

Notre Europe

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## Politics: The Right or the Wrong Sort of Medicine for the EU?

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Two papers by **Simon Hix** and **Stefano Bartolini**

## Notre Europe

*Notre Europe* is an independent research and policy unit whose objective is the study of Europe – its history and civilisations, integration process and future prospects. The association was founded by Jacques Delors in the autumn of 1996 and presided by Tommaso Padoa-Schioppa since November 2005. It has a small team of in-house researchers from various countries.

*Notre Europe* participates in public debate in two ways. First, publishing internal research papers and second, collaborating with outside researchers and academics to contribute to the debate on European issues. These documents are made available to a limited number of decision-makers, politicians, socio-economists, academics and diplomats in the various EU Member States, but are systematically put on our website.

The association also organises meetings, conferences and seminars in association with other institutions or partners. Proceedings are written in order to disseminate the main arguments raised during the event.



# Foreword

With the two papers published in this issue of the series "Policy Papers", Notre Europe enters one of the critical debates characterising the present phase of the European construction. The debate revolves around the word 'politicisation', just as others revolve around words like 'democracy', 'identity', 'bureaucracy', 'demos', 'social'. The fact that the key words of the political vocabulary are gradually poured into the EU mould is in itself significant.

In *narrow* terms, the issue at stake is whether the European institutions should become 'politicised' in the sense in which national institutions are, i.e. whether the right-left divide should become the all pervasive watershed separating participants in the EU policy making, in Parliament, in the Commission and possibly in the Council. Stated in *broader* terms, however, the debate is about the nature of the EU, on whether it is a polity or a simple organisation, whether its power is technocratic, or bureaucratic, or political; about its legitimacy and democratic control; about the relationship between national and European politics.

Notre Europe has chosen to begin its involvement in this debate by hosting articles by two leading scholars, who hold quite different views on the subject. Simon Hix and Stefano Bartolini have investigated the issue of politicisation and extensively published on it. Here they present a concise, accessible and well informed appraisal of the subject. Simon Hix takes the view that *"More Left-Right politics at the European level is not only inevitable but is also healthy, as it will allow the EU to overcome institutional gridlock, will encourage policy innovation, will produce a mandate for reform, and so will increase the legitimacy of the EU"*. Stefano Bartolini discusses six aspects of the politicisation debate which, in his view, have not been taken into account by advocates of politicisation. Based on these six issues, he argues that *"the remedy might be worse than the disease"*.

The debate will further develop through 2006, with reactions to the present papers on Notre Europe's website in April ([www.notre-europe.asso.fr](http://www.notre-europe.asso.fr)) and a seminar discussing the papers in Brussels in May. Notre Europe invites interested readers to express their views by writing ([notreeurope@notre-europe.asso.fr](mailto:notreeurope@notre-europe.asso.fr)), quality replies will be published on Notre Europe's website. Notre Europe will elaborate its own point of view as the debate progresses and will make it explicit in due course.

Tommaso Padoa-Schioppa



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# 1 – Why the EU needs (Left–Right) politics? policy reform and accountability are impossible without It

## Simon Hix

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# Executive Summary

- Growing Left-Right political battles in the EU are inevitable now that the policy-agenda has shifted away from creating a single market to deciding how far this market should be regulated or deregulated.
- More Left-Right politics at the European level is not only inevitable but is also healthy, as it will allow the EU to overcome institutional gridlock, will encourage policy innovation, will produce a mandate for reform, and so will increase the legitimacy of the EU.
- Recent Treaty reforms have opened new arenas for political contestation inside the EU institutions, by increasing the power of the European Parliament in the legislative process, extending majority voting in the Council, and changing the way the Commission President is elected.
- Political competition and alliances are also emerging inside each of the EU institutions – a competitive party system in the European Parliament, Left-Right voting patterns in the Council, and a more party-political Commission.
- The challenge is how to coordinate policy positions and alliances across the three EU institutions and how to link this emerging pattern of EU politics to citizens' interest and preferences.
- To do this, the political stakes need to be increased slightly, by allowing the majority in the European Parliament to set the internal agenda of the Parliament, by opening up the legislative process inside the Council, and by having a more open contest for the Commission President.
- These changes do not require fundamental reform of the EU Treaties, but do require a commitment by Europe's leaders to allow Left-Right politics to play a more central role in the day-to-day business of the EU.

## Introduction: the Case for EU Politics

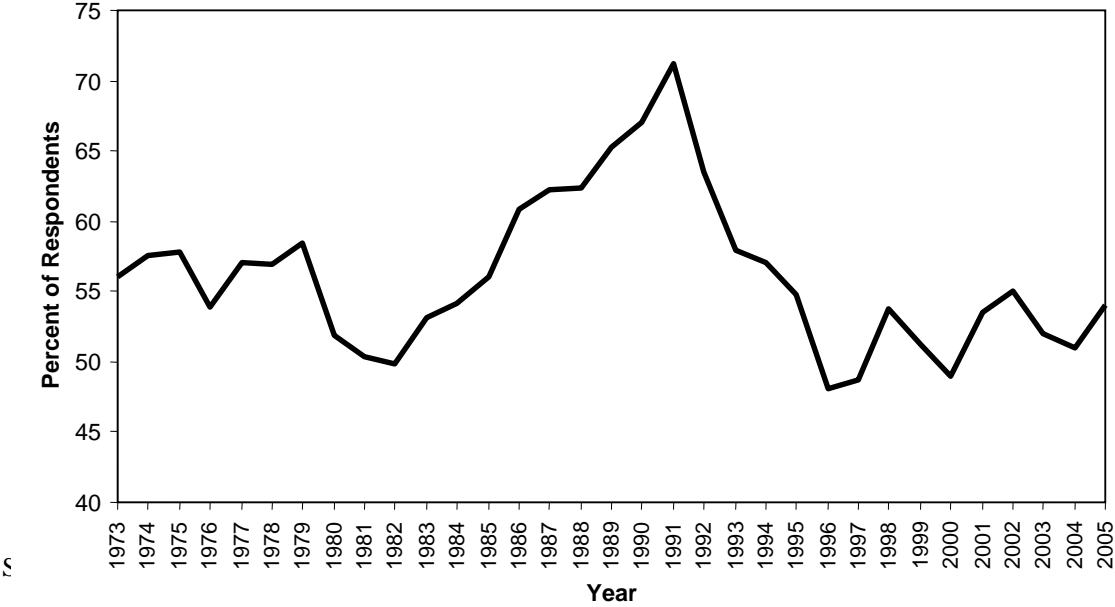
Finally some politics in the EU! For years, or even decades, European leaders have found it convenient to pretend that there is no politics in Brussels. Either they did not want to reveal that they were sometimes on the losing side of political debates, or they feared that any political arguments would (further) undermine support for the EU. After the failure of the Constitutional Treaty, however, the 'gloves are off'. On one side are the so-called 'neo-liberals', led by Commission President Barroso and backed by some big-hitters in the Commission, a significant coalition of governments in the Council, and the largest political group (the European People's Party) in the European Parliament. On the other side are the 'social Europe' protagonists, represented by both sides of the political divide in France and backed by a minority of Commissioners, one or two other governments in the Council, most of the socialists and greens in the European Parliament, and disgruntled organised labour and other excluded social groups throughout the continent.

This, I believe, is exactly what Europe needs. For too long the EU has been isolated from real political battles. Delegating powers to politically independent institutions may have been reasonable during the creation of the basic economic and political architecture of the EU – of a market on a continental-scale regulated in Brussels and the coordination of national policies that influence how the market functions. However, now that this architecture is in place, the EU faces two new challenges.

The first challenge is how to make the European-wide market work to produce jobs, increase growth, and protect the European way of life, for example through reform of labour markets, the service sector and the welfare state. These are tough policy decisions. These decisions are also fundamentally 'political', since the choices made will produce winners and losers, at least in the short term, and these winners and losers will take different sides in the political debate. Difficult policy decisions also require leadership, as reforms cannot be undertaken without a coalition in support of them within and across the EU institutions.

The second challenge is that there has been a dramatic decline in popular support for the EU in the last decade. As Figure 1 shows, only about 50 percent of EU citizens currently think that their country's membership of the EU is 'a good thing'. The long-term viability of the EU is in serious danger unless this downward trend can be reversed in the next decade. Economic reform alone is not sufficient to increase support for the EU. The winners from any reforms might become more enthusiastic about Europe, but the losers will become even more opposed. What is needed is a mechanism for engaging European citizens, that would enable them to identify policy options, take sides in a debate, and ultimately accept being on the losing side in one period in the expectation that they will be on the winning side in the near future. The only way to achieve this is through gradually increasing political contestation at the European level, and allowing this contestation to produce a mandate for policy change.

Figure 1. Percent of People who Think Their Country's Membership of the EC/EU is 'A Good Thing'



In other words, the choice is not between reforming the EU to promote political leadership and policy efficiency or reforming the EU to promote more politics and democracy. In reality, one cannot exist without the other. Policy reform will be impossible without more political competition and coalition-formation. In return, a more accountable and popular EU will be impossible unless the EU can live up to the demands and expectations of its citizens, and so undertake policy reforms in our interests.

What I do in this paper is elaborate these ideas. In section one I explain why politics – meaning ideological conflicts with winners and losers – is inevitable in the EU and is likely to increase in the future. Section two then argues that growing political contestation at the European level is not only inevitable but is also desirable, to overcome institutional gridlock, foster policy innovation, and increase accountability and legitimacy. In section three I argue that radical institutional reform is unnecessary, as the EU is already well designed for ‘constrained politics’. Section four then explains how politics is emerging inside the EU institutions. The task, as I see it, is to find a way to increase political coordination between the EU institutions and to link the growing battles to the citizens. Consequently, in section five I outline some ‘gradualist’ proposals for reform, which do not require fundamental reforms but do require a commitment to change on the part of Europe’s political leaders.

## 1.1 WHY POLITICS IS INEVITABLE IN THE EU

'Politics' has been absent from much of the history of European integration. This is partly explained by the aims of the founding fathers. Jean Monnet and his cohorts were convinced that national political rivalries and ideological conflicts were the root causes of war and economic destruction in the 20th century. Their solution was to design a system of governance at the European level that would prevent such conflicts. On the one hand, their design ensured that policy-making at the European level would be dominated by European and national technocrats rather than by an elected 'government' or 'parliament'. On the other hand, the rules of decision-making were meant to secure 'consensus' and so prevent open conflicts.

Independent regulatory institutions isolated from politics are also justified from a particular view in contemporary political science. The leading proponent of this view is Giandomenico Majone (1996), who maintains that creating and regulating a market is fundamentally different to taxing and spending. Regulatory policies aim to correct market failures and so benefit society as a whole. For example, labelling and packaging regulations correct 'information asymmetries' between producers and consumers, and environmental regulations correct 'negative externalities' of private market interactions (where people not involved in a particular market exchange, such as selling/buying a car, are negatively affected by the pollution produced in this exchange). In contrast, most spending policies aim to redistribute resources from one group in society to another, and so create winners and losers.

If regulatory policies are made by 'majoritarian' institutions, like parliaments or elected governments, these institutions would have incentives to use these policies to benefit their own supporters. This, the theorists of independent regulators contend, would defeat the object of regulatory policy-making, as instead of using these policies to correct imbalances that are the negative result of market economic activity, regulation would be used to promote a particular ideological objective or interest. For example, if environmental standards are set by an elected government rather than an independent regulator, these standards are likely to promote the interests either of producers or of consumers, rather than balancing the interests of these two groups and incorporating the interests of society as a whole.

As a result, Majone argues that regulatory policies should be made by independent institutions. This is similar to the logic behind independent central banks, which prevent elected governments from using monetary policy to pump-up the economy before elections. Similarly, independent courts are preferable to judicial decisions by governments or parliaments, in that the former are more likely to protect basic civil and economic rights than the latter.

This is exactly the case in the EU, where most EU legislation relates to the creation and regulation of the single market. Majone in fact describes the EU as a 'regulatory state', as a way of contrasting what the EU does to the 'welfare state' at the national level in Europe, and welcomes the fact that the Commission (the main EU regulator) is isolated from political competition. The voters elect their national parliaments, the national parliaments choose the national governments, and the national governments choose the Commissioners. As a result, there are several steps between the Commission and the citizens.

If 'normal democratic politics' existed in the EU, instead of EU policies promoting the European-wide public interest, the result would be policies that promote the interests and values of a particular political majority. For example, rather than a single market programme that balanced deregulation of national markets with common environmental and social standards, there would have been either an openly neo-liberal project or an openly socialist project. The result would have been widespread opposition to the project from the supporters of the losing side. Majone and others consequently argue that a more politicised EU would in fact have the opposite effect to that often claimed by its proponents, and so undermine rather than reinforce the legitimacy of the EU (Dehousse, 1995; Majone, 2002; Moravcsik, 2002).

However, the assumption that 'regulatory policies' simply promote the public interest and do not create winners and losers is largely false. In reality there is a continuum between purely public interest-oriented regulation at one end and purely distributive regulation at the other. For example, certain technical decisions, such as consumer product standards and safety protection, are at the 'public interest' extreme of the continuum. Next on the continuum are interest rate policies and competition policies, where the aim of delegation to independent institutions in these areas is the time inconsistency of preferences and the need for trustworthiness, rather than the fact that these policies by definition are purely about the correction of market failures and the production of collective benefits.

Next are the bulk of EU policies related the construction and regulation of the single market. A larger market and harmonised national regulatory standards to secure market integration certainly have public interest elements, in that most EU single market, environmental and social regulations aim to make the free market work more efficiently or to correct particular market failures, such as negative externalities of production (such as pollution), collectively disadvantageous trade barriers, or information asymmetries in employment contracts (such as rules on minimum health and safety at work).

Nevertheless, despite this 'public interest' aim of EU policies, in reality most EU regulatory policies have significant redistributive consequences. Private producers for domestic markets are losers from the liberalisation of trade in a single market (e.g. Frieden and Rogowski, 1996). Similarly, producers tend to bear the costs of environmental 'process' standards, such as factory emissions standards. On the other hand, some workers benefit from social policy 'process' standards, such as equal rights for part-time and temporary workers, while other groups (the unemployed) suffer from more regulated labour markets.

Furthermore, even if a case could be made that isolating EU policy-making from political contestation was a good idea for the creation of the single market and economic and monetary union, the challenges facing the EU now are quite different. The reforms of the EU Treaties from the mid 1980s to the end of the 1990s have created a new socio-economic and political architecture in Europe: with a continental-scale market regulated at the European level, taxing and spending at the national level, and the coordination of national policies where one member state's policies effect another's (such as fiscal policy, asylum policy etc.). Now that this quasi-constitutional structure has been established, the challenge is what to do with it. Should the EU single market be more liberal or regulated? Should macro-economic and monetary policies be more orthodox or Keynesian? Should the EU have a more liberal or restricted immigration policy? And so on. Whereas the creation of the single market might have benefited most social groups in one way or another, by producing economies of scale and higher growth rates, the policy choices that the EU is now facing will almost certainly lead to clearly identifiable winners or losers, at least in the short term.

In sum, there are winners and losers from existing EU policies. The 'regulatory state' theory provides good reasons why certain EU policies, such as competition policy or food safety regulation, should be delegated to independent agencies. But this argument does not apply to most EU policies, which have produced winners and losers and will produce even clearer winners and losers in the future, as the EU undertakes policy reforms. There is no inherent reason why these policies should be isolated from democratic contestation, and indeed the opposite is the case. Winners and losers from policies will inevitably produce conflicts in the policy process. Also, policies that create winners and losers are more likely to be seen as legitimate if they are made by openly political institutions, where politicians express the views of their supporters, than by independent institutions, where technocrats are isolated from the views of the people affected by their decisions.

## **1.2 WHY POLITICAL CONTESTATION IS A GOOD THING**

In addition to the fact the political contestation in the EU is inescapable, there are at least three reasons why it is also highly desirable.

### **1.2.1. POLITICS OVERCOMES INSTITUTIONAL GRIDLOCK**

The institutional design of the EU – with so many checks-and-balances on the Commission, the majority in the Council and the majority in the European Parliament – makes it very difficult for policies to be adopted in the first place, as I explain in the next section. The high thresholds for the adoption of legislation are not a problem when policies are adopted for the first time. When completely new policy issues are on the EU agenda, an overwhelming majority in the Commission, the Council and the European Parliament usually prefer a range of potential policies to the existing situation of no common policies (as was the case in the creation of the single market).

However, once a policy has been adopted, the checks-and-balances of the EU mean that policies are very difficult to change: what political scientists call 'locked-in'. This is because only a few actors are needed to prevent an overwhelming majority from undertaking policy reform. Under unanimity voting, only one member state in the Council is needed to block reform (for example of budgetary policies, such as the Common Agricultural Policy). And, under the codecision procedure, policy change (for example of existing single market legislation, such as the regulation of labour markets) can effectively be halted by either a majority of Commissioners, or a blocking-minority in the Council, or one of the main political groups in the European Parliament.

With more open political battles in the EU legislative process, both within and between the EU institutions, the chances of overcoming this 'institutional gridlock' are increased. Political debate and competition in the policy process will foster the creation of alliances across the institutions. For example, the social democrats could line-up against the liberals and conservatives in the Commission, the Council and the European Parliament. And, once these battles are 'out in the open', where the public can see which political leaders stand for what position or belong to which political coalition, there will be costs to breaking away from agreed positions. The result would be significantly greater policy coordination across the EU institutions, which would increase the chances of overcoming gridlock and so undertaking reform.

Groupings of national parties at the European level – such as the European People's Party (EPP), the Party of European Socialists (PES), and the European Liberal, Democrat and Reform Party (ELDR) – already bring together the leaders of national parties, the political groups in the European Parliament, and the European Commissioners from these parties. However, these are rather loose umbrella organisations with few incentives to coordinate genuine political action across the EU institutions. Without open political contestation, there are no electoral or political sanctions if a political leader signs a particular transnational party agreement (such as a statement from a party leaders' summit) and then immediately reneges against this when acting in the Commission, the Council or the European Parliament. But, with more open competition, the costs of reneging will be higher, which will either significantly strengthen the nascent 'transnational' parties or force the re-alignment of these organisations and the establishment of new European-wide political forces.

In other words, with more EU politics there will be higher stakes, which will force leaders to coordinate with like-minded actors throughout the EU policy process, which will in turn increase the chances of overcoming the inherent gridlock in the EU system, and so increase the EU's ability to undertake policy reform.



### 1.2.2. POLITICS PROMOTES POLICY, INNOVATION, PREFERENCE CHANGE, AND ISSUE-LINKAGE

Political competition in the policy process also improves policy formation. It does this in several ways.

First, incentives to generate rival policy ideas foster *policy innovation*. Where do new policy ideas come from? Some politicians are naturally gifted, and can come up with brilliant new policy ideas. In general, though, our political leaders are no better at innovation than anyone else. What forces them to 'think outside the box', however, is the discipline of competition and contest in the policy process. In the spotlight of media scrutiny, under pressure to perform, and with the potential of competing leaders with rival agendas, politicians tend to be considerably more innovative. Political contestation also forces politicians to explain their ideas clearly and to justify if their ideas are consistent with their other policy positions. So, if it is innovative thinking that Europe needs, then political contestation is much more likely to promote this than isolating technocrats from politics.

Second, political deliberation provokes people into changing their political views. This is what political scientists call '*preference change*'. Citizens' views on many policy questions are in most cases only partially formed. Most citizens have limited information about the likely consequences of policy change, and so are uncertain about how a particular policy proposal will affect their interests. This is particularly true of highly complex regulatory issues, such as liberalisation of services or the deregulation of labour markets. Without open political debate, citizens' views are easily manipulated by political entrepreneurs, such as newspaper editors, leaders of minority parties, or activists in single-issue lobby groups. If there is more open debate between the main political leaders in a polity, the protagonists are forced to set out their positions and confront their opponents in the media or outside mainstream politics. The result is a process of 'policy learning', whereby citizens' original opposition to a particular policy proposal can evolve into qualified support.

One recent example of this is the issue of reform of the state in Germany. In the late 1990s there was widespread opposition to the liberalisation of German labour markets and reform of the German pensions system. Following a period of intense political battles between the main political parties, both inside and outside the Bundestag, a majority of voters came around to accepting that reform was necessary. In the absence of any debate, the positions of the voters would still be as they were ten years ago.

Now imagine the situation in the EU with the so-called 'services directive'. Currently there is widespread opposition to the liberalisation of the service sector in Europe. Citizens' views on this issue are soft and easily manipulated by vested interests, such as public enterprises and nationalistic newspapers. If there was a more open political debate on this issue, voters would learn that the proposed directive is not as radical as some of the opponents claim and also that liberalising the service sector is more likely to create jobs than erode jobs. The result would be a more measured debate and a likely policy compromise.

Third, with an open political debate on a question like the services directive, politicians would be forced to connect the likely effects of such a policy reform to other policy proposals – facilitating what political scientists call '*issue linkage*'. Without political debate, there are few incentives for politicians to coordinate their positions across issues. The result is that solutions in each separate policy area can become dangerously isolated. With political battles, in contrast, rival camps are forced to develop coherent packages of policies (manifestos), where policy change in one area is compensated in another. For example, on the issue of liberalisation of the service sector, a coherent policy package would include a set of flanking policies (such as higher public investment in education and training) that would alleviate the potential negative effects of the resulting market restructuring.

In sum, political contestation forces politicians to innovate and develop coherent policy packages. Policy battles also promote preference-change amongst the electorate. Rather than isolated policy solutions in individual policy areas, each of which can be opposed by citizens for a unique set of reasons, the result would be 'joined-up thinking' and the emergence of public support for a coherent package of reforms.

### **1.2.3. CONTESTATION INCREASES ACCOUNTABILITY AND LEGITIMACY**

Open political battles would also increase the accountability and legitimacy of the EU. Competition between rival groups of elites is the central element of modern democratic government (esp. Schumpeter, 1943). A competitive battle to win control of the policy-process has at least three positive side-effects.

First, political battles allow citizens to *identify the protagonists* and understand the likely consequences of one or other side being able to implement their agenda. Politics is ultimately a glorified 'soap opera', with weekly instalments of confrontations and intrigues between vibrant (or sometimes dull!) personalities. Rather than seeing this as negative, it is in fact positive. Clashes between political leaders attract media attention, which in turn attracts public attention. Without battles and the potential of losing, citizens cannot distinguish between rival leaders, and so cannot work out which leaders they sympathise with, and so hope will win the battle, and which they loathe, and so hope will lose.

Second, competition also produces a *mandate* for the winners. If a particular political coalition emerges victorious from a political battle (for example those who are elected to political office, such as the Commission President) the members of the coalition can claim that they should be given a chance to try out their policy agenda. Without such a mandate, any proposed policy change is regarded as underhanded and hence illegitimate.

This is exactly the problem Barroso faces. He was in effect 'elected' by a qualified majority in the European Council, against the wishes of the French and German governments. He also has sympathetic Centre-Right majorities in the Commission, the Council and the European Parliament. He consequently thought that the opportunity existed to undertake a set of liberal reforms, which he set out in the Commission's Work Programme in early 2005. However, in the process of selecting Barroso, rival candidates had not presented their policy ideas

(manifestos) to the public, and political leaders (prime ministers and party leaders in national parliaments and the European Parliament) had not clearly announced their support for one candidate or another. Hence, when Barroso emerged from the 'smoke-filled rooms' of the European Council to propose a radical set of policy reforms, the losers in the election process did not accept these proposals as legitimate. Had there been an open debate, with Barroso emerging as the 'winner', he would have been able to claim a mandate to act.

Third, and related to this, following an open political battle, those on the losing side are willing to accept the outcome of a contest if they expect that they will be on the winning side in the not too distant future. In the domestic arena, losers of the democratic process (people who voted for parties that do not become part of the government) are willing to accept the outcome of an election because they hope to win next time. However, if a section of society feels that it is permanently on the losing side, then the members of this group will not only oppose the government of the day but will also start to oppose the political system as a whole (Anderson et al., 2005). This is exactly the situation in the EU. For example, if there was a more open political battle for the Commission President, between candidates with competing policy agendas, the supporters of the losing policy-agenda could reasonably assume that their policy agenda would be on the winning side next time round. However, without such a competition, those on the losing side (currently on the Left) become increasingly opposed to the whole EU project because of its current policy agenda, rather than trying to win control of the levers of power at the next opportunity.

In other words, with the experience of watching and participating in a democratic debate, and with politicians who are forced to respond to voters' concerns and develop rival policy ideas, public support for the EU would gradually begin to be rebuilt. A large part of the decline in support for the EU is explained by a people's perceptions that either they are losing from economic integration in Europe or are expecting to lose from the current EU policy agenda. As a result, the only way to 'win people back to Europe' is to persuade people that their own interests and values will be promoted via the EU, if not now, then at some not too distant point in the future. This will be impossible without more open democratic politics at the European level.

### **1.3 THE EU INSTITUTIONAL SYSTEM: IDEAL FOR 'CONSTRAINED POLITICS'**

One might assume that more politics in the EU might only be possible with further reform of the institutions, as proposed in the Constitutional Treaty. I disagree. The EU in fact possesses an ideal set of institutions for the emergence of 'constrained politics'. The EU's system of checks-and-balances ensures that greater contestation will not lead to radical policy change or the dominance of a single political majority. Yet, the reform of the procedure for 'electing' the European Commission in the Maastricht, Amsterdam and Nice Treaties has opened the door, at least ajar, to the prospect of more political competition for the key agenda-setting office in the EU.

The 'space' for politics in a political system is determined by how far agenda-setting power (the ability to initiate policy proposals) and veto power (the ability to block policy changes) are centralised in a single actor or shared between multiple actors (Tsebelis, 2002). At one extreme, a system can have a single agenda-setter and veto-player, as in the classic 'majoritarian' model, where there is single-party government, the executive dominates the legislature and there is a weak second chamber. At the other extreme, 'consensus' systems have multiple veto-players, either through proportional representation and coalition governments or through a separation of powers between the executive and the legislature, or both. In majoritarian systems, because the stakes of winning and losing are so high, the risk is that a single group can dominate decision-making and impose radical policy change on a reluctant minority. In consensus systems, in contrast, policy change is difficult and broad coalitions need to be built to secure policy change. Hence, in geographically, culturally or socially pluralist polities (such as the EU), a consensus-based design is preferable to a majoritarian design (cf. Lijphart, 1977, 1999)

The problem for the EU in terms of finding a role for more political contestation in the system is that it is perhaps more consensus-oriented in its design than any political system in the history of modern government! To start with, agenda-setting power is split between two institutions: the European Council, which sets the medium-term agenda by delegating the Commission; and the European Commission, which has a monopoly on the initiative of legislation. The Commission President might be an influential agenda-setter inside the Commission. However, until the Nice Treaty, which entered into force in 2003, the Commission President was chosen by unanimity amongst the member states. With a unanimity rule, the member state closest to the policy status quo (usually the least pro-European government) was able to choose the Commission President. For example, Britain was the least pro-European state in the 1980s and most of the 1990s. So, Margaret Thatcher was able to veto Claude Cheysson in favour of Jacques Delors (who she felt was more free-market and less federalist!), John Major vetoed Jean-Luc Dehaene in favour of Jacques Santer, and Tony Blair proposed Romano Prodi.

As a result of the system of representation in the Commission (one Commissioner per member state), and the way the Commission is elected (by consensus in the European Council), the majority in the Commission is likely to be relatively moderate. And, if the Commission is already located within, or close to, the set of policies that have already been adopted and cannot be changed, the Commission will only want to initiate legislation in those areas where the existing policy status quo is rather extreme.

Furthermore, the powers of the EU agenda-setters (the European Council and Commission) are heavily constrained by the rules of the EU legislative process. Under the institutional design of the Single European Act, in 1987, the Commission had significant influence over policy outcomes. Most legislation in the construction of the single-market was adopted by a qualified-majority in the Council. As a result, the set of policies that a majority in the Council preferred to the status quo was relatively large, which gave the Commission the power to move policy outcomes closer to its (centrist) policy preferences.

However, with the Maastricht Treaty, in 1993, which introduced the co-decision procedure, the power of the Commission decreased and a new veto-player was added to the legislative process: the European Parliament. The co-decision procedure introduced the rule that if the European Parliament and Council disagree after two readings of legislation, a 'conciliation committee' is convened, of equal representatives of the Parliament and Council. Then, after the conciliation committee, the European Parliament can reject the legislation outright. The Amsterdam Treaty, in 1999, then reformed and extended the co-decision procedure: increasing the power of the European Parliament within the procedure and extending the procedure to all the main areas of economic and social regulation. And, the Nice Treaty, in 2003, further extended the co-decision procedure and raised the threshold for passing legislation by a qualified-majority in the Council.

The result is that the EU now has a tri-cameral legislative system: where legislation is initiated by the Commission, and then must pass through a majority in the European Parliament and a qualified-majority in the Council. Adding the European Parliament as a veto-player, and raising the qualified-majority threshold in the Council have made it more difficult for EU legislation to be adopted (by reducing the set of policies that are acceptable to all three actors), and so have reduced the agenda-setting powers of the Commission (e.g. Tsebelis and Yataganas, 2002).

In other words, it is remarkable that the EU is able to do anything! The positive side of this elaborate system of checks-and-balances is that nothing can be done without broad consensus amongst all the main member states, political parties and interest groups. In stark contrast to a pure majoritarian system, no single party-political or member state majority can 'govern' at the EU level against the interests of a minority.

However, there are several negative consequences of such a hyper-consensual form of government. First, although no particular group can govern against the interests of a minority, the flipside is that in such a system, it is easy for minority interests to block reforms that command overwhelming support. For example, in the United States, which has a form of consensus government that is not as extreme as in the EU, healthcare reform and gun-control legislation have been repeatedly blocked by minority special interests. The problem in the EU context is that once legislation is adopted for the first time (from an extreme status quo position), the checks-and-balances allow any special interest to block reform. Fritz Scharpf (1988) first observed this with the Common Agricultural Policy, which faced what he called a 'joint-decision trap'. But, the problem is now universal in the EU, for example in the reform of single market regulations, the reform of labour market rules, or the reform of the EU budget. Once policy has been adopted it is 'locked-in', unless the preferences of all the actors change so dramatically that the existing EU policy is well outside the set of feasible policies that can be adopted.

Second, with a weakened Commission, as a result of the high thresholds for passing legislation and a fragmented structure of governance in the European Council (where the Presidency rotates every six months), the EU suffers from a lack of political leadership. Jacques Delors was the exception. He was certainly a clever politician, but he was also helped

by the particular institutional environment in which he found himself. At that time, it was relatively easy for the Commission to force legislation through the Council (under the provisions of the Single European Act). Also, the task of the Delors Commission was to pass a lot of new legislation to create the single market, which meant that almost anything the Commission proposed was preferred by almost all member states to the existing status quo (of no European single market).

Since the perceived failure of the Santer Commission, the governments have tried to increase the authority of the Commission President, by allowing the Commission President to veto the governments' nominees as Commissioners and then to allocate portfolios between the nominated Commissioners. This has strengthened the power of the Commission President inside the Commission. However, these changes have not addressed the problem that the Commission has been significantly weakened as a result of the reforms of the legislative procedures, which have reduced the Commission's agenda-setting powers. These reforms also have not addressed the problem that the main issue now is to reform legislation and programmes that have already been adopted, which is extremely difficult in the new hyper-consensual model of EU government.

Nevertheless, the reform of the procedure for 'electing' the Commission President in the Maastricht, Amsterdam and Nice Treaties has opened the door to the prospect of increased political contestation for the key agenda-setting office in the EU system. The Maastricht Treaty brought the term of office of the Commission into line with the term of the European Parliament and changed the procedure for electing the Commission, by allowing the European Parliament a right to be 'consulted' on who the governments (in the European Council) elect to this office. The European Parliament interpreted this provision, however, as granting them a right to vote on the nominee of the governments, and exercised this right in their vote on Jacques Santer in July 1994 (Hix, 2002). In the Amsterdam Treaty, the Parliament asked the governments to grant them a formal right of veto, and the governments duly obliged as this was now the established practice. As a result, the last three Commission Presidents (Santer, Prodi, and Barroso) have formally been 'invested' by a majority in the European Parliament.

Granting this power to the European Parliament introduced an element of partisan competition into the choice of the Commission President. However, the politicisation of the election of the Commission President was radically increased by the reform of the procedure in the Nice Treaty. The Nice Treaty introduced that the Commission President and the Commission are nominated by a qualified-majority rather than unanimity in the European Council. This reform originally seemed rather innocuous; mainly designed to address the concern that enlargement to twenty-five member states would make it difficult to reach consensus on a Commission President. However, this superficially minor change has three quite profound effects.

First, by reducing the majority that needs to be constructed in the European Council to nominate the Commission President, several candidates immediately put their names forward, on the assumption that if one or two member states opposed them this would not be sufficient to block their election. A smaller majority in the Council removes the possibility of the member state closest to the status quo from vetoing the candidate of the majority – as was

the case with Barroso, who was openly opposed by the French and German governments, who are the least in favour of liberalising reforms. The European Council appointed Barroso 'by consensus', but this only occurred because everyone was aware that he would have won a qualified-majority had a vote been taken. Hence, in the future, there are likely to be several potential candidates for the Commission President, each with a few key supporters in the European Council and the hope of building on this support to construct a qualified-majority.

Second, the reform increased the power of the European Parliament. By reducing the size of the majority in the European Council, the coalition (of governing political parties) in support of the nominee is less able to impose its wishes on a reluctant majority in the European Parliament, as the governments did in the election of Jacques Santer (Hix and Lord, 1995). This is exactly what happened in 2004. In July 2004, the largest group in the newly elected parliament – the European People's Party – insisted that they would only support a candidate from their political family. Then, in October 2004, once a team of Commissioners had been nominated, Barroso was forced to withdraw this team, expecting that the proposed line-up would not be supported by a majority in the Parliament, as a result of the growing opposition to the inclusion of Rocco Buttiglione in the team.

Third, in the longer-term, the reform of the procedure for electing the Commission President provides the possibility that the same political majority (in the Council and European Parliament) can elect the Commission President and the Commission and then adopt legislation proposed by the Commission. This is exactly what Barroso has tried to do. He has not been as successful as he had hoped because he does not have a mandate to 'govern' in this way. However, if a political contest for the Commission President emerged, a mandate could evolve, which would allow a broad coalition to govern for a limited period. In other words, this represents a quite fundamental transformation of the basic political architecture of the EU system, from a hyper-consensual system to a slightly more majoritarian form of government.

## **1.4 THE EMERGENCE OF LEFT–RIGHT POLITICS WITHIN THE EU INSTITUTIONS**

As the agenda of the EU has shifted away from creating the single market to establishing common social and environmental standards, the liberalisation of other sectors of the economy (such as services), and the (de)regulation of labour markets, battles over the ideological (Left-Right) direction of EU policies have emerged inside all three EU institutions.

### **1.4.1. A GENUINE PARTY SYSTEM IN THE EUROPEAN PARLIAMENT**

Most clear in this respect has been the development of a highly organised and competitive party system in the European Parliament. Abdul Noury, Gérard Roland and I studied all the 'roll-call' votes in the European Parliament between 1979 and 2004 (Hix et al., 2005, 2006). The key findings of the research are as follows.

First, voting in the European Parliament is increasingly along Left-Right party lines and decreasingly along national lines. In fact, the main political groups in the European

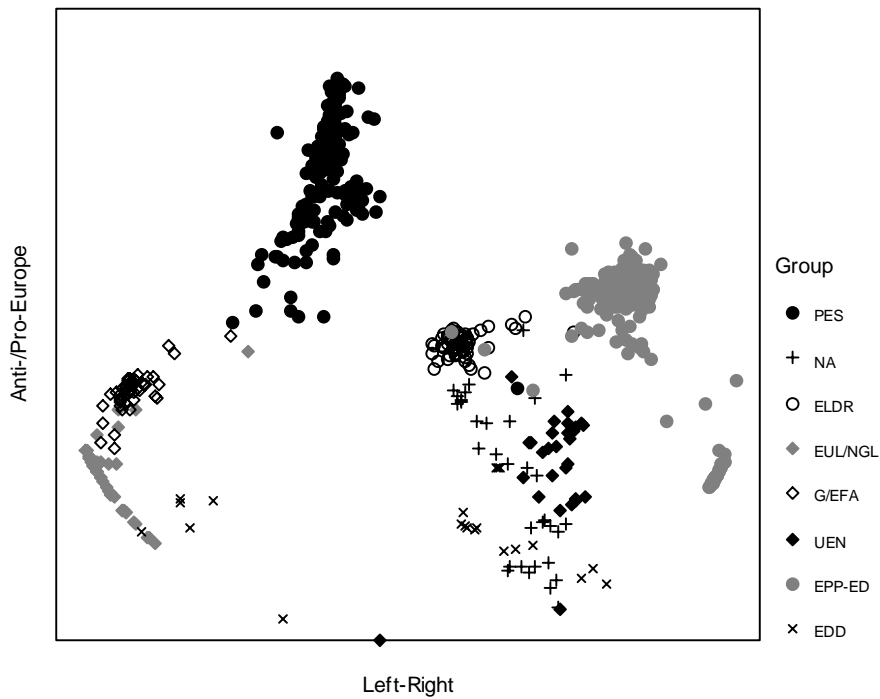
Parliament are now more 'cohesive' in their voting than the Democrats and Republicans in the U.S. Congress and only slightly less cohesive than parliamentary parties in the national parliaments in Europe. This is surprising given that, unlike parties in national parliaments, the political groups in the European Parliament are not forced to vote cohesively by a governing coalition which can threaten to call new elections. The EU is more like the U.S. separation-of-powers system, in that the Commission cannot dissolve the European Parliament and there is not a 'governing' majority in the Parliament. As a result, coalitions in the European Parliament are built issue by issue.

Second, coalitions in the European Parliament increasingly form along Left-Right rather than pro-/anti-European lines. Each political group is more likely to vote with a group that is closer to it on the Left-Right dimension than a group that is further away. For example, the 'grand coalition' between the Party of European Socialists and the European People's Party was less common in the 1999-2004 Parliament than in the 1989-94 and 1994-99 Parliaments. Whereas in earlier periods these two parties had similar policies on European integration, they have become increasingly divided as the EU agenda has shifted to more ideological, Left-Right, issues. The growing Left-Right contestation between the two biggest groups has meant that the Alliance of Liberals, Democrats for Europe is now in a pivotal position, and can often determine whether a majority forms on the Centre-Left (for example on environmental regulation or liberal asylum policies) or on the Centre-Right (for example on labour market deregulation or services liberalisation).

The pattern of voting in the 1999-2004 Parliament is captured in Figure 2. The figure is produced by 'scaling' the 5,000 plus votes in the 1999-2004 Parliament into a two-dimensional space. The distance between any two MEPs in this space is then an indicator of how frequently the two MEPs voted the same way in all the votes in the Parliament. The figure illustrates how cohesive the main parties are, that the main dimension of competition in the parliament is the Left-Right, and that the two main political groups are closer on this dimension to the other groups on the Left and Right (for example, the greens for the PES and the conservative UEN for the EPP) than they are to each other.



Figure 2. A Spatial 'Map' of the 1999-2004 European Parliament



Source: Hix et al. (2006).

Key: PES = Party of European Socialists, NA = non-attached MEPs, ELDR = European Liberal, Democratic and Reform Party, EUL/NGL = European United Left/Nordic Green Left, G/EFA = Greens/European Free Alliance, UEN = Union for a Europe of Nations, EPP-ED = European People's Party-European Democrats.

#### 1.4.2. GROWING IDEOLOGICAL BATTLES IN THE COUNCIL

Studying voting in the Council is more difficult than studying voting in the European Parliament. This is because Council decision-making is less transparent, and even when a qualified-majority vote is allowed, most decisions in the Council are made 'by consensus' rather than via a formal vote. Nevertheless, since the mid 1990s votes in the Council have been recorded, and research on these votes has discovered growing ideological battles in the Council.

Table 1 shows the average number of times a member state either abstained or voted against a winning qualified-majority in each six-month period between 1995 and 2000. The data reveals that Germany was on the 'losing side' more than any other member state in this period, closely followed by Sweden and the United Kingdom. Further investigation of the data reveals, however, that these three member states were never on the losing side at the same time. In fact, Germany and the United Kingdom were the most opposing member states in this period (Mattila and Lane, 2001). This is not surprising if one considers that the main issue in the Council in the late 1990s was how far the single market should be further regulated, particularly in the area of social policy. The British government was opposed to new EU social regulations while the German government was opposed to watering down

existing regulations or opt-outs for the UK. This meant that while the UK was in the losing minority on issues like harmonised rights for temporary workers, Germany was in the losing minority on issues like allowing the UK an opt-out on working time rules.

**Table 1. Average Number of Negative Votes and Abstentions by a Member State in a Half-Year Period, 1995–2000**

	Negative votes	Negative + abstentions	votes
Germany	3.3	4.5	
Sweden	4.1	4.1	
United Kingdom	2.5	3.9	
Italy	2.5	3.6	
Netherlands	2.3	2.8	
Denmark	2.3	2.8	
France	1.3	2.0	
Portugal	1.1	1.9	
Spain	0.8	1.9	
Belgium	0.8	1.8	
Greece	1.1	1.3	
Austria	0.9	1.2	
Ireland	0.8	0.8	
Finland	0.6	0.7	
Luxembourg	0.3	0.7	

Source: Mattila (2004).

Furthermore, Miko Mattila (2004) has found that the main factor determining whether a government was on the winning or losing side in votes in the Council in the late 1990s was its position on the Left-Right dimension. In fact, Left-wing governments tended to be on the winning side while Right-wing governments tended to be on the losing side. This was because in the late 1990s thirteen of the fifteen EU governments were on the Centre-Left while only two were on the Centre-Right. By mid 2004, however, the balance of power in the Council had shifted to the Right, with the Left now in a minority. We do not yet have the data to confirm whether this has meant Left-wing governments being on the losing side more. But, it is certainly the perception of voters for Left-wing parties that the Right is now in the ascendancy in Brussels. Mattila also found that factors such as whether a government was a net contributor or net beneficiary from the budget or whether a government was more or less

pro-European had little influence on its voting behaviour in the Council (cf. Hayes-Renshaw et al. 2005).

Moreover, Left-Right conflicts in the Council are likely to grow in an EU of twenty-five or more states. With more states, building a consensus is more difficult, and so more issues are likely to be pushed to a vote. Also, to avoid being on the losing side, governments will need to build cross-national alliances, and the main basis for any such alliance is the Left-Right policy position of one government relative to another. Hence, over time the Council is likely to become more like the European Parliament, operating as a more open and conflictual legislature and with shifting Left-Right divisions and coalitions.

#### **1.4.3. A GROWING PARTISAN COALITION IN THE COMMISSION**

In contrast to the European Parliament and even the Council, we know little about political battles inside the Commission. Article 213 of the EU Treaty formally states that Commissioners should 'be completely independent in the performance of their duties' (although this has not been tested in the European Court of Justice). The reality, however, is quite different. Almost all Commissioners are career politicians, with links to national parties and long-held policy preferences. However, the way the Commission is chosen – where each government nominates an individual Commissioner – ensures that the Commission contains a balance of views from across the party-political spectrum. So, the Treaty cannot guarantee the 'independence' of the Commission, but the average Commissioner is likely to be a centrist.

Nevertheless, the changes in the Nice Treaty increased the likelihood that the average member of the Commission will be more clearly on the Centre-Right or Centre-Left. The Nice Treaty introduced one Commissioner per member state. Before this change, each large member state had two Commissioners, and in most cases this meant one from the Left and one from the Right. However, with one Commissioner per member state, where each government chooses a Commissioner from the main party in government, the composition of the Commission simply mirrors the composition of the Council at the time of the appointment of the Commission. So, if the Council is dominated by governments on the Left (Right), the Commission will also be dominated by politicians on the Left (Right).

When this change in the structure of representation in the Commission is combined with the introduction of qualified-majority voting for electing the Commission President (as discussed), the prospect is a significantly more partisan Commission. The Commission President can now be elected by a smaller political majority, and he/she will then be able to lead a Commission where his/her political allies are likely to be in the majority.

The effect of these changes on the political character of the Commission is illustrated in Table 2. In the table, the location of each Commissioner is assumed to be the same as the Left-Right position of his or her national party. The position of each national party is measured by 'experts', where each party is located on a generic Left-Right dimension, which captures policy positions on both socio-economic issues as well as socio-political freedoms. This is not a perfectly accurate measure of the preferences of each Commissioner (for

example, Barnier is probably not to the Right of Bolkestein or Loyola de Palacio, at least on economic issues). However, it is a reasonable approximation of the type of EU policies each Commissioner is likely to favour.

As the table shows, the political centre-of-gravity in the Santer and Prodi Commissions was close to Centre. Also, Santer and Prodi themselves, having been elected by unanimity in the European Council, were also rather moderate. In contrast, following the Nice Treaty, the centre-of-gravity in the Barroso Commission was considerably to the Right of the previous two Commissions. And, Barroso – having been elected by only a qualified-majority in the European Council – was also far less centrist than the previous two Presidents. Not surprisingly, the policies initiated by the Barroso Commission are perceived to be more economically ‘liberal’ than the policies initiated by the Santer and Prodi administrations.

In other words, the perception that ‘the European Union’ is currently a neo-liberal project is not in fact correct, in that it is not design of the EU per se that is producing the current policy agenda of the EU. What is producing this agenda is the particular party-political make-up of the Commission, in conjunction with the Centre-Right majorities in the Council and European Parliament.

**Table 2. Political Balance of Power in the Commission (sorted from Left to Right)**

Santer Commission				Prodi Commission		Barroso Commission			
Commissioner (member party)	state,	Left-Right position		Commissioner (member party)	Left-Right position	Commissioner (member party)	state,	Left-Right position	
Monika Wulf-Mathies (Ger, SPD)		.31		Michaele Schreyer (Ger, G)	.30				
Manuel Marin (Spa, PSOE)		.33		Philippe Busquin (Bel, PS)	.31				
Edith Cresson (Fra, PS)		.34		Pascal Lamy (Fra, PS)	.34				
Anita Gradin (Swe, SAP)		.34		Erkki Liikanen (Fin, SDP)	.34				
Karel Van Miert (Bel, SP)		.36		Margot Wallström (Swe, SAP)	.34	Andris Piebalgs (Lat, LC)		.31	
Ritt Bjerregaard (Den, SD)		.36		Antonio Vitorino (Por, PS)	.36	László Kovács (Hun, MSzP)		.32	
Erkki Liikanen (Fin, SDP)		.38		Poul Nielson (Den, SD)	.37	Vladimir Spidla (Cze, CSSD)		.34	
Neil Kinnock (UK, Lab)		.38		Günter Verheugen (Ger, SPD)	.40	Joaquin Almunia (Spa, PSOE)		.38	
Christos Papoutsis (Gre, PASOK)		.40		Pedro Solbes Mira (Spa, PSOE)	.41	Margot Wallström (Swe, SAP)		.38	
Emma Bonino (Ita, Rad)		.46		Romano Prodi (Ita, Dem)	.43	Günter Verheugen (Ger, SPD)		.39	
				Neil Kinnock (UK, Lab)	.47	Danuta Hübner (Pol, ind/Left)		.40	
Martin Bangemann (Ger, FDP)		.51		Anna Diamantopoulou (Gre, PASOK)	.50	Markos Kyprianou (Cyp, DIKO)		.51	
Padraig Flynn (Ire, FF)		.53		Viviane Reding (Lux, PCS)	.61	Peter Mandelson (UK, Lab)		.52	
Jacques Santer (Lux, PCS)		.56		Franz Fischler (Aus, OVP)	.62	Joe Borg (Mal, PN)		.57	
Hans van den Broek (Net, CDA)		.59		David Byrne (Ire, FF)	.65	Dalia Grybauskaite (Lit, ind/centre)		.57	
João de Deus Pinheiro (Por, PSD)		.60		Loyola de Palacio (Spa, PP)	.66	Olli Rehn (Fin, KESK)		.58	
Franz Fischler (Aus, ÖVP)		.61		Mario Monti (Ita, FI)	.68	Louis Michel (Bel, MR)		.62	
Mario Monti (Ita, FI)		.68		Frits Bolkestein (Net, VVD)	.69	Viviane Reding (Lux, PCS)		.64	

Marcelino Oreja (Spa, PP)	.72	Chris Patten (UK, Con)	.69	Charlie McCreevy (Ire, FF)	.65
Leon Brittan (UK, Con)	.74	Michel Barnier (Fra, RPR)	.72	Janez Potocnik (Slv, ind/centre)	.65
Yves-Thibault de Silguy (Fra, RPR)	.77			José Manuel Barroso (Por, PSD)	.68
				Benita Ferrero, Waldner (Aus, ÖVP)	.70
				Jacques Barrot (Fra, UMP)	.70
				Mariann Fischer Boel (Den, V)	.74
				Stavros Dimas (Gre, ND)	.77
				Franco Frattini (Ita, FI)	.77
				Neelie Kroes, Smit (Net, VVD)	.81
				Ján Figel (Slk, KDH)	.85
				Siim Kallas (Est, Ref)	.96

Note: The Left-Right position of each Commissioner is the position of their national party in each period as measured by 'expert' political scientists from each member state, on a scale from 0 (furthest Left) to 1 (furthest Right) (see Benoit and Laver, 2005). The 'median' Commissioner/s are indicated in bold.

## 1.5 A GRADUALIST REFORM APPROACH

So, politics *within* the EU institutions is increasingly ideological. This is partly due to the inevitable conflicts over whether the European-wide market should be more or less regulated. This is also partly a result of the new opportunities for contestation brought about by Treaty reforms, such as the increased power of the Parliament in the legislative process, the extension of qualified-majority voting in the Council, and the change in way the Commission President is elected.

In other words, the EU is on the verge of genuine democratic politics. However, two key elements are missing. First, there is a lack of coordination of political positions across the three EU institutions. Transnational parties exist, but there are few incentives for politicians to be bound by any transnational policy positions. The primary policy preferences EU politicians care about, whether in the Parliament, the Council or the Commission, are the positions of their domestic political parties.

Second, there is very little connection between this emerging structure of politics at the European level and the attitudes and identities of the EU citizens. European citizens have very little information about the emerging politics inside the EU institutions, and so cannot identify the protagonists and the positions they represent. Also, the existing arenas for European citizens to express their views on EU politics are inadequate. National elections are fought on national issues, and European Parliament elections are predominantly mid-term national elections and so are fought on the performance of national parties rather than the positions and powers of the parties in the European Parliament.

But, following the rejection of the Constitutional Treaty and the low level of support for European integration, this is not the right time to propose radical reform of the EU institutions in the hope that it will lead to greater political coordination across the institutions or a greater connection between voters and EU politics. Thankfully, though, radical reform is not necessary. What is needed is a set of moderate reforms which would increase the incentives for EU politicians to coordinate positions and respond to citizens' preferences.

For example, the following changes would not require Treaty changes, but would increase the stakes in EU politics, increase the transparency of political conflicts and policy positions, enable the media to explain EU politics more clearly to citizens, and encourage citizens to show an interest in politics at the European level:

In the European Parliament,

- the current system of allocating committee positions (and *rappoteurships*) on a purely proportional basis could be replaced with a system where the largest party in the Parliament, or a majority coalition of parties, is guaranteed greater power to set the legislative agenda control – for example by allowing the largest political group to choose the first five committees and then allocating the remaining committees by the existing d'Hondt system; and

- the President of the European Parliament should be elected for the full five-year term rather than for two-and-a-half years, which would get rid of ‘horse-trading’ over this post between the two biggest groups and would encourage majority coalitions to be built to capture this post.

These changes would increase the agenda-setting power of a majority in the European Parliament, and make the parliament slightly more ‘majoritarian’. The result would be higher stakes in European elections, which would encourage national parties and voters to fight these elections as European rather than national contests. It would also encourage greater cooperation and coordination between the majority coalition in the European Parliament and the politicians in the Council and the Commission who come from the parties in this coalition.

In the **Council**,

- legislative deliberations should be more transparent, with amendments proposed by the Presidency and other governments available for public scrutiny prior to deliberations in COREPER, and with public and media access to deliberations of the Council when it is deciding on legislative issues (‘in plenary’); and
- all legislative votes in the Council should be recorded, including when a proposal fails to reach unanimity or a qualified-majority rather than only those votes when a required majority is successfully achieved (as is the current practice).

These changes would enable outside actors, in the other EU institutions as well as in national parliaments and the press, to clearly track positions and alignments in the Council. This would encourage the governments to try to coordinate their positions with the actors in the other EU institutions, and would allow the media and citizens to scrutinise the behaviour of their governments when making legislation.

In the **Commission**,

- there should be a more open battle for the Commission President, which would not require a full-blown ‘election’ of the Commission by the people or even by the European Parliament, but would require (a) rival candidates for the most powerful office in the EU to set out their ideas for their term (in a ‘manifesto’), (b) a public debate of some kind between the key candidates, for example before the European Parliament and the press, and (c) open declarations of support for one candidate or another by all the prime ministers and the party group leaders in the European Parliament (preferably before the European elections); and
- once the Commission is in place, the Commission should set out a multi-annual work programme, derived primarily from the President’s pre-election promises but also resulting from a ‘coalition deal’ amongst the political majority in the new Commission.



These changes would allow the public to identify what the Commission President and the Commission stand for. They would also allow citizens to reward (or punish) those actors (in the European Council and European Parliament) for supporting a good (or bad) Commission. And, these changes would encourage the 'losers' of one battle for the Commission President to develop a candidate for the next election and to put together a more attractive set of policy proposals that could win majority support in the European Council and European Parliament.

These reforms would not require any changes to the EU Treaties because they are either purely changes to the internal rules of procedure of the institutions (as in the case of the European Parliament and the Council) or changes that could be made within the framework of the existing Treaty provisions (as in the case of a more open contest for the Commission President). What would be required to make these changes, though, is a commitment on the part of the key political actors in the EU institutions: the heads of government and the leaders of the main political groups in the European Parliament.

# Conclusion

Europe is at a critical juncture in its history. The fifty-year period of building a new continental-wide superstructure has come to an end. Rather than seeing the rejection of the Constitutional Treaty as a crisis for this structure, I see it as confirmation that the policy and institutional design of the Single European Act and Maastricht Treaty is a highly stable equilibrium.

The challenge now, though, is not more or less political integration, but rather what to do with the political structure that has already been created at the European level: how should government and politics at the European level work, what policy agenda should the EU pursue, and how can the preferences of European citizens filter through this new set of institutions into policy outcomes in their interests? The only answer for the EU is to gradually allow democratic politics to play a more central role in the way the EU works. This will not only increase the efficiency of policy coordination across the EU's system of checks-and-balances, but it will also foster a more open debate about the policy options for the EU, which in turn will allow citizens' preferences to be formed on the complex policy issues facing our continent.

The fear of 'politicisation' of the EU, as expressed by such prominent thinkers as Giandomenico Majone (2002) and Andrew Moravcsik (2002), is overblown. The EU system has so many checks-and-balances to protect the interests of minorities and ensure that large coalitions have to be constructed, that a moderate injection of political contestation would not upset the basic institutional framework. The risk of more politics in the EU is low, yet the costs of not allowing more politics in the EU is potentially high, as citizens will increasingly turn against what they see as a form of bureaucratic 'despotism'.

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## 2 – SHOULD THE UNION BE ‘POLITICISED’? PROSPECTS AND RISKS

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## Executive summary

- Politicisation of the EU is advocated arguing that an injection of 'majoritarianism' in its consensual processes will foster the development of partisan alignments in its main institutions, will make political mandates clearer, will help overcome institutional coordination, and will link citizens' interests and preferences to the Union's internal debates.
- Politicisation must absolutely avoid spreading to 'constitutional' issues, which would create tensions that cannot be managed. It cannot simply be assumed or hoped that this will not happen.
- European political parties do not seem to be strong and significant enough to be the gatekeepers of the politicisation process.
- Political mandates for reform are hard to develop within the narrow limits of the predefined goals in the Treaty, and there are few guarantees that politicisation will be contained in this way.
- Similar partisan alignments within the Council, Commission, and Parliament, if possible, would generate permanent and unstable divided government, given the different timing of formation and composition of these bodies. Problems of partisan coordination may add to those of inter-institutional coordination, rather than solve them.
- The emerging pattern of left-right politicisation may link citizens' interests and preferences to EU 'politics' only if the large pockets of anti-EU feelings and distrust among European citizens and sub-elites can be slowly converted and channelled into mildly different versions of the integration process. It is not certain that more left-right partisanship can achieve this.
- Politicisation may, in any case, generate excessive hopes and expectations to be frustrated later and widen the gap between normative expectations and reality.
- The EU is currently deprived of solid political structures (interest representation and parties) that can guarantee that politicisation will be channelled in order to avoid unmanageable tensions and conflicts. Politicisation may overwhelm these weak structures rather than strengthen them.

# Introduction

The large debate about the presence or absence of a 'democratic deficit' in the EU and about the desirability of its democratisation usually takes the lead from and focuses on the 'policies' and the 'institutions' of the Union. It usually focuses on whether democratisation is necessary and/or desirable given the nature of 'policies' (regulative or redistributive) (Majone 2000, 2002), of the institutional design (intergovernmental or supranational) (Héritier 1999; Moravcsik 2002, 2004), of the polity considered (with or without a *demos*) (Grimm 1995; Offe 1998). Curiously enough 'Policies and Institutions of the EU' is also in fact the title of most manuals handbooks and university courses concerning the Union.

This paper does not wish to add to this debate, but rather to discuss a new variant of it: the idea that the democratic deficit of the EU can and should be overcome through a gradual '*politicisation*' of its internal processes without major institutional reforms. A number of scholars have recently presented with force, coherence and exhaustiveness the case for the 'politicisation' of the EU, shifting attention from the 'policies' and 'institutions' to the 'politics' of the EU. (Follesdal and Hix 2005; Hix 2006).

The 'politics' of the EU is usually identified with the boring day-to-day negotiations and exchanges taking places in the many loci of the EU decision-making machinery. 'Politics', in the more lofty sense of the structures of representation, the political agenda formation, political competition, party system formation, etc. was, to some extent, left outside the early debate about the democratic deficit. This type of 'politics' was typical of and reserved for the national arenas. After the failure of the TEC, the prospects for even minor Treaty reforms have become gloomy. This situation has revitalised the stream of the 'democratic deficit' school that puts the emphasis on the 'politics' of the EU rather than on its institutional reform.

The politicisation thesis presents the many advantages that would derive from its implementation, but does not explore sufficiently the risks of this project and its potential unexpected and unwanted outcomes. In this paper I will focus on the latter, discussing whether the 'politicisation' of the EU is compatible with its institutional structure.

I argue is that the risks of politicisation are highly underestimated, that considerable uncertainties surround its key factual underpinning and its main developmental expectations, and that it may raise expectations that cannot be fulfilled within the EU and generate tensions that cannot be handled by the EU.

In the following section I will shortly summarise the 'politicisation' thesis and its rationale. I will then discuss six issues/questions that – in my opinion – are not adequately and convincingly dealt with by the supporters of politicisation. I highlight the risks if 'thinks go wrong' for any of these six issues:

- Will politicisation spare the ‘constitutional’ or ‘constitutive issues of the EU?
- Are Euro-parties capable of offering a coherent and significant left-right alignment and competition?
- Can political mandates for reform be developed and kept within the narrow policy boundaries of the treaties?
- Will political mandates coordinate policy positions across EU institutions so as to overcome institutional gridlocks?
- Will the emerging pattern of left-right politicisation link citizens’ interests and preferences to EU ‘politics’?
- Will politicisation generate hopes that may be frustrated later and thus widen the gap between normative expectations and reality?

## 2.1 DEMOCRATISATION AS ‘POLITICISATION’

By recent papers Hix and Follesdal argue advocate in a thoroughly and consistently that European issues need to be ‘politicised’ and that this will be advantageous to the prospects of integration. Politicisation is identified with an injection of political contentiousness, contestation, and competition for the EU political agenda and top leadership positions. They also claim that this can be achieved without major changes in the treaties and institutions. More than fundamental reform of the treaties, what is needed ‘is for political elites to make a commitment to open the door to more politicisation of the EU agenda’ (Follesdal and Hix 2005, 23).

Hix and Follesdal thereby reverse the main ‘democratic deficit’ argument. The latter envisages in most cases the need wide ranging treaty and institutional reform in order to foster, facilitate, and generate a clearer political mandate, more open political contestation, greater political responsibility. As a direct consequence, attention, information, and concern of European citizens for the EU project is expected to increase. The ‘politicisation’ argument innovates, arguing that the same results can be achieved with more political competition and with minor institutional reform. Follesdal and Hix overemphasise the political dimension of the deficit, rather than the institutional one.

The main point is that ‘a democratic polity requires contestation for political leadership and arguments over the direction of the policy agenda. This aspect, (...), is an essential element of even the ‘thinnest’ theories of democracy, yet is conspicuously absent in the EU’. ‘As the EU is currently designed there is no room to present a rival set of leadership candidates (a government ‘in waiting’) and a rival policy agenda’. ‘Without electoral competition there are few incentives for the Commission or the governments to change these policies in response to changes in citizens’ preferences’. In a ‘normal’ democracy, rival groups of elites (parties) would have incentives to develop and promote competing policy positions, a majority would form in favour of a particular policy package, and a mandate for action would be established. Without such democratic contestation the EU is simply less capable of assessing and addressing one of



the central issues facing European policy-makers. 'Political competition is an essential vehicle for opinion formation' (Follesdal and Hix 2005, 4, 16, 17).

According to these authors, recent changes have added arenas for political contestation (the party system in the EP) and more left-right voting and partisan orientation in the Council and Commission, but their opaque procedures do not allow the public to see, evaluate and eventually punish or reward different positions. 'Governments will need to build cross-national alliances, and the main basis for any such alliance is the left-right policy position of one government relative to another. Hence, over time the Council is likely to become more like the European Parliament, operating as a more open and conflictual legislature and with 'shifting left-right divisions and coalitions' (Hix 2006, 21). Because of this Treaty of Nice, the composition of the Commission mirrors that of the Council and the orientation of the Parliament at the moment of its appointment. As for the Parliament, these authors evaluate positively the development of the Euro-parties, both as parliamentary groups and federations. It is argued that their legislative behaviour shows level of cohesiveness higher than that of American parties in Congress, and that they tend to vote more and more on a 'left-right' kind of alignment rather than along national lines (Hix, Noury, and Roland 2006).

These growing left-right battles are 'inevitable' because the agenda has shifted from 'creating the market' to 'how much it should be regulated or deregulated'. Politics within the EU is increasing ideological, and the Union is de facto on the verge of genuine democratic politics. It is necessary to increase incentives for EU politicians to coordinate political positions and respond to citizens.

Moreover, these more politicised battles are 'desirable' because they increase the political stakes by allowing the Parliament to set its agenda, by making political alignments in the Council more open, making the election of the President of the Commission more competitive, this, altogether, will a) produce a clearer political mandate for reform; the latter b) will help 'coordinate policy positions and alliances across the three EU institutions' and to overcome institutional gridlocks; c) will foster policy change; and d) will 'link the emerging pattern of EU politics to citizens' interest and preferences', enabling citizens 'to identify policy options, take side in a debate, and ultimately accept being on the losing side in one period in the expectation that they will be on the winning side in the near future' (Hix 2006, 5).

Follesdal and Hix conclude that these changes do not require massive constitutional overhaul, but can be achieved by progressively injecting a bit of 'majoritarianism' in the existing consensual architecture of the EU. The list of concrete proposals to this effect include electing the President of the European Parliament for a legislature and making the appointment of committee chairs in the EP more partisan; recording and making more transparent and public the Council and Commission deliberations; making the appointment of the Commission's President and the commissioners more 'majoritarian', accentuating the trend that has seen the last three Presidents formally 'invested' by a majority of MEPs and, after Nice, nominated by qualified majority of the Council; separating and giving to independent agencies the purely 'Pareto improving' functions of the Commission (e.g., the merger control authority).

Great expectations are interested in a more open contestation of the office of the Commission President, allowing alternative candidates to declare their programme before the EP elections, to issue manifestos for their term of office, and forcing parties to declare their support for one or the other candidate. 'In the longer term the reform of the procedure for electing the Commission President provides the possibility that the same political majority (in the Council and European Parliament) can elect the Commission President and the Commission, and then adopt legislation proposed by it'. 'If a political contest for the Commission President emerged, a mandate could evolve, which would allow a broad coalition to govern for a limited period'.

This set of mini reforms will 'represent a [...] transformation of the basic political architecture of the EU system, from a hyper-consensual system to a slightly more majoritarian form of government.' They will allow 'the public, via the media, to see who proposed what, what coalitions formed, which amendments failed and who then was on the winning and losing side'. They will generate debate and contestation about politics in, not only of, the EU (Follesdal and Hix 2005, 20-21; Hix, 2006, 18, 24-26).

This argument rests on a number of factual statements and conjectures about the likely outcomes that are debatable. They are investigated in detail in the next six sections.

## 2.2 POLITICISING WHAT? EUROPEAN CONSTITUTIVE AND ISOMORPHIC ISSUES

The first step is to clarify more precisely which are the 'European issues' and the European 'agenda' that need to be 'politicised'. European 'issues' are of two very different kinds. Some key issues are *constitutive i.e.* pertaining to 'membership' (the geographical boundaries of the Union), 'competencies' (what should be done at the EU level as opposed to other levels of government), and 'decision-making rules' (how collective decisions should be taken). Another set of European issues closely mirror national issues (levels and types of market regulation, welfare, citizenship rights, immigration policy, law and order issues, etc.). They are isomorphic issues, in that they take the same form and have the same content of the corresponding national issues

What types of issues should be politicised? The politicisation thesis assumes that isomorphic issues will be politicised and not constitutive issues. If isomorphic issues prevail that are quite similar to the national ones, then European politics can be structured along lines that are similar and compatible to those at the national level. If constitutive issues were politicised, the problems might be quite different and more complicated.

However, it is a fact that so far national parties and electorates divide more often on European constitutive issues than on isomorphic issues (Bartolini 2005, 313-326). Moreover, they divide more often on constitutive issues in European Parliamentary elections than in national elections, although the EP has no power on such constitutive issues (Mair 2005).

The anti-EU movements in Denmark and France, the critical positions of many Green parties (in Austria, Finland, France, Ireland, Luxemburg, The Netherlands, Portugal, Sweden and the United Kingdom), of non-communist Left parties (in Finland, Ireland, The Netherlands, and Sweden), of neo-communist parties (in France, Greece, Portugal, and Germany), of right-wing

and nationalist parties (in Austria, Belgium, Denmark, France, Germany, Ireland, and Italy), and of some Protestant orthodox parties (in Finland and The Netherlands) focus more on the constitutive issues of membership, competencies and decision making rules than on isomorphic issues of a left-right nature (Taggart 1998; Christensen 1996).

Similarly, the politicisation of the EU issues that splits some of the European established and core parties (such as the British Conservative and Labour, the Swedish Social Democrats, the Finnish Centre Party, the Portuguese Centre Social Democrats, the Italian National Alliance, all Norwegian parties) mainly concerns constitutive issue of membership and powers of the EU rather than left-right isomorphic issues. Finally, the profound splits among party leaders and between party leaders and their electorates apparent in the 36 referendums held between 1972 and 2003 in the member and candidate countries (particularly evident in Norway, Denmark, France, Sweden, Finland, Ireland and Austria) have affected both right and left wing parties. They have all resulted from the politicisation of the constitutive issues of membership and new treaty ratification. (Garry 1995; Fizmaurice 1995; Bjugan 1999; Haahr 1992; Qvortrup 2002; Aylott 1997; Bjørklund 1996; Johansson and Raunio 2001; Stone 1993).

The politicisation thesis argues that opposition concerns constitutive issues because isomorphic left-right issues are not adequately and sufficiently politicised in the EU arenas. In the absence of left-right politicisation, the only available politicisation takes the form of opposition 'to' the EU rather than to any specific policy. It is suggested that this will be avoided or at least reduced if a growing left-right dynamic of partisan behaviour emerges, in the EU institutional arena.

But, if we agree that the politicisation of constitutive issues would be disastrous, then we need a stronger assurance that this will not happen than the speculative argument of the previous paragraph. If an injection of politics, contestation, competition is proposed, then we should at least ask who are the actors and agencies that have to channel this new politics and how strong are they, making sure that politicisation will apply to benign left-right issues rather than the threatening constitutive issues. Who should handle, control, shape and channel this new political dimension? Euro-parties are the obvious candidates for this job. It is therefore essential to investigate their nature and current state of consolidation.

### **2.3 CAN THE EURO-PARTIES BE THE 'GATEKEEPERS' OF EU POLITICISATION?**

Are the Euro-parties (parliamentary groups and federations) strong enough to handle the delicate gate-keeping task that the politicisation thesis attributes to them? The positive answer to this question given by the proponents of politicisation rests on evidence that is somehow baffling or confused.

National parties coalesce in the EU parliament in a number of party groups that is less fragmented than national party systems in most cases. In spite of enlargement, the number of groups has remained fairly stable, the number of 'one-party group's has not increased over time, and the percentage of MEPs belonging to one party group has declined. The difficulties of international co-operation among nationalist parties have made it difficult to strengthen a

parliamentary group on the extreme right (Fennema, and Pollmann 1998), but this tendency is evident on the centre-left and centre-right.

On the left, the transformation of communist parties has softened an historical cleavage, with several of them shifting to the socialist group. On the centre-right, the European People's group has incorporated an astonishing high number of new parties overcoming apparently abyssal differences on most key issues: the secular (and Protestant) profile of conservative parties versus the religious values of the Catholic parties; the social market view versus the neo-liberalism free market ideology; the differences in social and agricultural policies; the pro-integrationist views of many founding Christian parties and the anti-integration and sceptical traditions of the British Tories and the other conservatives. It seems that the competition between the European People's Party (EPP) and the European Socialist Party (ESP) brings about an expansive logic of incorporation of small and unaffiliated national parties into the main groups, even if the latter appear as instrumental alliances deprived of ideological convergence.

Moreover, a number of studies conclude that parliamentary parties show a growing degree of voting cohesiveness. Notwithstanding low group consciousness and stability, splits and mergers, European parliamentary groups are thought to have achieved a level of voting cohesion that resembles that of American parties in Congress. Research based on long-term roll-call analysis suggests that this cohesiveness highlights a growing left-right alignment of coalitions and voting patterns (Hix, 2001; Hix, Kreppel, and A. Noury 2003; Hix and Kreppel 2003; Hix, Noury, and Roland 2006, forthcoming).

This evidence is crucial to the factual underpinning of the 'politicisation' thesis, but it is rather baffling if one considers how difficult party alliances and cohesion prove at the domestic level, in electoral and parliamentary institutions that offer an attractive prize to electoral size (control of the executives and legislation). The ease with which parliamentary groups have developed is surprising if one considers the unfavourable institutional setting, the relatively powerlessness, and the politically invisibility of the EP. In fact, the institutional environment of Euro-parties is quite unfriendly to their consolidation. It is true that the growing competencies of the EP, the generalisation of PR elections, the acquired role in the selection of the Commission's president, and the material resources and political advantages of membership in a main EP group are institutional incentives to their strengthening. But the number of negative incentives is larger: 1) Euro-parties are 'unconstrained' by the discipline requirements for executive formation, composition, and tenure; 2) the weak parliament's powers make aggregation and discipline an unworthy exercise for policy determination; 3) the need for an absolute majority of members for decisions forces major groups to coalesce and large coalitions limit the differentiation of voting choices; 4) the need to support the overall institutional influence of the EP in the institutional architecture of the EU makes partisan alignments often secondary; 5) the lack of control over candidate selection deprives Euro-parties of resources to sanction and discipline their members and/or national sub-groups; 7) defections of national delegations that exercise influence through the intergovernmental institutions are frequent.

Summing up the thesis that suggests a slow but steady trend toward the strengthening of Euro-parties is puzzling when one considers the lack of ideological cohesion, the lack of a representation demand and pressures from below, and the unfavourable institutional environment. In my opinion, two elements explain this puzzle, and both speak more for the continued weakness of the Euro-parties than for their consolidation: 1) the lack of electoral/ideological constraints and 2) the support to the top-down institutionalisation of an 'European party system' by the Commission and the Council.

The formation of large groups can be explained by the mild role of partisan/ideological constraints in the EP, so powerful in national politics. The differences over the economic, religious and European issues are overcome by national delegations precisely because the EP activities are so invisible to public opinion, inconsequential for domestic alignments, and irrelevant for electoral rewards and punishments. The low ideological intensity in the EP, due to its remoteness from partisan politics and electoral competition, allows for compromises and alliances to be made that do not generate political and/or electoral costs back home. The respective electorates remain uninformed about and unaware of these new alliances, and are not asked to ratify them. Therefore, no political or electoral costs are foreseen in either European or national elections in exchange for the advantages of unification in large groups. Euro-parties regroup and align easily because they are unconstrained by partisan and ideological politics. If this is true, then 'politicisation', rather than strengthening Euro-parties can make their life far more problematic.

Moreover, the EP and the European parties are viewed by the Commission and the Council as essential legitimising devices, both are institutionally assisted and depend on these institutions. From the progressive treaty recognition from Maastricht to Nice (Johansson and Zervakis 2002) to the party statute approved in November 2003, there is a strong push towards the top-down institutionalisation of Euro-parties. This Statute institutionalises the activities and the role of the parties under stringent and constraining conditions, defining what they are, their tasks, and the conditions under which they are entitled to co-operate with and receive support from EU institutions (European Party Statute 2000; European Parliament 2000; Commission Européenne 2001; Regulation No 2004/2003). The conditions of recognition largely predefine the role of the parties themselves and they are so stringent that parties tend to become institutions of support of the Union. Parties offer their legitimating role with the citizens in exchange for economic support. Rather than claiming to 'represent' something or someone, they argue that they will use the money and statute to inform citizens and encourage their participation and the support.

Overall, the tendency of the European parliamentary groups and party federations to become more inclusive and cohesive and to structure along a left-right alignment is a result of the decisive support of EU institutions and of the low ideological temperature, political visibility and electoral importance of their activities. That is, of their weakness rather than their strength. It is at least doubtful that these delicate conditions would sustain and survive a strong politicisation of the EU agenda. These types of Euro-parties, far from being considered the key agencies of the politicisation of the EU, could be its first victims.

## 2.4 CAN A 'POLITICAL MANDATE' EMERGE WITHIN THE EU INSTITUTIONS?

A third crucial point of the 'politicisation' thesis is that more political contentiousness and competition can 'produce a mandate for the winner' and such a mandate legitimises policy change (Follesdal and Hix 2005, 10, 12). Political mandates speak of sweet melodies in democratic theory. A mandate substantiates political accountability and responsiveness of the elite between elections. It presupposes that the losers accept to be on the losing side in the expectation that, in the future, they may be on the winning side. In case of politicisation, would it be possible to pursue a mandate at the top of the institutions of the EU if alternative candidates were publicly advocating different programmes and policy packages?

I believe that a great deal of confusion about the possibility of a 'political mandate' of the Commission is generated by the rhetorical success of the term 'constitution' and 'constitutionalisation' within the media, the political and administrative spheres of the Union and, unfortunately, among academics and scholars. Words have their own power, and by continuously talking about 'constitution' and 'constitutionalisation' many observers have become convinced that the EU has 'some sort' of a constitution, and that 'different' political mandates can be pursued within these constitutional procedures.

First, on both sides of the Atlantic, constitutionalism points to the idea of 'limited government', of limiting and circumscribing unbounded powers and of 'legalising' power by offering a special protection to specific liberties of the governed (Sartori 1962). Constitutionalism *qua* limitation of power was achieved through the combinations of three basic techniques: the vertical and horizontal separation of powers; bills of rights, and judicial (and constitutional) review and control (Fabbrini 2004).

Second, constitutions define basic rights and duties, the procedures for selecting those who are allowed to take decisions, and the procedures for taking those decisions. As far as the substantive goals of the decisions are concerned, constitutions are normally silent or not very detailed. Outside those areas in which the freedom of political decisions is constrained by higher principles, constitutions say little about the actual content of what has to be done. In other words, constitutions define certain protected areas, and are procedurally oriented and goal independent in others.

If one judges the so-called EU constitutionalisation process by these standards, one finds that the label is too audacious and rather misleading. A specific feature of the EU institutional architecture is the lack of a clear-cut separation of powers and competencies between the Union and the member states and among the Union's central institutions: Council, Parliament, and Commission (Bartolini 2005, 148-160). A Bill of rights is absent from the treaties and the Charter of Fundamental Rights, solemnly 'proclaimed' and signed at the Nice summit of 7 December 2000 by the presidents of the EP, the Commission, and the Council, is so far deprived of binding value (Engel 2001). Judicial review refers to the process by which the treaties of the EU (the EC Treaty in particular) have evolved from an arrangement binding only on states into a regime of judicially enforceable rights and obligations on all legal persons and entities (Jupille and Caporaso 1999). This has implied that what was initially conceived as a

multiparty treaty has been progressively transformed into something else. The treaties are now part of the legal order of each member state and are applied by national courts, which implies, it is argued, that the Union has transformed into a 'constitutional' legal order (Craig 2001).

The EU treaties define institutions and procedures for taking decisions, but they are largely devoted to a list of substantive goals in specific policy areas, which implementation is 'constitutionally' defended by the ECJ. The areas where the Union has no competencies are not defended or precluded by constitutional boundaries, but are defined negatively by mere omission. Paradoxically, the original definition of the Communities as having the objective of creating a common market implied a very broad (rather than a very narrow) perspective on Community activities. Everything depended on what was defined as a 'common market', and this was not specified precisely in the treaties. The definition was therefore left to political and inter-governmental agreements and no other means could be used to defend other institutions or actors from what the national governments could decide by unanimity.

To sum up, the so-called 'EU constitutionalisation' process is limited to judicial review; judicial review is limited in scope and only concerns a sub-set of treaty domains; *and* constitutional review in such domains is limited to a set of pre-defined goals. In this sense, 'constitutionalising' the treaties has meant 'freezing' specific goals *protecting them from political redefinition*. Private and public actors have been constitutionally empowered, but only with respect to a predefined set of goals.

This peculiarity of the EU 'constitutional' framework has consequences for efforts to politicise around alternative political mandates. How can we combine the concept of a political mandate emerging out of public and contentious exposition of different platforms and agendas with the pre-defined goals of the EU? If a political mandate emerged from more open and partisan debates in the Council, Commission, and Parliament – say, for example, a mandate involving expansionary monetary policies, European social welfare minima, active occupational or fiscal policies, or a radical alteration of agricultural policy - could it be implemented? The answer is NO. Such a political mandate would be frustrated by the autonomy of the European Central Bank, by the case law of the ECJ, by the blocking vetoes in the Council. Such political frustrations would prevent the implementation of the political mandate. The conflicts between 'politics' and 'institutions' would become ever more intense, generating tensions that would be very hard to handle.

The argument that the political mandate will be accepted by those on the losing side in the expectation that in the future they may be on the winning side is therefore abstract. Such a vision could in fact become tragically dangerous if it raised expectations that could not de facto be satisfied.

The supporters of democratisation via politicisation should therefore specify their thesis making clear that the 'mandates' they speak of will have to be *marginal adaptations remaining within the narrow boundaries of the predefined set of goals of the EU*. It remains unclear, however,

how public debates, political competition, and partisan alignments can eventually, by some miraculous mechanism, lead public opinion and political forces to agree exactly on the terms compatible with the Treaties.

## **2.5 CAN A 'POLITICISATION' OF THE EU HELP GENERATE ALLIANCES AND COORDINATE POLICY POSITIONS ACROSS EU INSTITUTIONS THEREBY OVERCOMING INSTITUTIONAL GRIDLOCK?**

The politicisation theses suggest that more politics and political battles within the EU may help to overcome the institutional gridlock caused by the complex institutional interplay between the Council, the Commission and the Parliament under the co-decision procedure. It is argued that political debates and competition in the policy process will foster the creation of similar partisan alliances across the institutions, ensuring that the same issues and alliances spread across them. In turn, these open battles between political camps across the institutions will allow citizens to identify who stands for what and will help 'policy coordination' across EU institutions. The basic idea is that if left-right partisan alignments predominate in the Council, the Commission and the Parliament, this alignment will represent a higher organising principle, enabling greater coordination of the activities of the different institutions. The thesis advocates nothing less than the transformation of territorial conflicts into partisan and cross-territorial conflicts.

The evidence of the emergence of left-right partisanship within the Council/Commission is not generally accepted (Hayes-Renshaw, van Aken, and Wallace 2005; Mattila and Lane 2001; Mattila 2004). But admitting that such partisanship was possible, this prospect will have to deal with the problem of the continuous change in composition and political orientation within the Council according to national elections and, to a less extent, the choice of Commissioners by national governments.

It is unlikely that a social democratic national government will choose or accept a conservative commissioner because it acknowledges the existence of a conservative majority in the EU Parliament. The coordination of policy positions thanks to partisan alignments has to overcome the disturbing element of commissioners appointed by governments no longer in charge and of government changing political orientation during the life of a European Commission and Parliament. The possibility of having a Commission-Parliament-Council of the same political colour for a sustained period is simply not realistic and it is unclear how the thesis of politicisation solves this problem.

As the argument currently stands, clear-cut partisan alignments will not solve problems of cross-institutional coordination, but will only add problems of political and partisan coordination to the already existing problems of institutional coordination. Divided government in the form of different partisan orientations of the Council versus the Commission/Parliament will be a permanent reality. What is more problematic is that this divided government will be highly unstable, changing directions and intensity in an unpredictable and relatively haphazard fashion.



## 2.6 CAN POLITICISATION AND A PARTISAN PATTERN OF EU POLITICS LINK CITIZENS' INTEREST AND PREFERENCES TO THE EU?

A further and crucial expectation of the 'politicisation' thesis is that if the set of contentious EU issues were more openly politicised, then this may provide a stronger link between citizens' interests and preferences and the internal EU political debate. This is another strong claim. If true, these results alone could justify some of the risks implicit in the 'politicisation' project. I think however that there are serious doubts, to say the least, about the possibility that European parties and political elites will link successfully with citizens' preferences and interest concerning the EU through greater politicisation.

To what extent are the preferences of the voters on the European issues congruent with or do they divergent from those of their traditionally preferred party? What evidence do we have that an increasingly politicised and partisan debate among European party leaders and commissioners will link with and represent the European public opinion on EU issues? We have to admit that evidence is hard to assemble and remains highly debatable.

Surveys conducted in the late 1980s and early 1990s, (Eijk and Franklin 1991; Schmitt 1994) concluded that party-voters showed similar positions. Ten years later, research documents indicates that a considerable proportion of the European electorate has preferences on key European issues that are not represented by their respective parties (Eijk and Franklin 2004). Other studies show that mass-elite agreement is high on a broad ideological left-right dimension, while on specific EU policies (such as border control and a common currency), the discrepancy between voters and representatives of the same party are such that one wonders what the two have in common. Voters and their representatives live in two different worlds, and the positions of those voters who are sceptical of or opposed to integration are almost totally ignored (Thomassen and Schmitt 1997; Schmitt and Thomassen. 2000). It seems also that everywhere and increasingly, the parties are perceived as more supportive of integration than voters.

All empirical evidence accumulated by national and international studies of voters' attitudes to EU constitutive issues indicates that these attitudes are related to many and different issues and determinants in different countries, but nowhere are attitudes significantly related to the left-right dimension (see the review in Bartolini 2005, 340-354). It is difficult to recognise a resemblance with the historical combination of class and religious alignments typical of the left-right dimension in citizens' attitudes towards the EU. With almost no exception the attitudes toward European integration tend to polarise along a dimension that stresses the opposition line between the perception of new opportunities and mobility options versus the perception of the costs of these. People who are potentially less mobile tend to oppose the integration process of their country.

This situation may point to a general problem of representation, and issue politicisation may well increase, rather than reduce, the gap between elites, parties and voters. The assumption of pro politicisation advocates that greater politics will result into a predominant left-right

alignment of euro-parties in line with the national left-right alignment of voters rests on the assumption that the nationalist versus supra-nationalist, or integration versus independence dimension of conflict will remain dormant or marginal during the process of politicisation. I have argued that this is at least doubtful. Any politicisation of integration/independence issues would probably increase the gap between parties and voters, and tear apart Euro-parties. I share the conclusion that if European constitutive issues were only mildly politicised 'the remedy might be worse than the disease' (Thomassen, Noury, and Voeten 2004, 164).

The conclusion to be drawn from different studies is that European parties have a chance to create a European party system and to mould public opinion only if 1) They organise along issues isomorphic with national ones, 2) They collude to keep the constitutive issue of European integration out of the EP political agenda, and 3) They prevent the European voters from expressing themselves on such issues. The chances of this outcome are difficult to evaluate in a more politicised and partisan politics.

## 2.7 PREFERENCE CHANGE AND THE 'ENLIGHTENED VIEW OF 'PUBLIC DEBATES'

Another important claim of the politicisation school is that open debate, political competition and politicisation will promote the openness and the information capable of changing the perceptions and the preferences of the people and more generally of all actors involved in the process. 'Without open political debates, citizens views are easily manipulated by political entrepreneurs, such as newspaper editors, leaders of minority parties, activists or single issue lobby groups' (Hix 2006,10). With a more open debate among political leaders there is a process of policy learning during which positions can change. There is an interesting example of this expectation:

*'Now imagine the situation in the EU with the so-called 'services directive'. Currently there is widespread opposition to the liberalisation of the service sector in Europe. Citizens' views on this issue are soft and easily manipulated by vested interests, such as public enterprises and nationalistic newspapers. If there were a more open political debate on this issue, however, voters would learn that the proposed directive is not as radical as some of the opponents claim and also that liberalising the service sector is more likely to create jobs than erode jobs. The result would be a more measured debate and a likely policy compromise' (Hix 2006, 11; Italics is mine).*

The opinion of this passage on the service directive is not important *per se*, and in general there is little room to disagree with the idea that public and politicised debates may change views of informed publics and involved actors. Yet, this change of preferences takes a specific and telling direction: 'original opposition to a particular policy proposal can evolve into qualified support'. The point is important because it betrays the rather one-sided expectation of the promoters of this perspective. The implicit idea here is that debates, discussion, competition, etc. are likely to overcome undue or instrumental oppositions, to eliminate 'manipulation', to overcome small interests' negative orientation, and ,eventually, to generate more support for the EU.

This is in fact a very 'enlightened' or rather optimistic view of political debates. Very often both EU officials and supporters of integration *cum* democratisation have the firm belief that if people knew more, were more competent and informed, and participated more, then they would realise that what is done by the EU is eventually good and in their interest.

The debate, rather than being organised by supposedly different groups with different opinions, interests and resources, is seen as a way to convince citizens. They will learn that what is done is in their interest: 'The only way to win people back to Europe is 'to persuade people that their own interests and values will be promoted via the EU, if not now, then at some not too distant point in the future' (Hix 29006, 13). But we have at least to consider the hypothesis that what is learned is not in line with original projects and expectations and that the politicisation process may also let original indifference or support to evolve into informed and qualified opposition.

## Conclusion: mass politics in the EU: how benign could it be?

The politicisation thesis discussed in this paper clearly derives implications and expectations from the historical experience of the nation state. Its positive view of contestation, public commitments, political mandate and competition betrays a 'majoritarian' version of democracy. The thesis recommends that the politicisation should be 'moderate' to minimise change and reduce risks. The proposal of moderate politicisation *sine* institutional reform is appealing in the current depressed mood of the EU milieu and unrealistic prospects of institutional reform. I have focused in this paper on the risks such an approach involves. The chain of doubtful assumptions and of risky choices implicit in the strategy is so long that unexpected consequences are almost certain, and many of them are unlikely to be benign.

The first and foremost risk is that the politicisation process spills over from left-right policy issues to the constitutive issues of membership, competencies, and decision rules.

If public debates, contestation and partisan competition was accrued within the EU, what chance do we have that this politicisation will miraculously avoid or bypass the conflicts concerning the creation, consolidation, and territorial reach of the political institutions at the supra-national level when *de facto* these are the kind of issues that most agitate European citizens? Mass contentious politics is unable to solve issues of membership, competence, and decisional rules, but there is at least the possibility that it contributes to radicalise them and make them not manageable by politically responsible elites who are constrained by the public commitment they have been obliged to take. This risk is so big that one should be almost certain to avoid it.

### **1. THE POLITICISATION THESIS RESTS ON THE ASSUMPTION THAT CONSTITUTIVE ISSUES WILL NOT BE POLITICISED, BUT FAIL TO CONVINCINGLY SPECIFY THE CONDITIONS UNDER WHICH THIS FATEFUL OUTCOME CAN BE AVOIDED.**

Assuming that the politicisation progress will spare constitutive issues, what chances do we have that Euro-parties will organise a meaningfully and credible left-right aligned party system? I have argued that the prospect of Euro-parties becoming a real structure of representation is uncertain and problematic, although they have benefited from considerable institutional assistance. Their capacity to incorporate disparate national delegation and growing cohesion can also be read as a sign of their relative lack of importance, rather than of their strength. Euro-parties are still irrelevant as mechanisms to voice, channel and bring up citizens' and groups' demands. The evidence of their incipient competition mainly refers to policy and legislative behaviour differences, but none of what is done in the EP has a bearing on the electoral fortunes of national and Euro-parties. The politicisation thesis suggests both that Euro-parties will be the gatekeepers of the politicisation process *and* that they will be strengthened and made more consistent and reliable by the same politicisation process that they are supposed to channel and steer.

**2. THE POLITICISATION THESIS RESTS ON AN OVERLY POSITIVE AND OPTIMISTIC VIEW OF EURO-PARTIES AND OF THEIR DEVELOPMENT. TO GAMBLE ON THEIR ROLE AND CAPABILITIES IS ALSO QUITE RISKY AT THIS STAGE.**

Assuming that politics will spare constitutive issues and that Euro-parties manage to remain cohesive within a predominantly left-right policy space, what are the chances that true 'political mandates' will emerge from the politicisation process? I have argued that the treaties reduce wildly the outcomes that can be imposed and pursued. In politics it is rarely the case that predefined 'agendas' can be more or less politicised at will. Rather, politicisation tends to define the agenda. The idea that more contentious public debate *cum* politicisation *cum* competition can avoid a major redefinition of policy areas is illusory. At the same time, alternative mandates touching upon predefined (competition, free movements, agriculture, etc.) or excluded policies (taxation, welfare, labour market, etc.) are impossible.

**3. POLITICAL MANDATES SHOULD DEVELOP WITHIN THE NARROW PATH SET UP BY THE TREATIES; IF THIS DOES NOT HAPPEN, POLITICAL MANDATES WILL CHARGE THE TREATIES/INSTITUTIONS WITH TERRIBLE TENSIONS, WHENEVER IT WILL BE FELT THAT THEY CONSTRAIN THE POLITICISED AGENDA.**

Granting the three previous conditions, what chances are there that such a political mandate will generate alliances and coordinate policy positions across EU institutions and help to overcome institutional gridlock? This is one of the most daring expectations of the politicisation thesis. It is reasonable to expect that similar partisan alignments in the Commission, Council and Parliament will help to overcome institutional gridlock, but it is unclear how this can be achieved given the different composition and timing of formation of these three institutions. In this case, the claim of the politicisation thesis that this result can be achieved without major institutional reforms seems unrealistic.

**4. TREATIES SIC STANTIBUS – STRONG PARTISAN ALIGNMENTS MAY ADD TO THE PROBLEM OF INTER-INSTITUTIONAL COORDINATION WITHIN THE EU, RATHER THAN SOLVE THEM.**

Further issues: even assuming that none of the above problems would occur, will this partisan pattern of EU politics link citizens' interests and preferences to the EU? Reviewing the evidence about mass public attitudes to the integration process, I have expressed some doubt that this can be achieved through left-right political competition. Everything depends on the possibility of transforming citizens' distance, lack of interest, and scepticism *about* Europe into support for different vision *of* Europe; on whether the large pockets of anti-EU feelings and distrust can be slowly converted and channelled into mildly different versions of the integration process; on whether outspoken anti-EU sub-elites can be neutralised in the politicisation process. Nobody can tell at this stage, and this is exactly the problem.

**5. EVEN UNDER FAVOURABLE CIRCUMSTANCES, MORE LEFT–RIGHT POLICY AND INSTITUTIONAL PARTISANSHIP MAY NOT BE ENOUGH TO WIN OVER PUBLIC SUPPORT FOR THE UNION.**

Finally, assuming – but not granting – all the previous steps, we still face a risk: this politicisation may raise greater expectations that it can actually meet, thereby eventually deepening the gap between the EU and its citizens.

It is argued that the politicisation process considered should be 'moderate' and that this will reduce the risks, justifying a trial and error strategy. Considered the risks mentioned above, a moderate politicisation is reassuring. But it is hard to predefine the appropriate 'amount' of partisan politicisation. In addition, even a modicum politicisation is likely to raise expectations and offer promises that cannot be satisfied. The informed public, the media, organisations and movements, affected interests, sub- and counter-elites can be brought to be more involved in public political discussions about the EU, will like to be confronted with alternative platforms, to watch the contest for the Commission presidency, to listen to alternative visions and goals. But after these sweet melodies, they will have to live with the cacophony of twenty-five countries fighting for six months to strike a compromise concerning the 0.030 percent of the budget. It is risky to envisage mass politics mainly as a gigantic learning exercise and legitimation process.

**6. EVEN A CONTROLLED POLITICISATION MAY INCREASE THE IMBALANCE BETWEEN PROSPECTS AND ACHIEVEMENTS, GENERATE DISILLUSIONMENT, DISCONTENT, AND FRUSTRATION AT A LEVEL HIGHER THAN THOSE EXISTING NOW.**

To sum up,

- we have no certainty that politicisation will spare constitutive issues;
- there are legitimate doubts that Euro-parties will manage to offer a coherent and significant left-right alignment and competition;
- it is difficult that different political mandates for reform can be developed and kept within the narrow policy boundaries of the treaties;
- it is questionable that such mandates will help foster alliances and coordinate policy positions across EU institutions to overcome institutional gridlocks;
- there remain doubts that political mandate of this kind will link the emerging pattern of EU politics to citizens' interest and preferences;
- and the risk remains that all this may generate frustration.

This is a long list of uncertainties. That all the six positive outcome will be achieved is highly unlikely and unintended effects are probable at almost every step.

For sure, the injection of competition/contestation/politicisation in the decision-making process of the Union is one possible way of strengthening intermediary political structures of representation. But to achieve this goal, the risks are too high. Representation structures are vehicles for different ideas, interests and identities to be expressed, but their specific content cannot be predefined too much. Politicisation is risky because if it fails it is unlikely to leave things as they were. Failure will strain the integration process to the point of jeopardising its progress. The EU is deprived of those institutional and political structures that can guarantee

that politicisation will be channelled in such a way as to avoid generating tensions and conflicts that cannot be handled.

Ruling elites need to deal with objective problems - such as economic conditions, international relations, etc. - as well as with the problem of mobilising political support in every political system. The connection between problem-solving and political support was tenuous in pre-liberalised and pre-democratised European polities, but became much closer in the democratised nation state. It has become loose and tenuous once again in the EU integration process, in which the solution of coordination problems has been detached from support mobilisation. This has come about as a result of the pooling of the problem-solving role at the EU level. Thanks to the separating of the criteria of economic rationality (reserved to the EU) from the other political, cultural and social objectives (reserved to the nation state), the EU has enjoyed a privileged position, being able to leave the latter problems outside its competence. As time has gone by, however, this possibility seems to have diminished. Euro-national political elites now perceive a renewed tension between their problem-solving capacity – for which they pool efforts and sovereignty at the supranational level – and the nurturing of their sources of rulership – for which they rest on national legitimisation processes.

This situation is new and difficult, but a decisive push to bring back problems of political support mobilisation within the EU polity may prove a medicine worse than the disease.

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