Democracy in Europe
Of the People, by the People, for the People?

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(editors)

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I Introduction

Fleur de Beaufort and Patrick van Schie

Whoever says that the European Union (EU) should be decisive and democratic is not only expressing two wishes that are mutually contradictory from time to time, but also two wishes that will not be endorsed in equal measure. The desirability for the EU to be *decisive* depends, firstly, on whether people believe that the policy in question, for a start, should actually be an EU matter. An EU that manages to enforce its policy successfully in such areas will not be desired by those who believe that the EU assumes powers to itself or has been granted them, which can better be exercised on (sub)national level. The desirability of a decisive EU depends, secondly, on the political course that is being followed. Even if everyone agrees that a specific matter should be handled at EU level, no liberal can desire of course that a Commission controlled by socialists succeeds in implementing its dirigiste political programme.

No-one would like to (openly) dispute, however, that the European Union must be *democratic*. In the West, the principle is (fortunately) usually endorsed that all policies must be democratically legitimised. And democracy does not only imply then that citizens can influence who is allowed to make policy and the direction it takes, but also and especially that political office holders have to account for their actions in a democratic manner. Opinions can differ with regard to precisely what the democratic input (the desired policy) and the democratic accountability for the output (the pursued policy) ought to include. But no-one would wish to dispute that this input and output must be endorsed democratically.

The existing Treaty on European Union (which incorporates the Treaty of Lisbon) therefore contains four articles under Title II 'Provisions on Democratic Principles'. These comprise provisions on citizens, their opportunities to express their opinions and their 'right to participate in the democratic life of the Union'; on political parties at European level; on the European Parliament as the representative body of European citizens; and on the role that national parliaments can play in democratic accountability. Everything appears to be properly provided for, on paper. Nevertheless, there is discomfort and indeed even dissatisfaction regarding the democratic standard of the EU. For the majority of citizens, Europe is and remains 'far away'; broad social debates on European policies never or rarely occur. Americans who are asked what they think of when they hear 'the United States' will spontaneously mention concepts such as 'freedom' and 'democracy'. When Europeans are asked what comes to their mind when they hear 'the European Union', they will not indicate similar concepts as quickly; 'costly' and 'bureaucratic' are terms more likely to be heard.

No-one can and may remain indifferent to this, nor those who regard the existing EU as an interim phase en route to an ever closer political relationship (perhaps a federation), nor those who believe that the EU has already undermined national sovereignty on an unacceptable scale. No matter whether the EU is small or large in terms of territory and/or responsibilities, there is bound to be a serious problem if it is not perceived as democratic. Formulating democratic principles within a treaty is important yet insufficient; a democracy must be alive, otherwise it will eventually become a dead letter.

Countless books examining the requisites for a living democracy have been penned. Of course it is impossible for this compilation to delve into all aspects. We think it is helpful to make a start based on the renowned description used by the American President Abraham Lincoln, who spoke about a 'government of the people, by the people, for the people' during his Gettysburg Address on 19 November 1863. He did not indicate exactly what he meant. He uttered these words during a brief speech for the dedication of the national cemetery in Gettysburg, four-and-a-half months after the major battle that occurred there during the American Civil War, and *not* during an academic discussion about the concept of 'democracy'. However, he did declare – at a place where thousands has just lost their lives and many more had been wounded – that democracy must be worth fighting for.

For the time being, few citizens will be willing to lay down their lives for the continued existence of institutions in Brussels and for the European Parliament. The European Union itself acknowledges this because it did not dare making defence policy one of its concerns (yet). But with regard to a 'government of the people, by the people, for the people', what has the EU managed to make of that?

For 'the people', or better: *for* European citizens, many EU policies will undoubtedly be intended, apart from the general tendency of government bureaucracies to allow this objective to be pushed aside by their own institutional interests. For liberals, however, the idea that politics is for citizens can be far from adequate. Liberals assume that individuals personally know what is good for them and not that politicians or civil servants should know better. *If* collective decisions have to be taken – in other words, if politics have to be practised and decisions (unfortunately!) cannot be left to individual citizens – citizens are ultimately the ones who must determine, in one way or the other, whether what has been decided *for* them is actually also acceptable. If citizens think differently to administrators in Brussels, the paternalistic attitude among the latter that 'We know (better) what is good for you' should have no place within a liberal democracy.

By citizens can take shape in many ways. The Treaty on European Union stipulates that 'the Union shall be founded on representative democracy' (Article 10.1), but also that every citizen has the right 'to participate in the democratic life of the Union' (Article 10.3), that 'political parties at European level' should play a role (Article 10.4), that citizens have the opportunity 'by appropriate means (…) to make known and publicly exchange their views in all areas of Union action'

(Article 11.1), and that at least one million citizens 'who are nationals of a significant number of Member States' can take the initiative to make the European Commission 'submit any appropriate proposal' (Article 11.4). In short, there are numerous ways in which citizens could become democratically active in Europe, and further exploration of which opportunities are suitable for making democracy more alive than has been the case up until now by (only) a minority of citizens electing members of the European Parliament once every five years.

Of citizens must be the highest objective of the EU, but is also the most difficult to achieve by far. The difficulty here is that the EU started as a project that did not originate from a deeply, broadly and strongly advocated desire of European citizens; it was initiated by a relatively small group of politicians and enthusiastic citizens and then shaped almost exclusively from the top. It is true that *every* state was shaped from the top in a certain sense; the notion of a state established by free individuals via a social contract is no more than a (useful indeed) political-philosophical thought experiment and not a historical fact. But stable nation states have nevertheless gradually developed from and in close interaction with (representative sections of) their people. They are not a structure straight from the drawing table that has been placed rather abruptly on socially developed institutions. And even more importantly: the old nation states were formed prior to the democratisation of their societies and could therefore take root firmly before the desire arose to democratically legitimise their politics. The EU had to make its start in societies that are already democratic through and through, if not completely in terms of impact, then at least in terms of mentality. The EU is additionally vulnerable with regard to democratic accountability given that it has *not* grown in close interaction with citizens.

This collection of essays takes a look first at how citizens in the EU, according to opinion polls, view the European Union, its tasks and its size. The first three contributions analyse public opinion on a European identity and European policy, as well as the desirability of further Europeanization; on recent and future enlargement rounds, particularly in relation to Turkish membership; and on reservations about European integration among citizens from a new member country (Poland). This is followed by two contributions about an instrument that could possibly involve the population more directly in major EU decisions, namely the referendum. The first of these two contributions examines whether the referendum is compatible with (liberal ideas about) representative democracy, a form of democracy defined as a basis in Article 10.4 of the Treaty on European Union. The second of these contributions analyses experiences with several referendums on the European Constitution, and examines the degree to which the EU has succeeded in becoming more *of* citizens in this type of accountability process, or has indeed alienated itself from these citizens. A third cluster of contributions delves deeper into the role for transnational political parties: to what extent do they assist in the formation of a European political consciousness and express the will of EU citizens (a role reserved for them in Article 10. 4 of the Treaty on the European

Union)? The first of these contributions focuses primarily on the role of parties in the European Parliament, while the second takes a closer look at partnerships of national party families outside the EP and on ideas about European integration that have existed within Dutch parties over the decades.

Two brief views given by Dutch politicians who are (were) active in European politics conclude this collection. In the first, a former political leader of the Dutch liberal party VVD and former EU commissioner argues that a small European Union will display all the more inner strength: the EU must focus on performing a number of key tasks, as befits a liberal. In the second, a liberal member of the European Parliament (and VVD delegation leader) from the Netherlands explains how the European Parliament could contribute to a more democratic European Union.

Public Opinion

II The European Union and Public Opinion

Charlotte Maas

Introduction

The rejection of the Constitutional Treaty by the French and Dutch population during the referendums of 2005 illustrated the differences in opinion on European cooperation shared by politicians on the one hand and citizens on the other. A large majority of the French and Dutch population voted against the ratification of the Treaty, despite the campaign conducted by government parties as well as other political parties before the endorsement of the Treaty. Insofar as this was not already known, these referendums revealed a gulf between European citizens and a political elite.

The Treaty of Lisbon, which replaced the Constitutional Treaty, has entered into force in the meantime, but the influence of public opinion on the ratification process is unclear. The referendums of 2005 did indeed follow a period of reflection on the future of the European Union, including a special strategy of the European Commission for various forms of citizens' consultations[1], but the Treaty of Lisbon was never submitted to citizens in a referendum in France, the Netherlands or the large member states of Germany and the United Kingdom. Public opinion on European cooperation and the influence thereof on important decision processes, such as the ratification of the Treaty of Lisbon, appears to be an obscure area.

That is why it is interesting to chart citizens' opinion on European cooperation. What do citizens from member countries think about European cooperation? Is it possible to identify differences in public opinions among various member countries? What do citizens think about democracy within European institutions? This chapter outlines these citizens' responses to such questions. The main source of information is the Eurobarometer, a public opinion poll that is conducted twice a year on behalf of the European Commission.[2]

Two problems arise when gauging public opinion on European cooperation. Firstly, it will emerge that the results from surveys such as the Eurobarometer sometimes appear to contradict one another and yield more questions than answers. Secondly, it is not self-evident within the EU to talk about one public.

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1 This strategy is called 'Plan D for Democracy, Dialogue and Debate' and involved various discussion panels and conferences that European citizens could participate in.

2 The most recent Eurobarometer at the time of writing is Eurobarometer 72, which was conducted in the autumn of 2009 and the results of which were published in February 2010.

Instead, there are 27 publics in 27 member countries that differ due to their cultural and historical backgrounds. Despite these problems, it will emerge that these surveys provide information about public opinion on European cooperation and the legitimacy of the European Union.

Europe and public opinion: Status Quo?

A large majority of the European public, in most member countries, think that EU membership is a good thing. During the past few years, the Eurobarometer has indicated that roughly 53% of the European population believes that membership of the European Union is, by and large, a positive thing, while 15% believes, for the most part, that membership is a bad thing. Approximately 56% of people who were questioned believe that their member country had benefited from EU membership. Unsurprisingly, this percentage almost matches the percentage of people who think EU membership is a positive thing in general. It is perhaps more remarkable that some 31% of European citizens state that their member country has not benefited from EU membership – a significantly larger portion than the mere 15% who think that membership is a negative thing in general. In Latvia, Hungary and the United Kingdom, a majority of the population believe that their member country has not benefited from EU membership.[3]

Since 2008, citizens refer to the European Union more often as the most suitable level for political decision-making in various domains. Terrorism, scientific and technological research, environmental protection, defence, foreign affairs and energy belong to the domains that the European public considers the most suitable for European cooperation. Pensions, taxes, health care, social security and education are the areas referred to the least as issues for European cooperation. The battle against employment is a domain in which the opinions of Europeans are strongly divided. A majority indicates a preference for decision-making on a national level, but there is nevertheless a majority in a significant number of member countries in favour of European decision-making in this area, such as in Portugal, Slovakia, Latvia and Greece. In the larger member countries of Germany, France and the United Kingdom, just like in most of the older member countries, the percentage of citizens that consider unemployment policy a European rather than a national matter falls below the European average.[4]

Economic matters, immigration and the environment, according to the European public, should be given priority in future European cooperation. Remarkably enough, social affairs and health are also often identified as a priority for future European cooperation, while these domains score comparatively low when the public is asked which domains should fall within the scope of European decision-making. Transport and energy, defence, foreign policy and scientific research

3 *Full report Eurobarometer 72* (French version), Volume 1, p. 143, p. 147.
4 Ibidem, pp. 221-229.

receive comparatively minimal priority for the future of the EU, even though precisely these areas are deemed most suitable for European political decision-making. Environmental matters receive relatively considerable priority for the future, but are the source of significant dissension among the European public. In Sweden, 52% of the population regards the environment as a priority for the future, whereas in Latvia and Lithuania, less than 10% of the population considers it a priority for future European cooperation.[5]

Support for the European Monetary Union and the euro is stable and has hovered around 60% for years already. The most recent Eurobarometer, from autumn 2009, reveals that support for the EMU and the euro is 66% in Germany, 69% in France and Finland, and 81% in the Netherlands. On average, approximately 33% of the European public opposes the euro and the EMU. With the exception of the United Kingdom, most member countries are in favour of the EMU and the euro, but the degree of support is considerably greater in euro countries compared to countries where the euro is not a means of payment.[6] It should be noted that at the time of writing, no Eurobarometer survey had been conducted yet regarding the public support for the euro in the current euro crisis.

Since the last waves of enlargement in 2005 and 2007, public opinion has been strongly divided in relation to support for the further enlargement of the European Union. Around 46% of the European public are in favour of enlargement while roughly 43% are against it, without further specification in the formulation of the Eurobarometer which countries would be implicated in any enlargement. There is a fairly large difference in public opinion on the enlargement of the European Union between old and young member countries. In the twelve youngest member countries, 69% on average are in favour of future enlargement. In the fifteen oldest member countries, an average majority of 49%, oppose future enlargement.[7]

Public opinion is strongly divided as to whether Europe should integrate at two speeds, with a smaller group of member countries taking the lead for further integration. The percentage in favour of the concept of a 'two-speed Europe' is around 40% according to the Eurobarometer; approximately 43% oppose this concept.[8]

When asked whether they are satisfied with the functioning of democracy in the EU, about 54% answer affirmatively. These figures, incidentally, must be read against a background in which a majority of 48% indicate that they do not understand how the European Union works. Approximately 32% of those questioned express their dissatisfaction with the functioning of democracy in the Union. In the United Kingdom, France and Finland in particular, satisfaction with the democratic functioning of the EU is low in relation to other member countries.

5 Ibidem, pp. 221-223, pp. 240-244.
6 Ibidem, pp. 231-232.
7 Ibidem, pp. 234-236.
8 Ibidem, p. 238.

A minority, fluctuating between 30% and 40%, believe that their voice counts in the European Union, while a majority, fluctuating between 50% and 60%, believe that their voice does not count in the EU.[9]

Around 50% of European citizens have confidence in the European Parliament. For the European Commission, this is roughly 46%. The United Kingdom is the only member country with a majority that has no confidence in the European Parliament and the European Commission, but the confidence of French and German citizens in these institutions is also lower than the European average. A relatively high level of confidence in these institutions exists among the younger member countries, but also in the Netherlands and Portugal. The percentage that has confidence in the European Union as a whole fluctuates around 48%. The percentage of citizens who have no confidence in the Union is around 40%.[10]

The figures for confidence in EU institutions and satisfaction with the functioning of democracy in the EU have not changed significantly since the last two major enlargement waves. The figures from Eurobarometers conducted since 2003 do not therefore give a reason to conclude that the enlargement wave is due to citizens' falling confidence in the EU or a decrease in satisfaction with the functioning of democracy in the EU. The figures even reveal a slight increase in confidence in the EU and satisfaction with democracy in the EU between autumn 2003 and autumn 2007. Afterwards, confidence in the EU and satisfaction with democracy in the EU fell, but the most recent Eurobarometer conducted in autumn 2009 indicates, for the first time, a slight rise in confidence in the EU as well as satisfaction with the functioning of democracy in the EU. Nevertheless, the figures are relatively low, with 40% of those questioned indicating their lack of confidence in the EU by and large, and over 30% indicating their dissatisfaction with the functioning of democracy in the EU.[11]

The idea that the EU does not pay proper consideration to the interests of the member country has been winning ground over the past few years. Roughly 47% of the European public believe that the EU does not pay proper consideration to the interests of their member country, while a minority of 39% believe that the EU does pay adequate consideration to the interests of member states. No clear differences can be discerned therein between public opinions in the various member countries.[12]

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9 *Full report Eurobarometer 60* (English version), p. 60; *Standard report Eurobarometer 71*, p. 99; *Full report Eurobarometer 72* (French version), Volume 1, p. 153.

10 *Full report Eurobarometer 60*, pp 56-58; *Full report Eurobarometer 66* (English version), p. 109; *Full report Eurobarometer 72* (French version), Volume 1, pp. 166-182.

11 *Report Eurobarometer 68*: pp. 94-96; *Full report Eurobarometer 72*, Volume 1, pp. 150-155, pp. 166-182.

12 *Full report Eurobarometer 72* (French version), Volume 1, pp. 156-158.

Europe and public opinion: Quo Vadis?

It is difficult to paint a clear picture of public opinion on European cooperation on the basis of the results of the Eurobarometer surveys. Some figures are confusing, for example when health-related matters are assigned relatively high priority in public opinion for future European cooperation while the public does not consider this as a domain for European political decision-making. The public in Europe appears to be strongly divided in relation to some other matters, such as enlargement of the EU or whether unemployment is an issue for European political decision-making. Also the fact that there are sometimes major differences between public opinions in various member states makes it difficult to portray public opinion on political cooperation in the EU.

A first glance at the Eurobarometer figures creates the impression that the European public is not that divided as to whether EU membership is a good thing. Merely 15% of those questioned believe that EU membership is a bad thing. A far higher percentage, about 31% of those questioned, state that their member country has not benefited from membership. This suggests that the question whether the member country benefits from EU membership is not the only criterion used by the public in their opinion on European cooperation. Citizens apparently also take other issues into consideration.[13]

Research conducted into the manner in which British and German newspapers refer to the European Union revealed that articles dealing with the principle of European cooperation itself take a predominantly positive tone regarding the legitimacy of the EU. When articles relate to specific institutions of the EU, opinion makers in newspapers are far more negative about the legitimacy of the EU. When forming an opinion on European cooperation, the public – in this case the press – do not only include the benefits that member countries do or do not enjoy from EU membership, but perhaps also have an eye for the achievements that are attributed to the general European cooperation process, such as freedom, safety and stability.[14]

Consequently, there appears to be consensus in the public domain of the press and citizens regarding the idea that European cooperation is a good thing by and large. An interesting comment can also be made here, incidentally. In the Netherlands, support for membership of the EU has been strong in comparison to other member countries for years, as indicated by the results of the Eurobarometer. This support even appears to increase and the 74% recorded in autumn 2009 was the strongest in the entire EU, like Luxemburg. At the same time, the Netherlands Bureau for Economic Policy Analysis (CPB) and the Netherlands Institute for Social Research (SCP) conclude that the Netherlands cannot refer to

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13 *Full report Eurobarometer 72* (French version), Volume 1, p. 143, p. 147.

14 A. Hurrelmann, 'Constructions of Multilevel Legitimacy in the European Union: A Study of German and British Media Discourse', *Comparative European Politics*, 2008, No. 2, pp. 190-211.

a 'substantially positive involvement in Europe'.[15] Mass individual endorsement of the statements from the Eurobarometer that membership is a good thing and the Netherlands benefits from it is pushed into the background as soon as people start talking about the EU in group discussions. At that moment 'the disadvantages start dominating and eventually an especially negative image of Europe is portrayed jointly.'[16] In that case, negative stories triumph over recognition of the benefits provided by the EU.[17]

The difficulty in painting a clear picture of public opinion on European cooperation by means of Eurobarometer surveys is also revealed by public support expressed in surveys for a European policy on foreign affairs, terrorism and defence. It appears that the public permits greater European cooperation in these domains than is presently the case. For many years already, terrorism, defence and foreign policy, as well as energy, have belonged to domains that those questioned designate as suitable for political decision-making at European level. Since 2005, support for a common defence and safety policy has fluctuated around 76%[18] and approximately 68% of citizens support a common foreign policy.[19] Under the Treaty of Lisbon, however, these domains remain primarily national responsibilities. The member countries retain a veto, which allows them to obstruct the decision-making process with ease. Does the public desire more far-reaching integration than national or European politicians and officials?[20]

Formulating a response to this question is difficult. The political elite appears to be a stronger advocate of European integration than the European citizen, but this is not applicable to every policy area. Studies reveal significant differences between the manner in which the elite and citizens assess European cooperation. European and national officials and politicians judge European cooperation mainly in terms of subsidiarity and functionalism. They long for an EU that is active in areas that cannot be regulated properly or at all at lower, national level, or an EU to which benefits from economies of scale are applicable, as is the case for the internal market. Citizens take these principles into consideration less when forming an opinion on European cooperation. Although public enthusiasm for European cooperation in areas such as social services (social inclusion) and employment is relatively low, as is the case among the elite, citizens do appear to be more enthusiastic than the elite about European cooperation in these areas. This is probably

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15 Sociaal en Cultureel Planbureau/Centraal Planbureau, *Strategisch Europa: Markten en macht in 2030 en de publieke opinie over de Europese Unie*, The Hague, 2009, p. 64.

16 Ibidem.

17 Ibidem, pp. 53-64.

18 'The European Union today and tomorrow', *Report Eurobarometer 69*, p. 23.

19 'L'Union Européenne d'aujourd'hui et de demain', *Full report Eurobarometer 70*, p. 37.

20 J.W. de Zwaan, 'Burger wil best meer Europa', *Internationale Spectator*, 2009, No. 11, pp. 545-546.

due to the desire to be protected against negative effects from the European free market. [21]

Another difference between the elite and the public in the formation of an opinion on European cooperation involves the extent to which national identity is taken into consideration. It appears that citizens who have a strong connection to their national identity are average or greater advocates, or indeed greater opponents of European integration than citizens who indentify less strongly with their nationality. This paradoxical finding can be explained on the basis of the distinction between exclusive and inclusive identity. In addition to their national identity, citizens with an inclusive identity also permit other identities related to regional origin, like a Fleming who could also consider himself Belgian or European. Citizens who attribute an inclusive identity to themselves appear to be greater advocates of European integration than people who attach less importance to nationality during the formation of their identity. Citizens with an exclusive identity identify themselves solely with their nation, such as radical nationalists, but also Flemings, for example, who actually do not consider themselves Belgian. By and large, they are more sceptical of European cooperation than citizens who do not identify with their nationality that strongly. The relationship between national identity and support for European integration in the public opinion also appears to be determined in part by the degree to which the political elite in each member country is divided in its opinion on European cooperation. The greater this division among the elite, the greater the role that the factor of national identity plays in the public's formation of an opinion on European cooperation. In short, it is impossible to clearly determine what influence the factor of identity has on public opinion precisely, but it can be declared that national identity is a more important factor among the general public in the formation of an opinion on European cooperation than it is among the political elite.[22]

The difference in perspectives between the elite and citizens is clearly visible where it concerns support for the enlargement of the European Union. Many professionals believe that further enlargement of the EU will affect opportunities for more profound political cooperation, the so-called trade-off between deepening and widening. This is based on the assumption that European decision-making becomes increasingly difficult as additional member countries participate in this process. The advocates of further enlargement are therefore often less enthusiastic about further integration and, conversely, advocates of further political cooperation prefer to avoid further EU enlargement. Citizens believe that this trade-off is less visible. Citizens who support further integration often also favour further

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21 L. Hooghe and G. Marks, 'Europe Divided? Elites vs. Public Opinion on European Integration', *European Union Politics*, 2003, No. 4, pp. 281-304.

22 L. Hooghe and G. Marks, 'Does Identity or Economic Rationality Drive Public Opinion on European Integration?', *PS: Political Science and Politics,* 2004, No. 37, pp. 415-420.

enlargement, while citizens who are negative about European cooperation are frequently also negative about EU enlargement. The trend of the trade-off, incidentally, can be recognised in public opinion in the six oldest member countries of the EU, but it is still always weaker than the opinion of the elite.[23]

In short, public opinion on European cooperation is enveloped by contradictions and uncertainty. Results from Eurobarometer surveys are sometimes confusing and the public appears to be strongly divided in some areas. Even when there is consensus about the idea that European cooperation is a good thing by and large, as is the case in the Netherlands, the public does not convey this positive opinion just like that. In their formation of a judgement on European cooperation, citizens do not always appear to make the same considerations as the political elite. When it emerges that citizens desire further European cooperation, it must be noted that these are probably people who have a positive opinion on European cooperation anyway and, in this respect, major differences in public opinions exist among various member countries.

Public opinion and the legitimacy of the European Union

A closer look at the European public can partly explain why public opinion on European cooperation is difficult to define. It is also enlightening to make a distinction in public opinion on European cooperation between opinion on the principle and the result of European cooperation, on the one hand, and opinion on the manner in which European decision-making occurs, on the other. In this way, it becomes easier to depict public opinion on European integration.

In the European Union, the public behind public opinion is heterogeneous and fragmented. This is due to linguistic and national differences, but also due to the fact that there are hardly any media that focus specifically on a European, and non-national or regional, public. A matter that attracts a great deal of attention in one member country is perhaps barely noticed in another, and problems are discussed on the basis of national rather than European importance. A sole television channel that does endeavour to reach a cross-border public only attracts a small and select group. Insofar as there is a public that transcends the borders of member countries, this is made up primarily of an elite of officials, politicians, interest representatives and citizens with an above-average interest. The average citizen does not usually make it into this European public sphere.[24]

A heterogeneous and fragmented public can impede the functioning of a de-

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[23] A.M. Ruiz-Jiminez and J.I. Torreblanca, *Is there a trade-off between deepening and widening? What do Europeans think?*, European Policy Institutes Network Working Paper 17, Brussels, 2008, pp. 28-29.

[24] V. Bader, *Eurospheres? Fragmented and Stratified or Integrated and Fair? A conceptual and pretheoretical mapping exercise*, Eurosphere Online Working Paper 9, 2008, pp. 17-18.

mocracy. In a democracy, citizens are expected to comply with certain democratic virtues, such as respect for the opinions of others and the acceptance of a democratically taken decision, even if that decision is not one of personal preference. Political decision-making assumes that citizens have a certain degree of confidence in decision-making institutions and tolerate the opinions of other citizens. It is probable that citizens express these virtues when they share some cultural or normative similarities rather than when major differences exist among citizens in this regard. The differences in the EU are considerable, especially now that countries from the former Eastern bloc are also members of the Union.[25]

The fact that the public is heterogeneous and fragmented therefore possibly explains not only the division and contradictory results of opinion polls on European cooperation, but also the low level of confidence in European institutions and the moderate satisfaction with the democratic functioning of the European Union. The poor turnout for European Parliament elections possibly also indicates a lack of confidence in this institution. The European Parliament currently functions on the basis of the paradoxical fact that it is more powerful than ever in relation to its powers, but also weaker than ever in terms of its public support.[26] The turnout for the 2009 elections was the lowest in the European Parliament's history: 49% on average across the EU. Citizens possibly feel the tension between theory, whereby the European Parliament should represent a European public, and practice, whereby this public is usually invisible. Citizens appear to realise that it is unclear who represents the European Parliament. Although this is undoubtedly not the only reason for a low turnout at elections, it can reinforce the trend where citizens do not feel called upon to go to the polls.[27]

The Eurobarometer reveals that many citizens – albeit a minority – are dissatisfied with the functioning of democracy in the EU. A majority of citizens believe that their voice does not count in the EU and more and more citizens think that the EU fails to take the interests of member countries adequately into account. On the other hand, many citizens agree with the idea that EU membership is a good thing. A negative opinion on democracy in the EU does not automatically imply therefore that the public does not acknowledge any legitimacy for the EU whatsoever. This difference in the recognition of the EU's legitimacy becomes clearer if we make a distinction in public opinion between the input legitimacy and the output legitimacy of the EU.[28]

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25 V. Bader, 'Building European institutions: beyond strong ties and weak commitments', in: S. Benhabib, I. Shapiro, D. Petranovic (Eds.), *Identities, Affiliations and Allegiances*, Cambridge, 2007, pp. 113-135.

26 'Europese kiezers stemmen met de vuist en met de voeten', *Reformatorisch Dagblad*, 8 June 2009.

27 'EU kan goed zonder Europees Parlement', *de Volkskrant*, 10 January 2009.

28 I base myself here on the distinction between input and output legitimacy as used by Anton Hemerijck. A. Hemerijck, 'Vier Kernvragen van Beleid', *Beleid en Maatschappij*, 2003, No. 1, pp. 16-17.

Output legitimacy concerns the feasibility and effectiveness of political decisions. Simply put, it mainly concerns whether desired policy results are actually achieved. With regard to questions in the Eurobarometer about the results of European cooperation, the European public gives a relatively positive judgement and acknowledges the benefits of European cooperation. A large majority of citizens are positive about EU membership. Increasingly often, citizens also designate the EU as the desired decision-making level for various policy areas. Two out of three Europeans have supported the EMU and the euro for years already. Even in countries where this currency is not used, with the exception of the United Kingdom, the Eurobarometer reveals that the EMU and the euro are supported by a majority. This indicates that European citizens attribute legitimacy to the Union on the output side.[29]

The aforementioned study on how British and German media write about the legitimacy of the EU shows that articles discussing the achievements of the European integration process, such as peace, solidarity and freedom, are positive about the legitimacy of the EU. However, articles that examine themes such as democracy and the confidence of citizens in the institutions of the EU convey a negative image of the Union's legitimacy. These are themes of input legitimacy. Input legitimacy relates to the acceptability and rightfulness of the political decision-making procedure. The emphasis is also on whether people agree with the manner in which political decisions are taken. With respect to input legitimacy, the European Union has a low score according to the judgement of opinion-makers expressed in newspapers. Input legitimacy-related questions from the Eurobarometer portray a negative image of public opinion.[30]

Against this background, it is interesting to examine public opinion on referendums within the EU. A poll conducted by the *Financial Times/Harris* in June 2007 revealed that a large majority of citizens in the United Kingdom, France, Italy, Spain and Germany believe that the Treaty of Lisbon ought to be put before citizens in the form of a referendum. In the United Kingdom and France, 69% and 64% believed respectively that a referendum was in order. In Germany, this was even 71%.[31] European citizens clearly wanted to be able to express their views on the replacement for the Constitutional Treaty. It can be assumed that citizens, as Van Keulen and Van de Brink wrote in 2007, '[will] no longer go along with the rhetoric of the unavoidable Europe, in which there is nothing to be chosen and stand idly by for the good cause (peace, safety and stability).'[32]

Referendums afford citizens the opportunity to express their thoughts on matters involving European cooperation in a direct manner. However, direct democ-

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29 *Full report Eurobarometer 72* (French version), Volume 1, pp. 143, 221-229, pp. 231-232.

30 Hurrelmann, 'Constructions of Multilevel Legitimacy in the European Union', pp. 190-211.

31 *Financial Times/Harris* Poll, 18 June 2007.

32 'Haagse stilte over Europa doet ergste vrezen', *Trouw*, 16 July 2007.

racy, even more so than indirect democracy, requires good discursive conditions under which an actual debate on European cooperation can occur so that citizens are well-informed and can cast a well-considered vote. This means, for example, that citizens have equal access to information services such as media channels, or that the opinion of citizens actually has an influence on political decision-making. If referendums are not held in accordance with this form of equality between citizens and their right of say, they are not a real mouthpiece for citizens, let alone an instrument for regaining citizens' confidence in the EU, bringing them closer towards the EU or reinforcing the input legitimacy of the EU.[33]

The problem now is that the EU does not have a good infrastructure for discussion. The public appears fragmented at European level, even more so than at member state level. The EU has a clear division between an elite that focuses on matters for European decision-making and citizens for whom the EU is far-removed. In addition, access to information provision is unequal because there are hardly any cross-border media channels in the EU. Information provision is demarcated by national and linguistic borders in particular. The right of citizens to have a say is not organised optimally either. Apart from the discussion on whether or not there is actually a lack of democracy in the EU, the fact is that some member countries did hold a referendum on the Treaty of Lisbon while others did not, an indication that European citizens do not always have the same means to voice their opinion on European cooperation. National borders therefore determine the provision of information in the EU and the right of citizens to have their say, which makes it difficult for citizens to form a well-considered and properly informed opinion on European cooperation. The fact that the public in the EU is strongly fragmented and heterogeneous can be a hindrance to democracy, especially to forms of direct democracy such as referendums.[34]

Based on the results of the Eurobarometer and the *Financial Times/Harris* poll, we can conclude that even though the public is divided in many respects regarding which problems must be regulated on a European level, European citizens wish to have a say in the decision-making process of the European Union. Referendums may offer a way out to explicitly give citizens a say in important treaty amendments, for example. It must also be noted that the conditions under which citizens can form a properly informed and well-considered opinion on European cooperation, something that is essential in a democracy and particularly for direct democracy, are weak due to cultural differences and national boundaries within the EU.

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33 S. Boucher, *If citizens have a voice, who's listening? Lessons from recent citizen consultation experiments for the European Union*, European Policy Institutes Network Working Paper 24, Brussels, 2009.

34 Ibidem, p. 14.

Conclusion

Within the democratic legal order that the European Union wishes to be, it is important to chart public opinion on European cooperation. The Eurobarometer provides a wealth of information about citizens' opinion on European cooperation. Since the same questions are often asked and the Eurobarometer, i.e. the standard version thereof, gauges the opinion of citizens twice a year, this opinion poll provides an effective source for trends in public opinion on European cooperation.

Despite this information, the figures and results from the Eurobarometer are often also surprising and seem contradictory. In addition, the Eurobarometer reveals that European citizens are strongly divided on certain issues and highlights differences in public opinions between member countries. That is why we must conclude that public opinion on many aspects of European cooperation is frequently unclear. This especially applies to the question concerning the areas in which decision-making is desired by the European Union and the issue of enlargement of the Union. In relation to these questions, the public also makes considerations that are different to those of the political elite.

Although it is difficult therefore to formulate what citizens think about European cooperation with regard to several key questions, public opinion is indeed clear in other respects. It appears that the principle of European political cooperation is widely supported by the public, as long as no opinion on specific institutions of the EU is sought. A majority of citizens also declare that their voice does not count in the EU and that the EU does not take the interests of member countries into account properly. These findings indicate that the European public attributes a relatively strong output legitimacy and a relatively weak input legitimacy to the EU.

Bolstering public confidence in the European decision-making process is perhaps one of the greatest challenges facing the EU. As revealed by the Eurobarometer, confidence in EU institutions is currently mediocre. The public is divided by the boundaries between member states, as a result of which citizens are not always able to obtain the same information about European cooperation. This is not only a hindrance to the public's formation of an opinion on the EU, but can also impede the functioning of democracy in the EU. For a citizen within a highly heterogeneous and fragmented public, it is probably more difficult to retain the necessary confidence in democratic decision-making institutions compared to when the public is clearly demarcated and the citizen shares cultural values with other citizens, for example.

The question therefore is how this confidence in the EU can be strengthened despite the major differences that exist between publics in separate member countries. Holding referendums, as a means that allows citizens to have their say on certain political issues in a direct manner is a potential instrument that can boost their confidence. An objection in this respect is that the conditions under which citizens can form a well-informed and well-considered opinion are not optimal in

the EU. Political matters are discussed from various perspectives due to the clear boundaries that exist between member countries. Those who occupy themselves with European political matters are usually also a political elite only, interest representatives who are involved with the EU in a professional regard and citizens with an above-average interest. A huge gap still exists between ordinary citizens and Brussels.

In addition to holding referendums, a larger role for national parliaments in the European decision-making process could also be a way to bolster citizens' confidence in the EU. It is interesting that the German *Bundesverfassungsgericht* did indeed approve the ratification of the Treaty of Lisbon in Karlsruhe on 30 June 2009, but also emphasised the central role for national parliaments in European decision-making. The Constitutional Court explained that all EU legislation is restricted by and based on democratic decision-making in the member countries themselves: '[…] without democratically originating in the Member States, the action of the European Union lacks a sufficient basis of legitimisation.'[35] The institutions of the EU therefore only have delegated powers for the project of European integration. They do not have 'the competence to decide its own competence' (*Kompetenz-Kompetenz*).[36] Moreover, the German Constitutional Court declared that the Treaty of Lisbon does not in any way alter the fact that the *Bundestag* is ultimately the body that represents German citizens and: '[…] the European Parliament is not a body of representation of a sovereign European people.'[37] Therefore the Court did not accept the European Parliament as a body that can give adequate democratic legitimacy to EU legislation, and pointed out that national parliaments must be involved in all EU legislation. In that case, should the solution to citizens' lack of confidence in EU institutions be sought in more decisive checks on ministers in the Council by national parliaments, who perhaps now 'barely utilise the instruments at their disposal for exerting democratic control over European policy'?[38]

A strict enforcement of the principle of subsidiarity offers a potential solution in theory, but in practice the problem of the lack of confidence and the divide between citizens and the political elite is more stubborn. This problem is, after all, not exclusively European in nature, but also occurs at member state level. Within national political institutions, such as parliaments and regional governments, it is widely acknowledged, just like at European level, that the gap between citizens and politicians is considerable. Consequently, these institutions, from indirect democracy, are also impeded in their functioning. National politicians also have to contend with the problem that the legitimacy of their actions is called into question.

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35 Bundesverfassungsgericht, *BVerfG, 2 BvE 2/08*, English version of the judgement as published by the Court, Karlsruhe, 30 June 2009, Paragraph 297.

36 Ibidem, Paragraph 322.

37 Ibidem, Paragraph 280 and 277.

38 'EU kan goed zonder Europees Parlement', *de Volkskrant*, 10 January 2009.

The fact that the public is very heterogeneous and fragmented and a large divide exists between citizens and politics poses a problem for tools of direct democracy, such as holding referendums, as well as for tools of indirect democracy, such as strengthening the role of national parliaments. Furthermore, the status of the European Parliament is faltering: it is unclear who the European Parliament actually represents and the democratic process at member state level is ultimately essential for giving legitimacy to decision-making within the EU, and therefore to the European Parliament itself. Which instruments will be found to increase citizens' confidence in the EU therefore remains a captivating question. It is clear, however, that citizens want to have a say in this decision-making process for such instruments, even though they often do not share the same opinion on European cooperation.

III European Integration: Enlargement versus Deepening

Sten Berglund

Much has happened since the six original signatories of the Rome Treaty – Belgium, France, Germany, Italy, Luxembourg and the Netherlands – formed the European Union, then known as the European Economic Community (EEC) on 25 March 1957. It was originally cast as a peace project. Increasing economic interdependence was to rule out war between member states, particularly between the former archenemies France and Germany. The emphasis was on the customs union and the common market, but the founding fathers had more far-reaching ambitions, including the unification of the European continent. The EU was conceived as a 'federal' state with government institutions such as the Commission, the Council, the Parliament and the Court; and the founding fathers cultivated the notion of a gradual transfer of loyalty from the nation states to the 'federal' European level as more and more Europeans became aware of the importance of deepening European cooperation.[1] We refer to this kind of integration as *vertical integration*.

The Rome Treaty also opened up for the inclusion of new members or *horizontal integration*. But this was not to happen until 1973, when Britain, Denmark and Ireland joined the EU. This was also a strong indication that the European Free Trade Association (EFTA) – a rivalling trade organisation created in 1960 upon British initiative as an alternative to the EU – was losing its appeal. Further enlargements followed in the 1980s – Greece in 1981 and the two Iberian countries of Spain and Portugal in 1986 – and in the mid-1990s, when Finland, Sweden and Austria joined the Union. The number of member countries thus increased from six to fifteen within less than three decades. This is an impressive growth rate, but it was achieved in a piecemeal, stepwise fashion – one, two, possibly three new member countries at a time and several years between the different waves of accession. This gave the EU ample time to socialise its new members into the increasingly complicated framework for European integration. The most recent waves of enlargement in 2004-2007 were far more dramatic, adding twelve new members, mainly from Eastern Europe, to the EU15; but they were by no means advertised as the final or even next-to-final steps in the building of the European Union. The EU currently has three candidate member countries – Croatia,

[1] Charles Pentland, *International Theory and European Integration*, London, 1974, pp. 174-186.

Macedonia and Turkey – outstanding commitments to a number of countries, mainly but not exclusively in the Balkans, and quite a few would-be members.

The open-ended approach of the European Union towards horizontal integration raises several questions. The crucial question is that of the relationship between vertical and horizontal integration. Is it possible to maximise both at the same time; or, is there a point somewhere along the way, where continued territorial expansion precludes further vertical integration? This will be the topic of the following section. In the two subsequent sections, we focus on the border issue in the wake of the two most recent enlargements. We begin by searching the European Neighbourhood Policy (ENP) for cues about the possibility of further eastward enlargements; and proceed by scanning the debate about Turkey's application for membership for cues about the importance of cultural boundaries in the making of the European Union.

Between Horizontal and Vertical Integration

Many European citizens do not see horizontal and vertical integration as somehow mutually exclusive; and advocate both – further enlargements along with ever deepening integration within a political union (Table 1). This is the general mood among the most recent arrivals to the Union, in the countries of Southern Europe, and in Ireland. It tells us something about the dynamics of enlargement within the European Union. New members do not necessarily pull up the ladder for neighbouring countries, once they are safely on board. Instead, they all seem to have at least one neighbour whose EU membership they want to promote. The citizens of 'old Europe' are as a rule much more reluctant enlargers. With the notable exception of Italy, the original six are sceptical towards enlargement; and the Scandinavian countries, Britain and Austria have second thoughts about horizontal as well as vertical integration.

But all the original six, including Italy, are in favour of a political union – a political union that may be out of reach as long as enlargement dominates the political agenda. It is perhaps in this light we should see the call for a Europe at different speeds originating within the very core of the European Union. The process of integration already rolls on at different speeds in different parts of Europe. Not all member countries are part of the currency union, or, for that matter, Schengen. Those explicitly calling for a Europe at different speeds want to institutionalise this model and open up a fast lane for countries open for speedy vertical integration.[2] The data in Table 1 arguably provide cues also about the eurosceptical countries in the lower left quadrant. They are all former EFTA countries with strong reservations about deepening integration and thus likely to prefer enlargement

[2] Joschka Fischer, Romani Prodi, Günther Verheugen, and Pascal Lamy are among the leading West European leaders favouring such arrangements.

as the lesser evil, and perhaps even to promote to it in order to remove vertical integration from the agenda for the time being.[3]

Table 1: Support for political union and enlargement[4]

		Support for enlargement	
		Below 50	*50 or above*
Support for a political union	*50 or above*	Germany Belgium Luxembourg Netherlands France	Ireland Italy Greece Portugal Spain Cyprus Malta Czech Republic Hungary Poland Slovakia Slovenia Lithuania Latvia Estonia
	Below 50	Denmark United Kingdom Sweden Finland Austria	

Source: Berglund et al (2009), *Eurobarometers 62* (2004), *63* (2005), *64* (2005) and *66* (2006).

[3] Portugal is the only former EFTA country now within the EU without a distinct eurosceptical profile. Sten Berglund, Kjetil Duvold, Joakim Ekman and Carsten Schymik, *Where Does Europe End? Borders, Limits and Directions of the EU*, Cheltenham, 2009.

[4] The 'widening' item reads as follows: 'the enlargement of the European Union to include new countries – for, against or don't know'. Only positive answers are included. The 'deepening' item reads as follows: 'A development towards a European political union – for, against or don't know'. Only positive answers included. The figures show average scores on support for enlargement in four separate *Eurobarometer* surveys and support for political union in three separate *Eurobarometer* surveys.

We have defined horizontal integration in terms of enlargements; and, following the architects of the Eurobarometers, we have operationalised vertical integrations in terms of 'political union'. Enlargement is a very straightforward concept. The EU is about to enlarge, when it is considering yet another country for membership; and we can all relate to that as something of which we approve or disapprove. 'Political union' is a much more abstract concept. It is the logical conclusion of the ongoing process of vertical integration. The treaties between Rome (1957) and Lisbon (2009) have brought the EU closer to this objective by gradually transferring more and more power from the member states to the 'federal', all-Union level, but the EU still remains a hybrid between statehood and intergovernmentalism.[5] What is more, the transfer of loyalties from the nation state to the EU anticipated by the founding fathers of the Union has at the very best only just begun.

[5] Simon Hix, *What's Wrong with the European Union & How to Fix It*, Cambridge, 2008; and Sten Berglund (et.al), *Where does Europe End?*

Table 2: National identity and European bias (%)

	Nationality only (a)	*Nationality and European (b)*	*European and Nationality (c)*	*European only (d)*	*European bias (c+d)*
Great Britain	64	24	4	3	7
Finland	58	36	4	1	5
Greece	53	41	3	3	6
Sweden	52	42	5	1	6
Austria	52	34	8	3	11
Germany (east)	50	37	7	3	10
Portugal	50	42	4	3	7
Hungary	49	46	4	1	5
Ireland	47	40	5	4	9
Bulgaria	46	46	6	2	8
Netherlands	45	44	7	3	10
Belgium	45	35	10	7	17
Northern Ireland	45	38	8	6	14
Turkey	45	47	5	3	8
Lithuania	44	42	11	3	14
Czech Republic	42	48	7	4	11
Cyprus	41	53	4	2	6
Denmark	38	50	7	3	10
Latvia	38	51	7	4	11
Estonia	35	51	9	5	14
Poland	34	56	9	2	11
Spain	33	52	8	3	11
France	33	49	9	6	15
Slovakia	32	51	12	5	17
Malta	31	62	6	1	7
Romania	31	56	7	5	12
Germany (west)	31	47	13	7	20
Slovenia	30	65	3	2	5
Italy	26	59	10	3	13
Luxembourg	20	45	11	21	32

Source: Berglund et al. (2006), *Eurobarometer* 59 (March–April 2003) and *Candidate Countries Eurobarometer* 2003.4 (October–November 2003). The full question reads: 'In the near future, do you see yourself as (a) [nationality] only, (b) [nationality] and European, (c) European and [nationality], or (d) European only?'

Table 2 reports the outcome of the standard prod for 'national identification' in EU member and candidate member countries. Respondents are given four alternatives ranging from 'own nationality only' to 'European only'. We have combined the two alternatives suggesting a primary identification with Europe – 'European only' and 'European and own nationality' – into a separate category tapping the pro-European bias of the respondents. The outcome is not particularly impressive. More than one third of the countries show one digit numbers in this column; and scores of 20 or more are truly exceptional. The highest scores are reported by Luxembourg and West Germany, 32 and 20% respectively.[6] But – Belgium (17%), France (15%), and Italy (13%) are not trailing that far behind; and even the Netherlands, the most nationally oriented country of the original six, reports a pro-European bias of 10%. It is tempting to interpret this outcome in terms of political socialisation. The EU had presumably become an integral part of political life for most of citizens of the original six by the time when the above surveys were carried out, and it is hardly surprising that they come out as somewhat more pro-European than more recent arrivals to European integration.

The main message, however, is that there is little or no evidence of a transfer of loyalties to the EU anywhere within the vast Union. This may come as a surprise for those waiting for the spill-over effects foreseen by the founding fathers, but hardly for historians and political sociologists.[7] Identity formation is not primarily about state building; *it is about nation building* and nation building tends to be a drawn-out affair – in many cases covering hundreds of years.[8] What the table tells us is that the *sense of political community* is poorly developed in the EU, at least among the citizens of the Union.[9] The nation state still carries much more clout in the hearts and minds of EU citizens. It would be wrong to blame the constantly changing borders for this state of affairs, but borders help define identities and constant redefinitions of 'Europe' arguably do not facilitate European identity formation.

The European Neighbourhood Policy

High politics is not yet completely within the domain of the EU, but the EU is nevertheless an increasingly important foreign policy actor. It has a foreign minister known as the High Representative of the Union for Foreign Affairs and Se-

6 East and West Germany are reported separately by the EU. This makes it possible to trace the impact of German unification.

7 Stein Rokkan, 'Dimensions of State Formation and Nation Building: A Possible Paradigm for Research Variation within Europe', in: Charles Tilly, (ed.), *The Formation of Nation-States in Western Europe*, Princeton, 1975.

8 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, London, 1983 and 1991.

9 David Easton, *A Systems Analysis of Political Life*, New York, London and Sydney, 1965.

curity Policy,[10] diplomatic representation in key foreign countries and an 'external action service' in the making. EU foreign policy has a global component, but the emphasis is on Europe and enlargement has thus far played a crucial role in it. This was particularly obvious in the 1990s, when a large number of former communist countries applied for EU membership. The breakdown of communism in Central and Eastern Europe, and the dissolution of the Soviet Union and the Warsaw Pact created a political and military void in Europe. NATO responded quickly to applications from the new democracies in the region, but it was by no means a foregone conclusion that the EU would do the same. Yet, in the final analysis, the EU did just that and indirectly shouldered the responsibility for making the ten prospective East European member countries safe for democracy.

With the inclusion of a large chunk of what used to be 'Eastern Europe' in the European Union, the question of what constitutes Eastern Europe today unavoidably arises. Europe does not have clear borders to the east. Russia, never a European Union contender, stretches far beyond the Urals to the North Pacific Ocean. Ukraine, Belarus and Moldova clearly belong in Europe but are unlikely candidates for EU membership in the foreseeable future. Since 2005, Ukraine has taken several steps towards EU membership, but seems to have a long way to go – due to its size, economy, internal divisions and lingering ties with Russia. Meanwhile, the present regime in Belarus seems to hold few illusions about membership prospects, while Moldova remains ill-equipped for EU membership, in economic as well as in political terms. Further to the east, Georgia has been pursuing a pro-EU line since the so-called Rose Revolution in 2003–2004, but a complete alignment with the European Union seems like a distant prospect. Neighbouring Armenia and Azerbaijan are even further away from European Union membership.

North African states, meanwhile, enjoy strong and enduring, albeit volatile, relationships with European countries on the other side of the Mediterranean Sea. Morocco applied for EU membership in 1987, but was rejected because the country was not considered to be part of Europe. Few would consider the southern flank of the Mediterranean Sea as part of Europe, although Southern Europe may feel closer ties to those countries than to Central and Eastern Europe. Indeed, it is probably not an exaggeration to allege that countries like France and Italy would have preferred a much stronger EU focus on the southern flank, even at the expense of eastward enlargement. But even the British Foreign Secretary has suggested that the European Union should work towards including Middle Eastern and North African countries.[11] By contrast, the Nordic countries, Germany, Austria and most of the new member states keep their attention fixed on the ever-closer east.

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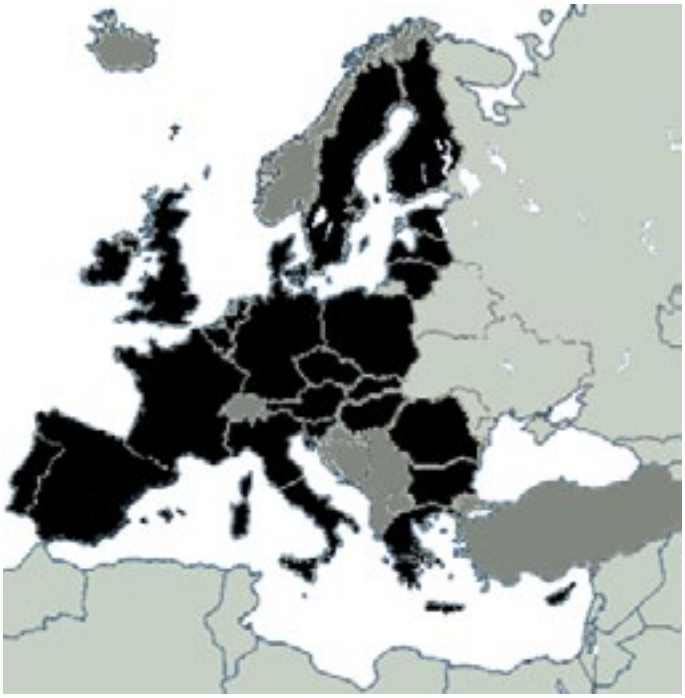
[10] The post was introduced in the Amsterdam Treaty in 1999 and upgraded in the Lisbon Treaty ten years later.

[11] David Miliband, 'EU Should Expand beyond Europe', BBC News, 2007 (See: http://news.bbc.co.uk/2/hi/uk_news/politics/7095657.stm).

These divisions are also reflected on the popular level. In a survey from 2007,[12] 50% or more of all EU citizens consider Russia, Ukraine and Belarus as neighbours of the Union. Less than 30% consider North African countries as neighbours. Even fewer – under 15% – consider countries in the Middle East, including Israel, as neighbours. Not surprisingly, though, citizens of Spain and France are most likely to single out Mediterranean countries as neighbours, while citizens of the eastern member states are quick to identify countries like Ukraine and Belarus as such. While respondents from most of the new EU member states have few problems finding neighbours outside the EU, they appear conspicuously ignorant about what is happening in these countries. Less than a third of Poles, Czechs or Lithuanians express any interests in them, even if they want them to join the club. By contrast, two thirds of Cypriots and Greeks claim to be interested in EU neighbours – presumably countries in their own, comparatively volatile neighbourhood. Two thirds of all EU citizens consider the relationship between the EU and its neighbours to be 'good', but just 56% of Swedes and 57% of Brits hold this opinion.

Figure 1: The European neighbourhood



[12] See 'The EU's relations with its Neighbours: A Survey of Attitudes in the European Union', *Special Eurobarometer* 285 (2007).

As a foreign policy framework, the EU Neighbourhood Policy (ENP) was conceived in 2003. Far from being a coherent and fixed concept at the outset, the ENP took shape partly in response to the imminent enlargement and the fact that the European Union was about to share borders with a number of new and no-longer-so-remote countries, including former Soviet republics like Ukraine, Belarus, Moldova and, further afield, Georgia and the rest of the Caucasus. EU candidate countries are not covered by the new foreign policy concept, just as the rest of the Western Balkans remains outside the framework. Moreover, Russia and the EU have established a separate 'Strategic Partnership'.[13] The ENP is partly designed to even out discrepancies between the EU and its neighbourhood. Israel aside, most of EU's neighbours are vastly poorer than the EU. While the GDP per capita of the European Union stood at 32,300 US dollars (approximately 22,000 Euros) in 2007, most of the countries in the region covered by the ENP enjoy between one fifth and one tenth of this wealth.[14] The ENP opens up the prospect of a free-trade area between the EU and her neighbours. Naturally, economic cooperation and development cannot be separated from politics and security issues. Indeed, the aims of the ENP can be summed up in a string of buzzwords: 'Good governance'; promotion of democracy and civil society; and economic development on the one hand; and fighting terrorism, violent conflicts, organised crime, corruption, trafficking and illegal immigration on the other. Clearly, a key rationale behind the ENP is to prevent the emergence of failed or rogue states on EU's doorsteps.

The ENP is not – not even implicitly – linked with further rounds of enlargement.[15] The current EU candidate countries (Croatia, Macedonia and Turkey) and a number of *potential* candidates (that is the rest of the Western Balkans) are not part of it. In fact, countries that are included in the ENP are *not* likely to be EU candidates in the foreseeable future.[16] But while the Mediterranean and North African ENP members may not harbour any serious ambitions (or even desire) to join the EU, several of the eastern neighbours have EU membership as an explicit aim. Not surprisingly, current EU members are split over the issue of further en-

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13 The 'Strategic Partnership' refers to the four EU-Russia Common Spaces, agreed upon in May 2003. Although it puts Russia in a more equal position vis-à-vis Brussels, it shares the basic properties with the ENP.

14 Sten Berglund (et.al), *Where does Europe End?*

15 European Commission, *On Strengthening the European Neighbourhood Policy*, COM 726, Brussels, 2006.

16 Tina Freyburg (et.al.), 'EU Promotion of Democratic Governance in the Neighbourhood', *Journal of European Public Policy*, volume 16, number 6, 2009, pp. 916-934; Elena Korosteleva, 'The Limits of EU Governance: Belarus's Response to the European Neighbourhood Policy', *Contemporary Politics*, volume 15, number 2, 2009, pp. 229-245; and Marcin Łapczyński, 'The European Union's Eastern Partnership: Chances and Perspectives', *Caucasian Review of International Affairs*, volume 3, number 1, 2009.

largements, which might include countries covered by the ENP. Recent member states in the east, such as Lithuania and Poland, are clearly in favour of keeping the door open for countries like Ukraine and even Georgia. Northern Europe, United Kingdom included, appears to be at least open for this prospect. Germany, on the other hand, seems rather ambivalent about it, with Chancellor Angela Merkel asking for clearer borders of the EU[17] and some of her party colleagues demanding a freeze on further enlargement. Like France, Germany is usually also careful not to upset relations with the Kremlin, which sees the former Soviet republics as part of its so-called Near Abroad. Eastward enlargement has turned Russia's Near Abroad into EU's neighbourhood. The EU has a legitimate interest in promoting economic development, democracy and not least political stability on its eastern flank, but – much to the chargrin of Kiev, Tbilisi and, for that matter, Warsaw and Vilnius – this does not include enlargement.

Europe and Turkey

The EU's reluctance to enlarge also spills over on Turkey – the politically most important of its three current candidate countries. Turkey applied for membership of what was then called the European Community in 1987.[18] But it took twelve years and a drastically changed geo-political map before the country was formally recognised as an applicant country. In the intervening years, three countries had become members and another twelve – mostly former communist countries – were wrapping up their membership talks. Despite making a headlong progress to comply with EU's ever-increasing demands for membership, embedded in the so-called Copenhagen Criteria, the prospects of a Turkish membership continue to divide the elites and ordinary citizens of Europe. Germany and Austria have made it clear that they prefer a 'privileged partnership' with Turkey rather than full membership; and France has an outstanding commitment to calling a referendum in the event that the slow moving negotiations with Turkey result in the recommendation that Turkey be offered full membership in the Union.

Opposition to Turkish membership is based on a hotchpotch of arguments and claims. Many people are clearly alarmed by the potential impact of immigration from the culturally traditional and economically backward peripheries of Turkey. Others stress the sheer size of the country, frightened by the prospects of Turkey rapidly overtaking Germany as the largest member state and possibly altering the existing power balance in the EU. This argument often goes hand-in-hand with the perception that Turkey does not share with the existing EU states a com-

[17] 'Wir müssen sagen, wo die Grenzen Europas liegen, wenn wir den Integrationsprozess nicht stoppen oder sogar rückgängig machen wollen' *(If we do not want to halt or even reverse integration, we have to say where the borders of Europe are)*, Chancellor Merkel said in a speech on 9 May 2006 (http://www.euractiv.com/de/erweiterung/merkel-eu-muss-klaren-grenzen-europas-liegen/article-155164).

[18] Harun Arikan, *Turkey and the EU. An Awkward Candidate for EU Membership?* Aldershot, 2006.

mon set of 'European values' and that the country may pursue a political agenda that sits awkwardly with the existing norms of EU politics. There are also concerns that Turkey will not be able or willing to move far enough in terms of democracy and human rights – or to curb the influence of its powerful army. A deep-seated fear of a Muslim state entering a 'club of Christian states' runs beneath many of these arguments – and particularly the prospects of a more nationalist and/or Islamist direction of Turkish politics. Moreover, the idea of the European Union sharing borders with Iraq, Iran and Syria is surely daunting for many people.

The point about borders can obviously be turned around in that Turkish EU membership will open up an important bridge to the Middle East and give the EU a far more robust platform in this strategic region. Embracing Turkey would also set an important example for the rest of the world – and particularly for the Muslim world: that the EU is not an exclusively 'Christian club'; and that a Muslim country can become a Western-style democracy. The argument about immigration can also be turned around in that Turkey has a comparatively young population and may provide a much needed solution for Europe's own demographic dilemma – an aging population facing labour shortages within many sectors, including health care. Moreover, anti-federalists might consider the prospects of Turkish membership as a chance to dilute any ambitions to deepen the framework of EU politics. Hence, it should not come as a surprise that support for Turkish membership is at its staunchest in the United Kingdom, the Nordic countries and even some of the new member states in the east.[19] Finally, Turkey controls gas and oil pipeline routes that could make the EU less dependent on Russian delivery. This argument should go down well in several of the eastern member states, weary of once again falling under Moscow's sway.

More to the point, how do ordinary EU citizens feel about Turkey's position vis-à-vis Europe? A Eurobarometer survey from 2005[20] gives some interesting clues about European perceptions concerning this candidate country. The data indicate that a slim majority of EU citizens considers Turkey as 'partly belonging to Europe' due to its geographical location, while just 40% think it belongs in Europe due to its history (*Table 3*). The first question may seem vague and trivial all at once: *trivial* because an eyeball inspection of a map over Europe clearly shows that a small chunk of Turkey is located in what usually is called 'Europe'; *vague* because 'partly European' does not mean that the country is perceived to be '*essentially* European'. At any rate, the Swedes are most likely to consider Turkey as 'partly belonging to Europe'. At the other end of the spectrum, the Cypriots are least likely to consider its neighbour as European by geographical criteria – despite

[19] Václav Klaus, President of the Czech Republic and prominent Eurosceptic, told the *Time Magazine* that he is 'ready to confer membership to Turkey, to Kazakhstan, to Morocco, and to everyone: the more countries, the better' (*Time Magazine*, 13 March 2005). Also available online at: http://www.time.com/time/magazine/article/0,9171,1037613,00.html.

[20] European Commission, *Eurobarometer 64*, Brussels, 2005.

the fact that Nicosia is located to the south and to the east of Ankara. Be that as it may, perceptions of history might well be a better indicator of how EU citizens evaluate the European credentials of Turkey.

But again, the survey item at hand appears somewhat awkward and crude – not least because Turkish and Ottoman history most definitely *is* intertwined with European history. On the other hand, the question posed in the Eurobarometer survey is not about factuality and historical knowledge, but about perceptions. Ernest Renan pointed out more than a century ago that 'getting its history wrong is part of being a nation'.[21] In the light of this sweeping statement, it seems rather appropriate that only 40% of the EU citizens consider Turkey to belong in Europe by virtue of history. However, it should not come as a surprise that there is a great deal of national variations at play here. Ironically, only 17 and 8% of Greeks and Cypriots respectively are inclined to agree with this statement, as opposed to 73% of Hungarians. In other words, some parts of Europe are clearly more ready to come to terms with their own, often long history under Ottoman supremacy than others.

Table 3: European perceptions of Turkey

	Support Turkish EU membership	*Turkey partly belongs to Europe by its geography*	*Turkey partly belongs to Europe by its history*	*Cultural differences between Turkey and EU members too large*
Austria	**13**	42	33	**78**
Luxembourg	24	53	33	71
Cyprus	26	**35**	**8**	66
Germany	27	59	40	71
Czech Republic	32	59	40	60
Greece	33	40	17	73
	Support Turkish EU membership	*Turkey partly belongs to Europe by its geography*	*Turkey partly belongs to Europe by its history*	*Cultural differences between Turkey and EU members too large*
Slovakia	33	70	57	57
Lithuania	33	54	41	53
Estonia	35	58	46	65
Latvia	35	55	37	58

[21] Ernest Renan, 'Qu'est-ce qu'une nation?', Speech held at the Sorbonne on 11 March 1882 (See: http://fr.wikisource.org/wiki/Qu%E2%80%99estce_qu%E2%80%99une_nation_%3F).

Malta	35	53	43	49
Portugal	37	46	37	48
France	39	47	30	63
Ireland	40	57	39	42
Finland	42	62	48	61
UK	42	49	36	40
Belgium	43	60	42	62
Hungary	44	71	**73**	48
Bulgaria	47	68	49	48
Italy	47	56	41	56
Spain	47	50	37	42
Denmark	50	57	32	58
Poland	51	73	61	43
Slovenia	53	57	43	53
Turkey	54	62	55	46
Netherlands	55	57	35	46
Croatia	58	65	61	42
Sweden	60	**79**	63	51
Romania	**66**	59	56	**25**
EU27 EU15 NMS*	40 38 49	57 54 59	41 38 46	54 57 52

* New member states (NMS) include Bulgaria and Romania.

Source: The first item is taken from *Special Eurobarometer 255* (2006); the other three are taken from EB 64 (2006). The countries are inversely ranked according to support for Turkish membership of the EU. Figures in bold represent the extreme values (highest/lowest).

Perceptions of Turkey's geographical and historical place in Europe are undoubtedly important, but an even more crucial question is whether citizens of the European Union actually want Turkey as a fellow member. According to data presented in Table 3, approximately 40% of all EU residents claim to be in favour of Turkish membership – if and when the country 'complies with all the conditions set by the European Union'. It should be kept in mind that these figures have fluctuated quite a bit over time – which testifies to a considerable amount of popular uncertainty about the issue. Once again, there is a great deal of variation across the 27 countries – and not necessarily along obvious lines: the (Greek) Cypriots are predictably cautious about such plans, while Greek nationals are somewhat less sceptical. However, it is above all the Austrians who vehemently reject Turkish membership plans. Austria and Germany – another Turkey-sceptical country – have large Turkish minorities, which may well be a contributing factor. But so do Sweden, Denmark and the Netherlands, three countries that express much more welcoming attitudes towards EU membership for Turkey. Exactly why Swedes and Austrians diverge so much over this issue is indeed an intriguing question.[22] Finally, the data also reveal a fair amount of variation among the new member states, the Romanians, Slovenes and Poles being above average positive about Turkish membership, while the Balts, Czechs and Slovaks are noticeably less enthusiastic about it.

The alleged 'cultural divide' is a much cited reason why many Europeans do not want Turkey in the EU. According to Table 3, a slim majority of EU citizens agree that the cultural differences between Turkey and EU members are 'too large'. However, as many as three out of four Greeks, Austrians, Germans and Luxembourgers are convinced that such cultural differences make themselves felt, while Romania is the only EU country where an overwhelming majority do not acknowledge any serious cultural division across the Bosporus.

What do Turkish citizens make of this hostility? Do they express dismay at the European response to their membership bid? Is the alleged 'cultural division' shared by the Turks? Table 3 indicates that only a wafer-thin majority of Turkish citizens think that their country should join the EU and almost as many think that the cultural differences between the EU and Turkey are 'too large'. These figures, at least, indicate that Turkish citizens are roughly in line with the average European. There is thus a distinct possibility that Turkey may give up its up-hill battle for membership in the European Union well before being hit by a veto by Austria, Germany or the French voters.

[22] According to the same survey, 57% of Swedish respondents think Turkish EU accession would favour 'mutual comprehension of European and Muslim values'. Only 22% of Austrians agree with this statement. Likewise, 59% of Swedes believe Turkish accession would strengthen regional security, as opposed to just 19% of the Austrians (EB 64).

Implications and Conclusions

The EU has by no means put enlargement on indefinite hold, but it is clearly suffering from enlargement fatigue. EU's Neighbourhood Policy (ENP) is a call for close cooperation with neighbouring countries in Eastern Europe, Africa and the Middle East but the catchword is 'everything but institutions'; so it is *not* a gateway to membership for the participating countries. This is bad news for countries like Ukraine and Georgia that have expressed an interest in EU membership, but good news for German Chancellor Angela Merkel and other EU leaders who call for the EU to define its borders. EU's eastern border is thus likely to stay where it is; and a negative outcome of the negotiations with Turkey would make eastward enlargement even more unlikely. But enlargement is still very much on the agenda. At least two of the current candidate member countries – Croatia and Macedonia – are likely to be invited to join the Union any time soon. Iceland, Norway and Switzerland would presumably be welcomed, if they were to apply for membership. Iceland actually applied in the wake of the recent financial crises and promptly received fast track treatment; and the EU still has commitments to a number of countries in the Balkans, when they meet all the requirements.

The strong opposition in France and Germany – two of the Union's current great powers – against Turkey makes its prospects for EU accession very bleak, its status as candidate member country notwithstanding. It is not unprecedented for an applicant country to be rejected after years of negotiations. President Charles de Gaulle of France vetoed Great Britain twice in the 1960s; but – if finally vetoed – Turkey will have waited for the final verdict much longer than any other applicant country. But Turkey is different than most applicant countries. With some 72 million inhabitants and a favourable demographic structure, Turkey would become one of the great powers of the EU, if it were to get the long awaited invitation to join the club. This would reduce the space for current great powers, particularly for Germany and France. Opposition against Turkey is not just a function of widespread anti-Muslim sentiments in Europe.

Strictly speaking, the future is always beyond reach. We can at best identify the implications of current trends. This is was our ambition in the two preceding paragraphs. But the long trajectory of the European Union also lends itself to a couple of conclusions. First, horizontal and vertical integration can be combined, but they cannot be maximised at the same time. Enlargement thus has a negative impact on the pace of European state building. Second, vertical integration or state building has few, if any, spill-over effects on European identity formation or nation building. The nation state still remains the primary object of identification among the citizens of the European just as may be expected given the historical experience of Europe's current member states.

IV Reservations towards the European Integration: Poland

Leszek Jażdżewski

What are the Polish reservations towards the European integration? The question itself contains a thesis that will raise an eyebrow of anyone who poses an interest in Polish politics and opinion polls. Wide political consensus around the process of EU integration existed in Poland both in the main political parties, as well as among intellectual elites and media. EU accession became a symbol of transformation, a cliché of Polish young democracy's success.

According to a poll published in April 2010 86% of Poles support Polish membership in EU, 9% is against and 5% undecided.[1] As a recent survey by Eurobarometer proved, Poland by far exceeds any other EU country in terms of positive assessment of benefits to costs balance of EU membership. As the German Marshall Fund poll Transatlantic Trends has shown Poland is in favour of European leadership in the world much more than of American world leadership with only 46% for and 55% on average in Europe while European leadership is supported by 70% of respondents.[2] Moreover, the current Polish government is relatively pro-European, prime minister Donald Tusk even received the prestigious Charlemagne Prize. There is no problem of Poland breaking European standards, as for example France with the Roma people, Jerzy Buzek, head of the European Parliament is Polish, lots of Poles are emigrating to other EU countries, working hard and integrating well.

Poland is in fact, despite its declared pro-Europeanism, a country of deep conservatism, with scepticism towards European institutions and reservations, to say the least, for European standards of human rights. A country that is mostly oriented towards its self-interest, not on the European project, at the same time demanding European support in regional development and foreign policy. Not a very long time ago Poland was ruled by identical twins who antagonised virtually every significant Polish ally in the European Union isolating a country on international level, mutual mistrust has perpetuated.

In my essay I will try not to touch every single issue that can be considered a reason for Polish reservations towards European Union. The Polish citizens still do not really consider themselves a part of the European family and often do not understand mechanisms that shape and create the European agenda. Otherwise, I will try to show some specific issues that influence Polish thinking about Europe,

1 CBOS, *Six years of EU membership*, April 2010, http://www.cbos.pl/SPISKOM.POL/2010/K_056_10.PDF.

2 http://www.gmfus.org/trends/doc/2010_English_Key.pdf.

especially those that, in my opinion, can be blamed for Poland not being such an active member of EU as it should, considering its size, regional 'weight' and ambitions.

History, sovereignty, Polish character, complexes

National history is a point of reference almost for all the debates held in Poland. It is understandable, bearing in mind that what is natural for most of the modern countries in Europe (having a sovereign state), for Poland was a rarity in last three centuries, even though Poland boasts of more than 1000 years of historical existence as an independent state. Poland, once one of the biggest countries in Europe, was more often than not a border, lines that kept others – like the Tatars, Turks, Russians and so on – at bay, being a – what Norman Davis called – *Antemurale Christianitatis*, the 'Bulwark of Christendom'.[3] This is why Polish politicians refer to common European values usually mean something else than their French or Swedish counterparts.

Poland was too often the victim of history. Being not strong and determined enough to become the object of politics instead of being the subject of it, we have based our entire cultural canon on the compensative myths. In short – we have been adding ideology to failure. In the nineteenth century, when science, market and state institutions were blooming all over the world, when questions of human condition and the technological progress were asked, we were entrapped in a vicious circle of conundrum – to fight or not to fight? Writing in order to raise the spirits was deeply meaningful then, it explained weakness by upgrading it to a more honourable level. It was building up a myth which helped us survive the worst time, a myth which sustained the national substance, and which was the reason to fight to regain sovereignty against the historical reality. We have erected a soaring construction on the ground of myths, a mixture of illusions and self-deceit. In Poland, politics is taught by poets. Our elites have been making decisions probably in good conscience, but they were utterly devastating to the nation's interest. We leave the reading of Machiavelli to the cynics we hold in contempt.

Nowadays, in a free, not externally endangered Poland, everything we learn about ourselves from the cultural canon is like a millstone around our neck. We try to stay on the surface, rapaciously inhaling the air from the global world of twenty-first century united Europe. But it takes only one pilot's mistake to indulge again in the abyss of the nineteenth century Polish messianism. Smolensk, the national mourning, the intensity of national martyrological emotions which were revealed, show that a Pole mentally is still on the military entrenchment.

[3] N. Davis, *Heart of Europe: A Short History of Poland*, Oxford, 1986, p. 343.

Imperial nostalgia and postcolonial trauma

Believe it or not Poland has both imperial nostalgia and postcolonial trauma. The imperia spread, as a Poland-Lithuania Commonwealth, to more than 1,1 million km^2 in the beginning of the seventeenth century, deep into contemporary Russia, including contemporary Ukraine, Belarus, Lithuania and parts of the Czech Republic, Slovakia, Hungary, Romania, Latvia, Estonia and Moldova. It was two and a half times larger than today's France, the biggest EU member state. Poland extended into the east also between 1918 and 1939 and is historically and psychologically connected with former soviet republics. It resembles the approach of United Kingdom or France to their former colonies. At the same time Poland was conquered and divided in the eighteenth century by Russia, Austria and Prussia (then Germany), in 1939 defeated and occupied by Nazi Germany and in 1944 'freed' by the Russian Soviets, becoming a part of the Soviet Block afterwards. So Poland also suffers a postcolonial sentiment, with all the symptoms of a conquered and humiliated nation that tries to come to terms and make sense of its difficult history. Poland was betrayed at Yalta by the West and sold to Russia – it is a 'common knowledge'. Many believed that it is out of remorse that the European Union should accept Poland and give generously to compensate for what Poland had been through.

That is what constitutes the schizophrenic Polish mentality, together with a role for nationalism and the Catholic Church in preserving Polish identity at the time when Poland 'wasn't on the map', the constant struggle for independence through numerous uprisings, being an object rather than subject of modern history. Poland is torn between the pride of a great past and cultural heritage and the inferiority complex to the by far more civilized and advanced West. Suffering more than others, we demand tributes paid to our glorious history. The suffering has not only aggrandised us, but turned us into its hostages. 'I am a Pole so I suffer.' We love to bewail, at the same time glancing at the world, checking if it is still looking at us and commiserating with us properly.

Poland is like a doddering auntie, who sucks her European family into irrelevant histories from decades ago. Sometimes, we are faced with reactions out of sheer comity, but we cannot expect that we will be treated seriously after displaying our insecurities and traumas. We are proud of being Poles, although simultaneously we feel inferior to the West. We wait patiently for a casual praise and at the same time are ready to attack on every trace of criticism.

Aleksander Smolar, a leading Polish politologist and commentator, head of *Batory Foundation* (funded by George Soros) in the foreword to the Klaus Bachmann book disagrees with his diagnosis that Polish politicians use a hard-line rhetoric towards the EU just to quietly make concessions afterwards in the best interest of Poland. He claims that it is just a matter of 'saving face', it is a 'dignity politics', no fight for real interests just politics, based on complexes and incompe-

tence. One of the examples: the contradictory claims for a Europe of nations and European solidarity at the same time.[4]

EU debate and transformation

The Polish-European relation is a typical periphery-to-center relation, as it has always been. That leads to profound consequences, for example modernization in Poland is to a large extend associated with the process of Europeanization, especially the transformation process from a socialist economy and autocracy towards capitalism and liberal democracy was parallel to the process of further integration with European institutions. Jerzy Jedlicki sees Europe as central to the Polish debate on modernization and progress throughout at least 250 years.[5]

The European debate in Poland, argues leading Polish sociologist Ireneusz Krzeminski, however vivid and of interest of public opinion did not regard the very material aspect of the integration. It was a way of shaping identities of two opposite groups – pro-European liberal-democrats and Euro-sceptic nationalists. Europe was seen as a symbolic community closely associated with certain values – tolerance, democracy, free trade. Both liberals and nationalists agreed on that, ignoring to a large extent political and institutional aspects of integration. However, from the same observation they drew a very different conclusions, at the same time both using integration with EU as a tool for their internal political or meta-political goals. For Euro-enthusiasts that was a way of modernizing Poland, both economically and socially. It was a proof – a 'stamp' – of belonging to the West. European integration paid an educational role, as a way of upbringing a backward nation by being an example to whom Poles could relate and whose civilization superiority was used by Euro-enthusiasts to embarrass Polish public opinion. EU integration served as a stick and carrot, very efficiently 'blackmailing' even less Europhile politicians, forcing them to push forwards reforms that could diminish their appeal to electorate that regarded any attempt to dismantle the remains of post-communist inefficient state Leviathan as an attempt on their well-deserved social rights.

Polish social-anthropologist Horolets argues that there are more than just the two groups, pro and contra, and that political discourse is more varied depending on political affiliations. However one of her most relevant observations was that of constructing the discourse in the mainstream press to 'shame' anti-Europeans. European community was referred to as 'Self', while an opposing group was constructed as an 'internal Other'. It was a perfect way of uniting Polish and European public opinion against a common enemy. It could also be one of the reasons why the division between those in favour and those against the European Union is so deep and the debate so heated. Pragmatic arguments, if used at all, are just an

4 K. Bachmann, *Polska kaczka w europejskim stawie*, Warszawa, 2005, pp. XI-XII.

5 J. Jedlicki, *Jakiej cywilizacji Polacy potrzebują*, Warszawa, 1988, p. 11.

excuse, a prologue to 'real' discussion aimed at disqualifying credibility of opponent opinion.[6] In that way, any statement about Europe became a declaration of faith, a way of integrating a particular group and to condemn the opposite camp.

America, Russia, EU enlargement and geopolitics

Poland has been perceived as an American Trojan Horse in the European Union, for promoting the Anglo-American version of capitalism versus the continental social economy.[7] But also in the German Press for supporting politically and militarily the intervention in Iraq by George W. Bush.[8] It was even accussed of beign the 51st state of the United States of America, by a CIA officer quoted in a *New York Times* article on extraordinary rendition.[9]

To understand Polish foreign policy, especially on European level one needs to understand the Polish view on its Russian neighbour. Poland sees Russia as an immanent threat to its security, especially since Vladimir Putin came to power and tried to restore Russians past imperial glory. Relations between Poland and Russia deteriorated since the Orange Revolution in Ukraine which resulted in abolishing the pro-Moscow semi-autocratic Kuczma-regime as well as his successor Yanukovich thanks to intervention by the Polish president Kwasniewski and Javier Solana. The European Council on Foreign Relations, a think tank prepared a report evaluating the relations between Russia and the European Union. Poland was qualified together with Lithuania as the most anti-Russian among member states; 'new Cold-warriors'.[10]

The situation is slowly improving, still Eastern EU policy (meaning supporting Russia neighbours but keeping Moscow at bay) is considered in Poland a *raison d'etat*. And for a good reason, without dominating Belarus and Ukraine, Russia can't restore its imperial position in Europe. That is also why Poland belongs to the most consistent supporters of EU enlargement.

Poland relies on America and the NATO as on the guarantee of its security being unable to defend itself from potential Russian neo-imperial expansion. So far this threat did not concern Poland (Georgia, Moldova, Belarus, Kirgizstan, Ukraine and even Estonia know it to well), but the Polish are very well aware of the fact that no European country can provide a substantial military support in case of a real security threat. That is why even the very pro-European president

6 Anna Horolets, *Obrazy Europy w polskim dyskursie publicznym*, Kraków. 2006.

7 Gugliemo Meardi, 'The Trojan Horse for the Americanization of Europe? Polish Industrial Relations towards the EU', *European Journal of Industrial Relations,* volume 8, number 1, March 2002, pp. 77-99.

8 Andrzej Kapiszewski and Chris Davis, 'Poland's security and transatlantic relations', in: Tom Lansford (ed.), *Old Europe, New Europe And The Us: Renegotiating Transatlantic Security In The Post 9/11 Era*, Farnham, 2004, p. 193.

9 Scott Shane, 'Inside a 9/11 Mastermind's Interrogation', *New York Times*, 22 June 2008.

10 Leonard and Popescu, *A Power Audit of EU-Russia Relations*, ECFR, London, 2007.

Kwasniewski and prime ministers Leszek Miller and Marek Belka – all of them left of center – have been staunch supporters of neo-conservative US administration in opposition to what Donald Rumsfeld called 'Old Europe'. It was proof of far-reaching divisions whitin Europe. But the overreaction of Germany and especially France – famous words of Jacques Chirac: 'those countries missed the opportunity of remaining silent' – did even more harm, showing to prospective EU members a lot of arrogance from the 'members of the club'.

The Polish professor Wojciech Sadurski argues that Poland does not understand that European identity is partly shaped by contrasting itself to the United States of America on issues which in general are seen differently on both sides of Atlantic such as the socio-economic model, the secular state, thoughts on penalization and the approach to force and diplomacy. Whereas in Poland America is praised as an successful economy, political power and world champion of freedom and democracy that can and will defend its weaker ally and should be supported under any circumstances.

Catholic Church and EU integration

It is impossible to analyze Polish Euro-skepticism leaving aside the Polish Catholic Church. It has played a dubious role, on the one hand its more or less direct support for EU integration helped to convince the Polish public to vote yes in the accession referendum.[11] Interestingly enough, also the Polish clergy, as proved by a poll by Instytut Spraw Publicznych (*Instutite of Public Studies)* shared this positive attitude towards EU, where 84% of the participants responded affirmatively to the question regarding their support for European integration.[12] Pope John Paul II had a crucial role in pushing the Catholic Church in Poland towards integration. His authority and leadership in Poland, not limited to a religious sphere, was undisputable. Support towards the Union was voiced as directly by John Paul II during his speech in Rome in 2003 on the 25th anniversary of his papacy: 'Poland has been long an important part of Europe and cannot exclude itself from this community, which on many levels suffers crises but which is a one family of nations, based on a common Christian tradition. Entering structures of European Union on the same rights as other countries is for our Nation and brotherly Slavonic Nations a sign of some historical justice, and on the other side can enrich Europe. Europe needs Poland. Church in Europe needs a testimony of Poles faith.

[11] Accession referendum: 7 and 8 of June 2003, ratification of Treaty of Accession. 58.85% of population voted (17 586 215 people). 77.45% of them (13 516 612) answered yes; 22,55% (3 936 012) answered no.

[12] L. Kolarska-Bobińska (ed.), *Polska eurodebata*, Instytut Spraw Publicznych, Warszawa, 1999.

Poland needs Europe. From the Union of Lublin[13] to the European Union. […] Poland needs Europe.'[14]

An invitation to Brussels in 1997 for Polish top Church hierarchs was a helpful gesture to break the ice and served as a clear symbol for Polish public opinion. After closing negotiations in Copenhagen primate Jozef Glemp said 'we want to join the process of integration of Europe, this real one, also built on its spiritual heritage'.[15]

Germanophobia

Deceased president Lech Kaczynski (together with his twin brother Jaroslaw) was notorious for his critique of European Constitutional Treaty and then the Lisbon Treaty, though he ratified the latter after all, thanks to enormous pressure, both internal and external. He and his party Law and Justice (PiS) considered the Constitution and the Treaty as a way to control Poland and other smaller countries by the bigger ones such as France and especially Germany, as he indicated in 2006 in his interview for *Arcana*, a polish right-wing magazine: After it [Constitution] will come into force the Union will resemble a federation by 80%. […] This is, through adopted mechanisms a constitution of strongest nations […] in our part of Europe it would mean that most important decisions take place in Berlin.

Among Polish society during the process of integration – but also later, especially since in Berlin ruled a Red-Green coalition with a more pragmatic approach to history and mutual relations than Kohl and his generation – there were many fears about a potential German dominance that would be allowed by joining the EU. Most exaggerated and exploited was another *Drang Nach Osten* but this time not by the German Wehrmacht but by the real-estate business. Because of such a disproportion in prices there was a common fear that Germans would 'buy back' their former eastern territories, without a need to change borders.[16] That is why both sides decided to implement transitional periods, without any necessity but under pressure from their populist voters. However Bachmann argues if politicians didn't decide to raise an issue which got out of their control the situation might have been different.[17] For the time being, Poles are not allowed to work in

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13 Union of Lublin (1569) was an union between the Kingdom of Poland and the Grand Duchy of Lithuania creating the Polish-Lithuanian Commonwealth, the largest and one of the most populous countries of 16th and 17th century Europe, regarded in Poland as a symbol of past greatness.

14 http://ekai.pl/europa/kosciol_o/x4886/od-unii-lubelskiej-do-unii-europejskiej/ 2003-05-19.

15 http://ekai.pl/wydarzenia/x5186/kard-jozef-glemp-od-lat-prymas-polski/ Bogumił Łoziński //mr, 2003-07-07.

16 P. Bryksa, *Wstąpienie do Unii Europejskiej?: zagrożenia polityczne dla Polski*, Warszawa, 2003, pp. 88-90.

17 Bachmann, *Polska Kaczka w europejskim stawie*, p. 18.

Germany until 2011 and foreigners are a subject to strict regulations if they intend to buy real estate until 2016 in Poland.

In the foreword to the Bachmann's book Smolar explains the somewhat irrational Polish behavior by the fact that nations which suffered have a long memory and their traumas, even if irritating and politically abused, cannot be easily ignored or scorned and that differences and specificity of collective memory should be mutually respected.[18] Those fears against strong and assertive Germany come back occasionally, sometimes dressed up as a fear of another *Concert of Europe* – with the biggest countries deciding about the fate of the other at the *green table*. It returned with vigour during so called EU Constitution debate, so far most heated in Poland about EU and its institutions, starting at the end of 2003.[19]

Communists becoming social democrats

In Poland the former Communist Party was a partner of opposition in the process of transformation from authoritarian regime to a liberal democracy. Old communist leaders formed a new party, called themselves social democrats and made European integration one of their main political goals, even if in a very general manner. That didn't necessarily correspond with their electorate's standpoint, though was a natural choice for secular, pragmatic, usually well-educated and moderately cosmopolitan post-communist elite. In a way it was possible in a state where a pair of jeans and can of Coca Cola were a desired rarity. Surprisingly, even, or especially, for themselves they were back to power in 1993 and their pro-European and even pro-Atlantic attitude (they strongly supported the NATO entry negotiations) played a crucial role in keeping Poland on a path to integration with western institutions. Quite often their pro-European zeal was used by Euro-skeptics to raise suspicions against ideas supported with such a devotion by those who such a short time ago stood for Marxism-Leninism and Polish-Soviet 'friendship'. It was an efficient way to undermine, at least in certain groups, a belief that what they regarded as 'hurried' EU integration did not necessarily serve Polish *raison d'etat*. 'Yesterday Moscow, today Brussels!', was cried on every nationalistic manifestation, without a deeper reflection how unjust it is to the European Union (and all victims of communist oppression).

Radical left

With former communists turned pro-European social-democrats, most criticism towards the European integration comes from the rightwing groups, however as Dr. Przemyslaw Mikiewicz from the University of Warsaw writes, also some anti-globalists attack European integration from the neo-communist positions,

[18] Ibidem, pp. VIII-X.
[19] Horolets, *Obrazy Europey*, pp. 277-279.

blaming it for colonialism of new member states, exploitation and longing for a dictatorship of proletariat all around Europe. Nevertheless no one treats those arguments seriously, as radical left is very weak in Poland in comparison to the western countries.[20]

Political culture

To state that the Polish political culture is weak is as to ascertain that the sun is hot. Why is it an issue regarding European integration? First of all, Polish politicians naturally copy their behavior at home also in Brussels; secondly, European issues that manage to push their way through into Polish debate are treated the same way. Why is it that public opinions abroad do not understand what those Poles are all about and what they really want? It is a tough question to answer, as Poles do not really know themselves, as they are not used do define their interest (to speak about interests is considered rude). More appropriate is to speak about values one respects. Speaking about respect, this is what Poles want – respect. And attention, preferably combined with admiration. Most popular history books sold in Poland are written by foreigners[21] (because we like it when others pay their respects to our great history).

Poles fight for values, often very abstract ones, and cannot or do not translate them into specific issues which makes potential negotiations a nightmare and practically rules out by definition any compromise. Accepting as fact the very existence of differences in political stances is virtually impossible.

Polish political scene is, not entirely though, divided according to a way of presenting political issues rather than their content, so it is more esthetical or even psychological than political division. That is why most often the choice that Polish (and in effect European community as well) public opinion has been left is between absolute unity (usually in times of great crisis) or 'holy war'. Just to give a recent example: the most discussed issue during July and August was not a typical holiday story and not even the inauguration of the new president or the raising VAT tax but fight for and against a cross placed in front of the Presidential Palace in Warsaw to commemorate a death of late Lech Kaczynski. European Constitution was contested in Poland for a similar symbolic reason (having no reference to Christianity).

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[20] Przemysław Mikiewicz, 'Krytycy współczesnej globalizacji wobec procesów integracji europejskiej', in: K. Robakowski (ed.), *Europa XXI wieku: perspektywy i uwarunkowania rozwoju*, Poznań, 2008, pp. 143-148.

[21] Norman Davis is a best known example, he was even granted the Grand Cross of the Merit of the first class by Polish president.

To be European or not to be

Everyone who goes to a supermarket from time to time knows on which continent three quarter of the things are made. If the European Union and Poland want to develop, they need to compete with countries like China or India, compete with the great determination of these that make up for long civilization retardation. We – Europeans cannot run out of determination. If we didn't want to become, as Mao Zedong has put it: 'a small unimportant cape in the west', an interesting heritage park for Americans and Asian trips, the European Union must become a political player equal to its economical heavyweight. All countries of the Union will profit by the fact that they will be acting before the USA, China or Russia as an Union of 27 countries with the biggest world economy and 500 million citizens.

Poland is now facing a great challenge, one of the biggest in its history – to move from peripheries of the continent, where it always was, to its core. The only way to achieve what was yesterday's dream is to tighten the cooperation with our EU partners. If we want to be reliable for our partners, we cannot only demand, we should also know how to make reasonable compromises and how to take part in discussions about the whole EU – not only issues important to us, such as energy or Eastern EU dimension. We need to know that European success is our success and European failure is our failure as well. We need to stop concerning the EU as 'they' , but start thinking 'we'. It's not about replacing our nationality to non defined European nationality, but about their coexisting and their complementing, We can be Polish and European at the same time.

Referenda

V Citizens and the Casting Vote
The Referendum's Place within Liberal Ideology

Patrick van Schie

It is impossible to identify liberals when it comes to their opinion on referendums. Free trade and freedom of the press, for example, – or more broadly speaking, standing firm for freedom of speech – are characteristic of every true liberal, but the referendum is not a fixed component and therefore not a benchmark of a liberal political programme. Some liberals heartily endorse the referendum while others follow reluctantly, giving into what is sometimes regarded as the 'demand of time' rather than out of pure enthusiasm. Others view every form of direct democracy as something that undermines representative democracy, which must 'therefore' be rejected.

Liberals have traditionally opposed the referendum more often than they have supported it. However, the advance of the referendum in the system of government of more and more countries has made the instrument popular among liberal parties as well. This also applies to parties in countries where national referendums are rarely or never held.[1] In its *Liberales Manifest* of 1985, the (West-) German FDP put forward 'Volksbegehren' and Bürgerentscheid' as means to develop the representative system further and therefore make it more credible and appealing. That choice was reaffirmed by the party in 1997 through the Wiesbaden Declaration: 'Public referendums, initiatives, and polls should be established at state and community levels. The FDP advocates public referendums at a federal level, so that citizens have more influence over important issues in parliament.'[2]

Twenty years ago, similar considerations inspired the Flemish liberal leader Guy Verhofstadt to revitalise his party, which he boosted with the citizen's manifestos he penned: the political system had to be broken open in order for ordinary men and women to be given a voice again. In his first citizen's manifesto, Verhofs-

[1] Among these countries, Germany has never held a referendum on a national level, while Belgium and the Netherlands do not have a provision in their constitutions to this effect, but have nevertheless held referendums in a number of exceptionally rare cases. This only occurred once in Belgium, namely a consultative referendum held in 1950 on the 'king issue' (regarding whether King Leopold III could return to the throne after refusing to flee the country when it was invaded by Germany in 1940). In the Netherlands, referendums on a new constitution were already held in 1797 and 1798; afterwards only a consultative referendum on the European Constitution was held on 1 June 2005.

[2] *Liberales Manifest der F.D.P.*, 1985; resp. *Wiesbaden Declaration*, 1997.

tadt wrote the following about the referendum: 'it is *vital* that social problems put forward by the population are placed on the agenda with urgency. (…) Citizens can never vote à la carte. They always have to swallow the entire menu of a party, even if it features things they dislike.'[3] In the manifesto of the renewed liberal party, the Open VLD, it was stipulated as follows: the voice of the citizen 'must be able to be heard directly via [amongst other things] the constitutional introduction of binding referendums…'. Ten years later – Verhofstadt was already seated in the centre of power (as the Belgian Prime Minister in a 'purple' coalition between liberals and socialists) – the Flemish liberals once again expressed the desire to achieve greater democracy and citizen involvement, but were far more cautious in relation to the means: 'Binding referendums *can* be a *necessary* instrument in this regard.'[4]

D66, a Dutch party that operates on the immediate left of the liberal mainstream, has always expressed its support for referendums since its creation in 1966. It even called this instrument one of the party's 'crown jewels'. However, this party has rarely provided proof of this when in a government coalition; the only occasion that the implementation was within reach but just perished in the Dutch Senate, namely in 1999, D66 opted for power – further government participation – over the 'crown jewel'.

Since its establishment in 1948 (as a continuation of older liberal parties), the Dutch liberal party VVD has been sceptical of referendums, even though a minority within the party has endorsed the concept since the 1960s. A party conference held in 1970 expressed its support, in principle, even for referendums and popular initiative, but then distanced itself from these for 'practical reasons'.[5] In 2005, shortly after the implementation of a radical form of internal member democracy,[6] a majority unexpectedly sided with a committee's plea in a new *Liberal Manifesto* to shake of the 'fear of cold water' and to directly seek the opinion of voters 'on issues concerning the political or constitutional order itself, for example' or on an issue that can be judged 'entirely on its own' (euthanasia was cited as an example).[7] There was a suspicion that this majority was partly thanks to the fact that the point was discussed at the end of the meeting held on a Saturday afternoon in the distant – from a Dutch perspective – city of Groningen,

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3 Guy Verhofstadt, *Eerste burgermanifest 1991 – De burgerdemocratie*, 1991. Italicization inserted by me; PvS.

4 *Beginselverklaring Open* VLD, 1992 respectively 2002. Italicization in final quotation inserted by me; PvS.

5 P.L. Offerhaus, 'Referendum en volksinitiatief', *Liberaal Reveil* (the Teldersstichting journal), 1970, pp. 129-133, p. 129.

6 This members democracy entails that every party member who visits the general meeting (the national conference) can vote on substantive motions, programme points, etc. Every member can even vote from home – via Internet or telephone – for the appointment of top candidates on a party list and candidates for representative bodies (parliament, local councils, etc.) and for the election of a party chairman.

7 VVD, *Liberaal Manifest 'Om de vrijheid'*, The Hague, 2005, p. 23.

at a moment when many visitors had left for home. As a matter of fact, nothing was done afterwards with this brand-new 'article of faith', and the point died a quiet death during the formulation of a new manifesto of principles in November 2008. This manifesto simply stated: 'The VVD stands for a powerful, representative democracy',[8] without any further comments or additions. A majority of the VVD electorate, incidentally, has already favoured referendums for many years, according to opinion polls.[9]

Opinions on referendums can be fairly different not only between different liberal parties but also within these parties. Viewpoints are not firmly rooted either. Moreover, it is remarkable that the liberal roots of the taken view are rarely looked for in a conscious manner. Proponents usually suffice with a reference to the importance of a greater say for citizens, while opponents have the traditional liberal preference for a representative parliamentary system. In accordance with liberal thinking, further exploration of liberal principles involving the setup of the form of government as well as reviewing the arguments used in favour of or against the referendum therefore appears to be no superfluous luxury at the very least.

Liberal hesitation for popular sovereignty

Both in the Anglo-Saxon and continental-European tradition, liberal resistance to the referendum is partly based on an aversion to the notion of popular sovereignty. In the Anglo-Saxon tradition, the primacy of the parliament is almost sacred, the mainstay of the Whig (proto-liberal) interpretation of the history that depicted the Glorious Revolution of 1688 as the start of a beneficial period in which the parliament – and the prevailing majority within that – is the deciding factor politically. Liberal political views on the European continent are significantly influenced by the experiences of the French Revolution, during which Rousseau's *volonté generale* was seized in order to carry out a reign of state terror by appealing to the 'will of the people'. Liberals drew the following lessons from this bloody practical experience, which often underscored theories developed earlier within

8 VVD, *Beginselverklaring*, The Hague, 2008, § 5.

9 On 3 October 1995, the research bureau TNS-NIPO determined that 55% of VVD voters supported the implementation of a *corrective* referendum (49% of all Dutch citizens were in favour) while 13% opposed this (10% of all Dutch citizens were not in favour). In November 2005, the research bureau Peil.nl (Maurice de Hond) concluded that among VVD voters, 47% supported and 43% opposed a *binding* referendum (not focusing on type). An opinion poll conducted by the same bureau in October 2007 revealed that 53% of VVD voters (and 62% of all voters) supported a *corrective* referendum, while 45% (and 36% of all voters) opposed it. In the same year, incidentally, 64% of VVD voters (and 77% of all Dutch citizens) believed more specifically that (after the rejection of the first European constitution in a Dutch referendum held on 1 June 2005) a *new European Constitution* (what the Treaty of Lisbon would become) should be presented in a referendum to the voters; 36% of VVD voters (21% of all Dutch citizens) deemed this unnecessary (once again according to Peil.nl).

their circle: a. power must not be concentrated, but spread across various bodies (Montesquieu had already pointed this out to them); b. the common people must be kept at an appropriate distance from politics and administration (which is why many liberals in the nineteenth century were reticent about further expansion of the right to vote); c. 'popular sovereignty' is a dangerous concept.

The contemporary Dutch liberal constitutional scholar (and VVD senator during the 1980s) Marten Burkens believes that liberals actually reserve the concept of 'sovereignty' for international relations; 'internally, sovereignty does not have any specific carrier, however'.[10] He hits the nail on the head particularly in relation to nineteenth-century liberal constitutional law. The French liberal statesman François Guizot, for example, saw popular sovereignty as a form of usurpation of power, no less severe than kings' claims to power based on the *droit divin*. Guizot was of the opinion that the 'sovereignty of reason', or justice, ought to prevail. No-one could lay claim to having a lease on this wisdom. At the very most, an attempt could be made to approach the 'sovereignty of reason' – which he viewed as a metaphysical power floating above society; a good form of government would ensure that individuals could take their place in a representative body of the people who were capable of retrieving pieces of this reason. If these pieces were then placed alongside one another, this could provide an as complete as possible yet still imperfect image of the 'sovereignty of reason'. In this view, the parliament therefore does not have to be a reflection of a numerical majority but a *majorité des capables*.[11] His Dutch kindred spirit, the nineteenth-century liberal statesman Johan Rudolf Thorbecke, equated popular sovereignty to 'chaos'. Just like the *droit divin*, no 'right' was applicable here, but an extremely risky theory, for: 'If the only question is what the people or majority desire, the question about what is just, true, good and feasible is defunct.'[12]

The parliamentary ideal of beauty

Parliament was the focus of a public debate free of popular sentiments in nineteenth-century liberal considerations about the constitution. The cream of the nation came together there; they engaged in mutual sharpening of their pretty

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10 M.C.B. Burkens, 'Een democratisch tekort. Staatsrechtelijke aspecten', in: P.G.C. van Schie, Ed., *Het democratisch tekort: interpretaties en remedies* (publication 93 of the Prof.mr. B.M. Teldersstichting), The Hague, 2002, pp. 83-99, p. 85.

11 Wouter Hulstijn, 'Scheppend liberalisme. François Guizot (1787-1874)', in: Patrick van Schie, Ed., *Liberale leiders in Europa. Portretten van prominente politici in de negentiende en vroege twintigste eeuw*, Amsterdam, 2008, pp. 295-317, pp. 308-311.

12 Quotations of Thorbecke from: W. Verkade, *Overzicht der staatkundige denkbeelden van Johan Rudolf Thorbecke (1798-1872)*, Arnhem, 1935, pp. 16-18. Thorbecke was a contemporary of Guizot and both men were 'doctrinaire liberal'. But while the European-wide revolution of 1848 ended Guizot's political life, it afforded Thorbecke the chance to give the Netherlands a liberal constitution that still exists along broad lines and which signalled the start of his three productive cabinets.

quick-witted minds, not in order to steal a march on each other or tackle one another politically, but to undertake a common and genuine quest for the common good. Naturally, differences in opinion existed with regard to what was in the public's interest, but only a discussion with rational arguments – in which people might convince one another or manage to strike an appropriate balance – could allow the spirit of the nation to be understood and translated into a good and just policy.[13]

This ideal was based on a number of premises. The first was that people were controlled by sentiments that could better be excluded from politics. Defining the electorate was one of the ways to this end, but the purpose of the elections, more than anything else, was to create a parliament in which reasonableness set the tone. A second premise was that citizens only allowed themselves to be led by their personal and limited interests while politics was supposed to remain free of that. Special particular interests had to be weighed against each other, and not even so much so by obtaining a political form via a trade-off, but by being surpassed by the (aforementioned) common good. Parliamentarians were expected to possess qualities that would allow them to focus on the common good. A third premise – which formed the crux for achieving reasonableness and common good – was that parliamentarians had to operate completely independently of voters. They ultimately only had to justify their parliamentary deeds to their own conscience. With respect to voters, they would only have to explain, at the very most, which general principles guided them. However, they were to avoid making electoral promises (or presenting election programmes).

We, citizens of the 21st century, are easily inclined to regard the above outline of the ideal type of political practice with cynicism. However, in the nineteenth century true 'belief' was attached to such a pure functioning of politics by liberals, but certainly not only by them. To this very day, incidentally, this filters through in the way some politicians – primarily liberal – interpret their duties: keep the debate professional, you are not in parliament as an errand boy for voters, but there to personally make decisions in the general interest, and you must act in a manner in which you 'shall not be bound by mandate and consultations'.[14]

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13 More details in: P.G.C. van Schie, 'Parlementaire democratie op dood spoor?', in: idem, Ed., *Het democratisch tekort: interpretaties en remedies*, pp. 57-82, pp. 59-64. This ideal type of a liberal form of government combined elements from an *aristocracy* – government by the 'best' – with elements from *democracy* – government by the people – and was therefore also regarded as an example of a liberal art of balance in itself, all the more so when combined with an independent (insubordinate to parliament) role for the government – an element derived from the *monarchy* – which was in a dualistic relation with respect to parliament (and was therefore *not* subject to or part of it, such as in the United Kingdom).

14 Until 1983, this formulation was literally included in the Dutch Constitution in order to safeguard the independence of members of parliament; nowadays, this formulation only refers to 'a mandate', in order to do justice to the reality of consultation with sections of society, and to maintain contact with voters.

Parliamentary pimples

Did parliament function better back then and has it deteriorated over the course of time? Since the nineteenth century developments have indeed occurred that disrupt the illusion of a liberal parliament, as we will soon see, but practice was already less pleasant than theory in these days. The nineteenth-century British liberal sociologist Herbert Spencer explained this by indicating that voters were not interested in the composition of a good parliament, and could neither be expected to be able: 'to see who is the wisest is a very difficult thing. (…) The higher the wisdom the more incomprehensible it becomes by ignorance. It is a manifest fact that the popular man or writer, is always one who is but little in advance of the mass, and consequently understandable by them; never the man who is far in advance of them and out of their sight.' If the manner in which representatives functioned was then examined, it also had to be concluded that they were 'the fittest neither in respect of their interest, nor their culture, nor their wisdom'.[15] Neither were contemporary representatives of the Dutch parliament impressed by the level of parliamentary debates. In 1870 perspective members of parliament were given the ironic advice that they would be able to adapt best by talking extensively 'as long as you make sure that there are no thoughts behind your words'. Two years later a parliamentary journalist described the state of affairs in parliament as follows: 'The harsh word must replace the sound argument.'[16] That is how (some) professional observers considered the functioning of two of the 'old' parliaments that were therefore regarded as venerable; in other countries it probably did not appear more sublime.

Since then various developments among members of parliament as well as voters have undermined the premises upon which the already idealised representative system was based. With regard to representatives, parliament has become more of a place where emotions compete for preference and attention instead of where arguments are exchanged calmly. This is partly due to the influence of the media, but perhaps also because members of parliament are less versed in principles compared to the past. Anyone wanting to know what is on the parliamentary agenda often only has to follow political television programmes from the evening before, newspapers published that morning and the latest messages on news sites; the debates are then there for many members of parliament to issue the quote of the day and/or feature in the current affairs section on television that evening. In a reflection exercise, the Dutch parliament came to the conclusion that it races from one incident to another too often. The debating climate is therefore determined by

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15 Herbert Spencer, 'Representative Government – What is it Good For?', in idem, *The Man Versus the State. With Six Essays on Government, Society and Freedom*, Indianapolis, 1981 [aforementioned essay first published in 1857] pp. 331-382, specific quotations on pp. 351 and 363.

16 Quoted by Remieg Aerts, *Het aanzien van de politiek. Geschiedenis van een functionele fictie*, Amsterdam, 2009, pp. 22 and 24.

one hype after the other instead of by reflection.[17] This phenomenon alone ensures that particular interests are not adequately weighed up. These interests are overrun even more due to the bombardment of wishes by lobby groups, on the one hand, and the increasingly frequent lack of an ideological framework that can place particular interests in the common good, on the other. Parliamentary members in all European democracies have allowed their independence to be restricted even further over the course of the twenty-first century. With election programmes that are becoming increasingly detailed, concrete promises are being made to voters that barely provide enough room to be deviated from, which can be offered in the traditional representative democratic view, for example, because another party presents a sensible argument. In countries where no single party obtains a parliamentary majority and a coalition is required, any remaining room is pushed aside by the coalition agreement. Parliamentary group discipline has increased considerably in all countries. Deviant voting behaviour, which occurs relatively infrequently and even less in major issues, is subject to sanctions that can extend to a low position on the list of candidates for the following elections or removal from the parliamentary group and sometimes even the party.[18] Among voters, the level of education and accessibility to (a range of) information sources has increased significantly. Both factors do not yet offer a guarantee that voters are well informed or that their judgements are sufficiently rational, but such guarantees do not exist for members of parliament either. However, the difference between ordinary citizens and members of parliament has decreased drastically in this respect.

On the one hand, this means that from a *physical* but also a social and educational viewpoint, there is hardly a 'gulf' (any more) between the electorate and the elected. 'Ordinary' men and women follow politicians closely, and the more they see, the less impressed they are. A Dutch historian expresses it aptly: 'The ordinariness of most politicians and administrators is already revealed mercilessly by the mere fact of their media performance. They usually come across as fairly average figures with minimal charisma and limited verbal abilities.'[19] Many voters then think: 'I can do what they do, or even better'. In any case, it has been a long time since politicians were placed on a pedestal. On the other hand, there is a *mental* gulf. A separate reality often emerges within the small, closely knit circle of parliament, bureaucracy, social and lobby organisations geared towards the centre of government, and journalism, which sometimes has little to do with the reality of society itself.

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17 Tweede Kamer der Staten-Generaal, *Vertrouwen en zelfvertrouwen. Analyse en aanbevelingen* (parliamentary self-reflection), March 2009, chapter 5.

18 For the general phenomenon of parliamentary group discipline, compared in a number of countries, see: Paul Lucardie, Arjan Marchand and Gerrit Voerman, 'Frictie in de fractie', in: Eliora van der Hout, Gerrit Voerman and Wytze van der Woude, *Representatie, fractiediscipline en financiering*, The Hague, 2007, pp. 59-168. For more specific details about the non-liberal character of parliamentary group discipline, see: Fleur de Beaufort, 'Wacht op onze daden', *Liberaal Reveil*, 2007, pp. 145-150.

19 Aerts, *Het aanzien van de politiek*, p. 88.

Liberal constitutional balancing acrobatics

It should come as no surprise to liberals that some aspects of the practical functioning of the ideal type of parliament are open to criticism. After all, they never believed that if power was simply moved from one body to another – from the king and his government to parliament – everything would be properly organised. People are fallible and exposed to the temptations of accumulating power and pursuing personal interests. That also applies to the parliamentarian and the monarch. The liberal Catholic and English historian Lord Acton summed this up in the nineteenth century in his famous dictum: 'Power tends to corrupt, and absolute power corrupts absolutely.'[20]

That is why liberals did not place their trust so much in a particular group of people. Even with respect to a select group of members of parliament, that trust could not be unlimited, but in equilibrium due to opposing forces in accordance with the theory of checks and balances. Benjamin Constant, the French liberal philosopher, warned that a representative body of the people, no matter how meticulous its composition, would always have the tendency to develop a 'corporate spirit' that would isolate it from the rest of the nation. He advocated a mechanism that could help take into account any changes in public opinion that occurred between previous elections and the following ones. Constant, incidentally, did not in the least believe that a parliament had to yield to waves of public opinion. To prevent this, he wanted to split parliament into a body with a short-term outlook (public opinion) and a body with a long-term perspective: according to him, these arose via an elected parliament and a hereditary parliament respectively.[21] Even when discarding the foundations he recommended for both bodies, the main point of concern for him was that the various powers would be in equilibrium with one another and to ensure that public opinion was reflected adequately.

In Great Britain, the liberal philosopher James Mill also juggled with the various branches of state power. His work is not characterised by the refinement that Constant brought with his political thinking; Mill still simply conjured with the classic basic concepts of monarchy, aristocracy and democracy. His somewhat stoical conclusion was that the attainment of true balance was 'wild, visionary, chimerical'. For it could never be ruled out that two of the three powers would conspire to swallow up the third. Of particular interest is James Mill's observation that the 'checking body' par excellence – parliament – ought to have sufficient power in order to execute its duty, while there also had to be an 'identity of interest' with the community.[22] This is where the catch lay: representatives were not

[20] Excerpt from his letter of April 1887 to Mandell Creighton.

[21] Benjamin Constant, 'Principles of Politics Applicable to All Representative Governments', in: idem, *Political Writings* (translated and edited by Biancamaria Fontana), Cambridge, 1988 [first publication of the 'Principles' in French in 1815] pp. 185, 206 and 209.

[22] James Mill, 'Government', in idem, *Political writings* (Ed. Terence Ball), Cambridge, 1992 [this essay appeared for the first time in 1828], pp. 1-42, pp. 16-23 (the quoted words are on pp. 19 and 22).

automatically wiser than the people. In the middle class, Mill saw the wisest and most virtuous section of the population: 'Prudence is a more general characteristic of the people who are without the advantage of fortune, than of the people who have been thoroughly subject to their corruptive operation. It may surely be said, that if the powers of Government must be entrusted to persons incapable of good conduct, they were better entrusted to incapables who have an interest in good government, than to incapables who have an interest in bad.'[23]

His son, John Stuart Mill, who was even more famous as a liberal philosopher than his father, is renowned as a major advocate of representative democracy. Nevertheless, he did indeed also recognise the danger that a representative body would become insufficiently representative for the population as a whole.[24] His choice for a representative system was also not based on a consideration of principle, but exclusively on a practical one: if a community exceeded the dimensions of a small city, he believed it was no longer possible for everyone to participate in public consultations. Viewed apart, it was however 'evident that the only government which can fully satisfy all the exigencies of the social state is one in which the whole people participate; that any participation, even in the smallest public function, is useful; that the participation should everywhere be as great as the general degree of improvement of the community can allow; and that nothing less can be ultimately desirable than the admission of all to a share in the sovereign power of the state.'[25]

A check on the representative body

Constant as well as James and John Stuart Mill therefore assigned a key role to the representative body, but they also recognised that such a body could fall out of tune with voters. And unlike some other defenders of the representative system, they did not reason that this was a good thing, that the function of the system lay therein: in the 'purification' of 'impure' outpourings from society. No, if the representative body represented public opinion inadequately, this was not because that public opinion was not right, but possibly due to a problem with the representative body.

Even insofar as it was possible to create a representative body from the most capable, honest and selfless people, it could not be automatically assumed that its final word contained supreme wisdom. And since a number of things could be said against the functioning of parliament in the nineteenth century already, ways

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23 Ibidem, pp. 40-41 (quotation on p. 40).

24 John Stuart Mill, *Considerations on Representative Government*, New York, 1991 [first published in 1861], p. 141: 'One of the greatest dangers, therefore, of democracy, as of all other forms of government, lies in the sinister interest of the holder of power: it is the danger of class legislation, of government intended for (whether really effecting it or not) the immediate benefit of the dominant class, to the lasting detriment of the whole.'

25 Ibidem, p. 80.

were sought over a century ago to put a parliament threatening to lose its way back on the right track.

In Great Britain, both the left and the right flank of the Liberal Party saw the referendum as a means to keep parliament alert. On the right flank, this was expressed powerfully by the lawyer Albert Dicey, who had joined the Liberal Unionists after the split in the Liberal Party of 1885 (because Home Rule was granted to the Irish, who were still ruled over by the English).[26] Dicey's point of departure was also the observation that 'the law of a country may fail, for a time, to represent public opinion owing to the lack of any legislative organ which adequately responds to the sentiment of the age'.[27] The emergence of a strong party-bound system, such as in the USA at the time, contributed to this deformation of public opinion, because it gave 'party managers and wirepullers a large amount of power, which is subtracted from the just authority of the mass of the citizens'.[28] This phenomenon, which he believed also tainted the British political system, could be kept in check by introducing a corrective referendum.[29] Dicey called this 'the people's veto'. On the one hand, he wanted to express that sovereignty was ultimately derived from the people – 'to ensure that legislation shall be in conformity with popular opinion' – but, on the other hand, that the instrument merely had a preservative function: after all, if a veto was exercised, the effect was by no means revolutionary because the law or institution that already existed remained in force. Furthermore, the referendum could encourage every matter to be evaluated on its own merits, separate from party political affairs: 'For the referendum will make it possible to detach the question, whether a particular law (…) shall be passed, from the totally different question, whether Mr. A or Mr. B shall be elected for five years Prime Minister of England.'[30]

It is remarkable how much the argumentation of Leonard Hobhouse, a 'New Liberal' active during the same period on the left flank of the British Liberal Party, is synchronous to this. Hobhouse contended that the ordinary voter does not even

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[26] The Liberal Unionists were politically affiliated with the Conservatives, the party into which they would ultimately also be absorbed, but still considered themselves liberals for a very long time. Many of them continued to hope that the Liberal Party would be reunited again. The arguments of Dicey therefore cannot be portrayed as conservative; they originated from classic liberal views, according to: J. Meadowcroft and M.W. Taylor, 'Liberalism and the Referendum in British Political Thought 1890-1914' *Twentieth Century British History*, I, no. 1, 1990, pp. 35-57, p. 36.

[27] A.V. Dicey, *Lectures on the Relation between Law & Public Opinion in England during the Nineteenth Century*, London, 1905, p. 5.

[28] Ibidem, p. 54.

[29] Dicey emphasised that a proper distinction had to be made between a corrective referendum and a plebiscite, the 'French' method whereby the executive attempted to generate consent at a random moment that suited it in order to lend legitimacy to its projects. See Meadowcroft and Taylor, 'Liberalism and the Referendum in British Political Thought 1890-1914', note 5 on p. 38.

[30] A.V. Dicey, *Introduction to the Study of the Law of the Constitution*, (http://oll.libertyfund.org/title/1714) 1915, pp. 63-71 (quotations on pp. 67 and 69).

get the chance yet to pass judgement on various political matters every four or five years because they become 'a mass of them all jumbled together'. And the voter even has no say about that spaghetti of issues: 'He is pestered to give his vote to Mr. A or Mr. B, and to let them answer the questions for him. His own responsibility in the matter is very dim to him.'[31] Hobhouse also sought the solution in referendums. It was not advisable to use this instrument all the time, but it could be useful for 'measures of urgency, measures of fundamental import, above all, measures which cut across ordinary lines of party and with which, in consequence, our system is impotent to deal.'[32]

Despite or perhaps indeed because of previous experience with the referendum instrument – at the end of the eighteenth century when two draft constitutions were subjected to a referendum[33] – another course was followed in the Netherlands to allow voters to nevertheless be directly involved in literally the most fundamental political matter, namely future amendments to the constitution. The liberal leader Thorbecke, who gave the Netherlands a liberal constitution in 1848 (the outlines of which are still applicable to this day), created a procedure to amend the constitution in two 'readings'. In the first reading, the Dutch House of Representatives and the Senate must each accept the amendment bill with a normal majority. A special dissolution of Parliament then occurs, followed by elections during which the constitutional revision under discussion is the focus of attention. The parliament that is elected again in this manner then discusses the constitutional amendment bill during a second reading. Before it can pass, both the House of Representatives and the Senate must each have no les than a two-thirds majority.

This is how Thorbecke ensured that no constitutional amendment would occur without first giving voters the opportunity to pass judgement, not in a referendum, indeed, but in elections whose focal point was the new constitution. This procedure was of course far from perfect, since the newly composed parliament

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31 L.T. Hobhouse, 'Government by the People', in: idem, *Liberalism and Other Writings* (Ed. James Meadowcroft), Cambridge, 1994 [the cited essay appeared for the first time in 1910], pp. 123-135, p. 125.

32 L.T. Hobhouse, 'Liberalism', in: *Liberalism and Other Writings*, [first publication of 'Liberalism' in 1909], pp. 1-120, p. 118.

33 After the French invasion in 1795, which was welcomed by 'patriots' in the Netherlands, a highly comprehensive constitution emerged after lengthy discussions. Comprising 918 articles, this so-called 'Thick Book' was rejected by a large majority of voters during a referendum held on 8 August 1797. The French seized this opportunity to stage a coup d'état and allowed a new constitution to be drawn up that was acceptable to them. During a second referendum held on 23 April 1898, a majority was obtained for this 'Constitution', but partly by disenfranchising various anti-'Patriots'. See: W.R.E. Velema, 'Revolutie, Republiek en Constitutie. De ideologische context van de eerste Nederlandse Grondwet' in: N.C.F. van Sas and H. te Velde, Ed., *De eeuw van de Grondwet. Grondwet en politiek in Nederland, 1798-1917*, Deventer, 1998, pp. 20-44, p. 38.

would also have to decide on other bills during its legislative period that had not, in principle, occupied centre stage during the elections. But behind the procedure the realisation existed, anyway, that a constitutional amendment was too fundamental in nature to simply dispatch between two elections without ever involving the electorate. The constitutional lawyer Johan Buys, a sympathiser of Thorbecke, described the procedure as a 'guarantee that the ordinary legislator [that is the parliament with a simple majority; PvS] will only opt for an amendment in serious cases and when it is deeply convinced of the necessity, because it is only willing to sacrifice its existence in such cases in order to attain the desired goal; it gives time for serious consideration and allows voters to exert legitimate influence over the decision of this highest national interest.'[34]

However, this laborious manner of involving voters in a constitutional amendment has only actually been used on two occasions, namely in 1887 and 1948. In 1917 the parties already represented in the parliament agreed not to challenge their candidates during elections held in connection with an important constitutional amendment – which introduced, along other things, general male suffrage and eliminated constitutional obstacles for female suffrage. The elections of 1917 were therefore fake elections. Since then, the parties represented in parliament have always decided – except in 1948 (when a constitutional amendment was needed due to the decolonisation of Indonesia) – to allow elections related to a constitutional amendment to coincide with the date on which normal elections were already foreseen anyway. Consequently, the majority of voters by far were unaware that a constitutional amendment was under discussion. In this way no less than sixteen constitutional amendments – smaller but also a number of major ones (especially in 1983) – have been implemented since 1917, which were concealed from the gaze of voters.

Parliament discussed various bills in 1922 ensuring that a referendum would be held in the case of a constitutional amendment from that moment onwards. They were all rejected (some with a minimal difference in votes).[35] Among the liberals – two parties of which were represented in the House of Representatives at the time – the largest party, the Liberal Union, opposed the referendum because it regarded it as 'undemocratic in reality'.[36] The smaller, classical liberal *Bond van Vrije Liberalen* (League of Free Liberals), on the other hand, had already declared itself in favour of referendums for constitutional amendments and a number of other important matters in 1920. The reasoning will sound familiar to the reader by now: the aim of the referendum was 'to test the bills passed by parliament further against the legal conviction of the people. However, an attempt is made through general male and female suffrage to obtain an reflection of this legal con-

34 J.T. Buys, *De Grondwet. Toelichting en kritiek* II, Arnhem, 1887, p. 799.

35 P.J. Oud, *Het jongste verleden. Parlementaire geschiedenis van Nederland 1918-1940* I, Assen, 1948, pp. 380-383.

36 Patrick van Schie, *Vrijheidsstreven in verdrukking. Liberale partijpolitiek in Nederland 1901-1940*, Amsterdam, 2005, p. 248.

viction in the States General [the Dutch parliament; PvS] that is as faithful as possible, but this aim cannot always be fulfilled in relation to every point. The electoral contest embraces some basic lines of state policy. Voters' opinions on concrete legislative points are usually not expressed. That is why it can be important to elicit a further judgement from voters with regard to important issues.'[37]

Who decides about the origin?

We can now conclude that representative bodies do not always offer a good reflection of opinions within a society. In addition, we have seen that more than one liberal philosopher and/or politician has not interpreted this as a merit but as a shortcoming of popular representation. Indeed, that does not have to be (if already possible) an exact copy of society and the opinions that exist therein, but the population must nevertheless be able to adequately recognise itself in it. For liberals who believe that sovereignty can be traced back to citizens in the last resort, a problem automatically arises when parliament becomes detached from the electorate. But liberals who reject 'popular sovereignty' also will always consider a certain balance desirable. Consequently, they must ask themselves where the accountability of the parliament remains if this body always had the final word, and whether accountability is enough if it does not extend further than new elections during which voters can change the 'personnel' of the parliament, but always have to swallow its 'products' – constitutions/laws, treaties, etc. – as 'done deals' that cannot be undone. This is even greater in relation to decisions that cannot be reversed by a simple majority in a new parliament, such as a constitution or a treaty. In the first case, a reinforced parliamentary majority is required in practically all countries at some moment. In the second case, the treaty partners also have to be persuaded to approve an amendment. Since treaties are usually drawn up with difficulty, the enthusiasm within other countries to make amendments will be minimal fairly often. In practice, treaties appear to be cast in concrete, far more than ordinary laws, and perhaps also more than many a constitution.

For a long time before modern globalisation – with its multitude of treaties and international bodies – the patriarch of liberal theory, John Locke, stated that a representative body did not have the right to transfer the powers assigned to it to another body: 'The power of the Legislative being derived from the People (…), the Legislative can have no power to transfer their Authority of making Laws, and place it in other hands (…). The Legislative neither must nor can transfer the Power of making Laws to any Body else, or place it any where but where the

[37] Quotation from the full text of the recommendation of the committee that drew up the underlying report on this from the *Bond van Vrije Liberalen*: D.W. Stork (chairman), R.H. de Vos van Steenwijk (secretary) and others, 'Grondwetsherziening', *De Nationale*, 19 August 1920; also see Van Schie, *Vrijheidsstreven in verdrukking*, pp. 248-249.

People have.' [38] In modern terms: if there is a transfer of powers to supranational bodies or international organisations, parliament may not decide this on its own authority. Instead, voters will have to give their explicit approval. Contemporary philosophers of contractarianism, ranging from John Rawls to Robert Nozick, invariably reason from an 'original position' in which free individuals agree with the fundamental rules of the state that they establish.[39] This implies that in the event of amendments to the fundamental rules, a constitution or a treaty with a constitutional character, the 'origin' must always be returned to. Constitutions and constitutional treaties (including amendments) concern citizens themselves. Voters must therefore at least be able to express their opinions on these foundations of the form of government.

Consideration of a number of objections

We do not need to review all the pros and cons of the referendum here. However, we cannot ignore a number of potential practical objections since we are now arguing that for liberals, the referendum is *basically* an instrument that is *at least* provided for constitutional amendments and the conclusion or amendment of treaties with a constitutional purpose, and can also be a useful addition to representative democracy in other cases. The most important objections are examined below in brief:

1 *Emotions gain the upper hand in a referendum*

We already saw that a sharp distinction cannot/can no longer be made between a parliament where reason would prevail and citizens who allow themselves to be carried away be emotions. Emotions can occasionally run fairly high among professional politicians, and therefore in a many a parliament, while the population is increasingly better educated and informed and can therefore be increasingly considered as at least capable of making reasonable judgements. Insofar as emotions play too great a role in a referendum – I deliberately write 'too great', as feelings can and may never be fully disconnected from everything that concerns people –, voters are not necessarily to blame for this. A case in point is what occurred dur-

[38] John Locke, 'The Second Treatise of Government. An Essay Concerning the True Original, Extent, and End of Civil Government', in: idem, *Two Treatises of Government*, Cambridge, 2000 [originally published at the end of the 17th century], § 141-142 (p. 363).

[39] The 'original position', as developed, for example, in John Rawls, *A Theory of Justice*, 1971, is a theoretical construction and not a factual historical portrayal of the development of a state (via a 'social contract'). People could therefore reason that in reality not all individuals need to be involved in the establishment of fundamental rules. However, they are then oblivious to the underlying principle: fundamental rules are only just if all individuals for whom these rules will apply have been able to express their opinion in equal measure at the moment these rules are agreed upon.

ing the referendum on the European Constitution held in the Netherlands in 2005. Advocates of this European Constitution regarded the outcome – a resounding 'no' (expressed by 62% of voters) – as proof of the deficiencies of a referendum because emotions had allegedly gained the upper hand. But during the campaign, supporters of a 'yes' vote were actually the ones who most often made groundless assertions geared towards emotions. Some Christian-Democratic ministers stated, for example, that a rejection of the European Constitution could lead to war. A (VVD) member of the European Parliament even went so far as to say that he make a short propaganda film insinuating that a 'no' would result in a new Auschwitz. Voters appeared to keep a cooler head. After the 'no' vote in France and the Netherlands, political circles did indeed become agitated, but peace and a constitutional state were 'wonderfully' preserved within Europe. Incidentally, if it could be demonstrated that the ordinary citizen makes a more emotional judgement than the average member of parliament, the consequences would extend further than the referendum alone. After all, the essential question arises from behind that, namely what is then the value of regular elections?

2 *Extremely wild wishes can become law via a referendum*

The assumption that extremely radical wishes lie dormant among the population, which are possibly also in conflict with our constitutional state, is related to the previous objection. But even if the assumption could be endorsed, the referendum instrument does not yet provide a platform for arbitrariness and wildness in legislation. In constitutional and corrective referendums, after all, only those bills that were approved earlier by parliament (sometimes with a qualified majority) are submitted before the population. If such bills would be arbitrary and wild, parliament has failed. In the case of a popular initiative, it is conceivable that the population supports 'wild' plans. Besides a discussion that is then always still possible as to what should be judged as (too) 'wild', safeguards can be incorporated against this. These could be found by demanding that a bill accepted through popular initiative also requires parliamentary approval, and/or judicial constitutional review (in countries where such a right of review exists).

3 *A referendum gives free play to particular interests*

Unfortunately, as we already saw above, parliaments are in practice not exactly free of the influence of lobbyists and other particular interests. Conversely, election surveys reveal that not all voters allows themselves to be led by their restricted self-interests when casting a vote: elections often transform voters into citizens with a sense of responsibility for the public interest. A corrective referendum can therefore serve as an additional check

to determine whether parliament has not submitted too much to the desires of certain special interests.

4 *Individual matters are too complex to be judged by voters*

As in the case of the first objection, this (alleged) objection is increasingly overcome as voters are more highly educated and better informed. Nevertheless, it can be argued in accordance with the theory of labour specialisation that professional politicians can devote more time to all 'ins' and 'outs', and therefore to the merits, of a proposal than the average citizen would like to or can. This specialisation, incidentally, has now also been implemented within parliamentary parties to such an extent that usually only the spokespersons for parliamentary parties are completely aware of all the backgrounds of a bill; their parliamentary party members often follow without question (instead of making an independent consideration) or have to, in addition to their regular activities – just like voters – compile information upon which they base their differing opinion. The objection also subsides as the referendum is used more sparingly, such as only for constitutional matters. Using the referendum more sparingly and limiting it to the most essential issues will make them focus on the pros and cons earlier. There also appears to be a certain educational function in countries that use referendums. Voters in EU member countries that do use referendums are relatively better informed about facts concerning the European Union than voters in other member countries. Research has even demonstrated that when the Swiss were given the opportunity in 1992 to voice their opinion on membership of the European Economic Area, they had a greater knowledge than citizens of Germany (which has already belonged to the European Economic Community since its establishment in 1957 and does not use referendums).[40] Ultimately, people must realise that endorsing this objection can entail dangerous consequences. For if a single (constitutional) bill is already too complex for voters to fathom, how can the same voters then be expected to pass judgement on the conglomeration of issues discussed during regular parliamentary (or presidential) elections? Whoever responds to this by stating that voters do not need to delve into all of these issues but only have to express their confidence in the candidates, will first have to endorse the statement that campaigns must then focus as little as possible on the content, and then be obliged to condemn the use of election programmes as unwholesome.

[40] Matt Qvortrup, *Can We Trust the People? Voter Competence and European Integration*, London, 2007, pp. 9-10.

5 *In a referendum every issue is simplified into yes against no*

In polling booths voters can indeed respond to a bill (or constitutional amendment or treaty) with merely a 'yes' or a 'no'. But in the end, members of parliament must also vote for or against a bill. This 'digital' way of deciding does not rule out a prior examination of, discussion about and consideration of all sides of an issue, among members of parliament and voters alike.

6 *Referendums usually yield a 'no'*

Politicians who evaluate a constitutional instrument according to a desired result are walking on thin ice. The value of such an instrument should be viewed as politically neutral as much as possible. If we assume that a referendum does indeed yield a 'no' often, which is still a disputable statement in itself, this is more of an argument in favour of referendums rather than a rejection with regard to constitutional matters. It must not be possible, after all, to amend a constitution just like that during every mood swing. Fundamental constitutional rules of play must be defined therein that may only be amended in the event of far-reaching and widely supported changes in the nation's sense of justice. The (alleged) preservative function of the referendum is an undeniable benefit in such cases. Ultimately, people must be convinced of the nature of democracy: this does not lie in the fact that it is pleasant for politicians if voters agree with their plans, but in the possibility that citizens have to say 'no' to leaders and their plans.

7 *If the population rejects a bill, there is no alternative*

If the population rejects a bill in a referendum, that signals the end of this bill. This means that the old law either remains in force or collective regulation has to mark time for a while, if there was no law yet. The alternative is therefore straightforward, as Dicey already indicated: the situation that was applicable up until then. It may be the case that the legal regulation actually needs to be amended urgently. If so, the legislative power has to act quickly to draft a better bill, just as it will also need to do if a bill becomes stranded in parliament. However, liberals will usually not have to be sorry if the jungle of rules remains within bounds to some degree.

8 *The referendum instrument undermines the representative system*

After the aforementioned observations, we can discuss this objection in brief: the referendum must be viewed as an addition to rather than as something that undermines the representative system. The condition, however, is that the referendum is not used for all sorts of things because that would 'ask too much' of the voters, on the one hand, and affect the authority of the parliament if this body is repeatedly corrected by voters, on the other. However, this last (fictitious) affliction can also be changed

into a virtue. A parliament that knows its decisions can still be subjected to judgements expressed by voters will exert itself better to ensure that these decisions from public opinion have been well and truly pervaded by debate in the broadest sense. The more this is the case, the more often the referendum will appear to ratify parliamentary decisions.

The veto option for the people: liberal par excellence

On liberal grounds, the referendum is not only easy to endorse as a useful addition to the representative system, but even merits a recommendation. No power without countervailing power, not even a parliament should ignore this fundamental rule. And if a profound and long-term difference of opinion arises between the electorate and the elected concerning the most fundamental matters, the elected cannot and may not ignore this in a liberal democracy. Voters must then have the last word.

It then boils down to determining which matters are fundamental and which ones are not. If the referendum instrument is used excessively, voters will develop referendum fatigue and a boomerang effect will also occur. Moreover, it is important to clearly establish in the law in which cases a referendum is held or possible (and then also under which conditions). Otherwise, the referendum will change into an instrument in the hands of the executive or legislative power, while it ought to be one that is in the hands of the people so that they can correct these powers.

The foundations of a form of government are fundamental, of course. For all constitutional matters – and also all treaties with a constitutional character, including EU treaties – it should therefore also be laid down constitutionally that voters have the final word via a referendum. This is already the case in various countries; in other liberal democracies liberals should strive after this. Moreover, a corrective referendum can be considered for 'ordinary' legislation. Each country needs to be examined to determine whether and to what degree this is used. On top of this, in countries with a bicameral system, the referendum can offer a solution if a bill is adopted by one house and thrown out by the other. A referendum then allows voters to indicate which house has spoken on their behalf, and has operated as the true 'representative body of the people' with regard to the matter in question. Furthermore, a corrective referendum can be considered for all countries if a large percentage of the population demands this. The level of this threshold (the number of required signatures) must be determined for each country; no general judgement can be passed on this on liberal grounds. Popular initiative goes further. Liberals who consider or recommend this instrument are well-advised to evenly embed this within the form of government. That can imply that a bill accepted by the people also has to be ratified in parliament and/or subjected to a judicial constitutional review.

Liberals commence their political considerations from the individual. Where collective decisions inevitably have to be taken – if politicians need to concern themselves with matters and truly cannot leave these to citizens themselves – the importance of the individual must be and remain their starting point and touchstone. What is more logical than letting collective individuals take the final test for the most essential decisions? The decisive word is therefore entrusted to citizens; in a democracy they should not always have to endorse power, they should have a serious opportunity to say 'no'.

VI Referendum stops the European train? Citizens and the Democratic Accountability of European Decision-making

Fleur de Beaufort

'Asked for the greatest challenge the European Union is facing, former president of the European Commission Jacques Delors once answered: "lack of ambition and nostalgia for the past". I agree, but would like to add: lack of discussion.'

Beatrix van Oranje Nassau,
Queen of the Netherlands

The book *Paleis Europa. Grote denkers over Europa* (*Palace Europe. Great thinkers on Europe*) was presented to Queen Beatrix of the Netherlands in the Noordeinde Palace in The Hague on 23 November 2007. The book followed a series of conferences – held in the Queens palace during 2007 – on Europe, more specific the European identity from a historical perspective; the relation between citizens, their nation-state and Europe; and the cultural diversity and possible boarders of Europe. Queen Beatrix herself composed the preface to the book with six contributions on the European future.[1] In her preface the queen stressed the importance of discussion on the European project among the Dutch citizens. She noticed the debate on Europe become silent after the outcome of the referendum on the European constitution in the Netherlands on the first of June 2005. Besides the dangers Jacques Delors mentioned – 'lack of ambition and nostalgia for the past' – Beatrix was anxious for the potential negative consequences the lack of debate would bring. This lack of discussion leads, according to Beatrix, to a lack of knowledge on the European project, ultimately leading to indifference, misunderstanding and aversion. A lively debate is a necessary condition to shape Europe, to define common ambitions and goals and to be aware of the tremendous achievements of over fifty years of European integration.[2]

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1 Beatrix van Oranje, 'Voorwoord', in: Lo Breemer en Leonard Ornstein, *Paleis Europa. Grote denkers over Europa*, Amsterdam, 2007, pp. 7-10. Contributions were written by: Krzysztof Pomian, Robert Cooper, Larry Siedentop, Bronislaw Geremek, Dominique Moïsi, Kemal Dervis, Leonard Ornstein and Lo Breemer.

2 Ibidem, pp. 9-10.

Furthermore the Dutch queen questions the among citizens and certain politicians omnipresent idea of the European Union as a fast approaching train without brakes. In her opinion it is unjust that every now and then it is suggested that the process of European integration is executed out of the influence of the Dutch citizens. Reassuringly she tells her audience this couldn't be less true, for the advancements in EU-integration are determined by the national parliament and government.

Two and half years before the book mentioned above was published the Dutch citizens were given the opportunity to decide directly by referendum on an issue concerning European integration. For the first time since 1797/98 the Dutch citizens were consulted on a major political decision through a referendum.[3] The outcome of the first national referendum since long was humiliating to the political elite. An overwhelming majority of 61.6% voted against the Treaty establishing a Constitution for Europe. Moreover with 62.8% the turnout rate was relatively high when compared with the low turnout rates at elections for the European Parliament.[4] The gap between politicians – in majority in favour of the EU-Constitution – and the citizens became manifest through the referendum.[5] The Dutch referendum on the European Constitution showed explicitly the concerns among the citizens with the fast growing European integration. Although the referendum was only consultative and therefore officially not binding, the Dutch politicians seemed to acknowledge the importance of listening to their voters. That is to say, in the months following the referendum.

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3 The similarities between the referendum in 1797 and the one in 2005 are remarkable. In 1797 the citizens were asked for their opinion on a constitution for the Batavian Republic with the underlying question whether the Dutch provinces should give up their historic sovereignty or not. If the voters would agree with the constitution, the Batavian Republic would become a unitary state. In 2005, a great part of the Dutch citizens motivated their vote against the European constitution with the fear the constitution would harm the Dutch sovereignty too much.
Although the referendum on de EU-constitution was the first for two centuries on national level, the last years there have been several referenda on the local level in the Netherlands. The citizens of the community of Utrecht could on 15 May 2002 give their opinion on the renewal of the Music Hall Vredenburg and the Shopping Centre Hoog Catherijne in the city centre. More recent the citizens of Amsterdam could decide on the continuation of the work on a subway which financially got completely out of hand.

4 Eurobarometer, *The European Constitution: Post-Referendum Survey in the Netherlands*, June 2005, pp. 3 and 11.

5 On occasion of the referendum in 1797 the difference in opinion between politician and citizen was most accurate expressed by the Dutch patriot Valckenaer: 'Als minister en openbaar ambtsdrager hoop ik dat zij [de grondwet voor de Bataafse republiek] wordt aangenomen, in het besef van de politieke noodzaak dat wij eindelijk georganiseerd raken. Als burger, die moet leven onder deze constitutie, wijs ik haar af en verwerp ik haar.' Simon Schama, *Patriotten en bevrijders. Revolutie in de noordelijke Nederlanden*, 1780-1813, Leeuwarden, 1989, pp. 320-324.

The contributors to the book *Paleis Europa* show in their articles no notion of any kind for the discomfort the Dutch voters uttered with their no-vote. The same can be said about the politicians that continue their policy-making regarding EU-integration as if the voters would agree totally with further deepening of the European project. With the authors and politicians, queen Beatrix agrees that the discomfort among the citizens in the Netherlands can be removed by intensifying the debate on the European Union. The dissatisfaction citizens experience regarding the EU is of a more difficult kind and is influenced by the fact that the European project takes places far beyond their reach. The decision taken by the Dutch Parliament – and of nine other EU-member states – to consult the citizens on the Treaty establishing a Constitution for Europe was a big step toward bringing Europe back to the voters en giving the project more accountability.[6] In this article I will examine the experiences with referenda on the EU-constitution and later the Treaty of Lisbon and analyze in what way it changed the ideas of citizens on the European project.

Legitimacy of political decions

Before examining the discomfort of citizens regarding the European Constitution, I will take a glance at the importance of 'legitimacy' in politics. The legitimacy of political systems can be studied on the basis of four criteria: performance, accountability, representation and identification. The Dutch professor in politics Jacques Thomassen connects these criteria in an essay on Europe to the brief formula on democracy by the American President Abraham Lincoln. He thought that democracy should ideally be characterized by 'government of the people, by the people, for the people'. 'Of the people' can be linked to the aspect of identification, 'by the people' to accountability and representation, and 'for the people' to performance in politics.[7]

The aspect of performance – the output legitimacy after political scientist Fritz Scharpf – focuses exclusively on the outcome of policies, not on the way these policies are achieved. In this dimension it is important to look what were the results

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6 Initially Spain, France, the Netherlands, Luxembourg, Denmark, the Czech Republic, Ireland, Poland, Portugal and Great Britain decided to consult their citizens on the Treaty in a referendum (notice that in some countries the constitution requires a referendum on such far reaching issues, whereas others had to change their constitution in order to be able to hold a referendum). Ultimately only Spain, France, the Netherlands and Luxembourg had a referendum, as the French and Dutch 'no' made referenda on this issue redundant for the time being. Furthermore, Lithuania, Hungary and Slovenia had ratified the Treaty without consulting their citizens and Belgium, Estonia, Germany, Malta and Sweden had decided against a referendum. The other seven member states had not decided yet whether to hold a referendum or not.

7 J. Thomassen, *Citizens and the legitimacy of the European Union*, Scientific Council for Government Policy, Webpublication 19, Den Haag, 2007, pp. 6-8.

of a certain policy on for example the safety or welfare of citizens. Across from the output legitimacy Scharpf puts the input legitimacy, which meets the criterion of representation. Underlying thought is the democratic ideal that important political issues should eventually be with the citizens, in order to enable the expression of the citizens thoughts in political decisions. Next to representation, accountability is of great importance to 'government by the people'. Citizens should have access to sufficient information in order to make a well-informed judgement on certain policies. Furthermore this aspect requires ways of enforcing accountability, if necessary. The last aspect – identification – assumes that citizens who experience a connection to the community they belong to, are more willingly to accept decisions made by the politicians in this community.[8]

Traditionally the European Integration and European policies derived legitimacy through performance.[9] In Western-Europe there was peace, stability and prosperity, while the process of EU-integration was started. This gave the process a high output legitimacy. But the European project was in these first decades mostly performed by a small political elite. Therefore the European 'success story' was achieved outside the reach of citizens.[10] On the one hand it was the politicians lack of attention for the citizens, but on the others hand it certainly was the lack of interest among citizens (and sometimes members of parliament) for the European project. The deficiency in input legitimacy was concealed by enough output legitimacy. Europe's success gave way to a certain indifference among citizens concerning the policies on the European level. Thanks to the high output legitimacy this indifference was not a big issue and could be called, according to Nico Groenendijk – professor of European Economic Governance – 'rational ignorance' or 'positiv impassives'.[11]

Since the 1990s the output legitimacy was constantly under growing pressure. The Dutch Scientific Council for Government Policies (WRR) analyzed the developments that possibly have changed the citizen's attitude of rational igno-

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8 Wetenschappelijke Raad voor het Regeringsbeleid (Scientific Council for Government Policy), *Europa in Nederland*, Den Haag, 2007, pp. 33-34.

9 This analysis is mainly focussed on the Netherlands, but could be applied to other EU-member states as well.

10 Atzo Nicolaï, 'De politiek terug in de politiek. Hoe de Europese Grondwet het Nederlandse EU-beleid dichter bij de burger kan brengen', *Internationale Spectator*, 59e jaargang, nummer 4, april 2005, pp. 179-184.

11 Wetenschappelijke Raad voor het Regeringsbeleid, *Europa in Nederland*, pp. 36-40 en N.S. Groenendijk, *De Lissabon-strategie: overmoed of onmacht? Concurrentiekracht en het bestuurlijk tekort van de Europese Unie*, Inaugurale rede ter verkrijging van de Jean Monnet leerstoel European Economic Governance aan de Universiteit Twente, 2005, pp. 5-7.

rance.[12] A very important challenge to the output legitimacy can be found in the constant extension of the European Union. Already the entry of less prosperous states like Greece and Spain in the 1980s was reason for debate among citizens, but the enormous extension with ten new member states wakened bigger concerns among the public in the original member states. Not only were these countries less prosperous, they also lacked administrative experience and capability in combination with very different cultures and traditions. This would influence decision making on the European level, according to many opponents. It would become more difficult, time-consuming and less transparent.[13] As a result the output legitimacy will erode, which implies a growing need of more input legitimacy.[14]

Furthermore there was an increase of European interference in different (national) policies, including certain delicate and complex issues. The growing influence of the European Union on different policy areas made the performances less clear and therefore harmed the output legitimacy. Ultimately European politics even started interfering in areas which originally belonged to the national sovereignty of member states. This raised the debate on the final goal of European integration – confederation or European (economic) government. Although there are certain policy areas that can be best handled on European level, critics thought that the EU interfered on too much areas leaving almost no room for national policies.[15]

The discussion on the European Constitutional Treaty – what should have been the crown on the process of European integration – was to many citizens in the EU-member states a step too far. The vote against the constitution in France and the Netherlands showed, according to Nico Groenendijk, that the European project has never been a project of the citizens. The lack of input legitimacy was no longer compensated or covered by a surplus of output legitimacy.[16] The 'rational ignorance' that in a way supported the European project from the beginning until the 80s of the twentieth century, became definitively history since the French and Dutch referenda outcomes. Citizens have clearly indicated that they are no longer willing to follow a small elite on their way to the 'European dream'. Moreover

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12 One of the developments that possibly endangers the output legitimacy of the EU is according to the WRR the growing scale of the EU. The WRR sees a dichotomy of educated and less or poorly educated citizens. The poorly educated people have difficulties in identifying themselves with the European project and its policies, whereas the educated citizens have no experiences of this kind. I don't agree with this analysis, as in my opinion this would declare the lack of legitimacy wrongly as the sole problem of a certain 'underclass' of poorly educated people. It is better to speak on the dichotomy of the political elite in favour of the European project and the citizens (both educated and poorly educated).

13 WRR, *Europa in Nederland*, p. 42.

14 Atzo Nicolaï, 'De politiek terug in de politiek', p. 179.

15 WRR, *Europa in Nederland*, pp. 41-42.

16 Groenendijk, *De Lissabon-strategie: overmoed of onmacht?*, p. 6.

exit polls by eurobarometer already show growing sceptics toward the European project among citizens in the 1990s. The results of the referenda in France and the Netherlands can be seen as the tail piece of the process of growing questioning the European integration. The Treaty of Maastricht (1992) was already accompanied by negative referendum results in France, Ireland and Denmark. Furthermore anti-European political parties gained support during European elections since the 1990s.[17] Support for the European project among citizens was at its climax in 1990-1991, but has declined – with small periodical risings – ever since. In 1990 an overwhelming majority of 90% of the Dutch citizens was in favour of the EU-membership, in 2006 only 73% shared this opinion. When looking at respondents in all EU-member states this percentage decreased from 70% in 1990 to 54% in 2006. Only a slight majority is left.

For a long time 'government for the people' (performance) seemed adequate to gain enough support for the European project among the citizens in almost all EU-member states. This changed in the last decade of the twentieth century when policy results became less obvious on the European level. The lack of 'government of the people' as well as of 'government by the people' became manifest. Developments in broadening and deepening the European integration created a growing need for more representation, accountability and identification. The lack of these aspects showed the shortage of legitimacy. The referenda in the different member states since the 1990s can be seen as attempts to strengthen 'government of the people' and 'government by the people' and secure the legitimacy of the European project.

In the following I will focus on the experience with referenda on the Constitutional Treaty and the Treaty of Lisbon in different EU member countries. The main focus will be with the Netherlands, but every now and then comparisons will be made with other EU countries.

Referenda on the Treaty establishing a Constitution for Europe

On 29 October 2004 the heads of state representing the twenty-five member states of the European Union signed in Rome the Treaty establishing a Constitution for Europe. Before ratification, ten member states decided to consult their citizens on this important issue in a referendum. The Spanish voters were the first to give their opinion on 20 February 2005. The turnout rate was rather low with 42%, but a majority of 76.7% voted yes. In the Eurobarometer *The European Constitution: Post-referendum Survey in Spain* the researchers feared that the low turnout rate would harm the overwhelming support for the EU-Treaty in Spain. Since this might – in advance 'erroneously'! – be interpreted as a negative vote or rejection of the Constitution or used to devalue the positive outcome.[18]

[17] Simon Hix, *The political system of the European Union*, Houndsmills, Basingstoke, Hampshire and New York, 2005, pp. 150-152.

[18] Eurobarometer, *The European Constitution: Post-referendum Survey in Spain*, March 2005, pp. 4-5.

Three months later, on 29 May, the French voters could give their opinion on the European Constitution. This time the turnout rate was rather high with 69.3%. For France this was not extraordinaire, as earlier referenda showed similar turnout rates, for example in 1972 voted 60.4% and in 1992 even 69.7%. Unlike the turnout rate during elections for the European Parliament, for example in 2004 only 40.2% of the French voters cared to vote. In 2005 a majority of 54.7% voted against the Constitution Treaty.[19] Only two days after the French 'non', the Dutch voters could give their opinion on the EU-constitution. Again the turnout rate was rather high with 62.8%. An overwhelming majority of 61.6% of the Dutch voters voted against the Constitutional Treaty.[20] After France a second member state – belonging to the six founding members – rejected the idea of establishing a European Constitution. The last member state that organised a referendum on the Constitutional Treaty was Luxembourg. Under Luxembourg law voting is compulsory, which explains the high turnout rate The majority of the voters (55%) was in favour of the European Constitutional.[21] After the French and Dutch 'no' the other member states that originally planned a referendum abandoned the idea.

Politicians of the Dutch social-democratic party PvdA, the green leftwing party GroenLinks and the progressive liberal party D66 introduced a bill in the Dutch Parliament on 20 May 2003 proposing a national referendum on the European Constitutional Treaty. For them the constitutional character of the Treaty establishing a Constitution for Europe signed in Rome by Prime Minister Jan Peter Balkenende was the main reason to desire the engagement of the Dutch voters. Moreover, in their opinion this was a very good way to strengthen the legitimacy of the European integration process. On January 25, 2005 the law – Wet raadplegend referendum Europese Grondwet (Wrreg) – was adopted by the Dutch Parliament, which made a referendum on the Constitutional Treaty possible.[22] On February the 8th a Referendum Commission was installed by the Second Chamber with the mandate to organize the referendum, including the draught of a summarized version of the Constitution in Dutch and the distribution of subsidy for campaigning.

The Dutch citizens would be given the opportunity to vote on the Constitutional Treaty on the first of June 2005. One and a half month earlier the Referendum Commission published the summary, which was sent to all households and

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19 Eurobarometer, *The European Constitution: Post-referendum Survey in France*, June 2005, pp. 4 en 14.

20 Eurobarometer, *The European Constitution: Post-referendum Survey in the Netherlands*, June 2005, pp. 2-3.

21 Eurobarometer, *The European Constitution: Post-referendum Survey in Luxemburg*, July 2005, pp. 4 en 10.

22 *Staatsblad van het koninkrijk der Nederlanden*, jaargang 2005, nummer 44, 's-Gravenhage, pp. 1-8.

could be consulted on a special website. Very diverse organisations were granted subsidy for their campaign in favour or against the European Constitution.

As already mentioned, the turnout rate was rather high with 62.8% and 61.6% of the voters voted against the Constitutional Treaty. In the build-up to the referenda Eurobarometer polled the opinion of the population in different EU member states. In January 2004 75% of the respondents in the Netherlands said yes when asked whether the European Union should adopt a Constitution. Some months later in July 2004 this percentage had slightly decreased to 72%. The same time the percentage that disagreed had increased from 20 to 25%, leaving in July only 3% instead of the 5% from January 2004 with no opinion (yet). In France even more respondents said to be in favour of a Constitution for the European Union. In July 2004 85% of the French population agreed that the European Union should adopt a Constitution and only 11% disagreed. Comparative, in Sweden and the United Kingdom only 50% of the respondents supported the thought of a European Constitution. In Sweden the gap between the political elite and the citizens seemed eventually even bigger than in France and the Netherlands. This gap remained relatively unseen following the choice to ratify the Constitutional Treaty without consulting the citizens.[23]

Immediately following the Dutch 'no' Eurobarometer analyzed the outcome of the referendum. It is remarkable to notice that especially the younger voters aged between 18 and 24 voted against the Constitutional Treaty. In this age category 74% voted against, whereas in the oldest age category (over 55 years) this was only 52%. Overall one could say that the higher the education, the higher the percentage in favour of the Constitution, although the differences are not as spectacular compared with de dichotomy in age. When looking at the political preference of voters, the followers of the Dutch socialist party SP rejected the Constitution overwhelmingly with 87%. Supporters of the social-democratic party PvdA voted with 63% also in majority against and 51% of the voters which consider themselves liberal (VVD) rejected the Treaty. This is curious as the members in Parliament of both PvdA and VVD where in favour of the Constitution. The Christian democrats (CDA) in Parliament were also in favour and their followers supported the Constitution with a little majority of 53%. The followers of the leftwing party GroenLinks and progressive liberals D66 also made the same choice – be it with very little majority 51% – as their representatives in Parliament.[24]

In the analysis of the Eurobarometer the motivation for a certain choice is also taken into account. Almost a quarter of the voters in favour of the Constitutional Treaty motivates this by saying that the Constitution is essential to improve the functioning of European institutions. In comparison: in France 39% of the yes-votes were motivated by saying that the Constitution was essential in achieving

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[23] Eurobarometer, *The Future European Constitution*, February 2004, p. 21 and Eurobarometer, *The Future European Constitution* (wave 2), July 2004, p. 30.

[24] Eurobarometer, *The European Constitution: Post-referendum Survey in the Netherlands*, pp. 11-12.

a more stable European cooperation. Besides 13% of the Dutch yes-voters think that the European Constitution will help creating a common European identity – in France, only 6% shares this opinion. Also 13% of the Dutch yes-voters thinks that the Constitutional Treaty will strengthen the Dutch role within Europe and the world. Others reasons were found in strengthening the position of the EU towards the United States, strengthen the economy and the labour market. To 10% of the voters the European constitution is the first step towards political unity in the European Union.[25]

The motivation to vote against the Constitutional Treaty was in the Netherland with 32% most of all a lack of information. Despite all the campaigning – by the government and various other subsidized organisations – a great deal of the voters had the feeling they lacked information to be able to vote in favour of the Constitution. Evenmore, a majority of the citizens that abstained from voting, also motivated their choice by mentioning the lack of enough information. After the referendum 68% of the Dutch population is satisfied with the outcome of the referendum. The fear of losing too much national sovereignty was reason to reject the Constitutional Treaty for 19% of the voters. 14% voted against in opposition to one of the national parties – more than once for completely different reasons – whereas 13% thinks that Europe is too expensive.[26] In France the main reason to reject the Treaty was the fear of loosing jobs and an overall fear of putting behind the French labour market. 26% of the French voters voted against the Constitution, because in their opinion the French economical situation was too precarious.[27]

In the debate directly following the referendum on the 2nd of June in Dutch Parliament the socialist Member of Parliament Harry van Bommel argued that the Dutch rejection of the Constitutional Treaty could not be interpret as an overall rejection of European integration, but only as a sign that the voters were not content with the high speed of the EU integration, as well as the thought of a European Constitution. Maxime Verhagen – leader of the Christian democrat fraction in Parliament and more recent minister of Foreign Affairs – agreed with Van Bommel but added that this was a missed opportunity to improve the European cooperation. Correctly he mentioned that the central question that could be and should be derived from the result of the referendum was how politicians could bring Europe closer to the citizens.[28] This thought is supported by the outcome of the Eurobarometer survey. The overwhelming majority of 82% of the Dutch

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25 Ibidem, p. 13; and Eurobarometer, *The European Constitution: Post-referendum Survey in France*, p. 15.

26 Eurobarometer, *The European Constitution: Post-referendum Survey in the Netherlands*, pp. 5, 15 and 19.

27 Eurobarometer, *The European Constitution: Post-referendum Survey in France*, p. 17.

28 *Handelingen Tweede Kamer der Staten-Generaal*, nummer 86, 2 juni 2005, pp. 5137 en 5141.

population is in favour of the Dutch EU membership. Remarkable however that looking at party affiliation 84% of the followers of the Socialist Party – itself sceptic about the European project – support the membership, whereas only 82% of the Christian democrats in the Netherlands agree with this. In the VVD-followers this is even 91%.

During the debate already mentioned above, leader of the liberal VVD fraction Jozias van Aartsen was confronted with a statement made by his fraction member Hans van Baalen in a Dutch newspaper. Van Baalen thought the Dutch no, after the French rejection earlier, was the death blow to the Constitution. Brussel should not rearrange a few lines in this Constitutional Treaty or come up with a new Constitution. Van Aartsen agreed with Van Baalen en thought it would be best if Europe would remain working with the Treaty of Nice.[29] De Dutch voters on the contrary thought in majority (65%) that new negotiations on the European Constitution were legitimate, even after the Dutch and French no. If only 20 out of 25 member states would adopt the Constitutional Treaty, the Dutch population disagrees with the option that the European Council should look for a solution. In this scenario 45% thinks the Constitution should be abandoned, whereas 27% is in favour of new referenda in these member states that have not ratified the Constitution yet. Only 18% agrees with the idea of a Europe at two speeds.[30]

The socialist MP Harry van Bommel suggested the government to adopt a period of reflection in which a broad discussion among the public would be initiated. This would help the government to answer the question what the Dutch citizens expect from the European Integration.[31] Although there was too little support for this suggestion, eventually there would come a period of reflection. During the meeting of the European Council in June 2005 – with main theme of discussion of course the French and Dutch rejection of the Constitutional Treaty – there was also suggested that in each member state a period of reflection should be adopted. As a result the European Commission launched *Plan D for Democracy, Dialogue and Debate* on 13 October 2005. This period should be used in each member state to set up a broad dialogue with its citizens, supported by the European Institutions.[32]

In the Netherlands, as part of this debate, a survey *Nederland in Europa* was launched among the Dutch population. Again this survey showed that there was enough support for the European project, but not for the speed with which the European Union was currently developing. Moreover a majority of the Dutch citizens experienced a total lack of information and wishes to be more involved in

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29 Ibidem, p. 5150.

30 Eurobarometer, *The European Constitution: Post-referendum Survey in the Netherlands*, pp. 23 and 26.

31 *Handelingen Tweede Kamer der Staten-Generaal*, nummer 86, p. 5168.

32 Commissie van de Europese Gemeenschappen, *Plan D voor Democratie, Dialoog en Debat*, Brussel, 13 oktober 2005.

the project of European integration. A majority of the respondents agree that the European Treaties need revision, but they question whether a Constitution is the solution.[33] The period of reflection, that should take a year, was lengthened with another year during the European Council in June 2006.

Referenda on the Treaty of Lisbon

A year later in June 2007 various newspapers reported that agreements on a new EU Treaty would almost be finished, but that this agreement contains very large parts from the former Constitutional Treaty. German Chancellor Angela Merkel wrote in a confidential letter to the European Council that 'after two years of uncertainty following the problems encountered in the process of ratification of the Constitutional Treaty, it is clear that there is now a general desire to settle this issue and move on. […] Settling this issue quickly is therefore a priority.' [34] After two years of reflection and 'bringing Europe to the people' it was now time for decisiveness. During the European Council in the end of June the government leaders indeed came to an agreement on a new European Treaty. That same year on December 13th, all 27 member states of the European Union signed the Treaty of Lisbon.

After the surprising rejection of the Constitutional Treaty in 2005, this time the European Council decided to consult the citizens only when the national Constitution prescribed this explicitly. In France President Nicolas Sarkozy had won the election, leaving Ségolène Royal – in favour of a new referendum – behind. Sarkozy never made a secret out of his plan not to consult the French voters on a new European Treaty. This meant that in one of the two countries that rejected the Constitutional Treaty, ratification of the Treaty of Lisbon would be no problem.[35]

In the Netherlands the government argued that the Treaty of Lisbon was in line with the wishes of the Dutch citizens, as the politicians had listened intensive to the population during the period of reflection. Decisive was the statement of the Dutch State Council (Raad van State) that the Treaty of Lisbon was fundamentally different from the Constitutional Treaty and, even more important, had no constitutional character whatsoever.[36] This last statement was questioned by several professors in constitutional law, which argued that the Lisbon Treaty resembled the Constitutional Treaty for more than 98%. Furthermore the Dutch government expressed the opinion that another Dutch no would give the Neth-

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33 Eindrapport Ministerie van Buitenlandse Zaken, *Nederland in Europa*, Amsterdam, 19 mei 2006, pp. 9-14.

34 'Merkel's blueprint for Europe', *The Times*, 14 juni 2007.

35 Bas Limonard en Jan Rood, 'Uitzicht op einde impasse. Van Europese Grondwet naar Hervormingsverdrag', *Internationale Spectator*, volume 61, number 9, september 2007, pp. 403-408.

36 *Handelingen Tweede Kamer der Staten-Generaal*, nummer 31384, 4.

erlands an impossible position within the EU. In the Dutch Parliament only the Socialist Party, the left GroenLinks, the progressive liberal D66 and the rightwing party of Geert Wilders (PVV) were in favour of a second referendum, but they lacked a majority in Parliament.

The only country that consulted their citizens on the Treaty of Lisbon in a referendum was Ireland, as they originally intended to do with the Constitutional Treaty. In 2005 the referendum was cancelled after the French and Dutch no. 12 June 2008 a small majority of the Irish voters (53.1%) voted on the Treaty of Lisbon, of which 52.3 turned to be against this Treaty. The main reason for this rejection was the lack of information – as had also been the case in other member states during the earlier referenda on the Constitution. Besides the lack of information, there was also a fear of losing the Irish identity. Another reason for the rejection was the fear of losing the Irish neutrality on Foreign Affairs or the loss of the advantageous tax system in Ireland.[37]

Following the Irish no there was a direct urgent call upon the other EU member states to ratify the Lisbon Treaty and not waste precious time. In December 2008 during new negotiations some concessions were made toward Ireland on the condition that they would organise a second referendum on the Treaty of Lisbon. The Treaty itself was not changed anymore, but an extra agreement attached to the Treaty was adopted by the European Council. In it the fact that the Lisbon Treaty would not harm the national sovereignty on tax system, (national) security policies or defence policies was reassured. Besides it was stated that the Charter of the Fundamental Rights of the European Union, which would come into force with the Lisbon Treaty, would not threaten the Irish national Constitution.[38]

When on 2 October 2009 the Irish voters could vote again on the Lisbon Treaty the turnout rate was higher with 58%. This time a majority of 67.1% voted in favour of the Treaty.[39] Analysis of this second referendum show that this time the campaigning – both the yes-camp and the no-camp were very active campaigners – was quite successful. Only 4% of the voters motivated their no by mentioning the lack of information and knowledge. Remarkably 22% was against a new referendum on the same matter and therefore voted against the Lisbon Treaty. The fear of losing the Irish identity and/or sovereignty was for 17% of the voters during the second referendum the motivation to reject the Treaty.[40]

In Poland former President Lech Kaczynski and the Czech President Vaclav Klaus chose to await the developments in Ireland before ratifying the Treaty of

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37 Eurobarometer, *Post-referendum Survey in Ireland*, July 2008, pp. 6 and 18-19.

38 De Raad van de Europese Unie, *Europese Raad van Brussel 11 en 12 december 2008. Conclusies van het voorzitterschap*: http://www.europa-nu.nl/9353000/d/conclusieseuropeseraad-dec2008.pdf.

39 Ireland is already familiair with a repeated referendum on one and the same issue. The Treaty of Nice in 2001 was first rejected, but after new negotiations and some concessions to the Irish public the population agreed on the Treaty in a second referendum.

40 Eurobarometer, *Post-referendum Survey in Ireland*, July 2008, p. 12.

Lisbon with their signature. After the positive outcome of the Irish referendum, Kaczynski signed the Treaty. Klaus still had second thoughts and wanted to start a new debate on Europe among the Czech population. After the Constitutional Council in the Czech Republic dismissed the complaint that there would be too much loss of national sovereignty nothing seemed to stop ratification by Klaus. Then the Czech President demanded an exception for the Czechs on the Charter of the Fundamental Rights of the European Union, as he feared claims from Sudeten-Germans that were expelled after the Second World War. After the European Council agreed on this exception Klaus also signed the Treaty of Lisbon.

The only other EU member state where discussions on a referendum were held was the United Kingdom. Although the Lisbon Treaty was already ratified, David Cameron – current President of the UK – promised his voters during the elections that if the Treaty would not be adopted by all EU member states, he would also consult the British people in a referendum on this matter. That is to say, if he would become President after the elections. Unfortunately for Cameron the Lisbon Treaty was adopted by the 1st of December 2009, whereas the British election would take place in May 2010.

Democratic legitimacy through referenda?

Former European Commissioner Günther Verheugen once said that if the European Union would subscribe as a candidate member, it should be turned down because of its undemocratic value.[41] The referendum is a very probate mean to strengthen the democratic legitimacy of political decisions. At the start of this article four criteria of legitimacy were distinguished. This was in the first place the performance, or the output legitimacy. 'Government for the people' is characterized by high output legitimacy, something the European project experienced until the 1990s. Another criteria is the identification of citizens with political decisions – 'government of the people' – the degree to which people feel allied or attached to the European project. Finally there are the criteria of accountability and representation. 'Government by the people' is mainly concerned with the question whether citizens feel represented by their politicians and whether they have enough information to form their own opinion on policies.

The high output legitimacy until the 1990s has concealed the lack of input legitimacy for a long time. If anything, the referenda on the Constitutional Treaty and the Treaty of Lisbon have shown this lack of input legitimacy in a very clear way. Again, it is not the European project the citizens of the member states disagree with, but the uncontrolled speed of the project. Surveys in France and the Netherlands – where the outcome of the referenda was negative – show that there is an overwhelmingly support for the European project. The majority also agrees that their own country actually benefits from their EU membership. However, the

[41] Quoted in: Jos Verhulst en Arjen Nijeboer, *Directe democratie*, 2007, p. 35.

choice to move towards a European Constitution was a big step too far for many people who could not identify with the project sufficiently. There was an overall feeling among citizens that they would lose grip and give away too much of their sovereignty. 'Government for the people' was overshadowing 'government by the people'.

As argued by Patrick van Schie in his contribution to this book, the referendum – if adjusted correct – is a useful addition to the representative system. It gives voters the chance to strengthen the aspect of 'government by the people'. Citizens truly receive the opportunity to take part in major political decisions, and – as the referenda on the EU Treaties have shown – stop politicians when they are drifting too far apart from their voters. Therefore one can only hail the choice of ten member states to consult their citizens before ratifying the Constitutional Treaty. This was a great step towards more 'government by the people'.

However the developments after the French and Dutch vote against the Constitutional Treaty, as well as the final arrangements on the Treaty of Lisbon have done the aspect 'government by the people' no good. The period of reflection was on the one hand used to bring Europe closer to the people, but in fact took place among a very small inner circle. Moreover at the end of this period the urge to come to a decision overtook. The feeling that the European project should continue, despite critical feelings among citizens in different member states.

In the Netherlands this sense of urge led to the choice not to consult the citizens again on the Lisbon Treaty. The politicians hastened themselves to mention that they had listened to their voters, that the Lisbon Treaty had no constitutional character whatsoever and that therefore there was no need to consult the people again. If, however, the politicians had truly listened to the citizens, why fear the outcome of a new referendum? The common fear that voters will reject the constitution as a protest on other political subjects, or as a result of the complexity of the Treaty, is not valid as the Irish case clearly shows.

By not consulting the citizens a second time on the EU Treaty, the Dutch (and French) politicians harmed the aspect of 'government by the people'. In 2005 they have consulted to people in order to strengthen 'government by the people', and the period of reflection afterwards was also partly used for this sake. Correctly Beatrix considers a lack of discussion as potential danger to the European integration. But I would like to add that this discussion should not be without any obligations. In order to strengthen 'government by the people' and 'government of the people', discussion should lead to conclusions, and politicians in their turn should take this conclusions serious and dare to consult the citizens on certain far reaching political decisions. This is the only way to gain the needed input legitimacy to compensate the diminishing output legitimacy. Even if this will slow down the European train from time to time, it is by far more preferable than ultimately derailing the train by sidelining the citizens with their – in the eyes of politicians – sometimes unwelcome opinions.

Political Parties

VII State or the Union? Political Parties Bridging the National/European Divide

Aaretti Siitonen

This chapter will argue that the political parties contesting the European elections have a potential to bridge the divide between the national and the supranational levels of decision-making in Europe. It will discuss the idiosyncrasies of the present state of affairs and the surrounding debate, concluding that a shift in political self-understanding may be underway.

The veil is lifted on a stage, with a lively play in progress. Actors plead eloquently at one another and momentous choices are made. At first glance nothing seems amiss, but their lines echo drily in the theatre's arches – there is no audience, save for the assembled elites, perched in the front row, applauding and booing rapaciously in lieu of the empty shadows stretching out behind them. The people are simply not there. This is a dystopic image of the European Parliament (EP) and, by extension, European democracy itself.

A hybrid is neither or, but something else entirely

Attempts to classify the European Union (EU) are confounded by its hybrid nature. It is neither a federal state nor an intergovernmental organization, but has elements of both.[1] In terms of democracy it is simultaneously a collective of separate democracies and a transnational democratic system in its own right.[2]

This hybrid nature would be nothing but an interesting quirk if it were not for the citizens of the member states. They, after all, do not live in two separate and distinct polities, but one. The overlap of the different decision-making systems is essentially invisible in everyday life, as it is impossible to separately exist in either a member state or the EU without existing in the other. Public discourse and reporting on the EU often fails to take this into account, perhaps due to the very real possibility of a country itself deciding to either be a part of the EU or not.

When discussing democratic legitimacy or lack thereof, the question is often addressed only in relation to the EU, rather than the combined polity of the EU and its member state. The difference between the two is not merely semantic, as

1 Eg. Michael Gallagher, Michael Laver, Peter Mair, *Representative government in modern Europe*, 2006, p. 143.

2 Björn Lindberg, Anne Rasmussen, Andreas Warntjen, *The Role of Political Parties in the European Union*, 2010.

the notion of a partly democratic system is extremely problematic. After all, what is a partly democratic system if not undemocratic? And if the separate democracies are part of an undemocratic collective, must not they themselves become less than democratic by association? Keeping this in mind, the democratic deficit of the European Union will now be briefly discussed.

A democratic state or system, in short 'polity' is here expected to conform to modern western expectations for one, i.e. contain a functioning balance of powers, freedoms, legitimacy and accountability. In formal terms, the EU post-Lisbon has all of this and more, but the sticking point is popular legitimacy, which is a particularly pesky creature – it cannot be forced, but only goaded. A system of government can be put in place by decree, but for it to be accepted demands a great deal more than existence.

Legitimization

Why is the EU's nature and legitimacy so elusive? Arguably, this is based on two main factors. First, the EU is a system both young and in flux, the latter demonstrated by the recurrent treaty revisions of the past decades. Secondly, difficulties arise from the unprecedented nature of the EU – it is a multinational, polycentric, multi-layered system of governance, with competences delegated between the local, national and supranational levels, each interacting with the others. Further complication arises from the overarching question of whether this transnational system of governance can justifiably be considered a parliamentary democracy at all. [3]

In all 27 current member states of the European Union the executive branch of government is accountable to the parliamentary assembly, which in turn is directly accountable to the electorate. The supranational institutions of the EU, however, are a different matter. The major decision-making powers of the community lie in the hands of the European Commission, the Council of Ministers and the European Council.

Both the European Council and the Council of Ministers are in effect a cross between an intergovernmental and a purely supranational institution. The Council is composed of the heads of government (or state, in the case of France) of all member states and the Council of Ministers is composed of a minister from each member state, the office of which depends on the matter at hand. The voting power of each member of the Council depends on the size of the population of the country they represent, but an intricate system of weighed votes ensures a modicum of influence for smaller states, which are in effect overrepresented, a typical feature of federal systems.

The democratic legitimacy of the Council's decisions is not straightforward.

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[3] Philippe C. Schmitter, 'Is Euro-federalism a solution or a problem?', in: Andreas Follesdal and Lynn Dobson (ed.), *Political Theory and the European Constitution*, p. 15

Although each member state has a representative on the Council, there are many matters that the Council can decide by a qualified majority vote. Hence, it is possible for a member state to be committed to an action that its representative has resisted. In the eyes of the electorate of the member state in question, there would in such a case be no one to hold accountable, were it not for the European Parliament.[4]

Procedurally speaking, each level of governance in the European Union, i.e. local, national and supranational, as represented by municipalities, states and the EU institutions respectively, fulfils democratic norms. Executives are accountable to elected representatives; there are free and fair elections, universal suffrage, a right of citizens to run for political office, as well as freedom of speech, freedom of the press and of association. A division of powers exists on all levels and is maintained by checks and balances. Substantively, however, democracy on a local and national level consists of competing political parties offering diverging policy choices and giving voters genuine options in terms of policy preferences, whereas this is not fully realized on the supranational level.[5]

Democratic rights and freedoms do apply on the European level as well, but decision-making on this level is characterised by consensus-seeking between the political forces more so than on the other levels. An open contest for political authority on the European level, despite obvious difficulties posed *inter alia* by different languages and electoral conventions, is technically feasible through debate and elections. This has been demonstrated already by the execution of European Parliament elections and the debates within the EP itself.

Such a contest is, however, realized only superficially, as both political parties and the electorates of the EU member states focus on the national dimension.[6] Is this an inherent characteristic of the EU, or merely a symptom of a transition from a state-centred to a more complex conceptualization of democratic governance? Are political parties, still very much based in the national context, articulating themselves in rhetoric that is inherently redundant?

The Parliament legitimizing supranational decision-making

The European Parliament was originally formed to counter problems of legitimacy incurred by transferred sovereignty and what became the subsequent perceived

4 M. Donatella Viola, *European foreign policy and the European Parliament in the 1990s: an investigation into the role and voting behaviour of the European Parliament's political groups*, 2001, pp. 28-29.

5 Simon Hix, *What's Wrong with the European Union and How to Fix It*, Cambridge, 2008.

6 As demonstrated for example in the elections for the European Parliament in 2009, Gagatek, Wojchiech, 'Campaigning in the European Parliament Elections', in: *The 2009 Elections to the European Parliament Country reports*, EUI, p. 14; see also: David Judge and David Earnshaw, *The European Parliament*, 2008, p. 285

'democratic deficit'. In short, the founding states of what eventually became the European Union were delegating some of their powers to a supranational institution and, in congruence with democratic principles of procedural legitimacy, deemed it necessary to form a parliamentary organ to supervise it.[7]

The European Parliament was originally composed of members of national parliaments. Universal suffrage by direct elections was introduced in 1979, but the Parliament's limited powers gave it the unfortunate, if accurate, reputation of being a mere 'talking shop'. Since then the EP's powers have however increased greatly. It gained a *de facto* delaying power over many of the Council's decisions in 1980, and in 1987, with the Single European Act (SEA), its powers were further increased with the introduction of the co-operation and assent procedures.[8]

With the Treaty of Maastricht in 1993, the European Parliament became considerably more formidable. Not only were its powers vis-à-vis the Council of Ministers extended with the introduction of the co-decision procedure, which in effect made it a co-legislator with the Council on a wide range of matters, but its pre-existing powers were also enhanced and it gained a say in the nomination and approval of the Commission.[9] The treaties of Amsterdam and Nice, in 1999 and 2003 respectively, further consolidated and institutionalized the EP's standing.[10] After the coming into force of the Lisbon Treaty it has already flexed its muscles in new fields, as demonstrated for example both by its influencing the SWIFT agreement on bank account information transfers between the United States and the European Union and its impact on the formation of the European External Action Service.

Why have the EP's powers expanded thus? Legitimization of supranational decision-making is one central reason for this. As political elites from democratic countries pool power and delegate sovereignty, they perceive a legitimacy deficit. This perception has a tendency to foster institution-building and institutional reform.[11] Even though the EU is not a nation-state, or indeed a federal state, the analogy is unavoidable. If we demand representation at national level it is logical for us to demand it at supranational level as well. Throughout its history the EP has also been able to increase its *de facto* powers by creative interpretations of the prevalent treaty and through inter-institutional agreements, subsequently consolidating these powers *de jure* through treaty revisions.[12]

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7 The first incarnation of the European Parliament was as the Common Assembly of the European Coal and Steel Community (ECSC), the precursor to the European Union. It was formed in 1952 to scrutinize, control and, if necessary, censure the supranational High Authority, the executive of the ECSC, and forerunner to the Commission. Berthold Rittberger, *Building Europe's Parliament. Democratic Representation Beyond the Nation-State*, 2005, p. 73.

8 Richard Corbett, Francis Jacobs, Michael Shackleton, *The European Parliament*, 2003, p. 4.

9 Simon Hix, *The Political System of the European Union*, 2005, p. 59.

10 Corbett et. al., *The European Parliament*, p. 6.

11 Rittberger, *Building Europe's Parliament*, p. 205.

12 Judge and Earnshaw, *The European Parliament*, pp. 226-228.

The legislative powers of the European Parliament are not as great as those of national parliamentary assemblies. It does not possess a power of veto over all of the Council's legislative decisions. However, if the EP is able to form a strong position on an issue, it can affect the outcome decisively – especially when the EP agrees on a matter with the Commission and when it merely amends a proposal, rather than attempts to drive through a major change in policy, it often succeeds. Furthermore, as stated above, the areas of competence wherein the EP shares power with the Council have increased dramatically in the last two decades.[13]

The Commission is accountable to the EP and thus can, in many respects, be considered analogous to a national executive in regard to democratic accountability. A Commission that does not enjoy the confidence of the assembly cannot function for long. This was highlighted by the example of the Santer Commission's effective dismissal by the EP in May 1999[14] and further by the more recent example of the EP's steadfast refusals to accept a Commissioner it disliked, effectively forcing a cabinet reshuffle.[15] This can be seen as proof of the EP's enhanced standing – it is one thing for an institution to have the formal power to do something and another to be able to use that power with impunity.

It can be argued that with its powers extended by the Lisbon Treaty to cover most areas of supranational EU legislation (an estimated 95 % of EU primary legislation), the European Parliament is in the process of becoming a fully-fledged lower chamber of a bicameral European representative assembly, with the Council of Ministers forming the upper chamber. This may not yet quite be the case and is by no means the only possible outcome of the present process, but an indisputable strengthening of supranational parliamentary oversight can be constituted as an increase of procedural legitimacy in the institutional set-up of the EU. It also means that the perception of the European Parliament as weak is simply no longer linked to legislative reality.[16]

This, however, is not enough. A more powerful EP may make the EU more democratic in a technical sense but has it thus far accorded the EU as a system of governance the legitimacy which democracy is normally seen to accord?[17] An obvious, if insufficient, quantifiable measure used to highlight problems of the EU's legitimacy is the low turnout in the European Parliament's elections, which is chronically low, as is the level of awareness by European citizens of their common parliament.[18]

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13 Hix, *The Political System of the European Union*, p. 108.

14 Ibidem, pp. 60-61. The EP had launched an investigation, to be conducted by a committee of independent experts, into alleged corruption in the Commission. Proof of wrongdoing was unearthed and as it became apparent that a sufficient majority to oust the Commission did exist in the EP, the entire Commission resigned.

15 Rocco Buttiglione, the controversial candidate for the post of Italy's commissioner was unacceptable to the EP in 2004. The President of the Commission, José Manuel Barroso, was in effect forced to replace him.

16 Judge and Earnshaw, *The European Parliament*, p. 189.

17 Roger Scully as quoted in: Judge and Earnshaw, *The European Parliament*, p. 15.

18 For example: Gagatech, *Campaining in the European Parliament elections*, p. 14.

The context in which the EU's so-called legitimacy crisis takes place is a challenging one, as democracy on a national level has also encountered disillusionment and distrust, as reflected into populist tendencies.[19] The EU, mediating between multiple levels of governance, is an easy target for general criticism, as it can be employed to symbolize many of the perceived attributes of contemporary politics – aloofness, technocracy, bureaucratization and unrepresentativity, as well as a trend towards neo-liberal economic policy.

Defining the deficit

The question of a democratic deficit in the European Union has been present in public discussions on Europe since the mid-1980s. A persistent concept, Simon Hix and Andrew Moravcsik have recently nevertheless convincingly argued that the democratic deficit is mainly a myth.[20] Refuting four of the five general arguments for the existence of a democratic deficit in the EU, namely the alleged shift in power from parliaments to governments, the weakness of the European Parliament, the distance and opaqueness of European decision-making and a systematic bias of the EU superstructure in favour of neo-liberal policies, Simon Hix has concluded that there is one element where EU democracy can indeed be found to be lacking. This is the lack of a democratic contest for control of political authority on the European level. [21]

Essentially, a genuine contest for political authority would entail party politics on a European scale, a pan-European contest for office in the Commission, especially as regards its chairperson, as well as more clearly defined policy options, as decided upon by elections, on a European level.

If political attention during and between EP elections shifts to a European-level discussion, voters can arguably make a better-informed choice regarding probable policy outcomes. If, as has thus far been the case in most member states' EP elections, electoral campaigns focus on local or national issues, voters are forced to base their choices on either general or even unrelated perceptions when choosing their representatives for the European level.[22] This results in a shadow debate, where the factual consequences of the elections are removed from the content of the campaigns.

As for personalities, if EP elections would have a clear impact in terms of leaders on the European level of decision-making, voters could retroactively punish or

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19 Andreev Svetzolar, 'The EU "Crisis of Legitimacy" Revisited: Concepts, Causes and Possible Consequences for European Politics and Citizens', *Political Perspectives*, EPRU, Issue 2, number 7, p. 7.

20 Andrew Moravcsik, 'The Myth of Europe's Democratic Deficit', *Intereconomics: Journal of European Public Policy*, Nov-Dec 2008, pp. 331-334; and Hix, *What's wrong with the European Union*.

21 Hix, *What's wrong with the European Union*, pp. 72-76.

22 Gagatech et al. 2010, XI

reward politicians for their actions. This would create an incentive for leaders to ensure that they and their policies are known and supported by the 'wider audience'.

Hix offers a range of tools to achieve this aim, focusing on changes to current practices rather than actual treaty revisions beyond the Lisbon Treaty. For example, if the European Parliament were to adopt a model of dividing committee chairs which would give the largest political group more clout than the present model, it could more substantially influence policy, offering voters more clear-cut options and a sense of influence that is lacking in the current system, which tends to produce rather centrist policy decisions, irrespective of which party 'wins' the European elections.

Further, inter-institutional collaboration and coordination based on political affiliation would be likely to offer a less nation-state centred picture of the EU. This would, according to Hix, reveal the factual divisions on questions of policy, which have, as the internal market has already been consolidated, advanced beyond the simple picture of diverging country positions. Which political party holds office in a given member state has arguably, on most questions of Community decision-making, become more important than the nationality of governments. This holds true also in regard to voting behaviour in the European Parliament, where nationality appears in a majority of cases to be secondary to political affiliation.[23]

A similar vein of argumentation is present in Antoni Missiroli's analyses: 'The main challenge for the Union's legitimacy today appears to consist in injecting a robust dose of good politics – as opposed to populism and nationalism – into the numerous and various good policies that are already shaped, adopted and implemented in Brussels.'[24]

Moravcsik, who also largely dismisses the democratic deficit as a myth[25], has, however, reached an opposing conclusion on the feasibility of substantive democracy in the EU. The main point of contention is the question of whether more confrontational politics on the European level would have beneficial results. Moravcsik argues that an eventual polarisation of decision-making would lead to the undermining of the EU's public legitimacy, popularity and trust, without generating greater public accountability: 'Radical critics of the democratic deficit like… Hix, in seeking to cure the faults of populist democracy by importing even more populist democracy – either through pan-European elections or by introducing salient issues like social policy to the EU in defiance of European public opinion – are defying both political science and common sense.'

Moravcsik holds that the issues decided upon by the EU are, in voters' minds,

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[23] See: Hix, *What's wrong with the European Union*, p. 116; for a critique of Hix's assumptions see: Judge and Earnshaw, *The European Parliament*, p. 143.

[24] Antoni Missiroli, http://www.epc.eu/PDF/CE17.pdf, p. 47.

[25] Andrew Moravcsik, 'In Defence of the "Democratic Deficit": Reassessing Legitimacy in the European Union', in *JCMS*, volume 40, number 4, 2002, pp. 603-624.

non-salient. In other words, they are not 'considered important enough to motivate the sort of major shifts in mass voting, political learning or political organization, allegiance, education and behaviour required to politicize EU decision-making at the mass level.' He holds that this is by no means negative, as attempts to introduce further political participation into EU politics would be inherently condemned to generate either continued apathy or a rush of populism, as seen in the rise of extreme positions during the constitutional referenda and surrounding debates. According to Moravcsik, the EU, in light of opinion polls, is in fact no less trusted or popular as an institution than most national ones. He concludes that the EU has worked rather well for half a century, with especially impressive achievements during the past 15 years, and continues to do so as it stands. In other words, the risks involved in introducing more confrontational politics on an European level simply outweigh the foreseeable benefits.[26] A weakness of this line of speculation is that it draws on the experiences during the constitutional debacle, an exceptional event, instead of the actual day-to-day decision-making on the European level, but it would be unwise to disregard it completely either.

Diverging narratives: national and pan-European

An apparent reason for the fractured linkage of the European Parliament and its voters is the division of duties of political entities across the national/supranational divide. Political groups in the European Parliament choose the key actors, such as committee chairs, and make the decisions *in* the Parliament, but they do not run the elections. The trans-national party federations draft common manifestos and co-ordinate the various national campaigns to an extent, but the crucial acts of nominating candidates and running the European Parliament election campaigns remain in the hands of national parties.

Although the national parties are each affiliated to a certain political group, European party or party federation, the link is not nearly as strong as in, for example, most federal states between state- and national-level party organizations. Hence, European elections are often very local in nature. Electorates may in many cases treat the EP elections as a mid-term vote of confidence for the parties in national parliament, giving the EP elections the persistent moniker of being second-order elections.[27]

The political groups are in regular contact with their constituent national parties, receive speakers from ministers to spokesmen and frequently complement national information channels, particularly in smaller member states.[28] In other

[26] Moravcsik, 'The Myth of Europe's Democratic Deficit, p. 340. A similar conclusion has been reached in: Jacques Thomassen and Hermann Schmitt, *Political Representation and Legitimacy in the European Union*, pp. 266-267, where the authors argue for maintaining consensual politics on the European level.

[27] Judge and Earnshaw, *The European Parliament*, p. 117.

[28] Corbett et al., *The European Parliament*, p. 86.

words, they form pan-European networks, which channel information and opinions across the continent. In practice the link between national parties and political groups is, however, rather weak. As regards parliamentary work, for example, collaboration between members of national parliaments and their colleagues at the European Parliament remains fragmented.

The constituent elements or subcomponents of the transnational political parties are not individual citizens, but established political parties. In 2008, the constellation within the European Parliament consisted of 75 parties from 27 countries, organized into 7 transnational groups. These factors, as well as the aforementioned division of duties, gives considerable influence to national party elites above and beyond the national level. Research indicates that in cases where the predilections of a national party are in direct opposition to those of the political group at the EP, Members of European Parliament (MEP's) are twice as likely to vote with their national parties.[29]

The transnational political entities can thus be considered only embryonic pan-European parties. The relative insignificance of true pan-European newspapers or other media outlets, in terms of circulation, also puts the EP in a singular position – those commenting upon it in the member states' media speak to the people the EP represents, yet view it each from their own national perspective.

More faces to choose from?

The 2009 elections to the seventh term of the European Parliament were unsurprisingly campaigned in a majority of EU member states in a national context, as well. Also, there was only one candidate for the position of Commission president, the centre-right's incumbent José Manuel Barroso. He was designated as the European People's Party's candidate for the post and thus, through the centre-right's election victory, arguably did gain voters' approval across the EU.

In a national context in practically all EU member states, having no competing candidates for the position of Prime Minister would constitute a veritable crisis of democracy. This analogy is misleading as it presupposes comparability between nation states and the European Union in terms of leadership and fails to take into account the hybrid nature of the EU. Nevertheless, it serves to highlight the obvious conclusion – in applying democratic norms to the supranational level of the EU, it is inconsistent not to apply them in some form to the executive, as well. If there has been a transfer of competencies from the national to the supranational level, political accountability must be maintained throughout. The question is thus one of degree – how many of the criteria used to legitimize a national executive must we employ on the European level and, simultaneously, how many of the criteria used to ensure an equitable intergovernmental arrangement should

[29] Judge and Earnshaw, *The European Parliament*, pp. 136-137.

we employ? And how highly do we value the citizens' feeling of empowerment?[30]

It can be argued that the EU in fact already enjoys double legitimacy – through the national parliaments on one hand and the European Parliament on the other. However, double legitimacy requires both of its foundations to be solid, as argued before. The European Parliament exists in part to counter the problems incurred by supranationalization of decision-making competencies and thus its involvement in legitimizing the Commission's composition and activities is instrumental.

The debate boils down to *how much* confrontational politics on the EU level is desirable. Before considering a hierarchy of ideas, another idiosyncrasy of the EU will be highlighted, namely that of pro- and contra-EU sentiments.

For or against?

The nation-state is considered to be the basic political unit of the EU, both culturally and politically, and in terms of identification. Not only are there relatively small, but highly visible political factions represented in the European Parliament that reject the basic tenets of further integration, but the institutional architecture of the EU itself remains permeated by what has been called a 'thin' nationalism. Ostensibly the Union protects identities and prerogatives of its citizens, but incidentally grants the highest protection to identities that are framed as national identities of member states. [31]

An example of this is the division of seats in the European Parliament. Smaller member states are allocated a disproportionately high number of seats, in order to ensure that a sufficient spectrum of their societies is represented in the EP. In relation to this, parallel to the formation of a new term of Parliament in 2009 and the subsequent nomination of the Commission, the German constitutional Court's ruling on the Lisbon Treaty raised a number of interesting points to be considered in terms of political theory on transnational democracy. The ruling relied on national democratic standards that are known to us from the long-standing experience of democracy in the European nation states. The Court applies these standards to the system of the EU and concludes the existence of a structural democratic deficit inherent to a 'Staatenverbund'. The disproportionate representation in the EP was considered by it to place individual EU citizens from different member states on an unequal footing. What the Court may be seen to neglect is the evolving system of a kind of European democracy, which may not be fully understood by existing democratic theories and concepts.[32]

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30 Cf. Schmitter, 'Is Euro-federalism a solution or a problem?', p. 15.

31 Peter A. Krauss, *A Union of Diversity. Language, Identity and Polity-Building in Europe*, 2008.

32 Anne Schmid, *Lisbon Treaty Ratification Monitor*, 2009, p. 4: http://www.tepsa.be/TEPSA%20Lisbon%20Treaty%20Ratification%20Monitor_2nd%20issue.pdf, accessed 20 May 2010.

A hierarchy of ideas laying the groundwork for a new paradigm

A hierarchy of practical proposals to enhance the quality of EU democracy can be outlined, but they are only tools towards a more profound and abstract evolution of self-understanding within the still-emerging polity where citizens of EU member states find themselves. The juxtaposition of pro- and contra-integration forces can be compared to an ongoing constitutional debate within a polity, but the debate on the content and actions of that polity can be expected to be more substantial. National identities are persistent, irrespective of whether they are socially constructed or not, but they need not be straightjackets for political parties to wrap their rhetoric in. It is not at all impossible for a political party to frame itself through a concentric identity encompassing multiple levels of decision-making without simultaneously discarding notions of national identity.

Can a national political party even justifiably base its identity on two levels, local and national, if it continues to play a powerful role on the third, supranational level, which nevertheless impacts its voters' lives considerably? If not, then it logically follows that national parties are either to an extent obliged to embrace a clearly defined agenda for the European level and endorse competing personalities there as well, or make way for alternative actors on that level. The latter seems highly unlikely. It seems more probable that in a post-Lisbon EU national parties that do take the initiative and embrace a three-level agenda and identity eventually gain an advantage through consistency.

One might argue that such a strategy could backfire. The continued political integration of the EU is by no means a foregone conclusion, of course. Nevertheless it has been the prevalent long-term developmental trend in post-war European history. Thus simply assuming a turnaround of this trend and opting for the *status quo* would be difficult to justify.

The amount of institutional ideas to further democratize the EU, even without treaty revision, is high. They range from changes to the European elections or the division of committee assignments in the European Parliament to combining the positions of Commission and Council presidents. The latter is a particularly interesting proposition, as it would imply a democratic contest of a very novel kind. The overarching idea motivating these proposals, however, implies a paradigm shift in political self-understanding both of political parties and citizens in EU member states, extending to encompass the entire spectrum of decision-making levels.

Conclusions

The European Union is a transnational democracy. Yet it is apparently not perceived as such by the majority of European citizens or political actors. The reason for this confusion is an error of conceptualization – the EU is seen as a separate entity, instead of what it in reality is: a compound governance structure incorporating the supranational institutions, the member states, their political parties and their citizens.

This disparity of conceptualization was demonstrated vividly during the 2009 European elections, as campaigning in virtually all member states was still centred on national issues. The political parties contesting the elections did have common European platforms with their sister parties in other member states, but the majority of the actual arguments employed during the campaigns remained grounded in national themes.[33] The bulk of the content of an entire level of decision-making was thus largely ignored and left outside of the scope of the elections and, by extension, voter control.

For democracy to be meaningful, citizens must have options in terms of policy. This holds true even for ideals of representative democracy, wherein citizens have options in terms of affecting outcomes beyond the mere selection of deputies. As long as the European parliamentary elections cannot offer voters clear policy options, they are, to some extent, flawed.

In the elections to the European Parliament, decision-makers are selected nationally, but convene supranationally. Decisions taken in the Parliament are translated into legislation, which is eventually adopted on the national and local level of each member state. As European integration has progressed, the EP has gained increasing influence, transforming from an assembly with mainly consultative powers to an actual co-legislator, on par with the Council of Ministers in most fields of community law.

Hix vs. Moravcsik – Should we even try to further democratize the EU?

Moravcsik considers the debate on the democratic deficit to be flawed in itself, as it often holds unrealistic ideals of democratic polities as a comparison point to the EU, rather than existing European states. Further, he considers the introduction of more confrontational politics on a European level to be a doomed effort, for reasons of salience and a potential for populism.[34]

Hix, for his part, argues that as the EU project has already advanced far enough for its policy choices to produce 'winners and losers', consensual politics is no longer enough to legitimize the Union.[35] The disagreement thus lies in the perception of public dissatisfaction with the EU project and the conclusions to be drawn from this. Hix sees increasingly low voting turnout in European elections and negative public attitudes towards the EU as a significant problem, whereas

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33 If there was a unifying theme across the European Union, it was not EU politics, but the financial crisis. European Policy Centre, *Post-Election Analysis: Between apathy and anger – but no earthquake*: http://www.epc.eu/en/pb.asp?TYP=TEWN&LV=187&see=y&t=&PG=TEWN/EN/detailpub&l=12&AI=982.

34 Moravcsik, 'In Defence of the Democratic Deficit', p. 622; Moravcsik, 'The Myth of Europe's Democratic Deficit'.

35 As Hix has argued, EU integration has advanced to a level of politics which no longer produces mainly pareto-efficient results as the building of the internal market is no longer the focus of the institutions.

Moravcsik dismisses them as a result of a misguided attempt to glorify the EU project.

This paper agrees with Moravcsik on the basic tenet that EU politics need not be exciting as such in order to continue to produce beneficial results. Nevertheless, it agrees with Hix's conclusion that more substantive politics on an EU level would allow the EU to more legitimately pursue common goals, making the EU and with it its constituent member states more capable of exerting influence.

This state of affairs is likely to persist until political parties recognize the need for democratic politics on an EU level. Although considerable competences have been delegated to the supranational institutions of the EU, including the European Parliament, and by extension to the political groups in it, political rhetoric and debate is still very much framed in the national context. This disparity is best visible during the European elections and ultimately has negative consequences for the perceived democratic legitimacy of all levels of decision-making, not only that of the supranational level. In other words, an illusion of comprehensive policy-making on a national level is combined with the reality of multi-layered decision-making. National political parties, constrained by their European commitments are thus unable to offer a complete range of choices for voters. Also, it makes it difficult for voters to make informed choices on European issues, as the supranational dimension of decision-making appears to remain disconnected from the national one.

An apparently logical conclusion, often reached by 'euro sceptics' would be that the attempt to maintain supranational democracy on a European level has failed, and that decision-making powers should thus be relegated back to national polities. However, this line of argumentation does not take into account the necessity of supranational decision-making. A much more fruitful line of thinking involves a critical acceptance of the current state of affairs, an identification of the inherent problems and an attempt at finding solutions to address them, without abolishing the system itself. If there exists a disparity between political rhetoric and reality, a voter is justified in questioning the rhetoric first. An estimation of this paper is that this is already taking place, albeit incrementally. Political parties would be advised to take note of these trends and, instead of clinging to the status quo, adopt new practices more in line with changed realities. This would increase the legitimacy of the entire political system of both the EU and its member states.

VIII The Role of European Political Parties to Broaden the European Union's Legitimacy

Edwin van Rooyen and Gerrit Voerman

A large gulf still exists between Europe and its citizens. Political parties, which fulfil a mediatory role between citizens and governments, would have been able to help broaden the legitimacy of the European Union (EU). To what degree have they done so? A first way to answer this question involves determining the extent to which the process of European integration has received substantive support from parties. A second way entails examining the extent to which political parties have succeeded in forming European parties (also referred to here as 'Europarties') that represent citizens in the European parliament and reinforce democratic control at European level – and thereby create more opportunities for greater involvement among citizens. In the Netherlands, the larger, potential government parties were in favour of a supranational Europe, but very little of this support remains today. National political parties in Europe may indeed have started working together, but true party formation has only got off the ground to a limited extent. Greater EU legitimacy could be realised by taking institutional measures, such as the introduction of a partial European electoral list for European Parliament elections and the implementation of individual membership for Europarties. This will require the support of national parties, but they are often unwilling to offer this because they fear it will weaken their interests. Support for European integration and the formation of a Europarty is subject to limits, as will be demonstrated below.

Introduction

The issue of accountability and legitimacy of the European Union is a topic that has already occupied political scientists for a long time and did become socially significant during the past few years. 'Europe' is now a politically sensitive theme in EU member countries, particularly since the referendum on the Constitutional Treaty held in 2005. Spain, France, the Netherlands, Ireland and Luxembourg held referendums, with the French, Dutch and Irish voting 'no'. The replacement Treaty of Lisbon has since been ratified, but the government's approval due to the absence of a referendum has been criticised within the Netherlands.[1]

[1] The treaty came into force on 1 December 2009.

Accountability, i.e. rendering account to citizens, has a political and an administrative aspect. Within the European context, political accountability relates mostly to the selection and censure of the European Commission. The authority of the European Parliament in this regard has increased over the course of time, but is still subject to limits. The Parliament does indeed have the power to force the entire European Commission to resign, but cannot dismiss individual Commission members. The Parliament can reject the President of the European Commission nominated by the European Council, but not a nominated Commission member: it is only possible if the Parliament voices its disapproval of the nomination and exerts pressure on the Commission President to appoint a replacement. Political accountability in the EU also relates to decision-making in the European Council of Ministers, which occurs behind closed doors. As a result, national parliaments cannot perform their supervisory task properly, at least not in relation to the European actions of their ministers.[2] Researchers assume that the position of power of ministers in a European sphere compared to national parliaments and their own parties is strengthened as a result thereof.[3]

The system of 'ministerial responsibility' exists at national level for the sake of administrative accountability. Ministers give account for the actions of 'their' officials. Such a system does not exist in the EU. Individual commissioners can be reproached for developing insufficient initiatives within their policy area or for not being sufficiently decisive, but no procedure exists to dismiss them. In addition, there is no culture within the Commission where a commissioner or high-ranking official will resign out of a sense of duty.

The 'democratic deficiency' of the European Union is a broader concept that also includes the lack of the right of initiative for the European Parliament – reserved exclusively for the European Commission – and restrictions on the right to approve the budget. Greater openness and transparency in European policy and decision-making could increase the democratic value of the EU – the desire for this is well-known. A permissive consensus in favour of European integration still existed among the European public during the 1950s and 1960s. A large majority of European citizens in all member countries were either disinterested in European integration, and therefore had no opinion about the actions of their governments in that area, or supported by and large the efforts of their governments to deepen European cooperation.[4] Support among the population and legitimacy in turn have declined over the years. This can be deduced from European surveys conducted since 1973 and from the turnout figures for European elections, which

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2 This is not applicable when a ratification procedure is attached to the decision-making process of the Council. In that case, governments have to obtain the approval of their parliaments.

3 T. Raunio 'Why European integration increases leadership autonomy within political parties', *Party Politics,* volume 8, number 4, 2002, pp. 405-22.

4 S. Hix *The Political System of the European Union*, Houndmills and London, 2005, pp. 134-135.

show a decline from the outset.[5] Elections for the European Parliament are considered 'second order', which means they are viewed as less important than elections for the national parliament. Yet another aspect of the democratic deficiency has been indicated here. Partly because of the fact that it is only possible to vote for candidates of national parties in all member countries, elections for the European Parliament are never truly European elections: election campaigns remain stuck in national discussions about European themes. The European Parliament does not therefore represent a European electorate but a multitude of national electorates instead, which does not benefit its legitimacy. Moreover, European elections do not share the same significance as on a national level: members of the European Parliament are indeed elected directly by the population, but the result of these elections does not have an effect on the question who obtains power within the EU. A European government is not formed, after all. The European Parliament can still count on receiving attention during elections. Afterwards, however, it is almost completely absent for five years. Political parties provide ministers and parliamentary members who take decisions on EU level, and also about possible changes to the institutional EU structure.[6] But this is not the only reason why it is good to focus on the role of national political parties in a European context. Since time immemorial, political parties and interest groups have been the key linkage pins between citizens and government and in turn *the* central connecting mechanism between both domains. 'Interest group activity creates a system of functional representation operating alongside electoral representation', write the British political scientists Hague and Harrop, while political parties, according to them, are 'a necessary instrument in shaping the collective interest'. What political parties have signified and can signify in the relationship between the citizen and European government is therefore an important question.

It must not be forgotten that political parties fulfil a relatively limited role nowadays because of two fundamental developments: an external one, where the centre of political parties has shifted from civil society to the state and its institutions, and an internal one, where parties of mass movements have changed into organisations that are dominated by office holders.[7] In other words: 'mass parties' have made way for 'cadre parties' and have become increasingly dependent on the state for their continued existence due to dwindling membership. Civil societies allow themselves to be represented less and less by political parties than in the

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5 Ibidem, p. 135. The turnout figures for European member countries are respectively 61.99% (1979), 58.98% (1984), 58.41% (1989), 56.67 % (1994), 49.51% (1999), 45.47% (2004) and 43.0%. http://www.europarl.europa.eu/parliament/archive/elections2009/en/turnout_en.html.

6 National parliamentary members also play a role here of course.

7 Or, in the words of Katz and Mair, the 'party in public office' has won considerable ground from the 'party on the ground'. R. Katz and P. Mair, *Party Organizations: A Data Handbook on Party Organizations in Western Democracies, 1960-90*, London, 1992.

past. As a result, they are confronted by a serious legitimacy problem. When we refer to the significance of political parties in the relationship between citizens and European government, we must therefore realise that this significance is relatively limited from the very start. It appears, incidentally, that European integration has exacerbated, as such, the legitimacy problem of national political parties. Due to the transfer of administrative powers to European level, a certain erosion of the policy competition between political parties has occurred, according to the Irish political scientist Mair. This apparently happened in relation to scope for policy-making, policy instruments and the policy repertoire at the disposal of parties. Parties are therefore said to have fewer opportunities to create a distinct profile for themselves in relation to other parties.[8]

European integration position

What have national political parties now done to increase the legitimacy of the European Union? One way of answering this question is to evaluate the substantive positions of parties with respect to European integration. Do parties lend support to European cooperation and thereby contribute to the acceptance of 'Europe' among their members and the electorate? Various studies, from a comparative perspective as well, have been carried out on national and European election manifestos. We will limit ourselves here to the substantive positions taken by Dutch parties during the period 1951-2005.[9] We believe that the Dutch case is interesting because of the 'no' proclaimed during the referendum of 2005. How have Dutch political parties – including the VVD – dealt with European integration before and after 2005?

In the years following the Second World War, the five potential government parties in Dutch politics, the two Protestant-Christian parties ARP and CHU, the Catholic KVP, the social-democratic PvdA and the liberal VVD – which jointly occupied the majority of parliamentary seats – held differing positions on European integration. The PvdA and the KVP – the largest parties at that time – were the most positive, the CHU and the VVD were reserved to a lesser or greater extent, and the ARP was absolutely dismissive. Considerable value was attached to the independent position that the Netherlands had taken in the world. Within a short period, however, these last-mentioned parties changed their positions. On the one hand, this was due to the dire economic situation in the Netherlands

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8 With the policy repertoire, Mair refers to the prohibition of administrative practices that impede the functioning of the free market. He points to the process of negative integration. P. Mair 'Political Parties and Party Systems', in: P. Graziano and M. Vink (eds.), *Europeanization: New Research Agendas*, Basingstoke, 2007, pp. 154-67; 159-160.

9 This section is based on: G. Voerman, 'De Nederlandse politieke partijen en de Europese integratie', in: K. Aarts and H. van der Kolk (eds.), *Nederlanders en Europa: Het referendum over de Europese grondwet*, Amsterdam, 2005, pp. 44-63.

– they realised that closer European cooperation would contribute to a faster recovery of an economy severely damaged by the war – while on the other hand, this was because of mounting tensions between the United States (the West) and the Soviet Union (the Eastern bloc). Without exception, the election programmes of the large parties during the 1950s argued for a federalist form of European cooperation, which could be at the expense of national sovereignty to a certain degree. The VVD, however, believed that economic unity – the establishment of a common market – was a prerequisite for the realisation of political unification. The widely supported pro-European outlook was also expressed in the national parliament during this period. The VVD, for example, endorsed the creation of the European Economic Community (EEC), but was concerned that the EEC would become protectionist.

Interest in European cooperation began to fade among most parties due to stagnation in European integration during the 1960s. This did not mean, however, that they renounced their positions. They continued hammering away at a powerful continuation of European integration: economic cooperation had to become closer and lead to supranational political unification. Mere intergovernmental cooperation, as advocated by France, was definitely inadequate for most Dutch parties. The need to increase democratic parliamentary control, elect the European Parliament directly and expand European cooperation via the accession of other countries was pointed out. This federalist chorus also included the left-wing liberal party D66. After joining the national parliament, this party would emerge as the champion of European integration.

During the 1970s, at the time of 'Eurosclerosis', the major Dutch parties hung onto the need for the democratisation of the European Community by expanding the powers of the European Parliament and for a stronger position for the European Commission. Up until the 1990s, the position that Europe had to be formed along federalist lines continued to enjoy broad support. This pro-European harmony changed due to VVD leader Frits Bolkestein.

At more or less the same time that the VVD plainly stated that its goal was focused 'on a European Union on a federal basis, within which certain state duties are jointly represented that were previously reserved for the exclusive sovereignty of individual member states', party leader Bolkestein openly criticised the idea of a federal Europe because he believed there was no European identity upon which that political project could be based, for example. He wanted to restrict European integration to the internal, liberalised common market and argued that the Netherlands should stand up more strongly for its national interests.[10] Like all major

[10] In December 2005, his fellow party member Gerrit Zalm managed to secure a billion-euro reduction in the Netherlands' annual contribution to the European Union. For Bolkestein's view, see: G. Voerman, 'Een euroscepticus in Brussel? Frits Bolkestein, lid van de Europese Commissie (1999-2004)', in: G. Voerman, B. van den Braak and C. van Baalen (eds.), *De Nederlandse eurocommissarissen*, Amsterdam, 2010, pp. 261-293.

parties, however, the VVD did approve the ratification of the Maastricht Treaty in 1992. This was also the case with the Treaty of Amsterdam and the Treaty of Nice. Cracks started appearing in the broad consensus following the enlargement of the European Union with Central and Eastern European countries and Cyprus. During the national election campaign in May 2002, Hans Dijkstal, who succeeded Bolkestein, stated that the Netherlands should possibly use its veto against enlargement if agricultural policy and the structural fund were not reformed before the enlargement. The emergence of the right-wing populist Pim Fortuyn would strengthen the anti-European, nationalist protest in Dutch politics. Whether or not under the influence of his protest, the Christian democrats also placed more emphasis on the national dimension in addition to the VVD.

Despite the greater emphasis on the national element, the majority of established parties in 2005 were in favour of the European constitution. They generally believed that the constitution would make the EU more democratic and decisive and enable terrorism and criminality to be tackled more effectively. D66 was the greatest advocate of the constitution. The VVD had indicated earlier that it would prefer no constitution instead 'of a poor one in that case', but opted in favour of it nevertheless, partly because it incorporated the principle of the free market. There was little sign of any federalist zeal among the VVD: 'our identity remains secure thanks to a clear limitation of European tasks and our parliament's stronger hold on legislation from Brussels', said Jozias van Aartsen, the parliamentary leader of the VVD in the Dutch House of Representatives at the time.

During the referendum on the European constitution in spring 2005, criticism was clearly audible from the populist socialist SP in particular, which targeted the social democrats. The negative result was a shock for potential government parties, which had supported the constitution without exception, albeit not with equal conviction. It was clear that the broad parliamentary approval for this new round in European integration did not dovetail with support within society. Approximately 85% of parliamentary members supported the European constitution, but roughly 38% of voters who turned up shared that opinion. The obvious euroscepticism put them in an awkward position, but they nevertheless continued supporting European cooperation in elections for the European Parliament in 2009.

Can it be stated now that Dutch political parties supported European cooperation? The answer to this must be affirmative given that an unambiguous pro-European consensus existed among large, potential government parties for decades. These parties were confirmed advocates of far-reaching European cooperation, and appeared to represent the viewpoints and feelings of voters appropriately. Over the past decades, parties had become less outspoken defenders of the 'European' matter. Cracks started appearing in public support for closer cooperation[11] and the hesitancy of political parties, including the VVD, increased.

[11] J. Thomassen, 'Nederlanders en Europa. Een bekoelde liefde?', in: K. Aarts and H. van der Kolk (eds.), *Nederlanders en Europa: Het referendum over de Europese grondwet*, Amsterdam, 2005, pp. 64-86.

Potential government parties still advocate cooperation, but believe that this cooperation must be in harmony with the principle of subsidiarity, with the exception of D66. As already mentioned, the rejection of the European Constitution revealed how greatly opinions differed in the national parliament and among the electorate. The difference in opinions between the electorate and the elected probably grew smaller during the following years: studies have revealed at any rate that support for European integration among the Dutch population has remained just as great as prior to the referendum.[12]

Europarty development

A second way to examine what national political parties did to encourage the legitimacy of the European Union involves determining to what extent they contributed to the establishment of European party organisations. In this approach, national political parties begin cooperating in a transnational context in order to ensure the transfer of administrative powers to the European level of a proportionate amount of democratic control. Expanding the powers of the European Parliament can reduce the democratic deficiency, but European party formation can also help to this end. As the substantive and strategic agreement with a European party family increases, the party political control function on European level will be fulfilled more effectively – by common parliamentary groups in the European Parliament and an extra-parliamentary organisation for common programme development. The ensuing higher degree of accountability could increase the acceptance of European integration among party members and voters. In addition, a Europarty can take the organisational form of parties at national level, for example because it is based on individual party membership and partially undertakes the nomination itself, and ensures greater interaction between citizens (party members) and 'Europe', and a greater acceptance of the European administrative layer.

To trace transnational cooperation among national political parties in Europe we need to go back to December 1974, when the European Summit of heads of state and government (Paris) decided to hold direct elections at the end of the decade.[13] The expectation that the first direct European elections in 1979 would see the genesis of a political arena at the European level, in which the federations would play a role that was clearly marked and recognisable to the electorate, failed

[12] Support for membership in the Netherlands is also exceptionally high in comparison with other countries, as revealed by research carried out by the Netherlands Institute for Social Research (SCP) and the Netherlands Bureau for Economic Policy Analysis (CBP). See: SCP and CPB, *Strategisch Europa. Markten en macht in 2030 en de publieke opinie over de Europese Unie*, Den Haag, 2009, chapter A3; and idem, *Europa's buren. Europees nabuurschapsbeleid en de publieke opinie over de Europese Unie*, Den Haag, 2008, chapter A3.

[13] This section is based on: G. Voerman, 'From Federation to Party? The Formation of Political Parties in the European Union' in: *Fifty Years European Parliament. Experience and Perspectives*, Athens, 2009, pp. 203-228.

to come true, however. Voter turnout for the first European elections was low, and even lower for the next elections in 1984. Nor did these elections boost the development of the transnational, European federations of national parties in a supranational direction. On the one hand, this had been due to the relative impotence of the European Parliament: it was generally felt that, if the federations wanted to reinforce the strength of their positions, the powers of the Parliament needed to be considerably enlarged. On the other hand, this stagnation was also related to the wide-ranging internal political diversity of the federations, despite the fact that within the EU they tied together parties from the same ideological family in a single organisational unit. National differences had an important effect. The federations' capacity for decisive action was also held back by their organisational weakness and their far-reaching dependence on the parliamentary groups for their funding, staffing and accommodation.

The Federation of Liberal and Democratic Parties of the European Community (abbreviated to ELD) was launched in March 1976.[14] One of the founders was the VVD. From the outset, the Federation's internal cohesion suffered as a result of its broad political heterogeneity, with some affiliated parties positioned in the political centre, and others further to the right (like for instance the British and German liberals) – and sometimes belonging to the same country. Although the term 'federation' – as opposed to 'party'– was explicitly chosen, its statutes, congress and executive committee were empowered to adopt (qualified) majority decisions (of two-thirds of the vote).[15] In a formal sense this to some extent curtailed the autonomy of the affiliated parties, and 'there are often cases where a party finds itself in a minority position and outvoted'. In practice, the affiliated parties, all of which set great store by their independence, usually tried to reach consensus.[16] The ELD also had supranational powers in other areas. For example, it was supposed to approve the national candidate lists for the European elections (although this never in fact happened).[17] The ELD parties were also obliged to work with the jointly drafted programme during the campaign for these elections.

In the early 1990s the federations entered into a new phase, thanks to new opportunities arising out of further widening and deepening of European integra-

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14 The word 'Democrats' had been added because not all affiliated parties wished to call themselves Liberals. In 1986, after a few parties from Mediterranean countries had joined, the ELD changed its name to Federation of European Liberal, Democratic and Reform Parties (ELDR).

15 C. Sandström, 'European Liberal, Democrat and Reform Party', in: K.M. Johansson and P. Zervakis (eds.), *European Political Parties between Cooperation and Integration*, Baden-Baden, 2002, p. 120.

16 R. Hrbek, 'Transnational links: the ELD and Liberal Party Group in the European Parliament', in: E.J. Kirchner (ed.), *Liberal Parties in Western Europe*, New York, 1988, pp. 460 and 468. See also: Sandström 'European Liberal, Democrat and Reform Party', p. 101.

17 J. Lodge and V. Herman, *Direct Elections to the European Parliament: a Community Perspective*, London, 1982, p. 207.

tion. From 1987 onwards, successive treaties had strengthened the supranational character of the EC, in particular because the European Council of Ministers could increasingly take decisions based on qualified majority voting and because the powers of the European Parliament were extended.[18] This in turn made the federations stronger, as demonstrated by their formal recognition in the Treaty of Maastricht. At their insistence, and for the first time in a European treaty, a formal reference to the transnational European parties was included and their importance acknowledged.[19] On the one hand, the federations needed to promote awareness within the Union (by bringing it closer to voters) and on the other to represent citizens in the European political arena. In the main Europarties, conferences of national party leaders (frequently also heads of government in the case of the christian democrats and social democrats, the liberals were less well off), preceding the meetings of the European Council, were institutionalised. These conferences were also attended by the most prominent political associates within the EU institutions, such as European Commissioners. The creation of this forum of national party leaders was linked to the restriction of the power of national veto within the European political process, which had increased the room for political manoeuvre.[20]

In December 1993, the ELDR replaced the term 'federation' in its name for 'party' and was henceforth called the European Liberal, Democratic and Reform Party (ELDR).[21] Just before that, decision-making procedures had also been modified: instead of requiring qualified majorities, decisions could be taken with ordinary majorities. In principle, this meant that member parties relinquished some autonomy to the European party alliance. According to the Swedish political scientist Sandström, the new procedure was little used at first: 'The newly created party would still use negotiations as the primary method of reaching common decisions, emphasising the confederal composition of the ELDR.'[22] Majority decision-making, however, would gradually be used more and more frequently, also on more politically sensitive issues, which, in a way, made the ELDR more supranational.[23] Others, like the former ELDR secretary general Wijsenbeek, are critical. Individual membership, however, proved to be too high a hurdle, as a

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18 For a detailed discussion on the role of the European Parliament, see: N. Nugent, *The Government and Politics of the European Union*, London, 2006, chapter 12.

19 The so-called party-article of the Treaty of Maastricht stated: 'Political parties at the European level are important as a factor for integration within the Union. They contribute to forming a European awareness and to expressing the political will of the citizens of the Union.'

20 S. Hix, 'The transnational party federations', in: J. Gaffney (ed.), *Political parties and the European Union* (London 1996) 323; S. Hix and C. Lord, *Political Parties in the European Union*, Basingstoke, 1997, p. 190.

21 D. Hanley, *Beyond the Nation State. Parties in the Era of European Integration*, Houndmills, 2008, p. 119.

22 Sandström, 'European Liberal, Democrat and Reform Party', p. 102.

23 Ibidem, p. 103.

majority of member parties feared that this would imperil the national party organisations.

In the 1990s, the organisational structure of the ELDR was also modified. A new body was created between the congress and the board: the Council. This body, representing all member parties, convened more frequently than the congress. Owing to the increased competences of the European Parliament and the ELDR's wish to coordinate their member parties' positions prior to European Council meetings, mutual contacts under the ELDR banner greatly increased. The party leader meetings were institutionalised in 1995 and the relationship between the parliamentary group and the Europarty changed formally: the statutes specified that the group should represent the ELDR in the European Parliament, which somewhat restrained the autonomous position of the MEPs. After the 1990s, ties with the member parties were strengthened. The 'national' party secretaries met under the ELDR banner, representatives of the Europarty stepped up their visits to national party meetings, and national parliamentarians visited their group in the European Parliament. The ELDR logo appeared increasingly on member party publications. The debate about the introduction of individual membership also started, this may also be considered a means of improving national party grassroots involvement in the ELDR.

The Europarties were most disappointed that recognition in the Treaty of Maastricht did not extend to financial support. In order to properly carry out their tasks in the European political process (to which the Treaty of Maastricht alluded), it was entirely logical that the Europarties should be given funding – certainly bearing in mind the increasing costs due to the geographical scale on which they were expected to operate. Despite discussions on this matter, the Treaty of Amsterdam, concluded in October 1997, brought no changes. In 2000, the leaders of the five largest Europarties urged the drawing up of a party statute containing a financial regulation. This was prompted in part by growing criticism of the way in which the large Europarties in particular were supported financially and in other ways by their Eurogroups.[24] In 2000, five to ten percent of the 35 million euros in EU funding received by the groups went to the Europarties. The European Parliament itself also pressed for regulations to promote financial transparency.

The Treaty of Nice, concluded in 2001 and coming into effect in 2003, announced a statute of political parties at European level. Article 191 reiterated the words of the Maastricht and Amsterdam treaties but added: 'The Council… shall lay down the regulations governing political parties at European level and in particular the rules regarding their funding.'[25] It was not until November 2003 – so half a year before the European elections of June 2004 – that the European

[24] S. Day and J. Shaw, 'The Evolution of Europe's Transnational Political Parties in the Era of European Citizenship', in: T.A. Börzel and R.A. Cichowski (eds.), *The State of the European Union: Law, Politics, and Society*, Oxford, 2003, p. 157.

[25] K.M. Johansson and T. Raunio, 'Regulating Europarties: Cross-Party Coalitions Capitalizing on Incomplete Contracts', *Party Politics*, number 11, 2005.

Parliament and the European Commission established 'the regulations governing political parties and rules regarding their funding at European level'.[26] Europarties wishing to be eligible for EU funding needed to at least have legal personality, and have participated in elections to the European Parliament (or have expressed the intention to do so). Moreover, they had to be represented in supra-local parliamentary bodies in at least a quarter of the member states, or to have gained in at least a quarter of the member states no less than three percent of the votes cast in each of those states during the most recent elections for the European Parliament. Their programmes and actions had to respect the fundamental principles of the European Union ('freedom, democracy, respect for human rights and fundamental freedoms as well as the constitutional state'). They were obliged to provide a statement of all donations above 500 euro and were not permitted to receive anonymous donations, monies from companies on which the government could exert influence, or sums of more than 12,000 euro. EU funding could only be spent on 'administrative expenses, expenses associated with logistical support, meetings, research, cross-border events, studies, communications and publications'.

The party statute had a major impact on the Europarties, in particular because of the explicit stipulation that 'donations from the budgets of political groups in the European Parliament' were no longer permitted. Because the Europarties could also claim funding from the European Parliament, they now became more autonomous – in a financial sense at least –, although in terms of resources they still lagged far behind the Eurogroups. At the same time, the statute regulated the financial relationship between the Europarties and the member parties. It was stated that the former should not use the granted funding 'to fund, either directly or indirectly, political parties at national level'.

The funding regulation led to the creation of newly funded organisations as in December 2007 'European political foundations' became eligible for financial support (amounting to about 5 million euros). They have to promote debate about Europe and to involve citizens in this dialogue, and are expected to play their part in boosting the representative role of the Europarties. All large Europarties quickly set up a foundation, which usually took the form of a network of member party think tanks. The liberals founded the European Liberal Forum. The foundations assist the Europarties with underpinning and developing policy, which might theoretically improve their position vis-à-vis the Eurogroups.

In the second half of the 2000s, Europarties pressed ahead with their efforts – outside the campaigns for the European elections – to raise their profile among their supporters within member parties and beyond. The ELDR introduced individual membership (but was not able to translate it into practice), the European Green Party (EGP) registered those who were interested as 'supporters', and the Party of European Socialists (PES), mobilised 'activists' to help prepare for the

[26] *Official Journal of the European Union*, 15-11-2003, L297/1-4.

2009 elections. Some Europarties organised campaigns in-between elections to reach a broader audience. In 2005 the PES launched the 'Social Europe Initiative', intended as a dialogue between politicians and voters. The EGP began a campaign in the European Union against climate change, using the same slogans and posters in different countries. In doing so, the Europarties not only drew their existence to the attention of a wider audience, but also further shaped their own identities. Publications on individual party histories worked to this same end.[27]

Of course national political parties did not succeed in creating true political parties at European level. Parties have their roots at national and sub-national level, and as long as a European government has not taken shape there will be no European party, at least not with strong supranational elements. Europarties have not been very successful in attracting individual members and voters, although initiatives have been taken to stimulate participation within their organisations. And although in general they have achieved only limited success in carrying out these tasks, Europarties have acquired a broader range of representative roles. This also holds for the ELDR. Nowadays, Europarties have a much bigger focus on processes of common policy-making than in the beginning. They have succeeded somewhat in raising their political profile and improving their ability to set agendas. The advent of affiliated political foundations might reinforce this trend. The Europarties have also proved effective at coordinating the views of party and government leaders to enable them to influence the decision-making processes of the European Council.

Conclusion

It is difficult to determine how significant national political parties have been for the acquirement of or increase in the legitimacy of the European Union. In relation to the Netherlands, it can be concluded that the larger political parties fully supported European integration from the outset. Potential government parties had no problem surrendering part of their sovereignty if doing so would ensure beneficial cooperation in a European context. During the 1990s the VVD revealed another critical position with respect to Europe. Due in part to these reservations and the populist criticism that followed in the new millennium, the parties toned down their supranational intentions considerably and started placing more emphasis on national dimensions. Furthermore, it became evident that national parties were unable to form a party at European level that could reduce the democratic deficiency substantially. However, it must be noted at the same time that substantive and strategic cooperation between political parties from the same party families is growing.

Political parties can increase the legitimacy of the European Union in the fu-

[27] J. Ballance and S. Lightfoot, 'The Impact of the Party Regulation on the Organisational Development of Europarties', www.leeds.ac.uk/jmce/dum_papr.htm, pp. 12-13.

ture by strengthening regulatory institutional mechanisms first of all. The Treaty of Lisbon was another step in this direction. A following step would be to give citizens more direct influence. Political parties are the obvious organisations that can enable this. Firstly, parties should permit individual membership of Europarties – insofar as they have not done so already – and stimulate this in practice. Such encouragement has either not or barely occurred up until now. Secondly, greater involvement in European elections could be achieved if not only members of the European Parliament but also the President of the European Commission are elected. The expectation is that this will make voters feel more involved in the setup and functioning of European government. The President of the European Commission no longer receives his mandate from national governments or the European Parliament, but from the electorate. Consequently, this will become an important factor in public opinion. Thirdly, electoral lists for the European Parliament should comprise partly national and partly European candidates from now on. This – in combination with the election of the Commission President – would initiate real discussions about European themes during election campaigns. A further step would entail allowing the outcome of the elections to be disclosed in the legislative and executive process at EU level: a government that relies on a majority in the European Parliament and must be accountable to that parliament. The increased accountability accompanying these reforms will benefit the legitimacy of the European project.

Political Commentators

IX Europe's Core Business

Frits Bolkestein

Dutch policy on the European Union has undergone a remarkable swing. Initially, little evidence of any form of enthusiasm was apparent. Prime Minister Willem Drees was critical. First, he believed that the European project would cost too much money. Second, he feared that it would be dominated by Catholics. Third, he was afraid that protectionist continental powers would shift the Netherlands' focus on maritime free-trade.

However, this critical attitude gave way to enthusiasm during the 1970s and 1980s. Dutch policymakers even strived after a European federation. Each member state of the European Union cherished its own ideal. The French sought European support for their national ambitions. The Germans wanted to be acknowledged as a normal country again. The Belgians strived for a solution to their regional problems. The Italians desired to be viewed as European. The Dutch believed in a world without power. Ever since Hugo Grotius, legalism has been deeply entrenched within the Netherlands.

All these countries had lost the Second World War in one way or another. Only Great Britain had won this war, which perhaps explains why it limits its ideals to the internal market. The British want a large integrated European market. That is in their interest but their ambitions do not really extend any further. The EU has never been popular in England, which explains why they try to dilute the EU as much as possible.

During the 1960s and 1970s the Netherlands pursued two conflicting ideals: the first was the accession of the United Kingdom because that country could counterbalance the continental powers of France and Germany; the second was a federal Europe because this would protect small member countries from larger ones. The law would curtail the power of larger member states. The British, however, did not want a federal Europe, which they referred to as a 'European Superstate'. Back then, Dutch European policy therefore limped along on two mutually conflicting views.

Nowadays, no-one talks about a federal Europe anymore, except in Belgium since the Belgians believe that it will solve the problem of their communities. It is patently obvious that most member countries do not desire a federal Europe. The British, as already stated, do not. The Polish and the Spanish do not either, just as the Czechs. There is therefore no point in thinking about this any further.

If not a federation, what is the EU then? It is indisputable that the EU does have certain federal features. The European Parliament, the European Commission, the Court of Justice of the European Union and many policy areas such as the internal market, competition policy and international trade policy are indica-

tive of this. But it does not extend any further than that. There is no European language, no European legal system alongside the treaty and no European public opinion. Consequently, there is no European nation. All things considered, the European Union is a conglomerate of states that wish to implement certain tasks in a federal manner and have promised to observe specific rules. Whether they actually do so is another matter.

One of the reasons for being fearful of a federal Europe is that Brussels would start interfering in too many tasks. This fear is real since there is no institutional brake on the activities of Brussels. The European Parliament wants the Commission to involve itself in just about everything. Someone even had the audacity to request an initiative aimed at obesity. The European Commission itself displays the familiar bureaucratic complex: more tasks mean a greater budget, more personnel and larger offices. National ministers sometimes try to push through an initiative that enjoys no support at home. A Belgian minister for consumer affairs, for example, once confided to me that she was contemplating an initiative on accidents at home. When I asked her how that related to the subsidiarity test, she replied that I did not have to worry about that.

Does subsidiarity play the role it ought to? I am afraid not. I have asked the Commission time and again how an initiative – the energy management of large buildings, the Working Hours Act in Great Britain – related to subsidiarity. My warnings were always brushed aside. The following mistake was invariably made: if a matter was useful or desirable, it was thought that the European Commission had to undertake it. In that case, there is no end to it of course.

This underlines the importance of a discussion on core tasks. The Prodi Commission, which I sat on, held twice such a discussion. The conclusion on both occasions was that 99.5% of everything we did was a core task. This was not the case, of course, but if someone says what another does is not a core task, that is considered an unfriendly act. People therefore leave one another alone. Consequently, the discussion must be conducted outside the circuit.

I believe that the EU has the following core tasks:

1 Remove obstacles for traffic between member countries. This concerns a significant part of the economic dimension: the internal market, competition policy, foreign trade.
2 Tackle common problems, such as environmental pollution, the Mafia, terrorism and energy policy.
3 Utilise advantages of scale, such as foreign policy and monetary union.

Permit me to delve into some of these examples. The internal market is still far from perfect. My proposal for a services directive was heavily amended. My proposal for a code on cross-border takeovers of companies was defeated by 273 to 273 votes. My proposal for liberalising the aftermarket for visible car parts was accepted by the Commission but then disappeared into a drawer. So no-one can

state that the internal market is finished. A great deal still needs to be done, particularly because member states always want to do what is not permitted. When I left Brussels, I had a pile of 1,500 infringement cases. Nowadays, we see French President Nicholas Sarkozy toying with the idea of 'economic patriotism'. He wants 'national champions'. I also want champions, but then preferably European ones. And if President Sarkozy wishes to favour French companies over non-French ones, that is illegal. If a member country continues to infringe, the matter may end up before the European Court of Justice. For example, I had to take Germany to court over the so-called Volkswagen Act (VW-Gesetz) to get what I wanted.

The second core task involves dealing with common problems. We are entering difficult territory here as the police and the judiciary are still regarded everywhere as national tasks, just as social affairs. These matters lie at the heart of politics. This explains the unanimity that in most cases is required here. Nevertheless, the Mafia and terrorism are pressing problems. The level of cooperation nowadays is considerably greater than in the past but something as simple as exchanging information still encounters difficulties from time to time. Our fellow countryman Gijs de Vries knows all about that.

There are more common problems. The EU lacks an energy policy even though everyone knows that this problem is becoming more pressing every year. The reason for this is disagreement on nuclear energy. In my opinion, nuclear energy is essential for coping with the energy crisis – in part at any rate – but not everyone shares this view. In the Netherlands, we shall probably have to wait until our natural gas resources are depleted before any agreement is reached.

I fear, incidentally, that if the worst comes to the worst, large countries will go their own way and European solidarity will vaporise. A sign indicative of this is the gas pipeline that will run directly from Russia to Germany underneath the Baltic Sea, bypass Poland and the Baltic republics. The Polish were inadvertently reminded of earlier Russo-German agreements. In any case, Gerhard Schröder came out of it with a cosy job.

An huge common problem involves immigration from non-Western countries. I consider this to be the greatest problem confronting Europe today. If anywhere, this is where the European Commission should play a leading role. On two occasions I tried to put this topic on the agenda of the Prodi Commission. Both times, I was nearly accused of racism.

With regard to advantages of scale, I wish to say something about the monetary union and about foreign policy. The monetary union offers us two major benefits. Firstly, competitive devaluations are no longer possible. The Italian economy loses a small part of its competitive power every year. In the past, Rome compensated for this by means of a devaluation once in a while. This affected producers in the south of France and in Catalonia in particular. The Italians can no longer do this, which means that they need to implement reforms within the real economy. Nothing has happened owing to political opposition, which explains the economic crisis confronting Italy at this moment. It is no wonder that

an Italian minister argued in favour of leaving the monetary union, even though this would greatly increase the interest that Rome has to pay on its national debt.

The second benefit is that the euro naturally offers a significantly broader bases than each currency separately. That is of vital importance, particularly during times of monetary turmoil such as today.

These two benefits can only be taken advantage of if governments that participate in the monetary union do what they have solemnly promised. Those solemn promises, which would be adhered to strictly, are embedded in the Stability and Growth Pact. The most important criterion contained therein concerns the budget deficit. It should be in balance or surplus and may not exceed 3%. Germany and France are not taking notice of this agreement. One may wonder which agreement the major member countries will comply with if they fail to observe this one.

The second advantage of scale I referred to is foreign policy. It is obvious that everyone together can exert more influence than everyone separately. 'Either we all hang together or we shall all hang separately.' Foreign policy, however, is an important demonstration of sovereignty. Great Britain and France will never allow themselves to be outvoted by what they call the 'dwarves' – including the Netherlands. The matter is therefore in fact very simple: if the three major member states reach an agreement, a European foreign policy emerges as the other member states will fall in line. If they do not, as with Iraq, then not. Economically, the EU is a world power. Politically, it is a regional power.

In addition, the EU can play an international role via its normative ability in areas such as the World Trade Organisation, accounting standards and human rights.

We have focused on tasks, let us now talk about enlargement. The EU has just completed a major enlargement involving eight Eastern European countries and two islands. I supported the enlargement because I considered the dichotomy of Europe to be artificial. I believed that the Vienna-Prague-Budapest triangle belonged in the heart of Europe and still do so. Not that the new member countries have it easy. Reforming a command economy into a market economy is no simple task. Moreover, there are all kinds of political problems. But I am confident that these member states will be normalised after a transitional period.

I am less enthusiastic about Bulgaria and Romania. They have made an effort to obtain the desired EU membership. Now that they are in, their focus is slackening. Corruption and the mafia in particular are a cause for concern. The European Commission has few weapons at its disposal.

It cannot be denied that these two countries became members too early. They had to be members by 2007. Why? Because the European Council – that is the Council of government leaders – said so. We are paying here for the fact that members of this Council, with the exception of Jean-Claude Juncker, the Prime Minister of Luxemburg, have no idea how the EU functions. Furthermore, foreign policy has become increasingly the art of being nice to others. The Roma-

nians could not be allowed to wait for so long, surely? All the more so because they speak a Romance language! And Romania without Bulgaria then? That was not possible either. It has now been decided that a date for future accessions may never be specified again. It is too late to lock the stable door now that the horse has bolted. The European Commission is saddled with a problem.

While I am not enthusiastic about the accession of Bulgaria and Romania, I flatly oppose that of Turkey. I am not referring here to the Turkish-Cypriot dispute, freedom of the press and Article 301 of the Turkish Penal Code, the genocide of the Armenians, discrimination against Christianity nor the fact that the EU would border on Iran, Iraq and Syria after Turkey's accession. Nor am I referring to the fact that Turkey would then have the largest delegation in the European Parliament.

No, I am referring now to the consequences of Turkey's accession. And to European foreign policy, which wishes to be nice to everyone. After the accession of Turkey, Ukraine will be next in line. This country is eager to become a member. Member countries, however, are still indicating that this accession is not on their agenda. But ministers sing a different tune when they are in Kiev, namely that Ukraine can become a member as soon as it fulfils the Copenhagen criteria. This accession is then a step closer, especially because Ukraine has a powerful advocate in the Polish government. Ukraine is home to many Polish speakers owing to the borders that Stalin shifted westwards.

Ukraine's accession to the EU will open the floodgates. Belarus, Moldova and – why not? – the three Caucasian republics will be next. Together with the successor states of Yugoslavia, the EU will then comprise some forty member countries. What would such a Union look like?

I cannot emphasise enough how ponderously the machinery in Brussels functions. It took 35 years to create a statute for a European Company. In 1989, the liberalisation of post offices was discussed for the first time. In 2011, we shall hopefully have reached that point. Member countries will continue to ignore European legislation. This slowness, incidentally, is not because of the European Commission, but the member states.

I am afraid that a Europe made up of 40 member countries will not be capable of acting and that future historians will view the Europe of today as the pinnacle of European integration. The EU 40 will become a kind of OSCE. Consider the French adage '*Qui trop embrasse, mal étreint*'. And then the British will have got what they wanted.

This speech was delivered by Frits Bolkestein during the Teldersstichting Summer School held at the end of Augustus 2009 in Doorn, the Netherlands.

X Putting One's Own House in Order First The European Parliament Must Reform to Survive

Hans van Baalen

Since the first direct elections in 1979 the power of the European Parliament (EP) has increased substantially with every amendment of the Treaties. This power was not won by pressure from the electorate and their representatives, but conferred by the member states. Since 1979 voters have shown less and less interest in turning out for European elections. In 1979 the proportion of the electorate who went to the polls was still about 60%. On Thursday, 4 June 2009 it was only about 43%. Turnout in the Netherlands was 36.9% This means that the European Parliament may have power, but it has no legitimacy. It has no hold on the hearts and minds of the public. Members of parliament with no voters are in the end merely officials, operating in a political vacuum. If the members of the new EP fail to realise that and do not push for radical reform the European Parliament, whatever its powers, will become politically irrelevant. As the leader-elect of the VVD in the European Parliament I want to see the Parliament being given back to the member states and made into a model of parliamentary efficiency, political transparency and financial sobriety. Only this will restore the broken connection to our voters.

First of all the European Parliament must realise that democracy lives and functions at the member state level. This is where the battle for the power of the people and universal suffrage was fought. This is where people demonstrate and lodge petitions. This is where the knives are sharpened when ministers get into political difficulties and have to resign. This is where government governs on the basis of a majority in parliament, either structurally or on a case-by-case basis.

There is no such thing as a European people, a European public area with European media transcending national borders. That is not an opinion, it is a fact. So European elections are national elections, and the issues are to a large extent those of domestic politics. The European Parliament will never represent the will of the European people because there is no European people and no will of the European people. The EP is and remains an extremely valuable and necessary organ of scrutiny with quasi civil service characteristics, similar to the provincial states of Dutch province South Holland, for example. It must be reformed, not abolished.

It is worth noting that national elections are not only about domestic issues, but also about political parties' stance on Europe. The Dutch States-General and

their sister national parliaments are fundamental to European decision-making, because they send ministers, who initiate European policy at European level, to Brussels with a mandate to negotiate and when they come back they scrutinise the results achieved. If the Lisbon Treaty is ratified, the national parliaments will have a direct power to curb legislative proposals by the European Commission, the so-called 'orange card'.

Prior to 1979 the European Parliament consisted of representatives of the national parliaments. Dual mandates ensured that the EP belonged to the member states. There was no disjunction between Brussels and Strasbourg and, in our case, The Hague. Any suggestions that the dual mandate be re-introduced are met with scorn, anger and incomprehension in the glass palaces of Brussels and Strasbourg. It would be impossible not to combine them. But if the EP does not reform, the further decline of voter interest will herald its demise. The EP is very slowly becoming irrelevant as an elected parliament and only professional lobbyists and the European institutions themselves take any notice of it. 'Reform or perish' is the truth of it.

If in future the national parliaments were to elect the members of the European Parliament representing their countries, either from their own ranks or indirectly, then the EP would once again be a representative body which national politicians could not ignore. The European Parliament would have to concern itself with the broad lines of policy rather than the details. EU action to legislate on the finer detail must thus give way to the framing of broader, outline legislation. The First Chamber in the Netherlands, elected by provincial states though not necessarily from amongst provincial states, should be taken as the model by a reformed EP. The States-General can send members of the First or Second Chamber to the European Parliament or even people who are not members of parliament. Practical solutions must be found to practical problems such as the coordination of dates for sittings, recesses and elections. It is a matter of principle. The EP may not have the power to amend the Treaty, but it can push for change. Here too, and rightly, it is the member state governments and parliaments which have the final say.

The European Parliament must, secondly, concentrate on issues which it can influence directly. That means radically reorganising the finances of Parliament itself. The scandal over the expenses of British members of the House of Commons has done serious, and I fear permanent, damage to the 'Mother of Parliaments'. The European Parliament too has had an unending debate on double pensions, abuse of official travel and subsistence allowances and people signing attendance lists in order to claim expenses, when in fact they were not present at all. The Dutch Second Chamber has a watertight system that makes abuse or fraud impossible: a fixed allowance for all costs, based on objective criteria, and no per diems. You have to sign in order to vote, but it doesn't make you any better off financially.

There are no claims for expenses. Sobriety has to be the norm. In short, put your own house in order first.

Thirdly, the European Parliament must resolutely push to have its part-sessions held in one place only: Brussels. The eye-wateringly expensive and inefficient travelling circus between Brussels and Strasbourg has to stop. That is also the view of most members in the European Parliament. Most of the member states however, including France which is home to the seat of the European Parliament, have a veto on abandoning Strasbourg. France will not give up Strasbourg out of national pride. Germany values Strasbourg as a symbol of Franco-German reconciliation. Apart from Sweden and the Netherlands, none of the other member states care much either way. So the EP itself will have to take a lead if things are to change. The question now is what happens if the Parliament refuses to sit in Strasbourg? What sanctions can actually be applied to it? Will the Court of Justice in Luxembourg rule against Parliament because the issue of a permanent seat is included in the Lisbon Treaty? Will the Court not acknowledge that it is a self-evident right of a parliament to decide where it will sit? Perhaps before Strasbourg is abandoned the number of part-sessions there might be cut back, but here too the question is whether the Court will be prepared to call Parliament to heel and whether Parliament, for the sake of its own credibility, ought not be prepared to force an institutional crisis. The parliamentary watchword here might perhaps be 'the struggle makes us stronger'?

Fourthly, Parliament must give thought to the way in which it operates. The purpose of every parliament, historically, was to curb the powers of the monarch and restrict his room for manoeuvre. National parliaments and the EP too have broken with this tradition. Parliaments want governments to do more, make more rules, levy more taxes, offer more subsidies, et cetera. The European Parliament must steer a radically different course. That means the EP must accept all the recommendations of the Stoiber High Level Group, and these advocate scrapping about 15.000 items of European legislation. Scrapping them, not dragging its heels over them. The European Parliament must look at legislative proposals by the European Commission with a critical eye, asking one question only: can the desired objective be attained without these new rules? The EP must pursue framework directives which can be fleshed out at member state level. It must concern itself with broad policy objectives, not technical minutiae. 'The devil is in the detail', as they say, so let's leave him there.

As Mikhail Gorbachev put it, 'He who acts too late is punished by history.' The European Parliament and the European member states must make sure that this cannot be said of the EP and national parliaments over the course of the next five years. Europe must be given back to the member states.

Future

XI Conclusions and Future Policy Implications

Björn Wallén

'Democracy in the European Union? That's a fading Space Ship!' one liberal colleague bursted out, thus expressing a dramatic and fragile equilibrium, pendulating between rational perspicacity and emotional frustration.

From the sublime to the ridiculous there is only one step. This applies to democratic accountability, too. But as this publication wants to point out, let alone some variations in the argumentation of the writers, respect for European institutions such as the European Parliament must be earned from the citizens (voters). And these earnings do have a history, correlating with horizontal integration as the EU-family has enlarged during recent years, and the – stronger or weaker – sense of 'being European' expressed by fluctuating Eurobarometer survey figures.

There is no quick fix to restore democratic accountability of the EU from a specific liberal perspective, simply because there are different approaches among liberals toward the ongoing credibility crisis of European institutions. Referendums could be part of the puzzle – when handled with care – as Van Schie points out in his illuminating essay on casting votes and liberal cogitation. Here we deal with an elusive element bridging the gap between individuals and institutions, namely (lack of) *trust*.

It is obvious that stronger trust in European institutions cannot be mobilized simply and solely by traditional representative means, i.e. European elections that occur in a predictable way every sixth year. The European Commission has been fully aware that citizen participation is needed also between the elections. As a result, a wide range of information campaigns, active citizenship programmes and policy plans have been launched and accomplished during the first decade of this century. But where are the visible outcomes of these disparate European efforts, that merely seem to function as watermarks preserving status quo on the level of trust among citizens?

During the former Barroso Commision, Vice-President Margot Wallström from Sweden (DG for Communication) identified four major European challenges: the gap between people and policymakers, a real culture of cooperation, a multi-cultural Europe and a new Treaty. In fresh retrospect, and by my own experience of European Citizens' Consultations (ECC) in 2007 and 2009, there is no doubt about the level of ambition and the actuality of the challenges adressed. Still, some further actions are needed in the near future, indicated by the concluding remarks on policy implications.

A frequently repeated truism that citizens – and politicians Europewide – often tend to wear national glasses when looking at European policy issues could, with some flavour of irony, be called 'the mirror effect of Space Ship Eutopia'. This is quite a natural phenomenon; everyone captures his or her European picture that appears in the looking glass.

But for political parties the mirror effect is biased already because of shifting political power on national and European scenes (nota bene: European Parliament). One example, pointed out by young liberal MEP Carl Haglund from Finland: the Swedish People's Party in Finland is a minor party in the Finnish Parliament (9 seats out of 200), but more influential in the European Parliament than the five times bigger, conservative National Coalition Party in Finland due to the fact that the liberal ALDE Group (Alliance of Liberals and Democrats in Europe) is holding the balance between centre-left Socialists&Democrats (S&D) and the centre-right European People´s Party (EPP). For ordinary citizens in member states, this kind of political turnover is seldom translated into understandable colloquial language.

Now is the time to sketch out some concluding remarks on future policy implications for democracy in Europe. These are written as thesis/statements that (hopefully) run into further deliberations, not only within the context of ELF (European Liberal Forum), but on other European fora as well:

1 *There is a political and discursive tension between horizontal and vertical integration in Europe, strongly influencing European state-of-the-art policy making in the near future.*

Paraphrasing the famous words of Hamlet quote: 'To accept Turkey, or not, that is the question.' The contributing writers of this publication who mention enlargement issues show varying degrees of pessimism when it comes to possible EU-membership for Turkey. There is of course no automatic mechanism following the logic that New Treaty leads to new members. Liberals might think: well so. There is already enough work with the inner dynamic of EU-27. But on the other hand, there are candidate countries in a queue, knocking on the EU door: Iceland, Croatia, the former Yugoslav Republic of Macedonia and Turkey, as well as potential candidate countries from the western Balkan region. These negotiations will be continued anyway, thus – directly or indirectly - impressing any vertical policymaking effort during this decade.

2 *Citizen´s trust in European institutions has weakened, thus enforcing democracy in Europe to renew itself both top-down and bottom-up.*

To begin with: many papers, programmes and plans have been formulated in order to boost citizen´s trust and motivation to make themselves heard in European institutions. The Lisbon Treaty mentions the European Citizens' Initiative (ECI)

that requires one million citizens from minimum nine member states (a heavy task even for an e-democracy initiative). The Commission has adopted a White Paper on Governance and a White Paper on European Communication Policy, as well as the previously mentioned Plan D for Democracy, Dialogue and Debate. The Council of Europe has published vast materials on citizenship education and established forums for the future of democracy etc.

But coming to the core: loads of papers do not do the real work. Citizens' trust is a tricky one, something that must be (l)earned in the long run, and maybe lost in a day. Neither managerialism nor bureaucratic regulations work in favour of more trust. We need a simultaneous process of multi-level governance and multi-level democracy, that offers tailor-made tools for increased citizen participation. Sometimes local consultations, citizens juries or referendums could be used by individuals and NGO's, other times E-democracy works as catalysts of civic activity. Note – this does not reduce the influence of political parties – on the contrary, higher participation will have a spill-over effect on party membership and voting activity.

3 Beyond inflated political rhetoric and public opinion, Europe needs branded actions re-legitimizing its position both in the eyes of individual citizens and global political actors.

Prior to the year of 2010, few would have associated Greece with European instability; most people would have thought of flourishing tourism. The same kind of image dropdown happened to the common European currency euro. As Commissioner for Economic and Monetary Affairs, Olli Rehn (ALDE, the Centre Party in Finland) puts it: 'The key word is *confidence*. In order to strengthen the economic recovery and pave the way for sustainable growth, we need to restore and reinforce confidence into the European economy by delivering on all fronts: safeguard financial stability in Europe, pursue growth-friendly fiscal consolidation, conclude financial repair and reform, advance structural reforms, and reinforce economic governance.'

Similar branded actions are needed also in other areas of European policy making, whether tackling global warming and climate change after the insipid Copenhagen Accord, fighting poverty in developing countries, or following up the EU 2020-strategy adopted by the European Council. Deliberative actions speak louder than words of, by and for the people.

List of Contributors

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About the European Liberal Forum

Founded in the fall of 2007, the European Liberal Forum, asbl (ELF) is the non-profit European political foundation of the liberal family. ELF brings together liberal think tanks, political foundations and institutes from around Europe to observe, analyse and contribute to the debate on European public policy issues, as well as the process of European integration. These objectives, it is believed, can be achieved through education, training, research and the promotion of active citizenship within the European Union.

The role of the European Liberal Forum is to host European conferences, seminars, and workshops, issuing publications and conducting studies on policy issues of liberal interest. Of particular interest is the active participation of young European citizens. The ELF is ambitious in informing and involving the public in the construction of a united European democracy.

www.liberalforum.eu

About the Prof.mr. B.M. Teldersstichting

The Prof. mr. B.M. Teldersstichting (Telders Foundation) is the Dutch liberal think tank, affiliated to the political party VVD. The Teldersstichting was founded in 1954 as a completely independent liberal think tank. In 1972 a link with the VVD was established, but as organisation and in policy formulation the think tank remained independent.

The Telders Foundation publishes policy papers and books on all kind of political and societal topics, liberal philosophy and history. Apart from several conferences, an annual Telders Lecture is held, in which we invite an influential scholar or politician from abroad in order to stimulate the Dutch debate with original liberal thoughts and insights. Talented, promising students of Dutch universities are selected to take part in the liberal summer school of the Telders Foundation. The quarterly journal of the Telders Foundation is *Liberaal Reveil* and every two months our electronic newsletter *Vrijpostig* is being published.

The Telders Foundation does not choose for one exclusive variant of liberalism, but the classical thinkers of liberalism always appear to be an important source of inspiration. For us the freedom of the individual is most fundamental. Therefore, we consider it as essential that a free and democratic society, in which there is no accumulation of power and public power is always democratically controlled and legitimized (checks and balances), will survive.

www.teldersstichting.nl

About Lokus

Lokus is a liberal think-tank that operates from civil society activities, with the following focus:
Think-tank Lokus focuses on the Swedish in Finland. We support an inclusive interpretation on the Swedish, where language is a central sign mark for an active citizenship, without propagandistic exaggerations.

Think-tank Lokus thinks big about the small; human beings, contextuality and democracy. Citizens are mostly interested in political questions that are glocal – a mix of local and global. Lokus works for a dynamic relation between big and small democracy.

Think-tank Lokus is an inclusive meeting place among citizens that speak one or more languages. The Swedish in Finland needs positive metaphors rather than threats.

Think-tank Lokus sketches desirable futures with a social liberal profile. The whispers of today are the calls of the future. Values and ethics should be important guidelines also in politics, needing to rediscover and renew its basic ideologies. Lokus has a social liberal profile and we defend the welfare state.

Lokus is linked to the Svenska folkskolans vänner (SFV) association and was founded in 2006. We publish lampoons, research reports and arrange meetings and seminars within an ideological framework.

www.lokus.fi

About Think Tank E2

The Society for Progressive Research (Edistysmielisen tutkimuksen yhdistys) was established in early 2006 to maintain a think tank based on progressive values and liberal ideals: think tank E2.

The think tank maintained by the society:

- acts as a forum for debate by gathering together experts from different fields and disciplines for innovative societal discussions
- initiates conversation on current issues and introduces new themes for open debate
- aims to foresee societal phenomena outside the field of daily politics
- contributes to the strengthening of think tank activities in Finland and their internationalization

Activities are divided into four programmes:

1 Sustainable development and society's ability to change
2 Equality of opportunity and prevention of social exclusion
3 Enhancing of citizens' political participation and grass-roots democracy
4 Finland as part of the EU and the international community

www.e2.fi