



What is a Legitimate Role for Euro-citizens?

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This article presents a way of thinking about the legitimate role of citizens in European governance. It discusses factors that may enable or constrain political participation. The starting point is that the role of Euro-citizens depends on how the Union's future political order is envisioned. The more the Union is moving away from a special purpose organization with limited tasks, responsibilities and powers, and transforming itself into a full-blown polity, the more important it becomes to analyze the democratic quality of its political organization and system of governance.

In a large-scale and multi-level polity such as the EU, individual citizens cannot rely solely on their own direct participation. They have to trust institutions, intermediary organizations and agents that routinely, and with integrity, take care of their concerns, without continuous citizen' participation. Democracies require institutions that make participation effective as well as institutions that make direct participation redundant. One implication is that we need to understand better how different institutions of governance — hierarchical, specialized and open structures — mediate demands for political participation, actual participation and outcomes.

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A Citizens' Europe

Since Maastricht, democratic issues have increasingly preoccupied citizens, politicians and academics. Democratic themes have also become a more central part of the EU agenda.¹ It is commonplace to assume a 'democratic deficit' and the President of the Commission, Romano Prodi, even talks about 'the democratic malaise that the Union is suffering' (Prodi, 2001a,3). It is observed that many citizens feel alienated from the Union, that the current disenchantment has to be counteracted, and that the Union has to be brought closer to its citizens (European Commission, 2001a,b; Prodi, 2001a). According to the Commission, the Union 'will no longer be judged solely by its ability to remove barriers to trade or to complete an internal market; its legitimacy today depends on involvement and participation' (European Commission, 2001a,



18). There is a need for direct democratic legitimacy and therefore a stronger role for citizen-based institutions in the governance of the Union. Efficiency has to be supplemented by making rulers accountable to European citizens. Improved legitimacy also requires more transparency and a European sphere of public debate. The Union needs informed citizens with better access to policy makers — citizens who are able to influence, reject or reverse decisions (to be) made in their name (Schmitter, 2000). There is, however, no consensus on whether it is necessary, possible and desirable to democratize Europe, or on the meaning, significance and application of democratic standards in the governance of the Union.²

From a democratic perspective, the standards used to assess legitimate participation should reflect what European citizens want Europe to be, what they want to have together as Europeans and how they want to be governed. The legitimate role for Euro-citizens in the governance of Europe then depends on how the Union's future political order is envisioned.³ The more the Union moves away from a special purpose organization with limited tasks, responsibilities and powers, and transforms itself into a full-blown polity, the more important it is to analyze the democratic quality of its political organization, system of governance and the role of citizens. A key aspect is to what degree citizens on an equal basis can influence their life chances and the development of the Union through participation in the governance of common affairs.

Are European citizenship and participation likely then to enhance democracy and provide remedies to alienation and disenchantment? Is participation a way to improve the legitimacy of European institutions and policy-making? Is it a way to build a knowledge-based innovative society? This article presents elements of a framework for thinking about a legitimate role of citizens in European governance and discusses some factors that may enable or constrain political participation in the Union. The aspiration is to generate some research questions and hypotheses as a starting point for further exploration and possible empirical validation. The rest of the article is divided into five parts. First, a democratic framework for analyzing legitimate participation is presented. Second, the article looks at how participation is mediated by various institutions. Third, it is observed that trust in institutions and agents varies across social groups and changes over time. Fourth, some research challenges are presented. Finally, the question is raised whether democratic participation is likely to become a more significant aspect of EU governance.

A Democratic Perspective on Participation

Democratic citizenship is an institution — a set of rules and practices — that organizes the relationship between ruled and rulers, and between individual



citizens and the agents and institutions of governance to which they are subject. Democratic citizenship prescribes principles and standards for assessing other institutions and their relationships, for example, by specifying legitimate distributions of tasks, objectives, procedures, citizens' rights, freedoms and obligations, as well as universal human rights, economic rights and allocations of substantive goods and burdens. One basic principle of democratic citizenship is that those affected by decisions should be able to influence common affairs on equal terms. They should see themselves as the authors of the law and also be treated with equal respect and have their concerns treated equally.

What Eder and Giesen (2001, 267) call the modern myth of free and equal citizens is based on the assumption that all adult members of a society are equally competent and affected by political decisions and therefore should have equal right of participation in the governance of common affairs. However, when analyzing the legitimate role of Euro-citizens, it is important to take into account that citizens in fact do *not* have equal capabilities and resources, and that they usually spend limited time, energy and attention on politics. For example, limited citizen interest in public issues, low voter turnout and low prestige for politicians and politics are common in contemporary democracies. Therefore, a focus on the struggle for participation should not be allowed to overshadow the reality that participation is sometimes conceived as a duty or as uninteresting and irrelevant (Olsen, 1976).

Observing that citizens have other objectives than political participation, Dahl (1987, 203) suggests that citizens are able to assess the conditions under which standards of parliamentary democracy, majority governance and the principle of equal participation should be applied, and the conditions under which public authority should be delegated to non-majoritarian institutions and agents — bureaucrats, judges, scientists, experts, representatives of organized interests or business leaders. Likewise, citizens are seen as able to assess the conditions under which objectives and concerns can be better achieved by keeping them off the public agenda and free of public intervention. One aspect of citizenship then is participation. Others are public services, freedoms and immunities. These aspects reflect two principles of democratic legitimacy: government *by* the people and government *for* the people. They reflect legitimacy and accountability by input and output, by participation and procedure and by results and problem-solving capacity (Majone, 1998; Scharpf, 1999; Schmitter, 2002).

In modern democracies, collective identity is a symbolic marker of belonging together (Eder and Giesen, 2001). Yet modern society is often more oriented towards functionality and instrumental task efficiency than local traditions and stable belongings (March and Olsen, 1995). In a large-scale, multi-level, polycentric, complex and dynamic polity such as the EU, individual citizens



clearly cannot rely solely on their own direct participation to influence their life chances and societal developments. Rather they have to rely on institutions, intermediary organizations and agents that routinely and with integrity take care of their rights, interests and concerns, without continuous citizens' participation.

A tentative hypothesis is that the more a single, shared and stable objective, such as winning a war or improving economic competitiveness, has a privileged position in a polity, the more likely it is that problem-solving and decision-making are left to non-majoritarian ('guardian') institutions and experts. The main criterion of good governance is based on the ability to deliver services in an efficient and coherent way. Likewise, in situations where there is agreement on stable rules for coping with enduring conflicts, tasks and competence are likely to be delegated to non-majoritarian institutions and agents. Hence, conflicts, and even crises, are dealt with in routine, predictable and acceptable ways. In general, strong trust in institutions, organizations and agents tends to reduce the demand for citizen participation. As a corollary, the more tasks and powers are transferred to the Union level, the less agreement on tasks, objectives, procedures, rules and the less trust in institutions and agents there is, the more likely are demands for representation and participation, or for a reduction of the public agenda and protection against political intervention. In particular, such demands can be expected in situations where previously shared objectives and expectations are threatened.

For example, if aspirations for a knowledge-based and innovative society are seen as primarily a question of efficient markets and improved economic competitiveness, some actors may rightly claim that they can contribute more to goal achievement than can others. When, however, the challenge of a future Europe is seen as a question of balancing *economic* concerns (efficiency, growth, competitiveness, wealth) with *social* concerns (inclusion, cohesion, solidarity, avoiding social unrest), *ecological* sustainability and *political-democratic* concerns (transparency, accountability, participation and representation), it is less obvious who are the experts and how to adjudicate the necessary trade-offs involved. Institutions of governance have to cope with competing visions and priorities and with enduring differences, tensions and cleavages.

Democratic governance requires difficult and well-known institutional balancing acts: How to guarantee majority governance without majority tyranny? How to achieve political effectiveness and secure constitutional rights and freedoms? How to make political leaders responsive to public opinion and avoid shallow populism? How to use neutral experts and secure professional integrity and avoid technocracy? How to secure the rule of law without excessive formalism? How to ensure that specially affected interests are heard without giving privileges to strongly organized interests?



How to use markets and price mechanisms without producing social inequality and unrest?

These are basic political questions without ‘correct’, ‘optimal’ or expert answers. The use of a functional–instrumental language, emphasizing ‘good governance’ and ‘improving EU institutions and working methods’, is unlikely to remove conflict over the continent’s political organization and institutional power balance. Indeed, such language may well exacerbate disputes. We are then back to the old democratic idea that both problem definitions and answers should arise out of democratic processes and that citizen participation is the best guarantee for making rulers address in an informed way the issues that concern citizens. Democracies thus need to develop institutional arrangements that make participation effective as well as institutions that make direct participation redundant.

Institutions and Participation

Political orders provide different, and partly competing, concepts of political, social, economic and cultural citizenship. They also provide different repertoires of institutionalized ‘channels’ or opportunity structures for citizens’ access and participation (Nentwich, 1998). Institutions discriminate in different ways between legitimate participants and resources. They have different access rules regulating who can participate in which decisions, in what contexts and in what ways. They also provide different incentives and obstacles for participation. They regulate which individual and group resources can legitimately be used in an institutional context and they socialize and *form participants* differently (March and Olsen, 1989; Olsen, 1997, 2001). Therefore, different institutional power balances imply different patterns of legitimate or privileged involvement by citizens and agents.

One implication of this is that we need to understand how institutions of governance mediate demands for political participation and actual participation. Such understanding can be developed in relation to specific institutions, like the European Parliament, the Council, the Commission, the Court of Justice, the Central Bank or committee committees. Here, however, the legitimate role of EU citizens is related to three current stylized Union developments — hierarchical, specialized and open institutional structures (Cohen *et al.*, 1972).⁴

Hierarchy and parliamentarization

Parliamentarization of the Union will make majority government based on representative democracy, hierarchical and legally binding public authority and legitimate coercion, legislatures, political parties and competitive elections of



the institutional centerpieces. Wessels and Katz (1999, 3) argue that 'if the emerging European political order is to qualify as democratic in any meaningful sense, parliaments as representative institutions will have to play a central role'. They observe a consensus: that democracy requires parliament to play a major role. Yet, there is disagreement about the proper role of national parliaments and the powers of the European Parliament (Wessels and Katz, 1999, 4,13).

Still, both national parliaments and the European Parliament may be strengthening their positions, as reflected in new competence for the European Parliament and the national parliaments' central position in the ongoing Convention on the future of the Europe Union preparing the 2004 Intergovernmental Conference.⁵ Elements of federalization may also lead to a clearer demarcation of their respective spheres of authority, a development reflected in attempts to constitutionalize and 'charter' Europe (Eriksen *et al.*, 2001; Menéndez, 2002). Likewise, a 'responsible party model' is envisioned in the Maastricht Treaty and seems to be gradually evolving. Then, the criteria of legitimate citizen participation are like those of domestic representative democracies. Participation is primarily linked to electing representatives and indirectly influencing specific policy outcomes. As observed by Hix, the post-1999 European Parliament operates much like domestic parliaments in Europe. Voting behavior and coalition formation is primarily structured by the traditional left-right cleavage, dividing the EP along party-affiliation more than national lines, with different coalitions forming around different issues (Hix, 2001).

Specialized structures and autonomous institutions

A European development towards (partly) autonomous institutions, such as the Central Bank, regulatory commissions and autonomous agencies, is part of an international trend of transferring tasks and powers from elected to non-elected decision-makers and moving agencies farther away from direct political influence and control. It is assumed that citizens trust institutions and agents to act with integrity for the common good. Institutions are organized around fairly specific and stable tasks, objectives and roles, and on the basis of publicly known principles and rules and predictable and legitimate results. Agents are trusted not to act on the basis of institutional egoism, self-interest or the interest of specific groups.

Historically, the principle of autonomy has been applied with varying degrees at a variety of institutions such as Courts of law, public bureaucracies, statistical agencies and universities. In the EU, examples are the European Court of Justice, the European Central Bank, regulatory commissions and autonomous agencies. The Commission has also suggested that the EU



administration in general should be more based on framework directives, leaving additional room for policy execution to administrators and scientific experts (European Commission, 2001a).

What, then, are legitimate citizens' roles in relation to autonomous institutions, that is, non-majoritarian institutions partly removed from the direct control of elected agents and representative institutions? Autonomous structures sometimes have an element of citizen representation. Yet, a key democratic concern is to ensure institutionalized guarantees for transparency, so that citizens can monitor how institutions work, discuss how they should work, and sanction deviations from legitimate behavior and misuse of public power. Rather than a focus on electing rulers or influencing specific decisions, attention is focused on issues of a 'constitutional' nature, such as under what conditions various institutions and agents deserve autonomy. That is, citizens' attention is directed towards the legitimate tasks, objectives, principles, rules, workings and outcomes of various institutions, the power balance between them, and how to prevent institutional egoism, encapsulation, capture and misuse of public authority.

Open structures and network building

An alternative development is a Union dominated by fairly open and loosely coupled functional networks, involving bargaining among a variety of actors from different levels of governance and across the public-private divide. The Union has seen a 'networking revolution' (Prodi, 2001a) and has developed 'a tremendous variety of European and international networks focused on specific objectives' (European Commission, 2001a, 33). The White paper on the future political organization and governance of Europe also suggests that the policy-making process should be opened up in order to get more citizens and organizations involved in shaping and delivering EU policies (European Commission, 2001a).

In the scholarly literature, network governance has been portrayed as a new systematic understanding of governing and a special way of balancing unity and diversity (Eising and Kohler-Koch, 1999, 13). The champions of network governance have seen it as a remedy against the failures of markets and the hierarchical, interventionist administrative state. As a policy instrument, it is often assumed to combine rich horizontal information with central reflection and coordination and to ensure system learning and adaptability (Overdevest, 2002). In contrast to markets, networks structure relations between public authorities and civil society. In contrast to representative government based on law and hierarchy, 'governance' through networks is a non-hierarchical and a voluntary, non-coercive mode of governing where soft coordination replaces ordinary legislation and 'hard law'. It is seen as flexible, open, self-organizing,



issue-oriented and deliberative, and sometimes involving elements of market-like mechanisms. Networks are producing a changed power-balance between government, organized societal groups and business firms. It is a form of multi-level and poly-centered ‘ordered complexity’, rather than a form based on a single dominating center with the authority and resources to command and make compulsory legal rules.⁶ Leaders use persuasion and inducements and suggest standards of behavior and outcomes. Legitimate citizen participation is based on roles like stakeholders, ‘affected groups’, users, clients, customers and knowledge holders. Participation is primarily focused on influencing specific policy outcomes.

The ‘open method of coordination’ developed around the Lisbon process and the Lisbon Council in March 2000, has in particular been seen as an example of this new mode of governing. The open method is characterized by voluntary agreements on the challenges facing the EU, shared analysis and consensus on objectives, guidelines and timetables for reaching targets, and learning through systematic monitoring, benchmarking, peer reviews, scoreboards, identification of best practice and ‘shaming’ (Laffan, 2002). Hérítier, however, questions the importance and newness of the open method. She observes that it is used in a limited number of policy areas and primarily in areas where the Union does not have a clear mandate and where its competence is contested. Usually there are elements of bargaining over targets and indicators and bargaining takes place in the shadow of government, hierarchy and legislation. Hérítier observes a selective involvement of private actors that does not allow all those affected to have a voice in shaping policies. Furthermore, the Commission has also used this mode of governing earlier when it has moved into new policy areas where its competence has been problematic, often as a first step towards legislation (Hérítier, 2002; see also Dehousse, 2002; de la Porte, 2002).

All three stylized decision-making structures have an element of deliberation, yet deliberation is organized primarily around elected representatives, professions or epistemic communities and affected parties. From a democratic perspective, however, deliberation needs to be supplemented by free public discourses involving civil society at large. Only then can citizens be involved in an open debate about what principles, norms and codes should be governing common affairs; the appropriate tasks, powers and responsibilities of specific institutions and agents; and the legitimate role of Euro-citizens in the governance of the Union.

The Varying and Changing Trust in Institutions, Agents and Citizens

Assessments of institutions and agents in the EU are fairly predictable and reflect institutional belongings. For example, social partners and other



organized interests want more participation. The Commission is arguing for a strong role for itself and the Community method. The Commission also wants to develop a trans-national public sphere and give regional and local authorities and civil society a more important role in giving voice to the concerns of citizens and the delivery of services (European Commission, 2001a, 28,40).

Not surprisingly, the European Parliament Committee on Constitutional Affairs (2001) is arguing for a parliamentarization of the Union, 'because only institutions with democratic legitimacy can take accountable legislative decisions'. Civil society representatives cannot be regarded as having democratic legitimacy of their own, given that they are not elected by the people and cannot be voted out by the people. Furthermore, the committee wants strict limits of horizontal delegation of powers to autonomous EU regulatory agencies and vertical delegation of powers and tasks directly by the Union to regional or local organs. Autonomous agencies should only be used if specific scientific expertise is required or in purely technical decisions with no political dimension. Autonomy should not reduce judicial scrutiny. Framework directives must be accompanied by adequate mechanisms for democratic control.

European citizens have not developed shared views on the normative authority of institutions and agents and those on which institutions and agents deserve trust and confidence. To the degree that they have an opinion at all, they tend to disagree about what are legitimate standards of assessment, as well as how well different institutions and agents express, implement, and shape the will and mentality of the people.

Likewise, political ideologies express trust in, and fear of, different institutions, agents and political resources. They express different views about the desirable power balance between institutions and whether and how different resources should be regulated. They have different trust in the common (wo)man and elected representatives, bureaucrats, judges, experts, leaders of organized interests and business people. Some are afraid of majority-based institutions, numbers and majority power. Others are afraid of markets and monetary power, administrations and bureaucratic and technocratic power, courts and the power of judges, science-based institutions and expert power, or corporative arrangements and organizational power. They have different opinions about how individual and group resources may be legitimately used and often such convictions are rather unaffected by new empirical evidence. Still, the normative climate and the trust institutions and agents do change over time.

How, then, do EU authorities see the relative importance of citizens' participation in the governance of the Union? Measured by the frequency of words like 'democracy' and 'a citizens' Europe' in speeches, democratic aspects



are currently given high priority in the Union. Still, the concept of European citizenship introduced by the (Maastricht) Treaty on European Union of 1992 gave few legal rights, and its importance was by some seen to lie in its symbolic value and its potential as a dynamic program towards a stronger European citizenship (Rosas and Antola, 1995).

Those dynamics do not impress everybody. We are warned that ‘the citizen is usually quickly forgotten’ (Neunreither, 1995, 1), and that ‘the Union is still predominantly a market and most of its freedoms to move are of interest only for property and commodity owners’ (Von Beume, 2001, 80). The European Ombudsman also complains that major achievements, such as new rules on access to documents and good administration as a fundamental right of citizenship, are implemented in a less than perfect way (European Ombudsman, 2002).

In the White paper on the future of Europe, connecting the European Union to its citizens seems to mean identifying clear policies and objectives within an overall vision of where the Union is going. People need to understand better the political project that underpins the Union. The Union need clear principles identifying how competence is shared between the Union and the member states (European Commission, 2001a). The Commission directs attention more towards delivering policies and ‘government for the people’ than citizen participation and ‘government by the people’.

Of course, Union authorities know a lot about the opinions of European citizens. The EU has been monitoring public opinion for more than 25 years, in particular the shifting public support for, and knowledge about, the EU. A recurrent theme has been citizens’ attachment to and identification with the Union (European Commission, 2001b). European citizens are concerned about the Union’s ability to ‘deliver’ on substantive issues such as employment, environmental issues, crime and drug trafficking. They are afraid of losing jobs and social benefits, and they emphasize the need to maintain peace and security. Yet, they are also concerned about not being well informed about the EU. They give priority to guaranteeing the rights of the individual and respect for the principles of democracy in Europe. On average only four out of 10 EU citizens are satisfied with the way democracy works in the Union (European Commission, 2001b). In brief, European citizens in principle want government for the people as well as government by the people.

Such survey data are relevant, but they are to a limited extent part of a systematic effort to analyze the democratic quality and developments of the Union and the principles for political participation in the EU. There are limited traces in public documents of scholarly attempts to clarify what democracy means, and how it functions, in the European context. This includes the academic development of theoretical ideas, normative standards, methodologies and how different institutions and forms of participation may contribute



to the democratic quality of the Union. It also includes work on developing systematic indicators of the democratic quality of European governance (Beetham, 1994; Lord, 2001).⁷

For example, compared to the number of institutionalized monitoring systems, surveillance exercises, indicators of progress, established databases and routine production of statistics developed in other fields, the situation is not impressive when it comes to indicators of the Union's democratic development and citizens' participation. As an illustration, Euro-stat has a website with 42 structural indicators agreed upon at the European Council meeting in Laeken. The indicators include general economic background, employment, innovation and research, economic reform, social cohesion, and environment. In comparison, there is not a single indicator of the Union's democratic deficit and whether the democratic quality of the Union is decaying or improving (Euro-stat, 2002).

Research Challenges

Will the European Union then win public support and improve integration through citizenship and political participation? The stakes are high. While the intention of introducing Union citizenship may have been to reduce discrepancies between current EU institutions and normative theories of democratic legitimacy and to enhance trust in EU governance, it may also produce mistrust and destabilize the European political order. This will be so when citizens come to expect democratic standards of governance and participation and there is limited political will and resources to satisfy such standards in the Union (Føllesdal, 2001, 322, 338). The general mechanism is well known — disappointment and backlash often follow if improvements in performance levels seriously lag behind increases in aspiration levels.

What, then, can the social sciences contribute? Better informed answers to the question of what is the legitimate role for Euro-citizens require several kinds of research. There is a need for normative theories of democratic legitimacy — theoretical ideas that prescribe indicators of democratic quality beyond the nation state framework and that provides a basis for a critical perspective on European government and society. There is also a need for empirical studies of Europe's 'living institutions', inspired by, and inspiring, normative democratic theory. A challenge for such studies is to show how single institutions, or configurations of institutions, work in practice and how they empower citizens or hinder their participation. Do they impact what kind of European development citizens want, the different ways in which citizens act individually, or how they organize for collective action? Do they influence the degree to which citizens are well informed about the visions, preferences and



decisions of leaders and experts? Do they impact the degree to which citizens are able to influence the election of leaders, the selection of experts, specific substantive policies, the organization and reorganization of institutions, and processes of public will formation? Here, only a few illustrations can be provided.

A trend towards *parliamentarization* makes it important to examine the elections to the European Parliament and ask why they fail to adequately perform the functions that democratic elections are generally expected to perform: representing citizens' interests, legitimizing power, and holding politicians accountable for how they use that power (Van der Eijk and Franklin, 1996). Another key issue is how the role of representative institutions, and the division of their powers and responsibilities across levels of governance may influence, and be influenced by, the development of European political parties. For example, a challenge is to study the substantive (policy) implications of the party politicization of the European Parliament along the traditional left–right cleavage documented by Hix (2001). Hix suggests that policy-making in the EP will not necessarily be dominated by pro-integration concerns. Rather, the EP, like domestic European parliaments, will over time reflect shifting public opinion, electoral results and the support given to different parties and ideologies, as well as the coalitions formed around issues such as economic competitiveness, political regulation, social welfare and redistribution, environmental sustainability, etc.

Likewise, studies of the impact of European integration on domestic politics, including voters and voting behavior, parties and party systems, interest mediation, political communication, executive–legislative relations, national executives, and judicial politics, are only just beginning (Goetz and Hix, 2001). Furthermore, there is a need for comparative studies of the European Parliament, the Council, the Commission and the Court in terms of transparency and access for various groups of citizens, as well as studies of auxiliary institutions, such as the European Ombudsman.⁸ Studies relating to what degree, and how, different groups of citizens seek to influence the Convention on the future of the Europe Union (and their degree of success) may throw light on the possibilities and limitation of participation.

A trend towards more *institutional autonomy* from majority institutions, the electoral process and public opinion sometimes reflects the ideal of competitive markets and accountability primarily for results, efficiency and the economic 'bottom line'. At other times, autonomy is legitimized with reference to the value of a rule, rights and role-bound public sector, the importance of due process, general public service ethics, codes of professional behavior and ordinary human honesty.

Specialized and autonomous institutions then are legitimated by their results, impartiality and effectiveness. A research task is to specify the



conditions under which they live up to such ideals. This task also involves analyzing the conditions under which specialized and autonomous institutions operate without clear goals, rules, procedures or indicators of good results and hide basic political choices (including some with major redistributive effects) as questions of ‘efficiency’ and ‘technical matters’.

Furthermore, an increasing number of autonomous institutions in the Union make it crucial to study systems implications of such arrangements. From a systems perspective, it is important to understand how decomposable the tasks and activities of various autonomous institutions are, the degree to which their interdependence requires coordination in time and across institutions, and the consequences of dealing with interdependent issues which are difficult to decompose, through a loosely coupled system of partly autonomous institutions. Studies of the destiny of the Charter of Fundamental Rights, and the development of human rights more generally in the Union (Eriksen *et al.*, 2001), may also add to our understanding of how institutional autonomy and individual autonomy are related.

Network building and ‘governance’ are sometimes portrayed as a functional necessity as well as normatively desirable (Laffan, 2002). Non-hierarchical and non-specialized forms of governance are seen as normatively desirable because they allow more participants. They are seen as a functional necessity because no single institution or agent is able to extract, concentrate and control the resources required for solving problems and to make and implement binding decisions in contemporary volatile and complex polities. Institutions and agents do not have the trust or authority to dominate other actors, and weak political systems cannot rely on authority, commands and coercion. They have to use more ‘soft’ means of influence — giving information and advice, establishing a forum for dialogue, providing material incentives, etc.

A research question, then, is the conditions under which the democratic quality of relatively open structures will contribute to more, rather than less, equal citizen participation and influence. Even if such structures are open for more participants, their democratic quality is by no means obvious. Rather, no formal constraints on participation will make individual and group resources and the ability to mobilize the resources of others, more decisive for actual participation. Therefore, open structures can in practice contribute to unrepresentative patterns of participation (Olsen and Sætren, 1980; Héritier, 2002). This will be particularly so when participation makes strong demands on individual and group resources and capabilities, and when the distribution of resources relevant for participation is highly skewed.⁹ Furthermore, bargaining in networks creates an accountability problem by making it difficult to identify who has been influential and therefore who should be held accountable.



In a heterogeneous polity such as the EU, funding special groups in order to make resources more even can reduce disparities in participation and power only under certain conditions. For example, in a system where resources are distributed in a totally equal way and participants act on the basis of calculated self-interest, individuals and minorities whose preferences deviate greatly from the average will still end up as losers (March, 1988). Nevertheless, constituting agreed-upon rules, rights and roles can protect minority concerns. Such concerns can also be protected by deliberation in public spaces, a process where current preferences and beliefs are tested against universal or community-wide norms.

Such concerns can in particular be studied in the context of enlargement and the more heterogeneous Union citizenry that will follow. For example, champions of the open method of coordination are challenged to specify the conditions under which open and non-hierarchical network organization will help solve problems better than hierarchies and markets. The challenge includes patterns of participation and representation, as well as general coordination and learning capabilities. It also includes the ability to provide social inclusion, to combat poverty and to promote a willingness to sustain welfare provisions and redistribution — policy areas where expectations to the open method of coordination are high (Overdevest, 2002).

In general, the European Union seems to face a dilemma. On the one hand, democratic theory suggests a need to develop and sustain informed and capable citizens with democratic values, beliefs and integrity. Democratic theory also holds a promise that political participation, interaction and debates may help transform individuals into democratic and law-abiding citizens (March and Olsen, 1989, 1995). The research task, then, is to go beyond models focused solely on securing efficient aggregation of given (exogenous) preferences into a collective choice. The challenge is to improve our understanding of the conditions under which citizens and their preferences, expectations, beliefs and identities can legitimately be changed through political interaction.

On the other hand, it has been asked whether deliberative democracy and communicative rationality is at all possible outside nation states glued together by a national identity and solidarity (Peterson *et al.*, 1997; Scharpf, 1999; Weiler, 1999). Democracy and citizenship are concepts strongly linked to the framework of the nation state and current transformations of the European political order make their meaning, significance, application and implications less obvious. Nevertheless, changes in mentality — the ‘hearts and minds’ of citizens (Cepl, 2000), including the development of shared conceptions of legitimate principles and the appropriate role of institutions, agents and citizens (Habermas, 1996, 2001; Weiler, 1999) — are likely to be important



parts of the ongoing transformations of the European political order. Therefore, a research challenge is to understand whether, how, and within which institutional arrangements European citizens are learning to become more committed to common rules, codes of civic virtue and concepts of common good.

‘A New Belief in the Common Man’?

In 1942, Friedrich — observing the historical ups and downs of trust in the ability of ordinary citizens to take part in public governance — concluded that the war and the need to mobilize citizens in the war effort, had created ‘*A New Belief in the Common Man*’ (Friedrich, 1942). The European Union is now a laboratory for new ideas about political organization and governance. The Union is involved in a large-scale political experiment with an unknown outcome. It is suggested that ‘Laeken has launched a new constitutional phase in the building of Europe’ and that Europe is at an ‘historic turning point’. Among political leaders there is a perceived need to get Euro-citizens more involved, to ensure direct democratic legitimacy and to reduce the ‘democratic deficit’ of the Union.¹⁰

Is it then likely that citizen participation on an equal basis and majority-based institutions will become more significant parts of EU-governing? What legitimate roles are there for Euro-citizens in the future Union? This article has not been an exercise in normative democratic theory, prescribing criteria for the legitimate roles of Euro-citizens. Rather, the aspiration has been to suggest a framework for thinking about possible roles and how such roles are mediated differently by different institutional arrangements. It has been assumed that a key aspect of democratic citizenship is that citizens are the authors of the normative criteria according to which the democratic quality of EU governing and participation is assessed and ‘democracy’ is given meaning in the Union beyond the member state level.

A *democratic skeptic* will drive home Neunreither’s observation that citizen involvement tend to be quickly forgotten in the Union, and will interpret the current emphasis on citizen participation as rhetoric and cheap talk. Growing individualism and an increasing role for market forces in the governing of political and administrative institutions are unlikely to strengthen norms of equal participation based on citizenship. From a path-dependency perspective the EU, as an elite project primarily focused on economic concerns and legitimized by functional performance, will not change its identity overnight. Furthermore, added attention on external and internal security, issue areas where democratic concerns seldom have had top priority, is also unlikely to promote citizen participation. Neither is enlargement likely to do so, a situation that creates a heterogeneous and complex Union of more than half a



billion people where it will be difficult for individuals and groups to make an impact. Even a successful rights movement may reduce, rather than enhance, participation. This is simply because institutionalized freedoms and rights, which ensure acceptable outcomes without direct involvement, can easily make participation in everyday politics less attractive.

A *democratic optimist* will argue that the introduction of Union citizenship, the use of an open Convention in the revision of the Treaties, and the EU's emphasis on a 'citizens' Europe' with transparency, participation and accountability, will make a turn-around difficult without a serious loss of legitimacy. Now, institutions cannot be seen solely as part of an expediency project and as tools for efficient policy achievement. Institutional developments are also part of a normative project symbolizing a collective identity and constitutive democratic norms beyond immediate functional efficiency. Since the EU has already developed into a near-full-blown policy, direct democratic legitimacy will also be required. Furthermore, since there is no consensus on a single dominant political project or objective, it will be difficult to argue that there are 'right decisions' to be detected or developed in an apolitical and technocratic way. Rather, more tensions and politicization are likely.

For the democratic optimist, a strengthening of the European Parliament and national parliaments, together with the development of European political parties, will provide clearer alternatives of Euro-citizens and make them more motivated to participate. Enlargement will make traditional bargaining behind closed doors, with a veto for member states, less viable. This method will cause the Union's effectiveness and efficiency to be reduced and over time it will become obvious that an increasingly heterogeneous Union cannot be based solely on the aggregation of existing national preferences. Governing the Union will require development for some degree of constitutional patriotism, civic virtue and duty, and a logic of appropriateness, as well as an increased willingness to redistribute resources. Such developments, if achievable at all, can only occur through politicization and citizen involvement.

This article has suggested some factors that are likely to influence whether the democratic skeptic or the optimist will be right. One argument has been that much will depend on what Europeans want to have in common, and how they want to be governed, in the future. Furthermore, the outcome will depend on the trust citizens and leaders have, or are able to develop, in a variety of institutions, intermediary organizations and agents, including their beliefs in the abilities of citizens to participate in the governance of common affairs. It is not obvious which beliefs about democracy, citizenship and participation will win the day. For example, Euro-citizens have to straighten out how their low trust in political institutions and their high demands upon the same institutions are to be reconciled.



A possible contribution from the social sciences is to provide better analyses of how different institutional arrangements may help ensure or hinder participation, transparency, public debate, accountability and socially acceptable policy outcomes. That is, how, and to what degree, they: (a) create institutionalized options for citizen access, insight, participation and influence; (b) motivate citizens and make participation attractive; (c) empower citizens with relevant resources to make participation possible; (d) shape citizens into law-abiding democrats; or (e) make continuous citizen participation redundant.

Several complex balancing acts are involved; between participation and policy efficacy, between majority-based and non-majority-based institutions, and between hierarchical, specialized and open structures. In a complex polity such as the European Union, there will not be choices of an either-or character. A diversity of institutional arrangements and mechanisms of participation and accountability have to be expected. The challenge is to understand their interactive dynamics in the European Union as well as in other complex polities.

Notes

- 1 An earlier version of this article was presented at the Conference '*Policies, Institutions and Citizens in the Knowledge Society*' organized by the Spanish Presidency of the European Union Council and the European Commission, Barcelona, Universitat Pompeu Fabra, 6 and 7 May 2002. I thank Peggy Simic Brønn, John Erik Fossum, Colin Hay, Philippe Schmitter, Ulf Sverdrup and three anonymous referees for constructive inputs. As a Norwegian I am aware that there is more to 'Europe' than the European Union, yet this article deals with the EU.
- 2 For example, Beetham (1994), Habermas (1996, 2001), Føllesdal and Koslowski (1997), Majone (1998), Scharpf (1999), Chrysochoou (2000), Eriksen and Fossum (2000), Schmitter (2000), Lord (2001), Moravcsik (2002).
- 3 One of the anonymous reviewers found it odd that the article asked, what legitimate role for Euro-citizens, suggesting that the role had to be justified. *First*, the organizers of the conference gave the title. *Second*, all contemporary democracies differentiate between institutional spheres and roles that give different significance to elected representatives and citizens, as compared to judges, administrators, scientists, experts, etc. In the EU, the relationship between majoritarian and non-majoritarian institutions and forms of participation is of special relevance because many want the Union to derive its democratic legitimacy from the Member States' and not from democratization of European-level institutions.
- 4 In practice, of course, there will always be a question of institutional mixes and configurations, and not stylized and purified types. The important role of domestic referendums in EU matters will not be dealt with here (Kaufmann, 2002).
- 5 The Convention on the future of Europe is led by former French president Giscard d'Estaing, and was opened on 28 February, 2002. The Convention involves 105 members from Member States as well as candidate countries, including representatives of national governments and Parliaments, the European Parliament and the Commission. On the agenda are issues such as, how to bring European citizens closer to the Union, how to organize governance and politics in



- an enlarged Union, how to simplify the Treaties and how to make the Union a more important global actor. The Convention does not have any formal decision-making authority.
- 6 Rhodes (1997), Börzel (1998), Eising and Kohler-Koch (1999), Kohler-Koch (2002), Laffan (2002), Overdeest (2002). A number of papers addressing the open method of coordination can be found on <http://wisconsininfo.doit.wisc.edu/eucenter>.
 - 7 There are several examples of indicator-building, for example the Inter-University Consortium for Political and Social research: cross-national indicators of liberal democracy lead by Kenneth A. Bollen <http://www.icpsr.umich.edu:8080/ABSTRACTS/02532.xml?format=ICPSR>. See also, the Swedish *Demokratirådet* (Peterson *et al.*, 1997).
 - 8 In 2001, the European Ombudsman reported 1, 874 complaints, 91% of them from individuals (European Ombudsman, 2002).
 - 9 Neo-liberal marketization of citizenship (Crouch *et al.*, 2001) also illustrates that open structures do not meet the democratic criterion of equal participation and influence.
 - 10 European Commission (2001a); European Council (2001, 2002); Prodi (2001b).

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