

RECON halfway

The RECON project has reached halfway in its project period, and on this occasion the RECON midterm conference was held in October 2009 in Prague. The event gathered some 100 researchers as well as policy makers, civil society actors and representatives from the general public to discuss the project's focus on the future of democracy in Europe. The conference was opened by EU Commissioner Vladimír Špidla, and a number of external researchers, including Prof. Giandomenico Majone, spoke at the conference and contributed with critical project feedback.

The event successfully accommodated for constructive discussions on the theoretical models underlying the project and taking stock of RECON's research halfway through the project. Moreover, it provided an opportunity for all RECON researchers to present ongoing projects and preliminary research results within as well as across work packages.

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New RECON Report: The Sinews of Peace

A new RECON report investigates to what extent the welfare state and the European integration process is related to the constitutional design of the institutional structure and the decision-making processes of the EU. The report *The sinews of European peace: reconstituting the democratic legitimacy of the socio-economic constitution of the European Union* is edited by Raul Letélier and Agustín José Menéndez.

Read more on p. 2

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Editorial

RECON has now lasted for 3 years. The project has contributed to frame the debate on democracy in Europe by seeking to bridge the broad international debate on democratic theory with due attention to the specifics of the European integration process.

Through its many forms of outreach it has also become a major forum for the discussion of such issues. It has brought together researchers from a wide range of disciplines, from all across Europe and beyond, and has reached out to policy makers, organised civil society and the general public.

Our working paper series is an attractive and sought-after outlet for pre-print publication also for non-affiliated researchers. It reaches far and has a large readership. In 2009, RECON online working papers had more than 13,000 hits at the RECON website. In addition, the working papers are available from other online archives, such as the European Research Papers Archive (ERPA) and Research Papers in Economics (RePEc).

The RECON collective research effort is aimed at bringing us closer to a proper understanding of the many puzzles and paradoxes that beset the European integration process. This pertains to issue-areas as varied as the clarification of the Union's constitutional nature and status on the one hand and its foreign and security persona on the other. What is European identity? What is the status of gender justice in the EU? These are some of the questions that RECON is querying.

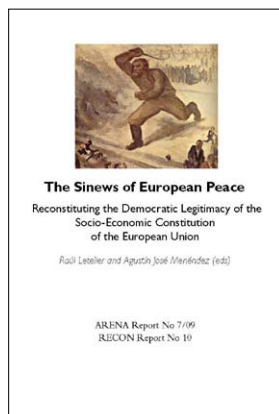
RECON has spurred a lot of debate and has instigated research on most of the dimensions of the complex European political order. We hope that in the last two years of the project, we will be able to synthesize findings and bring more clarity to the central issue of what democracy can mean today.

It is our clear ambition by the end of the project period to provide a better answer to the question of what democracy for what union, than the ones presently available.

Erik O. Eriksen
scientific coordinator

John Erik Fossum
substitute scientific coordinator

New RECON Report



The Sinews of European Peace: Reconstituting the Democratic Legitimacy of the Socio-Economic Constitution of the European Union

Edited by Raúl Letelier and Agustín José Menéndez
RECON Report 10 (December 2009)

The process of European integration and the establishment of the welfare state were for a long time regarded as the two sinews of European peace. In the first three postwar decades, they seemed to be mutually supportive. Since the eighties, they have seemed to be on a collision course. How could that be? In line with the overall design of the RECON project, the contributions to this report elucidate the extent to which these two great European transformations are related to the constitutional design of the institutional structure and

the decision-making processes of the European Union. Special attention is paid to the relationship between the most prominent part of the economic constitution of the Union (the economic freedoms) and the key socio-economic policies of the Union (from fiscal policy to labour relationships).

The authors suggest answers to some of the burning questions of European integration: is the decision-making over macro economic policy, the design of the common market or tax policy democratic enough? Has the process of European integration decreased or increased the democratic legitimacy of such decisions? Are the democratic shortcomings connected to the peculiar and asymmetric way in which the strings of the purse are divided between the Union and its member states? The report is based on the proceedings of the WP 7 – *The Political Economy of the European Union* – workshop held in León 19-20 September 2008, and it contains contributions from Flavia C. Bellolio, Fernando L. Fraga, Pedro G. Teixeira, Luiz M. Alcoz, Stefan Collignon, Florian Rödl, Marco Greggì and David G. Mayes.

The RECON Report Series is part of the ARENA Report Series. Download reports in electronic format at RECON's website: www.reconproject.eu or order a hard copy by e-mail to admin@reconproject.eu.

New ESA Political Sociology Section

A new ESA Political Sociology Section was launched at the 9th European Sociological Association (ESA) conference held at the University of Lisbon 2-5 September 2009. The ESA political sociology network is intended as a site for enduring debate and exchange to measure the scale and scope of the ongoing transformation of political order and authority in Europe and beyond. The establishment of a political sociology section is meant as an integrating effort for evaluating the challenges to the Westphalian order of nation-states but also for testing out the opportunities for the consolidation of a new type of political order and its legitimacy. RECON's WP 5 leader Hans-Jörg Trenz (ARENA, University of Oslo) and WP 8 leader Zdzisław Mach (Jagiellonian University Krakow) took part in the Promotion Committee and the launch. To join the initiative and/or be on the mailinglist, please contact Hans-Jörg Trenz: h.j.trenz@arena.uio.no.

More information is found at: http://www.europeansociology.org/index.php?option=com_content&task=view&id=147&Itemid=29



Highlights from the midterm conference Prague, 9-10 October 2009

In 2009 the RECON project reached halfway in its project period. On this occasion the RECON midterm conference was held in October in Prague, and organised by the Academy of Sciences of the Czech Republic and ARENA, University of Oslo. The event gathered some 100 researchers as well as policy makers, civil society actors and representatives from the general public to discuss the project's focus on the future of democracy in Europe. This issue of RECON's newsletter contains a special section exclusively devoted to the successful event.

The first day of the conference was dedicated to three keynote speeches, one on each of the three RECON models. Three roundtable panel debates, introduced by John Erik Fossum, allowed for more in-depth discussions on the models and on preliminary findings from the project. The second day of the conference proceeded with parallel work package sessions, and was concluded with a plenary session on 'EU with Lisbon: From a RECON perspective'.

This special section contains presentations of the opening speeches by EU Commissioner Vladimír Špidla and scientific coordinator Erik O. Eriksen (ARENA, University of Oslo). Further, the section contains reports on the keynote speeches given by Giandomenico Majone (European University Institute), Rainer Schmalz-Bruns (University of Hannover) and Hauke Brunkhorst (University of Flensburg). The keynote speeches were commented upon by Deirdre Curtin (University of Amsterdam), Ulrike Liebert (University of Bremen) and Agustín José Menéndez (University of León).

Opening speech

Vladimír Špidla

EU Commissioner for Employment, Social Affairs and Equal Opportunities

In his opening speech, Špidla focussed on the 20th anniversary of the Velvet Revolution and how it offers important incentives to contemplate both upon where we are coming from and where we are going. In particular, he focussed upon different conceptions of freedom.

According to Špidla, a misconception of freedom as 'deregulation' prevails in the Czech Republic. According to this logic, the

freest are those who do not answer to any rules, like the citizens of failed states. In reality, however, examples of failed states show how meaningless this conception is. In failed states, the strongest are free to deliberately use violence against the weak, to appropriate their property and to take their life without fear of punishment. Thus, a minority's freedom is at the expense of the freedom of the majority. This phenomenon appears to a lesser degree in countries where the state formally functions, but where the rule of law is undermined by powerful political and economic oligarchies. If freedom is meant to be a characteristic of society as a whole, the presence of relatively firm and clear rules (in the form of constitutional order and laws) is not in conflict with freedom, but a prerequisite.

Špidla also pointed to that freedom is not derived solely from the market, but that a free market may be understood as a part of freedom. Similarly, the market can be free only if competition is based on laws. When free competition is misinterpreted as cartels and monopolies, or corruption and favouritism – the competition is less free. Further, freedom cannot be reduced to political democracy. Countries which are formally democratic and in which elections take place at regular intervals, can not be seen as democratic if the ruling party employ some form of political monopoly – such as control of media or misuse of state resources. These 'democracies' limit people's access – especially those with disparate opinions – to decision-making positions, and hinder and threaten them in everyday life. Moreover, in the case of economic monopolies,



electoral competition is less free and less just. It leads to inequality and unfairness and, more importantly, to the confirmation and further strengthening of the seemingly democratic rulers. The proponents of these

regimes often point to high levels of electoral support, and attack their critics for not having enough votes and thus no mandate to take part in the political discussion. Similar argumentative strategies can be found among populist politicians in countries where the political arena is clearly monopolized –

as for example in the Czech Republic. Those who gain the power in democratic societies do not gain the right to act in an unwarranted manner; on the contrary, with their increasing power, their freedom is increasingly limited by growing responsibility. The old Greeks would probably have loftily (but fittingly) summarized this with an axiom that society

The 20th anniversary of the year 1989 offers an important incentive to contemplate on where we are coming from and where we are going



Erik O. Eriksen (ARENA, University of Oslo), Zdenka Mansfeldova, Petra Guasti (Academy of Sciences of the Czech Republic) and EU Commissioner Vladimír Špidla

Highlights from the midterm conference

needs demos, but demos is not a sufficient condition for its functioning. The society has to also adopt ethos.

Finally, Špidla distinguished between freedom from, freedom against, and freedom to something. Misconceptions of freedom typically see freedom as liberation from something: from laws, from taxes or from ethical rules to follow. Of course, freedom can be liberation from something, for example, from totalitarian dictates, and the call for freedom can be directed against something or someone – against tyranny. Those who truly cherish freedom do not reduce it to freedom from something or the struggle against something or someone: they tend to understand it (such as the Charter 77) as freedom to something – the freedom to cultivate intellectual and political pluralism. One should, however, distinguish between the freedom to include and exclude – as the conception of freedom to exclude – for instance minorities – dominates in Central Europe. The difference between an inclusive and exclusive understanding of representative democracy is crucial and the time is right to start a discussion about it.

Vladimír Špidla's full length opening speech is available at www.reconproject.eu

RECON halfway

Erik Oddvar Eriksen
Scientific Coordinator
ARENA, University of Oslo

In his introductory speech, Erik O. Eriksen emphasised that today's Europe is marked by complex interdependence embedded in a multilevel governance configuration. Increasingly,

the EU has become a polity in its own right, and one that subscribes to democracy and human rights as legitimating criteria. Further, Eriksen argued, the European integration process is persistent, and processes of institution building at the European level, adaptation at the domestic level, and co-evolution of the two levels, are challenging the fundamental building blocs of democratic rule in Europe. Integration in Europe not only testifies to Europeanisation of the nation states but also to new forms of political rule emerging beyond the international system of state relations. It testifies to 'EU-isation'. The EU has sustained a rapid expansion of political regulation in Europe, and has over a period of fifty years transformed the political landscape in a profound manner. Integration has deepened as a wide range of new policy fields have been subjected to integrated action and collective decision-making. Even though the powers of the Union in many policy areas are severely restricted, a significant amount of laws and amendments in the member states stem from the binding EU decisions, directives and regulations. The EU is an entity with supranational elements equipped with an organized capacity to act.

As long as the EU can be boiled down to a distinct type of international organisation, its effects on the core features of member state based democracy would not be very dramatic. However, when the EU is a power-wielding system that establishes domination relations, the electoral authorization of ministers at national level, and their accountability to their national parliaments cannot provide for democratic legitimacy. The EU's legal basis is international treaties, but its competence and law making power reaches so deep into the working conditions of the member states, that the EU can not be legitimized on this basis alone. The European integration process has affected nation state democracy and its legal basis has been Europeanized. The democratic legitimacy of the member states cannot be established independently of the EU, because these states have become so deeply entangled that the pattern of legitimate authority in the states has been transformed. The process is, moreover, tainted with juridification and executive dominance. It is a process that has sapped parliamentary sovereignty at the member state level, and the question is whether democracy at the European level can compensate for this. The upshot is that in order to establish what democracy can mean today

in Europe, one has to take the EU into consideration. The point of departure of the RECON project is exactly the question that simple intergovernmentalism does not hold for the European integration process.



Giandomenico Majone giving the first keynote speech

The mutation of the EU as a regulatory regime

Summary by Pieter de Wilde
ARENA, University of Oslo

In his keynote speech, **Giandomenico Majone** (European University Institute) argued how legitimization through its component member states remains the most viable option for democracy in the European Union. Despite developments since the mid 1980s beyond a strict 'regulatory regime', the EU remains at heart dependent on its member states for legitimacy for several reasons.

First, we need to understand the actual functioning of the European Union in order to develop a coherent strategy for 're-constituting' democracy in a viable way. As well known from the academic literature, the European Union combines both 'positive' and 'negative' integration mechanisms. Positive integration refers to harmonisation of laws in order to build common rules structuring the internal market. Negative integration, on the other hand, refers to removing obstacles for competition and letting member states coordinate regulation in a non-obligatory way focused on benchmarking and best practice. As the EU has enlarged substantially, it has become much more heterogeneous. From the



EU Commissioner Vladimír Špidla, Angela Liberatore (The European Commission) and Erik O. Eriksen (ARENA, University of Oslo)

Highlights from the midterm conference

point of view of efficient governance, a more diverse EU also requires more flexible and diverse regulation. Thus, enlargement has decreased the potential for efficient positive integration.

Secondly, we need to take into account how integration has been justified so far. In accordance with an understanding of the EU as a regulatory regime, most European political leaders have defended European integration as increasing functional efficiency. When integration proceeds without clear gains in efficient governance, as it did in the 1990s, it is therefore not surprising to find many citizens starting to doubt the legitimacy of the EU. As Majone argues: 'What was originally a marginal trade-off – a small sacrifice of democracy for the sake of greater efficiency in limited areas of economic integration – became a surrender of basic democratic principles as the competencies of the EU kept growing'. Furthermore, more grandiose arguments that European integration has secured sixty years of peace and unprecedented economic prosperity are contradicted by equally well-off non-member states and continued conflict in such areas as the Basque region. An additional source of scepticism among the wider population stems from a defense of integration 'as if' the EU were on its way to become a full blown federation. Such legitimization is not only clearly contradicting the traditional reasons given for integration, it is also philosophically irrational.

In the eyes of Majone therefore, the solution to the EU's democratic deficit lies in a substantial reversal of EU competencies to reinforce the regulatory regime, the significant strengthening of control by national parliaments over government activity in

Brussels, and a reliance on negative integration rather than positive integration for further efficiency gains in European governance.

The EU as a multinational federal state

Summary by Daniel Gaus
ARENA, University of Oslo

In his keynote speech, **Rainer Schmalz-Bruns** (University of Hannover) reflected on the relationship between democracy and statehood. However, his focus was not on the question of whether the EU can and should become a state. Instead, he aimed at a conceptual clarification of the relationship between the concepts of democratic legitimacy and the state. In a nutshell, Schmalz-Bruns argued that asking the question 'what democracy for what EU?' already implicitly refers to the idea of a state-like political order. In other words, the normative value attached to the principle of democratic legitimacy logically implies a political order that shows certain features that allow calling this order a state. Accordingly, he presented the hypothesis that to argue for a democratic EU is at the same time to argue for some sort of European state – although, he hastened to add, that does not mean to presume a European nation-state. Schmalz-Bruns strictly referred to a formal concept of statehood as an implication of the concept of democratic legitimacy by arguing that the idea of democratic will-formation and decision-making presupposes structural properties 'that are co-terminus with the notion of formal statehood'. How did he develop this claim? How did he develop this claim?

Schmalz-Bruns started with a brief review of theories of normativity to identify structural features of the practice of democratic self-determination. The leading question was how it might be explained that democratically generated political norms can attain the authority of a moral thought that, eventually, unfolds a power that binds the will of and motivates autonomous actors. Here, present Kantian as well as Hegelian accounts in moral philosophy point to the moral force of the all-affected principle as well as the basic right to justification both lying at the heart of democracy's value. But with this answer, Schmalz-Bruns further argued, those accounts do not cover the problem of how norms motivate action. He asserted that they overlook the constitu-

tive role institutions play in establishing that relationship, a specific kind of 'institutional normativity'. The practice of democratic self-determination depends on political institutions to 'compensate for the motivational weakness and epistemic indeterminacy of sentiments and emotions that fuel our drive for self-realization' – and this compensation, he argued, depends on a centralised capacity (of whatever kind) that enables an (on whatever basis) delimited group of people to reflexive self-intervention.



Ulrike Liebert commenting on Rainer Schmalz-Bruns' keynote speech

In this sense, Schmalz-Bruns assumed that democratic legitimacy and a formal concept of statehood is internally linked – also regarding the context of a democratic multi-level polity: A 'hierarchical component which still is best captured with the juridical notion of statehood [...] derives its cogency from warranting the structural conditions on which an inclusive, general will-formation in the international or transnational political realm, covering multi levels reflexively tied to each other depends'.

In her comment to Schmalz-Bruns, **Ulrike Liebert** understood Schmalz-Bruns' argument as outlining key propositions of a 'European supranational regional state'. She aimed to 'probe the empirical resonance of these theoretical claims in the light of social and political practices'. Referring to results from WP5 research on European public opinion, media and parliamentary discourses, she focused on four different dimensions in her empirical examination: justification, democratic legitimisation, institutionalisation and state building. Whereas she identified a fit between empirical trends and Schmalz-Bruns' claims regarding the first three dimensions, she stated that the



Deirdre Curtin commenting on Majone's keynote speech

Highlights from the midterm conference



Hauke Brunkhorst giving his keynote speech

data does not support the assumption of a developing European state.

The EU as a cosmopolitan order

Summary by Jozef Bátora
Comenius University

The point of departure of **Hauke Brunkhorst's** (University of Flensburg) keynote speech was that the global order already is a cosmopolitan order. This means an order of global public communication and legal unification – a world wide republic of 'civitas universale'. It involves the existence of world law reaching from *Lex Mercatoria* and universal common law to a fully fledged *ius cosmopoliticum*; a global public sphere covering issues concerning every single 'world citizen'; and an autonomous system of world politics comprised of nation states and regional organizations such as the EU. The present cosmopolitan order is a system of global norms with a system of international courts at its center. It is a constitutional system without a state structure. So far, though, it is not clear that this order is something good.

Although the EU is a core element in the current cosmopolitan order, Brunkhorst argued that the idea of such an order is not something specifically European. It has been invented in different versions in various historical and geographical contexts – cosmopolitanism is a multiple invention of the evolution. Historically, virtually all empires have rationally described themselves as the center of the world and have made claims to world government. Even the Pope follows these old cosmopolitan approaches today, when he addresses the city and the world – *Urbis et Orbis* – at Easter. All kinds of religions and worldviews make similar cosmopolitan claims and they can be

reduced to two kinds of norms comprised in the word *cosmopolis*: the *cosmos* and the *polis*. The former refers to a set of hierarchically ordered universal norms and the latter to a set of procedural norms that regulate and enable their political and legal interpretation and concretization, application and implementation. This double structure of norms is nicely expressed by the Talmud: 'What is hateful to you, do not do to your fellowmen. That is the entire law: All the rest is commentary'. As Brunkhorst argued, what the Talmud calls 'commentary', we now call 'democratic politics'.

Legal orders built on this dual structure of universal law and particular and changing commentaries are dynamically designed to transcend themselves. The double structure of norms is inherent to democratic constitutions, and those, argues Brunkhorst, promote democratic expansionism based on invocation of equal freedom of all men combined with a universal right to self-determination. This is the case of the US Declaration of Independence and the US constitution, as well as of the French revolutionary Declaration of August 26, 1789, which implicitly declares war to all regimes that have no democratic constitution. Cosmopolitan considerations and self-transcendence are inherent to all democratic constitutions. In this context, Brunkhorst found the Lisbon-Treaty judgment of the German 'Bundesverfassungsgericht' to be interesting only because it does not recognize the self-transcendence of democratic constitutions. He argued that it misinterprets the relation between the constitution and the state as it does not realize that state is not necessary for democracy.

The latter point relates historically to the reconstruction of the Canon Law when the evolution of functionally differentiated legal systems in sovereign states led to the emergence of modern constitutional law. This basic legal structure was later copied by democratic states and, more recently, by

the 'European law'. The new constitutional project of Europe is a state of law, as the church-state once was a state of law, but it is not democratic so far. The current domination of the EU decision-making by the executive branches of the member states and of the Union is a serious democratic problem. Brunkhorst hence suggested that a transformation of the Union into a democratic organization will take serious public conflicts for the law and political leaders who will dare to move political decision-making from the intransparent technocratic processes into civic and public conflicts on the European level. EU leaders have to dare to make power struggles a public affair. In that way, the EU's role in the global cosmopolitan order will be more legitimate.

The EU with Lisbon From a RECON perspective

Summary by Pieter de Wilde
ARENA, University of Oslo

The final roundtable of the RECON midterm conference drew attention to the Lisbon Treaty and its effects on democracy in the European Union. While introducing the Roundtable's participants, Chairman **Carlos Closa** (Spanish National Research Council) argued that in order to evaluate the Lisbon Treaty, one has to look both at the end result as well as the way in which it was created. In his words: 'The democratic quality of the constitution lies partly in the process by which it is created'.

Christian Joerges (University of Bremen) focused on the ruling of the German constitutional court, and pointed out that although the ruling has evoked a lot of criticism, it is generally well constructed. Partially, because the message given by the court in its ruling on integration is mixed. It provides ammunition for those wanting



Plenary session: Christian Joerges, Carlos Closa, Agustín J. Menéndez, Christopher Lord and Stefan Collignon

Highlights from the midterm conference

to stop further integration as well as for those wanting to push integration further. As such, it has largely referred the political issue of European integration back to the political arena. Also, the court has been careful not to overstep its mandate as a national court. Its main argument – that the creation of a European federation requires a referendum in Germany – is perfectly defensible from a democratic point of view.

In his contribution, **Augustín J. Menéndez** (University of León) focussed on the process by which the Lisbon Treaty has

the only democratic way to constitutionalise Europe.

Given the difficulties it took to ratify the Lisbon Treaty, it seems unlikely that there will be any further Treaty reforms in the nearest future. However, there remain many possibilities to strengthen democracy in the EU without formal Treaty changes, argues **Christopher Lord** (ARENA, University of Oslo). One example of a notable change is a secret vote by the European Parliament on the instalment of the President of the European Commission. Although this comes at the price of transparency, it isolates members of the European Parliament (MEP) from direct pressure by the national governments of their own member state. Not able to rely on the pressure of national governments to cajole MEPs into submission, the Commission president will actively have to create support among an absolute majority in the European Parliament, thus strengthening accountability in the EU. Another small step that could be easily taken, is listing the European party federation candidates for European Parliament elections will join on the ballot box. This will generate name recognition of European political parties among voters and thus be a further step towards genuine political parties at the European level.

In the final contribution to the roundtable, **Stefan Collignon** (Sant'Anna School of Advanced Studies) argued that leaders of member state governments are often aware of the disadvantages of having the EU relying on intergovernmental decision-



Meltem Müftuler-Bac, Angela Liberatore and Yvonne Galligan

making. They clearly agree that the optimal solution would be to empower the European Commission to initiate Treaty revisions. However, the European Commission is considered politically not powerful enough to carry the process of constitutionalisation of Europe in the face of strong criticism from the media and public opinion. Thus, the suboptimal method of intergovernmental conferences is used for Treaty revision. What needs to be done is to understand the European Union as a republic. Where public goods can only be provided at European level, the EU should act. Where they can be provided at a lower level, the EU should not act. To avoid the under supply of European public goods, we need a genuine European government, although this does not necessarily imply the need for a European state. Thus, Collignon argued, some rules need to be made at European level, but enforcement of those rules can be left to the member states.

The contributions to the midterm conference will be published in the RECON Report Series.



Christian Joerges (ZERP, University of Bremen)

been created. 'It is unlikely', he argued, 'that the Lisbon Treaty will persuade citizens to see themselves as the authors of the European constitution, rather than just its subjects'. Blatantly ignoring the French, Dutch and Irish referenda by imposing the Lisbon Treaty which closely resembles the Constitutional Treaty, harms the legitimacy of the EU. Unlike the Spanish and the Luxembourg referenda, the Dutch and particularly the French referenda featured extensive substantial debate on the different aspects of the Treaty. As such, we should attribute more democratic value to those two no-votes, than to the other two yes-votes. From a democratic point of view, it is hard to understand how European leaders understood these two no-votes, and the later Irish no-vote, as a mandate to impose pretty much the same Treaty without referenda afterwards. 'What we need', Menéndez claimed, 'is a new discussion on a small and coherent constitution – the Charter of Human Rights for example – without "ifs" and "buts"'. That would be



Roundtable: Beate Kohler-Koch (University of Mannheim), Rainer Forst (Johann Wolfgang Goethe University), Claire O'Brien (Danish Institute for Human Rights) and John Erik Fossum (ARENA, University of Oslo)

RECON Events

RECON WP 4 Workshop

Assessing gender democracy in Europe
Belfast, 12-13 November 2009

The workshop was organised by the Centre for the Advancement of Women in Politics at Queen's University Belfast, and brought together prominent scholars on democracy and gender from Europe and beyond to discuss the preliminary results of a transnational study evaluating the quality of democracy in the EU from a gender perspective: How democratic are the processes leading to the adoption and national transposition of EU directives on gender equality? What are the main opportunities and constraints? Is there any significant variation across levels of governance and across member states in this regard?

This assessment of gender democracy in Europe focuses both on the supranational EU level and on seven member and candidate states: Austria, Croatia, Greece, Hungary, Lithuania, Poland and Spain. Drawing on feminist readings of deliberative democracy, the new contribution of this study resides in its use of a set of indicators that go beyond conventional analyses of women's political representation and participation, to incorporate issues of accountability and recognition/respect.

The workshop was opened by **Yvonne Galligan** (Queen's University Belfast) with a presentation that provided an overview of the methodology of the study as well as describing the main results of the democratic assessment at the supranational level. This study examined the processes leading to the adoption of two recent EU directives: equal treatment in access to and supply of goods and services and the recast directive on equal treatment and equal opportunities in matters of employment and occupation. This presentation was followed by a lively discussion on the design of the study and its preliminary findings led by three prominent scholars in the field of democracy and gender: **Marian Sawer** (Australian National University), **Linda**



Discussants at the workshop

Trimble (University of Alberta) and **Nicole Doerr** (Free University Berlin). After this introductory section, the remainder of the day was devoted to the presentation and discussion of the findings from the national case studies of Austria (**Nora Gresch** and **Birgit Sauer**, University of Vienna), Hungary (**Roza Vajda**, Eötvös Loránd University), Greece (**Yota Papageorgiou**, University of Crete) and Croatia (**Marjeta Sinko**, University of Zagreb). The presentations of the results of the national case studies continued on the second day of the workshop with the presentation of the findings from the Spain and Poland by **Sara Clavero** (Queen's University Belfast) and **Katarzyna Zielinska** (Jagiellonian University) respectively.

The presentations of the national case studies revealed some degree of variation with respect to the national strategies adopted to transpose the goods and services directive. Thus for example, while in Spain the requirement to comply with EU norms on gender equality was taken as an opportunity to enact an all-encompassing law, in two other countries under investigation – Austria and Hungary – the opposite strategy was used, in that the obligation to comply with EU norms was seen as an opportunity to water down existing national legislation on gender equality. Despite those differences, however, the majority of the countries examined seemed to have opted for a strategy of minimum transposition, whereby the governments' chief goal was to meet the minimum requirements which were necessary to comply – i.e., by 'literally' incorporating the different articles of the directive into existing

national legislation.

Regarding the democratic quality of the transposition processes, three recurrent issues were highlighted by all the country findings. These were: (1) a virtual absence of a public debate during the transposition process; (2) a low participation of women's civil society groups in the process, due either to lack of access to the agenda setting stage, lack of involvement with the issues at stake, or both; and (3) a high degree of opacity due to lack of governmental information about various aspects of the legislative process in relation to interests, ideas and institutions.

A presentation by **Nora Onar Fischer** (Bahçeşehir University) on the adultery and headscarf debates in Turkey and cosmopolitanism (discussed by **Victoria Montgomery** from Queen's University Belfast) served as an introduction to the second part of the workshop, which centred on a discussion about how to operationalise the three RECON models for democracy in Europe from a gender perspective. Early in the debate, workshop participants concurred that the processes of adoption and implementation of EU gender equality norms would display features associated to each of the models, though the overall discussion soon concentrated on model three – postnational democracy. The reason for this was the shared idea that, if there is any policy area in the EU where clear signs of 'cosmopolitanism' were to be found, this is bound to be in the area of gender equality. Given this view, it was agreed that the gender democracy assessment being conducted in the context of WP 4 provided ideal material for testing the postnational democracy model. Drawing on the preliminary findings from the gender democracy assessment study, a number of indicators for this model were proposed, such as the creation of non-hierarchical women advocacy networks operating in different public spheres and at different levels – including the international level also (e.g., UN) and the prominence of a discourse focused on universal human rights.



Workshop participants

RECON Workshop

The methodological dimensions of the RECON democracy models

Vienna, 18 December 2009

The one-day workshop was hosted by The Institute for European Integration Research (EIF) of the Austrian Academy of Sciences (OEAW). The goal was to bring together young scholars from different RECON work packages and engaged in empirical research, in order to give them sufficient time to exchange views on the best practices in their research fields, different methodologies, qualitative and quantitative methods and the operationalisation challenges stemming from the theoretical framework.

The organisers thought that a methodology and empirical analysis-orientated workshop was highly relevant, given that theoretical work in the different work packages had already matured and now was the time for analysis and results. **Manos Sigalas** (EIF, Austrian Academy of Sciences) opened the workshop with a presentation that aimed to highlight the importance of operationalisation, in order to move from theory to research praxis. Sigalas argued that careful operationalisation of highly abstract theories and concepts is a demanding, though not impossible, task. Empirical researchers are not lacking in ingenuity or imagination, as the successful transposition of nebulous concepts into measurable units suggests. He then embarked to show how the challenge of operationalising the three RECON models may be tackled, and concluded with a presentation of the coding process of party manifestoes in the Atlas.ti software.

Olga Brzezińska and **Magdalena Góra** (Jagiellonian University) demonstrated how they, within the auspices of WP8 and WP5, conceptualised and operationalised the RECON models, in order to study identity-formation among different groups. They explained that flexibility in empirical research is necessary to cope with expected and unexpected difficulties during fieldwork. Brzezińska and Góra work on a project that combines quantitative and qualitative analysis, focus group interviews and in-depth personal interviews, so that they can study identity-formation among university students, ethnic minorities, migrants

and new city-dwellers in Eastern Europe. The workshop participants had the opportunity to learn more about the characteristics of a Q-methodology study and how it has been applied to test the validity of the RECON models.

Dionysia Tamvaki (University of Reading) contributed to the methodological wealth of the workshop by presenting her work on the content and quality of representation in the European Parliament (EP). She has updated the Discourse Quality Index and coded 32 EP debates and 882 speakers that are analysed quantitatively to explore patterns of representation quality within the EP. Tamvaki shared some very interesting preliminary results

time-consuming but corresponds best to one's research needs, whereas the latter saves the researcher time and effort but may result in the collection of useless information. Finally, de Wilde also discussed some of the results of his study with the other participants.

The workshop concluded with the presentation of **Ewelina Pawlak** (University of Bremen), who researches the role of public opinion in relation to the European constitutional treaty within the European political communication space (WP 5). Ewelina is relying on Eurobarometer survey data to test the three RECON models, an approach which has its advantages and disadvantages. On the one hand, the



Workshop participants: (from left) Ewelina Pawlak, Pieter de Wilde, Manos Sigalas, Dionysia Tamvaki, Olga Brzezińska and Magdalena Góra

from her data analysis and discussed with them her intention to apply advanced multivariate analysis methods in her research.

Pieter de Wilde (ARENA, University of Oslo) studies the politicisation of the EU budget in three countries (Denmark, Ireland and the Netherlands) over time. In particular, his research questions focus on the intensity of the debates in the national parliaments and the press, the polarisation of opinion and the public resonance of the debates. De Wilde uses both Atlas.ti and SPSS to code and analyse the debates. As he explained, Atlas.ti is a useful tool for coding claims and arguments, but quantitative analysis requires the use of specialised statistical software such as SPSS. Pieter explained that researchers who code claims are faced with the dilemma of whether to create a new, custom-made codebook or rely on codebooks developed by other scholars. Both choices come with their merits and disadvantages, since the former option is

Eurobarometer data are readily available cross-national data which, despite occasional criticism, are an invaluable source of public opinion data. On the other hand, the Eurobarometer survey was not designed from the outset to assess the prospects of a cosmopolitan democracy. Nevertheless, as Pawlak noted, the Eurobarometer asks some questions that are of use and with the right combination of other criteria and indicators the data can be used to test the RECON models.

Last, but not least, the workshop participants agreed that a high representation of female researchers, as was the case in this workshop, was an encouraging development that should be repeated in the future, especially if it provided a stimulating social science forum for young researchers from all over Europe.

Upcoming events

Euroscepticism and the future of European democracy
Krakow, 28-29 May 2010

The Jagiellonian University Krakow will host a workshop within the framework of WP 5 – *Civil Society and the Public Sphere*. The aim of the workshop is to discuss findings from the sub-project focus on Euroscepticism as advanced in public discourse, particularly on the internet. With existing scholarly attention predominantly focused on party politics and public opinion, the nature and dynamics of Euroscepticism online appear relatively uncharted. The focus in the workshop will be on how Eurosceptic discourse is developed and challenged in interactive internet discussions on professional journalism websites and political blogs. The results will be interpreted to assess the nature of Eurosceptic discourse, compare across countries and websites, study the extent to which 'Europe' features in the election campaign, and evaluate the online European public sphere in light of existing knowledge on its 'offline' counterpart.

WP 5 partners have taken stock of the scholarly literature on Euroscepticism in a variety of member states and have identified themes, actors and forums for Eurosceptic discursive practices in the context of campaigns surrounding the European Parliament elections of June 2009. The RECON researchers will present individual country chapters covering a representative sample of 12 EU member states including Austria, Germany, the UK, France, Belgium, the Netherlands, Sweden, Finland, Hungary, the Czech Republic, Poland and Greece.



European Consortium for Political Research (ECPR)

9th General Conference 2009

Potsdam, 10-12 September 2009

Several RECON members from different work packages organised and chaired panels at the ECPR General Conference 2009.

Participants from WP 3 – *Representation and Institutional Make-up* – organised the panel 'Democratic representation in the multilevel European polity and beyond'. The panel was chaired by John Erik Fossum (ARENA, University of Oslo) and discussed the democratic challenges facing complex multilevel polities, with focus on the EU and Canada. Particular emphasis was placed on systems of representation in two entities both of which harbour strong systems of inter-governmental interaction (in the EU manifested in the Council formations and in Canada in the comprehensive system of intergovernmental relations). Papers were presented by Christopher Lord (ARENA, University of Oslo), Ben Crum and Eric Miklin (Vrije Universiteit Amsterdam) and Hans-Jörg Trenz (ARENA, University of Oslo).

Participants from WP 6 – *The foreign and security dimension* – organised the panel 'The EU as an international actor'. The panel was organised by Cathleen Kantner (Free University Berlin), and discussed questions such as has the EU developed a distinct type of foreign policy coordination? Does the EU represent a distinct type of international power? Are these developments reflected by the emergence of a distinct security community including the broader public? Papers were presented by Uwe Puetter (Central European University) and Antje Wiener (University of Hamburg), Marianne Riddervold (ARENA, University of Oslo), Meltem Müftüler-Baç (Sabanci University) and Yaprak Gürsoy (Istanbul Bilgi University), and finally by Cathleen Kantner, Amelie Kutter and Swantje Renfordt (Free University Berlin).

Read more about the joint panels at www.reconproject.eu

Publications by RECON partners

Crum, Ben: 'Accountability and Personalisation of the European Council Presidency', *Journal of European Integration*, vol. 31, no. 6, pp. 685-701, 2009.

Fossum, John Erik: 'Norway's European Gag Rules', *European Review*, vol. 18, no. 1, 2010.

Fossum, John Erik: 'Europe's American Dream', *European Journal of Social Theory*, vol. 12, no. 4, pp. 483-504, 2009.

Hansen-Magnusson, Hannes and Wiener, Antje: 'Studying Contemporary Constitutionalism: Myth, Memory and Horizon' *Journal of Common Market Studies*, vol. 48, no.1, 2010.

Holst, Cathrine: 'What is Philosophy of Social Science?', *International Studies in the Philosophy of Science*, vol. 23, no. 3, pp. 313-321, 2009.

Holst, Cathrine: 'Nussbaum versus Rawls', in S. G. Carson, T. Wyller and K. K. Mikalsen (eds) *Nature and Rational Agency*, Frankfurt am Main, Peter Lang Verlag, 2009.

Holst, Cathrine: *Hva er feminisme?*, Oslo, Universitetsforlaget, 2009.

Kjaer, Poul F.: Integration/Desintegration als Code des europäischen Verfassungswandels', in A. Fischer-Lescano, F. Rödl and C. U. Schmid (eds) *Europäische Gesellschaftsverfassung. Zur Konstitutionalisierung sozialer Demokratie in Europa*, Baden-Baden, Nomos, 2009.

Kjaer, Poul F.: 'Constitutionalizing Governing and Governance in Europe', *Comparative Sociology*, vol. 9, no. 1, pp. 86-119, 2010.

Miklin, Eric: 'National Interests or Individual Ideological Preferences? The Services Directive inside the EU's Council of Ministers', *West European Politics*, vol. 32, no. 5, pp. 943-62, 2009.

Müftüler-Baç, Meltem: 'The European Union's Legitimacy Crisis and The Final Frontiers of Europe', in J. B. Cruz and C. Closa (eds) *European Integration from Rome to Berlin: 1957-2007*, Brussels, Peter Lang, 2009.

Müftüler-Baç, Meltem: 'The European Union's Accession Negotiations with Turkey from a Foreign Policy Perspective', in E. Jones and S. van Genugten (eds) *The Future of European Foreign Policy*, in E. Jones and S. van Genugten (eds), New York, Routledge, 2009.

Rittberger, Berthold: 'Democracy and European Union Governance', M. Egan, N. Nugent and W. E. Paterson (eds) *Research Agendas in EU Studies. Stalking the Elephant*, Basingstoke, Palgrave Macmillan, 2010.

Trenz, Hans-Jörg: 'In Search of the Popular Subject: Identity Formation, Constitution-making and the Democratic Consolidation of the EU', *European Review*, vol. 18, no. 1, 2010.

Euroscepticism in perspective

Following the completion of the data collection and coding process, the first empirical results from RECON's WP 5 Euroscepticism project were presented at ARENA's annual conference in December 2009 in Oslo.

Hans-Jörg Trenz (ARENA, University of Oslo) outlined the project's key aims and identified the paradox that lies in the heart of EU politics: More conflict seems to arise when the EU seeks consensus. Euroscepticism can thus be seen as a reaction to the lack of democracy within the EU. At the same time, he emphasised the instrumental role of national media in how the stories of the EU are told; usually within the frame of the nation-state.

Pieter de Wilde (ARENA, University of Oslo) presented the project's conceptual framework and highlighted three main reasons for Europeans' apprehensiveness: Firstly, the principle of integration; secondly, the present EU polity – its level, scope and inclusiveness; and thirdly, the project of future integration.

Asimina Michailidou (ARENA, University of Oslo) changed the focus to a cross-country comparative analysis of the project's data and corroborated the project's hypotheses. She argued that the findings clearly point to the national media's near monopoly on supplying citizens with political information online, and this strengthens national specifics of Euroscepticism. At the same time, despite the bad reputation debates on the web has acquired, debates on the EU polity were found to be largely rational and



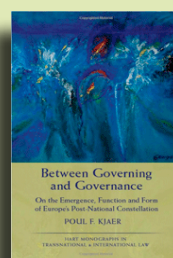
Asimina Michailidou and Pieter de Wilde

polite. Eurosceptic views prevailed, with nearly 60 per cent of all views examined expressing concern about the present state of the EU polity. Crucially, the single most important concern driving people's evaluation is democracy in the EU, or lack thereof.

New Book: Between governing and governance: On the emergence, function and form of Europe's post-national constellation

Poul F. Kjaer

Hart Publishing, 2010



This book explains the emergence and functioning of three forms of governance structures within the context of the European integration and constitutionalisation process: comitology, (regulatory) agencies and the Open Method of Co-ordination.

The point of departure is that the inter-governmental/supranational distinction,

which most theories of European integration and constitutionalisation rely on, has lost its strength. A new paradigm of EU research is therefore needed. Against this background it is suggested that the distinction between governing and governance provides a more appropriate basis for analysing the phenomenon of integration and constitutionalisation in Europe. The distinction between governing and governance allows for an understanding of the EU as a hybrid consisting of a governing dimension, characterised by legal and organisational hierarchy, and a governance dimension which operates within a network form characterised by legal and organisational heterarchy. The function of governance structures is to ensure the embeddedness of the governing dimension in the wider society. Instead of representing contradictory developments, the two dimensions are therefore mutually constitutive in the sense that more governing implies more governance and vice versa. These theoretical insights are illustrated through two detailed case studies which respectively reconstruct the operational mode of the Open Method of Coordination within EU Research & Development Policy and the regulatory system for the EU chemicals market (REACH).

The author Poul F. Kjaer is member of RECON's WP 9 – *Global Transnationalisation and Democratisation Compared*.

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:

2009/19

Rachel Herp Tausendfreund
The Commission and its Principals: Delegation Theory on a Common European External Trade Policy in the WTO

2009/18

Marianne Riddervold
Making a Common Foreign Policy: EU Coordination in the ILO

2009/17

Uwe Puetter and Antje Wiener
EU Foreign Policy Elites and Fundamental Norms: Implications for Governance

2009/16

Emmanuel Sigalas, Monika Mokre, Johannes Pollak, Jozef Batora and Peter Slominski
Reconstituting Political Representation in the EU: The Analytical Framework and the Operationalisation of the RECON Models

2009/15

Meltem Müftüler-Baç and Yaprak Gürsoy
Is There an Europeanisa-

tion of Turkish Foreign Policy? An Addendum to the Literature on EU Candidates

2009/14

Maria Weimer
Applying Precaution in Community Authorisation of Genetically Modified Products: Challenges and Suggestions for Reform

2009/13

Dionysia Tamvaki
Using Eurobarometer Data on Voter Participation in the 2004 European Elections to Test the RECON Models

2009/12

Arndt Wonka and Berthold Rittberger
How Independent are EU Agencies?

2009/11

Tanja Hitzel-Cassagnes and Rainer Schmalz-Bruns
Recognition and Political Theory: Paradoxes and Conceptual Challenges of the Politics of Recognition

The papers are available in electronic format only, and can be downloaded from RECON's website:

www.reconproject.eu

Appointments



Yvonne Galligan has been appointed Director for Queen's University Belfast's (QUB) Gender Initiative. Queen's Gender Initiative aims to address the issue of gender imbalance at QUB by advancing the profile and position of all women within the University. Galligan leads RECON's work package 4 – Justice, democracy and gender.



Meltem Müftüler-Baç has been elected Chair for the Steering Committee of the Standing Group on the EU, European Consortium for Political Research (ECPR) for 2009-2011. Müftüler-Baç is professor of International Relations at the Faculty of Arts and Social Sciences at Sabanci University, and participates in RECON's work package 6 and 8.



Poul F. Kjaer will take up an Alexander von Humboldt Research Fellowship from 1 March 2010 to 28 February 2012. His host institution will be the Cluster of Excellence 'Formation of Normative Orders' at the Goethe University Frankfurt am Main, where he has been Research Fellow since September 2008. Kjaer participates in RECON's work package 2 and 9.



Carlos Closa has been appointed Member of the Executive board of the IPSA Research Committee 03 – European Unification – for 2009-2012. His special responsibility will be the organisation of sessions at the IPSA World Congress in Madrid in 2012. Closa is Senior Research Fellow at the Institute for Public Goods and Policies at the Spanish National Research Council, and participates in RECON's WP 2 and 5.



Maren Hofius is PhD student at the Institute of Political Science at the University of Hamburg, where she has been working as a research assistant since April 2009. She has specialised in researching contested norms in international relations within the framework of the European Neighbourhood Policy. Hofius holds a an MA joint degree in Contemporary European Studies from the University of Bath and the Humboldt University of Berlin. She will participate in RECON's WP 6.



Pablo José Castillo Ortiz joined the RECON team at the Spanish National Research Council in December 2009 as a PhD student. He holds a Law degree from the University of Almería, and his PhD project is on National Courts and ratification of EU treaties. His current research interests are political jurisprudence and the constitutionalisation of the EU. Ortiz will contribute to RECON's WP 2.



Wolfgang Wagner has been appointed Professor of International Security at the Vrije Universiteit Amsterdam, Department of Political Science, as of 1 January 2010. Wagner has been Associate Professor at the Vrije Universiteit Amsterdam since August 2008, and is on leave from his position as Senior Research Fellow at PRIF. Wagner participates in RECON's WP 1 and is co-leader of WP 6.



Rainer Nickel has joined WP 9's research team. Nickel teaches European Law and Public Law at the Goethe Universität in Frankfurt am Main. He has been a Marie Curie Fellow at the European University Institute

in Florence, and his current research focuses on European administrative governance, transnational constitutionalism, and conflict of laws. Nickel has also edited RECON Report No. 7.



Róza Vajda has been appointed member of two working groups at the Hungarian Ministry of Labour and Social Affairs. The working groups are engaged in preparing material for the training of equal opportunity experts and have the responsibility for implementing a modification of the Hungarian equal treatment legislation.



Marton Gosztonyi has joined the RECON team at the Eötvös Loránd University as a research assistant. Gosztonyi is a cultural anthropologist and sociologist, and has acquired manifold experience in empirical research through participating in various research programmes. His main focus will be on analysing empirical findings by applying a discourse analytical framework.



Anne Elisabeth Stie (ARENA, University of Oslo) defended her dissertation 'Co-decision – the panacea for EU democracy?' at the University of Oslo 22 January 2010. The thesis evaluates the co-decision procedure against different procedural criteria for public policy-making processes and contributes to the operationalisation of deliberative democracy by developing an analytical framework that can be applied to co-decision in particular and to public policy-making procedures in general.

Christian Joerges honorary doctor

The Faculty of Law at the University of Fribourg has awarded an honorary doctorate to Christian Joerges, pioneer in the field of economic law, European law, conflict of laws and legal theory. As researcher at several universities, notably the University of Bremen and the European University Institute in Florence, he has contributed to important developments in the field of legal studies. One such development is Joerges' highly respected conflict of laws approach to the study of European law. Joerges has also developed important knowledge in the domain of legal theory from the perspective of European fascism. He has always encouraged and promoted interdisciplinary research, linking particularly with political theory and science. Within the RECON project, Joerges is co-leader of WP 9 – *Transnationalisation and democratisation compared* and participates in WP 1 – *Theoretical framework*.



Christian Joerges honorary doctor (second from the left, front row)

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RECON is an Integrated Project supported by the European Commission's Sixth Framework Programme for Research, Priority 7: Citizens and governance in a knowledge-based society.

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