

Elections in Multi-Level Political Systems: Top-Down and Bottom-Up Processes

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Introduction (and disclaimers)

This paper must start with two disclaimers. The first is that, although my initial intention was to explore the ways in which the increasingly problematic relations, in times of crisis, between the national and subnational levels of government are reflected by electoral competition and electoral results, orienting the vote towards those parties that are perceived to best defend the interests of the (or, of certain) peripheries, I then realized that this enterprise was as difficult as it would be somewhat redundant. To begin with, local elections have their own timing (often out of synch even within the same country) and peculiarities: it is a statistical law and an ecological truth that the lower the level of aggregation, the greater the variation. Trying to draw conclusions from very disparate local elections would have made little sense and whatever evidence I could extrapolate would be at best anecdotal. More importantly, the focus of the panel is on the interaction between the national and the supranational levels, hence these are the levels at the center of attention and, in the circumstances of the current crisis, probably also the more meaningful ones.

The second disclaimer is that my expertise does not lie in elections, but rather in the two processes that take place before and after casting the vote: the ways in which societal preferences are formed and the decision-making processes through which they are enacted (and transformed). I have never really studied elections *per se*, but rather as effects or premises of other political phenomena. My considerations on elections in multi-level political systems, then, will have to be mostly theoretical and address the problems that the interactions among levels create to the meaning and practice of representation. My analysis will therefore be institutional and normative rather than behavioral and empirical, but I hope to show that the institutional setting in which European and national elections take place is likely to affect the behavior of voters. To conclude this introduction to the introduction, I am not going to talk about what I had promised in the original abstract. What I wish to develop, rather, is a reflection on *how the coexistence and interaction between two parliamentary levels in affecting representation at each level*.

Perhaps to the dismay of my fellow panelists, I will argue that elections in the EU multi-level political system are losing much of their traditional functions and acquiring new ones. In fact, elections are losing some of their traditional functions also within national democracies, in part because of the multi-level dynamics at play in Europe and in part because of independent developments. In making these statements, which are rather commonsensical from a governance point of view, I am comforted by the words of Peter Mair and Jacques Thomassen (2012) who had come to the conclusion that “what we see here, then, and exceptionally in European political traditions, is the separation between representation on the one hand, and government on the other” (23). Better said, the functions that each type of parliament, national or European, is normally expected to perform are being allocated in new ways among parliamentary levels, and this has important consequences on both institutions. This is a consequence of the competences of the European and the national parliaments in the EU system, but also more generally of the increased awareness of European citizens that, particularly in times of crisis, parliaments (whether European or national) are no longer sovereign. These considerations are not new, and they have been in fact the object of a large and growing literature (e.g., Raunio 2009). What I wish to add are some implications drawn from

political theory and some insights drawn from the study of a different multi-level dynamic, that between state and sub-state governments

In representative parliamentary democracies, parliaments are supposed to perform three fundamental functions: allow the expression and facilitate the transformation of political preferences thus giving *voice* to the people; forge the popular *will* to be then enacted by the executive; and exert *control* over the latter. I will call these, with Urbinati (2006), *voice*, *will* and *surveillance*. The co-existence of two parliamentary levels in the EU multi-level political system has caused a separation of these tasks and an unconventional allocation of each to different parliamentary levels (or to none at all). Citizens' reaction has been so far (mostly) to keep voting as usual, as if national parliaments were still fully in control of all three functions and as if the European Parliament were in control of none. The crisis may put an end to this collective delusion and induce a new awareness as to the real powers of these two parliamentary levels. The outcome of national elections that have taken place since the onset of the crisis seems to reveal this new awareness and the upcoming 2014 elections of the European parliament will most probably reveal it even more clearly.

In this paper, I will first illustrate the three democratic functions of representative assemblies. I will then argue that in the EU multi-level political system these functions have been separated and allocated to different parliamentary levels, and I will conclude by showing how this affects both institutions and the kind of representation that they can offer European citizens. This might finally affect electoral behavior in the 2014 European parliamentary elections.

The role of elections in representative democracies

In representative democracies elections are the system through which representatives are chosen and parliaments – the embodiments of the sovereign people – are formed. Representation is the distinctive trait of contemporary democracies: not a second best to direct democracy but arguably a superior form or, in any event, an apt form of democracy in times of full democratization (Urbinati 2006: Introduction). Through elections, citizens do not only appoint legislators or express policy preferences, they also express their sovereignty as a people. But while elections are the necessary condition for representative democracy, they are not a sufficient condition. Representation is not exhausted by elections. Far from being antithetical or inimical to it, as some elitists would claim, representation does not rule out participation, which is rather a necessary complement to elections in any truly democratic representative democracy. Moreover, representation does not only occur in parliamentary assemblies, but also in other decision-making and even informal contexts which involve actors at levels different from the national and the supranational, i.e. also sub-national and societal actors.

Democracy is about the expression of judgment and the activation of will. Judgment in turn requires “presence through ideas and speech” (Urbinati 2006: 3), activities which cannot be delegated once and for all exclusively to elected representatives. Hence, elections do not exhaust the democratic essence of our contemporary democracies. Nevertheless, they are a fundamental component of democracy for, through the act of voting and selecting representatives, citizens set in motion a process of democratic representation that, however, unfolds well beyond elections. “Focus on the presence through ideas and speech reveals participation and representation not as alternative forms of democracy but as related forms constituting a continuum of political judgment and action in modern democracy” (ibid.).

The essence of democracy is “political equality with public control” (Weale 1999). Political equality entails the equal right of all citizens to participate in the expression of *judgment (isegoria)* and in the formation of *will (isonomia)*. Judgment in turn has two aspects: an active, ex-ante (Urbinati calls it “positive”) “doing” as *proposing* and *activating* and a more passive, ex-post (Urbinati calls it “negative”) “doing” as *receiving* and *surveilling* (which is the precondition for public control). So judgment is not merely an ex-post evaluation of someone else's activity or inactivity, as if the only reactions could be “consent or rebuff” (Urbinati 2006: 5), but also an ex-ante activity of prodding and activating. While both judgment and will are essential elements of democratic representation, contrary to the current tendency to consider the right to decide on one's

own destiny were all that mattered in democracy, Urbinati underscores the importance of the former vis-à-vis the latter. In other words, while the contemporary emphasis on the expression of will has almost obliterated our appreciation for the formation of judgment, the new turn to representation (Kröger and Friedrich 2013) devotes full attention to the formation of judgment.

In electoral studies, the emphasis on the expression of will has driven an almost exclusive attention to the role of political parties in the formation of governmental majorities: the emphasis has been on “democratic government” rather than on “democratic representation” (Mair and Thomassen 2010: 22). “The very notion that we can have representation as such, or representation without an intimate connection to government, is quite alien to a European tradition of political representation in which representation and government are combined through the aegis of party” (ibid. 23). More generally, in EU studies the distinction is often made between the institutional “power” to decide and mere “influence” on decision-making, perhaps because the former is more easily observed and formalized than the latter. I have argued elsewhere (Piattoni 2013) that exclusive attention to the expression of will leads to an understanding of representation as a mere act of authorization and, ultimately, to an impoverishment of the notion of democratic representation. It also leads to a general downgrading of the articulation of voice as channeled by EU bodies, such as the Committee of the Regions, or to the expression of will performed by governance arrangements which are mainly involved in the implementation of broad policy frameworks (Piattoni 2012).

“Representation highlights the idealizing and judgmental nature of politics, an art by which individuals transcend the immediacy of their biographical experience and social and cultural belongings and interests, and educate and enlarge their political judgment on their own and other’s opinions” (Urbinati 2006: 5, emphasis added). Urbinati’s attempt is to bring about a fuller appreciation of *representation as advocacy*, that is, as the formation and expression of judgment in both its active and passive variants. In this respect, representative democracy is *superior* to direct democracy in that it forces citizens to elevate themselves from their specific conditions all the while obviously departing from their biographical details when expressing their views and interests. “Political representation ... entails a complex political process that activates the ‘sovereign people’ well beyond the formal act of electoral authorization. Representative politics has the power of unifying and connecting ... the ‘fluctuating units’ of civil society *by projecting citizens into a future-oriented perspective*” (Urbinati 2006: 5). Through democratic representation, then, the subject – the constituency – is created: disparate individuals, entrapped in their own particularities, discover to have common values and interests and become a collective subject.

In this respect, Nadia Urbinati’s position is not so distant from Michael Saward’s understanding of representation as “claim-making”: “A *maker* of representation (M) puts forward a *subject* (S) which stands for an *object* (O) which is related to a *referent* (R) and is offered to an *audience* (A)” (Saward 2006: 302). Representative claims work if the audience accepts the claim. “A representative claim is a double claim: about an aptitude or capacity of a would-be representative, and also about relevant characteristics of a would-be audience (nee constituency)” (ibid. 303). Representation as judgment accomplishes what representation as will cannot: while the expression of will presupposes the existence of a subject (a demos, a constituency, a forum), representation as judgment is capable of creating one.

Makers of representative claims attempt to evoke an audience that will receive the claim, and (hopefully, from the maker’s point of view) receive it in a certain, desired way. Makers of representative claims suggest to the potential audience: (1) you are/are part of this audience, (2) you should accept this view, this construction — this representation — of yourself, and (3) you should accept me as speaking and acting for you. The aim of the maker of the claim in such cases can be said to be to avoid disputatious ‘reading back’, or contestation of their claims, by would-be audience members. (Saward 2006: 5).

Clearly, representation as claim-making implies that there must be a dialogue between the audience and the claim-maker. The audience is constituted through the claim-making activity of the representative.

Obviously, the claim will be all the more successful the more it resonates with “ready made, existing terms and understandings which the would-be audience will recognize” (ibid.). While this may appear as a fleeting and ethereal notion of representation, it describes particularly well a situation – like that which obtains at EU level – in which the represented are somehow still undefined or are still in the process of being constituted into a constituency. This vision of representation as an ongoing dialogue between a claim-maker and an audience rhymes well with Urbinati’s view of representation as advocacy, as a process through which what is common among disparate individuals becomes apparent as it gets extracted and distilled in the very process of representation. It should be added, though, that such an ongoing dialogue does not take place only in representative assemblies, but even more frequently during actual mobilization in other institutional (decision-making) settings and even in everyday societal activities and in the streets.

Representation is a comprehensive filtering, refining and mediating process of political will formation and expression. It models the object, style and procedures of political competition and action. It helps to depersonalize the claims and opinions, which in turn allows citizens to mingle and associate without erasing the partisan spirit essential to free political competition or obscuring the majority/minority divide. ... Representation can never be truly descriptive and mimetic of social segmentation and identities because of its unavoidable inclination to transcend the “here” and “now” and to project instead a “would-be” or “ought-to-be” perspective that translates almost naturally into advocacy (Urbinati 2006: 6).

In this sense, much representation takes place also in governance settings. Through representation interests are upgraded and expressed as particular instances of more encompassing, categorical interests or as embodiments of fundamental values. This is also why the discursive, deliberative aspect of politics is so crucial: because democracy as mere selection of representatives might become an elected form of oligarchy and because democracy as mere expression of will might become an act of enlightened despotism.

The EU multi-level parliamentary field

The coexistence, within the EU multi-level political system, of two (in fact more!) levels of political representation complicates the activity of democratic representation. Conventional (and Lisbon Treaty) wisdom has it that EU citizens enjoy two types of electoral representation: *direct electoral representation* in their national parliaments and the European parliament and *indirect electoral representation* in the Council of the European Union and the European Council through their national governmental representatives and heads of state and government. *National parliaments* serve a double function: they contribute to the formation of political will at EU level through the authorization that they grant their governmental representatives to decide in the Council of the European Union and the European Council, and act as a control mechanism on EU legislation through the early warning mechanism (EWR) in defense of the subsidiarity principle. The *European Parliament* directly contributes to legislate at EU level through the ordinary legislative procedure and exerts a certain degree of control on a number of agencies (Commission included) and committees. The *Council of the European Union* and the *European Council* are only indirectly representative of their national constituencies, but they are democratically legitimated to make decisions on their behalf. What more would a EU citizen ever wish for (Moravcsik 2002)?

Since long, the literature has highlighted a number of problems with this inter-parliamentary “division of labor” (Mair 2000) which are well known and will be here rehearsed only in order to then focus on their effect on representation as understood above and their impact on elections. I will here focus exclusively on directly representative institutions, ignoring the problems connected with indirectly representative ones.

First, EP elections are “second order national elections” (Reif and Schmitt 1980), meaning that they are fought on national issues and not on issues of direct pertinence of the European Parliament. As a

consequence, national electoral cycles will affect the outcome of EP elections, giving an advantage to governmental parties if EP elections are held close to national elections or to opposition parties if they happen to take place in the middle of the electoral cycle (Hix and Lord 1997). Generally speaking, turnout at EP elections will be lower than at national elections and small and opposition parties will tend to do better at EP than at national elections, as voters will take this chance to express their dissent vis-à-vis their current governments. The European Parliament will therefore be composed of a rather disparate set of representatives selected for the “wrong” reasons, that is, without any sort of “mandate”¹ to form judgment and express will on EU issues but rather with a potentially overwhelming mandate to oppose and criticize the Union. Compounding factors are the absence of true pan-European electoral campaigns (reference), the absence of a pan-European public sphere (reference) and the lack of a pre-existing European demos (reference).

Second, as a consequence of this state of affairs, the obvious roles of the European and the national parliaments, particularly in the expression of judgment function, are inverted (Mair 2000: 28): “[I]t is argued that the national electoral arena is best suited to the contestation of key European issues, whereas the European arena is best suited to debate about more everyday policy questions. More often than not, however, the debates are actually pursued the other way around, with the result that elections in each arena fail to prove decisive. The voters have a *voice*, of course, but it tends to be on matters that sometimes cannot be decided in the particular arena in question” (emphasis added). Even though later Mair acknowledged that Euro-parties in fact behave pretty much as most national parties and that the political space in the European Parliament did not differ substantially from that of most national parliaments, stretching along a left-right dimension (Mair and Thomassen 2010), the disconnect between the types of issues debated in national parliaments and in the European parliament, and therefore the different motivations with which national and EU representatives are elected, are still argued to have an impact on the type of representation being offered in each of them.

Third, despite the momentous institutionalization of the European Parliament and the “normalization” of EP political dynamics, other authors have argued that rather than a conventional left-right political space, the European Parliament presents a green, alternative, libertarian (GAL) versus traditional, authoritarian, nationalistic (TAN) political dichotomy (Hooghe, Marks and Wilson 2002). They start by observing that extremist left and right parties oppose European integration, while centrist (social democratic, Christian democratic, liberal, conservative) parties favor it. They explain this phenomenon as opportunism: “Parties that are successful in the existing structure of contestation have little incentive to rock the boat, while unsuccessful parties, that is, parties with weak electoral support or those that are locked out of government, have an interest in restructuring contestation. The same strategic logic that leads mainstream parties to assimilate the issues raised by European integration into the Left/Right dimension of party competition leads peripheral parties to exploit European integration in an effort to shake up the party system” (ibid. 968-9).

This explanation can be contrasted to an alternative one according to which extremist parties oppose European integration because “European integration is primarily a market-liberal project mitigated by some measure of regulated capitalism. The Euro-skepticism of extreme parties arises, therefore, not only from their opposition to the EU’s policies but also because they reject the ideology of the EU’s construction” (ibid. 969). In a later article, Hooghe and Marks (xxxx) argue that also the European Parliament is characterized by this type of dichotomy, which could be of great significance for an interpretation of the type of representation offered respectively by national and European parliaments. In the TAN end of the spectrum we could find also those parties of the extreme left that still subscribe to an ideology according to which national industries must be defended at all costs, while in the GAL end we could find neo-liberal parties willing to bet on green technologies to develop the global industries of the future. To the extent that it is not simply reproducing a left-right dynamic but is factoring in changes that may be taking place at both ends of the more conventional dichotomy, this different interpretation of the political space would

¹ To be understood in a weak, common language sense rather than in the strong sense normally attributed to it by political philosophers.

allow for a new type of realignment between politics at national and EU level. Yet, official rhetoric may still be unable to capture and articulate these new developments.

The fourth fundamental element that affects the type of representation expressed by both types of representative assemblies is their different collocation in the democratic chain of delegation and their different institutional powers (Strøm et al 2003). National parliaments, while *politically* relatively disempowered by the process of European integration, are nevertheless still the central formal *institutional* juncture in the chain of representation that flows from the people to the executive and the bureaucracy and are normally also perceived to be the crucial *institutional* link in the chain of accountability that flows in the opposite direction. National parliaments are therefore at the center of those institutional chains of delegation and accountability that are normally identified with representative democracy (Curtin 2007). While Urbinati's criteria for democratic representation are both more nuanced and more demanding and cannot be exhausted simply by checking where parliaments are institutionally positioned along the chains of delegation and accountability, still not constituting the central link of both chains of delegation and accountability weakens the democratic centrality of the European Parliament.

That the Parliament has acquired greater co-decision powers and increased control functions does not compensate for the fact that a European "government" does not germinate from within the EP and does not respond directly to it. Various attempts at linking at least the selection of the President of the Commission to the political orientation of the European Parliament and its increased powers to approve or reject the candidate President and the college of Commissioners does not compensate for the fact that the EU executive does not express a EU-wide parliamentary majority – and this confirms the distinctiveness of the EP vis-à-vis national parliaments. Likewise, the protracted tug-of-war between Council and Parliament over the control powers of the latter vis-à-vis comitology committees demonstrates how also the surveillance function of the European Parliament has been hampered by its peculiar institutional position.

A fifth, more political aspect of the distinctiveness of the European Parliament is the fact that, unlike all other parliaments, it is excluded from a number of highly relevant policy areas, be they old community policies (such as agriculture) or newer intergovernmental policies (such as EMU). Even in federal systems (to which the EU system is sometimes assimilated), it is the federal chamber that may be excluded from some decisions, never the house of representatives! Moreover, the fact that most of the EP's decisions "must" be politically supported by super-majorities clearly shows that this chamber lacks a conventional majority-opposition dynamic, which is the hallmark of a working parliament. This too tends to muzzle electoral competition and to encourage the vote for extremist, anti-systemic parties rather than for centrist ones, given the impossibility of perceiving with any accuracy the political difference that casting the vote for one or the other would really make. In their turn, national parliaments, while institutionally stronger than the EP, are not doing so great either.

With exceptions, national parliaments are perceived to be the big losers of European integration (Raunio 2011). The process of integration has caused a "verticalization" of politics, meaning that national executives and their representatives are in the driving seat of most decisions, both political and technical. Only extraordinarily well-organized national parliaments – the Danish Storting is a myth in this respect – can attempt to keep abreast of EU decision-making and make their voice heard with any consistency. With the Treaty of Lisbon, national parliaments have acquired greater powers, particularly the possibility of inducing a revision of legislative proposals when issuing a yellow or an orange card in the "early warning mechanism". Moreover, the horizontal relations among European Affairs Committees (COSAC) and more generally among parliamentary chambers has created what Crum and Fossum (2009) call a "multilevel parliamentary field" which could, in theory, allow sustained exchanges of judgment and voice among national parliaments. Unfortunately, it would seem that the Euro crisis has distorted this field in favor of some national parliaments – such as the Bundestag and the Assemblée Nationale – at the expenses of others – such as the parliaments of the southern, debt-burdened states – and has therefore injected a new type of "democratic deficit" into the Union (Benz 2013).

The provisions of the Treaty of Lisbon and in particular the EWM, while formally giving substance to the surveillance powers of national parliaments, has so far had a minimal impact (and will probably continue to

do so). However, the EWM contains a certain potential for the upgrading of the common interests of several national constituencies which should not be underestimated. In this respect the experience of an even weaker EU body, like the Committee of the Regions, is instructive. It is precisely because it cannot count on any constitutionally enshrined decision-making powers, that the CoR has learnt how to upgrade the territorial interests of its members and to make its voice heard by seeking to influence more subtly the community's decision-making process (Piattoni 2012).

Fragmented democratic representation

Under these circumstances, which aspects of representation are offered, respectively, by national and European parliaments? From Urbinati (2006) we know that the three functions of representation are the articulation of *voice*, the production of *will*, and the exercise of *surveillance*. Does the mutual co-existence of national and European parliaments stifle the fulfillment of their democratic roles?

Let us look first at the *European Parliament*. Does the EP allow for the articulation and expression of voice? Does it exercise surveillance on the executive(s)? And does it contribute to the formation of will? Finally, are voters induced to vote at EP elections in order to select those representatives that will best fulfill these functions? Since the Single European Act (1988), the European Parliament has managed to raise the volume of its voice and strengthen the expression of its will. With the help of the European Court of Justice (Pollack 2003), it has gained co-decision powers in an increasing number of policy areas. However, if we want to analyze separately the expression of voice and the exercise of will, we need to focus on the activating and proposing powers of the EP separately from its decision-making powers. With regard to policy initiation, we notice that the Commission still enjoys, at least formally and in most policy areas, the exclusive right of legislative proposal. While not strictly within its institutional powers, however, the EP can find ways of *proposing* legislative initiatives and of *activating* the Commission so that it produces legislative initiatives of EP interest. Through own opinions and by supporting influential policy networks, the EP can work behind the scenes to set into motion a process that initiates legislation on issues that are of interest to the EU populace.

Alliances between members of the European Parliament, Commission functionaries and civil society activists have been observed to have led to important chapters of EU legislation: gender equality legislation has been stimulated precisely by the formation of such a "velvet triangle" (Woodward 2004). Similarly, environment-friendly MEPs have succeeded in stimulating environment-conscientious Commissioners who have then promoted environmental legislation which responded to diffuse citizens' concerns (Lenschow 2005). To the extent that EP elections have returned a significant number of environment-friendly MEPs, we may say that citizens can indeed exert (the positive aspect of) judgment through the European Parliament. However, one cannot fail to notice how circuitous this activity necessarily is. How many MEPs have been actually elected because of their EU-level green agenda? How many of them have campaigned on a green agenda that explicitly mentioned the EU as an important level at which to act? Has the green vote rewarded EP candidates for what they promised to do at EU level or for their past, present and future activities at national level? Have not in fact transnational NGOs been much more effective in proposing and activating the Commission than environment-friendly MEPs? The literature confirms that the green, alternative, libertarian (GAL) wing of the EP occupies an entire extreme of the EP political space, but the extent to which it has been elected to the European Parliament to that end is still unclear (Hooghe, Marks and Wilson 2002).

How about the passive side of judgment, that is, *receiving* and *surveilling*? As we know, the European Parliament cannot dismiss the Commission President or his commissioners unless they are accused of misconduct or wrongdoing – and even then the solution may be a political resignation rather than a vote of censure (cf. the Santer affaire). However, surveillance is also a menial and day-to-day activity, and concerns the extent to which the "government" of the EU (at least the Commission, comitology committees, and other agencies) is kept on its toes as regards the translation of legislative decisions into outputs and the implementation (or supervision of implementation) of those decisions. This is particularly important to the extent that these agencies and committees are often called to complete the legislative process by

translating general principles into actionable criteria and standards. The EP has fought tooth and nail to protect its right/duty to be kept informed of committees' activity and to control agencies' and comitology committees' decisions (Pollack 2003, Curtin 2007), but its relative success has not depended on the pressure of the electorate. In other words, when trying to defend its prerogatives and strengthen its institutional position, the EP is not so much responsive to its electorate as it is driven by an inter-institutional jockeying for power. We must conclude with Schimmelfennig (2010) that the democratization of the EU is driven not so much by societal pressures as by inter-institutional dynamics.

As is known, the EP has made its greatest strides in the exercise of *will*, the second fundamental component of democratic representation and that to which most EU scholars have directed their attention. As is known, the EP now has co-decision powers in most areas of EU competence. While studies suggest that the enhanced codecision powers have in fact made the Commission's position and role, not necessarily the Parliament's, still the EP now co-decides in almost all chapters of legislation. Does this guarantee political equality to all EU citizens? The resounding answer has been "no" and, according to some scholars (Kröger and Friedrich 2013), this is a fundamental problem. Strict proportionality and a "romantic" notion of demos induce these scholars (and the German Constitutional Court) to conclude that only a European Parliament that represents proportionally the several peoples of the Union can be entitled to democratically express the will of the Union (ibid.).

The idea of an EU demos should be obtained by arithmetical aggregation of the several peoples of Europe appears questionable in itself. However, to the extent that national political systems are organized mainly along a left-right spectrum, their aggregation may in fact give rise to a surprisingly coherent political space (Mair and Thomassen 2010). In no political system, however, does the electoral system secure equal amount of representation to each individual voter. All sorts of disproportionalities are caused by natural thresholds and demographic changes. Special provisions are often expressly introduced to secure proportionally greater representation to citizens inhabiting more sparsely populated areas, who have a harder time exercising those other forms of participation that contribute, together with voting, to the expression of voice and will.² Moreover, nowhere in Europe (with the only possible exception of Germany, in fact) has the existence of the national demos been the precondition for state- and democracy-building. Rather, the construction of the national demos has been the (often incomplete and contested) outcome of those processes (Bartolini 2005). Strict proportionality, therefore, does not seem the solution to granting "political equality" to the citizens of the Union (Lord and Pollak 2013).

If Mair's (2000) "reversal of roles" thesis is still valid – something that Mair himself has later questioned (Mair and Thomassen 2010) – then MEPs' legislative activity is not what drives the European vote, and this is a much more damning circumstance than the absence of strict proportionality. In order to make the vote for the EP politically consequential, proposals are being tabled attempting to link the vote for the European Parliament to the selection of the President of the Commission. Right now, MEPs are elected on the basis of how much or how little they claim the EU should legislate, not on how they actually (co-)legislate, that is, on whether they promote a coherent political agenda. High doses of potentially lethal de-institutionalizing pathogens are thus inoculated into the parliamentary body. The expression of will is consequently diverted onto a different agenda, one that has to do with the scope and reach of the EU as a whole – in a word, with its constitutional complexion.

National parliaments find themselves in the opposite situation. They are the seat of detailed bargaining over policy decisions whose contours (if not detailed content) have often been decided elsewhere (at EU level). Parliamentary fights concern the short-term implementation of framework decisions taken elsewhere, rather than long-term strategies. The crisis has only accentuated this situation. Many authors

² In Italy, citizens registered to vote in populous electoral district (like, for example, that including Rome) "buy" 11% less representation than the citizens registered in less populous districts (such as, for example, Sardinia). In Norway, a *Bondeparagrafen* was explicitly introduced in 1859 to grant inhabitants of the rural districts greater representation than those of the city districts. The paragraph was eliminated in 1959. Admittedly, the OSCE-ODHIR task-force signaled among the areas for improvement in the 2013 Norwegian elections "the unequal weight of the vote among constituencies" (OSCE-ODHIR 2013: 1).

have denounced the apparent “suspension of democracy” in those Euro-area member states subjected to special surveillance because of their shaky national accounts (Greece, Ireland, Italy, Portugal and Spain – the GIIPS). Extraordinary elections or new governmental majorities have been necessary in some of these countries to face the emergency caused by the risk of default of national debts, but nowhere has democracy been actually suspended. Oversized majorities or grand coalition governments, in fact, are becoming more common also in Euro-area member states that for the moment do not appear to suffer from the crisis, such as Germany. Generally speaking, times of crisis suggest the expansion of majorities to include also normal-times opposition parties. This is, for example, what has happened in Italy, where *grosso modo* the “emergency” grand coalition that sustained the Monti government is supporting also the current government. Is this general decline in majoritarian politics a consequence of the crisis, the effect of the reversal of roles between European and national parliaments or just a trend common to all democracies (UK included)?

Still, at national level, there is still ample space for *activating* and *proposing* measures that complement EU legislation. The better organized national parliaments manage to direct their governmental representatives’ activity in the Council and the European Council even before decisions are made (Raunio 2011). Much of this activity is premised on national parliaments *receiving* EU legislative proposals early on from the Commission and assessing it terms of the national interest. It also consists of adapting EU legislation to the national context without distorting or otherwise deflecting it. Unfortunately, this important expressions of voice and will is often obliterated by emptier, although noisier, activities such as complaining against decisions already made in Brussels by national representatives (at least in some EU member states). Raunio (2011) convincingly argues that such a muffled expression of judgment is due to the actual lack of interest on the part of the main governmental and opposition parties to debate publicly the issues that really matter in plenary sessions (accessible to the wider public). They share an interest in carrying out these discussions in closed (or less publicized) parliamentary committee debates, in which the distance between their factual support to EU policies and their public disavowal of the same would become apparent. While this behavior serves the immediate purposes of “mainstream” parties and the cause of “integration by stealth”, it does undermine the role of national parliaments as forums for the articulation and expression of judgment on EU issues.

National parliaments have always had the possibility – in fact the right and duty – to oversee the activity of European institutions, but with the Treaty of Lisbon they have also acquired the formal capacity to defend the principle of subsidiarity (*surveillance*). One-third of the votes allocated to national parliaments (two each, for a total of 56 votes) can issue a reasoned opinion requesting the Commission to revise a legislative proposal which is deemed to breach the principles of subsidiarity and proportionality, to which the Commission can react by maintaining, amending or withdrawing the proposal (yellow card). If reasoned opinions are submitted by at least a simple majority of the votes allocated to the national parliaments, the proposal must be reviewed. After such review, it is now the Commission that may decide to maintain, amend or withdraw it. If the Commission decides to maintain the proposal, a majority in the European Parliament or 55% of the member states in the Council, may oppose it, but this is very unlikely. Some commentators (e.g., De Wilde 2012) think that this alone is sufficient to conclude that the Treaty of Lisbon has not contributed to filling the democratic gap of the Union. Raunio (2011) concurs and concludes that national parliaments have increasingly become the “gatekeepers” of integration since it is their receiving and surveiling functions that have been increasingly strengthened. I too believe that it is the misallocation of judgment and will at the national versus the European level that is responsible for much of the democratic deficit we experience today in Europe.

To the extent that they express judgment and exercise will in the wrong assembly on the wrong issues at the wrong time, national candidates and voters prevent themselves from engaging in that meaningful dialogical exchange which makes for democratic representation. Unless the multi-level institutional context in which representation takes place is fully factored in and voters and representatives behave accordingly, the distance between European candidates and voters cannot be shortened.

Possible behavioral effects on EU voters

The “reversal of roles” between European and the national parliaments and the consequent misallocation of the democratic activities of judgment and will on the part of EU citizens affects national campaigns and European and national elections. The crisis has had the effect of further exposing this misallocation of roles and of making abundantly clear what can in fact be decided at national level and how and when judgment can be expressed in order to influence the exercise of will at EU level. National political parties are beginning to campaign on constitutional issues – whether to leave the Union and/or which functions to retain at national level and which to decide at EU level – rather than over policy issues over which they no longer have competence. Thus, national campaigns may be on their way to becoming a more veritable forum for open discussion on the right kinds of questions. However, paradoxically, this new awareness might have the effect of weakening the European Union by electing a large number of Euro-skeptic representatives to the European Parliament. It will not be until the two parliamentary levels will find a common political axis along which to organize the expression of judgment that the misallocation of tasks will be corrected.

What can this multi-level interaction learn from a similar type of interaction, that between the sub-national and the national and supranational levels? What can a marginal body like the Committee of the Regions (CoR) teach the much more powerful parliaments of Europe? I have argued elsewhere (Piattoni 2011, 2012) that subnational representatives in the Committee of the Regions have managed to find their common denominator by accepting to act as if they no longer were representatives of general purpose governments, as regions, provinces and municipalities are, but as if they were representatives of a particular point of view, the view from the periphery. By acting as if they were private interests – that is lobbying and aggregating their distinct territorial interests into categorical interests – they are managing to express judgment – they activate, propose, receive and surveil other EU institutional bodies – much more effectively than they would ever be if they tried to express their will, that is, to gain decision-making and veto powers (Piattoni 2013). They more effectively represent the interests of the EU peripheries in this indirect way than if they tried to acquire direct expression of will. In this latter case, CoR members would inevitably be forced to make the interests of their particular constituencies, thus creating even more complex “joint decision traps” than already exist and forgoing the possibility to create new types of constituencies, those of EU citizens who have similar first-hand experience of EU policies and can therefore give important insights into their effectiveness “on the ground”. By sticking to these apparently more menial representational tasks, the CoR might even claim to express judgment on EU policies better than most national parliaments.

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