CITIZENSHIP, ELECTIONS, LEGITIMACY – A WAY TOWARDS REDUCING THE 'DEMOCRATIC DEFICIT' OF THE EUROPEAN UNION

By

Tamara Kolarić

Submitted to
Central European University
Department Of Political Science

In partial fulfilment of the requirements for the degree of Master of Art

Supervisor: Professor Anton Pelinka

Budapest, Hungary

2009

SUMMARY

In this paper, I re-question the possibilities for strengthening legitimacy of European Union and reducing its democratic deficit through introducing a unified electoral system for European Parliament elections. Such an action would, presumably, have a twofold effect. One, 'indirectly', it would lead to an increase in European identity feeling, as one of the dimensions of European citizenship. This would activate the citizenship concept from its passive state, leading to increase in political participation (turnout), making EP more representative and thus legitimate. To argue for this, I use the basics of the idea of 'constitutional patriotism', but adjust it to the needs of a *politeia sui generis* without both a patriotic feeling and constitutional document. Two, based on argument by Hix and Hagemann, I argue that introduction of proportional system with small, cross-country electoral districts could lead to increase in responsibility of EP parliamentarians, but also strengthening the position of 'Europarties', thus reducing Union's 'democratic deficit'. I test the assumptions arising from the claims made - that increase in information and citizenship feeling does lead to an increase in voter turnout – and receive mixed, but optimistic results.

TABLE OF CONTENTS

iii

INTRODUCTION

The European Parliament (EP) has, since its establishment, but particularly after the first direct elections in 1979, enabling the citizens of the European Union (EU) member countries to elect their representatives directly, been in the centre of a twofold debate. One, the issue of 'how much democracy' is necessary for the EU seems to be constantly reappearing, resulting in, generally, two types of arguments. One broad group of authors provides theoretical support to the claims EU in general, and EP as its representative body, are 'democratic enough', or in need of only minor adjustments. While the arguments within the group differ, ranging from viewing the EU as a regulatory state to perceiving it as an intergovernmental organization (*see* chapter 2.2.), the constant is the denial of existence of any major democratic legitimisation issue in the Union structure. In the other group, lead by Simon Hix (*see* Follesdal and Hix 2005), the issue of 'democratic deficit' and the need to 'bring Europe closer to its citizens' through strengthening the role of EP dominates. Various solutions are proposed for resolving the dilemma: strengthening of national parliaments (parliamentary strategy), coordination between European Commission (EC) and lobby groups (postparliamentary strategy) and direct election for an EU president (presidentialist strategy). Other options include constituting 'EU public' parallel to that of nation states (Cipek 2006, Hix 2002) as well as state-like constitutional affirmation of the Union and its citizens as presented in the Habermas-ian vision of Europe (*see* Mühleisen 2004, Kleinsteuber 2001).

Two, as a sub-question to the first, general issue of democratic legitimisation of the Union, referring predominantly to authors of the latter group, there seems to be a reoccurring issue regarding turnout

1

level for the EP. If the EP is indeed a representative body of European citizens, then why is the turnout so low[1], and what can be done to increase it? It is not that citizens do not care about the satisfaction with democracy on the EU level (Karp, Banducci and Bowler 2003). And yet, the level of participation remains low and dropping.

In this paper, I shall argue there exists an inherent logic to an institutional solution - introducing a unified electoral system for the EP elections - for answering both of these dilemmas at once. Key question of the paper might thus be summarised as follows: can the change in the institutional setting (electoral system) lead to a change in both the voter body and political structures of the EU almost simultaneously, thus leading to an increase in voter turnout, and a reduction of the Union's democratic deficit?

I shall argue that an institutional change may lead to this kind of effect. My hypothesis is as follows: the introduction of a unified electoral law for all countries would lead to an increase in voter turnout, and a decrease in democratic deficit of the EU. This can be further broken down. I will argue that an introduction of such a system would lead to a twofold positive development. One, there would be an 'indirect' effect to such an action – it should lead to increase in European identity feeling, as one of the building elements of European citizenship. The argument here is a circular one: if citizenship is a political concept, then sense of belonging to a political community will lead to an increase in political community participation – voting. Thus, stronger sense of European citizenship would lead to increased voter turnout, thus increasing EU input as opposed to output legitimacy (*see* Scharpf 1999, Thomassen and Schmitt 2004). To argue for this, I shall use elements of

---

[1] With the notable exception being the countries in which compulsory voting has been introduced: Belgium, Luxembourg, Malta and Cyprus.

the concept of constitutional patriotism, as developed by Habermas and elaborated by Jan-Werner Müller. The emphasis, however, will not be placed on introducing a constitutional document for Europe – an initiative that has been tried out, and has so far lead only to failure, to great disappointment of its creators. Instead, I shall argue that loyalty to the political community as such, and using the mode of participation through voting is the best way to reduce the democratic deficit (at the same time increasing turnout in what may be considered a circular process).

Two, using the argument presented by Simon Hix and Sara Hagemann, I shall argue that an introduction of a specific type of electoral system – a proportional system with fairly small size electoral districts – could lead to an increase in responsibility of EP parliamentarians (MEPs), making the EP a more legitimate representative body, thus reducing the Union's democratic deficit. I shall broaden the argument by adding another dimension – the common electoral system should include cross-countries electoral districts, leading to strengthening of the position of 'Europarties', thus further reducing the Union's democratic deficit and making it closer to the median voter.

This paper shall be structured as follows: in the first chapter, I shall elaborate the importance of increasing legitimacy and reducing the democratic deficit in the EU. The second chapter shall be dedicated to providing a brief introduction into the key terms – while the issue of citizenship shall be discussed thoroughly in the upcoming chapters, here I shall sketch the basic understanding of how the EU is perceived in this paper, and provide an introduction into the debate on the democratic deficit, with an attempt of answering what might be called 'the question of perspective' – why various approaches provide a different answer to whether the EU is in fact in need of more democracy or not, and how this is related to interests of actors involved in the process of EU institutions building. Third chapter shall provide for an overview of the existing literature on the topics debated, and introduce the reader to my arguments. Both lines of argumentation shall be

developed in detail and debated in the fourth and fifth chapter, while in the sixth chapter I shall take a step backwards, and attempt to statistically show that increasing the turnout and reducing the deficit is indeed possible through activating the European citizenship feeling and increasing the level of information voters possess on the EP elections, because a statistically observable link exist between the given concepts.

CHAPTER 1 – THE (NON)EXISTENT DILEMMA: (WHY) ARE LEGITIMACY, TURNOUT AND REPRESENTATION IMPORTANT?

The EU is a very specific type of political system, an integration *sui generis*, encompassing a large part of the European territory. However, due to processes of both widening and deepening of integration, EU is not becoming only territorially larger – there has also been a continuous (if incremental) process of increasing the scope of policymaking on the European level, pushing more policies from the national to the level of European decision making. This in itself is not problematic. However, the logic of democratic representation requires that the decisions made 'for the people' also be made 'by the people', indirectly represented through directly elected institutions, in order to be accepted as decisions 'of the people'. So far the EU has been far from fulfilling this condition – its institutions suffer from the problem of what may be called 'second-level' legitimacy (meaning that they have been appointed by nationally elected bodies, but have not got the 'first instance legitimacy' of the public vote), or are directly elected, as the European Parliament, but the voter turnout is extremely low, depriving the body of full democratic legitimacy.

Indeed, voter turnout for the EP has been low and falling ever since the first elections in 1979, both on the EU level and when looking at data for individual member states. Average turnout across member states was 65.9% in 1979, 63.8% in 1984, 62.8% in 1989, and 58.5% in 1994, 49.8% in 1999, and finally, reaching the lowest point so far, only 45.6% in the last elections in 2004. The expected turnout for the upcoming elections in June 2009 is extremely low, and is not to, according

to some estimates, reach over 39% of the voters across all European countries[2]. Also, there exist great differences in turnout among member states – in the last, 2004 elections, turnout varied from the high 90.81% in Belgium (constantly holding a rather high turnout for both national and EP elections, largely due to compulsory voting) to only 16.96% in Slovakia. Finally, turnout in EP elections and turnout in national parliamentary elections vary immensely within member states, with the average EP-turnout being more than 20% lower than the average turnout of corresponding prior national parliamentary elections, and over 40% in some of the ten member states joining the Union recently (41.8% in Slovenia, 53.4% in Slovakia), implying there exists a serious structural discrepancy between the two elections, sometimes labelled as 'Eurogap' (*see* Blondel, Sinnott and Svensson. 1997, Olsson 2006, Grubiša 2007).

However, while the outcomes are easy to spot, the causes for low turnout present a much more complicated issue. It is often claimed European Parliament election are, 'low benefit' (Banducci 2005), 'second order' (*see* e.g. Reif and Schmitt 2004), fought on primarily national issues and subdued to national political situation. The assumption is that it is the attitude towards national parties that determines the outcome of voting for the EP. Representative body of the EU thus becomes 'captive' of national political processes, and EP elections are reduced to evaluation of national politics, often used by voters to 'punish' the governing party by casting votes for the opposition. Low turnout rates for EP elections thus seem to have little to do with voters' knowledge or attitudes of the EU and the EP (*see* Blondel, Sinnott and Svensson 1997) but are largely explainable through their attitudes towards national politics."'Europe' remains at best a minor element in these elections in most cases" (Hix and Marsh 2007). If this is indeed the case, it might be

---

[2] for estimates, *see* www.predict09.eu; also *see* the results of the Special Eurobarometer 299 (Eurobarometer 2008) for survey results on expected voter turnout.

that the problem of low turnout could be most effectively tackled after understanding its origin on the national level – since no real 'Europarties' campaigning exists for the EP elections, it is the national political systems we need to turn to first in order to understand the problematic of voting and abstaining for the EP elections.

However, I argue that an increase in voter turnout for the EP can be achieved through a measure related not to individual national political systems, but the EU as a whole – building up of the concept of European citizenship among voters, who are by definition European citizens. The argument, as shall be developed further, is as follows: If citizenship is a political concept, related to political community, then increase in European identity and thus European citizenship feeling, turning it from a 'passive' to an 'active' concept, will lead to an increase in political community participation – voting. Stronger sense of European citizenship will thus lead to increased voter turnout, increasing EU input as opposed to output legitimacy (*see* Scharpf 1999, Thomassen and Schmitt 2004).

But voter turnout is, of course, only one of the problems of EP legitimacy. The other one is somewhat more complex: the problem of the lack of responsibility of EP parliamentarians (MEPs) and their 'distance' from the voters. This issue constitutes one of the elements of the EU's democratic deficit, but one that needs to be tackled in order to grant the European-level policies the necessary approval of the democratic public, and also to bring the policies closer to the attitude and values of the 'median voter', which is at the moment not the case. Only with a stronger democratic legitimacy can the EU continue to develop as a 'Europe for citizens', continuing the process of deeper integration. However, the question of how to decrease the democratic deficit and increase legitimacy has so far not been answered properly – not in theory, and hardly in practice.

In order to be able to answer the question of what the main issues of the EU are when it comes to the elimination of its democratic deficit, and what the best way to resolve them would be, it is necessary to first clarify what the democratic deficit means on the EU level, and even more so, why is this question, stressed as being of crucial importance by some authors, ignored or proclaimed irrelevant by the others. Furthermore, it is necessary to provide a clear definition of what the Union is and how its development should be perceived. Therefore, in the following chapter of the paper I shall present a brief terminological overview of the key terms used – the European Union and its democratic deficit.

CHAPTER 2 – TERMINOLOGY AND LOGIC: EUROPEAN UNION, LEGITIMACY AND INTEREST

2.1. What is the EU? Observing the European integration

While there have been many attempts to approach, research and understand the EU as some form of a political community, not all of these approaches start from the same understanding of what the Union actually is, what it should develop into and – thus – how it should be approached. Three most obvious broad understandings of its structure may be described as follows. The first, 'Europe as an intergovernmental structure' approach, starts from the assumption that the EU is barely more than a product if the added-up desires of the nation-states which make part of it, and its further development should therefore reflect the interests of the member states. The key institutions of the Union are thus those directly representing the interests of the member states.

The 'federation/confederation' approach sees the Union somewhat differently, as a political structure resulting from and dependant on the interests of the member states, but also one that, at the same time, develops and pursues "own" interests and developments. The consequences of such an approach are twofold. One, emphasis is placed on the tension and the often conflicts of interests between the member states (individual or clustered) and the Union as such. This originates from the idea that there exists a need for division of sovereignty between the member states and the Union which resembles a zero-sum game: the stronger the structure of the Union becomes, the weaker that makes the nation-states, which have to give up on elements of their sovereign power on own territory. Two, special attention is given to understanding the structures of the EU which are considered to represent the 'common' Union interest as opposed to the 'national' interests. Primarily

this refers to the European Commission. However, the position of being the only directly elected body makes the European Parliament the centre of attention: if the source of sovereignty on the national level is the will of the people, and this will, embodied in the legislature, is reflected in policy measures, then the EU as a structure with ever broader scope of policymaking authority also needs an expression of sovereignty in some form to make its policies legitimate, reflective of the will of its citizens.

While the federation approach to the Union is progressive in the way it treats the Union as having interests independent and differing from those of its member states, it is also, to some extent, 'normalizing': it presumes that the final form of the EU institutional structure shall (and should) reflect the familiar structure of not a super-state (for a 'state of states' is hardly imaginable), but a federation designed in similarity to previously existing federal structures. Thus, as reflected in the initial text of the 'Constitution for Europe', but also in the ongoing debates about the transformation of the EP into a two-houses parliament, the final goal is to 'adjust' the European institutions to the federal model of governance.

Finally, the third approach to the Union, which shall be used here, treats the Union as a *sui generis* political community with an 'open end' final outcome, in the sense of unpredictability of the shape of its final structure, which is neither state nor federation-like, or resembles an intergovernmental organisation. EU is thus observed as a "political entity in construction and with an undefined end" (Closa 2001: 180). However, I do start from the premise, shared with the federation approach, that the EU is a democratic structure, and should be representative of its citizens. Moreover, I opt for an input rather than output form of legitimacy: the decisions made on the EU level should be made 'by the people', resulting from the involvement of citizens in the decisionmaking process, rather than

'for the people', based on the premises of a recognizable common interest and revolving mostly around regulation, rather than redistribution (*see* Thomassen and Schmitt 2004, Scharpf 1999).

Finally, I approach the EU from a comparative politics, rather than a descriptive perspective characteristic of *sui generis* approach to its institutions. The starting premise is that the structure of the EU, since it should be based on a similar legitimating power – citizen representation – is comparable to the structure of the nation states. This, however, does not imply that the EU should be on the way of becoming a state-inspired structure.

2.2. How much representation? The problem of the 'democratic deficit'

So far I have spoken of the democratic deficit without elaborating on the understanding of the term. Here I present a brief overview of its meaning, and show how the expectations on the level of 'representation for Europe' are a direct reflection of the attitude on 'whose interest' the EU should represent.

There are currently three main approaches to observing the existence of the democratic deficit, summarised in the work of the following authors: Giandomenico Majone, Andrew Moravcsik, and Simon Hix and Andreas Follesdal. The three approaches also present three different ways of approaching the EU as a structure. Such difference in approach, as we shall see, is closely related to providing the answer to the future direction of the EU development – each one of the answers offered is a way of pushing through a different vision of the Union's future.

In Majone's definition (Majone 1998), EU takes the form of a 'regulatory state' – it was created by the governments of the member-states in order to deal with regulatory (economic) policies in order to reach a Pareto-optimal outcome. For the governments, it has a value of a regulatory agency

11

(dealing with market failure issues that are presumably, through agreement, decided to be better dealt with on a broader level), and not a new, political entity. Therefore, no democratic institutions are needed, since it is designed primarily as a purpose-serving, independent 'long hand of the national governments'. Moreover, the delegation in this case has the purpose of protection from democratic pressure. EU is not perceived as 'to-be' democratic institution, but a regulatory one. If it were to become democratic, it would in a way act against the purpose it was created for: the policies created would become short-term and interest-influenced ('politicised'), and would no longer strive towards a Pareto-optimal long-term efficiency, but satisfying of short-term interests. Majone thus does not think EU has a 'democratic deficit' problem, only a 'credibility crisis', which is absolutely independent of any increase in the EU democratic potential.

Moravcsik (Moravcsik 2002) approaches the EU from a liberal intergovernmentalist perspective. EU is viewed as a 'prolonged hand of member-states', a set of institutions not of a new, supranational, but intergovernmental status, meaning: (a) EU bodies, including EC, are acting in member-states' interest; (b) EU policies are the result of those interest-bargaining. The EU does not, however, suffer from a democratic deficit due to four (and a half) reasons: (1) both national governments and EC/Council are highly responsible both due to national parliaments' and media pressure; (2) EP development has lead to increased EU executives accountability; (3) due to fear of non-transparency, EU policymaking process became the exact opposite – transparent; (4) EU policymaking process involves a number of actors and interests, and this is institutionally secured; moreover, it is a result of bargaining by democratically elected, legitimate governments. Thus, interests of (most) citizens are policy-represented. Finally, since EU issues are 'voter-distant', and 'isolated' policymaking therefore leads to better, more interest-inclusive policies, EP elections should not be more important than they currently are.

For Follesdal and Hix (2005; also Hix 2002), the EU is neither a technocratic agency nor a prolonged hand of the national governments. It is a supranational structure which has its own logic not derived simply from the interests of the member-states. Therefore, there is logic in the need for its democratic representation too: if it is a structure making decisions for the voters, and on their behalf, and it is *different* from the member-states, then it requires its own legitimacy.

The EU is, and should be, heading in the federal direction (*see* Hix 2002). It also still suffers from a severe democratic deficit. The authors, basing on Weiler, list five elements of the EU's democratic deficit, which I summarise as follows: (1) an increase in the power of the executive, primarily through supranational bodies, which is followed by a decrease in the parliamentary control (indirect democratic legitimacy); (2) weakness of the EP, which neither controls the EU executive nor is involved in all important decisions, though its scope of activities in increasing; (3) lack of 'real' European elections, revolving around Europarties presenting European issues and ending up in the forming of a European government; (4) institutional, as well as psychological, distance of EU voters from the Union; and, finally, (5) 'policy drift', making the policies decided upon on the EU level distant from the preferences of European voters.

While all the stated elements are relevant, in this paper I focus on the latter three. I start from the assumption that the EP is, in fact, a relevant decisionmaking body, though still not on the level of national legislatures[3]. I then presume that an introduction of the unified electoral system for the EP can simultaneously effect the nature of the European elections, bringing candidates closer to the citizens, exerting pressure on political parties to base their campaigns more on European rather than

---

3 On the EP, its development and powers, *see* Corbett, Jacobs and Shackleton 2005, Judge and Earnshaw 2003.

on national issues, and, finally, bringing the European policies closer to the desires of the voters. Therefore, in the upcoming paragraphs, these shall be considered the elements of democratic deficit tackled in this paper. It does not make the remaining elements less relevant – on the contrary, further institutional solutions should be developed to tackle the issues not being tackled here.

CHAPTER 3 – THE STATE OF THE FIELD

While there exists substantive literature on the individual concepts, such as 'democratic deficit' (elaborated in detail in the previous section), 'second order' elections, concept of citizenship in general and that of European citizenship (*see*, for example, Eder and Giesen 2001, Balibar 2004, Bellamy and Warleigh 2001), and institutional measures for increasing the democratic legitimation and reducing the democratic deficit in the EU (particularly important in the field are the works of Hix), to my knowledge no attempts have been made so far to establish a direct linkage between European citizenship feeling and voter turnout, not to explore the assumption that an increase in the former might have a positive effect on the latter - even though there have been attempts to use the concept of European citizenship as one of the indicators of creating an European political community (e.g. Scheuer).

 Little work has so far been dedicated to exploring the relationship between citizenship and voting directly, in a manner other than observing that one of the dimensions of citizenship is the right to vote – existing literature focuses mostly on observing the citizens' own attitudes on what their role *as citizens* should be (see e.g. Theiss-Morse 1993) or what the 'theoretical assumptions' of citizens should be (e.g. Westheimer and Kahne 2004), occasionally touching upon the debate of "a conception of European citizenship in which the core elements of citizenship, rights and identity, are not 'attached' to citizens as members of separate member states that together form the European Union, but to citizens as citizens of the European Union, perceived as a democratic political union" (Lehning 2001, 240). While these approaches are useful to me in developing my concept, they do not provide many practical answers regarding the linkage between citizenship and turnout, neither on national, nor, particularly, on the European level.

Finally, broad issue of linkage between the institution of electoral system and its effect on both voter behaviour and type of representation has been explored by a number of authors (*see* Duverger, Lijphart 1994, Grofman and Lijphart 2003, Lijphart and Grofman 1984, Farrell 1997 etc.). The literature on political parties, and those in the EU, is also substantial (*see*, for example, Bardi 2002, Hix 1995, 1997). However, no direct linkage has, to my knowledge, been established between neither the unification of electoral law and feeling of citizenship, nor the creation of cross-national electoral units and the voter-MEP relation. Thus, in this paper I shall focus on these linkages, attempting to provide a logical construction confirming their existence.

In this chapter, I shall provide a brief overview of the existing literature on the main concepts which shall be discussed further in the paper. I shall also, parallel, present the main arguments in brief. The arguments shall be developed in the following chapters.

3.1. European Citizenship and European Identity – Overlapping Concepts of Political Community Belonging

Citizenship can be defined as a legal and political position allowing citizens to, as individuals, acquire certain rights (e.g. civil, political, social) and duties (taxation, military service, loyalty) towards the political community. It refers to membership to a political community carrying in itself variety of rights and freedoms. "The citizen is the individual who has membership rights to reside within a territory, who is subject to the state's administrative jurisdiction, and who is also, ideally, a member of the democratic sovereign in the name of whom laws are issued and administration is exercised" (Benhabib 2002, 408). Yet citizenship is, in a broader sense, also a form of creating preconditions for an institutionalised relation between the citizens and the state/community, inherently containing the right to community belonging, and thus containing the right and duty to represent the interests

16

of a community one is a member of. It thus implies a *sense of* membership, subsequently acquiring some sort of community participation. It is indeed difficult to imagine democracy on a national scale without enabling the citizens the right to participate in politics (Schlozman 2002).

Taking in consideration both the conceptual and the historical approach to understanding citizenship, two general statements on the concept can be given. One, citizenship implicitly covers the notions of rights, access and belonging, with rights referring primarily to either Marshall triad of civil, political and social rights, or an expanded version including economic rights as a special category. Two, most authors agree that the emergence of citizenship is in some way related to stateship, the emergence of modern state (Vasiljević 2006, Hix 2005). It should finally be noted that citizenship is also an exclusive concept: bearing of citizenship clearly differentiates 'members' from 'aliens' in a community. (Shaw 2007; also Posavec 2000, Soysal 2001, 160-162).

The concept of European citizenship (Citizenship of the European Union) was originally introduced in the Treaty of Maastricht in 1992 after a longstanding debate[4], stating, in Article 8:I of the Treaty, that "[e]very person holding the nationality of a Member State shall be a citizen of the Union". EU citizenship provides certain rights and privileges to its bearers, including freedom of movement and right of residence within the territory of all member states, right to vote and stand candidate at elections to the EP and at municipal (local, regional) elections in the member state of residence, right to diplomatic and consular protection in third countries, petition to EP and right to refer to the Ombudsman, as well as other benefits (i.e. common passport design). Union citizenship is considered fundamental status of EU nationals by the European Commission (EC), though some

---

[4]For brief overview of development of citizenship as concept*, see* Vasiljević 2006; for overview of development of EU citizenship, *see* Shaw 2007, 93-121

member countries disagree with this approach. Thus, according to the understanding of the German *Bundesverfassungsgerichs*, the legal bond 'EU citizenship' uniting citizens of different member states is less cohesive, weaker than the one uniting citizens on the national level (*see* Scheuer 1999).

Constructed 'top-down' as an elite project parallel to national citizenships, EU citizenship is often questioned as an underdeveloped concept, serving more as potential than real basis for community-building (*see* Petković 2007, Such 2000; for an opposing view, *see* Flickinger et al 1997)[5], a "(...) weak and ambiguous legal status which does little to reflect or develop a sense of shared goals and values among European peoples" (Welsh 1993, 2). One part of this argument originates from its 'second order' rating – EU citizenship is acquired only through acquiring the citizenship of one of the member states (Shaw 2007)[6]. Other is related to issues of identity and participation. European citizenship can be observed as consisting of three main elements: rights and duties, participation in decision-making (e.g. voting rights), and feeling of membership to the Community. First element is strictly legal in its basis, guaranteed through the Treaties. Second covers one of the basic elements of citizenship, the right to vote. "[A]s one of the political rights, the right to vote enables citizens to participate, through the medium of elected representatives, in the exercise of political power. The right is thus relevant to all other hallmarks, since the content of the rights and duties of citizens at any one time can indirectly be influenced or determined by its exercise" (Gardner, in Shaw 2007, 5).

---

[5] *See also* Cipek 2004 for examples of 'thicker'-based solutions;
[6] There are two separate problematic issues revolving around the linkage of European citizenship to national citizenship. One claims the problem lies in the fact European citizenship is not strong enough due to this tie, and the lack of independence originating from it. The other, however, claims that the problem of EU citizenship is not its lack of independence, but its exclusiveness towards non-nationals of EU who are living on the territory of the member states. The latter argument, however, misses the point of the idea of European citizenship in total: it is not designed to be a citizenship status for Europe, but one for a form of integration on European soil, that is, the EU. This does not mean that the EU should not provide for some form of political rights for those of its inhabitants who do not share citizenship status. However, the non-existence of such rights should not be treated as a failure of the concept as such.

The right in itself is also guaranteed through law, but the participation in decision-making, rather the sole possibility of participating, requires making a step from what I label as *passive* to *active* understanding of citizenship.

Passive citizenship refers to rights and obligations a concept of citizenship brings to those who share it. It is rather easy to introduce, depending upon the will of political elites. *Active* citizenship[7], however, is the sense of belonging to a political community, willingness to participate in its actions and creation of its policies (primarily through voting) and a feeling of competence to influence it. It also includes a shared sense of belonging together with other members of the community and the willingness to take actions not only to improve one's own position, but also the position of the community as a whole[8]. Concept of active citizenship is thus connected with the idea of identity, identifying with one's own community, which brings us to the difference between the states and the EU and core of the problem.

It seems that so far in the EU, it is only passive citizenship that has actually been existing as a full concept, while active citizenship is yet to be 'brought to life'. Partially, the problem lies in the, seemingly, non-existence of common identity. Concept of citizenship presupposes, the argument goes, the existence of the people, *demos*. Existence of *demos* is, however, often considered as originating in identity developed prior to developing a citizenship-based political community.

CEU eTD Collection

---

[7] Balibar (Balibar 2004, 59) defines "active" citizenship as one "(...) characterised by the full exercise of political rights".
[8] Distinction between two types of citizenship is similar to that between a 'minimalist' and 'active' understanding of citizenship: while passive, just as minimalist, understanding is based on predominantly legal positivistic approach, active is more related to citizenship as the organizing principle of the community (*see* Vasiljević 2006, Meehan 1993).

Citizenship thus becomes related to national identity and nation-state. If this is so, EU citizenship fails to satisfy the basic precondition for community building – a form of 'national' identity.

The logic is as follows: in individual EU member countries there exists a common identity. Citizens share a common culture, traditions, customs, often one (official) language, and a broad set of values, enabling identification with the community, sense of belonging and willingness to participate in political life (*see* Petković 2007, Johnson 2001). The nation thus becomes an origin of identification, thus a pre-condition for political action, which is, in fact, the exercise of the active concept of citizenship. Citizens, as nationals, identify with their national political community – and this identification serves as a basis for the exercise of 'active' citizenship, thus participation in the community. While this kind of identification has been in decline, it is still the key identification element. In EU member countries there exists common identity, generally having a positive effect on existence of political community.

Feeling of identity co-exists with concept of active citizenship, being not only its integral part but the condition for its development. The existence of common identity seems to be generally seen as a precondition for development of EU democracy, when observed in an input rather than output-oriented sense: if political choices are to be made *by the people*, and if the citizenry is to be the source of authority, then there needs to exist a 'real' political majority, for which a strong ('thick') sense of identity is required to serve as a source of democratic legitimacy (Scharpf 1999, Thomassen and Schmitt 2004). Yet, it seems that the EU does not have the benefit of such luxury[9]. Feeling of community that exists on the national level, in the sense of "(…) mutual sympathy and loyalties; of "we-feeling", trust and mutual consideration; of partial identification in terms of self-images and

_____

[9] For a somewhat different view, see, for example, idea of 'Verfassung als Kultur' by Peter Häberle;

20

interests; of mutually successful predictions of behaviour, and of co-operative action in accordance with it (Deutsch et al, in Scheuer and Schmitt 2006, 511) seems to still be lacking on European level. On one side, no elements of 'European culture' have the relevance of national equivalent. There exist attempts to create a 'culture for/of Europe'[10], but 'equivalents' cannot be created in areas often important on the national level (language), and are closer to (political) elites than citizens (*see* Scheuer 1999; also Smith 1992). Moreover, common historical heritage seems to be filled with diversity, division and conflict at least as strong as the basic common cultural heritage that does exist (Scheuer and Schmitt 2006). Level of «feeling European» is weak; moreover, lack of common identity leads to misunderstandings and fear «old Europe» feels towards newer members[11], and vice-versa. A feeling of identity, originating from a form of nation-belonging (thus community-belonging), is obviously lacking on EU level. Yet, "(...) all nation-building projects ultimately require a base of common history and ethnicity if they are to succeed" (Welsh 1993, 10). The absence of common duties, present in national legislations on citizenship, does not contribute positively to community building either (Welsh 1993, 8-11).

But is prognosis really this grim? In their 2006 paper, Scheuer and Schmitt question the assumption there exists no political unity on European level. Using Eurobarometer and EES data, they test for development of European identification and we-feeling among citizens of member states. Their findings provide reasons for optimism: majority of EU citizens identifies with the new political community, and in general, majorities of citizens in member states seem to trust people in others, though people from newer member states are trusted somewhat less in percentage. Citizens also seem to have "a rather clear-cut mental map of the Union, a shared understanding of who is alike

---

[10] i.e. attempt to develop a European film culture;
[11] Reflected, among other things, in the 'big no' to the Treaty establishing a Constitution for Europe;

and who is different" (Scheuer and Schmitt 2006, 522). As far as political community feeling in sense of diffuse support for political system, as presented by David Easton in his system theory of politics, is concerned, EU seems to be doing fine. There exists no 'overall' common identity, and the EU, being a *politeia sui generis*, cannot rely on sources of identity existing in member states. However, as a supranational, predominantly political integration, it could seemingly, in somewhat Rawlsian[12] manner - limiting to political sphere - develop its common identity on a strictly political level[13]. Furthermore, the logic of understanding political identity strictly through identification with the nation as the pre-political construct which gets 'transferred' into a legitimate political basis for identification and action is, as has been shown a number of times (*see* in particular Anderson 1991), is clearly a myth – the idea of 'nation' is neither natural nor pre-political, but is a political construct.

Finally, it is not true that the primordial ethnic community, based on common identity, is the key basis for developing a political community of citizens. "The argument that a shared common identity, a *demos* in the ethno-cultural sense, should precede the constitution of a demos, that is a community of citizens sharing the rights and duties of citizenship, has little ground in history. In many European countries the formation of the state preceded the development of the nation (Thomassen and Schmitt 2004, 10). Therefore, the basis for identification not only can, but has to be somehow constructed and articulated. Moreover, while the EU is, in the process of identity building, often perceived as an equivalent to the nation-state, it should not be, for it is not a new nation state in creation, though it follows some of the similar patterns (e.g. the need for a common public

---

[12] The work of John Rawls will not be thoroughly discussed here. For details, *see* Rawls, John. 1993. *Political Liberalism,* New York: Columbia University Press
[13] There are, however, doubts about the possibility of introducing an identity that would be seemingly 'rational' in nature. Most of these doubts, however, do not stem from the comparative politics perspective. See e.g. Stavrakakis 2005; also Duchesne 2009 for a critique of Bruter's idea of 'political' identity.

sphere). This, when observed from the perspective of the identification and community-building on the EU level, is an optimistic conclusion – and one that brings us back to notion of citizenship as basic category in political sphere, and one of its key formative elements – the right to vote.

I argue that an unified electoral system could help in construction an sphere of political on the European level, as a sphere of exercising active European citizenship (in the sense of 'identity' and 'we feeling' building). This, as I shall illustrate in detail, is based partially on the idea of constitutional patriotism, as developed by Jan-Werner Müller. As Müller shows in his 2007 book, the possibility to develop a loyalty to the community is not dependant on the 'primordial discovery' of national identity. A political community may also be based on a very 'rational' basis of identification, which is at the same time emotionally supported: the basis of the common universal values, captured in the constitutional norms of a country which is ready to deliberate on its alleged common past and tradition and derive from this deliberation a common basis of unification which holds its citizens together.

However, on the Union level, I shall argue, this kind of 'denomination' is not related to the constitution as one common document, due to two reasons. One is the elitist nature of the constitutional idea for Europe as such, which makes an idea of loyalty to a document (still) a hardly believable one. The other is the still obvious lack of the European public deliberation sphere. As is often argued, there still exists no European public sphere, so to expect that a loyalty to the Union as a political community would be based on a constitution as a result of deliberation in such a sphere would be misleading. However, the development of such a sphere of public political space and the debate within it is a valid expectation, and the vital part of my argument: the loyalty on the European level shall not be one to the constitution, but to the common values citizens of the EU share together precisely as the bearers of such status. The feeling of active European identity shall

23

thus be developed as a consequence of participation in the common political sphere as such, since it is, as is often forgotten and mispresented, the only real sphere of common participation on the level of the Union as a whole – and, with the voting procedure being the common procedure to all citizens regardless of differences, it is understandable why the issue of a common electoral law becomes of relevance.

Since the loyalty of the citizens would, in this case, be directed at the political structure as the rational structure of interest representation of its citizens (thus saving it from the same idea of 'sacralisation' of political that Müller is arguing against (Müller 2007)), but even more as the structure of common participation *as citizens*, the issue of voting as the most simple, most inclusive form of political participation – thus exercise of the feeling of active citizenship – becomes crucial. If one wants to involve everyone in the political community as equal members, then their participation needs to be so designed that everyone gets to, as citizen, participate on the same terms and under the same conditions, with their voice respected equally. This is exactly why a unified electoral law is needed. The assumption is that there is not only an inherent legitimating potential in an introduction of such a law – in the sense that the existence of possibility for everyone to vote through the same procedure, on the same day, and with their votes valued in the same way, could create the effect of «equal value» of votes among citizens, encouraging them to cast their votes. It is also the fact that the feeling of possibility for higher involvement in decision-making process regarding European policies with increase in extent to which they can influence the eventual outcome should lead to a larger involvement of citizens, who would feel «empowered» in the sense of own power to influence policy decisions. In 2008, only 31% of people in the EU felt like their voice actually counts in the

EU, while 57% believed that their votes don't count, with 12% arguing he/she doesn't know[14] (Eurobarometer, 2008). However, if one has in himself a potential to act, and possibilities and conditions to act are provided[15], one may decide to do so.

Two-effect change brought through introduction of unified electoral system should have effect on creation of concept of active citizenship – the factual 'feeling of' citizenship as opposed to the legally guaranteed status of 'citizenship bearer' every EU citizen has so far. Active citizenship should lead to more incentive to vote, thus increasing EP elections turnout. EP, holding significant policymaking powers, presents a relevant, legitimate representative body for EU citizens. If so, we can expect citizens of member states to vote in EP elections not only on basis of national issues (argument for both 'democratic deficit' and 'second order elections' claims), but also identification with EU, acquisition of common identity. Thus, citizens who are 'feeling European' and are more aware and proud of their European citizenship status will show more interest in EU, and will seek representation in EP, European identification having a positive effect on turnout.

I shall return to developing this argument in detail in the upcoming chapter. Now I shall briefly point out to the other, more specific part of my argumentation, regarding a specific type of electoral law to be introduced.

3.2. District Size, Responsibility and the Europarties – Linkage between Voters and MEPs

---

[14] Even more disturbing, only 15% of citizens trusted the EP members, while 28% believed EP acts in the interest of all European citizens.
[15] Here through legal concept of the citizenship of the EU, but also through Parliament which is presented as representative of the citizens of the EU as such, and deals with topics and values of their common interest;

Expected indirect effect of introducing a unified electoral system for the EP elections was briefly elaborated in previous chapter, and shall be argued for in the next chapter. In this chapter I focus on the direct effect. For direct influence of electoral system on behaviour of MEPs, I use the argument presented by Simon Hix and Sara Hagemann. They argue (Hix and Hagemann 2008) that a change in electoral system[16] used for EP election might lead to a change in relation between MEPs and voters directly, increasing the level of responsibility of MEPs towards voter body. Logic of the argument is simple: "changing the electoral rules might have a significant immediate effect on the individual behaviour of MEPs and candidates and how they choose to campaign in European Parliament elections. And, in the long term, changing the short-term incentives of candidates may gradually lead to changes in the general perceptions and behaviour of voters, parties and the media in the European Parliament elections (3)."

According to Hix and Hagemann, there exist two basic issues making EP elections low-turnout and low-interest elections. One, EP elections still seem to be treated as 'second order' elections[17] (Reif and Schmitt 1980, Schmitt 2005), dominated by national issues. Since no direct EU government is elected after EP election, policy consequences of elections seem small, so they are used more as reflection and opinion-stating on national political scene than anything else (Hix and Marsh 2007). Two, distance between voters and MEPs leads to lack of control of former over the latter – leading

---

[16]Lijphart (Lijphart 1995) distinguishes four major dimensions of electoral systems: type of formula, district magnitude, electoral threshold, and the assembly size. My observance of potential EU electoral system is thus incomplete, involving only two out of the four major dimensions, plus one additional 'electoral system variable', ballot structure, and a variable not recognized by Lijphart, cross-national district effect. However, I shall not try to propose a final form of the unified electoral system, but to show how institutional design could be used to deal with some of the major issues the EU is presently facing.

[17] Even though there exist some differences between the situation in the 'old' and the 'new' member states. However, the difference should not be overly emphasized yet, since the 'new' member states have undergone only one circle of EP elections so far, and it is hard to make any substantial conclusions based on just one electoral cycle.

to no real accountability of MEPs to voters, since elections do not serve as a mechanism to 'punish' the unsatisfying and 'award' well-representing politicians in the EP. Latter issue seems, however, to be directly correctable through introducing a specific type of electoral design, since it is "(...) the un-unified way of electing the European MEPs, who depend on their national electoral system and the retribution on the level of the national parliaments, [that] conditions the effectiveness and sense of responsibility of European parliamentarians"(Grubiša 2005, 9, translation TK).

Based partially, as shall be shown in the upcoming chapters, on previous own research (Hix and Carey 2008), the authors propose 'open' ballots, allowing citizens to choose among individual candidates[18], in relatively small electoral districts[19] (4 to 10 MEPs).

However, since electoral districts are, even with changes proposed by Hagemann and Hix, still 'national' districts, there exists no guarantee campaigning on national issues will be avoided. Therefore, I shall propose an introduction of cross-national electoral districts for EP elections. Assumption is as follows: cross-national electoral competition would force political parties to campaign to voter bodies of European citizens from various states. This would eliminate the possibility of national parties campaigning on solely national issues, forcing them to campaign on issues of interest to citizens outside their national borders. Furthermore, visibility and reputation parties have on national level will be reduced, since knowledge of citizens of any country, unless particularly interested in politics, about party system in other country (countries) covered in same electoral district is presumably small, and parties cannot benefit from 'national reputation'. Therefore, outcome should be two changes in campaigning styles. One, to appeal to potential voters

---

18 For details on ballot types, see Kasapović 2003.
[19] With size being measured as number of representatives elected per district

from countries other than their own, parties would have to campaign on common issues – in this case European policy issues, concerning all citizens in electoral district. Two, inability to campaign nationally and use pre-gained national resources might lead to actual 'Europarties campaigning' – common campaigns of European parties, rather than national parties individually, in such cross-national districts. Such campaigning might show to be both economically and ideologically beneficiary for member-parties[20], since no duplication of resources would be required. This would lead to strengthening of position of Europarties, as opposed to individual national parties in EP election, and thus in Parliament.

To understand the relevance of such change, one must look at position Europarties hold within EU political system. While proclaimed „important as a factor for integration within the Union" in the Treaty of Maastricht in 1992, and supported as „political parties at European level" through Parliament and Council Regulation in 2003 and amendments in 2007, Europarties seem to remain somewhat undefined in both their functions and position political science takes towards them as units of analysis. Yet, parties present key elements in every democratic system. In words of Simon Hix, „[w]hat distinguishes democracy from 'enlightened despotism' is *political competition*. Competition forces elites to propose rival policy ideas and candidates for office. Competition guarantees that outputs cannot stray too far from voters' preferences. Competition provides voters with a mechanism to punish politicians who fail to implement their promises or who are corrupt. Competition is also a vehicle for promoting debate and deliberation, which in turn leads to the formation of "public opinion" around specific policy positions. Above all, democratic identities do

---

20 Furthermore, while no such initiative seems to be anticipated in the current *Regulation (EC) No 2004/2003 of the European Parliament and of the Council on the regulations governing political parties at European level and the rules regarding their funding,* a financial incentive for cross-country district unified campaigning might provide further support for such campaigning form.

28

not develop and evolve without political competition. Competition enables citizens to learn to accept being on the losing side in one contest because they expect to be on the winning side in the not too distant future. This is how democratic identities formed in America and at the domestic level in Europe, and is the only way a "European identity" will form at the mass level. And, political parties are the only political organizations known to man that can structure political competition in a democratic system. As Schattschneider famously put it: "democracy is unthinkable save in terms of political parties" (Hix 2004, 1). European democracy might need to develop based on European parties to become 'real' democracy.

At the same time, cross-countries electoral districts would strengthen relevance of EU issues, as opposed to national issues, in election campaigns, making EP elections less 'second order' national elections, but pushing them towards becoming 'first order' European elections, increasing EP legitimacy based on European (policy) issues.

One final issue requires clarification. Why there should be a unified electoral system for the EP is, of course, not self-obvious. Why not simply attempt to find 'best fit' models for each individual state? However, as Mather rightfully concludes, "[g]iven that the European Parliament is, as its name suggests, a *European* Parliament, it is surely only sensible for there to be a uniform *European* electoral procedure". Yet, dilemma can be reversed, asking whether there is a need for an unified electoral law since there exist 'unified' European political actors – Europarties – which are, however, not European electoral actors. My basic premise is that one influences another. Electoral system could influence the role of European parties, structuring a different form of party competition, in which, due to multi-national electoral districts, parties will begin to compete in elections as Europarties on European issues. Furthermore, introduction of open list systems will increase responsibility of MEPs towards voters, strengthening electoral districts effect. In Mather's words, "(…) it is likely

29

that a single system instituted across the Community, with a set of well organised and mobilised European political parties, would better connect the citizen with the Union (…) Europeisation of the electoral process, making it more distinctive, visible and understandable, would serve, in the long term, to transform European elections from being second-order national elections to first-order elections for the increasingly active and relevant supranational legislative body" (Mather 2005, 30).

I shall move now to developing the presented ideas in more detail, particularly focusing on the first part of the argument, and starting with the ideas presented by Jan-Werner Müller.

CHAPTER 4 – PATRIOTISM, BELONGING, BEHAVIOUR: CREATING A COLLECTIVE POLITICAL SPHERE

4.1. Less patriotism, more constitution – the fundamentals of theory of constitutional patriotism

In this chapter, I elaborate in some detail on the idea of constitutional patriotism, as developed in the book of the same title by Jan-Werner Müller, and its relevance for developing a sense of European citizenship. However, while Müller's book is primarily interested in the theoretical and moral background of the concept, here I shall treat it as a practical recipe for political community building.

Constitutional patriotism was initially developed as a response to the need for a reconstruction of the German political identity after the horror of the Second World War. Based on the ideas of Jaspers and Sternberger, and developed by Jürgen Habermas, the concept was created as an attempt to opt for, and elaborate on the possibility of development of, a 'rational collective identity', as opposed to the irrational common heritage that was left for the German nation after the end of the war, and which was so corrupt and destructed that it had posed no basis for developing a common sense of feeling of political community. The upsides of the German culture were, Habermas considered, completely destroyed through the terror of the German nation during the war. The joint heritage was in no way to serve for a building of a common identity, except through the process that was the hardest to initiate and achieve, but unavoidable. The one of reflection, building of a 'new' foundation of the common identity based on values other than those of the 'fabulous German

tradition', while at the same time reflecting on, constantly re-thinking what the new values would be, and what went wrong with the previous ones.

In order to achieve such a step, another process was unavoidable: the one of open public discussion, joint and open reconsideration of not only the past, but also common values on which the identity is to be based on. The values are civic – universal values of the liberal democratic order, starting from basic rights for everyone.

However, the patriotic feeling is not universal: it is still tied to a specific, pre-determined political community, which develops a joint constitutional culture based on universalist values. Constitutional patriotism is opposed to the 'thick' national narrative of the liberal nationalism, in which the political (civic) is replaced by the allegedly pre-political, national, narrative, thus to avoid the insecurity of the majoritarian exclusiveness so well known and often repeating in communities basing their political on pre-political identities and historical narratives (Müller 2007, 2008). But it is, at the same time, not a theory of 'world citizenship'.

The idea of constitutional patriotism has, as stated, been developed based on the German experience and for the German state and people. Yet, it is, as elaborated by its author, a construct that trespasses the usual critique of a time-and-place specific concept, and is applicable in different circumstances. But can such a concept be applied to the European Union, and if so, under what conditions?

4.2. A patriotic Europe?

In his book, Müller observes the possibility of the integrated 'union of states' to base its reflective common identity on two sources which are relevant and acceptable on the national level: the

common historical heritage, and the shared idea of a militant, political speech and behaviour – limiting democracy, which is, at some time or another, to be found in almost all EU member states (*see* Müller 93 and onwards). The common historical heritage is, as elaborated, the point of reflection for the building of a constitutional patriotic order. The militant democracy is the anti-democratic experience that serves as a reminder and an incentive for the preservation of liberal democratic values. However, both of these elements seem to be weaker and less clear on the European level, than they are on the national. After all, whose past is to be reflected on as European past? Is the common narrative on major shared historical events enough to serve as the building block of a common patriotic feeling?

Müller sees such a situation as possible, but warns against it – the constitutional patriotism for Europe should be built on the same premises as the one on the level of individual states, referring to memory and militancy, for those are not only exclusive (for 'whose history?' becomes a question even with the biggest of common stories, such as the 'Eurocentric' holocaust, from which the immigrants might be excluded as 'not European enough'), but may be dangerous, since the protection of democratic values in Europe has a tendency to come from *the people*, rather than from political elites (and without the legal protection system existing, as on the level of individual states), and peoples' movements have the tendency of becoming destructive. Yet, the common norms of political behaviour in the EU, making a political culture *sui generis* for a community of the same kind, might serve as the basis for its constitutional patriotism (Müller 2007).

I fully acknowledge Müller's arguments. My attempt is, however, somewhat different. For one, I am aware that the European Union as such does not fulfil two basic requirements of a 'real' constitutional patriotism.

33

One, constitutional patriotism presumes a pre-set community, one of borders and common history, which enable the community to develop a joint constitutional culture. It may seem, Müller argues, that the universality of values the patriotic feeling is to be directed to makes the constitutional patriotism a concept so universal that it lacks any particularity: if one is to be loyal to universal norms and values, and not to specific national narratives and their consequences, it seems that no limit to the loyalty may be provided for. This would consequentially lead to requiring citizens to be loyal to 'everything and nothing', to a broad community of values but to no community of people, other than abstract citizens in an abstract world. If this is indeed so, it becomes unclear how one should choose to identify: if all values are universal, and the general underlying idea of liberal norms is the specificity of the constitutional text, how does one ascribe his or her loyalty to a particular political community?

However, such a reading of constitutional patriotism idea would be wrong and severely misleading. The theory of constitutional patriotism is not at the same time one of political self-determination. It does not – as such – offer any demarcation mechanisms, nor does it presume that the loyalty should be universally directed because of an internalised logic that treats the world as a field of universality, a community of citizens without boundaries and without specificity. On the contrary: while it is a theory directed partially against the liberal nationalist discourse of justifying the 'national', it does not abandon the need for 'boundaries' as such. However, the boundaries of political community, and thus loyalty, are no longer tied to the boundaries of 'nationality'[21]. But where are they?

---

[21]This is precisely why Müller may argue that constitutional patriotism allows minorities the weapon to rationally object to the decisions of the majority: if inclusion is no longer nationality-based, than the liberal nationalism assumption that sovereignty is in the hands of the majority, as a limited or completely unlimited

To reply to this question, Müller acquires a somewhat simplistic answer: constitutional patriotism takes 'for granted' the political boundaries already existent, without the aspiration to serve as a theory of their redefinition. This does not mean that constitutional patriotism is "statist" (74-75), or that it is conservative in a way that it petrifies the found boundaries in the moment of decision to create a political community loyal to its constitutional norms rather than nationalistic narratives. Constitutional patriotism is "not justification for a particular polity, let alone a panacea for ensuring political stability", because the "normatively substantial concept of constitutional patriotism relies on the idea of *sharing political space on fair terms*. Constitutional patriotism cannot create the motivation to subscribe to such an idea ex nihilo, but it can make sense of a continuous commitment to it, and further such a commitment." (79) Constitutional patriots are "entangled in – and hopefully thriving on – particular cultures" (59), and cannot choose to give their loyalty to any of the existing political communities for a simple reason that they are a priory members of some political entity, and thus unable to 'move' to another. Put simply, while it provides no rules for setting boundaries of political communities (which are not to be considered same as states, but practically do have, usually, a state form – given that the constitution is one of a state), constitutional patriotism presupposes the existence of such boundaries. Moreover, every entity has a certain form of "constitutional culture", and "[t]he kinds of conversations and disagreements that characterise constitutional cultures are necessarily related to particular national and historical context....Constitutional culture [...] mediates between universal norms and particular contexts" (59). Constitutional patriotism is thus, to a large extent, value-universal but culture-specific.

---

form, and the legislature of majority is the one enabled to exclude the minority from , if so decided, the universality of rights and, taken to the extreme, the constitutional position, is no longer valid.

This is, however, severely problematic from the EU perspective. One, the EU, as an ongoing project rather than a static structure, is still in the process of defining its boundaries. Thus, even if the EU had the same reflective potential as national states to base its constitutional patriotism on reflection on national history and values, the question, once again, becomes: whose history and whose values? If the reflexive entity is in the constant process of re-definition and change (and, as is easy to note in the case of the EU, every round of enlargement means, at the same time, entering the new traditions and dilemmas into the arena), than the question of "whose constitutional culture?" and even "whose tradition?" (a problem Müller also notes, *see* 2007, 100-112), becomes a serious issue to which there is no permanent answer. For Müller, the response is to say that the EU as a community prone to development of constitutional patriotism may be looked upon as one of a "group of demoi", with which it is not "about creating a basic identity which supports a constitution, but about a dynamic and complex process of 'sharing identities', while at the same time tolerating and preserving difference" (2009, 21). But as appealing as it is, this approach fails to give a decent answer to one question: if there is one common European citizenship, shouldn't it be a source of a common European identity as well, rather than being set aside for a constant compromise of tolerance among, literally, citizens and citizenships?

The second requirement the EU fails on achieving is a far more serious one. When talking about constitutional patriotism, one needs to start from a basic, almost self-evident premise: that the political community to develop such form of patriotism is to have a constitution in the first place. With the EU, however, this is utterly unclear. While most of the supporters of a constitutional patriotism solution for Europe are in favour of the existence of a constitutional document (*see* Habermas 2001), or at least seem to presuppose that the (written) constitution should follow from the sole idea of establishing an order based on the idea of constitutional patriotism (*see*, for example,

Magnette and Lacroix 2005, Lacroix 2002, Müller; for an interesting perspective *see* Kumm 2008[22]), I argue that, while the idea of a fully fledged constitutional patriotism is possible on the European level (*see* Müller 2007, 2009), the constitution for Europe is neither the best nor the most appropriate solution for the *sui generis* community.

---

[22] Kumm (Kumm 2008) makes a particularly interesting case against constitutional patriotism on the EU level. He denies three most commonly stated problems regarding constitutional patriotism on the EU level: the problem of "conceptual inadequacy" (120), "interpretative diversity" (123) and "thickness" (123-124).

However, the problem with the idea of European constitutional patriotism fails without, as the author claims, "meaningful electoral politics": the EP is, at the moment, "(..) not a place where alternative visions of Europe's future are translated into competing programs by competing parties in a way that is likely to shape significantly the European political process," primarily due to an underdeveloped party structure, and its weak positioning in setting the agenda and creating European laws. The EP is not irrelevant, but while it emphasizes the importance of representative democracy, it is, in this role, in no way comparable to the parliaments of the member-states. Citizens are therefore not motivated to vote, since, unlike in the national election process, which provides them the chance to express (dis)satisfaction and influence policies, with the EP this is not the case. "When elections are for seats in an institution that does not create or publicly represent alternative political programs embodied in competing personnel, and is not linked to political power in such a way that winning elections would make a significant difference, then the act of voting cannot play a meaningful expressive role." (129-130)

But even worse – there are no other actors – other than those in the EP – whom European voters could hold responsible. The only choice seem to be the national governments, but such an action is futile. It seems to strengthen the national/European divide, and with the additional likelihood of the national governments to blame on Europe the failures created during their mandate, thus shifting the blame, and remaining a weak accountability mechanism – one that, to put it simply, becomes anti-European when used as a means of increasing citizens' position as legitimacy-sources indirectly. And, while the EP elections still maintain to revolve around national politics, and the proposed structure of the EU continues to insist on strengthening both the role of the EP and national governments in the EU decision-making process, turning it into a structure in which not only the accountability of Euro-institutions towards citizens is reduced (making them share decision-making power with the national level), but is turned into a pro-contra Europe debate, in which the role of national parliaments at the same time is severely reduced (thus decreasing even the indirect accountability on the EU level), no constitutional patriotism would make sense.

Kumm's argument also directly questions mine, touching upon, seemingly, one of its elements. He discards the idea of questioning parliament's legitimacy due to the method by which seats are apportioned, since "it is likely that few European citizens even know how this is done;"(128)[22]. This seems to imply that the behavior of voters is not influenced by the voting system employed, and the system is thus irrelevant. However, such a reading would be too broad, and misses the point of my own argument. As I claim, the legitimation potential of a single, unified electoral procedure does not derive from the effect it produces when regarding electoral winners and losers, but from the psychological effect of 'everyone participating equally'. In other words, even if the voters are not familiar with the details of the electoral system and its effects on the election outcomes (which they, in most cases, will presumably not be – in this I agree with Kumm: it is highly unlikely that a majority of voters will search for information on, say, the effects of a 5% threshold on electoral results for smaller parties), they will feel more inclined to vote knowing that the procedure is as unified – and thus as fair, treating them as much as it is, at this level of EU development, possible, as abstract citizens and thus equally valid decision-makers and sources of legitimacy – as possible.

There are a number of reasons for such an attitude. Three, however, are the key in making such a judgement. One, the idea of a constitution presupposes an idea of a fully fledged political community. This community does not have to be a state[23], and yet, the idea of a constitution is still mostly related to a state order. This, at first glance, seems fairly logical. However, the problem with taking the EU as a state-like institution is that it pre-defines the way in which it shall develop in the future. While it is, from the comparative politics perspective, treated as a political structure comparable to other, similar structures, the EU is actually an ongoing project in development, and thus possesses the potential of further development in, at least in theory, any desired direction. Obviously, in practice, its route of development is severely limited through the interplay of power relations defining its shape and powers, with the constant struggle for dominance between the national and supranational, "European" actors and structures resulting in its form at any given moment. However, a constitutional document would mean a limitation of its further growth – given the fact that the constitution is, in fact, a document designed not only to determine and regulate the relations between the various branches of government with the intention to assure predictability and protect the citizens from the insecurity of unlimited usage of power, but also to acquire a certain level of stability to the designed institutions. With the EU, however, such a mission, at this point, seems futile for a number of reasons: one, the Union is still in the process of widening and deepening, which means that the institutions need to maintain flexibility and be prepared for permanent change. Therefore, placing the limitation of a proper constitutional document onto them

---

[23] In the words of Peter Häberle, "The term constitution needs to be freed from its fixation on the state. I have elaborated on that to you with a view on the society, but we also need this kind of approach with the view of Europe: Europe is not a state, nor should it, for sure, become a superstate, but in my opinion and in the opinion of some of my colleagues, Europe has definitely already got a constitution. My suggestion is: Europe as a constitutional community, ensemble of segmented constitutions." (Häberle, in Posavec 2000, 25, translation TK)

would mean either to slow down and limit the possibility of institutional evolution or to ignore one important purpose of the constitutional document – its stability function.

The second reason is as follows. As the failed attempt of the Treaty establishing a Constitution for Europe has shown, present-day European constitution would and could hardly present anything more than a "result of an negotiation compromise between the federalist political ideas and the intergovernmental policies, as well as national interests if member states" (Grubiša 2005, 53), strengthening both the federalist and the intergovernmental elements of the Union, but keeping it closer to the two familiar patterns of development, instead of allowing for it to develop, as a still non-defined *politeia sui generis*, in an unknown direction of a new form of governance. The constitution would thus be as much limiting and restraining as it would be constructive and groundbreaking (being the first true constitution of a non-state-like polity) for the Union.

Finally, the problem with the idea of a European constitution is that it is still an inherently elitist project (*see* Podolnjak 2006). The EU cannot depend on a form of historical meta-nationalist narrative as a basis for acceptance of a constitutional document. But it also cannot depend on a constitution which is distant from its citizens. Yet, at the present moment, no initiatives for drafting a European constitution may be expected 'bottom up', from the EU citizens – a form of constitutional loyalty, in the sense of loyalty to the political community, must, paradoxically, first be developed among citizens for them to be able to accept a constitution. Unlike the German case, where a constitutional document could have been imposed and then accepted, the EU, as a community still in search of its 'source of commonality' hidden in the status of citizenship equal for everybody, needs firstly to discover its political potential. To discuss an unwritten European constitution at this point makes for even more problems: the dilemma revolving around an attempt

to create a constitutional document has shown how an agreement on common values is not, indeed, an easy task.

So, if the European constitutional patriotism is not to be truly constitutional (since no constitutional document for Europe is expected to happen any time soon, nor would it be justifiable), and it is at the same time not expected to be patriotic, what does the idea presented here has to do with the ideas supported by Müller?

The key shared element, which constitutes the 'political loyalism' argued for here, is the idea of a civic loyalty that goes far beyond that of a national, or even more so, nationalistic narrative. Müller attempts in his work to provide a bypass solution for political communities that avoids the trap of 'thick' identification based on storytelling, and finds a foundation for building a different, more rational, while at the same time still culturally framed, sense of loyalty. With the EU, the basis for loyalty is also universal. Moreover, it is also a purely civic, citizens' loyalty, thus purely political in nature, just as citizenship is purely political, constructed and not a 'natural' status.

However, unlike with the loyalty to the constitution, where loyalty is based on reflection of one's own past and, even more so, constant striving towards universalist values in a specific context, on the European level, the reflection is not to be directed towards a common past, but common policies and procedures. A form of non-constitutional non-patriotism which would make people identify strongly with the EU should be based entirely on joint reflecting and deliberation, in an emerging joint European public sphere, on the common policies, reflecting the same liberal, universalist values that citizens are to be loyal to on the level of their nation-states. Simply put, constitutional patriotism shows us how a common feeling of 'togetherness' is possible based on identification which is much more rational than primordially emotional, when observed on the level

of the nation-state. A variant of the same idea, raised to the EU level, requires even more rationality: it is a purely civic attachment to civic values, incorporated in the status of European citizens which is shared by all citizens of the member-states equally (even if it is a derived status, closely tied to their national citizenship statuses).

These values are, however, not reflected in documents, but policies – policies European citizens share *as* citizens, policies that are the same for everyone because they are made on the European level, for everyone of them. The reflection on the 'common good' for each and every national of a single state is to be the key for such a joint loyalty. European identity growing through a common policymaking sphere thus becomes the ideal of European citizenship building. Such a 'common good', to finally note, does not and would not presume unanimity of interests (as an Arendtian reading of Rousseauan concept of *volonte generale* would imply, and to which this description thoroughly reminds of). It would presume a dialogue on common politics among bearers of the basic political status, that of citizens, in a somewhat Arendtian form of a public sphere (*see* Arendt 1958). The loyalty is thus not to a pre-defined set of ideas of wellbeing, but to common procedures to follow on deliberation, common values and, to put it more complicated, a 'common commonness'.

But even if such a model is to be successful, how is it related to the issue of voting, and the single, universal European electoral law? The logic is fairly simple. And the minimal, simplest, but also the easiest-to-introduce form of exerting policy influence, thus taking part in the common, is the procedure of voting. As was previously stated, citizenship enables its holder with the right to hold certain offices and perform certain tasks, but also, which is of crucial importance to us, the right to "deliberate and decide on certain questions" (Benhabib 2002: 410). Voluntary citizenship participation, understood as "activity that has the intent or effect of influencing government action,

either directly by affecting the making or implementation of public policy or indirectly by influencing the selection of people who make these policies" (Schlozman 2002, 434), has not only a normative value, in the sense of citizens as abstract members of the political community exercising their sovereign right through choosing representatives to the legislature. It also has a practical one: policies emerging as a result of the policymaking process become, thus, also a result of citizen activity, therefore being closer to their preferences.

Together with Verba, Schlozman and Brady (*see* Schlozman 2002, 439), I start from the assumption that three conditions should be set for individuals to be politically active: resources, orientations to politics, and recruitment, or that the citizens are "more likely to take part when they can, when they want to, and when they are asked" (434). However, there is, it seems, another assumption that needs to be added: individual citizens will participate and exercise their right *as citizens* if they have a guarantee that their action, in the procedural sense[24], shall be valued, theoretically, in the same manner as the action of everyone else as an abstract citizen[25]. This does not, however, mean that every vote has the same influence on the final outcome of the elections. It simply means that, as abstract citizens, everyone has the right to influence the choice of representatives, and thus to embed his or her political voice into the future EU policies which are in the jurisdiction of the Parliament, under the conditions that are as close to equal as possible.

---

[24] The process of voting may be considered to require the least effort as a form of political participation, since the resources required are presumably reduced to a minimum, particularly in systems such as the one of the EU, in which the voter registration is done automatically, and does not require much effort by the individual.[24] This, however, does not mean that voting is cost-free; for many voters, the cost of voting might still be higher than the expected benefit, or they might be mislead to believe so (see

[25] A similar logic of judgement is used when evaluating the effects of various types of electoral systems on voters' behaviour. It is presumed that PR systems are preferred by voters because they give them the better sense of being fairly represented in the government structures.

At the moment, however, this is not the case. While the electoral systems for all the European member states have been, as Mather points out (Mather 2005), brought to a certain level of commonality in their electoral systems through a Directive 2002/722/EC, introducing such elements as a common agreement on the usage of PR systems (either list or STV), common electoral threshold and a specified time period in which the elections shall take place, the member countries are still given room for variant solutions to the concrete issues of electoral system setup. However, while the effect of the different types of elements of electoral systems combined in different countries does have an important influence on final electoral results, this is not of key importance here. What matters is the psychological effect of (non)unification.

As stated, the EU needs a common source of identity, which could be found in a strictly political, 'narrow' citizenship dimension. The equality of participation would be the basis for identifying with the EU as one's own political community; the voting, as a procedural, periodical form of participation, a manner to exercise and at the same time build a feeling of identity – that is why I refer to the argument as cyclical. Simply, enabling citizens to participate, under procedural conditions equal for everyone, in a process of influencing common policies that affect all European citizens *as* European citizens – through voting for their representatives in the EP - will, it is presumed, increase the desire to participate. This would, in turn, increase voter turnout, and the procedural participation through voting would make a circular development back to the beginning – leading to, through actual participation in the electoral process, strengthening of the active citizenship feeling.

But how does this relate to constitutional patriotism and building of the active EU citizenship? The 'activation' of citizenship is the process of voting itself. The activation of the feeling of citizenship is expected to come from enabling everyone to participate under the same terms, at least in the process

43

of votes-casting as a democratic minimum[26], but also from the possibility to participate in the common sphere on broader terms. Yet, the same feeling of citizenship is to serve as a basis for a form of constitutional patriotism for Europe, but without a constitution. The loyalty to Europe should be one based on the basic democratic values, but even more, on the possibility of participation in the common decisionmaking procedure, and reflection on it in the joint public sphere in making – a European public sphere of dialogue and deliberation on crucial common issues. As previously stated, such a sphere would be limited to a very narrow, political dimension – common interest as the source of political identity, exercised through a ritualisation of voting as the minimum participation in the same community under the same terms for everyone. Thus, the identification is indeed purely civic, not based on any form of a common European historical narrative, and thus inclusive towards everyone who, at any point in time, acquires the status of European citizenship bearer. The 'political loyalism' is thus parallel to the one based on constitutional values. However, the loyalism is directed primarily at the procedural rules, and then at the liberal democratic values behind them. These values are, however, not reflected in the common constitutional document - for the acceptance of which Europe is not yet institutionally ready, as any constitutional proposal at this moment would repeat the mistakes captured in the last draft of the Constitutional Treaty, designing EU institutions as a compromise between an intergovernmentalist and federalist perspectives and interests instead of enabling it to institutionally define itself first in any direction possible. The periodical, repetitive nature of elections is of extreme importance, for it ritualises the newly developed culture while at the same time maintaining it fully political, in the

---

[26] We must not forget that the inequalities continue, however, on various other levels: thus the number of votes needed for gaining a mandate differs substantially in different member states. Yet, while this is by no doubt a serious problem, it shall not be dealt with here. The idea presented in this paper is, after all, not meant to be overarching and solve the entirety of problems the EU is encountering, but has been designed with the intention to resolve some of the problems and dilemmas for which a simple institutional solution is, seemingly, also the most appropriate one.

limits of understanding of political culture as "the particular distribution of patterns of orientation toward political objects among the members of the society" (Almond and Verba 1963, 13), but of extremely narrow scope. The feeling of citizenship, induced through equal ability to pursue common European values to be incorporated in common European policies through democratic participation in election of representatives for the EP, thus would form the basis of a patriotic European feeling. And the round argument closes where it started, with the feeling of citizenship.

But what form of an electoral system should be acquired on the EU level? So far, this question was treated as irrelevant, for it was the procedure and the political relevance of voting as exercise of citizenship status that mattered. In the next chapter, however, a step forward is made, and specific elements of electoral system to be introduced are debated.

CHAPTER 5 – CITIZENS AND VOTERS: HOW ELECTORAL LAW MATTERS

That the party competition is relevant for proper functioning of a democratic political system is not a new conclusion. Furthermore, that the political system of the EU has so far been lacking the competitiveness based on the clashing of various interests aggregated, formulated and represented by 'real' European political parties is also fairly obvious (Hix 1995, 2004). The democratic systems are in need of political competition, which plays a multiple role: it forces elites to present alternative policy packages, brings the policy outcomes closer to the preferences of the voters, and enables the voters to, by choosing for whom to cast their voice, punish or reward those political actors who have been acting in accordance with the wishes of the electorate. It enables change and evolution of the political system, and provokes dialogue and competition around different potential policy issues (Hix 2004).

On the European level, real political competition has, however, so far been non-existent. While the European party groups do divide and compete on some policy issues within the European Parliament (*see* Hix, Noury and Roland 2005, 2006, 2007; *see* also Thomassen 2002, Bardi 2002b, Wessels 2002, Blomgren 2003), and while national parties compete for MEP positions, no real European party competition for the EP parliamentary seats exist. It is not that there exists no competition between the political parties on the European level. As Thomassen shows, while the cohesiveness and competition of political party groups in the EP is not as expected, with parties showing little competitiveness over European issues (Thomassen 2002, 31-33), there exists indeed an element of competition and differentiation within the Parliament when observed as a whole.

However, is this kind of competition enough? The paradox of the literature on political parties on the European level is as follows: in most cases, it is not the European political parties, 'Europarties', that are observed when discussing the issue of EU party system development; Instead, the political groups in the EP are observed as relevant political actors – both on the representation side and the one of participating in the decisionmaking process on the EU level – and the development of the European party system is observed through the development of the party system within Parliament (*see* in particular Bardi 2002b). While such an approach follows certain logic, I find it to be wrong regarding what I shall consider the most important of party functions: electoral competition.

The problem with approaching the analysis of European party system from observing the European party groups in the EP, rather than the Europarties participating in the elections is as follows: the key issue in development of a system of European political parties is not their development *per se*. The importance of developing a European party system lies in the need to establish a direct connection between the voters and their potential representatives through the system of elections, through which the place of competition would move from the parliamentary, secured arena of weakly controlled party groups[27] to the actual electoral arena.

This is not to say that the members of the European Parliament do not have to go through the election procedure in order to acquire their parliamentary positions; ever since the first European parliamentary elections in 1979, the MEPs have regularly been elected for five-year terms. However, the problem is that the competition to enter the arena of democratic decisionmaking on the European level differs substantially from the competition within it. While within the Parliament the party groups base their confrontation on the issues regarding European policies, with the emphasis

---

[27] On the European parties and party groups, *see* Bardi 2002a.

placed on policy debates and relatively stable patterns on the left-right political dimension (Hagemann 2009) during the entrance process, the issues regarding the EU and its policy dilemmas are of secondary importance to contestants for parliamentary positions, but also to voters, who use European elections to punish the national parties for their behaviour within national boundaries. This is extremely problematic due to the fact that the European parliamentary elections present still the only possibility for the voters to directly influence EU politics with a minimum effort[28]. And yet, their potential seems largely non-exploited, and the connection between the voters and the MEPs remains a weak one, mediated through interests of national parties. Even "(...) after six rounds of direct-elections to this institution the 'electoral connection' between citizens and MEPs remains extremely weak. Citizens do not primarily use European Parliament elections to express their preferences on the policy issues on the EU agenda or to reward or punish the MEPs or the parties in the European Parliament for their performance in the EU. Put another way, European Parliament elections have failed to produce a democratic mandate for governance at the European

---

[28] It might seem that the indirect democratic control, provided through the fact that national representatives participating in other EU institutions – but primarily in the Council of the European Union – is enough to maintain the attitude about the EU as democratically legitimate. In fact, it is precisely this argument that Moravcsik (2002) uses to illustrate the non-existence of the democratic deficit within the Union: while it seems that the EU lacks democratic participation and accountability, it, in fact, "(...) employs two robust mechanisms: direct accountability via the EP and indirect accountability via elected national officials. (...) In the Council of Ministers, which imposes the most important constraints on everyday EU legislation, permanent representatives, ministerial officials and the ministers themselves from each country act under constant instruction from national executives, just as they would at home" (611-612). It seems that the loss in the direct legitimation on the EU level is thus somehow compensated for on the national level, since the legitimation is translatable and translated to the EU level as well, or serves as a control mechanism. This is, however, not the case, for two reasons. One, the decisionmaking process is often split between the European and national level, Therefore, for policies being decided upon on exclusively the European level, no national control, even if existent, would be valid. Two, and more important, the interests of representatives on the national and European level will occasionally differ substantively. This is due to the fact that both the EU and the national state have developed individual interests and identities. Thus, 'democratic control' of the national level politicians directed towards those on the European level might show to be a pushing of national party interests on the expense of the EU integration, and barely a form of democratic control. Finally, too much intervention of national political institutions into European decisionmaking processes might only undermine the legitimacy of the EP, since what is (wrongly) considered to be a 'second hand legitimate intervention' of the national structures goes directly against the will of the first hand-legitimised institution of the EU.

level..." (Hix and Marsh 2007, 24). Paradoxically, European party groups are, in their voting, more 'cohesive' than the Democrats and Republicans in the U.S. Congress, and only slightly less than parliamentary parties in national parliaments around Europe (Hix 2006, 15-16). And yet, the democratic control over the decisionmakers is extremely weak.

As previously stated, the distance between the voters and the MEPs, lack of 'real' European elections, revolving around Europarties presenting European issues and ending up in the forming of a European government, and the 'policy drift', making the policies decided upon on the EU level distant from the preferences of European voters, are among the key elements of the EU's democratic deficit. In this chapter I argue that they may be corrected for, or at least reduced, through the same institutional solution that was argued for in the previous chapter – the introduction of a unified electoral system for the EP elections. However, the argument here goes a step further: a particular type of electoral system, encompassing 'open' ballots, allowing citizens to choose among individual candidates (from party lists), in relatively small electoral districts (4 to 10 seats), should be used.

This is, however, not an original argument – it was proposed by Hix and Hagemann (2008) and shall only be elaborated here. Using 2004 Eurobarometer data, the authors have shown that such district and ballot combination, already used in election of around 34% of MEPs, seem to have an effect on candidates' campaigning techniques. Citizens in such districts are more often directly contacted by their candidates and better informed about EP elections, with impact of ballot structure being particularly visible. Thus, candidates are more directly involved with citizens, which, in turn raises awareness and participation in the EP election, increasing EP legitimacy (Hix and Hagemann 2008). Situation seems to be a win-win one, both for citizens, who get more quality representation, and

MEPs, who get recognized by the citizens, and might get awarded for a good mandate through re-election.

Part of the logic of the argument is based on previous work by Hix and Carey (2008). The two authors start from the common assumption that the choice between a PR and majoritarian electoral systems is one between representation of voters' preferences and government accountability (*see* Kasapović 2003, Nohlen 1992; also Farrell 1997, Shugart and Wattenberg 2003, 1-7). However, they show that the usage of low-magnitude electoral districts may enable for the combining of the two: low-magnitude districts allow for both high, very proportional representation and avoidance of over-fragmentation of party systems, leading to government instability. After testing their data on 610 election outcomes from 81 countries, they realise that the electoral systems with small multi-member districts, mostly focusing on those from four to six seats in size - indeed do have representative parliaments and a small number of both parliamentary and government parties (Hix and Carey 2008).

That the district magnitude has a crucial effect on electoral outcomes, particularly with its effect on proportionality, is not new information (Farrell 1997, Lijphart 1994). That the choice between government stability and proportionality is, however, such a clear one, is not as obvious: the exact meaning of stability is hard to determine, since the definition of 'new government' (is a government 'new' with new elections, new prime minister or a change in cabinet members?) is hard to agree upon. Moreover, empirical data show that government longevity can be as high for coalition a for one-party governments. (Farrell 1997, 153-161). But district size seems to also have an effect on determining the linkages between voters and representatives: is small size, one-member or multimember districts, voters "may have greater information, familiarity, and contact with their elected representative or representatives, and, therefore, they may be more interested in affecting

who gets into parliament (Norris 2004, 163). It seems that, generally, the agreement is that smaller electoral districts provide the benefits Hix and Carey have stated: a degree of proportionality (larger than in the majority/plurality single-member districts) while at the same time providing for more contact between voters and candidates than in extremely large districts, in which campaigning is fairly impersonal. The ballot structure – the nature and degree of choice available to the voter in an election (Farrell 1997, 169) – provides the complementary effect. With an open ballot (list) structure, in which the voter gets to cast a vote for a candidate of his or her choice on the party list, individual candidates need to dedicate more attention to attracting the voters' votes, and shall therefore be more attentive to the positions of the electorate, both in campaigning, but also after elections, during mandate period, in order to be re-elected.

Further research on similar issues provides comparable results. In their 1993 article, Bowler and Farrel (Bowler and Farrel 1993) provide empirical support for similar claims. They argue for two things: one, in electoral districts (constituencies) in which there are some forms of preferential party lists, allowing voters to choose (or at least strongly influence the choice of) individual candidates, the MEPs will have a much stronger initiative to not only be more attentive to voters' demands, but also to listen to their preferences and maintain closer contact. In systems where their re-election depends on the party-established list order, and is not changeable through voters' expression of preferences, the incentive for the MEPs will be to work in accordance with the party leadership positions, caring less about the positions of the voters (53). Moreover, the authors also find empirical evidence for the assumption that there exists a correlation between the size of electoral district and representatives' behaviour, confirming the ideas by Hix and Hagemann. Smaller size districts seem to lead to establishing more personal connections between MEPs and voters, while in the large size electoral districts, MEPs are more inclined to address organized groups. (53). Finally, they note the

difference in what they call 'home style': "MEPs elected on a district basis can readily claim to have a 'home' to visit" so it makes sense for them to "(...) engage in geographically bounded 'meet the voters/raise name recognition' types of behaviour (...)." On the contrary, voters elected in large-size, presumably nation-wide districts are less likely to target their campaigning geographically, and more likely to induce in a nation-wide campaign with less contact with individual voters (54)[29].

It must be noted that the authors take the research on comparing systems in which voters vote for candidates directly (single member plurality) with list systems. However, with small-size districts as discussed here, in which a choice of individual candidate is enabled, there is no obvious reason for the effect not to be transferred. In small magnitude districts, the voter-candidate closeness may still be maintained, since the district size is closer to small, 'home style' campaigning single member constituencies in its logic than to large 'impersonal' districts. However, at the same time, proportionality increases, since more than one candidate is elected in the district. Of course, this kind of reasoning ignores a lot of practical obstacles to proportionality (such as (natural) electoral threshold) and ignores the potential presence of other disruptive elements, such as gerrymandering or malapportionment in electoral districts. However, my analysis here does not deal with all the elements ensuring proportionality – but only the two stated, which are considered of crucial importance.

How does this finding relate to the European Union? If the effect described by Carey and Hix is existent – and there seems to be substantial empirical evidence - than the size of the district shall ensure the proportionality of representation on the EU level, while at the same time not resulting in the over-fragmentation of the party system, even though the district size is somewhat bigger than

---

[29] *see* also Carey and Shugart 1995, also in Seddon Wallack et al. 2003.

52

with the median districts tested in the authors' research. The more important effect, however, comes from the overall usage of the list system: the 'open' list system enables each candidate to cast a vote for one (or more) candidates rather than casting the vote for a political party.

Furthermore, the number of votes gained by individual candidate directly influences the final electoral outcome, in the sense of who shall present the party as an MP. It is thus enabled to keep the battle among the parties on the national level, but on the district level, individual party candidates need to fight harder and compete more for their election into the EP than they would if there was only a competition between parties (Hix and Hagemann 2008; also Kasapović 2003, Nohlen 1992, Deloye and Bruter 2007). The authors recognize the importance of such consequences for reducing one dimension of the European democratic deficit: the distance between the voters and the individual MEPs. On the one hand, the open ballot structure could lead to more incentives for the candidates to campaign closer to the voters, raising public awareness and participation in the EP elections. To, however, maintain proportionality of representation, the size of the districts would be of crucial importance (Hix and Hagemann 2008, 13-14).

But how is this related to the median voter element of the democratic deficit? In two ways. One, based on the theory of congruence between the citizens and parliamentarians, it is to be presumed that systems of proportional representation fosters a closer correspondence between the views of citizens and the positions of the government (*see* Huber and Powell 1994, also Masoud and Pepinski; for alternative view, *see* Blais and Bodet 2006). This means that, in the case of a system of proportional representation, the MPs would have an incentive to bring their policies closer to the median voter, thus making for better policy correspondence between the voters and government members than in majoritarian systems, all due to control and attempt of re-election. This would thus tackle directly the second element of the Europe's democratic deficit – the policies opted for by the

Europarlamentarians would come to be closer to the desires if their electorate, primarily with one idea in mind. If the system of proportional representation with 'open' ballots in fairly small-size districts would lead to more incentive for the potential MEPs to campaign on issues of more interest to the citizens, and thus keep them better informed (which, at the same time, would have the effect of increasing election turnout) the congruence effect would be directed at increasing the probability of re-election, as better informed voters would have more incentive to act on acquired information, punishing or awarding the MEPs for the steps take in the previous mandate. This could make entrance for the new candidates somewhat harder, but would ensure a higher level of democratic responsibility, while at the same time making the EU policies more responsive to the desires of its citizens, thus giving new meaning to the status of EU citizenship as such.

Finally, while there is scarce evidence on the effect of a specific type of electoral system on voters' behaviour, some authors stress that (Evans 2004, 157-158; Norris 2004, 161-162, Karp and Banducci 1999, Geys 2006) PR systems, in comparison to plurality/majority, do generate higher turnout. Thus, the direct effect of the introduction of a specific type of unified electoral system could potentially complement the indirect effect of unification, leading to an increase in voter turnout. However, this would be a very optimistic prognosis, given the fact that the EU has already introduced a form of 'commonality' (Mather 2005), with all countries introducing some form of PR, and without any significant effect on turnout raise. In fact, the turnout for the last, 2004 EP elections was the lowest so far, Europe-wide. However, the expected increase in turnout here would not depend simply on introducing a form of unified PR, but on an aggregation of a number of explained effects (see also Chapter 4). Specifically, the effect of providing citizens with the mechanism to better control the MEPs should lead to more citizens – better informed and more empowered – to take the position of voters, and cast votes in the future EP elections as well. This

element is extremely important, for it presents an empirically testable part of the argument, and I shall return to it in the next chapter.

One thing, however, needs to be noted. Speaking of proportionality of electoral systems is usually related to speaking about the most representative vs. most stable possible government. In the case of the EP elections, however, the final outcome of the translation of votes into mandates is not the creation of a responsible and responsive government. This, contrary to what might have been expected, only makes the argument for such a reform on the EU level stronger. Since no government results from the elections, the system of MEP control by the voters is to be designed in a way which enables them to pursue policies close to their electoral body, without acquiring the majority support. On the other hand – in order not to turn themselves into delegates, but maintain the republican virtue of free mandate – the MEPs are free, by the institutional setup, to opt on policies based on their best knowledge and information, without the pressure of stability. An optimal level of democratic control of the electorate over representatives is thus, it seems, established through the system. Furthermore, the lack of need for justification for government representativeness allows for a system designed to allow for proportional representation while at the same time blocking the entrance into parliamentary arena to small, mostly radical parties with anti-EU attitudes. A choice here may not seem particularly in support of proportional representation, but it is one between institutional stability and proportionality. And since Euroskeptic voices have a number of channels to raise their voice – including the national arena, through national representatives participating in the highest-level EU structures – a measure of protection from anti-system action seems to be in order.

5.1. Bringing more Europe in – Europarties and electoral districts

However, these changes, while relevant, do not, seemingly, bring much to the issue of making the European party system more 'European' in the first place. It could, in fact, lead to the opposite effect: since campaigning would still be conducted on the national level, there would be presumably a psychological, but not a factual 'external' control pushing for candidates to start campaigning based on the issues to be decided in the parliamentary policy arena. While it seems theoretically logical to do so, there is no factual guarantee that the candidates will not, in fact, base their campaigning promises on national issues, and that they will not be punished or awarded at the next mandate based on national performance in accordance with them. However, one final institutional solution is suggested here to minimise the danger of such action – an introduction of cross-national, cross-country electoral units.

There have, to my knowledge, so far not been any practical attempts of constructing cross-border electoral units for any, including the European elections. Therefore, no data on the success or failure of such an attempt may be discussed here. However, I propose the experiment with this kind of intervention for two reasons. One, it s to be expected that cross-national electoral competition would force political parties to campaign to voter bodies of European citizens from various states. This would eliminate the possibility of national parties campaigning on solely national issues, and would thus resolve the above stated dilemma. Of course, any party would be able to, if desired, make for a solely national campaign. However, it seems that such an action would only be logical in districts in which the concentration of voters bound to vote for this party is so large on one (of at least two) national side that it guarantees the party a seat in the EP. Paradoxically, if such cases would appear, they should be related to stronger, more traditional, presumably conservative political parties, so their campaigning style would be harder to influence. At the same time, those are the

parties the change would primarily be directed at, since smaller parties which generally do well in the EP elections but often fail on the national ones (e.g. Green parties) already have in their post-materialist values often included a more universal pre-electoral policy narrative. However, I presume it would be possible to design the districts in a way that would mostly enable avoiding such complications. This means that the parties would, to some extent, be forced to campaign together with ideologically similar parties from bordering countries, presumably on the common European issues distinguishing them from the other Europarties groupings outside the EP. Thus, a discussion on issues of interest to citizens outside their national borders would be initiated. But, at the same time, a strengthening would take place of the cohesion of Europarties as out-of-parliament political structures that do compete in elections and are thus directly legitimised by the voters as such, rather than of the parliamentary group structures which may, if desired, form and dissolve as desired, and are often a product of national disagreements (as in the case of the Irish Fianna Fail and Fine Gael).

Two, the visibility and reputation parties have on national level would, in such a system, be severely reduced on the district level. It would be hard for a party to capitalise on its firmly rooted position in one, national, voter body since the same kind of discourse would mean little, in most cases, to the rest of the (international) body of voters choosing representatives in the district. This would, in an idealtype situation, lead to a re-definition of campaigning style for the EP: focusing on the European policy issues, to appeal to the voters in countries other than 'their own'. Since this type of campaigning would, presumably, be cheaper and more effective on a higher-scale level (when multiple parties would be investing in the campaign rather than one, sharing the cost), it could result in a form of 'Europarties campaigning' – common campaigns of European parties, rather than national parties individually, in such cross-national districts. The premise is that the resources and the effort needed for such campaigning would be easier to cover for parties when joined together,

57

rather than standing separately. This is not to say that such a step would be easy: factually, it would ask for major adjustments for parties to come together and form campaigning blocs around their European interests, since some of them might be severely differing on the national basis. It also implies that, for the initial period, the campaigning would revolve around less conflicting cross-national issues, while the more conflict-potential ones would be avoided. This, however, does not have to be treated as a problem: in fact, the 'normalisation' of Europarties politics could come precisely from their focus on the traditional left-right scale policy issues, rather than individual heated problems[30].

This, however, can only be speculated upon. The relevant element to the speculation, however, is that, if even a part of the predictions is true, it should mean that a way to creating a proper arena of political struggle is possible – and that the dimension democratic deficit of the Union currently present, the one of non-existence of proper electoral competition of European parties on European issues, is not necessarily a permanent one. And while it is true, as some critics conclude, that it is often hard to establish in advance what these European issues would be (*see* Thomassen 2002), it is by no means different with national issues: for the first step, the European issues would be understood as those under the jurisdiction of the Parliament, and thus meaningful to campaign on. However, as the role of political parties is not only to reflect, but also to bring to the political arena new types of issues, more issues would follow. And, since an introduction of the common electoral law would, as I have illustrated in the previous chapter, lead to a development of the common European public deliberation sphere, presumably one would not have to wait for long to see new European issues emerging.

---

[30] for theoretical introduction to the problem of left-right understanding, see Bobbio 1997.

5.2. Old solutions to new problems – dilemmas and debates

While they seem to construct a rather coherent set of measures for the EU, three issues need to be discussed regarding changes proposed in this chapter. One, it may be said that the problem with introducing a system using electoral districts of 4-10 and open lists is that the support for introducing such a system will be extremely low, particularly due to the fact some parties could lose a lot due to these changes, and would not look upon them favourably. However, with this I strongly disagree. It is, as shall be discussed in the following paragraphs, to be expected that the ideas presented would find resistance and disagreement on a number of levels. However, the particular issue of pushing through a specific form of PR should not present an extreme problem, particularly since the adoption of the *Act concerning the election of the representatives of the European Parliament by direct universal suffrage*[31] that some form of proportional representation shall be used for all the elections on the level of EU. If there was to be a transition from a majoritarian to a specific type of PR system in any of the European countries, the implementation of such a decision would be much harder to introduce.

 Two, it is not to be forgotten that all the changes proposed are proposed with having in mind a vision of an 'ever closer Europe' – one that not only needs to identify its democratic deficiencies, but also act to minimise them. However, that the EU should, in the future, become more democratic and more representative of its citizens is by no means a universal standpoint. The development of a stronger, more legitimate parliament closer to the European citizens matches a vision of Europe as a supranational polity of some kind, moving further in the direction of strengthening its role and bargaining potential when compared to the individual member states.

CEU eTD Collection

---

[31] available at http://www.legaltext.ee/text/en/T2132.htm; ammended by the Decision 2002/772 EC;

However, when observed from an intergovernmentalist perspective, strengthening the role of the EP and developing European identity on the political level is not a desirable step to take. If the EU is indeed perceived as an organisation serving primarily the interests of the member states, than the strengthening of the most genuinely 'European' of its institutions, the Parliament, will not be looked upon with enthusiasm from the side of the member states. Therefore, to implement the changes proposed, it is necessary to find a mode of presenting them in a manner acceptable to all, even the most euroskeptic among the decisionmakers.

Finally, to answer one question that seems perhaps the most logical: why should a large part of strengthening the European Union as a political entity be based on a concept of citizenship, a concept that seems to have failed even on the national level? After all, the decrease in voter turnout is noticeable all around Europe, even though the feeling of citizenship and belonging in individual member-states should, by all logic, be more present than on the EU level. And why a change in the electoral system, when it seems that the voters generally react mildly, if at all, to institutional changes of this kind? To answer this question, only a counter-question may be offered: why not? The attempt to decrease the democratic deficit and increase voter turnout is, from an approach treating the EU as a *sui generis* political community in development, normatively valuable. However, it is also a complex one, and it seems that not even after years of trying, a successful method of resolving these issues has been found. However, the development of new concepts, such as European citizenship, is strongly correlated with the attempts of offering such a method – and if a simple change in institutions might have a long-term relevant effect on at least some dimensions of the issue, it would be a shame not to make an attempt of using it to serve the purpose.

CHAPTER 6 – CITIZENSHIP, VOTING, LINKAGE: BACK TO THE BASICS

Since the arguments presented so far in this paper are based on predictions which cannot be empirically tested in advance, as the effects of proposed changes would be hard to recognize without introducing them, they appear to be, in the Popperian sense, unfalsifiable (*see* Popper 2002). Therefore, they seem to lack serious theoretical value as well, since it is hard to draw parallels with similar cases (the EU being really an unprecedented historical case) as a potential verification-option. To avoid this problem, in this chapter I test for two basic assumptions between both the indirect and direct effect of introducing a unified electoral system for the EP, and regarding voters' behaviour.

Related to the argument basing on the theory of constitutional patriotism and regarding the European citizenship, the assumption is that a stronger, more active EU citizenship feeling will lead to more voter turnout, thus increasing direct EP legitimacy. As a consequence of the argument originating from the work by Hix and Hagemann, it follows that citizens in relatively small districts with open ballot structure should be "better informed about the EP elections", which should result in an increase in the level of information they possess and a higher turnout rate, again leading to an increase in EP legitimacy (Hix and Hagemann 2008), and reducing the democratic deficit.

From these assumptions, two expectations about the behaviour of voters can be de-contextualised: one, voters will vote more if they have a stronger sense of their European citizenship status (consequence of the first assumption), and are better informed about the EP (consequence of the second assumption). These expectations can be questioned. But, unlike the starting assumptions

behind them, they can also be tested empirically, using simple statistical methods. While the tests may not be able to capture the core of the arguments presented in the paper, they shall, if the results prove to be as expected, serve as a substantial support for further exploration of the benefits potentially originating from introducing a unified electoral system.

To test for the expected effects, I formulate two hypotheses based on the stated expectations:

H1: Increase in EU citizenship feeling will have a positive effect on the likelihood individual citizens will vote in the EP election. Individuals who actively feel like European citizens (instead of simply be the bearers of the legal status) shall be more likely to vote.

H2: Higher level of information on the EP among voters will have a positive effect on the individuals' probability of turning out to vote. Citizens who are better informed about the EP as such and about the elections for the members of the European Parliament are more likely to cast their vote in the EP elections.

To test for the effects of the three variables, citizenship feeling and pride and information, on voter turnout in last EP elections, I use European Election Studies (EES) data for the 2004 European Parliament election. The data was collected through a post-electoral sample survey of the electorates of 24 of the member states of the European Union: Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and United Kingdom. It focused on the direct elections to the EP, conducted in June 2004, and in most cases was fielded immediately following these elections, through a combination of telephone surveys, mail

surveys, as well as face-to-face interviews[32]. All data was collected in the period between June 2004

and January 2005. The level of analysis is individual, with the initial (database) sample consisting of

28861 citizens from 24 member states (the data for Malta being nonexistent).

Four countries were, however, excluded from the sample used: the already mentioned Malta[33],

Cyprus, Luxemburg, and Belgium. This is due to the fact that, in all four countries, compulsory

voting has been introduced for the EP elections (the same rule applying for the national elections).

This not only raises the turnout level in these countries way above the average turnout on the

European level[34], but it also threatens to make the results of the analysis different than they should

realistically look: high turnout in these countries could, in part, not be explained through any of the

variables introduced in the model, but would have to be blamed on a factor specific for only these

cases – the element of coercion. Thus, the predictive power of the model would have shown to be

lower than expected, and for variables not included in the model.

To test for the two stated hypotheses, I developed the following statistical model[35]:

---

32 Response rates were as follows: for telephone interviews, the mean was 39.0% (std dev: 19.8, n = 7); for mail: 44.5% (std dev: 12.5, n = 2); and for face-to-face interviews: 69.0% (std dev: 12.1, n = 7). Total sample size was 28 861, with the sample size in 'old' member states being 19 636. All interviews were conducted using the same questionnaire, with some questions modified on a nation-to-nation basis.
33 Meaning that, even in case of having the required data, the country would have still been left out of the analysis.
34 The average turnout level for the EU25 was 45.5%, with an average of 47.1% in the 'old', EU15 countries, and the 26.4% for the ten newly joined member states. However, in Malta, the turnout rate was 82.4%, in Belgium 90.8%, in Luxemburg 90%, and in Cyprus 71.19%. As a matter of comparison, the highest turnout among the EU-15 countries which have not introduced compulsory voting was in Italy - 73.1% - while the highest turnout among the new member states was in Lithuania - 48.2 %. The lowest turnout reached overall was in a new member state, Slovakia: only 16.7%, while the lowest turnout among the EU-15 countries was in Sweden, 37.2%. *See* http://www.euractiv.com/en/elections/european-parliament-elections-2004-results/article-117482.
35 An initial model, developed to cover as many control variables as seemed theoretically needed, included a larger number of variables, controlling for such influences as number of household members (presuming

$$Y \text{ (voted)} = B0 + B1\text{informed} + B2\text{EUcitizen} + B3\text{EUpride} + B4\text{interestEP} + B5\text{interest} +$$

$$B6\text{votelast} + B7\text{gender} + B8\text{age} + B9\text{urban} + B10\text{employed} + \Sigma \, Bi \, x \, \text{country(i)} + e$$

The dependant variable in the model, 'voted', refers to whether the respondent has cast a vote in the last EP elections in 2004. It was operationalised through the question: "Lot of people abstained in the European Parliament elections of June 10th, while others voted. Did you cast your vote?"[36]

I used a set of independent variables. The first variable, 'informed', refers to the information level received on the EP elections. It is designed as a combination of variables on information acquirement on EP elections through media (television, newspapers, and internet), informal contact (family) and public meetings. The following group of variables includes variables used to measure for the effect of European citizenship feeling on voter turnout. Two variables are included. The independent variable 'EUcitizen' refers to whether the respondent feels as both a national and European citizen. It was operationalised through the question: "Do you ever think of yourself not only as a (country) citizen, but also as a citizen of the European Union?". A dummy variable implicating a sense of pride in the European citizenship, 'EUpride', operationalised through the question: "Are you personally proud or not to be a citizen of the European Union?" is also used. While both variables refer to European citizenship feeling, the latter expresses a stronger feeling of

married couples with families are more likely to vote), age at the point of finishing education (presuming that generally, more years of education can be treated as indicator of reaching a higher education level, and individuals with higher level of education are more likely to vote) etc. However, none of these variables contributed significantly to increasing the explanatory power of the model. Therefore, for reasons of parsimony, some variables were left out of the final version of the model.

[36] Four options were recoded into a dichotomous variable, treating all answers as 'yes' as 'no' answers. While it could have been treated partially as missing data, I presumed voting is probably overreported in the sample, so small number of 'alternative' answers other than 'no' and 'yes' will not harm the results.

belonging to the EU political community than the former, and is thus of higher relevance for the model.

Second group of variables includes two political control variables regarding respondents' interest in politics, both in general (variable 'interest') – and specifically regarding EP elections ('interestEP')[37]. Both variables used were recoded into dummy variables[38]. An additional variable, 'votelast', was added, as a control variable considering whether the citizens have participated in the last national elections in their country[39]. The logic behind it is simple: it is more likely that those individuals who are generally interested in politics (on any level) and are regular voters would also cast their vote for the EP elections[40].

The third group of variables was included to control for basic sociodemographic characteristics of the respondents: age ('age'), gender ('gender'), the differences between respondents coming from an urban as opposed to rural area ('urban'), as well as whether the respondents are currently employed or unemployed. Economic status was left out of the analysis, since data regarding monthly income differed in scaling in different countries and were therefore unsuitable for the model. All variables used are dummy variables, recoded from the data provided.

CEU eTD Collection

---

[37]The questions used for operationalisation were "To what extent would you say you are interested in politics? Very, somewhat, a little, or not at all?" and "Thinking back to just before the elections for the European Parliament were held, how interested were you in the campaign for those elections: very, somewhat, a little, or not at all?", meaning that the interest in EP politics was operationalised indirectly, using a variable regarding campaign interest.

[38]Due to a small number of scale variables in both models, I have not found it necessary to report for collinearity testing in this paper. However, an analysis was run on those variables and some significant effect was found, leading to slight changes in the model.

[39] The variable was created from a question: „Which party did you vote for at the general election in [year]?", as a binary variable.

[40] While more variables on political orientations in general (e.g. a left-right self placement) could have been introduced to the model, the strong correlation between them seemed a strong enough reason to reduce the number of such variables to the key ones.

Finally, a fourth group of variables was added: individual dummy variables to control for cross-country differences. The model initially included dummy variables for all EU countries other than the four previously stated. However, due to missing data, three countries – the Netherlands, Sweden and Lithuania – were left out of the analysis, reducing the number of dummy variables to 16[41]. The reference country left out was Austria.

Before moving to the results, the issue of operationalising and measuring the existence of the European citizenship feeling deserves special attention. Available literature on this issue is, however, somewhat confusing and not fully satisfactory. As Flickinger et al note (Flickinger et al 1997), the term of citizenship is easier to define theoretically than it is to operationalise and measure. The authors propose a refined measure of citizenship among European citizens, understanding European citizens as "those who would prefer their certain policy areas closely identified historically with the essence of national sovereignty, i.e. currency, defence, foreign policy, and citizenship, be made the responsibility of the European Union...A key assumption is that those who prefer that policies in these areas be made by European authorities identify with Europe and think of themselves as European citizens." Thus European citizens are defined on the basis of their policy preferences (8).

While this approach seems valid, there are two main issues with it: one, it presupposes a choice-making between the national and European citizenship, while the two are actually imagined as complementary concepts. This problem is primarily theoretical, originating in the approach to the

---

[41] Britain, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Portugal, Slovakia, Slovenia, and Spain. A dummy variable was also included for Northern Ireland, which was surveyed independently. The countries missing from the analysis are, somewhat optimistically, treated as not differing significantly from the rest of the sample.

Union as not only a state-like structure which is to be observed as a state (or at least a federation) in making, but also a structure that is in a state of permanent competition with the state-structure. This leads us to a practical dimension of the problem: when measuring citizenship feeling, the authors require an either/or response from the citizens. One is thus fully a European citizen only if he or she is at the same time also *more* of a European than a national citizen. However, as previous works have shown, most of the European citizens, even those who feel as fully European citizens, still do state their national belonging as the primary, and their European identity as the secondary identity, or treat them as complementary. This may seem problematic from the European perspective, but in fact is to be expected: as already stated, citizens are supposed to have and – in the idealtype case – relate to both levels of identity. And, while the national identity is usually 'older' and promoted more strongly, it is not unexpected that it still dominates somewhat among the EU citizens (*see* Deloye and Bruter 2007, 263-268, particularly Table 1). After all, even the legal concept of European citizenship is fairly new in origin.

The second problematic issue is the one of preference-attribution. It is not clear why presuming that all the most important issues regarding sovereignty should be dealt with on the EU level would be a proper indicator of the feeling of EU citizenship, particularly because it excludes such determinants as cost (some issues might be more simple or less costly to resolve on a lower, rather than the EU level, or just seem like that to the voters), but also presumes that the EU should, in the eyes of its citizens, be considered a form of substitute for the nation-state, which it is clearly not. EU is not, at least not at the present stage, to be an overarching replacement for the nation-state, but a parallel political community, and thus a parallel and not a replacement source of identity.

Another, somewhat more complex, approach to measuring citizenship (feeling) may be found in the work of Caroline Touraut (Touraut 2005). Interested in relationship to citizenship among prisoners

in France, she develops the theoretical construct of citizenship similar to the one developed here, but proceeds to operationalise relationship to citizenship feeling among prisoners through three dimensions. First, the relationship to work, since it is presumed such a relationship reflects the prisoners' participation within society. "The work is perceived as a symbol of the participation and the quality of the citizen, but also as a sign of recognition by individuals of the societal consensus. Moreover, as the essence of economic and social citizenship, work *is also the concrete base from which stem social rights and duties, responsibilities and recognition, as well as subjugations and constraints."* (2) The second dimension is political interest and participation, while the third is related to the feeling of belonging to a political collective – "whether the « nation » represents a collective « us » for the actors" – and is almost overlapping with my own measure. (2)

Though overall it seems more fitting than the attempt by Flickinger et al to capture the dimensions of citizenship feeling, there are, I find, two problems with this approach. One, by including relation to work as a part of citizenship, the author ignores the public-private distinction, not novel in political science (*see* Rousseau 1762, Arendt 1958), transferring elements of private into the public sphere under the umbrella term of citizenship. Two, while political interest and participation are in fact closely related to citizenship (as the main argument of this paper states), by including it in our model, it would make the regression invalid, even impossible – an effect of citizenship feeling on voter turnout would be measured through that same turnout, participation in voting.

Due to all these issues, a simple measure of European identity feeling and pride, as elaborated earlier, was used, even though it is based on voters' statements which are practically non-substantiated, and can therefore be questioned. If the starting assumptions are correct, the results should show voters who have a developed feeling of EU citizenship, and those who are more informed about the EP, should have a higher probability to have voted in the last EP elections, thus

supporting our hypotheses. While not completely without problems, the numbers, presented in

Table 1, still seem to present reasons for optimism.

Table 1: Influence of information on the EP and feeling of European citizenship on voting for the EP elections in 2004 (EU25 countries)

Variable	Beta	Significance	Exponent (Beta)
Feeling of oneself as of (country) citizen and citizen of the EU	.048	.131	1.049
Feeling of pride in EU citizenship	.284	.000	1.329
Informed about the EP elections	1.697	.000	5.459
Political variables			
Interest in the European Parliament elections (campaigning)	.862	.000	2.367
General interest in politics	.179	.009	1.196
Voted in the last national elections	1.796	.000	6.023
Sociodemographic variables			
Gender (female)	.079	.053	1.082
Living in urban area	-.049	.253	.952
Age	.001	.015	1.001
Employed	-.255	.000	.775
Country control variables			
Britain	-.172	.073	.842
Czech Republic	-.287	.016	.751
Denmark	.020	.847	1.020
Estonia	-.828	.000	.437
Finland	-.091	.413	.913
France	-.088	.369	.916
Germany	-.305	.025	.737
Greece	-.436	.000	.647
Ireland	.839	.000	2.314
Italy	1.982	.000	7.258
Latvia	-.421	.000	.656
Northern Ireland	.764	.000	2.148
Portugal	-.114	.307	.893
Slovakia	-1.118	.000	.327

Slovenia	-.846	.000	.429
Spain	.031	.772	1.032
Constant	-2.525	.000	.080

N = 14059
Chi-square test = 3970,975, p=.000
-2 log likelihood = 14779,049
Hosmer and Lemeshow test chi-square = 7152, p=.520

Observing results for EU countries included in the analysis[42], the variables regarding the European citizenship feeling show somewhat confusing results regarding effect on voter turnout. It seems that the sole feeling of citizenship does not have any influence on voter turnout, and the variable fails to reach significance. However, for citizens who do feel pride in their acquired status, the increase in probability of turning out to vote rises to 33%, with other variables included in the model held constant. The variable is statistically significant, reaching the 99% confidence level. This directly supports my first assumption: there is an effect of European citizenship concept activation and willingness to act in EU political sphere through voting. If this is indeed so, there exists logic to investing into further development of European identity and citizenship feeling, and argument this could be done through unified electoral system, but also other potential solutions, should be further explored.

Being well informed on issues of European elections seems even more relevant: probability of voting for citizens exposed to information about EP elections increases by somewhat over 5 times. Such high results are hard to explain, particularly since interest in elections, which was expected to have a strong influence on voting probability, increases probability of turnout only by around 2

---

[42] Bulgaria and Romania are excluded from the analysis due to not participating in the 2004 elections;

times. Yet this provides strong support for the level of argument developed by Hix and Hagemann that there is indeed an existing relation between information and voter turnout, directly contradicting some of the previous researches, e.g. conclusion by Blondel, Sinnott and Svensson that "[l]ack of European knowledge is no bar to participation" (1997, 262), meaning knowledge of EU does not play a significant role in deciding to vote or abstain. However, statistical findings do not present support for core of the argument itself – that rather small-sized electoral districts with open ballot structures might lead to increase in information and thus higher turnout – but only for logic of the argument, that there exists the need for increasing voter knowledge on the EP elections, since exposure leads to higher turnout, thus more legitimacy for EP. Furthermore, information about EP election in the analysis is not acquired from direct contact or more initiative from MEPs, but mostly regular media sources, so the results are not analogous to those expected to be consequential to the model.

The two groups of control variables influence turnout somewhat differently than expected. While the general interest in politics increases the likelihood of casting a vote only by around 20%, the fact that an individual has voted on the last national elections increases the likelihood of his or her participation in the EP elections by 6 times. This seemingly implies that the abstention or voting for the EP elections is indeed related to national elections voting history, but not in the way usually implied. It is not the preferences on the national level that the variable measures – capturing the increase in likelihood of voting in case same themes, or parties[43], repeat in the EP elections. It is simply the fact that voting procedure for one election is more likely to be followed for the others as

---

[43] for example, voters voting loyally for the Social democrats will want to cast the vote for the same party on the European level elections as well, due to the loyalty as such;

well. However, no further conclusions can be made from this on the motivation to vote in the national elections in the first place.

Out of the four chosen sociodemographic variables, only two seem to have some relevance regarding probability of voting. Thus, gender seems to have a minor effect on the likelihood of casting a vote: a 0.8% increase in likelihood for females in comparison to males. Moreover, the variable fails to reach statistical significance. Living in an urban, rather than a rural area also fails to show any significant effect, while the effect of an increase in one unit of age (year) is statistically significant, but barely noticeable. Whether or not the potential voter is unemployed also makes only a slight difference: it seems that unemployment is related to a decrease in probability of deciding to participate in elections by about 20%. It seems that socioeconomic variables do not explain for much when it comes to casting votes on the European level, as they are considered to explain on the national level (Evans 2004).

However, with all things held constant, it seems that the country of origin of voters is not irrelevant. The most interesting case is the one of Italy: it seems that, compared to the Austrian example, the Italian voters are 7 times more likely to cast a vote in the EP elections. This, however, might be partially explainable through understanding a provision related to Italian national elections. While voting is not compulsory[44], a form of public sanction – social sanctions, so called 'innocuous sanctions' – exist for 'punishing' those who do not participate in election through actions/deprivations in the social sphere (e.g. depriving them of some form of social services; *see*

---

[44] Furthermore, Italy did, for a period until 1993, have a form of compulsory (mandatory) voting for national elections. it is therefore no wonder that the country continuously shows relatively high turnout levels (above 80%; see http://www.idea.int/vt/country_view.cfm?CountryCode=IT for exact data), and it would not be unrealistic to expect such turnout level repeating for the EP elections, even with no overlapping of electoral dates.

Lever 2009). Thus, it is presumable that the voters will vote more under threat of such sanctions, and it might be that the same mode of behaviour is kept for the EP as well. In no other country is the effect so high, though, holding all other things constant, individuals are more likely to vote when coming from Ireland and Northern Ireland than other locations. The geographically influenced decrease in probability of voting is harder to explain, since it is presumably different in various states. However, while we are not interested in specific details here (as the notion of citizenship observed is to be above-national rather than national), it is important to note that there is still existent, and sometimes statistically relevant, link between the probability of voting for the EP elections – as a 'supranational' form of political participation - and country of location, thus 'national' dimension.

When looking at the presented data, it seems that the model mostly confirms the expectations, providing support for the two stated hypotheses (even if not in a particularly convincing form when regarding the first hypothesis), and indirectly also for the assumptions behind the main ideas of this paper. If this is indeed the case and the increase in European citizenship feeling increases turnout, investing into citizenship building could be the way to significantly increasing turnout, thus somewhat increasing the legitimacy of the EU, 'bringing it closer to its citizens'. However, few things need to be considered.

One, the overall percentage of correct prediction for the model is relatively solid, 74.6%, with model predicting the 'voting' group (87.2%) relatively well, but failing to predict the 'non-voting' group (only 54.6%), The chi-square test value of 3970.975, with the number of degrees of freedom for the model, df = 26, and the high significance level, p=.000, also implies that the model has some explanatory value. Furthermore, the model achieves the desired level of significance in the Hosmer and Lemeshow test (above .05 implies a solid model fit), indicating model prediction is not

73

significantly different from observed values, and that the model estimates do fit the data at an acceptable level. Thus, relevance of the achieved results seems to be respectable. However, this does not change the fact that, even if statistically relevant, the results obtained, particularly related to European citizenship, are not strongly convincing. The effect of citizenship feeling is, however significant, not a particularly high influencer on the likelihood of turnout.

Two, the number of control variables included in the model is very limited, due to partially a strong correlation, but also theoretical overlap, between some variables on attitudes towards the EU, which are not to be considered irrelevant. Part of the problem lies in the dataset, which fails to cover some of the most relevant questions – e.g. whether the voters have participated in the previous rounds of EP elections – which could be considered relevant predictors of casting or not casting a vote in the following, 2004, ones, at least theoretically. Also, regarding controlling for sociodemographic effects, there is a lack of information regarding economic situation influence on voter turnout. The variable of this kind was deliberately avoided due to incomparable data, which would lead to a significant decrease in sample size. However, good sociodemographic variable could have an influence on the final result.

Finally, while overreporting is not a new problem in electoral research (see, for example, Bernstein, Chadha and Montjoy 2001, Belli et al 1999, Karp and Brockington 2005), the level of overreporting in the survey used is extremely high. As simple crosstabs analysis shows, the difference between the actual turnout and the one reported in the survey goes up to almost 50% (as is the case of Slovakia, from 16.7% actual turnout to 33.1% declared turnout in the survey). If indeed answers on voting were provided by individuals who did not vote, than their answers, presuming they were at least partially honest, could have contributed significantly to the final model output (results).

Still, even with the above stated problems, the initial hypotheses of the chapter were confirmed, with citizens with a feeling of European citizenship, as well as those who are better informed on the elections, being more inclined to vote for the EP elections overall. If this is indeed the case, than using institutionalised solutions – a unified electoral law – for increasing voter turnout, thus increasing legitimacy, and decreasing democratic deficit of the EU seems like an option worth striving for.

CONCLUSION

In this paper, I have tried to argue there exists an inherent logic to an institutional solution - introducing a unified electoral system for the EP elections – to reducing the European 'democratic deficit' while at the same time increasing the voter turnout for the European Parliament elections, as the only democratic elections on the EU level. I argued that a relatively small institutional change may in fact lead to such an important effect.

My argumentation was divided in two separate parts. I argued argue that an introduction of a unified electoral system for Europe would lead to a twofold positive development. One, there would be an 'indirect' effect to such an action – it should lead to increase in European identity feeling, as one of the building elements of European citizenship. The argument here is a circular one: if citizenship is a political concept, then sense of belonging to a political community will lead to an increase in political community participation – voting. Thus, stronger sense of European citizenship would lead to increased voter turnout, thus increasing EU input as opposed to output legitimacy. The argument here I based vaguely on the concept of constitutional patriotism, as developed by Habermas and elaborated by Jan-Werner Müller. The emphasis, however, was not on introducing a constitutional document for Europe. My logic was exactly the opposite: for the Union, a constitutional document, at this point, would only be limiting for its future development, while at the same time maintaining the aura of non-acceptance among European citizens due to its elitist nature. Instead, I argued that loyalty to the political community as such, and using the mode of participation through voting is the best way to reduce the democratic deficit.

Two, I argued that an introduction of a specific type of electoral system – a proportional system with small size electoral districts – could lead to an increase in responsibility of EP parliamentarians (MEPs), making the EP a more legitimate representative body, thus reducing its democratic deficit. This argument was overtaken from the work of Simon Hix and Sara Hagemann, and while the interpretation is occasionally my own, no major changes have been made to their line of argumentation. However, an additional suggestion was placed for introducing cross-national, cross-country electoral districts for the EP elections, with the intention of influencing the mode of political competition on the EU level, thus contributing to the development of a European party system and further reducing its democratic deficit, making it indeed closer to its citizens.

An empirical verification of assumptions necessary for the success of the stated ideas was also presented. Unable to test for the presumed effects directly, I indirectly tested for the influence of feeling of European citizenship and information on voter turnout, arguing that these effects are the basis for introducing the given changes: without the linkage between these elements, no investing into an unified electoral system, from the perspective represented in the paper, would be purposeful. The analysis confirmed my assumptions that linkage between European citizenship feeling, information level and voter turnout exists, though the results are somewhat mixed.

The importance of the topic which I have debated in this paper is twofold. On the one side, it offers a new insight into the possibility of reducing the democratic deficit of the EU, while at the same time increasing the Union's democratic legitimacy through an increase in voter turnout. On the other, the simplicity of the mechanism is stunning – it reduces the solution to two complex issues to a simple matter of institutional design. Of course, the factual process of institutional design is never as simple as is its theoretical construction – the logic of EU development is also one of power-struggles, and the choice of a particular model of electoral law is thus not only a technical, but also a

political question. To put it more straightforward: the question is not only the one of reduction of democratic deficit, but also of what various actors (from national states to political parties and lobby groups) may gain or lose in the process. Furthermore, while institutional design matters, there is no simple deterministic "If A then B" logic which may guarantee a certain precise outcome under certain conditions. The electoral system is only one among many elements in the process of 'shaping' the EU, and the introduction of a unified electoral system should under no circumstances be considered a universal mechanism for eliminating the overall democratic deficit. However, there is, as I have tried to demonstrate in this paper, reason to believe that the introduction of such a system would have a positive effect on both voter turnout and reduction of the democratic deficit, and is therefore worth pursuing.

LITERATURE

Almond, Gabriel and Sidney Verba. 1963. The Civic Culture: Political Attitudes and Democracy in Five Nations. Sage Publishing

Arendt, Hannah. 1958 (1998). *The Human Condition.* Chicago: University of Chicago Press

Balibar, Etienne. 2004. *We, the People of Europe? Reflections on Transnational Citizenship.* Princeton: Princeton University Press

Banducci, Susan. 2005. Turnout in the 2004 European Parliamentary Elections: Campaigns and the Mobilization of Euroskeptic Voters. Available at: http://www.ucd.ie/civicact/campaigns-euroscepticvoters.pdf.

Bardi, Luciano. 2002a. Parties and Party Systems in the European Union. In *Political Parties in a Changing Europe: Political and Analytical Challenges*, eds. Kurt Richard Luther and Ferdinand Müller-Rommel, 293-322. Oxford: Oxford University Press.

Bardi, Luciano. 2002b. Transnational Trends. The Evolution of the European Party System. In *The European Parliament. Moving towards democracy in the EU*, eds. Bernard Steunenberg and Jacques Thomassen, 63-83, Oxford: Rowman and Littlefield

Bellamy, Richard and Alex Warleigh (eds.). 2001. *Citizenship and Governance in the European Union.* New York: Continuum

Belli, Robert F., Michael W. Traugott, Margaret Young and Katherine A. McGonagle. 1999. Reducing Vote Overreporting in Surveys: Social Desirability, Memory Failure, and Source Monitoring. The Public Opinion Quarterly 63(1): 90-108

Benhabib, Seyla. 2002. Political Theory and Political Membership in a Changing World. In *Political Science: The State of the Discipline*, ed. Ira Katznelson and Helen V. Milner, 405-432. Columbia: Columbia University

Bernstein, Robert, Anita Chadha and Robert Montjoy. 2001. Overreporting Voting: Why It Happens and Why It Matters. *The Public Opinion Quarterly* 65(1): 22-44

Blais, Andre and Marc Andre Bodet. 2006. Does Proportional Representation Foster Closer Congruence Between Citizens and Policymakers? *Comparative Political Studies* 39(10) : 1243-1262

Blomgren, Magnus. 2003. *Cross-pressure and political representation in Europe. A comparative study of MEPs and the intra-party arena.* Umea University

Blondel, Jean, Richard Sinnott and Palle Svensson. 1997. Representation and voter participation, *European Journal of Political Research* 32: 243–272.

Bobbio, Norberto. 1997. Left and Right. The Significance of a Political Distinction. Chicago: University of Chicago Press

Carey, John and Matthew Shugart. 1995. Incentives to cultivate a personal vote. *Electoral studies* 14(4): 417-439.

Cipek, Tihomir. 2004. Politike identiteta Europske unije: u "potrazi za kolačičima male Madeleine". Anali hrvatskog politološkog društva. 1(1): 139-149

Cipek, Tihomir. 2007. Institucionalni dizajn i demokratski deficit Europske unije. *Društvena istraživanja* 4-5: 851-865.

Closa, Carlos. 2001. Requirements of a European Public Sphere. Civil Society, Self, and the Institutionalisation of Citizenship. In: *European Citizenship between National Legacies and Postnational projects*, eds. Klaus Eder and Bernhard Giesen, 180-204, Oxford: Oxford University Press

Corbett, Richard, Francis Jacobs and Michael Shackleton. 2005. *The European Parliament.* London: John Harper Publishing

De Beus, Jos. 2001. Quasi-National European Identity and European Democracy. *Law and Philosophy* 20 (3): 283-311

Deloye, Yves and Michael Bruter. 2007. *Encyclopaedia of European Elections*. Palgrave Macmillan

Duchesne, Sophie. 2009 (forthcoming). Waiting for European identity…Preliminary thoughts about the identification process with Europe. Available at: http://oxpo.politics.ox.ac.uk/materials/SD_Waiting_EuropeanIdentity.pdf

Eder, Klaus and Bernhard Giesen. 2001. European Citizenship: An Avenue for the Social Integration of Europe. In *European Citizenship: Between National Legacies and Postnational Projects*, eds. Klaus Eder and Bernhard Giesen. Oxford: Oxford University Press, 2001

Evans, Jocelyn A.J. 2004. *Voters and Voting: An Introduction*. London: Sage Publishing

Farrell, David M. 1997. *Comparing Electoral Systems*. Prentice Hall/Harvester Wheatsheaf

Flickinger, Richard S., Staci L. Rhine, Linda L.M. Bennett and Stephen E. Bennett. 1997. *In Search of European Citizens: A Policy Preference Based Approach*. Paper prepared for presentation at the 1997 Biennial Conference of the European Community Studies Association; Seattle, Washington; May 29-June 1.

Follesdal, Andreas and Simon Hix. 2006. Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik. *Journal of Common Market Studies* 44(3): 533-562.

Fossum, John Erik. 2004. *Constitutional Patriotism, Canada and the European Union*. Available at: http://ideas.repec.org/p/erp/reconx/p0004.html

Geys, Benny. 2006. Explaining voter turnout: A review of aggregate-level research. *Electoral Studies* 25: 637e663

Grey, Thomas C. 1979. Constitutionalism: an Analytic Framework. In *Constitutionalism*, eds. Peenock, J. and J. Chapman, 189-209. New York: New York University Press

Grofman, Bernard and Arend Lijphart. 2003. *Electoral Laws and Their Political Consequences*. New York: Agora Publishing

Grubiša, Damir. 2005. 'Demokratski deficit' EU. Le Monde Diplomatique.

Grubiša, Damir. 2005. Europski ustav i politički sustav Europske unije. Anali Hrvatskog politološkog društva 1(1): 53-77

Habermas, Jürgen. 2001. Why Europe Needs a Constitution. *New Left Review* 11: 5-26

Hagemann, Sara. 2009. Strength in numbers? – Evaluation of the 2004-2009 European Parliament. Available at: http://www.epc.eu/TEWN/pdf/539093269_EPC%20Issue%20Paper%2058%20-%20Strength%20in%20numbers.pdf

Hix, Simon. 1995. Parties at the European Level? A 'Comparative Politics Theory' of Development of European Party Federations. *European Union Studies Association (EUSA) Biennial Conference May 11-14,* Charleston, South Carolina. Available at: http://aei.pitt.edu/7299/

Hix, Simon and Christopher Lord. 1997. *Political Parties in the European Union.* Palgrave Macmillan

Hix, Simon. 2002. *Why the EU Should Have a Single President and How She Should be Elected.* Available at: http://personal.lse.ac.uk/HIX/Working_Papers/Why%20the%20EU%20Should%20Have%20a%20Single%20President.pdf

Hix, Simon, 2004. *Possibilities for Euro Parties: 2004 and Beyond.* Available at: http://personal.lse.ac.uk/HIX/Working_Papers/hix-possibilities_for_euro_parties.pdf

Hix, Simon. 2005. *The Political System of the European Union.* Palgrave Macmillan.

Hix, Simon. 2006. Why the EU Needs (Left-Right) Politics: Policy Reform and Accountability are Impossible Without It, Policy Paper No. 19, Paris: Notre Europe

Hix, Simon and Michael Marsh. 2007. Punishment or Protest? Understanding European Parliament Elections. *The Journal of Politics* 69(2) 495-510.

Hix, Simon and John Carey. 2008. *The Electoral Sweet Spot: Low-Magnitude Proportional Electoral Systems.* Available at: http://personal.lse.ac.uk/HIX/Working_Papers/Carey_Hix-Electoral_Sweet_Spot-13Oct08.pdf.

Hix, Simon, Abdul Noury and Gerard Roland. 2005. Power to the Parties: Cohesion and Competition in the European Parliament, 1979-2001. *British Journal of Political Science* 35(2): 209-234.

Hix, Simon, Abdul Noury and Gerard Roland. 2006. Dimensions of Politics in the European Parliament. *American Journal of Political Science* 50(2): 494-511

Hix, Simon, Abdul Noury and Gerard Roland. 2007. *Democratic Politics in the European Parliament.* Cambridge: Cambridge University Press

Hix, Simon and Sara Hagemann. 2008. *Could Changing the Electoral Rules Fix European Parliament Elections?* Available at: http://personal.lse.ac.uk/HIX/Working_Papers/Hix_Hagemann-Can_EP_Elections_Be_Fixed-7Nov08.pdf

Huber, John D. and G. Bingham Powell. 1994. Congruence Between Citizens and Policymakers in Two Visions of Liberal Democracy. *World Politics* 46(3): 291-326

Judge, David and David Earnshaw. 2003. *The European Parliament.* Palgrave Macmillan

Johnson, James. 2001. Inventing Constitutional Traditions: the Poverty of Fatalism. In *Constitutional Culture and Democratic Rule*, eds. John Ferejohn et al, 71-109. Cambridge: Cambridge University Press

Karp, Jeffrey A. and Susan Banducci. 1999. The Impact of Proportional Representation on Turnout: Evidence from New Zealand. *Australian Journal of Political Science* 34(3): 363-377

Karp, Jeffrey A., Susan A. Banducci and Shaun Bowler. 2003. To Know it is to Love it?: Satisfaction with Democracy in the European Union. Comparative Political Studies 36 (3): 271-292

Karp, Jeffrey A. and David Brockington. 2005. Social Desirability and Response Validity: A Comparative Analysis of Overreporting Voter Turnout in Five Countries. The Journal of Politics 67(3): 825-840

Kasapović, Mirjana. 2003. *Izborni leksikon.* Zagreb: Politička kultura

Katz, Richard S. 2001. Models of Democracy. Elite Attitudes and the Democratic Deficit in the European Union. *European Union Politics* 2(1): 53-79

Kleinsteuber, Hans. 2001. Habermas and the Public Sphere: From a German to a European Perspective, *Javnost*, 8: 95-98.

Kumm, Mattias. 2008. Why Europeans Will Not Embrace Constitutional Patriotism. International Journal of Constitutional Law 6(1): 117-136

Lacroix, Justine. 2002. For a European Constitutional Patriotism. *Political Studies* 50: 944-958

Lever, Annabelle. 2009. Is Compulsory Voting Justified? *Public Reason* 1(1): 57-74

Lehning, Percy B. 2001. European Citizenship: Towards a European Identity? *Law and Philosophy* 20(3): 239-282

Lijphart, Arend and Bernard Grofman. 1984. *Choosing an Electoral System. Issues and Alternatives.* New York: Praeger Publishing

Lijphart, Arend. 1995. *Electoral Systems and Party Systems. A Study of Twenty-Seven Democracies, 1945-1990.* Oxford: Oxford University Press

Magnette, Paul and Justine Lacroix. 2005. Does Europe Need 'Constitutional Patriotism'? A Transatlantic View. *European Political Science* 4: 209–218

Majone, Giandomenico. 1998. Europe's 'Democratic Deficit': The Question of Standards. *European Law Journal* 4 (1): 5–28

Masoud, Tarek E. and Thomas B. Pepinsky. 2001. Electoral Rules, Coalitions, and Price Levels: Evidence from PR Governments. Available at: http://www.google.hu/search?q=Masoud%2C+Tarek+E.+and+Thomas+B.+Pepinsky.+2001.+Electoral+Rules%2C+Coalitions%2C+and+Price+Levels%3A+Evidence+from+PR+Governments.+&ie=utf-8&oe=utf-8&aq=t&rls=org.mozilla:en-US:official&client=firefox-a

Mather, James D. 2005. European Parliamentary Electoral Law and the 2004 Elections: Towards Uniformity or Commonality? In *The 2004 elections to the European Parliament*, ed. Juliet Lodge. Palgrave Macmillan.

Meehan, Elizabeth. 1993. *Citizenship and the European Community*. London: Sage Publications Ltd.

Mintas Hodak, Ljerka, ed. 2004. *Uvod u Europsku Uniju*. Zagreb: MATE.

Moravcsik, Andrew. 2002. In Defence of the 'Democratic Deficit': Reassessing Legitimacy in the European Union. *Journal of Common Market Studies* 40(4): 603-624.

Muehleisen, Hans-Otto. 2004. Juergen Habermas i europska integracija. *Politička misao* 16 (4): 22–34.

Müller, Jan-Werner. 2008. A General Theory of Constitutional Patriotism. Available at: http://online.ceu.hu/polsci/teaching/seminarpapers/mueller.pdf

Müller, Jan-Werner. 2009. A 'Thick' Constitutional Patriotism for the EU? On Morality, Memory and Militancy. In: Erik O. Eriksen, Christian Joerges, and Florian Rodl, eds., *Law, Democracy, and Solidarity in a Post-National Union: The Unsettled Political Order of Europe* (London: Routledge, forthcoming); Available at: http://www.princeton.edu/~jmueller/CP-ThickCPEurope-JWMueller.pdf

Nohlen, Dieter. 1992. *Izborno pravo i stranački sustav*. Zagreb: Školska knjiga

Norris, Pippa. 2004. *Electoral Engineering. Voting Rules and Political Behaviour*. Cambridge: Cambridge University Press

Olsson, Ann. 2006. *The Puzzle of Voter Turnout in Elections to the European Parliament*. Available at: http://www.allacademic.com/meta/p68380_index.html

Petković, Krešimir. 2007. Neke dvojbe u vezi s manihejskim mitom: je li europski politički identitet moguć? *Društvena istraživanja* 16(4-5): 805-827

Podolnjak, Robert. 2006. Uzroci neuspjeha europskog ustava iz perspective ustavotvorstva. *Anali hrvatskog politološkog društva* 03: 177-206

Popper, Karl. 2002. *The Logic of Scientific Discovery*. London: Routledge.

Posavec, Zvonko. 2000. Intervju prof. dr. Zvonka Posavca s prof. dr. Peterom Häberleom (Bayreuth/St. Gallen) 24. srpnja 2000. Politička misao 37(3): 22-35

Posavec, Zvonko. 2000. Ustav bez države. Politička misao 37(3): 36-46

Posavec, Zvonko. 2001. Napomena o patriotizmu, domovini i nacionalizmu. *Politička misao* 38(2): 111-112

Reif, Karlheinz and Hermann Schmitt. 1980. Nine Second-order national Elections – a Conceptual Framework for the Analysis of European Election Results. *European Journal of Political Research* 8: 3-44

Rousseau, Jean Jacques. 1762. *The Social Contract or Principles of Political Right*. Available at: http://www.constitution.org/jjr/socon.htm

Scharpf, Fritz W. 1999. Governing in Europe: Effective and Democratic? In *Political Representation and Legitimacy in the European Union*, eds. Schmitt, Hermann and Jacques Thomassen. Oxford: Oxford University Press

Scheuer, Angelika and Hermann Schmitt. 2006. Dynamics in European Political Identity. In *European Elections after Eastern Enlargement. Preliminary Results from the European Election Study 2004*, eds. Michael Marsh, Slava Mikhaylov and Hermann Schmitt, 507-526. Mannheim

Scheuer, Angelika. 1999. A Political community? In *Political Representation and Legitimacy in the European Union*, eds. Schmitt, Hermann and Jacques Thomassen. Oxford: Oxford University Press

Schlozman, Kay Lehman. 2002. Citizen Participation in America: What Do We Know? Why Do We Care? In In *Political Science: The State of the Discipline*, ed. Ira Katznelson and Helen V. Milner, 433-461. Columbia: Columbia University

Schmitt, Hermann. 2005. The European Parliament Elections of June 2004: Still Second-order? *West European Politics*, 28(3): 650-679

Shugart, Matthew and Martin P. Wattenberg (eds). Mixed-Member Electoral Systems. The Best of Both Worlds? Oxford: Oxford University Press

Such, Jan. 2000. Nacionalni identitet naspram europskog identiteta. *Politička misao* 37(4): 83-88

Shaw, Jo. 2007. *The Transformation of Citizenship in the European Union. Electoral Rights and the Restructuring of Political Space.* Cambridge: Cambridge University Press

Smith, Anthony D. 1992. National Identity and the Idea of European Unity. International Affairs (Royal Institute of International Affairs 68(1): 55-76

Soysal, Yasemin. 2001. Changing Boundaries of Participation in European Public Sphere. Reflections on Citizenship and Civil Society. In *European Citizenship Between National Legacies and Postnational Projects*, ed. Klaus Eder and Bernhard Giesen, 159-179. Oxford: Oxford University Press

Stavrakakis, Yannis. 2005. Strasti i identifikacije. Diskurs, užitak i europski identitet. *Politička misao* XLII(3): 89-115

Theiss-Morse, Elizabeth. 1993. Conceptualizations of Good Citizenship and Political Participation. *Political Behavior* 15(4): 355-380

Thomassen, Jacques. 2002. Parties and Voters: The Feasibility of a European System of Political Representation. In *The European Parliament. Moving towards democracy in the EU*, eds. Bernard Steunenberg and Jacques Thomassen, 15-35, Oxford: Rowman and Littlefield

Thomassen, Jacques, and Hermann Schmitt. 2004. Democracy and Legitimacy in the European Union. *Tidsskrift for samfunnsforskning* 45(2): 377-410. Available at: http://www.mzes.uni-mannheim.de/publications/papers/Schmitt_26_1_04.pdf.

Touraut, Caroline. 2005. Dynamic Study of the Relationships to Citizenship. The Case of Prisoners as Social Actors. Available at: http://champpenal.revues.org/document7122.html

Vasiljević, Snježana. 2006. Europsko građanstvo. In *Pridruživanje Hrvatske Europskoj Uniji 4: Izazovi sudjelovanja*, ed. Katarina Ott, 107-133. Zagreb: Friedrich Ebert Stiftung

Welsh, Jennifer M. 1993. *A People's Europe? European Citizenship and European Identity*. Florence: European University Institute

Wessels, Bernhard. 2002. Can the Circle Be Squared? Political Representation and Political Integration in Europe. In *The European Parliament. Moving towards democracy in the EU*, eds. Bernard Steunenberg and Jacques Thomassen, 37-62, Oxford: Rowman and Littlefield

Documents and court rulings

Case Rudy Grzelczyk v Centre public d'aide sociale d'Ottignies-louvain-La-Neuve. Available at: www.europa.eu

Eurobarometer 69. 2008. *4. The European union and its Citizens*. Available at: http://ec.europa.eu/public_opinion/archives/eb/eb69/eb69_part2_en.pdf

Regulation (EC) No 2004/2003 of the European Parliament and of the Council of 4 November 2003 on the regulations governing political parties at European level and the rules regarding their funding, available at: http://www.legaltext.ee/text/en/PH1850.htm