



## Reconstituting democracy in Europe

### Snapshots of findings



### How democratic is the European Union?

### How democratic can it be?

### How democratic should it be?

Through a series of studies of a number of policy fields and institutional mechanisms, the RECON project has analysed the conditions for democracy in the EU. The aim has been to identify strategies through which democracy can be strengthened.

In this pamphlet, snapshots of selected findings are presented, which should be of interest to practitioners and policy makers, media and informed readers, civil society actors and interest groups, as well as other 'stakeholders'.

[www.reconproject.eu](http://www.reconproject.eu)



*RECON (2007-2011) is an Integrated Project supported by the European Commission's Sixth Framework Programme for Research.*

*See a list of RECON's 21 partner institutions at the end of this pamphlet.*

# Reconstituting Democracy in Europe

Since 2007, a large group of scholars from across Europe and beyond; ranging from political scientists, sociologists, economists, legal scholars, philosophers, to social anthropologists, have critically examined the important question of how to reconstitute democracy in Europe.

The RECON project was fashioned in the wake of the Laeken (2001-5) Constitutional Treaty process and the ensuing debates on the EU's legitimacy, which became all the more important after the "No" referendums in France and the Netherlands.

The basic questions RECON asked were: what democracy for Europe? Can there be democracy without the state, and can there be a constitution without a people, or nation? Is there a need for a new democratic theory, or is there only need for democratic reforms in order to make the EU democratic?

To that end RECON established three models of European democracy, pointing to intergovernmental, supranational and transnational governing structures. In what direction do developments within the multilevel EU point?

The complexity of the European project gives rise to different and divergent developmental paths within the various institutional orders and policy areas. What do developments within the EU's institutional and constitutional realms tell us about the prospects for democracy; what form of civil society is emerging and how does it contribute to a common identity and a European public sphere; what do developments within areas such as foreign and security policy and gender policy tell us about the nature of the EU; and how does the EU compare with other cosmopolitan developments?

Through a five-year period, more than 120 participating researchers across Europe and beyond have conducted independent and basic research on these questions. By doing so, RECON has contributed to shedding light on topical issues directly affecting all Europeans in their everyday lives. Snapshots of selected research findings are presented in this pamphlet.



**Reconstituting Democracy in Europe (RECON) runs from 2007 to 2011 and focuses on the conditions for democracy in the multilevel constellation that makes up the EU.**



RECON is an Integrated Project supported by the European Commission's Sixth Framework Programme for Research



RECON is coordinated by ARENA - Centre for European Studies, University of Oslo

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# Where is European democracy heading?

**Democracy has historically developed at a national level, but with increasing internationalisation of politics, does the concept need reworking?**

Having established three ideal type models of European democracy, RECON evaluates their viability as possible options for the EU – with the aim of identifying strategies to strengthen democracy and rectify deficits. This is undertaken by considering how the models would establish democracy institutionally as well as through detailed analysis of a range of important EU policy areas.

## Constitutional issues

The EU has a material constitution, meaning that in social practice it works as a constitution. RECON research highlights the political contestation over the many efforts to make this material constitution democratic. The Lisbon Treaty ratification process contained clearer traits of the first model than had the far more open Constitutional Treaty process. But in substantive terms, the Lisbon Treaty promises to move the EU closer to the third model. This means that, despite Lisbon, the EU continues to confront the intellectual and political challenge of devising a democratic constitution for a non-state entity.

## Representation

EU citizens have two channels of democratic representation: through national parliaments, and more directly, through MEPs in the European Parliament. The European Parliament is most at home in RECON model 3. This also applies to the overall structure of representation in the EU. National parliaments are linked in with the European Parliament and are increasingly involved in EU decision-making. This structure injects a distinct deliberative dimension but also brings up new and thorny questions of accountability.

Obviously the co-decision procedure (where both the EP and the Council decide on legislation) is more inclusive than consultation (where the Council only consults the Parliament on legislation), and it also provides more space for consultation with stakeholders. Involvement of civil society representatives in the early stages



of legislation ensures greater inclusion of those concerned and assists political equality.

## Democracy from below

Civil society and a public sphere is an inherent part of any democratic order. RECON has conducted, among other empirical studies in this field, research on the role of the mass media – an important while far from unique actor in the ‘public sphere’. A media survey on the EU constitutional debate indicates that the patterns of mass media debate tend to follow model 1, with its focus on national government actors and intergovernmental institutions. However, there are also traits of model 3 in terms of overlapping public discourses. The media survey finds little empirical evidence for an unfolding European public sphere that would support a democratic order along the lines of model 2, which would

### Read more

*Rethinking democracy and the European Union*, Erik O. Eriksen/John Erik Fossum (eds), Routledge, 2011

*The unfinished democratization of Europe*, Erik O. Eriksen, Oxford University Press, 2009

*Political legitimacy and democracy in transnational Perspective*, Rainer Forst and Rainer Schmalz-Bruns (eds), RECON Report 13, 2011

‘Bringing European democracy back in - or how to read the German Constitutional Court’s Lisbon Treaty ruling’, Erik O. Eriksen/John Erik Fossum, *European Law Journal*, 2011



require that the same issues would be debated at the same time under the same criteria of relevance.

## Beyond a regulatory regime

RECON finds that the institutional, as well as the civic conditions, for a legitimate public justification process in the EU are not fully compatible with any single model. But the EU

has been moving beyond model 1, and towards model 3 in some important areas. The EU is clearly more than a regulatory regime but less than a federation. European democracy remains an unrealised promise. The system of representation is incomplete, although it also contains novel democratic possibilities, and the requirement of a European public sphere has not been met.

## Three models of European democracy

Each of the three RECON models represents a possible solution to the democratic challenges facing Europe.

### Audit democracy

Model 1 entails reframing the EU as a functional regulatory regime. Democracy is here directly associated with the nation state, assuming it is only at a national level that trust and solidarity can be fostered, and that the member states delegate certain tasks to the EU level. As such, the EU is accountable to the member states, which can both authorise and confine EU operations.

### Multinational federal democracy

Model 2 entails establishing the EU as a multinational federal state with a sense of common identity and collective values among European citizens. With democratic procedures and a common identity, decision making and legislation would be legitimate at the federal European level.

### Post-national democracy

Model 3 entails developing a post-national union with an explicit cosmopolitan orientation; a European subsystem of a larger cosmopolitan order where citizen sovereignty has replaced state sovereignty. This is a model for democracy beyond the state as democratic rule is configured in a multilevel structure of government.

Taken together, the models offer a comprehensive framework for assessing Europe's democratic challenges, which has formed a common ground for RECON's research. These models yield assessment standards and tools to analyse and integrate research on the developments and conditions for democracy from a range of different thematic angles.



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WP 1 leads the work on concretising the three models, establishing indicators and linking them to the particular research challenges raised in the policy fields and issue areas addressed. Overall coherence and integration of the project is ensured and an overarching theoretical approach to the study of European democracy is developed.

More details from the research field 'Theoretical Framework' are available at: [www.reconproject.eu](http://www.reconproject.eu)

# What constitutional future for Europe?

It has long been held that only states can have democratic constitutions. What then about the European Union? Many strongly deny that the EU has a constitution. But if the Union does not have a constitution, it becomes very difficult to explain how the Union was established, and how it has become such an important player in Europe, and indeed in the world. How could such an organisation that has such a direct impact on the member states' constitutional arrangements endure without a constitution to operate through? And yet, it is obvious that there is no text or set of norms that is widely and uncontroversially referred to as the European Constitution.

In the EU we see efforts to develop a democratic constitution as well as a process whereby national constitutions are becoming Europeanised. One of the questions asked by RECON is if these processes are likely to foster democracy at the European level, and if so, how? Can the EU develop a democratic constitution? If not, can the EU become a viable democracy without a democratic constitution? Equally important, will the EU undermine or consolidate national democracy?

Addressing these questions, RECON researchers have investigated the history of European constitutional law and politics and have developed a theory of 'constitutional synthesis', which captures the distinctive traits of EU constitutionalism. Moreover, RECON has examined national constitutional adaptations to European integration. The Constitutional Treaty and process and the Lisbon Treaty and process have been evaluated and compared, including party-political behaviour in EU treaty referendums in 2005.

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## Selected findings

- **The Lisbon Treaty did not clarify the EU's constitutional character, but has rather caused more uncertainty and ambiguity**
- **Further rounds of reforms and EU citizens' explicit consent are needed for the EU constitution to be legitimate and sustainable over time**
- **European integration has made national constitutions more transnational**
- **The ratification procedures used for EU constitution-making remain determined at the national level**
- **The EU's constitutional processes – as is also the case in Canada – have been closed and executive-driven: in both cases the problem is the lack of openness and democratically accountable processes**
- **The ability of governing parties to secure the support of their own constituencies remains crucial in winning national referendums on EU Treaties**



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**Read more on the findings in the following pages**

More details and publications from the research field 'The Constitutionalisation of the EU, the Europeanisation of National Constitutions, and Constitutionalism Compared', including all RECON reports and working papers mentioned in the below, are available at:

[www.reconproject.eu](http://www.reconproject.eu)

## A new theory of EU constitutionalism

Although the Lisbon Treaty was framed by the European Council as not being a constitution, RECON finds that the EU has a *material constitution*. This means that in social practice it works as a constitution, but it does not qualify as a democratic constitution.

Democratic constitution-making is at stake after the Lisbon process, which reverted back to diplomatic procedures. A distinguishing feature of the EU's material constitution is that it is conditioned on compliance with the common constitutional traditions of the member states and their democratic norms. Whereas the Lisbon Treaty contains democratic reforms, it has increased uncertainty about the status of this constitutional-democratic license from the member states by explicitly stating that Lisbon is a *treaty* and not a *constitution*.

RECON researchers have analysed the EU's constitutional developments and developed a theory of 'constitutional synthesis'. This is set out in a book which explains why and how the European Communities were established as the first constitutional union of constitutional states wherein integration would be steered by constitutional law, not power politics or imperialism. It explains why the process of forging the Lisbon Treaty should be seen as a new beginning of the EU's constitutional season, not its end, as well as the constitutional problems the EU is currently facing.

### Read more

*The Constitution's Gift*, John Erik Fossum/Agustín José Menéndez, Rowman and Littlefield, 2011

## The Lisbon Treaty – at the cost of democracy?

**Evaluating the Treaty of Lisbon in comparison with the original Constitutional Treaty, and analysing the importance of the people's consent, it is fair to ask if saving the treaty came at the cost of democracy.**

The negative results of referendums on the EU Constitutional Treaty in France and the Netherlands, and subsequent low-key adoption of the Treaty of Lisbon raise complex questions about the possible democratisation of the EU. Drawing on the Convention on the Future of Europe, which drafted the Constitutional Treaty, and the referendum in the Netherlands, an original political theory of democratic constitutionalisation beyond the nation state has been outlined within RECON. Providing a full analysis of the EU

Constitutional Treaty process, it is argued that international organisations can be put on democratic foundations, but only by properly engaging national political structures.

### Read more

*Learning from the EU Constitutional Treaty*, Ben Crum, Routledge, 2012



## Party-political behaviour in Treaty ratification

**How was the party-political behaviour around the referendums on the EU Constitutional Treaty?**

In the four countries which held a referendum on the Constitutional Treaty in 2005 (France, Luxembourg, The Netherlands and Spain), the electorates turned out to be considerably more sceptical about the Constitutional Treaty than their parliamentary representatives were. RECON has studied the domestic government-opposition dynamics in these countries, as well as in six member states where a referendum was anticipated in 2005. With the exception of some

### Read more

'Party stances in the referendums on the EU Constitution', Ben Crum, *European Union Politics*, 2007



right-conservative parties, all mainstream political parties endorsed the Constitutional Treaty. However, opposition party supporters were bound to be divided on the issue. This study demonstrates that the ability of government parties to secure the support of their own constituencies was crucial in securing a majority in favour of EU Treaty ratification.

## Still national over transnational democracy?

**National constitutions have not merely responded to European integration in a defensive way; to some extent they have also been transformed to become more transnational in their content.**

The Europeanisation of national constitutions supplements and completes the unfinished process of constitutionalisation of the EU. But the ratification procedures in EU constitution-making conform more to a view of democracy as associated with the national level. Legitimacy derives from national processes of will formation, and states, not citizens, are part of a contractual order. Thus, ratification procedures are determined domestically and their democratic quality is assessed at the national level. Despite the involvement of citizens through referendums on the EU constitution, there is little evidence of more structured patterns of transnational discourse and deliberation.

### Read more

*The Lisbon Treaty and national constitutions*, Carlos Closa (ed.), RECON Report 9, 2009

RECON has set up a **Website on the Europeanisation of National Constitutions**, which offers a comprehensive overview of how national constitutions are adapting to the process of European integration (*see more on p. 39*).

## Lessons from other constitutional processes

**RECON has found interesting parallels between the EU and Canada, where the province of Quebec has refused to sign the Constitution Act 1982.**



Currently the important difference is that in Canada there is disagreement over *what kind* of constitution; whereas in the EU there is disagreement over whether the EU *should or could* develop a democratic constitution. Nevertheless, the EU and Canada followed the same pattern. First, a closed executive-led process failed to find agreement. Then there was an opening up to a broader and more democratic process, but also this failed. Finally, the process was again closed, but the outcome was either rejected or significantly downscaled in constitutional symbolic terms. The efforts to open the process took place within a framework of executive-led constitution making. These were complex and set up to harmonise the

needs and requirements of multiple constitutional *demoi*, or peoples.

These processes show that the EU and Canada, both of which have highly complex systems of rule can hardly rely on a stable agreed-upon constitutional framework. Instead, their viability depends on a set of procedures that ensure ongoing accommodation of difference and diversity in a manner consistent with democratic norms.

In the case of the EU constitution, there are weighty normative and empirical reasons for doubting that it will be sustainable, rather than defaulting to a traditional form of international cooperation, without securing the explicit consent of its citizens. In contrast, the Canadian polity has the democratic institutions to sustain a constitutional structure.

### Read more

'Constitutional patriotism', John Erik Fossum, in *Constituting communities*, Mouritsen/Jørgensen (eds), Palgrave Macmillan, 2007

'On democratizing European constitution-making', John Erik Fossum, *Supreme Court Law Review*, 2007

# A European representative democracy?

How novel, how stable, how coherent and how democratic are the European Union's representative institutions?

The EU is based on a compound form of representation. As the Lisbon Treaty puts it, 'citizens are directly represented at Union level in the European Parliament' whilst 'Member States are represented in the European Council by their Heads of State or Government and in the Council by their Governments, themselves democratically accountable either to their national Parliaments or their citizens'. On top of that, the Treaty also emphasises the role of political parties at the European level and of dialogue with representative associations and civil society.

Many arguments can be made for desiring a compound form of representation at the Union level, such as the sheer social complexity of the Union, the pluralism of political values affected by its decisions, and the importance of avoiding excessive concentrations of power in single institutions. Yet, *desirable* does not mean *possible*. Moreover, it cannot be assumed that combining different modes of representation will automatically add up to good representation. To the contrary, the lumping together of different approaches to representation may amount to little more than a fallacy of composition. The components of any one 'system of representation' may be individually desirable. Yet they may combine in unsatisfactory ways.

RECON has made several contributions to the investigation of compound forms of representation in the European arena. Through a *Democratic Audit of the EU* and the introduction of the concept of *multilevel parliamentary field*, RECON has also contributed to the development of new conceptual tools for analysis of this field.

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## Selected findings

- **The quality of the debates in the European Parliament compare favourably with those in national parliaments**
- **Informal party networks are important for interactions between parliaments at the European and national levels**
- **The behaviour of Members of the European Parliament affect their chances of re-election**
- **The diffusion of specialised European Union agencies testifies to changes in the Union's executive order and its relationship to political representation**
- **The representation of individuals and of whole democratic *peoples* (member states) in the European Parliament are best reconciled by decision rules that require double majorities**



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**Read more on the findings in the following pages**

More details and publications from the research field 'Representation and Institutional Make-up', including all RECON reports and working papers mentioned in the below, are available at: [www.reconproject.eu](http://www.reconproject.eu)

## Measuring democratic qualities

**RECON has developed a framework for evaluating the democratic qualities of EU institutions, through a so-called *Democratic Audit of the European Union*.**

RECON has used democratic auditing – first developed by David Beetham and Stuart Weir – to develop a framework for evaluating how the elements of the Union’s compound form of representation interact to produce good representation. The EU Democratic Audit develops criteria for the assessment of the Union’s democratic performance by deriving generic tests from democratic theory and then operationalising these using the RECON models. The overall result is a series of tests that allows the Union’s democratic performance to be evaluated against three different models of how representative democracy should work beyond the state.

A **Democratic Audit Website** has been set up with the aim to provoke discussion about indicators and data sources which might be used to assess how democratic the EU is (*see more on p. 39*).

### Read more

‘A democratic audit framework’, Christopher Lord, in *Rethinking democracy and the European Union*, Eriksen/Fossum (eds), 2011

‘Some indicators of the democratic performance of the European Union and how they might relate to the RECON models’, Christopher Lord, *RECON Online Working Paper 2008/11*

## A redistribution of seats?

**RECON has participated in a study of the political equality of the apportionment of seats in the European Parliament (EP).**

The study examines the tension between the equal representation of each individual in the Union institutions and the equal representation of each member state, or democratic people. The conclusion is that the claims of both kinds of equality may be best reconciled by decision rules that require double majorities. The study also suggests a limited reapportionment of seats, which would offer an improved trade-off of the two principles.



### Read more

‘Unequal representation in the European Parliament’, Christopher Lord/Johannes Pollak, in *Strengthening democracy in the European Union*, Evas/Liebert/Lord (eds), Nomos, 2012



## Deliberations in the European Parliament

**The ‘quality’ of the European Parliament as a deliberative organ is good.**

The Members of the European Parliament (MEPs) deliberate in a supranational and multilingual setting. In spite of this challenge, findings from a study which applies the ‘discourse quality index’ to the EP suggest that the quality of the parliamentary debates compares well with that in national parliaments. Another study on the behaviour of MEPs finds that the level of activity in the EP affects their chances of re-election.

### Read more

‘The politics of justification?’, Christopher Lord/Dionysia Tamvaki, *RECON Online Working Paper 2011/03*

‘When quantity matters: Activity levels and re-election prospects of members of the EP’, Emmanuel Sigalas, *RECON Online Working Paper 2011/17*



## The interplay of two levels

**RECON has investigated how far the European Parliament and national parliaments have cooperated and adapted their practices and norms to one another. Informal party networks turn out to be important in this regard.**

European citizens are represented in their national parliaments, in so far as the latter control the decisions their governments take on EU issues in the Council. They are also represented directly in the EP, which increasingly serves as a co-legislator on a par with the Council. This challenges the traditional assumption that any given polity is to be represented by a single institution. Instead, democratic representation in the EU should be conceived as the result of the *interplay* of two representation channels: the national and the European.

RECON's research has expanded knowledge of informal contacts between parliaments at the two levels, and demonstrated the importance of informal party networks. Decision making in this EU 'multilevel parliamentary field' is of a highly consensus-oriented and inclusive character. The EP can play a leading role as a political clearinghouse. Differences in voting weights and formal institutions are of limited effect in the playing out of political relations. The ability of national parliaments to control the positions of their government representatives in the Council varies depending on the formal provisions in place and the public attention EU legislative proposals receive.

### Read more

'The multilevel parliamentary field', Ben Crum/John Erik Fossum, *European Political Science Review*, 2009

'Inter-parliamentary contacts of Members of the European Parliament', Eric Miklin/Ben Crum, *RECON Online Working Paper 2011/08*

### Read more

'The EU's many representative modes: Colliding? Cohering?', Christopher Lord/Johannes Pollak, *Journal of European Public Policy*, 2010

'On political representation: myths and challenges', Johannes Pollak/Jozef Bátora/Monika Mokre/Emmanuel Sigalas/Peter Slominski, *RECON Online Working Paper 2009/03*

'Reconstituting political representation in the EU', Emmanuel Sigalas/Monika Mokre/Johannes Pollak/Jozef Bátora/Peter Slominski, *RECON Online Working Paper 2009/16*

## Complex representation

**The multiplication of structures and opportunities for representation in the EU results in dazzling complexity, which blurs accountability structures.**

The EU's compound form of representation allows a wide-ranging spectrum of actors to claim to be representative, resulting in a striking complexity. RECON has demonstrated that existing theories of political representation no longer provide an adequate framework in the modern political context. The emergence of new and powerful actors and fora, the increasing trend towards informalisation of decision making and the rising importance of expert committees significantly shape the hitherto nation-based systems of representation.

## Agency governance

**The delegation of policy-making tasks to EU agencies and their remarkable growth in number over the past 15 years mark a striking new development in the EU's institutional make-up.**

RECON researchers have collected a comprehensive dataset covering all currently operating EU-level agencies, providing information on their respective levels of formal institutional independence. Findings suggest that regulatory content and level of political uncertainty can to a certain extent explain agencies' relative independence. Research also reveals how the EP has responded to the rise of agencies by innovating new procedures of scrutiny and control.

### Read more

'Credibility, complexity and uncertainty', Arndt Wonka/Berthold Rittberger, *West European Politics*, 2010

'Agency governance in the European Union', Arndt Wonka/Berthold Rittberger (eds), *Journal of European Public Policy*, special issue, 2011

# Gender democracy

## Dream or reality for Europe?

Gender equality is an essential component of a just and democratic society. RECON therefore asks how Europe's democracy fares when it is put under the gender spotlight. By directing the research on gender politics in the EU to the critical area of democracy, RECON has explored an understudied field.

What is the status of gender equality and gender democracy within the enlarged European Union? Are there significant differences in the various regions of Europe? What level(s) of governance is (are) the most relevant for the rectification of injustice and elimination of gender inequality? What kind of policies should the EU pursue in order to sustain gender democracy at all levels?

RECON has examined the EU's approach to gender equality, central institutional arrangements, important policy outcomes, and member states' and EU-level democratic practices from a gender equality perspective. An original concept of gender democracy has been developed and utilised to describe in ideal terms what is required to effect a gender-equal, gender-sensitive democracy in which the perspectives, interests and representatives of women are fully included and recognised.

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## Selected findings

- **The European Parliament is a more gender-inclusive institution than the Council**
- **Gender equality arguments are often countered and overridden by those of business-oriented groups**
- **The transposition of an EU directive on gender equality often results in national politics overriding the EU dimension**
- **Conformity by member states to EU law on gender equality may be superficial**
- **The EU plays a general progressive role in the field of gender equality and anti-discrimination policies**
- **When a country moves beyond the minimum gender equality threshold set by the EU, the EU effect decreases and may even turn into a negative effect**
- **Encouraging the inclusion of women's civil society voices in the decision-making process would strengthen gender democracy in the EU**



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Read more on the findings in the following pages

More details and publications from the research field 'Gender, Justice and Democracy', including all RECON reports and working papers mentioned in the below, are available at:  
[www.reconproject.eu](http://www.reconproject.eu)

## The quality of democracy

**RECON has tested the state of EU democracy through a ‘gender audit’ of decision-making processes at both EU and member state levels.**

The democratic quality of EU decision-making processes on gender equality has been assessed from the development of a proposal for a directive in the European Commission to its implementation at the national level. This research interrogates a democratic decision-making process along three dimensions:

*Representation*: The issue in question is critically examined by qualified and affected members of the community; *Accountability*: The process takes place in a public site, typically a parliament; and *Responsiveness*: Appreciation for, and understanding of, the positions of the other participants are expressed by all.



### Read more

‘Gender, justice and democracy in the European Union’, Yvonne Galligan, in *Rethinking democracy and the European Union*, Eriksen/Fossum (eds), Routledge, 2011

‘Gender equality in the European Union’, Sara Clavero/ Yvonne Galligan, *RECON Online Working Paper 2010/23*

‘Assessing gender democracy in the EU’, Yvonne Galligan/ Sara Clavero, *RECON Online Working Paper 2008/16*

In general, RECON finds that the representation of arguments for gender equality risks being excluded and/or marginalised when economic, labour and business interests take part in the debate. The accountability of participants for their positions was often weaker than expected both in terms of reason-giving to other participants and in terms of explanation of positions to supporters, members or constituents. Because of inadequacies in representation and accountability, in part shaped by political and institutional practices, responsiveness to gender injustice is patchy. A committed central authority (government, the Commission) can facilitate responsiveness, but only up to a point.

The process highlights both the potential and limits to gender democracy in practice. Importantly, though, it identifies areas that can be strengthened, in particular the inclusion of women’s civil society voices in the democratic process.

## Improving EU decision-making

**Negotiation between the European Parliament and the Council can result in policy gains for gender democracy.**

RECON has compared the EU decision-making processes leading to two gender directives, the *Goods and Services Directive* and the *Recast Equality Directive*. Findings suggest that the European Parliament is a more gender-inclusive institution than the Council. From a gender point of view, the democratic quality of the EU’s decision making is improved under the co-decision procedure, in which the directly elected European Parliament has to approve EU legislation together with the Council. But the impact of gender equality claims are often countered and overridden by the claims of business-oriented groups.

## Superficial conformity to EU law

**Democratic processes at national level are not found to serve female citizens and their claims well. Studies of national transpositions of the *Goods and Services Directive* show that the European agenda is often overridden by domestic national politics, and that there is a deep and systematic exclusion of women and women’s interests from decision-making processes that directly affect them.**

In *Hungary* and *Poland*, decision making was marked by institutional buck-passing. Gender equality was of marginal interest to successive governments, yet the insurance industry’s claims were taken seriously. This led to only a limited, legalistic transposition in line with the provisions.



*Austria's* corporatist political arrangements framed the issue in labour market terms, thus restricting its scope. A culture strongly dominated by male interests among corporatist partners resulted in little meaningful inclusion of women's groups and perspectives. The transposition was used as a means of introducing wide-ranging policy changes, which shifted the law in a conservative direction.

In *Spain*, the government also used the implementation of this Directive as a vehicle for other issues. A wide-ranging gender equality law was introduced addressing other issues, such as gender quotas for political representation. Although the outcome could be described as advancing gender equality, the process itself fell short in aspects of gender democracy since women's civil society spokespersons were only to some extent engaged in shaping the law.

The pattern of slow transposition of EU directives in *Greece* continued in this case. Institutional inertia led to a rushed process during which the government's gender equality office and others sought to extend the directive to cover the media and education. Women's civil society groups had little say in the formulation of the Act, which was pushed through to avoid proceedings in the European Court of Justice.

In *Lithuania* the transposition process was generally framed as a technocratic matter. Women's civil society groups were largely absent from relevant forums, which is probably an ongoing effect of at least three factors: a focus by women's groups on localised actions rather than on national lobbying; competition for project-led funds, from which gender equality issues were excluded; and limited awareness of the relevance of gender mainstreaming by relevant officials.

These studies show that national transposition of a European law is shaped by the cultural disposition towards gender equity issues and claims. Hence, conformity to EU law in this instance is largely superficial.



#### Read more

*Deliberative processes and gender democracy: Case studies from Europe*, Yvonne Galligan (ed.), RECON Report 16, 2011

## The EU's gender equality effect

**The EU plays a general progressive role in the field of gender equality and anti-discrimination policies. However, when a country moves beyond the minimum threshold, the EU effect decreases and may even turn into a negative effect.**

The country studies emphasise the EU's significance for the introduction of equality legislation and a state feminist apparatus in member states as a result of the principle of direct effect – EU directives and court decisions must be transposed into member state law – and other relevant mechanisms, from 'shaming and blaming' to deliberation and learning.

However, by leaving real equal opportunities legislation and policies to member states, the EU has only a *limited positive effect* on the level of radical reforms. The EU effect decreases by setting only a minimum equal treatment standard, as in the case of Spain. When a country moves beyond the minimum threshold, the EU effect may even turn into a negative one, as the cases of Greece and Hungary testify to. Spain and the EU-level perform better than the other cases studied. There are two main reasons for that: institutionalised access points where women's equality claims can be expressed alongside those of other interests, and a commitment to gender equality, and gender justice, as a norm among central political actors.

#### Additional research

'Gender justice in the EU', Cathrine Holst, *RECON Online Working Paper 2008/18*

'Gender identity in a democratic Europe', Nora Schleicher, *RECON Online Working Paper 2010/06*

'Equal pay and dilemmas of justice', Cathrine Holst, *RECON Online Working Paper 2011*

# Democratising the EU from below?

As a public sphere rooted in civil society is essential to democracy, it is important to investigate what kind of civil society and public sphere is emerging in Europe and how this contributes to the EU's democratic character and legitimacy. To shed light on this, RECON has asked the following questions: How is European democracy practiced? Why is it contested? To what extent is there communication across different types of public spheres?

In addition to the enlargement in 2004, adding ten countries mainly from Central and Eastern Europe to the EU, the union also experienced a deepening through treaty reforms in the following years. This offered new opportunities for studying the democratisation of the EU 'from below' and for taking a closer look on how the public engages with the EU. RECON has studied European election campaigns and how print media cover EU treaty reforms as well as parliamentary debates on EU treaty ratification. RECON has also examined the extent to which media debates contribute to increasing the contestation about European integration, EU politics and EU policy-making throughout Europe, and how 'Euroscepticism' is expressed in different forms across the continent.

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## Selected findings

- Euro scepticism is forcefully amplified through media debates
- Citizens' disconnect from the EU is strengthened by EP election campaigns, which are dominated by *national* politics and interests
- Mass media not only inform readers about EU issues but also enable readers to evaluate the EU in democratic terms
- Civil society actors increasingly identify themselves as representatives of a 'European civil society', questioning decisions made at the European level
- Mainstream political parties do not oppose the European integration process itself, as radical parties do, but rather discuss how to mend the EU's democratic deficit
- Intellectuals tell very different stories about what defines Europe and what it means to be European



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Read more on the findings in the following pages

More details and publications from the research field 'Civil Society and the Public Sphere', including all RECON reports and working papers mentioned in the below, are available at:  
[www.reconproject.eu](http://www.reconproject.eu)

## Euroskepticism – a dominant voice in online media debates

**Citizens overwhelmingly oppose the current functioning of the EU and justify this criticism with concerns for democracy. Yet, it remains unclear how citizens' discontent could be alleviated.**

RECON has analysed Euroskepticism as an umbrella term that includes varieties of contestations of the EU as a political system or of the process of European integration. The contestation over the EU's legitimacy has been examined as this unfolded on popular mainstream news media websites, and independent political blogs in 12 member states and transnational websites during the European Parliament elections in 2009.

Findings show that EU elections were presented largely as a matter of *national* politics and interests. The national framing of EU issues reinforces the citizens' disconnect from the EU. At



### Read more

'Contesting EU legitimacy', Pieter de Wilde/Asimina Michailidou/Hans-Jörg Trenz, *RECON Online Working Paper* 2010/22

*Online Euroscepticism*, Pieter de Wilde/Asimina Michailidou/Hans-Jörg Trenz (eds), ECPR Press, 2012

the same time, online mass media facilitates public debate on the EU's legitimacy. Whereas most of the contributors to online debates agree that EU member states need to cooperate to solve common policy problems, the institutional design of the EU is heavily criticised. Some argue in favour of more integration to solve the current problems, whereas others see less integration as a solution. Moreover, RECON finds that citizens play a major role in debates on EU legitimacy, besides actors such as government officials, civil society and political parties. Citizens overwhelmingly oppose the current functioning of the EU and justify this criticism with concerns for democracy.

## Key actors strengthening democracy in the EU

**The increased politicisation of the EU - meaning that politics, policy making and the EU polity itself have become issues of public contention - has proved to be not the main cause, but rather part of the cure for the EU's ills.**

RECON researchers find that European and national parliaments, courts and public spheres are pivotal keys for the democratisation of European governance. National parliaments represent the national people, and they hold national governments to account for their EU policies, and link these to domestic will formation and legislation. National parliamentary debates also enhance the transparency of EU politics and policies, inform citizens about EU issues and help to form public opinion. Yet, further keys are required to strengthen EU democracy: The European Parliament, the European Court of Justice and transnational civil society expose and represent European public interests in decision making that otherwise remain behind closed doors.

Further studies show that the EU's democratic legitimacy is contested among political parties. Mainstream parties tend to contest the institutional set-up of the EU or its democratic deficit, whereas radical left- or right-wing parties are opposed to the European integration process itself.

### Read more

*Strengthening representative democracy in the European political union: Parliaments, courts and the public sphere*, Tatjana Evas, Ulrike Liebert, Christopher Lord (eds), Nomos, 2012.

'Between an intergovernmental and a polycentric European Union', Aleksandra Maatsch, *RECON Online Working Paper* 2010/18

'Civil society, public sphere and democracy in the EU', Ulrike Liebert in *Rethinking democracy and the European Union*, Eriksen/Fossum (eds), Routledge, 2011



## Media contribute to EU democratisation

**RECON findings suggest that media have become a driving force of the democratisation of the EU by increasingly framing EU issues in democratic terms.**

Mass media give EU issues a prominent place on national public agendas and also promote communication across national borders. The media not only inform readers about EU issues, but crucially also provide the necessary interpretations that enable readers to evaluate issues, such as EU treaty reforms or elections, by established democratic practices or normative ideals. There is, however, considerable variation in the quantity and quality of news media coverage of EU issues across member states. This is due to the diverse national media structures and how these are connected to the national political systems and cultures.

### Read more

'Mass media and contested meanings', Ulrike Liebert/Hans-Jörg Trenz, *RSCAS Working Papers 2008/28*  
'Civil society, public sphere and democracy in the EU', Ulrike Liebert in *Rethinking democracy and the European Union*, Eriksen/Fossum (eds), Routledge, 2011



## A European civil society

**Social actors such as civic associations, NGOs, trade unions and stakeholders, increasingly identify themselves as representatives of a 'European civil society'.**

Findings suggest that these actors question EU decisions that do not comply with the universal criteria of justice, democracy and the rule of law, and that they favour a form of democracy that reaches beyond the nation state and encompasses global concerns. They support the European Commission and the allocation of decision-making power at the supranational level in areas such as social policy, anti-discrimination and environment.

### Read more

*The new politics of European civil society*, Ulrike Liebert/Hans-Jörg Trenz (eds), Routledge, 2010

## Intellectual ideas and European stories

**Public intellectuals tell very different stories about what defines Europe and what it means to be European.**

A comparative study focuses on the visions and interpretations of European integration proposed since the early 1990s by so-called public intellectuals; political philosophers, scholars, editors or writers, whose opinions continue to frame public attitudes. Four groups of countries were analysed: founders (Germany, France, Italy), joiners (Ireland, UK, Greece, Spain), returners (Poland, Romania, Czech Republic) and outliers (Norway, Turkey). Although the European stories are very different across these countries, common traits are visible when it comes to ideas of democracy, and they cluster around three visions of a democratic EU.

The first view criticises the EU by insisting that the nation state is the cradle of the modern democracy and welfare state, and that this cannot be reproduced at the EU level. Many prominent thinkers from Norway, the UK, France and the Czech Republic offer variants of this vision. The second 'supranational school', equates more Europe with progress and sees the building of a European federal state as the only way to rescue the achievements of the national welfare state. Among the many intellectuals who advocate such a view is Jürgen Habermas. The third 'transnational school' considers Europe as a laboratory of some kind of cosmopolitanism. According to this view, the EU is understood as some form of voluntary legal integration of free states based on regular and organised deliberation. The European polity should give birth to a confederation of states and peoples.

### Read more

*European stories: Intellectual debates on Europe in national contexts*, Justine Lacroix/Kalypso Nicolaïdis (eds), Oxford University Press, 2010

# Security beyond democracy?

What is the state of democracy within foreign and security policy? The EU's foreign and security policy is formally conducted through intergovernmental agreements. But are national governments really free to decide on all matters pertaining to foreign, security and defence policy?

Foreign and security policy is in many ways at the water's edge of democratic governance. It is within this issue area that executive dominance is the most pronounced, at both the EU and the national level. Foreign and security policy is the hard case for those expecting that the EU has moved beyond intergovernmental cooperation. The very nature of foreign and security policy is considered alien to supranationalism. Consequently, should the EU develop a robust foreign and security policy, this would be an important indicator of the EU developing into a polity in its own right.

But this does not resolve the democratic issue. It is difficult to find any principled arguments as to why this policy field should be exempt from democratic control. Although there may be good reasons in some cases to allow for secrecy, the definition of the kind of issues or situations this should apply to should be agreed upon through democratic procedures.

In order to answer these questions, RECON has analysed the institutions, policies and decision-making procedures within the field of foreign and security policy. Findings suggest that something that is beyond intergovernmentalism has developed at the EU level and requires legitimation. This cannot be ensured only through national procedures for accountability and authorisation.

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## Selected findings

- **Executive dominance in the EU's foreign, security and defence policy is on the rise**
- **Barriers between national and European levels of foreign policy making are eroded due to the institutionalisation of information exchange between the member states**
- **The establishment of the High Representative and the European External Action Service contributes to a fragmentation of national executive power in foreign and security policy**
- **Neither the European Parliament nor national parliaments are able to effectively control foreign, security and defence policy**
- **While public support for a common *foreign* policy is high, the desirability of a common *defence* policy is contested**
- **While a majority of Turkish elites agree on the desirability of EU membership, they do not share the same perception of the EU's global role**



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**Read more on the findings in the following pages**

More details and publications from the research field 'The Foreign and Security Dimension', including all RECON reports and working papers mentioned in the below, are available at:  
[www.reconproject.eu](http://www.reconproject.eu)

## Not so intergovernmental

**A Brussels-based machinery of foreign policy making has emerged. While representing national governments, actors and institutions such as the Political and Security Committee have considerable autonomy. This contributes to a fragmentation of national executives and makes it difficult to determine ‘who decides’.**

This creates problems for democratic control. Who should be held responsible, and to whom? Lines of authority and power may be further blurred due to the double hatting of the High Representative and the establishment of the European External Action Service.

While still formally in place, it is not uncommon to see the national veto sidestepped. Member states often opt to change their initial positions rather than become a lone obstacle to agreement on a particular issue.

EU foreign and security policy does not merely promote member states’ perspectives. It is shaped with reference to the interests and values of the Union itself. A re-constitutionalisation of foreign and security policy may be needed in order to clarify lines of authority and power.

### Read more

‘Playing into the hands of the Commission?’, Marianne Riddervold/Helene Sjørnsen, in *The influence of international institutions on the EU*, Costa/Jørgensen (eds), Palgrave, 2012

‘Not so intergovernmental after all?’, Helene Sjørnsen, *Journal of European Public Policy*, 2011

‘Democratic challenges to the EU’s foreign and security policy’, Helene Sjørnsen, in *Rethinking democracy and the European Union*, Eriksen/Fossum (eds), Routledge, 2011

‘A humanitarian common policy through deliberation? On the characteristics of EU foreign policy’, Marianne Riddervold, PhD thesis, ARENA Report, 2011

## Foreign policy communication

**The integration of the EU’s foreign and security policy is reinforced by the information exchange system COREU.**

The COREU network allows member states and EU institutions to exchange confidential information about foreign policy. Hence this system could be called a ‘community of practice’ which refers to a group of people who routinely get together on a common or similar enterprise with the aim of developing and sharing practical knowledge. In the EU, governments use the COREU network to find compromises and to reach common positions. Moreover and more importantly, RECON researchers have found that this network is not only used to share and exchange information, but also to make decisions. Inside this network the red lines of intergovernmentalism are crossed on a regular basis.

### Read more

‘The EU as a community of practice’, Federica Bicchì, *Journal of European Public Policy*, 2011

‘The COREU/CORTESY network and the circulation of information within EU foreign policy’, Federica Bicchì/Caterina Carta, *RECON Online Working Paper 2010/01*

## Contesting a common defence

**Public opinion data show that general support for a common foreign policy is high. The desirability of a common defence policy is however much more contested.**

Member states are divided into two groups: supporters of a common defence policy (mainly the founding members, excluding Germany), and sceptics (especially Finland, Sweden, Denmark and the UK). The two groups disagree especially on whether there should be common EU decision-making in the defence realm, and whether the EU should establish common armed forces. There are however areas where a common EU security and defence policy would be acceptable even in generally sceptical countries: common EU efforts which are strictly focused on defending international law and human rights. Further, a comprehensive RECON study of media coverage of international conflict management in EU member states testifies to an increased awareness of the EU’s role in external security affairs.

### Read more

‘A divided Union?’, Dirk Peters, *RECON Online Working Paper 2011/19*

‘The perception of the EU as an emerging security actor in media debates on humanitarian and military interventions’, Cathleen Kantner/Amelie Kutter/Swantje Renfordt, *European Journal of International Relations*, 2012



## The limitations to parliamentary involvement

**RECON's research suggests that neither national parliaments nor the European Parliament alone is able to ensure effective democratic control of foreign, security and defence policies. Instead, inter-parliamentary cooperation may enhance parliamentary control.**

As the formal responsibility for security policy in the European Union has remained with the member states, national parliaments bear the main burden in ensuring parliamentary control. However, the effective exercise of this responsibility is hampered in two ways.

First, national parliaments differ considerably in their authority, ability and attitude towards scrutinising security and defence policy. Second, although national governments have retained a formal veto power, the integration of the armed forces and the Europeanisation of decision making have led to a democratic deficit in this area. This democratic deficit has not been compensated by the European Parliament, which has few formal competences, especially on military missions.

### Read more

'Parliamentary control of military missions', Dirk Peters/Wolfgang Wagner/Cosima Glahn, *RECON Online Working Paper 2011/24*

'Parliaments and European security policy', Dirk Peters/Wolfgang Wagner/Nicole Deitelhoff, *European Integration online Papers, 14, 2010*

'Decision-making void of democratic qualities?', Anne Elizabeth Stie, *European Integration online Papers, 14, 2010*

*Die demokratische Kontrolle internationalisierter Sicherheitspolitik*, Wolfgang Wagner, Nomos, 2011

'Can you keep a secret?', Guri Rosén, *RECON Online Working Paper 2011/22*



## Turkish parliamentarians' perceptions

**While a majority of Turkish elites agree on the desirability of membership in the EU, they do not share the same perception of the EU's global role.**

RECON researchers have analysed Turkish perceptions of the EU's foreign policy. An analysis of debates in the Turkish Parliament over the last decade identified four camps: the right-wing nationalists, Islamists, liberals and left-wing nationalists. The *Islamists* are mostly globalists and approach the EU and its foreign policy from a utilitarian angle. Their deliberations reflect a perception of the EU not yet acquiring a significant role in global politics because of its relative lack of power. Even though the goal of accession is there, the emphasis after 2007 is increasingly on the Turkish contribution to the EU as a global power. The *left-wing nationalists* reflect a different view of the EU as they perceive the EU as a normative power which diffuses norms and values to its periphery, and this is seen as its greatest strength in global politics. The *right-wing nationalists* see the EU and its foreign policy as a threat to Turkish interests and approach the EU with great scepticism.

However, after 2007 it is possible to perceive a greater degree of alienation from the EU in all the political camps. This is partly due to the accession negotiations losing its momentum, but also related to the ongoing crisis in the EU, which decreased the attractiveness of EU membership for the Turkish political elite as well as for the Turkish public.

### Read more

'The European Union's foreign policy: The perceptions of the Turkish parliamentarians', Meltem Müftüler-Baç/Rahime Süleymanoğlu-Kürüm, *RECON Online Working Paper 2011/23*

# Nothing more political than economic policy

As the RECON project is coming to an end, the EU is in the middle of a severe economic crisis and the future of the Euro is uncertain. Socio-economic conditions of political communities are critical both for the national and the European levels, as we have seen unfolding in the past months. Hence understanding the nature of these conditions and what consequences the organisation of public finance has for the prospects for democracy in Europe has been a key research priority for RECON.

RECON has focused on the four economic freedoms and the fiscal and monetary constitutional principles, which underpin the *asymmetric* European monetary union. Various research topics have been analysed, but three policy areas have received special attention: tax policy, macro-economic policy and labour-law standards.

The transformation of national personal taxes as a result of European integration, and in particular economic integration, has been analysed. What are the consequences of this Europeanisation of the socio-economic system? Does the Europeanisation of markets imply the Europeanisation of communities of economic risk?

Fiscal policy is a crucial element of the stabilisation policy in a single currency area. However, in Europe most of the public spending is done by member states. Europe's high unemployment, low growth and increasing social and political tensions undermine the legitimacy of European integration. The implementation of the Cologne Process, outlining a common employment strategy, as well as the Lisbon Strategy – aiming to make Europe more dynamic and competitive – has largely been deemed a failure. By analysing this policy failure, RECON has devised strategies for improving the democratic legitimacy and efficiency of the governance of economic policies.

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## Selected findings

- **Through the European Court of Justice case law, economic freedoms have been assigned primacy over socio-economic rights, reversing the post-war constitutional consensus in Europe**
- **Judge-led transformation of Community law has led to a Europeanisation of socio-economic policies**
- **The EU experiences an uneasy compromise between a formal preservation of national sovereignty in key fiscal policies and a substantive Europeanisation of national socio-economic orders**
- **The asymmetric coupling of a federal and depoliticised *monetary policy* with national *fiscal policies* is unsustainable over time, as the eurozone crisis testifies to**
- **The Europeanisation of economic and monetary policy has proceeded so far that also a Europeanisation of tax policy is necessary to sustain democracy**
- **There is no single European model of welfare regimes, although forces of globalisation and the process of open coordination encourage convergence across member states**



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**Read more on the findings in the following pages**

More details and publications from the research field 'The Political Economy of the European Union', including all RECON reports and working papers mentioned in the below, are available at: [www.reconproject.eu](http://www.reconproject.eu)

## When the economy becomes political

**The European Monetary Union is asymmetric in the sense that it combines *federal and technocratic* monetary policy with formally *national and political* fiscal and wage policy. This unprecedented coupling has been matched by a series of governance arrangements which were supposed to ensure the coherence of monetary and fiscal policy.**

Current proposals for reforming the European monetary policy are based on a false diagnosis of the problem. One can argue that there is not *one* European crisis, but *five* crises (economic, financial, banking, sovereign-debt and constitutional) which overlap and reinforce each other.

Some factors have received insufficient attention when dealing with the origins of the financial crisis. The growth of fictitious capital was closely related to the long-term economic crisis of Western societies, to the falling rate of profits accelerated by the economics of turbulence unleashed by the fall of the Bretton Woods financial architecture and the reaching of the limits of the post-war model of economic growth. Similarly, the role played by both the economic and the financial crisis on the sovereign-debt crisis is not to be overlooked.



The resilience of the fiscal state of the four European PIGS (Portugal, Italy, Greece and Spain) was severely undermined by their embracement of growth through debt. The attempts to sort out these three crises have tested the constitutional law of both the EU and its member states, and have resulted in serious breaches both to the *rule of law* and to the commitments of the welfare state. As a consequence, the EU has entered a serious crisis. The European response to the crisis reflects the complex character of the European socio-economic structure. Within RECON four developmental paths have been discerned.

1. The non-standard open market operations of the European Central Bank (ECB) have pushed European integration in a federal direction, through an extension of the powers of a non-representative institution, and with the paradoxical result that the ECB has played the role of the interbank money market.
2. National decisions on the extension of guarantees, acquisition of assets and recapitalisation of banks point to a *renationalisation* of competences (critically corroborated by state aid conditions by the European Commission), which have been clothed in European garments.
3. The constitutional transformation regarding the institutionalisation of a European Monetary Fund and the creeping role of the ECB as an indirect lender of last resort point in a federal direction, but with highly problematic democratic implications.
4. The governance arrangements coupling fiscal and monetary policy, as well as those coupling the various national fiscal policies, are undergoing transformation. This process is underpinned by a contradictory aim of reinforcing the use of both hard law and governance mechanisms, as well as by the contradictory stance of consolidating the European Monetary Fund and increasing the sanctioning of non-compliant member states.

Fiscal policy cannot remain aloof of neither *efficiency* constrains, as this would require not following rules, nor *legitimacy* constrains, as fiscal decisions have fundamental political consequences.

### Read more

*The sinews of European peace*, Raul Letelier/Agustín J. Menéndez (eds), RECON Report 10, 2009

'The European crisis in ten points (and one mystical vision)', Agustín J. Menéndez, *RECON policy paper*, 2011

*Pour la République européenne*, Stefan Collignon (with Christian Paul), Odile Jacob, 2008



## EU responses to the crisis

**Financial integration is much deeper in a single currency area than between economies of different currencies. The risk of contagion in a financial run is, as seen lately, also much higher.**

The European Financial Stability Facility is a temporary *ad hoc* measure, providing financial assistance to eurozone states in economic difficulty. However, the monetary union will require a more permanent mechanism for ensuring that markets price the solvency risk of public debt and not liquidity defaults. An answer to these problems could be the provision of large-scale liquidity, rather than excessive budget consolidation. It is doubtful that the segregated national bond markets in Europe can provide the solution.

### Read more

'Fiscal policy rules and the sustainability of public debt in Europe', Stefan Collignon, *RECON Online Working Paper 2010/28*

## Integration by law

**Tax powers are often said to be the last refuge of national sovereignty, but this slogan does not withstand empirical testing.**

The creation of a single market has unleashed forces that dramatically reduce the discretion of national legislatures to decide on tax systems. The question is not *whether* to Europeanise taxes, but *how*: by judicial fiat or by political decision? The European Court of Justice (ECJ) has moved from total self-restraint on tax matters to a persistent review of the European constitutionality of national personal tax norms. It has systematically empowered transnational private actors, who are no longer fully subject to national tax systems. This has led to the erosion of national tax autonomy, and a convergence of tax systems towards the bottom. Even a potential renationalisation of tax powers presupposes a European framework through which political institutions could reclaim powers from private actors.

### Read more

'The unencumbered European taxpayer', Agustín J. Menéndez, in *The sinews of European peace*, RECON Report 10, 2009

## Free movement of workers

**ECJ rulings seriously affect the borders of welfare communities as well as the degree of solidarity expected by their members.**

This Europeanisation of economic risk communi-

ties is mirrored in a limited and imperfect Europeanisation of political communities, legislative competences and institutional set-up. As a consequence, the welfare communities are Europeanised by stealth. In the process, welfare systems have come to be assessed by reference to constitutional standards (the four economic freedoms), which have an internal logical structure very different from that of national welfare policies.

### Read more

'Free movement of persons', Flavia Carbonell, in *The sinews of European peace*, RECON Report 10, 2009

'European citizenship after Martínez Sala and Baumbast', Agustín J. Menéndez, in *The past and future of EU law*, Maduro/Azoulai (eds), Hart, 2010

## The costs of children

**Childcare in Europe remains largely carried out by mothers, despite recent efforts to share childcare more fairly within the family and with other actors.**

Some European countries have long invested heavily in public childcare services as a way to mitigate the gendered risks associated with long periods out of work. Others are newer on the scene and attempt to offer a wider set of care choices by subsidising a range of home-based, family-oriented or market-provided childcare options. Not all care choices are of equal importance in terms of reducing gender inequalities.

### Read more

*The costs of children*, David Mayes/Mark Thomson (eds), Edward Elgar, 2012

## Choice in health care

**RECON has studied ongoing reforms of European welfare states that aim at increasing 'choice' for patients, clients and beneficiaries.**

Cost-containment is a key consideration behind this development, but findings suggest that 'choice' is being promoted also for other reasons. 'Choice policies' tend to give rise to questions of labour market policy issues, both in terms of pressure on relatives to act as carers rather than taking part in the formal labour market, and in responding to the increasing demand for formal care in a home setting.

### Read more

'Provider "choice" and "competition" in European health systems', Joan Costa-i-Font/Valentina Zigante, *RECON Online Working Paper*, 2011

# A European identity?

Democratic legitimacy needs to be grounded in the collective will of the members of a political community. European integration has transformed the old Europe of independent nation states and the European Union has formally embraced democratic principles and procedures. However, it has not yet consolidated a democratic practice bringing forth citizens' trust and solidarity.

One might say that the search for democracy in the EU is connected to the search for an expression of the shared identity of the European people. To what extent does such a European identity exist? And if so, how can we see it? How does it affect identification with the nation state?

The aim of RECON in this research field is to understand and explain interrelations between collective identities, European integration and democracy. RECON investigates how collective identity is expressed and reshaped in the enlarged Europe. While the nation state has traditionally been the main frame of political reference to most Europeans, political processes are increasingly taking place within a European sphere. As a consequence, European integration influences individuals by altering their political frames of reference, and further, which political community individuals identify with. European integration thus challenges old concepts of collective identity, and also the kind of legitimacy on which a democratic order and political institutions can be built.

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## Selected findings

- **Collective identity should be understood as evolving through democratic processes, not as based on historically and culturally rooted identities**
- **European identification supplements and reshapes national identification**
- **Young Europeans exhibit a broad and inclusive identity which goes beyond national identity, indicating a move towards a European collective identity**
- **Structural and cultural changes in Central and Eastern Europe and in Turkey are closely related to values identified as ‘European’**
- **As Turkey increasingly moves towards the EU’s democracy standards, underlying anti-democratic tensions in domestic politics become visible**
- **NGOs contribute to reshaping collective identities and building a more inclusive and equal society**



*'I love Europe' by Diana Jung  
© European Commission 2010*



**Read more on the findings in the following pages**

More details and publications from the research field ‘Identity Formation and Enlargement’, including all RECON reports and working papers mentioned in the below, are available at:  
[www.reconproject.eu](http://www.reconproject.eu)

## Identity formation in Europe

**Collective identity evolves through democratic processes taking place in the public sphere, where the collective will of members of a European political community are expressed.**

Despite growing mobility and interaction between citizens in the EU, as well as political processes increasingly taking place at the European level, there is still no *European people*.

Collective identity has traditionally been understood as something that is based on historically and culturally rooted identities, such as national identities. In order to understand and explain collective identities beyond the nation state, RECON introduces a new conception of collective identity, arguing that democratic legitimacy is achievable despite the lack of a European people. Collective identity should be understood as arising through conversations

and narratives about identification and belonging to a political community, undertaken in a European public sphere. Change in identity and belonging – identity transformation – may be seen as an open-ended process, where the outcome depends on the process. In a European public sphere identities may be reshaped, and the degree of attachment may be strengthened or weakened throughout the democratic processes.



### Read more

*Collective identity and democracy in enlarging Europe*, Magdalena Góra/Zdzisław Mach/Katarzyna Zielińska (eds), Peter Lang, 2011

*The nexus between democracy, collective identity formation and EU enlargement*, Petra Guasti/Jessie Hronesova/Zdenka Mansfeldova (eds), Institute of Sociology of Sciences of the Czech Republic, 2011

'Situating the demos of European democracy', Magdalena Góra/Zdzisław Mach/Hans-Jörg Trenz, in *Rethinking democracy and the European Union*, Eriksen/Fossum (eds), Routledge, 2011

## New generations find their way

**Young Europeans support a democratic order within the confines of the nation state. Yet they show signs of a broader, more inclusive identification and belonging to Europe as a whole.**

A study on identity patterns among students in Germany, Hungary and Poland reveals a strong identification with universal values, diversity, pluralism and peaceful solutions through democratic processes. Yet, the students' identity is affected by their university affiliations, access to unrestricted information via modern technology, desire to gain experience and explore the world, cross-border mobility and ever increasing contacts with people from various cultures, nationalities and backgrounds. This provides for the development of a broader, more inclusive sense of belonging. Young people in Europe are recreating their stories of belonging with European and universal identifications supplementing the national ones.

Further RECON studies on young urban dwellers in Poland find that they have generated new narratives about their identity. These challenge the traditional, nationality-based identity in Poland. This may be the beginning of a development towards a new, more fragmented and fluid Polish collective identity.

### Read more

*Identity and democracy in the new Europe: The next generation finds its way*, Olga Brzezińska/Erika Kurucz/Ulrike Liebert/Rosemarie Sackmann (eds), RECON Report, 2011

'Urbanity and identity after the accession of Poland to the EU', Marcin Galent/Paweł Kubicki in *Collective identity and democracy in enlarging Europe*, Góra/Mach/Zielińska (eds), Peter Lang, 2011



## Anti-democratic tensions in Turkey

**As Turkey moves towards meeting the EU's democracy standards, underlying anti-democratic tendencies and tensions in domestic politics, which might threaten the basis of individual rights and liberties, come to the fore.**

The unsettled relationship between Turkey and the EU provokes debate about the relationship between a *liberal* model of an open democratic society, based on Enlightenment values, and a *traditional* collectivist vision of the state, based on religious heritage and ethnic nationalism.

Europe as a concept and European institutions as actors create new frames for such debates. Struggles of modernisation versus tradition, and of preserving national sovereignty versus building an open European society and polity, come to the fore. A case study investigates the trade-offs between secularism and democracy, and the extent to which the EU's political conditions has made Islam more visible.

This tendency is also revealed in findings from research on women's rights in Turkey. This study indicates ambivalence in Islamist perspectives on women's rights. As Turkey moves closer to EU membership, tensions regarding gender equality become more visible. Whilst secularists of all ideological backgrounds agree with the European position in this matter, the Islamist perspectives are ambivalent regarding women's rights and sexuality in Turkey.



### Read more

'Turkey in cosmopolis? Turkish elite perceptions of the European project', Meltem Müftüler-Baç/Nora Fisher Onar, in *Collective identity and democracy in enlarging Europe*, Góra/ Mach/Zielińska (eds), Peter Lang, 2011

'The European Union and Turkey: Democracy, multiculturalism and European identity', Meltem Müftüler Baç, *RECON Online Working Paper 2011/20*

'Women's rights in Turkey as gauge of its European vocation', Meltem Müftüler-Baç/Nora Fisher Onar, *RECON Online Working Paper 2010/04*

## NGOs as change agents

**A study of NGOs in Poland finds that excluded groups, such as women and sexual minorities, turn to the EU in their quest for diversity and equality.**

The shared agenda of these NGOs is to make the Polish state and society more open to diversity, and to make the state more inclusive by guarantees of equality. When national NGOs experience limitations of state policies and funding that hinders their growth and cooperation, they turn to the EU and the European institutions to induce changes on Polish government. Findings reveal that NGOs find it easier to challenge national policies when they are supported by common European initiatives such as non-discrimination policies. Similarly, NGOs report that influencing social attitudes is much more difficult without the support of shared European social policies.

### Read more

*Extending the boundaries of civic membership: Polish NGOs as change agents*, Beata Czajkowska (ed), RECON Report 2011

# Beyond Europe

## Globalisation and/or democratisation?

In posing the foundational question of whether democracy is possible also beyond the nation state, RECON does not only address the EU as a confined political entity, but also as part of a globalised and increasingly interdependent world.

The world is largely integrated through a common economic legal system, and trade relations are mainly governed by the law of the World Trade Organisation (WTO). At the same time the EU is also a legally integrated economic system. In cases of conflict between these two legal systems, who has the last word? This is an unsettled issue that causes tensions which come to the fore as conflicts between economic interests and diverging policies. How does international trade law and policy affect the conditions of social regulation for constitutional democracies?

One of the issues RECON has examined in particular is the controversy on Genetically Modified Organisms (GMOs). This field has experienced an uneasy history with many reforms within the EU and with transnational conflicts under the WTO. GMO policies cannot be definitely settled by scientific expertise because of their politically sensitive, normative and ethical dimensions. So how and where should disagreements legitimately be settled? After all, the EU aspires to be a democratic organisation; this is reflected by its commitment to the principle of precaution. This is not easily compatible with the intergovernmental character of the WTO and its dedication to trade liberalisation.

RECON's third model of democracy envisions the EU as a regional-cosmopolitan vanguard. The implication is that supranational entities hold better prospects for cosmopolitanism (moral universalism with the individual as the ultimate unit of concern) than states. Is that the case? RECON has compared the EU with Canada in order to shed light on this question.

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## Selected findings

- **Labour law and social rights have been overridden by economic freedoms in recent judgements by the European Court of Justice**
- **Trade policies in the EU and at the international level have been ‘politicised’ and forced to respond to concerns such as environmental and social protection**
- **The ongoing European reform of the GMO regulatory framework is a positive step towards conflicts resolution through decentralisation and flexibility**
- **The state form can be as conducive to cosmopolitanism as can a supranational entity, in particular under multinational conditions**
- **Comparisons of the EU and Canada show that Canada’s failure to develop a common national sense of community and identity has compelled it to develop more inclusive (or cosmopolitan) conceptions of communal belonging**



**Read more on the findings in the following pages**

More details and publications from the research field ‘Global Transnationalisation and Democratisation Compared’, including all RECON reports and working papers mentioned in the below, are available at: [www.reconproject.eu](http://www.reconproject.eu)

## Tensions between trade liberalisation, risk regulation and social protection

Is the institutional design of the EU, with its emphasis on economic freedoms and control of anti-competitive practices and policies, grinding its commitment to the social market economy? Is there space in WTO law, orientated towards trade liberalisation, for non-trade concerns?

### GMOs and animal cloning

RECON studies on the regulation of GMOs and on animal cloning have focused on ‘uncertain’ risks to health and the environment. Findings suggest that the ongoing European reform of the GMO regulatory framework is a positive step towards conflicts resolution through decentralisation and flexibility.

Analyses have focused on the EU’s precautionary principle and the impact of WTO law on European practices. The ongoing European reform efforts, which aim at granting the member states more autonomy on GMO cultivation, raise serious questions of EU and WTO trade law compatibility. However, they may also help resolve the current deadlocked situation in EU authorisations of GMOs.



As for animal cloning, this is a politically sensitive field and the legal competence of the EU to regulate is not clearly established. Europe’s trade partners are closely monitoring EU policy developments, as they are getting ready for exporting products from cloned animals. Trade-restrictive EU regulations would thus represent a potential for new international trade disputes in the WTO.

The studies suggest that the EU should coordinate its preferences with the regulatory authorities of its main trade partner, the US. The ongoing reform of the GMO regulatory framework is a positive step which promises to be of more general exemplary importance.

### European regulatory policies and WTO law

Within the internal market, but also at the international level, trade policies have to respond to non-trade concerns such as quests for environmental and social protection. This ‘politicisation’ of trade has generated sophisticated regulatory patterns at all levels of governance.

Several RECON publications show that stronger global governance can be a chance for the EU to clarify its own *raison d’être* to the wider world. At the same time, the design of the European project is challenged by more assertive global structures, which constrain the EU’s decisional autonomy. The conflict constellations generated by globalisation and Europeanisation need to



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#### Read more

‘Applying precaution in community authorisation of GMOs’, Maria Weimer, *RECON Online Working Paper 2009/14*

‘Policy choice versus science in regulating animal cloning under the WTO law’, Maria Weimer, *RECON Online Working Paper 2010/29*

‘Judicialization and transnational governance’, Christian Joerges, in *The law/politics distinction in contemporary public law adjudication*, Bogdan (ed.) Eleven International, 2009

#### Read more

*Transnational standards of social protection*, Christian Joerges and Poul Kjaer (eds), RECON Report 4, 2008

*Constitutionalism, multilevel trade governance and international economic law*, Christian Joerges/Ernst-Ulrich Petersmann (eds), Hart, 2nd edition, 2011

*Karl Polanyi, globalisation and the potential of law in transnational markets*, Christian Joerges/Josef Falke (eds), Hart, 2011

‘A hybrid within a hybrid’, Poul Kjaer, *European Journal of Risk Regulation*, 2010



be resolved within regulatory patterns which provide for the cooperation of expert communities and the inclusion of non-governmental actors in the resolution of regulatory problems and the implementation of regulatory policies.

### Social protection trumped by market economy

**Recent labour-law jurisprudence of the European Court of Justice (ECJ) was confronted with conflicts between the collective labour law of ‘old Europe’ and the claims of the new member states to open access for labour and service providers. The ECJ’s resort to European economic freedoms has provoked wide criticism.**

Findings from RECON studies on the tensions between trade liberalisation and social protection suggest that the ECJ’s jurisprudence is a step towards the ‘hard law’ of negative integration. The search for fair compromises is underway, but it is not very likely that Europe’s market economy is corrected through ‘social market economy’, ‘social rights’ and the soft means of the Open Method of Coordination.

#### Read more

*Human rights and transnational corporations*, Claire O’Brien, Hart, 2012

‘On the “social deficit” of the European integration project and the ECJ judgments in *Viking* and *Laval*’, Christian Joerges/Florian Rödl, *RECON Online Working Paper 2008/06*

‘The *Rechtsstaat* and social Europe’, Christian Joerges, *Comparative Sociology*, 2010

### Legal conceptualisation

**RECON has examined the legal conceptualisation of European and transnational governance. This has generated the ‘idea of a three-dimension conflicts law as constitutional form’.**

The objective is to present a new type of non-state legal framework with democratic credentials, which reflects the specifics of the postnational constellation and has the potential to orient the legal assessment of European and transnational conflict configurations. RECON researchers have contrasted this theory with sociological and political theories of global governance. Further exemplary studies examine constitutional conflicts, the generation of transnational human rights frameworks, transnational air-space security, and strategies to combat global poverty.

#### Read more

*Conflict of laws and laws of conflict in Europe and beyond*, Rainer Nickel (ed.), Intersentia, 2010

*After globalisation*, Christian Joerges (ed.) in cooperation with Tommi Ralli, RECON Report 15, 2011

‘A new type of conflicts law as constitutional form in the postnational constellation’, Christian Joerges/Poul Kjaer/Tommi Ralli (eds), *Transnational Legal Theory*, special issue, 2011

*Jürgen Habermas, Volumes I and II*, Christian Joerges/Camil Ungureanu/Klaus Günther (eds), Ashgate, 2011

### Cosmopolitanism in the EU and beyond

**Can cosmopolitanism contribute to set the historical record straight, to supplement and revise the dominant national account of history, the story of life as one lived within a world of distinct nation states?**

This need is given impetus from the manner in which globalisation reconfigures economic, social, cultural, and political structures. Does the EU qualify as a cosmopolitan vanguard? To establish that it is necessary not only to consider how cosmopolitan the EU is, but also to make clear whether the EU is more suitable for cosmopolitanism, or better able to promote it, than other types of political or social entities such as global institutions, an increasingly globalised civil society, and states. But might also states serve as cosmopolitan vanguards? If so, what features of states would make them cosmopolitan forerunners? A comparison of the EU and Canada shows that Canada forms an alternative path to cosmopolitan democracy, and that the (hierarchical) state form, in particular when it is reconfigured along post-national or even multinational lines, is conducive to cosmopolitanism.

#### Read more

‘Cosmopolitanism in Europe and beyond’, John Erik Fossum, in *Rethinking democracy and the European Union*, Eriksen/Fossum (eds), Routledge, 2011

‘Review essay: A cosmopolitan constellation?’, John Erik Fossum, *European Journal of Social Theory*, 2011

‘A state-less vanguard for a rightful world order’, Erik O. Eriksen, in *Political theory of the European Union*, Neyer/Wiener (eds), Oxford University Press, 2011

# RECON publications

RECON's research is published in a large number of books, special issues of academic journals, book chapters and journal articles, in addition to the project's own publication series presented below.



## Publications database

RECON's publications database includes working papers and reports, journal articles, books and other publications, as well as workshop and conference papers by affiliated researchers. All publications in the RECON working paper and report series are also included.

A search engine at [www.reconproject.eu](http://www.reconproject.eu) allows you to search all the 1,200 publications and presentations currently in the database. A list of publications and activities is also available for each researcher and for each research field.



## RECON Online Working Paper Series

The RECON Online Working Paper Series publishes manuscripts from scholars involved in the project, but also from other researchers working within the fields covered by RECON. The focus of the series is on the study of democracy within the multilevel configuration that makes up the EU.

The papers are available in electronic format at [www.reconproject.eu](http://www.reconproject.eu)

The series includes 111 papers to date, and more papers will be published as the project comes to an end.



## RECON Report Series

The RECON Report Series is part of the established ARENA Report Series, and publishes collections of papers, such as conference and workshop proceedings, or longer studies or theses.

The reports can be downloaded in electronic format at [www.reconproject.eu](http://www.reconproject.eu), but can also be ordered in print at [admin@reconproject.eu](mailto:admin@reconproject.eu)

The series includes 15 reports to date, and more reports will be published as the project comes to an end.



## RECON Newsletter

Updates on research findings and publications, comprehensive reports from conferences and other events, as well as other news from the project, have been presented in RECON's newsletter with 2-3 issues per year.

All newsletters are available in electronic and print versions, and can be accessed at [www.reconproject.eu](http://www.reconproject.eu) or ordered at [admin@reconproject.eu](mailto:admin@reconproject.eu)

# RECON websites

RECON's website [www.reconproject.eu](http://www.reconproject.eu) offers a comprehensive overview of research activities, publications, events and news from the project, including:

- 60 conferences staged by the project
- A searchable database with 1,200 publications and presentations by all affiliated researchers
- RECON's Press Room with policy memos, brochures, leaflets and newsletters, as well as a collection of press clippings and media coverage



Two specialist websites have also been launched within RECON, one on the European Union Democratic Audit, and the second on national constitutional adaptations to European integration:

## EU Democratic Audit Website

The European Union Democratic Audit Website has been set up with the aim to provoke discussion about indicators and data sources which might be used to assess how democratic the EU is.

The website is located at Christopher Lord's personal profile on the website of ARENA – Centre for European Studies, University of Oslo (RECON coordinator) at: [www.arena.uio.no](http://www.arena.uio.no)

<http://www.sv.uio.no/arena/english/people/aca/chrilor/democratic-audit/>

*The website has been developed as part of WP 3 – Representation and Institutional Make-up*

## Website on the Europeanisation of National Constitutions

This website offers a comprehensive overview of how national constitutions are adapting to the process of European integration.

Information is provided on all member states, candidate countries and potential candidate countries, with extensive information on the constitution of each country.

The website lists constitutional provisions concerning the EU, international treaties, constitutional reforms and referendums. It includes a total of 150 parliamentary debates, reports from constitutional committees and speeches from the ratification period of each EU Treaty. Moreover, documentation on national judicial decisions on EU treaties and EU legislation is provided. The website also contains a comprehensive selected bibliography.

The website is a useful tool for practitioners, policy makers, political actors, interest groups, informed readers, journalists and students interested in EU constitutionalism.

<http://proyectos.cchs.csic.es/europeconstitution/>

*Part of WP 2 – The Constitutionalisation of the EU, the Europeanisation of National Constitutions, and Constitutionalism Compared*

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