



Centripetal Democracy

Democratic Legitimacy and Regional Integration in
Belgium, Switzerland and the European Union

Joseph Lacey

Thesis submitted for assessment with a view to
obtaining the degree of Doctor of Political and Social Sciences
of the European University Institute

Florence, 29 June 2015

European University Institute
Department of Political and Social Sciences

Centripetal Democracy

Democratic Legitimacy and Regional Integration in Belgium,
Switzerland and the European Union

Joseph Lacey

Thesis submitted for assessment with a view to
obtaining the degree of Doctor of Political and Social Sciences
of the European University Institute

Examining Board

Prof. Rainer Bauböck, EUI (Supervisor)
Prof. Philippe Van Parijs, UC Louvain (Co-supervisor)
Prof. Hanspeter Kriesi, EUI
Prof. Nadia Urbinati, Columbia University

© Joseph Lacey, 2015

No part of this thesis may be copied, reproduced or transmitted without prior
permission of the author

Contents

Acknowledgments	v
List of Figures	vii
List of Abbreviations	viii
Abstract	ix

Introduction **1**

I Opening Remarks	3
II The Problematic	4
III Justifying the Comparative Approach	7
IV Overview of the Dissertation	10

Part One: Democratic Legitimacy and Centripetal Democracy **17**

Introduction to Part One	19
--------------------------	----

Chapter One: Democratic Process and Democratic Purpose –

In Pursuit of a Realistic Ideal **21**

I A Realistic Democratic Ideal	21
II An Account of Democratic Process	24
On the Idea of a Voting Space	25
The Structure of Democratic Process	28
Equality, Competition and Inclusion	30
III Democratic Purpose and the Principles of Democratic Process	33
The Principle of Democratic Equality	36
The Democratic Difference Principle	37
The Principle of Maximum Voting Opportunities	41
IV Navigating Conceptual Oppositions and Contrasts in Democratic Theory	44

Chapter Two – The Democratic Enactment of Representation **47**

I Three Senses of Democracy and Representation	47
II Representation as Fact	50
III Representation as (Political and Democratic) Activity	52

Political Representation	53
Democratic Representation	56
IV Representation as Democratic Value	63
The Virtues of Good Democratic Representation	63
Perversions of Democratic Purpose	68
V Centripetal Democracy	70
Conclusion to Part One	75
Part Two: Democratic Legitimacy in the EU	77
Introduction to Part Two	79
Chapter Three – Conceptually Mapping the EU	81
I The EU as a Political System	81
II Why Demoi-crazy?	85
III Demoi-crazy and the Meaning of Demos	91
IV Demoi-crazy: A Dual Compound Regime of Deep Diversity	94
Deep Diversity and Europe’s Community of Ignorance	95
Dual Compound Regime and European Governance	97
V The Demoi-demos Relationship	102
Chapter Four – A Democratic Assessment of a Demoi-crazy EU	105
I Five Hypotheses Concerning the Quality of EU Democracy	105
II The Impossibility, Undesirability and Satisfactory Nature of European Democracy	107
The Impossibility of European Democracy	108
The Undesirability of European Democracy	108
The Satisfactory Nature of European Democracy	109
III Statespeoples Control in the EU	114
Statespeoples Control of Treaty-making	114
Statespeoples Control of the European Council and the Council	117
III Citizen Control in the EU	119
Citizen Control of the Commission	119

Citizen Control of the EP	121
Technocracy, Collusion and Populism in the EU	124
IV The Public Sphere and the Role of Civil Society	125
Discursive Participation	125
Mobilisation	127
V The Democratic Deficit in Summary	130
 Conclusion to Part Two	 135
 Part Three: Testing the Lingua Franca Thesis –	
Belgium and Switzerland Compared	137
Introduction to Part Three	139
 Chapter Five - Belgium versus the Lingua Franca Thesis	143
I Validating the LFT?	143
II Political Community Formation in Belgium	144
Francophone Linguistic Dominance vs. Flemish Language Equality	145
Flemish Communalism vs. Francophone Regionalism	148
Francophone Federalism vs. Flemish Confederalism/Separatism	151
The Belgian Demos-demos Relationship	153
III Consociationalism and Federalism in Belgium	155
IV Democracy in Belgium	157
The Belgian Voting Space Compound	158
Democratic Representation: Authorisation, Accountability and Gatekeeping	161
Consociationalism and Democratic Representation	163
Centripetal Democracy Foregone	166
V The LFT Confirmed?	169
 Chapter Six – Switzerland versus the Lingua Franca Thesis	173
I Overcoming the LFT?	173
II Founding the Federal Confederation	174
From Confederation to Federation	174
Developing Direct Democracy	176

Pre-empting the Linguistic Cleavage	178
III Mono-national Switzerland and Competition in a Consensus Democracy	181
The Swiss Demos-demos Relationship	181
Representative and Direct Institutions of Democracy	184
IV Democratic Legitimacy and Centripetal Democracy in the Land of Popular Votes	187
Direct Democracy in Question: A Swiss Reply to Critics	187
Swiss Democracy as Centripetal Democracy	198
V The LFT Defeated?	201
 Conclusion to Part Three	 203
 Part Four: Conclusion	 209
Chapter 7 – Modelling Centripetal Democracy for the EU	211
I Affirming the Comparison: Belgium, Switzerland and the EU	211
II A Realistic Demos-cratic Ideal	213
Executive Formation and the European Party System	214
Direct Democracy: Primary Law	218
Direct Democracy: Secondary Law	221
III A New Representative Politics and the Maturation of the European Public Sphere	226
Visible Power and Identity-formation in a Less Populist EU	226
The Possibilities of and Limitations to Discursive Integration in the EU	230
IV Democratic Legitimacy in the EU – a Likely Scenario?	233
V Are there Alternatives?	237
 The Argument in Summary	 243
 References	 253

Acknowledgments

The oft recited cliché that “writing a PhD is a lonely road” has (mostly) rung hollow for me throughout these last four years. Reflecting back now on the many people involved, and those without whom the project could not have reached an acceptable condition, only serves to confirm this impression.

Rainer Bauböck, who has gone well beyond the call of duty in virtually every aspect in his role as supervisor of this dissertation, is heartily thanked. His extensive feedback on chapters as they were produced in the third and fourth years were just as crucial as his disciplined approach towards making sure the project was on solid foundations in the first and second years. Rainer’s willingness and enthusiasm to allow students great freedom in pursuing their own line of inquiry and in their own style is an approach that I have especially valued and from which I have directly benefited. Regular words of encouragement, much needed advice on non-dissertation affairs, and many other kindnesses won’t be forgotten.

These last thoughts are no less true for Philippe Van Parijs, who actively co-supervised this project from the third year onwards and made himself available for consultations of varying stripes – generousities for which I am particularly grateful given the many demands on his time from arenas both within and beyond academia. There is a much greater sharpness to the final product due to the tough challenges and helpful suggestions that came from Philippe, whose own work has helped shape the overarching theme of this project.

I also thank the other members of my jury, Hanspeter Kriesi and Nadia Urbinati. Hanspeter has been extremely kind with his time and a terrific interlocutor since joining the EUI in my second-year, especially in deepening my understanding of the Swiss case. These conversations, in addition to engaging with his work, have helped with many parts of the jigsaw. I am delighted Nadia has taken an interest in this project, given the important role her work has played in shaping my understanding of democracy as a normative and descriptive concept. For time dedicated and feedback on the final draft, I am very appreciative.

Alan Patten also deserves special mention, both for his willingness to serve as sponsor for a fruitful research stay at Princeton University’s Department of Politics and for his specific contribution to this dissertation in lengthy discussions over several chapters during my stay. This research period was sponsored by a Fulbright Schuman Award, an organisation to which I also extend my gratitude.

At the EUI, I benefited from many seminars and workshops, most importantly being those convened by Alexander H. Trechsel on the work of Peter Mair and Federalism and the EU. Coming from a background in philosophy, these courses were instrumental in getting me to better grips with some of the main political science literatures relevant to this project.

Although this dissertation benefited from a wide range of interlocutors at conferences, workshops and individual meetings I offer particular thanks to those who provided feedback on specific draft chapters and outlines. These include all of Rainer Bauböck’s supervisees over the period 2011-2015 in the context of PhD colloquia, especially those who served as in-depth discussants for my work: Leila Hadj-Abdou, Andrei Stavila, Bouke De Vries and Rutger Birnie. Other valued contributors elsewhere include Emilee Booth Chapman, Philip Pettit, Johannes Pollak, Michael Saward, Philippe Schmitter and Quentin Skinner.

The RIPPLE research group at KU Leuven, where some of the seeds for this project were initially planted and with whom I enjoy continued affiliation, also deserves thanks. MPhil supervision by Helder De Schutter, the joint seminars of Toon Braeckman and Tim Heyse, and subsequent RIPPLE events have been especially influential in this context.

Among the EUI administration, I wish to thank in particular Monika Rzemieniecka for diligently taking care of requirements related to the organisational side of this dissertation. Thanks also to all the library staff at the EUI for creating a great atmosphere in which to

work. Peter Kennealy is conspicuous by the fact that I never had to contact him in search of absent resources – exemplifying his great effort to meet SPS researchers’ needs – while Tom Burke’s pronounced openness for consultation to all members of the EUI is much valued.

Last but not least, I mention those who were part of the road in other ways. The support of my mother, Phyllis, has been as immense as it has always been. Words can’t do justice to this. The greatest gift of the EUI has been the opportunity to meet my partner, Erin, who has contributed in too many ways to list here. The North Dublin Critical Forum (i.e., my brothers Tom, Paul and Micheál) have not waned in their support and continue to be a major source of critical engagement on all things. To them, and the rest of my family who have been a great wellspring of support, I give my thanks.

Finally, the fondest of thanks to Chiara, Eliska, Francisco, Hugo, Joldon, Leo, Lorenzo and Stefano. These friends and many other friendly faces at the EUI will be missed, not least because of how they helped to transform this “lonely” road into something else entirely.

List of Figures

0.1 The Political System

2.1: The Dualist Model of Political Representation

2.2: The Tripartite Model of Democratic Representation (where Represented = Passive Auxiliary Audience)

3.1: A Conceptual Map of the EU

3.2: Direct and Indirect Sources of Legitimacy in the EU

List of Abbreviations

CSO – Civil Society Organisation

ECI – European Citizens’ Initiative

EU – European Union

EP – European Parliament

EWM – Early Warning Mechanism

IGC – Intergovernmental Congress

LFT – Lingual franca thesis on sustainable democratic systems

MEP – Member of the European Parliament

MLK – Martin Luther King Jr.

N-VA – New Flemish Alliance

QMV – Qualified Majority Voting

SVP – Swiss People’s Party

TEU – Treaty on European Union

TFEU – Treaty on the Functioning of the European Union

VNV – Flemish National Union

VU – People’s Union

Abstract

This dissertation aims to arrive at a model of democratic legitimacy for the European Union. There is, however, a strain of thought pre-dominant in political theory since the nineteenth century that doubts the capacity of political systems constituted by multiple public spheres to have sustainable democratic systems. This view is referred to here as the *lingua franca thesis on sustainable democratic systems* (LFT). It states that, in the absence of a common language for political debate, democracy cannot function well in the long-term as citizens existing in distinctive public spheres will inevitably come to have diverging preferences that cannot be satisfactorily resolved by a collective democratic process. Poor quality democratic institutions, as well as acute demands to divide the political system (through devolution or secession) so that state and society become more congruent, are predicted by this thesis.

To arrive at a model of democratic legitimacy for the EU, in light of the challenge presented by the LFT, three major steps are taken. Part One attempts to arrive at an account of democratic legitimacy as a realistic ideal for modern political systems. Understanding democracy as a system which strives to maximise citizens' equal opportunities for control over the decisions to which they are subject, the maximisation of electoral and direct voting opportunities for citizens is recommended, subject to certain practical constraints. Importantly, democratically legitimate institutions are identified as having important external effects, which amount to more than just the peaceful resolution of conflict. *Centripetal democracy* is the idea that legitimate democratic institutions set in motion forms of citizen practice and representative behaviour that serve as powerful drivers of demos-formation.

In the second part of this dissertation, an effort is made to both classify and normatively assess the EU. As a political system the EU is taken to be a *demosi-cracy*, or a democracy of democracies, whereby the *demosi* of the member states take sovereign precedence over the European *demos* constituting the citizens of Europe as a whole. While citizen's control over their respective governments' roles in EU decision-making is seen to have significant shortfalls, the major democratic deficiencies are detected in citizens' control over actors located exclusively at the European level. Overall, the absence of voting opportunities directly connecting citizens to European power ensures that the EU is not controlled by its citizens in a way that is commensurate with the power it wields.

If the EU is to democratise, it must be capable of dealing with the dynamics predicted by the LFT. Part Three of this dissertation analyses the sustainability of democracy in two political systems that bear striking resemblances to the EU, namely Belgium and Switzerland. Like the EU, these are multilevel and multilingual political systems attempting to organise themselves in a democratic fashion. Belgium proves to be a near perfect case for corroborating the LFT, its linguistic communities finding it increasingly difficult to coexist in one democratic community. Switzerland, by contrast, has managed to produce one of the most democratically legitimate political systems in the modern world, despite being fractured into linguistically distinct public spheres. As my conception of centripetal democracy predicts, however, the Swiss success in integrating the public spheres within one political system is in no small part related to the arrangement of its democratic institutions.

That being said, there are certain conditions that made the development of centrifugal forces more likely and centripetal democracy less likely in Belgium than in Switzerland. In Part Four, where I finally derive a model of democratic legitimacy for the EU, it is demonstrated that while many of the conditions that made centrifugal forces so strong in Belgium are not (or not yet) present in the EU, the conditions for the development of a legitimate democratic process are also generally lacking. This is especially true when it comes to the introduction of direct democracy at Union level, although there may be fewer obstacles to making European institutions more electorally accountable.

Introduction

I Opening Remarks

For most of its near sixty year existence the European Union (EU) has accumulated substantial governing powers without receiving much democratic input from citizens. Such observations have sustained decades of debate among academics and the upper echelons of European institutions in which the legitimate basis of the EU's long-growing influence has been under question. Yet so long as citizens perceived the EU as benign or even as having a generally positive impact on their welfare, these legitimacy concerns only occasionally found resonance in daily national debates. Enter the financial crisis and the EU is no longer thought to be delivering the goods. Over the last number of years citizens from across Europe have been pointedly asking key questions of legitimacy that strike to the core of the European project: What is Europe anyway? Who is making the decisions, and for whom? Why should these decisions be obeyed? In short, the financial crisis has exposed the EU's purported legitimacy gap to the popular mind.

This gap cannot be unseen and, despite signs of an economic recovery in the EU, it is reasonable to conjecture that the long-term future of this political system will in part depend upon its ability to improve on its democratic credentials. This dissertation is an attempt to better understand the problems of and prospects for democratic legitimacy in the EU. Methodologically, my approach may be described as comparative politics in the service of applied political theory. That is to say, by comparing the EU with political systems that face structurally similar challenges (Belgium and Switzerland), I aim to present a realistic ideal of democratic legitimacy for the EU. This involves first outlining a theory of democratic legitimacy, which is then used to analyse my three case studies, with a view to finally drawing lessons from this analysis for the future democratic development of the EU.

Before providing a more detailed overview of the structure and content of this dissertation, it is first necessary to outline in greater depth the central problematic and my comparative approach. The next section presents the problematic, which comes in the form of what may be termed the *lingua franca thesis on sustainable democratic systems* (II). Following this, I present my comparative approach by providing an account of how the idea of democratic legitimacy fits in to the political systems framework that is designed for and well-suited to the study of comparative politics (III). The final section presents an overview of the structure and core arguments of the dissertation (IV).

II The Problematic

Philippe Van Parijs adopts the uncontroversial view that democracy requires some kind of demos or unified people if it is to be sustainable in the long-run. He also endorses the increasingly prevalent position that a thin civic identity based on common commitment to political principles and projects is sufficient to constitute a democratic people, eschewing the historically popular notion that a demos must be reinforced by cultural homogeneity in the form of common ethnicity or religious commitment (Van Parijs 2011: 28-30). What he seeks to revive, however, is the 19th Century thesis famously put forward by John Stuart Mill (1862: 310) that the functioning of democracy requires a linguistically unified demos. The reason for this, according to Van Parijs, is that a lingua franca is essential as a fluent means of discourse by which citizens can communicate with one another and the governing authorities in the pursuit of public policy. Indeed, a lingua franca does not even require that all citizens have the same first language, merely that they have sufficient knowledge of one language in which communication can easily proceed. In Van Parijs' words (2011: 28), the emergence of a demos is 'facilitated, indeed made possible, by the availability of a common language'. And, in a phrase, there can be '[n]o viable democracy without a linguistically unified demos' (Van Parijs 2000: 236).

What is fundamentally at stake in this last proposition is the contention that multilingual contexts give rise to distinct public spheres of political discourse, such that the vast majority of citizens in the respective public spheres will access media and engage politically in their own language. Different public spheres, in other words, tend to go through different processes of opinion formation. But why should this be a problem? Underlying Van Parijs' assertion are several powerful presuppositions about the logic according to which democratic relations in multilingual political systems proceed.

First, it is assumed that the existence of linguistically distinct public spheres will serve to create different identities and corresponding socio-political cultures. Second, insofar as the public spheres do not undergo the same processes of opinion formation or adopt the same socio-political norms and styles, there is a high risk that different political preferences will emerge. Third, under these circumstances, political conflict will become crystallised around such differences between the linguistically demarcated groups, so that they each feel constrained by one another in pursuit of their own preferences. Finally, the inability of members from the distinctive public spheres to find satisfaction at the central governing level will weaken the demos by leading to demands among the public spheres for increasing autonomy from the central authority, to the limit of complete secession.

As Jan Erk (2008) observes in his study of deeply divided political systems, there is an ineluctable tendency for state and society to become congruent over time as people with the same socio-political culture wish to govern themselves with as little concession as possible to other political communities. The case of linguistically divided public spheres, as the above outlined logic suggests, is a forerunning example of this phenomenon. Historically speaking, this view appears to receive broad support insofar as nation-building in the nineteenth century standardly involved linguistic homogenisation in democratising states across the Western world, while acute political conflict has been a mainstay of the political scene in many political systems constituted by linguistically distinct public spheres.

The word “viable” is a key qualifier in Van Parijs’ above statement. There are two possible ways of interpreting this term, one that makes his claim an absolutist thesis and another that makes it a matter of degree. Given the continued existence of multilingual democratic states, like Canada, the absolutist understanding whereby *all* multilingual democracies are seen as ultimately doomed to failure seems highly doubtful. In fact, despite being a proponent of the view that democracy requires a unified public sphere, Van Parijs (2013: 61) is committed to the long-term viability of his native multilingual Belgium. Clearly therefore, his thesis should be understood as a matter of degree, not predicting the eventual demise of all linguistically divided political systems but rather insisting upon their inability to form a *demos* strong enough to undergird robustly democratic practices. In other words, the lot of multilingual democracies is to constantly grapple with identity crises and the democratic difficulties of dealing with distinct processes of opinion formation. While this does not guarantee the eventual failure of the system, it is expected to make them particularly vulnerable to the emergence and persistence of acutely conflicting, disintegrative and secessionist tendencies that stymie democratic institutions.

To avoid confusion between the absolutist and relative interpretations of Van Parijs’ hypothesis, we should give the latter its own explicit formulation since it is with this interpretation that the dissertation is concerned. Let us henceforward refer to the relative interpretation of Van Parijs’ view as the *lingua franca* thesis on sustainable democratic systems, or the *LFT* for short. It can be briefly stated as follows: “The less linguistically unified a political community, the more problematic is the establishment and sustainability of a democratically legitimate regime.” Put differently, the less likely it is that two people

chosen at random can communicate with one another in a political community, the more problematic it will be to have well-functioning and sustainable democratic institutions.¹

From this construction of the LFT, two closely related questions emerge. First, if the LFT is a matter of degree, then there must be circumstances extraneous to the supposed dynamics of distinctive public spheres in a democratic system that make the system more or less likely to succumb to these dynamics. Stated otherwise, are there forces that may mitigate some of the key factors leading to the more extreme consequences predicted by the LFT? Second, if it is possible to mitigate the consequences expected by the LFT, can it then be overcome entirely or neutralised under certain conditions?

While the attempt to answer these questions will be relevant to any multilingual political system, this dissertation is concerned with the EU, which is fragmented into several dozen public spheres of political debate. As a relatively young political system, with simultaneous claims and aspirations to democratic legitimacy and supranational identity formation, the EU may not serve as an especially good case for testing the main claims of the LFT. On the contrary, the extent to which we accept the validity of the LFT and its presuppositions will have a major impact on how we understand the problems and prospects for the achievement of democratic legitimacy in the EU. Should this political system find itself in an especially poor position with regard to the LFT, there may be low lying limits to the improvement of European democracy.

In order to test the LFT in a way that is relevant to the EU, I propose to assess the democratic performance of political systems that have had to confront the LFT and which bear closest resemblance to the EU *qua* political system. That is to say, I have not chosen my cases on the basis of population size or socioeconomic development, but on the resemblance of the cases to the EU's political organisation. In my view, this narrows the range of instructive cases down to multilevel and multilingual political systems with claims to democratic legitimacy. On the basis of these criteria several contemporary cases immediately come to mind, most prominently Belgium, Canada, India and Switzerland, though there are others worthy of attention. A more complete analysis would involve comparing the EU with at least these political systems, yet the limits of this dissertation dictate the choice of two.

Though I have explored the possibility of comparing several other cases, an initial review of the literature suggested that Belgium and Switzerland would produce especially valuable comparative insights as the former has historically struggled in dealing with the

¹ Thanks to Van Parijs for assistance in reformulating his hypothesis in this way.

existence of distinctive public spheres whereas the latter appears to have met with more success. Canada would seem to be a mediate case that has been in many ways more successful than Belgium yet less successful than Switzerland in managing multilingualism. India, however, is still developing as a democracy and increasingly effective at making the LFT less relevant by making both English and Hindi strong lingua franca contenders. Indeed, should the dynamics expected by the LFT drastically limit the prospects of democratic legitimacy in the EU, observing the Indian case may become especially valuable.

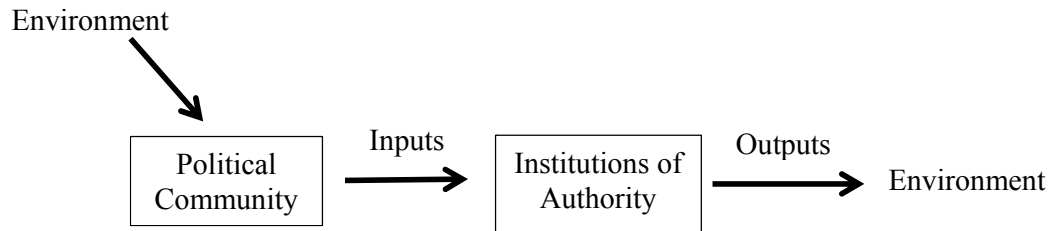
III Justifying the Comparative Approach

My theoretical approach formulated in the first part of this dissertation is concerned with providing an account of democratic legitimacy. What I wish to do now is substantiate my assumption that the EU, Belgium and Switzerland can be systematically compared from the perspective of a theory of democratic legitimacy. This means specifying what I mean by the term political system – which I have already been using above to describe my case studies – and how the idea of democratic legitimacy relates to this wider concept. According to David Easton (1957: 385), a political system is the totality of actions related to the making of binding decisions for a given society and has three main components. *Political community* he defines as those who are included in the political system and are aware of themselves and others as being so included (Easton 1965: 177). Though Easton speaks about the political community in terms of persons, his insistence that the political system framework applies to both states and the international arena suggests that territorial units like nation-states themselves can be equally regarded as constituting the political community of a political system (Easton 1965: 172). The *regime* is simply the set of rules and values articulating the institutions of authority and setting the norms of daily political life (Easton 1965: 193), whereas the *government* is just those personnel who happen to occupy positions in the institutions of authority at a given time (Easton 1965: 212).

From the general environment, encompassing all social relations, emerge wants. Some of these are converted into political demands that are brought to the attention of the authorities with sufficient support by members of the political community. These are the *inputs* of the political system. In response to the multiplicity of demands, the authorities produce *outputs* in the form of policies or decisions according to fixed procedures. Such outputs are designed to change the environment in some way, generating fresh ground for a

new set of wants to emerge. This basic outline of the political system is graphically represented below.²

Figure 0.1: The Political System



For Easton, a key question in political science concerns the manner in which a political system can achieve both short-term and long-term support, identifying legitimacy as one of the most important ingredients in the generation of such support. Some degree of legitimacy is achieved, on his view, when the political system conforms to its members' sense of rightness in political matters concerning the composition of the political community, the values of the regime and the performance of the day's government (Easton 1965: 278). Such an "empirical" conception of legitimacy will be of peripheral concern to this dissertation, which thinks about legitimacy in normative terms. From a normative perspective, legitimacy cannot be equated with a political community's sense of rightness but must refer to objective principles that are independent of whether or not they are supported by a particular group. Although theoretically extremely important, this distinction between empirical and normative understandings of legitimacy may not have material consequences for this dissertation: one of my central arguments entails the premise that the achievement of high standards of *democratic* legitimacy will lead to strong levels of support for the political system, all other things being equal.

Several authors, claiming to focus on legitimacy from a normative viewpoint, have helpfully used the political systems approach to distinguish between three kinds of legitimacy: input, output and throughput (Schmidt 2013; cf. Scharpf 1999). Input legitimacy refers to the degree of openness and responsiveness of the institutions of authority towards

² A reader familiar with Easton's work may wonder at why I have not chosen to replicate his now famous graphic of the political system (Easton 1957: 384). I believe what I have presented differs from Easton's representation only in form and not in substance, with the advantage of adding clarity. Easton's classic graphic does not distinguish between the political community and the institutions of authority. This runs the risk of misinterpretations, including the confusion that the political system is somehow equivalent to the authorities and exclusive of the political community.

members of the political community and their demands; throughput legitimacy has to do with the level of transparency, accountability and inclusiveness of decision-making among the institutions of authority; and output legitimacy simply concerns the quality of public policies in terms of serving the common good.

A complete account of legitimacy per se, while highly desirable, is beyond the scope of this dissertation. As already indicated, I intend to focus on democratic legitimacy, which is only one part of the total legitimacy puzzle. While democratic legitimacy will in important respects rely upon achieving a certain minimum level of throughput and output legitimacy, we may justifiably associate it with input legitimacy insofar as democracy is understood as a mode of decision-making that regulates the relationship *between* citizens and the institutions of authority. In other words, democracy is not conceived here as a full theory of institutional design that specifies how institutions ought to interact with one another, nor is it thought of in terms of its ability to produce good and just outcomes. It is, first and foremost, a way of ensuring that citizens have power over those who have power over them.

This understanding of democracy will be made clearer and further justified in the first part of the dissertation. Yet, given this conception of democracy, certain limitations to the study quickly come to the fore. In particular, by providing only a partial account of legitimacy, I am unable to weigh up claims of output or throughput legitimacy when and if they come into conflict with the values of democracy. Certainly, I do not take a position on whether or not democracy or justice should take precedence over one another in some or all circumstances. My working assumption, predominant in modern political theory, is that democracy and justice are much closer to being bedfellows than feuding lords. Thus, however the values of justice and democracy stack up against one another in a wider theory of legitimacy, I expect the latter to play a very important role. Any democratic prescriptions directed towards the EU in this dissertation may in principle be challenged or mitigated by considerations of justice or output legitimacy, but this should not make these prescriptions irrelevant by any means. In fact, democracy will always have recourse to what John Rawls (2005) refers to as the burdens of judgment, namely the difficulty of determining beyond a certain limit what is right or just due to complexity or normal weaknesses in human reason. Given this fact alone, there is much to be said for democracy as the fairest process available for arriving at an answer to contentious issues of justice.

From this account, we can more clearly see the terms of comparison for my three case studies: Belgium, Switzerland and the EU. The nature of the political community and regime for each case will need to be described. Special attention will be paid to the question of how

language shapes these respective components of the political system and their relationship to one another. Such descriptions will be crucial for carrying out accurate comparative work, allowing us to identify the similarities and differences between the case studies in their basic political make up. My descriptions of the cases will also inform how they are democratically assessed since any such account will primarily proceed in terms of the power relationship between the respective political communities and regimes.

Comparative analyses of the EU with federal states are not new and seem to be increasing for a variety of research questions. Yet it is only in a handful of instances that Belgium and/or Switzerland are compared with the EU from the perspective of democratic legitimacy. Universally, these contributions are article-length and tend to focus only on specific aspects of democratic legitimacy or institutional reform.³ This dissertation is the first in-depth analysis of democratic legitimacy in multilevel and multilingual political systems, designed to arrive at a general model of democratic legitimacy for the EU.

IV Overview of the Dissertation

My aims in this dissertation are to i) identify the conditions under which democratic legitimacy is most likely to suffer from the logic of the LFT ii) attempt to discover whether or not it is possible to overcome the LFT without establishing a lingua franca and iii) assess the prospects for attaining democratic legitimacy in the EU by determining the degree to which it is limited by the logic of the LFT. The project is divided into four parts.

In Part One, Democratic Legitimacy and Centripetal Democracy, I set out an account of democratic legitimacy and explain the mechanisms by which it is expected to contribute towards demos-formation. Studying democracy in the EU is a popular subject these days. With few exceptions (e.g. Lord 2004; Eriksen 2009), however, scholars spend little time laying out in advance their precise understanding of democracy. This is not the result of any scholarly vice, but merely due to the fact that most contributors generally subscribe to an already worked out theory of democracy, taking ready-made indicators of democratic legitimacy from the political theory literature. Such a sensible strategy does not require much justification, though dedicating a full two chapters of this dissertation to the heavily rehearsed theme of democratic legitimacy does. I have three reasons.

³ For Belgium-EU comparison on democratic legitimacy, see Van Parijs (2000) and Sinardet and Bursens (2014). For Belgium-Switzerland comparison on democratic legitimacy, see Stojanovic (2009). For Switzerland-EU comparison on democratic legitimacy, see Lacey (2014a). For Belgium-Switzerland-EU comparison on democratic legitimacy, see Papadopoulos and Magnette (2010).

First, as I argue in Chapter One, contemporary political theory has overlooked two phenomena that are central to providing a realistic ideal of democracy. On one hand, much of the literature gives voting a very restricted place in their theories, believing it to be capable of serving only a very limited function in both actual and ideal democracies. I take issue with this, claiming that the act of voting in all democratic systems presupposes a *voting space* (or set of rules and procedures to govern the vote) that structure the entire process of opinion formation and thereby serves as the centre-piece of any democratic system. On the other hand, it is widely agreed that the size of modern political systems and the volume and complexity of issues requires a division of political labour, yet a normative principle to regulate this reality has not been derived. What I call the *democratic difference principle* is designed precisely for this task. My conception of democratic legitimacy can be briefly summarised as prescribing the maximisation of citizen control over the decisions to which they are subject through a moderate proliferation of voting spaces and the opinion formation processes they engender. In practical terms, this may be translated as the need for multilevel electoral bodies and corresponding multifaceted direct democratic institutions.

Second, as I explain in Chapter Two, recent work on the nature of political representation has forcefully argued that representation is constitutive of politics and serves to structure power relations in all political systems. As such, any theory of democracy must at the same time be a theory of political representation. While this literature insists that representation constitutes democracy, just as any other political system, it does not elaborate upon how democracy conditions representation once it is has been constituted by representation. I argue that the manner in which democracy organises representation, through the voting space and democratic difference principle, distinguishes it from all other political systems. The core task of this chapter is to outline an account of legitimate democratic representation. Conceptual resources developed over the course of Part One will, I believe, help us to more accurately describe and normatively assess the democratic systems under scrutiny in the remainder of the dissertation.

There is also, however, a third reason for my extended focus on the theme of democratic legitimacy and that is to better understand the manner in which it may contribute to demos-formation. On my view, presented at the end of Chapter Two, democratic legitimacy is more than simply the peaceful resolution of conflict. It is a centripetal force whose integrative effects reach beyond the virtues of peaceful conflict resolution. Centripetal and centrifugal forces are to be understood in this dissertation as limited to structural dynamics, rather than singular events, that push citizens towards a more or less centralised

political identification. Contrary to centrifugal forces, which encourage citizens to move away from mutual identification with their common institutions of authority and with one another as part of the same political community, centripetal forces are understood as those dynamics which strengthen identification with the regime and political community. As this dissertation argues, through its procedures and the kind of political representation it encourages, democratic legitimacy has an integrative effect on conflicting parties by winning their common commitment to the democratic process. As a result, from the perspective of the LFT, the question arises as to whether or not the centripetal forces of democracy can cope with the centrifugal forces of linguistically divided public spheres.

Part Two of this study is entitled Democratic Legitimacy in the EU. Unlike my other two case studies, which take up one chapter each, this theme deserves two chapters. The reasons for this is that a) the EU is the main focus of this dissertation and so requires more in depth analysis and b) it is much more difficult to descriptively identify the nature of the EU's political community and regime, which in turns makes a normative assessment of the relationship between these two components of the political system more difficult. Chapter Three is dedicated to describing the EU, which is widely considered to be a political system unlike any other. In fact, the EU is identified as the only existing *demoi-cracy*, defined as a political system where three main actors predominate – supranational institutions, member state institutions and citizens – and in which the territorially and linguistically demarcated member state *demoi* take sovereign precedence over the supranational *demos*.

Demoi-cracy, I contend, is not in opposition to democracy but rather indicates that a democratic assessment of the EU must have a double focus: the power relationship between the supranational institutions and the citizens and the member states on the one hand, and the power relationship between the member state institutions and their respective citizens on the other. In Chapter Four, a democratic assessment of European *demoi-cracy* is carried out. While there are important standards of democratic legitimacy which the EU at least partially meets, my assessment concludes that the EU is a political system with some major shortcomings in this regard. The degree to which citizens can directly control European institutions or their governments' behaviour with regard to these institutions is lacking in important respects.

The prospects for the EU to overcome its major democratic deficits depend in large part on whether or not its circumstances are amenable to dealing with the LFT. To determine this, a democratic analysis of multilingual Belgium and Switzerland is expected to be highly instructive and constitutes the theme of Part Three, *Confronting the Lingua Franca Thesis*:

Belgium and Switzerland Compared. As Chapter Five explains, Belgium follows the logic expected by the LFT to an astonishing degree. In this political system, the existence of linguistically divided public spheres has in large part undermined the ability of this system to achieve high standards of democratic legitimacy and the centripetal forces that this engenders. In particular, we find that political conflict has crystallised around a linguistic cleavage in Belgium, which is largely responsible for disintegrative tendencies, including the division of the party and media system along linguistic lines. In an effort to avoid political conflict, a relatively non-participatory form of decision-making has been instituted (i.e. consociationalism). This, however, has for the most part been ineffective in stemming the tide of powerful political demands for decentralisation of the state as well as more extreme cries for secession at the highest level of government.

The case of Switzerland, presented in Chapter Six, lies in stark contrast to Belgium since the linguistic cleavage hardly became a major issue there whereas the linguistic division of public spheres has not impeded the development of advanced democratic practices in the former. A minor degree of linguistic conflict, the federal structure of the party and media system and a high degree of organised democratic participation by citizens seem to go a long way towards allowing Switzerland to cope with the LFT in such a successful manner. Of particular note here is Switzerland's long tradition of direct democracy which serves as a prime example of how powerful democracy can be as a centripetal force. The regular act of voting together, on issues proposed by the government or the citizens themselves, allows citizens from the various public spheres to maintain a temporally synchronised set of common political concerns around which their respective political debates are structured. Switzerland's answer to the LFT is surprising. Rather than attempting to minimise citizen participation in the face of linguistic division, it has instead done a great deal to maximise participation, demonstrating the potential for the centripetal power of democracy to undermine the centrifugal forces predicted by the LFT.

My comparative analysis of Belgium and Switzerland recognises their historical idiosyncrasies in such a way that it becomes clear why one case found it more difficult to deal with the democratic and integrative challenges posed by the LFT. These factors are enumerated in the Conclusion to Chapter Three, highlighting certain opposing tendencies in the historical development of the political community and regime of both cases. They explain why linguistically charged centrifugal forces were especially likely to develop strongly in Belgium while the institutions required to activate the powerful centripetal forces of democracy were especially unlikely to develop. The reverse is similarly demonstrated for the

Swiss case. Moreover, the comparative analysis demonstrates that there is little chance of the logic expected by the LFT being eliminated altogether. Despite its success in dealing with this problematic, Switzerland continues to be haunted by the persistency with which the logic of the LFT attempts to take hold. As a result, this dissertation proves that the LFT must be taken seriously at all times by multilingual societies, but that it is nevertheless capable of being managed. This is especially true under certain favourable circumstances affecting the evolution of the political community and regime.

The results of this Belgium/Switzerland comparison bring me directly to Part Four, Modelling Democratic Legitimacy for the EU, composed of a single concluding chapter. While there are certain idiosyncratic complexities to the EU case, I maintain that this political system boasts only some of the unfavourable conditions for confronting the LFT that we find in Belgium and that these could in principle be remedied. My central contention is that by following the Swiss case and becoming more democratic the EU may be able to cope well with this problematic. Stated otherwise, the LFT should be seen as less of an obstacle to democratic legitimacy in the EU and more of a problem to be dealt with by the achievement of democratic legitimacy. In this final chapter, I construct an ideal democratic model of the EU with an indication of the required steps to get there, including the formation of a European party system competing for executive control and the development of direct democratic mechanisms designed in a manner appropriate to the kinds of legislation at stake. Given the political difficulties with instituting such an ideal, however, a range of more modest goals will be discussed. While such piecemeal improvements may be all that is politically realisable in the foreseeable future, their limitations for dealing with the LFT and the EU's legitimacy gap will be manifest. Improving Europe's democratic credentials may be an all or (almost) nothing affair. Presently, I turn to Part One.

Part One
Democratic Legitimacy and Centripetal Democracy

Introduction to Part One

The aim of this first part is to provide an account of democratic legitimacy and explain its capacity to act as a centripetal force among conflicting groups. This will provide the theoretical framework with which I analyse my three case studies in Parts Two and Three. Chapter One asks the plain question, what is democratic legitimacy? In answering this question, the long tradition of political theory that has preoccupied itself with such matters obviously cannot be ignored, yet it cannot be reviewed either. Theories of democracy have been refined to two main types by the latter part of the twentieth century, namely competitive and deliberative theories, and so it is to these that I address myself. Rather than arguing for the merits of one against the other, or seeking an entirely new theory of democracy, I attempt to provide an improved articulation of democracy by highlighting two concepts commonly overlooked by these schools of thought. These are the voting space that structures public discourse and the democratic difference principle that regulates the division of labour in a political system among the rulers and the ruled. With the help of these concepts, I hope to provide a general account of democracy that can go beyond the excessive realism of competitive democrats and the untoward idealism typical of many deliberative democrats, leading to a realistic ideal of democratic legitimacy.

The account I present here is somewhat formalistic, ignoring the life force that animates political systems, namely the activities of representatives in articulating the political world. Chapter Two is a second pass through the democratic terrain with a view to understanding the role of political representation in a theory of democratic legitimacy. It attempts to determine what makes acts of political representation democratically legitimate, while identifying the possible ways in which democracy can go wrong through certain kinds of representative practices. This account of legitimate democratic representation suggests that numerous aspects of a well-functioning democracy can lead to more than just the resolution of social conflict, specifically by contributing to the formation of a common democratic identity among members of the political community. Indeed, by the end of this chapter, a central contention of this dissertation will become clear, namely that the closer a political system is to achieving democratic legitimacy the more powerful its centripetal forces on political integration are expected to be.

Chapter One

Democratic Process and Democratic Purpose

In Pursuit of a Realistic Ideal

I A Realistic Democratic Ideal

All definitions of democracy involve a *purpose* that is supposed to be achieved and a *process* or set of coordinated practices for achieving it. Two counter-posing conceptions have dominated democratic theory for the last decades: competitive democracy and deliberative democracy. For competitive democrats (e.g. Schumpeter 2003 [1943]; Bobbio 1987; Przeworski 1999; Posner 2003), the purpose of democracy is to allow citizens to peacefully rid themselves of governments and the procedure required to do this is open, regular, and competitive elections to be decided by the aggregation of popular votes. Deliberative democrats (e.g. Cohen 1997; Christiano 1997; Goodin 2003; Dryzek 2010) understand democracy as an ideal of self-rule, following the classical tradition which emphasises the terms' etymology as power [kratos] exercised by the people [demos]. Though there are many shades of deliberative democrat, common to all is the view that self-rule is to be achieved through a continuous process of open and accessible public deliberation that aims at mutually acceptable reasons for the binding decisions that result (Gutman and Thompson 2004: 9).

Both perspectives boast a rich tradition and have a great deal to offer. Nevertheless, I believe our understanding of democracy can be improved as neither seems to strike an acceptable balance in simultaneously doing justice to the descriptive and normative aspirations of this concept. Competitive democrats fail to reconcile the real with the ideal by deriving an empirical democratic purpose for democracy from an empirical account of democratic process. Put differently, they have provided us with a thoroughgoing realist conception of democracy which has a very limited capacity for providing normative

guidance.⁴ Any attempt by these authors to make prescriptive statements has been wedded to the observations that democracy operates mainly by the aggregation of votes to elect leaders where the pursuit of self-interest by citizens and representatives is paramount. The values of public debate, citizen participation and pursuit of the common good are downplayed by some while polemically denounced as normative clap-trap by others.

Deliberative democracy has a tendency to produce the exact opposite imbalance by deriving an ideal democratic process from an ideal democratic purpose. Though there are different degrees to which this is true for any given scholar, contributors have often been limited in their ability to appreciate democratic reality or make prescriptions that may be achieved by that reality. Deliberative democracy's high demands on citizen participation and its assumptions of political competence among the population are criticised as unrealistic, to such a point that the idea of democracy becomes a chimera that will not much help us to explain or classify real-world democracies (Schumpeter 2003 [1943]: 264-6;⁵ Posner 2003: 143-4). Though this critique may be too harshly stated, the fact remains that the widespread capacity to deliberate well and the time and commitment required to do this has never been present in even the most well-run democracies. The more deliberative democracy ideals are disconnected from real-world politics the lower the threshold concerning the relevance of any prescriptions or criticisms it may have to offer that reality. To this we may add the criticism that deliberative democracy's focus on deliberation as an essential condition of legitimate decision-making excludes a great deal of speech and action from the explanatory scope of deliberative theory in addition to denying such non-deliberative practices significant normative roles. My focus on voting throughout this chapter will help to illustrate this point.

A possible explanation for their apparent bias towards the ideal at the expense of the real is the fact that deliberative democrats tend to build a procedural conception of justice into their idea of democracy in advance. To clarify this, the requirement that democracy aim at mutually acceptable reasons for binding decisions is virtually identical to the primary criterion of contractarian theories of justice (Roemer 1999). In that case, we may argue that deliberative democrats tend to be looking less for a reflective equilibrium on the nature of democracy and are more concerned with understanding how democracy can be reconciled with or utilised for achieving a just society. This is to take two steps at once. What is required

⁴ Bernard Manin's well-known principles of representative government (1997: 6), for instance, are not normative principles but descriptive. His aim is to arrive at a conception of representative democracy based on the manner in which it has been enacted since the eighteenth century.

⁵ Though Schumpeter pre-dated the emergence of deliberative democracy by several decades, we can assume that he would apply his critique of classical theories of democracy to deliberative democracy since the latter may be seen in many ways as the modern development of the former.

before relating democracy and procedural justice to one another is a prior understanding of these concepts on their own terms. In this chapter, my interest is in clarifying the concept of democracy only.

What we must have is an account of democracy that is not pre-laden with deliberative assumptions but that may nevertheless provide us with a more robust normative framework than competitive democrats are capable of offering. Changing the expression, the goal is to present a theory of democracy that is capable of describing political reality while at the same time providing attainable normative guidance to that reality. Such a realistic ideal is impossible to achieve if both the purpose and process of democracy are together understood primarily in either real or ideal terms. My proposal is to present an account that places an empirical emphasis on democratic process and a normative concentration on democratic purpose.

I begin with an articulation of democratic process. It is an empirical account, not in the sense of being based on extensive data detailing the workings of modern political systems commonly referred to as democracies, but by being sensitive to broad political realities with which competitive democrats and their critics are normally concerned. Summarily, the democratic process may be defined as a competitive decision-making process that operates according to a principle of equality embodied in the rules specifying a voting space (compound) that structures a public sphere of discursive participation (II). Following this, I provide a conception of democratic purpose. This is a normative conception, not in the sense of providing a complete account of political legitimacy or the ultimate moral foundations of democracy, but as a way of justifying democratic process while at the same time providing the ideal for which it should strive. Reflecting on the idealism historically associated with democracy, I attempt to identify the democratic purpose and the action guiding principles of democratic process that it engenders. In short, the democratic purpose is defined as an ideal of self-rule that involves maximising the control of individuals over the political authorities to which they are subject (III). This gives rise to 1) the principle of democratic equality 2) the democratic difference principle and 3) the principle of maximum voting opportunities. I conclude by demonstrating how my account of democracy navigates between and differs from some of the main conceptual oppositions and contrasts defining contemporary democratic theory (IV).

II An Account of Democratic Process

Any account of democratic process must give some place to the ideas of voting and discourse. This statement may be uncontroversial enough and it is something on which we will find competitive and deliberative democrats in broad agreement. Once we get into details, however, their different understandings of these concepts and the role and relevance they give to each becomes immediately clear.

For competitive democrats, voting in competitive elections is the definitive act of democracy since it is the procedure that allows for the aggregation of individual preferences to select desired leaders. The role of discourse is minimised in the sense of being seen as necessary primarily at election time and between elites so that citizens may make a judgment at the polling booth. Competitive democrats are widely criticised for this account on the grounds that there are many ways in which citizens can and do participate in democratic politics both during and between election periods (Schmitter and Lynn Karl 1991: 78; Dryzek 2010: 37; Urbinati 2005: 198).⁶ Individual citizens and representatives of citizen groups or movements have proven their capacity to be highly vocal and influential in democratic politics. Indeed, the use of direct democratic instruments that are more or less entrenched in many democratic societies are completely ignored by competitive democrats. Failing to account for these not unfamiliar participatory phenomena represents a particular shortcoming for a theory that claims to be realist.

Deliberative democrats tend to be suspicious of voting because it is not aimed at the consensus required for producing decisions on the basis of mutually justifiable reasons. They argue that voting allows people to put their weight behind political power that may be contrary to the public good without being required to justify their support to anyone. Moreover, it is objected that voting takes personal preferences as fixed, bypassing the possibility for individuals to be persuaded by the better argument. Reluctantly, however, deliberative democrats have increasingly recognised that voting may be necessary on occasions when deliberative avenues have been exhausted or agreement simply cannot be reached within reasonable time limits (Mansbridge, Bohman, Chambers, et al. 2010: 85; Christiano 2012: 28). The general scepticism about voting ignores the fact that voting has always been an integral part of democratic decision-making and not a begrudgingly endorsed second-best procedure for occasions when reaching decisions solely by deliberation is not

⁶ Several competitive democrats acknowledge the extra-electoral influence of citizens (Posner 2003: 195; Przeworski 2010: 111-2), yet this has not led them to reformulate their definition of democracy as essentially elitist. This reluctance, I would argue, comes down to a desire not to insert any prescriptive participatory requirements on citizens that might begin to look too demanding.

possible.⁷ Indeed, as I attempt to demonstrate later in this section, there is much more to the act of voting than either deliberative or competitive democrats recognise.

Emphasising discourse at the expense of voting, deliberative democrats agree that deliberation is the legitimate form of talk for democratic decision-making. Undeniably, we will find individuals and organised groups contributing to public debate in a manner that satisfies high normative standards of mutual justification. And, indeed, we could discover even more examples of those willing to authentically reflect on their values and interests when faced with challenging arguments. Nevertheless, we cannot discount the large role played by individuals and organisations who, through the democratic process, pursue their own self-interest at the expense of others and against the grain of better arguments. The host of factors that go into making up a political culture will determine how normalised the practice of public deliberation is over and above other forms of political discourse in a given society. Yet since the democratic process does not appear to require deliberation aimed at the common good but often involves discourse directed towards self-interest we would do better to speak of *discursive participation*. This is a much broader term than deliberation, designed to cover all kinds of talk in the public sphere concerned with contributing to the wider public conversation on what is to be done.

On the Idea of a Voting Space

In what follows, I attempt to provide a more convincing account of democratic process than we find in either the competitive or deliberative democracy literature. The idea of a *voting space*, a phenomenon generally overlooked in democratic theory, is the key to providing an improved understanding of democratic process. A voting space may be defined as any set of procedures that formally open up political power to the input of individual citizens through the act of voting.⁸ The choice of the word “space” is deliberate here, suggesting a delimited and designated opening wherein the act of voting emerges as a meaningful possibility. The reason for introducing this concept is not simply to make the point that democracy is more than just voting but rather to illustrate the more subtle observation that the act of voting itself only makes sense when a host of conditions are already in place. Though I do not elucidate all the possible rules that might animate a voting space, I identify five general categories of

⁷ Robert Goodin (2008) represents a rare deliberative democrat who wholeheartedly endorses voting as both a necessary and normatively sound aspect of democracy.

⁸ Elsewhere, I have given a similar definition of this concept as ‘the totality of procedural devices...’ (Lacey 2014a: 64). The difference is that I previously understood the concept of voting space as a term that could cover both singular and plural phenomena. Now a voting space refers only to singular phenomena. What I refer to later as a voting space compound, by contrast, denotes a plural phenomenon.

rules that are essential for structuring this space for voting. As we shall see, there is great flexibility within these categories for how a voting space may be legally articulated and procedurally arranged.

Notice that voting has not been confined to election, as competitive democrats are wont to do in outlining their conception of democratic process, but is understood broadly enough to include instruments of direct democracy. This leads us to the first general category of any given voting space, namely that it states in advance about *what* it is possible to vote upon. That is to say, it identifies the kind of subject that must be decided upon and this subject may be individual candidates and/or a political party in elections or a specific issue when exercises of direct democracy are at stake. In specifying the subject of a given vote, the voting space must at the same time articulate the institutions to which candidates and/or parties are to be elected or the possible range of issues that may be put up for direct vote. For example, the institution may be a parliament or presidential office in the case of election while there could be restrictions on the kind of issues that may be put directly to the people. The voting space also identifies *when* particular kinds of votes can and must take place. In both electoral and direct voting spaces, there will be occasions when a vote is required and others when there will be some flexibility as to when or whether the vote actually occurs.

One of the most intriguing features of a voting space is that it specifies *who* may vote, and in the case of elections, who may run as a candidate. Essentially, the voting space determines criteria for both active and passive voting rights and thereby has a major role in setting the terms of democratic participation. Democratic communities will have more or less restrictive rules determining the voting rights of citizens, non-citizen residents, citizen non-residents, the mentally disabled, the incarcerated, etc. The rules of who may vote and run as a candidate will be further specified by the idea of district or constituency, that is, *where* particular individuals may have their votes aggregated and seek electoral office. There are a host of ways in which the idea of district will be more or less relevant to the act of voting. In some instances, there will only be one district and therefore only one context in which to exercise passive and active electoral rights (e.g. a by-election). More often there will be several voting districts, which may be purely administrative or of substantive importance. In the former case individuals can be assigned to a particular voting district for no other reason than the efficient management of the vote, whereas in the latter instance there may be rules specifying how many candidates a district can elect to an institution or how much weight the votes of a district may be given in deciding the outcome of a direct democratic vote.

The act of voting would be meaningless, however, without some way of translating votes into a result. It is *how* the votes are to be aggregated, therefore, that determines the way in which votes are taken together to reach some kind of decision. This has always been some variety of majoritarianism. Direct democratic votes will tend to be decided by either a simple majority (i.e. more than half) or a qualified majority (e.g. at least two-thirds of persons) whereas elections will be decided on the basis of majoritarian systems such as Single Member Plurality or Proportional Representation.

The concept of voting space, as I have briefly formulated it, outlines a structure to the act of voting that is almost identical across both direct and electoral democratic instruments, the only major difference being the voting space for elections additionally specifies who may run as a candidate and where those entitled to that right may exercise it. A modern democracy will typically have multiple voting spaces, some at the state and others at the sub-state level. Existing as they do in one overarching political system, we can refer to the totality of voting spaces recognised and employed by a democratic community as the *total voting space compound*. Just as it is useful to distinguish between levels of government in a political system so we may distinguish between various levels of voting space compound. As such, the national voting space compound in the United States is composed of the voting spaces corresponding to the Presidency, Senate and Congress. Similarly, the state level voting space compound of California includes elections to the office of Governor and the legislature (bicameral arrangement consisting of the Assembly and Senate) in addition to various forms of direct democratic voting.

This last point concerning the existence of a voting space compound points to a more general set of important rules that typically regulate the relationship between the component voting spaces. In other words, the rules of particular voting spaces may be complemented by regulations for the voting space compound. These may include provisions that require, permit or forbid certain votes from taking place on the same day or within a particular temporal distance from one another. For example, there may be rules prohibiting local elections from being held at the same time as national elections or a direct vote from taking place within three months of an election. Another significant kind of rule at this level may pertain to passive voting rights, determining whether or not candidates can run for multiple offices in the same election period or when serving out a term. The more robust (or multilevel and multifaceted – see section III) a voting space compound, the more need there will be for regulation of the voting spaces, meaning that highly centralised democratic systems which

rely exclusively on elections and primarily at the national level for their democratic legitimacy will not have great need for this kind of legislation.

The Structure of Democratic Process

Not only does a voting space make the act of voting possible, it also provides a structure to the public sphere. If a decision is to be made by citizens, via voting, then there must be the possibility of forming an opinion on what is at stake in making the decision. For this reason at least, voting never takes place in democratic systems without talk of some kind. We have seen that this talk may be referred to as discursive participation – a category which includes but is not restricted to deliberation. The overarching forum for discursive participation is the *public sphere*, to be conceived as the combination of formal and informal public domains where political issues are debated, preferences formed, and interests discursively advanced. Though the loci of political power serve as the reference point for discourse in the public sphere, we may follow Jürgen Habermas (1996: 354-6, 360) in understanding civil society or voluntary citizen coordination (from advocacy groups to public meetings and protest rallies) to be the spontaneous and highly fluid life-blood of modern public spheres. The result of political discussions in these multifarious and overlapping domains, connected in a wider conversation by elected representatives and the communicative infrastructure managed by mass media, is a set of more or less diverging public opinions representing dominant positions on what should be done on this or that issue.

A voting space and public sphere for discursive participation are constitutive of democratic process. While it is possible to engage in public debate about how a given voting space should be structured, it is the voting space that provides a basic structure to the public sphere. It does this in several core ways. In the first instance, by specifying when particular kinds of votes can and must take place, the voting space establishes a certain rhythm to the public sphere by creating periods of greater and lesser discursive intensity. Though a democratic public sphere may often be most lively around the time of an actual vote, whether electoral or direct, it does not switch on and off as votes come and go but is rather a continuous field of discursive participation on political issues. An important reason for this is that the relevant information and viewpoints necessary to form preferences and advance interests do not only surface during a voting period, but significantly depend on the ability to understand the consequences of implemented legislation and how elected representatives are performing.

Second, by defining who can vote and stand in elections, the voting space significantly determines the voices that are most likely to be heard in the public sphere. On one hand, individuals who are not granted the right to vote are less likely to be seen as valid contributors to public debate. Enfranchisement is a formalised marker of political membership that carries with it a demand for political recognition in the process of opinion formation. Moreover, by creating a division between voters and representatives about whom votes are to be cast, an electoral voting space gives a special priority to the voices of these representatives in the public sphere.

Third, depending on the type of vote, where certain individuals are entitled to exercise their active and passive voting rights will have an impact on the specific discourse to which they are attuned in the public sphere. For example, in an electoral voting space, those who are limited to voting in a particular district will tend to pay special attention to the behaviour of candidates running in their district during an election while taking note of their activities once elected. Fourth, even how the votes are aggregated to yield a collective judgment will impact the public sphere by encouraging certain kinds of behaviour. If a qualified majority is required to pass a referendum, for instance, then there will likely be a far greater effort among those who support the legislation to convince others to vote in its favour than if only a simple majority was required.

Fifth, the rules at the level of the voting space compound regulating the relationship between particular voting spaces will have its own discursive effects. In the case where local and national elections are scheduled for the same day, the public conversation will undoubtedly be different than occasions when they are held on separate occasions. Local and national issues may get blurred and one electoral contest may eclipse the other. When national and local elections are scheduled far apart from one another, on the other hand, the parties may have to worry about their performance at one level of government because of how it will effect, not only their standing in the next and distant national election, but also how they fare in the much closer local election. This will undoubtedly impact on the parties' discourse as they must make themselves appealing to the electorate more regularly than otherwise. Similarly, multiple direct democratic votes scheduled for the same day or within a few months of one another will likely have important effects, such as when one issue hijacks political discourse at the expense of others or when a proliferation of votes induces fatigue and disinterest among citizens.

Finally, as I mentioned at the beginning of the previous section, there are many more categories of rules that may articulate a voting space which will in turn structure the political

debate. These may include how many options are available in the case of direct democratic votes or whether or not it is possible to vote for individual candidates or party lists or both in the case of elections. Indeed, when there is a voting space compound, there will be added layers of complexity to the operation of a public sphere. Each voting space in a compound, with its own specific set of rules, will have a unique impact on how the public sphere functions. The degree to which a given voting space will influence the public sphere, however, will significantly depend on certain complementary factors. Perhaps most important is the popularly perceived importance of the institution or issue with which the vote is concerned. The perceived significance of the US Presidency by US citizens, for instance, helps to explain the prolonged attention elections to this office occupy discourse in the national public sphere.

Equality, Competition and Inclusion

My outline of democratic process would not be complete without noting the fact that we rarely find a fully operational democratic process without certain forms of equality, the presence of significant political competition, and a standard of inclusion. The kind of equality, competition and inclusion I detail are not external to the democratic process, in the sense of being its pre-conditions or consequences, but are better understood as co-original with this process. I first discuss the kind of equality required for democratic process, followed by an investigation into the general manner in which competition is configured, finally remarking on the nature of democratic inclusion.

Due to the material and social resources required for participating in the democratic process – minimally involving the capacity to follow the highlights of political debate and vote at election time – democratic systems will typically go a long way to meeting these needs. A degree of equality will also be manifested in how the voting space is articulated. We may distinguish between equality in terms of voting input and voting output when it comes to active voting rights. Equal voting input simply means that each enfranchised citizen will have the same right to cast a ballot as anyone else. Equal voting output is achieved when the vote of each citizen has the same capacity to influence a political outcome. While the former kind of equality is present in every democratic system, the latter tends to be only approximated in representative democracies given a) the difficulty of drawing up fair constituency boundaries or b) the possibility of being overridden or balanced by the need for equal territorial

representation as in the case of certain federal states.⁹ Despite sometimes highly significant deviation, we nonetheless find attempts to achieve as much voting output equality as possible in democratic systems. When it comes to passive voting rights, there will also be age limits on who may run for election, as well as other restrictions relating to residency and criminal record for instance. Generally speaking, however, age limits for political office tend to be low while other restrictions are directed towards the exclusion of a minority.

A democratic process could hardly operate without striving to secure at least the four following liberties for all citizens: freedom of information, freedom of association, freedom of conscience and freedom of expression. Liberty in general is threatened by coercion, which may be defined as the threat of sanction or the use of force aimed at making another behave in a way that he otherwise would not (Mansbridge, Bohman, Chambers et al. 2010: 80). Coercion interferes with the democratic process when there are efforts by some to divest others of their ability to vote and talk according to their own preferences and interests. Only when citizens have access to relevant and accurate information, are able to communicate with whom they wish, and can express themselves as they like in accord with their beliefs, do we say that they were in a position to properly participate in the democratic process.

Notice, however, that democratic liberty does not necessarily mandate against manipulation, which occurs when an individual changes her views in a manner intended by a communication that would not have changed her views in this way under good deliberative circumstances (Fishkin 2009: 6). Even though manipulation can be employed to promote the common good, it is resisted by deliberative democrats who stress the need for authentic reason-giving that seeks to engage the deliberative capacities of the other. Crucial for democratic liberty is that citizens have access to relevant and accurate information with relative ease, not that they be protected at every corner from those who would seek to persuade them to act or think in ways that are against their own interests or those of the common good. A competitive and open media system is the primary way in which such information can be made readily available, though it is not necessarily undemocratic for this information to be used or ignored by some for their own manipulative purposes.

At this point, the necessity of a competitive and open media system should be underscored. Given the impossibility of a completely value-neutral reading of information,

⁹ For example, in the United States, despite the widely differing population sizes between states, each is entitled to the same number of representatives. So while citizens have equal voting input and output within their own state, voting output equality is distorted by the fact that citizens of smaller states will have a greater impact on politics than larger states. A state with one million citizens, for example, will have the same number of representatives as a state with one hundred thousand, giving the votes in the smaller state a ten times greater weight than those in the larger.

especially when it concerns a value-laden domain like politics, freedom of information is antithetical towards a monopolised or restrictive media system that would present political information from a singular or narrow range of viewpoints. What is required is a media that reflects at least the main political divisions. Furthermore, alternatives to mainstream discourse cannot be censored, but must be given equal access to the market of ideas. None of this is to say that all political positions are entitled to an audience, but merely that none should be stripped of the right to place their soapbox on the public stage.

The need for a competitive media system reflects the competitive nature of democracy. To clarify this, the democratic process can be seen as both constraining and encouraging competition. Due to the necessary division of labour in any given society, and the variety of value-identities in pluralistic communities, all political systems are faced with coordinating a diversity of interests. Some of these interests will undoubtedly be complementary or non-conflicting, yet others will be in direct contradiction or unable to be satisfied all at once due to limited resources. As Chantal Mouffe (1999: 744) and Nadia Urbinati (2006: 35) suggest in their respective writings, the democratic process does not translate these conflicts into the kind of mutually justified consensus deliberative democrats are after but rather constrains conflict between values and interests by translating it into a competition for votes and discursive support in the public sphere.

The various forms of equality we find in democratic societies, in constraining conflict in this way, also have a hand in encouraging competition. Once citizens have the basic material and social requirements for participating in the democratic process, are treated equally with regard to voting rights, and are not coerced in their public discourse or voting habits, there is enormous potential for a wide variety of interests to be voiced and brought into competition with one another. Indeed, a major reason for the existence of political parties in representative democracies is to simplify and coordinate the continuous expression of competing values and interests in the public sphere. Political parties, in other words, are characterised by the attempt to win power on the basis of how they have articulated and prioritised important values and interests that find resonance in the public sphere.

Before moving on to a discussion of democratic purpose, I briefly discuss the issue of inclusion. Surveying purportedly democratic systems over the last century, we would be hard pressed to find some general principle of inclusion. What we may observe is that most long-lasting democracies have bounded conceptions of inclusion that are nevertheless relatively expansive across the territory over which power is exercised. Some political systems attempting to institute the democratic process have had highly restrictive criterion for

political rights, excluding women and ethnic groups, but this has rarely involved limiting these rights to such a tiny minority that the political system all but collapses into oligarchy. While a degree of inclusion far greater than an oligarchic system is clearly required for democracy, comprehending what exactly this ought to be from a democratic point of view must wait until the democratic purpose is identified.

Let this suffice as the main contours of an empirically sensitive account of democratic process. A political system may be considered democratic when it operates under appropriate conditions of equality and competition embedded in a relatively inclusive collective decision making process characterised by a voting space (compound) that structures a public sphere for discursive participation.

III Democratic Purpose and the Principles of Democratic Process

Having outlined the democratic process, we can now attempt to determine the nature of democratic legitimacy, that is, the realistic ideal for which modern democracies ought to strive. This involves two steps, first attempting to determine the nature of democratic purpose and then specifying the democratic principles that follow from this in providing concrete guidance for the democratic process. Two kinds of purpose may be distinguished – internal and external ones. An internal purpose designates the boundaries of a concept while providing the logic by which relevant processes are to be arranged in the achievement of that purpose. Any purpose and its process can in turn be used for an external purpose, that is, to achieve a certain contingently defined goal. Often, democracy is analysed in terms of external purpose, such as its capacity to contribute towards certain goals like liberty, security, equality, peace, justice, etc. (Przeworski 1999). This proclivity can lead to a blurring of the lines between democracies internal purpose and its many potential external purposes, leading to the familiar complaint that democracy is becoming a catchall word that must be reined in if it is to remain useful to political science (Sartori 1987: 6; Dahl 1989: 2; Schmitter and Lynn Karl 1991: 75).

I equate democratic legitimacy with its internal purpose such that the closer a democratic process meets this purpose the more democratically legitimate it may be considered. Naturally enough, conceiving of democracy as a system that defines the relationship between the political community and regime, the democratic purpose will essentially amount to an imperative concerning how the democratic process ought to regulate political power. It must be understood that democratic legitimacy is not by any means presumed to be the main or only standard of legitimacy by which the exercise of political

power may be judged. Put differently, I am not aiming to provide an account of political legitimacy *tout court*, but simply an important part of the total legitimacy puzzle that is concerned with how decisions ought to be made in a democratic system.

Like deliberative democrats, I identify the internal purpose of democracy to consist in an ideal of self-rule. Everything hinges on how the notion of self-rule is to be defined. Referring back to Ancient Greek etymology, Josiah Ober (2008: 6) informs us that when *kratos* or power is used in a regime-type suffix, as in *demokratia* or *pollokratia*, it is meant in the sense of a *capacity* to do things. That is to say, on this reading, power is defined more by the potential for effective action than by literally taking action. As a first indicator, this points us in the direction of Philip Pettit's recent work where he identifies political power with a nuanced conception of *control*.

According to Pettit (2012: 153-5), control means designed influence, in the sense that one must be capable of having a direction guiding impact on a process that leads to a result. Three kinds of control are distinguished: active influence is when one has a positive role in producing a desired result; virtual influence characterises situations in which one does nothing because the desired result is already being achieved; and reserve influence refers to occasions in which one is content with or indifferent to any feasible outcome and so refrains from action. While active influence refers to the sense in which power can be used, virtual and reserve influence captures the nature of potentiality laden in the idea of power. So long as one has the capacity to engage in active influence, one may be said to be in control even if one does not pursue such engagement.

If control is the basic (albeit multidimensional) component unit of democratic purpose, then the appropriate manner in which it should be distributed emerges as the next issue. Any answer to this question must make certain assumptions about members of the political community. Following John Rawls (2005), in his account of how certain social goods ought to be distributed for the sake of justice (analogous to how control should be distributed for the sake of democratic legitimacy), we may assume that individuals standardly have a plan of life and associated conception of the good which they have a fundamental interest in pursuing. Moreover, they realise that pursuing their conception of the good is possible only in cooperation with others who may have competing conceptions. In effect, all members of a political community have an equal interest in being able to control political power to ensure to the greatest extent possible extent that they are free and facilitated to pursue their own conception of the good. Thus, the democratic purpose will have a strong equality component guiding the manner in which control is distributed.

On this basis, we may venture an initial definition of the democratic purpose or the ideal of self-rule as *maximising citizens' equal opportunities for control over political power*. This definition takes the competitive nature of democratic process described above to its core, recognising that it is only equal *opportunities* for control and not the achievement of equal control for all that the democratic process is capable of producing. In other words, the democratic purpose recognises that unanimity cannot be practically realised in a large scale society characterised by competing interests. Instead, it favours majoritarian systems of rule since allowing the will of a minority to outweigh that of a majority would amount to an unequal opportunity for exercising control by giving priority to the few over the many.

I described the above definition as “initial” only since it does not commit to a criterion of inclusion. It leaves unanswered the questions of who are the citizens entitled to equal opportunities for control. Numerous deliberative democrats insist on some kind of all-affected interests principle as the only legitimate basis for inclusion. In defending this view Robert Goodin (2008: 150) explains that, in the modern world where the decisions of one government can have drastic consequences for the people in another country, the all-affected interests principle could be satisfied only by a system of world government where all interests are represented or by an international compensation scheme to be employed when the decisions of one demos negatively impact the interests of individuals in another. Clearly, no democracy has existed with such broad goals of inclusion in mind and we may wonder at how useful it is to incorporate a far-reaching cosmopolitan principle of this kind within the concept of democracy. Moreover, as Rainer Bauböck (2009: 15) has argued, an all-affected interests principle may ground a moral right to due consideration but there is little reason to think that it establishes a political right to participate in the democratic process.

Having said this, we need not resort to the Schumpeterian view that would claim that each political system must be self-determining with regard to the question of inclusion, denying that democracy has any normative resources by which to guide who should be included in the democratic process (Schumpeter 2003 [1943]: 244-5).¹⁰ Following the intuition of Robert Dahl (1989: 120), recently defended and elaborated upon by Arash Abizadeh (2012) and David Owen (2012), we may say that democracy involves an “all-subjected interests” standard of inclusion. That is to say, the ideal democratic process will include all those who are subject to the legislative outputs of this process. The people, on this interpretation, is not defined prior to democracy but by the scope of democratically

¹⁰ Few other competitive democrats have committed to this extreme view, yet none have attempted to proffer a defensible criterion for democratic inclusion.

constituted power. Hence the full definition of democratic purpose comes into view: *to maximise citizens' equal opportunities for control over the political power to which they are subject*. To reiterate, I am not necessarily arguing that this is the best or most just criterion of inclusion. That would require a far greater defence than I am able to present here. Instead, I am merely attempting to demonstrate the standard of inclusion that is internal to the concept of democracy.

Once the democratic purpose is fully in view, it becomes possible to venture the main principles that help to justify and provide normative guidance to the democratic process. I state these principles upfront, subsequently explaining the rationale of each in turn.

1. *Principle of Democratic Equality*: All citizens eligible for participation in the democratic process must be treated equally with regard to that process, requiring
 - a. Equal basic needs
 - b. Equal voting rights
 - c. Equal democratic liberty.
2. *Democratic Difference Principle*: All increases in control over the decision-making process of some citizens above others must contribute to an increase in control over this process for all citizens.
3. *Principle of Maximum Voting Opportunities*: To ensure citizens have maximum voting opportunities, the voting space compound must be multi-level and multifaceted.

The Principle of Democratic Equality

The first principle I shall refer to as the principle of democratic equality. This may be uncontroversial enough since we have seen that most societies attempting a democratic process must strive to achieve the basic needs required for democratic participation, equal voting rights and the liberties required for free opinion-formation. However, by setting out the democratic purpose we now clearly see the normative justification for this. Essentially, equal basic needs, equal voting rights and equal democratic liberties are all required to maximise citizen control over the political power to which they are subject. Anyone who is deprived of the material and social resources in principle required to participate in the democratic process cannot be said to have equal control over that process. When it comes to equal voting rights we saw that there are all kinds of departures from this norm. What kinds of restriction are consistent with the democratic purpose is not a concern of this dissertation and so can be left aside. We can simply say that democratic inclusion is intended to be very

broad, such that the removal of voting rights from those capable of pursuing their perceived interests through some kind of involvement in the discursive process of opinion formation is unlikely to find justification within the normative resources of democratic purpose. Denial of these rights for some may find powerful arguments from other important normative conceptions, but they will probably run up against the democratic purpose.¹¹

As we have seen, control means designed influence and it is impossible for citizens to construct the manner in which they wish to influence the political system without access to relevant information, the ability to express themselves as they would like, and to associate with others. Freedom of information, freedom of conscience, freedom of expression, and freedom of association are therefore liberties explicitly and directly required by the democratic purpose. The principle of democratic equality does not prescribe the manner in which political discourse should proceed, beyond dictating that all such talk must not undermine any values embedded within this principle. That is to say, the democratic purpose does not add the kind of deliberative prescriptions that were absent from my account of democratic process. Instead, and rather tautologically, it condemns any discourse that would attack the democratic liberties of others as democratically illegitimate.

The Democratic Difference Principle

As it is stated, the democratic purpose appears to justify only one kind of voting space, namely that which constitutes a direct democratic system where there are no elected representatives but merely an Assembly of citizens deciding on issues together. Representative democracy, it appears, inherently violates the democratic purpose by unequally dividing power between the elected and the unelected. Based on considerations of this kind, Giovanni Sartori (1965: 108) takes the common view that representative institutions minimise democracy. Contrary to this position, I believe that the creation of electoral institutions is a means of helping to maximise democracy under modern circumstances. As I now argue, certain circumstances of modern democracy – scale, time-constraints, and limited expertise – all mean that without giving up some control to a small group of individuals, citizens at large would hardly be able to control themselves as a collective at all. The democratic difference principle is designed to take account of this reality, in a way that regulates any systemic differential in political power.

¹¹ For example, it is not clear to me that restrictions on prisoner's active voting rights could be *democratically* justified, although there are obviously other relevant considerations. The same goes for a high age restriction on active voting rights.

By “circumstances” of democracy I mean various background conditions that are pre-given to the democratic process and not initially brought about by it. First, in virtually any democratic system there is a scale issue in that political communities are too great in number to avoid a division of political labour that will affect how decision-making control is shared. Typically, the problem of scale is associated with representative democracy since the sheer population size of modern societies defies the kind of Assembly-like decision-making of the Athenians and thereby necessitates the existence of elites with greater decision-making power than the average citizen (Dahl 1989: 29). Athenian democracy, however, was not impervious to the problem of scale as the need for the Council of 500 testifies. This was an institution composed of 500 Athenian citizens who were chosen annually by lot and charged with setting the legislative agenda on which the Assembly was to vote. It is hard to imagine how the wills of many thousands of citizens could be successfully coordinated without an unequal distribution of control that would give some citizens a special right to set the agenda. So as not to fall into complete disarray, an assembly of decision-makers requires an articulation of the issues to be decided upon in order to provide a focus to discursive participation and the act of voting.

Second, as Norberto Bobbio (1987: 72-3) explains, “politics is not everything” in the sense that citizens will have many other time-consuming values, interests and demands issuing from their various other roles in society. Indeed, as we have seen, one of the primary motivations for citizens to exercise political control is so that they may pursue their conceptions of the good. Putting too high a demand on political engagement would undermine their ability to satisfactorily engage in this pursuit. As a result, citizens’ capacity to maintain total control over political decision-making is seriously curtailed from the start. Third, and related to this point, is that some issues require expert knowledge to be engaged with discursively and the more complex the society the more true this will be. Insofar as citizens already exist under more or less significant time constraints, their capacity and willingness to form an opinion on technical questions will be often lacking.

These last two circumstances of modern political life necessitate a division of decision-making labour whereby some are given special powers to decide matters in accord with their own judgment and at least provisionally in independence from the demos. On the one hand, it is necessary to create political offices in order to alleviate the decision-making burden on time-constrained citizens by giving occupants of these offices control over the more trivial decisions as a minimum. On the other hand, complexity may dictate that some decisions be left at least partially to the discretion of appointed experts. In representative

democracies, the former positions are largely filled by professional politicians and members of the judiciary, while the experts will tend to serve in consultative roles or as part of independent bodies designed to make decisions in a specialised field like public health.

By giving everyone in a large society equal control over everything, they will be able to control nothing. If we accept that the democratic difference principle justifies a limited redistribution of power, we may go further and ask how would the democratic purpose go about making this redistribution? In other words, what kind of political institutions are justified by the democratic purpose?

The democratic difference principle clearly justifies giving preference to election over lot as the means of selecting individuals for special positions of political power. Not only does lot deprive citizens of control over selecting those whom they would like to have additional power by eliminating choice in favour of chance, it also removes incentives inbuilt into the electoral procedures for representatives to act in accord with citizen preferences while in office.¹² Electoral procedures, in other words, endow citizens with a power of both selection and sanction. The ability of citizens to select their own representatives through election does not necessarily give them control of these representatives when in office, but it does maximise citizens shared control of the democratic process to the extent that they can choose who makes decisions on their behalf. As James D. Fearon (1999) and Jane Mansbridge (2009) argue, citizens elect representatives first and foremost by selecting what they perceive to be good-types, that is, candidates who the citizen believes will act in a way that promotes his values and interests better than any other candidates.

The sanctioning power of elections is what gives citizens some degree of control over their representatives once elected. To be effective, however, candidates must be both desirous of and eligible for re-election. This is not an argument against term-limits, but merely an attempt to explain that it is the motivation to succeed in the next election that gives representatives a strong incentive to act in a manner which citizens perceive to be acceptable. By way of achieving their goal, representatives will have to be responsive to the preferences

¹² While lot cannot be conceived as part of a democratic process, the use of lot in a democratic context is not necessarily precluded by the democratic purpose. Mini-publics, for instance, may be chosen by lot to form a group of citizens that will discuss an issue and make their recommendations to be put to the test of wider public debate. What would not be justified is an authoritative mini-public chosen by lot, in the sense that their decision would amount to law or else go straight to parliament for closed discussion. This would be to circumvent the democratic process by denying a public debate while undermining the democratic difference principle by giving one group of citizens more political control without contributing to an increase in control for all citizens. Selecting jurors by lot is also compatible with democracy insofar as the role of the jury is to establish guilt under existing law rather than to make new law. Moreover, a jury is non-political in the sense that it has nothing to do with the representation of or pursuit of conceptions of the good.

of citizens and public opinion generally as they carry out their representative duties between periods of electoral competition. Dependent as it is on the motivations and eligibility of the representative concerning re-election, not to mention the limited capacity of citizens to accurately discern how well their representatives are behaving (Manin, Przeworski and Stokes 1999: 42-9), the sanctioning power of elections is by no means a perfect way of allowing citizens to control their representatives. It is only when we consider the power of sanction alongside the more reliable power of selection just discussed that we may consider the electoral device as a robust means of securing citizen control over the decision-making process given the need for representatives.

A gap of several years between elections is also justified by the democratic purpose. Not only would too frequent elections be unrealistic given the time constraints on citizens alluded to above, but a government also needs a reasonable period of time with which to implement its programmes. Requiring yearly elections, for instance, would hardly leave enough time to determine whether or not a government is properly advancing citizens' values and interests. Given restrictions on citizen time for political engagement, a significant gap between elections is especially permissible when there is a voting space compound involving elections of representatives to various institutions and levels of government.

Breaking down a given electoral voting space into different constituencies is an important move from the perspective of maximising citizen control. Tying an equal number of representatives to an equal number of citizens in an electoral constituency helps to ensure that all representatives have a distinct set of values and interests for which they are selected to advocate and a determinate group of citizens to whom they are answerable. Failure to implement some kind of constituency model makes entirely unclear to citizens who is formally responsible for representing their interests while, at the same time, allowing representatives to escape the onus of consistently representing some set of interests. Such an arrangement would greatly increase the probability of minority interests going unrepresented.

Direct democracy, in its various manifestations, is also clearly supported by the democratic purpose since it is the quintessential manner in which citizens can exercise control over decision-making. In representative democracies, however, the problems of scale and time-constraints can justify limitations on the use of direct democratic instruments. Voting regularly would make too many demands on citizens, undermining the rationale of representative institutions, while voting on the same issue within a short period would crowd out consideration of other important issues in addition to not giving citizens a satisfactory opportunity to witness the policy effects of their decision.

The Principle of Maximum Voting Opportunities

Maximising individual control over decision-making requires a relatively dense voting space compound that is *multilevel* and *multifaceted*. This is captured in the principle of maximum voting opportunities, which is however subject to the prior democratic difference principle. In other words, a voting space compound must be optimally organised so that citizen control is not undermined by either too few or too many voting opportunities. The multilevel requirement is primarily meant for larger societies with, let us say, more than a few hundred thousand citizens. The assumption is that, in societies of this kind, demands specific to various localities would overload the capacities of one set of institutions designed to coordinate the entire political system. To maximise citizen control, a multilevel arrangement must be in place whereby local affairs are addressed by local institutions with more general affairs remaining at the highest governmental level. Of course, these local institutions must boast similar democratic credentials as the higher level institutions, being open to electoral competition in an arena of free public debate.

The voting space compound must be multifaceted in the sense of giving citizens a variety of complementary ways in which to control the democratic process. This is a departure from the standards of most modern democracies, which largely restrict themselves to periodic election as the primary way of guaranteeing citizen control. To supplement the sanctioning power of the next election in controlling representatives, the principle of maximum voting opportunities supports the right of recall. To explain this, if a particular representative is seen to be acting badly according to those whom he has been elected to represent, these citizens may at any time hold a specific vote to evict this representative and elect another. Such a procedure not only makes representatives who are already worried about the next election even more alert to their behaviour, but also incentivises those unconcerned with re-election to care more about their perceived behaviour since it threatens their ability to serve out even the current term.

The democratic purpose, as noted above, does not suggest a saturation of direct democratic votes for representative democracies. It does, however, lend support to strong direct democratic instruments of which we can distinguish at least three main types. First is the mandatory referendum. The justificatory rationale for representative institutions is so that representatives may make decisions that cannot be left to citizens due to problems of scale, time-constraints and limited expertise. This does not mean that citizens ought, therefore, to be cut out of all decisions not having to do with election. The mandatory referendum should be designed to come into effect as soon as the government proposes legislation that would

involve changing the constitutional essentials or basic aims of the political system. The prescription is that the day to day running of political affairs should be ultimately left in the hands of elected politicians, whereas the more fundamental decisions ought not to pass without the people's say.

Second is the counter or optional referendum. While it is the purview of representatives to make decisions on day to day policy, some of these issues may still prove to be both salient and contentious despite not being related to constitutional essentials. When the government passes an unpopular bill, as evinced by polls or petitions, the citizens may reserve the right to hold a referendum that would present the opportunity to countermand this decision. Finally is the citizens' initiative, which is the instrument by which citizens themselves propose legislation that is being ignored by the government. Success in this initiative would amount to the proposed legislation being passed into law.

At this point, it may be objected that use of all these direct democratic instruments is far too demanding for modern democracies. A few considerations can assuage this concern. In the first instance, it is unlikely that governments will too often wish to change the constitutional essentials. And, indeed, the thought of facing and losing a mandatory referendum would be a powerful incentive against doing so. Therefore, there is little risk of over-saturating the demos with votes of this kind. The real danger of falling into this trap lies in the right of recall, the optional referendum and the citizens' initiative, especially if such institutions are to exist at the local level as well as at the level of the political system at large. In order to avoid vote saturation, holding optional votes of these kinds should not be an easy task but require substantial mobilisation of the citizenry. But the threshold of support should not be so high to discourage citizens from using these voting instruments entirely. The goal is to strike a balance that allows citizens to have a say on the most salient issues, but in a way that doesn't make the demands of political engagement overbearing.

Two points should be noted here in particular. First, we can expect the limited time and willingness of citizens to engage in politics to be self-regulating. Ultimately there are only so many votes per year, whether direct or electoral, local or high level, which citizens are likely to tolerate. Second, it is misleading to speak of citizens as a whole when it comes to political participation. As Pettit (2012: 226) suggests, the sheer number and complexity of issues we come across in political life, in addition to the diversity of values and interests among democratic citizens, result in the need for different citizens to be watchful of different policy areas at various levels of government. Though all citizens ought to show an interest in elections and the constitutional essentials to maintain maximum control over decision-

making, a division of labour on less basic issues is highly desirable from the perspective of democratic purpose because it makes some degree of vigilance on most areas of decision-making a practical possibility. In light of this consideration, we may not be too concerned about low turnout for voting opportunities, especially when they have nothing to do with the election of representatives to important offices or with constitutional essentials. Low turnout may just as much be a result of absent citizens exercising their reserve influence, not being especially concerned about what is to be done in the case at hand, rather than being a sign of an overly demanding democratic system.¹³

When we consider the interconnected relationship between the voting space and the public sphere elaborated earlier in this chapter, it becomes clear that a democratic system organised in accord with the principle of maximum voting opportunities will not only increase citizens opportunities to impact government policy but will also affect the flow of communication between the public sphere and democratic institutions. Deliberative scholars have insisted that the appropriate flow of communication is from the informal networks of opinion formation in the public sphere to the institutions of authority rather than the reverse (Habermas 1998: 249; Dryzek 2010: 11; Bohman 2012: 84-5). Their contention is that citizens should be able to maintain control over representative institutions through mechanisms that would guarantee the responsiveness of these institutions to deliberatively generated citizen demands. Sometimes there are exploratory attempts to determine what these mechanisms might be,¹⁴ though an increase in voting opportunities is rarely considered as a contender given the normative scepticism of deliberative democrats towards the act of voting.

A major virtue of the recall, mandatory referendum, optional referendum and citizens' initiative is that they give citizens a great deal more control over the democratic process while not demanding constant engagement in political life. Just as the next election helps to encourage the responsiveness of politicians to citizens, so do these voting instruments incentivise decision-making elites to be sensitive towards public opinion in order to be sure that they are not evicted from office, and that they will not be embarrassed or lose ground to the opposition by sustaining defeat in a mandatory or optional referendum. In other words, before the government attempts to take any major legislative steps, these voting mechanisms

¹³ When low turnout takes a systemic shape, indicating that those below a certain income threshold or those in a particular ethnic group are much less likely to vote, then it is a democratic problem as it suggests that the principle of democratic equality is not being adequately satisfied.

¹⁴ One popular mechanism investigated by several deliberative democrats is mini-publics (Parkinson 2006; Fishkin 2009), while John Dryzek (2010) advocates a chamber of government based on the representation of discourses rather than interests. For a critique of mini-publics from the perspective of the democratic purpose, see Chapter Seven of this dissertation.

will help to ensure that public opinion is consulted well in advance. Similarly, the ever present shadow cast by the possibility of a citizens' initiative encourages government to adopt those policies that public opinion indicates would be supported by a vote of this kind. Failure to do so, provoking the use of the citizens' initiative instrument, would once again be an embarrassing defeat for the government and a success for opposition representatives who supported it.

In reflecting upon the legitimate flow of democratic communication Habermas (1996: 372) laments the power-ridden nature of modern public spheres where private interests often prevent civil society from playing a major role in setting the legislative agenda. As Adam Przeworski (2010: 67) affirms, large wealth disparities are not in and of themselves undemocratic yet they nevertheless tend to distort the political process by allowing the wealthy to yield greater influence than the average citizen. Organising a voting space compound according to the principle of maximum voting opportunities has the additional advantage of helping to protect the appropriate flow of communication between civil society and government from the influence of wealth. A citizenry armed with the voting tools sketched above, and watchful enough to detect the most egregious attempts by private interests to hijack the policy agenda, has the capacity to both deter such behaviour and neutralise it when it becomes manifest. This is not to say that direct democracy is bulletproof against the influence of wealth but that, at least in principle, it offers citizens some kind of tool to combat such influence.

IV Navigating Conceptual Oppositions and Contrasts in Democratic Theory

Democracy is a concept with both descriptive and normative dimensions. My aim in this chapter has been to provide a more cogent perspective from which to understand these dimensions and their interrelationship than we typically find in the existing literature, a perspective that can both describe democratic reality while providing attainable normative guidance to that reality. By introducing the concept of a voting space (and establishing it as the basic structure of democratic discourse) and the democratic difference principle (as the appropriate way of regulating power differentials in a democracy), I have attempted to navigate through some of the conceptual oppositions or contrasts that run through democratic theory. To conclude, I make these nuances more explicit.

One standard opposition we find in democratic theory is between those who would see aggregation as the defining feature of democracy and those who would emphasise deliberation. On my view, the concept of aggregation is too thin because it refers to only one

aspect of voting procedures, namely the counting of votes. As I have argued, the act of voting is presupposed by a voting space (compound) of which aggregation is an important but small part. Deliberation, on the other hand, has been identified as a form of discursive participation and only one permissible way of engaging in the public sphere. Subsuming aggregation and deliberation respectively within the wider concepts voting space and discursive participation makes implausible any major opposition between them, since voting spaces have been demonstrated to have a fundamental structuring effect on the public sphere wherein discursive participation proceeds.

The opposition between aggregation and deliberation gives rise to the contrast between competition and consensus, where those taking the aggregative view simply see democracy as a competition for the most votes to attain power and those committed to the deliberative view consider consensus as the rightful goal for democracy. Though my account does not preclude the search for consensus from a democratic system, it is not essential to democracy in the way that competition is essential. The normative grounding for this is that competition between alternate policy platforms in a way that is dependent on the outcomes of electoral or direct voting procedures inculcates a system of incentives to keep representatives in dialogue with and responsive to democratic citizens.

An aggregative/competitive view of democracy naturally tends to emphasise the leadership of representatives while a deliberative/consensus perspective motivates a concentration on mass participation. We can easily see that leadership is an inevitable mark of modern democracy in that the democratic difference principle justifies a major disburdening of political decision-making on the people by charging political elites with the management of significant political power. Participation is no less important than leadership, however, and is at the heart of the democratic purpose since it is only through political involvement that citizens are capable of controlling power. This participation should come in two main forms: through various voting opportunities in a multilevel and multifaceted voting space compound and discursive participation in the public sphere designed as a means of forming politically effective public opinion.

While the self-interested nature of political life tends to be associated with an aggregative/competitive/leadership-focused conception of democracy, an emphasis on the common good relates most to the deliberation/consensus/participation perspective. On my account, there appears to be nothing especially undemocratic about the pursuit of self-interest by ordinary citizens because pursuing their own conception of the good within the limits of democracy is one of their core motivations for democratic membership. When it comes to

representatives, the point is not to debar the pursuit of their own self-interest, but to devise a system of incentives that may harness this pursuit in a way that contributes to citizen control (see Chapter Two). Nevertheless, to the extent that democracy may be conceived as part of the public good, we may say that democracy provides against the pursuit of self-interest only to the point at which it interferes with the achievement of the particular public goods elucidated by the democratic purpose.¹⁵

Lastly, my perspective on democracy rejects all-affected interests and self-determination as suitable answers to the question of inclusion. Instead, I have advocated an all-subjected interests criterion for inclusion that entitles to the democratic process all those who are subject to the laws of a jurisdiction. Admittedly, this notion of inclusion is not without its difficulties requiring as it does some further thought as to whether and how certain groups – non-residents, short-term residents, the young, etc. – are to be included or excluded from the democratic process. While I do not explain how the all-subjected interests criterion might deal with these cases, neither do I consider them to pose such serious challenges as to warrant a reconsideration of the alternatives already discussed.

In this chapter, I have not sought to argue that democracy is the only or even the main standard of legitimacy. Neither have I attempted to provide a higher-order normative justification for the democratic purpose. A range of other standards pertaining to values like liberty, security and justice must be met in order for a regime to be fully legitimate. Sometimes the attempt to embody all these values, and thereby attain the political legitimacy that goes with them, may even be in conflict. It is the task of a far grander normative enterprise to determine how these values relate to one another and the place of democracy among them. Nevertheless, assuming that democratic legitimacy will be a highly important goal for any legitimate system, we can maintain confidence in the relevance of this account to a wider theory of political legitimacy. Presently I proceed to discuss the nature of political representation, a crucial theme for understanding the nature of democratic legitimacy, and upon which I have scarcely touched thus far.

¹⁵ Indeed, even when we find the pursuit of self-interest to reign in the public sphere and voting booth, the nature of democratic decision-making serves to protect against the effects of raw self-interest on the public good. That is to say, because voting is open to all and their motivations, the end result is not the reflection of individual self-interests but the production of a common interest (Przeworski 2010: 29). This common interest may not equate to the public good on the deliberative view but neither does it amount purely to individual self-interest.

Chapter Two

The Democratic Enactment of Representation

I Three Senses of Democracy and Representation

The last chapter presented a general account of democracy, providing us with the initial framework within which to pursue a deeper analysis of this concept. In this chapter, I investigate the idea of representation and how it relates to democracy. Over the course of centuries long debate on the nature of the relationship between democracy and representation we find a spectrum of views operating within two main camps, one insisting that democracy and representation are antithetical and the other maintaining their compatibility. In recent years certain authors, call them constructivists for want of a better word, have taken a particularly strong version of the latter position. They contend that representation is more than just compatible with democracy – representation is constitutive of all politics and therefore of democracy itself.¹⁶ Focusing on this insight paints an asymmetrical picture, subjecting politics to the wider concept of representation on all occasions. I do not wish to claim that this picture is wrong, but it is certainly incomplete as I conjecture that political systems serve to condition representation once they have been constituted by representation. In a phrase, we might hypothesise that *political systems are representationally created systems of representation*. The aim of this chapter is to explain how democracy in particular is constituted by and conditions representation.

Both democracy and representation are terms that may be understood as fact, activity and value. The fact sense of a word is definitional in identifying the minimum necessary conditions required to designate an object with that term. When used to denote an activity, a term refers to particular kinds of practice that fall within these minimum conditions. The evaluative sense of a word admits of degree and is the core of normative description, in that

¹⁶ See especially Claude Lefort (1988), Frank Ankersmit (1996), David Plotke (1997), Jacques Derrida (2002), Nadia Urbinati (2006), Sofia Nassstrom (2006), Monica Brito Vieira and David Runciman (2008) and Michael Saward (2010).

the term may be employed to describe when an object is more or less of what it should be ideally. To illustrate this trifold distinction, we may briefly reflect on my account of democracy laid out the previous chapter. As fact, I defined democracy as a system of popular control constituted by a voting space (compound) that structures a public sphere of discursive participation. Yet, as I attempted to make clear, the way in which democracy is enacted will vary from one political system to another as the rules structuring a voting space and the arrangement of the public sphere, amongst other factors, may differ. The manner of enactment is the active sense of democracy. Finally, as a value, democracy may be used to describe the degree to which some specific practice or political system more generally lives up to the ideal of democratic control. Of course, fact, activity and value are typically entangled in our speech and judgments such that it will be sometimes difficult to determine, where relevant, what aspect of a term a speaker is trying to emphasise. Maintaining this trifold separation for analytic purposes, however, should be helpful for clarifying the nature of representation in this chapter while attempting to understand how it invigorates democratic life.

My approach leads to several innovations that may be briefly stated at the outset. First dealing with the nature of representation as fact, drawing on the work of philosophers of language who cast light on the discursive nature of representation, I offer a refinement of Hanna Pitkin's vague conception of representation. Specifically, I define representation in its most general terms as the making present by a *speaker* to a *listener* of something which is absent (II). What representation as activity looks like depends on the context in which it is enacted. The kind of artistic representation we find in film or iconography, for example, will differ markedly from political and democratic representation. A popular way in which scholars treat the idea of political representation is through typological analysis, detailing the various ways in which representation takes place in political contexts. Rarely recognised in explicit terms, yet of great philosophical importance, is the nature of the relationship between a speaker and a listener undergirding all typologies of representation. Michael Saward and Andrew Rehfeld's recent work are rare, albeit partial, exceptions to this. The one emphasises the role of the political speaker whereas the other is primarily concerned with the political listener. Yet they have not fully appreciated that political representation is not normally constituted by a speaker or a listener, but by the relationship between them. My second innovation, then, is to bring these respective accounts into dialogue so as to arrive at a more complete conception of political representation.

Following on from this is a third innovation, namely an elaboration of the often glossed over distinction between political and democratic representation. As I argue, political representation is a general concept that extends to cases where those who are represented by a speaker are excluded from the audience of listeners (the dualist model). Democratic representation is a more specific concept which demands that the represented are always at the very least an auxiliary audience, even when the representative is addressing a separate audience like a parliament (the tripartite model). Recognising the democratic relationship between the representative and his audiences – i.e. the institutions of authority and those whom he represents to such institutions – I attempt a fourth innovation. While it frequently pointed out that the task of a democratic representative is to make present the interests and values of those whom he represents to the seat of power, it is rarely noticed that in doing this the representative is also crucially making the contours of power visible to the represented themselves. Unless power is made visible to the people through the activity of democratic representation, I contend, the ideal of democracy would be an unattainable goal. Citizen control over the power to which they are subject, in other words, is a chimera unless representative activities make the seat of power and the manner in which it exercises that power visible to the public audience of listeners (III).

The penultimate section of this chapter deals with the idea of representation as democratic value. While representation as democratic activity is most closely related to my account of democratic process outlined in the previous chapter, representation as democratic value relates to the democratic purpose. Despite the concentration on democratic representation characterising modern debates, Suzanne Dovi (2007) is exceptional in setting out an account of good democratic representation specifically, consisting in the virtues of critical trust building, fair-mindedness and good gate-keeping. Providing us with the basis of a sound normative articulation of democratic representation, Dovi only takes us so far since she bases her account on the idea of an individual representative (elected or non-elected) to the neglect of groups such as political parties in which representatives tend to operate. Nadia Urbinati is fully cognisant of the central role played by political parties in modern democratic politics, drawing special attention to the manner in which they may pervert the democratic process through bad representation. My fifth modest innovation is to translate Dovi's conceptual vocabulary concerning the nature of good representation into the party setting in a way that enriches Urbinati's understanding of how representative politics can disfigure democracy (IV).

In the final section, I attempt to demonstrate the centripetal nature of democracy, suggesting that democracy can go beyond the external purpose of peaceful conflict resolution by promoting integration of the demos through identification with the democratic process. Drawing on my conception of democracy outlined in the last chapter, and various developments in the current chapter, I explain how democracy's natural tendency is to bring people together in the promotion of political community formation. Despite the potential for distortion of the democratic purpose, I claim that the practice of good democratic representation has a special ability to mitigate the effects of centrifugal tendencies within modern societies. This production of social cohesion should not be seen as part of democracy's internal purpose, however, but merely one of the many possible external purposes that it may serve to promote (V).

II Representation as Fact

Representation is one of the key philosophical concepts, as old as the distinction between perception and reality that has occupied philosophers since Parmenides. The 20th Century saw philosophical attention focused on the relationship between language and the world such that the idea of representation has become closely linked with the study of language. This is not to say that images and symbols are no longer forms of representation, but that language is considered to be the paradigmatic way in which representations are made. Indeed, pictorial representation is generally considered to be an instance of representation only insofar as it "says" something about something. In what follows, I attempt to determine the nature of representation as fact by drawing on recent pioneering work in the philosophy of language. Unable to do justice to the vast literature on this subject here, I focus on the thought of Robert Sokolowski and John R. Searle, whose complementary work cast light on the nature of representation in a way that will prove highly illuminating for understanding the nature of political and democratic representation. I am especially keen to emphasise two forms of speech-act, namely those that manifest the world and those that change it.

According to Sokolowski (2008; cf. Lacey 2012), the acquisition of language by an individual is more of a social than a natural phenomenon, suggesting that the most basic linguistic act does not take place in an individual consciousness but in the relationship between a speaker and a listener. On his view, therefore, introspective speech and thought are derived from this necessarily prior public act. Studying the relationship between speakers and listeners, Sokolowski (2008: 14) identifies the human person as an *agent of manifestation* in that a speaker's aim as a communicating being is to manifest or represent in some way some

part of the world to a listener. Words serve their communicative function, Sokolowski (2008: 83) contends, by having an inbuilt form of signalling. Effectively, through his choice of words, the speaker is signalling to the listener to perform the same cognitive acts. And, as he explains, we have an inbuilt tendency to follow the speech of the person to whom we are listening that makes communication relatively fluent and intelligible.

Language, on Sokolowski's view, is the manner in which we represent the world to one another as speakers addressing ourselves to listeners. John R. Searle (1995; 2010) hones in on a particular kind of speech-act that puts a speaker and a listener in a special relationship to one another. While Sokolowski takes as his main example that kind of speech which attempts to represent some part of the world as it exists, Searle (2010: 12) is keen to explain how the social world may be changed and created by what he calls *declarations*. Such speech acts change the social world by representing it, not as it is normally exists, but as already changed. Simple examples would be declaring a war, the existence of a new state, or the end of a meeting. In each case, something new is created by being represented as already existing. Institutions, for Searle (2010: 13), are systems of *standing declarations*. The institutions of law or the game of soccer, for example, are constituted by a set of rules that do not need to be continuously declared once they have been brought into existence.¹⁷

Both Sokolowski and Searle share a conception of *intentionality* which they see as the core feature of human consciousness that allows us to both understand and change our environment through the force of language. Intentionality takes the form S(p), where S refers to some mental state (believing, desiring, promising, etc.) and p refers to the propositional content of how we understand the world (e.g. "the clock is wrong", "we will return", "the stock market will rally"). Intentional states may be conscious, as in when I call to mind the belief that "Dublin is the capital of Ireland", or they may be unconscious, in the sense that I may have this same belief without it necessarily occupying my current thoughts. Declarations, however, do not change the world on Searle's view without the participation of a listener or audience. Just as it provides individuals with the capacity to follow the speech of another, intentionality allows us to recognise or accept standing declarations and newly articulated declarations. A declaration that is rejected by the relevant listener or audience fails to change the social world in the way intended by the speaker.

As Searle is sure to point out, recognising or accepting an institution such as money does not imply approval but is meant in the formal sense of being the condition under which

¹⁷ This, of course, does not preclude the possibility of institutional change through further declarations.

approval and disapproval becomes possible. Of course, being defined by their social functions, institutions cannot operate on individual recognition alone. What is required in this case is what Searle (2010: 58) calls *collective intentionality*, or the ability for individuals to not only recognise an institution but also to recognise that others accept it too. Certainly no one could rightly recognise money or marriage as institutions, which therefore wouldn't exist, unless others also accepted them.

One point Searle does not sufficiently bring out is that declarations do not typically emerge *ex nihilo* but are often informed by or based on some credible effort to manifest the world. A monetary system, for example, does not simply come into existence by decree but depends on relevant speakers convincing relevant listeners of a complex set of beliefs that would lead to the conclusion that having such a system is either necessary or in some way beneficial. Similarly, the United States of America was not declared into existence at Philadelphia on a whim in 1776. This was an act preceded by a lengthy debate by different figures where the arguments of the federalists were judged to be most persuasive. On the one hand, a speaker may attempt to represent some aspect of the world to a listener or wider audience without making any kind of declaration that would change the world. On the other hand, it is unlikely that a speaker's declaration would be accepted unless the relevant listeners believe that it is informed by or based upon a sound interpretation of pertinent factors concerning the world as it is found prior to the declaration at hand.

Hanna Pitkin (1967: 81) famously defined representation in the most general possible terms as the making present in some way of something that is absent. Though she was more concerned in working out the meaning of this insight within the particular context of political representation, rather than unpacking it on its own terms, we can take it as a good first approximation for determining the most general nature of representation as fact. My brief outline of Sokolowski and Searle's complementary thinking helps to fill out Pitkin's intuition by a) explaining that making something present always involves "saying" something about that which is absent b) identifying the paradigmatic case of representation as a relationship between a speaker and a listener c) distinguishing between two main kinds of representation in this dialogical relationship: the kind that manifests the existing world and the kind that changes the world and d) demonstrating that the latter kind of speech-act is ultimately entangled with and based on the former.

III Representation as (Political and Democratic) Activity

Having outlined a basic conception of representation as fact, the making present by a speaker to a listener of something which is absent, I am now in a position to determine certain ways in which representation may be enacted. Declarations are foundational for the construction of social reality and so we may not wonder at the emphasis placed by numerous political philosophers on the contention that representation is constitutive of democratic systems and politics more generally. That is to say, all political systems are composed of standing declarations that have been accepted by the relevant audience(s) required for the survival of that system. Here we must recognise two contexts, distinguished by their respective levels of generality, within which representation may be enacted. These are the political *per se* and the democratic. I first provide a general account of political representation, which covers all political systems, to be followed by an exploration of the form that political representation takes place within specifically democratic systems.

Political Representation

Political representation as a concept has a long history which has arguably received its most dedicated conceptual analysis in the last decades, as the themes explored by Pitkin over fifty years ago receive renewed attention from a growing number of scholars. Providing a typology of the main ways in which political representation can be carried out is a popular and valuable way of proceeding (e.g. Pitkin 1967; Mansbridge 2003; Vieira and Runciman 2008; Rehfeld 2009). What this approach does not fully appreciate, however, is that the relationship between the political speaker and political listener is prior to and serves to structure any useful typology of political representation. Saward and Rehfeld each make a unique and outstanding contribution to filling in one side of the representative equation constituted by the relationship between a speaker and a listener. Saward deepens our understanding of political speakers while Rehfeld gives us a keen sense of political listeners.

Before engaging with the work of these scholars, two general points about *political* representation should be highlighted, each of which will become clearer as we proceed. First, political representation does not just mean manifesting or changing the world through acts of representation, it also means using these speech acts to be the representative of some entity with values and interests.¹⁸ Second, what makes representation specifically political is that it always implicates the political system in its capacity to produce outputs in response to inputs

¹⁸ Typically the entity being represented is a person or group of persons but it may also include other entities like animals or some aspect of the environment.

generated from within or outside the political system. In other words, political representation always implicitly or explicitly relates some set of values and interests to some seat of power.

Saward is among a growing number of scholars dedicated to exploring the dynamic and constitutive nature of political representation. What is novel about this research is not the idea that representatives create rather than simply reflect the interests of groups, but rather that no group exists before it has been articulated as such by a representative and, furthermore, that the nature of these groups is open to continuous re-articulation (Nasstrom 2011: 506). The idea of the *representative claim* is at the centre of Saward's account. A representative claim, he tells us, occurs when a *maker* of claims puts himself forward as a *subject* who is qualified to stand for an *object* that is his representation of a *referent* (or intended group of people) and is offered finally to an *audience* (Saward 2010: 36). For example, Martin Luther King Jr. (claim-maker) presented to the black people of America (audience) a certain image of himself (subject) as standing for an imagined community of his "disenfranchised black brothers and sisters" (object, that is, the portrayal of a referent). Since a large part of the audience to which King addressed himself appeared to accept his representative claims, Saward would consider him to be a representative who artfully constituted much of the African American community as a uniquely articulated entity. What made MLK a specifically *political* representative, we may add, is that his representative claims were contextualised by an overall aim to induce the political system to legislate for African American entitlements to equal civil rights.

Saward's account is effectively an explanation of how declarations are used by speakers in the political realm to constitute and redefine political identities and interests. The MLK example makes clear how successful declarations in the political world will often depend upon their being informed by reality as it exists prior to the relevant declaration. Part of MLK's ability to constitute a particular political identity for certain African Americans was his ability to i) represent their reality in a way that was grounded in their own experiences of oppression and ii) represent himself as a worthy representative on the basis of his own good and competent character. In this example, the audience and the referent are the same, i.e. African Americans. Yet this will often not be the case. MLK, for instance, could have easily addressed his claim of representing his "black brothers and sisters" to an all-white church congregation or to the US Senate. In this case, he is not vying for acceptance as a representative of African Americans (referent) by African Americans (audience) but of African Americans (referent) by the white church and Senate (audience).

While Saward is cognisant that a political representative always addresses an intended audience, his emphasis on the political speaker or representative leaves us without a sufficient understanding of political listeners or the audience and their role in co-constituting representation. Rehfeld places the reverse emphasis, concentrating on the audience at the expense of the speaker, and so it is to his insightful analysis that we may turn for further guidance. According to Rehfeld, representation presupposes that there is some function to perform for which a representative is required or desired. The audience, he contends, accepts the representative on the basis of 'rules of recognition' that 'specify a Selection Agent who uses a Decision Rule to select a representative from a Qualified Set' (Rehfeld 2006: 5). To explain this, the audience must recognise that the would-be representative emerges from a set of persons that they consider qualified to perform the representative function at hand; the representative must have been selected according to a decision rule the audience considers to be valid; and the person(s) who employed the decision rule, namely the selection agent, the audience must deem to be appropriate. Returning to the MLK example where he speaks to an all-white congregation, we can say that representation of the African American community took place if and only if the congregation accepted i) MLK as qualified to speak for the African American community (emerging as he does, say, from a qualified set of Christian and educated African Americans) ii) the African American community as a valid selection agent (say, insofar as they form an identifiable minority group) and iii) the decision rule of this community to select those representatives who, say, would peacefully fight for their rights. If any of these three essential conditions of representation was rejected by the congregation, for Rehfeld, there would have been no shortage of representative claims but political representation would not have occurred since MLK was not accepted as a representative of the African American community. Yet political representation may have taken place later that afternoon when MLK made representative claims to an African American congregation of his supporters. In this case, they are the audience who view him as being qualified to represent them for a certain purpose while they recognise themselves as valid selection agents and their decision rule as appropriate.

Perhaps surprisingly at first, on this account we find that no relationship between a representative and those they claim to represent is required for representation to take place. All that is necessary, in fact, is that some audience accept the representative as representing that which he claims to represent. The King of Spain may at this moment be representing the Spanish people in fiscal negotiations with officials of the European Central Bank, insofar as the officials accept him as such a representative, though the Spanish people may condemn or

be entirely unaware of being thus represented by an unelected figure head. As we shall see in the next section, political representation is not identical to democratic representation since the latter is a further specification of the former. Political representation includes, but is not limited to, cases where those who are represented are denied any access to the representative claims in which they are being represented to an independent audience. As such, political representation may occur without the consent of the referent and against the latter's interests so long as some relevant audience accepts the representative claim at hand. *Democratic* representation, however, necessitates that the referent is involved in all representative claims as an audience of some kind and thereby capable of affirming and contesting the claims made in their name.

Before exploring this idea further, a task to which I turn in the ensuing section, let us briefly return to my earlier comment that political representation at least implicitly relates itself to the political system. In cases of political representation, the audience to which a claim is addressed will often be some institution in the political system that has problem-solving capacity. It has long been recognised that such claim-making involves the representative making present to the seat of power some interest in society that should be satisfied and would otherwise be absent from view. What is rarely noticed, however, is that through his representative claims the political representative makes present to his audience *the contours of the political system*, that is, the institutions and actors that are relevant to addressing the demands and interests implicit in his claims. To explain further, my contention is that no political identity is formed without a power structure towards which to direct itself or against which to defend itself, just as no set of interests can be politically articulated unless there is a power structure that would serve to address the demands arising out of these interests. Thus, through his representative claims, the representative is either explicitly or implicitly pointing to a locus or loci of power and thereby making it visible to those with access to these claims. As we shall see, in the context of democratic representation, the importance of this function cannot be under emphasised.

Democratic Representation

Democratic representation is a further specification of political representation. It is a particular way of doing representation. In this section I explore how my account of democracy conditions representation as a particular kind of activity. The direct democracy of the Athenians and the representative democracy of modern Western societies are the two main ways in which democracy has been enacted. To help determine the manner in which

representation serves as the life force of democratic politics, it will be instructive to demonstrate that it has to do precisely with how each system arranges representation that makes them distinct. Two of the most influential ways of contrasting direct from representative democracy, however, do not appreciate the different role that representation plays in each system. By first demonstrating the inadequacies of these views, I lay the groundwork for explaining the essential and differentiating function of representation.

On one account direct and representative democracy are distinguished by the way in which the most powerful political offices are filled, with the Athenians choosing impartially from all citizens by lot and representative democracies choosing by partisan election those who are considered to be the best available leaders (Manin 1997: 85-92; Przeworski 2010: 30-1). According to Manin, representative democracies are based on the idea of consent by the people, which would thereby preclude the use of any instrument based on pure chance for the selection of office holders. Concentrating on this difference of selection procedure, however, overlooks the fact that consent is not restricted to representative democracy but by far played the largest role in direct democracy also such that the Assembly ‘became synonymous with democracy’ (Blackwell 2003a: 2). The demos was, first and foremost, identified with the Assembly rather than the officials composing the Council of 500 whose agenda-setting power was entirely subject to approval by the former’s consent. In fact, insofar as it does not require the direct approval of the people, it appears that the choice of agenda-setters by lot was not a specifically democratic part of Athenian politics. Lot as it was used in the Council of 500 embodied the value of impartiality, whereas the Assembly was defined by the core democratic value of equal popular control.

Another influential perspective on this issue maintains that direct democracy is quintessentially participatory in that all those present can vote and speak for themselves, whereas representative democracy is based on the representation of some by others and therefore exclusionary (Rousseau 1762; Barber 1984). As we have already seen, however, representation is a necessary component of all political life and so we cannot admit of this opposition between representation and participation. David Plotke (1997: 26-7) argues the point particularly well when he explains that direct democracy is characterised by a) the variable but inevitable lack of attendance by eligible citizens and the fact that not everyone is likely to agree and b) the time constraints on and limited competences of those present. In the first instance, those who are not in attendance when decisions were made or in agreement with a given decision were nevertheless taken to be represented by that decision. Illustrative of this is the fact that decrees of the Assembly began with the phrase “It seems best to the

Demos...” whereas statements by the Council of 500 were understood as representative of that institution only (Blackwell 2003b: 3-4). The majoritarian decisions of those present in the Assembly were, in other words, understood to be representative of the demos as a whole. In the second case, many individuals would often not speak on a given issue because they were already sufficiently represented by the views expressed by others or because they were ignorant on the subject at hand and willing or encouraged to allow themselves be spoken for by those with greater insight or expertise.

The major difference between direct and representative democracy is not the use of lot nor the absence of representation, but the way in which the voting space in each system organises representation. Direct democracies allow citizens to have a direct role in deciding issues of common concern whereas purely representative democracies are limited to providing citizens with the opportunity to choose those individuals that will be responsible for deciding such issues. Representative democracy, in other words, opens up a formalised gap between the representative and the represented where a select group of individuals are designated to make representative claims on behalf of those who they have been elected to represent (Ankersmit 1996: 50). This gap is not at all like the distinction between the Assembly and the Council of 500, which was primarily an administrative rather than representative feature of Athenian democracy since the Council was in no way conceived of as representative of the people. Neither should the representative gap particular to democracy be confused with other systems of political representation where, say, some form of dictator or monarch claims to represent the people. Such systems, according to Claude Lefort (1988: 17-20), are in fact efforts to deny or overcome the gap between the representative and the represented by making them identical with the person of the leader. In the Ancien Regime and totalitarian systems, to take Lefort’s favourite examples, the leader attempts to manifest himself not as a representative of the people but as the incorporation of the people as a singular physical agent.

A key characteristic of representative democracy, for Lefort, is the sense in which it embraces the representative gap by rejecting the symbolic order based around the incorporation of the many people into the singular person. What this amounts to, he believes, is a different symbolic order where power is represented as an *empty place* that belongs to no one essentially. The regularity of election required by a democratic voting space is the most evident way in which the empty place of power is consolidated in representative democracy. It is the institutionalised recognition that the seat of power is never finally closed but always open to contestation by others (Lefort 1988: 225-6). On the basis of these insights, Lefort

claims that representative democracy is a *staging* of conflict over the right to exercise power, and not just conflict between competing interests over particular issues which may also take place to varying degrees in other forms of political system. None of this is to say that the only representatives in a modern democratic system are elected officials. What it does mean is that power must always be contested by elected or unelected representatives on a publicly visible stage with elected representatives cast in the lead roles.

As I have indicated, political representation is a general term that extends to cases where only two actors are in play, the representative and an audience, while the referent is denied any access to the equation except through the representations of the representative. Call this the dualist or minimalistic model of representation (see figure 2.1). Democratic representation, by contrast, works off a tripartite model involving not only the representative and an audience but also the referent who may be identical with the audience or else serve as an *auxiliary audience* that is *passive* or *active*. When the audience is identical to the referent, as in the case where MLK addresses his African American constituency, those whom the representative is claiming to represent must engage directly with the representative by rejecting or accepting his claims.

Paradigmatically, in representative democracies, the representative will address an audience like a parliament or government official on behalf of an intended referent. What is crucial here is not that the referent be addressed as an audience but that it serve at the very least as a passive auxiliary audience in that it has easy access to the claims being made on its behalf through the media or otherwise (see figure 2.2). The referent becomes an active auxiliary audience when it ceases to simply see how it is being represented to others but actually plays a role in accepting or rejecting representative claims. Such is the case when the referent either affirms or disputes how it is being represented by directly communicating with the representative and/or his intended audience. Indeed, when it comes to instances where the active auxiliary audience disputes the manner in which they are represented, new representatives may emerge from the audience or elsewhere to articulate this contestation through alternative representative claims. Without this access to and capacity for disputing the representative claims made on their behalf, democratic control of representatives by citizens would hardly be possible. On occasions where the represented or auxiliary audience rejects the representative's claims, despite acceptance by the audience to which the

representative addresses himself, there has been no *democratic* representation although an act of political representation may have certainly occurred.¹⁹

Figure 2.1: The Dualist Model of Political Representation

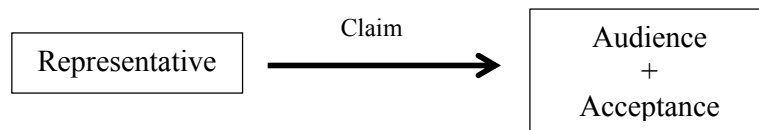
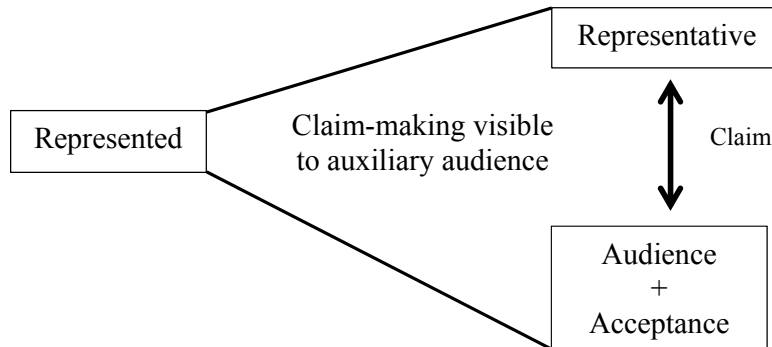


Figure 2.2: The Tripartite Model of Democratic Representation (where Represented = Passive Auxiliary Audience)²⁰



Like all political systems, the manner in which democracy is enacted depends in no insignificant way on the nature of the opportunity structure and the resources available to political actors for accessing these opportunities. An opportunity structure merely refers to the formal and informal ways in which power is open to the influence of both elected and unelected individuals (Tarrow 1994: 85), whereas the resources required for a representative to access the available opportunities may be material (e.g. raising funds) or non-material (e.g.

¹⁹ There is a difference between a democratically elected representative and the democratic quality of a representative claim. As we shall see in Section IV, it is possible for democratic officials to carry out their representative functions in entirely non-democratic ways.

²⁰ I choose to depict the tripartite model with a passive auxiliary audience as the simplest, and perhaps most frequent, enactment of democratic representation. This figure can be easily modified to accommodate for instances when the auxiliary audience is active in accepting the representative claims. On occasions where the active auxiliary audience rejects the representative claim, however, we depart from the tripartite model altogether as this does not amount to a case of democratic representation.

generating support among citizens).²¹ The key to a democratic opportunity structure is the arrangement of the voting space and the public sphere. But it is not only that. It also refers to the opportunities for influencing power constituted by the rules of the political system itself. For example, the ability for a small number of parliamentarians to call for a vote of no confidence in the government provides a direct opportunity for parliamentarians to influence power and an indirect opportunity for civil society to do so since they may pressure their elected representatives to push for this kind of vote. Conceiving of political representatives as generally rational and constrained to varying degrees on different occasions by limited resources, we may say that they will likely pursue their aims through those opportunities to influence power that offer the greatest net gain for the expected demand on resources. Thus, just as a political system may be under-stimulated by a shallow opportunity structure in that there are few possibilities for political action beyond a select elite, so may an opportunity structure full of participatory possibilities for the larger society be under-utilised given relatively high resource demands on potential actors.

In democratic systems, political parties tend to be the most organised political actors, capable of generating sufficient resources like funds and citizen support for consistently and effectively accessing the opportunity structure. Where we find a democratic system with a relatively open opportunity structure unobstructed by exorbitant resource demands, the potential for the emergence of a robust civil society dramatically increases (Meyer and Minkoff 2004). Essentially, the more elected and unelected individuals find themselves capable of contesting and influencing political power the more likely they are to make the representative claims necessary to articulate political identities and interests. As we have seen from our discussion of political representation, in doing this, the representatives are not only making citizens' identities and interests visible to the political system but are at the same time making the locus of power visible to an audience. In the democratic context, where citizens ideally are always either the direct addressees of representative claims or an auxiliary audience (passive or active), it follows that representatives play the role of making power visible to citizens. That is to say, by having access to the representative claims of those

²¹ Of course, the political opportunity structure will appear differently to different actors, with some having easier access than others (Kriesi, Koopmans, Duyvande et al. 1992). Elected officials will tend to have more opportunities than civil society groups while more established civil society organisations, and those most ideologically amenable to the governing party, will have more available opportunities than newer civil society groups or those that are ideologically at odds with the government. This insight is important to note in studying particular social movements or political actors but, to the extent that there is nothing necessarily undemocratic about different civil society actors competitively acquiring and losing political influence with changing circumstances, we need not dwell too much on this point.

advocating on their behalf through the transparency of the political system and the effectiveness of media communication, democratic representatives manifest the contours of the political system (its institutions and actors) to the public.

This is not yet the full story however. To recall one of Sokolowski's main insights, representation is something that happens through language as a listener follows the signals laid down by the speech of a speaker. It is therefore not enough that representative claims be accessible to the public audience because the audience must also be attentive to these claims. As we have seen in the last chapter, due to time and other constraints, citizens cannot follow all politics all of the time. Just as political representatives are incentivised to make representative claims by the trade-off between what they can gain from the opportunity structure and the resources they must acquire and expend to gain access to this structure, so the public audience is most likely to pay attention to those claims that they perceive to be most important. Of course, the public audience is not an undifferentiated entity. Not only will different persons be motivated to pay attention to different issues and representatives at different times, depending on their individual values and interests, the public audience itself tends to be divided into the attentive and general public.

The former, according to Gabriel Almond (1960), are those relatively small sub-set of citizens with a dedicated interest in politics generally that serve as important catalysts of opinion-formation for the general public who may be less well-informed. What is necessary for the visibility of power is not that citizens be universally attentive to political life, but that they are attentive to sufficient representative claims so as to be familiar with the contours of the political system. The wide-ranging and vigorous public engagement incentivised by periodic elections is generally adequate to bring representatives and the public into a relationship where power is made visible to a wide cross-section of the citizenry.

From a democratic point of view, the role of the representative in making power visible to the public audience must not be under emphasised for a simple reason: what is not in some way visible to the people cannot be understood by the people and what they cannot understand they cannot control. On the view I am putting forward, we may say that there is a self-reinforcing relationship between visible power and democratic control – a virtuous circle animated by the relationship between representatives and the public audience. To explain further, when a democratic opportunity structure provides a meaningful chance to influence the political system in a way that does not put unreasonable resource demands on elected or unelected actors, representative claims are incentivised. These representative claims, in turn, implicitly or explicitly make the seat of power and the manner in which it is exercised visible

to the public audience. And it is only when power is visible in such a way that the opportunity structure designed to influence this power can be effectively manipulated by citizens at large. Put differently, citizens' ability to control the power to which they are subject via the democratic opportunity structure is dependent on accessible representative claims that make power visible and are incentivised by that very opportunity structure.

At this point, the central features of representation as democratic activity should be clear. First, representative democracy is distinguished as a symbolic order in which power is an empty place constituted by the institutionalised gap between the representative and the represented. Second, representative democracy organises representation according to a tripartite model in which the represented may be identical to the audience addressed by a representative or else serve as a passive auxiliary audience (that is silent about the manner in which they are being represented to the addressed audience) or an active auxiliary audience (that affirms or denies the way in which they are represented to the addressed audience). Finally, a virtuous circle between democratic control and visible power is established through the relationship between representatives and the public audience under conditions provided by the opportunity structure and its resource demands. Essentially, once representatives are incentivised to make representative claims by a reasonable trade-off between the influence to be gained from the democratic opportunity structure and the resources required to access this structure, power becomes visible to the public audience which in turn makes it possible for the public to effectively participate in the opportunity structure by casting an informed vote, petitioning their representatives, staging protests against this policy or that political party, etc.

IV Representation as (Democratic) Value

The activity of representation in the democratic context just outlined closely relates to the nature of democratic process presented in the previous chapter. Put differently, my account so far has been primarily descriptive in attempting to determine the manner in which representation tends to be enacted in democratic systems. This does not tell us much by way of how democratic representation ought to be ideally enacted. As such, to understand the nature of representation as value in the democratic context we must focus on what the democratic purpose, as the normative core of democracy, demands of political representation. My first aim in this section is to determine what kind of representation is it that allows for citizens to maximise the control over the power to which they are subject. My second aim is to present an account of the main ways in which the ideal of democratic representation may be perverted.

The Virtues of Good Democratic Representation

With the exception of Suzanne Dovi (2007), the vast majority of normative literature has primarily concerned itself with the nature of good representation generally, to the exclusion of substantial reflection on what makes representation good from a specifically democratic perspective. Furthermore, as numerous authors remind us (Urbinati and Warren 2008: 403; Saward 2010: 2), representation need not be confined to electoral institutions but is a far broader category that includes anyone who would claim to stand for the values and interests of others in the political realm. The question then concerns the conditions under which we can say that representative claims, whether proceeding from an elected official or unelected citizen, are in line with the democratic purpose? What, in essence, is good *democratic* representation?

Representation is democratic when it strives to maximise equal shares of citizen control in a manner that stays true to the democratic difference principle. This formula will take some unpacking, beginning with the distinction between delegate and trustee as the two main normative categories related to political representation (Pennock: 1968). A delegate is understood to act completely in accord with the judgment of those whom he represents whereas the trustee is thought to rely on his own judgment about what is best regardless of the opinions expressed by those he represents (Rehfeld 2009: 215). Though she does not concern herself with democratic representation specifically, but good political representation *per se*, we may adopt Pitkin's (1967: 162-3) thesis that the representative should primarily act as a trustee and only defer his judgment to the represented when there is clear disagreement. The democratic justification of this does not lie in the superior talents or knowledge of the representatives but in the democratic difference principle. Essentially, the representative is charged with behaving as a trustee for a large part of his time in office so as not to overburden the demos with too many concerns on too many issues. It is only when a clear public opinion emerges on a specific issue that the democratic representative is obliged to take up the delegate mantle and defer his judgment to the results of discursive participation in the public sphere.²²

The goal of legitimate democratic representatives, whether they take on the trustee or delegate mantle, is to advocate on behalf of those they represent. Yet this cannot be all there

²² Pitkin (1967: 166) claims that when the representative and the represented disagree, the good representative may still act in accord with his own judgment so long as he is promoting the objective interests of the represented. If we can reliably identify what the "objective" interests of others are then this may be a justifiable position to hold for *political* representation in general. However, when it comes to good *democratic* representation, the representative is always obliged to defer to the judgment of those he represents.

is to good democratic representation since a representative may successfully pursue the interests and values of his constituency in a way that undermines equal shares of citizen control over the power to which they are subject. This is not to say that a representative should avoid the competitive nature of democracy by refusing to produce winners and losers in the policy process, but that his pursuit of success is only democratically legitimate insofar as it does not undermine and even promotes the ability of citizens to have maximum control over political power. Thus, while the good democratic representative is responsible for the values and interests of his constituents, he is also a guardian and promoter of the democratic purpose.

Dovi's three virtues of good democratic representation are instructive for helping to determine the democratic duties of political representatives. She believes that self-rule is advanced in democratic representation by the virtue of critical trust building; fair-mindedness is the virtue appropriate to democratic equality; and good gatekeeping is the character trait associated with inclusion (Dovi 2007: 90-92). Before benefiting from the incisiveness of her account, it should be noted that she bases it on scant reflection concerning the nature of democratic purpose, briefly suggesting that the aim of democracy is to resolve conflicts peacefully and fairly (Dovi 2007: 5). On my view, this is a clear example of identifying democracy with an external purpose rather than its internal purpose (see chapter one). Certainly, democracy may have a role in leading to fair and peaceful conflict resolution, and it might even be adopted by a war-torn society as a system to meet this end, but this does not mean that conflict resolution is integral to democracy. Peaceful and fair conflict resolution is surely a desirable end, possibly achievable by various kinds of political regime, but it does not shape the ideal process of democracy which is defined by its internal purpose of maximising equal opportunities for citizen control. As such, in drawing on Dovi's account, we should not follow her in understanding self-rule as just one value among others but as the ideal that all specifically democratic values are justified by and serve to promote.

In line with these comments, critical trust-building cannot be seen as the only virtue related to self-rule since what makes any virtue specifically democratic has to do with how it contributes to achieving the ideal of self-rule. Critical trust-building would hence be better recast as the virtue appropriate, quite simply, to the value of critical trust which has its own limited though important role in achieving the democratic purpose. Critical trust may be defined as the capacity of citizens to discern when their participation is required in the political process and should not be simply entrusted to elected representatives. To explain further, trusting representatives to act on one's behalf is a necessity in modern representative

democracies. Yet to blindly place this trust in representatives on all issues all of the time would amount to the near total retirement of citizens from politics aside from casting periodic electoral ballots. In order to most effectively control their representatives and participate in political life, citizens must be capable of a certain *nous* which allows them to best determine when to defer to their representatives' judgments and when to themselves get more involved in influencing their representatives' decisions. Good democratic representatives, according to Dovi, are those who do not simply want themselves or other leaders to be followed on all counts but contribute to the development of critical trust among citizens. Examples of critical trust building would be drawing the attention of citizens to issues that are too important to float through the legislative process without an extended public debate, even though the absence of public contestation may be advantageous to the legislators, or by supporting the creation and maintenance of citizen watchdog groups.

As I have already elaborated in the previous chapter, equal shares of citizen control cannot be maintained under circumstances when the principle of democratic equality is significantly violated. In other words, democracy requires that citizens are treated equally in securing the basic needs, liberties and voting rights necessary to participate in the democratic process. On this basis we can accept Dovi's conception of fair-mindedness, which is the virtue that aims to guard against infringements of democratic equality, as well as combatting the effects of wealth disparities on distributions of political influence. To be a fair-minded democratic representative then, one must not pursue policies that would undermine the democratic equality of any citizens in addition to advocating those policies that would serve to secure democratic equality for more individuals. Furthermore, where wealth or other social goods give a particular group undue influence over the political process, the good democratic representative must seek to mitigate this influence by, for example, supporting laws that would minimise or eliminate private electoral campaign contributions.

The virtue of good gatekeeping naturally follows from a fair-minded representative and is defined by Dovi as the attempt to promote inclusion in the democratic process such that representatives have mutual relations with all those they are supposed to represent and not merely a particular set of values and interests therein. Failing to engage with the concerns of marginalised groups, for example, is just another way of unequally distributing citizen control over the democratic process. Indeed, by practicing good gatekeeping the representative is contributing to the democratic purpose by directly striving for inclusion and thereby indirectly promoting identification with the democratic process. To clarify this, the more inclusive a democratic society succeeds in becoming the more those who may

otherwise be excluded from the democratic process are likely to identify with it. And, through this identification, they may in turn be more likely to take ownership of the democratic process in the future by becoming more active in the voting space and public sphere as both engaged citizens and elected or unelected representatives.

By focusing on the individual representative, Dovi neglects the important role of political parties in structuring the behaviour of elected representatives who we have already seen are the main actors on the stage of representative democracy. Though parties may on more or less occasions serve as barriers to individual representatives practicing the virtues of good democratic representation, it is hard to imagine how the values of critical trust, democratic equality and inclusion could be secured without the existence of political parties. As already noted, political parties are among the most organised and resourced political actors in a democratic community. They are therefore in the best position to ensure that their elected members behave in a manner consistent with the democratic virtues. Political parties, when organised in accord with the democratic purpose, act as a consistent normative force on their elected members that goes beyond the intermittent pressure that citizens are capable of exerting on their elected representatives. Put differently, the tightly knit organisation of a political party may often do a better job of ensuring that its elected members practice the virtues of good democratic representation than less coordinated citizens who may suffer frequent failures of invigilation.

It is reasonable to assume that the more democratic a society becomes, the more likely we may find political parties sharing in a (socialised) moral commitment to democratic values. Notwithstanding this consideration, we may wonder about the more pragmatic grounds on which parties would be motivated to construct an internal normative order that would seek to advance the democratic purpose. The pursuit of critical trust building is motivated by the competitive nature of democracy. Opposition parties in particular will seek to draw public attention to the more salient activities of government in addition to having a strong interest in enabling citizens to contest government policy. The governing party or parties, anticipating the opposition's publicity tactics or citizen contestation, may themselves be incentivised to launch a public debate on upcoming policy issues in order to have greater control over how discourse unfolds. On this view, critical trust building in large part becomes a function of just how accessible the opportunity structure is to opposition parties and civil society.

Political parties are incentivised to internalise the virtues of fair-mindedness and good gatekeeping by two factors. First, a democratic system will have at least partially effective

constitutional constraints against the pursuit of policies that undermine the democratic equality and inclusion of citizens. Possibly leading to serious constitutional confrontations with high political risk, running against the grain of democratic equality and inclusion may be strategically unwise for political parties in most circumstances. Second, parties need the support of a wide electorate to gain power or parliamentary influence. Failure of a particular party to require that its elected members promote the democratic equality and inclusion of all citizens simply opens up a deep representative deficit that may be filled by any party willing to fight for those whose democratic rights have been undercut.

Perversions of Democratic Purpose

None of this is to say that the virtues of good democratic representation are guaranteed by political parties or any other feature of a democratic system. There are many ways in which the representative politics that animates democratic life can pervert the democratic purpose while not necessarily departing from a basic democratic process. Nadia Urbinati (2014) refers to such departures as disfigurements of democracy and identifies three main types: populism, plebecetarian and epistemic. Unlike Dovi's focus on the individual representative in describing the virtues of good representation, Urbinati's account of bad democratic representation is more concerned with the failings of political parties. Having embedded Dovi's virtues within a party system context, it becomes possible to relate the account developed here to that of Urbinati. In doing so, we may develop a more unified and richer vocabulary for speaking about the evaluative dimension of democratic representation

Urbinati's conception of populism undermines the values of democratic equality and inclusion whereas plebecetarian and epistemic disfigurements of democracy are more damaging to critical trust. A populist party Urbinati understands as one which vies for power by appealing to a wide electorate, but in such a way as to exclude a significant part of those who are subject to the laws of the land. It promises to bring democracy to the people, citing the corrupted elements of the established and undifferentiated elite, but proffers a relatively narrow definition of whom they consider as belonging to the homogeneous people. So while populist parties operate under an ostensible democratic process, they are inimical to the democratic equality and inclusion of certain groups who are entitled to participate in a collective project of self-rule within the existing political system.

Plebecetarian politics, according to Urbinati, mars democracy by attempting to cast a party leader as the true representative of the people. This model does not seek to entirely overcome the gap between the representative and the represented, as in the case of

totalitarianism, since it continues to operate within the competitive limits of democratic process. It does, however, take on a disdainful attitude towards this aesthetic gap. Whereas critical trust building is designed to assist citizens in judging when to take the form of a passive or active auxiliary audience, the plebeetarian party does all it can to ensure the passivity of the people. The goal of such parties, in other words, is to entirely sacrifice public debate for the rhetorical qualities of a single individual who is represented as the only valid source of opinion formation for the entire community. The contestation encouraged by critical trust is presumed unnecessary by those in power whose attempt to monopolise political discourse with a singular voice leads to egregious attempts to control as much media output as possible in pursuit of this end.

Epistemic democracy Urbinati sees as not so much an effort to exclude particular groups in society or to monopolise the public sphere, but as a conception of democracy that is suspicious of the positive role public opinion can play in effectively and fairly governing a large-scale and complex society. It places an emphasis on outcome rather than process, being willing to sacrifice the process of will formation as much as possible to arrive at the right or most rational decisions for society as a whole. The more prevalent an epistemic conception of democracy within a political culture, according to Urbinati (2014: 82), the more susceptible it is to ‘technocratic revisions of democracy’ whereby experts take the lead in governing.

Unlike the other perversions of democracy discussed by Urbinati, she does not say much by way of the role political parties play in bringing about this disfigurement. However, as the core representational entities in a political system, technocratic institutions cannot survive or be expanded upon without the tacit approval of or vigorous pursuit by political parties. Parties who advance epistemic democracy attempt to make the largest possible use of deliberate forums – whether courts, independent regulatory bodies, mini-publics, etc. – so that the most rational solutions to social coordination have the greatest chance of being adopted. While the conception of democracy I have been putting forward provides some support to those institutions that are in some way isolated from the democratic process, at least insofar as they are necessary to secure this very process, we have seen in the last chapter that the democratic purpose does not allow for unequal distributions of democratic control that are not consistent with the democratic difference principle. The more policy areas outside citizen control the more these citizens are confined to passivity and the less they are able to practice their capacity for critical trust.

A fourth major disfigurement of democracy which Urbinati does not identify is the possibility of collusion in the party system. Cooperation between competing political parties

is by no means an inherently anti-democratic phenomenon. Collusion, however, I understand as a form of cooperation that intentionally limits competition in a way that runs against the democratic purpose. Several forms of collusion in a party system are possible. One of these is a phenomenon detailed by Richard S. Katz and Peter Mair (1995) as party cartelisation. This is strategic cooperation between parties to ensure that only dominant parties receive public funds for campaigning purposes, thus stifling competition and making it more difficult for marginal or emerging interests, values and perspectives to find representation.

Another type of collusion in the party system, which will be more relevant to this dissertation, is when parties ensure that particular issues do not go through the process of popular debate, not because these issues are somehow minor but rather precisely because of their salience. Rather than hand these policy areas over to a technocratic agency, however, they are instead dealt with by the parties themselves behind closed doors. Consociationalism is one set of practices that more or less follows this pattern. In this instance, the pursuit of democratic process is seen as inimical to rather than aiding the peaceful resolution of conflict. While a less egregious disfigurement of democracy than technocracy, since it relies on elected representatives rather than unelected experts, consociationalism shares with technocracy a prioritisation of outcome over process. In this way, it gives representatives more power than that to which the democratic difference principle entitles them, reducing incentives to practice the virtue of critical-trust building.

V Centripetal Democracy

Certainly there are more ways in which the democratic purpose may be perverted by representative practices, yet I believe we have covered a great deal of ground in discussing these four particular kinds of deviation. Though I have argued that the peaceful resolution of conflict is not internal to democracy, there is a good reason why competitive democrats and many other authors like Dovi identify democracy with this purpose. Political stability is an important value and democratic systems have proven to be especially effective at securing this value. Despite the fact that democracy can be used to drive people apart, as we saw in the case of populism for example, I believe it has a far greater capacity to bring people together in a way that moves beyond mere conflict resolution. Certainly, and as we will see in Part Three where I discuss my case studies, circumstances matter! Remaining on a more abstract level for the moment, however, I wish to briefly outline the centripetal nature of democracy in promoting social cohesion. The key question to answer here, on my view, concerns the kind of conciliatory collective intentionality that democracy has the capacity to engender and

relies upon for its effective operation. In other words, on a basic level, how are citizens conscious of themselves as members of a democratically legitimate community?

When connected to a voting space (compound), governing institutions are subject to an opportunity structure that creates a perpetual competition to occupy the empty place of power, motivating representative claims that engage with an attentive public audience. The voting space plays two major functions in promoting social cohesion. First, it encourages the symbolic interpretation of all particular votes as the expression of ‘the people’s will’ such that they are represented to themselves, not necessarily as homogeneous or in full agreement, but as one political community. On the basis of this it becomes plausible, at least provisionally, that government policy is in some way representative of the singular people. By virtue of the questions it asks – who should lead *us*? what should *we* do? – voting encourages citizens to be conscious of the future of *their* political community. Voting, in other words, is a performative activity where representatives and participating citizens are pushed to explicitly recognize themselves as part of a common political project. A voting space (compound) essentially presupposes the existence of ‘the people’ for whose input it is asking and, through the performance of particular votes, serves to reinforce the people’s collective intentionality as members of that political community.

Second, the temporal element of a democratic voting space that bears within itself the non-fixity of political power by specifying the conditions under which the next election can and must be held produces a strong incentive for the losers to peacefully accept their temporary loss. So long as the seat of power remains open to contestation at the next election there is less chance of dissatisfied representatives or citizens losing their faith in the democratic process or the political community that it animates. We may expect parliamentary democracies to be most adept at maintaining social cohesion, despite the production of winners and losers, since many of those representatives who did not obtain the chance to govern are entitled to sit in parliament and influence its proceedings. Systems of proportional representation, in particular, help to ensure the widest possible representation of interests, values and perspectives. By allowing many of the electoral losers to nevertheless maintain representative influence in the institutions of authority, as we most markedly find in parliamentary systems of proportional representation, the potential for serious fractures in the social order is substantially decreased.

The voting space is of course not the only centripetal force in a democratic system since a lot depends on the discursive nature of the public sphere. A democratic public sphere, I now argue, gives individuals good reason for committing themselves to the democratic

process and thereby identifying with the democratic community. First of all, securing the principle of democratic equality lays the basis for greater democratic inclusion than that for which electoral politics allows. A democratic public sphere provides a forum in which established and spontaneous representatives can emerge to advocate on behalf of citizens whose interests, values and perspectives are not adequately represented in electoral politics. So long as democratic equality is secured for all citizens such that the democratic process approaches universal inclusion, the less likely will forms of collective intentionality arise that are in opposition to the democratic system.

Secondly, there can be no collective intentionality constituting a democratic community without a common discourse available to all citizens. It is all very well for citizens to be discussing the same issues at the same time, but unless they are also doing so in the same way there will be an increased risk of fracture. Let us imagine one set of citizens discussing a political problem with their representatives in isolation from other citizens who consider the issue with their own distinct set representatives. There is nothing to guarantee that these fragmented political debates were based on the same considerations or would reach compatible conclusions. A divided public sphere, in other words, involves different processes of opinion formation, running the risk that they may be difficult or impossible to aggregate into a final decision for the whole community.

Maintaining a common public sphere requires not only a vibrant media but also a relatively stable set of core actors who help to structure public debate. Political parties, who tend to maintain a stable set of representatives for at least an electoral term, normally perform this function. By occupying the chambers of power their representative claims and other activities provide a focal point for the attention and counter-claims of media and civil society. In order to engage in the kind of coordinated activity required for governing or the contestation of government policy, political parties require centralised party programmes that establish a plan for action which all elected members of the given party agrees to follow. A result of this is that the party system constitutes a *shared system of meaning*. That is to say, by ensuring that all elected party members more or less propagate an agreed upon party position on a given issue, all citizens are exposed to roughly the same set of views and policy alternatives on which to pass judgment. Political parties then, operating through and alongside a sound media system, instantiate a rough structural unity to the public sphere.

Membership in a political party helps to ensure that a representative's advocacy for his constituents is tempered by the advocacy of other representatives within his party. Just as we saw in explaining why political parties may be motivated to practice the virtues of good

democratic representation, the necessity for a political party to appeal to a wide electorate helps to ensure that the interests of as many constituencies as possible are accounted for. By presenting their electorate with a party programme, hammered out between representatives advocating different values and interests, political parties offer a social compromise that may be endorsed or rejected by citizens at election time and on other occasions provided for by the opportunity structure. When even the losers of an election can be reasonably sure that they may not fare badly overall under a government whom they disfavour, given the governing parties presumed desire to isolate as little of the electorate as possible, the collective intentionality supporting the democratic community should be safeguarded.

Centripetal democracy is the idea that through participation in a legitimate democratic process, and its success in achieving political stability by way of peaceful conflict resolution, citizens will identify with the democratic institutions and the political community it claims to represent. Democratic legitimacy, in other words, brings people together in spite of the conflicts that drive them apart precisely because of the manner in which it resolves these conflicts. Notice the emphasis on citizen participation, especially with regard to the voting space. Contrary to competitive democrats who would leave political integration through conflict resolution almost exclusively to elite compromise, my account suggests that such a restriction of citizen participation would forgo tapping some of democracy's richest centripetal resources. On this logic, the closer a political system approaches the democratic purpose, the greater its centripetal force is expected to be in forging a well-integrated demos. This is the central hypothesis of this dissertation.

Conclusion to Part One

At this point in the dissertation, I have developed the conceptual resources sufficient for providing a normative democratic assessment of modern political systems. Crucially, what must be kept in mind at all times is the extent to which the democratic purpose is satisfied by a) the voting space compound b) the public sphere and c) the nature of democratic representation (especially by political parties). These are the three key interrelated democratic features that determine the power relationship between a political community and its regime. I have also articulated an argument that is of central importance to the dissertation, namely that democratic legitimacy is a powerful centripetal force in the process of demos-formation, such that a sustained improvement in the former will typically contribute to forging a stronger civic identity. Part Three of this study attempts to determine the extent to which the centripetal forces of democracy can overcome the centrifugal tendencies laden in the democratic challenge by assessing the relationship between democratic legitimacy and demos formation in Belgium and Switzerland. Part Four brings these lessons to bear on the EU. As I now attempt to demonstrate in Part Two, given the weak nature of the European demos and its democratic shortcomings, there is great potential for the Belgian and Swiss experiences to inform the prospects for democratic legitimacy and regional integration in the EU.

Part Two
Democratic Legitimacy in the EU

Introduction to Part Two

My analyses of the three case studies in this dissertation are structurally similar. In each case, I attempt to describe the political community and the regime and assess the quality of the democratic relationship between them. While I dedicate one chapter to Belgium and Switzerland respectively (Part Three) in carrying out these tasks, two chapters are reserved for the EU in this part of the dissertation. This is not only because the EU is my primary case study and so merits additional attention, but also because it is a particularly idiosyncratic political system that is especially difficult to describe and assess. Chapter Three is dedicated to describing the EU political community and regime while Chapter Four focuses on an assessment of their democratic relationship.

In Chapter Three, the EU is distinguished from all other political systems as a demoi-cracy, that is, a political system where the member state demoi take sovereign precedence over the supranational demos. Demoi-cracy here is not understood in opposition to democracy which is often presumed to presuppose a singular demos. Instead, demoi-cracy is taken to indicate that two particular forms of democratic subject must be brought together in a singular system: the sovereign democratic member states and European citizens. In other words, a democratic assessment of the EU means determining the extent to which citizens exercise control over the EU through their governments and through more direct relationships with the European institutions.

Chapter Four illustrates numerous dimensions to the EU's much discussed democratic deficit, without failing to note some impressive strides towards democratic legitimacy. It will be argued that both member states behaviours and the EU institutional structure share the blame for these democratic failings. In particular, I maintain that the EU's particular democratic weaknesses lie in its leanings towards technocracy and intergovernmental collusion and the corresponding invisibility of power that accompanies such democratic disfigurements. All of this, of course, is a function of the manner in which the central democratic ingredients are organised in the EU and its member states: the voting space, public sphere and system of representation.

Chapter Three

Conceptually Mapping the EU

I The EU as a Political System

Over the last thirty years a constellation of diverging answers has been given to the ontological question concerning the nature of the European Union. Part of the reason for this is undoubtedly due to the impact that each of five successive Treaty agreements, beginning with the Single European Act in 1986 and culminating in the 2008 Treaty of Lisbon, have had on the EU's legal and institutional structure. On the one hand, the EU has been a rapidly moving target. During much of this intensive Treaty-making period European integration not only deepened substantially, with the extension of Union competences in and beyond economic regulation, it also grew wider with enlargement from 12 Member States in 1994 to 28 by 2013. On the other hand, for much of this time the EU legal order was couched in ambiguity, especially since the 1992 Maastricht Treaty established a highly cumbersome and complex institutional arrangement to deal with bringing new spheres of action under the umbrella of the EU (De Witte 2010: 94-5).²³ The Lisbon Treaty has accurately been described as more of a reform than an integration Treaty (Blanke 2012: 263). Its primary purpose was to simplify and clarify the Union's convoluted legal and institutional structure while taking few noteworthy integration steps. Indeed, with the Lisbon Treaty, the EU shows definite signs of approaching a 'constitutional equilibrium' in the sense that its legal and institutional structure can now be said to follow a 'coherent logic' (Hix and Høyland 2011: 11). Now that we are looking at a less cluttered picture, and one that is not moving quite so fast, the EU has come into focus for political science like never before putting us in a good

²³ In a nutshell, the Maastricht Treaty created three pillars of institutional action where the first pillar corresponded to the European Community as it was known up until then, maintaining its own legal personality. The second and third pillars, concerning foreign and security policy and police and judicial cooperation in criminal matters, had their own set of rules and procedure independent of the European Community pillar. To maintain a semblance of institutional integrity the three pillars were together established as the European Union – an organisation endowed with no legal personality and therefore in the odd position of having no status in national or international law.

position to better understand its ontology. It is not yet time to despair and think, as some do, that any endeavour to define the EU is a ‘mission impossible’ (Lelieveldt and Princen 2011: 48).

The Lisbon Treaty updates the two core texts of what has become accepted as the EU constitutional architecture,²⁴ the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU), together known as ‘the Treaties’. Not wishing to deny that all contracts are by necessity incomplete, their meaning largely determined by how they are interpreted and exploited in practice (Hooghe and Marks 2001: 7; Majone 2005: 71), these texts perform a similar function to many national constitutions by providing us with an outline of the Union’s self-conception as a political community and a clear picture of its institutional structure or regime. Therefore, rather than drawing on any grand and controversial theories of European integration which attempt to explain how and why integration takes the form that it does, the TEU and TFEU will serve as the primary basis of my attempt to define the EU as it exists today.

This paper provides a conceptual map of the European Union, attempting to find the appropriate categories to capture its essential nature as a political entity. With Giovanni Sartori’s (1970) ladder of abstraction and rules of concept formation very much in mind, I begin with the categories that boast the greatest extension and least intension only to gradually descend down the ladder towards those concepts that apply more specifically to the EU’s concrete context. My aim is modest in one sense as it does not involve many demands by way of theory-building, yet it is highly ambitious in another regard as it sets the task of identifying the salient features of an unusually complex and highly idiosyncratic political entity with a view to conceptually packaging these features in a way that can be useful for both theoretical and empirical work. In some cases this will involve employing and clarifying both older and more recently developed concepts, while at other times it may be necessary to introduce new categories to more accurately capture important aspects of the EU’s structural make-up.

Political system is the most general descriptive concept in political science and one of the least controversial ways of categorising the EU (Mair 2005; Hix and Høyland 2011; Eriksen and Fossum 2012). Further consensus on the nature of the EU is to be found to the extent that it is almost universally recognised as a *multilevel* political system. As soon as we

²⁴ Stefano Bartolini (2010: 19) is right to warn us that the term constitution must be used cautiously, and only in a formal sense, not to be confused with the Enlightenment tradition of constitutionalism which has a whole range of features that the EU Treaty framework does not clearly possess.

depart from this high level of abstraction, and move to more specific determinations, it becomes increasingly difficult to find agreement on concepts that accurately characterise this political entity. We quickly enter a debate between those who conceive of the EU as an international organisation and others who consider it to be some kind of polity. Among those inclined towards the latter view there is a large body of literature arguing about the EU's more or less federal and state-like nature. Such debates are frustrated not only by different understandings of the terms in question, but are also subject to the familiar criticism that old concepts developed for historically specific political systems cannot capture the *sui generis* nature of the EU.

A first step rarely taken in analysing the EU is to first clarify what exactly we mean by the term political system. As a result, what exactly scholars are looking for in their efforts to capture the EU's basic nature is rarely brought to full focus. This task has been accomplished in the Introduction to this dissertation. If the EU may truly be categorised as a political system, then we must provide accurate classifications of its political community and regime in addition to explaining how they relate to one another. This point may seem trivial enough at first but, as I hope to show, having this structure firmly in mind from the outset is a valuable asset for structuring a conceptual map of the EU.

The emerging concept of *demosi-cracy* will be at the heart of my account. Simply put, *demosi-cracy* refers to a democratic union of multiple *demosi*. This idea has been recognised for both its prescriptive and descriptive potential with the primary, but by no means exclusive, emphasis to date having been on developing its normative dimension. Republicanism and mutual recognition are two distinct (Müller 2011), though not at all contradictory (Nicolaidis 2012: 263-4), normative prisms through which the concept is addressed. Organising a political system that emphasizes the constituting *demosi* rather than an overarching *demos* should ideally promote, on the prior view, a form of transnational non-domination (Bellamy and Castiglione 2013) whereas, on the latter perspective, it should lead to various kinds of open and understanding horizontal engagement between *demosi* (Nicolaidis 2004, 2006, 2012; Besson 2006). Several elucidations of the core *demosi*-cratic principles have been put forward (Bellamy 2013; Nicolaidis 2013), yet the most systematic account persuasively employs a Rawls-like original position to derive and normatively ground its specific articulation of the basic principles (Cheneval and Schimmelfennig 2013).

According to this approach, citizens and statespeoples are the constituting units of *demosi-cracy* and as such the interests of both must be given equal weight in forming the constitutional foundations of political union. On this basis, there are four foundational

principles of the demoi-cracy social contract, all of which the EU demonstrably embodies.²⁵ The principle of *statespeoples sovereignty* is secured in the EU given that the member states have final say over their entry and exit to the political system in addition its primary or constitutional law. *Non-discrimination* is at least formally subscribed to in the EU to the extent that the Treaties treat all member states and citizens equally. The principle of *equal legislative rights* is illustrated by the fact that the Council representing the member states and the European Parliament (EP) representing the citizens of Europe share decision-making power on all most all areas of secondary or non-constitutional law. Finally, to the extent that EU law trumps member state law in cases of conflict, the EU embodies the principle of *legal supremacy*.

Given the specific conceptual focus of this chapter, my endeavour is not to tap the rich normative resources of the demoi-cracy concept but instead to exploit its underexplored descriptive potential. Though the basic principles of demoi-cracy are clearly spelled out, any effort to explain how exactly this idea differs from other popular terms regularly used to describe the EU has been cursory at best. Consequently, a thorough account of why we should favour this conceptualisation over these others is conspicuously lacking. The first task of this paper is to take up this challenge (II). Despite being central to the meaning of demoi-cracy, the term *demos* has received little more than curt attention from the majority of demoi-cratic theorists. My second task then is to be more specific about the meaning of demoi-cracy by outlining the idea of *demos*. I argue that demoi-cracy is best understood, not in opposition to the singular *demos* characterising an ideal-type democracy, but as capable of accounting for political systems where the demoi supersedes a weaker *demos*. Conceiving of demoi-cracy in this way turns out to be especially important since the EU appears to be characterised by a demoi-*demos* relationship rather than a simple relationship between demoi (III).

Defining the central problematic of EU ontology in terms of understanding the demoi-*demos* relationship, I attempt to explain how the European *demos* is constrained and enabled by the organisation of its political community and regime. I specify demoi-cracy as designating a *dual compound regime of deep diversity*. By this I mean that a demoi-cratic regime will vary in its principles and procedures depending on the kind of legislation at stake whereas its political community will necessarily be characterised by the constitutional recognition of different ways of belonging. I suggest that the EU's particular form of deep diversity is *demos*-constraining to a high degree, manifesting a *community of ignorance* or

²⁵ Some of these principles are awkwardly titled in their original expression (Cheneval and Schimmelfennig 2013) and so I take the liberty of attaching more accessible labels where appropriate.

alienation between citizens belonging to different member states and between citizens and their common European institutions. Moreover, the idea of a dual compound regime has been instantiated in EU institutions such that it has given rise to an elitist *governance regime*. Being primarily characterised by indirect forms of legitimation, the European regime remains largely detached from its citizens, limiting its capacity to contribute towards a stronger European demos (IV). Section V concludes, emphasising that the EU need not be perpetually confined to ignorance or elitist governance.

II Why Demoi-cracy?

How does demoi-cracy differ from other notions that have been used to categorise the EU and in what sense is it more accurate in its descriptions? Conceptually, demoi-cracy is undoubtedly a species of polity and therefore must be distinguished from accounts that would understand the EU as a form of international organisation (Keohane et al. 2009; Phelan 2012). The main distinguishing feature of an international organisation is that its political community, i.e. its formal membership, is constituted by nation-states only in the sense that rule-making and compliance with the rules is the exclusive prerogative of national governments. Rainer Bauböck (2003: 1) gives us a helpfully precise definition of polity as ‘a politically organised society or community with its own institutions for making collectively binding decisions for a specified group of persons and/or within a bounded territory’. The key point to recognise here is that for a political system to be a polity it must have ‘individual human beings’ (Bauböck 2003: 2) as one of its constituent-units. To the extent that EU law has supremacy over member state law, such that it applies to EU citizens with direct effect and therefore regardless of whether or not it has been implemented by the member states,²⁶ the Union clearly exists as a polity.

It is precisely this point that William Phelan overlooks when he claims that the EU is a *sui generis* international organisation because member states do not engage in countermeasures to restore compliance when the terms of cooperation are violated by another member state (Phelan 2012: 271-5). For member states to enact countermeasures against other member states would be to entirely contravene the rights of the Union’s citizens. Just as in any other polity, where there is a mixed political community of citizens and territorial units, the interests of one constituent-unit cannot sustainably or justifiably be pursued at the expense of another. Such behaviour would make a mockery of EU law and quickly result in

²⁶ Specified by Declaration 17 in an Annex to the Treaties.

the untenability of its commitment to protecting citizen rights within spheres of action falling under Union competences.

But how is demoi-cracy to be distinguished from other kinds of multilevel polity? Kalypso Nicolaïdis (2012: 260) comments that demoi-cracy may be considered a synonym for the idea of ‘federal union’, justifying the use of new terminology on the basis of its ability to transcend the statist baggage often wrongfully associated with the federal vision. This move runs the risk of reducing the demoi-cracy concept to irrelevance. The introduction of new terminology, which has no conceptual distinctness from existing terms, is impracticable to adopt as a principle for any discipline that wishes to maintain a common language and ultimately has the potential to create as much confusion as it overcomes. I argue that demoi-cracy is in fact distinctive from the idea of federalism (Müller 2011: 189) and it is by this virtue that we may move beyond both the statist baggage of federalism in addition to the well-worn and at times confused debate which would treat the EU as ‘partially’ (Piris 2010: 331) or ‘quasi’ (McKay 2001: 9; Fabbrini 2005: 8; Schmidt 2006: 47;) federal; a federation *sui generis* (Tömmel 2011: 42; Thürer and Marro 2012: 60); a confederation (Elazar 1998: 130, 2001: 38-42; Majone 2005: 27); or an admixture of federal and confederal properties (Weiler 2001: 58; Burgess 2006: 245-6).

Federalism means a permanent multilevel system of decision-making where each level of authority is constitutionally endowed with some area(s) of competence on which it makes final decisions. With the American experience, however, federal systems have come to be distinguished from confederal systems (Elazar 1982: 2). Confederal pertains to a perpetual union in which states are the sole constituent-units whereas federal relates to a political community with a double constituency of both citizens and states. The difference, in a nutshell, is that citizens have a relationship to both levels of authority in a federal system whereas they have access to only one in a confederal system. According to Daniel Elazar’s classic account (1968: 357), it is an essential feature of federalism that the terms on which the compact is based cannot be changed without the ‘mutual consent’ of both levels of authority. William H. Riker (1996: 10) recognises as much when he claims that the only thing distinguishing federalism from other forms of decentralisation is the constitutional entrenchment of competences. In other words, an essential feature of federalism is that neither level of authority can change the terms of contract without the other’s agreement.

On this basis, we can say without hesitation that federalism does not describe the EU in either its federal or confederal manifestations since it is the member states alone that hold full rights to renegotiate and set the terms of Treaty. Explicit provisions assert that the

member states have the sole power to both increase and decrease Union competences through Treaty change (TEU: Art 48.2), while they each retain the right to withdraw from the Union at any time (TEU: Art 50). This is not to say that the EU bears no resemblance to certain features we tend to find in federal or confederal systems. Clearly the EU boasts a structure of representation that comes far closer to a federal than it does to a confederal system since citizens are directly connected to both levels of authority. Indeed, as is often the case with federal systems, there is a triple scheme of representation in the EU where citizens are represented at member state level and both citizens and member states are represented at the Union level (TEU: Art 10.2). In terms of functionality, the EU also resembles cooperative rather than dual federalism since in the exercise of almost all its competences the cooperation of member state institutions is required to implement Union legislation (Börzel and Hosli 2003: 188). Nevertheless, viewed from the perspective of sovereign power, the EU looks more like a confederal system since the Union does not derive even part of its sovereignty directly from its citizens but only from its statespeoples. This is the crux of Elazar's complicated reasoning for characterising the EU as a confederation, though he unfortunately ignores that in this case the requirement of federalism that mutual consent is necessary to change functional boundaries between the two levels of authority is not met.

Yet are any of the other nuanced federal categories mentioned above appropriate for analysing the EU? Advocates of the view that the EU is a federation *sui generis* appear to be guilty of what Sartori (1970: 1034) refers to as 'concept-stretching' since it is precisely the sovereign powers of the member states, which disqualifies the EU from being federal, in which they believe its uniqueness consists. The language of partial or quasi-federal should also be avoided because it commits another error of definition against which Sartori warns us (1970: 1048-9), namely the confusion of enumeration with classification. To suggest that the EU could be quasi-federal treats the idea of federalism as if it were a bundle of properties that could be sliced and packed in various ways so that we call a political system either fully or partially federal depending on how many boxes it manages to tick on our checklist. Such a manner of definition, failing to identify what is essential to the concepts we employ, makes our categories hopelessly vague for the purposes of rigorous theoretical or empirical work. Joseph H.H. Weiler makes the most detailed case for conceiving of the EU as a form of federalism that combines both federal and confederal features. His central argument is that the EU has a federal top-down hierarchy of legal norms and a confederal bottom-up hierarchy of normative authority and real power. Yet not only is it this bottom-up hierarchy that disqualifies the EU from being conceived in the frame of federalism, insofar as it entails the

member states' exclusive authority over Treaty change, Weiler also makes the error of classification by enumeration since his manner of definition necessitates that we think of the EU in quasi-federal and quasi-confederal terms.

The demoi-cratic principles of non-discrimination, equal legislative rights and legal supremacy are entirely consistent with those that typically animate federal systems (Kriesi 2013: 212). It is therefore the first principle, recognising the unreserved primacy of statespeoples sovereignty, which serves as the essential distinguishing feature of demoi-cracy. Nicolaidis believes demoi-cracy can be equated with federalism since she assumes it to be a property of the federal *state* that denies the statespeoples sovereignty principle rather than the idea of federalism per se. However, as I have argued, if federalism is to be distinguished from mere decentralisation it cannot incorporate the principle of statespeoples sovereignty.²⁷ Alexander H. Trechsel (2005: 406) has lamented at least one aspect of the statespeoples sovereignty principle, referring to the unanimity requirement for Treaty change as Europe's 'federalist deficit' since it thwarts important integration steps by allowing even just one small country to veto proposals for Treaty changes. This state of affairs is highly uncommon in federations, where supermajorities are usually enough to make constitutional changes, and it has become increasingly problematic for EU integration given the increase in the number of veto players over the last decade and the greater use of popular referendums to pass Treaty changes in individual member states. For demoi-cratic theorists, however, this feature of EU decision-making is a key virtue required to achieve fair terms of cooperation between citizens and statespeoples. The idea is that, in an ideal negotiation situation, no statespeople would agree to be subjected to the will of a majority of other statespeoples or citizens in the area of primary law. The one thing that might be sufficient to secure such agreement is the prior emergence of a common demos that *superseded* the statespeoples' demoi.

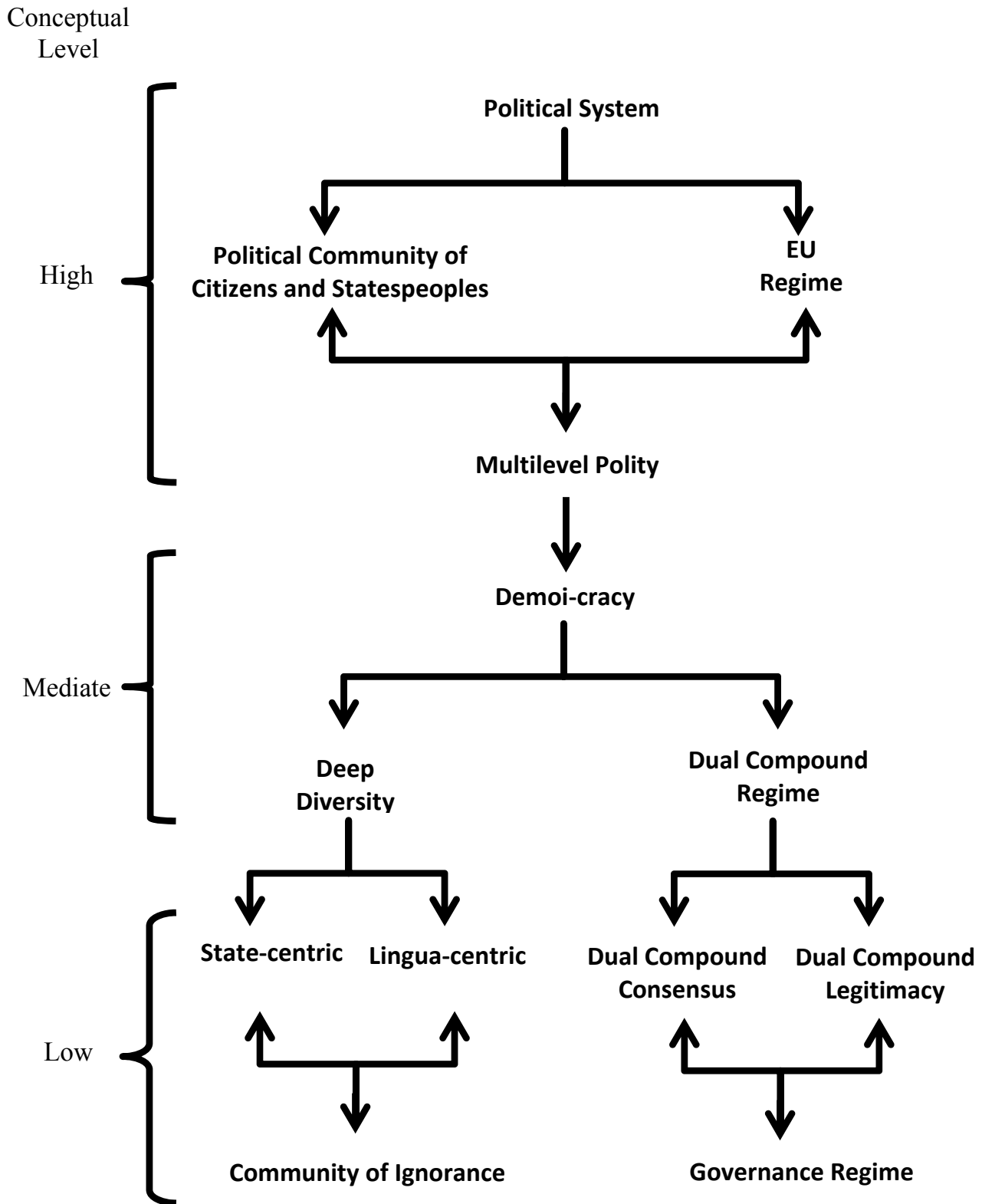
Consociationalism is another frame in which the EU has been viewed given the diverse nature of its political community and the consensual form of decision-making characterising the European institutions (e.g. Lijphart 1997; Papadopoulos and Magnate 2010). Certainly, there is much in common between the EU's management of conflict and political systems referred to as consociations. The EU, however, does not meet one of the

²⁷ The statespeoples sovereignty principle is denied in the state frame and the federal frame for different reasons. As we see below in outlining Schmidt's idea of Westphalian sovereignty, it is part of the idea of nation-state for the central government to have autonomy over its territory. In the case of federalism, what is at stake is not Westphalian sovereignty but rather the rights of both levels of government to be equally involved in the renegotiation of the federal contract.

core consociational criterion: that decision-making take place in secret between elites in a *grand coalition*, where relevant identities are equally represented, so that destabilising public conflict may be avoided. Not only is it impossible to identify one institution that may be considered Europe's grand coalition – the Commission? the European Council? the Council? – it is also the case that the European Parliament is not such a coalition despite being able to veto and shape most areas of EU legislation (Bogaards and Crepaz 2002: 358-9). More peripheral, yet nevertheless important, features of a consociational political system are also missing in the EU context. For example, the member states do not constitute the kind of relatively homogeneous socio-political cultures often associated with consociational democracies. Member states are themselves internally divided by a host of cleavages and territorial divisions that fracture all but the weakest claims to homogeneity.

Most EU scholars avoid using the term state in their attempts to detail the EU polity. Generally speaking the traditional definition of this term, as a polity having a monopoly of coercion within a bounded territory, is used to explain why the EU is not a state. Effectively, despite formalised military and defence cooperation at Union level, it has no military and all coercive power remains under member state control. A select few authors, however, have not shied away from state vocabulary (Majone 1999: 2; McKay 2001: 10). Vivien Schmidt (2006: 10) makes a persuasive case in the regard, claiming that the term state designates four types of sovereignty: international sovereignty (recognition of sovereignty by other sovereign actors); Westphalian sovereignty (autonomy over territory); interdependence sovereignty (control of activity within and across borders); and domestic sovereignty (exclusive power to organise authority). Nation-states are typically endowed with all four kinds of sovereignty, whereas she claims that it is only Westphalian sovereignty that the EU is completely lacking since its member states have full autonomy over their own territory. On this basis, she proposes to distinguish the EU by referring to it as a 'regional' state, resembling as it does a combination of sovereign powers common to the kind of territorial sub-units we might find in federal states (e.g. Quebec in Canada, Bern in Switzerland, Texas in the US). Understood in this way, the EU is undoubtedly a regional state, though we might wonder just how much this characterisation adds to our understanding of this multilevel polity since it tells us little about the nature of its political community or how its regime is organised. Though democracy does not contradict Schmidt's way of categorising the EU, I now attempt to demonstrate that it appears to have far greater descriptive power.

Figure 3.1: A Conceptual Map of the EU



III Demoi-cracy and the Meaning of Demos

Demoi-cracy derives its power as a concept, I submit, from the fact that it presents us with the basis for understanding the particularities of both the EU's political community and regime. Having initially identified the EU as a political system, and then become more specific in my conceptual determinations by categorising it as a multilevel polity and only then as a demoi-cracy, I now continue my descent down the ladder of abstraction in reflecting more concretely on the nature of this political entity (see figure 3.1). To help guide me in this task, what I consider to be the central problematic of European demoi-cracy must be first investigated further, namely the nature of the demoi-demos relationship.

Aside from occasional comments that may indicate sympathy with the view that there is some kind of basic or nascent European demos (Besson 2006: 190; Cheneval and Schimmelfennig 2013: 338), demoi-cratic theorists have been keen to insist that the idea of demoi-cracy stands in contrast to the existence of a demos. They believe that a political system with a demos cannot be construed as a demoi-cracy, while suggesting that the EU ought not to develop a demos. Surprisingly enough, despite the centrality of the notion to their account of demoi-cracy, these authors have made few dedicated efforts towards defining exactly what they mean by the term demos. What is clear from those who have spent some time elaborating on this concept is that they are committed to a narrow and normatively thick definition, where there is a strong enough public sphere to support a robust civil society and sense of solidarity to legitimate majoritarian decision-making over redistributive policy areas (Bellamy 2013; Cheneval, Lavenex and Schimmelfennig 2014). Adopting this definition, at least in the context of my purposes in this paper, would do us a disservice on two counts. First, as an explicitly normative definition it focuses our attention on what a demos ought to be ideally when, in fact, categorical analysis of the kind being pursued here demands that we concentrate on the more descriptive dimension of the term demos. Second, the way in which demos is understood by these authors is clearly motivated by the kind of robust singular demos we tend to find in the democratic nation-state, thereby precluding in advance the possibility of a demos that takes on unfamiliar features when modified by the co-presence of multiple demoi.

Demos and demoi should not be seen as mutually exclusive phenomenon, while there may be degrees of thickness or thinness to any given demos. The difference between demoi-cracy and federal democracy is that in the former instance the demoi take sovereign precedence over the demos, whereas in the latter case the demos takes sovereign precedence over the demoi. I maintain that while the EU may have existed as an international

organisation constituted by demoi only in its first decades, it has since established a basic kind of demos that nevertheless remains subject to the sovereignty of member state demoi. Because of this the EU must be analysed, in its present form and future development, in terms of its demoi-demos relationship (Lacey 2014b). Indeed, as we shall see in Part Three of this dissertation where I discuss the federal democracies of Belgium and Switzerland, the appropriate way of studying these political systems is by studying their demos-demoi interactions.

To make my case for understanding the EU as a demoi-cracy defined by a demoi-demos relationship, I must explain the term demos in greater detail. Though I do not deny the normative validity of the ideal-type demos typically presupposed by demoi-cratic authors, I believe there is a more minimal or non-ideal sense in which the term may be accurately and usefully defined. Rainer Bauböck and Philippe van Parijs each give us part of the equation, both being concerned with emphasising what I take to be different aspects of a demos. According to Bauböck (2015: 2), the demos is all citizens who enjoy full political rights, where citizens are understood to be those who are recognised as belonging to the polity by both the regime and other citizens. Political membership is undoubtedly central to the idea of demos, yet we cannot reduce the meaning of demos simply to this because it does not capture the dynamic nature of the horizontal relations between citizens and the vertical relations between citizens and the political authorities, once the political rights demarcating the demos have been established. Van Parijs (2011: 27) is keener to focus on the dynamic aspects of the demos, identifying it with an arena for discursive participation and mobilisation. While this notion goes a long way towards filling in the dynamic nature of interactions characterising any demos worthy of the name, it does not fully bring out the importance of polity membership in structuring these interactions by way of presenting an institutional target for discourse and mobilisation.

Taken together, these ways of thinking about the demos we can arrive at a more robust definition: *a demos is an arena with sufficient identification among citizens across a polity to allow for forms of discursive participation and mobilisation that make political claims directed towards common institutions of authority*. There are three aspects to this definition. First, to the extent that authoritative institutions constitute a scheme of political membership and thereby serve as a potential target of political claims from its members there is already a formal yet unarticulated arena for the emergence of a demos. Second, this arena is filled out and articulated by citizens and their organisations insofar as they identify it as an appropriate space to discursively participate and mobilise around political claims that are also

directed at those institutions. And third, citizens and organizations from *across* the polity rather than just particular segments of it must make this identification.

Generally speaking, two forms of demos are distinguished, namely ethnic and civic. An ethnic demos refers to a people who strongly identify with a relatively homogeneous culture and its corresponding political system. The civic demos indicates a people, who may be culturally fragmented, but nevertheless share a common political identity based around their commitment to the values embodied in the regime to whose power they are subject. Both conceptions of demos are relatively thick, taking “identification-with” one’s political institutions and compatriots as the basic building blocks of a demos. What this ignores is the fact that logically prior to this kind of identifying-with is “identification-of” the political system to whose power one is subject and those others who are also subject to this power. In other words, to identify oneself with a demos one must first recognise oneself as part of a demos. What this suggests is that it may be possible to exist as a member *of* a demos, recognising oneself as part of a political system with others, without identifying *with* that system or the political community underwriting it. And, indeed, this is all my understanding of the demos requires. Though identification-with institutions and fellow citizens may be fostered by identification-of such institutions and citizens, the former kind of identification is not required to engage in forms of discursive participation or mobilisation that make political claims directed towards common institutions of authority.

This non-normative and broad, though not overly expansive, notion of demos lends support to the view that the EU boasts at least the basic contours of a demos. The EU, with its authoritative institutions and citizenship scheme granting political rights at the European level, easily meets the first criterion outlined above. The next chapter, which analyses the EU’s democratic legitimacy, provides a review of the budding literature concerning the nature of transnational discourse and mobilisation relating to Europe. For now it will suffice to note that there has been significant evidence of discursive participation and mobilisation on European issues since the late 1980’s (Imig and Tarrow 2000). This trend appears to have continued with the increasing politicisation of EU politics given recent controversial treaty reforms and the management of the Euro-crisis since 2008, suggesting that the EU has made significant strides in meeting the second criterion.

The third criterion is not so demanding as to require *every* citizen to participate in the demos or even to be a member of an organization that does.²⁸ Insofar as discursive participation and mobilisation has taken place transnationally across a wide range of member states, rather than being limited to a single national demos or even a small group of demoi, the EU goes a long way to meeting this final criterion. The term transnational here must, of course, be understood in a broad sense. It should include, for example, the activities of international civil society organizations in the EU (Statham 2010); strong forms of popular engagement, like organizing simultaneous protests in different countries or the gathering of international protesters in a single country to draw attention to EU issues of common concern (Bédoyan et al. 2004: 40); and weaker kinds of popular engagement such as when mainstream media reports and debates on the EU-related activities of citizens, organizations, and politicians who are tied to other member states (Trenz 2004: 294).

IV Demoi-cracy: A Dual Compound Regime of Deep Diversity

Once we accept that the existence of a European demos is at least a plausible contention, the key question for the descriptive aspirations of demoi-cracy becomes why it exists in such a weak and unfamiliar form. As should be clear from my above definition, the constitution of a demos involves two kinds of communicative relationships: a vertical relationship between the political community and the regime and a horizontal relationship between members of the political system themselves. Not by accident then, an effort to explain the European demos should guide us towards some of the most salient features defining the EU. Put differently, and using Alfred Stepan's (1999) terminology, we might say that in attempting to conceptualise Europe's political community and regime we should be looking for their central respective *demos-constraining* and *demos-enabling* features as the most relevant for shaping the political system. As I understand it, a demos-enabling property of a political system is one that encourages or makes more likely discourse and mobilisation among citizens directed towards authoritative institutions. My aim in this section is not to present novel theoretical or empirical insights but rather to isolate some well-documented aspects of the EU for their importance to determining the nature of its demoi-demos relationship.

²⁸ If the criterion were anything like this demanding, then no existing or likely to exist political system would be able to meet it since full political participation is but an unachievable ideal.

Deep Diversity and Europe's Community of Ignorance

Deep diversity we may term that branch of the democracy concept that corresponds to the political community of a political system. This notion has been used to capture an important feature of polities wherein various ways of belonging are both recognised and supported by institutional measures (Taylor 1993; Fossum 2004). Depending on the political system in question, there is a swathe of possible ways of belonging that are more or less important for shaping the demos. Deep diversity, as we find it in the EU community of citizens and member states, I propose to understand using the categories of *state-centrism* and *lingua-centrism* since they do the primary lifting work in constraining the European demos while at the same time enabling the statespeoples demoi.

Ever since Publius advocated a federal United States of America in *The Federalist Papers*, the existence of politically instituted states to which citizens were most loyal has been recognised as a powerful force for resisting socio-political centralization towards the larger political unit (Levy 2007: 465-6). The relatively high degree to which the multiple demoi are state-centric, though there is undoubtedly variation across statespeoples and individual citizens, is the primary barrier to a European demos. Europe's statespeoples possess this state-centric quality in two major ways. First, they are primarily concerned with furthering and protecting their own interests rather than those of the Union as a whole or of any other statespeoples. Second, their representative and media institutions generally lack incentives to consistently bring European politics or the politics of other statespeoples into the domestic public sphere. The combination of these factors ensures that citizens are also state-centred in the sense that they take domestic politics as their main and often as their only frame of political reference. As much is confirmed by the familiar refrains that European civil society is weak (Statham 2010); transnational mobilisation is modest (Imig and Tarrow 2000); and EP elections are second-order because they are mainly used to punish or praise the performance of domestic political parties rather than to elect representatives for their positions on important EU issues (Hix and Marsh 2011).

Certainly, over the long-term, the demos-constraining powers of the US states may have been more modest than Publius had anticipated given the eventual emergence of an especially strong demos in that country. As lingua-centric, however, the EU boasts a second major way of belonging that has been identified for its ability to restrict socio-political integration. For most, if not all member states, the language that they speak is an integral part of their identity. This largely explains why each statespeoples has at least one of its official languages recognised as one of the EU's 24 official languages and why there are provisions

in the Treaties to protect Europe's linguistic diversity (TEU: Art 3.3). Though there is an impressive level of multilingualism in Europe (56 per cent), only 28 per cent of individuals meet the EU goal of being able to speak two European languages in addition to their native language (Eurobarometer 2006: 8). Indeed, even if this target was reached, the sheer number of official and unofficial languages in Europe would still constitute high communication barriers. The end result of both statespeoples and citizens lingua-centrism is, to borrow a phrase from Will Kymlicka (2001), politics in the vernacular. In other words, member states tend to constitute linguistically demarcated public spheres which serve as the main and often the only source of political reference for citizens. Given the EU's extensive and costly translation service, the linguistic obstacles to vertical communication between the EU institutions and their political community should not be insurmountable. However, absent a lingua franca, the potential for robust forms of horizontal communication among the European community may be more curtailed (Lacey 2013).

There are a host of ways in which the phenomena of state and lingua-centrism may interact in a multilevel polity in the sense that their demos-constraining capacities can vary radically in degree. Because these barriers to a demos appear especially resilient in the EU, we may categorise it as a *community of ignorance* since the relatively low level of vertical and horizontal communication results in citizens and statespeoples lacking knowledge not only of their common institutions of authority but also of each other. None of this is to say that the EU lacks a demos, but that the manner in which its deep diversity currently manifest itself, is highly constraining on its development.

There is nothing essential to the EU political community remaining in such a state of ignorance as various factors can mitigate the centrifugal tendencies of state and lingua-centrism. On the one hand, I have already hinted at the increasing politicization of EU institutions leading to a greater focus of statespeoples and citizens on common European issues. On the other hand, the greater use of English as a second language across Europe may point to the emergence of a lingua franca that reduces the communicative obstacles to a European demos (van Parijs 2011). Certainly, should these trends continue to put Europeans into greater contact with one another and their common institutions it may no longer be appropriate to categorise the EU as a community of ignorance. Heightened awareness could mark a shift in mentality towards a community of mutual consent or republican virtue advocated by the normative dimensions of democracy, though a community characterized in many ways by conflict and forms of domination may be equally likely at the present juncture.

Indeed, the aftermath of the financial crisis beginning in 2008 is a good illustration of how the logic embedded in the LFT may be in operation in the EU. Certainly, the distinct European public spheres have always gone through very different processes of opinion formation. Yet to the extent that the redistributive consequences were neither severe nor fully predictable, this fact proved only occasionally problematic. Given the high stakes involved in resolving the crisis, concerning the just distribution of financial responsibility among the member states, many of the member state public spheres took on radically different narratives that were often non-porous to one another's concerns and perspectives. The sense of frustration by the states most heavily involved in the redistributive burdens, either as debtors or creditors, in having to compromise on their preferences and sense of justice on such sensitive issues has led to a retreat by many member states into the nation-state frame and a contagion of Euro-scepticism spreading through national parliaments and the EP. In other words, the first time European integration has been put to a real test, the centrifugal forces predicted by the LFT have made a pronounced impact.

Dual Compound Regime and European Governance

If deep diversity is the appropriate category for describing a demoi-cratic community, what concept corresponds to the regime branch of a demoi-cratic political system? Nicolaïdis (2013: 354) claims that demoi-cracy has a great deal in common with Sergio Fabbrini's conception of compound democracy. He forcefully argues that the EU is a compound regime because the Commission, the Council, the European Council and the EP share decision-making power (Fabbrini 2010: 38). This is in contrast to simple democracies, like England, where power is exercised by the singular parliamentary institution at Westminster. Helpful though it may be, this account only goes so far and ultimately mistakes a part for the whole. In relatively pure compound democracies, like the US and Switzerland, the *same* several representative institutions must agree to a decision before it can come into effect on virtually *all* legislation concerning the political community at large. Compound democracies draw their sovereignty primarily from the people, in a relationship where the demos takes sovereign precedence over the demoi, thereby legitimating a distribution of power that centres on the same institutions whether the issue at hand is constitutional change or more run of the mill legislative outputs. The EU however, as we have repeatedly seen, draws its sovereignty from the demoi. Effectively, the EU operates in compound fashion at two legislative levels, primary law being left to the compound of member state governments with secondary law controlled by the EU institutional compound. For this reason, we may more

accurately refer to the EU's power structure as a *dual compound regime*, denoting different institutional compounds in charge of different levels of decision-making.

With this outline of a dual compound regime in place, it becomes possible to specify more completely the nature of the EU regime by exploring how it impacts the European demos. Stepan (1999) attempts to understand how the demos of certain federal states is shaped by focusing primarily upon decision-making procedures embedded in their central institutions. While this is a profitable pursuit, it only takes us so far since decision-making procedures tend to be most relevant for political elites operating within the institutions, whereas demos formation is something that predominantly takes place in the relationship between the regime and the political community. For this reason, I advocate looking at not only the EU's decision-making procedures but also how this regime aims to derive its political legitimacy. As we shall see, the value of scrutinising political legitimacy lies in the fact that it implicitly describes the main lines of institutionalised communication between the regime and the political community.

Any regime requires a procedure for making authoritative decisions and a source of legitimacy on which the regime claims to base itself. In the EU, the kind of procedure may be termed *dual compound consensus* whereas its kind of legitimacy could be called *dual compound legitimacy*. The former conception takes its cue from the consensus model of democracy, which aims to include as many representatives as possible in decision-making, contrary to the majoritarian model where a simple majority is enough to exercise authority (Lijphart 1999: 1-2). Unlike Fabbrini (2010: 38), who sees compound democracy and consensus democracy to be competing ideas, Elazar (1985: 19) correctly recognises that consensus democracy is a subsidiary concept of compound democracy and so he refers to it as compound majoritarianism.²⁹ In other words, it follows from the power-sharing nature of compound democracy that decision-making procedures will involve principles of inclusion and compromise rather than exclusion and competition. Similarly, dual compound consensus is a subsidiary concept of a dual compound regime since it entails that different procedures will be followed depending on the kind of legislation at stake.

As we have already seen, to make primary legislation, maximum consensus is required among the Member States by way of unanimity. The normal procedure for

²⁹ Fabbrini assumes that the idea of consensus democracy is limited to the study of polities where only the Parliament expresses popular sovereignty. However, just because states like Belgium have been most popularly associated with the consensus model doesn't mean that it cannot have wider application to polities with a compound locus of authority. Indeed, Arend Lijphart (1999: 7, 42-6) would seem to be closer to the truth when he claims that the EU is an almost pure case of a consensus regime.

secondary legislation is a qualified majority in the Council, such that from November 2014 at least 15 Member States and 65 per cent of European citizens are represented in the vote (TEU: Art 16.4),³⁰ and either a simple or an absolute majority in the EP.³¹ Additionally, unanimity in the Council is standard for the common security and defence policy (TEU: Art 42.4). From this picture, we can see that European decision-making embodies a highly demos-constraining trajectory. Not only are the statespeoples intimately involved in all decisions, with the power to overrule what might be majority citizen preferences, but in all instances a minority of statespeoples (to the limit of one in cases requiring unanimity) can block the majority of statespeoples preferences. Anything that might be construed as a European will, in other words, takes a distant back seat to member state wills.

Just as dual compound consensus is a subsidiary concept of a dual compound regime that captures the norm governing decision-making procedures in the EU, so what I have referred to as dual compound legitimacy is a derivative category that describes how the EU attempts to derive its legitimacy. TEU (Art 10.1) states that the ‘functioning of the Union shall be founded on representative democracy’. In line with its dual compound structure and political community of citizens and statespeoples, we can see that representative democracy in the EU addresses two areas of law-making and two subjectivities in distinctive ways. All member state governments are expected to be democratically elected, thus basing the Union’s primary law on the political legitimacy of member state regimes. The legitimacy of secondary law is based on both subjectivities, with the statespeoples represented in the European Council and the Council, and the citizens represented by the EP. As we have seen from my account of democratic process in chapter one, representative democracy is usually thought to have two major sources of legitimacy: a) the authorization of those occupying positions of authority in the representative institutions of the regime by the citizens and b) the ability of citizens to hold these members of authoritative institutions accountable for their outputs. Typically, as a minimum, citizens can directly authorise and hold accountable the members of authoritative institutions through electoral politics. According to my outline of democracy’s centripetal tendencies at the end of chapter two, this kind of *direct* legitimation is essential for democratic community formation and is thus distinctly demos-enabling.

In this regard, we may highlight the EP as the institution that most facilitates the European demos because it derives its legitimacy directly from European citizens through

³⁰ A blocking minority of four Member States, however, is also possible (TEU 16.4).

³¹ A simple majority refers to a majority of those Members of Parliament who happen to be present at the time of a vote, whereas an absolute majority requires that a larger share of the total number of seats in Parliament vote for the legislation.

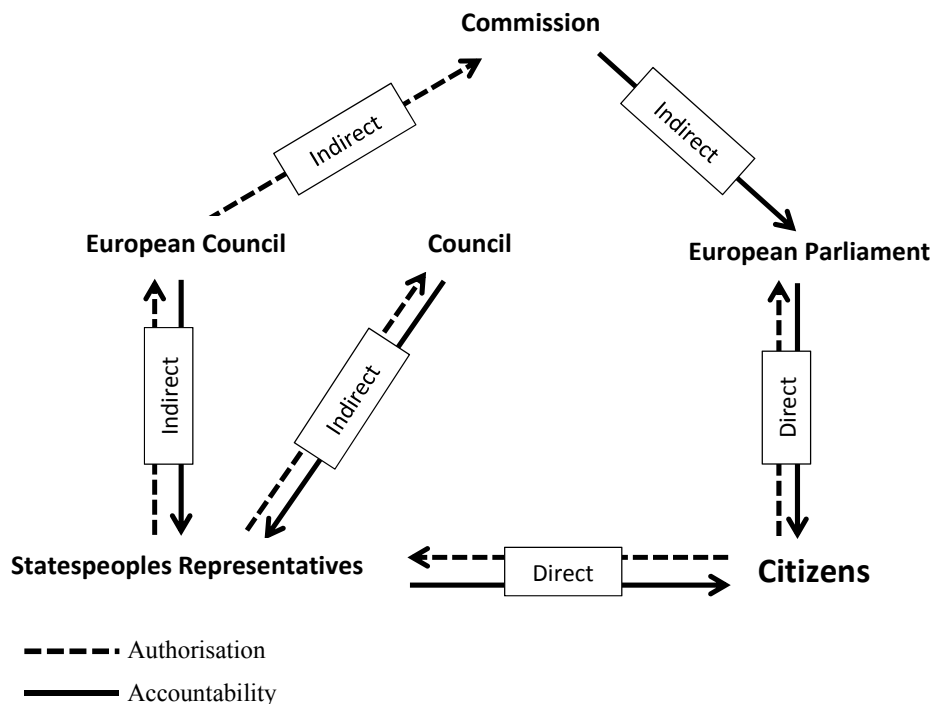
open elections held simultaneously in each member state. Nevertheless, as Bellamy (2013: 509) correctly points out, reflecting further upon how the EP operates serves to mitigate its demos-enabling potential. The second-order nature of elections already mentioned helps to ensure that national, rather than European, issues are at the forefront of citizens' discourse in deciding for whom to vote. Moreover, citizens tend not to vote for a candidate on the basis of the candidate's membership in an ideologically distinct Europarty, but rather on his membership of a national party. The potential demos-enabling effects of a unified party system that we typically find in national democracies it therefore generally absent in the EU.

The European Council and the Council have an *indirect* authorisation/accountability relationship with European citizens and as such have a weak demos-enabling capacity from the outset. The European Council and the Council are composed of representatives who have been elected on the member state level and can therefore only receive authorisation or be held accountable indirectly through such elections. In other words, because these institutions are not themselves open to electoral competition at Union level, their source of legitimacy is mediated by domestic elections. Just because the European Council and the Council are designed to represent the statespeoples does not mean that they are entirely demos-constraining. National elections that took serious account of EU issues, and how their governments behaved in the Council and European Council for example, could have a significant impact on strengthening the European demos by encouraging citizens to be more conscious of their part in the European project. However, since there is little evidence to suggest that national elections are decided by party positions on European issues or the behaviour of statespeoples representatives at Union level, this demos-enabling potential is currently unexploited.

Typically the Commission is appointed by the European Council with the approval of the EP. Moreover, the Commission is accountable to the EP insofar as it may be dismissed by the latter for its conduct through a motion of censure (TEU, Art 17.8). Not being directly elected by European citizens or a directly elected body representing the statespeoples at Union level, we should consider the Commission's basis of legitimacy to be indirect. Indeed, as figure 3.2 makes graphically clear, the Commission's specific kind of indirect legitimacy is especially removed from any genuine communicative relationship with European citizens. This makes it the institution with the least formal capacity to either facilitate or obstruct the European demos. Two recent innovations are worth considering here, however, suggesting that there is potential for the Commission to strengthen the European demos. The first relates to the EPs successful attempt to make the appointment of the Commission President

dependent upon the outcome of the EP elections in 2014. By electorally connecting the EU's most important functional position to the citizens, usurping a role previously reserved for the European Council, the Commission President and his appointees have the potential to serve as a common democratic focal point for the member states public spheres. Second, the recent introduction of the European Citizens Initiative allows citizens to tender a legislative proposal (supported by one million signatures) to the Commission. In doing so, the Commission puts itself in contact with the will of numerous citizens who have involved themselves in an exercise of transnational mobilisation to make political claims directed towards their common institutions of authority (Hurrelmann 2014: 8).

Figure 3.2: Direct and Indirect Sources of Legitimacy in the EU



Dual compound legitimacy refers to a regime whose differential modes of decision-making draw on sources of legitimacy in alternative ways. For primary legislation, where unanimous member state ratification is required, the legitimacy of the European project is based directly on the statespeoples. For secondary legislation, there are multiple avenues of legitimation such that the EP at least formally draws directly on the citizens; the Council

indirectly on the statespeoples; and the Commission indirectly on the statespeoples for its authorisation and indirectly on the citizens for its accountability. A political community whose institutions are dominated by indirect forms of legitimacy may be best described as constituting a *governance regime*. While governance refers to ways of policy-making common to any representative democracy, government is a wider term that includes the idea of governance but places a direct authorisation/accountability relationship with its citizens at the heart of such policy-making (Eriksen 2009: 155-8, 182). A governance regime is characterised by a specific kind of politics, being dominated by an elite bargaining discourse that is largely isolated from the discursive and electoral practices of citizens at large.

Just as a community of ignorance is not the necessary outcome of deep diversity in a political system so a governance regime does not automatically follow from a dual compound regime. European governance could certainly be more elitist if, for example, EP elections were scrapped. There are numerous ways in which European or national institutional practices may be reformed so that EU governing becomes more participatory and less elitist. The final chapter of this dissertation is dedicated to a lengthy discussion of exactly what these institutional innovations might be.

V The Demoi-demos Relationship

The aim of this chapter was to provide a conceptual map of the European Union, so that we may more clearly bring into view its nature as a political entity. The value of conceptual clarity, particularly when it comes to the fundamental concepts structuring a political system, cannot be overstated. It is essential, not just for understanding how and why a political system works in the manner that it does, but for travelling between political systems seeking comparative insight. Depending on one's research question, the EU can be profitably compared to international organisations, federal states, and any other kind of political system. Yet treating the EU *as* an international organisation or form of federalism would be folly. Failure to recognise the peculiar nature of the demos-demoi relationship in the EU, primarily determined by its form of deep diversity and dual compound regime, would inevitably lead us to corrupted analyses based on a misunderstanding of this political system.

My main contributions to conceptualising the EU in this chapter have been as follows. In the first instance, I have attempted to give a defence of the demoi-cracy concept, taking up the neglected task of explaining what is truly distinctive about this notion and why it is more capable of describing the EU than any other concept heretofore developed. Second, I have sought to argue for a particular way of understanding the idea of demoi-cracy, namely as

including cases where a demos exists but is nevertheless weaker than the constituting demoi. Summarily, the demoi-demos relationship in the EU is one where the demos is derived and mediated by the demoi. That is to say, the European demos lives through the portal of its Member State demoi in the sense that a) it exists only because of them and b) all forms of discourse and mobilisation directed at the EU take place primarily in the national demoi.

Third, I have sought to refine the concept of demoi-cracy by analysing how it is capable of describing the EU's respective political community and regime dimensions. A host of properties may be used to capture the EU's political community and regime, yet some deserve to be highlighted more than others for their crucial role in determining the nature of the demoi-demos relationship. My contribution here has not been to make any new theoretical or empirical developments per se, but rather to identify and conceptually package some phenomena familiar to EU scholars, in an effort to explain the manner in which these properties constrain and enable the European demos. Deep diversity can take many forms, that may be more or less demos-constraining, yet I have argued that state and lingua-centrism are arranged in the EU so that the political community exists in a condition of relative ignorance. A dual compound regime also admits of degree in the extent to which it may constrain the formation of a demos. Yet, as it stands, the European regime is primarily characterised by indirect modes of legitimation, a form of governance without government.

As we descend the ladder of abstraction, getting ever closer to empirical reality, the risk of misperception and miscategorisation rises as more variables come into play and the pace of events challenge our tentative descriptions. We need only reflect upon the recent financial crisis, or the EPs successful attempt to usurp the European Council's right to appoint the Commission President, to see the potential for Europe to move from a governance regime presiding over a community of ignorance to some other provisional condition. Though we may readily admit the possibility for the European political community and regime to take on more or less demos-constraining trajectories, the unanswered question concerns the desirability of a stronger European demos. As I argue in the next chapter, employing my account of representative democracy developed in the first two chapters of this dissertation, the European governance regime is lacking in democratic legitimacy. Ultimately, as should become clear by the final chapter of this dissertation, it is not that a stronger European demos is in and of itself desirable but that it is a likely outcome of any efforts to move towards a democratically legitimate EU.

Chapter Four

A Democratic Assessment of a Demoi-cratic EU

I Five Hypotheses Concerning the Quality of EU Democracy

On the basis of my account of democracy laid out throughout the course of Chapters One and Two, and my understanding of the EU as a demoi-cratic political system outlined in chapter Three, I now provide an assessment of the EU's democratic credentials. Fundamentally, the question to be answered concerns the extent to which member state citizens have control over EU decision-making through their governments *and* directly as citizens of the Union. As I have made clear in the main introduction to this dissertation, my interest in democratic legitimacy is normative rather than empirical. Popularly discussed questions of citizen support for and satisfaction with the EU, whether boding well or unfavourably for this political system, will not be of paramount importance for my purposes. Though the findings of this chapter by no means entail that the EU is non-democratic, this would not be saying very much. As has been insightfully noted, the time when political systems could bolster their claims to democratic legitimacy by comparison to overtly authoritarian or other non-democratic regimes is long past. We have reached a point where, in the Western context at least, the only acceptable standards by which political systems may be judged are internal to normative democratic theory (Schmitter and Trechsel 2004: 14).

From the last chapter we may recall the concept of dual compound regime which describes the institutional dimension of the demoi-cracy concept. By explaining how the EU's dual compound regime has for the time being manifested as a governance regime, I was not intending to make an explicitly normative claim. Indeed, as we shall see in the next section of this chapter, there are those who would not deny that the EU is a governance regime but are nevertheless satisfied with its normative robustness. However, when we depart from the descriptive dimension of the demoi-cracy concept and move to its more normative aspirations, it soon becomes clear that a governance regime does not allow citizens sufficient

democratic control over European decision-making, either indirectly through their governments or in direct relation with European institutions.

Considering my characterisation of the EU as a governance regime, alongside my account of democracy in the first part of this dissertation, we may venture five hypotheses concerning the EU's democratic credentials:

H1: As a dual compound regime, we can expect to find significant variation in the extent to which procedures leading to the EU's primary and secondary law respectively meet democratic standards.

H2: To the extent that all member states are expected to have instituted a democratic process, even though they may fall short of the democratic purpose to varying degrees, we can expect the principle of democratic equality (concerning equal basic needs, equal democratic liberties and equal voting rights) to be generally secured for European decision-making.

H3: The principle of maximum voting opportunities will be violated to a high degree as the absence of voting spaces with sufficient perceived importance produces a situation where citizens are hardly granted enough opportunities to control the decisions to which they are subject.

H4: The virtuous circle between a system of democratic control and the visibility of political power will be greatly fractured. If confirmed, H3 amounts to a relatively shallow and inaccessible opportunity structure, resulting in a non-competitive form of politics that produces few incentives for representatives to make claims or for the public audience to pay attention to such claim-making. As a result:

- a) the contours of the European regime (its key institutions and actors) will be lacking in visibility as the dualist model of political presentation is enacted at the expense of the tripartite model characterising specifically democratic representation
- b) the virtue of critical trust building will be low on European issues among both member state and European representatives

H5: Lacking an attentive public, and the political competition motivating representative claims that might engage public attention, media throughout Europe will in turn have low incentives for reporting on European affairs. Poor media coverage only serves to compound the problem of invisible power in the EU.

My central argument is that all things considered the EU has undermined the democratic control of citizens over their governments while at the same time failing to constitute a genuine democratic process at the supranational level. Before making this argument, I must clear the way of the minority though nonetheless formidable views that consider democracy in the EU to be either impossible or undesirable on the one hand or satisfactory (at least as member state democracies) on the other. While I reject the main arguments of this diverse camp, there are several valuable lessons for a democratic assessment of the EU to be learned along the way (II). In carrying out my democratic assessment of the EU, I first discuss the quality of citizens' control over Treaty-making and their governments' involvement in the production of secondary legislation for the Union (III). Next, I concentrate on the ability of citizens to directly control the EU, looking closest at the EP and Commission (IV). Following this is an analysis of public spheres and civil society where I investigate the character of discursive participation and mobilisation in contributing to the quality of democracy in Europe. Finally, I attempt to determine the extent to which the hypotheses elaborated above have been verified (V).

II The Impossibility, Undesirability and Satisfactory Nature of European Democracy

My characterisation of the EU as a governance regime may not be very controversial. Those who would accept that the EU currently exists as a form of governance without government may nevertheless fall into different camps, some insisting that a form of governance is the best that a political system like the EU can hope for and others claiming that the current state of the European regime is by and large a satisfactory state of affairs. Robert Dahl and Stefano Bartolini, each in their own way, belong to the former camp. Dahl believes that genuine democratic government is impossible in the EU due to the problem of scale, whereas Bartolini believes that moving away from governance and towards a democratically legitimate form of government would endanger the entire European project. In the latter camp we find authors – such as Thomas Zweifel, Andrew Moravcsik and Giandomenico Majone – who for different reasons believe that the EU is democratically legitimate in the relevant senses. I take issue with the central claims undergirding each position, arguing that they fail

to convince that a governance regime is either a necessary or satisfactory limit to the exercise of European political power.

The Impossibility of European Democracy

Robert Dahl (1999: 23-4) has famously taken a sceptics view, not on the poor democratic standards of the EU, but on the very possibility of a democratic arrangement beyond the nation-state. Given the difficulties citizens find in exercising control over their state's foreign policy, he finds no good reason for thinking they would be able to exercise greater control over an international body. Yet this equation of European politics with foreign affairs is questionable. When we conceive of the EU as a legislating polity with a direct relationship to its citizens and consider its assumption of or involvement in familiar member state competences, like monetary and environmental policy, it may be more accurately characterised as a domestic supranational authority rather than a common forum for the foreign affairs of individual member states. Understood in this way, if the possibility of public control over EU decision-making is rejected in principle then it should not be because this political system exists as a foreign policy arena.

For this reason Dahl's (1999: 22) contention that democratic deficits are embedded in international constellations by their sheer scale, which dilutes the voice of individuals and increases the distance of decision-making power from them, is more persuasive. Contrary to this view it may be objected that the appropriate size of or limits to democratic politics is far from clear (Eriksen 2009: 11), one reason being that the processes of opinion and will formation remain structurally similar regardless of the scale of the polity (Habermas 2012: 19). Moreover, it is important to recall the inherent flexibility concerning scale and complexity built into the democratic difference principle outlined in Chapter One. On this principle the delegation of authority does not detract from democracy but is required by it, the ideal situation being one where representatives hold greater power than citizens only to the point where practical constraints dictate that citizens cannot feasibly handle this power themselves. Effectively, the democratic difference principle requires that the distance of representatives and dilution of citizen influence be minimised by offering a range of opportunities for exercising control over decision-making.

The Undesirability of European Democracy

Stefano Bartolini (2006) does not deny that the EU fails to live up to minimum democratic standards, nor does he fully reject the possibility of democracy beyond the nation-state.

Instead, he insists that the EU should not be democratised. Unlike member state contexts where the competition over policy issues engendered by the democratic process rarely spills over into constitutional contestation, he does not believe the same can be said for the EU. In this political system he maintains that national parties and electorates diverge far more on the basic questions of the EU's constitutional architecture than on the standard policy issues confronting its institutions. A democratised and politicised Union, he believes, could be disastrous for the fate of the European project given the destabilising potential of directly exposing its foundations to a public tug-of-war between nationalists and supranationalists (Bartolini 2006: 35).

Notwithstanding the speculative nature of his contention that democratisation would lead to *disastrous* spill over into constitutive issues, itself based upon the speculation that this spill over would take the form of a relatively straightforward cleavage between nationalists and supranationalists,³² Bartolini's argument is untenable from the perspective of democratic theory as it denies citizens' popular control over the decisions to which they are subject. When we consider the inclusionary and representative nature of genuine democratic politics, his position looks particularly egregious since it actively seeks to exclude the representation of individuals who would pursue an alternative *democratic* future for their nation-state, advocating a different development path for the EU or the exercise of their respective state's constitutionally guaranteed right of withdrawal from the European project.

The Satisfactory Nature of European Democracy

More common than Dahl's sceptical view about the possibility of democracy beyond the nation-state and Bartolini's antipathy towards democratisation is the thesis that the EU has in fact already become democratic in the relevant sense or at least no less democratic than the member states of which it is composed. Various arguments have been put forward to support this view. Though I do not have space to treat them all, I attempt to address some of the strongest and most influential.

According to Thomas D. Zweifel (2002), the EU is hardly less democratic than two of the world's allegedly most democratic systems: Switzerland and the United States. His favourable assessment of European democracy is based on his employment of an impressive

³²As Yannis Papadopoulos and Paul Magnette (2010: 719-20) point out, Bartolini doesn't account for the possibility that those who counterpose themselves to the European project could be integrated into the system and thereby lose a source of justification for their opposition.

range of democracy measurement scales, devised by various academics and international monitoring bodies, to the EU case. Some of the results are summarised as follows:

In Gurr's scale, the EU receives a score of 9 compared to 10 for the US and Switzerland. In Bollen's scale, the EU gets 94 compared to 100 for the other two polities. In the Freedom House scale, the EU falls short in two of 13 indicators; in Gastil's scale, in two of 25; and in Gasiorowski's, in two of 35 (Zweifel: 834).

There are numerous problems with this account. One is its lack of appreciation for the nuance of EU institutions and its political practices. For example, Zweifel (2002: 824) rounds the edges of the Commission puzzle piece by categorising it as an electoral body to fit his comparison with the US and Swiss executives. To the extent that citizens do not directly elect the Commission, and insofar as the electoral contests of those involved in appointing the Commission are not about these appointments, conceptualising this institution as an electoral body is implausible and leads to an overly positive assessment of its democratic merits. Similarly, he scores 'open public discussion' the same in the EU as in Switzerland and the US (Zweifel 2002: 831) without accounting for the idiosyncratic nature of the European public sphere and the second-order nature of European elections (to be discussed below). This list could go on.

My biggest objection, however, is Zweifel's treatment of democracy as a checklist of independent properties rather than as a *process* that connects these properties in a dynamic fashion. The existence of powerful bicameral legislatures and the guarantee of political freedoms in all three polities, for example, may lead to the hasty conclusion that each polity boasts comparable democratic merits. However, when we think of democracy as a process, the relevant question becomes how political freedoms interact with citizens and institutions to create a system of popular control. By taking such an approach later in this chapter a rather different assessment of European democracy than that offered by Zweifel emerges.

Relying on familiar tenets of political science rather than empirical measures, Robert Keohane, Stephen Macedo and Andrew Moravcsik (2009) outline a powerful argument for thinking of the EU as adequately democratic. They point to the fact that the delegation of certain competences – such as central banking, judicial arbitration and many forms of regulation – to agencies independent from the democratic process is common in democratic states. Such delegation they believe is justified when it leads to goods such as the protection of fundamental rights or the improved epistemic quality of policy outputs. Another important consideration on their account is issue salience such that the more salient an issue is to the public the less justifiable will be its delegation to independent agencies (e.g. taxation, social

welfare, healthcare, education, immigration, etc.). Moravcsik (2002: 613) in particular is emphatic that the EU has primarily acquired the same kind of powers that are in any case delegated to independent agencies in the national context, with the most salient competences remaining exclusively with the member states.

Conceiving of the EU as a regulatory body in much the same way as the aforementioned authors, Majone suggests that the purpose of regulatory agencies is to produce Pareto-efficient outcomes (where at least some benefit but none are made worse-off) (Majone 1998). Such outputs are most likely in deliberative forums with high epistemic standards, which he thinks will be undermined by the short-term interests and rhetoric that often dominate democratic politics. Through a different route, therefore, he is led to share Bartolini's aversion to the democratisation of the EU. Indeed, Moravcsik seeks to offer us assurances by insisting that any fear of EU institutions leading to policies contrary to the public interest must be minimal since decision-making involves so many actors and veto points as to practically guarantee that a wide constituency of interests are taken into account and protected (Moravcsik 2008: 334).

While Moravcsik believes criticisms of European democracy are overstretched, Majone is dismissive of any enterprise to democratically assess the EU. For Moravcsik, many of the democratic problems of which the EU has been accused are either based on a utopian ideal of democracy or are similarly problems with member state democracies. Utopian theories of democracy he considers too detached from the reality of EU institutions to offer useful critiques or guidance (Moravcsik 2004: 233-4). Moreover, if there is to be a discourse of democratic criticism, he sees no reason why the EU should be a special target given that democratic deficits also exist at member state level (Moravcsik 2002: 606). Majone, on the other hand, considers a democratic assessment of the EU to be a 'category mistake'. Just because the EU is composed of democratic member states, he claims, does not mean that it should be subject to the same standards of democracy (Majone 2005: 24-5).

Many of these claims are open to dispute on various grounds. Though we may readily admit the importance of institutions that uncompromisingly protect fundamental rights to any theory of democracy, the justifications for isolating certain competences from democratic processes on the basis of the epistemic or Pareto-efficient quality of outputs or due to low issue salience are more dubious. Concerning the epistemic quality of outputs, Bellamy (2006) rightly objects that regulation is not normatively neutral and so cannot simply be entrusted to technical experts whose deliberative quality is always under threat by their susceptibility to group thinking that can lead to an uncritical 'technocratic consensus'. He also points to the

fact that, in domestic politics, regulative bodies are entrenched in majoritarian electoral systems so that they cannot escape the influence and monitoring of elected politicians and the media. Europe, he claims, currently lacks the electoral and media structures required to make its institutions publically accountable in this way.

Andreas Follesdal and Simon Hix (2006: 542-3) make an equally convincing argument in doubting that the majority of EU legislation is in fact capable of being Pareto-efficient due to its significant redistributive consequences. Given that the larger share of EU policies relate to market regulation, these authors contend that producers, consumers and employees can each gain at the others' expense with variation between winners and losers in each policy area. Moreover, insofar as some member states are net contributors to and others are net receivers of EU funds, there are explicit redistributive issues at stake in the EU. To this we may add the observation that while member states maintain some of the most important redistributive competences, supranational legislation can be highly constraining on the kind of policies governments may pursue within these areas of competence (Scharpf 2006: 6-9; Mair 2007: 160).

For instance, the budget deficit rule which places strict limits on the borrowing of member states in the Eurozone (TEU Art. 126.2; Protocol 12) may force governments into pursuing a more narrow range of taxation and social welfare policies than they otherwise might with a more flexible deficit threshold. Similarly, the EU's 20-20-20 targets involve binding commitments for member states to reduce their carbon emissions while increasing energy efficiency and the use of renewable energy. This places dramatic constraints on member state development of environmental and energy policy, which may in turn impact taxation and other redistributive policy areas.³³ Once it is conceded that EU legislation has major direct and indirect redistributive consequences, and that redistributive policy areas at least should be open to the democratic process, Majone's anti-democratisation thesis falls flat.

Moravcsik is by no means naïve in thinking of many EU competences as typically non-salient to voters. It is, however, a crude characterisation since the salience of a policy area will vary depending on the circumstances. EU monetary policy and the functions of the ECB, for instance, became far more salient during the Euro crisis than at other times when such policies and institutions were largely ignored by the populous. Additionally, low

³³ If further illustration were needed we can take a concrete example where the EU Habitats Directive, designed to conserve wildlife habitats, directly intervened in the economic development plans of the Canary Islands by halting the construction of a port in Tenerife (Bovens et al. 2010: 2).

salience can rarely if ever be a justification for removing decision-making power from popular control. As I explained in Chapter One, reserve and virtual influence, whereby citizens do not get involved in decision-making because they are either not interested in the issue or are happy with how things are proceeding, characterise the main forms of control exercised by democratic citizens. What democracy requires is that citizens have adequate opportunities to exercise designed influence over decision-making authorities when and if they decide to do so. This condition is not met by the regulatory conception of the EU.

Indeed, even when we consider the potential virtues of the EU's multiple veto points which Moravcsik is keen to emphasise, we find lacking a properly democratic justification of EU decision-making. Even if a system could be adequately set up to guarantee the reasonable accommodation of all interests, this system would amount to little more than a benevolent dictatorship in bureaucratised form. There are grounds for doubting whether such a situation is achievable or has been achieved by the EU given the redistributive consequences of its policy-making and the fact that policies supported by a citizenry may not be the same after the passage of time or the staging of a public debate, a staging which they are generally denied by democratically isolated institutions (Follesdal and Hix 2006: 545). Nevertheless, any form of dictatorship is unacceptable from the democratic point of view which generally prioritises an inclusive and accessible decision-making process over the potential outcomes of a non-inclusive and inaccessible procedure.

One of Moravcsik's most valuable contributions to the debate on European democracy is to point out the inadequacies of utopian theories of democracy for analysing the EU. In line with this view, my assessment of EU democracy in this chapter will not be utopian but based on the realistic ideal of democratic legitimacy outlined in Part One of this dissertation. Moravcsik is surely correct that nation-states are themselves guilty of democratic deficiencies. However, as a political system in its own right, this should not discourage us from an assessment of the EU's democratic merits. Indeed, given its substantial powers over such a large population and Dahl's justified concerns for the dilution of individual citizens' voice within that context, there is a case to be made for placing the EU under particular scrutiny. This is not to make a category mistake. Indeed, contrary to Majone's intimation, the main reason for treating the EU in democratic terms has little to do with the member states' democratic natures. Notwithstanding the EU's self-conception as based on the principles of representative democracy (TEU Art 10), the main reason for applying the normative toolkit of democratic theory to the EU is for the ability of this political system to subject citizens to its laws. Such a project is based on a conception of democracy as a set of principles for public

control over decision-making that is therefore not restricted to the institutional form of the nation-state.

III Statespeoples Control in the EU

Having attempted to rebut the main arguments that might potentially stand in the way of providing a credible democratic analysis of the EU, I am now in a position to undertake such an assessment. We may begin with the encouraging reflection that all member states of the Union are required to be committed to and capable of a democratic process (Schimmelfennig 2007). Indeed, ever since the EU began to gradually expand in the 1970's the achievement of a functioning national democracy has been a key requirement of accession, with all successful applicant states since the 1990's required to demonstrate their democratic nature through a rigorous vetting of their institutions (Vachudova 2008; Schimmelfennig 2008). Achieving a standard of democracy at the national level will obviously be important for citizens' capacity to exercise control over the Union through their governments. Furthermore, insofar as a satisfactory democratic process must secure the basic needs and political liberties of citizens, the achievement of a minimum level of democracy in the member states has provided the groundwork that could make supranational democracy possible. In this section, I discuss the extent to which citizens exercise control of the EU through their national democratic process? First I discuss citizens' involvement in EU Treaty making, moving on to explain the role of national parliaments in EU policy-making. While I have some minor criticisms on the former point I am more pessimistic on the latter.

Statespeoples Control of Treaty-making

In Chapter Three we distinguished between the secondary legislation of daily politics and the primary legislation determining how secondary legislation is made. Within any constitutional order, however, there will be rules laying out the necessary steps for constitutional change. Thomas Pogge (1997) criticises these procedures claiming that they largely excludes citizens from participation in the fundamental task of forming the EU treaties. He advocates a radical reform of this practice so that citizens can decide, through a series of referendums, on exactly which aspects of sovereignty they wish to cede to supranational authority and how the institutional framework should be generally arranged. A complete lack of historical precedent, in that no democratic system has ever so directly and technically involved citizens, is not in itself an argument against this viewpoint. However, when we consider the expertise and personal resources of time and energy required to make such decisions, a strong

explanation for this lack of precedent immediately emerges. Contrary to Pogge, I believe the democratic difference principle easily justifies leaving even the more basic questions of constitutional design to elected representatives.³⁴ This, however, does not mean that current practices in the EU are entirely satisfactory.

Amendments to the Treaties may be submitted by the governments of member states, the Commission, or the EP. Ultimately, however, it is up to the European Council to decide by a simple majority whether or not to call a Convention for the purpose of making a recommendation on the proposed amendments (TEU Art 48.2). Prior to the Constitutional Convention all Treaties were hammered out behind closed doors in Intergovernmental Congresses (IGCs) where member state governments only were entitled to a seat at the table. The Convention method, now a central part of any treaty-making process (TEU Art 48.3), involves significant democratic improvements by holding initial treaty negotiations in public and making them more inclusive by bringing in members of national parliaments and European institutions including the EP. The final draft of a treaty text is arrived at through the same IGC procedure as before, though it is unlikely to differ a great deal from the Convention's recommendation given that the European Council's favourability towards the amendments provoked them to call a Convention in the first place.

From a democratic point of view there are few things wrong with this process since it largely remains in the hands of member state governments with other agencies serving primarily consultative functions. Keohane et al. (2009: 10-11) see it as a virtue that the executive of national governments are left to negotiate international treaties since the executive represents the widest constituency. This is a curious position when we consider that national parliaments as a whole are typically more representative of their peoples than a small group of persons who are often drawn from that parliament. The exclusion of national parliaments from proposing Treaty amendments therefore represents a modest lack in the Treaty-making process. Furthermore, while national parliamentarians have been dominant in the Convention composition, there is no guarantee that the majority of these will not come from a pool of parliamentarians already supporting their respective executive branches and so fail to represent a wide constituency. These problems are nevertheless mitigated by the fact that national parliaments will often have a role in ratifying the Treaties, either directly through parliamentary vote or indirectly by taking up campaigns against ratification in the

³⁴ This position is elaborated upon at length in Chapter Seven. For now, this crude statement by which I distance myself from Pogge's proposal will have to suffice.

case of referendums. Such possibilities act as powerful incentives for governments to take into consideration the main concerns of their respective parliaments in advance.

More formidable problems emerge when we consider the unequal and often limited role of citizens in ratifying a new Treaty. According to TFEU Art. 357, each member state must follow the ratification procedure dictated by their respective constitutions. This leads to a situation of discrimination between statespeoples (Cheneval 2007: 648), providing additional control to some statespeoples above others in a way that is not consistent with the democratic difference principle. First, some member states are required to hold or else decide to opt for binding referendums whereas others rely on national parliaments for ratification. Citizens with a direct vote therefore have a greater role in shaping the future of Europe than member states where national parliaments have the final say.

Second, ratification procedures are not simultaneous across member states leading to unnecessarily unequal conditions and opportunities for political debate. Regarding the conditions of political debate, the first member states to ratify a Treaty will face far less pressure to do so than a state who is among the last to ratify. In other words, member states who engage in early ratification procedures are more likely to debate a treaty on its merits than those who are also worried about upsetting the apple cart by going against the wishes of the majority of member states who have already passed the treaty. Second, as we saw in the case of the Constitutional Treaty which was killed by French and Dutch plebiscites, scheduled referendums in all other countries were cancelled thereby preventing a real political debate in those member states. As it stands, a small number of member states can decide the fate of Europe before the others have even publically discussed it.

Concerns have also been raised about the discursive quality of referendums in member states, the idea being that citizens may be inclined to cast their vote on the basis of second-order discourse about government performance in domestic politics rather than on first-order considerations relating to the merits of the Treaty (de Vresse 2004). The perceived democratic problem here is that a genuine process of will-formation on the issue at hand may be interrupted by focusing public debate on irrelevant concerns. Evidence from two referendums on the Nice Treaty in Ireland in 2001 and 2002 (Garry et. Al 2005) and the referendums in France, Luxembourg, Spain and the Netherlands on the Constitutional Treaty in 2005 (Glencross and Trechsel 2011), suggest that first-order concerns dominate electoral behaviour in European referendums though second-order discourse is not absent. Despite this positive finding, it is not clear that the assumption regarding the irrelevance of domestic government performance to European treaties is justified. Any judgment on the quality of a

government will have interaction effects with citizens' trust in that government. Since it is national governments that are legitimately entitled to negotiate the treaties, according to the democratic difference principle, citizens' level of trust in the executive to represent competently their best interests in those negotiations can be important. Hence, we may conclude that voting for or against a Treaty referendum on the basis of a government's domestic performance is not necessarily a source of democratic malaise.

Statespeoples Control of the European Council and the Council

Representing the member states, the European Council and the Council are the main statespeoples institutions in the EU. For some authors, the fact that both institutions are primarily composed of elected representatives from member state governments is sufficient to guarantee their democratic legitimacy (Moravesik 2008: 335). Arriving at this conclusion is the result of oversimplification, not appreciating all that must go into satisfying the conditions of democratic process. Political competition and the publicity that goes with it are the main missing links that fail to establish these institutions as part of a democratic process. To expand on this, neither in the course of daily politics nor during election campaigns do parties typically compete on either the direction of European policy-making (to be decided in the European Council) or on the content of secondary legislation (over which the Council has a major say). As a result, no government can be elected with any kind of European mandate to which they may be held electorally accountable along with their domestic performance at the next election. Under these circumstances citizens are left uninformed by their representatives about the European politics going on in their name, while receiving few opportunities to engage in public debate with their representatives on the more salient European issues.

As we just saw, the increase in executive powers at the expense of national parliaments is not a major source of worry in treaty negotiations. Nevertheless, such a change in power relations does help to explain how the European Council and the Council have managed to largely evade the democratic process. European integration has favoured executive offices by moving competences, previously exercised by national executives under direct parliamentary scrutiny, to the European level without maintaining the same kind of accountability structure between executives and parliaments (Sprungk 2013: 553-4). Most formal roles for national parliaments in EU affairs involve various kinds of monitoring or consultation. Often emphasised is their right to receive legislative and other documentation from the main European institutions and to exercise the Early Warning Mechanism (EWM)

introduced by the Lisbon Treaty. This legal instrument gives one third of national parliaments the right to collectively object to a legislative initiative by the Commission on the grounds that the proposal violates the principle of subsidiarity enshrined in the Treaties. A successful subsidiarity challenge will result in either the Commission amending or withdrawing the proposed legislation or by the EP or the Council's agreement with the national parliaments' reasoned opinion leading to the bill being rejected (Protocol 2).

For Jean-Claude Piris (2010: 126), a former prominent legal advisor to the European Council and the Council, the Treaties now provide national parliaments with ample possibilities for controlling their governments' behaviour at the EU level and becoming involved in EU decision-making. As such, he believes that any democratic deficit in relation to national parliaments largely comes down to their own poor coordination on EU issues. There is an element of truth in this position as some parliaments, most notably the Danish *Folketing*, have established procedures for placing limits on the governments' negotiation positions in the European Council and the Council. Given the public availability of voting records in the Council, national parliaments who followed the Danish strategy could be significantly more effective in holding the government to set parameters on EU secondary legislation. It should be noted, however, that there are limitations to this strategy which are also recognised by *Folketing*. Specifically, if the government is to be an effective negotiator then any constraints imposed on its negotiation position by the parliament cannot be too strict (Auel and Benz 2007: 69-70).

To cope with the influx of legislative information coming from the European institutions and to coordinate potential subsidiarity challenges all national parliaments have set up one or more specialised European Affairs Committees. While these committees have helped to reduce the informational asymmetries between executives and parliaments, they have done little to increase the publicity of European issues which are typically discussed within these committees, rarely spilling into the plenary agenda (Raunio 2009: 360). Though this failing may be partly put down to poor parliamentary organisation, it is less clear that parliaments may be blamed for the lack of coordination between them in employing the EWM. Even those most optimistic about the potential of the EWM to improve EU democracy are realistic about its limitations as a participatory instrument (Cooper 2012). In particular, it is recognised that the subsidiarity principle has rarely been violated by the Commission (Bellamy and Kroger 2014: 449) while the one third threshold of national parliaments required to make a subsidiarity challenge will be difficult to meet given the varying interests they will have in different kinds of EU legislation (Raunio 2009). To this we may add that,

insofar as the decision to sustain a subsidiarity objection ultimately lies in the hands of European institutions, it is unlikely that parliamentarians will be convinced to engage in the high transaction costs to monitor the subsidiarity principle given the potential low impact of exercising the EWM.

How then does the reduced station of national parliaments at the hands of European integration relate to citizens capacity to control secondary legislation in the EU through their governments? Generally stated, policy areas that were once discussed almost exclusively at the national level are to a large degree absent from national discourse. Parliamentarians recognise the difficulty of controlling their governments activities at the EU level and so have been disinclined towards engaging in partisan competition on European issues. Certainly there are measures parliamentarians can take to improve this situation and they may be rightly criticised for failing to do so. Contrary to Priris, however, we cannot place the entirety of blame on parliamentarians whose behaviour is in large part shaped by the accessibility of the opportunity structure. To make it rational for national parliaments to become more involved in European politics there must be a reasonable trade-off between what is gained in terms of policy influence and what is required to achieve it. The EWM is a good example of an instrument that almost completely fails to strike this balance, leading to the plausible contention that more could be done within the European framework to improve citizens control through national parliaments.

III Citizen Control in the EU

Having discussed the main shortcomings of statespeoples control in the EU as it pertains to both primary and secondary legislation, I now investigate the quality of citizens' direct democratic control in the EU. Since primary legislation is the exclusive prerogative of member statespeoples, my analysis will be strictly confined to citizens' relationship with secondary legislation. The Commission and the workings of the EP warrant most attention in this regard. While I find the EP the closest European institution to being part of a democratic process, the Commission may be construed as being rather far away. In the end, the EU's form of democracy may be conceived as an epistemic disfigurement of the democratic purpose that provides a partial basis for a further populist disfigurement.

Citizen Control of the Commission

The Commission has perhaps received the most criticism for its lack of democratic credentials. Holding the sole right of legislative initiative, the ability to represent the EU in

trade negotiations and other important international interactions, administering the budget, employing the bulk of the EU's civil service, and ensuring the implementation of and adherence to the *acquis communautaire*, the Commission possesses many of the paradigmatic functions of government without at the same time being a directly elected institution. Several considerations are often thought to mitigate the apparently non-democratic nature of this situation. In the first place, the Commission is appointed by the European Council subject to approval by the EP, with the latter two institutions being composed of elected representatives. This arrangement is surely much more preferable than a situation where the Commission somehow usurps power in dictatorial fashion. Nevertheless, to the extent that neither national nor EP elections are in any way about the Commission's composition, it escapes all public voting spaces. Given its wide-ranging powers and crucial functions, it is hard to see how entirely entrusting the task of choosing Commissioners to political representatives may be justified by the democratic difference principle. In other words, there is more than enough at stake with this institution to warrant the direct involvement of citizens in deciding its composition.

Another factor often thought to mitigate the Commission's independence from democratic process is its presumed neutrality between nations and political ideologies in pursuit of the EU's general interest. The naiveté of this assumption becomes clear when we consider that the majority of Commissioners have been party politicians (Hix 2006: 19) and that many of the policy choices facing Europe are of an explicitly or implicitly ideological nature (Weiler 2012: 830). This lattermost point becomes all the more forceful upon recalling, from the second section of this chapter, that the EU is constantly producing decisions with direct and indirect redistributive impacts. Deciding who gains and who loses in a way that is not random requires an end goal of some kind that is ultimately based in an ideological rationale. Considering the objective necessity of ideological choices in governing the EU, and the subjective likelihood that Commissioners will be influenced by their pre-formed political persuasions in the performance of their tasks, the case for isolating the Commission from democratic process becomes especially weak. That is to say, when we consider that part of the democratic purpose is to ensure as far as possible the equal representation of citizens' values and interests in the political system, then the ability for citizens to select and sanction those who have important roles in construing and pursuing the values and interests of a society becomes paramount. In this sense, the Commission is even more subject than the European Council and the Council to the objection of lacking a popular electoral mandate.

A third point, made by the Commission itself, is that only ten per cent of its initiatives are unilateral. The majority, it claims, are required to meet international commitments and bring existing laws up to date with social and technological change, while roughly 20 per cent of initiatives are made in response to requests from the European Council, the Council or the member states directly (Lord 2004: 156). According to Christopher Lord (2004: 157), though the Commission has significant leeway in shaping legislation and thereby setting the range of options available to the Council and the EP, this power is limited by the heavy involvement of member state civil servants in the committee stages where legislation is drafted. Moreover, it has been long recognised that the need to pass legislation through the Council and EP motivates the Commission to consult with these institutions during the drafting period (Lieleveldt and Princen 2011). While this reality certainly curtails the power of the Commission in one of its central functions, we have already seen how checks and balances are not equivalent to an improvement in democratic control, especially when the actors doing the checking and balancing are themselves lacking in democratic credentials.

Finally, there is the Commission's accountability relationship with the EP to consider. Unlike the typical accountability relationship between a government and its parliament, where the latter can dismiss the former so long as it is capable of forming an alternative government (Laver and Shepsle 1999), the motion of censure available to the EP allows it to dismiss the Commission only. Upon dismissal, it is once again the European Council that plays the dominant role in deciding the appointment of a new Commission. While the motion of censure may appear to be a crude device, especially when we take into account the likelihood that it will be just a select few Commissioners whose behaviour warrants the ire of MEPs, it is structured in such a way as to incentivise the Commission to engage responsively with the EP. To clarify this, though two-thirds of the votes cast representing a majority of the EP are required to evict a Commission (TFEU Art 234), the censure proceedings can be instigated by a mere ten per cent of MEP's which necessitates a time-consuming and potentially risky debate that the Commission is inclined to avoid by conciliatory attitudes to even the smaller party groupings (Lord 2004: 146). The availability of the censure device is, therefore, an important accountability mechanism. Yet, once again, its *democratic* value is dependent on how well the EP is connected to a democratic process.

Citizen Control of the EP

If any European institution has a credible claim to being part of a democratic process, then it is the EP which is directly connected to a pan-European voting space. A major strength of

this voting space is its relatively high level of centralised regulation across all member state constituencies. For example, unlike the problems with treaty ratification discussed above, member states have only a four day window in which to hold their EP elections and are prohibited from declaring results before polls close in all member states. This prevents member states that hold elections earlier from unfairly effecting voting and discursive patterns in the other member states.³⁵ Another strength of this voting space is the use of proportional representation, even in countries like the UK where majoritarian electoral rules determine national elections, in helping to guarantee a wide spectrum of views are represented in the EP. Indeed, proportional representation seems to be an important factor in the ability of the European voting space to translate votes into a range of ideological party groupings in the EP that are roughly commensurate with the European population (Mair and Thomassen 2010).

The main shortcoming of EP elections is the way in which the European voting space is connected to the national public spheres. It is by now standard to highlight the second-order nature of European elections which are seen by many as mid-term elections on their government's domestic performance rather than on the real issues facing MEPs (Reif and Schmitt 1980; Hix and Marsh 2011). By missing the chance to publically debate an institution with significant control over their welfare, citizens find it more difficult to elect candidates on a clear European mandate while it is very unlikely that incumbents will be held accountable for their behaviour during the previous term.

This situation is democratically problematic in failing to provide citizens with good conditions of opinion formation on the issues at stake or adequate means to control their representatives (Hurrelmann and Debardeleben 2009: 235), yet it may not be as unsatisfactory as many commentators have assumed. While citizens can do very little to sanction the behaviour of their MEPs come election time, what I established in the first chapter as the more important ability to select representatives is less heavily curtailed in this context. Despite constraints on imposing a mandate on their representatives, candidates can still be elected on the basis of their personal qualities and national party affiliation which serves as a reliable cue for determining the candidates' political persuasions. Indeed, along with the widespread use of proportional representation, such cues are a likely explanation for the rough ideological coherence between the EP and the electorate, making this positive phenomenon not entirely accidental.

³⁵ Act concerning the election of the members of the European Parliament by universal suffrage: Art 10.2.

The problem becomes more complex, however, when we consider that the effectiveness of MEPs will generally depend on their belonging to a Europarty, making the performance of these collective bodies at least as important a consideration as the behaviour of individual MEPs. Yet it is national parties, rather than Europarties, that run election campaigns for the EP. Lacking knowledge of both Europarty platforms and past behaviour, the most relevant collective actors in the EP are made electorally irrelevant in that citizens are denied the opportunity for a discursive exchange whereby they could directly mandate a Europarty or oust them from their relative positions of strength.

As I suggested in chapter one, low turnout in low salience referenda may not amount to a failure of democratic process if we consider the need to divide labour among citizens in monitoring government activities. When it concerns elections to important offices held only every five years there may be greater cause for worry over citizens' capacity to exercise equal control over decision-making institutions. Elections to the EP in 2014 and 2009 had a voter turnout of 43 per cent, 1994 being the last time turnout exceeded 50 per cent. Compared to most national parliamentary elections in member states, where turnout tends to be at least 50 per cent and more often greater than 60 per cent,³⁶ this suggests a particular failing of EP elections. While the low average may be partly put down to the fact that the thirteen countries which have joined the EU since 2004 are not yet familiar enough with European institutions, and many of these are only recently consolidated democracies themselves, this does not explain the especially low turnout in Germany, France, Finland, the Netherlands, Sweden, Portugal or Spain. Although the EP has increased its powers greatly in recent decades and attempted to make elections more salient in 2014 by turning them into a contest about the Commission President, with Europarties pre-naming candidates for this position, none of this has had a discernible impact on voter turnout. A detailed Eurobarometer (2009) report on the 2009 EP elections finds it difficult to draw any general conclusions about low turnout beyond pointing to a perception by many abstainers that the elections are lacking in importance.

On the one hand, we have already seen that the EU is a powerful actor and the EP is a powerful institution within this political system. It may be therefore that citizens' perception of EP elections as relatively unimportant can be partially explained by a lack of communication about this institution, epitomised in the second-order nature of elections. On the other hand, there is some veracity to this common perception held by citizens as the EP lacks some important features often associated with democratic legislatures. As we have

³⁶ <http://www.idea.int/vt/viewdata.cfm#>, accessed 27/05/2014.

already seen, notwithstanding efforts to tie elections to the Commission Presidency, the elections are not about the formation of a government in at all the same way as national parliamentary elections. Instead, they are more properly conceived as elections to but one half of the EU legislature (Lord 2007: 152). Even though the EP acts as a ‘conditional agenda-setter’(Eriksen 2009: 218), in shaping and limiting the policy choices of other institutions, its inability to initiate legislation detracts from its appeal as a body that can effectively translate citizens preferences into policy. Indeed, if EP elections began to shed their second-order nature such that Europarties could be given a clear mandate, their ability to implement that mandate becomes highly questionable without the right to legislative initiative. Being limited in its impact on executive formation and legislative production, the EP’s control over EU decision-making becomes almost as uncertain as citizen control over the EP.

Technocracy, Collusion and Populism in the EU

According to Mair (2007), the lack of competitive politics in the EU with significant opportunities for citizen involvement is likely to lead to an increase in opposition to the political system itself. This prediction is consistent with the view put forward in the Introduction to this dissertation, *à la* Easton, namely that a perceived sense of legitimacy is necessary to generate sustainable support for a political system. In fact, Easton (1957: 399) is keen to point out that the kind of legitimacy associated with outputs can only maintain a shallow level of support for the political system, since this kind of support dries up in periods of bad output performance. He insists that it is only a sense of legitimacy attributed to the current governing authorities, and especially the regime, that can generate sustainable support given that no sophisticated political system can produce satisfactory outputs with sufficient consistency in perpetuity. In other words, by limiting the degree of support for the regime and authorities, a lack of democratic legitimacy makes opposition to the regime more likely. We can expect such opposition to find its greatest opportunity when the political system struggles to find support on the basis of its outputs.

The populist manner in which opposition towards the EU has spread across national parliaments and the EP after elections in the wake of the financial crisis – a period of especially low output legitimacy for the EU – is fully consistent with this account. The EU governance regime appears to betray the disfigurements of democracy discussed in Chapter Two that have to do with the prioritisation of outcome over process. Not only is there a strong technocratic dimension to European decision-making, in which unelected experts play a

major role in policy formation, governments tend to collude with one another in keeping decision-making power on the important areas of European integration to themselves. The end result of these tendencies is a lack of control of European citizens over the decision to which they are subject as most issues escape the kind of discourse that animates a democratic process.

The current wave of populist Euro-scepticism interestingly demonstrates that these perversions of democracy serve as discursive resources for the populist disfigurement. This stands to reason. The populist narrative not only focuses on a narrow definition of the people, but is critical of an elite homogeneously construed as non-democratic or even corrupt, who are selling out the circumscribed people for their own gain. The democratic deficiencies of the EU, and the complicity with which empowered national executives are guilty in perpetrating these deficiencies, serve as explosive discursive resources to advance populist parties on the national and supranational stage. This is not to say that democratic concerns are the only discursive resources for Eurosceptic populists – who are also motivated by the “unwelcome” immigration made possible by the extent of the EU’s area of free movement – but that it certainly bolsters their appeal to an electorate who by some accounts feel increasingly powerless as sovereignty recedes ever further into the distant recesses of supranational governance. Populists promise to reclaim this sovereignty, to give democracy back to the people.

IV The Public Sphere and the Role of Civil Society

So far my account of democratic control in the EU has primarily focused on institutions and citizens’ electoral relationship with these institutions, with occasional mention of the public sphere in this context. Given the importance of a vibrant public sphere in maintaining extra-electoral control over power-wielding institutions, more detailed scrutiny of discursive participation and mobilisation in Europe should not be avoided. As we shall see, notwithstanding recent communicative improvements in the EU, there are still significant democratic concerns relating to the breadth of actors who are included in European discourse and who is paying attention to it. These deficits, as I explain, are rooted in how civil society is arranged in the EU.

Discursive Participation

I have already suggested that the democratic liberties are generally secured by each member state, laying fertile ground for legitimate democracy in the EU. Nevertheless, a great deal of

scepticism has been placed on the degree to which freedom of information in particular is secured in the context of European democracy. In what has been referred to as Europe's communication deficit (Meyer 1999: 622), it is argued that European politics receives insufficient media attention while the public lacks knowledge of European actors and institutions. Several studies have suggested that the supply side of the communication deficit has been greatly improved upon, especially in older member states, since both traditional (Eder and Trenz 2007; Koopmans et al. 2010) and web-based media (Koopmans and Zimmermann 2010) are providing wide and accurate coverage on EU affairs, despite general journalistic assessments that European institutions often play their role as key sources of news significantly less well than national institutions (Statham 2010b: 136). Stefanie Sifft et al. (2007: 139) nuance this point, claiming that Europe most often becomes the focus of media attention after decisions have been made and when they begin to affect domestic affairs. In other words, the supply side of the communication deficit is not entirely resolved since EU agenda-setting and decision-making processes frequently escape journalistic monitoring.

The demand side of the communication deficit seems more intractable because the large increase in media coverage has not made commensurate gains in attracting citizens' attention to EU affairs – what might be called the *deficit of audience attention*. Citizens' consciousness of European institutions and issues is an under researched area and so this contention cannot be definitively validated. According to Eurobarometer (2011: 40, 48) data the vast majority of European citizens say they have heard of the main European institutions while 45 per cent claim a knowledge of how the EU works. Yet neither of these findings are sufficient to indicate just how much citizen attention is directed towards the EU more generally. Reflecting on the nature of public opinion formation should give us a better clue.

Using Gabriel Almond's categories of elite public, attentive public and the general public already mentioned in Chapter Two Paul Statham (2010a: 300-1) suggests that, while there is a fully developed elite public operating within the walls of Brussels, the attentive public in European affairs is far smaller than what we find in national politics. Since it is the attentive public that serves as a crucial catalyst of opinion-formation and awareness-raising, the underdevelopment of this class in the European context means a low level of awareness among the general public.

A good indicator of an engaged attentive public is the activity of civil society as claim-makers relative to institutional political actors. Media analysis has demonstrated that civil society is rarely involved in political debate on European issues. National executive and

European actors by far play the biggest discursive role in most issue areas, with national parliaments, and parties coming a very distant second. More resourceful members of civil society, such as employers, frequently play a significant role in shaping the European public debate. In issue areas where non-corporate civil society actors discursively participate at all, they usually do not account for more than two per cent of claims (Koopmans 2010: 102).³⁷ The dominance of European and executive actors at the expense of all others we may refer to as the *deficit of representative breadth* in the public sphere. Insofar as an active civil society is required to raise political consciousness, it seems that the deficit of audience attention is partly a function of the degree of representative breadth. On this analysis we can see that the second-order effects of European elections do not emerge out of a vacuum but are framed within a wider context where the operations and policies of European institutions are generally peripheral to or absent from mass consciousness.

No public discourse flows in the absence of power relations, which generally manifest themselves in the most powerful actors receiving the greatest attention. This claim would seem to be confirmed not only by the media focus on government and supranational actors in European debates, but also by the low impact of national parliaments on European discourse in light of our earlier considerations on how they have been disempowered by the process of European integration. Following this line of thought, the near absence of civil society from European debates suggests that it has failed to sufficiently empower itself on European issues. To understand how this is so, the role of civil society in the EU and its opportunities for mobilisation must be assessed.

Mobilisation

Civil society, as I have been using the term, is a broad phenomenon composing just about every individual or group existing apart from the political regime that becomes politically involved in the pursuit of interests. It is civil society, in other words, that generates most of the inputs to be processed by the political system. Civil society organisations (CSOs) are typically designed around a set of narrow policy issues to exert greater influence on the political system than would otherwise not be possible on an individual basis. Except for corporate interest groups, CSOs are generally under resourced, some relying more on aid from the political system to sustain themselves and others depending more on voluntary contributions from members. Within the member state context, there are typically fluid

³⁷ There are, however, exceptions with a good example being farmers who contribute claims that make up to 22 per cent of the debate on the EU's agricultural policy (Koopmans 2010: 102).

conditions for CSOs to emerge, not least of which are common languages and cultures and a manageable geographic area within which to coordinate activities. Once a CSO is well funded or has sufficient active membership, it may be expected to become a formidable claim-maker in the public sphere on its issues of concern.

The general absence of civil society from European discourse should not mislead us into thinking that there are no civil society organisations directed towards the EU. In an attempt to improve its democratic legitimacy the Commission has been especially keen to develop the role of civil society in the policy process. By 2009 the Commission was co-financing over 3,000 CSO's with all 300 citizen groups receiving some kind of support (Salgado 2014: 337). As transparency on the Commission's funding practices has increased in recent years, we can see that it primarily directs funding at CSOs organised specifically at the EU level and other groups that promote European identity and integration through various activities relating to culture, youth, education, etc. (Mahoney and Beckstrand 2011: 1358). In addition to buttressing its own legitimacy, the Commission clearly has functional reasons for involving CSOs, their expertise often an asset in the formulation of legislative outputs (Greenwood 2007: 346).

In the nation-state context both subsidised and self-funded CSOs have the capacity to mobilise the general public in discourse and protest, yet subsidised CSOs are often at risk of co-optation by the political system, focusing their energies on assisting the authorities with the production of good outputs rather than attempting to mobilise public opinion to exert pressure on the authorities. As a result, professionalised and powerful CSOs may be prone to losing contact with the wider public, leaving mobilisation to weaker elements in civil society. This phenomenon is surely present in democratic nation-states but it appears to typify European civil society. The Commission's funding of CSOs who mainly carry out their activities in Brussels, are supportive of the EU, and dedicate their energies to assisting the policy process suggests that 'astroturf' civil society has been overwhelmingly pursued at the expense of citizen participation on a grassroots basis (Kohler-Koch 2011). Indeed, this intention is clear from the Commission's main statement on civil society in the *European Transparency Initiative* (2006) which hardly discusses the role of citizens and their relationship with CSOs invited for consultation.

By including underrepresented groups in consultations, such as CSOs representing racial minorities, the Commission's civil society strategy has gained some plaudits. The lack of participation by citizens and the selective funding of CSOs, however, raises major question marks over the democratic value of this strategy. As I have already mentioned, democratic

states suffer from similar problems of inclusion to varying degrees, but such difficulties arise from a conception of CSOs as supplementary to more standard forms of electoral representation. The Commission, however, has sought to substitute its lack of electoral legitimacy for the far feebler kind sometimes found through the involvement of CSOs in policy-making.

If we may think of subsidised and institutionalised CSOs as more a part of the elite policy public than the attentive public, then how do other civil society actors fare in contributing to processes of opinion formation on European affairs? Outside of European elections and referendums, when weaker civil society actors have often managed to summon their resources to make meaningful discursive contributions, protest has been the main source of expression for civil society. This stands to reason. Important issues that are nonetheless not salient enough to get sufficient numbers involved in dedicated protest will often not be worth the efforts of resource-strapped actors, while a well-run protest can in turn have the valuable amplifying effect of raising even further awareness about what is at stake. For present purposes, two main types of European protest may be crudely distinguished: domestic protests organised by within country civil society actors that are about European affairs but addressed to the national government and/or European institutions and transnational protests organised by civil society actors from at least two member states and directed mainly towards the EU.

Research on the effects of European institutions on civil society activism is only beginning to take off, but several studies give us a general picture of the terrain. Studying the period 1984-97, Doug Imig and Sidney Tarrow (2000: 76, 84-5) demonstrate that contestation can be European in its sources, processes and outcomes. Five per cent of all protests in Europe during this period were on European rather than national issues, while seventeen per cent of these were genuinely transnational in character. One major reason for this large discrepancy is undoubtedly the resource-draining impacts of logistically coordinating activism in such a large geographic area with multiple languages and political cultures. Imig and Tarrow observe a steady increase in Europeanised forms of contestation throughout this period – a trend which appears to have continued since then while the large majority of European protests remain domestic. In recent years, for example, anti-austerity protests in countries requiring economic bailout packages have tended to be organised domestically, being directed against European institutions and their pursuit of austerity programmes and the complicity of the national government with these programmes. Large trans-national protests directed at the EU's neo-liberal pursuits and lack of democratic

credentials include the Blockupy Frankfurt protests of 2011 and 2012, mobilisations against the March 2013 meeting of the European Council, and protests following the Florence 10 + 10 Forum in 2012 (Pianta 2013: 155).

Although central to civil society engagement, protest does not exhaust citizen mobilisation on European issues. Florence 10 + 10 and the biannual European Social Forum, for example, primarily serve as forums where activists can raise issues, frame problems, strategize and organise future activities. The European Citizen's Initiative should also be considered in this context since it has motivated some degree of structured awareness raising between civil society actors and the general public as the former attempt to capture one million signatures in support of a given issue. The initiative on the human right to water succeeded in collecting over 1.6 million signatures across 25 member states³⁸ whereas the initiative against stem-cell research and abortion received 1.7 million signatures across all member states.³⁹ Meanwhile, at the time of writing eight other initiatives are in the signature collections stages, while several others have been withdrawn or concluded without reaching the signature quota.

Aside from the perennial issue of limited resources, made to stretch all the more in transnational circumstances, one of the main reasons ventured for the relatively low level of civil society engagement on European issues is the lack of a discernible and accountable power centre to whom claims could be directed and who could address those claim in turn (Della Porta 2007 192; Pianta 2013: 154). In other words, the EU's institutional complexity and lack of democratic engagement makes it difficult for even the attentive public to organise themselves with regard to it, never mind mobilising members of the general public. Taking together the weakness of traditional civil society on the European stage and the policy-driven nature of astroturf CSOs quietly operating alongside the Commission, the peripheral nature of a European civil society is inevitable.

V The Democratic Deficit in Summary

Having first attempted to demonstrate that European democracy is both possible and desirable while additionally attempting to expose the flaws in arguments that would advocate the satisfactory nature of European democracy, this chapter argued that the EU does not live up to the normative standards of a demoi-cracy or democracy of democracies in many

³⁸ <http://ec.europa.eu/citizens-initiative/public/initiatives/finalised/details/2012/000003>, Accessed 29/05/2014.

³⁹ <http://ec.europa.eu/citizens-initiative/public/initiatives/finalised/details/2012/000005>, Accessed 29/05/2014.

important ways. Let us review these findings with a view to determining the extent to which the five hypotheses outlined at the beginning of this chapter have been confirmed.

H1, predicting that there will be variation in the degree to which primary and secondary law meet democratic standards, is confirmed. While I identified significant democratic problems with the Treaty ratification process, without much criticising the manner in which the Treaties are drafted, it is the EU's secondary legislation that falls far short of the democratic purpose. The second hypothesis (H2), predicting that the EU at large meets the principle of democratic equality, is also largely confirmed since the accession procedure to the EU requires that equal basic needs, equal democratic liberties and equal voting rights are generally met by all member states.

As H3 expects, the principle of maximum voting opportunities is violated to a high degree. The account I have presented introduces several nuances here. At the European level there is only one voting space, connected to the EP, with no other institutions being directly elected and no provisions for direct democratic votes. It was found that elections tend to be run and judged on domestic rather than European issues. As such, neither individual candidates nor the Europarties of which they tend to be members can be given a European mandate to which they may be held accountable. In addition to concerns of electoral legitimacy, doubts were raised over the EPs ability to implement a democratic mandate even if it could receive one. Attention in this regard was drawn to its inability to form a government or initiate legislation, as well as its exclusion from important policy areas. The Commission was not understood to be an unconstrained executive by any means, but its position was deemed especially undemocratic given its many important roles in the EU and the necessary ideological choices involved in steering the EU's policy agenda.

The European Council and Council were found to be connected to their national voting spaces but not in a direct or visible way that would allow for political competition sufficient to give a European mandate to the prospective government for which it may be held to account both between elections periods and at the next election. The empowerment of executive actors at the expense of national parliaments was also found to be undemocratic given the inability of the latter to control the former on behalf of citizens in policy areas that were once fully under national jurisdiction. Furthermore, without the promise of being able to exert sufficient influence on Union issues, I argued that it would not be rational for parliaments to expend resources on rigorously monitoring the government in the European domain.

H4 depends on H3 being confirmed, predicting that the shallow opportunity structure associated with the lack of voting possibilities will produce few incentives for representative claims or audience attention when it comes to the European arena. H4a receives a great deal of support as political representation in the EU is much closer to the dualist model than the tripartite (democratic) model. That is to say, political representation is undoubtedly occurring in the EU by elected and unelected representatives, but to the extent that the opportunity structure does not provide sufficient incentives for publically accessible representative claims or the corresponding audience attention required for these claims to have a democratic effect, the exercise of power in the EU lacks visibility. Only on certain occasions, such as salient moments in the management of the euro crisis, will citizens be constituted as an auxiliary audience in the tripartite model of democratic representation. Lacking a sufficient understanding of the contours of the EU political system (its key institutions and actors), citizens are in an especially poor position to make effective use of the shallow opportunity structure with which to control European political power.

H4b is confirmed almost as a logical consequence of this state of affairs. Participating in a dualist model of political representation is the quintessential manner in which representatives fail in practicing the virtue of critical trust building by attempting to mobilise public opinion on issues of high public importance. Indeed, with these hypotheses corroborated, it was possible to characterise the EU as embodying an epistemic disfigurement of democracy. What was not hypothesised in advance is the finding that the democratic problems defining the EU governance regime serve as the partial basis of a further democratic disfigurement, namely populism.

The final hypothesis, H5, was largely but not completely refuted. Surprisingly, despite a shallow opportunity structure and corresponding democratic deficits, large sections of both print and web based news media have dedicated substantial resources to reporting on the EU, albeit focusing on the national consequences of European legislation rather than following the legislative process. On the basis of interviews with journalists across Europe Statham (2010b: 149) argues that, despite the small attentive audience in the EU and therefore lower commercial return on European news, the quality of reporting on EU affairs can be put down to professional journalistic ethics which mandates reporting on important decisions by political power. While there is a deficit of representative breadth in the media, insofar as the representative claims of civil society are hardly reported upon, this is less a media problem and more a function of powerful CSO's being co-opted by the Commission and weaker one's being unable to mobilise grassroots support. The deficit of audience attention appears to be

the real difficulty from a democratic perspective. Once again, however, the media can hardly be put at fault for this since such a lack of attentiveness to the coverage they do provide is largely a function of the EU's shallow opportunity structure.

Conclusion to Part Two

This part of the dissertation was dedicated with providing i) an account of the European political community and regime and ii) an assessment of the quality of the democratic relationship between these two components of the EU political system. It is clear that the EU is a special kind of political system, characterised as a demoi-cracy, which suffers from serious democratic deficiencies. The question now becomes whether or not it is possible to significantly improve upon the EU's democratic credentials in light of the LFT. A great deal hinges on the answer to this question. If the LFT is an insurmountable obstacle to European democracy so long as there are linguistically divided public spheres, then we must either a) give up on a democratically legitimate EU or b) seek a singular public sphere for Europe by encouraging the development of a lingua franca. While the latter option may seem feasible and certainly more palatable than the former in certain respects, it should not be indiscriminately adopted unless other alternatives are first ousted.

Determining whether or not democracy in the EU could flourish in the face of the LFT will be, at least in part, a speculative enterprise. In order to minimise this speculative element, however, we may turn to democratic systems that are themselves confronted with the LFT. For this reason, I turn to an analysis of Belgium and Switzerland in Part Three. As I conjectured in the Introduction to this dissertation, the force of the logic undergirding the LFT is a matter of degree, depending upon certain conditions that will make it more or less an obstacle to democratic legitimacy. Identifying what these conditions might be is a major aim in analysing my remaining case studies. In Part Four, I will then be able to determine the extent to which the EU embodies (or could produce for itself) those conditions that would put it in a favourable position to develop its democratic legitimacy without a linguistically unified public sphere.

The tasks completed over the course of the last two chapters will be especially important for carrying out my goals in Part Four. Essentially, by identifying the nature of the EU political community and regime I will be able to understand the senses in which this political system is comparable to Belgium and Switzerland. Every political system is unique, the EU more than most, and so it would be folly to assume that wholesale comparison is possible. In other words, by understanding the EU's demoi-cratic nature in advance, sufficient nuance concerning how the Belgian and Swiss experiences are relevant to the EU should be possible. Furthermore, by elucidating the EU's democratic deficit, the groundwork has been laid for reflecting upon how this deficit may be resolved. Ultimately, of course, the

nature of these reflections will depend upon where we find the EU standing in relation to the LFT.

Part Three
Testing the Lingua Franca Thesis
Belgium and Switzerland Compared

Introduction to Part Three

The previous part of this dissertation presented an understanding of the EU as a political system and identified the precise senses in which it is democratically deficient. In particular, it was found that the European voting space compound was insufficiently developed while the public sphere suffered from deficits of representative breadth and audience attention. The question that must now be posed concerns the extent to which the EU could feasibly resolve its legitimacy problems in the absence of a common public sphere of political debate. Given this constraint, is there any realistic hope of improving discursive participation in Europe? And, would it be folly to develop a voting space compound more in tune with the demands of democratic purpose in contexts where public spheres are linguistically and/or territorially demarcated? In this part of the dissertation, I attempt to understand the extent to which the multilingual (and multilevel) states of Belgium and Switzerland have managed to cope with the difficulties presented by the LFT. The eventual goal is to use these case studies as a guide for determining the prospects of and limits to Europe's democratic development.

To maintain comparative coherence with the EU, it is important to understand Belgium and Switzerland as political systems, constituted by a political community and regime. As we saw from Chapter Three, while it may be uncontroversial enough to characterise territorial sub-units in the EU as nation-states, the nature of European identity or the existence of a pan-European demos is a matter of continued debate. In Belgium and Switzerland, however, the problem is inverted. Though the existence of a national identity is rarely questioned in these cases, it is not so easy to determine the nature of sub-state political identities. In other words, it is not entirely clear whether or not these political systems may be characterised as mono-national or multi-national states.

Part of the problem in answering this question has to do with disagreements over what in fact counts as a nation. Though I do not have space to provide a full account of national identity, there appears to be an objective and a subjective criterion that must be minimally satisfied. Objectively, we can say that a nation is always an identity with a political relationship to the state where the issue of autonomy is central. To borrow Rogers Brubaker's (1999: 67) terminology: a nation can be 'state-framed' which means that it is co-terminus with the state and therefore a fully autonomous nation, or it can be 'counter-state' such that it either has some degree of constitutionalised autonomy within the state or is making a credible demand for such autonomy by struggling for the devolution of powers or secession. Counter-state nations, in other words, are rightfully so-called only if they exist as what Will Kymlicka (1995: 19) terms 'distinct and potentially self-governing societies'.

This objective criterion is not sufficient, however, since territorial units within a larger nation-state may vie for greater autonomy on non-national grounds, such as administrative efficiency. Not all autonomy claims, in other words, presuppose a national group on behalf of whom these claims are made. For this reason, a subjective criterion becomes necessary. Effectively, members of the territory in question must have a common self-conception as a nation, in that they perceive their political community as a potentially self-governing society capable of taking its place in the international order of states. Certainly, the political community at large need not desire total self-government, but they must at least tacitly conceive of it as an option in principle. This national collective intentionality will manifest itself in the accepted use of the terms “nation” and “national” to describe the community. Moreover, in the case of sub-state territories, the dominant claims for autonomy will be couched in a nationalist rhetoric that takes precedence over arguments of efficiency, in the sense that the right of national self-determination is evoked to justify devolution of powers or secession.

None of this is to deny that a political identity which falls short of meeting the objective and subjective criteria of nationhood may not be involved in a nation-building project. Such projects take time, and are largely driven by plausible and persistent representative claims from leading elites who aim at forging a *national* collective intentionality. The objective and subjective criteria simply lay out the conditions under which we may say that a nation-building project has been more or less successful.

As we shall see, though there are territorial sub-units in both Belgium and Switzerland that meet the objective criterion of nationhood just outlined, the subjective criterion is lacking in each case such that we may not strictly speak of them as multi-national states. While I do not believe that this should present a significant obstacle to comparison with the EU, which is a multinational political system, understanding the precise nature of political community formation in these mono-national states is important for grasping the wider dynamics of their respective political systems. Indeed, as will become clear, it is not the existence of sub-state nations that makes Belgium and Switzerland comparable to the EU but the fact that they must a) manage relationships between a demos and multiple strong *demos* in b) a democratic fashion while c) coping with the existence of distinctive public spheres.

Chapter Five focuses on the Belgian case study. This chapter argues that despite its ability to sustain itself as a political system for almost 200 years, Belgium gives substantial empirical support to the LFT. The existence of different public spheres within this political system has played a major role in preventing the satisfactory enactment of democratic

representation at the national level, inducing centrifugal forces that have gradually led to the disintegration of the state. The federalization of Belgium along linguistic lines in 1993 can, in essence, be seen as the crescendo of a long process whereby the natural logic of the LFT has gradually set in. If we take Belgium as our only case, the prospects for a well-functioning and sustainable multilingual democracy are not especially encouraging.

In Chapter Six I discuss the case of Switzerland, a nation-state in apparent defiance of the LFT. Despite its fragmentation into distinctive public spheres, the quality of democracy is for the most part unscathed by the difficulties presented by the LFT. Surprisingly, despite its linguistic differentiation, Switzerland may be conceived as one of the most democratic countries in the world given its robust system of direct democracy operating at both the national and sub-state level. Indeed, Switzerland's answer to the LFT may be summed up in the phrase "divided public spheres can be a reason for more democracy, not an excuse for less". It appears that by exploiting the centripetal forces embodied in the democratic purpose in a radical fashion, the Swiss have managed to curtail the centrifugal forces embodied in the existence of demarcated public spheres existing within a single political system.

But this does not give us a full picture. As I make explicit in the conclusion to this part of the dissertation, there are numerous historical factors affecting the development of the political community and regime in Belgium and Switzerland that put the former in a much worse position than the latter in dealing with the integrative challenges posed by the existence of distinctive public spheres. Some of these factors explain why the centrifugal dynamics predicted by the LFT have taken hold in Belgium in a far more aggressive way than we find when exploring the Swiss case. Other considerations, by contrast, help to explain why centripetal democracy was always much more likely to develop in Switzerland than in Belgium.

The narrative of the following two chapters will run quite differently. To understand how the logic of the LFT gradually took effect in Belgium will require a historical analysis of how and why the Belgian state went from a centralised unitary state to a highly decentralised federal state. In fact, given the unusually deep infiltration of traditional parties in the everyday organisation of Belgian society, this chapter will pay special attention to the role of parties in transforming the Belgian state. My treatment of Switzerland will naturally involve some political history, but since we are interested in explaining how this political system has managed to undermine the LFT rather than succumb to its logic, there will be greater attention placed on the long-standing institutional dynamics that keep the distinct public spheres operating together under one democratic political system.

Chapter Five

Belgium versus the Lingua Franca Thesis

I Validating the LFT?

This chapter aims to determine the extent to which Belgium is a case that serves to confirm or disconfirm the LFT. On one hand, this will require providing a political history of Belgium that details how the evolution of this political system has been largely determined by the manner in which the political community and regime have interacted in an effort to manage socio-political conflict arising from a linguistic cleavage between French and Dutch-speakers. The next section of this chapter focuses on the nature of political community formation in Belgium, explaining how the existence of distinctive public spheres created a dynamic of political conflict that would eventually transform Belgium from a unitary to a federal state whose viability is constantly under question. Section III discusses the consociational techniques used to pacify the linguistic cleavage and how these have been constitutionalised in the federal regime.

On the other hand, my aim in this chapter requires an assessment of democracy in Belgium, in an effort to determine how and why democracy remains extremely difficult at the national level despite federalisation along linguistic lines. In section IV, I critically analyse the nature of Belgium's voting space compound, its consociational style of decision-making, the manner in which political representation is enacted, and how these features of Belgian democracy interact with the distinctive public spheres. Though there is certainly a democratic process under way in Belgium, with many merits, I demonstrate that it falls far short of the democratic purpose precisely because of factors related to the management of conflict between the linguistic communities.

On the basis of my analyses in this chapter, I conclude that Belgium emphatically corroborates the core hypotheses of the LFT: the existence of distinctive public spheres has involved conflict that was not resolved through standard democratic processes and ultimately

led to territorial separation, with national politics nevertheless remaining difficult after federalisation. There is however good reason to doubt that the LFT is universally applicable on the basis of the Belgian case alone insofar as certain structural and agential factors have greatly facilitated Belgium's embodiment of the logic of the LFT so thoroughly by a) making centrifugal forces more likely and b) foregoing the potential centripetal effect of a legitimate democratic process. This discussion must wait until section V.

II Political Community Formation in Belgium

In the decades after its separation from the Netherlands and subsequent constitutional establishment, three political cleavages emerged that would shape Belgian political history: religious-secular, conservative-socialist, Flemish-French (Frognier 1978: 109). While the religious-secular cleavage would play a major role from the state's inception until at least the 1950s, with the conservative-socialist cleavage gaining in importance from the mid-19th century, the linguistic cleavage between Dutch and French-speakers would emerge with prominence only at brief intervals until its explosion on the scene in the 1960s. Modern Belgium arguably follows the typical European pattern where the conservative-socialist cleavage dominates political life, with citizens most concerned about socioeconomic issues, yet it is not an exaggeration to say that the linguistic cleavage is primarily responsible for the disintegration of the state over the last decades, in addition to continued demands for further devolution by some and the threat of secession by others.

The linguistic composition of Belgium has scarcely changed since the foundation of the state. Currently, there is approximately 56 per cent Dutch-speakers, 43.5 per cent French-speakers and 0.5 per cent German-speakers (Hooghe 2004: 56).⁴⁰ Furthermore, there has always been a rough congruence between territory and language with the large majority of Francophones living in the southern region of Wallonia and the overwhelming majority of Flemings living in the northern region of Flanders. Although the capital city of Brussels is located in Flanders, separated from the Walloon border by a narrow corridor of predominantly Dutch-speaking municipalities, it quickly became a primarily French-speaking city by the late nineteenth century due to a mixture of immigration from Wallonia as the francophone state bureaucracy grew and the social mobility that came from speaking French rather than Dutch. Brussels is predominantly French-speaking with an estimated twelve to fifteen per cent of residents speaking Dutch as a first language, though it is a major area of

⁴⁰ Since 1947, the political sensitivity of the language issue in Belgium has precluded any questions concerning language competence in the census. As such, statistics of this kind are rough estimates only.

employment for hundreds of thousands of Flemings who make the daily commute from beyond the city borders (Swenden and Brans: 120).

In what follows, I investigate how Flemish and Francophone movements developed to create the linguistic cleavage that would lead to the disintegration of the state. Three major stages to the conflict may be identified: francophone linguistic dominance versus Flemish language equality, francophone regionalism versus Flemish communalism and francophone federalism versus Flemish confederalism/separatism. After attempting to trace the development of the conflict, determining how each stage morphed into the next, I attempt to identify the nature of Belgium's political community as it stands today. Here I argue that while there are multiple sub-state demoi in Belgium it is only the Belgian state itself that can strictly claim nationhood.

Francophone Linguistic Dominance vs. Flemish Language Equality

Since the foundation of the Belgian state the French language had numerous advantages over Flemish Dutch-speaker. French was an internationally established language of culture and diplomacy whereas the Flemish spoke a provincial dialect of Dutch with no international status and few claims to high culture. Related to this point, and no less important, Wallonia was an industrial powerhouse for much of the 19th and 20th centuries with a well-established upper and middle class, contrary to Flanders whose reliance on agriculture and less profitable industries like food processing and textiles left it economically far behind. Given the high wealth requirements for voting rights, francophones were able to translate their economic power into political representation, while the gallicisation of most wealthy Flemings meant that an elite francophone point of view prevailed in the political arena.

As Els Witte and Harry Van Velthoven explain (1999: 20), there is a certain logic that tends to set in when a higher status language meets a lower status language within a single political system. Specifically, the former sees its cultural and economic superiority as grounds for establishing its dominance and refusing to grant equal recognition to the latter, leading to the higher status language becoming the standard of communication in politics, administration and economic affairs. In many ways, the Belgian case follows this pattern, with the added consideration that elites were also backing the dominance of French for the sake of democratisation and nation-building, believing in the potential for equal language recognition to derail these projects. On the one hand, Belgian political elites seemed to be convinced of the wisdom embodied in the LFT which was widely held throughout Europe at the time (De Wever 2010: 33). On the other hand, they clearly subscribed to the related

popular position that a common language served as a valuable identity marker in the process of nation-building (Vogl and Hüning 2010: 233).

There is, however, an important sense in which Belgium does not conform to this logic. Unlike the sometimes brutal linguistic homogenisation pursued by higher status languages on many occasions throughout European history, there was no coordinated attempt to suppress Dutch. The free use of language was a constitutionally enshrined principle and several governments made efforts early on to support the development of Dutch as a written language in Flanders. It was therefore the significant liberal strain running through Belgian politics that made space for the formation of a Flemish movement in the mid-19th century, which was composed of an emerging Dutch-speaking middle class of civil servants and teachers who were confronted daily with the need to speak a language that was not their own.

Culturally, this movement played an important role in articulating for the first time a Flemish identity, distinguished by its language and territory. The Flemish movement, or *Flamingants*, quickly became politically active in demanding that Dutch be given an equal status alongside French. This was deemed necessary to promote Flemish culture and the fair treatment of Dutch-speakers in dealings with the administration and judiciary. Contrary to the monolingual nation-building strategy of the francophones, the *Flamingants* insisted on the viability of a multilingual Belgium that would amount to a unique marker of national identity and be complete when every citizen spoke both languages (Witte and Van Velthoven 1999: 72). While the *Flamingants* differed from the establishment in their bilingual proposals for nation-building, they did not seek to contradict the LFT in effectively advocating a singular public sphere where two languages understood by all freely mix.

With the partial expansion of suffrage in 1893, the parliamentary representation of Dutch-speakers improved, leading to the “Equality Law” in 1898 which recognised two official languages in Belgium and required all legislation to be published in both languages with each version boasting equal legal authority (Deschouwer 2012: 34). The legal equality of languages, however, did not amount to the kind of equal social recognition that would allow Dutch to flourish as a language of the public sphere. Being required to struggle at each step for piecemeal language laws played a major role in contributing to the growth and consolidation of the Flemish movement that now defined itself in opposition to an obstructionist francophone elite. The chasm would deepen as Walloon representatives shot down bills that would introduce forms of national bilingualism, making it clear that the linguistic homogeneity of Wallonia at least was not up for negotiation.

By this time, the Flemish movement abandoned its bilingual aims for Belgium and were split between a minimalist and maximalist program. The former advocated linguistic division in all state institutions, whereas the latter believed in the need for a reform of the unitary state along linguistic lines. While the minimalists were scattered in small numbers across the political parties, the maximalists soon made a breakthrough after universal male suffrage was finally achieved, with the newly-formed Flemish and anti-Belgian Front Party winning five parliamentary seats in 1919 (Witte et al. 2000: 126-8). As the voices of Flamings got louder and more frustrated, finding increasing sympathy with the Flemish population, fears for national unity led to laws between 1921 and 1932 that foresaw the establishment of monolingual regions. One law included the proviso that towns where more than 30 per cent of residents did not speak the local language would have to be administratively bilingual. Language borders were therefore moveable, subject to a decennial census reporting language demographics within locales.

A younger generation of Flamings became frustrated with representative politics in Belgium, not only due to the slow pace of language laws that fell far short of the maximalist program, but also because of perceived system failures in the face of the Great Depression. The anti-Belgian and anti-democratic far-right Flemish National Union (VNV) was the political expression of this discontent. This party gained 16 parliamentary seats in 1936 and went on to collaborate with the Nazi occupation during WWII as a means of attempting to force through the secession of Flanders which would rejoin the Netherlands (Laible 2008: 57).

The aftermath of both World Wars saw a surge in national sentiment and identity among victorious nations. This was no less the case in Belgium after WWI, where Flemish and Walloons were seen to fight side by side in defence of the fatherland (De Wever 2010: 36). Degrees of collaboration with the enemy by elites on both sides of the language border during WWII soured the potential for this tragic event to serve a nation-building function. Belgium's most enduring symbol of national unity, the monarchy, was also called into question in a long drawn out and divisive affair. King Leopold III's conduct during the war, perceived by some as collaborating with the enemy, led to strong calls for refusing his return to the throne. A referendum to resolve the issue in 1950 saw a majority favouring the King's return. Nevertheless, the results were portrayed as a Flemish "yes" and a Walloon "no", such that the Flemish majority had gotten their way due to demographic strength (Van Goethem 2010a: 184). A social and political backlash, which saw mass protests and alarming street violence, convinced Leopold to abdicate in favour of his son, Baudouin.

If the atmosphere following WWII did not do much to foster national unity, it was at least not under threat by radical Flamings who had been severely discredited across the country in light of the VNVs behaviour during the war. Nevertheless, it did not take long for the Flemish movement to disavow right-wing extremism and reconnect with the maximalist program of the Front Party, inherited by the newly established People's Union (VU).

Following resolution of the Royal question, post-war politics in Belgium was dominated by the religious-secular and conservative-socialist cleavage as per usual. Some major disputes causing these tensions to flare, however, were resolved in quick succession. The historic School Pact of 1958, which made state funds available to both religious and secular schools to pursue their independent educational visions, played a major role in softening this cleavage. Meanwhile, the conservative-socialist cleavage was moderated in 1961 with the Social Solidarity Pact, a neo-corporatist agreement that was to serve as the basis for the future development of social security in Belgium (Toubeau 2010: 205). The pacification of these cleavages paved the way for the linguistic cleavage to come on to the political scene like never before.

Flemish Communalism vs. Francophone Regionalism

Post-war Belgium saw the continuation of a trend in which Walloon industrial decline was paralleled by an increasingly dynamic Flemish economy based in large part on maritime trade and foreign investment. The rapidly expanding Flemish middle class were regularly confronted by linguistic subjugation in their professional life, while public jobs continued to be monopolised by French-speakers. To rub salt in these wounds, the decennial census had been coming back with alarming results as the slow spread of French in the Dutch-speaking municipalities surrounding Brussels meant the language border always shifted in favour of francophones, eating into formerly Flemish territory. These grievances made public opinion receptive to the VU (Swenden 2012: 139), whose central demand was cultural autonomy for Flanders in a federal Belgium. Parliamentary parties agreed to a series of language laws in 1961 and 1963 under internal pressure from many of their own Flemish members, but also suffering external pressure from the VU and their network of Flemish advocacy groups. These laws would freeze the language border once and for all, while granting language facilities to support French-speakers in Flemish dominated areas surrounding the capital city.

The successes of the Flemish movement ran in parallel to the turnaround in economic fortunes between Wallonia and Flanders and the development of a self-confident Flemish political class who since the 1960s spoke exclusively Dutch in parliament (Dujardin 2010:

12). Many francophones now perceived a Flemish threat given the latter's significant demographic and therefore parliamentary majority, though how exactly this threat was understood differed markedly in Wallonia and Brussels. In Wallonia, it was not so much the Flemish movement and its cultural demands that were worrisome but socioeconomic concerns. Given the conservative tendencies of Flanders and the socialist leanings of Wallonia, it was increasingly felt that the latter could not get the kind of socioeconomic policies it required to kick start its economy and support its residents through difficult times. Brusselers hardly identified with the economic worries of Wallonia and were far more concerned with the protection of French as the language of Brussels in addition to the public jobs of French-speakers in the capital.

There was a sense among many Walloons and Brusselers that the Socialist Party (which found its greatest electoral support in francophone Belgium) had sold them short in coalition governments with the Christian Democrats (whose primary electoral base was in Flanders). As a result, in toe with the development of the VU who by 1971 had captured 19 per cent of the Flemish vote, two mass movements advocating regionalisation emerged in francophone Belgium. Walloon discontent found its political expression in the Walloon Rally which became the third largest party in Wallonia by 1971 following impressive electoral gains in the 1960s. Meanwhile, the Francophone Democratic Front was the leading party in Brussels throughout the 1970s and early 1980s (Van Haute and Pilet 2006: 297).

Until this time, Belgian governments had historically been dominated by one (or more often a coalition) of three traditional parties: Christian Democrats, Socialists and Liberals. The new regionalist parties were a shock to the party system not only with regard to their programmes advocating radical reform of the state, but also for opening up the possibility of new coalition combinations. Indeed, all three regionalist parties were junior partners in national government formation, mainly during the 1970s. As Emilie Van Haute and Jean-Benoit Pilet (2006: 305) have persuasively argued, however, it was not government participation that served the regionalist agenda but their electoral threat and whipping potential while in parliament. To clarify this, the persistency of regionalist voices on the central political stage and the consistency with which these parties siphoned votes away from the traditional parties played a crucial role in pressurising the latter to themselves adopt some form of regionalist platform.

Part of the reason for the success of regionalist parties was their competitive advantage in pandering exclusively to the values and interests of one linguistic group. Unlike traditional parties who had to present a united and compromising face to the entire electorate,

regionalist parties could afford to eschew the concerns of the other territory in making representative claims. For some time party unity managed to withstand this electoral pressure, until the Christian Democrats decided to split in 1968 when it endured further stress over *L'affaire de Louvain*. Party members bitterly disagreed over whether or not the Flanders based University of Louvain should divide along linguistic lines, with francophones against and Dutch-speakers in favour. Following the break-up of the Christian Democrats, its newly independent wings found themselves in the same kind of electorally advantageous position as the regionalists (Swenden 2012: 140). The Liberals and Socialists were able to maintain unity in the face of their competitive disadvantage until 1972 and 1978 respectively.

Four successive state reforms from 1970-1993 led to Belgium's self-proclamation as a federal system. Once the traditional parties were able to equalise the electoral advantage of regionalist parties by campaigning in one territory, and thereby in addition more easily absorb many of the regionalist demands into their own program, the regionalist parties faded into irrelevance. This period of fundamental reform was fraught with political conflict between differing conceptions concerning the future of Belgium. Flemish demands were centred on cultural protection, insisting on a community model for Belgium whereby language should be the determining factor in setting sub-national boundaries for self-government. Walloon demands focused upon economic protection, advocating the creation of regions with competences over their own economic affairs. The prevailing view in Brussels was that a regional solution, with Brussels as a region in its own right, would better serve the interests of resident francophones than becoming absorbed in a linguistic community dominated by Wallonia.

Far from pursuing a lowest common denominator approach to resolve the deadlock, both language communities and regions were created. The communities are primarily responsible for competences related to culture, such as education, media and tourism. The Flemish Community comprises Flanders and the Dutch-speaking citizens of Brussels, the French Community is composed of Wallonia and French-speakers in Brussels and the German Community refers to a territorially defined area of German-speakers on the eastern border of Wallonia. The Regions – Flanders, Wallonia and Brussels – have competences in certain socio-economic areas such as transport, housing and international trade.

The devolution of public broadcasting to the communities is particularly noteworthy. Though the private press had long since been linguistically demarcated, public broadcasting followed a political pattern with each of the traditional parties having a nation-wide radio presence. Between 1961 and 1977, however, the national broadcasting company was

progressively split among the language communities with no provisions for coordination or common charter. Indeed, each language community has come to define its public broadcasting mission in terms of promoting the culture of its community and informing its residents, with little or no attempt to foster a national dialogue (Shaughnessy and Fuente Cobo 1990: 34-8). Indeed, the number of viewers who access cross-community media in Belgium is little more than 0.5 per cent (Erk 2008: 38), suggesting that even bilingual Belgian's have little interest in the affairs or perspectives of members belonging to the other community.

Francophone Federalism vs. Flemish Confederalism/Separatism

Federal reform has not put an end to regionalist demands with two further state reforms in 2007 and 2011 devolving further competences to the regions and communities. Pressure has come from two parties who have made Flemish independence from Belgium their ultimate goal. The Flemish Interest party (formerly Flemish Block) were a breakaway from the VU in 1978, perceiving the latter as too modest in its autonomous ambitions. Failing to impress the electorate in its initial outings, the Flemish Interest party decided to rekindle the Flemish movement's far-right past (Bouveroux 1998: 212), transforming themselves into a text book populist party that counter-poses itself to political elites, francophones, immigrants and law-breakers, all of which are a threat to the homogeneous Flemish people. This strategy has led to dramatic success in the polls, with the party rising to become Flanders second largest in 2004 (Pauwels and Rooduijn forthcoming: 126). The refusal of all other parties to accept the Flemish Interest as an acceptable coalition partner did little to reduce its support base, while its predominantly right-wing rhetoric has not eclipsed its agitation of the linguistic cleavage in pursuing independence.

The New Flemish Alliance (N-VA) is the re-branded and more radical successor of the VU, the latter of which was unable to keep itself afloat after traditional parties took over their regionalist profile, due to internal disputes and electoral pressure from the rise of Flemish Interest. The N-VA began winning seats in 2004, catapulting itself into government coalition in 2014 as the country's largest party, the only explicitly separatist party to ever enter national government in Belgium. Much like Flemish Interest, the N-VA does not draw its main support for its independence goals, but for its fine mix of appealing socioeconomic policies and a particular populist narrative that may be termed "producerism". Not everyone agrees as to whether or not the N-VA is a populist party. Certainly, as an ideology, the N-VA is far from populist given its self-portrayal as a mainstream political party which is no more

anti-immigrant than standard public attitudes in Flanders. However, conceived as a narrative resource for supporting representative claims, the N-VA exhibits a strong populist strain.

According to Jerome Jamin (2011: 32), the N-VA adopts the producerist point of view in relation to Wallonia by portraying the homogeneous francophone elite and the undifferentiated long line of state-dependent workers and welfare recipients in the region as parasites who are conspiring together against the hard-working Flemings (the producers). Following widely publicised findings of regular studies by Flemish research institutes since the 1980's, which revealed the significant and consistent flow of social security transfers from Flanders to Wallonia from one year to the next, Flemish parties at large have complained about this situation and attempted to win votes with promises to rectify the situation in some way (Béland and Lecours 2008: 161-66). It is the populist way of articulating this that distinguishes the N-VA from other mainstream parties on this issue.

Social security is one of the few major remaining competences at the national level, devolution of which would put both the economic fate of Wallonia and the very existence of Belgium in precarious positions. This move is therefore resisted by Walloon politicians at all costs. The attitudes among other Flemish parties are more mixed, with the Christian Democrats advocating the full devolution of social security and other parties proposing at least partial devolution, leaving only the Flemish Green party to defend centralisation (De Winter 2006b: 83). The future of Belgium, therefore, continues to rest on the linguistic cleavage where Walloons push for reform of the state along existing federal lines (including the recentralisation of certain competences) and the dominant Flemish parties which take up regionalist positions on a spectrum from further devolution to separatism.

It is widely agreed that the status of Brussels makes secession very unlikely (Swenden 2012: 162; Van Parijs 2013: 64-5). As the capital of Belgium and Flanders, the institutional centre of the EU and the heart of the national economy, Brussels has high symbolic and economic value for both Wallonia and Flanders, meaning that neither would agree to give up the city in an agreement to separate. Moreover, Brusselers do not identify strongly with either Flanders or Wallonia and appear adamant in their refusal to entertain being annexed by either would-be independent state. A confederal Belgium may be more within reach. As this we saw from Chapter Three, a confederation refers to a permanent multilevel arrangement in which the constituting units have full control over the allocation of competences. Significant steps are being taken in this direction as state reforms have built in a constitutional trigger that would provide the regions and communities rather than the central state with residual powers. Enacting this proviso would not establish Belgium as a confederation, though it

would enhance the case for the regions and communities to be recognised as the primary governing units in Belgium. For this provision to take effect, however, a list of enumerated competences for the central state must first be defined. Agreement on such a list, however, seems a long way off (Peeters 2012: 171-2).

The Belgian Demos-demos Relationship

From this account, we can clearly see that Belgium's political community boasts a dual membership of national citizens and sub-national territorial units. What may be more difficult to determine is the ontological nature of these territories and the character of their relationship with the state. Flanders and Wallonia meet the objective criterion of nationhood since they have each struggled for a degree of constitutionally recognised autonomy and are potentially self-governing entities. Brussels has engaged in similar struggles, and established a distinctive regional identity in the process (Govaert 1998: 230-2) yet, insofar as its potential to survive as a fully independent entity is extremely doubtful, it hardly qualifies as a nation.

Since Wallonia's argument for regionalisation was almost purely economic, the subjective criterion of nationhood requiring a national self-conception is absent in this case. Indeed, for the vast majority of francophones, Belgium is the only container of a national culture with which to identify. Brussels and Flanders come far closer to fulfilling this subjective criterion, given their emphasis on cultural protection and promotion in pursuing autonomy, yet the language of nationalism does not seem strong enough to warrant nationhood in either case. While nationalist discourse is hardly detectable in Brussels, it is mainly separatist parties like the N-VA and Flemish Interest that seem to pursue a "national" conception of Flanders. This discourse does not seem to have resonance with the wider population who still appear to identify with Belgian nationhood only, notwithstanding strong attachment to their region and even stronger attachments to their locales. So while Flanders has a strong national *movement*, it is not (yet) a nation.⁴¹

The not uncommon view that a Belgian national identity 'no longer really exists' (Van Goethem 2010b: 8) finds a great deal of counter-evidence. Belgium nationhood is constituted by familiar symbols and activities – a flag, anthem, shared history and institutions, international representation in competitive sports, etc. – but it also has some less usual features that are salient for cementing a national collective intentionality. These include

⁴¹ Indeed, recent research has shown that identification with Belgium is far stronger than regional identity in both Flanders and Wallonia, with 43 per cent of Belgian voters identifying with Belgium ahead of their regions and only 27 per cent identifying with their region first (Deschouwer and Sinardet 2010: 79-80; cited in Sinardet 2014: 258).

the monarchy, which is still held in high regard by Belgians despite post-war contestation, and the fact of being a founding member of the EU while serving as its effective capital. Belgian nationhood emphasises a civic identity, referring to republican values that bind citizens from different cultures together. The Walloon regional identity also has a strong civic component (Van Ginderachter and Leerseen 2012: 234), whereas the Belgian state was for a long time a project infused with francophone dominance, leading to a blurring of the lines between any francophone identities and the Belgian national identity (Pirette and Courtois 2010: 19-20). The Flemish identity, by contrast, has a much greater ethnic component whose distinctness from the national identity is emphasised while not at the same time leading to a rejection of that identity. In fact, 86 per cent of all Belgian citizens claim some degree of attachment to the Belgian nation (Eurobarometer 2007).

Belgium is not a multinational state, yet its dynamics are determined by an uneasy *demos-demos* relationship. Flanders, Wallonia, Brussels and the German Community meet the criteria set forth in Chapter Three for a *demos*, insofar as they each have their own fixed political institutions providing the basis for discernible political identities and arenas for discourse and mobilisation directed towards these institutions. The existence of linguistically divided public spheres, where both Wallonia and Flanders are structured by autonomous media and party systems, ensures that francophone and Flemish *demos* exist in relative ignorance of one another's political and social affairs.

Despite this lack of horizontal engagement, there is nevertheless a significant Belgian *demos*. Indeed, for politicians and citizens alike, the national parliament is still the primary political platform and most salient electoral arena (De Winter 2006b: 93). Impressive cross-community mobilization directed towards the national government has also managed to survive linguistic segregation. On the conservative-socialist cleavage national protests, such as mass mobilisation in late 2014 against a government austerity package, have been facilitated by the fact that trade unions have not typically split along the language divide. On the linguistic cleavage, during the 2011 government formation crisis mentioned below, 30,000 protesters from across the country united on the linguistic cleavage to carry a message of "shame" to the parties and implore them to reach a compromise. Cross-community mobilisation on a range of other issues, such as police incompetence, is not hard to find.

For the moment at least, the sovereign Belgian *demos* appears to serve as the primary frame of political reference over and above the sub-national *demos*. Further state reforms in a devolutionary direction, coupled with continued attempts by successive Flemish governments to build upon regional identity (Maddens et al. 1998: 199), may conceivably lead to an

inversion of this relationship whereby the demoi eventually become the dominant frames of political reference for Walloons and especially Flemings. The uneasiness of this demoi-demoi relationship is due in no small part to the peculiar kind of regime and political culture that has developed in Belgium over the last century. It is to this account that I now turn.

III Consociationalism and Federalism in Belgium

Belgium has been a poster-case for Arend Lijphart's (1977) concept of consociational democracy, whereby political conflicts are resolved by non-majoritarian power-sharing and compromise between political representatives at the centre. Since the late 19th Century, Belgium had been undergoing a process of pillarisation whereby strong identities became socio-politically embedded in distinct organisational segments (Vauthier 1894: 716-8). This process began with the organisation of labour through social clubs and mutual aid societies and was accelerated by the Catholic party in an effort to protect religious members from the secular influences of the Liberals and the ideas of the Socialists by forming Catholic clubs, schools, universities, hospitals and eventually public insurance schemes. Soon all three parties formed competing pillars such that each party became deeply involved in the daily running of society where each citizen identified with and belonged to one pillar only. The traditional parties effectively created a segregated society based around the religious-secular and conservative-socialist cleavage, with each one boasting its own loyal rank and file service users and supporters.

Any attempt by one party to impose its will on another segment of society through majoritarian government often produced backlash and resentment, leading to the gradual adoption of a consociational style where the parties would agree to reach compromises in camera on the most sensitive issues rather than pursue majoritarian strategies. As the linguistic cleavage became more prominent, the tools of consociationalism were also adopted in this case (Hooghe 2003: 92). All language laws since the introduction of universal suffrage, as well as the state reforms, have been a product of consociational bargaining almost exclusively between the three traditional parties (or so-called "party families" since they split). Indeed, the state reforms did not just involve regionalisation but the formalisation of consociational practices specifically designed to pacify the linguistic cleavage.

Since its foundation, Belgium has been a bicameral parliamentary system, with a Chamber of Representatives and a Senate on equal footing, the latter originally designed to serve as a conservative check on progressive tendencies moving through Europe by restricting membership to the very wealthy. Since that time the Senate has been increasingly

marginalised in its contribution to law-making. Meanwhile, state reforms have transformed it into a representative body for the language communities which, since 2014, is no longer directly elected but composed of members of the community parliaments. The Chamber of Representatives is the main legislative body, which must share power with the Senate only on certain matters, such as constitutional reform and laws affecting the relationship between the central government and the communities. The main consociational devices defining the Chamber, and largely designed to protect the francophone minority, are as follows: linguistic parity in the assignment of ministerial portfolios; the alarm-bell procedure which allows 75 per cent of parliamentarians belonging to a language group to interrupt a bill that is seen to be harmful to the interests of that community; a two-thirds majority requirement (in both the Chamber and the Senate) for constitutional change. Otherwise, Belgian legislation is passed through typical majoritarian decision rules.

Each region and community has its own directly elected parliament which are authoritative in their respective areas of competence. The Flemish community is congruent with the Flemish region, thus allowing its respective parliaments to merge into a singular body. However, since the francophone community parliament includes both Brussels and Wallonia while Brussels and Wallonia form their own distinctive regions, there have been no parliamentary mergers in this instance. The Brussels parliament is a near mirror image of the national legislature, with similar consociational devices installed to protect the Dutch-speaking minority in the region.

Both federalism and consociationalism have been employed in Belgium to contain the centrifugal forces propelling the communities ever further away from one another, yet the success of this dual approach has been mixed. Belgium is a good example of what has been called the 'federal paradox', where the devolution of powers to regional sub-state entities does not for long put an end to autonomy demands but makes them all the more extreme (Erk and Andersen 2009: 192). A popular explanation for this feature of multi-ethnic federalism is that the creation of federal sub-units a) emboldens regionalist demands by giving parties powerful institutional tools with which to pursue a more radical devolutionary or separatist agenda and b) establishes a new level of career politicians who have an interest in expanding their powers.

This explanation can also be used to account for Belgium's sustained devolutionary trajectory, yet there are other factors peculiar to the Belgian case that cannot be ignored in explaining the centrifugal nature of its present federal arrangement. On one hand, as the divided party and media systems have given rise to different political dynamics in both

language communities, the preferences of francophone and Flemish parties on fundamental issues have become all the more divergent. On the other hand, while the francophone demographic disadvantage facilitates their self-conception as a minority being bullied by Flemish interests, consociational devices make the Flemish too feel like a minority who is subject to francophone veto power (Deschouwer 2012: 76; Swenden 2012: 156). The sense of frustration on both sides makes the case for devolution all the more convincing and, with federal structures in place, powers can move downwards with relative ease.

Nevertheless, the potential limits of this logic have become manifest in recent years as disagreements on the future of Belgium have been largely responsible for stalling government formation in 2007 for 176 days and in 2010-11 for 541 days. As we have seen, the devolution of social security is one of the major negotiating blocks, with Walloons adamant that it remain centralised against Flemish pressure to at least begin the process of giving regions some legislative and administrative competences in this area.

Political parties are the core mechanism by which the flow of competences between regions and the central state are decided upon and legitimated in a federal system (McKay 2001: 16). Taking up this point, Mikhail Filipov et al. (2004: 178) argue that most federal constitutions neglect to incorporate a party system design within their provisions. This is no less the case for Belgium. Indeed, its brand of federalism was the result of consociational compromise motivated by the need to pacify linguistic tensions rather than the product of a desire for good federal design (Iacovino and Erk 2013: 214). Filipov et al. (2004: 180) insist that sustainable federalism requires political parties and politicians who are loyal to and willing to defend the centre against devolutionary claims from the periphery. It is not entirely true, as some have argued, that the Belgian central state has no defence (Hooghe 2004; Deschouwer 2012: 248). Given the cultural and economic attachment of most francophones to Belgium, the central state finds significant protection from French-speaking parties. Nevertheless, the absence of federal parties and the regionalist tendencies of Flemish parties undoubtedly puts the Belgian state in a position of weakness.⁴²

IV Democracy in Belgium

The modern Belgian political system has been shaped by the linguistic cleavage, with a political community segregated along linguistic lines and a regime designed to accommodate

⁴² Given the significant identification with Belgium among Flemings, one may wonder why the Flemish parties tend to pursue non-Belgian agendas. As we shall see in the next section, these parties do not mainly find support for their regionalist platforms but on other grounds.

these differences with institutional mechanisms for dealing with any tensions that may arise between them. In what follows, my interest is not in making retrospective or prospective prescriptions for Belgium, but to assess the extent to which it has managed to exploit the centripetal forces that are typically produced as a result of pursuing democratic legitimacy by a) establishing a multilevel and multifaceted voting space and public sphere for discursive participation and b) a scheme of good democratic representation.

On the first theme, I maintain that Belgium's impressive multilevel voting space compound is not matched by a multifaceted dimension, thereby limiting citizens' capacity to control the decisions to which they are subject. As such, there is an absence of voting opportunities with which to foster a sense of democratic community. The dual party and media systems mean that the discursive effects of any possible voting space compound will be skewed in failing to produce a shared system of meaning among citizens. On the second theme, consociationalism and party system division each in their own way lead to perversions in democratic representation that inevitably impact on the ability of national institutions to foster a common civic identity. The next three sub-sections assess the nature of Belgium's voting space compound and scheme of political representation, leaving until the final sub-section a discussion of how this political system has foregone many of the centripetal features associated with democratic legitimacy.

The Belgian Voting Space Compound

In one respect, the Belgian federal arrangement has made it more democratic by introducing a strong level of electoral representation at the regional and community level. Prior to federalisation, Belgium's main administrative sub-units were nine provinces within which featured a large number of local municipalities. Both provincial and municipal government are subject to direct election, though their powers have always paled in comparison with the central state. The creation of powerful communities and regions, in principle, increases citizen control over the decisions to which they are subject by bringing the level of decision-making closer to citizens. Belgium's *total* voting space compound also has significant multifaceted components in that the constitution provides for the possibility of referendums at the regional, provincial and municipal level (Arts. 39 and 41). This facility, however, has never been used regionally and hardly ever at the lower levels of government.

There are no constitutional provisions for referendums at the national level, which is partly due to the constitutional recognition of sovereignty as lying with the nation and its representatives rather than with the people (Art 33). That is to say, the Belgian constitution is

based on a political philosophy that is not hospitable to direct democracy. Since 2014, which saw the Senate become an assembly whose members are all indirectly elected, there is no voting space *compound* at the national level. There is merely a singular voting space, for the Chamber of Representatives. As a result, the only time citizens from across the country are asked to take a decision together on Belgium is once every several years in elections to the Chamber.

Aside from the fact that the people are not understood to hold constituent power, a further reason for the absence of a multifaceted voting space compound at the national level relates to the fact that Belgium's only experiment with direct democracy was an unmitigated disaster. Social and political fallout from the consultative Royal referendum in 1950, which as we saw only exacerbated post-war linguistic tensions, served to confirm the Belgian political establishment's suspicion of mass participation in decision-making (De Winter and Dumont 2005: 274). Indeed, this example is commonly used by scholars as a cautionary tale for why neither majoritarian forms of decision-making generally nor direct democracy in particular are suited to deeply divided societies (e.g. Sinardet 2009: 38; Deschouwer 2012: 9; Reuchamps 2013: 353). Rarely do we find substantive arguments, sufficiently informed by details concerning why and how the referendum was held, to back up this position. Once we take the trouble to understand the specificities of the Royal referendum, we may come to see it not as an argument against direct democracy in divided societies, but as a marvellous case study for how *not* to do direct democracy in any circumstances whatsoever.

The idea of a voting space has been defined in legal terms, in the sense that the conditions under which particular kinds of votes can and must take place will be clearly articulated in the constitution or other legislation. Having no legal basis, the Royal referendum did not belong to a voting space but may be more accurately characterised as an *ad hoc* decision mechanism.⁴³ As I now argue, it was not so much the fact that citizens were confronted with a contentious issue on which to make a decision together that made the referendum dangerous, but its *ad hoc* nature and specific choices that were made in conducting the referendum.

On the first point, when there are no legal provisions giving a detailed account of what kinds of votes may be held on what types of issues in which kinds of circumstances,

⁴³ Interestingly, the idea of constitutionalising the right of the King to call a consultative referendum was hotly debated in the early 1890's as part of an effort to reform the constitution. The idea was that, when an active minority was undermining political stability, the King could appeal to the masses with a view to soliciting a clear majoritarian preference. This provision was never constitutionalised, though the debate demonstrates that the idea of holding a referendum of the kind witnessed in 1950 was not entirely without precedent in Belgian discourse.

citizens and their representatives are denied a horizon of expectations against which to coordinate their political activities. When a decision mechanism is not formally instantiated as part of a transparent opportunity structure, there will inevitably be suspicion concerning who stands to gain from having a vote on *this* issue at *this* time. As it turns out, such suspicion was entirely justified in the Royal referendum. Whereas parliament insisted upon itself deciding whether or not the King should return to the throne, the Catholic party and the King himself pushed for a plebiscite (Witte et al. 2000: 180). Already in the 1946 elections the Catholic party had gained votes by politicising the Royal question, and in 1949 its entire campaign was dedicated to mobilising support for a referendum. Coming close to winning a majority through this electoral strategy, and following a breakdown in coalition talks, new elections in 1950 saw the Catholics win an absolute majority and hold the Royal referendum quickly thereafter.

While the primarily Flemish-based Catholic party was undoubtedly favourable towards seeing the Kings return, given the latter's outspoken support for Flemish language rights and the traditional Catholic (and rural) support of the monarchy, its obsession with obtaining an absolute majority at the expense of pursuing a more traditional government coalition appear to be motivated by the religious-secular cleavage. In other words, the behaviour of the Catholic party during this period gives us good reason to believe that it used the contentiousness of a prospective referendum to gain a majority for the purposes of finally having its way on the long-time struggle over the state supported funding of an autonomous Catholic school system (Witte et al. 2000: 182). The referendum device was not chosen as the best way of resolving the Royal question, nor was its main goal to let the people decide on the return of the King. Instead, the issue was divisively used as an electoral strategy to advance a totally unrelated agenda that would be primarily to the benefit of a Flemish Catholic majority.

Herman Van Goethem (2010a: 184) observes that the referendum results did not betray a simple Flemish Walloon division of opinion. The main differences were between Flanders as a whole and the Walloon province of Luxembourg on one hand, and the Walloon provinces of Liege and Hainaut on the other. In fact, there was a "yes" vote in seven of nine provinces, with a large "no" in two populous Walloon provinces. However, given the Catholic party's effort to exploit the Flemish demographic majority to gain governmental control and subsequently a referendum victory, it is no wonder that the results were interpreted along linguistic lines and viewed as illegitimate by the losers.

If the *ad hoc* nature of the referendum poisoned it from the start, there were several other flaws with the content and structure of the referendum that helped to guarantee its failure. Related to its *ad hoc* character is the fact that, absent a regularly employed direct democratic voting space, there was no political culture in Belgium for dealing with the build-up and fall-out of contentious referendum results. Indeed, given its inexperience with direct democracy, it was entirely imprudent to experiment with this form of mass participation on one of the most sensitive and combative issues with which the state had hitherto been confronted. Another error was presenting the referendum to a bipolar public in a binary fashion. Allowing for a third or fourth more moderate option, rather than an all-or-nothing choice, would reduce the chances of the vote results being interpreted in a bipolar manner.⁴⁴

Democratic Representation: Authorisation, Accountability and Gatekeeping

Article 42 of the Belgian constitution states: ‘The members of the two Houses represent the Nation, and not only those who elected them’. This laudable ideal of political representation can only be a dead letter in the Belgian context, as citizens are denied a direct authorization/accountability relationship with a whole set of parties on the other side of the language border. Citizens, in consequence, can only ever legitimately and exert control over one part of the coalition government. This departure from the democratic purpose has a number of consequences for the quality of democratic representation.

As we have seen, one of the major factors explaining why the national party system unravelled was to eliminate the competitive advantage of regionalist parties who were able to gain votes by appealing to one side of the electorate only. The fact that political parties need only appeal to part of the citizenry, while their speeches and views hardly make it into the discourse of the other community, gives little incentive for the parties or their members to embody the spirit of Article 42. Put differently, the existence of separate party systems produces bad political representation in Belgium by failing to encourage the virtue of good gatekeeping, which requires representatives to develop mutual relations with all those they represent rather than with just a particular group.

Poor gatekeeping is particularly manifest during national electoral campaigns, the only occasion on which Belgian citizens are asked to decide upon their future together, when

⁴⁴ It may be argued that some issues are simply just yes or no questions and that the Royal referendum is a good example of this. I believe that this is rarely true and there could have been third options presented in the Royal referendum. For example, a compromise possibility could have been ventured whereby the King would be allowed to return to Belgium but only as the symbolic “King Father” (much like the British “Queen Mother”) whereas Prince Baudouin would become the King proper.

each party system ends up in a self-enclosed bidding war over what it will do to defend Flemish or Walloon interests against the other language community. This is not only an instance of bad gatekeeping, but of bad promissory representation too because the need to form a coalition government at the end of the electoral process precludes in advance the fulfilment of significant portions of the government programme (Van Parijs 2013: 66). Essentially, any attempts by Belgian politicians to be bad gatekeepers and forego the concerns of the other language community at the same time makes it more likely that they will have to betray the unrealistic promises that had made to members of their own language community when it comes to government formation. It is no wonder that coalition partners tend to be heavily punished at the next election for their compromises, especially on the Flemish side where demands for reform are most extreme and most likely to be frustrated by the francophone veto.

Another natural consequence of bad gatekeeping in the Belgian context is that efforts by political representatives at critical trust building and democratic inclusion are restricted to whatever side of the linguistic divide with which they identify. This is not to say that representatives from one linguistic community actively seek to undermine the critical trust or democratic inclusion of citizens from the other community, but that these politicians feel little responsibility for fostering these values beyond the boundaries of their own electorate. We find this point corroborated by the manner in which the divided party and media systems interact to make the exercise of power less visible. Even though half of the ministerial portfolios are allocated to the other language group, the media does not tend to report on politicians based on the salience or relevance of their office but rather depending on the language community to which they belong (Sinardet 2012: 183-4). While the media may be partly culpable for this phenomenon, politicians themselves are also to blame given their regular failure to engage with or explain their actions to the other community since the fate of their party is in the hands of an altogether different electorate. Most citizens then are not only ignorant of the political personalities that come to power representing the other side of the community due to separate electoral campaigns, but continue to be largely unaware of how these personalities exercise their ministerial portfolios. As we shall now see, the visibility of power in Belgium is all the more threatened by direct and indirect effect of its consociational regime.

Consociationalism and Democratic Representation

As a consociation with a strong multilevel democratic process, Belgium is undoubtedly a democracy. Yet we may justifiably wonder whether or not its consociationalism entirely contravenes the democratic difference principle. Consociationalism amounts to giving political elites an unusually high degree of power. We see this very clearly in state reforms since 1970 where citizens were hardly consulted on constitutional reform before or after the party leaders had reached an agreement behind closed doors. This alone would seem to entirely run against the core prescription of the democratic difference principle, namely that citizens must at the very least have a direct say in forming the basic aims of a society with more day to day and technical matters being left to politicians and experts.

The defender of consociational democracy would make the following argument: consociationalism is entirely consistent with the democratic difference principle since it creates stable conditions for a democratic process that might not be able to function smoothly in more conflictive circumstances. To clarify this, consociationalism may be a necessary condition for the possibility of democracy in divided societies like Belgium; a way of giving citizens as much control as possible over the power to which they are subject in very non-ideal circumstances.

Since every political system is unique, only democratic experimentation in Belgium could definitively contradict this argument. Nevertheless, comparison with other divided societies that have managed a stable democratic process, while being less wedded to consociational practices, may also help us to make a counter-argument. Indeed, this is what I shall attempt to do in the next chapter. What can be said at this point is that consociationalism, in limiting citizen control, simultaneously removes some of the centripetal aspects of democracy affiliated with voting and discursive participation. Meanwhile, as we have seen from my account of how the linguistic cleavage developed post-WWII, consociationalism has not been strong enough to pacify centrifugal tendencies in Belgium and may have even exacerbated them. We can therefore question the extent to which its pursuit at the expense of intelligently developing a more robust democratic process has been a worthwhile trade-off.

Although it may not be possible to definitively determine the extent to which Belgian consociationalism violates the democratic difference principle, it is at least possible to assess the democratic disfigurements that consociationalism in Belgium has directly or indirectly produced. This will make clearer just what trade-offs there are in the quality of democratic representation when consociationalism is given priority.

Most obviously, Belgian-style consociationalism weakens the control mechanism of accountability by making power less publicly visible. When the transparency of negotiations and decision-making processes are sacrificed, both citizens and media will find it even more difficult than usual to determine the behaviour of their representatives and to accurately allocate responsibility to them. Indeed, by reducing the visibility of power, certain consociational practices will often come closer to the dualist model of political representation than the tripartite democratic model in which citizens may serve as an auxiliary audience with the *choice* to be passive or active in the decision-making process.

Furthermore, consociationalism requires major sacrifices by way of critical-trust building. Rather than promoting the capacity of citizens to identify important decision-making periods and involve themselves as they see fit for the purposes of exercising control over this process, consociationalism presupposes the obedience of a loyal rank and file that runs through the political parties down to society. The deep involvement of the parties in Belgium's pillarised society has satisfied these conditions rather well, with a largely passive electorate typically prepared to accept the outcome of elite compromise.

There is much to suggest that this relationship between political parties and society leads to a situation in which the parties have low responsiveness to citizen preferences on issues where consociational devices are employed. Indeed, while the cultural and economic concerns to which state reforms responded were deeply felt by citizens, there was by no means a groundswell of support for the creation of a federal Belgium or many of the steps leading towards it (Witte et al. 2000: 293; Conway 2012: 380). The success of most regionalist parties has been largely, though by no means entirely, due to factors that had little to do with their regionalist stance. The bulk of their support has typically come from voters attracted to the regionalist parties' socioeconomic programmes, in addition to the protest votes of those frustrated with the dominance of traditional parties and the democratic sacrifices of consociational politics.

In a survey carried out after the 1991 elections, prior to the federal reform of the state in 1993, only ten per cent of Flemings and five per cent of Walloons claimed that regional issues influenced their vote (Maddens et al. 1998: 200). One-third of the VU's votes in this election were based on its regionalist stance, a motivation almost completely lacking for the other Flemish parties except the Flemish Interest (De Winter 2006a: 20). Indeed, the vast majority of voters have been moderates at each stage of state reform. It is the intense preferences of a pro-active minority of federalists cum separatists who have managed to play the consociational game to their advantage and at the expense of less intense majoritarian

preferences (Hooghe 2004: 66). Summarily, state reforms as a solution to differences crystallising around the linguistic cleavage have been primarily the product of elite compromise under electoral pressure from regionalist parties whose electoral representation was inflated by their ability to attract voters on non-regionalist issues.

Consociationalism is as much a political culture as a way of resolving conflict. In effect, it establishes norms whereby it becomes acceptable to manipulate the democratic process in such a way as to give parties maximum leeway in decision-making at the expense of citizen control, without at the same time dismantling the democratic process. Differently stated, a consociational culture will make violation of the democratic difference principle more likely in areas not strictly required for consociationalism to operate. Nowhere is this ill-effect more apparent than in the parties' attempt to usurp the voter's capacity to choose those who represent them.⁴⁵

The parties go a long way towards achieving this coup in three main ways. First, parties have taken to running popular candidates who will attract votes but in the end fail to take up their mandate, allowing a less known or less popular politician to take up their seat from a comparatively non-politicised successor list (Deschouwer 2012: 122). Second, while most politicians make their careers at one level of government, more senior politicians are prone to level-hopping, such that representatives elected to the national parliament are shifted to the regional level so that they may carry out some function there. The reverse scenario, where regionally elected politicians are shifted to the national parliament, also occurs. In 1999, for example, one-third of all federal and regional ministers had been elected at the wrong level (De Winter 2006b: 92). Third, citizens cannot add candidates to the parties' electoral lists, while the parties' preferred list ordering remains predominant in terms of electoral outcomes. Between 1919 and 1999 only one per cent of candidates for the Chamber of Representatives were elected contrary to the party's preferred list ordering (De Winter and Dumont 2005: 257). This effect is being gradually mitigated as a preferential vote now carries twice the weight of a simple list vote, with approximately 70 per cent of voters opting for the former method of electoral choice.⁴⁶ As such, citizens' preferences have become stronger when it comes to candidate selection in recent years.

⁴⁵ It is not that the ensuing democratic shortfalls are directly related to the linguistic cleavage. Rather, to the extent that consociationalism is a way of dealing with this cleavage and these democratic problems can be seen as a by-product of a consociational culture, there is only an *indirect* relationship between the linguistic cleavage and the enumerated democratic inadequacies that follow.

⁴⁶ Roughly one quarter of candidates was elected according to citizen preferences in 2003 and 2007 elections to the Chamber (Deschouwer 2012: 122).

The end result of these electoral manipulations is that citizens' primary electoral role involves determining the weight of political power between the parties, rather than deciding upon the particular individuals who will represent them as members of a party. Essentially, there appears to be a strong authorization/accountability relationship between voters and the parties as corporate agents, but an especially shallow parallel relationship between voters and individual representatives. There is little to suggest that consociationalism requires weakening the electoral connection between citizens and individual representatives in this way. Yet the persistence of a consociational political culture is consistent with parties attempting to maintain as much control as possible over the democratic process.

There is a great irony to the use of consociationalism and the perpetuation of a consociational culture in Belgium in that its non-democratic features have assisted regionalist parties in bolstering their electoral support. These parties have mercilessly exploited the democratic weaknesses of consociationalism to attract protest voters frustrated by the Belgian political culture, or to support their arguments for devolution and separation by insisting that the quality of democracy would improve in step with the regions attaining more competences. Indeed, the VU's programme was full of anti-system rhetoric during much of its time on the political scene, while the very different forms of populism espoused by the Flemish Interest party and the N-VA are not only related to economic or cultural nationalism but also to the unworkable and insufficiently democratic nature of the Belgian political system.

Centripetal Democracy Foregone

According to Filipov et al. (2004: 273), in presenting their theory of self-sustaining federalism, 'federalism...need not be a solution to much of anything unless it is accompanied by institutional mechanisms that facilitate cross-ethnic (and, therefore, cross-federal subject) cooperation and coordination'. Having assessed the nature of Belgium's voting space compound and scheme of political representation, I am in a better position to explain how the centripetal forces of democracy have been unable to work in the Belgian context. In other words, it is the centripetal effects produced by legitimate democratic representation, which have the potential to provide at least some of the institutional mechanisms for facilitating the kind of cross-community cooperation and coordination referred to by Filipov et al., that appear to be somewhat lacking in the Belgian federal system. Effectively, the demos runs the risk of becoming increasingly weak and unstable in the absence of mechanisms to curb the centrifugal tendencies of the demoi.

In the first instance, Belgium's only national voting space is employed every five years (or less in the case of early elections). An infrequently employed voting space is unlikely to exert much of a centripetal force between the language communities since it does not allow for very many opportunities through which citizens are presented with their "shared national future" as an object of collective intentionality. Nevertheless, the Belgian voting space is not entirely without centripetal effects. Certainly, both public spheres pay a high degree of attention to the federal level, which is still treated as the dominant political arena. And, as in most democratic states, public engagement is highest during election periods. Moreover, the constitutional provision for compulsory voting (Art 62) means that virtually *all* adult citizens are encouraged to focus on the future of Belgium during voting periods at least. Since 2014, however, a practice existing from 1995 to 2003 at the level of the voting space compound (regulating the relationship between particular voting spaces) has been revived. Specifically, elections to both regional and federal governments are held on the same day and now, in addition, alongside elections to the EP.⁴⁷ To the extent that national elections are blended with the noise of regional and European elections, the capacity for the national voting space to make Belgium's future a common object of collective intentionality may be significantly reduced in time to come.⁴⁸

Models of democracy typically presuppose a common language, along with national media and party systems which coordinate discourse, such that citizens are exposed to the same issues in the same way and at the same time. The absence of these structural features in the Belgian case means that the centripetal force of a national voting space is highly curtailed. The linguistic difference is a major obstacle towards citizens discussing things together, whereas the split party and media systems mean that there is little by way of coordinated discourse between the public spheres. Even if citizens take Belgium as their common object of collective intentionality during election periods, the fact that there are two electoral contests going on in different public spheres means that there is not much possibility of establishing a shared system of meaning between Wallonia and Flanders on common issues of concern. Indeed, once election periods pass, the public spheres tend to continue discussing federal politics in relative isolation (Billiet et al. 2006: 913). This places the public spheres in

⁴⁷ From 2003 until 2014 federal and regional parliaments had different electoral cycles so that they may each take on their own flavours. Due to the pressure this put on the political parties, who found national government formation extremely difficult from fear of losing out at the forthcoming regional election for their compromises (Deschouwer 2012: 256), it was decided to revert to the original model of synchronising federal and regional elections.

⁴⁸ It is worth noting, however, that the tendency for Belgian federal governments not to serve a full term makes it very likely that the timing of federal elections will become decoupled from the others once again.

a state of what may be called *discursive drift*, meaning that absent common anchors to stimulate similar forms of communication between them, there will not be much to counteract socio-political dynamics that give different shapes to national discourse in each public sphere.

On some matters at least (what I call “relational” issues below), Belgium has appeared to reach an extreme degree of discursive divergence, with scarce opportunities for bringing in points of view from the other community. As much is proved by Dave Sinardet’s (2013) detailed analysis of the long-standing symbolic debate on whether or not to electorally split the multilingual village of Brussels-Halle-Vilvoorde. While only a few low-profile politicians ever made it into the public debate of the other language community, the prevailing consensuses in both linguistic communities was never challenged. In other words, the question of whether or not the electoral district should be divided was hardly debated, with both media spheres respectively paying full attention to how their own politicians were going to ensure the unity of the electoral district (in the francophone case) or bring about its demarcation (in the Flemish case).

The standard view concerning the differences between socioeconomic preferences among the communities is that Wallonia is left-wing and tolerant of cultural diversity whereas Flanders is right-wing and generally intolerant of anything which it perceives to be a threat to Flemish or Belgian identity. With the aid of statistical survey analysis, it has been convincingly argued that there is in fact very little difference between the socioeconomic preferences of Wallonia and Flanders. Both are defenders of a strong welfare state and relatively intolerant of cultural diversity for instance (Billiet 2011).⁴⁹ While we may concede that Flanders and Wallonia’s respective socioeconomic attitudes may be similar in absolute terms, this argument fails to take into account citizen preferences *in relational terms*.

That is to say, in relation to Wallonia, Flanders appears to be located much further on the right of the ideological spectrum given its efforts to decentralise social security at the expense of Walloon residents and its strong desire for cultural protection against francophones. By contrast, and in relational terms once more, Wallonia’s commitment to

⁴⁹ Though there is a similar demographic in Wallonia as in Flanders to support a populist party like the Flemish Interest, any efforts to organise populist parties in the former have had little success. Plausibly, this may be reducible to the fact that the Flemish Interest has been a well-organised party with a basis in the infrastructure of the Flemish movement, whereas any Walloon attempts at populism have been by and large spontaneous with no prior network on which to draw for experience and organisational support (Coffé 2005: 90-1). In the 2014 elections, however, populism has gained some ground with two such parties making small electoral gains (Pauwels and Rooduijn forthcoming: 147).

national solidarity on the social security issue and preference for the civic culture of the Belgian state over a specifically Walloon regional culture, puts it firmly on the left of the ideological spectrum. The existence of uncoordinated public spheres has, rather surprisingly, not yet led to a significant degree of absolute difference in socioeconomic preferences. It has, however, contributed to the production of large relational differences in preferences of this kind. In a divided society, it is these relational differences that are most contentious.

If the divided party and media systems prevent Belgium's national voting space from exerting its full centripetal effects, they also play a major role alongside consociationalism in preventing the kind of democratic representation that lends itself to identification with national institutions. As we have seen, the separated party and media systems lead to bad gatekeeping towards the other community, bad promissory representation towards their own and reduced visibility and accountability of powerful political actors. Meanwhile, the secretive negotiations characterising consociationalism exacerbates further the problem of invisible power in addition to eschewing the virtue of critical trust-building and increasing the risk of anti-Belgian and populist parties emerging. Belgian citizens are therefore substantially precluded from participation in decision-making (including constitutional reforms), confronted with representatives of the other community who are largely unknown before or after election campaigns while pursuing policies that may be contrary to the interests of the other community and, as a result, frustrated by the need for their representatives to always compromise at the centre. Populist and regionalist parties then have ample room to frame this frustration to their advantage. These listed deficits in democratic representation need by no means lead to complete loss of faith in Belgian democracy, yet they do jam up the centripetal effects of good democratic representation by giving citizens less of a reason to identify with the democratic process and the national institutions in which they are embodied. In other words, under these circumstances, the potential for democratic representation to counteract the centrifugal forces laden within Belgium's divided society is vastly reduced.

V The LFT Confirmed?

From my analysis of the Belgian case in this chapter, the LFT finds great support. The existence of distinct language communities has produced centrifugal forces that have led to secessionist tendencies and prevented the development of a satisfactorily democratic regime. It would be imprudent to suggest that the LFT had been definitively proven on the basis of one case or without consideration of certain peculiar factors that may have made its

satisfaction more or less likely in this case. Indeed, as I shall now suggest, there are numerous circumstances that may have made both the development of centrifugal forces and the limitation of democratic legitimacy especially likely in Belgium.

The root cause of Belgium's linguistic cleavage may be put down to the attitude of francophone elites towards linguistic standardisation and their institutional power to legislate on the basis of that attitude. In the first regard, the far superior socioeconomic status of French ensured that the language of political elites was exclusively French while these elites were firmly committed to the prevalent view that a lingua franca was an important asset for democracy and nation-building. On the second point, for most of its history the Belgian state was highly centralised, such that language and cultural policies were exercised by the national government only. This ensured that francophone elites could pursue a policy of linguistic hegemony for French in the public sphere. Without going so far as to eradicate Dutch usage in Belgium, due to the country's liberal leanings, the scene was set for the development of a linguistic cleavage. Effectively, Dutch-speakers were widely discriminated against but were nevertheless not denied the space by which they could construct a contestatory identity. This cleavage, in turn, has been exacerbated by the fact that socioeconomic and religious cleavages have overlapped with the linguistic cleavage in such a way as to reinforce it. Moreover, the size of the respective language communities help to make each one appear as a credible threat to the other, whereas the existence of only two such communities (rather than several) makes it easier for one group to direct its ire solely at the other when collective preferences are perceived as frustrated at the national level.

It was circumstances such as these that go a long way towards explaining why the centrifugal forces predicted by the LFT took hold in Belgium, yet there are other factors that seem to play a role in reducing the likelihood of achieving the democratic purpose in this context. Importantly, Belgium has always been a monarchical democracy that does not understand the location of sovereignty to consist in the people per se but in the nation as an idea expressed by elected representatives and the monarchy. As such, the Belgian political culture has been especially predisposed towards an elitist interpretation of democracy that has little inclination towards highly participatory modes of decision-making like direct democracy. The consociational approach to conflict resolution is entirely consistent with such an interpretation of democracy. Indeed, when this *modus operandi* proved effective in managing the religious cleavage early on in Belgium's political history, it was not a stretch to extend it to conflict localised around the socioeconomic and linguistic cleavages. The end result has been an entrenched consociational political culture. Belgium's only experience

with direct democracy is another factor serving as a powerful obstacle against the development of a multifaceted voting space compound. The bad taste left by this event has lingered for decades, making it difficult to justify the relaxation of consociational practices in favour of more participatory forms of democracy.

My aim in explicitly attempting to identify those background conditions that have made Belgium more likely to succumb to the logic predicted by the LFT is not to second-guess the development of Belgian political history or to suggest that “things would have been different only if...” On the contrary, the purpose of this exercise is to demonstrate that the extreme manner in which the LFT has proved true in the Belgian case – through the continuing struggle for state devolution and the total split of the media and party systems – has been made more likely by a whole range of historical circumstances that are extraneous to the LFT. This contention finds further support in the next chapter, when I demonstrate how Switzerland’s ability to keep the dynamics expected by the LFT at bay is to a large degree determined by its historical manifestation of factors that are significantly different than those which we find in Belgium.

Chapter Six

Switzerland versus the Lingua Franca Thesis

I Overcoming the LFT?

A cursory overview of multicultural literature on Switzerland will give the reader a fast impression that, compared to religious differences and socioeconomic tensions, linguistic differentiation has typically been a source of conflict only occasionally and without serious consequences for national unity. This immediately raises the puzzle of why the LFT has not managed to take hold in Switzerland. Does this political system entirely debunk the logic of the LFT, or has Switzerland simply managed to attenuate the conditions that allow this logic to take hold? In light of the Belgian case study, which demonstrates that the LFT is very real and can be facilitated by certain specificities of choice and circumstance, the latter hypothesis would seem to be more plausible. The goal of this chapter is to understand how Switzerland has managed to turn a linguistic make up that is explosive in theory into one that is relatively benign in practice. On one hand, I argue that numerous historical particularities and political decisions have served to curtail the centrifugal forces implied in the existence of linguistically demarcated public spheres. On the other hand, Switzerland serves to corroborate a core hypothesis of this dissertation, namely that the centripetal force of democracy increases as the ideal of democratic purpose is approached. Put differently, a host of factors help to explain why Switzerland does not fall apart, but it is its quality of democracy that is largely responsible for keeping it together.

The Swiss political community and regime have not changed a great deal since the first decades of their establishment. Unlike the Belgian case then, where a longer historical analysis was pursued detailing this state's evolution from a unitary to a federal state, the main focus of this chapter will be on providing a detailed explanation of the institutional dynamics that have enabled Switzerland to cope in the face of linguistic division. The next section briefly details the historical evolution of Switzerland as a state in the 19th Century (II), while

the following section presents a more elaborated articulation of the Swiss political community and regime (III). Through this analysis, it will become clear why the centrifugal forces of the LFT have not been allowed to operate in the main, while the conditions for the emergence of Swiss democracy are presented. Next, I explain how Swiss democracy a) comes up to a high standard of legitimacy that b) exerts centripetal effects on the linguistically demarcated public spheres. In the former case, I argue that the Swiss experience gives highly persuasive rebuttals to specifically democratic critiques of direct democracy. In the latter regard, I illustrate how the Swiss style of democracy sets in motion a process of demos-formation and discursive integration that keeps the linguistic communities from the tendency towards discursive drift (IV). None of this is to say that Switzerland is a perfect democracy, as some worrying democratic disfigurements will be highlighted throughout my analysis. The final section concludes, emphasising that Switzerland has not so much managed to defeat the LFT once and for all as it continues to deal with it as an ever present threat (V).

II Founding the Federal Confederation

The supreme legal document of Switzerland is entitled the *Federal Constitution of the Swiss Confederation*. By its title the Swiss constitution does not betray a contradiction, but attempts to indicate that Switzerland is in fact a federation while paying due homage to its confederal past. The first goal of this section is to explain how and why Switzerland moved from a confederation of territorial units or cantons to a federation of cantons and citizens. My second aim is to briefly trace the development of direct democracy in Switzerland. Here, I attempt to make a plausible case for certain factors that made this form of government more likely in Switzerland than most other democratising states of the nineteenth century. Finally, I highlight the main social and constitutional safeguards against linguistically charged conflict that were in place since the foundation of the state.

From Confederation to Federation

Beginning with just a few cantons in the thirteenth century striving for greater autonomy within the Holy Roman Empire, surrounding territories began to join this new political alliance in the coming centuries. By and large, the motivations behind all expansions of this alliance confederation were related to reasons of security and economic prosperity (Linder 2010: 15) and it is the persistency of these benefits that is largely responsible for the sustainability of the early confederation (Würgler 2008: 36-42).

Following the French invasion of 1798, the confederation was expanded and transformed into a unitary state (the Helvetic Republic) at Napoleon's will. Napoleon added several new cantons to the Helvetic Republic, mainly French and Italian-speaking, giving each language equal status under the constitution (Mc Rae 1983: 40). Indeed, with the new constitutional order came representative democracy and the ideas of the French Revolution, undermining the existing nexus of elite rule across the cantons. It took only a few years for the Republic to fall apart, lacking as it did the resources to combat continued attempts by the cantons to undermine its authority, given the strong belief in and identification with the cantons as the only rightfully sovereign entities.

The next forty years would be turbulent as the old regime managed to regain power, restoring elite privilege in the face of a newly mobilised political class inspired by French Revolutionary ideals and a population jealous of new rights they had gained under the Helvetic Republic. This emergent class of political ideologues were, however, split into three main groups. These were the Liberals who advocated a system of representative democracy; Radicals who felt that representative democracy resembled too closely the old regime and therefore advocated more direct rule by the people; and Conservatives who wished for the cautious pursuit of democracy but railed against the modernism and anti-clericalism of the former movements (Maissen 2000: 5-7).

By the 1830's, the Radicals gained the upper hand in many cantons, as democratic constitutions were successively instituted, often as a result of popular votes (Church and Head 2014: 148). Needless to say, the anti-clerical agenda of these forces ignited religious tensions as measures taken in many cantons to regulate affairs typically left under confessional jurisdiction (e.g. marriage) provoked Conservative ire. As a result of increasing secularisation, several Catholic cantons formed a special alliance or *Sonderbund* for the purposes of resisting these measures, forming military contacts with foreign powers. When the *Sonderbund* was made public, and refused to disband, Civil War broke out in 1847. The Conservatives were defeated before long and with few casualties.

Quickly thereafter, in 1848, the Radicals instituted the federal constitution of Switzerland on which they had been working prior to the outbreak of Civil War. Learning from the unitarian mistakes of the Helvetic Republic, this constitution prized the sovereignty and powers of the cantons, mainly endowing the federation with important economic and military competences. Rather than seek reprisals against the *Sonderbund* cantons, efforts at accommodation were made. Most notably, the federation refrained from developing a cultural

policy, giving the Conservative cantons freedom to pursue their own conception of church-state relations and educational policies, among other things.

Developing Direct Democracy

The federation was in many ways a typical representative democracy of the 19th Century, with the only real provisions for direct democracy being mandatory referendums for either partial or total revisions of the constitution proposed by the government. Since the 1830's, robust instruments of direct democracy were being gradually instituted in many of the cantonal constitutions, in toe with the Radicals' increasing popularity and corresponding mass disaffection with cantonal leaders. Calls to extend these practices to the federal level were provoked in the 1860's as a result of the Radicals' hegemony in parliament, where the same so-called "federal barons" would come to a majoritarian consensus on most issues (Church and Head 2014: 170). In 1874, the optional referendum was introduced. Subject to a signature collecting threshold, this would allow citizens to directly challenge legislation proposed by the parliament. This tool proved immediately powerful, being used by Conservative cantons in particular to great effect, with the Radical consensus being successfully countered in fifteen of the first 20 optional referendums (Bächtiger and Steiner 2004: 36). As a result of sustained support for the constitutionalisation of a citizens' initiative, which would allow citizens to propose legislation for popular voting at the conclusion of a successful signature collecting campaign, this device was introduced in 1894.

By the 20th Century, direct democracy was firmly entrenched at the federal, cantonal and local or communal level. In other words, citizens have typically had the opportunity to use several instruments of direct democracy at three levels of authority. The advancement of direct democracy in Switzerland poses an intriguing question. Why did it develop there, and so robustly, rather than anywhere else in Europe at that time? As we have seen, modern democracy came to Switzerland via Napoleonic patronage. The difficulty is in explaining why it was interpreted in the way that it was. I cannot give a complete and grounded answer to such a complex question here, but some observations are worth making.

One familiar perspective is that several German-speaking cantons had developed since Medieval times a form of assembly-style local decision-making (*Landsgemeinden*), such that the Swiss were bound to understand the ideals of democracy in a highly participatory way (Serdült 2014: 70). Adding nuance to this point, in a study including how direct democracy developed in the canton of Zürich, Hanspeter Kriesi and Dominique Wisler (1999: 51) claim that the *Landsgemeinden* tradition served as a powerful narrative resource

for social movements who saw direct democracy as the only way of countering the feudal manner in which the young representative institutions were being run. Related to this, however, are two further considerations that may be drawn from my account of democratic legitimacy in Part One of this dissertation.

First, let us recall from Chapter One my discussion of scale as one of the factors justifying a division of power between citizens. Almost all democratising states in the 18th and 19th Century were pursuing top-down and unitarian nation-building strategies where the idea of strong regional government was generally not entertained. The scale of the emerging centralised states were widely regarded as far too great for institutions of direct democracy, which were seen to be possible only in relatively small societies like Ancient Athens. This kind of view was, indeed, very amenable to the aristocratic conception of democracy that emerged in eighteenth and nineteenth century. What Lefort does not mention in his account of democracy as a symbolic order where power is represented as an empty place (see Chapter Two) is the inevitable hangover that comes in the transition from one symbolic order to another. At least one of the presuppositions that had survived in most political systems, following the move from monarchical to democratic authority, is the idea that only men of a certain class and calibre are capable of engaging in democratic rule (see Manin 1997).

Switzerland did not suffer these obstacles towards direct democracy. On one hand, from the beginning, Switzerland was a highly decentralised federal state where residual competences lay with the cantons. When we consider that the population size of most cantons during the mid to late nineteenth century were much smaller than or comparable to Ancient Athens, then it is easy to see why the issue of scale was not perceived as much of a problem.⁵⁰ Certainly, insofar as citizens were not being asked to make every decision by Assembly or *Landgemeinden* but rather to engage in signature collections and cast occasional ballots, the demands on mass participation in this form of direct democracy were not obviously inimical to even the largest cantons.

Moreover, as is well known, an advantage of federalism as a political form is the ability for the territories to experiment with institutions and policies without putting the entire federation at risk (Levy 2007: 460-1). Successful experiments may then serve as inspiration for the other territories or the state as a whole. This was very much the pattern in Switzerland as instruments of direct democracy were first introduced in Basle, only gradually and

⁵⁰ Note that it is not the population size per se that is necessarily important in terms of scale but the number of eligible voters. This figure is deemed to be somewhere between 30 and 40 thousand in Ancient Athens. Except for some of the few largest cantons that would greatly exceed this figure, the large majority would have a smaller or roughly equivalent voting population.

differentially being enacted in other cantons on the basis of positive experiences (Church and Head 2014: 170; cf. Kriesi and Wisler 1999: 53). With several decades of favourable direct democratic experience at the cantonal level, it is no wonder that the scale issue was not especially daunting when it came to introducing national direct democracy. There appeared to be no reason why direct democracy could not be used to work against hegemonic rule at the federal level as it had often been employed at cantonal level. Indeed, to the extent that Conservatives were pushing for a way to check federal power and the Radicals were historically sympathetic to the institutions of direct democracy (having themselves fought for such institutions at the cantonal level), the introduction of national direct democracy was certainly favoured by ripe political conditions.

On the other hand, though not without its originality, Switzerland's constitution initially set out a democratic order that was in many ways an institutional copy of democratising states (especially the United States) that were working under an elitist conception of democracy. However, notwithstanding several centuries of feudalistic cantonal rule, Swiss citizens did not themselves emerge from a monarchical symbolic order. They were therefore arguably less susceptible to the entrenchment of an aristocratic interpretation of democracy that would preclude ordinary citizens from participation in collective decision-making. In other words, the political imaginary was notably flexible in Switzerland, making a somewhat radical interpretation of democracy more credible. More will be said about the role of direct democracy in Switzerland over the next two sections. For now, I focus on the historical development of multilingual relations in this polity.

Pre-empting the Linguistic Cleavage

As already indicated, religion was the predominant political cleavage for much of Switzerland's early federal history. Indeed, this may be a reason why less attention was paid to any linguistic differences. However, this explanation only holds so much water. As we saw in the Belgian case, linguistic grievances were always simmering below the surface, ready to emerge when the religious and socioeconomic cleavages were pacified. Yet, in Switzerland, there have rarely been language-based complaints that would threaten to boil over. The question is why any linguistic cleavage has been hardly strong enough to dominate the political agenda, even with the pacification of the religious cleavage by the mid-20th Century.

At the core of my account is the view that Swiss elites were entirely aware of the potential for linguistically motivated ethnic tensions, but that the strategy of linguistic standardisation was not a feasible option. In other words, if Switzerland was to survive as a

nation-state, it was necessary to undermine the logic of multilingual relations predicted by the LFT. Why was linguistic standardisation a non-option? In the first place, the cantons were conceived as highly autonomous territorial units, which were by and large linguistically homogeneous. Attempting to enforce a language on the cantons would have undoubtedly been seen as a violation of cantonal autonomy and met with the kind of destabilising resistance that sunk the Helvetic Republic. Secondly, German is the majoritarian language and continues to be fragmented by scores of dialects (Theiler 2004). It has, therefore, always been in a bad starting position for spreading the kind of linguistic hegemony that it itself lacked internally. Finally, the three main language groupings – German, French and Italian – were all high-status languages laying claim to international reputations of diplomacy and culture. Because there could be no reasonable claim to one language being somehow superior to another, a major justification used throughout modern history for linguistic standardisation was lacking.

The impossibility of linguistic standardisation led to a policy of linguistic accommodation as the only experimental alternative. Importantly, following Napoleon's example, the new constitution granted equal legal status to German, French and Italian at the federal level (Art 70.1). As such, there was never a need for the speakers of minority languages to fight for linguistic recognition. Respect for cantonal autonomy, and the willingness of federal authority to refrain from developing potentially invasive cultural policies as a concession to Conservatives, also benefited the minority language groups (Bächtiger and Steiner 2004: 34-5). The cantons maintained competence over their linguistic regime, meaning that they are entitled to settle upon the language(s) of public administration and political discourse (Art 70.2). Since the vast majority of cantons were and continue to be linguistically homogeneous, this cantonal power serves as a bulwark against linguistic invasion. That is to say, the fact that all newcomers must become competent in the cantonal language if they are to participate in public life and gain access to many economic activities guarantees a high degree of linguistic protection.

These political choices reinforced a feeling of non-discrimination among members of each language grouping. Such a feeling was additionally secured by several fortunate circumstances. First was the relative size of the language groups. As we have already seen, the dialectical fragmentation of German-speakers has made them less of a cohesive linguistic force and thereby less of a perceived threat from the perspective of the other language groupings. Similarly, the French and Italian-speaking groups are themselves not large enough to appear threatening to German-speakers or to one another. Second, conflict between the

linguistic groups was hardly ever stoked by reinforcing cleavages (McRae 1983: 75, 83). For example, there were Catholic, Protestant and secular citizens in both French and German-speaking cantons such that the religious cleavage couldn't be reasonably construed as being related to the linguistic cleavage. Furthermore, there has never been a systematic pattern of differentiated socio-economic development that corresponded with linguistic identities. French and German-speaking cantons each have their fair share of more and less prosperous cantons, while the only Italian-speaking canton has not suffered undue socioeconomic depravity in contrast to most other cantons throughout history. Had the French and Italian-speaking cantons together been exclusively Catholic and discernibly poorer than Germans for sustained periods of Swiss history, the potential for the linguistic differences to be exacerbated by religious and socioeconomic cleavages would have surely made the emergence of a tense linguistic cleavage more likely.

None of this is to say that Switzerland has been absent of conflict revolving around differences framed in terms of linguistic identity. At the federal level, the sympathy of German-speaking Swiss with the German Empire, and the contrary francophone and Italian speaking scepticism of a Europe dominated by the Kaiser, led to major strains on national unity during WWI (Church and Head 2014: 196-8). WWII was an entirely different story as a pan-Swiss rejection of the Third Reich, leading the German-speaking Swiss to emphasise their differences from Nazi Germany, contributed to a powerful sense of national pride.⁵¹

A more modern source of tension between the language groups concerns starkly diverging preferences over foreign policy, particularly concerning the issue of EU membership, with the majority of German-speakers steadfastly opposing the popular will to join the EU among French and Italian-speaking cantons. While this difference arguably betrays a more urban-rural cleavage than a linguistic cleavage (Church and Head 2014: 261), it is the latter that has received far more attention in the public domain, with French-speakers in particular casting themselves as an overlooked minority when steps are taken away from European integration.

Other linguistic tensions in Switzerland have mainly occurred in multilingual cantons, though this has generally amounted to little more than bitter invective on only specific issues concerning language use or educational policy (Stojanovic 2006). Only the predominantly

⁵¹ In the 1990's a fierce public conversation did much to explode the myth of Swiss virtue during WWII, with evidence emerging of Nazi collaboration. This conversation, however, did not somehow undo the positive nation-building impacts that the Swiss WWII myth had effected. Indeed, it was primarily Swiss elites from different linguistic backgrounds that engaged in Nazi collaboration out of economic gain. What has remained in tact, and most importantly from the perspective of political integration, is that Swiss citizens at large are still seen to have been ideologically unsympathetic to German National Socialism.

German-speaking canton of Bern saw much more than these relatively minor wars of words. Fully succumbing to the logic of multilingual relations expected by the LFT, French-speakers in the region of Jura belligerently demanded and eventually achieved independence from Bern in 1979. A popular explanation for Jurasian disaffection is the fact that francophones also constituted the canton's Catholic minority, making them feel like a double minority whose distinct preferences were constantly frustrated by the German-speaking Protestant majority (Linder 2010: 30).

III Mono-national Switzerland and Competition in a Consensus Democracy

Having presented a brief account of Switzerland's historical development as a state, I now attempt to characterise more fully the nature of its political community and regime. In the former regard, I argue that Switzerland is not a multinational but a mono-national state, defined by a *demos-demos* relationship. Concerning the regime, I outline the main representative institutions and how they have been impacted by the institutions of direct democracy, insisting that Switzerland is not a consociation, while demonstrating that its political life is far more competitive than the label "consensus democracy" (commonly used to describe Swiss politics) is capable of capturing.

The Swiss Demos-demos Relationship

Switzerland's legal-political framework today accommodates four national languages and 26 cantons which, in turn, are subdivided into a total of roughly 2,500 communes. German is the majority language, spoken in dialects, by around 64 per cent of the population; 20 per cent are Francophone or Swiss Romans; 7 per cent are Italian speakers, often referred to as Ticinesi since they are primarily located in the canton of Ticino; 0.5 per cent speak one of the five Rhaeto-Romansch dialects; and 9 per cent speak another first language (Ludi and Werlen 2005: 7).⁵² Numerous commentators have referred to Switzerland as a multinational state, some drawing sub-state national lines around the so-called "linguistic communities" (e.g. Kymlicka 2001; Ipperciel 2007) and others at the cantonal level (Kriesi and Trechsel 2008), while there is no serious proposal to consider the communes as nations.

Let us begin by assessing the nationhood of the linguistic communities. These fail both the objective and subjective criteria for nationhood. Objectively, they have no political

⁵² Romansch was introduced as a national language in 1936, by a mandatory referendum met with 92 per cent approval, as a reaction to ominous gestures from Mussolini that the Romansch naturally belonged to Italian heritage (McRae 1983: 120). Since then Romansch has achieved quasi-official status, to the extent that Romansch speakers are entitled to be addressed by state institutions in their own language (Art 70. 1).

autonomy whatsoever nor is there any detectable appetite for or credible effort to achieve such autonomy.⁵³ Furthermore, the language of nationalism is hardly ever used when speaking about the linguistic communities. Sociologically, however, very rudimentary linguistic communities may exist as there are various forms of coordination along linguistic lines. Most significantly, since 1964 national broadcasting has been arranged according to linguistic groups, such that the federal state funds French, German and Italian language public television and radio. Moreover, for the French and German-speaking population, some newspapers widely read across all members of a language group have emerged to frame national and international news for that group (e.g. *Neue Zuericher Zeitung*, *Le Temps*). A further consideration is that language proximity helps to explain a significant number of inter-cantonal cooperation treaties, through which particular cantons agree to coordinate policies or services in particular fields. Jan Erk (2008: 85) is one author who has made a great deal out of these observations, claiming that the linguistic communities are displaying the logic of the LFT, in the sense that state and society are gradually making moves to become more congruent.

Despite this significant sociological evidence, it may be still premature to speak of inter-cantonal linguistic communities as robust contexts of identification and meaning. The point about inter-cantonal cooperation according to linguistic lines must be nuanced, since we find a significant correlation between these variables mainly in areas where language is especially important for coordination purposes or the delivery of services (e.g. cultural and education policy). A statistical analysis of all 760 inter-cantonal agreements up to 2006 demonstrates that, in some policy areas of inter-cantonal cooperation (e.g. transport and environment), the language groups are in fact less likely to coordinate (Bochsler 2009: 362). One of the major motivations for many forms of inter-cantonal cooperation are economies of scale, especially for smaller and less populous cantons, making the case for cantonal mergers a sound one in efficiency terms. However, as Paulo Dardanelli notes (2010: 151), there is elite and mass opposition to the very idea of cantonal mergers, which may be primarily put down to citizens' enduring identification with their respective cantons.

Returning to the media system, to the extent that there are inter-cantonal public spheres corresponding to language use, they are greatly fragmented by the cantonal public

⁵³ The secession of Jura, discussed above, is an interesting case that proves the rule. Though these French-speakers were indeed looking for autonomy as a linguistic and religious group in the cantonal context, they were not seeking and have not sought autonomy for the French-speaking linguistic community *tout court*. In other words, since achieving cantonal autonomy Jura has made no serious efforts to politically merge with other French-speaking cantons.

spheres themselves. Boasting hundreds of newspapers, Switzerland has one of the most densely populated areas of press publications in the world, with 80 per cent of respondents in a 2002 survey considering their local or regional daily papers as an indispensable source of news (Marcinkowski 2007: 384). The communicative activity of and importance attached to cantonal public spheres stands to reason, as the autonomous nature of the cantons present residents with efficacious institutions of authority towards which they can address political claims. Indeed, the Swiss party system is exceptionally decentralised, with all national parties having relatively independent cantonal branches that run for cantonal office and not always in agreement with the policy positions of the national parties. Effectively, each canton robustly meets all criteria associated with a demos: i) common institutions of authority that ii) motivate forms of discourse and mobilisation directed towards those institutions from iii) across the citizenry who are subject to the respective canton's laws.

As *demos*, the cantons seem to be far more promising candidates to qualify as nations. Not only do they exercise an impressive degree of political autonomy, they also carry typical signs of nationhood such as a shared history and territory, flags and sometimes an anthem, as well as their own constitutions. Indeed, along with their communes, the cantons have jealously guarded their role in granting Swiss citizenship which maintains a certain degree of homogeneity within their borders by requiring that applicants for citizenship renounce their original cultural identity and assimilate into the cantonal culture. We have good reason to believe, however, that the cantons should not qualify as nations.

On close inspection we find that the infiltration of Swiss identity into cantonal identity has hollowed out whatever claims to national identity the cantons may have had in the past.⁵⁴ Unlike Canada and the UK, where the Quebecois and the Scottish may reasonably be thought of as having distinct national identities strong enough to extricate themselves from the larger national identity within which they are nested to become self-governing societies, the cantons are thoroughly Swiss. Put differently, cantonal identities have developed with and melted into the wider Swiss identity such that being a proud *Zürcher* or *Genevois*⁵⁵ is just one way of being a proud Swiss. From this perspective, it is unsurprising that secession has never seriously threatened the Swiss federal state (Schmitt 2005: 352) and that nationalistic representative claims are hardly ever used in relation to the cantons in either federal or cantonal discourse (Dardanelli 2012: 309).

⁵⁴ As Dardanelli states (2012: 309), in the 19th Century, the terms “nation” and “nationalism” were often used in reference to the cantons.

⁵⁵ People from the cantons Zurich and Geneva.

Summarily then, Switzerland is not a multinational state because its citizens are not conscious of themselves as having stacked nationalities, which is reflected by the fact that we do not find representative claims in the public sphere that could hope to generate this kind of collective intentionality. So what kind of collective intentionality characterises mono-national Switzerland? As a result of its capacity to attenuate and avoid religious and ethnic conflict, and especially due to the explicit nation-building of the nineteenth century, a sovereign Swiss consciousness has developed which is largely defined by an attachment to its own historically developed and idiosyncratic political features. A unique interpretation of multi-level citizenship and the institutions of federalism and direct democracy, not to mention a foreign policy of neutrality that saw through two World Wars, are some of the dominant features marking off a Swiss identity. Contributing to the particularly Swiss flavour of these interpretations, are heroic myths about how “the Swiss way” was defended from outside aggressors (Kriesi and Trechsel 2008: 11).

Most importantly, however, is the fact that powerful institutions of authority at the federal level exist and serve as common targets of discourse and mobilisation for the respective public spheres. In effect, there is an overarching Swiss demos that serves as an object of collective intentionality around which various interpretations of the Swiss identity can accrue. As I shall attempt to make clearer towards the end of the following section (IV), it is the particular way that democracy is organised at the national level that helps to forge a stronger Swiss identity despite its formidable linguistic diversity rooted in cantonal demoi. Presently, I must detail the workings of the Swiss regime.

Representative and Direct Institutions of Democracy

The constitution requires every canton to have a democratic constitution approved by and subject to change by citizens residing there (Art 51.1), while the federation operates off a principle of subsidiarity in the allocation and performance of state tasks (Art 5a²). The Federal Assembly, Switzerland’s bicameral legislature, is the supreme authority of the federation, subject to the rights of the people and the cantons (Art 148.1). Both houses, the National Council and Council of States, are of equal standing on all legislative matters. The former is composed of 200 elected politicians and represents the nation as a whole. Despite the dramatically varying population and geographic size of the cantons, their citizens are equally represented at the federal level by two members who are elected to the Council of

States.⁵⁶ Every four years popular elections to the Federal Assembly are held. The Assembly then elects seven Swiss citizens (usually drawn from the Assembly itself) to the executive branch, the Federal Council, with each member taking charge of a federal administrative unit. The Federal Council is elect on an individual basis and therefore do not have collective responsibility to the Federal Assembly, while the former cannot be dismissed by the latter by a vote of no confidence. The Federal Council is involved at every stage of the legislative process and acts as the main instigator of legislative initiatives (Klöti 2007: 153), though members of the Federal Assembly, the cantonal governments and citizens themselves are also entitled to initiate legislative proposals. All initiatives are subject to approval by the Federal Assembly, except for the citizens' initiative which is decided by a popular vote. Moreover, as already indicated, all federal legislation can be put to a referendum, subject to demonstrable demand.

Despite the majoritarian rule of the Radicals for much of Switzerland's early federal history, it has gradually moved to a more consensual form of government. From 1959-2003 a formation of four parties, representing roughly 70 per cent of the electorate, continuously secured the reins of power (Linder 2010: 4). This "magic formula" included the Radical Party, Social Democrats, Christian Democrats and the Swiss People's Party (SVP), dividing the seats of the Federal Council among them in a respective ratio of 2:2:2:1. It is only with the more aggressive electoral campaigning and populist turn of the Swiss People's Party, to be discussed in the following section, that it managed to dramatically increase its representation in the Assembly to become Switzerland's largest party, upsetting the magic formula by claiming for itself an additional seat in the Federal Council at the expense of the Christian Democrats in 2003.

Two factors are repeatedly emphasised to explain the rationale behind the consensual approach towards governing by the Swiss elites. The first is the introduction of PR for the National Council since elections in 1919, which saw the hegemony of the Radicals shattered as other political forces gained substantial parliamentary representation (Church and Head 2014: 200-2). The absence of any electoral threshold helps to ensure that no one party gains an upper hand as a proliferation of smaller parties typically steal around 30 per cent of the votes. A second major consideration is the Damoclean sword of the optional referendum. It has not proved difficult for frustrated minorities to make use of this device, against which the government has an unflattering record, losing roughly one-quarter of all such votes (Linder

⁵⁶ Six cantons, unofficially referred to as half-cantons given their history of partition, are entitled to elect only one member to the Council of States.

2010: 63). The Conservatives successful use of the optional referendum during the late nineteenth century eventually convinced the Radicals that they would need the support of Conservative forces for effective government, leading the former to incorporate the latter into government. The magic formula, and the more recent government formation following it, is largely the result of a similar dynamic. All major parties who would be able to make formidable use of the optional referendum are invited to participate in government (Papadopoulos 2001: 37; Kriesi and Trechsel 2008: 58).

Switzerland is frequently referred to as a consociation (e.g. Lijphart 1977; Papadopoulos and Magette 2010) and, superficially, this may look like a reasonable categorisation. Yet a closer look at the political system reveals that thinking about Switzerland in this way is wide of the mark. Pascal Sciarini and Simon Hug (1999) do a comprehensive job of explaining why. Importantly, Swiss society is not pillarised but federalised. The cantons constitute political systems in their own right characterised by cross-cutting cleavages rather than multidimensional segmentation. Also, the consociational requirement that political elites and citizens alike remain loyal to the position of their partisan negotiators does not hold in Switzerland because i) there are regular deviations by cantonal branches of political parties from the policy position of the central party authority and ii) frequent contestation by civil society against government preferences through the use of bottom-up direct democracy. To this we can add the observation that the federal structure of Switzerland has, for the most part, eliminated the need for the kind of entrenched proportionality that characterises consociational regimes. The most significant example of such proportionality is the constitutional requirement that geographical and linguistic diversity be taken into account in the formation of the Federal Council (Art. 175.4), leading to a practice that almost always results in at least two members of the government being from French-speaking and/or Italian-speaking linguistic groups.

Referring to Switzerland as a consensus democracy (Lijphart 1999) is helpful to distinguish it from the Westminster system of majoritarian government, yet such a characterisation has led to the perception that Swiss democracy is somehow non-competitive. Nothing could be further from the truth. The parties do not merge because they are ideologically dissimilar and they have become even more polarised in recent times (Lander 2007: 322). Furthermore, cantonal deviations from the national party line in general policy or on specific popular votes is not the only form of internal dissent. The Federal Council does not amount to a coalition government because the parties do not agree on a common political programme (Lüthi 2007: 124), which explains why at least one governing party will

sometimes run against the recommendations of the Federal Council during referendum campaigns while the governing parties often make use of the citizens' initiative. More generally, considering competition in the parliament as a whole, 77 per cent of direct democratic votes have at least two parties advocating a different recommendation than the government (Sciarini and Hug 1999: 156). Let this suffice as a brief overview of the Swiss regime and attendant political dynamics. In what follows, I provide an assessment of Swiss democracy, attempting to determine the extent to which it has successfully managed to exploit the centripetal forces of democratic legitimacy.

IV Democratic Legitimacy and Centripetal Democracy in the Land of Popular Votes

Switzerland has the most multilevel and multifaceted total voting space compound in the world, with the possibility to elect governments and participate in regular popular votes at all three levels of authority. On the face of it then, Switzerland would appear to be especially well aligned with the democratic purpose. However, as we know from Chapter Two, the democratic quality of formal institutions greatly depends on the nature of the representative activities that animate them. My analysis in this section will therefore be attentive to how the Swiss *national* voting space compound both structures and is animated by representative politics. I begin by briefly presenting in greater detail the main direct democratic voting spaces, before engaging in a lengthy discussion about the particularly Swiss reply to *democratic* criticisms of direct democratic institutions. Only then am I in a position to explain how centripetal democracy in Switzerland is a major force in its continued ability to defy the logic of the LFT.

Direct Democracy in Question: A Swiss Reply to Critics

Globally, to date, more than a third of all referendums held at the state level have taken place in Switzerland. From 1970-2014, there have been 376 referendums at the national level averaging over eight votes per year.⁵⁷ Usually, on three or four scheduled dates each year, voters will be asked to decide on between one and six issues. While it is possible to count fourteen direct democratic voting spaces at the national level alone (Kriesi and Trechsel 2008: 50-1), many of these are for idiosyncratic circumstances and therefore rarely used. What really explains the high volume of votes are mandatory referendums on certain constitutional changes and the optional referendum and citizens' initiative mentioned

⁵⁷ Centre for Research on Direct Democracy.

already.⁵⁸ To date, six out of ten popular votes in Switzerland have been the result of either citizens' initiatives or optional referendums,⁵⁹ proving that its direct democracy has a strong bottom-up dimension. Mandatory referendums and citizens' initiatives must be passed by a double majority of cantons and citizens – making the passing majority between 55 and 60 per cent of voters (Linder 2010: 83) – whereas the optional referendum can be rejected by a simple majority.

We have already seen that the optional referendum is a formidable weapon for challenging the government. And with a signature threshold of just 50,000 eligible voters, or the agreement of eight cantonal governments, it is always a credible threat. Citizens' initiatives are launched in the first place by a committee of between seven and 29 citizens, which is required to collect 100,000 signatures from citizens eligible to vote in order to claim the right to a popular vote. The committee plays an important role, not just in leading the signature collecting campaign but in engaging with the government at relevant stages of the process. In particular, almost one-third of all citizens' initiatives are withdrawn by the committee, often because the government has agreed to meet the demands being made in some way through normal parliamentary legislation (Papadopoulos 2001: 44).

As the highest authority, decisions of the Assembly are not subject to judicial review, and it is the Assembly that handles initiatives. The Assembly can only reject putting the initiative to a popular vote if the content of the initiative fails to meet the norms of international law or packs more than one discernible issue into the proposal (Art. 139.3). On only four occasions has the parliament rejected an initiative as invalid (Serdült 2014: 73). More frequently, it adopts a counter-proposal, which is typically a moderate form of the original proposal. Citizens' initiatives have a low success rate of ten per cent, whereas just over half of the government's counter-proposals have been accepted.⁶⁰

Switzerland illustrates that direct institutions of democracy do not exist alongside or independently of representative politics, but are in fact embedded within such politics. Crucially, citizens are not cast in the time-consuming role of acting as individual fact-finders. Rather, it is the conversation animated by elected and non-elected representatives, filtered through the extensive press and public broadcasting services, which present the most relevant arguments and facts to citizens. In direct democratic votes, in other words, citizens are not

⁵⁸ Other forms of Swiss direct democratic voting spaces also have "citizens' initiative" or "optional referendum" in their title (e.g. Citizens initiative for the total revision of the constitution). However, for convenience, these terms will be used to denote the paradigmatic and more standardly employed voting spaces in Switzerland.

⁵⁹ Centre for Research on Direct Democracy.

⁶⁰ Centre for Research on Direct Democracy

required to become more than an audience. They are rather elicited as an active audience, tasked with making an evaluative judgment on what they believe is the best course of action. However, none of this proves that direct democracy in Switzerland gives rise to properly legitimate democratic representation or that it does not detract from the democratic purpose in practice. Let us therefore explore the Swiss answer to common concerns over the use of direct democracy. Critiques of direct democracy are not dealt with exhaustively, but filtered on the basis of their genuine concerns that this form of decision-making may in fact make democracy itself worse off (or at least no better off).

a. Discursive engagement: A key assumption involved in my account of democracy in Part One of this dissertation is that accessible voting spaces promote discourse when they have a real impact on law-making. While the discursive engagement provoked by electoral voting spaces is rarely questioned in principle, direct democratic voting spaces are treated with far more scepticism. Bellamy (2011: 11) makes the critique well: ‘there is nothing particularly deliberative about referenda – its simplistic alternatives between “yes” and “no” on a question set by elites on the basis of partial consultation lies in stark contrast to the deliberative process of electoral politics’. In many cases, this flurry of criticisms will undoubtedly carry some weight, yet the Swiss style of direct democracy has a varied and convincing reply.

First of all, Swiss direct democracy is *robust*, meaning that popular votes are both frequent and diverse in content. This aspect of popular voting dynamics in Switzerland makes the cumulative intensity and range of discursive participation involved in referendums much more formidable than we find in most contexts where instruments of direct democracy are typically employed. Between federal elections, citizens will decide upon approximately 30 publicly debated issues across numerous policy fields, suggesting an overall impressive degree of discursive engagement motivated by Swiss direct democratic voting spaces. Indeed, to the extent that citizens’ are unlikely to agree with the entirety of a party platform, instruments of direct democracy have proven valuable in more accurately getting the preferences of Swiss citizens’ across on an issue-by-issue basis (Sager and Bühlmann 2009: 201-202).

The bottom-up voting spaces in particular have some interesting discursive effects that are not limited to the actual campaigns leading up to a voting date. Signature collecting campaigns should be highlighted here. In the effort to reach the signature threshold for an optional referendum or citizens’ initiative, political representatives, interest groups and pro-

active citizens exert a media presence in an effort to convince people that a popular vote is worthwhile. This confronts citizens with the choice as to whether or not they should support the campaign for a popular vote, undoubtedly stimulating discussion among many more people than actually add their name to the proposal in the end.⁶¹ Once a referendum or initiative successfully meets the signature threshold, both the parliament and the main interest groups must announce and justify their position, generating further noteworthy discursive ripples ahead of the eventual campaign to influence citizens' voting behaviour (Lutz 2012: 27).

In this light, the 'partial consultation' referred to by Bellamy does not seem problematic when it comes to bottom-up voting spaces either. Signature collection campaigns are an innovative form of consultation, seeking the approval of tens of thousands of people in going ahead with the question to be put to a popular vote. Unwisely phrased questions or statements on which to hold a would-be vote are unlikely to be endorsed. Finally, the yes/no structure of Swiss direct democratic votes do not seem to be special discursive vices. In the case of optional referendums, the idea is to simply block unpopular government legislation. This does not mean that a modified and more acceptable bill cannot be passed later on without challenge. The optional referendum is as much a way to include citizens in the ongoing discussion of developing better legislation rather than simply killing government projects once and for all, although that may sometimes be the intention or effect. Moreover, when it comes to citizens' initiatives, we have seen that the government has the opportunity to introduce a certain degree of nuance to the yes/no choice by additionally making its own counter-proposal, allowing citizens to choose between the status quo and two other positive possibilities.

b. Competence: As Chapter One illustrated, competitive and deliberative democrats are among the most hostile groups of thinkers to the idea of direct democracy. One of their biggest shared concerns is that citizens are not sufficiently competent to make good (or just) decisions, each agreeing that electorally responsive representative government is better disposed for this task. This is not a specifically democratic objection, referring as it does to the quality of outputs rather than democratic inputs, but if a state is to function as a corporate agent that can make and keep the kind of commitments required for basic functionality, a

⁶¹ Iwan Barankay et al (2003) convincingly argue for a strong positive correlation between the number of signatures that needs to be collected and citizen awareness which ultimately translates to higher voter turnout. Though their data is based on bottom-up referendums held at the cantonal level, there is good reason to believe that the correlation also holds for the national stage.

minimum degree of competence among citizens with decision-making power is required. Since the government wins more than three-quarters of direct votes in modern times,⁶² we can say that citizens are at least as competent as the government on as many occasions. When citizens go against the government, there is usually strong elite opposition with convincing arguments (sometimes from a governing party or cantonal deviations from a governing party), such that speaking of an objectively good or just decision that the citizens failed to make will often not be credible.⁶³

Importantly, citizens do not appear to vote uninformed. Four factors help to explain this. First, voters who see themselves as incompetent to vote on an issue far less likely to participate (Kriesi 2005: 133), arguably engaging in the kind of self-censorship that was notable in the Athenian Assembly among those who felt themselves ignorant (see Chapter Two). Second, recall from Chapter One that the democratic purpose does not preclude many forms of manipulation or rhetoric in the public sphere, but that unbiased information should nonetheless be widely available. Switzerland's direct institutions of democracy are complemented by a high standard of freedom of information. To begin with, for every vote date, the Federal Council produces an information pamphlet, detailing the relevant facts about the issues at hand and the rationale behind the government's position on them. Space is also provided for those opposing the government to state their case. Additionally, media studies demonstrate that newspapers offer wide and accurate (Tresch 2012a) coverage of direct votes that is proportionate to the intensity of the campaign (Kriesi 2005: 40; Marquis et al 2011: 142), which usually takes place over the course of six weeks, giving voters sufficient time to become acquainted with the issues at hand.

Thirdly, the Swiss case demonstrates that anticipating a voting not only motivates representatives to engage citizens in public debate, but that citizens also have a demand for this debate in order to fulfil their role as an active audience. The average voter consults over four sources of information per vote date, with newspaper articles (81 per cent), TV (75 per cent) and radio programmes (60 per cent) and the government's information pamphlet (60 per

⁶² Centre for Research on Direct Democracy.

⁶³ There are certainly examples of occasions when the result of a referendum threatened the ability of the government to keep its commitments and serve as a credible corporate agent. For example, in 2014 a citizens' initiative to put a cap on immigrants coming from the EU to work in Switzerland was successful. This new law contravened some of the most important bilateral treaties between Switzerland and the EU, causing a major strain in diplomatic relations between these political systems. However, even in this case it is not absolutely clear that a really "bad" and uninformed decision was made. Not only would some see the Swiss as justified in protecting their fragile national identity by keeping its population of migrants below its current very high levels, we shall soon see in discussing Swiss populism that the citizens may have good "protest" reasons for contravening bilateral treaties with the EU.

cent) being the most frequently used (Trechsel and Sciarini 1998: 113-4).⁶⁴ Finally, political debate is by and large seen to be about the issue at hand, rather than government performance or any other second-order consideration that would detract from citizens proclivity to make competent judgments in casting their ballot (Marquis et al 2011; Marcinkowski and Donk 2012).

c. Turnout (and the undermining of elections): A further concern about bottom-up direct democracy is the possibility that it would lead to too many votes and too high demands on citizens, resulting in low turnout and thereby delegitimising the entire process. Is it not more democratic for representatives, elected with a high turnout, to make decisions rather than a small cadre of citizens who happen to be ready and willing to cast their ballot at a particular time? Switzerland does not appear to violate the democratic difference principle by giving citizens more control over legislation than they can manage as a collective. There are numerous structural and agential strategies for keeping the frequency of votes to an apparently manageable average of eight per year. Most prominently, these include the signature threshold, the willingness of the government to negotiate with those who pose a credible referendum threat on a given issue and the ability of the government to compromise with a large share of citizens' initiative committees so that the proposal is withdrawn.

Nevertheless, participation in direct votes is often perceived to be low in Switzerland. At first sight there appears to be a strong, though by no means linear, correlation between participation and the frequency of votes. A crude illustration of the correlation runs as follows: the number of average annual votes have quadrupled since the 1940's⁶⁵ when turnout was typically around 60 per cent (Trechsel 2007: 438), with average turnout today standing at 42 per cent (Kriesi 2007: 121). On closer analysis, however, this apparent correlation should cause us little concern from the perspective of oversaturating the demos. As Uwe Serdült (2014: 82) intriguingly demonstrates, in his analysis of seven vote dates from 2010-2012 in the canton of St. Gallen, there is a turnout of over 75 when all dates are taken together. Even more impressively, between any two vote dates during this period there is an average turnout of between 57 and 63 per cent. These last figures, in particular, suggest that most Swiss citizens take their role as an active audience seriously and that the frequency of votes is not overbearing.

⁶⁴ Note, however, that this study does not measure how many newspaper articles or TV or radio programmes a voter consults, just that they have used these media to make up their minds. Also, we must not see these sources as exhaustive, since political discourse is also influenced by conversations with family, friends and colleagues.

⁶⁵ Centre for Research on Direct Democracy.

Furthermore, as argued in Chapter One, low turnout is not a necessary indication of an overloaded democratic system since many citizens will often want to exercise their reserve or virtual influence on a particular issue or set of issues. As much is corroborated by the observation that direct democracy is almost universally affirmed in Switzerland, even among those who rarely participate (Papadopoulos 2001: 51; Linder 2010: 99). Another element affecting turnout appears to be the fact that there is a certain amount of fat in Switzerland's otherwise lean system of direct democracy. Roughly one-fifth of popular votes are fairly uncontroversial and so there is not much of a campaign surrounding them, provoking little citizen interest and correspondingly low turnout (Kriesi 2005: 56). Some of this fat is unavoidable as in the case of certain mandatory referendums. The rest are avoidable and arguably involve representative perversions of the citizen control function for which direct democratic institutions are designed. For example, political parties will often launch a referendum or initiative with little chance of success for electoral showcasing, failing to expend sufficient resources in mobilising citizens to vote given the low chance of winning over sufficient numbers. Furthermore, because the government can postpone the vote date for a citizens' initiative by up to four years, it can derail the momentum of resource-strapped groups that was built up during the signature collection campaign. Thus, when the vote date is in sight, the initiators may frequently lack sufficient resources to mount a campaign that would mobilise citizens.

This defence of turnout in Swiss popular votes makes puzzling the fact that, failing to reach a turnout greater than 50 per cent since 1975,⁶⁶ modern electoral participation is low in Switzerland by European standards. Since elected politicians are responsible for over 90 per cent of legislation that goes through parliament without a popular vote, while additionally occupying centre stage in the direct democratic process, such low turnout may be a cause of worry. This is especially true if direct democracy may be contributing to this lack of interest in elections. It is difficult to convincingly prove a clear link between the increased use of direct democracy and the decline in voter turnout for elections. Yet there is a tentative consensus that citizens' belief in direct democracy as giving them the opportunity to express their will on the most important issues is at least part of the reason for low electoral turnout (Frietag and Stadelmann-Steffen 2010: 479-80).

Another consideration is the consistency of the government formation. In consequence, voters who are either content or discontented with the current arrangement will

⁶⁶ Institute for Democracy and Electoral Assistance.

be less likely to vote, given the disempowering feeling that their vote will not contribute towards changing the balance of power one way or another. Corroborating this point, with the breakdown of the magic formula and increasing competition in more polarised federal elections, turnout has seen a healthy spike, going from an all-time low of 42 per cent in 1992 to a liner progression towards 49 per cent in 2011. As we have seen, it is the referendum threat that is largely responsible for motivating the same four parties to share power. But given the aforementioned political developments, the connection between direct democracy and the consistency of government formation does not seem to be necessary or absolute.

One factor, rarely taken into account, is the fact that citizens also get to vote for governments at the cantonal and local level, thereby attributing less significance to national elections. André Blais (2014: 521) has dismissed this point on the basis of data showing that cantonal turnout tends to be little better than we find in national elections, whereas citizens actually attach less importance to cantonal government. What his argument doesn't account for, however, is the fact strong multilevel government could conceivably depreciate the perceived importance of multiple levels when they are all relatively powerful. Should the Swiss regime become much more or much less decentralised, for example, it would be entirely surprising if the substantially more empowered level did not produce a greater attribution of importance with an increase in electoral turnout. Finally, it should also be noted that it is the Assembly and not the citizenry that chooses the Federal Council, meaning that citizens have less control over executive formation than in many representative democracies. By thus lowering the stakes of federal elections somewhat, a lower degree of interest in these elections among citizens can be expected.⁶⁷

In summary, a multilevel and multifaceted voting space compound may negatively impact electoral turnout. But these are by no means the only factor contributing to this trend and the extent to which they do so is not obvious. Overall, Swiss citizens display an impressive level of political participation, and are certainly not exhausted by this, suggesting that the democratic difference principle is well observed. While electoral turnout remains a concern, it is not clear that reducing or eliminating instruments of direct democracy would have the desired impact by increasing turnout to more respectable levels. In any case, as my discussion at the beginning of the next sub-section suggests, it is doubtful that a substantial

⁶⁷ The list of factors influencing turnout does not end here. Just one other significant consideration is the fact that women were not allowed to vote until elections in 1971. To this day, women are significantly less likely to vote than men (Serdült 2014: 81), suggesting that the denial of suffrage for so long has left a mark in the political culture whereby women do not feel the need or desire to vote.

reduction in direct democracy to benefit electoral turnout would be worth the trade-off, given the ability of direct democracy to motivate good democratic representation.

d. Populism and undue influence: The opportunity that direct democracy offers to populists and wealthy interests to influence the political agenda is the source of much scepticism concerning the use of direct democracy. In closely fought direct democratic campaigns in Switzerland, the weight of money almost universally seems to be the deciding factor (Linder 2010: 123). Additionally, Transparency International has consistently chided Switzerland for its lack of transparency laws concerning who is bank-rolling the voting campaigns and how much is spent (Serdült 2014: 83-4). As things stand in Switzerland, the influence of wealth in the direct democratic process is a cause for concern. Yet this problem does not seem to be one that is specific to direct democracy, but politics more generally, to be resolved by legislation placing limits on campaign spending and in making the source of such spending public knowledge (cf. Altman 2011: 54).

Populist parties who could make direct democracy a major threat to democracy itself will also be a threat by their participation in representative institutions. We should therefore not see the potential for *well-established* populist parties to use direct democracy for nefarious purposes as a special reason against this form of decision-making. Indeed, bottom-up instruments of direct democracy could be just as easily used by other political forces to block anti-democratic forms of legislation that make it through parliament. *Marginal* populist parties, who may be too unpalatable for government participation, may nevertheless be able to mount successful direct democratic campaigns but only on a limited range of issues (otherwise they would not be marginal parties). Again, to the extent that such marginal populist parties may occasionally influence only part of the decision-making agenda, populism does not seem to be a strong reason against direct democracy.

Yet my understanding of democracy outlined in Part One of this dissertation implies that the achievement of democratic legitimacy will not produce fertile soil for populism. In a political system that comes close to the democratic purpose, any cause for disaffection with the democratic regime or the representatives that animate it should not be sufficient to give rise to the anti-representative or non-democratic sentiments on which populists thrive. The fact that Switzerland's biggest party, the SVP, is widely regarded as right-wing populist appears to contradict my expectations. As we delve a little deeper, however, we find the reverse to be the case. Anything other than fringe populism has been unable to gain ground in

modern Switzerland, until the SVP took a populist turn in the 1990's. The question is why the SVP became populist and to what extent it embodies this form of politics?

Immigration has been a major concern for the Swiss over the last century, with over 24 per cent of the Swiss population today being non-citizens.⁶⁸ The SVP has capitalised on this statistic (rising since the interwar period) and its attendant fears by vigorously pursuing an anti-immigration policy going far beyond what any other party has been willing to entertain. Yet an anti-immigration policy alone, albeit rhetorically couched in a conception of the pure Swiss people, does not constitute a populist party. Anti-elitism is also necessary and the SVP displays this feature. It is an attitude that has found resonance among citizens over the last twenty years mainly because of how the Federal Council has been empowered in the arena of international affairs. Despite EU membership having been rejected in a 1992 referendum, the government has nevertheless pursued many bilateral treaties with the EU that bring it relatively close to effective membership. These treaties are often simply signed into Swiss law without the standard parliamentary or popular consultation and scrutiny (Lüthi 2007: 134). In other words, it is the introduction of a domestic democratic deficit in a country highly attached to its democratic institutions that has generated sufficient resources for the SVP to draw a populist narrative that resonates with citizens' fears over receding sovereignty. To the extent that the European zone of free movement, of which Switzerland has been a part, can be seen as exacerbating the immigration problem and introducing a democratic deficit, the SVP's Euro-sceptic, anti-immigration and anti-elite narratives can be neatly tied together.

Nevertheless, because populism may be seen as a matter of degree, the SVP should be placed on the milder end of the spectrum. As Laurent Bernhard et al (forthcoming) discover in a review of SVP discourse, 61 per cent of its communications do not contain any discernible populist rhetoric, while only one-quarter contain more than one populist figure of speech. Indeed, during its brief foray into opposition in 2007 when the party's controversial leader was refused re-election to the Federal Council, the party insisted that it was not against parliament but the government (Church and Vatter 2009: 417). Conceiving of itself as the true representative of the people, the SVP's major concern has been that its ideas were not accurately represented in a Federal Council that has in any case become too distant from mechanisms of popular control. Indeed, as Bernhard et al. observe, the intensity of SVP's discourse seems to be greatly influenced by its level of representation in government, whereas it will also often be confined to the above mentioned policy areas over which it has

⁶⁸ <http://www.thelocal.ch/20140929/immigration-continues-to-boost-swiss-population>

established issue ownership. All of this points to the fact that the SVP are opportunistic and selective in their populism, which is partly fuelled by a genuinely felt democratic deficit among many citizens. The fact that more extreme forms of populism have not managed to emerge in Switzerland appears to be strongly correlated with the regime's high standard of democratic legitimacy.

e. Minority oppression and illiberal tendencies: This brings us to a final and related worry that direct democracy may lead to majoritarian tyranny over minorities, producing potentially oppressive and illiberal policies. Once again, minorities have been oppressed very well by representative institutions in the past, suggesting that this is a rather weak objection against direct democracy. In any case, Switzerland offers us an overall positive answer to this objection. On one hand, established minorities (like rural cantons, Catholics, French and Italian speakers) do rather well under Swiss direct democracy (cf. Pedrini et al 2013: 509). The ability of Catholic cantons to protect their interests in the nineteenth and 20th centuries through uses of direct democracy is a case in point. Moreover, while French-speakers can be seen as dominated by the German-speaking preferences in votes on EU integration, it is also possible to see the rural cantons as being protected from the hegemony of urban centres on such occasions. Less established minorities, like migrants or recently emerging religious communities (e.g. Muslims), have been known to fare less well. Despite some disconcerting results, especially from recent citizens' initiatives championed by the SVP (such as the prohibition of minarets), direct democracy in general does not seem to be used as a way of systematically disadvantaging minorities in Switzerland.

Indeed, while the Swiss narrowly passed an internationally discussed SVP launched initiative placing a cap on immigration, their overwhelming rejection of a more extreme initiative along the same lines shortly thereafter was hardly publicised beyond Swiss borders. The SVP were not the instigators on the latter occasion and in fact recommended against it. Citing several studies suggesting that the Swiss are in fact less xenophobic than the European average (Meuleman et al 2009; Pehrson et al 2009), despite being one of the highest immigrant receiving countries in the continent, Anita Manatschal (2015: 30-1) plausibly concludes that the Swiss are perceived as more intolerant of minorities precisely because of the visibility afforded to these issues by direct votes. At least in the Swiss case, it seems, there is no obvious connection between direct democracy and illiberal tendencies.

Swiss Democracy as Centripetal Democracy

As I have argued, Switzerland appears to institute a national voting space compound and public sphere of discursive participation that comes exceptionally close to the democratic purpose. This should go a long way to promoting good democratic representation. In theory, institutions of direct democracy should be the means of promoting critical trust building *par excellence*. By making the citizenry a potentially active participant in political decision-making, representatives have a much greater incentive to bring to their attention issues that should not pass into law without a wider public debate (optional referendum) or issues which have been ignored by the powers that be (citizens' initiative). And since a high degree of support is required to win a vote, especially when double majority requirements are instituted in a federal system, there is an incentive to appeal to a very wide electorate. This should systematically encourage the virtues of fair-mindedness and good gatekeeping. Generally speaking, Swiss democracy appears to embody these expectations to an impressive degree, though we have seen that the representative use of direct democracy is not at all without its perversions and disfigurements.

What now must be determined is how such a high standard of democratic legitimacy is possible in the face of linguistically demarcated public spheres. Following one of my central contentions in this dissertation, Switzerland appears to confirm the hypothesis that meeting the principles of democratic purpose can be a major contributory factor to overcoming the centrifugal forces behind the LFT. My account of centripetal democracy in Chapter Two highlights three highly related features: i) the performativity of regular voting ii) identification with democratic institutions and iii) the structure of the party system. The particular case of Switzerland, as we shall see, also indicates the importance of iv) cross-cutting cleavages. Each of these features contributes in its own way to the formation and sustainability of a Swiss demos.

The multifaceted nature of Switzerland's national voting space compound means that citizens are not just called to vote together once in a blue moon to elect their national representatives, but rather participate together several times a year in collective decision-making. The citizens' necessary collective object of intentionality when voting on such occasions is Switzerland's future as a nation. Nationally held votes, in other words, are performative activities where participating citizens are forced to explicitly recognise themselves as part of a national project. When there is not an oversaturation of votes in violation of the democratic difference principle, and when the votes are about contentious

issues, the people have an incentive to participate. And it is through such participation that their collective intentionality *as Swiss* is reinforced.

We saw in the Belgian case, however, that simply voting together is not a panacea for linguistic fragmentation since a lot depends on how the party system is structured and runs its campaigns. Unlike Belgium, Switzerland's party system has a national structure that is not divided along linguistic lines. On the contrary, the left-right cleavage is central, with language rarely playing a role in stoking political conflict. Conceiving of political parties as the main articulators of political preferences and attitudes, the representative claims of the dominant parties are crucial to how the citizens are conscious of themselves in relation to the state. On this basis we can affirm that the existence of a national party system, primarily framed in ideological terms, is what makes the unity precipitated by the act of voting in common sufficiently deep to avoid splits in the national consciousness. Put differently, because the national parties are incentivised to appeal as far as possible to the entire electorate in order to attract votes, there is little electoral advantage that could be gained from failing to practice the virtues of fair-mindedness or good gatekeeping by pitting one linguistic identity against the others.

In criticising the idea of Switzerland as a mono-national state, Donald Ipperciel (2011: 804) claims that '[e]ven in cases of state-wide referenda, it is misleading to speak in a meaningful way of the people, in the singular, expressing its will'. His argument is that since political debate takes place in different public spheres the result of a referendum is simply the aggregation of multiple public spaces irrespective of any 'unitary sentiment' that might follow. Such an objection, I believe, comes from an implicit commitment to what Frank Ankersmit (1996: 28) has referred to as the 'mimetic' view of political representation. On the mimetic account, political representation means reflecting as accurately as possible what is already there which, in this case, are distinct public spheres. Rejecting this view along with Ankersmit, and endorsing the constructivist theory that recognises the constitutive role of representation in political community formation, I propose that it is through artifices like the state-wide referendum and general election that the people are constituted as a political community. The symbolic effect of a vote is not to simply reflect what is there, but to create something new on the basis of what is there. Thus, the unitary sentiment following a referendum is far too important to warrant dismissal for it is a strong indicator that the referendum has been successful in translating the votes of individuals from different public spheres into a decision for which a single national polity is responsible.

Drawing on the Belgian case, with special reference to the Royal referendum discussed in the last chapter, Dave Sinardet (2009: 39) would rightly claim that how the results of a referendum are publicly interpreted is crucial to its impact on community formation. He insists that the results of any referendum can be used to drive a wedge between different public spheres just as easily as it can unite them. Even a referendum with a high level of state-wide consensus, he thinks, can be used divisively.⁶⁹ This is a formidable objection that can be rebutted by reflecting on the robustness (frequency and diversity) of Switzerland's national voting space compound. As both Nicholas Schmitt (2005: 369) and Nenad Stojanovic (2009: 13) recognise, Swiss referendums are a) held so frequently and b) cover such a wide range of topics that it becomes implausible for representative claims to highlight the same cleavage as important on each occasion. To clarify this, on any given issue the political tension is likely to be characterised by a left/right, liberal/non-liberal, traditional/conservative, religious/secular, urban/rural, or one of several other kinds of cleavage. This creates multiple majorities whose regular visibility makes it difficult to concentrate for a sustained period on any particular tension as definitive of Swiss politics.⁷⁰

Crucially, the collective intentionality of Swiss nationhood forged in the minds of citizens with the help of general elections, direct democracy and the national party system has the effect of promoting a phenomenon commonly referred to in studies of public spheres as *discursive integration*. This term refers to the hypothesis that the greater the comparability of discourse between public spheres the less distance we can expect there to be between them in terms of what they can be said to have in common. There are both vertical and horizontal aspects to discursive integration, the former referring to the interaction between federal politics and the respective public spheres and the latter concerning the responsiveness or openness of public spheres to one another's discourse.

Reflecting upon the vertical dimension, what gives Switzerland's public spheres a great deal in common and prevents them from drifting too far apart is that their discourses are relatively synchronised by the national voting space, in the sense that citizen's belonging to distinct linguistic communities are asked to consider and decide upon the *same issues* at the

⁶⁹ For example, if 65 per cent of Walloons and 83 per cent of Flemish voted in favour of a piece of legislation, public interpretation in one or the other public spheres could be led to focus not on the "Belgian consensus" but on the 18 per cent "revealing difference" between the two communities.

⁷⁰ This is not to deny the existence of what might be called "cleavage clusters" whereby certain policy areas regularly highlight the same lines of political division, such as in referendums concerning European relations where the linguistic cleavage is most prominent given the French-speaking cantons tendency to be far more open to Europe than either the German or Italian-speaking cantons. What remains most important, however, is that referendums are held on policy areas diverse enough to highlight different cleavages.

same time. The national structure of the party system, dominated by four traditional ruling parties, helps to ensure that the way in which the vast majority of issues are articulated do not radically differ from one public sphere to another. As much is confirmed by a study of 24 welfare state votes between 1995 and 2004, covering 4,303 newspaper articles across the French and German-speaking press (Marquis et al. 2011: 153). Further corroboration is found in Anke Tresch's (2012b) in-depth comparative media analysis of debate in the German and French-speaking public spheres on referendums held in 2001 and 2002. Here she finds few systematic differences in the discourse of the two linguistic communities so that they can be said to operate within a *shared system of meaning*. Given the national frame of important political issues, it is unsurprising that the different public spheres are somewhat responsive to one another. This horizontal engagement, however, only marginally contributes to discursive integration, according to Tresch, since it is largely limited to actors from the different public spheres critiquing the national government rather than engaging each other in dialogue.⁷¹

In short, Switzerland's close approximation to the democratic purpose creates powerful centripetal forces that forge a specifically Swiss collective intentionality, while setting in motion discursive dynamics that keep the public spheres from drifting far apart. These centripetal forces serve as major anchors for the Swiss demos, preventing the ever present centrifugal logic of the LFT from taking hold. Switzerland may not measure up to the ideal-type "demos", which we might have in mind when using this term, but for this we should not exclude it from such a categorization since it constitutes its own unique arena of political discourse and mobilisation.

V The LFT Defeated?

Just as the last chapter did not definitively prove that the logic underlying the LFT was inevitable, so did this chapter not conclusively demonstrate that this logic could be easily overcome. Indeed, despite Switzerland's success in dealing with the LFT, the centrifugal logic of this problematic remains in Switzerland as a constant spectre. Forces pulling the linguistic communities to form a stronger identity are clearly present, while disagreements between the French and German-speaking communities over the issue of European integration demonstrate the potential for the linguistic cleavage to become volatile as it has

⁷¹ According to Tresch's data on the 2001 and 2002 referendums, in German-speaking newspaper *Neue Zürcher Zeitung* 67 per cent of spokespersons were German-speakers, 26 per cent Francophone and 7 per cent spoke Italian. Meanwhile in the French-speaking newspaper, *Le Temps*, 51 per cent of spokespersons were Francophone, 44 per cent spoke German and 5 per cent were Italian speakers. Other data reported by Tresch suggest that these figures can sometimes fluctuate dramatically from referendum to referendum.

on very rare occasions in the past. Switzerland clearly cannot relax, assuming that the LFT is no longer a threat, but must continue fostering those institutional mechanisms that help to ensure that this centrifugal logic is prevented from picking up momentum.

The early achievement of federalism, the equal legal status granted to the languages and the right for the cantons to decide upon their own linguistic regime are crucial steps taken to undermine some of the centrifugal forces predicted by the LFT. With these ingredients in place since the foundation of the state, none of the main language groups had to engage in acrimonious struggles for their language rights. Meanwhile, the gradual development of Switzerland's political system towards meeting high standards of democratic legitimacy has been key to forging a common Swiss demos that keeps citizens living in distinctive public spheres from the kind of centrifugal discursive drift expected by the LFT.

As we have seen throughout, however, there are certain conditions that Switzerland embodies that have made the development of centrifugal forces between the linguistically distinct public spheres less likely and the promotion of centripetal democracy more likely. In the former instance, the jealously guarded sovereignty of the generally linguistically homogeneous cantons, coupled with their more or less equal socioeconomic status and international reputation, ensured that Swiss elites responsible for founding the federal state did not have a realistic option of pursuing linguistic standardisation. This point cannot be overemphasised. It was the absence of such a possibility that goes a long way towards explaining why the founding elites were forced to go against the grain of common political wisdom at the time by pursuing a strategy of linguistic accommodation. Fortuitously, the relative size of the language groups meant that they have not seen one another as especially threatening, while the fact of cross-cutting cleavages meant that there was a low risk of the religious or socioeconomic cleavages being reducible to linguistic differentiation.

I have identified three main factors that have contributed to the development of democratic legitimacy in Switzerland by encouraging political forces at the time to credibly interpret democracy in a way that runs closer to the democratic purpose than many other nation-states at the time. The factors include the *Landgemeinden* tradition; the scale of the cantons and their ability to learn from one another by virtue of the kind of isolated political experimentation facilitated by the federal structure; and the fact that Switzerland did not emerge from a monarchical tradition, making it less susceptible to the aristocratic idea of democratic representation characterising most democratising states in Europe at the time.

Conclusion to Part Three

The foregoing two chapters point towards the general conclusion that the logic undergirding the democratic challenge cannot be ultimately defeated but merely contained indefinitely. In this conclusion to Part Three, I attempt to draw out explicitly the main comparative lessons from my analysis of Belgium and Switzerland, highlighting the primary factors that explain why the democratic challenge took hold in one case but not the other. We can distinguish between factors related to the political community and those more closely linked to the regime. Of course, to the extent that a regime and political community are co-dependent and continue to impact one another in their mutual evolution, it is impossible to make a razor sharp distinction between factors related to one rather than the other. Bearing this in mind, however, we may group things together in this way for analytic purposes.

Factors Related to the Political Community

1. *Language status*: In Belgium, French was a high-status language and Flemish low status, leading to feelings of superiority and inferiority that provided ripe conditions for discrimination-fuelled conflict and the formation of distinct language-based identities. Social relations of this kind were less likely to develop in Switzerland since the three main national languages were all considered to have high status.
2. *Plurality and Size of the Language Groups*: Belgium suffered from a bipolar logic where one language group could always be seen as a threat to the linguistic identity and political preferences of the other. Though not of equal size, both language communities are large enough to see one another as threatening in this way. By contrast, Switzerland has three main language groups, none of whom appear especially threatening to one another. French and Italian are too small to appear menacing to German-speakers, while the latter is so fragmented by dialects that it hardly looks like a monolithic linguistic force.
3. *Reinforcing and Cross-cutting Cleavages*: Belgium can be seen as unfortunate in that religious and socioeconomic cleavages reinforced the bipolar linguistic cleavage. Flanders was for much of Belgian history strongly Catholic whereas liberal secularism predominated in the francophone world, causing major tensions over education and other salient policy areas. Meanwhile, Wallonia and Flanders have hardly managed to approach socioeconomic parity, as the former was far wealthier prior to the post-WWII period, with the positions being gradually inverted thereafter. The different cultural and

socioeconomic policy preferences resulting from these religious and socioeconomic differences only served to chafe the linguistic cleavage and reinforce distinctive Flemish and Walloon identities. Switzerland, by contrast, has benefited from cross-cutting cleavages as the language groups do not systematically display very stark differences in terms of religious composition or socioeconomic differences. The likelihood of one cleavage exacerbating another, therefore, has been generally low.

4. *World War Narratives*: Wars in which a country stands together in the face of a hostile environment are widely considered to offer a major narrative resource for nation-building, especially after the event, as leaders reflect upon the virtues of the military and common sacrifices of the people in getting the country through difficult times. WWI provided such a narrative resource for Belgium, while being anything but that for the Swiss, who were nearly torn apart by the very different attitudes directed towards the German Empire by the language groups. The reverse was the case following WWII, where Nazi collaboration by Belgian elites primarily seen as representing the Flemish language community, as well as differing preferences over the Royal question among these communities, led to post-War bitterness. Unlike the conflict provoked by diverging WWI sympathies between the linguistic communities in Switzerland, the Swiss ability to remain neutral and united during WWII, with public opinion in each language group rejecting ideological alignment with German National Socialism, has been a source of national pride for a long time thereafter. Effectively, WWII served to open new wounds between the linguistic communities in Belgium, while healing old ones in Switzerland.

5. *Territorial Congruence of Languages*: Congruence between language and territory in Belgium and Switzerland is roughly similar, with the latter having somewhat less even linguistic borders than the former. Yet, in the Swiss case, such congruence has hardly seemed to contribute much towards the development of a language cleavage. I am, therefore, somewhat reluctant to include the territorial congruence of languages as a major factor in explaining the development of centrifugal forces between linguistically demarcated public spheres. What can be said with some confidence is that, when other factors stoking the linguistic cleavage are present, the formation of a politically salient linguistic identity is facilitated by the congruence between language and territory. Had Flemish speakers been much more dispersed in provinces across Belgium, it's not clear

that their linguistic identity would be as strong as it is now, and claims for independence would make much less practical sense.

Factors Related to the Regime

6. *Attitudes Towards Linguistic Standardisation*: Belgian elites were firmly committed to the idea that linguistic standardisation was required for both democracy and national unity. This strategy was not open to Swiss elites, who were confronted by high status languages only and the sovereignty of the mostly linguistically homogenous cantons. As a result, the Belgian authorities resisted most efforts at linguistic accommodation for almost a century, admitting to piecemeal compromise that both encouraged and angered the Flemish movement which increasingly developed a popular Flemish identity in opposition to francophones. In Switzerland, however, a strategy of fair accommodation for the minority languages was pursued from the start by necessity. The fact that no Swiss language group had to struggle for equality and recognition at the federal level is a big reason explaining why no politically distinctive or confrontational linguistic communities developed in Switzerland.

7. *Degree of Centralisation*: From the perspective of deriving a causal story, this last factor can be seen as crucial in explaining why the dynamics predicted by the LFT took effect far more vigorously in Belgium than in Switzerland. Yet elite attitudes only count for so much unless they can be reflected through policies. Closely related to this last point therefore is the degree to which the regime is centralised in the respective case studies. Because Belgium began as a highly centralised state, in which neither the provinces nor the municipalities had much more than administrative authority, there was no release valve that would allow the local language communities to organise their own cultural affairs. Francophone elites, in other words, had the institutional power to enforce their attitudes towards linguistic standardisation. It was only with federalisation along linguistic lines that cultural autonomy for the language groups was attained, though by this time such a move also served to further encourage secessionist demands. Switzerland began as a federal state in which cantons controlled their own cultural affairs, helping to neutralise the possibility of linguistically-based confrontation at the federal level.

The degree of centralisation reveals another interesting finding. Both cases demonstrate that a federal structure helps to create and reinforce a political identity based

around the federal sub-units. In Switzerland, the cantons are endowed with a federal identity structure, which undercuts any proclivity for the language groups to become more socially or politically cohesive. Belgium has lacked a federally re-enforced provincial identity that could fracture the cohesiveness of a larger linguistic identity, whereas the only identity that the federalisation of Belgium has served to strengthen is the linguistic-territorial one.

8. *Receptivity to Democracy*: As the Swiss case suggests, the achievement of democratic legitimacy can act as a major centripetal force in keeping the centrifugal forces of the democratic challenge at bay. As such, the reasons why Belgium was far less receptive to a multifaceted voting space compound than Switzerland deserves special attention. Several sub-categories should be created to help explain this.

a. *Constitutional Political Philosophy*: As a breakaway from a monarchical regime, the Netherlands, independent Belgium set up its own monarchy alongside democratic institutions. Switzerland's past, albeit feudal, has no monarchical elements. On my account, any state emerging from a monarchical symbolic order is much more susceptible to an elitist interpretation of democracy than one which is not. Such a view finds support in how the Belgian and Swiss constitutions understand sovereignty, the one locating it in the nation and its representatives with the other identifying sovereignty with the people. Consistent with these understandings of sovereignty is the absence of any provisions for direct democracy in the original Belgian constitution and the openness of the Swiss constitution to such instruments. Although it took several decades for the optional referendum and citizens' initiative to become a reality at the federal level in Switzerland, its initial constitution already provided for uses of direct democracy when constitutional change was at stake, including provisions for a citizens' initiative to rewrite it entirely.

b. *Participatory Tradition*: Switzerland's *Landgemeinden* tradition among German cantons, just as its non-monarchical past, is relatively unique in modern European history, arguably playing a significant role in making its citizens and elites far more favourable towards a participatory interpretation of modern democracy than their Belgian counterparts. Indeed, we have seen that direct democracy developed in the cantons first, partly because of the population size of many cantons and the political experimentation allowed by its federal structure. In contrast to Belgium,

where the idea of provincial direct democracy was hardly entertained in such a centralised state inimical to the idea of a sovereign people, the Swiss Federal Assembly was densely peppered with parliamentarians who, having come through cantonal politics first, were sympathetic to the idea of direct democracy.

- c. *Referendum Experience*: Largely positive experiences with national direct democracy in Switzerland have ensured its development to become a ‘centrepiece’ of the political system (Kriesi and Trechsel 1996). Such experiences were especially important in the early days, when the legitimising and integrative function of the optional referendum spurred on calls for the introduction of the national citizens’ initiative. Belgium’s only experience of direct democracy, the Royal referendum, could not have been more negative and served as a most evocative (albeit misleading) way of illustrating the dangers of direct democratic devices in multilingual contexts.
- d. *Consensual Traditions*: Due to its religious cleavage, Belgium developed consociational practices that were naturally transferred to other major areas of conflict, including the socioeconomic and the linguistic cleavage. Belgium, in effect, started off with and continued to develop a consociational political culture. We have seen that, despite its frequent classification as a consociational democracy, Switzerland may more accurately be conceived as a competitive consensus democracy. Due once again to its decentralised regime, leaving religious matters largely to the cantons, the Swiss could pursue a majoritarian form of government for much of its early history. Switzerland had no policy area in which consociational practices dominated and could come to entrench themselves more deeply in the political culture. Its consensual nature was motivated primarily by frequent uses of the optional referendum.

Taken together, these considerations go a long way to explaining why Belgium is a consociation being pulled apart by strong centrifugal forces whereas Switzerland is a competitive and participatory democracy characterised by strong centripetal forces. Clearly, circumstances matter and there is no fool proof roadmap for how to navigate the democratic challenge since every multilingual political system is different. Nevertheless, this should not discourage us from using the lessons drawn from this account to understand other cases. In the remainder of this dissertation, I will be concerned with attempting to present more and less ideal models of democratic legitimacy for the EU. What is crucial to the development of

these models is our ability to say, informed by the account presented here, that the EU can be conceived as being in some way favourably positioned for the task of confronting the democratic challenge.

Part Four
Conclusion

Chapter 7

Modelling Centripetal Democracy for the EU

I Affirming the Comparison: Belgium, Switzerland and the EU

According to the LFT, multilingual political systems pose special problems for the quality of democracy and the sustainability of political integration since both of these appear to have a high degree of dependency on the ability of citizens to communicate with one another in a singular public sphere. In the Introduction to this dissertation, I suggested that there was good reason to believe that the cases of Belgium and Switzerland could yield valuable comparative insights for attempting to understand the extent to which the EU may be capable of dealing with the LFT in its efforts to evolve towards a more democratically legitimate political system. The aim of this concluding chapter is to demonstrate that this was not a foolhardy expectation.

Qua political systems, the three cases under study admit of comparison in a superficial sense. What makes their comparative potential sufficiently deep is the arrangement of their respective political communities and regimes. Some degree of state-centrism and lingua-centrism characterises each political community, while the corresponding regimes have been built around the need to cope with the centrifugal forces inherent in such diversity. Stated otherwise, the cases are defined by their respective attempts to manage a relationship between a demos of some kind and multiple strong demoi. The essence of this task is the effort to find a balance between the competences and powers of the centre and periphery which are perpetually open to question.

From the perspective of the question being pursued in this chapter, let us elaborate further on some of the most relevant similarities and differences between the cases. To begin with, the EU has 24 official languages and 28 member states. Its linguistic diversity is therefore well beyond that which we find in either case, although it comes somewhat closer to Switzerland, which has four recognised languages compared to Belgium's three. The

diversity of constituent-units in the EU, notwithstanding differences in scale, comes far closer to that of Switzerland which boasts 26 cantons in contrast to Belgium's three linguistic communities. We have seen that, unlike Belgium, neither Switzerland nor the EU quite meet all of the major consociational criteria though they may exhibit certain familiar consociational characteristics. Nevertheless, the technocratic and non-participatory nature of the EU regime brings it far closer to Belgian politics. In fact, while all three cases testify to a positive relationship between technocracy or conclusion and populism, whereby the former disfigurements feed the latter, the secessionist nature of most EU populism has somewhat more in common with the similarly secessionist rhetoric of Belgian populist narratives. In Switzerland, populism does not question the territorial integrity of the political system.

The organisation of Belgian electoral contests would seem to faithfully resemble that which we find in the EU. In both cases, elections are not run on a polity-wide basis, but by parties representing the sub-units on issues most relevant to these sub-units and within their respective public spheres. In Belgium, we find horizontal coordination between political parties operating within the French and Flemish communities, but there is no vertical structure. By contrast, in both Switzerland and the EU there is a vertical yet loose party structure. While the connection between Europarties and national parties is certainly much weaker than between federal and cantonal parties in Switzerland, the fact that such a vertical relationship exists in the former instance makes the Swiss party system an especially good parallel for that which we find in the EU. Concerning media structure, Belgium and the EU have most in common as there is no polity-wide media policy in either case. Both political systems allow their respective media systems free rein in formulating their general aims and specific programmatic content. The Swiss media system is relatively unified in its aims, which places some limits on programming, though the decentralised entities of the media system have an otherwise wide-ranging degree of freedom.

As Sinardet and Peter Bursens (2014: 260) point out, neither the EU nor Belgium were designed with issues of democratic legitimacy at centre-stage. Both political systems have sought to avoid the difficulties associated with (traditionally) competitive politics, the one seeking integration by stealth in a way consistent with the production of Pareto-optimal outcomes and the other aiming to stem the tide of disintegrative forces. We have seen that a concern for democratic legitimacy was one of the key factors explaining the development of the Swiss state and that this political system has, to date, had greater success in managing the LFT than Belgium. This is already a strong indication that the Swiss political system, which should not and could not be copied wholesale by any other political system, may serve as a

better sounding board for determining the extent to which the EU may become democratically legitimate in the face of the LFT.

The next section is charged with deriving a model of democratic legitimacy suited for EU demoi-cracy (II). This is followed by an account of the kind of representative politics and discursive integration that such a model is likely to engender (III). As we have seen, however, circumstances matter. Certain historical factors impacting on the respective political communities and regimes of Belgium and Switzerland have been important for explaining their ability to cope with the LFT. This does not mean that the EU should be limited by historical lessons drawn from the Belgian and Swiss cases. However, the extent to which the circumstances affecting the EU political community and regime are analogous to that which we find in the Swiss case will serve as a good indication of the EU's prospects for democratic development in the face of the LFT (IV). Following this discussion, I review a variety of less radical proposals for improving democratic legitimacy in the EU, identifying their strengths and weaknesses relative to the realistic ideal outlined previously (IV).

II A Realistic Demoi-cratic Ideal

Chapter Three demonstrated the descriptive potential of demoi-cracy as a concept for understanding the EU. Input legitimacy does not exhaust the normative scope of demoi-cracy, which like any other political system also requires an account of throughput and output legitimacy, yet it is developing a model of input legitimacy for the EU that is the goal of this section. What must be borne in mind at all times is how to balance the claims of both citizens and statespeoples as the normative subjects constituting the EU. First, I discuss the importance of more directly connecting citizens to executive formation in the EU as well as the need for a more coherent European party system. My second and third tasks are to explain what kind of direct democracy would be required in the EU when it comes to primary and to secondary legislation respectively.

Sometimes the weakness of any extant European demos is cited as a reason against far-reaching democratic reforms, the suggestion being that the EU lacks the kind of identity required to undergird robust democratic institutions. However, as both the Belgian and Swiss cases confirm, demos-formation is a highly malleable affair. In particular, democratic opportunity structures are key to incentivising political representatives to make claims directed towards common institutions of authority as well as for citizens to pay attention to these claims. As a core hypothesis of this dissertation expects, democratic legitimacy does

not presuppose a common identity but has the capacity to create such an identity in line with certain centripetal effects. Put differently, democratic structures are demos-enabling.

Executive Formation and the European Party System

Chapter Four criticised the European Commission for violating the democratic difference principle. Despite being constrained by the member states and the EP in various ways, the Commission unjustifiably escapes all voting spaces given the extensive powers that it wields. The prospect of connecting the Commission to a pan-European voting space, such as that which we find in the EP, is not precluded by the Treaties as such, though the German Constitutional Court in its ruling on the Lisbon Treaty has registered an implicit objection. According to this ruling, the EP does not represent a European demos but the member states collectivised, given the fact that EP seats are apportioned on the basis of digressive proportionality rather than the democratic norm where each person's vote is assigned an equal weight (2BvE 2/08: para 286).⁷² The implication is that only a reshuffling of seats in the EP that reflected more accurately the differences between member state populations could legitimate a Commission subject to popular elections. Of primary concern to the Court is the fact that, on the current arrangement, a Commission elected through the Parliament could in principle lead to a situation where the will of a minority of Europeans trumps that of the majority. Contrary to the Court, I believe that it may be justifiable to more directly connect the Commission to a voting space without changing the composition of seats in the EP. Put differently, and as I now attempt to demonstrate, allowing citizens a more direct say in EU executive formation need not infringe the equal rights of statespeoples.

Scrapping the principle of digressive proportionality in order to allocate EP seats more equally among Europeans would have the ill-effect of damaging the quality of representation for smaller member states which would be reduced to just one or two seats in the EP while larger member states significantly increase their share. As the Court notes in its ruling, a valid reason for maintaining digressive proportionality is to ensure that a spectrum of political views from each member state (no matter how small) are represented (2BvE 2/08: para 286). In agreement with Christopher Lord and Johannes Pollak (2013: 197), it is possible to maintain the virtues of digressive proportionality in the EP while at the same time ensuring that the Court's fears of minority rule are addressed. Currently, it is the European Council that proposes Commissioners and the EP which has the right to accept or reject them. Lord

⁷² For the English language version of the ruling, see http://www.bundesverfassungsgericht.de/entscheidungen/es20090630_2bve000208en.html, Accessed 22/02/2015.

and Pollak's proposal is to reverse these roles such that it is the post-election EP that nominates candidates and the European Council that has the right to reject them in accord with the Qualified Majority Voting (QMV) formula (55 per cent of member states representing 65 per cent of the population). Notice that, in this reversal, nothing is lost by way of equality between citizens' and statespeoples' control over the Commission. What would be gained by this arrangement is a far more democratically legitimate European executive insofar as it would be more directly connected to the ballot papers of citizens.

Before explaining the nature of these legitimation gains further, let us consider an alternative way of electing the Commission, namely without mediation by the EP. It would be possible for each member state to elect a Commissioner directly, at the same time as EP elections but in a separate ballot, in which case electoral campaigns for these institutions would (continue to) be run by national party systems. Whatever the initial appeal of such a proposal, its limitations become immediately apparent. As the Belgian case study demonstrated, there are major trade-offs in the quality of democratic representation when elections are contested by distinctive party systems. In such a scenario, representatives are incentivised to consider the concerns of their electorate only, whereas the electorate itself has no access to or interest in the representative claims animating the other public spheres. Executive formation thus becomes a difficult process, bound to disappoint the electorate, as each representative comes to the table with a different set of priorities and demands. Furthermore, electing just one Commissioner per member state, citizens cannot in any way influence how the remaining 27 seats of the Commission are filled.

Directly connecting executive formation to EP elections would likely institute an entirely different and more democratically satisfactory dynamic. Most importantly, as Luciano Bardi et al (2010) explain, direct competition for executive office in European elections would help to incentivise the formation of a stronger and more coherent European party-system. Under this arrangement, the charge would be to win a *European mandate*, and this could not be achieved solely by the limited scope of nationally run campaigns nor by the extremely brief and vague Europarty policy platforms that have characterised previous elections.⁷³ This is not to deny that national parties would still play a leading role in the electoral contests, just as the cantonal branches of federal parties are dominant in Swiss national elections. However, the national parties would need to run campaigns in a

⁷³ For example, the European People's Party 2014 electoral manifesto is less than five pages long and involves no concrete policy proposals beyond suggestions of common values centred around policy areas identified as priorities (<http://www.epp.eu/sites/default/files/content/documents/Manifesto%20with%20cover%20EN.pdf>).

coordinated way with the Europarties and on the basis of a more detailed and comprehensive Europarty platform.

A key part of this coordination would be the pre-selection of a favoured Commission President before the election by each Europarty.⁷⁴ The proposed Presidents would serve as a focal point of a pan-European competitive campaign, attempting to propagate the Europarty programme to the widest possible electorate. National parties would need to make known who is their favoured candidate as well as their Euro-party affiliation. The candidate of the largest party in the EP post-election would then choose her Commissioners with the approval of the EP and European Council. But this alone is not sufficient. Making European elections solely about the Commission President would only partly connect this institution to a voting space and thereby fail to fully undo its technocratic character.

Also crucial is the condition that appointed Commissioners, or the large majority, are themselves elected MEPs. In Belgium and Switzerland, and some member states of the EU, the possibility to include non-elected government ministers exists but is only practiced occasionally. The attempt to maximise citizen control over the decisions to which they are subject would seem to require that citizens do not just elect those who will choose a government, but that by virtue of electing candidates the citizens are themselves active in proposing candidates for government formation. Candidates with any ambition to occupy a seat in the Commission would need to make a credible commitment to their Europarty platform. Their appointment would be unacceptable to the rest of the EP if they are seen as building up an electoral profile premised on the particularistic concerns of their local or national context. To explain further, the only feasible Commission candidates would be required to run their electoral campaign on the basis of representative claims that are not necessarily limited to but nevertheless consistent with representing the citizens of Europe as a whole. This does not mean that MEP candidates must refrain from particularistic appeals to their national electorate. What is necessary is that these claims are not contradictory to a Europarty programme that claims to represent the interests of citizens as a whole for any candidate wishing to be considered for a role in the Commission.

Reconciling the need to advocate on behalf of a specific electoral constituency while at the same time pursuing the interests of the whole is the basic problematic of any parliamentary democracy (Urbinati 2006: 86). Recent research suggests that the EP already strongly embodies efforts to engage in reconciling the particular with the general, even when

⁷⁴ Indeed, such a procedure was first practiced in the 2014 EP elections. This will be discussed further below.

the Commission is not open to electoral competition. Most MEPs do not tend to vote on the basis of particularistic national concerns, but consider themselves as European representatives aligned in Europarties along a left-right dimension (Mair and Thomassen 2010, 28-9). As Simon Hix points out (2006: 15-16), moreover, voting blocks in the EP are significantly more cohesive than we find in the US Congress and only slightly less cohesive than we find in European national parliaments.

Like any executive, the Commission must be a group agent if it is to act cohesively. This requires all Commissioners agreeing upon a coherent policy programme. As is currently the case, the Commission President would have to take the lead in choosing his Commissioners, the difference under my proposal being that she would draw her personnel primarily from the EP itself. Under this arrangement, we can expect the Commission President to propose candidates from her own Europarty in an effort to ensure maximum ideological coherence in the Commission and ensure that the Europarty electoral platform can be effected. Yet to the extent that the European Council or the EP itself may not always agree with the President's choice, MEP's from other Europarties will likely be drafted into the Commission, requiring a compromise on the Commission policy programme, much as we find with all executive coalition arrangements.

Opening up the Commission to electoral competition in the manner proposed would likely go a long way towards reducing the second-order nature of European elections. The higher stakes of these elections will inevitably increase their salience among both political parties and citizens alike. National parties, knowing that their governments will only be able to choose Commissioners from the EP, will be more encouraged to field strong candidates for the elections and campaign more vigorously for the latter's electoral success. Strong candidates may mean electorally popular in some circumstances, but competence will also be a major factor in selecting whom to run given the combination of skills required to be part of an effective Commission.⁷⁵

Certainly, governments will want to see members of their national party affiliation appointed as Commissioners in negotiations with the Commission President and the EP, but to the extent that this will not always work out national opposition parties will want to have well-qualified representatives elected to the EP so that a reasonable alternative may be on

⁷⁵ I do not claim that elections are the best filters for competence. Surely, they are not. But, as democratically elected national parliaments across many countries in the world testify, elections are not the worst filters of competence either. There are no obvious reasons why a Commission drawn from the EP, and selected in conjunction with the EP and European Council, would not lead to a relatively competent Commission. This is especially true to the extent that parties will be encouraged to run competent candidates as it is only they that will have a realistic chance of meeting the standards of both the EP and European Council.

offer. Significantly, elections would not simply be a contest between possible Commission Presidents, but also a competition within each member state between those implicitly or explicitly presenting themselves as viable Commissioners. With these higher stakes, and greater cohesion between the Europarties and their national affiliates in search of a mandate, we can expect greater attention to European issues during Commission/EP elections.

As I briefly mentioned in Chapter Four, the 2014 EP elections saw the Europarties successfully reverse the role of appointing the Commission President by staging a competition for this position among candidates nominated by these parties. In this scenario, the EP proposed its favoured Commission President on the basis of election results, putting the European Council in the awkward position of having to choose between approving this candidate or rejecting the whole manoeuvre altogether in favour of reverting to the normal procedure (whereby the European Council proposes candidates and the EP approves or rejects them). This was an intriguing experiment in democratic politics, likely to be replicated in the future but by no means guaranteed without Treaty change codifying the new arrangement. Until this format for selecting the Commission President becomes firmly established, ideally as part of the constitutionalised opportunity structure, it is hard to determine the degree to which it will lead to a change in European politics. What does seem clear, however, is that its democratic impact will be very limited unless appointed Commissioners are drawn from the EP. To the extent that none of the current Commissioners were directly elected to the EP, despite being appointed by the “winner” of the 2014 elections in negotiation with the European Council and subject to EP approval, the democratic legitimacy of the Commission is still open to question.

There will be more to say about these suggested reforms at various points throughout this chapter, since they will be highly relevant to my later discussion on the prospects of greater discursive integration for the European public sphere. As we shall see, they also relate to my proposals for direct democracy in the EU. It is to these proposals that I now turn.

Direct Democracy: Primary Law

A demoi-cracy gives sole power over primary law to the member states deciding together by way of unanimity, since it is unjustifiable for any number of statespeoples to impose a binding constitutional arrangement on any other statespeople(s). Chapter Four explained that failure to hold national referendums on Treaty change was entirely contrary to the democratic difference principle, leaving as it does fundamental constitutional questions solely in the hands of representatives. While countries that do hold referendums on Treaty change may be

applauded,⁷⁶ certain inequalities are introduced in this scenario. Not only do those citizens who get to vote in a Treaty referendum have greater control over the European constitutional project than those who do not, the lack of simultaneity between those referendums that are held or scheduled to be held also produces distortions. These include the fact that positive results in earlier referendums will asymmetrically impact public debate on referendums held elsewhere later on, whereas negative results by earlier referendums will effectively cancel referendums yet to be held in other countries and the opportunities for public debate that it would have engendered.

Cheneval (2007) is a rare exception in tackling these issues head-on and in normative terms. Summing up his position, all member states should be required to hold referendums on constitutional change simultaneously whereas there must be a condition concerning unity of subject matter (as we find in Switzerland) whereby citizens can only be asked to vote on one issue at a time. This would essentially preclude the kind of myriad integration and reform projects built into previous Treaty changes requiring ratification. A major benefit of this approach according to Cheneval (2007:656), especially given that unanimity is the requirement for Treaty change to take effect, is that it vastly reduces the number of veto positions. As the cases of the Constitutional and Lisbon Treaty ratifications demonstrate, for example, different member states had different concerns (the Dutch worried about the increased symbolism of the EU, the Irish concerned about how certain clauses might affect its neutrality, etc.) and were willing to reject the Treaty on the basis of these.

However normatively convincing we find this proposal to be, its practical consequences may at first seem difficult to stomach for some. For one thing, it is easy to imagine how the unanimity requirement could become a source of nuisance and frustration, favouring the status quo and stifling any further constitutional reforms. For another thing, there may be good reason to reform large sections of the Treaties, while the number of changes required in response to evolving circumstances may lead to voter saturation or constitutional impotence as a backlog of urgent reforms mount up.

To address these concerns, I propose to nuance Cheneval's proposal somewhat by suggesting two modifications. First, not all Treaty reforms should be subject to mandatory referendums. TEU is understood to set out the basis of European law, explaining the nature of

⁷⁶ France and the Netherlands have typically held non-binding ad hoc plebiscites. While the impacts of these on national cohesion were benign, certainly aided by the existence of a singular national public sphere in these countries, we have seen from the Belgian case that plebiscites can be easily abused. Countries like Ireland and Denmark, which legally require binding referendums on constitutional change, deserve greater democratic plaudits here.

the political community and regime and the values underlying their interrelationship, whereas TFEU is a much more dense text that is limited by the TEU and articulated with a view to implementing the latter's goals. Mandatory referendums should therefore be restricted to TEU modifications whereas an optional referendum should be introduced for changes to TFEU. This would give representatives the freedom to tinker with the less salient aspects of European law, without oversaturating citizens, while ensuring that the latter nonetheless have a say on the more fundamental matters.

Also, we should not preclude the possibility of multi-issue reform of TEU, but rather follow the Swiss example of making such large-scale changes dependent on approval by the people. Through a suitably constructed citizens' initiative, or unanimity in the European Council, a simultaneous referendum in each member state on whether or not to allow the European Council to pursue a mandate of Treaty reform would be required. The newly negotiated Treaty would then need to be ratified by each member state via referendum. However, as the Swiss case suggests, such events may be less than once in a life time occurrences once a political system has reached a constitutional equilibrium such that its laws and institutions follow a coherent logic. And, as I argued in the beginning of Chapter Three, the EU appears to have approximated that point.

This proposal stands in stark contrast to Pogge's (1997) insistence, already mentioned in Chapter Four, that major Treaty reform should be subject to several rounds of single issue referendums presented on each occasion in a multi-pack whereby citizens get to decide directly on areas of integration as well as the EU's institutional configuration and procedures. As I argued in that case, the demands on citizen participation that such a process presupposes easily falls afoul of the democratic difference principle, which is just one reason why no project of such far-reaching popular consent has been undertaken anywhere in the modern world. So long as the peoples are consulted through the kind of more stripped-down referendum process proposed above, there can be no major democratic objections to allowing elected elites a generous role in the complex affair of constitutional (re-)design.

Some further considerations should also be mentioned in response to the concerns mentioned above. Once again drawing on the Swiss case, we can expect in the large majority of cases that citizens will follow the recommendations of their government and that a significant number of issues will not generate strong opposition from mainstream national parties or other political forces. So long as there is unanimity in the European Council over Treaty change, in that each head of state has committed its government to supporting the proposed primary legislation, the chances of meeting the unanimity requirement are by no

means slim. This is especially true insofar as the referendum has unity of subject matter, helping to ensure that the issue is well-debated and established as beneficial to or at least not-threatening to the member state constituency.

The most contentious issues are likely to be those that propose new forms of integration, often involving some transfer of competences from member states to European institutions. While we can expect these issues to appear infrequently, their difficulty in passing may encourage much greater use of the enhanced cooperation mechanism (TEU: Art 20; TFEU 326 and 334), which allows willing member states to forge ahead with projects in deeper integration under certain well-regulated conditions. To the extent that this possibility is a realistic one for the issue area in question, it could serve as a valuable release valve that allows member states wishing to pursue deeper integration to escape frustration from unanimity requirements. One important condition of the enhanced cooperation mechanism is that the cooperative clique remains permanently open to all other member states should they at some point decide to join. As such, the virtue of allowing experiments in integration does not suffer a trade-off with inclusivity.⁷⁷

Direct Democracy: Secondary Law

The direct democratic opportunity structure ought not be limited to primary law, but should be extended to cover secondary law also. Since secondary law is based on equality between citizens and statespeoples, rather than on equality between statespeoples alone, we can expect a rather different direct democratic arrangement. One of the most important differences is that no referendum on secondary law would need to be subject to a unanimity requirement, but could be decided upon on the basis of double majorities. The QMV formula already mentioned could be adapted here (cf. Papadopoulos 2006: 456), presenting a slightly higher hurdle to referendum success than we find presented by Switzerland's double majority requirement.

Optional referendums and citizens initiatives, of the kind employed in Switzerland, are the two main forms of direct democracy that should be developed for Europe's secondary law. European politics is already highly consensual and can be expected to generally continue in this way, even if there is increased competition for executive office. Introducing the optional referendum at this level is therefore unlikely to have the same kind of game

⁷⁷ On this point, the well-regulated conditions mentioned above may have to deal with potential problems of free-riding and too much cherry-picking. It may, for example, be correct to tie some enhanced cooperation agreements together as a bundle such that if a member state wants to join one it must join others. A country that wanted to join an integrated European tourism policy, for instance, may be required to join Schengen first.

changing impact that it has had in helping to constitute Switzerland's relatively consensual form of politics. However, both the optional referendum and citizens' initiative can be expected to give greater control over law-making to citizens while empowering a variety of actors in different ways as intermediaries in this democratic process. In particular, national parliaments, the European Parliament and grassroots CSOs may be empowered by these new mechanisms of direct democracy insofar as it is these actors that would regularly play big roles in collecting signatures for both optional referendums and citizens' initiatives while at the same time contributing to the campaign surrounding a popular vote.

To see how this is so, let us consider how the European Citizens Initiative (ECI) mentioned in Chapter Three has been instituted. While this device may be seen as more of a petition than an actual form of direct democracy in which the citizens have the final say, its design is generally well attuned to best practices in the use of binding citizens' initiatives worldwide (Cuesta-Lopez 2012: 266). Analysing this mechanism, including the institutional dynamics to which it has given rise, should therefore prove instructive concerning the likely impacts of introducing a multifaceted voting space of the Swiss type at the European level. Clearly the ECI has learned from the Swiss case, and indeed there was a vocal Swiss lobby advocating the inclusion of this device in the Lisbon Treaty (Hrbek 2012: 372), yet there are intriguing differences with the Swiss model that can be seen as responsive to the EU's peculiar democratic make-up.

Of particular note is that any one million citizen signatures will not do in order to declare an ECI successful, but that they must come from at least one-quarter of EU member states.⁷⁸ The minimum threshold is the number of seats to which a given country is entitled in the EP multiplied by the total number of seats in the EP minus its President (i.e. 750).⁷⁹ Furthermore, only a committee with a minimum of seven members is capable of launching an ECI, yet unlike Switzerland once again each of these members must be from a different member state.⁸⁰ Such proportionality measures are to help ensure, within the practical constraints determined by the kind of diversity and scale constituting the European political community, that the ECI has a potentially wide support base among European citizens at large and is not simply an issue with resonance in an unreasonably small number of member states. A binding citizens' initiative that goes well beyond the mere ECI petition, the former

⁷⁸ Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the Citizens' Initiative: Art 2.1.

⁷⁹ Ibid, Art 7.2.

⁸⁰ Ibid, Art 3.2.

requiring a direct people's vote on the issue in question, would do well to maintain such provisions as laid out in the ECI.

Those CSOs who lobbied for the introduction of and have so far used the ECI offer an indication of which kind of CSOs will be empowered by the introduction of an optional referendum as well as a binding citizens' initiative put to direct vote by the people. As we saw in Chapter Four, there is no shortage of CSOs in the EU, though they are considered to be "astroturf" organisations. Their main role is to advise and lobby the Commission on behalf of constituencies with which they have little grassroots relationship and correspondingly little media attention. It was more publically visible and grassroots CSOs, previously outsiders in dialogues with the Commission, who were responsible for pushing through the ECI and who have begun to use it (e.g. Greenpeace, Friends of the Earth) (Bouza Garcia 2012: 338-9). Such organisations have the international network power required to make effective use of an ECI. This does not mean that CSOs already well-established at the European level will be overtaken by these new entrants, but that it is unlikely that the former will be capable of maintaining a purely technocratic character. The legitimacy gained by CSOs capable of launching an ECI may be a general threat to the status of CSOs more oriented to Commission dialogue. This is especially true if the former manage to launch a (successful) ECI within the domain of the latter (Greenwood 2012: 333). Competition of this nature may encourage CSOs with different approaches within the same policy field to work more closely together, while it may even incentivise those who lacked international grassroots network power to orient themselves towards building it up.

Such speculations work off the generous assumption that the ECI will prove to be a device that can make some kind of policy difference or at least set the agenda in some way. Whether or not this proves to be the case will depend a great deal on how the European institutions receive ECIs in the coming years. Nevertheless, the main point is that introducing instruments of direct democracy that go beyond the ECI will serve to greatly strengthen the dynamics whereby grassroots CSOs become a much greater force at the European level. It is reasonable to assume that, as in Switzerland, CSOs and other political forces with the capacity to launch optional referendums and citizens' initiatives will in fact play a greater role in deliberating with the Commission than those who do not have such a threat potential.⁸¹

This brings us to the two other actors that the introduction of an optional referendum and citizens' initiative can be expected to empower in the EU, namely the EP and national

⁸¹ However, to the extent that the Commission budget remains limited and any executive requires external consultancy, it will continue to need the valuable expertise of CSOs that do not have a grassroots basis.

parliaments. Returning to the ECI experience for a moment, this device has hardly attracted the attention of Europarties or national parties, whose time may be better spent attempting to influence policy through parliamentary means rather than expending considerable resources for more limited and uncertain payoff. At most, to date, there have been individual MEPs involved in committees who have launched an ECI (Hrbek 2012: 379). Nevertheless, as we have seen from the Swiss case, it is political parties and governing authorities that are best placed to take charge of genuine direct democratic processes such as the optional referendum and citizens' initiative. Not only are they required to take a position for or against a particular vote, and campaign for what they think is best on each occasion, the potential to influence legislation through a vigorous direct democratic opportunity structure (when other avenues fail) may incentivise political parties to become relatively regular users of these mechanisms.

As always, Europarties could not act alone but would require the mobilising resources of their national constituent parties. However, as a coordinating body, the Europarties would be in an especially good position to organise an international signature collecting campaign and subsequent debate preceding an eventual vote. Generally speaking, we can expect minority Europarties to launch both optional referendums and citizens' initiatives since it is they that will struggle the most in blocking legislation and shaping the agenda in the EP. Interestingly, and just as we find in Switzerland, a national party in a majority Europarty may find itself in the minority at the national level and vice versa. Thus, whether or not national government or opposition parties are for or against any given motion will depend on the member state in question. This dynamic suggests the potential formation of stronger ideological coordination between the Council and the EP since dissatisfied Europarties may at least sometimes overlap in their membership with representatives of member state governments who were outvoted in the Council on the same important issue(s).

Signature collecting thresholds and time-limits for both optional referendums and citizens' initiatives would need to be carefully set (through trial and error if necessary), considering the need not to oversaturate the European agenda with direct votes while bearing in mind that citizens also have local and national political arenas demanding their attention. Certainly, though we can expect several direct democratic European-wide votes on an annual or bi-annual basis, they need not and perhaps should not reach the Swiss average. One European vote date per year carrying up to three or four separate issues may approximate the

kind of opportunities for citizen participation in Europe required by the democratic difference principle.⁸²

Yannis Papadopoulos, who also advocates a citizens' initiative on EU secondary legislation but does not speak about the potential role of an optional referendum, suggests that there should be a double quorum of votes required for a direct democratic vote to pass. This quorum he believes, generally in line with Michael Netwitsch (1998), should amount to 50 per cent of the total Union population and 30 per cent in two-thirds of each member state. Papadopoulos' reasoning is that, without a quorum, there is a risk that proactive minorities will hijack the direct democratic process in the face of an apathetic public. Initially, there is some appeal to this argument, but once we reflect upon how turnout for direct votes is generated the dangers of a quorum become apparent.

As the Swiss case illustrates, while there is a stalwart population of consistent voters, turnout beyond this relatively few 20 per cent or so of eligible voters is highly correlated with the intensity of the campaign. Placing a quorum on votes, which doesn't exist in Switzerland, could have the perverse effect of incentivising major political parties who are against the proposal from simply not campaigning so as to ensure an insufficient turnout. The higher the quorum, the lower the risk that the quorum will be reached despite a lack of campaigning, and the more like it is that this strategy would be used by opposition parties. From the perspective of centripetal democracy, which aims to stimulate discursive simultaneity across a political system, a quorum of the kind proposed by Papadopoulos and Netwitsch could be extremely counter-productive in taking the steam out of public debate. If a quorum was deemed necessary, then it would have to be much lower than they suggest, making abstention from campaigning a high risk strategy for opposition parties.⁸³

The ECI is more likely to generate a feat of transnational communication and coordination than a way of achieving the democratic purpose. Even though a successful

⁸² It must be admitted that holding European-wide referendums would not be a cheap affair in terms of capital and human resources. Yet it is difficult to put a price on the value of democracy as a good in itself. Even for pragmatic reasons, doing a cost-benefit analysis is difficult since any cost-effective regime requires minimum complications by way of enforcing compliance. A regime perceived to be democratically legitimate is much more likely to meet with compliance from those who may be disadvantaged by particular decisions (Van Parijs 2015). Costly democratic procedures may therefore be justified solely on efficiency grounds. In any case, it is not clear that annual or bi-annual European voting dates would prove especially burdensome to the kind of economies we find in the EU. In the event of high costs, or simply in the name of efficiency, internet or postal voting are just some ways of reducing these. Indeed, the vast majority of Swiss citizens cast their direct ballots through the postal service while internet voting is being introduced at the cantonal level (Serdült 2014: 76).

⁸³ The maximum quorum that would nevertheless not discourage intense campaigning among opposition parties would, I expect, amount to 30 per cent of the EU population and 20 per cent in two-thirds of EU member states. We must remember that, given citizens' tendency and right to exercise their reserve and virtual influence by abstaining from a vote, low turnout is not obviously a sign of active minorities usurping the agenda or even of voter apathy.

signature collection campaign will touch many more people than the million or more who actually contribute their signature, this still constitutes only a tiny percentage of the European population. This constraint would not be very significant if citizens in general could become involved in the process at some point. However, once the ECI is submitted it simply retreats to the recesses of supranational governance much like any other piece of legislation. While the ECI is an encouraging start, it is only by replacing it with more substantive direct democratic procedures that European citizens at large can gain greater access to European decision-making.

This is not to say that European institutions will not play a central role in formulating the proposal and dealing with citizens' initiative committees. Indeed, if elected in accord with my proposal in Section II of this chapter, the central role given to European institutions in overseeing the direct democratic process should make European elections even more salient and less second-order. That is to say, by giving the Commission and Europarties a more publicly visible role in facilitating the law-making process, citizens may come to attribute more importance to European issues and personnel at election time. I do not wish to deny that turnout may still remain at unimpressive levels for these elections, similar to what we see in Switzerland, but merely that they are more likely to be about the relevant kind of issues. This is what is at stake with the second-order problem.

III A New Representative Politics and the Maturation of the European Public Sphere

Having sketched the kind of institutional changes required to transform the EU into a democratically legitimate political system, let us assess in greater detail the kind of representative politics it is likely to engender and the impact it may have on the process of discursive integration between the European public spheres. The question is whether or not a democratically legitimate EU could in principle have sufficient centripetal effects to overcome the LFT in this context. As we shall see, within certain limits, the EU could meet with the same kind of success that has characterised the Swiss case in dealing with the centrifugal forces characterising the existence of linguistically distinct public spheres in one political system. Whether or not the development of centripetal democracy in the EU is a likely prospect will be dealt with in the next section.

Visible Power and Identity-formation in a Less Populist EU

As I argued in Chapter Two during my discussion of legitimate democratic representation, there is a virtuous circle between democratic control and the visibility of power in the sense

that the kind of representative politics a democracy opportunity structure incentivises will make the seat of power visible to citizens, allowing them in turn to exercise greater democratic control with the understanding gained from this visibility. The problem of invisible power did not emerge as a major concern in the Swiss case whereas it was found to be somewhat problematic in Belgium, largely as a result of the latter's consociational-style politics and effects related to the split party system. Yet the deficit of invisible power in the EU by far exceeds that which we find in Belgium, suggesting that a lot of ground can be gained in making power visible through a media system and citizenry that sees a particular set of institution as constituting their main terms of political reference. Except at especially salient moments, a democratic EU is unlikely to ever be viewed in this way, and must therefore rely almost exclusively on the kind of representative politics that democratic institutions incentivise to make power visible.

From the various hypotheses generated in Chapter Four concerning the EU's democratic deficit, we saw that the only one which was disconfirmed concerned the media's unexpectedly high level of attention to EU affairs, partly as a result of the professional ethics internal to journalism to report on important events. On the basis of this evidence, we can say that European national media systems are well-placed to respond to the politicisation that comes with a more democratic EU. What is currently missing is citizen demand for information on European events, the European elite public being smaller than national elite publics and the European general public being less interested than national general publics. This was referred to as the deficit of audience attention.

By making European elections much more salient and the introduction of direct instruments of democracy for both primary and secondary law, it would be entirely surprising and contrary to evidence from the Swiss case if the media supply and citizen demand for information on European politics did not significantly increase. Part of the reason for the deficit of audience attention, as I argued in Chapter Four, was due to the absence of a grassroots civil society which resulted in a deficit of representative breadth in the public sphere where only the most powerful actors found a European media presence. By empowering grassroots CSOs through instruments of direct democracy, we can expect this particular deficit to become much less acute, having further positive consequence for audience attention to EU affairs.

Overall, the expected dynamic is that an opportunity structure in line with the democratic purpose would incentivise elected and unelected political representatives to mobilise citizens, primarily through media engagement. Meanwhile, the opportunity to vote

encourages citizens to become attuned to the public debate on which they are asked to make their judgment through the act of voting. As I argued in analysing the Swiss case, direct democracy is the most reliable institutional means of motivating representatives to engage in the virtues of critical trust-building, good gatekeeping and fair-mindedness. It provides them with an effective means of bringing important issues directly to the attention of citizens, whereas the need to win the approval of a wide electorate incentivises the establishment of mutual relations across the respective constituencies of MEPs and national parliamentarians.

Despite the confusion and manipulation often associated with referendums on European integration, at least since they began to come back negative against the wishes of governments and Euro-elites (Altman 2011: 57), research on the basis of Eurobarometer data has indicated that citizens in those countries which had Treaty referendums were better informed about the EU than their counterparts (Benz and Stutzer 2004: 41, 44). This serves as further tentative evidence in support of my expected effects of democratic opportunity structures on the visibility of power in the EU context. Holding referendums on both primary and secondary law generally limited to single issues as suggested above is much more likely to focus debate, avoiding confusion, while nevertheless maintaining incentives for representatives to supply relevant information and citizens to demand it.

Importantly, as my understanding of centripetal democracy predicts and the Belgian and Swiss cases illustrate, participation in democratic votes has an identity-creating effect. By the nature of the question presented by any given ballot, citizens alike are required to vote on their future together, creating collective intentionality among them as being part of the same political project. What the Belgian and Swiss cases make perfectly clear, however, is that the nature of public discourse surrounding a vote is even more important for determining the nature of citizens' collective intentionality than the performative effects of voting itself. I have already argued that modifying Europe's electoral voting space so that it is fully connected to executive office would stimulate relatively coordinated Euro-centric political campaigns in search of a mandate for the Europarties. Moreover, the need to convince a supermajority of the European population to vote for or against a particular motion in direct democratic campaigns would likely motivate further coordination administered by the Europarties. The Commission itself would play an important role during these periods, much like the Federal Council in Switzerland, disseminating information to the wider public and making its recommendation on how to vote.

A further lesson from the Belgian and Swiss case studies is that reinforcing cleavages can be a significant obstacle to the centripetal forces of representative politics, whereas cross-

cutting cleavages are much less likely to create centrifugal tendencies. As I have already indicated, the left-right cleavage dominant in most EU member states has replicated itself as the chief cleavage on the European level. If this is correct, then the development of a European party system would already seem to be in a good position to help undermine the LFT for it would be based not on national or linguistic differences that divide member states but on ideological cleavages that unite cross-sections of their respective populations. The introduction of direct democracy at the European level should also contribute to forging cross-cutting cleavages by highlighting various points of tensions depending on the issue in question.

Nevertheless, a salient lesson from the Belgian case that would be hazardous to ignore is the capacity for differences in objective circumstances between constituent units of the political system to stoke centrifugal forces. Relative to the difference in socioeconomic development between the average European country and the average country often referred to as developing or emerging, differences in socioeconomic development across European states are not so stark. Nevertheless, there are still wide gaps on socioeconomic indicators between many European countries. Member states are typically willing to accept the provisional basis of these differences, on the assumption that being part of the EU will allow poorer countries to develop their socioeconomic base and wealthier countries to at least maintain their standard of living. The problem is when the EU itself or particular members of it can be seen as helping to perpetuate or even increase differences in wealth between member states.

The manner in which the recent financial crisis has been managed by European institutions and the dominant member states has produced an outcome whereby some states have become locked into long-term debtor and others into a long-term creditor position. This is a major step towards developing potentially toxic centrifugal tendencies, whereby some member states see themselves as potentially permanent losers of European integration relative to other member states, making European politics a much more fraught affair. Maintaining such a state of grievance runs the risk of providing grounds for secession, which may be pursued by traditional governing parties or exploited for populist gain. A crucial task for the EU, if it is to curtail centrifugal forces of this nature, is to minimally ensure that the socioeconomic gap between member states does not increase.

There is a sense in which this is more a problem of output than input legitimacy and so does not fall explicitly within the scope of this dissertation. Ultimately, dealing with the problem of rising inequality between member states may involve the transfer of greater redistributive competences to the European level. Such a transfer is hindered by the current

lack of democratic credentials attributed to the EU as well as the thinness of a European demos that is lacking the kind of solidarity between citizens and territorial units usually associated with centralised redistributive competences. Democratising the EU along the lines proposed in this chapter would go a long way towards eliminating the first obstacle while at the same time strengthening the European demos in a way that might make the transfer of greater redistributive competences to the supranational level a more palatable prospect. Improving the quality of EU democracy would seem to be both a practical and normative requirement for achieving a more equitable Europe.⁸⁴

Socioeconomic hardship is one sure reason for the rise of populist parties (and even anti-democratic political forces), yet all three case studies in this dissertation confirm a direct link between technocracy and collusion between elected elites on the one hand and populist disfigurements of democracy on the other, whereby the activities of the former serve as a frame of mobilising critique for the latter. In other words, it appears that conceptions of democracy that prioritise outcome over process will provide a large part of the narrative resources that fuel populist challenges. Indeed, crucial to the rhetoric of populist parties to emerge from countries hit especially hard by the euro-crisis has not just been the socioeconomic situation that these member states are facing but the technocratic and non-democratic manner in which the situation has been managed by European institutions in collusion with national governments. This does not mean that a democratically legitimate EU may not still be a target for some forms of populism, the available argument being that “democracy would be better practiced within the confines of ‘our’ homogeneous country and not in consensus with those with which we have nothing in common”. The point is that we can expect such rhetoric to be much less appealing in an EU with impressive democratic credentials on display.

The Possibilities of and Limitations to Discursive Integration in the EU

By making the EU more visible through participatory means with identity-creating effects, we can see that a major impact of transforming the EU from a regime of elitist governance to a regime defined by democratic government would be to strengthen the European demos. In other words, democratic opportunity structures are demos-enabling, not in the sense that they will eliminate the state-centric and lingua-centric qualities of the European political community but that they will weaken their demos-constraining effects (see figure 3.1;

⁸⁴ For a more elaborated version of this argument, see Lacey (2014a: 79-80).

Chapter Three). This does not at all entail forging a European demos that is stronger than the member state demoi, which would be highly unlikely given the enduring sovereign importance of and citizen attachment to the latter. As I argued in Chapter Three, demoi-crazy is compatible with a more or less strong demos that is nevertheless secondary to the demoi which remain the dominant frames of political reference for citizens while serving as the vessels through which an overarching demos is derived and mediated.

Considering the magnitude of Europe's linguistic diversity and its associated nationalisms, could a multifaceted voting space compound of the kind I am proposing for the EU realistically produce a process of discursive integration that is at least structurally similar to that which we find in the Swiss example? Habermas (2001, 17-8; 2009, 183), for one, does not seem daunted by the EU's linguistic diversity when it comes to the prospect of discursively integrating the public spheres through a democratically induced process of discursive will formation. According to him, a process of this kind can take place so long as the linguistically distinct public spheres focus upon the same topics at the same time so that they ultimately become more responsive to one another. What is lacking from Habermas' writings, however, is an account of what democratic mechanisms could perform this function and how they might do so. His account is limited to gesturing towards a greater politicisation of European parliamentary politics, perhaps along the lines mentioned in the previous section. In the remainder of this section, I discuss how this proposal as well as the introduction of direct democratic votes could approximate the kind of discursive integration we find in Switzerland and which Habermas has in mind.

We have seen from Chapter Three and Four that there is already a significant European communicative space. Indeed, despite problems of visibility and representative breath, there are encouraging levels of vertical and horizontal communication in Europe. This is particularly true for vertical communication which has doubled from 1982 to 2003, with less impressive levels of horizontal communication remaining stable over this period (Sifft et al. 2007: 136, 142). Vertically, we already know that the most powerful actors dominate political discourse in the EU, just as in any other political system. Horizontally, we must consider that political power is roughly proportioned to population size in the EU and on this basis we can say that the most powerful public spheres will generally be the main object of focus of all the others. Indeed, media analysis corroborates this point by showing that France, Germany and the UK receive by far the most attention from less powerful public spheres (Sifft et al 2007: 136, 142). Lacking a lingua franca, we should not expect a multifaceted voting space of the kind I am proposing to forge a common European discourse, at least not

in a way that approaches the level of commonality we often find in unilingual federal states. Rather, what my model of democratic legitimacy for the EU may greatly contribute towards achieving is the progressive *maturation* of both vertical and horizontal trends of communication.

On this view, the vertical dimension is at the heart of discursive integration insofar as it regularly synchronises national public spheres by providing them with a common object of discourse. We already see a similar phenomenon occurring in weak fashion as every now and then a salient issue, usually dictated by the EU policy agenda, will be addressed at the same time by national media systems (Trenz 2004: 305). The kind of voting space compound I am advocating for Europe synchronises the public spheres in a much more substantive way by frequently ensuring that the citizens are confronted with the same issues at the same time. Without direct democratic opportunities, it is much less certain that citizens, representatives, or national media systems will be capable of the coordination required to ensure some kind of synchronised discourse among European citizens. Left without a democratic opportunity structure robust enough to focus the attention of all these actors, discourse in the respective public spheres will proceed according to a much more random pattern.

If the responsiveness of Switzerland's public spheres are anything to go by we can confidently assume, slightly dashing Habermas' high hopes (2009: 183), that the horizontal dimension would make only modest contributions towards discursive integration in Europe. While the most powerful public spheres will receive greatest attention, we can reasonably hypothesise that there would be many departures from this norm. First, due to institutional arrangements or the contingency of political events, there will likely be occasions on which different member states punch above their weight by holding an unusual amount of political power at a certain time and on a specific issue.⁸⁵ Second, perceived issue salience will likely differ between national contexts so that the responsiveness of one public sphere to another will depend on how they stand in relation to each other on an issue of mutual concern.⁸⁶ Third, because of factors like geographic, cultural or linguistic proximity certain public spheres will be more likely to pay attention to one another's discourse even if political power or issue salience are not major factors.

⁸⁵ For example, just as small cantons can hold great sway on popular initiatives due to supermajoritarian rules that require a majority of the cantons and the people, so will there be cases in which a peripheral country (or countries) will be in a disproportionately powerful position on different occasions.

⁸⁶ If one state in a significant position of power on a particular issue, for instance, takes a stance on an issue which is contrary to the interests of another state then the latter will be inclined to pay a disproportionate degree of attention to the relevant discourse in the former.

In light of these considerations, we can see that Europe's linguistic diversity brings a certain complexity to the interaction between public spheres. Effectively, a multifaceted voting space compound would mean that different public spheres will be disproportionately and intermittently responsive to one another. What is important, however, is that a European-wide party system is capable of managing both vertical and horizontal aspects of discursive integration such that distinct public spheres can approach a shared system of meaning centred around common European institutions. Indeed, without some degree of strategizing and coordination between national parties via Europarties, the ability to manage elections and direct democratic campaigns in a coherent manner with some chance of success would be an entirely unrealistic prospect.

IV Democratic Legitimacy in the EU – a Likely Scenario?

From the account presented here, it appears that there are no inherent obstacles to a democratically legitimate multilingual EU. A high degree of democratic legitimacy, tailored to the EU's democratic make-up, could produce those demos-enabling centripetal forces required to keep the logic undergirding the LFT from taking hold. What I have been advocating is a realistic ideal of democratic legitimacy for the EU. However, an ideal that is realistic in terms of serving as a goal in tune with basic facts of human nature and known institutional dynamics, is different from the likely achievement of that ideal. As we have seen from the Swiss and Belgian cases, there are certain conditions that make the development of democratically legitimate institutions more and less likely. In what follows, I suggest that the EU has only a mediocre score on this count.

The first thing to note is that, unlike Switzerland, most EU member states have traditionally operated with a relatively elitist interpretation of democracy, which is sceptical of direct democracy but enthusiastic about parliamentary representation. We can expect, therefore, that opening up the Commission to electoral competition would be the most achievable proposal discussed in this chapter. Certainly, member state governments (themselves parliamentary representatives) have found it difficult to resist the arguments of MEP's for an increase in the EP's powers over the last decades – from the initial establishment of EP elections, to powers granting the EP the right of censure over the Commission, to the recent move making the Commission President electable through the EP.

To the extent that most member state representatives, including MEPs, have little experience with or interest in substantive direct democracy it is not clear from whom the demands for these institutions would come. As we have seen from the Swiss case, direct

democracy developed in cantons with a historical participatory assembly tradition as a means of breaking the feudalistic-style elitism that characterised representative democracy at this level. These mechanisms, moreover, were gradually extended to the federal level largely in an effort to break the hegemony of the Radical “federal barons”. On the basis of this analysis, it would be curious if direct democracy of the style being proposed in this chapter could develop at the EU level without mass demand from below and the prior establishment of direct democratic institutions at the national level. Certain factors count against this likelihood, while others are somewhat more favourable.

The well-documented dissatisfaction with representative institutions in Europe over the last decades, partly due to the hollowing out of national democracy through EU membership, provides a space wherein new claims for democratic empowerment become credible at both the national and European level. This situation is not without parallel in 19th Century Switzerland. The question is whether or not this space is likely to be occupied by well-founded demands for greater direct democracy or to be exploited by populism. Given the absence of something like a *Landgemeinden* tradition or general historical experience with direct democracy, the chances that a direct democratic movement capable of capturing the popular imagination could develop would appear to be low. Though more true for some member states than others, receptivity to the introduction of robust forms of direct democracy at the national and European level would seem to depend on finally and fully overcoming the symbolic hangover embedded in the standard modern elitist understanding of democracy inherited from the Ancien Regime.

Nevertheless, the EU is not without an advantage in having 28 idiosyncratic member states. In Switzerland, direct democracy was not adopted by the cantons simultaneously or evenly. Rather, it spread from one to the other over time, even reaching those French and Italian-speaking cantons with no *Landgemeinden* tradition. In principle, should just one or two member states begin to positively develop more robust direct democratic institutions in response to the current crisis of representative democracy, the likelihood of these practices extending to other member states will increase. We have already seen signs of this dynamic in successive Treaty ratification since the early 1990’s. While just four countries had previously held referendums of some form on one or other Treaty agreements between the Single European Act in 1986 and the Treaty of Nice in 2001, the Constitutional Treaty provoked referendums to be scheduled in ten member states. Indeed, when only Ireland held its initial referendum on the Lisbon Treaty (correctly perceived by the masses as but a mild

watering down of the failed Constitutional Treaty), governments in many other member states were heavily criticised in some quarters for failing to do the same.

For the moment, it is populists that have been most able to take advantage of growing disaffection with modern representative institutions. While these political forces sometimes promote power to the people through direct democracy, this is typically done in a perverted way. The implication tends to be that direct democracy would be a means of furthering the populist party's agenda, which is in any case presented as equivalent to the will of the "real" people that would be appropriately expressed if only given the chance. Undoubtedly, there is a vision of direct democracy and a way of institutional design to help fulfil populist aims. Though not itself a populist party, the manner in which Christian Democrats were able to use the promise of an *ad hoc* referendum to pursue its electoral goals is just one illustration of the potential for the inappropriate use of direct democratic instruments to have profoundly negative consequences. A populist vision of direct democracy can only but increase scepticism of such institutions among less radical political forces. What is required for the credibility of direct democracy as a means of greater democratic legitimacy and political integration is a sufficiently large movement arguing for the virtues of direct democracy, as a major improvement on existing representative institutions, in a non-populist fashion and in accord with international best practices.

Lacking a multifaceted voting space organised in line with the democratic purpose, the EU's ability to generate sufficient centripetal forces to deal with the LFT is very much curtailed. Even so, we have seen that not everything depends on the development of highly democratic institutions when it comes to managing the LFT. There are also certain conditions affecting both the political community and the regime that make the centrifugal forces characterising the LFT more or less severe. I have explained that Switzerland boasted far more favourable conditions than Belgium in being able to cope with this phenomenon. As I shall now argue, reflecting on the list of considerations presented in the Conclusion to Chapter Three, the EU situation comes closer to that of Switzerland than it does to Belgium.

Let us begin with factors relating to the design of the European regime. First, like Switzerland, from its beginnings the EU had little option but to pursue a strategy of linguistic accommodation rather than linguistic standardisation. The lingua-centrism of sovereign member states has guaranteed the need to grant all European languages an equal legal basis. As such, there has been no bitterness-inducing struggle for language rights in the EU. Second, and again in much the same way as Switzerland, there has always been a high degree of decentralisation in the EU. Crucially, the EU has nothing other than supporting

competences in areas related to culture and education, the member states maintaining wide jurisdiction over these areas. Insofar as EU membership has been criticised as a threat to national or cultural identity, the consensual nature of European law-making makes it difficult to see any one member state as embodying this threat. There is indeed a growing public perception of German dominance in the EU, but this is within the limits of European competences, having little to do with feelings of linguistic or other forms of cultural encroachment.

Moving on to factors associated with the political community, there are undoubtedly higher and lower status languages in the EU with English, French, German, and to a lesser degree Italian and Spanish having the greatest European and global reputation. To the extent that these languages, especially English and French, are most used in European institutions there is some potential for feelings of inferiority and superiority between linguistically distinct member states. However, the cases of Rhaeto-Romansh and Italian in Switzerland may be instructive here. Keenly aware of its almost vanishingly small minority status, Rhaeto-Romansch demands for linguistic recognition have been slight and speakers of this language have been typically willing to learn two of the other national languages. Swiss Italian-speakers are in a much stronger position, but still a clear minority. Their linguistic demands are relatively extensive, yet its members are typically willing to learn at least one of the other national languages, while representatives primarily speak in French or German in parliament.

We find a similar pattern in the EU, whereby smaller languages realise that it is unrealistic to expect their language to play a major role in European politics, their citizens thus not indignant about asymmetrical language learning. More likely is conflict between members of the high status language groups, and those who already speak one of these as a second language but not the other, sparked by jealousies over their relative degrees of domination in European politics. Increasingly, this appears to be little more than a source of mild and occasional irritation among elite European French and English speakers only, with little resonance among other speakers of these languages.

Unlike Belgium, the EU does not suffer from a bipolar logic whereby one language group can be seen as enforcing a strategy of linguistic homogenisation on the others. It is possible that one language becomes a lingua franca, not just at the level of elites, but throughout European society. As I discuss further in the next section, English is the only language likely to occupy this position. In such an event, it is not the UK and Ireland that can be seen as pursuing Anglophone dominance. Rather, the spread of English appears to follow

a natural path-dependent logic following from its increasing dominance not just in Europe but across the world. Yet unlike Belgium and Switzerland, the size of language groups does not seem to have much to do with perceived linguistic threat. The vast majority of official EU languages can be seen as self-sustaining in that there is no other language that poses a visible threat to their linguistic integrity. Smaller linguistic groups, such as Sweden, Denmark or the Netherlands appear to be as comfortable with the protection provided by the territoriality principle as larger linguistic groups, such as Germany, the UK and Italy.

In the previous section, the main considerations concerning Europe's cleavage structure were already discussed. Summarily, the EU has been relatively fortunate in not manifesting reinforcing cleavages, although this comfortable position is under threat by the capacity of the emerging debtor/creditor cleavage to encourage citizens in affected member states into a deeper retrenchment within their respective public spheres. Unsurprisingly, while the Euro-crisis has at least temporarily politicised Europe and thereby made its institutions provisionally visible to an unprecedented degree, it has led to a more state-centric rather than a Euro-centric attitude. The obvious lesson here is that not just any way of making institutions visible will have centripetal effects – it is only the politicisation that comes with democratic institutions that has a realistic chance of generating sustainable demos-enabling communication within a multilingual polity.

Finally, we have seen that the sentiment following both World Wars made a noteworthy difference to relations between the language groups in Belgium and Switzerland, with mass feelings following the more recent war serving as the most important determining factor. Contrary to these cases, there was bitterness among many Europeans towards one another following both wars. Yet the EU comes closer to Switzerland here simply by virtue of the fact that the experience of WWII was transformed into something positive for the prospects of integration in both contexts. While the aftermath of WWI left Europe little by way of sustainable peace and prosperity, WWII served as the basis of a reconciliation between Europeans that has since been led to polity-building uninterrupted by the threat of war between its members.

V Are there Alternatives?

This dissertation has argued for a particular conception of democratic legitimacy, attempting to make the case that it is in principle possible for a multilingual political system that sufficiently embodies the democratic purpose to deal with the LFT with which it is faced. Yet certain circumstances may more or less contribute to the power of centrifugal forces

embodied in the LFT, whereas there can be more or less significant obstacles to the development of institutions that come close to fulfilling the democratic purpose. Centrifugal forces provoked by the existence of distinctive public spheres do not seem to be worryingly powerful in the EU as of yet. And although a more democratic Commission and coherent Europarty system does not seem far-fetched, the prospects for developing direct democratic institutions (certainly in the short-term) do not look good. In that case, are there no alternatives? Is it not possible to engineer the European political community and its regime to meet higher standards of legitimacy while at the same time dealing with the centrifugal forces predicted by the LFT? I will not now offer a complete review of all the various proposals for addressing these problems of legitimacy and diversity in the EU. Nonetheless, it is worth discussing at least some of these to illustrate their limitations.

Van Parijs' special concern for the LFT has led him to focus on proposals for changing the conditions of communication among the European political community by establishing English as a *lingua franca*. Indeed, a situation in which the vast majority of Europeans were competent in English as a second-language would go a long way to curtailing the effects of the LFT. I use the word "curtail" here rather than "eliminate" because state-centrism and a degree of *lingua-centrism* (given that most citizens' first language will not be the *lingua franca*) would certainly not vanish in this scenario. That is to say, the EU's *demoi-cratic* nature ensures the existence of distinctive public spheres, even when polity-wide communicative conditions are lubricated by a *lingua franca*.

In a sophisticated series of arguments that will not be reproduced here, Van Parijs (2011: Chapter One) insists that the superior network power of which the English language boasts produces a dynamic that incentivises an increasing number of citizens to learn English as a second-language rather than any other. This, he believes, makes the spread of English as a European *lingua franca* inevitable in the long-term. On this basis and other intriguing grounds, he believes that the benefits of a *lingua franca* for Europe justify policy measures that would accelerate the spread of English, fast-tracking it to *lingua franca* status. A ban on dubbing English language media, for example, is suggested on the basis of empirical evidence as one of the most surprisingly effective and efficient ways of making this possible (Van Parijs 2011: 115).

Yet lessons from the Belgian and Swiss case derived from this dissertation would urge us to proceed with extreme caution when it comes to purposeful interference with language competence. The important question is who is doing the interfering and on what grounds. Should the peoples of Europe, together or separately, democratically decide that it

would be both prudent and just to accelerate the spread of English then there may be few serious objections against strategies to achieve this end. To the extent that a lingua franca for Belgium and Switzerland has never been entertained as a serious possibility, the vast majority of citizens exhibiting a strong attachment to their native language and desiring to keep politics in the vernacular, we may wonder just how likely the popular endorsement of strategies to accelerate the spread of English would be. There are two other possibilities, however, based on elite rather than popular fiat.

In one scenario, the EU may decide to implement lingua franca policies with the consent of national governments through the Council. This would clearly be a poor strategy. We have seen that non-interference in linguistic and cultural policy has been an important explanatory factor in Swiss integration, whereas the desire for competence in these areas served as the initial impetus for a federalised Belgium. Any kind of language policy agreed upon at the European level runs the risk of major backlash, not only in being arrived at within institutions lacking democratic legitimacy but also in being easily construed by opposition forces as violating member state autonomy in a highly sensitive policy area.

But what about a second scenario in which member state governments one by one gradually and unilaterally decide on pro-lingua franca policies without seeking popular support from their citizens. This strategy may be more effective, if difficult to justify on democratic grounds, yet it is not immune from the same kind of backlash we find in the previous situation. The justification for these policies would in large part be based upon the benefits it would give to the member states in question within the context of European integration. Once again, the EU could be easily construed as a villain, creating political pressures that not only hollow out national sovereignty but also the national culture. In other words, albeit indirectly, the EU could be seen as producing an undesirable logic of integration that interferes too much with cultural policy in the member states.⁸⁷

⁸⁷ It is worth noting that Van Parijs' claim concerning the inevitability of English becoming Europe's lingua franca is by no means a certainty as there are significant empirical observations that may serve as sources of doubt. For example, crucial to his view is that a lingua franca spreads through incentives for greater interaction between individuals who don't speak the same language. He cites a Eurobarometer (2006) report showing that the proportion of Europeans competent in English as a second language is far greater than any other language. However, as I explain in more detail elsewhere (Lacey 2013: 4-5), he does not draw attention to other aspects of this report, namely the sociological properties of multilingual Europeans. These persons are described as most likely to be young, well-educated, growing up in a multilingual context, in a managerial position or a student, and motivated to learn (Eurobarometer 2006: 10). It is not at all clear from Van Parijs account how English will naturally spread among those many Europeans who do not fit this profile. What would motivate a less educated manual worker whose native language is not English to learn the latter? Very likely there will be little about her professional or social life that would require it? With such social hurdles potentially placing limits on the degree to which English may spread, placing its status as "inevitable" lingua franca in doubt, there are even fewer grounds on which its artificial acceleration could be justified.

Summarily, although democratically endorsed lingua franca policies would be a major boon to the European integration project, the likelihood of achieving such consent is doubtful. At the same time, this strategy has its limitations in curtailing rather than eliminating the centrifugal forces predicted by the LFT. The achievement of a lingua franca in Europe, in any case, would only lubricate the conditions for democratic legitimacy rather than bring them about. Institutional improvements of the kind proposed in this chapter would still be required. While I have admitted the stark hurdles that the implementation of such a democratic framework would face, are there institutional tweaks for improving the quality of democracy in the EU that may be more realisable in the short-term?

One proposed tweak that has generated significant interest is the prospect of European deliberative assemblies, while others relate to the potential for developing a pan-European electoral district in the EP. Concerning the former, the Europolis project was a gigantic experiment in deliberative polling prior to the 2014 European elections. Through expert facilitated discussion groups, composed of citizens randomly selected across EU member states in accord with a formula for ensuring as far as possible a good sociological representation, it was demonstrated that Europeans speaking different languages from different member states were well able to meet high standards of deliberation on the issues discussed (Fishkin and Luskin 2014). This is an interesting finding, exhibiting results of the kind demonstrated by cross-community experiments performed in Belgium (Caluwaerts 2012).

There are potential benefits to instituting an issue-based advisory deliberative assembly since it may assist representatives in decision-making that is better attuned with the concerns of ordinary people under good deliberative conditions. However, there is nothing especially democratic about such assemblies. As I argued in Chapter Two, the selection of individuals by lot to perform some representative function has nothing to do with democracy, which is concerned with the expression of collective will through the aggregation of individual value judgments. Furthermore, it is not clear exactly what aspect of the democratic deficit instituting a deliberative assembly would resolve since there is no new opportunity structure created to sufficiently mobilise the resources of representative actors or the participation of the wider citizenry.

According to Claus Offe (2014: 434) in his assessment of the Europolis experiment, ‘the use of referenda on substantive policy issues is advocated by, among others, populist parties and protest movements. In contrast, deliberative theorists are interested in a logically antecedent process. Before preferences can be expressed, they must have been formed’. This

comment brings us back to my critique of deliberative democracy in Chapter One, helping to illustrate the inherent limits to proposals for deliberative assemblies. Offe is correct in stating that opinion-formation comes before the act of voting in a referendum, but what this misses is the manner in which a voting space structures and instigates the process of opinion-formation. It is hard to see how a deliberative assembly could even come close to stimulating the mass kind of opinion formation process which salient electoral or direct voting opportunities have the capacity to incentivise.

If the democratic improvements offered by advocates of deliberative assemblies do not offer us much to be enthusiastic about, what are the prospects for adjusting the EP voting space without going so far as making the entire Commission electable? To go some way towards addressing the democratic problems suffered by Belgium, especially in light of its dual party system, Deschouwer and Van Parijs (2009) have proposed the creation of a much discussed inter-community federal district for national elections. The idea is that, in the absence of realistic prospects for the full reunification of the Belgian party system, the parties from each side of the language divide would nevertheless be incentivised to take into consideration the interests of the other language community if these parties are to maximise their potential to win seats within the new electoral district.

Given the national frame of Belgian politics, the developed party systems which have experience of working together closely and the limited linguistic diversity characterising this political system, Deschouwer and Van Parijs' (2009) proposal or a version thereof would seem workable within this context.⁸⁸ Although the EU does not share these advantages, variations of this proposal have been developed, the most prominent suggesting a supranational electoral district. This proposal was spearheaded by then UK MEP Andrew Duff (2010), suggesting an additional 25 seats in the EP for which citizens would be entitled to cast a second-ballot. The desired effect is the strengthening of Europarties who would be tasked with managing this electoral district, the introduction of properly European-wide representatives, and perhaps with time the eventual expansion of this electoral district to include more MEPs. Such effects may be even more pronounced if it was from this district that the Commission President was drawn, presenting Europeans with a much more visible contest for executive power and thereby establishing a firmer electoral relationship between citizens of Europe taken as a whole and those who govern them (Van Parijs 2015).

⁸⁸ For extensive discussion, and critiques, of this proposal see Re-Bel Book 4 (2009): <http://www.rethinkingbelgium.eu/rebel-initiative-files/ebooks/ebook-4/Re-Bel-e-book-4.pdf>.

Gesturing towards a comparison with the EU, Deschouwer and Van Parijs (2009: 18) conclude their proposal concerning a federal electoral district for Belgium with the following reflection: ‘Such institutional engineering is not a losing battle against the democratic imperative of linguistic homogeneity. It is an essential part of the *piecemeal* shaping of the sort of institutions that the countries and super-countries of today’s world will increasingly need’ [italics mine]. “Piecemeal” is the operative word in this statement, recognising as it does that in normal circumstances there will be many obstacles to far-reaching institutional change, especially in political systems requiring a high degree of consensus. Proposals for a European electoral district would be a definite improvement on the current democratic arrangement in the EU, and possibly achievable in the short-term, yet their piecemeal nature is not in doubt when considered against the realistic democratic ideal presented in this chapter. They are, however, steps in the direction of this ideal and should therefore be welcomed from a longer-term strategic perspective.

While we can easily find proposals for other forms of piecemeal change, focusing on supranational or national representative political arenas (e.g. Hix and Hagemann 2009; De Wilde 2012; Bright et al. forthcoming), there is a radical alternative that I have not addressed. I refer here to the partial disintegration of Europe, returning for the first time some competences to the member states, as suggested by UK Prime Minister David Cameron in a 2013 speech on the future of Europe.⁸⁹ Whether or not such a monumental change in the trajectory of EU integration history is desired by European citizens, or desirable for its overall consequences, is not a question that I take up here. A less powerful EU may mean that member states are more open to the vagaries of world markets and international power politics, yet it is hard to deny that returning competences to the national arena is one reliable way of ensuring that citizens can enjoy greater influence over the laws to which they are subject. Certainly, one reason for the Swiss refusal to join the EU is the correct popular perception that the supremacy of EU law will restrict the range of issues on which Swiss citizens can vote. Possibly, the institutionalisation of a compensatory multifaceted voting space compound at the European level would assuage these concerns. Maintaining the democratic status quo, or being unable to go beyond it, makes the arguments of Cameron and those in line with his views increasingly difficult to dismiss as disaffection with European union continues to grow.

⁸⁹ <http://www.theguardian.com/politics/2013/jan/23/david-cameron-eu-speech-referendum>.

The Argument in Summary

This dissertation was motivated by the purported problems of democratic or input legitimacy facing the EU – a discussion primarily confined to academia and the elite spheres of EU political life, until the recent financial crisis when Europe’s democratic credentials became a much more public concern. The dissertation dealt with one of the greatest challenges to the achievement of democratic legitimacy in this political constellation, namely the existence of distinctive public spheres. According to the *lingua franca thesis on sustainable democratic systems*, or what I have called the LFT for short, the absence of a common language to facilitate public debate will lead to centrifugal tendencies that make the functioning of democratic institutions difficult and ultimately risk unravelling the political system. The expected logic of the LFT is that multiple public spheres will create different socio-political identities with their own distinctive range of preferences, systems of meaning and interpretations of events. Such differences, it is predicted, will inevitably lead to clashes in preferences that crystallise around these linguistically demarcated identities in a way that makes democratic practice a very strained affair. Frustrations of this kind open up a space wherein persuasive arguments for the devolution of powers to the linguistically defined identities can be made. Out of such circumstances, calls for secession become more likely and may even begin to take on an attractive sheen for one or more of these identities.

If the EU is to have a chance of achieving democratic legitimacy, it must be capable of keeping the centrifugal tendencies expected by the LFT at bay. The central question is, under what conditions is this possible, if any? To give an empirically substantiated answer to this question, a large part of this dissertation aimed to understand the democratic performance of political systems composed of linguistically distinct public spheres. Before explicitly taking on this task, however, it was necessary to give precision to the idea of democratic legitimacy. This was done in the two chapters composing Part One.

The first chapter argued that the dominant paradigms of democratic theory, competitive and deliberative democracy, give us either a too realist or too idealist conception of democratic legitimacy. In pursuit of a realistic ideal, I explained how any real democratic process presupposes a voting space (compound) – or set of binding rules that make the act of voting a meaningful possibility – which serves as the basic structure of a public sphere for discursive participation. Any ideal of democracy was necessarily constrained by the basic conditions for a democratic process. The ideal of democracy, referred to as the democratic purpose, was defined as maximising citizens’ equal opportunities for control over the decisions to which they are subject and was found to have three principles: the principle of democratic equality requiring equal basic needs, equal voting rights and equal democratic

liberties; the democratic difference principle entailing that all increases in control over the decision-making process of some citizens above others must contribute to an increase in control over this process for all citizens; and the principle of maximum voting opportunities insisting on the need for a multilevel and multifaceted voting space compound.

Any account of democracy would be hopelessly incomplete without an understanding of how political representation constitutes democracy while at the same time being conditioned by democracy. Chapter Two explained how representative claims were the life force of democratic systems, establishing a link between the citizen audience and the seat of power through the intermediary voice of elected and unelected representatives. It was explained how the opportunity structure created by a genuine democratic process incentivises representative claims that play the crucial role of making the contours of the political system (its institutions and actors exercising power) visible in the public sphere. This visibility, in turn, is a *sine qua non* condition for fulfilment of the democratic purpose since citizens cannot practically control what they do not see.

The democratic purpose was found to set a standard for the quality of representation, requiring the enactment of three virtues: critical-trust building (ensuring that citizens are alerted to and consulted upon the most important issues), fair-mindedness (requiring that representatives advocate for their particular constituency in a way that is consistent with protecting the democratic entitlements of the whole) and good gatekeeping (establishing mutual relations with as many parts of the constituency as possible). The institutionalisation of a multilevel and multifaceted voting space compound was identified as a powerful incentive structure for the most important representatives on the democratic stage to enact these virtues, namely elected representatives organised in a party system. Nevertheless, the prospects for the democratic purpose to be corrupted by styles of party political representation that operate within a democratic process were highlighted. These included, most importantly for my purposes, technocracy, collusion and populism. All three were found to run against the virtues of democratic representation in major ways.

With an understanding of the realistic ideal of democracy, and the kind of representation that is expected to follow from it, it was possible to reflect on one special phenomenon often associated democracy, specifically its ability to peacefully resolve conflict. Elaborating on this common observation, I outlined the concept of centripetal democracy, referring to the integrative effects that a legitimate democratic process has the capacity to engender and relies upon when all other things are equal. These centripetal effects centred on citizens expected collective intentionality in a legitimate democratic system, that

is, the manner in which citizens may be conscious of themselves under institutions that approach the democratic purpose and the representative claims that are encouraged by these institutions.

The centripetal effects directly related to the voting space compound concerned a) the performance of voting through which citizens are encouraged to think of themselves as part of a common project and b) the non-fixity of power instituted by the regularity of voting which encourages the losers of votes to peacefully accept their loss in hopes of victory on another occasion. Centripetal effects directly related to a democratic public sphere include i) its ability to promote inclusion by allowing for the expression of representative claims that resonate with various cross-sections of the political community and ii) the ability for a stable set of actors (i.e. mainly political parties) with the help of the media to maintain a shared system of meaning across the political community such that citizens are exposed to the same range of conversations in the same kind of ways.

With my account of democratic legitimacy and centripetal democracy in place, it was possible to provide a democratic assessment of my case studies. Part Two of this dissertation looked at the EU. Chapter Three focused on providing a descriptive analysis of the EU political community and regime, identifying it as a *demosi*-cracy. This concept was not understood to be in opposition to the single *demos* associated with the idea of democracy, but was seen as including political systems constituted by strong multiple *demosi* and a weak overarching *demos*. What makes one *demos* stronger than another, it was determined, is the extent to which citizens identify with its institutions as their main frame of political reference. The EU, it was argued, exists with a weak supranational *demos* that is derived from and mediated by the national *demosi*.

On one hand, it was explained that the EU political community is both state- and lingua-centric to a high degree, which ultimately constrained the development of a European *demos* such that citizens are generally ignorant of their institutions of authority and of one another. On the other hand, the EU regime was described as being constituted as a dual compound regime in which the sovereign location of authority and corresponding institutions and procedures involved differ depending on what kind of legislation is at stake. The particular manner in which the EU regime has been managed was determined to be highly *demos*-constraining, foregoing as it does much by way of a direct authorisation/accountability relationships with citizens. Effectively, as it was indicated, the EU regime has manifested itself as governance without government.

Chapter Four explored the nature of the EU's democratic opportunity structure further, this time from a specifically normative perspective. Arguing against those who see the EU's governance regime as desirable or satisfactory, it was explained that the EU's democratic credentials leave much to be desired even if it is not without some significant achievements in this regard. The key findings of this chapter are as follows. While the Treaty ratification process was found to have significant democratic problems, citizen's lack of control over secondary legislation was identified as being especially inadequate. Aside from direct elections to the EP, which are generally run on national rather than European issues partly due to their low perceived salience, the EU was deemed to have a paucity of voting spaces. Failure to more directly connect the Commission to the democratic process was considered especially problematic. Given these shortfalls, there is little possibility of European institutions receiving a credible mandate from the people of Europe.

One of the main ill-effects of Europe's shallow opportunity structure, I explained, is the lack of representative claims capable of making the seat of power visible to the citizen audience. Overall, the EU was understood to embody the disfigurements of democracy entailed by technocracy and collusion among political elites. Interestingly, in this case, EU technocracy and collusion proved to be major narrative resources for another perversion of democracy, namely populism. More surprisingly, and counter to expectations, the empirical evidence finds that the media are not slack in reporting on EU affairs, even if this is mostly done with reference to the most powerful figures and mainly with regard to legislation only when it begins to affect national interests. The deficit of audience attention, whereby citizens fail to be vigilant of European institutions, was not put down to poor media coverage but the low incentives for attentiveness to a level of decision-making with a shallow opportunity structure.

If this part of the dissertation helped to identify the precise senses in which the EU is democratically deficient, Part Three aimed to offer a sounding board that could help determine the prospects for the EU to develop democratically in light of the dynamics predicted by the LFT in political systems with multiple public spheres. Chapter Five focused on the Belgian case study. Here the LFT received much corroboration since the once centralised multilingual Belgian state found it increasingly difficult to operate democratically as political differences crystallised around the linguistic cleavage that increasingly came to define the political community. The segregation of the media and party systems along linguistic lines in the 1960's as well as the relatively non-participatory consociational style of government ensured that a high standard of democratic legitimacy and the centripetal effects

it is expected to engender were largely foregone in this case. The Belgian political community is in a state of discursive drift, lacking the institutional means to maintain a sufficiently shared system of meaning between the respective public spheres.

The Swiss example told a very different story in which the distinctive linguistic groups have managed to live side by side under one of the most democratically legitimate political systems in the world. This case study served to corroborate my view that democratic legitimacy, being constituted by a multi-level and multifaceted voting space compound structuring a public sphere of discursive participation that goes a long way towards securing the principle of democratic equality, can have major centripetal effects on a political community. The regular act of voting together ensures identification with the democratic process among citizens while the public spheres are relatively synchronised in a shared system of meaning managed by a loose and decentralised multilevel party system. In other words, the Swiss political community has the institutional resources to ensure a sustained process of discursive integration between the public spheres.

The democratic and related integrative success of Switzerland compared to Belgium, however, was recognised as a historically conditioned affair such that the former was in a much better position to deal with the centrifugal forces predicted by the LFT than the latter. Most importantly, given the strong attachment of citizens to cantonal sovereignty going back centuries, the emergent Swiss state in the 19th Century had little other option than to be a highly decentralised federation that gave full respect to the linguistic and cultural autonomy of the cantons which were in any case populated by high status and therefore well respected languages. Belgian elites who were predominantly francophones, by contrast, had a bias towards linguistic standardisation which they felt justified in acting upon in light of the inferior status of Flemish dialects compared to French. And, given the centralised nature of the original Belgian state, they were in fact capable of acting on their bias. By still encouraging the development of Dutch as a secondary language, however, Belgian liberalism opened up the space wherein a Dutch language movement could initially develop and gradually evolve in response to continuous francophone refusals to grant linguistic rights. Because the linguistic cleavage in Belgium was bipolar, with each language community large enough to appear threatening to the other, it became increasingly likely that a multiplicity of issues could chafe off and exacerbate the linguistic tensions.

When it came to the development of direct democracy, Switzerland also found itself in a comparatively advantageous position. Not only was it able to benefit from the political experimentation afforded by a federal structure, with the first cantons instituting direct

democratic devices exhibiting positive effects, there was a participatory tradition of assembly style direct democracy in the German cantons on which to draw as a historical precedent. Furthermore, Switzerland was never subject to a monarchical symbolic order and so unlike most of the rest of Europe was less subject to a strictly elitist interpretation of democracy. Belgium, by contrast, was firmly rooted in a monarchical symbolic order (even now maintaining a King as Head of State) ensuring an elitist interpretation of democracy. Not having a participatory tradition to draw upon, Belgium's only experience with direct democracy in the Royal referendum was enough to sour elite and popular taste for any form of direct democracy at the national level.

On the basis of these case studies, the LFT was found to be a formidable thesis. Not even in the Swiss example was there a sense that the centrifugal forces predicted by the LFT had been defeated once and for all. Nevertheless, this case did demonstrate that it is at least possible to keep such forces at bay under certain conditions. While the future democratic development of the EU should not be limited to the lessons learned from Belgian and Swiss political history in dealing with the LFT, they serve as among the best available sounding boards for determining the conditions under which the EU could become more democratically legitimate in the face of potentially powerful centrifugal forces.

Chapter Seven was charged with determining whether or not the EU could institute a system of centripetal democracy capable of combatting the centrifugal forces expected by the LFT. In providing a model of democratic legitimacy for this political system, partly inspired by the Swiss case, I suggested three major reforms consistent with the equality of citizens and statespeoples as the constituent-units of the EU. Broadly stated, these were a) opening up the entire Commission to electoral competition through the EP with a privileged place for the role of Commission President in forming a coherent executive body with the approval of the Council b) a system of direct democracy specifically for primary law with provisions for mandatory referendums on changes to the TEU; optional referendums on changes to TFEU; and mandatory referendums on total revisions of the Treaty framework with an initial vote giving permission to change this framework and a second vote to sanction these changes and c) a system of direct democracy for secondary law composed of an optional referendum and citizens' initiative. The decision-making rule for direct votes on primary law was unanimity among all member states, whereas the standard QMV formula used in the Council (55 per cent of the member states representing 65 per cent of European citizens) was deemed appropriate as a threshold for direct votes on secondary law.

Although national parties would still be the forerunning arms of both national and European-level politics under this model, a major strengthening of Euro-parties is predicted. Not only does an electoral race for the Commission demand a more coordinated form of campaigning and ideological coherence that could only be achieved by Euro-parties, it is these entities that are best positioned to manage the kind of international cooperation required to launch or win popular European votes. The institutional model I propose for the EU would go a long way towards dealing with the EU's democratic problems. By attempting to maximise citizens' control over the decisions to which they are subject at the supranational level, we can expect the seat of power to become more visible to citizens as representative claims from a wide variety of actors and citizens' attention are increasingly directed towards this level of government in a way that is commensurate with the power it yields.

So long as it remains a multilingual democracy, the EU will continue to have demos-constraining elements in both the arrangement of the political community and the regime. However, the centripetal effects of a democratically legitimate regime are expected to be substantial. By regularly voting on issues of common concern, Europeans will be encouraged to develop a supranational collective intentionality by deciding on the Union's future of which they are a part. The emergence of a stronger Euro-party system in managing these votes, moreover, would help to ensure that the process of discursive integration structured in large part by a multifaceted voting space compound would be reinforced by a shared system of meaning.

This model of democratic legitimacy I labelled as a realistic ideal, meaning that it does not make utopian assumptions. It is, rather, based upon striving beyond the status quo within the limits of realities concerning human nature and the functioning of real political systems. A realistic ideal, however, is by no means easy to achieve. While the aforementioned realities may be compatible with the functioning of this ideal, they may nevertheless be the very thing that obfuscates its achievement. Concerning the political probability of the EU instituting the model of democratic legitimacy I have presented, there are reasons to be both optimistic and pessimistic.

On the optimistic front, achieving a Commission fully subject to EP elections is clearly not a pipe dream. Every decade has seen the EP increase its power and the position of Commission President is already tentatively and informally linked to the outcome of EP elections, while proposals for a supranational electoral district are being taken seriously. To the extent that elites in the main European institutions are or have themselves been parliamentarians, their continued sympathy to demands for greater empowerment of the EP

are favourable to this empowerment. More pessimistically, despite the advantage of having the same kind of horizontal experimental benefits as federal systems as well as the institutionalisation of the ECI (a plausible pre-cursor to direct democracy), the development of direct democratic institutions in the EU is difficult to foresee. Demands for such institutions, as the Swiss case suggests, must come from below. And to the extent that most member states do not have strong traditions of direct democracy, while at the same time endorsing an elitist interpretation of democracy, it is not clear from where these demands will come.

If centripetal democracy in the EU is a long way off, should we expect the centrifugal dynamics predicted by the LFT to consume this political system? Certainly, this possibility cannot be written-off, yet some of the most important conditions that made these forces so strong in the Belgian case do not seem especially pronounced in the EU. In particular, the EU has had minimal direct interference in the language or cultural policies of member states, whereas all the main European languages receive equal treatment at the European level. The EU, therefore, does not visibly threaten the linguistic integrity of national languages any more than they appear to threaten each other. However, there are two major threats to European integration that were also present in the Belgian case.

The first concerns the lack of democratic legitimacy in the EU, which was identified as a rich narrative resource upon which populist parties can mobilise electoral support against the EU. Without a technocratic regime supported by undemocratic collusion between elected elites to criticise, it's not clear that the populist United Kingdom Independence Party would have been so successful in pressuring the governing British Conservative party to commit to holding an in/out referendum on EU membership 2017 after an attempt by Prime Minister David Cameron to negotiate a less integrated Europe. The second relates to the potential for national cleavages to be reinforced by other cleavages, such as the emerging tension between creditor and debtor countries. Just as in Belgium, where Walloons feel entitled to fiscal transfers and the Flemish establishment resents being strapped to making such payments, we find debtor nations claiming entitlement to solidarity and creditor member states feeling that such claims are improper. In this scenario, the public spheres are liable to go their own way in a radical fashion, making conflict resolution a painful and unsatisfactory affair for all involved. Such frustrations, and perceptions of unfairness on all sides, ultimately open up a space wherein representative claims concerning the viability of the EU as it stands begin to look credible. In particular, those most dissatisfied with the current arrangement may begin to explore what lies beyond the threshold of an exit from the Union.

References

Abizadeh, Arash. 2012. On the Demos and its Kin: Nationalism, Democracy and the Boundary Problem. *American Political Science Review* 106 (4): 867-82.

Act concerning the election of the members of the European Parliament by universal suffrage. 1976. <http://www.europarl.europa.eu/sides/getDoc.do?type=REPORT&mode=XML&reference=A7-2012-27&language=EN#title2>, Accessed 27/05/2014.

Almond, Gabriel A. 1960. *The American People and Foreign Policy*. New York: Praeger.

Altman, David. 2011. *Direct Democracy Worldwide*. Cambridge: Cambridge University Press.

Ankersmit, Frank R. 1996. *Aesthetic Politics. Politics Representation Beyond Fact and Value*. California: Stanford University Press.

Auel, Katrin and Arthur Benz. 2007. Expanding National Parliamentary Control: Does it Enhance European Democracy? *Debating the Democratic Legitimacy of the European Union*, edited by Beate Kohler-Koch and Berthold Rittberger. Plymouth: Rowman and Littlefield Publishers.

Bächtinger, André and Jürg Steiner. 2004. Switzerland: Territorial Cleavage Management as Paragon and Paradox. *Federalism and Territorial Cleavages*, edited by Ugo M. Amoretti and Nancy Borneo. Baltimore: John Hopkins University Press.

Barankay, Iwan., Pascal Sciarini, and Alexander H. Trechsel. 2003. Institutional Openness and the Use of Referendums and Popular Initiatives: Evidence from Swiss Cantons. *Swiss Political Science Review* 9 (1): 169-99.

Barber, Benjamin. 1984. *Strong Democracy. Participatory Politics for a New Age*, Berkeley: University of California Press.

Bardi, Luciano, Edoardo Bressanelli, Enrico Calossi, Wojciech Gagattek, Peter Mair, and Eugenio Pizzimenti. 2006. *How to Create a Transnational Party System*. European Parliament Directorate-General for Internal Policies. Available from <http://www.eui.eu/Projects/EUDO-OPPR/Documents/StudyOPPR-PE.pdf>, accessed 18 March 2012.

Bartolini, Stefano. 2006. Should the Union be “Politicized”? Prospects and Risks. *Politics: The Right or the Wrong Sort of Medicine for the EU?* Notre Europe, Policy Paper No. 19.

Bartolini, Stefano. 2010. Taking “Constitutionalism” and “Legitimacy” Seriously in *EU Federalism and Constitutionalism: The Legacy of Alterio Spinelli*, pp. 11-33, edited by Andrew Glencross and Alexander H. Trechsel. Plymouth: Lexington Books.

Bauböck, Rainer. 2003. Multilevel Citizenship and Territorial Borders in the EU Polity. IWE Working Paper Series No. 37, pp. 1-21.

- Bauböck, Rainer. 2009. Global Justice, Freedom of Movement and Democratic Citizenship. *European Journal of Sociology* 50 (1): 1-31.
- Bauböck, Rainer. 2015. Morphing the Demos into the Right Shape: Normative Principles for Enfranchising Resident Aliens and Expatriate Citizens. *Democratization*. DOI: 10.1080/13510347.2014.988146.
- Bédoyan, Isabelle, Van Aelst, Peter, Walgrave, Stefaan. 2004. Limitations and Possibilities of Transnational Mobilization: The Case of EU Summit Protests in Brussels, 2001. *Mobilization: An International Journal*, 9 (1), pp. 39-54.
- Béland, Daniel and André Lecours. 2008. *Nationalism and Social Policy: The Politics of Territorial Solidarity*. Oxford: Oxford University Press.
- Bellamy, Richard. 2006. Between Past and Future: The Democratic Limits of EU Citizenship in *Making European Citizens: Civic Inclusion in a Transnational Context*, edited by Richard Bellamy, Dario Castiglione and Josephine Shaw. Houndmills: Palgrave Macmillan.
- Bellamy, Richard. 2011. Democracy without Democracy? Can the EU's Democratic "Outputs" be Separated from the Democratic "Inputs" Provided by Competitive Parties and Majority Rule? in *Political Representation and European Union Governance*, edited by Peter Mair and Jacques Thomassen. London: Routledge.
- Bellamy, Richard. 2013. "An Ever Closer Union Among the Peoples of Europe": Republican Intergovernmentalism and Democratic Representation within the EU. *Journal of European Integration*, 35 (5): 419-516.
- Bellamy, Richard and Dario Castiglione. 2013. Three Models of Democracy, Political Community and Representation in the EU. *Journal of European Public Policy*, 20 (2): 206-23.
- Bellamy, Richard and Sandra Kroger. 2014. Domesticating the Democratic Deficit? The Role of National Parliaments and Parties In the EU's System of Governance. *Parliamentary Affairs*, 67 (2), 437-57.
- Benz, Matthias and Alois Stutzer. 2004. Are Voters Better Informed when they have a Larger Say in Politics? Evidence from the European Union and Switzerland. *Public Choice*, 119: 31-59.
- Bernhard, Laurent, Hanspeter Kriesi and Edward Weber. Forthcoming. The Populist Discourse of the Swiss People's Party. *European Populism in the Shadow of the Great Recession*, edited by Hanspeter Kriesi and Takis S. Pappas.
- Besson, Samantha. 2006. Deliberative democracy in the European Union: Towards the Deterritorialization of Democracy in *Deliberative Democracy and its Discontents*, edited by Samantha Besson and Jose Luis Martí Marmol. Aldershot: Ashgate.
- Billiet, Jaak, Bart Maddens and André-Paul Frogner. 2006. Does Belgium (Still) Exist? Differences in Political Culture Between Flemings and Walloons. *West European Politics*, 29 (5), 912-32.

- Billiet, Jaak. 2011. Flanders and Wallonia, Right Versus Left: Is this Real? *Right-wing Flanders, Left-wing Wallonia? Is this so? If so, why? And is it a Problem?*, edited by Bruno De Wever. Re-Bel e-book 12. <http://www.rethinkingbelgium.eu/rebel-initiative-files/ebooks/ebook-12/Re-Bel-e-book-12.pdf>, Accessed 15/12/2014.
- Blackwell, Christopher. 2003a. The Assembly. *Dēmos: Classical Athenian Democracy*, edited by Christopher Blackwell. <http://www.stoa.org/projects/demos/assembly.pdf>.
- Blackwell, Christopher. 2003b. Athenian Democracy: A Brief Overview. *Dēmos: Classical Athenian Democracy*, edited by Christopher Blackwell. http://www.stoa.org/projects/demos/democracy_overview.pdf.
- Blais, André. 2014. Why is Turnout so Low in Switzerland? Comparing the Attitudes of Swiss and German Switzens Towards Electoral Democracy. *Swiss Political Science Review*, 20 (4) 520-8.
- Blanke, Hermann-Josef. 2012. The Protection of Fundamental Rights in Europe in *The European Union after Lisbon: Constitutional Basis, Economic Order and External Action*, pp. 159-232, edited by Hermann-Josef Blanke and Stelio Mangiamelli. Heidelberg: Springer.
- Bobbio, Norberto. 1987. *The Future of Democracy*. Oxford: Polity Press.
- Bochsler, Daniel. 2009. Neighbours or Friends? When Swiss Cantonal Governments Cooperate with Each Other. *Regional and Federal Studies*, 19 (3): 349-70.
- Bogaards, Matthijs and Markus Crepaz. 2002. Consociational Interpretations of the European Union. *European Union Politics*, 3: 357-81.
- Bohman, James. 2012. Representation in Deliberative Systems. *Deliberative Systems*, edited by Jane Mansbridge and John Parkinson. Cambridge: Cambridge University Press.
- Börzel, Tanja A. and Madaleine O. Hosli. 2003. Brussels Between Bern and Berlin: Comparative Federalism Meets the European Union. *Governance: An International Journal of Policy, Administration and Institutions*, 16 (2), pp. 179-202.
- Bouveroux, Jos. 1998. Nationalism in Present-day Flanders. *Nationalism in Belgium: Shifting Identities 1780-1995*, edited by Kas Deprez and Louis Vos. NY: St Martin's Press.
- Bouza Garcia, Luis. 2012. New Rules, New Players? The ECI as a Source of Competition and Contention in the European Public Sphere. *Perspectives on European Politics and Society*, 13 (3): 337-51.
- Bovens, Mark, Deirdre Crutin and Paul 't Hart. 2010. *The Real World of EU Accountability*. Oxford: Oxford University Press.
- Bright, Jonothan, Diego Garzia, Joseph Lacey and Alexander H Trechsel. Forthcoming. Europe's Voting Space and the Problem of Second-order Elections: A Trans-national Proposal. *European Union Politics*.
- Brito Vieira, Monica and David Runciman. 2008. *Representation*. Cambridge: Polity Press.

Burgess, Michael. 2006. The European Union as a Federal Model in *Comparative Federalism: Theory and Practice*, pp. 226-247. London: Routledge.

Caluwaerts, Didier. 2012. *Confrontation and Communication: Deliberative Democracy in Divided Belgium*. Brussels: Peter Lang Publishers.

Centre for Research on Direct Democracy, http://www.c2d.ch/inner.php?table=country_information&sublinkname=country_information&continent=Europe, Accessed 01/02/2015.

Cheneval, Francis. 2007. *Caminante, no hay camino, se hace camino al andar*: EU Citizenship, Direct Democracy and Treaty Ratification, *European Law Journal*, 13 (5): 647-663.

Cheneval, Francis and Schimmelfennig, Frank. 2013. The Case for Demoi-crazy in the European Union. *Journal of Common Market Studies*, 51 (2), pp. 334-50.

Cheneval, Francis, Sandra Lavenex and Frank Schimmelfennig. 2014. Demoi-crazy in the European Union: Principles, Institutions, Policies. *Journal of European Public Policy*. DOI: 10.1080/13501763.2014.886902

Christiano, Thomas. 1997. The Significance of Public Deliberation. *Deliberative Democracy: Essays on Reason and Politics*, edited by James Bohman and William Rehg. Massachusetts: Massachusetts Institute of Technology Press.

Christiano, Thomas. 2012. Rational Deliberation Among Experts and Citizens. *Deliberative Systems*, edited by Jane Mansbridge and John Parkinson. Cambridge: Cambridge University Press.

Church, Clive and Adrian Vatter. 2009. Opposition in Consensual Switzerland: A Short but Significant Experiment. *Government and Opposition*, 44 (4): 412-37.

Church, Clive and Randolph C. Head. 2013. *A Concise History of Switzerland*. Cambridge: Cambridge University Press.

Coffé, Hilda. 2005. Do Individual Factors Explain the Different Success of the Two Belgian Extreme Right Parties? *Acta Politica*, 40: 74-93.

Cohen, Joshua. 1997. Deliberation and Democratic Legitimacy. *Deliberative Democracy: Essays on Reason and Politics*, edited by James Bohman and William Rehg. Massachusetts: Massachusetts Institute of Technology Press.

Cohen, Joshua. 2007. Deliberative Democracy. *Deliberation, Participation and Democracy: Can the People Govern?*, edited by Shawn W. Rosenberg. Houndmills: Pelgrave Macmillan.

Conway, Martin. 2012. *The Sorrows of Belgium: Liberation and Political Representation, 1944-47*. Oxford: Oxford University Press.

- Cooper, Ian. 2012. A “Virtual Third Chamber” for the European Union? National Parliaments after the Treaty of Lisbon. *West European Politics*, 35 (3), 441-65.
- Cuesta-Lopez, Victor. 2012. A Comparative Approach to the Regulation on the European Citizens’ Initiative. *Perspectives on European Politics and Society*, 13 (3): 337-51.
- Dahl, Robert A. 1989. *Democracy and its Critics*. New Haven: Yale University Press.
- Dahl, Robert A. 1999. Can International Organizations be Democratic? A Skeptic’s View. *Democracy’s Edges*, edited by Ian Shapiro and Casiano Hacker-Cordon. Cambridge: Cambridge University Press.
- Darnanelli, Paulo. 2010. Federal Democracy in Switzerland in *Federal Democracies*, edited by Michael Burgess and Alain Gagnon. London: Routledge.
- Dardanelli, Paulo. 2012. Multi-lingual but Mono-national: Exploring and Explaining Switzerland’s Exceptionalism in *Federalism, Plurinationality and Democratic Constitutionalism: Theory and Cases*, edited by Ferran Requejo and Miguel Caminal. London: Routledge.
- De Vreese, Claes. 2004. Why European Citizens Will Reject the European Constitution. Harvard University Minda de Gunzburg Centre for European Studies, Working Paper No. 116.
- De Wever, Bruno. 2010. From Belgian Nation State to Nations in Belgium: Past, Present and Future. *What does History Teach us about the Future of Belgium’s Institutions?*, edited by Bruno De Wever. Re-Bel Book 6. <http://www.rethinkingbelgium.eu/rebel-initiative-files/ebooks/ebook-6/Re-Bel-e-book-6.pdf>, accessed 14/11/2014.
- De Wilde, Pieter. 2012. Why the Early Warning Mechanism does not Alleviate the Democratic Deficit. Observatory of Parliaments after the Lisbon Treaty, OPAL Online Paper No.6/2012.
- De Winter, Lieven and Patrick Dumont. 2005. Belgium: Delegation and Accountability under Partitocratic Rule. *Delegation and Accountability in Parliamentary Democracies*, edited by Karre Strom, Wolfgang C. Müller and Torbjörn Bergman. Oxford: Oxford University Press.
- De Winter, Lieven. 2006a. In Memorium, the Volsunie 1954-2001: Death by Overdose of Success. *Autonomist Parties in Europe: Identity, Politics and the Revival of the Territorial Cleavage*, edited by Lieven De Winter, Margerita Gomez-Reino and Peter Lynch. Barcelona: Institut de Ciències Polítiques I Socials.
- De Winter, Lieven. 2006b. Multilevel Party Competition and Coordination in Belgium. *Devolution and Electoral Politics*, edited by Dan Hough and Charlie Jeffrey. Manchester: Manchester University Press.
- De Witte, Bruno. 2010. The Question of Treaty Architecture from the Spinelli Draft to the Constitutional Treaty in *EU Federalism and Constitutionalism: The Legacy of Alterio Spinelli*, pp. 87-102., edited by Andrew Glencross and Alexander H. Trechsel. Plymouth: Lexington Books.

Della Porta, Donatella. 2007. The Europeanization of Protest: A Typology of Empirical Evidence. *Debating the Democratic Legitimacy of the European Union*, edited by Beate Kohler-Koch and Berthold Rittberger. Plymouth: Rowman and Littlefield Publishers.

Derrida, J. 2002. Declarations of Independence. *Negotiations: Interventions and Interviews: 1971-2001*, edited by Elizabeth G. Rottenberg. California: Stanford University Press.

Deschouwer, Kris and Philippe Van Parijs. 2009. Electoral Engineering for a Stalled Federation: A Countrywide Electoral District for Belgium's Federal Parliament. *Re-Bel e-Book 4*. <http://www.rethinkingbelgium.eu/rebel-initiative-files/ebooks/ebook-4/Re-Bel-e-book-4.pdf>. Accessed 10/12/2014.

Deschouwer, Kris. 2012. *The Politics of Belgium*. Second Edition. Houndmills: Palgrave Macmillan.

Dovi, Suzanne. 2007. *The Good Representative*. Massachusetts: Blackwell Publishing.

Dryzek, John S. 2000. *Deliberative Democracy and Beyond: Liberals, Critics, Contestations*. New York: Oxford University Press.

Dryzek, John S. 2010. *Foundations and Frontiers of Deliberative Governance*. Oxford: Oxford University Press.

Duff, Andrew. 2010. *Draft Report on a proposal for a modification of the Act concerning the election of Members of the EP by direct universal suffrage of 20 September 1976 (2010/XXXX(INI))*. http://www.europarl.europa.eu/meetdocs/2009_2014/documents/afco/pr/838/838_060/838060_en.pdf, Accessed 13/12/2012.

Dujardin, Vincent. 2010. The New Challenges of Belgian Federalism: A Historical Approach. *What does History Teach us about the Future of Belgium's Institutions?*, edited by Bruno De Wever. Re-Bel Book 6. <http://www.rethinkingbelgium.eu/rebel-initiative-files/ebooks/ebook-6/Re-Bel-e-book-6.pdf>, accessed 14/11/2014.

Easton, David. 1957. An Approach to the Analysis of Political Systems. *World Politics*, 9 (3), pp. 383-400.

Easton, David. 1965. *A Systems Analysis of Political Life*. USA: John Wiley and Sons, Inc.

Easton, David. 1971. *The Political System, Second Edition*. New York: Knopf.

Eder, Klaus and Hans Jorg Trenz. 2007. Prerequisites of Transnational Democracy and Mechanisms for Sustaining it: The Case of the EU. *Debating the Democratic Legitimacy of the European Union*, edited by Beate Kohler-Koch and Berthold Rittberger. Plymouth: Rowman and Littlefield Publishers.

Elazar, Daniel J. 1968. Federalism. *International Encyclopaedia of Social Science, Vol. 5*, pp. 356-61. New York: Macmillan.

Elazar, Daniel J. 1982. Confederation and Federal Liberty. *Publius*, 12 (4), pp. 1-14.

- Elazar, Daniel J. 1998. The New Europe: A Federal State or a Confederation of States? *Swiss Political Science Review*, 4 (4): 119-39.
- Eriksen, Erik O. 2009. *The Unfinished Democratization of Europe*. Oxford: Oxford University Press.
- Eriksen, Erik O. and John E. Fossum. 2012. Europe's Challenge: Reconstituting Europe or Reconfiguring Democracy? in *Rethinking Democracy and the European Union*, edited by Erik O. Eriksen and John E. Fossum. London: Routledge.
- Erk, Jan. 2008. *Explaining Federalism: State, Society and Congruence in Austria, Belgium, Canada, Germany and Switzerland*. London: Routledge.
- Erk, Jan and Lawrence Anderson. 2009. The Paradox of Federalism: Does Self-rule Accommodate or Exacerbate Ethnic Divisions? *Regional and Federal Studies*, 19 (2): 191-202.
- Eurobarometer. 2006. *European and their Languages*. Available from http://ec.europa.eu/public_opinion/archives/ebs/ebs_243_en.pdf, accessed 20 May 2012.
- Eurobarometer. 2009. *Post-Electoral Survey 2009: Report*.
- Eurobarometer. 2011. *Public Opinion in the European Union: Report*.
- European Commission. 2006. *European Transparency Initiative*.
- Fabbrini, Sergio. 2005. Is the EU Exceptional? The EU and US in Comparative Perspective in *Democracy and Federalism in The European Union and the United States: Exploring Post-national Governance*. London: Routledge.
- Fabbrini, Sergio. 2010. Revisiting Alterio Spinelli: Why to Look at the EU through the American Experience in *EU Federalism and Constitutionalism: The Legacy of Alterio Spinelli*, pp. 35-64, edited by Andrew Glencross and Alexander H. Trechsel. Plymouth: Lexington Books.
- Fearon, James D. 1999. Electoral Accountability and the Control of Politicians: Selecting Good Types Versus Sanctioning Good Performance. *Democracy, Accountability and Representation*, edited by Bernard Manin, Adam Przeworski and Susan C. Stokes. Cambridge: Cambridge University Press.
- Filipov, Mikhail, Peter C. Ordeshook and Olga Shvetsova. 2004. *Designing Federalism: A Theory of Self-sustaining Federalism*. Cambridge: Cambridge University Press.
- Fishkin, James S. 2009. *When the People Speak. Deliberative Democracy and Public Consultation*. Oxford: Oxford University Press.
- Fishkin, James S and Robert C Luskin. 2014. Europolis and the European Public Sphere: Empirical Explorations of a Counterfactual Ideal. *European Union Politics*, 15(3): 328-51.

- Follesdal, Andreas and Simon Hix. 2006. Why there is a Democratic Deficit in the EU: A Response to Majone and Moravcsik. *Journal of Common Market Studies*, 44 (3), 533-62.
- Fossum, John Erik. 2004. Still a Union of Deep Diversity? The Convention and the Constitution for Europe in *Developing a Constitution for Europe*, pp. 226-242, edited by Erik Oddvar Eriksen, John Erik Fossum and Augustín José Menéndez. London: Routledge.
- Freitag, Markus and Isabelle Stadelmann-Steffen. 2010. Stumbling Block or Stepping Stone? The Influence of Direct Democracy on Individual Participation in Parliamentary Elections. *Electoral Studies*, 29, 472-83.
- German Federal Constitutional Court's ruling on the German Act Approving the Treaty of Lisbon. 2009. http://www.bundesverfassungsgericht.de/entscheidungen/es20090630_2bve000208en.html, Accessed 26/05/2014.
- Goodin, Robert E. 2003. *Reflective Democracy*. Oxford: Oxford University Press.
- Goodin, Robert E. 2008. *Innovating Democracy*. Oxford: Oxford University Press.
- Govaert, Serge. 1998. A Brussels Identity? A Speculative Interpretation. *Nationalism in Belgium: Shifting Identities 1780-1995*, edited by Kas Deprez and Louis Vos. NY: St Martin's Press.
- Greenwood, Justin. 2007. Organised Civil Society and Democratic Legitimacy in the European Union. *British Journal of Political Science*, 37 (2), 333-57.
- Greenwood, Justin. 2012. The European Citizens' Initiative and EU Civil Society Organisations. *Perspectives on European Politics and Society*, 13 (3): 325-36.
- Gutman, Amy and Thompson, Dennis. 2004. *Why Deliberative Democracy?* Princeton: Princeton University Press.
- Habermas, Jürgen. 1996. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, translated by William Rehg. Oxford: Polity Press.
- Habermas, Jürgen. 1998. *The Inclusion of the Other*. Massachusetts: Massachusetts Institute of Technology Press.
- Habermas, Jürgen. 2001. Why Europe Needs a Constitution. *New Left Review* 11: 5-26.
- Habermas, Jürgen. 2009. *Europe: The Faltering Project*. Cambridge: Polity Press.
- Habermas, Jürgen. 2012. *The Crisis of the European Union: A Response*, translated by Ciaran Cronin. Cambridge: Polity Press.
- Hix, Simon. 2006. Why the EU needs (Left-right) Politics? Policy Reforms and Accountability are Impossible without it. *Politics: The Right or the Wrong Sort of Medicine for the EU?* Notre Europe, Policy Paper No. 19.

- Hix, Simon. 2008. *What's Wrong with the European Union and How to Fix it*. London: Polity.
- Hix, Simon and Sara Hagemann Sara. 2009. Could changing the electoral rules fix European parliament elections ? *Politique européenne*, 2009/2 n° 28: 37-52.
- Hix, Simon and Bjørn Høyland. 2011. *The Political System of the European Union, Third Edition*. Houndmills: Palgrave Macmillan.
- Hix, Simon and Michael Marsh. 2011. Second-order Effects Plus Pan-European Political Swings: An Analysis of European Parliament Elections across Time. *Electoral Studies*, 30, pp. 4-15.
- Hooghe, Liesbet and Gary Marks. 2001. *Multi-level Governance and European Integration*. Oxford: Rowman and Littlefield Publishers.
- Hooghe, Liesbet. 2003. Belgium: From Regionalism to Federalism. *The Territorial Management of Ethnic Conflict 2nd Revised and Expanded Edition*, edited by John Coakley. London: Frank Cross Publishers.
- Hooghe, Liesbet. 2004. Belgium: Hollowing the Center. *Federal and Territorial Cleavages*, edited by Ugo M. Amoretti and Nancy Borneo. Maryland: John Hopkins University Press.
- Hrbek, Rudolph. 2012. National and European Political Parties and the European Citizens' Initiatives. *Perspectives on European Politics and Society*, 13 (3): 370-84.
- Hurrelmann, Achim Joan Debardeleben. 2009. Democratic Dilemmas in EU Multilevel Governance: Untying the Gordian Knot. *European Political Science Review*, 1 (2), 229-47.
- Hurrelmann, Achim. 2014. Demoi-cratic Citizenship in Europe: An Impossible Ideal? *Journal of European Public Policy*, DOI: 10.1080/13501763.2014.881413
- Iacovino, Raffaele and Jan Erk. 2012. The Constitutional Foundations of Multination Federalism: Canada and Belgium. *Multinational Federalism: Problems and Prospects*, edited by Michel Seymour and Alain G. Gagnon. Houndmills: Palgrave Macmillan.
- Imig, Doug and Sidney Tarrow. 2000. Political Contention in a Europeanising Polity. *West European Politics*, 23 (4), pp. 73-93.
- Institute for Democracy and Electoral Assistance, <http://www.idea.int/vt/countryview.cfm?CountryCode=CH>, Accessed 27/01/15.
- Ipperciel, Donald. 2007. La Suisse: un cas d'exception pour le nationalisme? *Swiss Political Science Review* 13 (1): 39-67.
- Ipperciel, Donald. 2011. Switzerland's Nationhood: a Normative Approach. *Nations and Nationalism* 17 (4): 794-814.
- Jamin, Jérôme. 2011. The Producerist Narrative in Right-wing Flanders. *Right-wing Flanders, Left-wing Wallonia? Is this so? If so, why? And is it a Problem?*, edited by Bruno

De Wever. Re-Bel e-book 12. <http://www.rethinkingbelgium.eu/rebel-initiative-files/ebooks/ebook-12/Re-Bel-e-book-12.pdf>, Accessed 15/12/2014.

Katz, Richard S. and Peter Mair. 1995. Changing Models of Party Organization. The Emergence of the Cartel Party. *Party Politics*, 1 (1), 5-28.

Keohane, Robert O., Stephan Macedo and Andrew Moravcsik. 2009. Democracy-enhancing Multilateralism. *International Organization*, 63 (1), pp. 1-31.

Klöti, Ulrich. 2007. The Government. *Handbook of Swiss Politics*, edited by Ulrich Klöti, Peter Knoepfel, Hanspeter Kriesi, Wolf Linder, Yannis Papadopolous and Pascal Sciarini. Zurich: Neue Zürcher Zeitung Publishing.

Kohler-Koch, Beate. 2011. Civil Society and EU Democracy: “Astroturf” Representation? *Journal of European Public Policy*, 17 (1): 100-16.

Koopmans, Ruud and Ann Zimmermann. 2010. Transnational Political Communication on the Internet: Search Engine Results and Hyperlink Networks. *The Making of a European Public Sphere: Media Discourse and Political Contention*, edited by Ruud Koopmans and Paul Statham. Cambridge: Cambridge University Press.

Koopmans, Ruud, Jessica Erbe, and Martin F. Meyer. 2010. The Europeanization of Public Spheres: Comparisons across Issues, Time and Countries. *The Making of a European Public Sphere: Media Discourse and Political Contention*, edited by Ruud Koopmans and Paul Statham. Cambridge: Cambridge University Press.

Koopmans, Ruud. 2010. Winners and Losers, Supporters and Opponents in Europeanized Public Debates. *The Making of a European Public Sphere: Media Discourse and Political Contention*, edited by Ruud Koopmans and Paul Statham. Cambridge: Cambridge University Press.

Kriesi, Hanspeter, Ruud Koopmans, Jan Willem Duyvendak, and Marco Giugni. 1992. New Social Movements and Political Opportunities in Western Europe. *European Journal of Political Research*, 22, 219-244.

Kriesi, Hanspeter and Dominique Wisler. 1999. The Impact of Social Movements on Political Institutions: A comparison of the Introduction of Direct Legislation in Switzerland and the United States. *How Social Movements Matter*, edited by Marco Giugni, Doug McAdam and Charles Tilly. Minneapolis: University of Minnesota Press.

Kriesi, Hanspeter. 2005. *Direct Democratic Choice: The Swiss Experience*. Oxford: Lexington Books.

Kriesi, Hanspeter. 2007. The Participation in Swiss Direct-Democratic Votes in *The Dynamics of Referendum Campaigns: An International Perspective*, edited by Claes H. Vreese. Houndmills: Palgrave Macmillan.

Kriesi, Hanspeter and Alexander H. Trechsel. 2008. *The Politics of Switzerland: Continuity and Change in a Consensus Democracy*. Cambridge: Cambridge University Press.

- Kriesi, Hanspeter. 2013. Conclusion: An Assessment of the State of Democracy given the Challenges of Globalization and Mediatization in Democracy in *The Age of Globalization and Mediatization*, pp. 202-15, edited by Hanspeter Kriesi, Sandra Lavanex, Frank Esser, Jörg Matthes, Marx Bühlmann and Daniel Bochsler. Houndmills: Palgrave Macmillan.
- Kroger, Sandra and Dawid Friedrich. 2013. Democratic Representation in the EU: Two Kinds of Subjectivity. *Journal of European Public Policy*, 20 (2), 171-89.
- Kymlicka, Will. 2001. *Politics in the Vernacular: Nationalism, Multiculturalism and Citizenship*. Oxford: Oxford University Press.
- Lacey, Joseph. 2012. Moral Phenomenology and a Moral Ontology of the Human Person. *Phenomenology and the Cognitive Sciences*, Vol. 12 No. 1, pp. 51-73.
- Lacey, Joseph. 2013. Considerations on English as a Global Lingua Franca. *Political Studies Review*. Doi:10.1111/1478-9302.12004.
- Lacey, Joseph. 2014a. Must Europe be Swiss? On the Idea of a Voting Space and the Possibility of a Multilingual Demos. *British Journal of Political Science*, 44 (1): 61-82.
- Lacey, Joseph. 2014b. Learning from Switzerland. The Possibility of and Limitations to Comparison with the European Union. *Democracy in the European Union: A Contribution from the Swiss Perspective*, edited by Daniel Kübler and Nenad Stojanovic. Geneva: Schulthess.
- Laible, Janet. 2008. *Separatism and Sovereignty in the New Europe: Party Politics and the Meanings of Statehood in a Supranational Context*. Houndmills: Palgrave Macmillan.
- Lander, Andreas. 2007. Political Parties. *Handbook of Swiss Politics*, edited by Ulrich Klöti, Peter Knoepfel, Hanspeter Kriesi, Wolf Linder, Yannis Papadopolous and Pascal Sciarini. Zurich: Neue Zürcher Zeitung Publishing.
- Laver, Michael and Kenneth A. Shepsle. Government Accountability in Parliamentary Democracy 1999. *Democracy, Accountability and Representation*, edited by Bernard, Adam Przeworski and Susan C. Stokes. Cambridge: Cambridge University Press.
- Lefort, Claude. 1988. *Democracy and Political Theory*. Minnesota: Minnesota University Press.
- Lelieveldt, Herman and Sebastiaan Princen. 2011. *The Politics of the European Union*. Cambridge: Cambridge University Press.
- Levy, Jacob T. 2007. Federalism, Liberalism and the Separation of Loyalties. *American Political Science Review*, 101 (3), pp. 459-77.
- Lijphart, Arend. 1977. *Democracy in Plural Societies: A Comparative Exploration*. New Haven: Yale University Press.
- Lijphart, Arend. 1997. About Peripheries, Centres and Other Autobiographical Reflections. *Comparative Politics: The Story of a Profession*, edited by Hans Daadler. London: Pinter.

- Lijphart, Arend. 1999. *Patterns of Democracy: Government Forms and Performance in 36 Countries*. Connecticut: Yale University Press.
- Linder, Wolf. 2010. *Swiss Democracy, 3rd Edition, Revised and Updated: Possible Solutions to Conflict in Multicultural Societies*. Houndmills: Palgrave Macmillan
- Lord, Christopher. 2004. *A Democratic Audit of the European Union*. Houndmills: Palgrave Macmillan.
- Lord, Christopher. 2007. Parliamentary Representation in a Decentred Polity. *Debating the Democratic Legitimacy of the European Union*, edited by Beate Kohler-Koch and Berthold Rittberger. Plymouth: Rowman and Littlefield Publishers.
- Lord, Christopher and Johannes Pollak. 2013. Unequal but Democratic? Equality According to Karlsruhe. *Journal of European Public Policy*, 20 (2): 190-205.
- Ludi, Georges and Werlen, Iwar. 2005. *Recensement Federal de la Population 2000: La Paysage en Linguistique de Suisse*. Switzerland: Office federal de la statistique.
- Lüthi, Ruth. 2007. The Parliament. *Handbook of Swiss Politics*, edited by Ulrich Klöti, Peter Knoepfel, Hanspeter Kriesi, Wolf Linder, Yannis Papadopolous and Pascal Sciarini. Zurich: Neue Zürcher Zeitung Publishing.
- Lutz, George. 2012. Switzerland: Citizens' Initiatives as a Measure to Control the Political Agenda. *Citizens' Initiatives in Europe: Procedures and Consequences of Agenda-setting by Citizens*, edited by Maija Setälä and Theo Schiller. Houndmills: Palgrave Macmillan.
- Maddens, Bart, Roeland Beerten and Jaak Billiet. 1998. The National Consciousness of the Flemings and the Walloons: An Empirical Investigation. *Nationalism in Belgium: Shifting Identities 1780-1995*, edited by Kas Deprez and Louis Vos. NY: St Martin's Press.
- Mahoney and Beckstrand. 2011. Following the Money: European Union Funding of Civil Society Organisations. *Journal of Common Market Studies*, 49 (6), 1339-61.
- Mair, Peter. 2005. Popular Democracy and the European Union Polity. European Governance Papers No. C-05-03. Available from www.ihs.ac.at/publications/lib/ep3.pdf, accessed 15 March 2012.
- Mair, Peter. 2007. Political Opposition and the European Union. *Government and Opposition* 42 (1): 1-17.
- Mair, Peter and Jacques Thomassen Jacques. 2010. Political Representation and Government in the European Union. *Journal of European Public Policy* 17 (1): 20-35.
- Maissen, Thomas. 2000. The 1848 Conflicts and their Significance in Swiss Historiography. *The Making of Modern Switzerland, 1848-1998*, edited by Michael Butler, Michael Pender and Joy Charnley. Houndmills: Macmillan Press.
- Majone, Giandomenico. 1998. Europe's 'Democratic Deficit': The Question of Standards. *European Law Journal*, 4 (2), 5-28.

- Majone, Giandomenico. 1999. The Regulatory State and its Legitimacy Problems. *West European Politics*, 22 (1), pp. 1-24.
- Majone, Giandomenico. 2005. *Dilemmas of European Integration: The Ambiguities and Pitfalls of Integration by Stealth*. Oxford: Oxford University Press.
- Majone, Giandomenico. 2006. Is the European Constitutional Settlement Really Successful and Stable? *Notre Europe*. http://www.institutdelors.eu/media/moravcsik-reponse-majone-en_02.pdf?pdf=ok, Accessed 07/06/2015.
- Manatschal, Anita. 2015. Switzerland – Really Europe’s Heart of Darkness? *Swiss Political Science Review*, 21 (1): 23-35.
- Manin, Bernard. 1997. *The Principles of Representative Government*. Cambridge: Cambridge University Press.
- Manin, Bernard, Adam Przeworski and Susan C. Stokes. 1999. Elections and Representation. *Democracy, Accountability and Representation*, edited by Bernard Manin, Adam Przeworski and Susan C. Stokes. Cambridge: Cambridge University Press.
- Mansbridge, Jane. 2003. Rethinking Representation. *American Political Science Review*, 97 (4), 515-26.
- Mansbridge, Jane. 2009. A “Selection Model” of Political Representation. *The Journal of Political Philosophy* 17 (4): 369-98.
- Mansbridge, Jane, James Bohman, Simone Chambers, David Estlund, Andreas Follesdal, Andreas, Archon Fung, Christina Lafont, Bernard Manin and Jose Luis Marti. 2010. The Place of Self-interest and the Role of Power in Deliberative Democracy. *Journal of Political Philosophy* 18 (1): 64-100.
- Marcinkowski, Frank. 2007. Media System and Political Communication. *Handbook of Swiss Politics*, edited by Ulrich Klöti, Peter Knoepfel, Hanspeter Kriesi, Wolf Linder, Yannis Papadopolous and Pascal Sciarini. Zurich: Neue Zürcher Zeitung Publishing.
- Marcinkowski, Frank and André Donk. 2012. The Deliberative Quality of Referendum Coverage in Direct Democracy: Findings from a Longitudinal Analysis of Swiss Media. *Janvost – The Public*, 19 (4), 93-110.
- Marquis, Lionel, Hanspeter Schaub and Marlene Gerber. 2011. The Fairness of Media coverage in Question: An Analysis of Referendum Campaigns on Welfare State Issues in Switzerland. *Swiss Political Science Review*, 17 (2): 128-63.
- McKay, David. 2001. *Designing Europe: Comparative Lessons from the Federal Experience*. NY: Oxford University Press.
- McRae, Kenneth D. 1983. *Conflict and Compromise in Multilingual Societies: Switzerland*. Ontario: Wilfred Laurier University Press.

- Meuleman, Bart, Eldad Davidov and Jaak Billiet. 2009. Changing Attitudes Toward Immigration in Europe, 2002-2007: A dynamic Group Conflict Theory Approach. *Social Science Research* 38:352-65.
- Meyer, Christoph. 1999. Political Legitimacy and the Invisibility of Politics: Exploring the European Union's Communication Deficit. *Journal of Common Market Studies*, 37 (4), 617-39.
- Meyer, David S. and Debra C. Minkoff. 2004. Conceptualising Political Opportunity. *Social Forces*, 82 (4), 1457-92.
- Mill, John Stuart. 1862. *Considerations on Representative Government*. NY: Harper and Brothers Publishers.
- Moravcsik, Andrew. 2002. In Defence of the "Democratic Deficit": Reassessing Legitimacy in the EU. *Journal of Common Market Studies*, 40 (4), 603-24.
- Moravcsik, Andrew. 2004. Is there a 'Democratic Deficit' in World Politics: A Framework for Analysis. *Government and Opposition*, 39 (2), 336-63.
- Moravcsik, Andrew. 2008. The Myth of Europe's Democratic Deficit. *Intereconomics*, 331-40.
- Mouffe, Chantal. 1999. Deliberative Democracy or Agonistic Pluralism. *Social Research* 66 (3): 745-58.
- Müller, Jan-Werner. 2011. The Promise of Demoi-cracy: Democracy, Diversity and Domination in the European Public Order in *Political Theory of the European Union*, edited by Jürgen Neyer and Antje Wiener. Oxford: Oxford University Press.
- Nasstrom, Sofia. 2006. Representative Democracy as Tautology: Ankersmit and Lefort on representation. *European Journal of Political Theory* 5(3): 321-42.
- Nasstrom, Sofia. 2011. 'Where is the Representative Turn Going?', *European Journal of Political Theory*, 10 (4), 501-10.
- Nentwich, Michael. 1998. Opportunity structures for citizens' participation. The case of the European Union. *Political Theory and the European Union*, edited by Albert Weale and Michael Netwitch. London: Routledge.
- Nicolaïdis, Kalypso. 2004. "We, the Peoples of Europe". *Foreign Affairs*, 83 (6), pp. 97-110.
- Nicolaïdis, Kalypso. 2006. Paradise Lost? The New European Constitution in the Shadow of Federalism in *The Constitutional Challenge in Europe and America: People, Power and Politics*, edited by Daniel Halberstrom and Miguel Maduro. Cambridge: Cambridge University Press.
- Nicolaïdis, Kalypso. 2012. The Idea of European Demoi-cracy in *Philosophical Foundations of European Union Law*, pp. 247-274, edited by Julie Dickson and Pavlos Eleftheriadis. Oxford: Oxford University Press.

- Nicolaïdis, Kalypso. 2013. European Democracy and its Crisis. *Journal of Common Market Studies*, 51 (2), pp. 351-69.
- Ober, Josiah. 2008. The Original Meaning of “Democracy”: Capacity to Do Things, Not Majority Rule. *Constellations* 15 (1): 3-10.
- Offe, Claus. 2014. The Europolis Experiment and its Lessons for Deliberation on Europe. *European Union Politics*, 15(3): 430-41.
- Owen, David. 2012. Constituting the Polity, Constituting the Demos: On the Place of the All Affected Interests Principle in Democratic Theory and in Resolving the Democratic Boundary Problem. *Ethics and Global Politics*, 5 (3), 129-152.
- Papadopoulos, Yannis. 2001. How Does Direct Democracy Matter? The Impact on Referendum Votes on Politics and Policy-making. *West European Politics*, 24 (2): 35-58.
- Papadopoulos, Yannis. 2006. Implementing (and Radicalizing) Art. I-47.4 of the Constitution: Is the addition of some (Semi-)direct Democracy to the Nascent Consociational European federation just Swiss folklore? *Journal of European Public Policy*, 12 (3): 448-67.
- Papadopoulos, Yannis and Paul Magette. 2010. On the Politicisation of the EU: Lessons from Consociational National Politics. *West European Politics*, 33 (4), 711-29.
- Parkinson, John. 2006. *Deliberating in the Real World: Problems of Legitimacy in Deliberative Democracy*. Oxford: Oxford University Press.
- Pauwels, Teun and Matthijs Rooduijn. Forthcoming. Populism in Belgium in Times of Crisis: Intensification of Discourse, Decline in Electoral Support. *European Populism in the Shadow of the Great Recession*, edited by Hanspeter Kriesi and Takis S. Pappas.
- Pedrini, Seraina, André Bächtiger, Marco R. Steenbergen. 2013. Deliberative Inclusion of Minorities: Patterns of Reciprocity among Linguistic Groups in Switzerland. *European Political Science Review*, 5 (3): 482-513.
- Peeters, Patrick. 2012. The Constitutional and Institutional Autonomy of Communities and Regions in Federal Belgium. *Constitutional Dynamics in Federal Systems: Subnational Perspectives*, edited by Michael Burgess and G. Alan Tarr. Montreal: McGill Queens University Press.
- Pehrson, Samuel, Vivian L. Vignoles and Rupert Brown. 2009. National Identification and Anti-immigrant Prejudice: Individual and Contextual Effects on National Definitions. *Social Psychology Quarterly*, 72 (1): 24-38.
- Pennock, J. Ronald. 1968. Political Representation: An Overview. *Representation*, edited by J. Ronald Pennock and John W. Chapman. New York: Atherton Press.
- Pettit, Phillip. 2012. *On the People's Terms: A Republican Theory and Model of Democracy*. Cambridge: Cambridge University Press.

- Phelan, Terry. 2012. What is *Sui Generis* about the European Union? Costly International Cooperation in a Self-Contained Regime. *International Studies Review*, 14, pp. 367-385.
- Pianta, Mario. 2013. Democracy Lost: The Financial Crisis in Europe and the Role of Civil Society. *Journal of Civil Society*, 9 (2), 148-61.
- Piris, Jean-Claude. 2010. *The Lisbon Treaty: A Legal and Political Analysis*. Cambridge: Cambridge University Press.
- Pirotte, Jean and Luc Courtois. 2010. Looking Beyond Belgium? A Walloon Regionalist Viewpoint. *What does History Teach us about the Future of Belgium's Institutions?*, edited by Bruno De Wever. Re-Bel Book 6. <http://www.rethinkingbelgium.eu/rebel-initiative-files/ebooks/ebook-6/Re-Bel-e-book-6.pdf>, accessed 14/11/2014.
- Pitkin, Hanna. 1967. *The Concept of Representation*. Berkeley: University of California Press.
- Plotke, David. 1997. Representation is Democracy. *Constellations* 4(1): 9-34.
- Pogge, Thomas W. 1997. Creating Supra-national Institutions democratically: Reflections on the European Union's Democratic Deficit. *The Journal of Political Philosophy*, 5 (2), 163-82.
- Posner, Richard. 2003. *Law, Pragmatism and Democracy*. Massachusetts: Harvard University Press.
- Przeworski, Adam. 1999. Minimalist Conception of Democracy: A Defence. *Democracy's Value*, edited by Ian Shapiro and Casiano Hacker-Cordon. Cambridge: Cambridge University Press.
- Przeworski, Adam. 2010. *Democracy and the Limits of Self-Government*. Cambridge: Cambridge University Press.
- Raunio, Tapio. 2009. National Parliaments and European Integration: What We Know and Agenda for Future Research. *The Journal of Legislative Studies*, 15, 317–334.
- Rawls, John. 2005. *Political Liberalism Expanded Edition*. New York: Columbia University Press.
- Rehfeld, Andrew. 2006. Towards a General Theory of Political Representation. *The Journal of Politics* 68 (1): 1-22.
- Rehfeld, Andrew. 2009. Representation Rethought: On Trustees, Delegates and Gyroscopes in the Study of Political Representation and Democracy. *American Political Science Review* 103(2): 214-230.
- Reif, Karlheinz and Hermann Schmitt. 1980. Nine Second-order National Elections: a Conceptual Framework for the Analysis of European Election Results. *European Journal of Political Research*, 8 (1), 3–45.

- Reuchamps, Min. 2013. The Future of Belgian Federalism Through the Eyes of the Citizens. *Regional and Federal Studies*, 23 (3) 353-68.
- Riker, William H. 1996. European Federalism: The Lessons of Past Experience in Federalizing Europe? *The Costs, Benefits and Preconditions of Federal Political Systems*, edited by Joachim Jens Hesse and Vincent Wright. Oxford: Oxford University Press.
- Roemer, John E. 1999. Does Democracy Engender Justice? *Democracy's Value*, edited by Ian Shapiro and Casiano Hacker-Cordon. Cambridge: Cambridge University Press.
- Rousseau, Jean-Jacques. 1762/1968. *The Social Contract*, translated by Maurice Cranston. London: Penguin Books.
- Sager, Fritz and Marc Bühlmann. 2009. Checks and Balances in Swiss Direct Democracy. *Referendums and Representative Democracy: Responsiveness, Accountability and Deliberation*, edited by Maija Setälä and Theo Schiller. London: Routledge.
- Sanchez Salgado, Rossa. 2014. Rebalancing EU Interest Representation? Associative Democracy and EU Funding of Civil Society Organisations, *Journal of Common Market Studies*, 52 (2), 337-53.
- Sartori, Giovanni. 1965. *Democratic Theory*. New York: Praeger.
- Sartori, Giovanni. 1970. Concept Misformation in Comparative Politics. *American Political Science Review*, 64 (4), pp. 1033-53.
- Sartori, Giovanni. 1987. *The Theory of Democracy Revisited*. New Jersey: Chatham House Publishers.
- Saward, M. 2010. *The Representative Claim*. Oxford: Oxford University Press.
- Scharpf, Fritz W. 2006. Problem Solving Effectiveness and Democratic Accountability in the EU. *Political Science Series 107*. Institute for Advanced Studies, Vienna.
- Scharpf, Fritz.W. 1999. *Governing in Europe*. Oxford: Oxford University Press.
- Schimmelfennig, Frank. 2007. European Regional Organisations, Political Conditionality, And Democratic Transformation in Eastern Europe. *East European Politics and Societies*, 21, 126-43.
- Schimmelfennig, Frank. 2008. EU Political Accession Conditionality after the 2004 Enlargement: Consistency and Effectiveness. *Journal of European Public Policy*, 15 (6), 918-37.
- Schmidt, Vivien A. 2006. *Democracy in Europe: The EU and National Politics*. Oxford: Oxford University Press.
- Schmidt, Vivien A. 2010. The European Union in Search of Political Identity and Legitimacy: Is more Politics the Answer? EIF Working Paper Series No. 5.

- Schmidt, Vivian. 2013. Democracy and Legitimacy in the European Union Revisited: Input, Output and Throughput. *Political Studies*, 61, 2-22.
- Schmitt, Nicholas. 2005. Swiss Confederation in *A Global Dialogue on Federalism. Volume 1: Constitutional Origin, Structure and Change in Federal Countries*, edited by John Kincaid and Alan Tarr. Quebec: McGill-Queens University Press.
- Schmitter, Philippe and Terry Lynn Karl. 1991. What Democracy Is and Is Not. *Journal of Democracy* 2 (3): 75-88.
- Schmitter, Philippe C. and Alexander H. Trechsel. 2004. The Future of Democracy in Europe: Trends Analyses and Reforms. A Green Paper for the Council of Europe.
- Schumpeter, Joseph. 2003 [1943]. *Capitalism, Socialism & Democracy*. London: Routledge.
- Sciarini, Pascal and Simon Hug. 1999. The Odd Fellow: Parties and Consociationalism in Switzerland. *Party Elites in Divided Societies: Political Parties in Consociational Democracy*, edited by Kurt Richard Luther and Kris Deschouwer. London: Routledge.
- Searle, John R. 1995. *The Construction of Social Reality*. New York: The Free Press.
- Searle, John R. 2010. *Making the Social World: The Structure of Human Civilisation*. Oxford: Oxford University Press.
- Serdült, Uwe. 2014. Referendums in Switzerland. *Referendums Around the World: The Continued Growth of Direct Democracy*, edited by Matt Qvortrup. Houndmills: Palgrave Macmillan.
- Shaughnessy, Haydn and Carmen Fuente Cobo. 1990. *The Cultural Obligations of Broadcasting. National and Transnational Legislation concerning Cultural Duties of Television Broadcasters in Europe*. Manchester: The European Institute for the Media.
- Sifft, Stefanie, Michael Brüggemann, Katharina Kleinen-v. Königslöw, Bernhard Peters, and Andreas Wimmel. 2007. Segmented Europeanization: Exploring the Legitimacy of the European Union from a Public Discourse Perspective. *Journal of Common Market Studies* 45 (1): 127-55.
- Sinardet, Dave. 2009. Direct Democracy as a Tool to Shape United Public Opinion in a Multilingual Society? Some Reflections based on the Belgian Case in *Is democracy Viable Without a Unified Public Opinion? The Swiss Experience and the Belgian Case*, edited by Dave Sinardet and Marc Hooge. Re-Bel e-book 3. Available from www.rethinkingbelgium.eu/rebel-initiative.../ebooks/ebook-3/Lits.pdf, accessed 08 January 2012.
- Sinardet, Dave. 2012. Is there a Belgian Public Sphere? What the Case of a Federal Multilingual Country can Contribute to the Debate on Transnational Public Spheres, and vice versa. *Multinational Federalism: Problems and Prospects*, edited by Michel Seymour and Alain G. Gagnon. Houndmills: Palgrave Macmillan.

- Sinardet, Dave. 2013. Regional Media and Federal Politics. Representation of “Brussels-Halle-Vilvoorde” in Dutch-speaking and French-speaking Political TV Debates. *Regional and Federal Studies*, 23 (3): 247-68.
- Sinardet, Dave and Peter Bursens. 2014. Democratic Legitimacy in Multilevel Political Systems: The Role of Politicization at the Polity-wide Level in the EU and Belgium. *Acta Politica*, 49 (3): 246-65.
- Sokolowski, Robert. 2008. *Phenomenology of the Human Person*. Cambridge: Cambridge University Press.
- Sprungk, Carina. 2013. A New Type of Representative Democracy? Reconsidering the Role of National Parliaments in the European Union. *Journal of European Integration*, 35 (5), 547-63.
- Statham, Paul 2010a. What Kind of Europeanized Public Politics? *The Making of a European Public Sphere: Media Discourse and Political Contention*, edited by Ruud Koopmans and Paul Statham. Cambridge: Cambridge University Press.
- Statham, Paul. 2010b. Making Europe News: Journalism and Media Performance. *The Making of a European Public Sphere: Media Discourse and Political Contention*, edited by Ruud Koopmans and Paul Statham. Cambridge: Cambridge University Press.
- Stepan, Alfred. 1999. Federalism and Democracy: Beyond the U.S. Model. *Journal of Democracy*, 10 (4), pp. 19-34.
- Stojanovic, Nenad. 2006. Direct Democracy: A Risk or an Opportunity for Multicultural Societies? The Experience of the Four Swiss Multilingual Cantons. *International Journal of Multicultural Societies*, 8 (2): 183-202.
- Stojanovic, Nenad. 2009. Is Democracy Possible in a Multilingual Country? The Swiss Experience and the Paradox of Direct Democracy in *Is democracy Viable Without a Unified Public Opinion? The Swiss Experience and the Belgian Case*, edited by Dave Sinardet and Marc Hooge. Re-Bel e-book 3. Available from www.rethinkingbelgium.eu/rebel-initiative.../ebooks/ebook-3/Lits.pdf, accessed 08 January 2012.
- Swenden, Wilfred and Marleen Brans. 2006. The Hyphenated State, Multi-level Governance and the Communities in Belgium: The Case of Brussels. *State Territoriality and European Integration*, edited by Michael Burgess and Hans Volloord. London: Routledge.
- Swenden, Wilfred. 2012. Belgian Federalism: Means to an End? *Federalism, Plurinationality and Democratic Constitutionalism: Theory and Cases*, edited by Ferran Requejo and Miguel Caminal Badia. London: Routledge.
- Tarrow, Sidney. 1994. *Power in Movement*. Cambridge: Cambridge University Press.
- Taylor, Charles. 1993. *Reconciling the Solitudes: Essays on Canadian Federalism and Nationalism*. Canand: McGill-Queens University Press.

- Theiler, Tobias. 2004. The Origins of Euroscepticism in German-speaking Switzerland. *European Journal of Political Research*, 43: 635-56.
- Tömmel, Ingeborg. 2011. The European Union – A Federation *Sui Generis*? in *The EU and Federalism: Politics and Policies Compared*, pp. 41-56, edited by Finn Laursen. Surrey: Ashgate Publishing.
- Toubeau, Simon. 2010. *The Accommodation of Nationalism: Regionalist Nationalist Parties and Territorial Restructuring in Great Britain, Spain and Belgium*. European University Institute PhD Dissertation.
- Trechsel, A. H. 2005. How to Federalize the European Union...And Why Bother. *Journal of European Public Policy* 12 (3): 401-18.
- Trechsel, Alexander H. 2007. Popular Votes. *Handbook of Swiss Politics*, edited by Ulrich Klöti, Peter Knoepfel, Hanspeter Kriesi, Wolf Linder, Yannis Papadopolous and Pascal Sciarini. Zurich: Neue Zürcher Zeitung Publishing.
- Trechsel, Alexander H. and Pascal Sciarini. 1998. Direct Democracy in Switzerland: Do Elites Matter? *European Journal of Political Research*, 33 (1), 99-124.
- Trenz, Hans-Jörg. 2004. Media Coverage on European Governance: Exploring the European Public Sphere in National Quality Newspapers. *European Journal of Communication* 19 (3): 291-319.
- Tresch, Anke. 2012a. The (Partisan) Role of the Press in Direct Democratic Campaigns: Evidence from the Swiss Vote on European Integration. *Swiss Political Science Review*, 18 (3): 287-304.
- Tresch, Anke. 2012b. Which European Public Sphere? Normative Standards and Empirical Insights from Multilingual Switzerland. *Javnost – The Public* 19 (3): 59-74.
- Urbinati, Nadia. 2005. Continuity and Rupture: The Power of Judgement in Democratic Representation *Constellations* 12: 194-222.
- Urbinati, Nadia. 2006. *Representative Government: Principles and Genealogy*, (Chicago: University of Chicago Press.
- Urbinati, N. and Warren, M.E. 2008. The Concept of Representation in Contemporary Democratic Theory. *The Annual Review of Political Science*, 11, 387-412.
- Urbinati, Nadia. 2014. *Democracy Disfigured: Opinion, Truth and the People*. Massachusetts: Harvard University Press.
- Vachudova, Milada A. 2008. Tempered by the EU? Political Parties and Party Systems Before and after Accession. *Journal of European Public Policy*, 15 (6), 861-79.
- Van Ginderachter, Maarten and Joep Leerssen. 2012. Denied Ethnicism: On the Walloon Movement in Belgium. *Nations and Nationalism*, 18 (2): 230-46.

Van Goethem, Herman. 2010a. *Belgium and the Monarchy: From National Independence to National Disintegration*. Brussels: UPA.

Van Goethem, Herman. 2010b. What can History Teach us about the Current Impasse and Crisis in Belgium. *What does History Teach us about the Future of Belgium's Institutions?*, edited by Bruno De Wever. Re-Bel Book 6. <http://www.rethinkingbelgium.eu/rebel-initiative-files/ebooks/ebook-6/Re-Bel-e-book-6.pdf>, accessed 14/11/2014.

Van Haute, Emile and Jean-Benoit Pilet. 2006. Regionalist Parties in Belgium (VU, RW, FDF): Victims of their own Success. *Regional and Federal Studies*, 16 (3): 297-313.

Van Parijs, P. 2000. Must Europe Be Belgian? On Democratic Citizenship in Multilingual Polities, in *Demands of Citizenship*, edited by Catriona McKinnon and Iain Hampsher-Monk. London: Continuum.

Van Parijs, P. 2011. *Linguistic Justice for Europe and the World*. Oxford: Oxford University Press.

Van Parijs, Philippe. 2013. Is a Binational Democracy Viable? The Case of Belgium. *Nationalism and Binationalism: The Perils of Perfect Structures, Volume One*, edited by Anita Shapira, Yedida Z. Stern and Alexander Yakobson. Eastbourne: Sussex Academic Press.

Van Parijs, Philippe. 2015. Demos-crazy for the European Union: How and Why? *Institutional Cosmopolitanism*, edited by Luis Cabrera and Thomas Pogge. Oxford: Oxford University Press.

Vauthier, Maurice. 1894. The Revision of the Belgian Constitution 1893. *Political Science Quarterly* Vol 9 (4), 704-29.

Vogl, Ulrike and Matthias Hüning. 2010. One Nation, One Language? The Case of Belgium. *Dutch Crossing*, 34 (3): 228-47.

Weiler, Joseph H. H. 2001. Federalism without Constitutionalism: Europe's *Sonderweg* in *The Federal Vision*, pp. 54-70, edited by Kalypso Nicolaïdis and Robert Howse. Oxford: Oxford University Press.

Weiler, Joseph H. H. 2012. In the Face of Crisis: Input Legitimacy, Output Legitimacy and the Political Messianism of European Integration. *Journal of European Integration*, 34 (7), 825-41.

Witte, Els and Harry Van Velthoven. 1999. *Language and Politics: The Situation in Belgium in an Historical Perspective*. Brussels: VUB University Press.

Witte, Els, Jan Craeybeckx and Alain Meynen. 2000. *Political History of Belgium: From 1830 Onwards*. Brussels: VUB Press.

Würgler, Andreas. 2008. The League of Discordant Member or How the Old Swiss Confederation Operated and How it Managed to Survive for so Long. *The Republican*

Alternative: The Netherlands and Switzerland Compared, edited by Andre Holerstein, Thomas Maissen and Maarten Prak. Amsterdam University Press.

Zweifel, Thomas D. 2002. Who is without Sin Cast the First Stone: the EU's Democratic Deficit in Comparison. *Journal of European Public Policy*, 9 (5), 812-40.