

Europe's democratic challenge

Since 2007, a large group of scholars have discussed the conditions for democracy in the EU within this project entitled *Reconstituting Democracy in Europe* (RECON). As the project is coming to an end after five years of research, what can we conclude from this extensive research effort?

The current crisis exposes some of the democratic challenges facing the European Union, and RECON's research has thus proven to be highly topical as the project is drawing its conclusions.

Highlights from RECON's research will be presented at an open dissemination seminar in Oslo on November 24th. The Norwegian Minister of Foreign Affairs will hold a keynote speech at the seminar entitled 'Europe's Democratic Challenge'. The project's concluding conference will take place on November 25th-26th.

Earlier this year another dissemination conference addressing a broad audience was organised in the European district of Brussels. An extensive report from this event is found in this RECON Newsletter.

You can also read more about RECON's research and activities in its final year in this particularly dense newsletter. The present issue from this final period reflects the high level of research activities that are being finalised and publicized.

This issue includes commentaries and policy papers on the financial crisis, as well as a report from a September workshop which discussed the current situation under the heading 'The European rescue of the EU'.



The Berlin Wall symbolizes the strive for democracy © Colourbox

Another workshop in Amsterdam also addressed the Eurozone crisis but from the angle of justice and solidarity. According to two RECON scholars, some of the structural causes of the crisis may be found in constitutional law, and this issue presents a book volume on the peculiar nature of the EU as a constitutional entity based on a union of already constitutionalised states.

Among other items in this newsletter is a presentation of the recently launched EU Democratic Audit website, which offers a framework for evaluating the democratic

qualities of EU institutions; a report from a workshop in Bremen on alternative forms of representation to elections and parliaments, including courts and the public sphere; a special issue of the *Journal of European Public Policy* on EU agency governance; a report from the ECPR General Conference in Reykjavik where a variety of RECON's research was presented and discussed in seven panels in the section 'Reconstituting democracy in Europe'; and a study of EU debates on the Internet. In addition, this issue contains reports from numerous other RECON events and publications.

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Where is European democracy heading?

RECON Outreach Conference, Brussels, 19 May 2011

RECON organised an open 'outreach' event in Brussels on May 19th. As the project entered its final six months, key findings were presented to a broad audience at the conference 'Where is European democracy heading?'.

The conference was held at Résidence Palace in the European district and a total of 130 people registered. The event attracted participants from the European Parliament, the European Commission, the Cabinet of the President of the European Council, the Committee of the Regions, as well as local, regional and national authorities, think tanks and universities, NGOs, media and consultancy firms.

Why European democracy?

RECON's Scientific Coordinator **Erik O. Eriksen** (ARENA, University of Oslo) opened by addressing the importance of democracy in the time of economic crisis (see his full speech on p. 5). He continued by asking whether there can be democracy beyond the nation state, and in that case, which democracy for Europe? He introduced the three democracy models for the EU which have been developed and tested by the RECON project.



John Erik Fossum, RECON's Substitute Scientific Coordinator

The importance of funding research

Angela Liberatore (European Commission, DG Research) emphasized the need for problem-oriented research to be shared, discussed and contested not only among scholars and academics but also by people with practical knowledge outside academia, and thus the importance of RECON's dissemination conference. She then argued that the funding of social science research needs to be continued also in a time of shrinking budgets. Liberatore found it particularly important to support research and knowl-

edge development to answer questions such as what is the relation between democracy and solidarity in a globalising world. With reference to the three RECON models, she underlined the importance of finding ways to rectify the democratic deficit at the European level, as the EU cannot only rely on national democracies.

A constitutional future for Europe?

John Erik Fossum (ARENA, University of Oslo), co-architect behind the RECON project, discussed the constitutional essentials of the EU. He pointed to the fact that the Union claims constitutional status, and also has some of the elements we associate with a constitution, namely direct effect and a set of institutions that carry it. In addition it has primacy; the idea that Union laws trump national laws, and even national constitutional laws. But how can there be primacy in a system that is not a state, and whose constitutional status for many is unclear, Fossum questioned. Moreover, can such an order be stable when sanctioning means and a clear hierarchical structure are lacking?

According to Fossum, democratic constitution-making is at stake after the Lisbon process, which reverted back to diplomatic procedures. Although the Lisbon Treaty was framed by the European Council as not being a constitution, it is understood as a constitution in social practice. In Fossum's words, it 'looks like a constitution, walks like a constitution, but is not allowed to quack like a constitution'.

A European representative democracy?

According to **Christopher Lord** (ARENA, University of Oslo), the EU is good at combining different channels of representation from the European Parliament (EP) itself, to national parliaments and forms of interest and regional representation. However, we cannot be sure that lumping together different channels and mechanisms will automatically add up to good representation, he continued.

Among the findings highlighted by Lord was, first, that representative practices can



The first panel 'Taking stock of EU democracy'

be more autonomous at the European level than is suggested by formal hierarchies of political control. Second, the behaviour of individual Members of the EP (MEPs) does affect their chances of re-election, and MEPs rarely appeal to purely national considerations in order to justify their arguments. Third, the public's perception of the quality of representation at the European level is overwhelmingly conditioned by experience of representation in the national arena.

Contesting Europe

Pieter de Wilde (Social Science Research Center, Berlin/ARENA) presented a comparative study of how the EU's legitimacy is contested across Europe. Findings suggest that the *EU as a principle* is not contested. The basic idea of collaboration between nation states to solve common problems is rarely discussed, and when it is, it is generally supported.

On the other hand, there is a strong focus on the *EU as a polity*, and mainly in negative terms. When looking at people's evaluations of the EU's institutional setting, decision-making, allocation of powers, citizens' influence, and the like, the study found a strong opposition to the way the EU is designed and how it functions today. But although there is a common pattern of criticism, whether more or less integration is the answer to the problem, varies considerably. This speaks to a third dimension; the *EU as a project*, that is, the future of integration and whether the EU should be widening and/or deepening. The debates do not tell us how we might resolve the crisis, De Wilde concluded.

New patterns of Euroscepticism?

Aleksandra Maatsch (University of Bremen) presented comparative research on Euroscepticism in six member states. A study



Justine Lacroix and Aleksandra Maatsch

of national parliamentary debates on the Lisbon Treaty reveals that the mainstream political parties did not contest the idea of integration itself, but rather specific institutional competences and policy reforms. When the future of European integration was discussed, liberal-democratic parties were in favour of developing the EU in the direction of a federal state, while conservative parties were in favour of an intergovernmental solution. A study of print media during the 2009 EP election campaigns confirms that the idea of the EU itself is not contested. But where should the EU be heading? Social actors, such as NGOs, experts, and citizens, advocated pro-cosmopolitan views, whereas political actors were captured in a bipolar perception, by supporting either a federal or intergovernmental democracy model.

European stories

Justine Lacroix (Université Libre de Bruxelles) presented the first comparative study on how EU integration has been dealt with in distinct national contexts in Europe by so-called public intellectuals, namely political philosophers, scholars, editors or writers, whose opinions contribute to framing public attitudes. Four groups of countries were analysed; so-called founders, joiners, returners and outliers. Although the European stories are very different across the twelve countries under study, the visions of the EU can be clustered around three distinct normative models, much alike the three democracy models identified by RECON.



MEP Andrew Duff commented on the panel 'Taking stock of EU democracy'

The 'statist school' criticizes the EU in the name of the nation state, believing that the nation state is the cradle of the modern democracy and welfare state, and that this cannot be reproduced at the EU level. Many prominent thinkers from Norway to the UK, France and the Czech Republic offer variants of this vision.

The second 'supranational school' equates more Europe with progress and sees the building of a European federal state as the only way to rescue the achievements of the national welfare state. Among the many intellectuals who advocate such a view is Jürgen Habermas. Finally, the 'transnational school' considers Europe as a laboratory of some kind of cosmopolitanism. According to this view, the EU should be understood as some form of voluntary legal integration of free states based on regular and organised deliberation. The European polity should give birth to a confederation of states and peoples.

A European Parliamentarian's view on the democratic deficit

Commenting on these first contributions, **Andrew Duff**, Member of the European Parliament (Alliance of Liberals and Democrats for Europe) stated that with the present financial instability and economic crisis, and the incapacity of states to move forward to implement the Lisbon Treaty, we are at risk of sliding backwards. We are, however, not condemned to fail. Duff agreed with the speakers that the problem of popular legitimacy of the EU is of major importance, but at the heart of the problem, in his view, is national political parties' failure to sustain the integration process in a democratic or efficient way, thus becoming obstacles to the full implementation of the Lisbon Treaty. The European federal political parties should become proper campaigning organisational parties to avoid the experimented building of post-national democracy to fail. Duff also argued in favour of modifying the provisions for the entry into force of a treaty, so that this can happen before the

ratification procedures have been concluded in all member states. Finally, he would like to see the establishment of an economic government which involves the citizens not only as electors, but also as taxpayers.

The role of media in Brussels

Lisbeth Kirk, Editor-in-Chief of the *EUobserver*, argued that the EU constitution also affects the work of the press. The press is however suffering from the same problem as the EP: a low public interest in EU affairs. The number of journalists in Brussels working with EU affairs is in decline, as is the number of media present, and it is increasingly difficult to cover all aspects of EU affairs with the growing complexity of this huge law-making machinery. On this basis Kirk questioned whether we are not overestimating the role of journalists, and how much the press can inform us about. Next, Kirk pointed to two big and growing groups that also provide information about the EU: the communication officers and lobbyists. She encouraged more research on the work and role of these groups as opposed to the sole focus on media, and also expressed concern with the growing group of consultancy firms. Such groups provide very accurate and thorough information on complicated decision-making, but only to those who can afford to pay for it.



Lisbeth Kirk, Editor-in-Chief of the EUobserver pointed to the challenges faced by the Brussels media

Security beyond democracy

Helene Sjursen (ARENA, University of Oslo) presented research which has focused on the possible democratic challenges in the field of foreign, security and defense policy. Skeptics may counter that the concept of democracy is of little relevance because deciding on these matters has traditionally been the prerogative of the executive, hence in line with established practices at the national levels. It is however difficult to find any principled arguments as to why this policy field should be exempt from democratic control. Although there are good reasons to establish procedures that allow for secrecy, the definition of the kind of issues or situations



Helene Sjursen

this should apply to should be agreed upon through democratic procedures, she argued.

Findings suggest that the ability of member states to revoke the delegation of powers to the European level may be under pressure, so that there is reason to question the chain of delegation within this field. Strengthening the power of the EP may not be a sufficient solution, as it is most of all the lack of clarity as to where authority and power actually lies, that raise the democratic challenges. What might be required is a thorough re-constitutionalisation of foreign and security policy in order to further clarify the lines of authority and power.

Gender democracy?

Sara Clavero (Queen's University Belfast) presented research that has assessed the democratic quality of EU decision-making process on gender equality. The process from the development of a proposal for a directive in the European Commission to its implementation at the national level has been examined. The study was conducted in five member states and followed two directives: the equal treatment directive (2004) and the recast directive on equal opportunities (2006). The study looked at whether gender equality claims were critically examined by qualified and interested members of the community; whether decision-making processes were public; and whether different interests were appreciated and respected.

Findings show that the overall democratic quality of the process is better in the co-decision procedure than in Council decisions, and that the former is also more transparent. In terms of recognition and responsiveness, the quality at the EU level is much better than at the member state level. Women interest groups were largely excluded from the national political processes, and the national debates about the directives were undertaken in purely national contexts. Some of the national processes were also purely formal and legalistic processes with very limited debate.

One crisis or several?

Agustín José Menéndez (University of León) stated that when the Eurozone crisis exploded, the EU found itself with a radically small room of maneuver resulting from the overlap of European and national constitutional law. Menéndez also claimed that it is wrong to talk of just *one* European crisis. There are at least five European crises: economic, financial, banking, sovereign debt and constitutional, which overlap and reinforce each other. In his view, the EU and its member states are likely to fail in their efforts to deal with the crisis until they properly acknowledge its manifold character.

There is a need for specific measures that target each of the crises and are harmonious with each other in order to solve the overall crisis. Menéndez highlighted two lessons in particular: Firstly, the untenable character of the combination of a self-governing European financial market, coupled with individual member states and the European Central Bank as insurers and lenders of last resort, and secondly, the tension between the privatization of money creation and the production of social trust in money through redistributive taxation.

The conflict of laws

Christian Joerges, (University of Bremen) and **Karolina Zurek** (Swedish Institute for European Policy Studies) presented research on European and international economic law and the conflicts law theory, which has been developed as part of this project. A central claim is that law responds to conflicts, and that European law is compensating failures of nation states, and not necessarily deriving its legitimacy out of a supremacy principle.

One of the concrete research fields is GMO regulation in the EU, which has experienced an uneasy history with many reforms, and with transnational conflicts under the

WTO. GMO regulation shows a cautious move towards encompassing non-scientific dimensions. Zurek pointed to an internal conflict within the EU, with certain members not willing to accept the EU policy on GMOs. Several of the new member states have joined an already existing block of GMO cultivation opponents, and this may have contributed to a new approach to cultivation that is now an undergoing reform. Member states can decide to ban GMO cultivation, and reforms are also opening up to wider considerations than previously, although the final shape of the reforms is yet unknown.

WTO disputes

Theofanis Christoforou, (European Commission Legal Service) in his comment praised the project for some well chosen research questions. One may think that sci-



Theofanis Christoforou, who has represented the EU in all the big cases before the WTO, comments on Christian Joerges (left)

ence will resolve trade disputes, he argued, because science is about fact and does not address for example the ethical dimensions. However, this has also created problems with regard to GMOs because science is not enough in a case where ethics and moral is such a central dimension.

The conference proceedings are available as a podcast on RECON's website.

RECON's conclusion in Oslo

As part of the 200th anniversary of the University of Oslo, the RECON project and ARENA – Centre for European Studies will host a similar outreach event in Oslo on November 24th. The seminar will see presentations of main findings from the RECON project's five years of research, and will be opened with a speech by the Norwegian Minister of Foreign Affairs. The seminar is organised in conjunction with the final conference of the project 'What is Left of European democracy?'

Read more on the Oslo events on p. 24.



Agustín José Menéndez

It's democracy stupid!

Erik O. Eriksen, Speech in Brussels, 19 May 2011

Why are we today once again raising the issue of EU democracy; in these days of financial crisis, of lack of concerted action and solidarity, when there is struggle over what to do with regard to Greece, with regard to Libya and Syria for that matter; when the steam has gone out of the constitutional project; when Schengen is on the brink of collapsing? Is not the talk of democracy just a luxury that we can not afford?

After all politics is about solving problems and delivering. This is what people require, say the technocrats. Why bother with democracy when there is little interest in the media and political elite, one may add.



Erik O. Eriksen, RECON's Scientific Coordinator

One should bother because it is not the economy, stupid, as Clinton countered Bush, but it is democracy! Democratic forms of rule on average are better than known alternatives. Further, at the bottom of all the crisis and political disasters lie the question of justification: why should we suffer from others mismanagement, why should we pay for others recklessness and misbehavior. People require answers and they require that the rules they are supposed to abide by, are abided by those in power. Only a system of democratic rule can ensure compliance and accountability. Moreover, the integration process proceeds even in times of crises, or maybe in particular then. If the EU had not existed it would have to be invented! Citizens and states all over Europe (and beyond) are deeply interwoven and affect each others' well-being and freedom in profound ways. The financial situation of Greece is all Europeans' problem. (Even for Norway who has placed one fourth of its pensions funds in European bonds). We are all affected, and we all have to suffer the consequences of mismanagement. Hence, we should all have the possibility to partake. According to the democratic credo of Thomas Paine: there should be no taxation without representation.

Reconstituting democracy

The EU is replete with successes but in later years even more with disasters. The situation has changed dramatically from when the RECON project was conceived in 2005. We may ask what the status for democracy really is in Europe, and also for the Union, when we look at the situation in Greece, in Italy, or in Hungary

for that matter, to take the most obvious cases.

In the RECON project we have dwelled into the many dimensions of democratic rule. Our research ranges from constitutional and representative matters, via the institutional make up for collective decision-making, to the role of media and public debate in civil society. Up-stream, as well as down-stream processes have been analysed, and the question of gender justice, of gender democracy, of collective identities, of foreign policy and also aspects of the political economy of the Union have been addressed.

We have addressed the concept of democracy and why the EU should be democratic. One answer, in addition to the one mentioned, is that democracy is a claim of justice. No political order can be just, if it is undemocratic. Another is that European integration takes place among already democratic states. Why should European citizens expect less from Europe, than from their nation state? But can there be democracy beyond the nation state, and in that case: which democracy for Europe?

Three models of democracy

The point of departure is that there is a democratic deficit in the EU, and we have asked how democracy could be reconstituted. Which direction must the reform-process then take? To that purpose we have worked out three ideal typical models for democracy – for how Europe could be democratic:

The first model depicts democracy as directly associated with the nation state, assuming it is only at a national level that trust and solidarity can be fostered. As such, the EU is accountable to the Member States who can both authorise and confine EU operations.

The second model establishes the EU as a multinational federal state with a sense of common identity and collective goals among European citizens. With democratic procedures and a common identity, decision-making and legislation would be legitimate at the federal state level.

The third model describes the EU as a subsystem of a larger cosmopolitan order where citizen-sovereignty has replaced state sovereignty. This is a model for democracy beyond the state where democratic rule is configured in a multi-level structure of government.

In short, RECON seeks to establish the dominant developmental path – intergovernmental, supranational or transnational – and the democratic prospect it holds.

European Stories in the European Parliament

Spinelli Debate

Brussels, 15 June 2011

Justine Lacroix (Université Libre de Bruxelles) and Kalypso Nicolaïdis (University of Oxford) were invited by the Spinelli Group to present their edited book *European Stories: Intellectual Debates on Europe in National Contexts* in the European Parliament in June.

Staged in a fully packed auditorium of the Altiero Spinelli building, the main part of the conference was taken up by Lacroix and Nicolaïdis, who provided the audience with a detailed introduction to the book.

The panel debate also included Prof. Philippe Van Parijs (Université catholique de Louvain/Harvard University) and Members of the European Parliament Isabelle Durant, Daniel Cohn-Bendit (both Group of the Greens/European Free Alliance) and Guy Verhofstadt (Group of the Alliance of Liberals and Democrats for Europe).

The book investigates how the European project is discussed by intellectuals across Europe and contains country chapters by a number of RECON-affiliated researchers. It is an important outcome of research conducted within RECON's WP 5 – *Civil Society and the Public Sphere*.



Justine Lacroix with her co-edited book *European Stories*

A video from the Spinelli Debate can be accessed from [RECON's Press Room](#).

See also 'Kriselitteratur', by Simen Ekern in Norwegian daily *Dagbladet*, 19 June 2011, also available in RECON's Press Room.

All photos: Vivian Hertz / paviani.be

The Euro area after another crisis summit: Ignore the elephant in the room at your peril

Editorial by Waltraud Schelkle

European Institute, London School of Economics

The special summit of heads of state in the Euro area on 21 July has yet again averted the imminent default of a member state. As usual, it was a last-minute deal that meets the country's financing needs against the promise of fiscal consolidation, structural reform and privatisations. But the epic struggle for an end to this crisis - which is still not over - has revealed that the political problem is profound.

Member states took so long to subscribe to a European version of the IMF because they mistrust not only the government who receives the support but also the people. Ironically, the guarantors trust the Papandreu administration more than the Greek population when they see demonstrations against cuts in pensions or the abolishment of taxi licences. This mistrust in other democracies suffers from short memory.

The post-war consensus in Europe was built on the insight that economic security and democracy are linked. Franklin D. Roosevelt summarized it in one sentence: 'People who

are hungry and out of a job are the stuff of which dictatorships are made.' Neither famine nor dictatorships are imminent. But democracies do not perform well when jobs disappear; and they are certainly not good at sustaining austerity over an indefinite time horizon. But this is exactly what EMU membership imposes on Greece and Portugal. Member states must be careful not to create a self-fulfilling prophecy. In the end, nationally constituted democracies may turn against the Euro.

The fate of the European Central Bank has shown that elected governments are ready to sacrifice the independence of the central bank if the going on bailouts gets tough. A squeeze of the Euro for the sake of democracy is even an optimistic scenario. But it would be better still if Germany and others could show more generosity so that both can flourish.

Read the full text in *Intereconomics*, Issue 4, pp. 178-9 (July/August 2011).

See also 'Europe: Four steps to fiscal union', by Tony Barber, *Financial Times*, 11 August 2011.



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The commentaries and policy papers are available in RECON's Press Room: www.reconproject.eu

Here you can also find other policy memos and commentaries by RECON-affiliated researchers, who relate ongoing research to contemporary events.

The European crises in ten points (and one mystical vision)

Agustín José Menéndez

University of León

It is wrong to talk of just one European crisis. There are at least five European crises (economic, financial, banking, sovereign debt and constitutional) which overlap and reinforce each other. The European Union and its member states are condemned to fail in their efforts to deal with the crisis until they properly acknowledge its manifold character.

RECON Policy Paper, September 2011

The triple democratic crisis of the European Union

Agustín José Menéndez

University of León

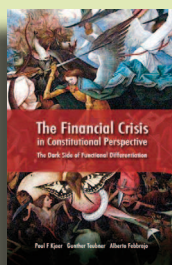
The European Union is facing a triple democratic crisis: a constitutional crisis; a long-term socio-economic crisis; and a foreign policy crisis. The European Union is at a crossroads, but the choice is not what kind of democratic European Union we will have in the coming years, but whether we will have a democratic EU at all in ten years time.

RECON Policy Paper, July 2011

New Book: The Financial Crisis in Constitutional Perspective

Poul F. Kjaer, Gunther
Teubner and Alberto Feb-
brajo (eds)

Hart, 2011



Poul F. Kjaer is co-editor of a new volume which appeared on Hart in July 2011.

This volume presents the first thorough

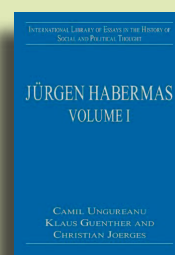
sociologically-informed legal analysis of the financial crisis which unfolded in 2008. It combines a multitude of theoretically informed analyses of the causes, dynamics and reactions to the crisis and contextualises these within the general structural transformations characterising contemporary society. It furthermore explores the constitutional implications of the crisis and suggests concrete changes to the constitutional set-up of contemporary society.

New Book:

Jürgen Habermas
Volumes I and II

Camil Ungureanu, Klaus
Günther and Christian
Joerges (eds)

Ashgate, 2011



Jürgen Habermas is widely regarded as one of the outstanding intellectuals of our time. This collection focuses

on the theory of law which can be distilled from his vast compendium of work. At the same time the collection places this theory in the context of Habermas' overall contribution to the theory of society, political theory and social philosophy.

Volume I on 'The Discourse Theory of Law and Democracy' identifies the theoretical foundations. Volume II focuses on the critical debate of Habermas' discourse theory of law and democracy, on the challenges posed by the postnational constellation (Europeanization and processes of globalization) and on particular strands within his work, such as genetic technology and religion.

The European Rescue of the European Union

RECON WP 7 Workshop
León, September 2011

Within the framework of WP 7 – *The Political Economy of the European Union*, the University of León hosted a workshop entitled ‘The European Rescue of the European Union: The socio-economic malaise of integration’ in September.

RECON has articulated three different conceptions of the purpose and point of European integration in polity terms. At the same time, WP 7 has added a second dimension by exploring the conceptions of distributive justice that different visions of European integration gravitate towards. This workshop explored the analytical, axiological and policy implications of this bi-dimensional understanding of the socio-economic constitution of the European Union by contrasting two of the main pillars of the European socio-economic constitution: the four economic freedoms constituting the common market; and the fiscal and monetary constitutional principles underlying the asymmetric European monetary union.



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The importance of history

A key problem which has been identified within WP 7 is the lack of historical depth in analysis, assessments and policy proposals on the socio-economic constitution of the European Union. Regardless of the underlying position taken by lawyers and political scientists, the tendency is to see integration unfolding in a given and pre-established direction. As a result, the socio-economic context in which the key principles of the European economic constitution have evolved, as well as the key decisions

and non-decisions, which have shaped the actual institutional structures and decision-making processes, are lost. In that context, the opening contribution of **Hagen Schulz-Forberg** (Aarhus University) was particularly valuable. He combined a plea for a non-Whig historiography of the Union, capable of detaching itself from the teleological reading of a ‘happy’ European constitution, and an actual alternative history of European integration. The ensuing debate revealed that getting the history wrong or sometimes simply ignoring history may in fact be one of the reasons why the EU finds itself in its present troubles.

Five European crises, not one

The organisers of the event, **Edoardo Chiti**, **Agustín José Menéndez** and **Pedro Teixeira** (University of León), presented a paper offering both an analytical framework to understand the European crisis and a reconstruction of the key constitutional decisions taken by the European Union since August 2007. They claimed that the apparent intractable character of the present crisis is closely related to its insufficiently acknowledged manifold character. One could argue that there is actually not one, but five European crises (economic, financial, banking, sovereign debt and constitutional), which overlap and reinforce each other. They claimed that some factors have received insufficient attention when dealing with the origins of the financial crisis. The growth of fictitious capital was closely related to the long-term economic crisis of Western societies, to the falling rate of profits accelerated by the economics of turbulence unleashed by the fall of the Bretton Woods financial architecture and the reaching of the limits of the post-war model of economic growth. Similarly, insufficient attention is paid to the causal role played by both the economic and the financial crisis on the sovereign debt crisis.

Economic freedoms

The first panel of the workshop questioned the shape and place of the internal market within the socio-economic constitution of the European Union. Not only is there a wide plurality of understandings of what the internal market means, but EU law has also reflected different understandings over time (see [RECON Report 10](#)). **Mads Andenæs** (University of Oslo) presented the main lines of evolution of the case law of the European Court of Justice (ECJ) with a critical focus on the free movement of goods, which in his view remains the ‘core’ component of the ‘internal market’ project. Andenæs claimed that a careful reconstruction of the jurisprudence reveals that what may appear as purely legal-dogmatic ‘technical’ terms may in fact have important socio-economic implications.

Agustín José Menéndez suggested that the case law of the ECJ on the four economic freedoms constitutes the yardstick of European constitu-



Hagen Schulz-Forberg and workshop convener Agustín José Menéndez
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tionality. While one could argue that the ECJ should play a central role in the guardianship of European constitutionality, the credentials of the Luxembourg judges are defined by the peculiar synthetic nature of European constitutional law. European judges should take seriously the pluralistic character of Community law and also the fact that their guardianship of European constitutionality is shared with national courts. Moreover, Menéndez claimed that the widely held assumption that the principle of proportionality has a legitimising effect should be abandoned. Based on a proper legal-theoretical reconstruction of the ECJ’s case law, proportionality could rather be used as a device to render explicit the substantive choices made by the ECJ when confronted with constitutional conflicts between economic freedoms and fundamental rights.

Christian Joerges (University of Bremen) offered a renovated defence of the relevance of the third RECON model by providing a critical reconstruction of the ECJ’s case law on economic freedoms from the perspective of conflicts of law as the constitutional theory of Community law (see [RECON Reports 14](#) and [15](#)). Joerges tested the main premises of this theory by reference to the insights of Karl Polanyi’s anthropological analysis of the key tenets of the socio-economic constitution of capitalist societies. In particular, he applied Polanyi’s theory about the three false commodities (labour, land and money) to selected cases of the ECJ, which led him to make another plea for constitutional modesty and the recalibration of the jurisprudence of the ECJ.

Asymmetric monetary union

Jeremy Leaman (Loughborough University) offered a cogent challenge to the authority of the European Central Bank (ECB), to what could perhaps be labelled as the emerging myth of the masterful way in which Frankfurt has come to discharge its tasks. Leaman claimed that the characterisation of ‘price stability’ as two per cent inflation is open to contestation, and that the ECB has failed to stabilise the growth of money, this being one of the core causes of the present pledge in which Europe finds itself. The ‘privatisation’ of the creation of money through the money market and the shadow banks was not

a core concern of the ECB for years, to the extent that it did not follow the changes in the volume of money. The ECB's decisions since August 2007, reaffirming public power and substituting itself for the interbank market, reveal the contradiction between a socio-economic settlement which transfers fundamental powers to private actors by which they undermine the revenue basis of the state (essentially its taxing capacities), but keeps the role of the state as lender and insurer of last resort. According to Leaman, any reform of the model of European fiscal constitution would need to take this contradiction into account.

Michelle Everson (Birkbeck, University of London) concerned herself with the medium of social integration through which monetary policy is conducted in Europe, in particular with the emergence of comitology arrangements in the System of European Central Banks. Combining a reflection of the empirical evolution of these institutional arrangements with the constitutional reflection on what kind of coupling of efficiency and democratic legitimacy they stand for, Everson offered a plausible yet disturbing key to understand the constitutional self-understanding of the ECB as an autonomous international organisation, pointing to the limits of the governance paradigm itself.

What to do, Spinelli?

David Mayes (University of Auckland) offered a reconstruction and assessment of the present financial crisis very much inspired by the first RECON model. In his view, the crisis has not revealed any major structural deficiency of asymmetric monetary Union, however the conduct of fiscal policy has in some instances been inadequate. Provided a satisfactory solution is found for an exit strategy for Greece and probably also for Ireland and Portugal, it should be possible to restabilise the fiscal constitution of the Union with rather marginal tinkering with its institutional structure and substantive normative discipline.

Stefan Collignon (Sant'Anna School of Advanced Studies, Pisa) expressed a rather different view. On the basis of a republican conception of democratic legitimacy, he reiterated his view that asymmetric monetary Union was intended as a transitional arrangement, allowing the Union to overcome the 'turbulence' associated with the famous Padoa-Schioppa's inconsistent quartet. Collignon argued that the establishment of a European government is required in the long run, in order for the monetary union to be legitimate and efficient. In the short run, this could be ensured through issuing Eurobonds and substituting the Growth and Stability Pact by a collective system of debt issuance permits.

Further questions

The workshop resulted more in the posing questions than answering them. Five questions are especially pertinent across RECON's work packages:

- What is, and what should be, the relationship between the fundamental principles of European constitutional law framing the internal market and the European fiscal and monetary policy?
- To what extent have policy proposals and reforms been based on a proper understanding of the manifold character of the European crisis?
- How is equality before the law of member states and of individual Europeans faring during the crisis? What is left of equality beyond it being a purely formal principle?
- Can the European Union shape its socio-economic environment or is it condemned to drift?
- What kind of European Union is likely to emerge from the crisis?

Two Spanish newspapers commented on the seminar: 'De la crisis financiera a la crisis constitucional', *El Mundo*, 8 September 2011 and 'La crisis económica ha evolucionado hasta llegar a una crisis constitucional', *Diario de León*, 10 September 2011. Both articles are available in RECON's Press Room.

The costs of children

RECON WP 7 workshop
Lillestrøm, 24-25 February 2011

The Europe Institute at the University of Auckland (UoA) organised a two-day workshop in February within WP 7 – *The Political Economy of the EU* on 'The Costs of Children'. Hosted by ARENA at the University of Oslo and taking place in nearby Lillestrøm, it brought together academics from several European countries working in the related areas of childcare and gender equality. The workshop hence also related to issues within WP 4 – *Justice, Democracy and Gender*.

Childcare as a public good?

Following introductions by the workshop conveners **David Mayes** and **Mark Thomson** (Europe Institute, UoA), the first session began with a presentation by **Arnlaug Leira** (University of Oslo). She argued that the collectivisation of childcare costs in Nordic countries has strengthened the notion of the citizen-parent. Despite

this, parental leave remains disproportionately taken up by Nordic mothers. In contrast with the Nordic approach to childcare as a means to achieve more gender-equitable outcomes and to socialise young children, **Róza Vajda** (Eötvös Loránd University) contended that family policy in Hungary has largely been linked to concerns with the country's low fertility rate. Her paper argued that the political framing of childcare policies, in particular through support for long parental leave, has taken little account of the gender impact of policies on lowering female employment rates.

Whilst public nurseries remain in short supply in Hungary for working parents, childcare in the Netherlands as presented by **Janneke Plantenga** (Utrecht University School of Economics) has shifted rather dramatically towards private provision. In assessing Dutch childcare today, Plantenga described an imperfect solution whereby childcare, although sold in large quantities, is of relatively low quality as parents have difficulty in evaluating the quality of childcare services and

face high costs of switching between suppliers. The papers in this first session hence raised questions about the purposes of childcare provision as well as its interaction with the labour market.

Grandparent carers

In recognising that not all childcare can be provided – or 'commodified' – through formal arrangements, the second session considered alternative forms of childcare. **Karoliina Majamaa** (University of Helsinki) described how, even in Finland where there is a high level of public support for working parents, grandparents play an important role in filling gaps in childcare. Changing family forms and more atypical working hours increase the importance of kinship support, yet the desire to care for their grandchildren remains the principal reason for Finnish grandparents to assume a caring role. In further highlighting the fine line that exists between a desire to care by close relatives, their ethic of care and their duty to care, **Marilyn McHugh** (University of New South Wales) presented the role of kinship carers (usually grandparents) of vulnerable children in



David Mayes, Ineke Casier, Cris Shore, Shireen Kanji and Janneke Plantenga discussing at the workshop 'The Costs of Children' in Lillestrøm



Kindergarten © European Parliament

need of care. Compared with foster carers, support for grandparents (e.g. in terms of addressing their training needs) who care for children with increasingly complex needs is lacking when care arrangements remain informal – an argument in favour of formalising informal kinship care.

Dilemmas of employed mothers

The third workshop session dealt with employment and childcare. **Shireen Kanji** (University of Cambridge) argued that, beyond a behavioural issue (as policy rhetoric tends to suggest), lone mothers in the UK draw on networks of support from their own parents and friends to enable them to work. Their concentration in low-paid, precarious service-sector jobs does not necessarily offer them a route out of poverty, though. Indeed, the following presentation by **Rachel Dennison** and **Nora Smith** (Employers for Childcare Charitable Group, based in Northern Ireland) found families paying on average 45 per cent of their average weekly earnings on childcare. The value of work, in such circumstances, thus appears to be more than just about the financial rewards of employment if some mothers see (virtually) all 'their'

earnings allocated to childcare fees. **Ineke Casier** (Centre for Gender and Diversity, Brussels) turned the focus on higher earning, highly qualified women and the gendered division of labour within the household. The paper's findings were twofold: that women assume a much greater share of household responsibilities than men when there are children in the family home; and, more surprisingly, that women are in fact less likely to change jobs when they have childcare commitments despite facing more difficulties than women without children in finding a satisfactory work-life balance.

The future of the family

Depending on national context, and in particular the level and affordability of childcare provision, not having children (or having fewer children) appears as one way to 'resolve' issues of work-life balance. The final workshop session looked at the future of the family. **Anne Lise Ellingsæter** (University of Oslo) argued that the 'Norwegian "Fertility Machine"' rests on the notion that children are the 'essence' of normal adult life. Together with favourable economic circumstances (high labour demand, a regulated labour market, standard working hours and the oil economy), Norway has been able to strengthen policies favouring motherhood combined with maternal employment. The presentation by **Kirsten Scheiwe** (Hildesheim University) argued from the German context, but offering a comparative perspective with other European countries, that family policies have traditionally been premised on couples in stable relationships, and that the economic consequences of divorce still fall much more heavily on women and their dependent children than on men. Nordic countries (notably Sweden) appear to have lower costs associated with divorce partially thanks to a model that is based on a gender-neutral concept of active citizenship and the widespread provision of childcare.

Janneke Plantenga considered in her second, and the final, presentation the EU's Barcelona targets to increase formal childcare provision across the member states, and how these targets interact with the European Social Model. Whilst there exists one identifiable employment model in Europe (the adult-worker model), the existence of several different care models across Europe

poses some challenges to reaching the Barcelona childcare targets. Although many countries remain below the stated childcare target levels in terms of formal services on offer, informal care arrangements remain an important and valuable source of care.

Wrapping up the workshop, **David Mayes** considered the different types of costs associated with having children, such as direct costs and gendered-opportunity costs. Although enabling new and future parents to exercise real choices when having children ought to be a policy aim for European welfare states, there remains the question over the redistribution of these costs between the state and parents (as well as grandparents) in terms of income replacement and services. Also, is social inclusion by necessity to be achieved through employment, noting especially that the costs of children in some countries appear ostensibly to be prohibitive to work? What is the impact of the European agenda of promoting 'flexibility', depending of course on its actual definition in terms of either promoting a flexible job environment or a flexible workforce? What is the



Arnlaug Leira, one of the most internationally renowned Norwegian sociologists contributed to the workshop

relationship with the democratic framework; i.e., who is responsible for delivering and financing support services for parents – the local, national or supranational?

It is intended that these questions and others will form the key themes of an edited book that will bring together the workshop papers as a RECON publication.

Visit by EC President Barroso to New Zealand

Europe Institute, University of Auckland

On 8 September 2011, the Europe Institute at the University of Auckland hosted the President of the European Commission, José Manuel Barroso, during his three-day visit to New Zealand. His visit came on the occasion of the 40th anniversary of the Pacific Islands Forum. The EU is now the second largest donor to the Pacific region, and this was the first time in almost 30 years that a European Commission President had visited New Zealand.

After being presented by the university with an honorary doctorate in law, Barroso delivered a public lecture which touched upon issues that are of common concern: the current global financial and economic crisis, climate change, democracy and human rights.

Following his address, Barroso met professors and students of European Studies from across all New Zealand's universities. This was an opportunity for students and professors alike to ask President Barroso some further questions about democracy in the EU, the eurozone crisis and the future role and distinctiveness of the EU as a global actor.



David G. Mayes, President Barroso, Chargé d'Affaires George Cunningham and Ambassador David Daly

Transnational social justice in the European Union and its implications for global justice

RECON WP 9 workshop
Amsterdam, 10-11 June 2011

Vrije Universiteit Amsterdam hosted a two-day workshop in the context of RECON WP 9 – *Global Transnationalisation and Democratisation Compared*. The workshop aimed to explore the validity of various theoretical positions on transnational justice for the European Union and whether experiences in the EU can contribute to the development of theories of global justice.

Thus, key questions that the workshop addressed were: Can an emerging EU conception of justice be identified, distinct from both national and global conceptions of justice? And do the transnational duties and principles of social justice that may emerge in the EU contain relevant insights for the prospects (and theory) of global justice?

The first day mixed theoretical debates on transnational duties in Europe with some more empirical approaches to solidarity. After a welcome note by workshop organiser **Ben Crum** (Vrije Universiteit Amsterdam), **John Erik Fossum** (ARENA, University of Oslo) gave a brief introduction of the RECON project.



Keith Banting, Ryan Philips and Philippe van Parijs

The Eurozone crisis

The first paper discussed the present Euro-zone crisis through questions of justice and solidarity. **Glyn Morgan** (Syracuse University) argued that while many economists have come to present the bailout of Greece as a matter of justice and solidarity, such a bailout lacks justificatory grounds. The main reason for this is that such a bailout would be unfair towards the citizens of the countries bailing Greece out. Discussant **Chris Bickerton** (Universiteit van Amsterdam) kicked off the debate by arguing that much of the validity of Morgan's argument hinged on his underlying conception of the EU as a form of international cooperation rather than an integrated polity. The debate that followed focused on the motives of those helping Greece, and whether those are eventually altruistic or self-interested in nature.

Lynn Dobson (University of Edinburgh) argued against the term 'social justice'. In her view, which draws on the work of Alan Gewirth, universal political duties are well captured by a conception of 'justice' per se. Any specific duties that arise beyond that as a consequence of social cooperation, as well as the questions of the distribution

of benefits that they raise, are best understood as issues of 'social fairness' rather than social justice. Following this argument, Dobson posited that there are no specific European principles of justice. Rather, Europeans hold particular duties towards each other based on principles of social fairness, which may vary for different types of goods. Discussant **Ayelet Banai** (Johann Wolfgang Goethe University, Frankfurt) raised the question of how this conception of fairness relates to Rawls' understanding of the concept. **Philippe van Parijs** (Université Catholique de Louvain) emphasized the importance of first identifying the basic structure before determining individual duties.

Next, **Keith Banting** (Queen's University Kingston) discussed research on the relation between ethnic diversity and the support for redistribution. Research in Canada suggests that a unified sense of national identity is not as essential for supporting redistribution to the poor, as some liberal nationalists tend to suggest.

Instead, Banting identified a range of conditions that mediate any trade-off between diversity and solidarity. Furthermore, he discussed whether and to what extent these findings have implications for transnational social justice. In the discussion started by **John Erik Fossum**, the question was raised what implication this research

has for Europe, as Fossum argued that in many respects the Canadian case provides a much more fruitful counter-narrative to the EU than the often invoked case of the US.

In the final presentation of the first day, **Philippe van Parijs** explored why some multi-lingual or multi-ethnic polities do better than others, highlighting some notable parallels and differences between the cases of the EU, Belgium and Switzerland. Building on his own work on justice and democracy, Van Parijs asserted that a particularly important condition for any multi-lingual/multi-ethnic political community to function in a proper and democratic way, is to have one lingua franca. Hence he argued for recognising English as the lingua franca of Europe. Discussant **Ronald Tinnevelt** (Radboud Universiteit Nijmegen) focused attention on the specific connections between



the debates on global democracy and distributive justice.

Ronald Tinnevelt addressed the question why the idea of a federal world government is not taken seriously in the academic debate. He argued that this is due to two major omissions in the theory: First, a proper definition what a minimal world state is; and second, why it is needed and what its competences would be. **Glyn Morgan** opened the discussion by highlighting in particular issues concerning the impracticality and desirability of global federalism.

Ben Crum presented a paper that sketched the contours of a distinctive EU conception of social justice. Crum positioned social justice in the EU as complementary both to the national welfare states as well as to any cosmopolitan conception of universal social duties. Specifically, he proposed three social duties that can be discerned to emerge from EU practice: Economic non-discrimination; institutional stabilization; and social policy tolerance. Discussant **Lynn Dobson** questioned the inductive character of Crum's approach and the conception of equality used in the paper.

Ayelet Banai addressed the paradox between the universality of the human right to political membership and the specificity and diversity of political communities that it requires. To this purpose, she drew on the Arendtian conception of political membership as the 'right to have rights' to argue that the right to political membership needs to be seen to correspond to a globally differentiated scope of duties and that, ultimately,



Ayelet Banai, Ronald Tinnevelt, Ben Crum and Glyn Morgan

political membership has a non-arbitrary role in determining individuals' rights and duties. Discussant **Philippe van Parijs** challenged Banai to start with a conception of global justice instead of with rights, and to derive corresponding rights from that conception.

In the final paper, **Chris Lord** (ARENA, University of Oslo) addressed the question of political justice in the European Union. In particular, Lord took issue with arguments that draw on Coasian bargaining theory to maintain that intergovernmental bargaining will naturally ensure the legitimacy of the basic political structure of the EU. He pointed out how a number of well-established challenges to Coasian bargaining are amplified in the context of the European Union. **Ben Crum** opened the discussion by suggesting that the extent to which the problems in bargaining theory that Lord identified become acute in the case of the EU may vary from case to case. Furthermore, he pressed Lord to develop some of the possible revisions

of intergovernmental bargaining theory (most notably deliberation and constitutionalisation) that his paper suggests.

The Amsterdam workshop thus provided ample room for a diversity of perspectives on transnational social justice to be explored. It presented a host of relevant perspectives on the topic that can benefit from each other. At the same time, it also demonstrated that when it comes to addressing the question of social justice in the transnational European context, many basic questions – conceptual and methodological – still stand to be resolved.

Finally, the workshop underlined that the question of justice is deeply related to that of democracy both in its structure and substance. In that respect, the far-ranging work that has been undertaken as part of the RECON project on democracy beyond the nation state can provide some useful stepping stones for exploring the question of transnational justice as well.

Online EU debates

A RECON study reveals that the Internet has become an important platform for the diffusion of EU debates, yet political blogs are marginal.

A comparative survey of online campaigning in the context of European parliamentary elections shows that the lion's share of EU news is distributed by professional journalism sites, such as online versions of well-established, high-circulation newspapers or of popular TV channels.

The study encompasses news coverage, debates and commenting on the three most popular professional news sites and two most popular independent blogs in 12 countries (Austria, Belgium, Czech Republic, Finland, France, Germany, Greece, Hungary, the Netherlands, Poland, Sweden, and the UK). Both quality and tabloid media are represented in the sample. The online versions of 'quality' newspapers are, in fact, more popular than their printed versions, often surpassing in online visibility 'tabloid' newspapers,

which outsell them offline.

Internet empowering citizens

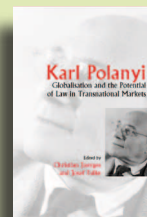
32 of the 36 professional news outlets under study are among the top 100 websites in their respective countries. The Internet is thus highly significant as a platform for campaigning during EP elections. The World Wide Web functions as a multiplier and driver of EU debates and contributes to public discourse on the legitimacy of the EU. The independent political blogs, on the other hand, largely lag behind professional news outlets in terms of popularity (only four of the 24 independent blogs featured in the top 100 websites in their country). Consequently, the 2009 EP elections online news coverage and debates mirror the offline media debates rather than constituting a separate, independent public debate forum.

In the period leading up to the 2009 elections to the European Parliament, the Internet proved to be an important forum for contesting the EU's legitimacy through participatory journalism and user commenting. By allowing users to express their voice on the respective news sites, the Internet

New Book: Karl Polanyi, Globalisation and the Potential of Law in Transnational Markets

Christian Joerges and Josef Falke (eds)

Hart, 2011



In light of the growing sensitivity to the social and economic risks of disembedding politics, the book discusses Polanyi's insights in the age of globalisation.

The patterns and impact of globalisation have become a common concern of all international jurists, sociologists, political scientists and philosophers. Many have observed the erosion of the powers of nation states and the emergence of new transnational governance regimes, and have sought to understand their internal dynamics, re-regulatory potential and normative quality.

Karl Polanyi's seminal 'Great Transformation' mirrors a growing sensitivity to the social and economic risks of dis-embedding politics. His work provides the trans-disciplinary reference point for the contributions to this book, which are based on discussions at a joint CRC 597/RECON workshop in Bremen in 2009. Political economy, political theory, sociology and political science inform this discussion of Polanyi's insights in the age of globalisation.

contributes to empowering the citizens. Citizens' views on the EU and European integration as expressed on such sites are mainly negative. The readers of online news use the interactive features and commenting functions offered by the web mainly to express their dissatisfaction and often harsh criticism with the current state of the EU and its future development. This negative attitude towards the EU prevails on all investigated news sites, irrespective of their country of origin and the main article's stance towards the EU. Attributes such as 'the Brussels dictatorship', '(political) monster' and 'elitist government' regularly featured in the evaluations of the current EU polity set-up across countries.

Moreover, the data analysis found very limited evidence of a transnationalization of the debates on the EU's legitimacy. This suggests that language continues to determine the composition of the online public sphere.

This research is part of WP 5 – *Civil Society and the Public Sphere* and will be published by Pieter de Wilde, Asimina Michailidou and Hans-Jörg Trenz as part of a new book series on Modern European Studies with Bloomsbury. Parts of this research was also presented at the ARENA Tuesday seminar in Oslo on 18 October 2011.



The 'Don't let Europe rule Britannia' poster testifies to Eurosceptic attitudes

RECON Report 14

European Constitutionalism without Private Law

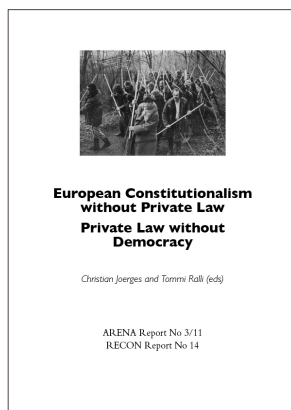
– *Private Law without Democracy*

Christian Joerges and Tommi Ralli (eds)

This report contains the proceedings of a colloquium held at the Centre of European Law and Politics in Bremen on Christoph Schmid's critical evaluation of the Europeanisation of private law expressed in his habilitation thesis *Die Instrumentalisierung des Privatrechts durch die Europäische Union*.

The main concern in his book is the normative integrity of European law in general, and European private law in particular. Schmid's 'instrumentalisation thesis' challenges the excessive submission of private law to the integration objectives of the European Union. The claim is that integration has illegitimately become its own aim, at the price of commutative justice in private law.

The report presents further investigations into this problematic. The contributors deal with different aspects of the relation between the European integration project and the normative foundations of private law.



RECON Report 15

After Globalisation

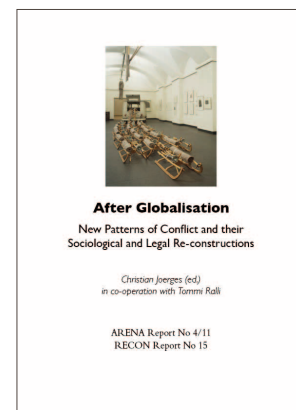
New Patterns of Conflict and their

Sociological and Legal Re-constructions

Christian Joerges (ed.) in co-operation with Tommi Ralli

'Conflicts law as Constitutional Form' has become the trademark of the effort within RECON's WP 9 to define a non-state legal framework with democratic credentials for the postnational constellation.

This report discusses the potential of the approach for globalisation and the European Union. It explores its sociological adequacy and contrasts it with sociological and political theories of global governance. Further exemplary studies examine constitutional conflicts, the generation of transnational human rights frameworks, transnational air-space security, and strategies to combat global poverty. An epilogue summarises the accomplishments and shortcomings of the conflicts-law approach and seeks to define a future agenda.



Download reports from RECON's website www.reconproject.eu or order a paper copy by e-mail to admin@reconproject.eu

A multitude of constitutions?

RECON WP 2 Workshop Oslo, 13-14 January 2011

The workshop 'A multitude of constitutions? The European constitutional pluralism in question' was organised jointly by RECON and the Research Programme on Democracy within the framework of the 2nd International Conference on Democracy as Idea and Practice at the University of Oslo in January.



Agustín José Menéndez

and John Erik Fossum (ARENA, University of Oslo) and exposed in their monograph *The Constitution's Gift*.

The key component of the theory is the regulative ideal of a common constitutional law, of a constitution made up of a collective of national constitutions; which in their view makes up the deep constitution of the European Union. Constitutional synthesis of normative integration

and institutional consolidation, which together make up for a distinct constitutional dynamic. The workshop sought to address critical dimensions of the European constitutional experience through referencing to the theory of constitutional synthesis. The workshop provided useful critical feedback on the theory and in addition shed broader light on the overarching issues under discussion.

The first two sessions, respectively chaired by **Carlos Closa** (Consejo Superior de Investigaciones Científicas) and **Mads Andenæs** (University of Oslo) discussed different constitutional perspectives and the question of the EU as a polity. The first session began with a paper by **Hauke Brunkhorst** (University of Flensburg) on 'Revolutionary and evolutionary constitutionalization in the evolution of the European Union'. Then followed **Lars Vinx's** (Bilkent University) presentation of his paper 'The incoherence of (strong) popular sovereignty'. Both papers received comments from **Peter Burgess** (Peace Research Institute Oslo).

The second workshop session included also two presentations of papers: 'The legitimacy of a European normative order: legitimacy through legal reasoning' by **Tor Inge Harbo** (European University Institute/University of Oslo) and 'Unity in diversity as Europe's vocation and conflicts law as Europe's constitutional form' by **Christian Joerges** (University of Bremen). Comments were provided by **Lars Blichner** (University of Bergen).

Legal perspectives were the focus of the third session, which was chaired by **Tor Inge Harbo**.



The University Library at Blindern Campus, Oslo

Jörg Luther (Università degli Studi del Piemonte Orientale) presented a paper 'The constitution's gift to the European Union: a donkey or a Trojan horse?' **Mikael Rask Madsen's** (University of Copenhagen) paper was entitled 'End of empire and the foundation of European law: the ECtHR, the ECJ and the European legal field (1950-1980)'. The last paper of this session, 'Mapping the overlapping spheres: constitutional pluralism vs. constitutional synthesis', was presented by **Ian Cooper** (ARENA, University of Oslo).

The final session focused upon applied perspectives and was chaired by Ian Cooper. **Theresa Scavenius** (University of Copenhagen) commented on *The Constitution's Gift* and **Fernando Losada** (University of Helsinki) discussed the future of the European integration process in his presentation 'The European Union towards administrative integration: a further step in the 'Constitutional Synthesis' theory?'

New book: The Constitution's Gift

A unique political animal, the European Union has given rise to important constitutional conundrums and paradoxes. John Erik Fossum and Agustín José Menéndez explore this in detail in their book *The Constitution's Gift*.

Forging a Constitution

The authors consider the process of forging the EU's constitution and the set of fundamental norms that define the institutional structure, the decision-making procedures, and the foundations of the Union's democratic legitimacy.

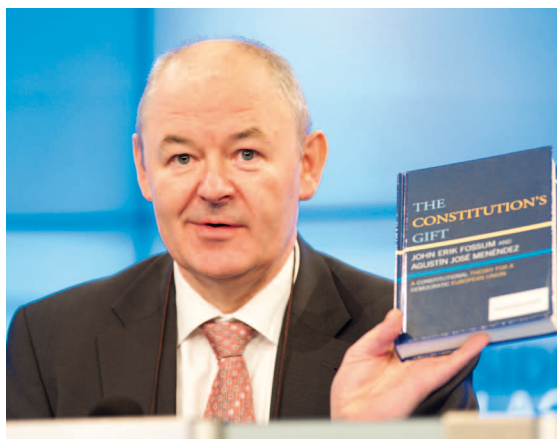
Their analysis illuminates the distinctive features of the EU's pluralist constitutional construct but also the interesting parallels to the Canadian constitutional experience and provides the tools to understand the Union's development, especially during the Laeken (2001–2005) and Lisbon (2007–2009) processes of constitutional reform.

A constitutional theory

The key contribution of the book is to be found in the theory of constitutional synthesis, that captures the distinctive traits of the EU as a polity which aspires to be democratic. It explains why and how the European Communities were established as the first constitutional union of constitutional states wherein integration would be steered by constitutional law, not power politics or imperialism.

Similarly, it presents the EU as one of the few examples of a polity that has transcended the paradigm of the nation state (and perhaps even that of the state). Locating the substance and process of Lisbon in its proper constitutional context, Fossum and Menéndez explain why this should be seen as a new beginning of the Union's constitutional season, not its end.

The book does not shirk away from presenting the problematic implications of European constitutional developments, and indeed shows why the many constitutional failures of the Union are



John Erik Fossum presenting the co-edited book at RECON's outreach conference in Brussels in May

to be traced back to the tensions characteristic of the synthetic path to integration.

A decade of findings

The book reflects a long-term research effort undertaken by the two authors. All the chapters in the book have been written in one single breadth, reflecting the sometimes perplexing findings of a decade of collaborative research.

Offering the first history of European constitutional law that is both theoretically informed and normatively grounded, this book will be of interest to all readers willing to consider in depth the process and theory of European integration.

The Constitution's Gift: A Constitutional Theory for a Democratic European Union
John Erik Fossum & Agustín José Menéndez (eds)
Rowman and Littlefield, 2011

On *The Constitution's Gift*

"Historically erudite and broad in its scope, this book explains why and how essential parts of Union law have been severed from the original common constitutional template and have begun to unravel the common bond. A timely and important attempt to address the unfolding crisis."

Alexander Somek
University of Iowa

"Emerging from a masterful blend of interdisciplinary scholarship and intellectual ambition, this theoretical perspective makes visible the normative, analytical, and practical merits of a post-state and post-national understanding of the EU."

Rainer Schmalz-Bruns
Leibniz University

"A brilliant and outstanding work on European constitutionalism, written from a critical democratic point of view. Sharply argued, clearly articulated, and enthralling, this book offers a persuasive argument for carrying the European project forward."

Hauke Brunkhorst
Flensburg University

"This breakthrough book provides new tools for understanding the distinctive features of the EU's constitutional development."

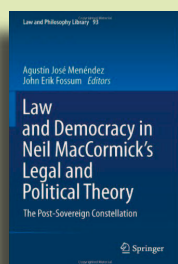
Bruce Ackerman
Yale University

"Cogently argued and accessible to a broad audience, this volume successfully addresses many of the key issues relating to the ongoing constitutionalization of the European Union. Highly recommended!"

William E. Scheuerman
Indiana University

New Book: Law and Democracy in Neil MacCormick's Legal and Political Theory

Agustín José Menéndez and John Erik Fossum (eds)
Springer, 2011



This volume offers a collection of articles by leading legal and political theorists. Originally intended as a celebration of MacCormick's work on the occasion of the completion of the four-volume series on *Law, State and Practical Reason*, it has turned into a homage and salute after MacCormick's passing.

Neil MacCormick made outstanding contributions to the understanding of law and democracy under conditions of pluralism. His institutional theory of law has elucidated the close connection between the normative character of law as a means of social integration and legal social practices. Cast in his reflexive spirit, the book presents a critical reconstruction of the Scottish philosopher's work, with the aim of revealing the connections between law and democracy in his writings and furthering his insights in each specific field.

The nexus between democracy, collective identity formation and enlargement

RECON WP 8 workshop
Prague, 6-7 May 2011

A workshop on the nexus between democracy, collective identity formation and enlargement was organized by the Institute of Sociology, Academy of Sciences of the Czech Republic in Prague in May 2011. The final results and theoretical contributions of WP 8 – *Identity Formation and Enlargement* were presented and discussed.

The workshop participants were gathered to assess the interplay between democracy, collective identity formation and EU enlargement, to discuss the link between democracy and requirements for identity within the various polity models of the RECON project, and to map the tensions between the levels of identification: local and regional, national and European. The workshop discussed various groups of citizens and their role as 'agents of Europeanisation' at the level of collective identities in Europe and elaborated on what contribution the CEE enlargement experience (from transformation to Europeanization) present to the formation of democratic European polity.

The contributions were based on original RECON research as well as on secondary analysis of empirical data on the interplay between national and European identities, and combined qualitative and quantitative approaches.



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New methodological approaches

The first panel dealt with new theoretical and methodological approaches to the study of Europeanization, and in particular the use of applied methodology (Q-sort methodology). Findings from a comparative study of young people in three countries – Germany, Hungary and Poland – were discussed. The overall methodological approach was first presented by **David Skully** (Jagiellonian University), who discussed Q-methodology as an innovative method for identifying common identity patterns and related this to the RECON models. **Olga Brzezińska**, **Beata Czajkowska** and **David Skully** (Jagiellonian University) presented the results of the Polish study, whereas **Erika**

Kurucz (Corvinus University Budapest) presented those of the Hungarian study. In the final contribution to this panel, **Rosemarie Sackmann** (University of Bremen) offered a comparative approach by presenting overall findings from research on three countries. The contributions as well as the ensuing discussion combined empirical, methodological and theoretical issues in a fruitful and novel way to perceive the study of identities in contemporary Europe.

Changing identity patterns

The second panel dealt with changing patterns of collective identity formation and EU enlargement. This session offered a combination of qualitative and quantitative approaches, with a focus on the dynamic changes in identity formation processes related to European integration. **Marcin Galent** and **Paweł Kubicki** (Jagiellonian University) examined the gradual change in the Polish national identity's main characteristics among a particularly newly emerged social category of *urbanogentsia*. They argued that this segment of Polish society is primarily responsible for the identified changes in Polish national identity. **Tomasz Lacina** (Institute of Sociology, ASCR/Charles University) and **Aleksandra Sojka** (University of Granada) focused on the sense of identity at the regional, national, and European levels employing existing quantitative survey data. This panel helped to identify not only the evolving interplay between national and European identities, processes of its formation and factors contributing to it, but also pinpointed the agents of these changes and the importance of the two-way interaction between elites and citizens.

Identity formation and democracy

The third panel, entitled 'Interplay between collective identity formation and democracy', combined the theoretical concept of changing collective identities, the intermediary role of the media and comparative perspectives on national identity. **Magdalena Gora** and **Zdzisław Mach** (Jagiellonian University) analyzed the interplay between the transformation of collective identities in contemporary Europe and democracy. Combining a vast basis of empirical data and interdisciplinary theoretical approaches, **Jacek Kołodziej** (Jagiellonian University) concentrated on the concept of axiological legitimization, which has become the dominating



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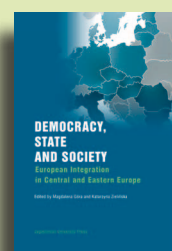
paradigm of future integration. He applied this concept to the case of the Polish elections to the European Parliament in 2009. Opting for a comparative approach, **Petra Guasti** (Institute of Sociology, ASCR) presented selected findings of her quantitative research on national identities. Her contribution highlighted the necessity to focus on the mutually reinforcing interplay between European, national and regional identifications and identities.

New Book:

Democracy, State and Society: European Integration in Central and Eastern Europe

Magdalena Góra and Katarzyna Zielińska (eds)

Jagiellonian University Press, 2011



This book attempts to demonstrate and assess the changes resulting from the EU enlargements of 2004 and 2007 and European integration processes, identifying both the similarities and the differences

between the countries in Central and Eastern Europe (CEE). The volume aims to present recent alterations in the region resulting from the processes of European integration and to account for the process of Europeanization in the countries after EU accession by going beyond the conditionality mechanisms. The collection also contributes to the discussion on how the changes in CEE influence the theorisation on Europeanisation.

Four areas where the changes seem to be most profound are studied: democratic consolidation in the region, collective identity construction, the functioning of civil society, and foreign policy and international relations.

The workshop, which was open not only to RECON members and members of the wider academic audience, also welcomed students of several universities and members of civil society organizations in Prague.

Most of the presented papers and some

other contributions will be published in a volume edited by Zdenka Mansfeldova, Petra Guasti and Jessie Hronešová. The volume is forthcoming in November 2011 at the Institute of Sociology, Academy of Sciences of the Czech Republic.

Cosmopolitanism in Istanbul

Istanbul Seminar Series

In December 2010, Nora Fisher Onar (Bahçeşehir University), an affiliate of the RECON Turkey team, organized a series of international symposia entitled *Istanbul in Globalizing World: Prospects for Cosmopolitanism in Istanbul, Turkey*.

The project was inspired by lively discussions about Istanbul and Turkey's place in Europe which have taken place in RECON fora in recent years. Sponsored by the Istanbul 2010 European City of Culture, the events brought together leading scholars across disciplines to debate the ways Istanbul may (or may not) serve as a foil for the challenges and promise of cosmopolitan formulae for living together.

Participants interrogated the past, present and future of Istanbul's cosmopolitan character. They also compared the Istanbul experience with those of other erstwhile imperial cities which underwent de-cosmopolitanization in the twentieth-century only to find themselves gripped by globalization-driven re-cosmopolitanization today.

Speakers included prominent historians, sociologists, and political scientists like Nilüfer Göle (ECHHR), Sami Zubaida (Birkbeck, University of London), Charles King (Georgetown University), and I. William Zartman (SAIS Johns Hopkins University), as well as leading Turkish scholars and representatives of think tanks such as the Woodrow Wilson International Center, the Brookings Institute, and the European Council on Foreign Relations. RECON affiliate Magdalena Góra (Jagellonian University) adroitly combined the role of chair and commentator, while RECON's Turkey team leader Meltem Müftüler-Baç (Sabancı University) spoke at the launch event for the project which was held in July 2010, as did Kalypso Nicolaïdis (Oxford University) and Şükrü Hanioglu (Princeton University). An edited volume will emanate from the event.



Nora Fisher Onar



Kalypso Nicolaïdis and Egemen Bağış, Turkish Minister of State for European Affairs and Chief Negotiator speaking at the opening event on 2 July 2010.

New Book: Politics of Religion in Western Europe

François Foret and Xavier Itçaina (eds)

Routledge, 2011



Religion is becoming increasingly important to the study of political science and to re-examine key concepts, such as democracy, securitization, foreign policy analysis, and international relations.

The secularization of Europe is often understood according to the concept of 'multiple modernities' - the idea that there may be several roads to modernity, which do not all mean the eradication of religion. This framework provides support for the view that different traditions, societies and groups can come to terms with the components of modernity (capitalism, democracy, human rights, science and reason) while keeping in touch with their religious background, faith and practice.

Contributors examine the interaction between EU-integration processes and Western European countries, such as Belgium, France, Luxembourg, Austria, Scandinavia, Italy, and the UK, and shine fresh light on the economic and cultural contexts brought about by relationships between politics and religion, including immigrant religions and new religious movements. This volume combines theoretical perspectives from political sociology and international relations to consider the role of religion as a source of power, identity and ethics in institutions and societies.

New Book: Culture and External Relations: Europe and Beyond

Jozef Bátora and Monika Mokre (eds)

Ashgate, 2011



Political entities use culture to support their soft power potential, to generate goodwill, to frame international agenda in particular ways, to erect and re-enact boundaries and/or to create societal linkages across them. While

the importance of culture has been on the rise in the realm of foreign affairs, its role in this field remains one of the most under-studied aspects of state policy. In this book, a range of international experts take an unprecedented look at what role external cultural policy plays in foreign affairs.

Political Legitimacy Beyond the State

RECON WP 1 workshop
Bad Homburg, 31 March-1 April 2011

Rainer Forst and Rainer Schmalz-Bruns chaired an interdisciplinary workshop within WP 1 – *Theoretical Framework* at the Institute for Advanced Studies of the Humanities of the Goethe-University Frankfurt am Main in Bad Homburg. Scholars from Europe and the US explored some of the key concepts of RECON's WP 1 research: democratic legitimacy beyond the state, legitimacy through legality, and the politics of legitimation; especially with regard to democratic equality and social welfare.

The welcome speech by Rainer Forst (co-director of the Institute for Advanced Studies of the Humanities, Johann Wolfgang Goethe University, JWGU) was followed by an introduction into the workshop's topic by Rainer Schmalz-Bruns (University of Hannover). In his view, the idea of democracy as the guiding normative principle of political legitimacy is strongly challenged. The relationship between the rule of law, human rights and democracy is under pressure by a view that decouples legitimacy and democracy and suggests a 'new trinity' of moralism, non-domination and juridification.



Bad Homburg, close to Frankfurt am Main

Beyond democratic legitimation

James Bohman (Saint Louis University) explored several aspects in his keynote lecture on 'Legitimacy in the Transnational Polity: Justice, Equality and Non-domination'. His view of transnational legitimacy is based on the principle of non-domination. He defined domination as 'the power to modify the rights and duties of others' and argued (contra Philip Pettit) that 'democracies can in fact be dominators'. For Bohman, non-domination requires a democratic minimum, which he defined as the individual capacity to control one's life and circumstances. Furthermore, he explored how transnational institutions such as the EU might contribute to non-domination. Whereas the diffusion of popular sovereignty generally minimizes domination, courts as primary means to solve conflicts potentially lessen democratic control and need to be balanced out. In their comments, Bert van den Brink (Utrecht University) and Regina Kreide (Giessen Univer-

sity) both discussed Bohman's understanding of legitimacy and its relation to democracy. David Owen (University of Southampton) reminded that not all relations of power are also relations of authority and insisted that the consequence is that a democratic minimum for subjects of rule has to be distinguished from the democratic minimum for all affected. Finally, Miriam Ronzoni (JWGU) argued that a missing central authority at the transnational level raises the potential of domination and arbitrariness.

Legitimacy through legality?

Mattias Kumm (Wissenschaftszentrum Berlin/Humboldt University of Berlin) started the next panel with a lecture on 'Legal, Moral or Political: Sources of the Normative Authority of Cosmopolitan Constitutionalism'. He noted that judges commonly view legitimacy deficits of international law based on the principle of popular sovereignty and, accordingly, see legitimacy as tied to democracy in states. Kumm argued that this view is deeply flawed since the simplest legitimacy problems occur in the form of negative externalities of state action. Thus, the lack of collective action at the global level becomes the main obstacle to legitimacy. Based on that, he suggested a pluralist cosmopolitan constitutionalism that acknowledges the coordination of different legal orders as one of the main legitimacy problems.

The commentators, Klaus Günther and Andreas Niederberger (JWGU) both argued that Kumm's statements nevertheless assume popular sovereignty since legitimacy depends on the people being in control of the exercise of power.

The politics of legitimation

Frank Nullmeier's (University of Bremen) lecture drew attention to the fact that political theory itself is an actor in the political-practical struggle over legitimacy. For Nullmeier, a paradigm shift in the research on legitimacy is needed. He proposed a turn to an integrated theory of legitimation that empirically analyses 'the operative criteria of legitimacy in subsystems and disciplines'.

The comments to Nullmeier challenged different aspects of his claim to focus on legitimation practices. Nicole Deitelhoff (JWGU) questioned Nullmeier's perspective on legitimation and argued that the evaluation of orders has always been paralleled by the question if and how the respective orders are accepted by the subordinates. Hubertus Buchstein (University of Greifswald) pointed to the limits of conceptual expansion. If all justificatory practices in subsystems and disciplines are taken to be legitimations, the concept of legitimacy becomes too broad. Peter Niesen (Technical University of Darmstadt) added that pre-modern legitimation practices tied legitimacy to pedigree and also challenged the view that there is a detachment of legitimacy from democracy in International Relations theory.



Europe © Colourbox

Legitimacy, Democratic Equality and Social Welfare

Stephan Leibfried (University of Bremen) compared developments in the EU with typical features of the emerging federal welfare states in the formation of some of the world's largest federations. The major lesson for the EU, he argued, is that economic and political integration without social integration is unsustainable. Furthermore, he drew attention to the fact that social integration in federal welfare states has always been an afterthought. He concluded by drawing and evaluating alternative possible pathways to a social Europe.

Albena Azmanova (University of Kent) added that the EU has changed the classical legitimacy relationship between public administration and the citizens. Whereas the EU more and more regulates economy, it has freed itself from dealing with negative externalities of that regulation. Eva Erman (Uppsala University) asked about the consequences of EU's social integration to democracy. What follows from the view of citizens as flexible, moveable, employable, 'cosmopolitan' to them being democratic agents? Furthermore, she argued that a step towards a fiscal union is necessary to turn the EU from an economic, monetary union into a political union. Finally, Stefan Gosepath (JWGU) suggested looking at the implicit ideal-normative theory that orients Leibfried's alternative models of pathways to a social Europe. Gosepath outlined such an ideal of a transnational welfare system, arguing that the idea of human rights is most effectively granted in a system of global social justice.

Future challenges

In the final session, Erik O. Eriksen and John Erik Fossum (ARENA, University of Oslo) presented the achievements and further challenges of RECON. They focused particularly on the project's theoretical framework and three alternative models of the future of democracy in Europe.

Democracy as Idea in Practice

RECON WP 1 Workshop Oslo, 26-27 May 2011

In a workshop organised by ARENA - Centre for European Studies in cooperation with the Research Programme on Democracy at the University of Oslo, scholars from political science, philosophy and sociology came together under the heading 'Democracy as idea in practice: the methodological relevance of reconstruction in democratic theory' to discuss the disciplinary divide between normative political theory and empirical political science.

Democracy as an idea is almost exclusively discussed within political theory, whereas democracy as a political practice is largely covered by empirically oriented political science. To determine whether and how democracy can be preserved at the European or global level, it is essential to know more about how democracy as an idea functions in the political practice of modern democratic societies. The question is how to analyse the role and impact of ideas in practice.

The workshop discussed methodological aspects of democratic and political theory starting from the Habermasian concept of reconstruction.

Daniel Gaus' (ARENA, University of Oslo) introduction to the workshop's topic was followed by the first bloc of presentations that focused on Habermasian theory. Kjartan Koch-Mikalsen (NTNU Trondheim) compared the Kantian mode of normative justification with Hab-

ermas' mode of functional explanation. Jørgen Pedersen (University of Bergen) discussed the relationship between philosophy and science in Habermas' account. Christoph Humrich (Peace Research Institute Frankfurt) forged a bridge between Lakatos' theory of research programmes and Habermas' concept of rational reconstruction. Finally, Odin Lysaker (University of Oslo) drew attention to another author of the Frankfurt School and discussed Axel Honneth's account of reconstructive critical theory.

The second day started with two presentations that focused on the work of David Miller. Andreas Busen (University of Hamburg) presented Miller's work as a reconstructive approach in political theory and Tania Mancheno (University of Hamburg) reviewed Miller's reconstruction of the concept of nation and its implications to questions of justice. Taking a more general perspective, Cathrine Holst (ARENA, University of Oslo) reflected upon the role of examples in political theory. Two scholars then applied a sociological view on reconstruction; Oliver Schmidtke (Goethe University, Frankfurt am Main) presented a reconstructive analysis of Thomas More's Utopia, and Ulrich Franke (University of Bielefeld) proposed a new approach to the analysis of global governance, drawing on insights from pragmatism and the method of objective hermeneutics. Emanuel Richter's (University of Aachen) presentation on 'The EU regarded from the viewpoint of radical democracy' concluded the workshop.

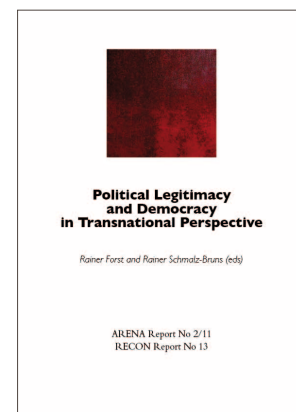
RECON Report 13

Political Legitimacy and Democracy in Transnational Perspective Rainer Forst and Rainer Schmalz-Bruns (eds)

In the words of Jürgen Habermas, and speaking for many contemporary observers, the outcome of the Lisbon Treaty demonstrates the 'consciously and blatantly elitist and bureaucratic' character of European politics. Part of this critique is founded on the detached and elite-driven mode of European integration and constitutionalisation, as well as the failure to establish a general democratic agreement on the future shape of the European Union.

The doubts about the unifying processes also express an uncertainty about the sources on which trans- or supranational normative orders can draw. Must the legitimacy of a normative political order rely on democratic procedures or could there be other sources, such as higher-order considerations of economic welfare, legal security, constitutional coordination, political effectiveness or, even more abstract, 'public reason' or some notion of material justice?

The contributions to this volume address this question - or rather, this host of questions. For even if one believes that the question of political legitimacy must be answered democratically for principled reasons of political autonomy or procedural justice, it is not clear what this would entail at a transnational level or, more concretely, with respect to the EU. And if one believes that other principles and forms of legitimacy are required and valid in transnational contexts such as the EU, a host of normative and institutional issues arises.



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www.reconproject.eu or order a paper copy by e-mail to
admin@reconproject.eu

Democracy in a changing world

MatchPoints Seminar Aarhus, 12-14 May 2011

With the situation in the Arabic countries as a backdrop, this year's MatchPoints Seminar in Aarhus dealt with democracy, democratization and democratic renewal in Denmark, the EU, North America and developing states.

The seminar had a rich variety of themes concerning democracy, and hosted numerous prominent Nordic and international speakers such as Francis Fukuyama (Stanford University/Aarhus University) and Fareed Zakaria (Time Magazine/CNN). John Erik Fossum (ARENA, University of Oslo), co-architect behind the RECON project, was co-organiser of the seminar and opened the seminar together with the rector of Aarhus University Lauritz B. Holm-Nielsen and the director of the MatchPoints Seminar Michael Böss.

Fossum also organised and participated in the workshop 'Representation and Deliberative Democracy in Europe and North America: Theory, Experiences and Historical perspectives'. The workshop focused on the renewed interest in deliberative democracy and the public sphere in a modern globalised society where we are constantly reminded of the crisis in representative democracy.

RECON-affiliated researchers Ben Crum (VU University Amsterdam), Christopher Lord (ARENA, Oslo), Johannes Pollak (Institute for Advanced Studies/Webster University Vienna) and Hans-Jörg Trenz (ARENA/University of Copenhagen) also contributed to the seminar.

The purpose of the MatchPoints seminars are to create dialogue between the Aarhus University and the surrounding society concerning subjects of wider societal interest. For further information see www.matchpoints.au.dk



Francis Fukuyama attended the MatchPoints seminar in Aarhus
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Strengthening EU democracy: Alternative forms of representation

RECON WP 3 workshop Bremen, 14-15 July 2011

This workshop was hosted by Ulrike Liebert and Tatjana Evras under the auspices of the Jean Monnet Centre for European Studies at the University of Bremen. It focused on the key issue of the EU's democratic legitimacy – also alluded to by the German Constitutional Court's 2009 Lisbon Ruling – namely the development of a representative system of government in a (con-) federation of nation states.

In modern representative democracy, elections and parliaments constitute the main institutional framework for achieving this aim. Granting that these structures are increasingly insufficient, especially with regard to postnational entities such as the EU, the key question addressed by the workshop was whether and how democracy in the EU could be strengthened by bringing in alternative forms of representation, including competing as well as complementary ones, to elections and parliaments.

To reach this aim, research findings from three of RECON's work packages were brought together, namely critical assessments of parliamentary representation in the multilevel EU polity (WP 3); comparative studies on the role of courts in the EU polity (WP 2) and analyses of civil society and of the public sphere (WP5).



Tatjana Evras organised the Bremen workshop together with co-leader of WP 5 Ulrike Liebert

EU as a counter-monitory democracy

Philippe C. Schmitter (European University Institute, Florence) opened the debate with a provocative keynote 'Re-presenting Representation'. Taking his point of departure in the present crisis of 'real existing democracies', he questioned the conventional wisdom following Seymour M. Lipset's equation of representation with elections and political parties. Claiming that the crisis of democracy was in fact primarily a crisis of representation, he argued that representation was by no means synonymous

with these two institutions, but could be found in a variety of other mechanisms of political interest mediation in social and political life. Alternative conceptions such as those developed by Pierre Rosanvallon ('counter democracy'), John Keane ('monitory democracy') and Colin Crouch ('post democracy') were identified and theorised. Drawing on the changing mechanisms of representation, Schmitter developed five hypotheses to depict the EU as 'an extreme version of counter-monitory democracy'.

Reassessing representative structures

The first panel started the exploration of the state of representation in the EU with a focus on political equality, the European Parliament and national parliaments. Christopher Lord (ARENA, University of Oslo) discussed, in his joint paper with Johannes Pollak (Webster University Vienna), how the German Constitutional Court (GCC) in its 2009 ruling on the National Act approving the Treaty of Lisbon understood the notion of representation at the EU level. Lord and Pollak forcefully argue that the understanding of representation by the GCC is based on a standard theory of representation. However, the application of this theory to the EU context regrettably leads to *dubious assumptions of value* that in turn could result in heavy losses regarding the democratic quality of the EU system of representation.

Ben Crum (Vrije Universiteit Amsterdam), in his joint paper with John Erik Fossum (ARENA, University of Oslo) addressed the issue of representation in the EU through the notion of 'multilevel parliamentary field'. Crum and Fossum argue that this notion conceptualizes a system of parliamentary democracy beyond the national state, thus contributing to a better framework for understanding the preconditions and mechanisms of proper and effective democratic control of political power in the EU. Their central argument suggests that national parliaments remain key actors for democratic representation in the EU. However, supranational and transnational institutions and practices are required as well.

Richard Rose (University of Aberdeen) discussed the system of representation in the European Parliament. Rose compared the EP's system of digressive proportionality with methods used to choose second chambers in national parliaments. He concluded with a set of propositions about how European citizens could cast a ballot in an election in which their votes would be counted equally.

Richard Bellamy (University College London) and Sandra Kröger (University of Bremen) turned their focus on domestic representative institutions – parliaments and parties – and discussed whether they can and should still provide a forum for either reasonable

disagreement or control of power over issues of European governance.

These four papers were commented by Philippe C. Schmitter, Carlos Closa (Consejo Superior de Investigaciones Científicas, Madrid) and Aleksandra Maatsch (University of Bremen) and followed by an extensive plenary discussion.

Courts as unaccounted players

The second panel shifted the focus from the classical representative institutions to courts at both the national and EU level, to explore to what extent these (do, should or could) play a role in protecting citizens' traditional channels of representation or in providing them with new avenues for representing their interests. Opening the panel, Dagmar Schiek (University of Leeds)



The role of the European Court of Justice as well as that of national courts were discussed at the workshop © Colourbox

presented an extensive scrutiny of the European Court of Justice's jurisprudence in the area of industrial relations. She argued that the social ideals on which the Court builds its reasoning are generally based on scepticism toward industrial action by trade unions; however, the Court acknowledges the regulatory function of collective agreements and their potential to regulate flexibility. Schiek concluded that the social ideals underlying its case law 'lean towards valuing spontaneous market regulation higher than negotiated self-regulation'.

Carlos Closa presented comparative data on the engagement of national constitutional courts with European integration, specifically through their adjudication on the constitutionality of the European treaties. Empirically testing normative assumptions grounded in the constitutional pluralism literature, he concluded that Constitutional and Supreme Courts' decisions on the constitutionality of the EU reform treaties have largely attempted to avoid or limit the clash between different legal orders.

Harald Koch (Humboldt University, Berlin) developed further the national courts' perspective by discussing the enforcement of EU law through mass litigation lawsuits. Comparing procedural rules in EU member states and the US, Koch identified a number of shortcomings and

suggested reforms that could improve procedural standing rules at the EU level and hence provide avenues for representing citizens' rights through court proceedings.

Tatjana Evas concluded the panel by presenting a joint paper with **Ulrike Liebert** (both University of Bremen) exploring the role of domestic courts in the EU's system of multilevel judicial governance. By comparing the judgements of the Czech, Latvian and German Constitutional Courts on the constitutionality of the Lisbon Treaty, Evas demonstrated that domestic courts diverge in their understandings of current problems of the democratic deficit in the EU and use a variety of different legal methodological tools to support their reasoning. **Petra Guasti** (Academy of Sciences of the Czech Republic), **Richard Bellamy** and **Norbert Reich** (University of Bremen) commented on the four presentations in this second panel.

Combining or colliding?

The third panel focused on civil society and the public sphere as forums for representing

contesting claims, public opinion, and political discourses; asking whether and how these mechanisms would enhance the potential of representative structures in the EU. **Hans-Jörg Trenz** (University of Copenhagen/ARENA, University of Oslo) presented a joint paper with **Pieter de Wilde** (Social Science Research Center Berlin) in which they argue that Euroscepticism should be understood as part of the general practices of assessing the legitimacy of European integration and analysed as a meta-critique of the polity. This would imply an analytical shift from the critical practices within a polity to a critique of the polity.

Aleksandra Maatsch investigated dominant discourses on the EU polity in the national print media in six EU member states. With respect to the three RECON models of democracy in Europe, Maatsch demonstrated that two main factors account for the kind of specific democratic model that are discursively constructed by the national print media; first, the political orientation of the newspaper; and secondly, the actors' affiliation, that is whether they are political, civil society



A study of national print media was presented by Aleksandra Maatsch
© Colourbox

or non-political social actors.

The final paper was delivered by **Ulrike Liebert**. Discussing which kind of democracy would be represented as appropriate and viable for the EU polity at the national level, the paper adopted the framework of *discursive representation*, based on a broader notion of representation, to describe the relationship between representatives and the represented. Focusing upon EU constitutional and reform treaty politics and European elections, the paper established to what extent the discursive representations of democracy in the EU collided or cohered within and across diverse national contexts.

Preceding the general discussion, **Richard Rose** and **Martin Heidenreich** (Carl von Ossietzky University, Oldenburg) provided extensive comments on the papers presented in the third panel.



Petra Guasti, Gesche Lange and Tatjana Evas

A more powerful European Parliament

Forum for European Research
Oslo, 22 March 2011

The Norwegian Forum for European Research held a seminar jointly organized by the Norwegian Ministry of Foreign Affairs and ARENA, University of Oslo on 22 March 2011. This year's meeting addressed the increasing influence of the European Parliament in the decision-making system of the EU, and allowed RECON affiliates to present their research in this field to practitioners.

In his introduction State Secretary to the Ministry of Foreign Affairs **Erik Lahnstein** stressed the fact that the European Parliament has become a real force on an increasing number of policy areas in the EU. This is signified by the fact that high-ranking national politicians are increasingly seeking out this institution. Lahnstein claimed that this has repercussions for the Norwegian way of trying to influence the EU. This has traditionally aimed the Commission, but working on a civil service level is no longer enough – joint, transnational political advances are often needed.

Christopher Lord (ARENA, University of Oslo) discussed on the appointment of the 2009 Commission, and argued that not only could the European Parliament throw the Commission, it had gained an increasing influence of the composition of the Commission. He sustained that the EU system is moving towards a parliamentary system of government. **Guri Rosén** (ARENA, University of Oslo) discussed the increasing influence of the European Parliament on the EU's Foreign and Security Policy. The informal power of the EP has been gradually formalized, which is partially explained by the need for more democratic legitimacy.

In addition to the two RECON affiliates, **Bjørn Høyland** (Center for International Climate and Environmental Research, Oslo) presented research on the patterns of political coalitions in the EP. His research suggests that the Parliament votes in clusters following party dividing lines. Moreover, the matters discussed are increasingly settled in the first round and the respective spokesperson could increasingly influence the outcome of singular cases.



EU Agency Governance

A Special Issue of the *Journal of European Public Policy* on 'Agency Governance in the European Union' edited by Berthold Rittberger and Arndt Wonka was published in September 2011.

The contributions to this collection were first discussed in a workshop at the affiliated RECON partner Mannheim Centre for European Social Research (MZES) in September 2010, within the framework of WP 3 – Representation and Institutional Make-up.

This JEPP Special Issue has three thematic foci. Firstly, the causes and dynamics of the creation and design of regulatory bodies in EU governance, not only EU agencies but also alternatives to the agency format, such as regulatory networks. Secondly, once agencies are established the consequences and trajectories of governance with and by EU agencies are explored. Thirdly, the design of EU agencies as independent, non-majoritarian institutions poses pressing questions with a view to their legitimacy and accountability.

Political attitudes of EU agency professionals

In their contribution, Wonka and Rittberger explore the political attitudes of EU agency staff focusing, inter alia, on perceptions about the sources of legitimate and accountable governance. They draw on original data from an online survey of professionals working in EU agencies to gain insights into attitudes on three substantive dimensions: conceptions relating to legitimate and accountable EU governance, conceptions about the preferred level of centralization of political authority in the EU, as well as views on economic governance in the EU. One of their main findings is that the self-understanding of EU agency professionals is rooted in a strong sense of professionalism with, at the same time, an acute awareness of the political character (and impact) of their work.

The legitimization of agencification

Christopher Lord in his article considers the role played by the EP in ensuring that the agencies are controlled and held to account. He analyses the six cases where the 2004–2009 EP legislated to create a new European agency and argues that the EP overcame some of its doubts about agencification by proposing amendments which brought the legislation closer to its own legitimization beliefs. Lord argues that the role of the EP can be considered paradoxical given its strong scepticism vis-à-vis EU agencies on the one hand, and the legislative efforts on behalf of parliament to increase the powers and autonomy of EU agencies on the other hand.

In addition to the two articles by RECON scholars, the journal contains articles by Mark Thatcher, David Levi-Faur, Martino Maggetti/Fabrizio Gilardi, Madalina Busuioc/Deirdre Curtin/Martijn Groenleer, and Morten Egeberg/Jarle Trondal.

Agency Governance in the European Union

Journal of European Public Policy, Special Issue, vol. 18, no. 6, 2011
Arndt Wonka and Berthold Rittberger (eds)

'Perspectives on EU governance: an empirical assessment of the political attitudes of EU agency professionals', Arndt Wonka and Berthold Rittberger, pp. 888-908.

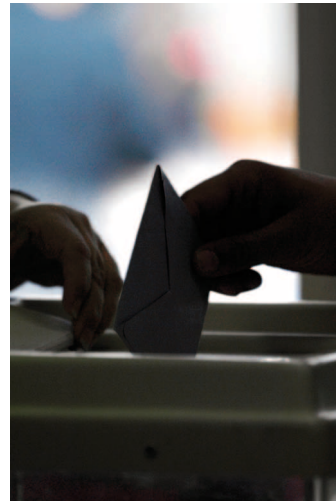
'The European Parliament and the legitimization of agencification', Christopher Lord, pp. 909-25.



Democratic Audit Website

There is much debate on whether the European Union suffers from a democratic deficit. A website was recently launched with the aim to provoke discussion about indicators and data sources which might be used to assess how democratic the EU is.

A framework for evaluating the democratic qualities of EU institutions through a democratic audit has been developed as part of RECON's WP 3 – Representation and Institutional Make-up. WP coordinator Christopher Lord is conducting the **European Union Democratic Audit** which is based on a set of ten indicators. He launched his own website in October, which sets out the democratic indicators and proposes data sources that are helpful to measures these.



Free and fair elections are among the ten indicators in Christopher Lord's EU Democratic Audit © Colourbox

Visit the Democratic Audit Website at: www.sv.uio.no/arena/english/people/aca/chrilor/democratic-audit

New Book:

The Democratic Control of Internationalized Security Policy

Wolfgang Wagner

Nomos, 2011 (in German)



Not only the Security and Defence policy, but also internal security policies have been transformed by the nation states' participation in international organizations such as NATO and the EU. On the basis of case studies on military interventions, Europol and the European arrest warrant, this book shows that the internationalization of security policy has led to a democratic deficit: both parliamentary control and the protection of human rights have become less effective as a result of internationalization.

The author argues that this democratic deficit is troubling not only from a democratic theory perspective, but also from the point of view of peace research, as an effective democratic control has been considered the best guarantee for a cooperative and prudent security policy. The study concludes with a comprehensive discussion of the Lisbon Treaty reforms and their implications for the EU's Common Foreign, Security and Defence Policy as well as Police and Criminal Law Cooperation.

Democratizing the European Union's Foreign and Security Policy

RECON WP 6 workshop
Oslo, 15-16 September 2011

Coordinators of WP 6 – *The Foreign and Security Dimension*, Helene Sjørnsen and Wolfgang Wagner organized the workshop 'Democratizing the EU's Foreign and Security Policy' in Oslo. As the last workshop of the work package it was designed to discuss the final results of the research done by the individual researchers as well as their implications for the guiding questions of the work package.

The two chairs opened the discussion with re-introducing the two main questions: First, to what extent has the EU's Common Foreign and Security Policy (CFSP) moved beyond intergovernmentalism? And second, what kind of democracy would be required?

Informal information exchange

Federica Bicchì (London School of Economics and Political Science) presented her analysis of the telex network COREU ('Correspondence Européenne') via which EU diplomats exchange views on current events and work towards common positions. Although 'red lines' continue to exist and delimit a strictly intergovernmental arena, Bicchì finds that much of the daily practice occurs outside these 'red lines'. The COREU communication practice contributes to make 'purely national' foreign policies further unthinkable by tightening relations between officials belonging to different countries and by nurturing a joint cognitive and social system for policy making.

Parliaments and executives

Dirk Peters, Wolfgang Wagner and Cosima Glahn (Peace Research Institute Frankfurt) examined parliamentary control of military missions. They presented a study of the EU's maritime mission ATALANTA that was launched to combat piracy off the coast of Somalia. Findings suggest that parliaments are indeed actively involved in the democratic control of EU military operations. However, the study also shows that parliamentary involvement, regardless of its level, only kicks in after key executive decisions have been made. Further, rules and practice of parliamentary involvement

at the national level are not uniform. While many parliaments possess the authority to scrutinize government actions, others do not engage in controlling EU military operations either because they are not authorized to do so or because MPs are occupied with other issues.

Kolja Raube (Katholieke Universiteit Leuven) argued that the changes in the diplomatic system, which the Lisbon Treaty brings about, point in the direction of a more closely integrated executive in the CFSP. Raube emphasized that elements of intergovernmentalism are here to stay, but that developments point in the direction of newly created executives on different levels of executive integration – in the EU and beyond. The executive integration takes place beyond pure intergovernmental diplomacy, but not without governments and national administrations.

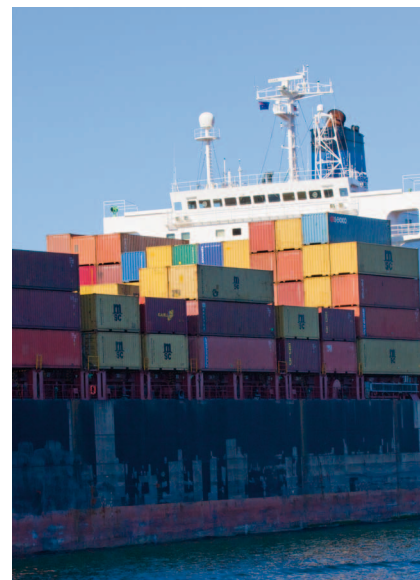
How to democratize the CFSP?

Helene Sjørnsen's (ARENA, University of Oslo) paper focused on the question of what the EU would need to look like in order to be democratic. This exercise is intended to move the debate beyond the diffuse claim that there is something 'more' to CFSP than intergovernmentalism. To Sjørnsen, the third RECON model of a regional cosmopolitan polity, that is, a polity that is not a state and that instead rests on an agenda of state transformation proves useful, and captures some key features of the CFSP as a policy field where the executive emerges from the nation states but is no longer entirely within their reach. With a view to the democraticness of CFSP, Sjørnsen claims that a reorganisation of the representative dimension and a clarification of the lines of authority and power between the different levels and layers of decision-making are needed.

Matthias Dembinski (Peace Research Institute Frankfurt) presented a paper co-authored with Jutta Joachim (University of Hannover) on civil society organizations (CSOs) as a means to democratize the CFSDP. Their analysis suggests that such organizations and their transnational networks do indeed contribute to the democratic quality of an intergovernmental model of European foreign policy. CSOs correct for the democratic deficits associated with intergovernmental decision-making. They contribute to the implementation of decisions, and ensure that different viewpoints and alternative solutions are considered by providing well-researched information and expertise. They also enhance the transparency of decision-making processes.

Public opinion and media debates

In his paper on public opinion and the EU's Common Foreign, Security and Defence Policy (CFSDP), Dirk Peters finds that general support for a common foreign policy is high. The desirability of a common defence policy, however, is much more contested among EU member states. European citizens do not give particular preference to the defence of international law and human rights as tasks for the armed forces. Traditional security concerns such as territorial defence still figure prominently. However, European forces geared primarily at enforcing



The Maritime Labour Convention provides rights and protection at work for seafarers © Colourbox

international law and contributing to UN missions stand a much greater chance of being accepted in all member states.

Cathleen Kantner (Stuttgart University) linked the findings of an extensive quantitative content analysis of quality newspapers in seven EU member states and the US to the three RECON democracy models. Based on an analysis of the public debate on military interventions, Kantner finds that it mirrors the idea that the problem-pressure of international crises are too strong for EU member state to tackle alone. Kantner's analysis also demonstrates that transnational, transatlantic and European debates on humanitarian military interventions occur in the national media. However, such a transnational European public is marked by conflict, dissent and verbal battles – as any pluralistic public sphere.

Deliberation as explanatory factor

Guri Rosén (ARENA, University of Oslo) presented a paper on how the European Parliament got access to sensitive documents in the area of security and defence. Her analysis shows that both normative learning and bargaining contributed to the establishment of the Interinstitutional Agreement on access to sensitive documents.

Marianne Riddervold (ARENA, University of Oslo) presented a paper in which she aims at making deliberative theory more applicable to research on EU integration by establishing alternative and more concise micro-mechanisms like those in rationalist bargaining theories. She suggests that the micro-mechanism through which deliberation has an effect on outcomes is what is termed argument-based learning. Riddervold applied the framework to a case where one would not expect agreements on common EU policies to have been reached due to argument-based learning, namely EU coordination towards the Maritime Labour Convention, thus accounting for agreements that are puzzling from a rationalist perspective.



The Atlas Group associates European anti-terrorist units and national police forces © European Parliament

RECON in Reykjavik

ECPR General Conference, Reykjavik, 25-27 August 2011

A section on 'Reconstituting democracy in Europe' was organised at the 6th ECPR General Conference at the University of Iceland. The section was tailored to the work of the RECON project, with seven panels chaired mainly by RECON scholars and devoted to topics central to the project.

Hans-Jörg Trenz (ARENA, University of Oslo/University of Copenhagen) chaired the section 'Reconstituting democracy in Europe', which was one of more than 60 sections at the conference. The RECON section examined the present state of democracy and its many challenges in Europe from a range of angles, including constitutional, institutional and issue-specific ones. A total of 33 papers were given at the seven panels, many of which were contributions by RECON researchers.



Rooftops in Reykjavik © Björn Giesenbauer

The EU's constitutional experience

In one panel **John Erik Fossum**, **Agustín José Menéndez** and **Hans-Jörg Trenz** (ARENA, University of Oslo) discussed the main democratic lessons from the EU's constitutional experience. What conceptions of democracy underpinned this process and its result, the Lisbon Treaty?

As one of the eight papers dealing with this topic, **Fossum** and **Menéndez** presented the paper 'Synthetic constitutionalism at midnight: the constitutional state of the Union after Lisbon'. Here they discussed the EU's process of constitutionalisation in the light of the theory of constitutional synthesis and its specific conception of democracy. **Carlos Closa** (Consejo Superior de Investigaciones Científicas, Madrid) presented the paper 'Lessons from ratification: comparing Lisbon and the EU Constitution'. Finally, **Ulrike Liebert** (University of Bremen) dealt with competing discursive representations in national public spheres in her paper 'The would-be democratic European polity'.

National Parliaments in the EU

Johannes Pollak (Webster University/Institute for Advanced Studies, Vienna), **Jürgen Neyer** (European University Viadrina) and **Christopher Lord** (ARENA, University of Oslo) discussed what role national parliaments may play in the EU after the Lisbon Treaty. Many have hailed the role awarded to national parliaments as a major democratization of the EU, but how are the parliaments using their newfound rights?

The case of the Austrian Parliament was discussed by **Peter Slominski** (Austrian Academy of Sciences) and **Johannes Pollak** in their paper 'Communicating the EU - how the Austrian Parliament informs its citizens on European issues', and by **Eric Miklin** (University of Salzburg) in his paper 'The effect of inter-parliamentary cooperation on power-relations in EU decision-making'.

Gender justice and democracy

Yvonne Galligan (Queen's University of Belfast) chaired a panel which explored the connections between gender justice as a normative concern and empirical objective, and democratic decision-making processes.

Three RECON-affiliated researchers discussed the concept of 'gender democracy' and presented country case studies.

Katarzyna Zielinska (Jagiellonian University) presented the paper 'Assessing gender democracy in Poland'; **Sara Clavero** (QUB) presented the paper 'Assessing gender democracy in the context of EU governance: the case of Spain'; and **Borbala Kriza** (Eötvös Loránd University Budapest) discussed her paper 'Missing women: female political representation and quality of democracy in Hungary'.

Civil society, identity and public sphere

In one panel **Zdenka Mansfeldova** (Academy of Sciences of the Czech Republic), **Ulrike Liebert** and **Jürgen Neyer** discussed the reconstitution of democracy in Europe from a citizens' perspective. The panel dealt with topics such as the rise of Euroscepticism, new politics of European civil society, the Europeanisation of national parliamentary debates, and the reconstruction of national and European identities.



Alþingi, Iceland's ancient parliament at Thingvellir

Among the seven contributions to this panel were those of **Pieter de Wilde**, **Asimina Michailidou** and **Hans-Jörg Trenz** (ARENA, University of Oslo) on the prominence, content and justification of euroscepticism during 2009 EP election campaigns; **Maria Heller** (Eötvös Loránd University Budapest) on "Democritical" masses and contemporary "democrature" (democratic dictatorship); **Aleksandra Maatsch** (University of Bremen) on the 'End of "permissive consensus": new patterns of EU contestation by the mainstream and radical political parties'; and **Magdalena Gora** and **Zdzislaw Mach** (Jagiellonian University) on the transformation of collective identities in Europe and democracy.

Ethnic and National Diversity

Monika Mokre (Austrian Academy of Sciences) chaired the panel 'Ethnic and National Diversity and Democracy in Europe'. This panel analysed challenges to traditional conceptions of democracy and citizenship with a particular focus on cohesion, diversity and the definition of citizenship. The concept of the panel was based on the *Eurosphere* project and included papers from Eurosphere participants as well as from other academics.

Demoi-cracy in the EU

Johannes Pollak together with Frank Schimmelfennig and Rebecca Welge (both University of Zurich) in the final panel explored the analytical leverage of the concept of 'demoi-cracy'. The paper gives contributed to the normative theory of demoi-cracy and provided empirical analyses of demoi-cratic institutions in the EU's multilevel and multinational polity.



european consortium for political research

RECON Online Working Papers

The RECON Online Working Paper Series publishes pre-print manuscripts on democracy and the democratisation of the political order in Europe. The topics of the series correspond to the research focus of RECON's work packages. Recent publications in the series include:

2011/24
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The European Union's Foreign Policy: The Perceptions of the Turkish Parliamentarians

2011/22
Guri Rosén
Can You Keep a Secret? How the European Parliament Got Access to Sensitive Documents in the Area of Security and Defence

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Merzuka Selin Türkeş
Human Rights in the European Union's Foreign Policy: Universal in Discourse, Flexible in Practice

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Meltem Müftüler-Baç
The European Union and Turkey: Democracy, Multiculturalism and European Identity

2011/19
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A Divided Union? Public Opinion and the EU's Common Foreign, Security and Defence Policy

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Representation through Deliberation: The European Case

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2011/12
Rainer Forst
Transnational Justice and Democracy

2011/11
Petra Guasti
The Europeanisation of Parliaments in Central and Eastern Europe

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Espen D. H. Olsen
European Citizenship: With a Nation-State, Federal, or Cosmopolitan Twist?

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2011/08
Eric Miklin and Ben Crum
Inter-Parliamentary Contacts of Members of the European Parliament: Report of a Survey

2011/07
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2011/06
Agustín José Menéndez
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Mihály Csáki
Education for Democracy in Hungarian Schools

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The Politics of Justification? Applying the 'Discourse Quality Index' to the Study of the European Union

2011/02
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From Constitutional Pluralism to a Pluralistic Constitution? Constitutional Synthesis as a MacCormickian Constitutional Theory of European Integration

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Radostina Primova
Enhancing the Democratic Legitimacy of EU Governance? The Impact of Online Public Consultations in Energy Policy-making

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www.reconproject.eu

RE/CON
online working paper series

Upcoming events

European Constitutional Pluralism and the Constitution of the Union Madrid, 10-11 November 2011

This is the concluding workshop of RECON's WP 2 – *The Constitutionalisation of the EU, the Europeanisation of National Constitutions, and Constitutionalism Compared*. This research agenda has been pinned down to five related lines of research: the assessment of established constitutional theories of European integration; the reconstruction of European constitutional practice; the analysis of constitutional adaptations at the national level; the comparative analysis of national ratification processes; and finally, the examination of the prospects for supranational democracy in Europe by studying the constitutionalisation of the EU.

Taken together this research endeavour provides necessary input to the assessment of how constitutional factors respectively increase or decrease the democratic legitimacy of the supranational and the national levels in relation to each of the RECON conceptions of democracy, and to the task of determining which RECON conception European constitutional practice speaks to and how well the processes and the results reflect democratic requirements.

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RECON events in Oslo

Europe's Democratic Challenge

RECON outreach seminar Oslo, 24 November 2011

Europe has recently been struck with a crisis that also exposes the democratic challenges facing the European Union. What are the prospects for democracy beyond the nation state?

This question will be discussed by scholars from across Europe and beyond when the RECON project presents highlights from five years of research.

Norwegian Minister of Foreign Affairs Jonas Gahr Støre will open this public seminar in Oslo.

The seminar is a part of the University of Oslo's 200th anniversary celebration.

Please register on RECON's website:
www.reconproject.eu



What is Left of European Democracy?

RECON concluding conference Oslo, 25-26 November 2011

RECON's final conference discusses key findings from the 5-year long project, which has focused on the conditions for democracy in Europe. The greater, more overarching implications that this collective research effort has generated will be discerned at this academic conference.

Due attention will also be paid to the most pressing issue currently facing the EU, namely the financial crisis. The first part of the conference is thus devoted to discerning the main lessons from the financial crisis and the likely implications for the EU.

Please register on RECON's website:
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Gender award to QUB

The Queen's University Belfast received **The Times Top 50 Employers for Women** in April 2011. The award recognises excellent practice creating equal, diverse and inclusive workplaces, with a particular focus on gender. QUB was the only organisation to receive it in Northern Ireland. Yvonne Galligan, coordinator of RECON's WP 4 - *Justice, Democracy and Gender*, is Director of the University's Gender Initiative.

Appointments

Jozef Bátora was appointed Director of the Institute of European Studies and International Relations at Comenius University in Bratislava in January 2011. He is affiliated to the RECON team at the Austrian Academy of Sciences, contributing to WP 3.

Pieter de Wilde successfully defended his PhD dissertation 'How politicisation affects European integration: contesting the EU budget in the media and parliaments of the Netherlands, Denmark and Ireland' on 19 November 2010. De Wilde conducted the research as PhD fellow at ARENA – Centre for European Studies, University of Oslo. Since March 2011, he has been Research Fellow at the Social Science Research Center Berlin, and continues as an affiliate to WP 3 and WP 5.

Wouter Fassaert joined the Spanish National Research Council (CSIC) in Madrid as a PhD student in December 2010. He has an MA in European Union Studies from CEU San Pablo University

in Madrid. His current research interests are European integration and transitional justice, and he contributes to WP 2.

Petra Guasti is lecturer and senior researcher at the Department of Political Science, University of Mainz from October 2011. She is working on the Habilitation Project 'EU as an actor in promoting rule of law in Central and Eastern Europe'. Guasti was previously senior researcher at the Institute of Sociology, Academy of Sciences of the Czech Republic and continues as a member of WP 3, WP 5 and WP 8 until the end of the project.

Hans-Jörg Trenz was appointed EURECO Professor at the Centre for Modern European Studies at the University of Copenhagen on 1 April 2011. Trenz is co-leader of WP 5 – Civil Society and the Public Sphere, and also keeps his affiliation to ARENA – Centre for European Studies, University of Oslo, where he has been since 2005.



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The organiser of the Oslo events is RECON's coordinating partner
ARENA – Centre for European Studies
at the University of Oslo



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