

CEuS Working Paper No. 2012/1

**Just cheap talk? Rethinking the “no European demos”
thesis in light of discursive representation practices**

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Just cheap talk? Rethinking the “no European demos” thesis in light of discursive representation practices¹

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¹ Research for this paper has been conducted by an international team of researchers coordinated and partly based at the Jean Monnet Centre of the University of Bremen, sponsored as part of the ConstEPS Project by the Volkswagen Foundation (2005-8) as well as in the RECON Integrated Project, coordinated by ARENA, University of Oslo, and funded by the European Commission under the 6th FP, contract no. FP6-028699. For comments on earlier drafts I want to thank, in particular, John Erik Fossum (ARENA, University of Oslo).

I. INTRODUCTION

‘No European demos, no European democracy’: According to some widespread beliefs the European Union cannot become a full-fledged democratic polity because it lacks a well-bounded “European demos”. Traditional Continental European thinking held that the ‘demos’ (or political community) should coincide with the ‘ethnos’ (or ethnically defined homogeneous community).² Modern democratic theory has de-coupled the demos from the ethnos, connecting it to formal legal procedures: “Representative democracy requires a precisely bounded citizenry, normally defined by membership of a political unit organized on a territorial basis, which then elects representatives” (Dryzek and Niemeyer 2008: 484).³ The German Constitutional Court in its 2009 Lisbon Ruling followed this line, linking the democratic legitimacy of the EU to the principle of electoral equality and the centrality of parliamentary government.⁴ This position left national parliaments as primary sites for the democratic legitimation of the EU’s confederation of states, but, at the same time, discarded their supranational counterpart, the European Parliament. Albeit being directly elected since 1979, the EP’s democratic legitimation credentials were found wanting because of its “unequal” – or digressively proportional – composition. This purely aggregate democratic account appears inappropriate for situations such as the EU with a multiplicity of overlapping ‘demoi’ of different size. On the one hand, it fails to recognise that Europe’s heterogeneity would be ill-suited for a European federal state modelled after majoritarian democracy with equal electoral representation.⁵ On the other hand, exclusive focus on elections and national parliaments as formal-legal links between citizens and European decisions and power misses important requisites for the democratic legitimacy of the EU. These include the interplay of modes of informal representation with processes of European political authorization and accountability. Arguably, citizens’ formal legal equality – not only in terms of European electoral rights but including the weight individual votes

² Francis 1965: 70-74, quoted after Peters 2001: 654.

³ For propositions to decouple the conception of the European demos from notions of the ethnos, see R. Lepsius 1986; Habermas 1995; quoted after Peters 2001: 655.

⁴ BVerfG, 2 be 2/08 30. 6. 2009. <http://www.bverfg.de/entscheidungen/es20090630_2bve000208en.html>

⁵ Note that as a consequence of introducing strict proportionality for the composition of the EP, the minority of the most populous “demoi” (or territorial constituencies) would dominate the majority of less populous ones; for a discussion of the unequal but democratic representation in the European Parliament engaging with the GCC Lisbon Ruling, see Lord and Pollak, in Evas, Liebert and Lord (2012).

have for the composition of representative assemblies such as the EP – is neither an appropriate nor a sufficient condition for constituting democratic legitimacy.

This paper aims at rethinking the “no European demos” thesis by placing informal, non-legal democratic practices centre stage as necessary preconditions for representative European Union politics and policy-making. It focuses, in particular, on practices of representing discourses that constitute the emerging European democratic public sphere. The framework of “discursive representation”⁶ does not focus on representation of persons or groups but rather on representation of relevant discourses about issues of EU politics that engage in public debates.⁷ Relevant discourses are those that shape mass public perceptions of the EU, reflect European public opinion and engage with European political will formation not only by supporting but also by challenging it. A variety of public arenas at different levels – domestic, supranational, transnational – are involved in selecting and representing them and shaping their interplay. For instance, European constitutive politics – such as EU treaty reforms⁸ or European elections – entails discursive struggles within fields such as mass media communication, national parliamentary debates, or partisan election campaigns. Other sites of discursive representation are the field of European civil society, national courts and constitutional courts.⁹

The present analysis will not further explore the question of how, normatively speaking, the primacy of discursive representation – *vis-à-vis* formal electoral modes – can be justified in general and, in particular, for the context of the EU, from a deliberative democratic perspective or in view of “Crisis and mutation in the institutions of representation in ‘real-

⁶ For the concept, justification and methodology of “discursive representation”, see Dryzek and Niemeyer 2008.

⁷ Erik O. Eriksen has distinguished three types of public sphere – the general open public sphere specialised in opinion formation; the segmented, restricted public sphere specialised in problem-solving, and the strong, specialised public sphere specialised in will formation (Eriksen 2007: 32). I suggest introducing a fourth type, the “public issue” sphere, which is highly specialised but open, and the legitimacy basis of which consists in universal norms or public interests.

⁸ EU treaty reform processes comprise drafting and signing treaty reforms, typically by “Intergovernmental Conferences” – except in the case of the “Treaty establishing a Constitution for Europe” drafted by the “Convention on the Future of Europe” (2002-3) and signed by the 2004 Intergovernmental Conference in Brussels in December 2004 – and their ratification processes in each of the member states, either by parliamentary procedures alone or complemented by popular referendums.

⁹ See Liebert and Trenz 2009; Liebert 2010a and Evas and Liebert (2012), Schiek 2012, Closa and Castillo 2012 and Koch 2012.

existing' European democracies" (Schmitter).¹⁰ It concentrates on the empirical questions whether, to what extent and why public debates represent political discourses on the issue of European democracy, and what kind of democracy this is. Data on print media and parliamentary debates from six member states during the EU constitutional treaty reform 2004-9 will be used to identify discursive representations of EU democracy and how they are systematically organized in cross-national comparison. Analyses of emerging European political space have identified common models such as the socioeconomic left-right and the national – supranational pattern of structuring political conflict. Both have been found in citizens' attitudes as well as political parties' stances towards EU issues (Gabel and Anderson 2004; Marks and Steenbergen 2004). The analysis presented here will contribute to this research from the angle of the EU's emerging transnational public sphere as a discursively representative space.

The paper is structured in three parts: It starts with revisiting three major competing discourses on democracy two of which question the 'European demos' (II.). Then it explores how these democracy discourses are unevenly represented within the EU's constellation of polycentric, overlapping public spheres (III.). Subsequently, three driving forces behind these discursive practices are discussed: Europeanisation of national public spheres, politicisation of the EU and transnational interaction of mass media (IV.). In conclusion I argue that if a formally constituted supranational "European demos" is either not viable or not deemed necessary, informal practices of discursive representation will be at least the second best alternative – or even a prime requisite of EU democracy as they are constitutive for the emerging European public sphere.

II. COMPETING DISCOURSES ON EUROPEAN DEMOCRACY

The three most relevant discourses on democracy in Europe represent competing understandings of normative and institutional presuppositions for EU democratic legitimacy¹¹: the "confederation of democratic states"; the "supranational federal democratic

¹⁰ See Habermas 1996; Dryzek and Niemeyer 2008: 484ff, and Schmitter 2012.

¹¹ See Eriksen 2007; Eriksen and Fossum 2009; 2011; Liebert 2010b; Franzius and Preuß 2011.

state”, and the “regional political association of citizens and states”. Each of these differently frames the conditions for a democratic constitution of the EU.¹² And each narrative looks at the “no European demos” thesis from a different angle.

1. The EU as a regulatory international regime dependent on the democratic Member States: This model represents liberal ideas about the EU as an international regulatory regime that cannot be democratic (Dahl 1999; Shapiro and Hacker-Cordón 1999). Nor does it need a Constitution (Grimm 1995; cf. Habermas 1995). Instead, it derives its legitimacy from the sovereign democratic member states that delegate powers to EU-level agents. From the nation state view on democracy, the EU depends on indirect forms of democratic legitimation through representative government of the people that is anchored in national elections and parliamentary procedures. Compared to the primacy of national parliamentary elections, European elections are usually secondary national ones. Democratic input legitimation through direct participation by citizens is considered an exception since output legitimation is the rule (cf. Closa 2005; Peters 2005; Scharpf 1999). The top-down Europeanization of public communication will remain segmented along national borders (Sifft et al. 2007). National constitutional courts rather than national publics will define the norms on which the legitimacy of the EU regulatory regime rests.

2. The EU as a federal supranational state with its own source of democratic legitimacy: This narrative posits “monistic ideas of Europe as democracy” upfront (Liebert 2010b: 53ff). The model of federal multinational democracy engages with the ‘European demos’ thesis in so far as “the legitimacy of its law stems from the autonomy presumption that it is made by the people or their representatives – the *pouvoir constituant*” (Eriksen & Fossum 2011: 25). But different from the ethnic reading of the ‘European demos’ the latter is conceived primarily “as a legally integrated community” shaped by the democratic constitutional state (id.: 25/26). By its very nature, the ‘European demos’ is a plurality – a multinational European “demoi-cracy”.¹³ Yet, some of its advocates claim the model of a European political community ought to be premised at least on “a sense of common destiny”,

¹² A discursive frame is defined as a mode of contextualising issues of European politics in a broader frame of reference.

¹³ For the first to introduce this term, see K. Nicolaidis 2004; similarly, J. Bohman 2007.

“an ‘imagined common fate’ induced by common vulnerabilities, so as to turn people into compatriots willing to take on collective obligations to provide for each other’s well-being” (id.). Others require the ‘European demos’ to profess a sense of common identity, shared pre-political values, and a collective memory of the past (Graf Kielmansegg 1996; cf. Liebert 2011). By comparison, the German Constitutional Court contented itself with requiring EU parliamentary elections based on the principle of citizens’ political equality – suggesting the ‘European demos’ – notwithstanding its multinational heterogeneity – should engage with a majoritarian representative democracy.¹⁴ From comparative perspective, the European Parliament is certainly a “deviant case” (Rose 2012), while from the angle of deliberative democratic theory, the ambiguities of whether the co-decision procedure can qualify as “the panacea for EU democracy” is questionable (Stie 2009).

3. The EU as a transnational democratic association of citizens and states: While the first narrative of democracy in Europe underscores the diversity of national democracies, and the uniform presuppositions of European democracy are writ large by the second federal model, the third one frames the EU as a novel kind of political community that reconciles plurality of citizens with transnational patterns of convergence. This polity model differs from an international regime insofar as it is not only diplomatically established by interstate negotiations but also involves a “multilevel parliamentary field” as the “democratic backbone” (Crum and Fossum 2012) and, moreover, constitutive political practices by the citizens. It diverges from a supranational state because its legitimacy relies on two specific sources: international law, and in particular cosmopolitan principles, on the one hand, and, on the other, informal practices of European democratic integration, including contestations (Tully 2006).¹⁵ Democratic practices from below originate in transnational social movements, European civil society and a transnationalizing public sphere.¹⁶

¹⁴ For a critical assessment of the 2009 Lisbon Ruling of the German Federal Constitutional Court, see Lord and Pollak “Unequal Representation in the European Parliament. A Comment on the Ruling by the German Constitutional Court on the Lisbon Treaty”, in Evas, Liebert, Lord (2012), and for a comparative analysis of “Representation in Parliamentary Democracies – The European Parliament as a Deviant Case”, see Richard Rose, id.

¹⁵ See Eriksen and Fossum 2000, 2007; Habermas 2008; cf. Bohman 2007.

¹⁶ For an account of the transnational public sphere, see Fraser 2005. For European democratic practices from below, see: Imig & Tarrow 2001; Della Porta & Tarrow 2005; Eder 2007; Bohman 2007. The concept of ‘civil society’ as it is used here includes three distinct sectors, namely the ‘civic sector’ (also ‘third sector’, ‘volun-

Moreover, public arenas of European political debate – whether electoral or non-electoral – may also qualify as sources of democratic practices, if conceived as “chambers of discourses” that ensure “discursive representation” where “each relevant discourse gets articulate representation” (Dryzek and Niemeyer 2008). A key question regarding the viability of a democratic Euro-polity is whether these discursive practices help European citizens constitute a European demos – a political community that facilitates democratic governance beyond the state. One important issue is whether or not these practices ease or impede similar political discourses across Europe. To investigate this question, we must examine whether EU discourses across a range of different public arenas are consistent with prominent models of EU political space: socio-economic left-right and national – supranational (Marks and Steenbergen 2004; Liebert 2007).

As regards the issue of the ‘European demos’, the first of these three narratives dismisses any such claims as not being relevant to the EU’s indirect type of legitimacy that derives from member state democracies. The second narrative would endorse either the ‘European demos’ in the singular or the ‘European demoi’ in the plural as a necessary and desirable foundation for European federal democracy, albeit with varying political and/or pre-political and even ethnic connotations. The third model replaces collectivist, unitary premises through the conception of a decentred European citizenry and discursive practices that arguably move the EU beyond a nationally fragmented European demoi-cracy towards a transnational European polity.

To examine whether and to what extent these democratic narratives are represented in European discursive practices, the next section will present and discuss selected findings from two processes of EU constitutive politics – namely treaty reform and European elections.

tary’, ‘community’ or ‘non-profit’ sector) that is conceived as the sphere of social activity undertaken by organisations that are for non-profit, non-governmental and represent general interests, the ‘economic’ or ‘capital’ sphere denoting the for profit ‘private sector’, constituted by organised economic and professional interest groups, including employers’ and business associations, and the political sphere, constituted by partisan organisations. See Galtung 1999; Liebert and Trenz 2010; Liebert and Trenz 2009a; Michailidou, Trenz and de Wilde (2012).

III. DISCURSIVE REPRESENTATION PRACTICES: FINDINGS¹⁷

The European public sphere is a “communicative space in the making” (Fossum and Schlesinger 2007) that comprises multiple national, sub- and transnational arenas. For evaluation of European democratic norms in discursive representation practices, domestic communication arenas have been selected from six national contexts: France, Germany and the UK for the old member states, and the Czech Republic, Estonia and Poland for the new members. The analysis draws on three sets of cross-national comparative data: national print media coverage of EU Constitutional Treaty ratification (2004-7); national parliamentary ratification debates; and 2009 European election campaigns.¹⁸ We applied the method of ‘Comparative Political Discourse Analysis’ (CompPDA) to assess the salience of democratic norms in European discursive practices in the mass media, in parliamentary arenas, and in political parties’ European election campaigns.¹⁹

The following summarises major research findings under three headings: (1) the contribution of national mass media to public information about the EU; (2) the role of national parliaments in articulating political conflict over the EU; and (3) Dimensions of political conflict in European election campaigns.

1. National media contributing to mass public information about the EU (2004-7): Print media coverage of the EU constitutional reform process has been studied in single case studies and a few paired comparisons. The following assessment draws on the most comprehensive data set to date. Summarising the results, several important findings

¹⁷ For further details and extended data in the Appendix, see Liebert 2011.

¹⁸ For a description of the quantitative and qualitative samples compiled from three arenas of European political communication, see Appendix, Table 1 “RECON (ConstEPS) I, II, III Data Sets”. These data were compiled by two research project teams, with comparative political and social scientists (ConstEPS and RECON WP5, based at the Jean Monnet Centre for European Studies, University of Bremen). My thanks for collaboration on compiling and analysing the cross-national comparative data sets go to Aleksandra Maatsch (Poland), Kathrin Packham (Germany, UK), Petra Rakušanová Guasti (Czech Republic) and Tatjana Evas (Estonia, Latvia); to Ewelina Pawlak and Alexander Gattig for quantitative data analysis and research management, including the summer school ‘Advanced methods of media analysis’ (July/August 2007, University of Bremen). The empirical data sets on which the following summaries are based were generated in collaborative coding sessions by teams of junior researchers with expertise from different member states, supervised by Aleksandra Maatsch and Kathrin Packham, and led by WP5 coordinators Ulrike Liebert (UniHB) and Hans-Jörg Trenz (ARENA, University of Oslo). See also Trenz, Veters, Jentges 2009.

¹⁹ For a full description of CompPDA, see Liebert, Maatsch and Packham 2010.

stand out. Generally speaking, we find the print media to have benefited democratic practices in the EU constitutional reform process in three respects (see Table 1, below):

First, the quantitative record is noteworthy regarding the extent of space which the media devoted to covering EU treaty reform: Regarding the extent to which the media covered EU treaty reforms and put it on the public agenda, a total of 8500 articles were retrieved over a 25-month period from more than 30 news media outlets in the six countries under research.²⁰ In this respect the printed press can be said to contribute to an informed European demos by translating the highly specific and complex contents into frames that are interesting for readers and thus, arguably, enable them to make informed choices between political opinions.

Secondly, media coverage of EU treaty reform deploys democratic frames for interpreting these issues.²¹ The media more often than not do frame EU issues in democratic language that transcends traditional nation state conceptions (MI, Table 1) and reflects a supranational federal polity (MII, Table 1), but much less a cosmopolitan-regional rights based community.

²⁰ (see Appendix, Table 3).

²¹ The mass media cover EU treaty reforms typically linking this issue to diverse topics of domestic public interest, among them Enlargement and Turkey, Common Foreign and Security Policy (CFSP), Union Budget, Social Policy, Energy and Transport, as well as the Charter of Fundamental Rights (UK) and Majority Voting (Poland). But news media coverage of the Constitutional Treaty and Lisbon Treaty also featured democratic frames, most of them reflecting institutional features and policies that indicate a supranational model of European democracy, followed suit by national democratic frames.

Table 1: Patterns of Discursive Representation in National Print Media Coverage of EU Treaty Reform (2005-7)

	<i>a) coverage</i>	<i>b) salience</i>	<i>c)inclusiveness</i> (% N – EU)	<i>d) scope</i> (% N – EU – U)
CzR	1049 (6)	M I	67 – 29	60 – 22 – 18
France	2689 (4)	M II	45 – 55	24 – 65 – 11
Germany	2624 (6)	M II	26 – 74	30 – 52 – 18
HUN	583 (6)	M II	28 – 72	26 – 58 – 16
PL	979 (5)	M II	70 – 29	32 – 56 – 12
UK	659 (5)	M I	38 – 61	34 – 56 – 10

Notes: a) print media coverage measured by total number of articles on topic area, in parentheses, no. of outlets included in media sample (Appendix, Table 3); b) three discursive models of democracy, coded with *Atlas.ti* contents analysis of salience of “Reform Treaty” vs. “Constitutional Treaty” as “topics” in qualitative print media sample; c) proportion of national vs. non-national voices, in % ; d) proportion of national (N) vs. European (EU) vs. universal (U) topics and types of justifications coded in selected print media sample. Source: RECON II data set (see Appendix Table 1).

In addition, third, the news media do not restrict their coverage to national political actors but include a proportion of European and non-national voices as well. Last, but not least, regarding their transnational communication performance, media practices can be said to improve the preconditions for a pluralist European political community of citizens by developing political communication about publicly shared concerns of EU politics across national boundaries.²² This claim is supported by evidence from overlapping transnational public spheres, for instance cross-national news and opinion exchanges about issues of EU treaty ratification and reform. Cross-nationally shared concerns with collective

²² Regarding media based transnational communication patterns, 15 out of 20 media outlets scrutinised here most vigorously developed cross-border dimensions of European political communication during the initial phase of constitutional treaty ratification and crisis.

European problems are frequently framed by multinational federal lenses, albeit usually linked to different topics of domestic relevance.²³

Turning now to a more critical note on print media performance, the following can be observed. First of all, although the media pay considerable attention to European and non-national political and institutional actors – sometimes even more than to national actors – overall discursive diversity is quite limited. A minority of news outlets devotes coverage to non-political actors, such as economic or civil society organisations.²⁴ The discursive patterns of media based EU communication are defined by European institutional and national state actors and political parties, with restricted space for voices from those social constituencies that the media have deemed worthy of coverage. Moreover, news media that employ an argumentative mode are also in a critical minority. The media do report on EU treaty negotiations, ratification failure and crisis. But as evaluation of the discursive quality of EU coverage by 20 news media demonstrates, only a minority devote space to substantive arguments and discussions between different political and social actors or even develop their own critical evaluations.

Scrutiny of mass media based European political communication about the EU brings strengths and weaknesses of national media performance to the fore. Lack of discursive pluralism and limited representation of civil society voices is certainly a restriction if the media were to play a key role in the communicative integration of a European political community. On the other side, regarding media coverage of the EU Constitutional Treaty and its Lisbon Treaty, this clearly transcends the national realm. Transnational mutual observation and discursive interaction with non-national actors increase the leverage of the mass media in promoting transnational discourses on EU politics.

²³ A look at the top three topics that the media linked to EU treaty reform shows that issues regarding the ‘deepening’ of European integration took precedence, but that ‘widening’ was high on the agenda as well. In particular in the Czech Republic and in France the potential accession of Turkey to the Union was on top of heated domestic debates, and enlargement-related issues also received high attention in Germany and Hungary. The Polish ‘red line’ on the terms of majority voting in the Council was not only important in parliamentary debates but made it prominently into the news, too (see Maatsch 2010).

²⁴ We analysed EU treaty reform coverage by 20 news media outlets from six member states qualitatively in depth, finding that only 8 of them devoted limited space to public intellectuals, experts, civil society organisations or representatives from interest organisations.

2. The role of national parliaments in shaping political conflict over the EU²⁵:

According to the EU constitutional settlement, national parliaments play a key role in democratic legitimisation of EU constitutional reform. Moreover, following the deliberative democratic approach, parliamentary representation consists of ongoing processes of communication between representatives and constituents.²⁶ From this perspective, it is an important question whether and which democratic norms are discursively represented in parliamentary debates. The following summarises the most important findings regarding parliamentary practices in EU constitutional politics:

First, for the period 2004 – 9, the centrality of parliamentary proceedings for domestic EU constitutional politics can be confirmed. In the most recent Constitutional and Lisbon Treaty reforms, ratification was subjected to referendums in six member states. Yet, in all 27 member states but one – Ireland – parliaments remained firmly in control of ratification procedures. Nationally elected representatives kept the decisive say, albeit with considerable variation regarding the extensiveness of plenary debates. Measured by the numbers of plenary sessions they devoted to debating ratification of the Constitutional and Lisbon Reform Treaties, the assemblies of France (11 sessions), Poland (9 sessions), Germany (8 sessions) and the UK (8 sessions) basically performed their task of communicating EU treaty reforms to the national public (see table 2, below).

Secondly, our assessment of alternative democracy frames in national parliamentary discourses demonstrates the salience of national models over supranational or cosmopolitan models of democracy in the EU. Only in the French and, to a minor degree, in the Hungarian debates, did parliamentary discourses privilege a supranational democratic EU. The conception of a cosmopolitan regional Union gained considerably less visibility. However, on a closer look, references to the three different models in parliamentary discourses vary, depending on which national and EU institutions or policy areas are under debate. Additionally, right-wing parties share a more uniform position with respect to the ‘EU of the

²⁵ This research cluster was supervised by Aleksandra Maatsch (Jean Monnet Centre, University of Bremen), the comparative data set was elaborated and analysed by Ewelina Pawlak. For a more elaborate presentation of the results, see Maatsch 2010.

²⁶ See Mansbridge 2003; Dryzek and Niemeyer 2008.

nation-states' and opposing a 'Federal Europe'. Many governmental and some large opposition parties favour more diversity, advocating pragmatically variable models of democracy, depending on the policy issue or institutional domains under consideration.²⁷

Yet, third, the inclusiveness of parliamentary debates in terms of their discursive diversity is limited, in particular due to the predominance of government speakers. In the German ratification debate, speakers from the Government took the largest share of the floor, while in the Polish Sejm and the British House of Commons their role was more constrained, leaving debate of the contentious treaty to other parliamentary groups. In most cases, parliamentary discourses show less consensus orientation and a more adversarial style. While less than a quarter of all statements made by MP's in plenary debates are neutral in tone, we find two articulate camps of political party groups with opposing positions on treaty ratification. Although the No-votes are in the clear minority – even in the British case the 348 Yes-votes outnumber the 204 No's in the Lisbon ratification – the opponents are over-proportionately vocal and account for a quarter to a third of all statements that express negative positions (id.). Yet, as Maatsch has demonstrated in a cross-national comparison, the intraparlimentary political divisions between Social Democrats and Christian Democrats are stronger than divisions between old and new EU member states: 'Political parties belonging to the same ideological group do not only share the same positions on EU institutional and policy reform but also share very similar discourses for justifying these positions' (id.).

Fourth, regarding their transnational scope, empirical evidence from our research suggests that parliamentary practices in domestic EU politics exhibit a mixed picture. On the one hand, the salience of democratic norms and procedures as topics of parliamentary treaty ratification debates appears noteworthy. Among the top ten topics debated most intensively, the mode of treaty ratification ranked highest on the agendas of the British, Polish, French and Hungarian parliamentarians. The Council decision-making procedure was another topic that received much attention, namely the use of qualified majority voting, as well as issues of EU decision-making procedures and institutional architecture. A

²⁷ See Maatsch 2010 and Maatsch, in Evas, Liebert and Lord (2012).

third prominent issue was citizens' rights, the Charter of Fundamental rights and, in the Hungarian case, minority rights.²⁸ Finally, although the discursive quality of parliamentary ratification proceedings in the three old and three new EU member states varies considerably, the parliamentary discourses share a number of common features. Parliamentary debates represent, in particular, concerns about direct democratic procedures of EU treaty ratification, on the one hand, coupled with attachments to national democratic frames, on the other. France and Germany present two deviations from this pattern: While in German parliamentary debate the referendum option has not made it into the top topics of debate, French representatives have put this topic centre stage.

Table 2: National Parliamentary EU Treaty Ratification Debates (2004-9)

	a) coverage	b) salience			c) inclusiveness	d) scope
		M I	M II	M III		
CzR	6	95	23	5	25 G – 74 P	N > EU
France	11	101	207	4	32 G – 65 P	EU > N
Germany	8	165	170	35	46 G – 52 P	EU > N
HUN	5	22	47	41	34 G – 61 P	EU > N
PL	9	355	210	40	3 G – 94 P	N > EU
UK	8	458	299	44	12 G – 84 P	N > EU

Notes: a) number of plenary debates (Appendix, Table 2); b) three discursive models of democracy, in number of codes resulting from Atlas.ti contents analysis of references to three respective sets of values, institutions and processes in plenary debates; c) proportion of government vs. MP speakers, in %; d) proportion of national (N) vs. European (EU) topics and types of justifications in debates. Source: RECON I data set (Appendix, Table 1).

In sum, the polarised nature of the debates – in part due to the schedule for parliamentary ratification debates – appears an unfortunate handicap for non-partisan actors, experts and civil society organisations. All cases of parliamentary treaty debates considered here, except the Polish one, suffer from the same caveat: they are scheduled after the fact, after national governments and EU elites have typically concluded treaty negotiations ‘behind closed doors’, and without involving the opposition and minority parties. Lack of parliamentary debates in the early stages of EU treaty reforms not only inhibits cross-party

²⁸ See Appendix, Table 6.

consensus orientation but also prohibits sufficient media coverage to educate the general public. Both would be required to enable interested citizens to inform themselves and to allow for participation in public opinion formation at a relatively early stage of binding intergovernmental decision-making.²⁹ The ex-post intervention of parliaments forecloses the coupling of parliamentary debates with media based public opinion formation early enough to give citizens and civil society a chance to meaningfully and constructively engage with important issues of EU treaty reform.³⁰

3. Dimensions of political conflict in European election campaigns: The third data set consulted here has been compiled from print media coverage of the 2009 European election campaigns in six EU member states.³¹ The most important findings will be summarised in four points (see Table 3, below):

First, judging by the hypothesis that the European elections were “second order” national elections dominated by domestic themes, but much less prominent than the latter, it comes as a surprise that the European elections were quite extensively covered by the mass media, namely in France, the Czech Republic, Germany and Hungary and, to a minor degree, also in the UK and Poland.

Even more surprising, secondly, is the discursive representation of democratic norms where the second model of a federal European democracy outrivals the others. Here, national democratic statist discourses are clearly of a second order. In all but the two national contexts of the Czech Republic and the UK, the multinational federal frame counts as by far the most salient.

Yet, third, regarding the diversity of voices that are included, the conspicuous bulk of media attention is devoted to populist, right-wing fringe parties who take a decidedly Euro-

²⁹ However, the 2009 Lisbon Treaty upgraded the rights for participation of national parliaments in an early phase of the EU legislative process.

³⁰ A similar argument has been made by Fossum and Trenz (2007: 211), though referring to the French and Dutch ratification referendums in 2005 and not to national parliamentary ratification procedures as catalysts for politicisation and domestic sources of democratic legitimation of the EU.

³¹ See Maatsch 2011b. For more information on both data sets, see Appendix, Table 1.

sceptic stance, namely, for example, the Front National (FN) in France, Jobbik in Hungary, Libertas in Poland, and the United Kingdom Independent Party (UKIP) as well as the British National Party (BNP) in Great Britain. While such voices were largely absent in the German EP discourse, their electoral success also drew attention to the phenomenon there. The Dutch Freedom Party as well as the British Eurosceptic parties were duly covered in the German media. European level actors such as influential (former) Members of the European Parliament (MEPs), domestic EU Commissioners or Commission President Barroso were given space in most of the media.

Table 3: Patterns of Discursive Representation in EP Election Campaigns (2009)

	a) coverage	b) salience			c)inclusiveness % National – EU	d) scope N – EU – Univ.
		M I	M II	M III		
CzR	665 (5)	36	34	0	69 – 31	31 – 54 – 15
France	826 (4)	43	73	4	78 – 21	34 – 46 – 20
Germany	8558 (5)	66	83	5	76 – 24	36 – 54 – 10
HUN	5414 (6)	48	59	6	84 – 16	61 – 21 – 18
PL	111 (5)	83	177	17	54 – 28	44 – 48 – 8
UK	8267 (5)	65	56	10	72 – 26	64 – 36 – 0

Notes: a) print media coverage measured by total number of articles on topic area, in parentheses, no. of outlets included in media sample (Appendix, Table 3); b) salience of three discursive models of democracy, in number of references to three respective sets of values, institutions and processes in qualitative print media sample; c) proportion of national vs. EU voices, in % (id.); d) proportion of national (N) vs. European (EU) vs. universal (U) types of justifications in selected print media sample coding (id.). Source: RECON III data set (see Appendix, Table 1).

Finally, fourth, as established wisdom holds that European elections typically deal with domestic political issues – therefore constituting ‘second order elections’ – it is surprising but a matter of fact that the EU Lisbon Treaty, the European Parliament and institutional questions of the Council and the Commission were the top topics on the 2009 election campaign agendas.³² Moreover, the analysis of discursive patterns of media based

³² At the time of the European elections in June 2009, ratification of the Lisbon Treaty was still pending as the second Irish Referendum was scheduled to be held in early October of the same year. This does not mean, though, that in the 2009 debates, domestic topics did not play any role. For instance, in the Czech Republic, the fall of the Topolánek government and the scandal involving paparazzi pictures taken in Silvio Berlusconi’s villa made the news. German public debates revolved around the ‘Super Election Year’ with national

election campaigns shows that argumentative modes of referring to non-national, European and transnational problems, ideas and interests are extensively used, outnumbering national discourses.³³

IV. EMERGENCE OF EUROPEAN TRANSNATIONAL PUBLIC SPHERES

The three fields of European communication examined here – starting before the 2005 constitutional ratification failures and extending to the 2009 Lisbon treaty and EP election campaigns – provide selected insights into the patterns and dynamics of discursive representation in an unfolding European public sphere. Summarising what the available evidence reveals about the preconditions for a democratic EU I have presented mixed findings from different kinds of public sphere: Media messages, on the one hand, tend to construct an image of a supranational EU that shapes public opinion but does not necessarily translate into “strong public spheres”, such as national parliaments or constitutional courts.³⁴ National parliamentary discourses, on the other hand, reproduce an image of a Union, the legitimacy of which depends on the democratic member states and that stands in stark contrast to the narratives of a supranational federal Union, which recent European election campaigns have evoked.

When engaging with the issues of the EU’s democratic legitimacy and its legitimacy deficit or contested democratic norms, in particular, the mass media, national parliamentarians as well as European parliamentary candidates and political parties engage discourses that do not cohere. But two of the most relevant European democracy discourses identified above clearly extend across national communication communities: they connect, overlap and become shared transnational discourses. European democratic norms have become a relevant issue of public debate, multiple and multilayered European public spheres are

parliament elections coming up in September. In Hungary, Fidesz’ call for new elections as well as the emergence of the far-right were widely discussed. British discourse focused on the expenses scandal involving a number of national MPs, and the success of the BNP which was anticipated to take advantage of voters’ dissatisfaction over the performance of the main political parties.

³³ In fact, mass media coverage of the European election campaigns in the Czech Republic, France, Germany, and Poland feature this pattern.

³⁴ In this regard the Lisbon Ruling by the German Constitutional Court is a case in point; see Liebert 2010c; Evas and Liebert 2010.

emerging, yet a ‘European demos’ is missing. These findings call for rethinking the conventional wisdom regarding the “no European demos – no European democracy” thesis, outlined above. There must be other mechanisms to account for these dynamics.

To account for the emergence of transnational public spheres in the EU, two mechanisms have been identified in the literature: the Europeanisation of national public spheres³⁵ and the politicisation of European integration (Hooghe and Marks 2008). Our findings on discursive representation suggest two more driving forces: democratic integration through the mass media; and transnationalisation through civil society.

(1) As to the widespread belief that it was wrong to expect Europeanisation of national public spheres to happen in the near future (Grimm 1995, Graf Kielmansegg 1996, Peters 2005), empirical evidence from the EU’s most recent development is testimony to the contrary: European integration has mobilised the most extensive as well as intense debates about European issues across a range of national public spheres. The patterns and dynamics of Europeanisation in different national contexts are shaped, in the first place, by institutional settings and democratic political cultures. Variations in the quantity and quality of Europeanisation of national public spheres are no surprise, given the uneven development of member state democratic systems, with weakly consolidated democratic institutions and civil society organisations that have not reached full independence from the state or that have fallen into new external and internal dependencies.³⁶

(2) In the context of national diversity, for explaining the Europeanisation of public spheres, politicisation is a key part of the story. The established wisdom on this matter is that politicisation is not a cure for the EU’s democratic deficit. Pointing out the risks of such an approach, Stefano Bartolini has warned not to delude ourselves into thinking that ‘politicisation’ of the EU is ‘the right sort of medicine to cure the EU’s ills’ (Bartolini

³⁵ Cf. discussion of the state of European public sphere research by Thomas Risse (2010) who engages the most comprehensive range of empirical findings from European public sphere research to date, though indicating two conspicuous lacunae: first, regarding the new East/East Central European member states, and, second, developments following failure of the EU constitutional treaty.

³⁶ For comparative analyses of the national media systems of Europe see, among others, Hallin and Mancini 2004; Sparks and Reading 1997; Splichal 1994; Sükösd and Bajomi-Lázár 2003.

2006). Yet, nor can politicization of the EU be reduced to a force that undermines the long-standing 'permissive consensus' for European integration and drives the 'constraining dissensus' vis-à-vis the EU by mobilising collective identities (Hooghe and Marks 2008). Politicisation of the EU's technocratic-bureaucratic regime contributes to the public awareness and mobilisation of European civil society that democratic integration of Europe requires (Tully 2006; Liebert 2010b). The contentious nature and protracted struggles involved in the politics of EU treaty reform have certainly provoked controversies among political elites which have spilled over from institutional arenas – namely intergovernmental bodies, national governments, parliaments and parties, as well as courts – into media based political communication and civil society, to finally reach mass publics. Thus, politicisation has promoted European public communication practices. But will these practices qualify for democratic integration?

(3) In the context of Europeanisation and politicisation, the mass media may serve as catalysts for disseminating democratic norms or, to borrow Tully's term, for democratic integration (Tully 2006). The media can foster democratic integration from below at two levels. On the one side, by choosing to present an EU issue, by framing the issue content, and constructing the media messages that shape people's perceptions (Fortunato 2005: 56) in ways that resonate with democratic practices: informing readers about European issues, setting the stage for the formation of European public opinion, for structuring political conflict about the EU, and for holding authorities to account. On the other side, the media may choose to selectively frame EU issues in terms of democratic norms, that is not primarily whether as a matter of national sovereignty, or in terms of left/right ideological or class conflict. By adopting democratic interpretive schemes the media suggest to the public how to think about given issues. Thus, they can help channel the politicisation of the EU and Europeanisation of public spheres into democratic frameworks for European integration. If politicisation of EU affairs is necessary for Europeanisation of national public spheres, it is not sufficient for democratic integration practices. If we define the democratic integration of Europe as a transnational process of structuring public opinion and political will formation on European issues in political ideological terms, the question about the democratic frames that the mass media selectively deploy plays a key role. This is the ques-

tion whether and which democratic narratives on the EU are discursively represented to mass publics. For instance, if the mass media engage with supranational or transnational democracy discourses as outlined above, European citizens and civil society and not primarily intergovernmental conferences will become visible front-page agents and constituents of the would-be democratic EU polity. When framing the EU as a matter of democracy, the national media will engender pluralist arenas for contentious debates, with transnational scope. Thus, not only in their contents and frames but also in their communication practices the media can contribute to European democratic integration through framing public information and communication about the EU in democratic terms. Transcending nationalistic or technocratic frames, they will address the same issues from multiperspectival angles. While giving voice to diverse constituencies, they will engender the interplay between different languages and conflicting frames for justification.

(4) The last question to be addressed here is how politicisation, Europeanisation and democratic integration of public spheres will be affected by the inclusion of European civil society. Conceiving political communication as a configuration of social practices, the media engage in relationships with different types of agents. According to Johan Galtung, in the triangular relations between state, economic and civil society actors, the media ‘take a challenging place in a field of conflicts’; floating somewhere between these pillars, they are ‘vital channels not only for the Civil society in relation to the State and Capital, but also in communication between the State and Capital in order to ensure a common public sphere and dialogue in society’ (Galtung 1999; 3f).³⁷ Analytically, all three pillars can provide contents to the media. In the practices of mass media representations in the field of EU constitutive politics, primarily national and EU institutional discourses and discourses by governments and political parties are included. Thus far, national and European economic interest organisations have been discursively represented much less and European civil society was only very marginally able to raise critical voices. Yet, empirical evidence suggests that the potential and willingness of European civil society to constructively engage with contentious issues of European constitutional treaty reform is a matter of fact (Liebert

³⁷ See Johan Galtung’s proposal of a three-sided model of society with three pillars: the State, Capital and Civil Society (Galtung 1999).

2010a; Liebert and Trenz 2010; Trenz et al. 2010). Moreover, given the evolving transnational networks of organised civil society in the EU, more inclusive discursive representation practices would not only promote the scope of discourses that are relevant to the experiences and perceptions of a plurality of constituencies. European civil society would also become an agent of transnational discursive representation – arguably a primary prerequisite of EU democracy (see Bohman 2007).

V. CONCLUSION

Compared to the classical statist discourses on the EU as intergovernmental confederation of nation states or as supranational federal state, a more recent proposition is to understand the EU as a novel type of a transnational non-state political association that is constituted by states and by citizens who act in their dual role of nationals as well as Europeans.³⁸ The intention of this paper was to examine the pre-requisites for the would-be democratic EU polity and, in particular, the “no European demos” thesis by refocusing from missing formal-legal conditions to informal social and communicative presuppositions. Refocusing the analysis from the “European demos” – conceived of in formal-legal terms of equal European political citizenship – meant to put informal extralegal terms of discursive representation practices centre stage. In theory, for EU democratic legitimacy, equal voting is conventionally considered a sufficient formal requisite that can be supposed to link the people to EU decision-making, either via national parliaments and/or governments or via European elections. But in the multiple overlapping European citizenship practices, strictly egalitarian norms would be either unwanted or are undermined by a range of domestic level impediments.³⁹ Therefore, for democratically constituting a European political will, transnational public spheres that represent all relevant discourses appear a primary requisite (Dryzek and Niemeyer 2008: 481f.). Transnational discursive representation practices are primary to – but do not substitute by any means – formal legal requirements for de-

³⁸ For an elaboration of a similar proposition, see Franzius and Preuß 2011.

³⁹ Such impediments range from institutional barriers against Union citizens (in particular EU movers) exercising European voting rights; over lack of access to relevant European public information as an enabling condition for casting an informed vote to the varying willingness of national political parties to communicate about EU issues and structure European political conflict in publicly intelligible ways.

mocratic representation. They are a constitutive precondition for informed mass publics, for public opinion formation about European issues and, ultimately, for deliberation aimed at political consensus (Habermas 1996).

Examining alternative narratives about democracy in Europe sheds also new light on critical episodes of EU constitutive political development. After all, the decline of the “demos” thesis has left double lacunae after the failure of some EU projects, such as the Constitutional Treaty.⁴⁰ The present analysis suggests why the politicisation of the EU may have ambiguous effects. In fact, by mobilising collective identities, the politicisation of European integration may enhance a ‘constraining dissensus’ about reconfiguration of the EU’s jurisdictional architecture (Hooghe and Marks 2008).⁴¹ Yet, politicisation may also have beneficial effects regarding the Europeanisation and transnationalisation of national public spheres, collective identities, the deepening and widening of the EU and, notably, for developing democracy (Risse 2010: 177ff). In any case, whether ‘politicisation’ will cure the EU’s deficits of democratic legitimacy cannot be answered without exploring discursive representation practices and whether or not these are democratically framed and how. Ours confirm Risse’s, calling into question the conventional wisdom about ordinary citizens who are allegedly wedded to the nation-state while perceiving the EU as a distant entity (Moravcsik 2006; Shapiro and Hacker-Cordón 1999). They shed light on the patterns and dynamics of democratisation dynamics from below, in the absence – or after the decline – of the ‘European demos’.

⁴⁰ Cf. Moravcsik 2006.

⁴¹For instance, despite considerable public debate and referendum turnout the majority of the French and Dutch rejected the EU Constitutional Treaty. The Lisbon Treaty is another case in point where EU leaders only succeeded in ratifying by forestalling referendums and thus manifestations of popular opposition.

APPENDIX: DATA DESCRIPTION

Table 1: RECON I, II, III. Data Sets

	RECON I Parliamentary data set 2009	ConstEPS/RECON II TCE media data set 2005-7	RECON III European elections media data set 2009
Timeframe of the dataset	Parliamentary EU Treaty ratification: Jan. 2004 – Jan. 2009	TCE Ratification De- bates: June 2005 – July 2007	European parliamen- tary election cam- paigns May – June 2009
Scope of quantitative / qualitative data set	Qualitative dataset: plenary debates in six EU member states: ¹ In total 47 parliamen- tary debates.	Quantitative dataset of 8583 articles, for 6 EU member states ¹ ; 240 articles selected for qualitative dataset (40 articles per country)	Quantitative dataset of 2841 articles for 6 EU member states ¹ , 181 articles selected for qualitative dataset (30 articles per coun- try)
Search strings for sampling	“Constitutional or Lisbon Treaty ratifi- cation”	Articles dealing with the “EU Constitutional Treaty”	“European election / campaign”

Explanations: The three data sets have been constructed from different arenas of European political communication in six EU member states – the Czech Republic, France, Germany, Hungary, Poland, the United Kingdom:

(1) RECON I. Parliamentary Data Set: Constitutional & Lisbon Treaty ratification debates 1/2004 – 1/2009 (6 member states; responsible researcher: A. Maatsch).

(2) ConstEPS/RECON II. Media Data Set: TCE ratification 10/2004 – 10/2005 (responsible researchers: T. Evas, A. Maatsch, P. R. Guasti, K. Packham, A. Wyrozumska; see Liebert et al. 2007); merged with TCE crisis and reflection 6/2005 – 7/2007 (Bremen Summer School July/Aug. 2007 co-ordinated by UniHB and ARENA, responsible researchers: A. Gattig; E. Pawlak; see: Liebert/Trenz, RECON WP5 Media Report 2007).

(3) RECON III. Media Data Set: 2009 European election campaigns 5-6/2009 responsible researchers: K. Packham; E. Pawlak).

Table 2: RECON I. Parliamentary Data Set

Country	Plenary debates on Constitutional Treaty Ratification	Plenary debates on Lisbon Treaty Ratification
Czech Republic	....	6 debates: March 2008, Feb. 2009 by Chamber of Deputies; April 2008, May 2009 by the Senat.
France	8 debates: 4 in the National Assembly, 4 in the Senate; Jan-Feb, April, May 2005.	3 debates: 2 in the National Assembly; 1 in the Senate; Feb. 2008.
Germany	4 debates: 2 in the Bundestag, 2 in the Bandera: Feb, May 2005.	4 debates: 2 in the Bundestag, 2 in the Bundesrat; Feb-May 2008.
Hungary	4 debates: 2 in Oct. 2004; 2 in Dec. 2004.	1 debate: in Dec. 2007.
Poland	3 debates: 2 in the Sejm – lower chamber, 1 in the Senat – higher chamber; Feb.-April 2004/2005.	6 debates: 5 by Sejm, 1 in the Senat; Feb.-March 2008, July 2008, Jan. 2009.
UK	2 debates: Jan-Feb. 2005 in the House of Commons.	6 debates: 3 in the House of Commons, 3 in the House of Lords; Dec. 2007, Jan.-June 2008.

Table 3: RECON II. and III. comparative media data sets

RECON DATASAMPLE		RECON Summer School Bremen 2007		RECON Summer School Bremen 2009	
		Post-Referenda Debates		EP election campaigns	
COUNTRY	NEWSPAPERS	Quantitative Sample	Qualitative Sample	Quantitative Sample	Qualitative Sample
		Total No. of Articles	Selected No. of Articles	Total No. of Articles	Selected No. of Articles
Czech Republic	Hospodarske noviny	361	13	108	7
	Pravo	295	17	194	9
	MF Dnes	260	8	324	12
	Respekt	106	2	...	...
	Reflex	21	0	13	2
	Blesk	6	0	26	1
Total		1049	40	665	31
France	Le Monde	1046	19	334	14
	Le Figaro	927	12	231	7
	Libération	716	9	124	6
	Le Parisien	...	...	137	3
Total		2689	40	826	30
Germany	FAZ	927	15	...	...
	Süddeutsche Zeitung	646	10	336	12
	TAZ	371	5	78	6
	Welt	680	10	103	7
	Bild	...	...	31	3
	Spiegel	...	...	10	2
Total		2624	40	558	30
Hungary	Magyar Nemzet	303	19	153	8
	Népszabadság	275	21	126	10
	Blikk	5	0	21	3
	Heti Világ Gazdaság	...	...	83	5
	Heti Válasz	...	...	15	2
	Élet és Irodalom	...	...	16	2
Total		583	40	414	30
Poland	Gazeta Wyborcza		19	28	11
	Rzeczpospolita		16	46	7
	Polityka		5	10	4
	Nasz Dziennik	...	...	16	5
	Super Express	...	...	11	3
Total		979	40	111	30
UK	The Times	383	19	67	7
	The Guardian	276	21	135	12
	The Sun	...	...	30	4
	The Daily Mirror	21	4
	The Economist	14	3
Total		659	40	267	30
Total		8583	240	2841	181

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