

New Governance and Post-Parliamentarism

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1. Introduction

This paper takes seriously the claim that the EU is a decentred polity more or less co-ordinated by new approaches to governance. However it takes issue with the argument that this somehow precludes a parliamentary approach to the democratisation and legitimation of the European Union. It argues that, to the contrary, a dispersed and decentred institutional order only reinforces the case for a parliamentary dimension to Union politics.

2. Three Conceptual shifts in understandings of the EU.

For the most part, the rhetoric of a uniform *acquis communautaire* now seems a distant memory. Even attempts to analyse the EU as a 'political system' (Quermonne, 1994; Hix 1999) have something of the pretentious joke that 'the owl of Minerva flies at dusk' about them. Just as they became fashionable, the reality they sought to describe changed somewhat. True, the Treaty changes of the 1990s did many things that further elaborated the EU in the direction of a political system, notably through the successful introduction of legislative Co-decision. But they also reduced the relative weight in the EU's overall institutional order of those elements that are well stratified into a political system by proliferating a number of less structured processes 'beyond the Community method' (the Common Foreign and Security Policy, Justice and Home Affairs, and even forms of macro-economic policy co-ordination that, though nominally a part of pillar one, hardly follow the Community Method *strictu sensu*).

Not only are attempts to analyse the EU as a political system only convincing in relation to the first pillar but even within that pillar it can be a struggle to keep ‘the real locus of decision-making’ within the formal rules of the political system. Thus legislative powers assigned to the Council or Parliament under the Treaties, are, in the European Parliament’s assessment, often arrogated *de facto* by comitology committees (European Parliament 1998). To give another example, attempts by ‘Commission reformers’ to enforce uniform standards of public administration constantly run up against the need for a slender bureaucracy to sub-contract its functions and configure itself somewhat differently in relation to each problem it has to solve and each network of collaborators whose co-operation it needs.

Beyond the first pillar itself, the Union is even less of a political system. Taken as a whole, it is better described in Philippe Schmitter’s compelling terms as a ‘plurality of polities at different levels of aggregation’ (2001); or as a *condominio* of ‘multiple institutions’ that act ‘autonomously to.. produce different public goods’ (1995, p. 354), without uniform mappings between functional responsibilities and their territorial application. Heidrun Abromeit unpacks the complexity of the contemporary EU as something that is:

‘characterised by 1) various levels (community, member states, subnational units) as well as 2) various dimensions (territorial and “functional”) of policy making; that combines (3) highly complex formal (institutionalised) as well as (4) equally complex informal ways of decision-making; that binds together, furthermore, (5) actors of varying degrees of “europeanisation”, acting (6) in policy areas of different degrees of europeanisation and (7) with different numbers of participants, agreeing policies (8) under different decision rules. And perhaps this long list of complexities is not complete’ (1998, p. 8)

A dispersed and decentred polity is almost bound to be in constant search of co-ordination mechanisms that operate, as it were, ‘behind the back’ of formal institutional rules. One such co-ordination mechanism that owes more to practice than formal authorisation has been variously described in the literature as ‘infranational decision-making’ (Weiler, 1997, p. 277); or as tendency for Member State and Union-based actors and institutions to ‘fuse’ their instruments in the day-to-day management of Union affairs (Wessels, 1998). If the abandonment of pretensions to a uniform *acquis communautaire* require one conceptual shift in how we think about the Union, notions of infranationalism and fusion require another.

They play havoc with the intergovernmental/supranational distinction, and even question that between Member States and Union institutions. They prompt the thought that maybe – just maybe – the classic characteristics of ‘stateness’ are no longer to be found in their entirety at just one of the levels, but have, instead, been partially displaced to a hybrid of the two, with the EU enjoying primacy of laws over a significant but far from exhaustive area of competence, while Member States more or less retain their monopoly of violence.

To strip out the intergovernmental/supranational distinction, and question the clarity of that between the Union and its Member States, is a shock to many ways of thinking about the EU on a level with confronting pre-Copernican schools of thought with the observation that the solar system does not revolve around the earth. Yet neither the diminishing relative importance of a uniform Community method nor the erosion of the intergovernmental-supranational distinction exhaust our need to rethink the EU, since both factors interact with a third. An infranational weaving together of national and European levels of government cannot solve all the EU’s co-ordination problems, since the latter are grounded in social and cognitive complexities that go beyond the public-private divide and not just that between Member States and Union institutions. The result has been a devolution of much policy framing and oversight to ‘policy networks’ that are ‘sub-systemic’ (Peterson and Bomberg, 1999) in the sense of operating beneath the formal rules of the EU’s political system, framing policies, and co-ordinating the authorised institutions both *inter se* and in their relationships with their more identifiable policy addressees (Kohler-Koch, 1996).

These networks are intrinsically heterogeneous. By assumption they will expand to the point at which they include all actors needed for the delivery of the goals of the others (Peterson, 1995), and that, of course, is likely to vary from one policy area to another. What is clear, however, is that these networks are simultaneously both a factor in the radical decentring of the EU polity and a co-ordination response to it.

If infranational decision-making challenges the intergovernmental-supranational distinction, the pushing of decisions down to sub-systemic policy networks bursts through the private-public distinction. The Union may not have collapsed into ‘private-interest’ governance, but the networks in which so much of its decisions are made involve an implicit bargain between public and private actors in which the latter trade their co-operation in the realisation of policy for the benefits of a pan-European regulatory framework and a measure of public

legitimation at that level. Such an erosion of boundaries between government and private actors is hardly unfamiliar to the ‘hollowed-out’ states to be found on the domestic political scene (Rhodes, 1996). Yet there has to be a huge difference between the infusion of existing states with new governance methods and their adoption *ab novo* in a non-state political system. Whilst a substantial residue of administrative hierarchy and uniform application of law will be present in the first case, it is questionable how far the second has ever had those qualities.

3. Non-state + Postnational = Post-Parliamentary?

The EU, however, is more than a non-state polity. It is a multi-state, multi-national, non-state polity that operates from beyond the nation-state. The key point for our purposes is that the argument that EU is or should be a ‘postnational non-state political system’ is often taken to imply that it should also be a post-parliamentary one. Thus, in Jo Shaw’s, view ‘conventional parliamentary approaches to democracy represent inappropriate attempts to offer legitimate anchorage to the activities of non-state entities such as the EU (1999, p. 581). She then goes on to argue that the challenge of legitimating the EU is one of understanding how to respond to the ‘deeply ambiguous relationship between the EU and notions of stateness and related questions of nation, demos and ethnos’ (p. 584). Although Shaw thus links non-stateness and postnationalism it is useful to consider the separate obstacles either might pose to parliamentarism at EU level.

Apparent obstacles to a parliamentary Union presented by the EU’s non-stateness relate to the observation that it was only through the defining characteristics of the state that democracy was transformed from a mode of decision employed by small communities to a form of rule applied to mass societies (Dahl, 1989). According to this familiar perspective, representative democracy is the only form of democracy available to any form of government larger than a face-to-face community of individuals, and representative democracy is, in turn, dependent on characteristics of the state. The three main enabling conditions for representative democracy - the willingness of citizens to participate in elections, the development of political parties that offer any two voters more or less the same choice wherever they are geographically located in the political system, and parliaments that can ultimately control all branches of public decision – are more likely to develop in state settings

with a clear locus of sovereignty, administrative hierarchy and a system of law uniformly enforced. Even allowing that liberal-democratic states will by definition leave huge areas of personal and social autonomy, knowledge that states have the ultimate legitimate power to regulate all other relations in society (Beetham, 1991) underscores to the citizen the huge importance of electoral participation. It also encourages political parties to compete with maximum efficiency, something they often do by distilling complexity into simplicity and by developing a presence right across the political system so that any two voters (however unknown to one another) can co-ordinate their actions by voting for the same party.

The further argument that the EU cannot expect 'parliamentary legitimation' because it is not a nation is made as follows by Heidrun Abromeit:

Representative institutions and parliamentary majority rule work well and provide for the democratic legitimation of government only under the condition that they are based on a collective entity called the "people" or the "nation", united by a common language, a common culture, common traditions. Such a "collective identity" is lacking in Europe, and will be lacking for a long time to come. Where it is absent no "public opinion" can emerge; and without public opinion, representative government lacks basis and substance.

Parliamentary debates and decisions will then be miles apart from the wishes and demands of the populace; that is, they are pointless or mere symbolism (1998, p. 33).

Of course, it might be objected to Abromeit that multinational and even multilingual polities often have strong forms of parliamentary politics. Yet at this point the Union runs up against a further difficulty. As long as we hold with Jean-Marc Ferry (2000) that the Union ought to have a 'double normative reference' point in states (or at least national democracies) and individual citizens, proportionality in the representation of citizens has to give way to some degree to parity in the representation of the states. Thus even in the case of the EP - which comes the closest of all EU institutions to proportional representation of citizens - the spread between the number of MEPs per citizen in the smallest and largest of the Member States cannot be reduced much below 10:1 if there is to be a meaningful election in the smallest members states between a range of parties with a prospect of achieving the minimum threshold for election. The multinational character of the Union thus qualifies one of the main attractions of parliamentarianism, namely the possibility of using it to satisfy both parts of the

definition of democracy by coupling ‘political equality’ to ‘public control’ in the one set of institutional arrangements (Beetham, 1994; Weale, 1999).

Cutting across doubts about the possibility of parliamentarisation that derive from the ‘non-stateness’ of the Union on the one hand and its postnational character on the other is a perception that there is no meaningful popular sovereignty at Union level for a parliamentary majority to represent. As Richard Katz puts it (2001, p. 58) the ‘assumption here is that the EU is not sufficiently like a national state for the popular sovereignty model to be applied’. Given low levels of ‘community’ there is apparently little to ground the notion of ‘popular sovereignty’ at European level. Overly aggressive claims to represent a Union-level parliamentary majority are at best only likely to be met with bafflement along the lines of ‘a majority of what? A majority of whom? Not a majority of anything that I can recognise as a single people and feel myself to be a part of?’ At worst they invite political tension. The majority opinion of a European Parliament will inevitably conflict at least some of the time with the strongly held majority opinion of at least some democratically elected governments and parliaments at national level (Dehousse, 1995).

Given that it is by no means clear which majority will be viewed as the more legitimate in the case of conflict (beyond the certainty that different people will give different answers to this question), it is unsurprising that a great many Union procedures are aimed at avoiding such a clash of majorities. Examples are supermajoritarian decision rules on both the Council and EP sides of Co-decision, a very low incidence of majority voting in the Council even where the rules permit it (Matilla and Lane, 2001), and procedures that encourage the EP to make only ‘moderate’ (Kreppel, 2000) demands in relation to the ‘median’ preferences of governments represented on the Council. These, however, are all factors that bound the development of parliamentarism at Union level at the same time as they enable it by moderating the risk of it clashing with national-level majorities. An ideal of high electoral participation in European Parliamentary elections— with voter mobilisation structured around choices relevant to the European Union rather than domestic politics – is, arguably, less likely where elections are only about one half of one branch of government (Blondel et al, 1998); and where the elected Parliament is constrained to decide consensually – and often move by small increments – both within itself and in its relationship with other institutions. This is not an environment in which parties can easily simplify choice by dividing into

‘government and opposition’; nor is it one in which they can ‘strongly articulating’ themselves by bundling issues too many issues together at any one time from across the range of public choice and then emphasising their connection to ideological differences.

4. Substitute Parliamentarism through Stakeholder Networks?

What, then, is to be done? One suggestion is that constraints on the reproduction of representative democracy in the EU polity do not preclude democratisation by more ‘direct’ means. Thus a directly elected chief executive would not require the EU to develop strongly articulated political parties (Bogdanor, 1986); or, to give another example, contestatory referendums (Abromeit, 1998) – which only require that the public should have some ultimate power to undo decisions – would circumvent the tough challenge of applying democratic ideals to preference aggregation in a polity whose everyday decision-making is probably constrained to be complex, consensual and imperfectly understood.

A second solution might be to manage the Union’s decentred, networked form of governance so that it mimics the benefits of parliamentarism. Proponents of this approach might claim that only they take the EU seriously as a non-state and postnational polity. For example, Katz (2001, p. 58) aptly describes John Coultrap (1999) as advocating a ‘stateless pluralism’ for the EU. In contrast, the direct democracy solutions, arguably, continue to assume a substantial residue of ‘state’ and ‘nation’ like features, such as high levels of community and tolerance of majority decision.

Let us assume the benefits of parliamentary politics include their holistic character (they allow all issues to be considered in relation to one another), and their scope to institutionalise political equality and deliberative standards. An ambitious attempt to show how these benefits might be mimicked by ‘stakeholder’ networks is to be found in the advocacy of ‘proceduralisation’ in work associated with the former Forward Studies Unit (FSU) of the European Commission. The latter takes parliamentarism as conventionally understood to be where representatives ‘formulate broad policies in legislative chambers, oversee their detailed implementation by bureaucratic departments’ and ‘impose a particular understanding of the problem and the means to resolve it’. It questions whether this – or, indeed, the ‘application’ of ‘any method’ (2001, p. 18) - is still equal to the demands of ‘legitimate rule

production', which, it argues, cannot be the subject of 'one size fits all solutions', but must themselves be bargained and deliberated – and not assumed – in direct 'face-to-face' networks of those affected by each proposed set of rules. The proper role of the public authority (in this case the Commission) is not so much to decide as to facilitate: to ensure representatives of all affected by a decision really do have access to the stakeholder networks that should increasingly takeover the tasks of policy framing and evaluation; to equalise the 'material and cognitive' resources available to different stakeholders; to ensure any one policy is 'evaluated from the point of view' of all others; and to encourage 'collective learning' and the substitution of public reason for purely private preference formation. Thus stakeholders should be asked to 'clarify the presuppositions they bring to a particular issue', to reflect on the contingency of their models' and to 'demonstrate the coherence of their constructions, not only in terms of their positions but in terms of the positions of others as they have evolved during a process of collective learning (European Commission 1997; De Schutter *et al*, 2001)

How convincing is this attempt to displace the benefits of parliamentarism from representative assemblies to stakeholder networks refereed for fairness by a public authority like the Commission? A useful starting point for a critique is that at every stage the proposed mimicking of parliamentary politics depends on criteria: criteria for the determination of patterns of access and participation; criteria for transparency and publicity; criteria for fairness and equality of opportunity and resources; criteria for deciding what is the force of the better argument and what it is to meet deliberative standards such as good reason giving, public reasoning and so on.

If the proceduralist approach is not to presuppose the very parliamentary politics that it is supposed to replace it must show that it is capable of generating these criteria from within itself. Reasons for being sceptical are not hard to identify.

Since *ex hypothesi* the EU public authority only turned to policy networks to make up for its own resource inadequacies it must be assumed to have only limited scope to compel compliance with standards needed to mimic parliamentarism. The proceduralist solution thus really does depend on network participants – most of whose members are assumed to be veto holders in the sense each is needed for the delivery of the goals of most of the others (Peterson, 1995)– voluntarily admitting the powerless and then redistributing cognitive

resources and decision rights to them, as well as complying with deliberative ideals in their own behaviour. Even assuming stakeholder networks are able to identify and include all those affected by their decisions, the prospects of their adequately reproducing the benefits of parliamentary politics on a voluntary basis would have to contend with the tendency of even the virtuous to be poor judges in their own cases (Locke, 1977 [1690], pp. 123-4); worse, they would have to contend with a temptation that runs contrary to inclusion and fairness, namely that of cartelising the benefits of public policy in a manner that favours insiders at the expense of outsiders, while turning ‘legitimation’ from procedure to ritual, from substance to façade.

What, then, would be the consequences of any tendency for stakeholder networks to ‘under-supply’ the benefits of parliamentarism in their attempts to mimic them? Let us now expand and justify what we previously just assumed to be the benefits of parliamentary politics. The first is their holistic character. In other words they provide a site for law –making in which all problems can be comprehended in relation to all others. If trade-offs of values and limited resources are to be found between issues and policies – and not just between them – there has to be some procedurally fair means of making such trade-offs. Even from a purely functional point of view, a polity that has no means of dealing with externalities or the cumulative unintended consequences of individual actions will be dysfunctional. As Jürgen Habermas puts it (1996, p. 343): ‘each sub-system becomes insensitive to the costs it generates for other systems. There is no longer any point where problems relevant for the reproduction of society as a whole can be perceived and dealt with’ and ‘Because they are specialised for functional co-ordination, corporatist structures are no match cognitively for accumulating problems’ (ibid, p. 352). The result is that the decentred society or polity that does not also have some means of ‘re-centering’ decisions and managing connections between them is in a sense self-defeating: ‘it can no longer benefit’ from its own complexity and differentiation’ (ibid, p. 342).

But the need for there to be some point in a polity that can deal with problems relevant to the whole is much more than functional. This is because legitimate law-making needs to be able to answer three questions at once: a) how can we reconcile competing interests under conditions of procedural fairness? b) How can we decide ‘who we are and seriously want to be?’ c) How can ‘we act in accordance with principles of justice?’ (ibid, p. 181). In other

words, as Habermas further argues, the legislator needs to be a body that can consider the full range of reasons – pragmatic and technical, ethical and to do with identity, moral and to do with rights – for acting in one way rather than another. Moreover, law-making and executive control then have to be unified. Only if the legislator can follow through with executive control is ‘legitimate power’ differentiated from ‘mere administration’ (ibid, p. 134).

The second benefit of parliamentary politics lies in their ability to institutionalise political equality and deliberative ideals. Parliamentary politics ideally tie representatives into an incentive structure in which their policy and office goals are ultimately arbitrated by electoral performance based on ‘one citizen, one vote’. It is only through such a ‘reweighting of the dice’ that the political system attains an element of autonomy in which it is able to produce outcomes that differ from those which would prevail under a given – and usually unequal - distribution of social power.

Moreover only bodies that can ‘proceduralise’ political equality can ‘proceduralise’ deliberative ideals given the close dependence of the second on the first. Any undersupply of either would undercut any rational grounds for citizens continuing to regard themselves as authors of their own laws even where they are constrained to legislate through representatives (Habermas, 1997, p. 57). It would thus effectively undo Dahl’s second transformation whereby democratic politics were reconciled with mass society through processes of representation. Either political inequality or attempts to make laws for which no reasons have been given (according to fair procedures and basic standards of argumentation) are forms of arbitrary domination rather than self-rule (Pettit, 1997). This is, arguably, even true where a majority view has been sanctioned by voting, but little or no deliberation has clarified what reasons justify setting aside all alternative views to that of the majority (Dewey, 1927).

Indeed, a fundamental difficulty with the idea of using stakeholder networks under the benign supervision of a public authority to mimic the benefits of parliamentary representation is that it is not at all clear in what sense that would allow citizens to remain actors at all, let alone consider themselves as somehow authoring their own laws through the designation of ‘lay stakeholders’ to the networks or through pleas from the executive public authority that other unrepresented views be taken into account. Any person designated to speak for the diffuse

and ‘unorganised’ public interest in stakeholder networks would not be appointed ‘by’ citizens but ‘for’ them. They would not be designated on the strength of judgements citizens themselves make about their needs and values but on some paternalistic interpretation of what those needs and values are. Instead of an administration that is ‘programmed’ by a process of representation, the process of representation would be programmed by the administration.

5. Bringing Parliamentarism back in to the Decentred Polity.

At this point the analysis might seem to have reached an impasse by uncovering the following apparently insoluble legitimation dilemma: the EU’s decentred and non-state polity can neither support a satisfactory system of parliamentary politics nor manage without one. The time has come to re-examine the proposition that parliamentarianism is incompatible with a decentred non-state polity. On that score, classic accounts of parliamentarism such as John Stuart Mill’s *Representative Government* already offer some reassurance. Whilst Mill is clear that the representative body needs some measure of ‘ultimate control’ over all public decisions ‘in their entirety’ he is equally clear that can and should be a control of ‘last resort’. As far as day-to-day decision-making is concerned he is strongly opposed to parliaments attempting to govern or even to their doing very much at all. Even legislation, in his view, ought to be confined to ‘yes’ or ‘no’ approvals, if the ‘lay’ function of parliamentarism is not to impinge on the expert functions of governments. Although this last point strikes me as profoundly wrong given the implications of what we now know about the power of legislative agenda-setting for the ideal that citizens should be able to consider themselves as authoring their own laws through their representatives, it is worth quoting at some length Mill’s evaluation of just how far on a day-to-day basis (short of the need to exercise ultimate controlling powers) the qualities of parliamentarism are best delivered through talk. Representative assemblies are often taunted by their enemies with being places of mere talk and *bavardage*. There has seldom been a more misplaced derision. I know not how a representative assembly can better employ itself than in talk..[It should] be a place where every interest and shade of opinion can have its cause passionately pleaded in the face of the government and all other interests and opinions’ ...[where] all points of view present themselves in full light and challenge discussion to be tested by adverse controversy.. [where]

points of view are not set aside by a mere act of will, but for what are thought to be superior reasons (Mill 1972 [1859], 239-240).

Several deliberative ideals of contemporary political theory are to be found in this quotation, dispelling the notion they are a suspect post-modernist invention. The key point, however, for our purposes is that once control recedes into an ultimate power of last resort it is easier to imagine parliamentary politics as being compatible with a dispersed and heteronomous polity. Indeed, Mill makes precisely that point: it does not, in his view, matter which of many possible means of public control is employed in any one area of public policy, so long as, in relation to each, a sufficient degree of ultimate controlling power is available to the representative body (ibid, p. 228). This condition can be satisfied even if both executive and parliament are 'multi-organisations'.

If Mill can be read in ways that suggest a decentred system of executive power is compatible with there being some point in the polity where everything comes together in a single system of representative politics, Habermas suggests ways in which parliamentary politics can accommodate the social and cognitive complexity that drives the decentering of executive power in the first place. He reminds us that all that is needed for communications from autonomous and spontaneous civil society to be converted into legitimate law-making is that they should *at some point* pass through the 'sluice gates' of that part of the public sphere that is procedurally structured with what we have taken here to be the attributes of parliamentarism, namely the ability to take decisions affecting society as a whole according to fair procedures and deliberative standards. Moreover, the notion that democracy can rule over a decentred society or polity of dispersed activities and weak identities while at some moment 'recentering' decisions by passing them through the 'sluice gates' of parliamentary structures is, in Habermas' view, easier to imagine once we shift over from considering popular sovereignty as a 'macro-subject' (ibid, p. 299) to equating it with the operation of democratic procedure itself:

The discourse theory of democracy corresponds to the image of a decentred society, albeit a society in which the political public sphere has been differentiated as an arena for the perception, identification and treatment of problems affecting the whole of society. Once one gives up the philosophy of the subject, one needs neither to concentrate sovereignty in the

people nor to banish it in anonymous constitutional structures and powers. The “self” of the self-organising legal community disappears in the subjectless forms of communication that regulate the flow of discursive opinion- and will- formation.. Popular sovereignty retreats into democratic procedures (ibid, p. 301)

6. Concluding with some empirical observations.

The foregoing insights from political theory tell us that the standards of parliamentary government are not in principle incompatible with a decentred polity. Indeed, the more decentred the polity, the more acute may be the reasons for needing to reconnect it to parliamentary politics. However, the question of whether the EU is capable of developing a parliamentary dimension to its decentred non-state and postnational polity is also, in part, an empirical one that can be addressed through evidence of its experiences with a directly elected parliament since 1979. Of course, there are limits to what that evidence can – or could ever tell us – since the post-1979 experience has by no means tested all possible ways in which parliamentary politics could be applied to the European arena. Indeed, Paul Maignette’s observation that the Union is best described as ‘semi-parliamentary’ (1999) reminds us that the experiment with parliamentarism is incomplete. Yet it seems to me that post 1979 experiences have at least sufficient to call into question three commonly-made criticisms of the application of parliamentary politics to the EU.

The first is that low participation in European elections should be taken as evidence of low public support for parliamentarisation. The difficulty with this argument is that it is by no means clear that participation in European elections is so disastrously low in comparative perspective if the comparitors are not taken (as they usually are) to be the parliaments (i.e. national parliaments) with which the EP shares geographical space but those with which it shares structural characteristics in dividing the labours of representative government. The key point here is that there is a clear difference between national parliamentary elections in most EU Member States that effectively allow voters to choose both the executive and legislative branches of government at the same time, and European Parliament elections that are only a contest for one part of the legislature. Regrettable though it may be for a number of reasons, participation in European elections is not unusual for legislative elections in divided systems of government (Blondel et al, 1998). It cannot thus be taken as evidence of low support for

the principle of applying parliamentary politics to the EU. Indeed, survey evidence rules this out as a significant factor in voter abstention (ibid).

A second critique that seems to me to be wide of the mark is that the European Parliament somehow fails to provide 'value added' to the representation of the public since EP voting alignments for the most part, just replicate the left-right cleavage structure of national politics while giving less attention to the development of new dimensions of choice specific to the European Union. Whilst, for example, MEPs have strong views for or against European integration they do not dominate their voting behaviour. The difficulty with this argument is that it is by no means clear why 'left-right' preferences should not be considered 'European issues'. Given the substantive content of the policies covered by the EU it would be extraordinary if representatives did not want to influence left-right outcomes. In any case, the EU political system does not so much suppress the supranational-intergovernmental cleavage as allow it to be addressed on a national-territorial basis through the Treaty formation process. For the EP to concentrate on pro-anti integration preferences, rather than left-right ones, would not improve representation. It would mean giving up a focus that corresponds to the Parliament's powers for one where another body, the European Council, makes the key choices. Indeed, the left-right character of the EP has led some to question how far there is a disconnect at all between the electoral and parliamentary levels of EU party politics. Herman Schmitt and Jacques Thomassen (2000) have shown that MEPs line up in the same order along a left-right dimension of political choice as those who vote for them. Although I argue elsewhere that this is far from sufficient to overcome all the deficiencies in the EP's electoral linkage back to the citizen, it surely does temper some of them by ensuring a resemblance of represented and representatives along a key dimension of choice which – crucially – holds even under conditions of second-order voting (Lord, 2004).

A third form of scepticism about Euro-parliamentarism that is open to some empirical questioning is the no-demos problem itself. The key point here is that the question of whether a polity has a sufficient identity to sustain representative politics cannot be fully answered in the abstract. Sufficiency of identity is something that always needs to be tested against the specific representatives institutions it is proposed a polity should use. The reason for this is quite simply that some representative institutions are designed to cope precisely with low or

even non-existent feelings of community. Needless to say there is not much evidence that (reliably) connects feelings of identity with the European Union to specific options for its institutional development. After, however, summarising familiar Eurobarometer evidence of how far respondents 'feel European', table 1.1 sets out some of the few tentative indicators that are available of public acceptance of different options for collective decision-making at Union level, both in terms of scope (the number of policies subject to joint decision at both levels of government) and method (the degree of majoritarianism. Questions 6-8, for example, demonstrate that around two-thirds of the public would prefer a Commission President to be chosen either by the EP or citizens themselves, even though that solution would be significantly majoritarian in allowing a simple (parliamentary or electoral) majority to allocate a key position of executive power. Now it may just be that respondents were not fully aware of the implications of their answers to these questions. However, an alternative possibility is that there is an underlying coherence to the answers in the table that confirms precisely the point that it is impossible to answer in the abstract whether a people has sufficient identity to support particular approaches to representative politics. The application of majoritarianism to be selected points in a political system may be acceptable even to those with a relatively low sense of community, if office holders appointed by a majority have none the less to operate within a consensus system, as presumably would be the case even for a directly or indirectly elected Commission President in his or her dealings with the other Union institutions.

Table 1.1. Public Identification with the EU

A. FEELINGS OF IDENTITY	EU15	Aus	Bel	Den	Fin	Fr	Ger	Gr	Ire	It	Lux	Neth	P	Sp	Swe	UK
1. Index of Feeling of Europeanness (0-1) ¹	0.25	0.23	0.29	0.24	0.17	0.27	0.28	0.20	0.21	0.32	0.35	0.23	0.21	0.28	0.17	0.16
2. Percentage who feel exclusively national	38	45	34	38	55	33	39	48	47	20	26	41	43	28	54	62
B. ACCEPTANCE OF JOINT DECISION-MAKING																
3. Number of issue areas (max 27) where majority accept joint decision-making	19	13	19	12	10	17	20	16	14	23	20	17	21	27	9	10
C. ACCEPTANCE OF MAJORITY DECISIONS																
4. Member States should retain vetoes to preserve essential national interests	50	67	45	71	62	51	51	69	57	51	68	50	44	38	60	47
5. States should drop vetoes to make EU more efficient	25	16	33	18	27	28	30	12	15	25	17	32	15	23	26	19
Difference 5-4	-25	-51	-12	-53	-35	-23	-21	-57	-42	-26	-51	-18	-29	-15	-34	-28
6. The President of the Commission should be selected by Heads of Govt	14	16	11	22	22	16	13	14	23	15	18	14	21	13	18	10
7. EP should elect President of the Commission	32	31	35	40	35	26	38	35	21	37	30	39	18	25	39	24
8. Citizens should elect President of the Commission	34	32	36	25	29	41	33	31	28	32	42	31	26	34	29	36
9. Commission should resign if loses confidence of EP (balance of agreeing over disagreeing)	+55	+61	+53	+70	+75	+55	+63	+54	+50	+64	+70	+50	+42	+58	+66	+31
D. EU CITIZENSHIP EDUCATION																
10. The EU should be taught at school (balance of those agreeing over disagreeing)	+71	+77	+79	+82	+82	+73	+72	+70	+79	+81	+87	+83	+79	+70	+87	+50

¹ The index of feelings of Europeanness is calculated from the answers in Eurobarometer 57 (2002) to the standard question in which respondents are asked whether they feel a) European only b) in the first place European and in the second place citizens of their own country c) citizens of their own country in the first place and European in the second place d) national only. Responses d) to a) are scored from 0 to 3 respectively and then expressed as a decimal of the maximum possible score taking into account 'don't knows' for each country.

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