovereignty or what Blatter calls self-determination. Blatter seeks to strike a balance between the two values, which means establishing both in part. This, however, cannot erase the fact that there is a trade-off.

No equal status – no democracy

My main concern with the proposal is that I do not think that the restricted rights granted to consociated citizens are sufficient to establish democracy (similar worries have been raised by Beckman, Meine and Lacey). The fact that the ratio of representatives to citizens will be lower for consociated citizens, and that the voting rights of consociated representatives are subject to the consent of national representatives,

means that they do not enjoy the status of equal citizens. Democracy as a normative ideal is the political practice of equals who mutually recognise each other as such, in both deliberation and legal rights. The rights of consociated citizens are better than nothing, but they fall short of ensuring equality. Therefore, in my view, supranational forms of democracy (like the EP), which institutionalise a stricter equality, are preferable. Of course, such institutions have their own problems and need to be improved further. However, if we understand Blatter's proposal as an alternative to supranational institutions, the main difference seems to be that it strikes a different balance between national sovereignty and democracy. It seeks to protect national sovereignty (though more inclusive) or, in other words, the range of national decision-making, but at the cost of equality and thus democracy.

Finally, can the proposal supplement existing EU institutions? I think this is the most promising way in which to understand it. Yet, Koenig-Archibugi raises some important questions about the compatibility of the two projects. Additionally, I worry that voting in several national parliaments and the EP creates a complexity issue. Such complexity is not just a matter of feasibility; it is also normatively relevant as it can undermine the very goals that Blatter's proposal seeks to promote: returning politics to the people and empowering parties and parliaments. In conclusion, the proposal's feasibility is difficult to evaluate because it depends on its specific institutionalisation, which is not yet clearly defined. The institutional questions that I have raised do not show that the proposal is unfeasible but since its feasibility is questionable, it is not preferable to the supranational option on grounds of feasibility. In terms of normativity, I have doubts that the proposal promotes democracy better. Although it might increase national sovereignty, this is normatively less important than democracy if we have to choose between the two. We do not face this dilemma if we are willing to give up (some of) the economic integration instead. So, in my view, both the feasibility and the normativity of Blatter's proposal are not superior to those of supranational institutions. Nevertheless, I believe that the proposal highlights that the transnationalisation of parties as well as public discourse (the media, in particular) remains an unresolved issue for the EU and requires action. Furthermore, in order to protect democracy, it has to be ensured that existing institutions such as the EP cannot be sidestepped in the decision-making process.

Reciprocal representation of the unaffected?

Michael L. Frazer*

It is entirely possible for similar political institutions to serve very different purposes. An institutional reform which was originally suggested for one set of reasons may therefore be adopted for entirely different ones.

The provocative institutional change suggested by Joachim Blatter in this forum, which I will follow Eva Erman in calling “reciprocal representation,” is defended by Blatter and his predecessors as a means to include more of those outside a nation-state who are affected by a nation’s policies in the formulation of those policies. Previously, I have suggested a similar set of institutions to perform a very different function—to empower those who are *unaffected* by a nation’s policies, allowing them to serve as impartial arbitrators and to solve problems in ways that may be unavailable when only those affected are included.¹ I will argue here that reciprocal representation is better suited to serve this latter purpose than it is to serve the former.

Blatter is surely correct that, in our age of ever-increasing global interconnectedness, it is incumbent upon us to “avoid the Scylla of technocratic intergovernmentalism and the Charybdis of populist nationalism,” and that the only way to do so is with some form of democratic internationalism. Political philosophers have defended this as a corollary of “the all-affected principle,” the democratic commitment to the inclusion of all those affected by a given political decision in the relevant decision-making process.²

Several commentators have already raised the question of whether Blatter’s specific institutional recommendation is the best way to achieve the democratic internationalism we require. Together, they make a convincing case that international democracy would be best achieved by strengthening existing transnationally representative institutions like the European Parliament instead of by adding transnationally reciprocal “consociated” representation to national representative institutions as Blatter advocates.

Blatter opens himself up to this criticism by tying his proposal so tightly to the all-affected principle, advocating reciprocal representation if and only if two or more nation-states regularly affect each other’s citizens. After states sign a “joint declaration of interdependence,” citizens then sign “declarations of interest and identification” in which, among other things, “they declare that they have a legitimate interest in participating in the will-formation and decision-making processes of the consociated state because they are subjected to the joint regulations and/or systematically affected by the policies of the other state.” When states and their citizens are acknowledged to be so tightly interdependent, conditions are ripe for the creation of a single transnationally representative institution like the EP as a unified, permanent forum for decision-making in relevant areas of policy.

Among its other advantages, the European Parliament allows us to uphold the central democratic principle of the equal political status of all individuals, as Anna Meine and Antoinette Scherz complain that Blatter does not. By creating a transnational institution with certain limited powers, rather than by adding a class of second-class semi-citizens with only limited rights and responsibilities, power is shared between national and transnational agents without creating multiple, unequal levels of political rights for individuals.

Meine is particularly concerned that the role, if any, of consociated representatives is decided on a case by case basis depending on who is affected by the specific issue under consideration. Blatter insists

* University of East Anglia.

¹ Frazer, M. (2014), ‘Including the Unaffected’, *Journal of Political Philosophy* 22: 377-395.

² Näsström, S. (2011), ‘The Challenge of the All-Affected Principle’, *Political Studies* 59: 116-134.

that every time consociated representatives participate in decision-making they “have to justify their demand by highlighting how their constituency will be subjected to or affected by the decision.” Blatter seems to interpret the all-affected principle as, in Robert Goodin’s words, an “all *and only* affected interests principle”.³ Whenever those unaffected by a decision participate in making it, Blatter seems to believe that democratic legitimacy is threatened.

Yet even among those who interpret the all-affected principle as the all-and-only-affected principle, few try to apply the principle in as fine-grained a manner as Blatter does. Robert Dahl, for example, says that a claim to inclusion in a political unit “cannot be justified if it is advanced by persons whose interests are not significantly affected by the decisions of that unit”.⁴

Once they have established a moral claim to membership in a given demos as a result of being significantly affected by its decisions, voters and their representatives in Dahl’s system have a right to contribute to its decisions on all matters, even those that will never affect them in any way. This is how suffrage works in virtually all existing democratic institutions. School policy is partially set by those without children, meat safety standards by vegetarians, and so on.

The larger and more diverse a democracy is, the more likely it is that a significant percentage of the decisions that my representatives make in my name will be about matters that do not affect me. For those with a strong commitment to the all-and-only-affected principle, this might be a reason to insist on small, homogenous states, or perhaps a highly federalized constitution that keeps as much power on as local level as possible. While there is a long tradition insisting that democracy works best on such a small scale, there is a counter-tradition, with its roots in the work of American founders like James Madison, which sees the size and diversity of large democracies as a decided advantage. Widening the sphere of political deliberation to include many who are unaffected by a given decision, in this tradition, helps cool the passionate factionalism of those directly affected.

This is why it is so valuable to include those unaffected by a given political decision in the decision-making process. Unlike those affected by a decision, the unaffected have no right to participate on democratic grounds. They may, however, nonetheless improve the quality of the decision being made, most notably through the introduction of their naturally impartial perspective on the matter. Rather than a means of empowering foreigners affected by a representative institution’s decisions, a version of reciprocal representation could be a means to introduce the perspective of the unaffected into that institution’s deliberations.

Committed democrats, of course, are not only concerned about the quality of political decision-making; they are also rightly concerned about its legitimacy. For Dahl, to empower unaffected outsiders in making a polity’s binding political decisions would be to abandon popular sovereignty for an illegitimate form of Platonic guardianship.⁵ This is why it is so important to emphasize the *reciprocity* in reciprocal representation. Unlike the equal citizens in an Aristotelian polis, Platonic guardians only rule, and are never ruled in turn. The same would be true if representatives of the unaffected were to make political decisions for others without agreeing to have others do the same for them. This would essentially be a form of colonialism, denying self-rule to others while claiming it for oneself.

The unique moral legitimacy of democracy is grounded in our commitment to the principle that all must equally rule and be ruled in turn. This principle is usually interpreted to require that all who are affected by a set of laws and policies must have equal power over their formulation; one of the reasons that Blatter’s proposal for a kind of semi-citizenship strikes many as unacceptable is because it violates this usual interpretation of political equality. A different instantiation of equality, however, could

³ Goodin, R. E. (2007), ‘Enfranchising All Affected Interests and Its Alternatives’, *Philosophy and Public Affairs* 35: 40-68, 56-59

⁴ Dahl, R.A. (1989). *Democracy and its Critics*. New Haven: Yale University Press, 208

⁵ Dahl, R. A., 151

involve all of us agreeing to bind ourselves to laws created, at least in part, by unaffected outsiders, while at the same time playing an equal role in political decisions that do not affect us. As Blatter observes, the reciprocity required can be specific and bilateral—that is, a direct trade of representatives between two states—or diffuse and multilateral, involving complex networks spanning many states. As long as all the exchanges of representatives are carried out by mutual consent, and as long as (as Beckman puts it) the powers surrendered are equal to the powers granted, then including the unaffected is fully compatible with democratic legitimacy.

The main reason to include the unaffected in this way is because our current global crisis is not merely a crisis of democratic legitimacy. As technocratic intergovernmentalists face increasingly resentful populist nationalists, we are also in a crisis of ever-increasing polarization. Citizens of many developed countries are feeling increasingly alienated from their fellow-nationals, seeing themselves as warring camps living in different moral and epistemic universes. Inviting impartial, unaffected arbitrators to intervene in domestic politics is one promising way to help bridge these seemingly insurmountable divides.

Of course, using reciprocal representation to provide impartial arbitration of domestic disputes would look rather different than using it to increase the democratic legitimacy of national policies with transnational effects. Blatter's proposal emphasizes the need for exchanges of representatives within Europe, since so much of what European nations do affects one another. My proposal would instead suggest exchanges between European nations and those distant others least affected by intra-European affairs. Not only could arbitrators from outside Europe help bring an impartial perspective to problems within it, but, given Europe's imperialist history of meddling in the affairs of others, it is a matter of basic reciprocity that Europe now be ruled in turn. As I am writing, the UK is tearing itself apart over its border with the Republic of Ireland. Prudence and justice alike suggest that Indians and Pakistanis may be the ones who should, at least in part, have their turn to draw lines on someone else's map.

In defence of adhocery. Transnational democracy should be (mostly) issue-specific

Rainer Bauböck*

Joachim Blatter's proposal for transnational representation in national parliaments ticks many of the right boxes. It presents a detailed institutional solution to a burning problem of democratic legitimacy; it acknowledges inevitable trade-offs between the democratic goals of including affected interests and preserving territorial self-government; and it tries to harness the self-interest of political parties so that they would be motivated to bring about the desired transformation.

I would thus defend Blatter against many of his critics in this forum. Sofia Näsström does not like the reformist spirit of Blatter's model and calls for being "as naive and unrealistic as the populists" by "proposing visions for the future that people may believe in, even if the horizon is a distant one". It is time to learn the sober lesson that protest movements that focus on a broad agenda of social and economic transformation - from Occupy Wall Street to the *gilets jaunes* - can invigorate democracy but invariably fail to achieve their goals if they shy away from spelling out concrete reforms and from entering the electoral arenas to fight for these reforms. Even those who think that liberal democratic institutions are beyond repair should better think harder about what to replace them with if they want to have an impact in the power game of democratic politics and be more than just the gadflies of liberal democracy.

Why theorists should get real

Ludvig Beckman, Eva Erman, Anna Meine and Antoinette Scherz raise some important objections against Blatter's scheme of transnational representation from the vantage point of democratic theory. However, we should acknowledge that normative theorists of democracy deeply disagree amongst themselves when addressing questions such as who should be included in the demos and what is the value of national self-determination. If democratic support for a reform proposal depended on a consensus among theorists it would never get off the ground. Of course, this is a forum of academics discussing an institutional reform proposal and they will naturally assess it by testing it against their preferred conception of democracy. I will do so as well in this contribution. However, if we want our critiques to be of any relevance for political actors, they should lead to better proposals how to address a real-world problem rather than merely register inconsistencies with our own preferred version of democratic theory. We may then hope that our proposals can be supported by an overlapping consensus among citizens who do not necessarily subscribe to our theories.

So let me start by endorsing Blatter's question. There is a growth of intergovernmental governance through which national executives and technocratic experts impose solutions that democratic legislatures have little control over. This is the result of growing interdependence between notionally sovereign states that makes it increasingly impossible for them to control their own political agendas. At the same time, this entails that decisions taken or merely ratified in one national parliament can have huge impact on the citizens of other countries without those ever having a say. One response to these circumstances is to scale up democracy to a supranational level. The Member States of the European Union have pooled their sovereignty and created (strong) mechanism of democratic representation and (still weak) accountability for supranational governance. A number of commentators in this forum (Mathias Koenig-Archibugi, Eva Erman, Anna Meine and Antoinette Scherz) prefer a further strengthening of the European Parliament, e.g. through transnational party lists or a Europe-wide second chamber, to Blatter's horizontal and reciprocity-based transnationalisation of national parliaments. However, the example of the Greek debt crisis that Blatter uses for presenting his proposal, as well as the 2015 EU crisis over refugee admission and relocation, illustrate well that this may not be a sufficient

* European University Institute and Austrian Academy of Sciences.

response. Even if a plurality of EU citizens might have endorsed debt relief combined with anti-austerity policies, as Koenig-Archibugi argues, it remains unclear whether and how European legislators could have legitimately imposed such policies on Member States such as Germany, sidelining their national parliaments.

Ad hoc responses to transnational spillover

Yet I also have my doubts whether Blatter's scheme would have achieved a better outcome by empowering national parliaments to reign in executive intergovernmentalism and technocratic imposition. Would a handful of German delegates in the Greek Parliament and of Greek representatives in the Bundestag have swayed the legislators to endorse a different reform package for Greece or would their protests instead have further stoked populist outrage about the capture of national sovereignty by foreigners in both countries? In any case, the inclusion of some delegates elected by foreign voters whose powers to set political agendas remain limited seems like a reform that would not have matched the crisis in terms of scale and urgency.

The scale and urgency of the crisis were invoked by the dominant political actors to justify emergency measures that failed to meet conditions of procedural democratic legitimacy. Yet alternative ways of negotiating might have been possible that could have secured greater legitimacy by involving parliaments. Instead of leaving governments in charge, we can imagine that the Greek Parliament and the Bundestag could have initiated an ad hoc deliberative assembly composed of parliamentary delegates in which the various policy proposals would have been debated and recommended for approval or rejection by the national parliaments.

There are other situations in which it seems appropriate to transnationalise not only representative but also direct democracy. Suppose that the British government fails to prevent a hard Brexit. Shouldn't voters in Northern Ireland and Southern Ireland be given the opportunity to vote in a referendum on whether they agree to reintroduce a hard border that divides the island and risks rekindling sectarian violence?

Take as a third case the refugee relocation crisis that involved all Member States, albeit in very unequal ways, dividing them along lines of national interest into first admission, transit, destination and bystander countries. Joseph Lacey suggests a deliberative European citizen assembly that serves as a monitoring body for national parliaments and the European Parliament. Imagine that such an assembly had been created ad hoc by the EP or the Commission and with a single issue mandate: to come up with policy recommendations on how to distribute responsibility for refugee protection among EU Member States. Its members would have been selected randomly from national voter registries and would have deliberated on this issue after listening to inputs by national governments, the EU Commission, the UNHCR and independent experts. It is possible that its advice would have been ignored, but I guess that it might have carried considerable weight.

These three examples illustrate cases where there is an undisputable spillover of policies across international borders that massively affects the citizens of other countries. Blatter's scheme of reciprocal transnational representation does not capture these cases well, because it must be set up long in advance of such crises and is thus not adapted to their specificities, because it involves only countries and individual citizens in these that have chosen to consociate, and because it limits the impact of transnational representation in order to preserve national self-determination.

Who has a claim to authorise the government?

I do not only have doubts about how effective Blatter's proposal is in addressing the problem, but also about the theory of democratic legitimacy from which it emerges. As I have argued elsewhere,¹ democratic legitimacy requires that affected interests must be taken into account before a decision is taken. Depending on the strength of negative impact, "taking into account" can mean that decision-makers need to consider such interests, that they have to invite delegates representing such interests to participate in legislative deliberations, or that they ought to give externally affected populations a veto over the policy. Including externally affected interests in any of these ways does, however, not require expanding the demos.² In large scale representative democracies, the demos is not a decision-making body. It consists instead of permanent members of the polity who authorize governments that exercise power over a territorial jurisdiction and parliaments that are free to set their own political agenda. Democratic theorists who argue for including all affected interests in the demos confuse the tasks of deliberation and decision-making with the task of authorizing decision-making bodies. If non-residents who have no claim to citizenship could vote in national elections, the state's citizens would be dominated by outsiders.

Blatter's scheme is aware of this danger and sits therefore on the fence between those who argue for expanding the demos to include externally affected interests and those who reject this idea for the sake of preserving the integrity of territorial self-government. As this forum debate has shown, Blatter's proposal can be interpreted either way. If it is meant to expand the national demos by including potentially affected external interests, then it would indeed be problematic to count the votes of consociated citizens unequally and to give their delegates lesser decision-making power than the regular parliamentarians enjoy, as Beckman, Erman and Meine point out. If, however, representatives elected by externally consociated citizens have primarily the role of providing deliberative input but cannot set the parliamentary agenda, then the consociated citizens are not members of the demos and have no claim to equality.

Extraterritorial interests that have a claim to be included in democratic deliberations and decisions are actually, not potentially affected ones. They can be known only once a legislator has tabled a proposal that would have a predictably impact. As they cannot be known far in advance, they are better captured through tailor-made ad hoc arrangements, such as those that I have mentioned above. But what about structural interdependencies between groups of states, such as those that bind together EU Member States in a shared destiny that they cannot fully escape even through exiting from the Union - as the troubles with Brexit demonstrate? Here I side with those contributors to this debate that point to the European Parliament. Blatter's horizontal scheme of reciprocal representation seems less suited as a response to such interdependence than the nested multilevel democracy that has gradually evolved in the EU through strengthening the powers of the EP.

Including the unaffected

Michael Frazer has thrown a wrench into our debate by arguing for reciprocal transnational representation on very different grounds. Letting non-citizen non-residents elect a few representative is more likely to represent unaffected interests than affected ones, which could be justified if it improves the impartiality and epistemic quality of parliamentary decisions. And reciprocity would guarantee that no polity is unilaterally dominated by being exposed to unaffected foreign voters (see also Frazer 2014).³

¹ Bauböck, R. (2017), *Democratic Inclusion. Rainer Bauböck in Dialogue*. Manchester: Manchester University Press.

² Bauböck, R. (2018), 'Specifying the three inclusion principles – a reply to Biale, Pellegrino and Ottonelli', in *Who Belongs to a Democratic Demos. The Boundary Problem and Its Solutions. Symposium on Rainer Bauböck's Democratic Inclusion*, Biblioteca della Libertà, vol. LII, 221, 57-72

³ Frazer, M. L. (2014), 'Including the Unaffected', *The Journal of Political Philosophy* 22 (4): 377-395.

This is a fascinating argument. If interpreted as an alternative principle to including actually affected interests it would radically undermine democratic self-government. As an postmodern exercise in a "devastating politics of laughter", Jerry Frug proposed to give every American citizen "five votes that they can cast in whatever local elections they feel affect their interests".⁴ Along similar lines, Robert Goodin and Ana Tanasoca have suggested to remove the special privileges of dual citizens who can vote in two national elections by giving everyone a vote everywhere, so that "everyone would be able to exercise the same amount of power over the world through their votes".⁵ Note that both these proposals still adhere to the idea of including all potentially affected interests, but they do not aim at all to track actual affectedness and are thus easier to justify on grounds on Frazer's principle of including unaffected interests. The effect would be to abolish territorial self-government altogether since neither local nor national governments would then be authorized by and accountable to their particular demoi. The election of governments would become instead somewhat like a beauty contest in digital social networks.

Frazer himself does not endorse this interpretation of a principle of including unaffected interests. He maintains instead that "unlike those affected by a decision, the unaffected have no right to participate on democratic grounds". Yet if the point of including unaffected interests is to improve the quality rather than the legitimacy of decisions, I wonder what the argument is for including the representatives of unaffected interests through democratic elections. Would it not be better to select them randomly, as with citizen juries, in order to avoid the false impression that they represent a specific constituency and its interests?

Conclusion: Three prongs for strengthening transnational democracy

The conclusion I draw from our debate is that national democracies must be transnationalised through various means depending on the specific problem that is at stake. When states have chosen to form a union in order to secure peace among them and to maintain their national self-government while promoting their common interests, they become structurally interdependent in a way that requires democratising their joint supranational government. This is why strengthening the European Parliament has been the right response to the democratic legitimacy deficit created by deep immersion of European states in intergovernmental decision-making.

When a policy or decision of a particular state impacts profoundly on the capacity of other states to govern their own economy and society, the externally affected interests must be taken into account or else the policy becomes democratically illegitimate. This is the proper meaning of the principle "quod omnes tangit ab omnibus approbetur". Permanent schemes of reciprocal voting and representation like Blatter's are unlikely to capture these interests adequately. Ad hoc arrangements, such as joint interparliamentary deliberations or transborder referendums would do a better job.

Finally, decisions and policies that affect other states are less exposed to scrutiny within a shared public sphere (as pointed out by Lacey) and more likely to be distorted by special interests. Frazer is thus right to emphasize the virtue of including unaffected interests in order to improve the quality of such decisions. Involving ordinary citizens in addition to professional arbitrators, technocratic experts and standing courts might enhance the legitimacy of such decisions in the eyes of the affected citizens. But this does not amount to an argument for reciprocal transnational representation of unaffected interests.

⁴ Frug, J. (1993), 'Decentering Decentralization', *The University of Chicago Law Review* 60 (2): 253-338, 226, 329

⁵ Goodin, R.E. and A. Tanasoca (2014), 'Double Voting', *Australian Journal of Philosophy* (DOI: 10.1080/00048402.2014.913300), 756

Re-inventing the wheel? Reciprocal representation in Bentham and Blatter

Peter Niesen*

Cosmopolitans are not all of one kind, and I applaud Joachim Blatter for keeping open a neglected avenue of great cosmopolitan potential with his proposal to introduce foreigners' reciprocal voting rights in parliamentary elections. Indeed his is one of the more credible cosmopolitan suggestions to have been formulated from a recognisably '*demoi*-cratic' point of view. Blatter gives institutional shape to what other *demoi*-crats have so far merely hinted at, i.e. the transnational opening up of consociated peoples for the recognition of each other's interests. Under his proposal, one can see clearly that the political fates of interdependent peoples should not just depend on awarding each other some material entitlements, such as mobility and migration rights, rights to free commercial exchange, and guarantees for similar first-order interests. Their cooperation and coexistence systematically depends on outsiders' political inclusion in domestic weak and strong publics, which is why Blatter's suggestion is a timely one in a transnationalising world.

Having praised Blatter for his modernisation of the *demoi*-cratic paradigm, it must be said that it is curious that he should propose this particular model as a reform suggestion for the European Union. As contributors to the debate have noted, compared to the current state of integration of the EU, Blatter's plan would amount to a manifest regression.¹ In the European federation, a pan-European citizenship status has already been established that grants EU citizens direct electoral powers to the European Parliament, a co-legislative organ, at the same time generating a claim for them to be part of a supra-state constituent power,² and not just candidates for electoral rights in cross-border legislative participation. In the current political and theoretical climate, Blatter's suggestion must be read together with the disintegration tendencies induced by the crises he vividly presents. However, common solutions to financial, labour market, or migration crises are not to be expected from brokering the interaction between 27, or 19, coordinated parliaments, but from concerted initiatives of the member states and the organs of the EU, under pressure from a slowly awakening EU citizenry. So if Blatter's proposal is "too little too late" (Näsström) as a reform proposal for the European Union, what is it good for? I see its strengths more as a model of political integration in contexts where regional unions have not yet reached the degree of cohesion the EU has already established. In such contexts, Blatter's consociationism can serve as an important contribution towards peaceful cooperation, and perhaps as a preparatory step toward establishing supranational organisations.

To make my point, I want to add some historical depth to the debate in introducing (what seems to me) an important predecessor of Blatter's scheme. During the French Revolution, Jeremy Bentham put forward a recommendation to exchange parliamentary delegates between enemy countries. Despite the fact that it was a non-starter at the time, he returned to a similar suggestion in the 19th century, when working out his version of cosmopolitan constitutionalism. In going back to Bentham, we will need to confuse the tidy categorisation of principles suggested by Eva Erman, since his suggestions were normatively much overdetermined. While I do think that some plausible standards as adduced by Erman, such as equality, legitimacy, and epistemic quality will have to operate as side constraints to all institutional innovations, my claim will be that reciprocal representation can serve a transformative purpose, as securing the conditions for supra-national integration. I focus on the task of creating trust and peaceful understanding between peoples.

* University of Hamburg.

¹ Blatter argues that his suggestion is "agnostic" (Fn. 2) vis-a-vis supranational democratic integration, but his interpretation of the Euro crisis shows that he is skeptical of the problem-solving capacities of vertical institutions beyond the nation state. At no point does he tie his suggestion to the existing European constitutional setup.

² Patberg, M. (ed.) (2017), Symposium: The EU's Pouvoir Constituant Mixte. *Journal of Common Market Studies* 55 (2), 165-222.

Bentham thought that all parliaments would profit from admitting a handful of foreigners. In two successive campaigns, he called for foreigners' participation in representative assemblies. His two approaches to the issue, one early, one late in his career, result in two different proposals that need to be distinguished, and can thereby shed some light on advantages and disadvantages of Blatter's suggestion. The first version, a model of 'reciprocal representation',³ was developed in the context of the Franco-English confrontation induced by the French Revolution. In such a situation, Bentham thought, reciprocal representation could be conducive to trust between nations, and perhaps to peace:

Were the French and English legislature to interchange a few Members, there could not be a more powerful means of wearing away those national antipathies and jealousies which as far as they prevail are so disgraceful and so detrimental to both countries.⁴

While the proposed exchange of delegates is to counter nationalistic sentiment, the cosmopolitan character of Bentham's suggestion is limited in two ways. The first feature is that the scheme is designed to accommodate only a single foreign country and address a particular historical experience of conflict. It does not seem far-fetched to argue that Bentham's suggestion echoes the system of appointing "war residents" in enemy countries under early modern international law.⁵ In line with Blatter's suggestion, however, reciprocal representation could easily be extended to any number of countries and therefore reach regional or, perhaps, global scope. Since it is not implausible that the danger of war may arise between any two countries, a systematically enlarged system of reciprocal representation may avoid this difficulty. The second feature is that the normativity of the requirement of foreigners' representation, in Bentham's scheme as well as in Blatter's, cannot simply stem from its voluntaristic origins in a reciprocal compact between peoples, or in a joint 'declaration of interdependence'. Those only seem to ratify prior relations of influence, and make exchanges of parliamentarians narrowly rational. But arguably, the danger of war could be seen as counting as a relevant interdependency relation in Blatter's account, too. If appointing foreign delegates is conducive to peace, or has other important advantages, a unilateral anticipation of foreigners' claim to representation could be mandatory and prepare the way towards a reciprocal cooperative system among states.

³ The term 'reciprocal representation' was introduced by Philippe Schmitter (1997:303-5). Schmitter suggests that neighbouring sovereign nation states are to award each other two or three seats in their respective parliamentary assemblies. Such representatives are to have debating rights and rights of documentation, but no voting rights. Reciprocal representatives could then supplement the normal channels of diplomatic relations by publicly highlighting problems that might arise and thus embody an "early warning system" for policies that could negatively affect the citizens of their respective home countries. Bentham's first suggestion and Blatter's proposal are both more ambitious than Schmitter's in that they do not pre-empt reciprocal representatives' voting rights. Both are also more universal in scope than Schmitter's since they do not require that representatives belong to neighbouring states. See: Schmitter, P.(1997), *Exploring the Problematic Triumph of Liberal Democracy and Concluding with a Modest Proposal for Improving its International Impact*. In Axel Hadenius (ed.), *Democracy's Victory and Crisis*. Cambridge: CUP, 297-307.

⁴ Bentham leaves it open whether he would like to extend voting rights in addition to debating rights to the foreign parliamentarians. He does not comment on the electoral details of the process, but an "interchange" of parliamentarians does not seem to require breaking up the integrity of nation state elections. It is consistent with Bentham's proposal that parliaments should reciprocally co-opt their respective members. Here Blatter adds a crucial cross-border electoral dimension that clarifies the principal-agent relation, although, as Anna Meine and Rainer Bauböck have argued, the authority of the relevant *demoi* is not crystal clear. See: Bentham, J. (2002), 'Projet of a Constitutional Code for France'. In Jeremy Bentham, *Rights, Representation and Reform*. P. Schofield, C. Pease-Watkin and C. Blamires (eds.). Oxford: Oxford University Press, 227-262, 250

⁵ "When war has broken out, a palliative for its evils might perhaps be found in the appointment of war-residents, to provide for prisoners and to prevent violations of the laws of war. Will it be said, that in quality of a spy such residents would be to be feared? An enemy known to be such, could scarcely be a spy. All the proceedings of such residents should be open, and all his letters subjected to inspection. At present, foreigners are scarcely excluded from an enemy's country—scarcely even military men or ministers; and so soon as it is wished to employ a spy, could not a native be found? A resident of this character could always be employed as a channel of communication, if an accommodation were desired". See: Bentham, J. (1843) 'Principles of International Law'. In Jeremy Bentham, *Works*. J. Bowring (ed.), Vol. II. Edinburgh: Tait, 545

More than thirty years after the French Revolution, after turning his attention to constitution-making in the Americas, Bentham picks up his old suggestion again and sheds the reciprocity requirement:

In the case of a legislative body the members of which are freely chosen by the people, why should not they aggregate to themselves a few members, selected by them from other political states, associates, whose constitution bears more or less analogy to theirs. [...] An aggregation of this sort would be - not only a source of information, but a bond of fellowship.⁶

Here Bentham talks explicitly of the unilateral advantage of adopting some foreign delegates. He again highlights the perspective of generating friendship and trust, but his main point is one of political quality:

In the case of these foreign associates, to the right of speech and motion need not, nor should, be added the right of suffrage: for, to any use, derivable from information, afforded by a man in the character of a witness or an advocate, would be applied - not addition but subtraction, by any share, given to him in the power of a Judge. Power, it would not be competent to them to give: information, so it but afforded any the least promise of being of use, no man can be incompetent to receive.⁷

Bentham's suggestion differs from Blatter's in not awarding foreigners' representatives decisional capacities. But it is crucial that in addition to debating rights, Bentham envisages initiative capacities ('motion' rights) for them. In this, he awards them agenda-setting competences. They can force parliament to discuss and decide on an issue, although they cannot prejudice its decision. It is true that Bentham mainly highlights the epistemic advantages of foreigners' representation, an advantage that Michael Frazer has likewise recommended in Blatter's proposal, and thereby opens himself up to legitimacy-based arguments. I fear that disallowing such arguments altogether by reference to the all affected interests-principle or the all subjected-principle, as Rainer Bauböck has suggested in his comment, enforces a serious impoverishment on our debates, and on the functions of parliamentary representation. At any rate, Bentham dodges strong legitimacy-based objections concerning over-inclusion since he offers initiative and deliberative rights, but withholds voting rights from foreigners' representatives in parliament. The foreign members' competence is restricted to an "influence of understanding over understanding", while they do not partake of an "influence of will over will", as manifested in voting rights.⁸ Those who reject Blatter's proposal since they adhere to a strict interpretation of the all affected interests or all subjected principle may still find Bentham's weaker suggestion useful.

In restricting the intake of foreign parliamentarians through a condition of constitutional similarity, Bentham's proposal parallels the constitutional quietism that Ludvig Beckman has criticised in Blatter's proposal: Foreigners' representation, in order to be useful, appears to require institutional similarity. However, Bentham's restriction seems to be motivated by the need to identify trustworthy and usefully experienced candidates in similar practices of constitutionalism, and not by an expectation of their ideological conformity. The transformative character of his model is highlighted by the fact that Bentham suggests foreign parliamentarians might be especially welcome in recently decolonised countries. Bentham betrays little sensitivity for the circumstances of decolonisation, especially if delegates from the former colonising country are not to be excluded from candidate status. But young, consolidating democracies may find it useful to avail themselves of foreign expertise, and cooperation may build on this. This aspect is wholly absent from Blatter's proposal, but can be added to its advantages. Again, this suggests that Bentham's proposal is to provide a stabilising anchor for transitioning and consolidating democracies, not so much a final institutional setup to be reached in its own right, and capable of substituting for supranational organisations.

⁶ Bentham, J. (1998), 'Codification Proposal Addressed by Jeremy Bentham to All Nations Professing Liberal Opinions'. In Jeremy Bentham, *Legislator of the World*. P. Schofield (ed.), Oxford: OUP, 205f

⁷ Bentham, J. (1998), 205

⁸ Bentham, J. (2002), 'Of the Influence of the Administrative Power over the Legislative', in Jeremy Bentham, *Rights, Representation and Reform*, 419-427, 422

To sum up, I have suggested that we add Blatter's proposal to the permanent toolbox of strong transnationalist, potentially cosmopolitan innovations. Since I see it as a regressive move vis-a-vis existing EU citizenship rights and institutional setup, I have historically and systematically outlined an alternative use for his scheme: It can serve as a preparatory program for peaceful coexistence, and for creating the relations of trust that are conditions of possibility for supranational integration. I have questioned whether strict reciprocity is a necessary condition for adopting foreigners' representatives to domestic parliaments, and recommended allocating them Bentham's somewhat weaker, but not toothless, bundle of participation rights. In Bentham's later proposal, foreigners' representatives are admitted as semi-strong members of strong publics (debating and initiating, but not participating in, decisions). This move would occasion, as Frazer has outlined, a plausible shift in function, from the representation of affected interests to a representation of cognitive concerns. Such a revised scheme would privilege the epistemic function of foreigners' inclusion (which may well cover their, as well as everybody else's, moral interests) over claims to a representation of their rational interests, e.g. as parties affected by the impact of domestic legislation. I admit that this twofold shift would weaken its decisional impact, but perhaps it would yield a stronger defence of Blatter's reciprocal representation scheme.

The Catch-22 of transnational democratic integration

Luciano Bardi*

Joachim Blatter's proposal is very interesting as it provides ideas for the creation of a sophisticated tool for improving European democracy. The debate in this forum has focused mostly on the normative pros and cons from a perspective of democratic principles. I will instead raise questions about the political conditions for introducing horizontal consociations between European states and the incentives and costs for political elites to propose such transnational integration.

In my view, the timing of Blatter's project is not ideal because the very critical issues that increase the potential demand for multilateral and multilevel democracy also represent as many obstacles to its institutional design. However, creating cross-state consociations, as Blatter suggests, could be initially attempted in selected bilateral settings and perhaps extended if the first experiments should work.

The proposal also provides an ideal stimulus for reflection on increasingly relevant phenomena such as the endemic democratic deficit at EU level or, perhaps more importantly, the hollowing of democracy at national level.¹ The two are connected, as the latter stems, at least in part, from the unaccountability of technocratic institutions whose actions and statements impact on governance at all levels. Finding a solution to these problems also begs the question of what incentives stimulate nation states to join or help maintain would-be supranational, but in effect predominantly intergovernmental, institutions such as the EU, and what conditions allow them to do so.

Any institutionally centred reform, such as Blatter's proposal for improving transnational democracy, implies a (re)assessment by the nation states that would be potentially involved of the net returns that membership in a transnational organisation would provide. In this case there would be only an even trade and not a net surrender of national sovereignty, but other inherent political costs could still outweigh the potential benefits of consociations.

Projects and theories of regional integration

Many transnational integration projects have underlined the importance of common interests and popular support by and within the potential member states. A project developed at a time of great emergency like the "Union now with Britain" of fifteen democracies during World War Two did not only stress the importance of the proposed federation to save the democratic world's "freedom from defeat" and to "win the peace" in the war against the Nazi-Fascist dictatorships, but also argued against "denials that such a union could ever work in actual practice,...[that], according to a Gallup poll, the movement number[ed] millions of adherents in the United States alone".² Even this rather rudimentary proposal posed the need of attracting or at least assessing the existence of popular support for the institutions that were to be created.

European integration has been based on an elite driven process and was made possible by the indifference or at best the benevolent acceptance of the project by the European publics. As in the case of the ill-fated US-UK Union, the assessment of a "permissive consensus" for EU policy making was also essentially based on opinion polls. The issue of a potential democratic deficit existing in all of this did not emerge because, after all, diffuse support for governmental institutions seemed to prevail over the specific support for government authorities and policies in other, prosperous, national democracies.³

* University of Pisa and European University Institute.

¹ Mair, P. (2013), *Ruling the void. The Hollowing of Western Democracy*, London: Verso.

² Streit, C. K. (1941), *Union now with Britain*; New York and London: Harper & Brothers Publishers, 2 dustjacket

³ Easton, D. (1965), *A Framework for Political Analysis*, Englewood Cliffs, NJ: Prentice-Hall.

Diffuse support was enough because of the generally positive post-war economic cycles that allowed governments to postpone or paper over potentially unpopular decisions. Even the tension between responsiveness and responsibility which is embedded in party government decision making in Western democracies was dealt with by governments by “privileging short-term responsiveness and effectively limiting citizens’ awareness of the impact of global/European constraints, which normally require responsible decisions”.⁴

The neo-functionalists’ ostensibly federal project for the EU produced an organisation that is still predominantly confederal and therefore requiring, for its institutional and constitutional progress, unanimously agreed upon treaty-based reforms. As such, it does not necessarily need an accomplished democratic system at EU level to function. Cumulative democratic control through its member states’ political systems should be enough to guarantee the legitimacy of the EU’s legislative and policy outputs. The existence of unaccountable technocratic bodies in charge of enacting and implementing EU policies is not unique to the European Union system. Bureaucratic discretion exists at national level as well and need not affect the quality of democratic institutions *per se*. Ironically, the current structuring of the EU, far from being federal, as hoped for by the neo-functionalists, the apparent winners of the integration theory debate, is closer to what had been prescribed by some of the losers, the pluralists.

Pluralism, as a doctrine of European integration, is based on the communication theory of regional integration. According to Karl Deutsch the increase in transaction flow rates of trade, mail, travel, migration, student exchange, tourism, and other forms of communication has made our societies more similar, thereby creating the conditions for the affirmation of what has been termed his “sociocausal paradigm of political integration”.⁵ Specifically, common security interests, in the presence of given levels of cross-societal homogeneity allow for the formation of dedicated communities. These can be pluralistic or amalgamated. Two conditions are sufficient for the creation of a pluralistic security community: a) the capacity of the participating member states to respond to each other’s needs, and b) the compatibility of major values relevant to political decision-making, which essentially means the sharing of a common (free-market oriented and democratic, in the case of the North Atlantic Community) ideology. NATO, created in response to what was a perceived common Soviet threat, loosely met these conditions.

The project for the United States of Europe, which was being discussed more or less at the same time, on the other hand, would have required outright amalgamation of the contracting member states. The conditions for the creation of an amalgamated community are more numerous and more strict: 1) the mutual compatibility of main values, 2) a distinctive way of life, 3) capabilities and processes of cross-cutting communication, 4) high geographic and social mobility, 5) multiplicity and balance of transactions, 6) significant frequency of some interchange in group roles, 7) broadening of the political elite, 8) high political and administrative capabilities. Perhaps even more importantly, there should be a popular willingness to establish, support, and remain loyal to common governmental institutions in mutual respect of the participating partners’ needs and interests.⁶

Consociation: between pluralism and amalgamation

Deutsch tried to assess empirically the existence of the conditions for creating an amalgamated community in Europe and came to a negative conclusion, implicitly endorsing the predominantly intergovernmental and pluralistic nature of the EU. The incentives for the creation and improvement of

⁴ Bardi, L. (2014), Political parties, responsiveness, and responsibility in multi-level democracy: the challenge of Horizontal Euroscepticism in *European Political Science*, 13 pp. 352-364 doi:10.1057/eps.2014.27.

⁵ Fisher, W. (1969), An Analysis of the Deutsch Sociocausal Paradigm of Political Integration. *International Organization* 23(2): 254-290. doi:10.1017/S0020818300031593.

⁶ Deutsch, Karl W.; et al. (1957), *Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience*. Princeton: Princeton University Press.

the EC/EU were broader and closer to the everyday perceived interests of the European citizens than those that had stimulated the creation of NATO. Besides international security, economic interests were a powerful incentive for the building of the EC/EU. All in all, we can say that the conditions behind the building and maintenance of the current EU institutional set-up fall somewhere between pluralism and amalgamation.

The same can be said about Blatter's consociation. As simple and straightforward as the concept is, it is quite demanding in terms of the incentives and conditions that would be necessary for its practical implementation. The incentives that are listed in Blatter's contribution are highly symbolic, especially for the consociated citizens, who would be rewarded by being brought closer to international politics and by being allowed to "send a signal to those nation states that they perceive as having an important influence on their lives". As for the national political elites that should initiate the process, Blatter stresses the attractiveness of potential improvements in the efficiency and effectiveness of democratic processes as well as that of an increase in the propensity to produce "responsible" policy decisions.

All of these improvements are normatively important but their mobilising power pales before that of the security and economic incentives on which the EU is built. Yet, the simple signing of a "joint declaration of interdependence" is *per se* an act that would require the consociated states to exhibit levels of commitment and support similar to those required by a treaty. As more and more policy areas are being securitised (migration for one) and economic interdependence is increasing, more and more of the "bilateral and multilateral forms of intergovernmental rule making" (Blatter) concern matters that are central to states' and citizens' most pressing interests. But this is exactly why these bilateral and multilateral agreements and institutional arrangements exist. It seems very difficult to convince the potential actors involved, publics and elites alike, that the additional symbolic and democratic rewards the proposal promises are enough to justify their support for it. For the elites the latter can be actual political costs. When there is a tension between responsible and responsive government there is a reluctance by political elites to even consider responsible ways of conduct, as they would imperil the responsive short-term solutions that facilitate their re-election. Thus, elite attitudes can be the crucial obstacle to the starting of the process. Once the consociated status of two or more states is established, an adequate number of consociated citizens to make the project work can certainly be found. But it is unlikely that pressures coming from these citizens would be enough to motivate the elites to start the process.

Here we come to the conditions for the creation of consociations. I am not aware of the existence of more recent systematic studies of societal homogeneity like Deutsch's. But we can still observe that there are now 27/28 member states in the EU and 19 in the Eurozone, as opposed to the EC's original six. Almost half of these members have joined the EU only 15 years ago or less. This fact alone raises doubts as to the existence in the EU of improved levels of cultural, economic and social integration. The difficulties experienced at the time of the ill-fated Constitutional Treaty (the debate on what constituted European values was very heated and came to what was for many an unsatisfactory end), as well as the resistance to the ratification of the Lisbon Treaty in the Czech Republic, Ireland (where two referendums were needed for the approval), and even Germany indicate the permanence of significant cross-member state differences. It is very doubtful that the conditions, in terms of perceptions of mutual relevance and commonality of values, exist for the creation of extended multilateral consociations.

These limits have been enhanced by Horizontal Euroscepticism; a phenomenon that stems from the divergence of interests among member states that has been highlighted by the economic and, more recently, migration crises. It is revealed by "statements, positions, and actions, which express negative ... feelings by ... political actors from one given member state towards other ... selected member states ... [and] can produce negative, although indirect, ... attitudes towards the EU, ... its institutions or the principles it stands for. It is induced by perceptions that decisions made at European level ... are increasingly being imposed by few, 'strong', states on many, 'weaker', ones. On the other hand, the

perceived reluctance, or even refusal, by the ‘weaker’ states to comply with such decisions can be seen as revealing of ... intention[s] to take advantage of the ‘stronger’ states’ generosity and tolerance”.⁷

After its initial manifestations, which were certainly caused by objective differences over relevant issues, horizontal Eurosceptic attitudes are more and more frequently expressed instrumentally by national actors who resort to “blame-game” tactics to deflect attacks aimed at their own domestic responsibilities. As most governments are now being held accountable for having participated in controversial EU decisions, they try to divert the focus from the decisions to the failure of other member states to implement them correctly. This has become a powerful political tool even for non-populist and non-sovereignist actors and it would be made unavailable to them by any consociational arrangement among states. This is another political cost domestic actors may not be willing to incur.

Conclusions

What we are confronted with seems to be a classic Catch-22 situation. Some of the very reasons for demanding more transnational democracy (lack of decisional accountability at EU level, technocratic discretion, and domestic actors’ unwillingness inability to address these issues) seem to be at the root of the unfeasibility of new institutional responses. Particularly, the economic trends and changes in most member states’ values and priorities have created what appears to be one of the lowest levels of cross-national convergence since the end of World War II. This makes it very difficult to even imagine any actor with domestic governmental responsibility to sign a “joint declaration of interdependence”, as Blatter recommends. This is especially true if this should lead to a multilateral consociational arrangement. If several potential partners should be involved, the transaction costs would outweigh what look like rather immaterial rewards. Besides the political costs there are organisational and opportunity ones that have to do with finding adequate candidates, funding and organising campaigns in the consociated states, dealing with increasing voter fatigue etc. – too many to be listed, let alone discussed here. Blatter’s instrument could however be used in bilateral contexts, where opportunity and organisational costs would be limited. Moreover, it would be more likely to succeed in those cases where the political costs would be nullified or at least greatly reduced by the existence of higher levels of homogeneity and of no dominant reasons for divergence between potential partners. This could be seen as first step in a multi-stage strategy, very much like that conceived by Jean Monnet with his sector by sector design for European integration. If one or more bilateral consociational arrangements should be successful, the process could spill over to neighbouring or like-minded states in a similar fashion to what was the post-hoc neo-functionalist theoretical elaboration of Monnet’s intuition.⁸

⁷ Bardi, L. (2014), 358

⁸ Haas, E. B. (1958), *The Uniting of Europe: Political, Social and Economical Forces 1950-1957*. London: Stevens & Sons.

Response to commentators - Complementing democracies horizontally and not (just) vertically: Aspirations, theoretical foundations, conceptual innovations and comparative advantages

Joachim Blatter*

I would like to thank Rainer Bauböck for giving me the opportunity to present my proposal for a horizontal approach to complementing national democracies in a world of cross-border flows and (inter)dependencies. A further thank you belongs to those who have taken their time for formulating comments. These comments are very helpful for further clarifying and specifying my proposal. In my response, I will focus on three aspects.

First, not only for Eva Erman the presented short proposal is “undertheorised.” Even the much longer WZB-discussion paper,¹ on which the kick-off presentations builds, will certainly not fully satisfy the political theorist. In the following, I will give a few hints in which direction I am going to formulate a more explicit theoretical foundation for the proposal.

Second, the most serious normative concern that has been raised (most explicitly by Antoinette Scherz and Anna Meine) is the fear that the proposal undermines political equality as a fundamental cornerstone of democracy. I will argue that two innovations that Mathias Koenig-Archibugi brought into the boundary of the demos debate – fuzzy set theory and a proportional understanding of equality – do not only help to overcome the binary thinking that characterises the boundary of the demos debate (exemplified most clearly in Ludvig Beckman’s and Anna Meine’s comments).² They also pave the way to an understanding of political equality that is adequate in a world of fuzzy (understood as differentiated but clearly specified) boundaries.

Third, I want to emphasize the generic character of my proposal, which I perceive as a useful template in a number of different contexts. It might help to democratise bi- and multilateral forms of governance on various scales – from cross-border regions and neighbouring countries to continental and global levels. I even believe that it contains a promising way to think about the democratisation of relationships that have an imperial background – such as the relationships between central cities and their neighbouring municipalities formerly called “suburbs” or the relationships between former colonisers and their colonies (the latter in line with Michael Frazer’s suggestion). Although within the EU, the proposed horizontal transnational pathway for expanding democracies should serve primarily as a *supportive complement* to vertical/supranational pathways, I will emphasize the comparative advantages of my proposal in the last section of this response. In contrast to attempts that seek to strengthen democracy on a supranational level (especially by strengthening the European Parliament), but also in contrast to most other suggestions (such as citizens assemblies, cross-border referenda as well as interparliamentary collaboration), my proposal emphasizes the importance of political parties as intermediary organisations between the rulers and the ruled.³ Furthermore, it provides nations with a legitimate pathway towards inclusion in the democratic will-formation and decision-making processes of other nation states. Moreover, it provides citizens with additional and constructive means for political participation and contestation.

* University of Lucerne.

¹ Blatter, J. (2018), *Transnationalizing Democracy Properly: Principles and Rules for Granting Consociated Citizens Voting Rights and Partisan Representation in the Parliaments of Nation States*. WZB-DP SP IV 2018-102; <https://bibliothek.wzb.eu/pdf/2018/iv18-102.pdf>

² Koenig-Archibugi, M. (2012), ‘Fuzzy Citizenship in Global Society’, *The Journal of Political Philosophy* 20(4): 456–480.

³ There are many reasons for defending the role of parties in democratic systems. Beyond their function as intermediaries between the ruled and the rulers, a core function is the selection and socialisation of competent and non-authoritarian personnel for leadership positions.

In contrast to Sofia Näsström, I believe that the proposal comes neither too late, nor does it offer too little. At the heart of the proposal lies not the idea of “adding another layer of representation on top of existing ones,” but that of rearranging the institutional contexts and incentives in order to allow national parties and parliaments to perform better. I have no doubt that representative forms of democracy and responsible party government are features of democracy that are worthwhile to defend. A look at current day Italy should be a warning for all those who think we should copy populists and abandon the belief in political procedures and intermediary institutions.

Aspirations and theoretical foundations

For Erman, it has not become clear what the proposal is aiming to achieve partly because it is difficult to understand and evaluate the concrete nature of the proposal and its specific innovations without knowledge that would allow us to place it in the theoretical landscape. In the following, I will sketch the main goals and normative theories the proposal is based on. I certainly value the critical insight and inspiration that we gain by reflecting on how coherent a proposal is in relation to a comprehensive theory. In the context of formulating a concrete reform proposal, though, I feel that its ability to be justifiable from within a number of normative theories has great advantages. If tensions and trade-offs between distinct goals and theories emerge, a pragmatic approach strives for a compromise or a balanced solution on a more specific or concrete level, and not for eliminating the proposal as such merely because of its inconsistency with a comprehensive theory.

The major aim of the proposal is to develop a specific and concrete form of transnational democracy that is able to serve as a template for democratising currently existing and potentially emerging bi- and multilateral forms of governance. The latter are understood as forms of decision-making in which nation states have *pooled* competences and therefore have to decide together. In these bi- and multinational forms of governance, the states have not *transferred* decision-making competences to an institution that is no longer under the control of nation states. When such transfers have taken place, we no longer talk of bi-, multi- or transnational forms of governance, but of supranational ones. Such supranational contexts require supranational democratisation but for bi- and multilateral forms of governance we need to seek different solutions.

After having clarified that enhancing or safeguarding the democratic quality of political decision-making is the main aspiration, we turn to the question: What is meant by democratic quality? Which normative theory of democracy do I have in mind when I urge the “democratisation” of transnational forms of governance? The proposal has been developed in order to address a widespread but clearly specified problem: Cross-border flows and (inter)dependencies have been facilitated and addressed by technocratic forms of bi- and multilateral governance (dominated by the executive branch of government and by experts), which in turn spurred a populist reaction within national democracies. Both technocracy and populism endanger a pluralist understanding of democracy. Given this problem-centred starting point, it seems adequate to base the proposal on Mark Warren’s problem-based approach to democratic theory. Such an approach starts with the assumption that a political system that counts as democratic must fulfil three basic functions: empowered inclusion, collective agenda and will formation, and collective decision making.⁴ The proposal contains suggestions on how to reform currently existing national democracies in order to fulfil the first function more adequately in the specified contexts.

Such a functional approach allows us to integrate various normative theories of democracy in a specific way. For an adequate specification of the “collective agenda and will formation” function we might turn to deliberative theories of democracy, since within these theories cognitive and communicative processes take centre stage. In this respect, my approach has been inspired by James

⁴ Warren, M. E. (2017), ‘A Problem-Based Approach to Democratic Theory’, *American Political Science Review* 111(1): 39–53, 43

Bohman and Rainer Forst,⁵ although I place more weight on the potential problem solving capacities of existing democratic institutions. I do so partly because I am convinced that democracies can only function if they involve both deliberation and aggregation (in the form of electoral decision-making). In this respect, my approach builds on what I would call the “majoritarian-parliamentarian” strand of neo-republicanism.⁶ In contrast to the liberal-constitutionalist strand,⁷ the protagonists of this strand of neo-republicanism emphasize elections, party competition and majoritarian decision-making in parliaments as basic means to safeguard the republican goal of non-domination.

At the heart of my proposal stands the claim that the “spaces of collective agenda and will formation/deliberation” must be congruent with the “spaces of decision-making/aggregation”.⁸ In contrast to other proponents of multilateral democracy,⁹ I perceive the separation between “a finite political decision-making community and a wider epistemic deliberating community appealing to common sense” as a problem and not as a solution.¹⁰ This separation forces politicians and political parties to behave differently when they campaign – in order to be “responsive” to their finite electorate – and when they govern – when they have to be able to produce “responsible” policies. I believe the existing incongruence between spaces of deliberation and spaces of aggregation to be a major source of the current legitimacy crisis of representative democracy.

The proposal is not only based on “configurational thinking”¹¹ when it comes to combining deliberative and aggregative theories of democracy in such a way that the two functions – collective agenda and will formation and decision making – can be fulfilled in a way that allows core political actors to act and communicate coherently. Configurational thinking characterises my approach to the first function – empowered inclusion – as well. This is the case in respect to both questions: which kind of actors have to be included in democratic processes and on which grounds?

First, as pointed out by Peter Niesen, the proposal is in line with the presumption that democratic systems that go beyond the nation state must be conceptualised as “demoicracies.” All proponents of demoicracy agree that such a system involves more than one demos. There are, however, distinct approaches to understanding the idea of demoi and its consequences. On the one hand, some argue that there are different types of demoi (e.g. national and supranational ones) and that supranational demoi call for supranational representation of individual interests and rights as distinct from the mediated representation of individual interests and rights through the dealings of peoples in international relations.¹² Others, in contrast, claim that there are only national demoi and that individuals should be represented by their nation states.¹³ My proposal is much closer to the former position, in as much as the consociated representatives should be elected by consociated citizens. They should be aligned to political parties according to their individual ideological orientation and not as representatives of the (allegedly homogenous) national interests of consociated states. Nevertheless, the peoples of the

⁵ Bohman, J. (2007), *Democracy across borders*. Cambridge: MIT Press; Forst, R. (2011), ‘Justice and democracy. Comment on Jürgen Neyer’, in R. Forst & R. Schmalz-Bruns (eds.), *Political Legitimacy and Democracy in Transnational Perspective*, 37–43. Oslo: ARENA Report No 2/11.

⁶ Bellamy, R. (2019), *A republican Europe of states: cosmopolitanism, intergovernmentalism and democracy in the EU*, Cambridge, UK: Cambridge University Press; Shapiro, I. (2016), *Politics against domination*. Harvard University Press

⁷ Pettit, P. (2012), *On the people’s terms*. Cambridge; New York: Cambridge University Press.

⁸ Blatter, J. (2018), 10-12

⁹ E.g., Cheneval, F. (2011), *The Government of the Peoples: On the Idea and Principles of Multilateral Democracy*. New York: Palgrave Macmillan.

¹⁰ Cheneval, F. (2006), ‘The people in Deliberative Democracy’, in Besson, S. & Marti, J. L. (eds.), *Deliberative Democracy and Its Discontents*, 159- 179. Aldershot: Ashgate, 160.

¹¹ Ragin, C. (2000), *Fuzzy- Set Social Science*. Chicago: The University of Chicago Press.

¹² E.g., Cheneval, F. (2011)

¹³ Bellamy, R. (2019)

participating states are the “pouvoir constituant”. Their representatives have to sign the “joint declaration of interdependence” and they have to agree on the specifics of the transnational voting and representation schemes.

Second, as most but not all commentators have taken note of, the proposal refers not (only) to the all affected interests principle when formulating the justifications for why the demoi of nation states should be expanded beyond nationals and residents. I tried hard to be explicit that the proposal can also be (and actually should be mainly) justified based on the “all subjected to law/coercion” principle. Recall that the context for which I see my proposal as the adequate response is a situation in which jurisdictions/states have established a broad spectrum of bi- or multilateral agreements and corresponding forms of intergovernmental joint decision-making. This means that the people living in the participating jurisdictions are subjected to rules, which have been created – and which can only be changed! – through the joint will of their governmental representatives. In consequence, the other jurisdictions have become part of the rule-making structure of each participating jurisdiction. Their policies and negotiation positions limit the autonomy of each jurisdiction without thereby transferring sovereignty to a jurisdiction on a higher level. Providing the citizens of one participating jurisdiction with a (limited) membership, voice and vote in another participating jurisdiction can be justified with reference to the theories of democracy mentioned above, but also with efficiency and justice considerations.

Before I turn in more detail to the conceptual innovation that my proposal offers, a major misunderstanding has to be clarified. Beckman has argued that my proposal would not satisfy Robert Dahl’s criterion that the people have control over the agenda. I disagree with this criticism for three reasons: First, he ignores that I have formulated the idea that consociated representatives have only limited rights as one of two “potential pathways” for balancing the inclusion of the perspectives and interests of consociated citizens with the right to self-determination of the national (or residential) members of the demos. The second pathway would follow the lead of many nation states when they assign their external citizens special representatives and would provide the consociated citizens with a less favourable ratio of representatives per eligible voter than national citizens. If one believes that the first pathway undermines the fundamental democratic value of equality, one cannot generalise this conclusion to the entire proposal without discussing the second option. Second, granting consociated representatives less rights in decision-making does not boil down to giving them no agenda setting capacities. Consociated representatives should very much have the right to put issues on the agenda of the parliament, to introduce laws, and to make inquiries in respect to governmental actions etc. When it comes to the first function of “collective agenda and will formation,” they should have the same rights and powers as other representatives. This pathway has a big advantage from a deliberative point of view inasmuch as that the transnational aspect will have a prominent place in parliamentary decision-making processes. If consociated representatives demand to get a vote in the parliamentary decision-making procedures and not all national representatives agree, the first debate that has to take place is the one in which arguments for and against the inclusion of consociated representatives are presented to the national and transnational public. Third, if “setting the agenda” is interpreted in an “aggregative” way, as Beckman does, as “having the power to make decisions about distribution of power between public institutions,” it is not so difficult to imagine solutions that fulfil the following two goals: a) clearly specifying which demos has which power in which context (in order to avoid what Meine calls “oscillating”), and b) providing the consociated part of the demos with the level of power that is adequate for a transnationally expanded national demos.

As a precondition, one has to recognise that the proposal envisions the co-existence of two horizontally overlapping demoi: the first one consists only of national citizens (or even better from a normative point of view: long-term legal residents) and the second more encompassing one consists of the members of the first demos plus all consociated citizens. The latter one is not a supranational demos, as Beckman implies, but a transnationally expanded national demos. When it comes to decision-making in parliament, the following rules would fulfil the two formulated goals: Representatives of the national

demos can only reject the demand of the consociated representatives for being included in the substantial decision if the percentage of rejecting votes is higher among these parliamentarians than the percentage among the consociated representatives who demand their inclusion. Let us consider Beckman's example of a decision on whether a country should exit the consociation of democracies. It is highly likely (but not entirely certain) that the vast majority of the consociated representatives would want to have a say in this decision (even those who might support the exit might want to have a vote, but it is possible that consociated citizens have elected consociated representatives committed to abolishing the transnational voting scheme). If all consociated representatives demand their inclusion, the representatives of the national demos would have to reject their demand unanimously in order to avoid that this decision takes place within a "transnationalised democracy." Overall, the proposal tries to inspire rules of collective agenda setting, will formation and decision-making, which make it more likely that the perspectives and interests of the entire transnationally expanded national demos is taken into account. Nevertheless, it is based on the conviction that it should be left up to the political processes in specific (bounded) contexts to determine how much/exactly this takes place in practice.¹⁴

Conceptual innovations in thinking about boundaries and equality

My proposal builds on two conceptual innovations that Mathias Koenig-Archibugi has brought to the boundary of the demos debate: fuzzy boundaries and proportional equality. The term "fuzzy" points to fuzzy set theory; fuzzy set theory allows for dealing adequately with membership in conceptual sets that do not have sharp, but still clearly specified boundaries. Fuzzy set theory combines the qualitative thinking in differences in kind with the quantitative thinking in differences in degree.¹⁵ It paves the way for overcoming the conceptual limitations that we observe in the boundary of the demos debate. Most proponents of the "all subjected to law/coercion" principle assume that membership in a demos has to be conceptualised as a dichotomous decision. This implies not only that individuals are (and should be) "either in or out" of a specific demos, but also that those who are in, should have all political rights and those who are out should have no political rights. Furthermore, they assume that the nation state has "virtually unlimited power to control residents, but only limited power to control non-residents",¹⁶ so that only those who reside within the territory of a nation state should be included in the demo of nation states. We also find this kind of dichotomous thinking on a further level. It is often argued that the only alternative to the "all subjected to law/coercion" principle is the "all affected interests" principle, and that this principle demands that the boundary of the demos has to be redrawn for each and every single policy decision in order to include the actually, probably or possibly affected people. This implies that the only alternative to a bivalent categorical decision is a continuous process of re-making this fundamental decision. If that is the case, the "all affected interests" principle leads to indeterminate or instable boundaries and therefore cannot be accepted as a feasible principle for determining the boundary of the demos.¹⁷

Koenig-Archibugi has provided a way of applying the "all affected interests" principle that avoids the problems of instability and indeterminacy by focussing, rather than on individual decisions, on individual states as "deciders".¹⁸ Mirroring his argument that the all affected interests principle does not necessarily lead to problems of indeterminacy and instability, I would like to suggest that the all subjected to law/coercion principle should not lead us to the assumption that the inclusion into a national

¹⁴ Blatter, J. (2018), 34

¹⁵ Ragin, C. (2000)

¹⁶ Beckman, L. & Rosenberg, J. (2018), 'Freedom as Non-Domination and Democratic Inclusion', *Res Publica* 24: 181–198, 181

¹⁷ Beckman, L. (2008), Who Should Vote? *Democratization* 15(1): 29–48; Scherz, A. (2013), 'The legitimacy of the demos: Who should be included in the demos and on what grounds?' *Living Reviews in Democracy* 4.

¹⁸ Koenig-Archibugi, M. (2012), 456–480.

demos has to be an all-or-nothing affair. In the specified context of transnational governance, nation states have significant power to control members of other nation states involved in the consociation scheme, but clearly less so than with regards to their own members. I call thus for substituting the “all-or-nothing” view with a “more-and-less” perspective: inclusion in the demos can also come in “punctuated” grades. My proposal ensures that a gradual inclusion into a demos does not lead to indeterminacy with respect to clarifying who has the right to vote and who not. Furthermore, it would balance stability and adaptability, since it would allow the members of the consociated states to redraw the boundaries of the transnationalised demois every four or five years.

After having clarified that an empowered inclusion that builds on the fuzzy boundaries of horizontally overlapping transnationalised demois does not undermine the preconditions that are necessary for electoral forms of democratic decision-making, we turn to the question of whether it undermines political equality. When Koenig-Archibugi pointed to the principle of proportionality as a foundation for his concept of fuzzy citizenship,¹⁹ he referred to Brighthouse and Fleurbaey as the authors who most prominently reintroduced the proportionality principle into democratic theory.²⁰ Unfortunately, these authors propose “to replace the principle of equality by a principle of proportionality” since it “would not only provide better guidelines for the definition of a democratic ideal in theory, but would also help understanding existing institutions and practices”.²¹ Arguing that the norm of “equality” should be exchanged for a different norm called “proportionality” is quite misleading. Instead, “proportionality” should be understood as one way of specifying the concept of equality. What really is at stake is what Aristotle called the difference between “numerical equality” and “proportional equality.” Numerical equality requires us to treat “all persons as indistinguishable, thus treating them identically or granting them the same quantity of a good per capita. This is not always just. In contrast, a form of treatment of others or distribution is proportional or relatively equal when it treats all relevant persons in relation to their due”.²²

In the context of transnational governance, each nation state systematically affects and legally subjects two kinds of peoples in a qualitatively distinct way. On the one hand, there are its own residents, who are very often affected by and generally subjected to national laws and policies. On the other, there are the residents of nation states participating in the consociated schema, who are often, but less often affected by these laws and policies, and sometimes but not always, or indirectly but not directly, subjected to joint regulations. Treating both groups equally implies that the members of the latter group are recognised as partial members of the demos and that they are entitled to have a representation in the national parliament, but one that is weaker than or not as “natural” as the one that is owed to core members of the national demois. Both alternatives – recognising them as full members and treating them as non-members – fare much worse when it comes to defending political equality in the specified contexts.

I realise that the proposal lends itself to accusations that it introduces “first- and second-class citizens” and “first- and second-class representatives.” When it comes to citizens, this accusation is easily rejected: In comparison to the current state of affairs, *all* members states involved in the consociated scheme would gain extended (albeit limited) membership powers. Nobody loses her citizenship (full membership in a nation state); the slight reduction of political power that established members of a national demos experience with the inclusion of consociated citizens is not only normatively justified but probably also quite productive in respect to enhancing the collective political self-determination of all members of the consociation of states. In consequence, the proposal will not lead to first- and second-class citizens, but to citizens who have a first-class membership *plus* one or

¹⁹ Koenig-Archibugi, M. (2012)

²⁰ Brighthouse, H. & Fleurbaey, M. (2010), ‘Democracy and proportionality’, *Journal of Political Philosophy* 18(2): 137–155.

²¹ Brighthouse, H. & Fleurbaey, M. (2010), 137-138

²² Gosepath, S. (2011), ‘Equality’, *The Stanford Encyclopedia of Philosophy* (Spring 2011 Edition), Edward N. Zalta (ed.), <https://plato.stanford.edu/archives/spr2011/entries/equality/>

more second-class memberships. Egalitarians might even value the fact that the first-class membership would be slightly devalued (if we accept a narrow aggregative point of view), since this reduces the gap between the level of influence that comes with first- and second-class memberships.

When it comes to representatives, I realise that the second option that I presented as a potential pathway for adequately calibrating the power of national demoi in relation to the power of the newly included consociated members can be interpreted as leading to first- and second-class representatives. If consociated representatives do not have a “natural” voting right in parliament as the other parliamentarians do, they might be perceived as second-class representatives. Nevertheless, as already explained above, this option should not be misunderstood. From a deliberative point of view, consociated representatives would not be second-class representatives but would instead always have the first word. They have the right to ask for inclusion into the decision-making process whenever the parliament debates policy issues with the goal of changing national laws that might systematically affect their constituency or with the goal of determining the position of the national government in international negotiations. For adherents of aggregative theories of democracy, this might not be enough to balance the fact that consociate representatives do not have a “natural” right to vote in parliamentary decision-making. But for them, the alternative first proposal – a lower number of representatives per eligible voter for the consociated citizens in comparison to the number of representatives per eligible voter among the national citizens – should be acceptable.

Alternatives and the comparative advantages of my proposal

As I mentioned in footnote 2 of the kick-off contribution, the proposed transnationalisation of national elections and parliaments should be understood as part of a larger project that includes a second proposal for the transnationalisation of European elections and the European Parliament. The horizontal – transnational – pathway to deal with an (inter)dependent world should not be seen as a substitute, but mainly as a complement to a vertical pathway that leads to a system of multilevel governance. At the same time, I would like to point out that our proposal for reforming the EP elections envisions a decidedly transnational – and not a supranational – approach. We do not propose that all voters within the EU member states should be able to vote for transnational lists in order to stimulate the creation of truly European parties, but we suggest that all voters in all EU member states should be able to vote for all *national* parties based in all member states. This would incentivise national parties to cater to non-national voters in the elections to the European Parliament, which in turn, could, but does not have to, stimulate the emergence of truly European parties.

Antoinette Scherz bases a part of her critique on Rodrik’s globalisation trilemma, which I find, in the way that Rodrik presents it, rather misleading. Rodrik’s claim that we cannot have economic integration, national sovereignty and democracy at the same time is based on a very traditional and simplified understanding of these three concepts. I want to suggest that there is an alternative option: We can redefine what economic integration, national sovereignty and democracy means. My proposal should be read as a contribution to a redefinition of democracy which makes it compatible both with an economic integration strategy that carefully balances free trade and social protection, and with an understanding of sovereignty that takes not only negative but also positive notions of political sovereignty into account.²³ The main strategy for the redefinition of these core terms is to overcome the thinking in simple dichotomies. Most importantly, when it comes to sovereignty, states are not forced to choose between transferring sovereignty to a supranational institution or to reserve it for individual states. Instead, they can pool sovereignty, and that is what they very often do, not only within the EU.

²³ See for the latter: Ronzoni, M. (2012), ‘Zwei Konzeptionen staatlicher Souveränität und ihre Implikationen für die Gestaltung globaler Institutionen’, in P.Niesen (ed.), *Transnationale Gerechtigkeit und Demokratie*, 49 – 76. Campus-Verlag. S.

The proposed transnationalisation of national democracies aims to democratise specific forms of governance characterised by a pooling of national political sovereignty and competences within a joint decision-making institution without thereby transferring political sovereignty/competences to a new, independent, supranational institution. The European Union is a complex mix of transnational and supranational elements. It would lead way too far to attempt to discuss the pros and cons of bi- and multilateral forms of governance against the pros and cons of supranational forms of governance. Fortunately, Richard Bellamy's recent book arrived just in time to serve as a reference for all those who want to ground their scepticism against supranational forms of governance and democracy in a normative theory of democracy. Bellamy plausibly argues that socio-economic, cultural and political diversity among European nation states prevents us from establishing on a European level a form of democracy that is as efficient and legitimate as what we find within nation states.²⁴ My main reason for being sceptical vis-a-vis the supranational pathway is that the intermediary organisations that link the rule-makers and the ruled (especially the media and the party systems) are much less developed on a European level in comparison to the national level and there is no evidence to support the belief that this might change anytime soon.

The European Social Survey that Mathias Koenig-Archibugi cites provides no grounds for placing all our hopes on a strengthened supranational European Parliament. When the Europeans indicate more trust in the EP in comparison to their national parliaments, I take this as another sign that ordinary people – in contrast to political theorists – do not trust political institutions that are characterised by internal conflict and disagreement. My guess is that if the EP were strengthened and “politicised” (in the sense that the current consensus system based on the collaboration of large centrist parties were replaced with a majoritarian system dominated by the competition of ideologically aligned party families), we should no longer expect the favourable evaluations that it currently receives from European citizens.

As much as I share (much but not all of) Bellamy's scepticism with respect to supranational forms of governance and democracy, I believe it is unfortunate that he recognises and discusses only a limited set of proposals for the transnationalisation of democracy. In consequence, he ends up with a republican version of a distinction that John Rawls has presented from a liberal point of view already twenty years ago.²⁵ Both presume a categorical difference between the domestic and the international spheres, and both perceive states or peoples as the only legitimate actors within the international realm. That being said, Bellamy does emphasize that not only governments but also parliaments should play an important role as representatives of statespeoples within the international realm. In consequence, he proposes to tackle the “democratic disconnect” that he and Kröger have diagnosed for the European Union by strengthening the role of national parliaments in EU policy-making.²⁶ This proposal has already made strong inroads into political practice. In 2017, a group of mainly French academics (including Thomas Piketty) joined Benoît Hamon, the presidential candidate of the French Socialist Party, in pushing for the creation of a Euro-zone Parliamentary Assembly, which would include mostly members of national parliaments but also members of the European Parliament, for the sake of democratising and supranationalising political decision-making within the Treaty on Stability, Coordination and Steering in the Economic and Monetary Union.²⁷ Furthermore, the German and the French Parliaments recently signed an agreement to establish a joint parliamentary assembly, not just in order to strengthen and to democratise their bilateral relations, but also to foster convergence on national positions on the European level.²⁸

²⁴ Bellamy, R. (2019)

²⁵ Rawls, J. (1999), *The law of peoples*. Cambridge; Mass: Harvard University Press.

²⁶ Bellamy, R. & Kröger, S. (2016), ‘The politicization of European integration: National parliaments and the democratic disconnect’, *Comparative European Politics* 14(2), 125–130.

²⁷ <http://tdem.eu/en/treaty/>

²⁸ https://www.bundestag.de/resource/blob/577996/a32cc8d55b73523c2cceb64ddcf9c5be/kw46_dt_frz_parlamentsabkommen_entwurfstext-data.pdf

As much as I welcome the increased attention that national parliaments gain, and their movements towards democratising trans- and supranational forms of governance, I believe that these proposals and activities are insufficient and might even turn out to be counterproductive. While proponents argue that we have to strengthen the role of national parliaments in EU decision-making to achieve relations of political equality and mutual respect among national communities,²⁹ it could be that this might also have the opposite effect. Strengthening the role of national parliaments in European politics as such does not only reduce governmental leeway for finding compromises, it also reproduces the power asymmetries among nation states in intergovernmental negotiations.³⁰ To focus on the connection among political representatives on various levels (or on the connection among the representatives of divergent national parliaments) ignores, on the other hand, the fact that the connection between the people and their representatives on the national level is at least as much in need of a renewal and revitalisation. Even worse, strengthening the connection between representatives of divergent demoi might lead to an even larger disconnect between political representatives and those they represent because the latter might perceive it as a form of collusion among political elites.³¹ This can only be avoided if individual citizens and intermediary organizations play a major role in the transnationalisation of national parliaments (and the EP). In order to make this possible, constituencies, elections and parties must be transnationalised.

Joseph Lacey and Rainer Bauböck argue that there are other and better institutional options for the transnationalisation of democratic processes. Whereas Lacey points to citizen assemblies, Bauböck advocates cross-border referenda. Both options could be valuable since they help to overcome national parochialism and they put citizens centre stage. Nevertheless, these two options have clear disadvantages in comparison to my proposal. First, they place their foci either on the deliberative part (citizen assemblies) or on the aggregative element (referenda) of the democratic process, and not on both simultaneously as my proposal would. Furthermore, and most importantly, both solutions would contribute to the ongoing process of undermining the role of political parties. Proponents of citizen assemblies often draw on and thereby reinforce the widespread mistrust against (professional) politicians and value-based parties. As we know from the Swiss experience, the availability of direct democratic instruments reduces the turnout in general elections. A lower turnout goes along with a stronger socio-economic bias in participation and representation. In consequence, all those who are concerned with the socio-economic imbalance that currently hampers democratic decision-making (exemplified by Näsström's contribution in this debate) should be wary of proposals that bypass general elections and party representatives.

Potential advocates of the proposal

Luciano Bardi identifies two obstacles to the implementation of the proposal in the EU: a) different socio-economic challenges and political priorities among the member states and b) the unwillingness of national politicians to give up the opportunity to mobilise their national constituency by blaming externals. Supranationalists would argue that we have to overcome the first problem by complementing the currently existing technocratic institutions on the EU level (which hide the conflicts behind a veil of expertise and through governmental bargaining behind doors) with majoritarian decision-making in a Europeanised European Parliament. My transnational approach is much less centralising. It would not take away from nations their freedom to pursue their own priorities, but it would make their processes of collective agenda-setting, will-formation and decision-making less parochial. When it comes to overcoming the motivational hurdles among national politicians, we should not follow populist lines of

²⁹ Bellamy, R., & Castiglione, D. (2013), 'Three models of democracy, political community and representation in the EU', *Journal of European Public Policy* 20(2): 206–223, 219–220.

³⁰ See for example: Moschella, M. (2017), 'When Some Are More Equal than Others: National Parliaments and Intergovernmental Bailout Negotiations in the Eurozone', *Government and Opposition* 52(2): 239–265.

³¹ Blatter, J. (2018), 9

reasoning and put all politicians in one box. As Mathias Koenig-Archibugi mentioned with reference to the work of Lucy Kinski, in parliaments we already find representatives who claim to speak for or act in the interest of citizens from other member states. They would have something to win if these citizens were able to vote for them. Furthermore, we should never underestimate the possibility of counter-intuitive positioning in politics. Take the stance towards dual citizenship, for example. Currently, dual citizens are the only group of citizens who can already enact my scheme of transnational voting and representation. Nationalists and conservatives usually fight dual citizenship, arguing from identity and loyalty concerns. Nevertheless, when they realise that dual citizenship opens up the opportunity for the denaturalisation and deportation of terrorists, they sometimes change their position. It might well be that in many countries populist parties perceive the chance to represent their constituency in the parliament of another nation state as an attractive opportunity and may see the price to have representatives of that state in their own parliament as bearable. Finally, proponents of the transnational voting scheme could realise that it has the potential to be a “wedge issue” that drives nationalists and populists apart. After all, populists should support the proposal because it provides the people with further opportunities to fight elitist domination. For most nationalists, though, the institutionalised interference of other people with their national will-formation and decision-making is probably an absolute no-go.

Conclusion

Overall, despite the fact that the transnational approach forms a conceptual “via media” between supranational and national approaches, its establishment does not mean that the other approaches can be fully overcome or substituted. Instead, the transnational approach builds on and transforms the national approach and it provides, at the same time, the groundwork for strengthening and legitimising the supranational approach. It forms an important part, that is, of a truly pluralistic strategy to deal effectively and democratically with a world of cross-border flows and (inter)dependencies.³² I see its ambiguity in respect to its consequences for national and supranational approaches as a strategic advantage. Nationalists can support it in their attempts to avoid supranationalism,³³ and – as many comments have shown – supranationalists recognise that it might be a first step towards overcoming (or a backstop against sliding back into) parochial nationalism.

³² See: Blatter, J. (2018), 35; Blatter, J. & Schlenker, A. (2013), ‘Between Nationalism and Globalism: Spaces and Forms of Democratic Citi-zenship in and for a Post-Westphalian World’, *Working Paper No. 06*. <https://www.unilu.ch/fakultaeten/ksf/institute/politikwissenschaftliches-seminar/forschung/>

³³ E.g., Miller, D. (2009), ‘Democracy’s Domain’, *Philosophy & Public Affairs* 37(3): 201–228.

Editors:

Joachim Blatter

University of Lucerne

Department of Political Science

Frohburgstrasse 3

P.O. Box 4466

CH-6002 Lucerne

Switzerland

Email: joachim.blatter@unilu.ch

Rainer Bauböck

Robert Schuman Centre for Advanced Studies, European University Institute

Villa Schifanoia, Via Boccaccio 121

I-50133 Florence

and

Commission for Migration and Integration Research

Austrian Academy of Sciences

Ignaz Seipel Platz 2

A-1010 Wien

Email: rainer.baubock@eui.eu