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Democracy, Identity and European Public Spheres[1]

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Introduction

An underlying normative concern that motivates much normative and empirical research on the Europeanisation of public spheres is its crucial importance for democratic decision making. The empirical findings of this volume conclude that there is indeed evidence of such Europeanisation in the form of political contestation about matters European. Several authors point to the present debates surrounding the Euro crisis as a particularly illustrative case in point (Pfetsch and Heft , xxx). Indeed, the Euro debates underscore the need to better understand the intricate conceptual and causal linkages between four different elements of these debates: the nature of these political and quasi-constitutional conflicts; discussions of their causes and solutions in public arenas by elites and citizens; contested democratic standards and ideals; and appeals to the need for a shared European identity, at least for some solutions to this and other crises. How should we assess these trends of Europeanisation of public spheres? What are their implications for European integration or EU-scepticism; for the prospects of a 'European identity;' and for the contours of a more legitimate and democratic European Union? In particular, what is the significance for democracy and for the future European Union, of increased *politicization* in the sense of *contestation* in various public spheres *among political parties* about the European *polity* and regimes – including the territory and competences of the EU - as addressed by Risse; Pfetsch and Heft and others in this volume (cf Wilde 2011)?

The present chapter considers some of these linkages, from the vantage point of democratic theory. Is such contestation about "constitutional" issues evidence of regrettable 'Euroscepticism,' which in turn indicates the absence of a European identity? (Bruter, this volume xxx) Should a European identity be fostered, so as to motivate increased solidarity among Union citizens and their member states? And if so, is such a shared identity best identified as or fostered by a grand project that commands consensus – as President of the European Commission Barroso has recommended (Barroso 2005)? – or is identity better fostered by more contestation?

I shall present a normative case for more contestation, both about policies and the EU polity in the form of Euroskepticism, as part of the requisite solutions – albeit without assuming that such politicization will further integration (*pace* Grande and Kriesi this volume xxx). I shall also suggest that there is a third option, in addition to

either unfortunate corrosion and fragmentation of the EU (Majone 1998, Majone 2001, Bartolini 2006) or "normalization" of policy contestation (Risse this volume xxx), namely permanent salient contestation about constitutional matters – of which the Euro crisis may be only one.

I elaborate this option by a focus firstly on 'deliberative' theories of democracy that agree that citizens' sense of justice and political judgments are - or at least *should be* - developed and maintained in *institutionally specified arenas* where "citizens or their representatives actually seek to give one another mutually acceptable reasons to justify the laws they adopt." (Gutmann and Thompson 2004, cf Cohen, 1989). Such arenas may include mass media as well as the newer social media, exploited e.g. by dynamic issue networks (Bennett, Lang and Segerberg this volume xxx). The deliberation in these arenas should of course concern and affect factual beliefs and instrumental issues about the best choice of means or strategies for given ends. Importantly, the discussions should also *shape individuals' ultimate values*, including their conceptions of a legitimate political order, citizenship, and about the common good – in the present case, i.e. what is sometimes referred to as a European identity (Cohen 1989; Pettit, 2001; Elster, 1998b).

Section 1 disentangles two sets of reasons that such deliberative theories may offer for valuing a public sphere. One is to regard *consensus seeking* as a central objective and mechanism for key participants; another reason is that *constrained contestation* is a central objective and mechanism, where political parties, media and somewhat independent experts play central roles. These two sets of reasons are of course not mutually exclusive, yet they may incline scholars of European public spheres to look for somewhat different indicators and standards. Section 2 considers some of these implications with regard to several issues: developments toward a European identity and toward a more legitimate division of competences between Union bodies and member states. Such topics include questions of more intergovernmentalism or more supranational governance; whether Turkey and other candidates should be the member states of the EU; and the choice of steps to make the EU more democratic, and more legitimate. I here draw on lessons from *comparative federalism* on the assumption that the EU will maintain several salient federal, multi-level features. Section 3 draws some conclusions. One upshot concerns 'Euroskepticism' in the sense discussed in this volume (Risse and Van de Steeg xxx and elsewhere), which I argue will remain on the political agenda. That is: Whatever the division of competences and allocation of influence over Union decisions, there will be actors opposed to the present "constitutional bargain" urging either more authority to the central bodies, or more toward the member units, and possibly about the geographical domain of the EU. Such 'high stake politics' concerning 'frames' such as the political system and the polity is characteristic of federal political orders, especially in the 'coming together' phase, but also as a permanent feature. Consensus on these issues is even less realistic due to the asymmetric nature of the European Union. Both of these features challenge the prospects of a shared "European Identity" of the sort specified in this volume – or so I argue.

A methodological note on measuring politicization in the 'public sphere'

Many scholars may assume that Europeanisation of public spheres (in the sense specified by the editors in the introduction) is of value. However, there is disagreement about whether the present level of such Europeanisation is sufficient or optimal, for several reasons. One may be that some empirical findings are at odds (cf Ruud vs Kantner, this volume for examples). Two other sources of such disagreement are also worth mentioning. Firstly, such disagreements may be due to underlying choices of different plausible baselines, including such issues as whether contestation about the polity and the regime is desirable, and whether the standard of comparison is with the most vibrant national political public spheres of ideal theory, or compared to actual public debates in actual European democracies – and if so, unitary or federal (cf Kantner, and Koopmans, this volume xxx).

Secondly, diverging views about what to make of Europeanisation of public spheres may be due to differing conceptions of the 'public sphere,' since the editors' choice in this regard is but one among several: "an open forum of communication for everybody who wants to say something or listen to what other speakers have to say" (cf Chapter 1 xxx, referring to Neidhardt 1994, 7). Consider that some theorists focus on those arenas that Habermas includes in the "political public sphere" including media-based mass communication (Habermas 1996, Habermas, 1983 and 1998, 152). They should, but often fail, to, secure critical discussion insulated from social and economic pressures, where participants treat each other as equals, cooperating to reach agreement on laws and other matters of common concern. These processes of public discourse – which surely include much debate and contestation - in turn influence all or most formal law making in legislative bodies (Habermas, [1992] 1996, 110, 135; Gutmann and Thompson, 2004).

Other scholars may use 'public sphere' in ways closer to Rawls' narrower *public political forum*": the discourse of judges and government officials, and the oratory and statements of candidates to public office. I take the latter to include the important arenas of intra- and inter party discussion and contestation. (Michelman, 1996, 314-15; Rawls, [1997] 1999, 134). The topics of such deliberations are limited (at least in the first instance) to the law-making *system* and other central issues of "constitutional essentials and basic justice." (Rawls, [1997] 1999; Michelman, 2000, 1066-67; Dryzek, 2000). While normal legislation falls outside this narrower scope, I assume that other such 'constitutional' topics would include aspects of the polity or regime as a whole: for instance which states should be members of the EU, which competences it should have, and the wisdom of the Euro.

There seems to be broad agreement that politicization of EU issues indicates the 'normal' workings of a political order (Kriesi, Grande, Lachat et al. 2008, Wilde 2011). But agreement stops with regard to politicization of such matters regarding the polity and regimes. Insofar as such issues count as 'framing' questions of policies etc, a central question emerges: what are we to make of such on-going contestation: is such *polarizing constitutional politicization* expressions of worrisome 'Euroskepticism,'

sightings of a healthy process toward a more democratic European Union – or a warning of ultimately destabilizing fragmentation? ,

1. The role of a public sphere in consensus-oriented and contest-oriented democratic theory

Many democratic theorists will agree that political salience of issues is endogenous to the political process (Risse, ch 6 this volume; Follesdal and Hix 2006). Thus European and domestic media attention to issues and multi-level political contestation may mutually feed each other, so that transnationalization of public spheres in Europe are both enabling conditions for EU politicization and the result of such politicking (Kriesi, Grande, Lachat et al. 2008; Harrison and Bruter this volume xxx).

This agreement notwithstanding, a public sphere may have several somewhat competing roles or function within a democracy: as an arena for arriving at agreement, or for contestation among competitors. One set of reasons to value a public sphere draws on aspects of deliberative theories of democracy that urge actors to be 'consensus oriented' in a certain sense. The objectives of participants in a public sphere is to resolve disagreements through deliberation within institutions that should facilitate deliberation, as unconstrained as possible by extraneous factors such as brute force or eloquence. The aim of the actors should be consensus, brought about by deliberation in such public arenas which should facilitate reasoned changes in beliefs and values. Such changes include both 'epistemic updates' about likely outcomes, other actors' beliefs and preferences and hence likely actions and coalitions; but also the transformation of ultimate values, self perception, objectives that ensure that the interests of the self go beyond 'self interest' to include solidarity, justice etc. One result is thus to foster a version of collective identity among the interlocutors in the sense of shared values and beliefs. Along this line of argument the standard for assessing the emergence and quality of the public sphere is the extent of reasoned consensus, among individuals, political parties, and other civil society actors. Empirically, such an approach might lead us to determine whether institutions are closer or further from the 'ideal deliberative procedure' eg an "ideal speech situation" – where outstanding philosophy seminars would come to close to such ideal. The ideal procedure should "mirror" such conditions (Cohen 1997, 79). Some authors hold, for instance, that there is an assumption for political discourse that legal questions have single right answers (Habermas 1996, 1491–95), or a limit set of answers suitable for a fair compromise (Bohman and Regh 2011, cf Bohman 1998, McCarthy 1998). Remaining disagreements are due either to lack of time or of lack of good will among some of the participants. Among the implications of this view may be that increased levels of disagreement would seem to indicate that such a public sphere is further from being realized, especially if the disagreements concern the proper 'frame of reference' or 'criteria of relevance.' (Habermas 1998, Van de Steeg and Risse 2010).

A quite different reason to value publics spheres hones in on the contestation among political parties, corrected by independent media and experts. Proponents of such an account may also regard themselves as offering a deliberative theory of democracy – one that defends

> a complementary rather than antagonistic relation of deliberation to many democratic mechanisms that are not themselves deliberative. These nondeliberative mechanisms, such as aggregation through voting as well as fair bargaining and negotiation among cooperative antagonists, involve coercive power in their mechanisms of decision. Yet they can and must be justified deliberatively. (Mansbridge, Bohman, Chambers et al. 2010, 64).

Thus several democratic theorists hold that a central benefit of democratic, majoritarian rule is that it more reliably than alternatives serves to identify or create normatively acceptable decisions. A central mechanism for this epistemic benefit is "genuine competition by decision-makers for the votes of those who are actually affected by their decisions"(Shapiro 2003, 7; cf Dahl 1971). Competitive elections on this view are crucial to make policies and elected officials responsive to the preferences of citizens (Powell 2000) – and to shape these preferences. Electoral contests provide incentives for elites to develop rival policy ideas and propose rival candidates for political office. This identification of new alternatives is crucial: 'the definition of the alternatives is the supreme instrument of power' (Schattschneider 1960: 68). Competition among parties with different platform that express alternative, somewhat consistent, conceptions of public interest and public policies helps voters realize which choices may be made and give them some alternatives (Manin 1987: 338-68). On this line of argument, political parties are not motivated primarily by a search for consensus, but for contested positions that can command votes. An important concern is then how well the institutions allow for contestation among parties and opportunities for an opposition to form and criticize the powers that be. An important role for the public sphere is to allow such disagreements to arise, and to provide opportunities for *new* cleavages and conflicts among political parties that seek the votes of the electorate. European integration has created new groups of "winners" and "losers," which old and new parties may court (Grande and Kriesi, this volume and references therein). That is, the public spheres should foster politization (Risse ch 6 this volume xxx; Wilde 2011, 566-567). At the same time the public spheres must allow the competing parties, media and independent voices to arrest unfounded claims. Here various old and new media play crucial roles. They can serve as somewhat independent critical watchdogs on governments and parties; engaging citizens not only as observers but also as players. Moreover, media contribute in complex games as somewhat autonomous elements of the political parties' strategies – and vice versa.

Note that on this account, competing proposals for 'frames of reference' or 'criteria of relevance' may well be on the agenda. Indeed, such contestation helps citizens understand the difference between the present government and the

(democratic) political order itself (Shapiro 1996, Shapiro 2003) – and what may be secured by changing aspects of this order, the regime – or the polity. A viable opposition is central to determine and partially order such feasible institutional alternatives according to normative principles. If citizens cannot identify alternative leaders or policy agendas it is difficult for them to determine whether leaders could have done better or to identify who is responsible for policies. This account also values how such contestation fosters preference formation, both by epistemic updates and by transformation of ultimate values, self perceptions, and views about the proper objectives of the political order. Such socialization is due in part to the expression and modification of policy platforms and party ideologies citizens witness as observers to such competitions. These effects of political discourse for 'identity formation' are widely acknowledged, not only among 'communicatively' oriented deliberative democrats – though they sometimes seem to ignore that much of this is a shared democratic heritage (Weale 1999: 37). Where different theorists disagree is instead in their assessment of the risks, possibilities and best institutions for regulating such preference formation and modification in a normatively preferred direction (cf. Schumpeter 1976; Riker 1982; Schmitter 2000; Follesdal 2000, Shapiro 2003).

The attentive reader will have observed that these two alternative modes a public sphere serves democratic ends are largely compatible. That is: there is room for both within plausible theories of democracy, and there is room for plausible democratic theories that include both deliberative and aggregative elements. Such a theory would value both deliberation, and "post-deliberative," contestatory democratic elements. The right to political participation of this form may be assigned an intrinsic value as well as an instrumental role in ensuring just outcomes more reliably than other modes of governance. But compared to the arguments that value consensus-oriented benefits oft he public spheres, the contestation-oriented arguments suggest strikingly different standards for assessing the existence of a European public sphere worth keeping and enhancing. The institutions should have as their objective to facilitate such contestation - though *not* necessarily as unconstrained as possible. In such a properly working public sphere disagreements arise, and political cleavages and conflicts are fostered by political parties seeking electoral votes. They seek to mobilize preferences about policy issues, and to create salient disagreements, not least about 'what is at stake' in terms of frames of reference. Media actors will also seek out and focus on political conflicts – as well as to scrutinize whether some issues are deliberately kept off the political agenda by cartels of parties who only stand to lose by more attention to certain issues. In the European setting, such scrutiny and challenge increasingly occur in a multi-level space: domestic and European actors target actors at other levels (Cf Koopmans this volume)

To illustrate how findings may be interpreted differently along these two sets of arguments, consider if empirical research were to find a lack of visible or vocal disagreement about the polity or other constitutional essentials. Is this a sign that the

desired consensus process has run its course in the European public spheres? Or is it to the contrary an indication that such arenas are not (yet) fully developed and utilized in a truly democratic manner?

2. Implications of such politicization for a European identity

One of the overall findings of the volume is the gradual Europeanization of several public spheres, interdependent with the emerging politicization of European affairs (Risse and Van de Steeg intro, ref xxx). – though some note that the requisite impact of such politicization onto representative democratic institutions on the EU level appear missing (Kantner, this volume xxx). However, the findings of the book concerning the upshot of such politicization for a European identity are ambivalent. Will such politicization and increased salience of EU politics foster a European identity?

One scenario is indeed that politicization in Europanized public spheres will foster a European collective identity (Risse ch 6 xxx) Several scholars hold that a crucial intervening variable for this scenario is the extent of party mobilisation which will foster political cleavages. However, one of these potential cleavages is Euro-scepticism – concerning the polity or the regime.

This gives rise to a second scenario. Several authors in the present volume point out that the growth of political parties supporting Euro-skepticism will run counter to the development of a European identity (cf Bruter and Harrison, and Kriesi and Grande, this volume xxx). Politicization and emerging European public spheres will thus hinder the desired European identity.

Below, I offer some considerations in support of a *third* scenario, where we may expect *polarizing constitutional politicization* about the polity and the regimes of the EU for a long time to come; with implications for the sort of meagre shared identity that may be hoped for in the multi-level political order that is the EU.

Both the consensus-oriented and the contest-oriented arguments for a public sphere sketched above acknowledge the need to create and maintain a collective identity, for several reasons. At least three merit mention here: Firstly, ordinary citizens are sometimes asked to refrain from benefits in order to benefit other members of the citizenry. Secondly, some will lose out in a majoritarian decision because they find themselves in the minority yet are still expected to comply, for instance from a motivation that they believe the system is fair, and that they may get their turn where others will be losers but still comply, and that the burdens on them of complying is not too harsh (cf. Barry 1991). Thirdly, law makers and treaty negotiators must be trusted to not only promote the interests of their own constituency unbridled, but also consider the interests of other Europeans when crafting treaties, legislation and policies. So they and the citizens who vote them into office must be guided in part by such other-regarding values and commitments. The upshot here is that both accounts of the value of public spheres must attend to mechanisms to maintain some 'meta' agreement that constrains the 'political'

disagreements, even those disagreements that concern the 'constitutional essentials' – i.e. about the polity and the regime, such as Turkish membership, and the extent of supranational governance. This may amount to an agreed 'meta' ideology – a consensus of sorts - about the values of democratic decision making and human rights. However, on the contestation-oriented account, "the" shared European identity may emerge as quite meager. Indeed, insofar as there are few shared 'frames of reference' in the form of agreement about the polity or the regime, some may question whether there is indeed politicization of the appropriate kind (Kantner, this volume xxx). Will a meager identity then suffice? A central question then becomes, of course, suffice – for what? And what should be the base line of comparison?

It would seem that at least one central social function of such an identity is to ensure stable compliance, *eg* with majority decisions, also by the minority that loses out. For our purposes, it seems especially helpful to draw lessons from comparative federalism on the assumption that the EU will maintain several salient federal, multi-level features.

From the point of view of federal political theory, the EU clearly has several federal elements (cf Follesdal 2007). One of the central challenges of such political orders is how they merit and facilitate trust and trustworthiness among citizens committed to uphold a normatively legitimate political order. Comparative studies of federalism warn of a higher level of ongoing *constitutional contestation* concerning the constitution and its values and interpretation than in unitary political orders (Filippov, Ordeshook, and Shvetsova 2004; Lemco 1991). Stabilising mechanisms are thus more important, to prevent the disintegration of the political order and citizen disenchantment. These stabilising mechanisms may also have to accommodate and correct great imbalances and conflicts of various kinds. Ironically, the grounds of shared values and goals may be especially weak in federations, given their frequent genesis as solutions to intractable problems otherwise resolved by a unitary political order. In particular, many scholars underscore the need to develop an 'overarching loyalty' to the federation as a whole, if the political order is not to disintegrate. (Linz 1999, Filippov, Ordeshook, and Shvetsova 2004).

The challenge of building such an overarching loyalty is difficult in many federations, but especially demanding in the EU regarded as a political order with federal elements. That union consists of well-established Member States that could in principle exist independently, and who hence have been prepared to bargain even harder about many particular choices (Filippov, Ordeshook, and Shvetsova 2004, 315). A European party system which could foster such cross cutting loyalties is under-developed (*ibid* 321; but cf Hix 2008 and others). Furthermore, since the decision making arrangements of the EU are exceedingly complex with a high number of veto points, stasis is a permanent risk.

For our purposes, three central points are worth underscoring. Firstly, federations in this broad sense do not require 'post-national' citizens. The challenge of federations is instead to be 'self-sustaining' so as to create and maintain political loyalty among the citizenry *both* toward the own member unit and toward the federal

level regime, officials and citizens. In the EU, the task is thus to ensure that union citizens and political authorities maintain dual political loyalties, both toward compatriots and authorities of their own member state *and* an overarching loyalty toward the union citizenry and authorities as a whole. Note that this has some implications for choice of baseline for assessing the requisite 'European identity:' it is not a 0-sum vis-à-vis 'national' identity, and it is not obvious that either should be 'dominant' overall. We should perhaps not expect all conflicts between these to fade – some tensions may well remain between segments of Union citizens, some of whom regard their disagreement as one among "Europeans *as Europeans*" and sometimes addressing conflicts as "Germans against Greeks. " (Risse ch 6, xxx).

Secondly, note that in *asymmetric* federations there will always remain disagreements about the objectives of the central authority. In these federal arrangements member units have pooled different competences, and thus citizens and authorities of different member units will correctly hold that the objectives of the central unit are different across the member units. This has been discussed in the study of European integration as a 'polycentric' or 'variable geometry' feature of the EU. One implication is that the conception of 'European' – or 'EU' – identity may well legitimately be different depending on whether the person is a member of Schengen Europe, of Euro-Europe, etc – or not.

Thirdly, comparative studies of federalism suggests that federal arrangements are more subject to *constitutional contestation* than are unitary political orders (e.g. Lemco 1991, Bakvis, Baier and Brown 2009). Such topics include which competences should be enjoyed by central authorities, and how member states should influence such decisions; - and sometimes questions of which member units to include in the polity. So insofar as the EU maintains federal features, such 'constitutional frames' will probably remain more contested than they are in unitary political orders. It is not only in the EU that leaders tend to transform and re-frame some policy issues into constitutional ones (Risse ch 6, xxx) – this is typical in federations. This is both good news and bad news. It is good news because this phenomenon is thus not so unique to the EU since it is typical of political orders with federal elements. The 'bad news' for those concerned with stability is that federal orders also suffer a higher risk of instability, of two kinds: they tend toward fragmentation – indeed secession - or complete centralization. In short, we should expect the same sort of constitutional contestation of the EU, for at least three reasons. Such contestation is firstly of course more frequent when federations 'come together' than when they are seeking to 'hold together.' Secondly, contestation and the absence of a shared identity is more likely for the EU since it is asymmetric. Finally, a further source of potentially destabilizing constitutional contestation is TEU Art 50, which explicitly recognizes member states' right to withdraw from the Union, unusual in political orders with federal features. We should thus expect politicization and "normal politics" in the EU to often escalate to constitutional issues, if not often to constitutional crises (cf Risse xxx).

This comparative exercise thus underscores the need for a European identity, as well as European politicization – and suggests that contestation about

'constitutional frames' is only to be expected. At the same time, it is clearly an open question what the shared European identity should consist in, and how to assess spreading 'Euro-skepticism' in the Europeanised public spheres about precisely such issues.

3. Conclusions: The sort of agenda of European Public Spheres worth keeping

What conclusions may we draw from the findings of the present volume, combined with the distinction between two reasons to value the public spheres, and lessons from federalism? At least two issues seem important, not least for future research.

The first conclusion concerns baselines of satisfactory levels of Europeanised public spheres and a European identity. The lessons from federal studies underscore that it may be difficult to specify this. Firstly, we seem to miss agreement on the minimum threshold of public sphere activity for a *domestic* democracy to work in a legitimate way (cf Risse and Van de Steeg, intro xxx; Kantner xxx). Secondly, there is a risk that we cannot calibrate the Europeanisation of the public spheres sufficiently when we ask, as the editors do, "How salient do Europe and the EU have to become in the various public spheres in order to qualify as Europeanization?" When we regard the EU as a political and legal order with federal elements, it seems impossible, and arguably not helpful, to try to identify such a threshold. Not only is there no clear 0-sum 'game' or relative importance between domestic and EU level public sphere deliberations. In addition, the answer would seem in part to be a matter of which competences and policies the EU bodies pursue – and insofar as such contestation is endogenous to the politicization process, few 'external' standards seem available. Thus it seems unreasonable to hold that there should be the same amount of contestation at both levels: this is a matter of how 'much' policy and legislation is determined at which level. We must also consider which issue areas are within the scope of responsibility for the member states, and which for the EU, as Koopman's chapter illustrates with the case of the German federal experience regarding educational policies (pp. xxx).

The second conclusion concerns likely future scenarios. The direction of political contestation among political parties should clearly remain on the agenda. For instance, the findings of Grande and Kriesi give rise to several scenarios. They note the emergence of several 'Euro-skeptical' coalitions otherwise quite dissimilar, composed of trade unions, radical right parties and Conservative and Christian-Democratic parties, respectively (Grande and Kriesi, this volume xxx). I have suggested that such 'Euro-skepticism' which seeks to return some competences to the member states, or that wishes to stop further membership, should not surprise: Contestation about such constitutional issues is part of 'ordinary politics' in political orders with federal elements, especially during the 'coming together' phase.

However, these comparative lessons should not foster optimism about the future stability of the EU. In particular, further scenarios remain open. The scenario I

described above would envision political parties at the EU level integrating the various single issue networks and pressure groups identified by Bennett, Lang and Segerberg (This volume xxx). But other quite different scenarios are also possible. Consider if political parties at the European level become further de-linked from domestic parties, and turn into more 'single issue' lobbyists – eg concerning the dismantling of EU competences. This may be a shrewd response to the disagreements among the various coalitions Grande and Kriesi observe – though they deem it unlikely (p xxx) If this happens, such 'political parties' at the EU level no longer serve the valuable functions identified by the contestatory democratic argument for a public sphere. In particular, no shared European identity can be expected across these coalitions.

To conclude: it seems clear that the main findings of the volume support the claims of democratic theory, brought to bear on political orders with federal elements. In a complex, interlocking multilevel political order such as the European (Scharpf 1985), citizens clearly need Europeanisation of national public spheres in the form of parallel national debates about matters European. Representatives of national bodies partake in centralized decision making, and national parliaments and other arenas of debate may check EU bodies in significant ways to maintain the proper division of responsibilities between member states and Centre- e.g. in the form of the 'Yellow Card' procedure (Cooper 2006).

EU level arenas are important for debating issues that are contested at the European level and where there is a risk that some individuals or states suffer unreasonably, from one particular decision or from the systemic effects of a pattern. A problem for the EU is that there have been few if any vehicles for encouraging such European-wide debates, e.g. about structural reform of the European economy, or about other politically contested issues that can feed off and mobilize political opposition. In a well functioning democracy, rival groups of elites, including political parties, have incentives to present and defend competing policy positions based on some contested conception of 'the European interest,' within shared frames about the political and legal order and its objectives. The volume gives evidence that such 'European public spheres' do indeed exist, but I have suggested that some of the requisite shared overarching norms and values are hitherto not clear. A European identity, possibly unique to Union citizens, has yet to emerge (Follesdal 2009, Follesdal 2009).In the absence of such full fledged democratic contestation, within a shared meta agreement, the EU is less capable of assessing and addressing central issues of institutional design and of policy making (cf. Follesdal and Hix 2006, 549). However, I have suggested that politicization of constitutional issues is likely to remain in the EU – and even flourish more with the Europeanisation of public spheres.

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