

# **THE EUROPEAN PUBLIC SPACE OBSERVATORY.**

## **ASSEMBLING INFORMATION THAT ALLOWS THE MONITORING OF THE EUROPEAN PUBLIC SPACE**

**THE EUROPUB PROJECT  
HPSE-CT-2001-00069  
July 2001 to August 2004**

### **FINAL REPORT**

#### **Overall Editor**

Liana Giorgi

#### **Authors**

Liana Giorgi, Ronald Pohoryles, John Crowley, Ingmar von Homeyer, Elise Feron, Marisol Garcia, Michal Illner

#### **Contributors**

Niki Rodousakis, Martin Peterson, Wayne Parsons

#### **Project Coordinator**

The Interdisciplinary Centre for Comparative Research in the Social Sciences, Austria

#### **Partners**

Institute for International and European Environmental Policy, Germany  
University of Barcelona – Research Centre for Citizenship and Civil Society, Spain

University of Gothenburg – Inter-European Research, Sweden

Queen Mary & Westfield College, University of London – Department of Politics, UK

The Academy of Sciences – Institute of Sociology, Czech Republic

Le Centre Interdisciplinaire de la Recherche Comparative, France

**September 2004**



## **Project Teams**

### **The Interdisciplinary Centre for Comparative Research in the Social Sciences (ICCR)**

Liana Giorgi  
Ronald J. Pohoryles  
Niki Rodousakis  
Gerald Berger  
Rudolf Götz  
Kurt Pichler  
Caroline Russo

### **Institute for International and European Environmental Policy (ECOLOGIC)**

Ingmar von Homeyer  
Sarah Reichel  
Anneke Klasing  
Markus Knigge  
Andreas Kraemer

### **University of Barcelona – Research Centre for Citizenship and Civil Society (UB-CISC)**

Marisol Garcia  
Mark Pradel  
Antonio Cardesa  
Rosa Maria Roig  
Aitor Gomez

### **University of Gothenburg – Inter-European Research (UGOT)**

Martin Peterson  
KG Hammarlund  
Thomas Nilsson  
Birgita Thorsell

### **Queen Mary & Westfield College, University of London – Department of Politics (QMW)**

Wayne Parsons  
Christina Parau

**The Academy of Sciences of the Czech Republic – Institute of Sociology**

Michal Illner  
Tomáš Kostolecky  
Zdenka Mansfeldová  
Daniel Čermák  
Jana Stachová

**Le Centre Interdisciplinaire de la Recherche Comparative en Sciences Sociales (CIR-Paris)**

Elise Feron  
John Crowley  
David Alcaud  
Anne-Sophie Hardy  
Marie-Cécile Naves  
Emmanuel Brillet

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## Abstract

There are normative as well as specific European considerations for prioritising a strong model of democracy for the European Union centred on the public sphere. One central motivation relates to the complexity of existing democracies in advanced societies that tends to violate the background conditions underlying the representative model of democracy operating by aggregation and delegation. To this must be added the thickness and self-contained nature of the institutional systems of each EU Member State, especially in areas such as education, culture, social welfare and law and order, which render any straightforward or frictionless aggregation of interests largely impossible.

Effecting the conditions for a strong democracy in advanced societies or the European Union is best thought of as a process of (further) democratisation than one of constituting a new model for democracy. The ultimate aim is not to undo and create new democratic institutions and procedures at different levels but rather to reform existing ones in ways that ensure that the underlying principal democratic ideas are organically sustained.

The overall aim of the EUROPUB project has been to explore the applicability of a strong model of democracy for the European Union. Our research concentrated on two key areas for the European public sphere: first, the level of policy-making and the openness of the latter to citizen participation and contestation; second, the political discourse about Europe and specifically the project of political integration.

The openness of policy-making structures to contestation and participation was researched through a series of policy case studies at different levels of governance and in different countries. The political discourse about European political integration was studied through an attitudes survey and the sociological career path analysis of members of the European political class. Additionally the EUROPUB project sought to integrate its findings in a transferable framework by developing a democratic audit for the European Union comprising over 400 indicators.

Our research shows that there is a significant variation across policy domains with regard to both the institutional opportunity structures for participation and the total intensity of participatory practice as such. However these two dimensions do not stand in an obvious direct relationship. In other words, participatory practice is not dependent on the opportunity structures for participation, nor do the latter, when they exist, always lead to the desired democratic input in the decision process. The relationship is much more complex and needs to take into account various factors and primarily the decision procedures at work both at the European and national levels, the competencies of European institutions as compared to their counterparts at national level, the degree of felt 'common affectedness' of the key issues under consideration as well as the existence of key civil society organisations with strong advocacy coalitions. Despite this variation, our findings suggest that at the policy level we can indeed observe the emergence of a European public sphere in that there are both spaces and instances of deliberation and debate on issues of public concern that

involve citizens or citizen representatives. At the same time, what we observe across several policy domains is attempts by government institutions to *actively* exclude societal actors from policy debates. This is, however, not fundamentally or even primarily a problem of EU institutions but is a phenomenon that occurs with equal if not more intensity at the national level.

The legitimacy deficit of EU institutions, like the European Parliament, cannot be overcome alone by their democratisation through mainstream opportunity structures for participation like voting. The democratic deficit at this institutional level is located elsewhere and is intrinsically linked with the absence of a European public sphere about the political architecture of the European Union itself. This is strongly evidenced in the attitudes expressed by members of the emerging European political class. Members of the European political class can be distinguished between Euro-sceptics and Euro-enthusiasts whereby Euro-scepticism is far more widespread than Euro-enthusiasm. At the same time, and across the political spectrum we find a majority being disillusioned with mainstream representative politics. More significantly, however, we find a complete dissonance with regard to the future of the European Union and of the project of political integration. This dissonance exists within national delegations as well as within political groupings. Only one out of four favour some form of federalism for the EU. The rest are equally divided between a model of cooperative intergovernmentalism and a view that sees no role for either the European Parliament or national elected officials.

Even though debates *in* Europe display a shared *policy language*, debates *about* Europe have yet to find a shared *political language* and their representatives. This dissonance or the lack of a unifying European ideology across the political spectrum or of unifying European political ideologies within political parties explains the continuing legitimacy deficit of the European Union. Unless dealt with directly and honestly, this will aggravate the democratic deficit of the European Union and harm its nascent public sphere.

# 1 Executive Summary

At the beginning of the twenty-first century, the European Union finds itself at the crossroads. On the one hand, the ambitious European project of ever closer collaboration has significantly advanced through the Eastern enlargement and the ever growing scope of economic integration. On the other hand, institutional and implementation deficits place serious barriers to further integration and raise, more urgently than before, the question of political integration – including its desirability and feasibility.

In short, the European Union finds itself in a serious legitimacy crisis. How can this crisis be overcome and where is or should the European Union be moving towards?

There are three distinct narratives – responses to this question.

The first considers further – efficient and effective – integration to be possible only once a political integration framework has been agreed upon and put in place. ‘Institutional reform’ is a term used to refer to these considerations, yet ultimately this is also a discussion about the EU political multi-level governance system, a possible Constitution and, for some, a state model.

The second narrative with regard to the EU legitimacy crisis emphasises the absence of a symbolically unifying European identity or ‘Europeanness’ among EU citizens and sees the legitimacy deficit closely linked to an identity deficit. According to the proponents of this narrative, as long as EU citizens are first and foremost ‘nationals’, pledging their solidarity to those ‘like them’ within their national territorial boundaries and identifying the latter as the legitimate and only sphere for politics, the EU as a polity will remain lacking. It might therefore be more sensible to concentrate any institutional reform efforts to rendering the EU an efficient expert-led international cooperation framework for making policy rather than politics.

The third narrative links the legitimacy crisis to a democratic deficit – the reason why the European Union and the European integration project is not genuinely recognised as both lawful and justifiable has to do with the fact that it is non-transparent and unaccountable vis-à-vis its citizens, hence undemocratic. Overcoming the legitimacy deficit thus requires overcoming the democratic deficit.

These three narratives are not exclusive of each other. However, in the present official and academic discourse they tend to represent distinct views about what to emphasise or prioritise in either policy or research about European integration in the near to mid-term future. This discourse fragmentation is to blame – at least in part – for the emerging impasse in European studies faced with increasing disciplinary and thematic over-specialisation and possibly also the project itself of European integration.

The EUROPUB project which is presented in this volume has tried to break with this tradition. The starting point of our analysis has been that there is indeed an organic link between the European Union’s legitimacy and democratic deficit but that this is

not the problem alone of any specific institution, a set of institutional rules or any single level of analysis. Political institutions and rules (or the lack thereof) are to scrutinise equally like policy processes or citizens' concerns and patterns of participation (or the lack thereof).

Such an approach requires a robust theoretical (and normative) framework if it is to avoid spiralling into a naïve discourse of the 'a bit of everything' (and ultimately nothing) type. For us this is provided by the 'model' of a strong democracy as delineated by the notion of the public sphere and democratisation in advanced societies.

A democratic polity centred on the public sphere relates to an idea of government as authoritative command and emphasises transparency or rule understood as self-rule. Politics is thought to express the collective reflexive life of a people and deliberation is considered the fundamental democratic process as well as the regulative principle for bargaining and power struggles. The 'people' includes, in principle, all those affected by decisions taken in the course of a democratic process. In other words, a democratic polity centred on the public sphere is inclusive and defines identity politically in terms of citizenship. 'Europeanness' from this perspective does not delineate a collective cultural identity but is intrinsically linked to political judgement and participation in the democratic process.

There are both normative and specific European considerations for prioritising such a strong model of democracy for the European Union. One central motivation relates to the complexity – both by reason of scale and scope – of existing democracies in advanced societies that tends to violate the background conditions underlying the representative model of democracy operating by aggregation and delegation. At a formal level, democratic delegation requires both a robust conception of public opinion – regarded as not essentially exposed to manipulation in the context of elite competition – and an elite that is fairly open, or at the very least not entirely endogamous. There is extensive evidence that real-existing democracies tend to violate both conditions – indeed, arguably, the historical trend is one towards *increasing* violation and this trend is likely to be aggravated at the trans-national level or a framework of multi-level governance like that of the European Union. To this must be added the thickness and self-contained nature of the institutional systems of each Member State, especially in areas such as education, culture, social welfare and law and order, which render any straightforward or frictionless aggregation of interests largely impossible.

Effecting and sustaining the conditions for a strong democracy in advanced societies or the European Union is best thought of as a process of (further) democratisation than one of constituting a new model for democracy. The ultimate aim is not to undo and create new democratic institutions and procedures at different levels but rather to reform existing ones in ways that ensure that the underlying and shared democratic principles of liberty, equality, representation, participation, openness and accountability are organically preserved.

The embracing of this approach with regard to the legitimacy and democratic deficit of the European Union directly impacts on the study of democracy. More specifically, it implies that democracy in advanced and complex societies and at the trans-national level must be scrutinised at different levels – both vertically and horizontally. Hence it does not suffice to look at EU democracy only from the perspective of the European institutions. We must also examine institutional practices at the national (and even sub-national level) and extend democratic monitoring to various social institutions and policy domains. It is for this reason that in EUROPUB a significant part of our empirical research was concerned with the analysis of the extent to which institutional structures and practices at EU-level, or at national level with reference to EU policies or debates, provide opportunities for different types of actors, including citizens, to contest decision-making.

An essential condition for contestation to have an impact on the public sphere and democratisation is that contestation is communicated to citizens and as such also framed – at least in part – in terms of European meanings and norms. A sign of a political system based on the public sphere is that there is an ongoing debate about principles and outcomes and that while inevitably fragmented institutionally (e.g. between levels and sectors), such debates are connected by a shared language of political discourse. Furthermore, this criterion of a shared political discourse applies equally to specific policies and the overarching debate about political institutions or the European polity.

Against this background, the objective of the EUROPUB project has been to find out whether the European Union can be identified as a political system in-the-making that is based on the public sphere – both with regard to sectoral policies and more generically in reference to the theme of institutional reform and the prospects of European (political) integration. Answering to this overall aim would, in turn, help us specify the character and degree of the EU democratic / legitimacy deficit and, consequently, what needs to be done so that it is overcome.

The **first line of our empirical inquiry**, as already noted, was to compare through case studies the openness of several policy domains at European level and in different Member States, seeking to identify whether and to what extent the existing opportunity structures for the contestation of policy-making differ and the implications of this variation for participation and the emergence of a European public sphere.

The following policy domains were studied by the EUROPUB project in terms of participatory practice:

- o The ‘sanctions’ debate on Austria (following the entry of the FPÖ into government)
- o The revision of the directive on the deliberate release of genetically modified organisms (GMO) in the environment
- o The implementation of the National Action Plans (NAP) on Employment as an instance of the European Employment Strategy (EES)
- o Culture policy in the European Union – the example of the Culture 2000 programme
- o The 1999 European Parliament (EP) Elections

- o Regions and Regionalism – the Case of the Committee of the Regions (CoR).

The case studies included investigations along four dimensions:

- The dimension of '*openness*' proper; this involved charting formal and informal institutional rules and procedures that give civil society a direct voice vis-à-vis policy-makers.
- The dimension of '*mobilisation*' by examining the actual involvement of citizens and civil society in EU policy-making.
- The dimension of '*public debate*' for exploring the way in which instances of mobilisation or participation were communicated to the broader public.
- The dimension of '*responsiveness*' in order to tap on the degree of responsiveness of policy-makers to such interventions.

The **second line of our inquiry** was designed to provide insight into the question of the political constitution of the European Union and the future of its political institutions and whether also at the level of 'high politics' we may speak about a European public sphere in the sense of a shared political discourse that organises and communicates debates.

Unlike with the case studies which were designed and carried out using the tools of policy analysis, our investigation of the discourse(s) *about* Europe was designed within the methodological framework of political sociology as a study of the emerging European political class. The European political class was defined as comprising those political actors holding (having held or candidating for) elected or official positions at EU, national and/or sub-national levels and dealing in some political or technical function, directly or indirectly, with European issues or engaged in European politics.

The study of the European political class so defined sought primarily an answer to the key question about the meaning of Europe. Respondents to our survey were presented with a battery of statements on politics in general, and EU politics in particular, and asked to indicate with reference to each item their degree of agreement (or disagreement). The analysis of these attitudinal statements against sociological and career path characteristics, the nationality of the respondent as well as his/her political affiliation is revealing with regard to our research question about the existence or not of a shared political discourse on the European Union itself (rather than its sectoral policies).

Turning to our **results** the following can be noted:

Our research shows that there is a significant variation across policy domains with regard to both the institutional opportunity structures for participation and the total intensity of participatory practice as such. However these two dimensions do not stand in an obvious direct relationship. In other words, participatory practice is not dependent on the opportunity structures for participation, nor do the latter, when they exist, always lead to the desired democratic input in the decision process. The relationship is in fact much more complex and needs to take into account various

factors and primarily the decision procedures at work both at the European and national levels, the competencies of European institutions as compared to their counterparts at national level, the degree of felt 'common affectedness' of the key issues under consideration as well as the existence of key civil society organisations with strong advocacy coalitions.

Despite this variation, our findings suggest that at the policy level we can indeed observe the emergence of a European public sphere in that there are both spaces and instances of deliberation and debate on issues of public concern that involve citizens or citizen representatives.

There are clearly differences in terms of the intensity or participation and mobilisation / debates do not occur in parallel in all Member States of the European Union. This obvious fragmentation introduces a certain dynamism in policy debates even if at the same time it tends to protract them. However even if the debates are not always connected in time, *they share a common language of policy discourse*. This is in part to be attributed to the competencies assumed by the EU level in terms of either agenda-setting and/or policy formulation and implementation but it is also connected with the Europeanisation of the discourses of societal actors, including social partners. The media has not kept apace in all countries but here too we can observe an increasing salience of the EU institutional framework.

At the same time, what we observe across several policy domains is attempts by government institutions to *actively* exclude societal actors from policy debates. Active exclusion goes a step further than closed opportunity structures for participation. Furthermore, this is not fundamentally or even primarily a problem of EU institutions but is a phenomenon that occurs with equal if not more intensity at national level. This we would contend is at the core of the democratic deficit in contemporary societies and multi-governance polities, including the European Union.

EU institutions, like the Committee of the Regions but also the European Parliament continue to face a serious legitimacy deficit, the overcoming of which is not alone to be sought in their democratisation through mainstream opportunity structures for participation like voting. The democratic deficit at this level is located elsewhere and is intrinsically linked with the absence of a European public sphere about the political architecture of the European Union itself. This is strongly evidenced in the attitudes expressed by members of the emerging European political class.

Some views are very strongly nationally coloured. Thus the appreciation of sustainable development as a guiding principle for European policy does not meet with general acceptance and the North-South divide persists in this connection. Enlargement is likewise thought as an opportunity by some and as a threat by others.

Our respondents can be distinguished between Euro-sceptics and Euro-enthusiasts whereby Euro-scepticism is far more widespread than Euro-enthusiasm which is mainly to be found among Swedish respondents and members of the Green and Liberal parties. At the same time, across the political spectrum we find a majority being disillusioned with mainstream representative politics.

More significantly, however, we find a complete dissonance with regard to the future of the European Union and of the project of political integration. This dissonance exists within national delegations as well as within political groupings. Only a minority (24 %) would appear to favour some form of federalism for the EU. The rest are equally divided between a model of cooperative intergovernmentalism and a view that sees no role for either the European Parliament or national elected officials and which we have termed, following Dahrendorf, glocalism. Among the MEPs in our sample 58 per cent favour cooperative intergovernmentalism.

In other words, even though debates *in* Europe display a shared *policy language*, debates *about* Europe have yet to find a shared *political language* and their representatives. This dissonance or the lack of a unifying European ideology across the political spectrum or of unifying European political ideologies within political parties might explain the continuing legitimacy deficit of European institutions and the European Union as a whole which in the medium- to long-term can aggravate its democratic deficit or harm the nascent European public sphere.

What **recommendations** may be drawn from these findings?

If we assume – as we did – that there are normative and practical reasons why the European Union political system must be guided by a model of strong democracy and the public sphere as providing both opportunity structures for active citizenship and the emergence of a shared political discourse in a trans-national space, then we are forced to conclude that at present the European Union fulfils some but not all requirements for such a political system.

The strategy of the European Union over several decades to seek the promotion of the integration project through harmonisation in some areas (primarily regarding the market) and soft coordination in other areas has bore fruit in the sense of gradually giving rise to a common political language with which to discuss policy problems and ultimately contest policy decisions. There is clearly no consensus agreement on matters like the deliberate release of GMOs in the environment or the European Employment Strategy but both the terms of reference and the procedures are agreed upon by all actors involved and this agreed framework helps in reaching compromises or organising contestation.

Such a shared language is missing with regard to the political future of the European Union itself. It is of course clear that there would be different views regarding the most appropriate ‘state’ model for the European Union or the role of specific institutions in these models. What is however surprising is that there is no structure as of yet into this debate – neither in terms of issues nor in terms of actors. Opinions are as divided within political parties as they are across Member States and this makes it extremely difficult to elaborate concise arguments and organise a debate around these.

One principal reason for the absence of concise narratives on this subject is, undoubtedly, the persistent failure to honestly and openly launch such a debate. Perversely enough, the question of the long-term political future of the European Union was even avoided in the framework of the Constitutional Debate on the

European Union which was instead organised 'incrementally' around specific institutional reforms (or voting procedures) or thematic priorities. It is perhaps for this reason that the story of the EU Constitution is expected to remain unfinished for still a long time. Yet a real debate about the political future of the European Union (and its Constitution) is now urgently called for. If this debate continues to be avoided then the legitimacy crisis of the Union will deepen even further and the Union's achievements at the policy level will begin to be undone.

The key message of the EUROPUB project is that a top-down distinction between policy and politics such that politics is 'allowed' only in some policy domains but not in all is a successful strategy only for a limited period of time. In the medium- to long-term such top down socio-political architectures are unlikely to turn out institutionally robust or democratically legitimate.

## 2 Background and Objectives of the Project

### 2.1 Background

A democratically viable Europe requires a ‘public space’ or ‘public sphere’. The public sphere can broadly be defined as an institutionally delimited space of citizen interaction. This sphere which in principle is independent of both the market and the state (Habermas, 1962), provides a discursive, as well as an institutional arena in which citizens can discuss, deliberate, and evaluate issues of public relevance. It is – in Habermas’ terms – the ‘publicly relevant private sphere’ of interaction: here, individuals relate to one another neither in terms of market transactions, nor in terms of power relations, but rather as politically equal citizens (subjects) of a polity.

Rather than dividing society into a number of spheres, it is more useful to characterize the public space in accordance with process-specific features. The public sphere is thus an area of social space defined in terms of processes and dynamics, rather than of institutions or geographical borders, in which citizens have an incentive to set aside ‘particular’ interests and to adopt a ‘public interest’ perspective instead. This specific conception of the public space does not contend that citizens do *not* have particular or private self-interests and that these are not relevant, but rather that a will to achieve solutions to common problems in a manner that is not one-sided and (dis)advantageous to the very few, exists.

This of course tells us very little about how to construct a public sphere in the actual world of European policy-making, or, whether such a public sphere is in fact emerging at European level. Since public spheres are institutionally delimited, we can instead approach the subject from a different angle: are current institutional structures and socio-political practices at European level conducive to the emergence of a European public space? What European policy-making institutions might increase the likelihood that a European public space actually emerges?

### 2.2 Objectives

A sign of political system based on the public sphere is that there is an on-going debate about both principles and outcomes and that, while inevitably fragmented institutionally (e.g. between levels, sectors, etc.), such debates are connected by a shared language of political discourse.

The overall objective of the EUROPUB project has been to study whether such debates that are connected by a shared language of political discourse are emerging within the European Union:

- at the level of sectoral policy as well as
- among members of the European political class with regard to the project of European political integration.

Our research was thus specifically designed to:

- A. Compare the openness of several policy domains at European level and in different Member States seeking to identify whether and to what extent the existing opportunity structures for the contestation of policy-making differ and the implications of this variation for participation and the emergence of a European public sphere.
- B. Investigate the characteristics of those actors who are professionally engaged in European politics in order to identify whether it is possible to talk about the emergence of a European political class.

In addition to advancing the state-of-the-art in the above field, the EUROPUB project elaborated a framework for applying the knowledge assembled in the form of a democratic audit for the European Union that does justice to the latter's multi-level governance context.

### 3 Scientific Description of the Project Results and Methodology

This is a report on European democracy and its prospects. To make European democracy the subject of a scientific inquiry implies that this is either thought to be lacking in some way or significantly different from democratic life at the national level. Our starting point for the present analysis is that both of these conditions are true to a certain extent.

Our aim in undertaking the research that is reported in this volume has been to investigate key features of a strong democracy and how these fare at the EU level. This is because we consider strong democracy to be one significant prerequisite for overcoming the present EU legitimacy deficit as evidenced by increasing discontent with European affairs among the populations of EU Member States.

#### 3.1 Theoretical background

The theoretical basis of our research is delineated by the notion of the public sphere in political theory and that of democratisation in advanced societies in political science.

##### 3.1.1 Strong democracy and the notion of the public sphere

Central to our understanding of a strong democracy is the notion of a public sphere. In discussions on democracy, and drawing in particular from the civic republican tradition, the term 'public sphere' or 'public space' is used to refer to the scope of citizen interaction found in democratic societies. It is, to use Habermas' terminology, the "publicly relevant private sphere" of interaction: here, individuals relate to one another not in terms of market transactions, nor in terms of power relations, but rather as politically equal citizens (subjects) of a polity.

A public sphere delineates that space in which citizens come together to discuss and debate issues of common or public concern. The public space thus defined is easy to imagine and also realise in the ancient city republic or the local level of contemporary societies. It is much more difficult to bring about in metropolitan areas or the transnational multi-lingual context. It is for this reason perhaps that contemporary discussion on the public space in general, and the European public space in particular, is very communication-centred, concerned with the role of the media in modern democracies and the potential of new communication technologies, like the internet, to provide virtual public spaces that can effectively replace real (physical) public spaces.

Our approach has been to focus on the public *sphere* as a guiding principle in democratic polities making necessary the establishment and maintenance of public *spaces*, rather than a single public space. Our overall aim has been to judge the links

between these multiple public spaces across different territorial levels of government, and especially across Member States, and how these impact on each other and on the European level of governance.

A democratic polity centred on the public sphere has the following characteristics:<sup>1</sup>

1. The idea of a public sphere relates to an idea of government as authoritative command and emphasises transparency of rule understood democratically as self-rule. Whether the state is a necessary framework in this respect is a matter of vigorous debate but it is at least clear that in so far as the traditional territorial state is regarded as at least normatively (and possibly also practically) obsolete, the solution is to be sought in a hierarchically ordered scheme of territorial scales (up to and including the world as a whole, on most accounts), i.e. in some form of federalism.
2. Politics expresses the collective reflexive life of a people. It is engaged in problem solving only (albeit necessarily) to the extent that such collective life brings the people up against 'problems', which become so only within the democratic process itself. Nothing is inherently a 'problem'.
3. Deliberation is the fundamental democratic process. Bargaining and power struggles are acceptable only to the extent that they are normatively subordinate to deliberation and, ideally, set within an institutional framework where they can be regulated by deliberation.
4. The subject matter of politics is indeterminate. However, a properly ordered democracy will be such that, at any time, the limits of political competence will be quite sharply drawn. In Habermas's well-known phrase sovereignty and human rights are 'co-originary'.
5. The people includes, in principle, all those affected by the decisions taken in the course of the democratic process. The absolute minimum principle of inclusion is, of course, that all those who are subject to laws enacted democratically should participate equally in the process of deliberation and enactment.
6. Political judgement is a skill that can be learned by anyone, and is indeed universally acquired in the context of socialisation and education. Undoubtedly, some people may be less effectively taught; and, possibly, some may prove inherently more skilful. But neither of these distinctions offers any ground for distinguishing either in principle or in practice between those endowed with and devoid of political capacity.

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<sup>1</sup> While such a model is fairly determinate in the context of democratic thinking and is in particular clearly and sharply opposed to other influential democratic modes of thinking (e.g. Schumpeterian elitist pluralism as well as Hayekian liberalism), it still offers considerable scope for variation. If publicity-oriented democracy has a generic name in contemporary political theory it is 'republicanism' and there are varieties of republicanism. These are explored in D1 with reference to Barber, Tassin, Pollock and Habermas.

Why give a democratic model centred on the public sphere ideology precedence for the European Union? There are two main reasons for this. Our argument is first, that this model has some kind of normative priority (subject to establishing its practical relevance and viability); secondly that there are specific reasons within the dynamics of the emerging European polity for competing models to be less likely to be available here than at the national level.

Let us start with the general normative considerations.

What is most distinctive about the civic republican model as a general theoretical approach to democracy is that it is premised on scepticism about the two fundamental processes that lie behind the most practically significant competing models: *aggregation* and *delegation*.

The *aggregative principle* states that, citizens' preferences being diverse, often conflicting, chaotically uncoordinated and imperfectly known, the political process must offer processes for them to be bundled (by setting a manageable agenda framed by issues on which people can adopt a fairly limited range of relevant – and possibly sharply conflicting – positions) as well as decision procedures that ensure that, on the whole, policies (defined as choices among bundled positions) that are opposed by the majority or by powerful vocal minorities are not implemented.

The *principle of delegation*, which is compatible with the first though not necessarily combined with it, states that politics is, for technical reasons, subject to the same general laws of 'division of labour' as all other forms of collective human activity. Competence, taste, ability, ambition, along with various random factors, lead some to concern themselves with the management of public affairs and others to be passive or indifferent. Not only is there nothing wrong with this – it is actually more efficient in producing the 'public good' than a participatory system where everyone tries to do a bit of everything. It follows that it is both likely and desirable for democratic systems (defined for these purposes as systems where everyone's voice counts for something and everyone's vote counts equally) to develop mechanisms for efficient division of political labour. Representative institutions, political parties, opinion polls and the mass media are among the characteristic institutions of 'delegation' democracy in this respect.

It is a reasonable summary to regard contemporary democratic systems as relying, on the whole, on a combination of aggregation and delegation, in the sense that their characteristic institutions depend on both principles and that the standard justifications offered of them depend on claims about the mutually supportive operation of delegation and aggregation. At the theoretical level, the Schumpeterian model of competitive elite liberalism is an ideal-type in this regard.

The question, then, is what might be wrong with this generic model and what might lead us, in spite of its undoubted descriptive usefulness, to give normative priority to civic republicanism? The answer lies in two sets of considerations that are entirely familiar from the literature, but the significance of which nonetheless needs to be appreciated.

First, the formal justification of aggregation is open to a series of damaging objections. ‘Voting paradoxes’ are sufficiently familiar not to require detailed discussion here. Suffice it to mention Kenneth Arrow’s ‘impossibility theorem’ which, generalising Condorcet’s paradox, shows that the conditions required for voting procedures to produce collectively stable decisions in terms of fixed prior preferences are, theoretically, highly restrictive. In addition, as a model of democracy considered substantively rather than formally, aggregation is open to the challenge that, by considering preferences to be fixed and largely independent from the political process, it excludes any idea of citizenship as participation in a process of collective self-determination. It is not necessary to subscribe to the strong view that, in the words of Pierre Bourdieu (1980), “public opinion does not exist” in order to justify scepticism about the stability, coherence and even significance of opinions expressed publicly. But, if preferences are in some sense indeterminate, the very idea of ‘aggregation’ becomes largely meaningless.

Secondly, and to a large extent independently, the idea that delegation as a principle of political organisation might be justified in democratic terms comes up against some fairly massive issues of political sociology. At a formal level, democratic delegation requires both a robust conception of public opinion – regarded as not essentially exposed to manipulation in the context of elite competition – and an elite that is fairly open, or at the very least not entirely endogamous. There is extensive evidence that really existing democracies tend to violate both conditions – indeed, arguably, the historical trend in so far as there is one is towards *increasing* violation.

Turning now to the specific European considerations.

The general normative priority of the characteristic features of civic republicanism takes on a specific significance at the European level. Elite pluralism in historically established democracies can rely on a dense web of institutions, practices, and background values and preconceptions, that correct some of the bias inherent in the principles of aggregation and delegation. On the one hand, some idea of the public interest is embedded in nationhood and statehood: this may be imperfectly articulated and far from consensual but it nonetheless remains a background resource that reduces the need for the formal institutions of political authority to produce their own legitimacy within the terms of their own operation. On the other hand, and in many ways more importantly, political authority is only one aspect of a whole web of regulation that corresponds to what we might call ‘societal governance’.

Institutional density undoubtedly sharply distinguishes the EU from its member states. Whatever one may think of elite pluralism or its corporatist variants in normative terms, it is abundantly clear that the background resources on which it can rely at national level are significantly lacking at European level. The lack of a common language is merely one aspect of this deficit, and in many ways not the most important. Of more profound significance is a degree of institutional fragmentation that is a barrier to the emergence of a shared political culture and, simultaneously, a major factor in the absence of a focused political agenda.

Comparison with cohesive federal states perhaps brings this contrast into sharper relief. The United States has regional political systems embedded both in institutions and in an available language of identity. But there is unquestionably a national political system that serves to organise patterns of regional variation, and furthermore one that, inside the Beltway, is highly cohesive. In so far as the EU can be considered from the same perspective, the situation is almost precisely the opposite. In other words, it is the thickness and self-contained nature of the characteristic institutional systems of each of the member states, rather than any substantive difference between them, that best accounts for the unquestionably and correlative 'thinness' of the EU.

These facts are very familiar, but their significance seems not to be adequately appreciated. It is striking that even a defender of the EU such as Jacques Delors has gone on record as regarding four policy areas as being inherently inappropriate for Europeanisation: education, culture, social welfare, and law and order. In light of earlier comments, this list looks very like an enumeration of what is institutionally constitutive of state-centred nationhood; its effect, if taken seriously, is certainly to entrench an irreducible difference between the member states, which remain heirs to the nation-state tradition and continue to reflect it in modified form, and the EU, which cannot aspire to the same degree of institutional and symbolic cohesiveness. It follows that, unless the democratic deficit is taken to be a necessary feature of Europeanisation – which implies that, as Euro-sceptics would claim, a choice must be made between democracy and Europe –, the EU must, for structural reasons, draw *more* on the distinctive resources of civic republicanism than the member states. Publicity may be a background resource at national level; it *cannot* be at European level. It is to this extent that consideration of the specific features of the political integration of Europe reinforces the general normative arguments for a generically civic republican approach to the assessment of contemporary democracy.

The reader will note that we consistently avoid considering the problem of democracy at European level as one of identity that emphasizes the symbolic elements (passports, anthems, flags and the other paraphernalia of nationhood). It is often presented in public debate – if not also in academic contributions – that subscription to a form of European collective identity could possibly overcome both the actual and the perceived democratic deficit. In other words, the democratic deficit is closely related to an identity deficit. However, rather than formulating such an identity at the symbolic level, it is both more theoretically coherent and more practically plausible to relate it to the democratic process itself. This idea that democracy might be self-legitimising is a little more plausible. If people are given procedures that enable them to be genuinely citizens, then they will tend to act as citizens and feel themselves to be truly members of a political community. Intuitively, a public sphere or space is one in which genuine citizenship is possible. Adequate democratic procedures would thus promote a sense of identification, and vice versa, leading to a virtuous cycle of truly European citizenship.

### 3.1.2 Democratisation in advanced societies

Democracy is not a distinctive attribute. Even if it is straightforward to characterise non-democratic political systems as such, those that are democratic are often so to a variable degree by reason of performance or they are variable by intention, i.e. in that they follow different normative and institutional frameworks. Furthermore democracy delineates a dynamic process which can be monitored both from the historical perspective and at the institutional level.

Much of the political science literature on democracy is concerned with 'measuring' or monitoring democracy at the national or institutional level. The literature on the so-called democratic audits derives much of its inspiration from Dahl's (1971) work on polyarchy.

The objective of Dahl's *Polyarchy* book was to specify those conditions that may favour or impede the *transformation* of a political system into a regime in which the opponents of the government can "openly and legally organise into political parties in order to oppose the government in free and fair elections" (p.1). Even though Dahl prioritises the representative democracy model, he sees this as significantly dependent on citizen inclusiveness and participation, laying particular emphasis on the opportunities provided or claimed by citizens to contest decision-making. From this perspective, his normative understanding of democracy is conceptually close to ours and the notion of the public sphere.

Dahl sees democratisation as developing around two dimensions, namely, public contestation and inclusiveness. A system which displays no or little public contestation and is limited only to a small number of citizens is characterised as a closed hegemony. Competitive oligarchies are characterised by low inclusiveness but a high degree of contestation. Inclusive hegemonies are the opposite of competitive oligarchies, they are generously inclusive but provide little space for public contestation. Polyarchy is that system which is inclusive and liberal with regard to public contestation. Democracy is closest to polyarchy, whereby Dahl is careful not to entirely equate the two terms "since democracy may involve more dimensions ... and, since no large system in the real world is fully democratised" (p.8).

As a process, democratisation takes place in history. Dahl distinguishes three key transformation periods regarding democratisation and sees his work as relating primarily to the first and second phases, namely, the transformation of hegemonies and competitive oligarchies into near-polyarchies (during the nineteenth century) and the transformation of near-polyarchies into full polyarchies (at the end of the nineteenth century and the beginning of the twentieth century) (p.10). The third transformation phase, which according to Dahl began in the 1960s, concerns advanced democracies and the multitude of "social institutions" (p.11) *within* democratic societies. At this stage, the assessment of democratic institutions becomes more complex as it is multi-level within and across societies.

Twenty years after *Polyarchy* was published, Robert Dahl published another book on democracy entitled *Democracy and its Critics* (1991). In this book Dahl elaborates many of his previous arguments regarding the democratisation process and discusses problems related to this. Relevant for the present discussion are his conclusions about the specificities and prospects of advanced democracies.

Dahl notes that democratisation has been about the gradual extension of citizenship rights to an ever greater number of individuals. This brings about a significant change of scale.

*“While the first transformation had transferred the right to govern from the few to the many, the ‘many’ were in actual fact rather few while those who were excluded were in actual fact rather many. By contrast, after the second transformation was completed in democratic societies (with no little struggle), equal rights of citizenship had been extended to virtually all adults. Are we now in the midst of another dramatic increase in the scale of decision-making? And may not this change prove to be as important for democracy as the change in scale from city-state to national state?”* (Dahl 1991, p.318).

This change of scale, Dahl goes on to argue, necessitates an adaptation of the democratic idea. “The most obvious is to duplicate the second transformation on a larger scale: from democracy in the national state to democracy in the transnational state” (p.320). Dahl sees the European Union (at the time of writing the European Community) as possibly “harbouring a supranational growth gene” (op. cit.). However he is cautious about the democratic prospects of supranational states or political systems (like international organisations). He thinks that such supra-national political systems bring about new problems which could lead to the demise rather than the strengthening of democracy by supporting what he calls (following Plato) ‘guardianship’ and which is elsewhere referred to as technocracy or expertocracy (cf. Held 1998). His comments resonate those made by several other scholars of social and political theory in the recent years.

In order for democracy not to fail in complex, multilevel and transnational systems, a number of preconditions would need to be fulfilled. Following Dahl, the most important of these are:

1. Democratic institutions would have to be strengthened at *all* levels and not solely at the transnational level. This means that democracy would need to be strengthened at national level but also, significantly, at the local level: “The larger scale of decisions need not lead inevitably to a widening sense of powerlessness provided citizens can exercise significant control over decisions on the smaller scale of matters important in their daily lives” (p.321). The subsidiarity principle which is at the core of the EU experiment of political integration would appear to be in line with this recommendation.
2. Reducing gross political inequalities with regard to resources, capacities and opportunities. Political inequalities are likely to increase in advanced democratic

societies by reason of constraints imposed by increasing size and complexity. Hence a democratic society should focus on reducing “the remedial causes of gross political inequalities” by improving the opportunities for personal development, promoting the advancement and protection of valid interests and supporting the diffusion of knowledge and cognitive skills (pp.323-4).

3. Extending democratic control and auditing to the internal government of firms. Dahl’s recommendation follows his conclusion that the market economy – in principle a key element of democratic societies – is today characterised by an increasing concentration. Already back in 1971 he considered the concentration of income resources to be counterproductive for polyarchies.
4. Avoid reliance on only a few experts for policy-making. Dahl thinks that the greatest danger for the long-term prospect for democracy derives from that particular subset of intellectuals “who are particularly concerned with public policy and actively engaged in influencing governmental decisions, not only directly but also indirectly through their influence on public and elite opinion”.
5. Finally and in line with the above, Dahl reiterates the key argument made in his earlier book, namely increasing the institutional opportunities for citizen participation in decision-making. He recognises however that this is more difficult to organise in a supranational and complex polity. Even though he does not elaborate much on this point, he points to instruments like citizen conferences organised at different levels and points in time and on different topics that would help create “a critical mass of well-informed citizens” (p.339).

Dahl’s work from 1991 does not constitute a comprehensive theory regarding the democratic performance of advanced democracies in transnational contexts but it provides the basis for developing one.

Three main conclusions are especially important. First, a democratic assessment of the EU political system as representing a transnational form of democracy in-the-making that is both inclusive and cognizant of the importance of active citizenship or the public sphere must be carried out at different territorial levels. The emergence of a supranational actor does not make national democracy (and assessment) obsolete, it rather presupposes it. Secondly, in advanced democratic societies, like the EU, democratic assessment must be extended to cover social institutions, like civil society, the media and economic corporations as well as policy domains and traditional political actors like political parties. Thirdly, institutional opportunity structures for the effective contestation of policy-making are today more and not less important. Advanced societies can only remain democratic if the political capability and interest of citizens is strengthened. The complexity in terms of decision-making and territorial scale of trans-national democracies renders these fragile with regard to democratic standards and practices. Multilevel and flexible governance mechanisms may appear as extending the opportunity structures for stakeholder and citizen participation in decision-making but assuring this indeed materialises implies submitting these new institutional structures to democratic scrutiny. In practice social institutions in advanced democracies tend to substitute real with virtual representation and

participation with technical expertise. This could lead to the transformation of advanced democracies into modern forms of guardianship. Avoiding this necessitates informed and active citizens.

### 3.2 **Research design**

How do we know whether a public sphere is emerging in any particular case and especially at the European level? Answering this question is the key to specifying the research design of this study.

Let us first recap the main theoretical arguments.

2. A sign of political system based on the public sphere is that there is an on-going debate about both principles and outcomes and that, while inevitably fragmented institutionally (e.g. between levels, sectors, etc.), such debates are connected by a shared language of political discourse.
3. Even though the institutional fragmentation as such does not in itself negate the existence of a European public sphere, it tends to weaken it. Institutional fragmentation, while unavoidable, poses a certain danger for democracy tending to support over-reliance on expertise (hence technocracy) and virtual representation.
4. For this reason, democracy in advanced and complex societies and in a trans-national context has to be scrutinised at different levels – both vertically and horizontally. Hence it does not suffice to look at EU democracy only from the perspective of the European institutions. We must also examine institutional practices at the national (and even sub-national level). Further, democratic monitoring must be extended to various social institutions and policy domains.

Two issues seem to be of particular significance with regard to the reduction of institutional fragmentation: *relations between policy communities* and their environment, and the *functioning of the political class*.

- Understanding whether a European public sphere is emerging involves analysing to what extent institutional structures and practices at EU-level provide opportunities for different types of policy actors (such as politicians, experts, or citizens) to contest decision-making. An essential condition for contestation to have an impact on the public sphere is that *contestation is communicated to citizens*. Finally, contestation may *partly need to be framed in terms of European meanings and norms* if it is to contribute to the emergence of a European public sphere.
- Alongside the policy agendas and their openness, a necessary, albeit insufficient, feature of the European public sphere is a European political class, i.e. a group of professionally engaged political actors pursuing strategies at the European level,

in the context of European institutions, and in ways that are not simply reducible to an extension or translation of existing national fields. Political actors and elites are in that particularly important because they are the ones to mediate interests into the political discourse and communicate debates to the general public.

Following the above, our research has been designed to:

- A. Compare the openness of several policy domains at European level and in different Member States seeking to identify whether and to what extent the existing opportunity structures for the contestation of policy-making differ and the implications of this variation for participation and the emergence of a European public sphere.
- B. Investigate the characteristics of those actors who are professionally engaged in European politics in order to identify whether it is possible to talk about the emergence of a European political class.

In what follows, we describe the methodology followed in our two main streams of investigation and our results.

### **3.3 Openness and participation in decision-making**

#### **3.3.1 Key research questions**

The aim of the EUROPUB case studies was to gather and assess information on the openness of several policy domains to citizen participation in decision-making either through democratic representation or through more direct forms of involvement in EU policy-making. This included investigations along four dimensions:

- The dimension of *'openness'* proper; this involved charting formal and informal institutional rules and procedures that give civil society a direct voice vis-à-vis policy-makers.
- The dimension of *'mobilisation'* by examining the actual involvement of citizens and civil society in EU policy-making.
- The dimension of *'public debate'* for exploring the way in which instances of mobilisation or participation were communicated to the broader public.
- The dimension of *'responsiveness'* in order to tap on the degree of responsiveness of policy-makers to such interventions.

In section 3.3.5 the findings of the EUROPUB case studies are compared with respect to the above four dimensions of participatory practice. Where applicable, these dimensions were assessed separately for each of the major stages of the policy cycle, e.g. agenda setting, policy formulation, and implementation, to obtain a more nuanced picture.

### 3.3.2 Case study selection

The following policy domains were studied by the EUROPUB project in terms of participatory practice:

- o The 'sanctions' debate on Austria (following the entry of the FPÖ into government)
- o The revision of the directive on the deliberate release of genetically modified organisms (GMO) in the environment
- o The implementation of the National Action Plans (NAP) on Employment as an instance of the European Employment Strategy (EES)
- o Culture policy in the European Union – the example of the Culture 2000 programme
- o The 1999 European Parliament (EP) Elections
- o Regions and Regionalism – the Case of the Committee of the Regions (CoR).

An additional case study looked into the role of the anti-globalisation movements in informing key policy debates at EU level.

The case studies were selected according to the following criteria:

One criterion was the degree of *political 'challenge'* which a particular case poses in the context of issues of EU democratic legitimacy. The 'sanctions' which the EU-14 governments imposed on Austria following the formation of an Austrian government that included the extreme right wing Freedom Party (FPÖ) posed such a challenge. It raised questions as to the democratic values on which the EU is founded and the way in which the EU should, and could, deal with threats to these values. Similarly, the implementation of the European Employment Strategy (EES) and the formulation of the National Employment Action Plans (NAPs) engaged the EU more deeply in the highly controversial area of social policy. These measures touch on the diverging social and political structures underlying (re-)distributive policies in the Member States. They pose a particular challenge to the legitimacy of interventions by an EU which has so far primarily focussed on regulation rather than (re-)distribution. Similarly, the emerging EU cultural policy deals with an area in which the Union has traditionally been hardly involved. Albeit in a less overtly political way than in the case of the 'sanctions' imposed on Austria, the formulation and implementation of the Culture 2000 Programme raises the question of European values and identity.

Challenging issues of democratic legitimacy also emerge in the context of more established EU policies. The process of the revision of the EU Directive on the Deliberate Release of Genetically Modified Organisms (GMOs) into the Environment is a case in point. The Deliberate Release Directive (DRD) pursues a two-pronged approach: It is an Internal Market measure harmonising safety regulations for GMOs. At the same time it aims at guaranteeing a high level of environmental protection. Given uncertainty about the effects of GM crops on biodiversity, farming practices, conventional and organic agriculture as well as the rejection by many European consumers of GM food, the revision of the DRD posed a considerable challenge to the legitimacy of EU decision-making practices. The first direct European elections in

1979 were accompanied both by high hopes and deep scepticism. Since then the elections have remained a challenge. On the one hand, the European Parliament has substantially increased its powers; on the other hand, starting from a moderate level of 63 percent in 1979, voter turn-out has more or less continuously decreased. Moreover, as demonstrated by the case study on the 1999 European elections, election campaigns and media coverage continue to focus on national rather than European issues. Finally, there have been repeated efforts to increase the participation of sub-national territorial bodies in EU decision-making. The most prominent case so far was the establishment of the Committee of the Regions (CoR), created in 1992 by the Maastricht Treaty. Yet, the case study dealing with the rise of regionalism and the CoR shows that this most institutionalised form of participation of regional and local bodies in EU decision-making still rests on weak foundations, despite the rise of regionalism in recent years at the national level.

In addition to the criterion of political challenge, the selection of the case studies also reflects the *complexity and diversity of EU decision-making procedures and institutions*. Although it is not possible to derive general conclusions about the functioning of different institutional arrangements with respect to participation and democratic representation from the case studies, the findings do allow for a number of preliminary comparative insights. The studies dealing with the 1999 European elections and the CoR cover important aspects of electoral and sub-national territorial representation at the European level, whereas the remaining case studies illustrate the functioning of various EU decision-making procedures and practices. The Deliberate Release Directive was revised under the Co-Decision Procedure which is the most common EU legislative procedure. It is also the only procedure which formally accords the European Parliament a role on a par with the Council of Ministers in the legislative process. The Culture 2000 Programme was also adopted on the basis of the Co-decision Procedure. By contrast, the EES is based on the non-legislative Open Method of Co-ordination (OMC). By means of setting EU-wide common targets and introducing reporting requirements, monitoring and review mechanisms, the OMC aims at stimulating transnational learning processes. The Council, and to a lesser extent the Commission, are key players under the OMC, whereas the European Parliament is relegated to a largely consultative role. Finally, the discussions on the 'sanctions' against Austria led to the revision of Art.7 TEU specifying procedures for imposing sanctions on Member States which are in breach of the basic values and principles of the Union. As is common for Treaty revisions, the revision of Art.7 was agreed by Member State governments at an Intergovernmental Conference (IGC), in this case the 2000 IGC which resulted in the Nice Treaty. In addition, the process in which the 'sanctions' were imposed illustrates how intergovernmental co-operation in the framework of the EU may serve as a platform for governments to adopt measures which are not formally EU measures.

### 3.3.3 Scope

The case studies cover the EU and the national level. However, given limited resources, not all Member States are included. In addition to the EU level, the case

studies focus on six Member States: Austria, France, Germany, the UK, Spain, and Sweden. Against the background of imminent EU enlargement, the Czech Republic was also covered. The most obvious advantage of the choice of these countries is that it reflects the composition of the EUROPUB research team. While the lead partner for each case study covered the EU level and his/her Member State, the remaining partners supplied national reports on the situation in their respective countries with respect to the specific subject of the case study. There is one exception to this approach: the case study dealing with the Culture 2000 Programme looks exclusively at EU level decision-making and is therefore not based on partner input.

#### 3.3.4 Approach, methods and sources

The EUROPUB team used a multi-stage approach to ensure a sufficiently common focus and approach of the case studies. At the first stage the team agreed on a set of generic questions (guidelines) on the type of information needed for each policy domain under study. Each case study leader used these guidelines to produce case specific guidelines and for defining the various sources for obtaining the information required.

The final case studies as well as the national reports were assembled on the basis of diverse sources. In addition to relevant scientific literature and documents, interviews and media analyses served as a major source of information. The interviews were conducted with the help of case specific interview guidelines. A common grid was produced for the media analysis. For each national report an average of about eight people were interviewed. This means that most of the case studies rely on about 70 or so interviews covering the seven EUROPUB countries and the EU-level. The selection of interview partners was to some extent case specific. However, government officials, parliamentarians, representatives of societal organisations, such as NGOs or the social partners, usually figured prominently among those interviewed. In most cases the media analysis was limited to the print media. More specifically, a right leaning and a left-leaning 'high quality' newspaper and, in some cases, a tabloid paper were analysed. Depending on the specific focus of the case study, some case studies required a more extensive media analysis whereas others relied more heavily on interviews. Because of the more limited scope of the case study on the Culture 2000 Programme, which only analyses EU level interactions and decision-making, no interviews and media analysis were prepared for this study.

#### 3.3.5 Research findings

To reiterate: the objective of this part of our research was to study and compare different policy domains with regard to four dimensions relevant to openness and participation, namely (a) institutional opportunity structures for participation, (b) the mobilisation of societal actors, (c) the character of public debate which, in turn, also reflects the adequacy of information policy and (d) the responsiveness of political institutions and policy processes to 'external' and especially citizen input.

Our research aimed at unveiling information on each of the separate dimensions but also about how they interact. An 'additive' model of openness and participation would postulate that policy domains are most democratic when 'scoring' high on all four dimensions, i.e. in instances where there is extensive bottom-up mobilisation, a strong public debate, where there exist good and solid opportunity structures for channelling this citizen interest and finally when institutions are responsive to citizen or citizen representatives' input. However this ideal situation need not and probably does not correspond to reality. The objective of the research was to explore how reality diverges from the ideal democratic participatory model and what this implies.

Furthermore, we inquired into the impact of various institutional, procedural and exogenous factors on participation. More specifically we sought to analyse the extent to which factors such as the degree of EU competencies, decision procedures (especially comparing the co-decision procedure with intergovernmental procedures and the OMC) or the degree of 'common affectedness' influence openness and participation.

Table 1 compares the case studies along the four dimensions. The case studies themselves are summarised in boxes in the following pages.

## Sanctions on Austria and the revision of Article 7 of Treaty of EU

### CHRONOLOGY OF MAIN EVENTS

- 03/10/1999: Austrian Parliamentary elections. FPOE wins 27 % of electoral vote.
- 31/01/2000: 'Sanctions' on Austria announced by EU-14 in the case of FPOE entry into government in coalition with OEVP. Sanctions conceptualised as bilateral measures downgrading diplomatic relations to the technical level.
- 4/02/2000: Coalition government OEVP-FPOE sworn in by Austrian President
- Nov 1999 – Mar 2000: Large scale demonstrations against OEVP-FPOE government, racism xenophobia and extreme-right wing. Bigger demonstrations in Austria, smaller scale in other countries too. Demonstrators at first 'in favour' of sanctions, majority changes subsequently their mind (i.e. against sanctions and against OEVP-FPOE). Similarly with opposition parties in Austria and political elites more generally in Europe.
- 08/03/2000: Idea of possible revision of Article 7 outlining procedures to be followed when values/principles stated in Article 6(1) of Treaty are violated raised at meeting between Austrian President Klestil and European Commission President Prodi. Objective of revision would be to not only install useful mechanism but also avoid 'embarrassing' situations like EU-14 measures arrived at outside EU institutional framework.
- June 2000: Feira European Council agrees to commission a 'Wise Men' Report to judge Austrian government's commitment to European values, situation of refugees and minorities as well as political nature of FPOE. Political commentators judge this as seeking an 'exit strategy' out of sanctions.
- July 2000: First hearing on possible revision of Article 7. Belgium and Austria submit proposals. Composition of Wise Men Committee announced by President of European Court for Human Rights.
- Sept. 2000: Wise Men Report is released confirming problematic political nature of FPOE as 'right wing populist party with radical elements' yet recommending lifting of 'sanctions' considering commitment of Austrian government to European values and average performance of Austria on minority / refugee policy (i.e. not worse than other Member States, perhaps even better). Wise Men consider 'sanctions' counter-productive. Wise Men also make proposition about how Article 7 should be revised. Sanctions are subsequently lifted.
- Dec. 2000: Revision of Article 7 is approved at Nice.

### ASSESSMENT POLICY SUB-DOMAIN 'SANCTIONS'

- Mobilisation High (++) . Mobilisation of civil society, especially, but not alone, in Austria.
- Debate Very high (+++). Extensive debate, also in media, in Austria and elsewhere on issues of legitimacy and legality of sanctions, indirectly touching on issues like racism, xenophobia, European democracy, European values and enlargement.
- Openness Low (+). Decisions on sanctions and their lifting taken following inter-governmental procedures. Civil society organisations granted hearings by Wise Men.
- Response Comparatively high if one assumes that sanctions imposed following general outcry and subsequently lifted because of general view against them. Instance of 'poll' democracy? (0/+++)

### ASSESSMENT POLICY SUB-DOMAIN 'ARTICLE 7'

- Mobilisation Low. Civil society organisations, political parties knew about Article 7 but did not bring it into public debate.
- Debate. Non-existent (0).
- Openness Non-existent (0).
- Response Low – Article 7 reflects practical and sovereignty concerns and has yet to be tested.

**Table 1. Comparative overview of case studies**

	Openness	Mobilisation	Debate	Responsiveness
REVISION OF THE DELIBERATE RELEASE DIRECTIVE				
<b>Agenda-setting</b>	0	+	+	0
<b>Policy formulation</b>	+	+++	+++	+++
<b>Implementation</b>	++	++	++	++
CULTURE 2000 PROGRAMME				
<b>Agenda-setting</b>	+	0	0	0
<b>Policy formulation</b>	++	+	0	+
<b>Implementation</b>	0	+	0	0/+
THE EUROPEAN EMPLOYMENT STRATEGY <sup>i</sup>				
<b>Agenda-setting</b>	- (+)	- (+)	- (0)	- (+)
<b>Policy formulation</b>	++ (+)	+	0 (0)	+
<b>Implementation</b>	- (++)	- (+)	- (0)	- (++)
THE "SANCTIONS" AGAINST AUSTRIA AND THE REVISION OF ART.7 TEU <sup>ii</sup>				
<b>Agenda-setting</b>	+	+	++	0/+++
	0	0	0	+
<b>Policy formulation</b>	0	+	+++	+
	+	0	+	0
<b>Implementation</b>	0	++	++	0
	-	-	-	-
THE COMMITTEE OF THE REGIONS				
<b>Member selection</b>	0	+	0	0
<b>Opinions</b>	0	0	0	++
<b>Political impact</b>	-	0	0	0/++
THE 1999 EUROPEAN ELECTIONS <sup>iii</sup>				
<b>Candidate Selection/ Manifesto drafting</b>	+	+	0	+
<b>Run-up to elections/campaigns</b>	+	+	+ / ++	++
<b>Election results</b>	++	+	++	+
<b>Grades</b>				
<b>Mobilisation/ Responsiveness</b>	<b>Debate</b>		<b>Openness</b>	
0 = negligible	0 = media treatment as potential issue at best		0 = no access	
+ = some	+ = media treatment as issue of low relevance		+ = difficult access	
++ = strong	++ = media treatment as issue of significant relevance		++ = fair access	
+++ = very strong	+++ = media treatment as issue of major relevance		+++ = easy access	
/ = alternative assessments	/ = alternative assessments		/ = alternative assessments	
- = not applicable	- = not applicable		- = not applicable	
<p><sup>i</sup> The first grade in each box refers to the EES, the second one in brackets to the NAPs. As it is a cyclical process, the agenda is set automatically for the EES. The implementation of the EES corresponds to agenda setting for the NAPs.</p> <p>The case is further complicated by the fact that national governments play a central role in decision-making. Therefore, EU-level consultation processes are less important, while national consultation and negotiating processes differ strongly among Member States. These processes are heavily conditioned by traditional national institutional structures. The fact that the EES is based on the non-legislative OMC reflects the importance of divergent national structures in this area. In terms of assessing the NAPs, diversity means that, for example, in some Member States the policy formulation process may be quite open, whereas it may be closed in others. In such a case, the overall assessment in the Table refers to an artificial "average" among Member States.</p> <p><sup>ii</sup> Each box has two compartments: The upper one refers to decision-making on the „sanctions“ against Austria, the lower one to decision-making on the revision of Art.7.</p> <p><sup>iii</sup> As with social policy, situations differ strongly between the Member States. This is not surprising, given that the European elections take place in a context which is heavily conditioned by entrenched party systems, electoral cycles etc. The overall assessment in the Table hides these differences as they reflect 'averages'.</p>				

### 3.3.5.1 Institutional opportunity structures – ‘openness’ dimension

#### *General trends*

Most contemporary activities of the European Union are of a regulatory and/or coordination character (cf. Majone 1996 on the EU as a ‘regulatory state’). This has had important implications for the Union’s institutional and decision-making structure both in general and at the policy level.

It is this regulatory or coordination role that also explains the insistence of many political commentators that the EU is not a political system and as such cannot be judged democratically. However in some significant ways the fact that the Union has mainly be involved in regulatory or coordination activities is what has given rise to its legitimacy problem as most regulatory and coordination activities are carried out following the technical rationality logic and in that relying on consultation, bargaining or deliberation, albeit at the inter-governmental level or at most between (technical) experts and political elites. This system which has come to be known as the comitology system has come under increasing pressure both from within and from without for failing to deliver an adequate institutional setting for deliberation and consultation but also for not being transparent, accountable or sufficiently open to different views.

The EU has addressed the shortcomings of the burgeoning committee system in at least three principal ways: First, it has adopted a Decision<sup>2</sup> which aims, among other things, at simplifying the comitology system. Second, since the early 1990s the EU has established a growing number of more or less independent regulatory agencies which have taken over some of the tasks of the committees. Examples include the European Agency for the Evaluations of Medicines, the European Environment Agency, and the European Food Agency. However, while these developments may have improved co-ordination and transparency, they have hardly affected democratic legitimacy with the exception of a somewhat stronger involvement of the European Parliament in ‘comitology’.

The third way in which the EU is trying to address the problems associated with the committee system is more promising from the perspective of democratic legitimacy. It concerns efforts to improve participation and openness and is most prominently outlined in the White Paper on European Governance, published by the Commission in 2001 (EC, 2001). Although the White Paper also deals with issues of effectiveness and coherence of policy-making, it primarily focuses on democratic legitimacy (cf. Greenwood 2002), in particular participation and openness, which are two of the five ‘Principles of Good Governance’ outlined in the White Paper.

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<sup>2</sup> Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission, OJ L 184, 17.7.1999; European Commission 2002, Proposal for a Council Decision amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission, COM(2002) 719 final, 11 December 2002.

In accordance with the regulatory state model, the Commission associates participation primarily with consultation of civil society. While the Commission has frequently resorted to consultation in the past, the White Paper acknowledged that there “is currently a lack of clarity about how consultations are run and to whom the Institutions listen”. Therefore, the Commission promised to “reduce the risk of the policy-makers just listening to one side of the argument or particular groups getting privileged access on the basis of sectoral interests or nationality, which is clearly a weakness with the current method of ad hoc consultations” (ibid.). This was to be achieved primarily with the help of explicit standards for the conduct of consultations.

In late 2002 the Commission adopted the “general principles and minimum standards for consultation of interested parties by the Commission” (EC 2002c). While these standards set out principles and rules which are likely to lead to a certain homogenisation of consultation practice, they do not fully meet the conditions which must be fulfilled if consultations are to enhance the democratic legitimacy of the regulatory state. The most serious shortcomings of the consultation standards are that they tend to be too general and lack legal force. In particular, the standards only provide for a very general requirement for the Commission to give reasons why it accepted or rejected the proposals and objections raised during the consultation process (cf. ibid., pp. 21-22). The Commission also states that consultations must be proportional to the impact of the proposal subject to the consultation and to the political constraints linked to the proposal (cf. ibid., p. 18) Given that the consultation standards are not legally binding, the Commission retains a wide leeway in interpreting these general provisions. This tends to undermine the accountability function of consultations and increases the incentives for the Commission to tailor consultations to suit its institutional interests and needs.

The Commission’s White Paper on European Governance also emphasised the need to improve the openness of European policy-making. According to the White Paper the “aim should be to create a transnational ‘space’ where citizens from different countries can discuss what they perceive as being the important challenges for the Union. This should help policy makers to stay in touch with European public opinion [...]” (EC 2001, p. 12). In this context the Commission underlines the importance of an improved communication policy of the EU. But the White Paper hardly mentions issues of transparency and access of the public to documents. Partly reflecting similar political constraints as in the case of consultation, the Commission therefore stressed aspects of information rather than accountability. While this emphasis is maintained in the Commission’s 2002 report on the implementation of the White Paper, the document also mentions several improvements with respect to transparency and public access to documents and negotiations, for example publication of the minutes of Commission meetings, and measures to improve access to Council and Parliament documents (EC 2002b, pp.8-9). As indicated by the provisions of the draft Constitutional Treaty which, among other things, call for the adoption of legislation on access to documents (Art.49(4)) and provide for access of the public to the Council’s legislative debates (Art.49(2)) there is, however, ample room for further improvements.

## Revision of Directive on Deliberate Release of GMOs in Environment (DRD)

### DEFINING CHARACTERISTICS

An example of the practice of the co-decision procedure in an area with extensive competencies for EU institutions. Also exemplifies scope of agenda-setting role of European Commission.

Presence of key civil society organisations organised transnationally, especially Greenpeace and Friend of the Earth mobilising / lobbying for more restrictions at national (Austria, Germany, France) and European level (Council, EP) over a lengthy period (beginning in late 1980s in Germany and Sweden and subsequently spreading in other countries and at EU level).

External factors played a role, especially health-related scandals (BSE) increasing risk aversion among public and political elites and the diffusion of the sustainability / precautionary principle paradigm in relevant policy communities.

### CHRONOLOGY OF MAIN EVENTS

1993: EC places revision of Directive 90/220 towards relaxation and deregulation on the EU agenda. Part of overall strategy to promote biotechnology as outlined by high-level biotechnology steering committee (BCC) which however met with several Member States' opposition.

1997: Following referendum against genetic engineering, Austria, joined by Italy and Luxembourg, evokes emergency clause of Art. 16 of Directive 90/220 to suspend sale of GMO on its territory following approval of GM maize variety of Ciba Geigy (now Novartis) by EC technical committee and Art. 21 Committee established to decide on release of GMO products and related market issues. Italy subsequently lifts ban but proposition of EC to declare ban in Austria and Luxembourg as illegal fails to gain qualified majority in Council with BE, IE, DK, UK opposing next to AT and LU. French position also changes late 1997.

1998: Formal EC proposal for revision of Directive 90/220 is considerably tightened from original proposal, introducing more stringent control and release measures. In July 1998, France reiterates decision not to authorise release of GM crops without invoking safety clause like Austria and Luxembourg, i.e. in clear breach to Directive 90/220. Out of political pressure, EC waives right to take legal action. Denmark and Greece follow French example and impose unilateral moratoria.

1999: Environmental Council announces in June a de facto moratorium on authorisation of products under Directive 90/220 and informally adopts a Common Position on the revision of the Directive. First reading at EP brings forth proposals for restrictions that go even further than those requested by Council. Positions of Council and EP come closer following EP elections 1999 which resulted in EPP becoming strongest faction.

2001: Revision of Directive approved, new Directive 2001/18/EC.

2003: Regulation 1830/2003 specifying the labelling and traceability provision of Directive 2001/18/EC adopted. Directive / Regulation finally approved entails significantly more restrictions than those originally envisaged by Commission in 1996 but less than those proposed by EP in its first reading 1999.

### ASSESSMENT

Mobilisation	Very strong (+++) especially in the period 1997-2000 and in several countries even if not always in parallel. Significant role of few key civil society organisations.
Debate	High to very high (+++) media treatment as issue of significant relevance.
Openness	Difficult access (+) at the stage of agenda-setting but gradually opening up in view of intensive mobilisation and appropriation of concerns by Member State governments
Response	Low at the beginning but increasing in the period 1997-2000 and channelled through Member State governments changing positions at the Council level.

### *Empirical policy domain comparisons*

Openness of decision-making relates to the opportunities for societal actors to both obtain information on, and to feed information into the EU policy-making process either directly via the EU institutions or indirectly via Member State governments.

Our first finding in this connection is that the extent to which there exist opportunity structures for participation in decision-making at the policy level, these do not appear to stand in any direct relation to the extent of mobilisation or public debate in the policy domain in question. This is insofar interesting because it suggests a rather low degree of responsiveness of policy institutions to citizen concerns, a point we return to again when discussing the dimension of responsiveness.

Institutional opportunity structures for participation are particularly well developed in the EES case, followed by the 1999 European elections, the Culture 2000 Programme, and the revision of the DRD. They are marginal or non-existent in the remaining three cases, e.g. the 'sanctions', revision of Article 7 and CoR cases.

This variation appears to have to do with the decision-making procedures operating in each domain, mainly comparing the co-decision, intergovernmental and open method of coordination procedures.

- In the Culture 2000 Programme and the DRD cases, in which the co-decision Procedure was applied, a significant degree of openness could be observed.
  - o In both cases the involvement of the European Parliament in decision-making appears to have contributed to openness. Among other things, the EP organised consultations and, in the DRD case, leaked information to societal actors on discussions in the Conciliation Committee in which the final negotiations between the Council and the EP take place under the Co-decision Procedure.
  - o Similarly, in both cases the Commission and even the Council appear to have been relatively open to consultation of societal actors.
- By contrast, the 'sanctions' and the Article 7 cases, which are, respectively, examples of informal and formal intergovernmental negotiations, displayed a very low degree of openness.
- The highest degree of openness was displayed by the EES policy domain which is 'governed' by the open method of coordination (OMC). The OMC method is also an intergovernmental method insofar as Member State governments remain the leading players, however they are obliged to include social partners as well as civil society organisations in consultations both at the national and sub-national level. The self-organisation of social partners at the European level is also gradually resulting in their greater involvement in relevant deliberative platforms at the European level as well. However, we found a significant degree of *national variation* with regard to the degree to which national governments follow these principles: countries with a corporatist political culture are more likely to adhere to

these principles than more liberal or competitive political systems. The OMC follows in fact a corporatist logic and its democratic effectiveness would appear to be significantly dependent on whether such a culture pre-exists or can be created at the national or supra-national level.

In summary, our comparisons suggest that the Co-decision Procedure is significantly more open than intergovernmental decision-making, but that this does not mean that the broader 'community method', which gives the European Commission and Parliament a strong role, is necessarily more open than decision-making procedures, such as the OMC, that are not intergovernmental in the 'classical' sense, but in which Member State governments are the primary decision-makers albeit under the scrutiny of societal actors.

### **3.3.5.2 Mobilisation**

Mobilisation concerns the degree to which societal actors, in particular citizens and citizen oriented organisational actors, such as NGOs, political parties, trade unions, but also regional and local actors, mobilised resources in response to EU activities or perceived European challenges.

It emerges from our research that mobilisation is strongly a function a '*common affectedness*'. Mobilisation was highest in the DRD, 'sanctions' and 1999 European elections cases. In all these cases there was a high degree of common affectedness among key actors. In the DRD case common affectedness resulted from the coincidence with the BSE crisis of the first U.S. exports of unlabelled GM crops to the EU. The European elections almost by definition 'affect' citizens and political parties across the EU as they provide opportunities to vote and be represented in the European Parliament. In the sanctions case, common affectedness, in particular of national political parties, stemmed from the fact that extreme right-wing parties in Member States other than Austria were expected to benefit from the results of the Austrian elections and the inclusion of the FPÖ in the new coalition government. By contrast, due to the diversity of labour market, cultural and regional structures in the Member States, there was only a small degree of common affectedness in the EES, Culture 2000, and CoR cases. This corresponds to lower mobilisation in these three cases. As no particular Member State government was widely expected to violate basic European values and principles, the revision of Article 7 neither generated strong common affectedness nor mobilisation.

In addition to the degree of common affectedness, two other factors appear to have contributed significantly to this pattern – individually and in relation to each other:

## European Employment Strategy – National Action Plans on Employment (EES)

### DEFINING CHARACTERISTICS

The first example of the application of the ‘open method of coordination’ (OMC) or an example of the soft multi-tier system of coordination. Employment policy remains the prime responsibility of Member States but approximation is sought by following common objectives, exchanging information, benchmarking and monitoring / evaluation.

Commission draws the Employment Guidelines on the basis of the Joint Employment Report prepared by the European Council with input from Member State Governments. Following ‘soft’ consultation with other European institutions, including the European Parliament, the Council adopts the Guidelines on the basis of qualified majority voting. Subsequently, the Member States proceed to design the so-called National Action Plans for Employment as well as prepare reports to the Council on how the European Employment Strategy is considered in national employment policy. The National Action Plans are prepared in regular periods and likewise evaluated regularly.

Employment guidelines foresee cooperation with social partners at the national level in the formulation and implementation of the National Action Plans. Their actual involvement varies quite significantly from one country to another. The EES and NAPs Employment cannot yet be said to have activated social dialogue at the national level in those countries without a tradition in the field. The same is true with regard to dialogue with other civil society organisations. Instead the EES appears to have promoted decentralisation with regard to the implementation of employment policies. In some cases and through the European Employment Pacts regions have increased their say also in terms of the formulation of policy and not merely in terms of implementation.

Social partner umbrella organisations (like ETUC and UNICE) are also represented at various committees at European level (Standing Committee on Employment, Employment Committee, Macro-Economic Dialogue) but inclusion is loose even if formal.

The policy process appears clearer in content and procedures for sharing competences than what it really is. This is not unrelated to the proliferation of variable and non-transparent terminology for characterising European involvement in employment policy – policy actors as well as politicians refer to the “Luxembourg”, “Lisbon” or “Cologne” process, there is the European Employment Strategy but also the European Employment Pacts, the number of committees at the political (Council) and technical (Commission) level are numerous, displaying different albeit overlapping agendas and different rules regarding the participation of societal actors.

### ASSESSMENT

Mobilisation	Moderate (+) and mainly of social partners during the policy formulation phase, less so with regard to agenda-setting or implementation. Significant national variation with countries with a tradition in corporatism displaying higher institutional capacity for mobilisation of relevant actors.
Debate	Low media treatment as a ‘European’ issue. NAPs did not emerge in public consciousness as part of a (European) employment strategy. Employment issues otherwise widely discussed and along similar lines (i.e. growth, unemployment, youth, ageing, gender mainstreaming etc.)
Openness	Fair access for social partners in some countries and at European level but in most countries Member State governments try to operate as gatekeepers vis-à-vis social partners and the latter act, in turn, as gatekeepers vis-à-vis other societal actors.
Response	Fair degree of responsiveness (++) from the perspective of elaborating a policy that is more supportive of individuals and specific risk groups.

- First, institutional factors relating to the organisational set-up and *advocacy strength of civil society organisations* could explain why mobilisation was particularly high in the DRD case. Environmental NGOs which led mobilisation in this case were to a significant extent organisationally Europeanised or transnationalised. This was particularly true for Greenpeace, but also for other NGOs, such as Friends of the Earth. Such factors were also relevant in the EES case. Given that common affectedness was low in this case, there was a relatively high degree of mobilisation. This can be attributed to the organisational resources which the Social Partners mobilised, in particular in the more corporatist Member States.
- Second, an increase in mobilisation tends to go hand in hand with *more EU competencies/powers of intervention*. In the DRD case, which features the highest degree of mobilisation, the EU formally shares competencies with Member States. By contrast, policy-making is still largely confined to the national level in the areas of social and employment policy as well as cultural policy. Corresponding to this situation, mobilisation was lower. The contrast between significant mobilisation for the 1999 European elections and very low mobilisation in the case of the CoR corresponds to the difference in competencies and political influence between the two institutions.

Finally, patterns of mobilisation do not seem to systematically correspond to either differences in decision-making procedures or the difference between representative institutions and policies. However, if compared to the situation at the national level, it is remarkable that some policy cases (DRD and 'sanctions') feature a higher degree of mobilisation (and public debate) than the 1999 European elections. This may be interpreted as an indication for the limited role of representative institutions in legitimising EU policy-making.

### 3.3.5.3 Public communication and debate

Perhaps most importantly, public communication and debate occurs in the mass media. However, other forms of contestation, such as public protests, open letters, public relations activities, parliamentary debates etc. are relevant, too. Public debates and communication are European or Europeanised if they involve, react to, or address the European institutions or issues of EU policy-making (cf. Koopmans and Erbe 2004).

The differences among the policy domains we studied are most pronounced with regard to this dimension. On the one hand, there are three cases with a high level of debate while, on the other hand, there is an equal number of cases which feature virtually no public debates. As with mobilisation, the degree of debate seems to be related to a significant extent to *common affectedness*. The three cases which were characterised by relatively high common affectedness, e.g. the DRD, 'sanctions', and 1999 European elections cases, also featured the most intense public debates. In the three remaining cases, in which common affectedness was low, there was no public

debate, whereas the intensity of debates was only marginally higher in the Article 7 case, which is the fourth case with low common affectedness.

Public debates and communication are often linked to the *mobilisation of societal actors* which, in turn, is also linked to common affectedness. Consequently, there is a significant degree of co-variation among these two dimensions of participatory practice. Table 1 shows that the three cases with the most intensive debates also featured the highest degree of mobilisation. In fact, it seems very likely that at least for the case of the DRD, the impact of highly effective campaigning by environmental NGOs on public debates was higher than any direct impact of common affectedness.

However, the association between debates and mobilisation is not as strong if and when mobilisation is only moderate or low. Exemplary of this situation are the EES and Culture 2000 domains. In both of these cases we observed a significant degree of mobilisation of relevant actors, yet there was no extensive public debate. Among other things, this may be explained by the fact that mobilisation by societal actors in these two cases did not take place in public, but focussed on what might be called elite actors, such as experts and leading institutions.

As to the impact of variations in decision-making procedures, our findings suggest that these have no major impact on the intensity of public debate. In particular, both intergovernmental and 'community method' types of decision-making as well as representative institutions and policies may or may not generate significant public debate. There is also little relation between public debate the degree of institutional openness of policy communities. Debates within policy communities are not always communicated to the public and this lack of communication corroborates the reproduction of closed structures.

#### 3.3.5.4 Responsiveness

Responsiveness concerns the extent to which policy-makers involved in EU decision-making accommodate the arguments and demands of societal actors. From the perspective of democratic legitimacy, positions articulated by civil society actors, such as NGOs or the media and, to a lesser extent, public opinion, are particularly relevant.

Our research shows that this does not stand in any clear direct relation with the other three dimensions which, in turn, lends support to the view that *responsiveness functions as compensation for a generally weaker role of directly elected representatives and societal actors* in European- than in national-level policy-making (Greenwood 2003, p. 36). This interpretation is supported especially by the two cases which displayed a very strong demand side, i.e. mobilisation and public debate, namely the DRD and 'sanctions' cases. Although still limited in relation to strong demands, responsiveness in these cases is significantly higher than institutional opportunity structures for participation, i.e. openness. This may be taken as an indication that policy-makers try to compensate for relatively closed decision-making by increased responsiveness.

## European Cultural Policy – The Culture 2000 Programme

### DEFINING CHARACTERISTICS AND CHRONOLOGY

The planning & decision of the Culture 2000 programme followed the co-decision procedure. Following the approval in 1997 by the Council of a proposal for a greater involvement of the European Community in the cultural sector through the financing / support of cultural forms of expression / production, the Commission drafted in 1997 its first Communication on the contents of a cultural support programme. A second draft was presented in May 1998 – this took into account some of the comments of the European Parliament to the first draft as well as some of the stakeholder input assembled through a series of consultations. The Parliament rejected the second draft and there followed a mediation process which resulted in the approval of the programme at the third reading and both by the Council and the European Parliament.

A number of the recommendations of the European Parliament were taken into account in the final bill, but not the main one, namely that concerning the budget of the programme. The Culture 2000 programme was launched with an initial budget of 167 million despite the fact that the European parliament (and stakeholders) requested 250 million.

Consultations were organised by the European Commission and by the EU Presidencies in the 1996-1998 period. These targeted experts in the cultural sectors as well as non-governmental cultural associations and associations of cultural / artistic producers. The Commission also coordinated a survey within Member States on expectations, contents, budgets required etc.

A large forum bringing together all relevant societal actors was organised in 1998. A second Forum, to take stock of the first years of the operation of the Culture 2000 Programme, was organised in 2003.

The Culture 2000 programme could be said to represent one example of the active inclusion of cultural producers (also the main beneficiaries of the programme in terms of grants) in the formulation of the programme.

### ASSESSMENT

Mobilisation	Some (+) degree of mobilisation during the phase of policy formulation and concentrating on those cultural producers also expected to be the main beneficiaries of the programme (in terms of grants). Mobilisation was organised 'top-down' rather than 'bottom-up' with relevant actors being 'recommended' by Member State governments. For some cultural production areas (like music) facilitated by the existence of umbrella organisations at European level.
Debate	No systematic media treatment of the Culture 2000 programme. Publicity rather centres to the programme's outputs.
Openness	Fair access (++) of those actors also targeting the programme as potential beneficiaries.
Response	Low (0) regarding programme's budget.

One of the two 'institutional' case studies also tends to support the compensation hypothesis. Of the four dimensions of participatory practice, responsiveness is the only one with respect to which the CoR case reaches a significant score. This seems to reflect the CoR's lack of democratic legitimacy and the particularly loose link between the CoR and potentially relevant constituencies. The CoR therefore tries to compensate its lacking representative qualities by responsiveness at the decision-making stage. More generally, whereas the legitimacy of policies also depends on their success ('output legitimacy'), the legitimacy of representative institutions, such as the CoR, depends largely on whether they are seen to actually represent their constituencies. The CoR's behaviour may therefore correspond to a general tendency among nominally representative institutions which lack representative qualities in practice.

The case of the EES was also characterised by relatively high responsiveness. However, due to only moderate levels of mobilisation, the absence of public debates, and a high degree of openness, there was no need for responsiveness to be used as a means of compensation. Rather, responsiveness was influenced by decision-making procedures. More specifically, given that the EES is based on the OMC, which does not result in the adoption of legally binding rules, successful implementation of the EES requires voluntary co-operation and compliance by relevant societal actors. Policy-makers try to achieve this by accommodating the positions of these societal actors.

Low responsiveness in the case of the Culture 2000 Programme seems to reflect still another factor. Relatively low mobilisation meant that there was little political pressure on policy-makers. In addition, the Programme offers financial incentives for participation. Therefore, there was no need to be responsive in order to secure participation by societal actors. Finally, in the Article 7 case low responsiveness seems to reflect the near absence of mobilisation and broad public debate, as well as the political sensitivity of the debate on the procedures for imposing EU sanctions on Member State governments.

### 3.4 The emerging European political class

#### 3.4.1 Key research questions

The study of the emerging European political class sought answers to the following three questions:

- What are the sociological characteristics of people professionally active in politics at the European level? Are there common characteristics?
- What is the significance of European positions and activities within political career paths?
- What does ‘Europe’ mean for the members of the European political class? What are their attitudes towards Europe, and what are their motives for commitment?

The emergence of Europe as a new supranational institution has opened up new career opportunities for professional politicians beyond their national borders. Studying the way national politicians are gradually implicating themselves at European level gives us a good opportunity to test the emergence of a European political class, and, more generally, the emergence of a European public sphere.

#### 3.4.2 Scope – who is who?

Considering the lack of clarity of, or the absence of a theory with regard to, the notion of a ‘political class’, especially at European level, we have not sought to define it extensionally. Such an approach is particularly unhelpful when talking about Europe and the European Union, a political system that is at one and the same time intergovernmental, transnational and supranational. On the contrary, the interesting question for present purposes is whether there is a category of people (or categories of people) who share and actively pursue a common interest(s) – not necessarily knowingly – which might revolve around the strengthening of the European polity.

Consequently, we have decided to look at the various institutions with a European profile and mission, but also at the interfaces at national and regional levels, in order to see whether their ‘members’ or ‘professionals’ share a European ideology; this ideology could be expected to share a core – the character of which will have to be established – but otherwise vary.

Our hypothesis for empirical work was that the core of a political class includes all those who occupy a political position (whether elected or not), or are prospective candidates to these positions. Their power is defined primarily by its nature, that is, to be political. This means that we do not equate political power with the influence some people may have on policy processes. This then implies that all those individuals (e.g. high finance, industrials, interest organisations etc.) who may have influence on

decisions taken at European level, but who do not actually participate in the political process, are not to be considered as within the core European political class.

We have therefore used the following guidelines for empirical work:

1. One of the most important criteria for membership of the European political class is the holding of an official political position (whether by election or nomination), or the fact of applying for it;
2. One of the specificities of the European political system is that it is intergovernmental, supranational and transnational at the same time. The supranational level is the level of the Union, while the intergovernmental level may be much wider (e.g. European Council). At the same time, some processes may fall within neither of these two categories: that is what we call 'trans-national' activities (e.g. activities of NGOs). The members of the European political class may therefore primarily have national activities or mandates, but their activities should transcend national boundaries. Thus, we do not postulate that these members of the European political class must have exclusively European activities, but that these should concern primarily European political processes, whether at the intergovernmental, supranational or 'trans-national' level.
3. The European political class cannot be equated with the juxtaposition, or the sum of the various national political classes. Therefore, membership of one of the national political classes does not imply membership of the European political class.
4. The ideal "Identikit" of the member of the European political class is thus a person who has occupied / is occupying / is likely to occupy various political positions in various countries, or, on the contrary, a person who has never occupied any political position, apart from a European one.

We can list a number of people who may belong to the European political class, and that we have consequently included in our sample:

1. Members of the European Parliament (MEPs);
2. Members of national governments, as they are members of the Council of Ministers;
3. Members of the European Commission;
4. Members of the European Federations of Parties;
5. Rapporteurs for the European questions in the national Parliaments; some of them seem to have a purely administrative role (e.g. reporting on financial matters), while some others intervene directly in the political debate. This position is apparently linked to the existence of strong national cleavages around European questions;
6. Members of the Committee of the Regions, but also study members of the permanent delegations of the regions in Brussels. Some of these delegations are

very small and not very active, but some of them are quite powerful, like the Scottish delegation in Brussels, which works closely together with the United Kingdom permanent delegation;

7. In the same way, members of the permanent delegations of the countries are part of our sample. A whole part of their work seems of an administrative nature, but they can also act as an interface between administration and politics;
8. Members of the Economic and Social Committee of the European Communities;
9. Members of the European Trade Union Confederation;
10. Members of the committees of the other EU institutions (amongst which Decentralised Community Agencies; Court of Justice of the European Communities; European Court of Auditors, European Central Bank; European Investment Bank; European Investment Fund; European Ombudsman);
11. Activists of NGOs active mainly at the European level;
12. Members of the national political classes, who do not belong to the other categories, and whose actions or discourses give structure to the European debate in their country.

All of the above actors can in turn be classified according to two organising categories: first, whether they are holding elected or non-elected positions; second, whether they are mainly involved in activities conducted at the European or the national level.

### 3.4.3 Approach, methods and sources

In order to answer our research questions, three main methods of data collection have been employed, namely a survey of members of the European political class using a Web-based questionnaire, face-to-face interviews and biographical analysis.

#### *Survey*

The survey questionnaire comprised two parts and about 15 questions. The first part inquired into the professional, educational and political activity background of the respondent. The second part included a series of attitudinal questions on the European polity and its institutions. The questionnaire was established on the Web and distributed mainly electronically<sup>3</sup> to the following categories of persons and mainly in the seven countries covered by our research, namely, Austria, Czech Republic, France, Germany, Spain, Sweden and United Kingdom.

- Members of National Parliaments (MPs)
- Candidates for the 1999 European elections
- Regional delegations in Brussels

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<sup>3</sup> It was been sometimes necessary to use paper versions of the questionnaire, sent by fax or postal mail, or handed personally. Some questionnaires were also administered orally, especially in Spain.

- Officials of European federations of parties
- Persons in charge of European and/or international affairs in the national political parties
- Persons in charge of European affairs inside the trade-unions which are members of the ETUC
- For ATTAC, Greenpeace and Amnesty International: Persons in charge of European and/or international affairs
- The group of policy advisers for the European Commission (16 members in various policy sectors)

Overall the questionnaire was distributed to around 4,000 persons. The general response rate for the questionnaire was moderate (12%), with 506 usable answers received. A great part of these answers came from Spain, where the response rate was very good, with 180 answers. The response rate was also very satisfactory in Sweden, with 93 completed questionnaires received. The answers then came from Austria (with 53 respondents), from Germany (50), the UK (48), Czech Republic (44), and France (28).<sup>4</sup>

For some countries, the response rate was therefore rather not satisfactory (Austria and Czech Republic with less than, or around 10%), and not satisfactory at all in some others (Germany, France and the UK, around 5%), despite all the individual and collective efforts of each national team. In view of this context, statistical information as discussed below should be regarded primarily as indicative and as a pointer to future research. Conversely, however, the objective, as described above, was not to conduct an exhaustive survey of persons active in European politics, but to add some empirical detail to the conceptual mapping of the European political class and to clarify some indicators for its emergence. From this perspective, the statistical demands on the data are reduced.

Comparison between the reference population and the sample reveals that we have managed to reach our main objectives. We argued that one of the most important criteria for membership of the European political class is the holding of an official political position (whether by election or nomination), and 74% of respondents hold an elected position and 65% an official (non elected) position.<sup>5</sup>

More specifically, our sample includes the following categories of respondents that we had targeted:

- 93 current or previous MEPs (18 % of sample)
- 278 current or previous national MPs (55 % of sample)
- 120 current or previous regional delegates (24 % of sample)
- 213 current or previous local delegates (42 % of sample)

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<sup>4</sup> For ten (10) respondents information on nationality is missing.

<sup>5</sup> The two categories 'elected position' (present or past) and 'official position' (present or past) are clearly not exclusive by reason of multiple functions or mandates.

- 115 holding or having held previously an official national government position (23 % of sample)
- 233 respondents currently holding, or having previously held, an official position in a national political party ( 46 % of sample)
- 77 respondents currently holding, or having previously held, an official position in a NGO (15 % of sample)
- 55 respondents currently holding, or having previously held, an official position in a trade-union (11 % of sample).

It becomes clear from the above list that another key characteristic of our sample and possibly of the emerging European political class is diversity of experience even if not currently holding multiple mandates. To this we return to in the next section of this report.

In terms of gender, the sample also appeared to reflect the reality of contemporary politics, with 70 % male respondents and 30 % female respondents.

With regard to political affiliation and with reference to the European political party families, the two largest groups are the European Socialists (PES) and European Peoples' Party (EPP) with 38 and 33 per cent of the sample respectively. 9 per cent of the respondents identify with the Greens, 7 per cent with the United Left / Nordic Green Left political group, 6 per cent with the Liberals while 6 per cent are non-attached.

At the analysis stage, our first task was to produce a systematic codification of answers, as well as a general description of the sample. We then proceeded with cross-tabulation of questions concerning the demographic, sociological and professional background of respondents. Our aim was to study the sociological characteristics of people active at the European level, as well as the professional background and socialisation of those holding or potentially holding political office in the European Union. The third stage was to cross-tabulate questions concerning career paths of respondents, in order to assess the significance of European positions and activities within their political career paths. Finally, we analysed answers to opinion questions and attitudes towards Europe using cross-tabulations as well as two-way analyses of variance and factor analyses. The statistical package SPSS 9.0 for Windows was used for this purpose.

For the purpose of the analysis and in order to increase the robustness of the analysis in terms of statistical significance checks, when exploring the effects of nationality and political affiliation on sociological as well as attitudinal variables we re-grouped these background variables.

- In terms of nationality we distinguish five groups: Spanish; Swedish; Continental Europe (to include Austrian, German and French respondents) and other to cover UK and the Czech Republic.
- In terms of political affiliation we distinguish between three groups: the left to include members of the Party of the European Socialists (PES), the right to

include members of the European Peoples' Party (EPP) and Greens / Liberals to include members of the Greens, Nordic Green and Liberal Party.

The regroupings were done after controlling for the homogeneity within the new groups in terms of key sociological and attitudinal questions.<sup>6</sup>

#### *Face-to-face interviews*

The aim of the face-to-face interviews was to complement the questionnaire survey by better identifying the reasons for European engagement, possible generational shifts, differences between countries and / or parties and the impact, if any, of changing institutional structures. We concentrated mainly on MEPs, and for reasons of time and linguistic skills of available research staff, we were able to cover only Austria, France, Germany, and the UK. The failure to cover Sweden and Spain is to some extent mitigated by the high response rate to the questionnaire for these two countries. Considering the fact that MEPs are quite difficult to contact and to arrange meetings with, we also included several other categories of people active at the European level. Our sub-sample therefore included:

- MEPs who had not already answered the questionnaire
- Members of the Committee of the Regions
- The group of 'policy advisers' of the European Commission
- And a broad category of 'others' (esp. members of the European Federations of Parties who are not MEPs, members of the permanent delegations of the regions in Brussels, and advisers for European affairs in national governments.)

Some 25 interviews were conducted, amongst which nine with MEPs, five with members of the Committee of the Regions, and four with advisers for European affairs in national governments. Two interview grids were prepared, one for MEPs, the other for non-MEPs. These grids included several categories of questions:

- questions on biographical data; these questions were asked when this information was not available elsewhere (e.g. on the Internet)
- questions on the current position and mandates of each interviewee
- questions on previous positions and mandates (in order to collect specific data on individual career paths)
- finally, questions on the nature of work done at the European level (what type of contacts does it imply, it is mainly 'political' or mainly 'technical'?).

In order to transcribe these interviews, we systematically used analysis grids, built around the various categories of questions (warm up and biographical data; current position and mandates; previous positions and mandates; nature of work at European

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<sup>6</sup> Thus, for instance, the Greens / Liberal were placed together after an examination of the answers that showed that these two groups were more similar to each other than to the left (for the Greens) and the right (for the Liberals) respectively. Likewise the Czech respondents presented a profile which was closest to that of the UK respondents.

level). These grids allowed us to keep the most important and meaningful elements of answers, question by question, and to carry comparative analysis.

#### *Analysis of biographies*

The third method used was analysis of biographies, as obtained from two main data sources:

- first, biographical fiches collected during interviews done in the course of the policy case studies (see section 3.2.1). In addition to biographical information, these fiches also included questions about professional career paths, as well as additional questions on respondents' opinions about their work at European level;
- second, various web sites where biographical data on MEPs as well as on other members of European elites was available. Apart from personal data on age or educational background, this research proved very useful with respect to information on career paths and other mandates and positions held by MEPs and other people active at European level.

In order to transcribe and code data collected through these biographical fiches and CVs, we used grids systematically reporting age, sex, nationality, career paths, as well as mandates held and positions occupied.

#### 3.4.4 Research findings

To reiterate our empirical work on the emerging European political class sought to answer three inter-related questions: (1) what are the sociological characteristics of persons professionally active in politics at European level; (2) what is the significance of European positions and activities within political career paths; (3) what does Europe mean for members of the European political class?

##### 3.4.4.1 Sociological profiles

Our sample of members of the emerging European political class is sociologically quite homogeneous as can be judged in terms of educational background and previous occupation. Thus the majority of our respondents (91 per cent) has had at least two years of higher education with 40 per cent reporting between four to five years of higher education (an equivalent of at least a Masters) and a further 20 per cent the possession of a Ph.D. This is consistent across gender, nationality and political affiliation (Tables 2a to 2c).<sup>7</sup>

Only in terms of nationality can we observe some statistically significant differences with Swedish respondents tending to be more evenly distributed across educational categories and very few of them holding a Ph.D. In contrast Spanish respondents are

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<sup>7</sup> The results are similar with regard to previous occupation and are thus not reproduced here.

more likely to be concentrated among the highest echelons of educational achievement. If homogeneity in terms of educational background is taken to also imply a lack of representativeness of political elites, hence a closeness of the political field, then this closeness is greater in Spain and lesser in Sweden. Overall however this type of closeness is a characteristic of all modern democracies and not only of the European level of governance.

**Table 2a. Educational background of respondents by gender in %**

	<b>ALL</b>	<b>MEN</b>	<b>WOMEN</b>
1. Secondary education	9	9	9
2. Up to two years of higher education	10	9	15
3. Three years of higher education	21	20	22
4. Four to five years of higher education	40	41	37
5. Ph.D.	20	21	17
<b>N</b>	<b>497</b>	<b>349</b>	<b>148</b>

Note: Where group totals do not entirely correspond to the population or sub-population totals this is because of the missing values.

Chi-square test: 0.247 (not significant)

**Table 2b. Educational background of respondents by nationality in %**

	<b>ALL</b>	<b>UK &amp; CZ</b>	<b>DE &amp; AT &amp; FR</b>	<b>SE</b>	<b>ES</b>
1.	9	5	9	24	3
2.	11	12	11	15	6
3.	21	16	12	23	28
4.	40	49	46	32	35
5.	20	18	22	6	28
<b>N</b>	<b>487</b>	<b>90</b>	<b>129</b>	<b>91</b>	<b>177</b>

Note: Where group totals do not entirely correspond to the population or sub-population totals this is because of the missing values.

Chi-square test: 0.000 (significant)

**Table 2c. Educational background by political affiliation in %**

	<b>ALL</b>	<b>PES</b>	<b>GUE/NGL</b>	<b>ELDR</b>	<b>Green</b>	<b>EPP</b>	<b>NI</b>
1.	9	10	19	(7)	(8)	7	(3)
2.	11	11	(9)	(7)	(12)	10	(6)
3.	21	20	19	28	22	20	(13)
4.	40	34	40	48	35	43	56
5.	20	25	13	10	23	20	22
<b>N</b>	<b>450</b>	<b>170</b>	<b>32</b>	<b>40</b>	<b>40</b>	<b>147</b>	<b>32</b>

Note: Where group totals do not entirely correspond to the population or sub-population totals this is because of the missing values.

Chi-square test: 0.605 (not significant)

The majority of our respondents are men (70 per cent). Only in Sweden are women more likely to be represented in the political class – 40 per cent of our Swedish respondents are female as compared to around 30 per cent in all other countries. (The difference is however not significant at the statistical level). Male dominance is greater in the right of the political spectrum than in the left, again however the differences are not major and not statistically significant: thus 74 per cent of our respondents identified as leaning to the right (EPP) are men as compared to 65 per cent of those belonging

to either the Green or Liberal parties and 68 per cent of those belonging to the left (PES).

The median age of our sample is 50, i.e. 50 per cent of all respondents are below (or above) 50 years of age. However, in fact our sample is skewed to those above 40 years of age with an almost equivalent proportion falling under the 41-50, 51-56 and 57+ age groups and only 23 per cent being aged 40 or younger. Younger persons are over-represented among the Green and Liberal parties (32 per cent as compared to 23 group average) as well as in the three Continental European countries, namely, Germany, France and Austria (36 per cent as compared to 23 group average). Again however the results are not statistically significant.

One interesting finding of our research is that those political actors active at the European level display a more international profile than their counterparts at the national level. Table 3 displays the shares of those that studied abroad among those with an experience as a Member of the European Parliament (MEP) in comparison with Members of the National Parliaments (MP), regional delegates (RD) and local delegates (LD). These findings are statistically significant at the 0.05 level. This trend is repeated with regard to experience working abroad (also Table 3).

	<b>Studied abroad</b>	<b>Worked abroad</b>	<b>N</b>
MEP	43	61	91
MP	28	23	272
RD	24	33	116
LD	22	23	208
<b>ALL</b>	<b>33</b>	<b>34</b>	<b>495</b>

Note: Where group totals do not entirely correspond to the population or sub-population totals this is because of the missing values.

In accordance with the above findings language skills are equally discriminating: among MEPs, we only find 22 per cent with proficiency in only one language; this compares with 42 per cent among MPs, 38 per cent among regional delegates and 43 per cent among local delegates. Among MEPs the relative majority (46 per cent) speaks three or more languages.

In other words, MEPs form a distinctive group insofar as they tend to be much more internationalised than the other elected representatives, whether at national, regional or local levels. Whether it is this internationalised profile which explains the will to engage in European politics, or the other way round – the fact of being active at the European level explaining for instance increased language skills – is unclear; however, interviews showed that commitment at the European level often derived from a real inclination and interest in this sphere of politics. For example, one of the British MEPs we interviewed stated:

*‘I grew up with an internationalist outlook on life, that’s why I have always been more interested in the European Parliament than in the National Parliament’*,

while a French MEP insisted:

*'I have been a Euro-enthusiast since 1948 (...) I understood at once the importance of the European project'.*

Our survey thus suggests that there is a real specificity of MEPs on this question of internationalisation; in other words, our findings go against the common-held idea according to which basically anyone – namely, any politician who can claim the support of a national political party – can be elected to the European Parliament; interest and internationalisation seem to be important criteria too.

Otherwise, however, MEPs do not differ significantly from other political actors. This is insofar interesting as it points to a certain homogeneity of the political class across national boundaries, at least in terms of sociological profile. As the next section shows, this appears also to be the case in terms of career paths.

#### 3.4.4.2 Career paths

The European Parliament and European institutions in general are usually seen as part of a larger inter-polity career system. Therefore, recruitment to these institutions can be seen as an aspect of a broader process of recruitment to the polities in a multi-level Europe. In some countries for instance, the European Parliament is used as a 'stepping stone' to the national parliament (Britain for instance, as shown by Westlake, 1994), whereas in some others it is the other way round (Denmark for instance, as shown by Kjaer, 2001).

More specifically, Scarrow (1997, p.260) identifies three different types of MEPs on the basis of their sequence of national and European political careers. According to her, some MEPs are 'European careerists', serving a long time in the European Parliament without serious intentions of making their political involvement into a national political career. Others serve in the European Parliament for a limited period of time and then return to their home country in order to take a seat in the national parliament – these MEPs could be labelled 'Domestic careerists'. Finally, there are MEPs who serve for a short period of time in the European Parliament, but without returning to domestic politics. For these people, the European Parliament turns out to be a 'Political dead-end'. Our survey confirms this diversity of career paths, but suggests a real intertwining and interconnection between European and national political scenes.

One of the most important findings of our survey is that there is no real disconnection between European and national political scenes. This can be traced by three elements: first, the holding of multiple mandates; second, past and/or future activities with reference to the holding of specific mandates and third, having frequent contacts with national governments, national parliaments and national political parties.

### *Multiple mandates*

Not very surprisingly, most of the people who answered the questionnaire, or with whom we conducted interviews, hold many other positions and mandates. However, it is striking to see that multi-positionality is rare at the European level itself. In other words, it is very rare to hold two European positions at the same time, whereas it is quite common at the national level. Mobility at the European level, as well as 'multipositioning' (e.g. being a MEP and a member of the Committee of the Regions at the same time), are therefore a lot less developed than at the national level.

Table 4 displays the shares with multiple mandates (2 or more) among those holding elected positions at present.

	<b>2+ mandates present</b>	<b>2+ mandates past</b>	<b>N</b>
MEP current	33	37	78
MP current	29	21	241
RD current	64	28	39
LD current	72	19	83
<b>ALL</b>	<b>16</b>	<b>18</b>	<b>506</b>

The differences between MEPs and MPs are in fact not statistically significant but when we compare the present and past experience with multiple mandates it would seem that while this is on the decline at the European level it is on the increase in the national level. By far the greatest degree of multi-positionality can however be observed among regional and local delegates, the absolute majority of whom have more than two mandates.

The decline of multiple mandates among MEPs is also suggested by previous research (Andersen and Eliassen, 1998) as well as by our face-to-face interviews. As some of our interviewees stated, working as a politician at the local or regional level is a completely different task than being a MEP. Some MEPs we interviewed indeed stressed that being a MEP is a full-time job, whereas one can be elected at the local level, and even hold several local mandates at the same time, without leaving one's professional occupation. In other words, an electoral mandate at the European level requires experienced politicians, whereas experience is not always required to obtain a local mandate:

*'If you want to be elected at the European Parliament, you have to have been confronted with reality in the past; otherwise, if you have only proven your abilities in a political party, you are an apparatchik'.*

One French MEP we interviewed even insisted on the fact that being a MEP and being a MP were

*'different jobs (...) because MEPs have more relationships with professional networks as well as with business'.*

Being a MEP thus seems to require specific skills, as well as a lot of time, a fact that explains that not all MEPs hold other types of electoral mandates. Indeed, only a third of the MEPs who answered the questionnaire hold another concurrent elective mandate. Of course, many had been elected at national, regional or local level in the past, but it is striking that most of them seem to concentrate on their current European mandate. The number of triple or even quadruple mandates (European, national, regional and local) is very low, with for instance only 5% of current MEPs occupying at the same time a national and a regional seat.

*Past vs. future activity*

One cynical view regarding the obvious decrease of multiple mandates among Members of the European Parliament is, following Scarrow (1997), that some of these MEPs are former national politicians, who see the seat in the European Parliament as a ‘*consolation prize after retirement from national elected office*’ (ibid., p.259). However our findings would speak against this claim.

Table 5 brings together two sets of findings. It compares the share with no previous mandate among those currently holding elected office with the share of those with no mandate at present among those holding elected office in the past.

<b>Table 5. No mandate in the past or future among ... in %</b>			
	<b>No mandate earlier</b>	<b>No mandate after</b>	<b>N</b>
MEP current	29	--	78
MEP past	--	11	27
MP current	36	--	241
MP past	--	8	93
RD current	38	--	39
RD past	--	15	88
LD current	46	--	83
LD past	--	15	159

There are two interesting conclusions to draw from the above findings.

The first relates to the progressive ‘closeness’ of the political field the ‘higher’ the level of governance. Persons assuming elected positions at the local level are significantly more likely to have previously held no mandate as compared to persons assuming elected positions at the European level. From this perspective, our research confirms that becoming a Member of the European Parliament comes later rather than earlier in a political career.

However entering the European Parliament does not signify the end of a political career. This is the second conclusion. As can be seen from the second column in Table 5, of those who held an elected position at the European Parliament in the past,

only 11 per cent hold no mandate subsequently, a figure that is comparable for the national parliament or regional and local mandates.<sup>8</sup>

*Frequent contacts with national level*

The connection between the European political scene and national ones is also ensured by the fact that, as Table 6 shows, working at the European level implies frequent contacts with the national level by reason of holding official (non-elected) positions in national political institutions, like political parties, trade-unions, non-governmental organisations or indeed governmental posts. Even though the linkages as measured by this indicator are somewhat weaker for MEPs than they are for MPs, and especially regional delegates, the differences are not major.

	<b>At least one</b>	<b>Party official</b>	<b>N</b>
MEP current	51	33	78
MP current	58	47	241
RD current	64	44	39
LD current	53	41	83

Note: Official position = government, party, trade-union, NGO, other.

It is further indicative that MEPs appear to occupy the same position vis-à-vis the national level like local delegates, with regional delegates displaying the most extensive degree of embeddedness into national political culture.

A lot of research has already been done on relationships between European elites and national political parties, showing a gradual institutionalisation of contacts between both sides (Raunio, 2000). This is unlike the situation of persons holding technical or political functions within the European Commission: when asked how they came to occupy their current position at European level, many unelected interviewees (members of the Committee of the Regions, members of the Group of Policy Advisers for the European Commission...) mention that they have been delegated by a national, regional or local institution rather than by a political party. On the contrary, because they were often elected on a party's list, MEPs tend to put the stress on their relationship with a national political party, especially when it comes to talking about contacts with members of the Parliament of their own country. Of course, inside the European Parliament, MEPs work most of the time within political groups rather than national delegations, but political co-ordination with the national level mostly operates through national political parties (cf. Johansson, 2002).

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<sup>8</sup> This finding is also corroborated by our interviews which suggest that many of MEPs would like their position to be renewed (all 9 MEPs we interviewed told us that they wished to be candidates in 2004).

### 3.4.4.3 Emerging European ideologies?

Research on elites' opinion on Europe has so far concentrated on the Euro-scepticism / Euro-enthusiasm cleavage, specifically inside the European Parliament, and on the question whether one may observe the emergence of political cleavages (around political party groups / families or ideologies) that transcend national tendencies. The conclusions of the research so far is equivocal. Even though European political groups appear to be gaining in significant in terms of structuring opinion in some policy areas (see for instance Faas, 2002) or with reference to the debate on the European Constitution in the framework of the European Convention (Giorgi, Follesdal et al., 2004, forthcoming), national political cultures continue to play a role. Thus it is not uncommon, as one of our interviewee noted, for debates within national delegations to precede transnational debates either at European Parliament level or the Committee of the Regions.

Building on the previous elite attitude research, the third key objective of our research into the emerging European political class has been to tap on the latter's views regarding contemporary developments and, especially, their views regarding the European polity and European political institutions.

Respondents to our survey were presented with a battery of items and asked to specify whether with reference to each statement they tended to 'strongly or rather agree', 'neither agree nor disagree' or 'rather or entirely disagree'. The statements were as follows:

1. Today all big decisions are taken at European level
2. Politics should be a vocation
3. European institutions should listen more to European social movements
4. Increasingly NGO activists and lobbyists have more influence than parliamentarians
5. We may talk about Europe but national parliaments still run the show
6. Elections are when the people make major national decisions.
7. NGOs and lobbyists now have more legitimacy than parties in speaking for the public
8. The European political parties are representative of European public opinion
9. The European Parliament should have more influence in the process of European public opinion
10. The EU is bureaucratic and unaccountable.
11. Environment and quality of life are now the major political issues for Europe.
12. The economy and the non-profit sector should be better represented in politics.
13. Nowadays, political parties are more interested in winning office than in the needs of citizens.
14. The European Union's vital role in social and economic regulation will gradually increase its credibility in the eyes of European citizens

15. The European Union risks being diluted by enlargement
16. Citizens will identify more with the EU if they better understand what it does
17. People holding national elected positions should have more influence in the process of policy-making at the European level.
18. We should aim at harmonising policies at European level.

A first-level *exploratory analysis* based on an examination of the correlation matrices of above items revealed a significant scattering of opinion. Of the 153 pairwise concordances, only 11 are below 20% (10 of which relate to statement 7, which is anti-correlated with statements 8 to 12 and 14 to 18). Furthermore, despite the symmetry built into the questions and the use of randomised question ordering to avoid spurious clustering, there is a distinct bias towards disagreement with the set of statements as a whole. Only three questions (7, 13 and 15) show majority agreement, and in two cases the majority is not statistically significant. Conversely, there are strongly significant dissenting majorities with respect to seven questions.

The answers to the above questions were subsequently cross-tabulated against the respondent's nationality and political affiliation and a two-way analysis of variance was carried out in each case in order to find out which of these two factors was stronger.

The results suggest that the statements can be classified into three categories:

- Statements that display no strong effect either in terms of the nationality of the respondent or their political affiliation – this is the case of statements 4, 12 and 17 that deal with the role of NGOs/lobbyists, the economic sector and national political actors respectively in (European) politics. It is also the case for statement 10 about the EU being bureaucratic and unaccountable. Responses to these statements tend to be divided across the response categories with no clear relative majority emerging on either side.
- Statements that display a strong national perception bias. These are statements 1, 2, 6, 11 and 15. These could be described as items that express fundamental world-like views on the nature of politics or the state of contemporary politics. Respondents' understanding and reaction to these 'worldviews' are significantly affected by their national political culture background.
- Finally there are statements which display both a strong nationality and political affiliation effect and/or interaction effects. In this category we find all the remaining statements which indicatively deal with the European polity or European institutions.

#### *Views on politics influenced mainly by nationality*

The statements that are significantly influenced by nationality are the following:

- Today all bid decisions are taken at European level (no.1): across our sample views on this statement are divided with 40 per cent expressing agreement and 41 per cent disagreement. Among Swedish respondents there is however a clear

majority agreeing with this statement (71 per cent), whereas in Continental Europe, namely, Austria, Germany and France those agreeing with this statement are clearly in the minority (25 per cent).

- Politics should be a vocation (no.2): Over the whole population, a majority (59 per cent) disagrees that politics should be a vocation. This view is especially strong in Spain where 88 per cent of the respondents take this stance. On the contrary, in Austria, Germany and France we find a majority (54 per cent) in favour of this view.
- Elections are when the people make major political decisions (no.6): Two out of three of our respondents disagree with this statement. In Spain the ratio is nine out of ten and in Central Europe eight out of ten. This view is significantly relativised in the UK and the Czech Republic where we find only one out of two respondents thinking the same.
- Environment and the quality of life are now the major political issues for Europe (no.11): Opinions on this question tend to be divided with 31 and 47 per cent agreeing and disagreeing respectively that environment and the quality of life are now the major political issues in Europe. Among Spanish respondents we find a very weak minority (16 per cent) agreeing with this statement, whereas in Sweden like in Austria, Germany and France, close to one out of two respondents thinks this to be the case.
- The European Union risks being diluted by enlargement: 57 per cent of the respondents agree with this statement. The potential danger to EU institutions posed by enlargement is especially strongly felt in Sweden (75 per cent) and Spain (63 per cent), it is a far lesser concern for the UK and Czech respondents (of whom only 32 per cent give an affirmative answer to this statement).

There is no clear explanation for the national patterns to the above statements but our findings suggest that on key issues regarding the future like sustainable development (no.11), enlargement (no.15) or the degree of centralisation of decision-making at EU level (no.1) there remain strong national or regional bloc traditions of political culture that might explain both the slow progress and implementation deficit regarding some policies or political decisions.

The national variation on items that tap on fundamental ideologies regarding politics like the question of politics as a vocation (no.2) or the role of elections in modern democracies (no.6) suggests that the variation in democratic traditions is still active at the normative level and might explain the difficulties with finding the appropriate 'state model' for the European Union. Nonetheless these differences are also not as pronounced as might have been expected from a historical analysis.

### *Political attitudes*

What does Europe mean for members of the political class? An answer to this question can be provided by examining the statements belonging to the third category identified by our analysis, namely, statements nos. 3, 5, 7, 8, 9, 13, 14, 16 and 18.

These statements display either both a strong nationality and political affiliation effect and/or a strong interaction effect.

A factor analysis of these items gives rise to three factors that together explain 44 per cent of the variance.

- Factor 1 displays loadings on items 8, 9, 14, 16 and 18, the highest being on 9 and 14. This could be described as a factor that delineates an *idealistic and enthusiastic conception of the EU* as a polity which strives for welfare maximisation in economic and social terms (no.14) through the gradual harmonisation of policies (no.18), where citizens feel attached to the EU as a political community and by reason of knowledge (no.16) and where the European political parties are representative of public opinion (no.8) and the European Parliament has accordingly great influence on policy-making (no.9).
- Factor 2 displays loadings on items 7 and 13, the highest being on 13. This is a factor on *new politics* – characterised by discontent with mainstream representative politics (through the political parties) and instead enchantment with the virtual / activist type of politics practiced by NGOs or lobbyists.
- Items 3 and especially 5 are complex items displaying moderately strong loadings across both factors.

Let us first examine the Euro-enthusiasm vs. Euro-scepticism factor. This was constructed on the basis of the respondents scores on the key items making up this factor. 43 per cent of our respondents can be classified in the category of Euro-sceptic as agreeing with none of the items that load on this factor. These are mostly to be found in Spain (62 per cent) and least in Sweden (17 per cent). Members of the Green parties or the Liberal party, on the other hand, are significantly more likely to be Euro-enthusiasts. Direct experience with the European Parliament does not appear to make any significant difference with regard to this dimension. In fact least likely to be Euro-sceptic are local delegates (33 per cent as compared to 41 per cent among regional delegates, 45 per cent among MPs and 47 per cent among MEPs).

A Euro-enthusiasm index was constructed on the basis of scores on the Euro-enthusiasm vs. Euro-scepticism scale by subtracting the number of those expressing extreme Euro-sceptic views from those expressing very Euro-enthusiastic views. The index runs from –100 to +100. The closer the index to +100 the more Euro-enthusiastic a certain group can be said to be, the closer to –100 the more Euro-sceptic. The results are summarised in Table 7.

The second dimension which correlates only weakly with the first and which we have entitled ‘new politics’ taps as already stated on disenchantment with mainstream politics through political parties. 39 per cent of our respondents are to be found in this category as agreeing with both of the two items that make up this factor. This ground is equivalently strong in Sweden and Spain (with 45 and 48 per cent shares respectively) and mostly weak in the UK and the Czech Republic (24 per cent). Disenchanted politicians are otherwise to be found in almost equal numbers in all

political parties, the tendency being weaker among the Greens and the Liberals (37 per cent as compared to 45 per cent within the left and the right). Being an MEP or an MP is associated with higher than average disenchantment with mainstream politics as compared with regional or local delegates. These results are summarised through the 'political disenchantment' index constructed in the same way as the Euro-enthusiasm index (Table 8).

	<b>Index</b>	<b>N</b>
All	-17	506
<b>Nationality</b>		
UK & Czech Republic	5	92
Austria, France, Germany	-18	131
Sweden	25	93
Spain	-53	180
<b>Political affiliation</b>		
Left	-37	172
Greens & Liberals	14	103
Right	-29	148
<b>Type of elected office</b>		
European Parliament	-30	93
National Parliament	-23	278
Regional Delegate	-21	120
Local Delegate	-2	213

Note: Index constructed as follows: Let x describe 'share of persons holding very Euro-enthusiastic views' and y 'share of persons holding very Euro-sceptic views'. Then index score =  $100 * ((x-y) / N)$ .

	<b>Index</b>	<b>N</b>
All	-19	506
<b>Nationality</b>		
UK & Czech Republic	5	92
Austria, France, Germany	-7	131
Sweden	-34	93
Spain	-62	180
<b>Political affiliation</b>		
Left	-29	172
Greens & Liberals	-8	103
Right	-33	148
<b>Type of elected office</b>		
European Parliament	-31	93
National Parliament	-34	278
Regional Delegate	-23	120
Local Delegate	-22	213

Note: Index constructed as follows: Let x describe 'share of persons believing in mainstream politics' and y 'share of persons disenchantment with mainstream politics'. Then index score =  $100 * ((x-y) / N)$ .

Both Euro-scepticism and disenchantment with mainstream politics is quite widespread among members of the emerging European political class. Political attitude surveys (such as the regular Eurobarometer surveys which include items on trust in political institutions or acceptance of the European Union) suggest that these views are equally widespread among citizens. The only interesting deviation would

appear to be that of political elites in the UK and Sweden – unlike citizens in these two countries who tend to be the most Euro-sceptic, political elites here are less so. In general, however, the extent of correspondence of political attitudes between citizens and political elites while ‘comforting’ from the view of representation of public opinion by political elites, undermines, at the same time, the view that the cause of the contemporary crisis in politics is alone to be sought in the citizens’ alienation from mainstream politics or the project of European political integration – at least as presently unfolding.

#### *European political ideologies in the making?*

Much of the contemporary discussion regarding the European Union revolves around the question of the future of the project of European political integration and in that the political system model to be assumed by the new polity.

In our survey we avoided asking direct questions regarding the project of European integration. However the answers to our statements provide some first indications on this subject.

Based on the analysis reported above, answers to two key statements were combined to construct a political class ideology variable. These statements were No. 09 on the role of the European Parliament and No. 17 on the role of the national level of government. The reader will note that whereas statement no.9 comes from that category of statements the responses to which are influenced by both the nationality of the respondent and his/her political affiliation in addition to being the item loading most strongly on the Euro-enthusiasm vs. Euro-scepticism dimension, item no.17 is among those statements which display no significant association with either nationality or political affiliation.

Responses to these two statements in combination provide the following four-fold typology:

- Federalists with strong emphasis on subsidiarity. These are respondents who favour both a strengthening of the European Parliament and a strengthening of the role of the national level of government, including the national Parliaments – these respondents make up 7 per cent of our sample.
- Federalists with less emphasis on subsidiarity. These are respondents who favour a strengthening of the European Parliament like the previous group but who are less convinced about the role of the national level of government – this ideology is represented with 17 per cent of our respondents.
- Cooperative intergovernmentalists are respondents who do not favour an increase of the powers of the European Parliament but see a greater role for national governments and subsidiarity in EU policy-making – 38 per cent of our respondents are to be found in this group.
- Glocalists are respondents who favour neither the European Parliament nor a greater role for national elected officials – 38 per cent proclaim this ideology.

Tables 9a and 9b present the diffusion of these ideologies among our respondents from different countries and different political affiliation.

	<b>ALL</b>	<b>UK &amp; CZ</b>	<b>DE &amp; AT &amp; FR</b>	<b>SE</b>	<b>ES</b>
Federalists I	7	14	4	10	4
Federalists II	17	22	7	42	8
Coop. Intergovernmentalists	38	30	43	35	38
Glocalists	38	34	46	13	50
<b>N</b>	<b>483</b>	<b>86</b>	<b>129</b>	<b>88</b>	<b>172</b>

Note: Where group totals do not entirely correspond to the population or sub-population totals this is because of the missing values.

Chi-square test: 0.000 (significant)

Surprisingly, the greatest share of federalists are to be found in Sweden but also in the UK and the Czech Republic.<sup>9</sup> Even though this could be indicative of a certain bias in our sample, especially in the UK and the Czech Republic where the official ideology is certainly not pro-federalist, it should also be recalled that we are not here talking about clear and explicit ideologies but rather possibly emerging ideologies established with reference to respondents' views about the role of the European Parliament, on the one hand, and national elected officials, on the other.

By far the strongest group across all countries is that of cooperative intergovernmentalists which even in Sweden (where we find most federalists and least glocalists) has a share of 35 per cent and which is also strongly represented among Greens and Liberals (Table 9b), the political group which otherwise displays the largest share of federalists. The numerical strength of this group across all nationalities and political groupings suggests that this is probably at present the most robust European political ideology. The majority of MEPs (59 per cent) are also to be found in this category.

	<b>ALL</b>	<b>Left</b>	<b>Green &amp; Liberal</b>	<b>Right</b>
Federalists I	7	5	3	9
Federalists II	17	13	23	18
Coop. Intergovernmentalists	38	39	43	30
Glocalists	38	43	30	44
<b>N</b>	<b>483</b>	<b>168</b>	<b>99</b>	<b>141</b>

Note: Where group totals do not entirely correspond to the population or sub-population totals this is because of the missing values.

Chi-square test: 0.025 (significant)

<sup>9</sup> The above findings are confirmed also when examining the sample of UK respondents separately from that of Czech respondents.

The strength of the 'glocalist' group appears in part to derive from the concentration of political elites disenchanted with politics within this group. This group scores –26 on the disenchantment index as compared to –17 among the two other groups. Otherwise it is telling that none of the background sociological or career path variables is discriminatory with regard to adherence to one or the other of the above European political ideologies.

### **3.5 An Observatory on European Democracy – Towards a conceptual and methodological framework**

The EUROPUB project was designed as an empirical study to investigate the democratic character of the emerging European polity from the perspective of the public sphere, laying particular emphasis on the degree of openness of policy processes and the sociological and ideological characteristics of actors involved in European political activities with a real or virtual claim to representation of public opinion. Our findings were summarised in the previous two sections and allow us to advance some claims as to the character and extent of democratic governance at European Union level and its future (see next chapter 4).

The third stream of our work was to use the knowledge gathered through our study of policy processes and the political class to revisit attempts at establishing a democratic audit of the European Union that can be used to monitor the state and degree of democracy at this level as well as in complex polities more generally in the future.

The underlying 'model' of EU democracy that has guided the development of our audit is the same that we used for designing our research, i.e. one based on the public sphere but without doing away with the traditional characteristics of representative democracy, representative government and the rule of law.

In addition to our own research, the development of our audit relied on the review of previous audit exercises undertaken at European or national levels both in terms of contents and in terms of methodology. We considered the work done in the UK, Sweden and Australia as well as the assessment frameworks developed by international organisations like Freedom House, the International Institute for Democracy and Electoral Assistance (IDEA) and the Centre for Democracy and Governance of the U.S. Agency for International Development (USAID). We also reviewed the first Democratic Audit of the European Union developed in the UK by the same scholars working on the UK Democratic Audit. Needless to say we also relied fundamentally on the work of Dahl (1971, 1991) and have specifically tried to operationalise his ideas about democratisation in advanced societies.

### 3.5.1 Structure and indicators

The EUROPUB Democratic Audit is organized on three levels following the USAID methodological framework:

1. **Strategic Objectives** – these are principle themes identified as being of particular significance for understanding and assessing democracy;
2. **Intermediate Results** – these are sub-themes corresponding to each strategic objective; they allow a more in-depth and structured assessment of each strategic objective;
3. **Indicators** – a set of measurable indicators proposed for each strategic or intermediate objective. Each indicator separately and all of them jointly allow to gauge how a particular society or political/institutional level in a multi-level governance context performs with regard to the principal democratic themes under consideration.

The EUROPUB Democratic Audit has over 400 indicators across seven themes. For each indicator, information on definition and unit of measurement, relevance and input data/information required for the assessment is provided. The overarching themes or strategic objectives of the EUROPUB democratic audit are the following:

1. **Subsidiarity** is a substantive normative orientation of the EU political system and a roadmap about how to divide and share competencies between different levels of government. Decision-making rests with that level of government or territory for which the decision is more relevant. A correct interpretation and application of subsidiarity in a democratic context implies (a) an efficient and transparent division of powers at European level; (b) efficient and transparent rules on shared government and (c) responsiveness to the local level where most decisions have to be implemented. These are also the three intermediate results dimensions corresponding to the subsidiarity strategic objective. The indicators included in this dimension are institutional competencies, rules on institutional reform, intra-governmental consultation, the definition and practice of sharing of powers (in general and with regard to policy definition, formulation and implementation), the constitutional devolution of power, the local government capacity to act and mechanisms of participation at the local level. In general, most indicators of the audit apply to at least two levels of government, the European and the national, and in many cases the assessment must be extended to cover the regional and local levels as well.
2. **Coherence and effectiveness of policies** – examines the different modes of government and corresponding policy processes. Understanding how multi-level governance works, and more importantly, whether it works effectively implies that different policy domains should be assessed and compared across Member States and at the European level. For establishing the governance mode of a particular policy sector, indicators include the extent of reliance on either positive regulation (command and control measures), negative regulation (removal of

market barriers) or policy mixes, etc. Indicators for establishing the characteristics of the policy process and subsequently its openness: rules and practices governing policy formulation and implementation, policy reform and policy evaluation, etc.

3. **Rule of law and access to justice** – is at the centre of democratic societies. Three sub-themes or intermediate objectives are of particular relevance in this connection: human rights legislation and implementation, the extent to which the legal framework of a society supports market-based economies (albeit not at the expense of public services), the openness and comprehensiveness of the legal sector, especially concerning the independence of courts, equal access and due process.
4. **Effective, independent and representative legislature** – is to capture the extent to which the legislature is not only representative but also has the capacity to influence policy. This in turn includes assessments of the extent to which citizens may access legislative procedures as well as of the function and representativity of political parties as measured by internal management and democratic procedures, the representation of marginalized groups, political programmes and political elites.
5. **Civil, corporate and media responsibility** – the internal democratic organization of modern social institutions is at the core of this strategic objective. Democracy is not alone a condition that is structured from above through legislation or policy but also one that is reflected in the behaviour of economic actors, civil society organizations and the media. With regard to civil society, indicators include the legal framework on civil society, the existence of key civil society organizations, the existence of civil society organizations representing marginalized groups, etc. With regard to corporate responsibility, key areas are the legal framework on corporate social responsibility and the existence of key economic lobbies. Turning to the media, principal themes include the legal framework on media ownership and management, the existence of plural information sources as well as of investigative media.
6. **Openness and participation** – comprises the institutional opportunity structures for citizen participation in decision-making. Indicators under this dimension relate to laws on information access as well as participation, consultation and participation standards as well as civilian competence and political culture. Bringing these indicators together under a distinct own category is meant to underline the significance of this dimension for advanced democratic societies, but also in order to facilitate assessments that take this as their starting point.
7. **Democratic citizenship** – here citizenship is approached primarily from the formalistic perspective on rights. The indicators under this strategic objective are classified under three sub-themes: (a) inclusive citizenship, (b) civil and political rights and (c) social rights. They include constitutional and political arrangements regarding citizenship, provisions regarding multiculturalism and migration policy, civil rights, political rights, etc.

The full set of indicators developed by the EUROPUB projects can be viewed at the project's Web Site at [www.iccr-international.org/europub/monitoring](http://www.iccr-international.org/europub/monitoring)

### 3.5.2 Transferability

Once the various indicators for a democratic audit of the European Union were established, the next step of our research was to organise a transferability exercise to test the applicability of our indicators for democratic assessment in other policy or political domains. This transferability exercise looked at the health sector, the migration field and the domain of trade policy. These three policy sectors were mainly chosen on the basis on their relevance to the process of Europeanisation and the emergence of a European public sphere of participation and contestation. In addition, a separate study of the transferability of three segments of the democratic indicator system was carried out in the Czech Republic.

The transferability exercises had two main objectives:

- first, to specify the process whereby generic indicators are tailored to specific policy situations;
- second, to obtain feedback on how to prioritise indicators given that often it is not practical or feasible to carry out a full-fledged democratic assessment with all indicators.

Meeting the first objective necessitates a comprehensive review of the policy sectors under investigation. General overviews of each policy area were prepared by project partners for their countries following common methodological guidelines and with reference to the indicators of the Monitoring System.<sup>10</sup>

These overviews made possible (a) a first-level prioritisation of the indicators, hence focusing on those indicators that would be of particular relevance for the policy domain under investigation and (b) the identification in each country under investigation and at the European level of relevant actors that could be approached in the course of the transferability exercise for providing feedback to the indicators of the monitoring system. Overall 40 external experts provided feedback to the EUROPUB democratic audit through the transferability exercise.

Feedback was requested in the form of a questionnaire which asked of policy experts to assess the relevance of the indicators on a scale of 1 (not at all relevant) to 5 (very relevant) for the policy area under consideration and from the democratic perspective.

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<sup>10</sup> National reports were provided by national teams to each policy sector study leader. Consequently policy area study leaders elaborated synthesis reports – these can be read in Deliverable 5.

### *Migration policy*

The process of European integration has created a fragmentation of status in member states on the basis of internal and external immigration. Economic integration involves the free movement of EU citizens (as workers in other Member States) while in parallel Member States have come under pressure to coordinate policies of immigration from third countries.

Despite recent attempts to apply the open method of coordination to migration policy and the extensive mobilisation of civil society organisations and human rights' activists at the national and European levels, decisions on migration policy remain largely under the remit of inter-governmental consultations. The Schengen and Dublin agreements were engineered in this fashion. In terms of contents, the general trend is towards restrictions and migration control – a trend that has been exacerbated by the anti-terrorism political agenda and global concerns over security. Furthermore, restrictive migration policies are often justified with reference to the stagnating labour market demand, on the one hand, and persistent problems with regard to multicultural integration. In the latter respect, and more generally, the area of protection of minorities and fight against discrimination, several EU Member States continue to perform below expectations and international standards.

A total of 42 indicators were pre-selected and submitted to expert assessment for the migration domain. These were indicators relating to the strategic objectives 'rule of law', 'coherence and effectiveness of policies', 'openness and participation', 'civil, corporate and media responsibility' and 'citizenship'.

#### **Migration and multiculturalism democratic scorecard**

- Citizenship rights in Constitution and adequate consideration in relevant legislation
- Legislation regarding acquisition of citizenship in host country (length, procedures, barriers)
- Specification of civil rights in Constitution and relevant legislation
- Specification of political rights in Constitution and relevant legislation
- Existence of independent human rights commission, human rights court or Ombudsmann
- Existence of mechanisms or NGOs with mandate to investigate civil right violations
- Existence of mechanisms or NGOs with mandate to investigate political right violations
- Number of civil society organisations concerned with migration-related themes
- Degree of organisation and representation of migrant, ethnic or religious minorities
- Number of minority language print periodicals
- Role of civil society organisations and social partners in [migration] policy formulation, implementation and evaluation
- Number of major government decisions [on migration] in which input from participation mechanisms was used.
- Support for multicultural integration or absence of discrimination in fields like education, health, housing and the labour market.
- Characterisation of poor population and pathways to social exclusion [as a means to monitor the social integration of members of migrant and ethnic minorities]
- Governmental action against poverty and social exclusion [as migrants or ethnic minorities often suffer particularly under poverty and social exclusion]

We have retained 15 indicators as particularly relevant for the democratic assessment of migration and multiculturalism policies. These are indicators that were assessed as most relevant by the 11 experts that responded to our request for feedback. Here as for the subsequent scorecards we retained indicators with mode value (most frequent score) '4' and average value '3.5' or higher.

Indicators that received lower ratings included primarily contextual or performance indicators on the welfare system of the host country and its overall political participatory framework. These indicators were thought as generally relevant for democratic assessment but not as particularly relevant for an assessment of the migration and multiculturalism policy domain other than as possibly correlating with positive scores on the indicators included in our 'migration and multiculturalism' scorecard.

### *Trade*

Trade policy is an area where the EU figures as a key player and one which is increasingly contested. Public contestation of trade policy is most visibly carried out by the anti-globalisation movement, including organisations such as ATTAC. The disruption of the WTO negotiations in Seattle was probably the most publicly visible event. Contestation crystallised around three main (and partly overlapping) issues: the social and political implications of trade liberalisation, the relationship between trade and the environment, and the effects of trade liberalisation on development.

Trade is a policy area that is often suspected of being non-transparent, of lacking participatory elements and thus even of being illegitimate. Trade negotiations tend to be developed with a certain degree of secrecy and policy-making relies on mechanisms such as delegation, and executive authority which contribute to blurring the decision-making process. The fact that the group gaining from trade policy decisions is much broader and more diffuse than the group losing from such decisions results in a stronger articulation of the negatively affected groups than of those benefiting. This so-called collective action problem leads to an unbalanced representation of interests on trade issues, because not all social interests are necessarily incorporated.

46 indicators were selected for testing under the trade policy case study. These related to the strategic objectives 'subsidiarity', 'rule of law', 'coherence and effectiveness of policies', 'effective, independent and representative legislature' as well as 'openness and participation'. A total of nine experts directly involved in trade policy-making at European and/or national level provided feedback to our questionnaire. It should be added, however, that several of the experts approached expressed disregard of the idea itself of democratic assessment in the case of trade policy and refrained from responding to our questionnaire on these grounds.

#### **Trade policy democratic scorecard**

- Role of different levels of government and legislative in [trade] policy
- Mechanisms for consultation with European Parliament, Committee of Regions and Social Committee at policy formulation stage
- Number and scope of inter-governmental consultation (between Member States and between national / sub-national levels)
- Number and scope of intra-governmental consultation (between Ministries) at national and EU level
- Treaties and WTO conferences under-scoring important trade negotiations at international level preceded by parliamentary inquiries and/or debates
- Number and scope of legislation concerned with regulating deregulation
- Role of societal actors: social partners and civil society organisations
- Legislation on availability and access to information regarding the executive branch of government [relating to decisions on trade policy]
- Existence of mechanisms of citizen consultation and participation
- Role adhered to citizen consultation and public inquiries at stage of [trade] policy proposal and formulation

Among those responding improving the democratic accountability of trade policy was seen as having primarily to do with relating trade policy decisions more closely to other policy domains by expanding the scope of institutional consultation at different levels: inclusion of other sectoral Ministries, the legislative, the regions as well as social partners and civil society organisations in the consultation on trade policies was thought more relevant than the promotion of direct citizen participation.

#### *Health*

Health care is today one of the most contested policy areas given the ongoing reforms of the welfare systems in conjunction with the ageing of societies. The relative opacity of the world of medicine in the relation between its practitioners, physicians, and the general public has long been well known. The hospital domain used to be a closed one and not very open to debate nor obviously to any transparency. During recent decades it has become increasingly accountable not only to policy makers but also to the general public through civil society organisations, user associations and other political pressure groups or social movements. Above all, health has become contentious because of a current political conflict between special interests and also schools of economic and organisational thought and in view of the move away from the earlier taken-for-granted approach that health care was a service of general interest to be supplied by the state to its citizens under a universal or insurance regime or a combination of both.

The policy adaptation of the generic EUROPUB democratic audit indicators proved most difficult in the case of health policy. This is probably because of the ongoing reforms in this sector across several countries. These reforms are giving rise to situations and problem areas that must be assessed anew.

#### **Health policy democratic scorecard**

- Recognition of good health care as a fundamental social right defined in Constitution or relevant legislation
- Legislation on eligibility for and access to health care
- Division of modes of health care organisations (primary care, emergency care, clinical care) in accordance with regional and municipal organisation so as to ensure maximum possible coverage
- Role and extent of consultation among different health care institutions in the elaboration and implementation of health care (reform).
- Role of different levels of government and legislative in health policy evaluation.
- Access to and cost of health care utilities.
- Extent of reduced access to health care due to lack of means to reach adequate treatment
- Definition of user rights with regard to health care
- Adequate consideration of user rights in health care legislation
- Readiness to uphold and support user rights (as evidence, for instance, in results of civil action against health care decisions)
- Degree of user organisation and kind of user representation

The indicators identified by the experts as particularly relevant for the democratic assessment of the health care sector and health care reforms are of two types. The first concerns the issue of health care as a public service and, in this connections, issues of eligibility, accessibility and coverage. The second group of indicators includes those on user rights and their adequate consideration in legislation, by health care institutions as well as health care reforms.

#### *Czech Republic*

The testing of the EUROPUB democratic audit in the Czech Republic had as overall aim to test the applicability of the audit in a national environment and, more specifically, in a concrete situation of a country that has recently experienced a transition to democracy. The testing of the audit in the Czech Republic focused on the functioning of the local government, the effectiveness and openness of the legislature – and, in this connection, the role of political parties – and the performance of consultation procedures.

The *local government* sphere involves two levels– the regional and the municipal one. Its present form has been shaped by a reform which started as early as 1990 and lasted until the end of 2002. The main aim of the reform was to dismantle the communist-type territorial government and establish a democratic decentralized system applying the principle of self-administration on the municipal and regional levels. The self-administering branch of the territorial government has been anchored in the 1992 Constitution of the Czech Republic (effective since 1993). This new structure is considered to be one of the main accomplishments of the post-communist transformation and is, therefore, an appropriate target of the evaluation. For the assessment of this level we relied on the indicators under the strategic objective ‘subsidiarity: responsiveness to the local level’ (16 indicators)

The *electoral process* and *political parties* are among the main democratic institutions in modern political systems. The present political parties in the Czech Republic have

gradually crystallized since 1989 when the monopoly of the Communist Party was broken. Presently, the number of registered political parties exceeds one hundred, but only few play any significant role on the national level. The party system is the second institutional sphere where the Monitoring System was evaluated. Here we used the indicators under the strategic objective: 'more independent, independent and representative legislatures: political parties' (46 indicators)

Lastly we examined the relevance and applicability of those indicators concerned with openness and participation as applying to political institutions like the Parliament and social institutions like civil society, as represented by the citizen organisations and NGOs. For assessment of the above political and social institutions we relied on the indicators under the strategic objective 'openness and participation – consultation and participation standards' (17 indicators).

Each indicator was assessed from two angles: (a) with regard to *its relevance*, i.e. its ability to measure the objective and the intermediary result which it purports to measure within the Monitoring System; (b) with regard to its *empirical feasibility within the Czech context*, i.e. the availability or accessibility in the context of this country of the data or other kind of information needed to do the measurement. Six Czech experts (two per each institutional sphere) were asked to carry out the assessment. The results of the assessment are summarized in the boxes below which additionally include brief comments on the situation in the Czech Republic.

#### **Local government democratic scorecard**

- Number and character of laws which seek to devolve power to local level
- Implementation of laws which seek to devolve power to local level
- Number or percentage of local laws passing without hindrance or in coordination with central government and in acceptable time table
- Number of times or months government transfers to local governments fall into arrears
- Ratio of capital to recurrent expenditures
- Authority of local governments to hire civil servants
- Percentage of local government staff replaced after elections
- Existence of regular regional and local elections
- Annual reports, budgets and audits of local councils publicly available
- Town and/or citizen council meetings (number, attendance)
  
- Czech Republic: The new system of regional government which introduced in the CR in 2001 makes it possible to apply the principle of subsidiarity in public administration and to increase civic participation in government. The however remains a problem of implementation. Also, the devolution of powers is not matched by corresponding devolution in the sphere of budgeting and financing. Transfers from central government are regular, amounts are often insufficient. Especially small municipalities find it difficult to invest in larger projects. Civil servants working at regional or local level are employees of these levels of government. There is no evidence of staff mobility as a result of municipal elections. Regular municipal elections have been taking place since 1990 however voter turn-out is very low. Public meetings organized at the municipal level are rare. Accessibility of annual reports and audits of budgets are publicly available.

The experts consulted on the applicability of the EUROPUB democratic audit for the Czech Republic noted a reasonable empirical feasibility for most indicators but a weak information basis for those indicators dealing with the implementation of democratic standards – for instance, within internal party management – or the performance of consultation and participation mechanisms.

#### **Electoral process democratic scorecard**

- Conformity of electoral laws to international standards.
  - Recognition of pluralism in political party organisation by electoral laws
  - Independence of electoral authority
  - Confidence of political actors and citizens in electoral process and authority
  - Adequacy and timeliness of resources made available to electoral authority
  - Key benchmarks in electoral calendar achieved
  - Accuracy and transparency of vote tabulation and reporting
  - Breadth of dissemination and quality of voter education material
  - Percentage share of eligible and registered voters unable to vote due to irregularities
- Czech Republic: Electoral laws comply with international standards and electoral authorities perform well and are considered trustworthy. The electoral calendar is mostly observed – occasional problems occur at the local level. Information on voting, including regarding instructions, is mainly disseminated through the media.

#### **Political parties democratic scorecard**

- Existence of and adhered to by-laws at party level that promote internal democratic party government.
  - Internal communication structures promoting two-way communication between party branches and headquarters.
  - Internal staff and volunteer training programmes
  - Scope of anti-discrimination regulations within parties
  - Auxiliaries for youth, women, minorities
  - Degree to which party programmes are free from language that constraints specific groups to become politically active
  - Degree to which political participation in party mirrors that of general population
  - Percentage of candidates who are women or members of disadvantaged groups.
  - Share of women or members of disadvantaged groups holding leading positions.
  - Degree to which competing political parties articulate distinct programmatic choices.
  - Degree to which citizens discern differences between political parties
  - Career paths of party officials
- Czech Republic: Existence of by-laws guaranteeing the adherence to democratic principles is a prerequisite for registration as a political party but real adherence to these is difficult to judge. Communication structures within parties operate when personalized. Internal staff and volunteer training is not systematically organized. Most parties have youth organizations, but auxiliaries for minorities and women are either non-existent or not well developed. Women and members of minorities or disadvantaged groups are not well represented among party officials and less so among party leadership. The differences among political parties are often judged more on the personal level than with regard to the contents of their programmes.

Several experts – in the Czech Republic but also among those involved in the transferability exercises for specific policy domains – noted that not all indicators are operationalised with the same degree of precision. While some are linked to specific and quantifiable measures of performance, others delineate relevant areas of democratic assessment in descriptive terms. These differences reflect differences in the level of knowledge about democratic performance in specific institutional domains and delineate areas for further studies and research towards an improvement of the comparative knowledge base.

#### **Openness and participation scorecard**

- Handbooks on consultation and participation
- Existence and description of mechanisms on consultation and participation
- Use of mechanisms of consultation and participation
- Percentage of occasions for which government agencies provide adequate notice of public hearings
- Perception of citizens on having adequate information on key policy issues
- Perception of journalists having adequate information on key policy issues
- Percentage of well publicised government meetings open to citizens
- Share of major governmental decisions in which input from participation was used
- Examples of decisions taken as a result of civil society pressure
- Share of regional / local governments implementing investment decisions with citizen input
- Number of joint commission meetings between government and civil society organisations
- Number of NGOs saying they experienced valid engagement with executive branch of government in policy formulation and implementation
- Number of public hearings in Parliament open to citizens
- Average number of legislative meetings in which citizens are invited to provide input
- Scorecard of citizen access to legislative procedures
- Public participation costs taken into account in legislation and budget
  
- Czech Republic: Some consultation mechanisms – on public works – are anchored in law, tripartite consultations among government and social partners in extra-legal agreements. In other policy areas consultation occurs rarely and, if so, ad hoc. The same is the case regarding public hearings or government meetings. At the legislative level public hearings are organized by the Senate but receive little media and other attention. Parliament's committee meetings are also public but the opportunity is likewise little used. The contact with NGOs follows rule of lobbying, i.e. not actively sought by governmental and other agencies. In surveys citizens tend to declare lack of sufficient information on key policy issues

A common result from our various transferability exercises has to do with the selective perception of those indicators tapping on direct participation mechanisms. The latter were often assessed by the experts we talked to as less important for democratic performance than representative means of governance, albeit improved through better deliberation among elites and interest representations.

In conclusion we should note that the research carried out in the EUROPUB project was not comprehensive in terms of gathering information on all dimensions and indicators covered by the EUROPUB audit or at all possible territorial levels. Such an exercise is clearly beyond the scope of a three-year research project and probably of any research project but should rather be thought of as the task of a continuous

monitoring initiative entrusted to an agency like a European Observatory on Democracy along the lines proposed by the Strauss-Kahn Round Table in its 50 propositions for European political integration (2004). It is here worth noting that the need for such an observatory was already recognised by the EUROPUB consortium in 2000 (i.e. four year prior to the Strauss-Kahn Round Table) when we submitted our project proposal to the Fifth RTD Framework Programme and is also reflected in the name of our project. We hope to have delivered with this project the instrument for establishing such an Observatory in the future.

## 4 Conclusions and Policy Implications

At the outset of the previous chapter we postulated that two issues are and will continue to be of particular relevance for overcoming or minimising the institutional fragmentation within the European Union and thus supporting the consolidation of the European public sphere. These issues, that also formed the focus of our research, are the openness of policy communities and the political class.

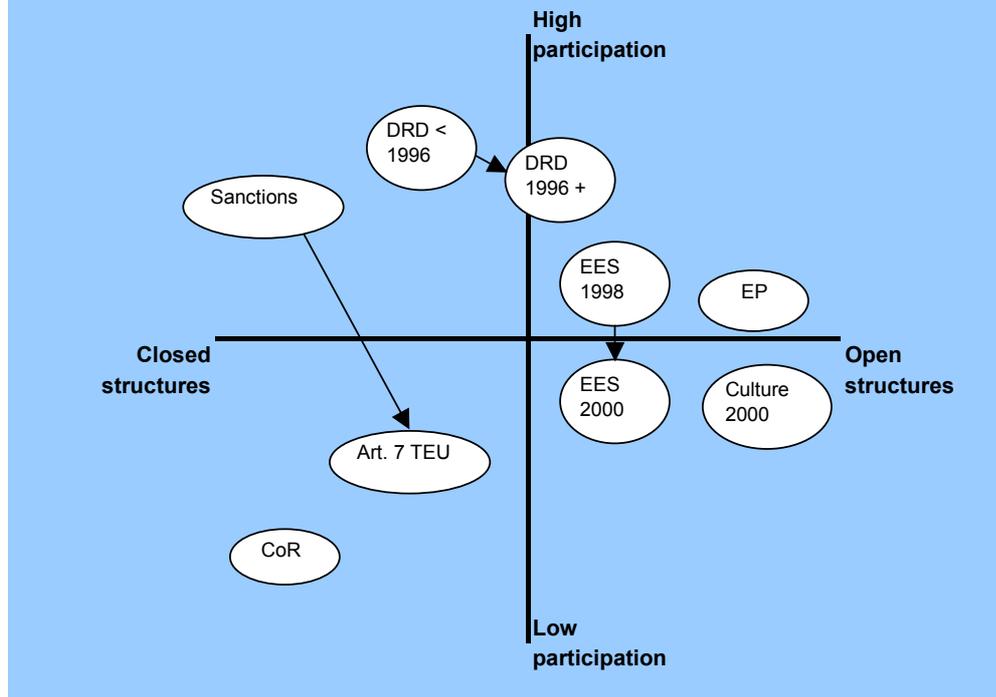
In this chapter we summarise our conclusions from our research and discuss their policy implications.

We start with the first of the two key issues, namely the openness of policy communities to citizen participation and contestation.

Our research shows that there is a significant variation across policy domains with regard to both the institutional opportunity structures for participation and the total intensity of participatory practice as such. However these two dimensions do not stand in an obvious direct relationship. In other words, participatory practice is not dependent on the opportunity structures for participation, nor do the latter, when they exist, always lead to the desired democratic input in the decision process. The relationship is in fact much more complex and needs to take into account various factors and primarily the decision procedures at work both at the European and national levels, the competencies of European institutions as compared to their counterparts at national level, the degree of felt 'common affectedness' of the key issues under consideration as well as the existence of key civil society organisations with strong advocacy coalitions.

There are four types of situations that may arise – these are visualised below:

**Figure 1. Opportunity structures and participatory practice**



The following can be noted:

- In the DRD case we see a gradual opening of the participation structures primarily from 1996 to 2001 (prior to 1996 consultation of certain actors, e.g. environmental NGOs amounted to ‘window dressing’), mainly due to the persistent mobilisation of key civil society organisations and an intense public debate (exemplified by demonstrations, referenda and high media publicity) even if at different times in different national contexts. The introduction of stricter regulations in the revised directive published in 2001 is to a large extent the result of this high intensity of participatory practice and reflects the responsiveness of policy institutions to citizen input. In the latter respect it is noteworthy that Member State governments were the first to respond to this input bringing about a gradual change of view in the Council and subsequently the Commission.
- A similar situation in terms of the intensity of participatory practice could be observed in the case of the ‘sanctions’ debate. However unlike in the DRD case this debate could not be sustained over time nor be extended to the discussion regarding Article 7 of the TEU. As a result the opportunity structures for participation did not change towards openness. At the same time, this particular case exemplifies the potentially high mobilisation potential of the underlying key issues, namely European values and European political integration, another possible reason for the obvious effort of several political actors to frame the debate on Article 7 – or indeed that of the Constitution – in purely procedural terms.

- The European Employment Strategy case (as exemplified by the National Action Plans on Employment) exemplifies the corporatist participatory model where participation is restricted to the social partners and key interest organisations. This case exemplifies once again the key role held by the national government level, also in terms of the translation of participation opportunities into practice. Not all Member State governments have been very keen about involving social partners in the formulation and implementation of the employment guidelines. Furthermore, even those countries with a tradition in corporatist decision structures display a tendency to restrict rather than increase the institutional opportunities for participation in the implementation phase. The extent to which the EES manages to maintain and extent opportunity structures for participation will fundamentally depend on the ability of the social partners to mobilise at EU level (thus bypassing Member State governments) as well as the extent of decentralisation of employment policy – a strategy clearly favoured by the EC – which will result in the introduction of regional actors in the debate.
- The case of the Culture 2000 programme is similar to the EES in following a corporatist participatory framework. Insofar as this is a funding programme with comparatively limited resources it is difficult to draw conclusions regarding European cultural policy more generally. However insofar as cultural policy, like employment policy, is governed by the principle of subsidiarity, it appears well suited for the application of the open method of coordination. In turn the OMC would appear to support corporatist participatory structures.
- Turning finally to the two institutions under study, namely the European Parliament (EP) and the Committee of the Regions (CoR), our findings suggest that the legitimacy deficit faced by both these institutions is indeed accompanied by a democratic deficit in terms of participation whereby in the former case this is despite the existence of rather open structures of participation (considering both that MEPs are directly elected and the relative openness of the EP to lobbying activities). This is probably not unrelated to the perceived low significance among voters of institutions like the EP and the CoR in terms of policy output and compared to other institutions like the European Commission or the Council. This might further reflect a general discontent with traditional representative institutions or mainstream participation procedures like voting.

Returning to our original research questions regarding the openness of policy domains and what this means for the existence or not of a European public sphere and the EU democratic deficit we can conclude the following:

- 1. There is indeed a European public sphere in the sense that there are both spaces and instances of deliberation and debate on issues of (European) public concern that involve citizens or citizen representatives.**

With the exception of the CoR we identified in all other policy / institutional domains both mobilisation and a public debate. There are clearly differences in terms of the intensity or participation and mobilisation / debates do not occur in parallel in all Member States of the European Union. This obvious fragmentation introduces a

certain dynamism in policy debates even if at the same time it tends to protract them. However even if the debates are not always connected in time, *they share a common language of policy discourse*. This is in part to be attributed to the competencies assumed by the EU level in terms of either agenda-setting and/or policy formulation and implementation but it is also connected with the Europeanisation of the discourses of societal actors, including social partners. The media has not kept apace in all countries but here too we can observe an increasing salience of the EU institutional framework.

**2. There is a tendency for both European and national institutions to actively seek the exclusion of societal interests in decision-making. It is from this perspective primarily that it is possible to talk about the EU suffering from a democratic deficit.**

There is a long discussion among democrats (especially of the liberal and deliberative tradition) as to the extent in which there can or should be an active inclusion of civil society in decision-making. According to Dryzek (2000) there is a difference between inclusion in politics and inclusion in the state. Active inclusion in all policy areas might lead to the erosion of the public sphere proper and civil society which is best defined as “a self-limiting association oriented by a relationship to the state, but not seeking any share in state power” (p.100). It is for this reason that Dryzek also considers passive exclusion mechanisms as those operating in corporatism to not necessarily be a bad thing.

However, what we observe across several policy domains is attempts by government institutions to *actively* exclude societal actors from policy debates. Active exclusion goes a step further than closed opportunity structures for participation. Furthermore, this is not fundamentally or even primarily a problem of EU institutions but is a phenomenon that occurs with equal if not more intensity at national level. This we would contend is at the core of the democratic deficit in contemporary societies and multi-governance polities, including the European Union.

**3. EU institutions, like the CoR but also the EP, face a serious legitimacy deficit, the overcoming of which is not alone to be sought in their democratisation through mainstream opportunity structures for participation like voting.**

Unlike perhaps the European Commission or the Council, the European Parliament does not actively seek the exclusion of societal interests in policy debates. However it also does not actively seek their representation, relying instead on mainstream opportunity structures for participation like voting. The Committee of the Regions is contend with its advisory function and a legitimacy based on the claim to be ‘close to the citizens’ by reason of territorial scale or indirectly via regional elections. Neither strategy appears effective and both institutions continue to face a serious legitimacy deficit.

This brings us to the conclusions to be drawn from the second stream of our research on the emerging European political class. Our findings from this part of our research

suggest that the legitimacy deficit of representative institutions like the European Parliament or the Committee of the Region has less to do with the degree of openness of these institutions but rather the political identity of its members – or to put it more provocatively the absence of an explicit and unifying ideology regarding the European polity itself. This is furthermore a problem more generally of the political class and one that might also explain the weakening of representative institutions also at the national level.

Unlike what we had expected there are **no major differences between members of the European political class with regard to the territorial level they are primarily operating – neither sociologically, nor in terms of career paths.** With the exception of a greater emphasis on an international profile members of the European Parliament, for example, do not differ significantly from their colleagues at national or sub-national levels.

This homogeneity of the political class in terms of sociological characteristics and career paths shows that the political field remains as closed (or open) as it used to be or tends to be at the national level. A political career is more likely among the highly educated and is itself a profession with rather strict boundaries, entry points and development opportunities. Assuming elected positions correlates strongly with previous mandates beginning at the local and regional level as well as with functions within party or in government administrations.

**In terms of attitudes and political ideologies regarding the European polity the picture that emerges is more complex.** Here we find both national variation and variation according to political party affiliation. However there are also some general harmonising trends that raise difficult questions.

Some views are very strongly nationally coloured. Thus the appreciation of sustainable development as a guiding principle for European policy does not meet with general acceptance and the North-South divide persists in this connection. Enlargement is likewise thought as an opportunity by some and as a threat by others.

Our respondents can be distinguished between Euro-sceptics and Euro-enthusiasts whereby Euro-scepticism is far more widespread than Euro-enthusiasm which is mainly to be found among Swedish respondents and members of the Green and Liberal parties. At the same time, across the political spectrum we find a majority being disillusioned with mainstream representative politics.

There is also **a complete dissonance with regard to the future of the European Union and of the project of political integration.** This dissonance exists within national delegations as well as within political groupings. Only a minority (24 %) would appear to favour some form of federalism for the EU. The rest are equally divided between a model of cooperative intergovernmentalism and a view that sees no role for either the European Parliament or national elected officials and which we have termed, following Dahrendorf, glocalism. Among the MEPs in our sample 58 per cent favour cooperative intergovernmentalism.

Even though debates *in* Europe as we saw display a shared *policy language*, debates *about* Europe have yet to find a shared *political language* and their representatives. This dissonance or the lack of a unifying European ideology across the political spectrum or of unifying European political ideologies within political parties might explain the continuing legitimacy deficit of European institutions and the European Union as a whole which in the medium- to long-term can aggravate its democratic deficit or harm the nascent European public sphere.

What **recommendations** may be drawn from these findings?

If we assume – as we did – that there are normative and practical reasons why the European Union political system must be guided by a model of strong democracy and the public sphere as providing both opportunity structures for active citizenship and the emergence of a shared political discourse in a trans-national space, then we are forced to conclude that at present the European Union fulfils some but not all requirements for such a political system.

The strategy of the European Union over several decades to seek the promotion of the integration project through harmonisation in some areas (primarily regarding the market) and soft coordination in other areas has bore fruit in the sense of gradually giving rise to a common political language with which to discuss policy problems and ultimately contest policy decisions. There is clearly no consensus agreement on matters like the deliberate release of GMOs in the environment or the European Employment Strategy but both the terms of reference and the procedures are agreed upon by all actors involved and this agreed framework helps in reaching compromises or organising contestation.

Such a shared language is missing with regard to the political future of the European Union itself. It is of course clear that there would be different views regarding the most appropriate ‘state’ model for the European Union or the role of specific institutions in these models. What is however surprising is that *there is no structure as of yet into this debate – neither in terms of issues nor in terms of actors*. Opinions are as divided within political parties as they are across Member States and this makes it extremely difficult to elaborate concise arguments and organise a debate around these.

One principal reason for the absence of concise narratives on this subject is, undoubtedly, the persistent failure to honestly and openly launch such a debate. Perversely enough, the question of the long-term political future of the European Union was even avoided in the framework of the Constitutional Debate on the European Union which was instead organised ‘incrementally’ around specific institutional reforms (or voting procedures) or thematic priorities. It is perhaps for this reason that the story of the EU Constitution is expected to remain unfinished for still a long time. Yet a real debate about the political future of the European Union (and its Constitution) is now urgently called for. If this debate continues to be avoided then the legitimacy crisis of the Union will deepen even further and the Union’s achievements at the policy level will begin to be undone.

The key message of the EUROPUB project is that a top-down distinction between policy and politics such that politics is 'allowed' only in some policy domains but not in all is a successful strategy only for a limited period of time. In the medium- to long-term such top down socio-political architectures are unlikely to turn out institutionally robust or democratically legitimate.

## 5 Dissemination and/or Exploitation of Results

The EUROPUB project has sought and continues to seek the dissemination of its results through various means. In this chapter we outline what forms of dissemination that have been undertaken by the project and its individual partners during the project's lifetime and those planned in the mid-term future following the completion of the project's contractual period.

### 5.1 Workshops and conferences

EUROPUB organised five own workshops:

- The first took place in November 2002 in Brussels and included presentations by EUROPUB partners on the project's preliminary findings as well as presentations by external participants working on similar topics. The agenda of this meeting as well as the papers presented can be downloaded at the project's Web Site at: <http://www.iccr-international.org/europub/conferences-index.html>.
- A panel on EUROPUB and related themes was organised by ICCR and CIR at the ECPR conference on the future of European politics taking place in Bordeaux in September 2002. Four papers were presented at this panel – three of which from EUROPUB contributors.
- A seminar on the EUROPUB project and its results was organised by the Institute of Sociology CSAS in April 2004 entitled 'The European Public Space and its Monitoring' at which members of the Czech Team presented six papers on the different components of the project. The seminar was open to researchers, students and the public.
- The project results were the subject of a seminar organised by the Spanish partner (UB-CISC) in March 2004 at the Scientific Park of the University of Barcelona. A short report on the summary of the project with reference to the March presentation was published in the UB Review.
- The final results of the EUROPUB project were presented at a policy seminar organised in Brussels in June 2004. This seminar was primarily attended by policy-makers of the European Commission. For details, see project's Web Site as above.

In addition to above, the EUROPUB project were presented at the following fora:

- ESCUS Conference on Changing Public Spheres, Sheffield, September 2004 (Liana Giorgi on the EUROPUB findings, roundtable presentation)
- ECPR Standing Group on the European Union Second Pan-European Conference on European Politics (Panel 229 "Theorising Euro- Democracy"), June 2004,

Bologna (Ingmar von Homeyer of ECOLOGIC reporting on results of policy case studies)

- At the conference ‘Democracy and Market Economics in Central and Eastern Europe: Are New Institutions Being Consolidated?’, September 2003, The Slavic Research Center at the Hokkaido University in Sapporo (Tomas Kostecky reporting on the results of the policy analyses in the Czech Republic)
- At a one-day workshop on science and governance organised in Brussels with the support of DG-Research on 2<sup>nd</sup> July 2002 (Liana Giorgi reporting on conceptual and methodological background of EUROPUB project).
- At a seminar on anti-globalisation movements and events surrounding the European Summits of Liege (September 2001) and Laeken (December 2001) which took place on 28<sup>th</sup> January 2002 at the University Paris IX – Dauphine (Anna Sophie-Hardy of FNSP/CIR reporting on work on mobilisation)
- At a seminar on anti-globalisation movements organised at Sciences – Po of the University of Lille on the 11<sup>th</sup> February 2002 (Elise Feron of CIR reporting on work on mobilisation)
- At the annual workshop of the Research Committee 31 (Political Theory) of the International Political Science Association which met in Paris on 21-22 June 2001 (John Crowley of CIR reporting on conceptual framework of EUROPUB project)

Presentations of the final results of the EUROPUB project are also planned by the Swedish and UK partners (UGOT and QMW) this and next year and also as promotional activities of the book publication currently under preparation by the EUROPUB consortium.

A meeting to present the results of our work on the European political class and to also promote the book is also planned to take place at the European Parliament in late 2004 or early 2005.

## 5.2 Publications

A monograph of around 100,000 words with the main results of the EUROPUB project will be published by **Routledge** in their European Studies series. The editors of the book will be Liana Giorgi (ICCR), Ingmar von Homeyer (ECOLOGIC) and Wayne Parsons (QMW). The monograph will bear the title ***Democracy in the European Union; Towards the Emergence of a European Public Sphere*** and include eight chapters and contributions from EUROPUB partners, most as multi-authored pieces. The manuscript for this book will be finalised at the end of 2004 and the book is expected to appear on the market in the Spring of 2005.

In addition to this monograph, the following articles have appeared in journals or submitted for publication:

- Four of the papers presented at the first EUROPUB external workshop – of which three by EUROPUB partners – were published in the ICCR quarterly journal *Innovation; The European Journal of Social Science Research*, Volumes 14

(2001) and 17 (2004). All four papers were submitted to external peer review and revised following reviewers' recommendations prior to publication. [Authors: Giorgi, Crowley and Ney, 2001; Hammarlund, 2004; Feron, 2004]. See:

<http://www.tandf.co.uk/journals/titles/13511610.asp>

- A paper on the Czech case studies on regional policy and the Committee of Regions was submitted by Tomas Kostecky (CSAS) for publication in the *NISP Acee Occasional Papers series*.
- Short research review on EUROPUB to be published in the Czech Journal of Sociology (by Jana Stachova).
- Paper on multi-level governance challenges faced by the European project of political integrated and based on EUROPUB research (by Liana Giorgi and Ronald J. Pohoryles) submitted for publication in *Journal of Common Market Studies*.
- Paper on the EUROPUB democratic audit (by Liana Giorgi) submitted for publication in the *Journal of Democracy*.
- Paper on Deliberate Release Directive based on the comparative results of the EUROPUB project is under preparation by Ingmar von Homeyer (ECOLOGIC) for submission at the *European Journal of Public Policy*.
- The results of the EUROPUB case study on the European Employment Strategy will be published by Marisol Garcia (UB-CISC) as a working paper by the Sussex European Institute – a longer version is being prepared for publication in the *Journal of Common Market Studies*.
- Paper on migration policies as they are emerging within the EU and based on EUROPUB transferability exercise is under preparation by Marisol Garcia (UB-CISC) for publication in the *Journal of Ethnic and Migration Studies*.
- Paper on the European elections in Spain was submitted to the *Journal Papers in Barcelona* and another paper on the European electoral law in Spain was submitted to the *Journal of Electoral Studies* (Mexico) and to *Magrana-1 ICPS* (Spain) (Both by EUROPUB colleagues at the UB-CISC under leadership of Marisol Garcia).

### 5.3 **Science and society**

The Democratic Audit developed by the EUROPUB project is available on-line for inspection and use at <http://www.iccr-international.org/europub/monitoring>

The Audit was used by Liana Giorgi and Ronald Pohoryles of the ICCR as a basis for teaching at the St. Petersburg summer school on *Nationalism, Ethnicity and Democracy* in July 2004. The ICCR is subsequently also exploring possibilities of

setting up a democratic audit in Russia through the 'European Initiative for Human Rights and Democracy'.

The audit will also be used to monitor participation procedures established at the local level in Vienna in collaboration with the local government of the 7<sup>th</sup> district in which the ICCR is located.

A course book will be assembled in Swedish by our Swedish partner (Martin Peterson) aimed primarily at Scandinavians and based on the results of the different empirical inquiries undertaken in EUROPUB and focused in particular on the reception of European issues in Sweden.

The results of the EUROPUB survey on the emerging European political class were presented to the Barcelona TV news on occasion of the European Parliament Elections in June 2004.

The project's Web Site launched in October 2001 (<http://www.iccr-international.org/europub>) will remain online also after the project's contractual end. The same applies to the supplementary project's Web Site in Czech established by CSAS. The project's Web Site will make all project reports available for downloading and will also regularly update information on the EUROPUB Audit.

## 6 Acknowledgements and References

The EUROPUB project is funded by the European Community under the Thematic Programme 'Improving the Human Research Potential and the Socio-Economic Knowledge Base' (1998-2002).

This document has been produced in the framework of the EUROPUB project. The authors are solely responsible for the information in this document. The European Community is in no way responsible or liable for the contents of this document or the use made of it.

The project partners would like to thank the European Community for supporting this project. We would also like to acknowledge with gratitude all 506 respondents to our survey on the European political class as well as the over 200 policy actors who cordially agreed to an interview in our policy case studies or who provided feedback to our democratic audit in the framework of our transferability exercise. The only reason for not making their names here public is simply for respecting rules of anonymity agreed with them in advance of the survey and/or interviews. Any mistakes or inaccuracies that might remain are the sole responsibility of the authors.

Barber B. (1984), *Strong Democracy. Participatory Politics For A New Age?*, Berkeley, University of California Press.

Bourdieu, P. (2000), *Propos sur le champ politique*, Lyon, Presses Universitaires de Lyon

Calhoun C., ed. (1992), *Habermas and the Public Sphere*, Cambridge (Mass.), MIT Press

Dahl, R. A. (1971), *Polyarchy*, Yale, Yale University Press

Dahl, R. A. (1991), *Democracy and its Critics*, Yale, Yale University Press

Delanty, G. (2000), *Citizenship in a Global Age: Society, Culture, Politics*, London, Open University Press

Dryzek, J. S. (2000), *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*, Oxford, Oxford University Press

Eder K. & Giesen B. (2001), *European Citizenship between National Legacies and Postnational Projects*, Oxford, Oxford University Press

Elster, J. (1998), *Deliberative Democracy*, Cambridge: Cambridge University Press.

European Commission (2001), *White Paper on European Governance*, Brussels, European Commission

Eriksen, E. O. and J. E. Fossum, eds. (2000) *Democracy in the European Union, Integration through deliberation?*, London: Routledge.

- Habermas (1991), *The Structural Transformation of the Public Sphere; An Inquiry into a Category of Bourgeois Society*, Cambridge, MIT Press
- Habermas, J. (1998), *Between Facts and Norms; Contributions to a Discourse Theory of Law and Democracy*, Cambridge, MIT Press
- Habermas, J. (1999), *Wahrheit und Rechtfertigung. Philosophische Aufsätze*, Frankfurt, Suhrkamp.
- Held, D. (1995), *Democracy and the Global Order*, Cambridge: Polity Press.
- Held, D. (1996), *Models of Democracy*, Stanford, Stanford University Press
- Lord, C. (2001), 'Assessing Democracy in a Contested Polity', *Journal of Common Market Studies*, Vol. 39, No. 4, pp.641-61
- Majone, G. (1996), *Regulating Europe*, London, Routledge
- Philippart, E. (2003), *Un Nouveau Mecanisme de Cooperation Renforcée pour l'Union Européenne Elargie*, Etudes et Recherches No. 22, Paris, Notre Europe.
- Schmitter, P. (2000), *How to Democratize the European Union... And Why Bother?*, Lanham (MD), Rowman & Littlefield
- Siedentop, L. (2002), *Democracy in Europe*, London, Allen Lane, The Penguin Press
- Weir, S. and Beetham, D. (1999), *Political Power and Democratic Control in Britain: The Democratic Audit of the United Kingdom*, London, Routledge

## 7 Annexes

Publications (actual and forthcoming) are listed in chapter 5.

### 7.1 Deliverables

All deliverables can be downloaded at the project's Web Site at [www.iccr-international.org/europub/publications-index.html](http://www.iccr-international.org/europub/publications-index.html).

#### **Deliverable 0**

Liana Giorgi (ed.) *Inception Report*, February 2002

#### **Deliverable 1**

John Crowley, *Conceptualising the European Public Sphere*, March 2002

#### **Deliverable 2**

##### ***Synthesis Report***

Ingmar von Homeyer, *Institutional Opportunity Structures for Effective Contestation of Policy-Making*, December 2003

#### **Deliverable 2**

##### ***Case Studies***

- Niki Rodousakis and Liana Giorgi, *The Sanctions Debate on Austria; Lessons for the European Values Debate and Democratic Implications*, December 2003
- Ingmar von Homeyer, *The Revision on the Directive on the Deliberate Release of Genetically Modified Organisms into the Environment*, December 2003
- Marisol Garcia, Antonio Cardesa and Marc Pradel, *Social Policy in the European Union*, December 2003
- Liana Giorgi and Caroline Russo, *Cultural Policy in the European Union*, December 2003
- Elise Feron, *The 1999 European Elections: European or National Events*, December 2003
- Martin Peterson and K.G. Hammarlund, *Regions and Regionalism in Europe*, December 2003
- Anne Sophie-Hardy and Elise Feron, *Anti-Globalisation Movements and the European Agenda*, December 2003

#### **Deliverable 3**

Elise Feron and John Crowley, *The Emergence of a European Political Class*, June 2004

#### **Deliverable 4**

##### ***Background paper***

Liana Giorgi, *The European Union as a Democratic Political System: Towards a Revised Assessment Framework*

#### **Deliverable 4**

##### ***A Democratic Audit for the European Union***

European Public Space: A Monitoring System

<http://www.iccr-international.org/europub/monitoring>

#### **Deliverable 5**

##### ***Synthesis Report***

Marisol Garcia and Marc Pradel, *Transferability of the Monitoring System*, August 2004

#### **Deliverable 5**

##### ***Case Studies***

- Marisol Garcia and Marc Pradel, *Immigration Policies in the EU*, August 2004
- Anneke Klasing and Markus Knigge, *Testing the EUROPUB Democracy Indicators: The Case of EU Trade Policy*, August 2004
- Martin Peterson, *Health Care Policies*, August 2004
- Michal Illner, *The Transferability of the EUROPUB Monitoring System to the Czech Republic*, August 2004

## **7.2 Contact persons**

Liana Giorgi  
Project Coordinator  
ICCR  
Schottenfeldgasse 69/1,  
A-1070 Vienna  
(+43-1) 524 13 93 150 (telephone)  
(+43-1) 524 13 93 200 (fax)  
[l.giorgi@iccr-international.org](mailto:l.giorgi@iccr-international.org)

Ingmar von Homeyer  
ECOLOGIC  
Pfalzburger Straße 43-44  
D-10717 Berlin  
(+49-30) 86 88 00 (telephone)  
(+49-30) 86 88 0 100 (fax)  
[homeyer@ecologic.de](mailto:homeyer@ecologic.de)

Marisol Garcia  
University of Barcelona  
Dept. of Sociology  
Research Centre for Citizenship and Civil Society  
Diagonal 690  
E-08034 Barcelona  
(+34-93) 448 94 30 (telephone)  
(+34-93) 448 94 34 (fax)  
[marisolgarcia@ub.edu](mailto:marisolgarcia@ub.edu)

Martin Peterson  
University of Gothenburg (UGOT)  
Renströmsgatan 6,  
S-405 30 Gothenburg  
(+46-31) 773 49 83  
(+46-31) 773 44 56  
[martin.Peterson@history.gu.se](mailto:martin.Peterson@history.gu.se)

Wayne Parsons  
Queen Mary University of London  
London E14NS  
United Kingdom  
(+44-207) 882 5582 (telephone)  
(+44-207) 7882 7855 (fax)  
[d.w.parsons@qmul.ac.uk](mailto:d.w.parsons@qmul.ac.uk)

Michal Illner  
Czech Academy of Sciences  
Jilska 1,  
Praha 1, 110 00  
Czech Republic  
(+420-222) 220 728 (telephone)  
(+420-222) 220 143 (fax)  
[illner@soc.cas.cz](mailto:illner@soc.cas.cz)

Elise Feron  
CIR-Paris  
41 rue Amilcar Cipriani  
F-93400 St-Ouen,  
(+33-1) 4921 2080 (telephone)  
(+33-1) 4012 1938 (fax)  
[e.feron@iccr-international.org](mailto:e.feron@iccr-international.org)