Parliamentarism in the European Union (EU) is in crisis. The pooling of powers at the European level is not matched either by the new powers of national parliaments to scrutinise governmental policy-making or by the expansion of the authority of the European Parliament. What is needed is a new approach to strengthening parliamentarism in the EU that places national parliaments at the heart of the constitutional process. Strengthening the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) and transforming it into a constitutional body with the power to stimulate the development of the European constitutional order is the appropriate strategy.

Keywords: COSAC; parliamentarism; national parliaments; European Parliament; justification; accountability.

Introduction

National parliaments have moved centre stage in recent constitutional reflection. The treaties of Maastricht, Amsterdam and Lisbon have given formal rights to national parliaments and explicitly stated that they have a legitimate role in European governance. The Treaty of Lisbon provides expanded information and contestation rights to national parliaments and makes them guardians of the subsidiarity principle by introducing the early warning system. The growing awareness that national parliaments deserve a more prominent role in European politics was also reflected in the German Constitutional Court’s decisions on the Maastricht and Lisbon Treaties. The Court argued that national parliaments are the most important institutional sites for providing democratic legitimacy and that they must have an important role to play not only in national but also in European Union (EU) policy-making. According to the Court, it is national parliaments and not the European Parliament (EP) that guarantee that democratic principles are respected. National parliaments thus have a political function, which cannot be substituted by the EP or any other institution. Giving national parliaments a central role in the European institutional system is thus the conditio sine qua non of democracy in Europe and a matter of utmost importance to the integration process.
Although most observers agree that national parliaments must be better integrated in the European multi-level system (Raunio, 2009), there is no consensus yet of how to divide the ‘multi-level parliamentary field’ (Crum & Fossum, 2009, p. 250) among the national parliaments, the EP and the Council. While some observers claim that ‘parliamentary democracies and multilevel governance co-evolve in processes of mutual adjustment’ (Benz, 2011 p. 13), others argue that parliamentarism in Europe is in deep crisis (Herzog & Gerken, 2007). Integrating national parliaments into multi-level governance has arguably proved difficult. Empirical studies show that parliamentary majorities are often very hesitant to use their control competencies (Auel & Benz, 2005). Most often national parliaments’ majorities shy away from using their competencies to scrutinise their governments publicly and are content to support them.

European integration is thus faced with a pressing question: what to do with national parliaments? What is their appropriate place in the European multi-level polity and how can they be empowered to occupy that role? This study deals with this question in three steps. The following section begins by discussing the concept of multi-level governance and substantiates it with a normative argument that centres on the individual right to justification. The subsequent section distinguishes between vertical and horizontal concepts of democracy and argues that only the latter provides a normatively attractive interpretation of European multi-level parliamentarism. It goes on to argue that national parliaments have an important role to play in any horizontal concept of European democracy and that they should be given a more active role not only in scrutinising European governance but also in shaping the European constitutional process. The final section concludes and puts forward ideas for future research.

Multi-level Governance and Normative Theory

Reflecting on the appropriate role of national parliaments in the European political system starts with an idea of the overall institutional structure in which they are to be embedded. Whereas more dated concepts of the EU’s institutional structure often rely on the concepts of supranationalism and intergovernmentalism, it is nowadays common to start with the notion of a multi-level governance system. The notion emphasises the parallelism between different layers of governmental, intergovernmental and supranational governance and maintains that all of them must be taken into account if an empirically meaningful understanding is to be developed (Piattoni, 2010). The concept of multi-level governance has proved to have important strengths in describing the EU’s institutional complexities. Rule-making often starts with input from non-governmental actors, proceeds with intensive consultations between the Commission and the member states, involves the Council and the EP and is implemented by the Commission and the member states. It also integrates various non-governmental interest groups, the regions, and – last but not least – is conducted under the shadow of a European law that is developed in cooperation between the European Court of Justice
(ECJ) and domestic courts. Although strong in heuristic force, the concept of multi-level governance also has its weaknesses. It is an empirical concept developed for understanding European politics, but is hardly suited for meeting the challenge of developing normatively sound reflections. It stops at describing practices, linkages, networks, and veto-players and does not provide us yet with criteria of how to assess the legitimacy of the European polity.

**Accountability**

Recent applications of the concept have tried to correct this shortcoming by applying the concept of accountability (Bovens, Curtin, & ‘t Hart, 2010; Curtin, 2009). For example, Papadopoulos (2010, pp. 1034–1039) argues that multi-level governance is difficult to reconcile with democratic principles. The network character of multi-level governance fosters a policy-making style that is ‘deliberately informal and opaque’ (p. 1034) with often unclear attributions of responsibility. Control on the part of national parliaments is difficult because the ‘length of the chain of delegation combined with the magnitude of administrative discretion makes their democratic accountability fictitious’ (p. 1035). Networks are dominated by policy experts who ‘must be unaccountable to constituencies’ (p. 1036) in order to remain credible to their professional communities. Participating non-governmental organisations represent well-organised interests rather than the median voter, and their internal organisational structure hardly ever lives up to the standards of democracy.

Accountability has become a new analytical focus for much of the multi-level governance literature. It promises to combine an emphasis on input-legitimacy without unduly limiting the problem-solving capacity of the EU. It underlines the need for transparent decision-making, legal oversight and good administrative procedures without necessarily imposing participatory requirements that would endanger the efficiency of decision-making. It is, finally, a concept that is very much in accordance with the practices of the EU. Although the concept is clearly adapted to analysing EU practices, it also has its shortcomings. Accountability has recently been described as a ‘dustbin filled with good intentions… and vague images of good governance’ (Bovens, 2007, p. 449). Bovens (2010) describes the contribution of accountability to democratic governance as ‘ensur(ing) that public officials, or public organisations remain on the virtuous path’ (p. 955); it may foster ‘public catharsis’, ‘identify and address injustices and obligations’, ‘establish public control’, ‘prevent and detect corruption and the abuse of public power’, ‘help creating checks and balances’ and ‘induce reflection and learning’. Accountability matters to legitimate governance ‘because of the presumption that its absence means that those in power have the capacity to act without regard for those who authorize their actions and for those whose lives are affected by those actions’ (Barnett & Finnemore, 2004, p. 171).

All this sounds good and is surely welcomed by any reflection on European legitimacy. What the concept lacks so far, however, is an explanation of its normative foundations. It is, in the words of Lord and Pollak (2010), an ‘unsaturated
concept’ (p. 968). It does not answer the most pressing questions, such as who should be accountable to whom, when, or for what reasons. The approach most often used for finding an answer to these questions is principal-agent analysis (Auel, 2007). According to principal-agent analysis those who delegate power have the right (and the power) to demand accounts on the part of those actors or institutions to which powers are delegated. Accountability is thus an element in a relationship between a sender and a receiver of political competences. An important strength of principal-agent analysis is its clarity and its parsimonious character. Political relationships are clearly structured and responsibilities are easy to locate.

Political reality, however, is often too complex for easy analytical concepts. Principal-agent analysis systematically overlooks that actors who are commanding delegated competences might either deliberately or non-intentionally affect the interests of third parties who have neither delegated nor received any authority. According to the theory, affected actors who have not delegated powers would have no right to demand and receive an account. In European politics, such situations are ubiquitous. The introduction of the euro, to take a prominent example, was to a significant degree motivated by the interest of the member states to curb the power of the German Bundesbank. Before the introduction of the euro, the it took only Bundesbank only took into account the concerns of the German economy. Owing to the dominant role of the Deutsche Mark as the strongest currency in the EU, the Bundesbank’s decisions had a significant effect on the currencies of all other member states. If it decided to raise or lower its interest rates, all other European central banks were de facto forced to follow its example, even if their domestic economic interests strongly differed. The decisions of the Bundesbank thus had a strong effect on third parties who, according to principal-agent analysis, would have neither the power nor the right to influence them. Similar examples could be taken from trade policy, migration policy and many other areas. All these examples point to the normative limits of principle-agent analysis and its structural negligence of the external effects of decisions on third parties.

Justification and Justified Structures of Justification

An alternative way of explaining the normative thrust of accountability is to contextualise it with a theory of justice that focuses on the right to justification (Neyer, 2010, 2012). The idea of justice as a right to justification is established on the assumption that we have a human right to demand and receive justification from all those individuals or organisations that restrict our freedom. We, as the citizens and ultimate bearers of the right to justification, are entitled to explanations and convincing reasons on the part of all political institutions that wield power. This does not necessarily imply that no limitations of our freedom by a government or by other political actors are legitimate. It holds only that the legitimacy of any such intervention depends on the reasons that are given to explain it. As a person (or organisation), I have the right to have
any restriction of my individual freedom justified by whoever causes that restriction or has the intention to do so. This argument takes the freedom of the individual from domination as a starting point, and places all restriction of this freedom under the reservation of good reasons, that is, those reasons that withstand critical public scrutiny (Neyer, 2012).

Understanding justice as the right to justification gives the notion of justice an intrinsically procedural and discursive character. Any question regarding the specific implications of justice in a given context is answered with reference to a normatively demanding discursive procedure. All parties concerned, be they individual or governmental, must be given the chance to voice their concerns and to have them properly respected in the formulation of binding rules. In this way, the search for justice becomes an inclusive, discursive and always only temporarily concluded project. Though those concerned by a regulation may temporarily agree upon a specific accord, they often will do so only with the reservation of possible later changes. In an ideal world of justification, all political actors would permanently justify their policies to all possibly affected parties and abstain from conducting any policy that cannot be fully justified or that has not yet been fully justified. No implementation of policies would be realised before an inclusive debate on the merits and problems of policies was concluded. Critics would be invited to raise their concerns and be given the opportunity to address them directly via policy-makers. The arguments brought forward would be weighed according to their relative merits. Policy would not follow interests but arguments.

Supranational structures of justification do a lot for narrowing the gap between the politics of power and these ambitious criteria (Neyer, 2012, pp. 115–148). They reduce power asymmetries and create and maintain justification-based discourses. Supranationality creates a space for justificatory discourses and transforms international bargaining into transnational deliberation (Joerges & Neyer, 1997). This function of the supranational layer of European governance is of crucial importance for assessing the legitimacy of the EU. However, the taming of power asymmetries and the establishment of structures of justification do not in themselves lead to greater justice. Structures of justification can even add further injustice if established on an unjustified normative framework. They may cement unjust conditions if they merely reproduce norms that reflect the asymmetry of power relationships rather than the outcome of an inclusive and deliberative procedure. International law is well known for its codification of international power asymmetries. It often either only formalises an already existing state practice or gives expression to the interests of major powers (Mearsheimer, 1994). It is for this reason that many observers are so deeply sceptical about the capacity of international and European law to produce just outcomes (Nicol, 2012).

The legitimacy of the EU can therefore only be affirmed to the degree that its structures of justification are established in processes that are themselves the product of justificatory processes, of inclusive and discursive constitutional
Reflections. In his discussion of fully justified structures of justification, Forst (2010) specifies the conditions that the process of justification must meet: ‘(P)olitical or social structures or laws have to be based on or (at least) to be compatible with moral norms applicable to them and must be justifiable within appropriate legal and political structures (and practices) of justification’ (p. 731). Structures of justification must be embedded in a ‘fundamentally just basic political and legal structure ... in which the members have the means to deliberate and decide in common about the social institutions that apply to them and about the interpretation and concrete realization of their rights’. It is important that ‘everyone (can) participat(e) effectively in the practice of justification’ (p. 731) and that ‘dissent should be heard, taken seriously and channelled in such a way that it could lead to a reform of the social structure’ (p. 733). A just structure of justification must provide for the ‘possibility of free and equal participation and adherence to proper procedures of deliberation and decision-making’ (p. 734).

These conditions are obviously highly demanding. Perfectly justified structures of justification must not contradict prevailing norms of morality. They must be embedded in reflexive procedures for adapting to changing normative preferences and be transparent and open to public participation. Even a perfectly deliberative discourse would be illegitimate if it rested on unfair procedural norms (for example, the exclusion of important stakeholders, withholding of information) or unacceptable material norms (such as the violation of basic human rights). To put it in a nutshell, structures of justification are only as good as their normative and procedural context. Thus, only justified structures of justification deserve to be called legitimate.

National Parliaments in a Multi-level System

After having substantiated the concept of multi-level governance with a normative theory, it is time to come back to national parliaments. Why should they play an important role in a justified multi-level governance system? What is their comparative advantage to other political institutions in tying citizens closer to the European level and in giving effect to the right to justification? How and where should they be integrated in the system? Much of the recent debate on the role of national parliaments is inspired by the notion of a ‘multi-level parliamentary field’ (Crum & Fossum, 2009). According to Crum and Fossum, national parliaments and the EP must not be viewed in isolation. They together form a combined system of citizen representation in which European citizens have some of their concerns represented at the national level and some at the supranational level. Both levels of representation coexist and complement each other without necessarily having conflicting claims with a view to their powers. Although the notion is helpful in understanding that both levels of parliamentary representation coexist in the EU, it does not in itself help to answer the normative question regarding what powers and role the two levels should have. The concept of a ‘field’
is a sociological rather than a constitutional category and, as such, of descriptive rather than of normative value.

**Vertical and Horizontal Concepts of European Democracy**

A more helpful starting point for reflecting about the proper role of national parliaments in a justified structure of justification is to distinguish between a horizontal and a vertical interpretation of multi-level parliamentarism. In a vertical interpretation, multi-level parliamentarism is a concept for transforming the EU into a federal state (Morgan, 2005). It employs the idea that the EP is to become the central parliament of an emerging federal state-like entity with full-blown supremacy of European law over national parliaments’ law in the case of conflicting regulations. Supranational system effectiveness is at least as or even more important than member state autonomy. The problems with applying this reasoning to the EU are obvious. European federalism does not address the concerns of those who emphasise that democracy is still firmly located at the national level and that the EP’s powers should therefore be limited to scrutinising EU institutions. It overlooks that the EP is, for good reason, established on the principle of degressive proportionality and that it deliberately violates the democratic criterion of individual political equality for the sake of safeguarding small member states from big member states’ dominance. Federalising the multi-level parliamentary field would mean a major revolution of the EU’s normative structure. It would disempower the national democratic layer, empower the democratically deficient EU, and most probably necessitate the adoption of new constitutions in many member states.

An alternative idea for interpreting the meaning of multi-level parliamentarism is to employ a horizontal idea of democracy. According to this idea, the EU is not to become a quasi-federal state but remains a governance regime aiming at managing democratic interdependence (Müller, 2011; Nicolaïdis, 2013). Its role is not to supersede national democracies with a new layer of supranational democracy but to provide an instrument for internalising the external effects of member states’ decisions and for intervening in cases of political market failure. National parliaments remain the most important sites for democratic decision-making, with the EP collaborating with the Council and the Commission in filling the regulatory gaps that national parliaments’ functional limitations leave open. The EU’s institutional order would, in short, follow the concept of a pluralistic democracy rather than that of a homogeneous democracy.

There are many good reasons for a more cautious, horizontal interpretation of European democracy. Among them is the obvious unwillingness of most people in Europe to merge into a unitary polity, and a general respect with regard to the democratic achievements of member states and for the principle of subsidiarity. National parliaments are still the only institutions in which the democratic sovereignty of a people is institutionalised and the most prominent place where the people formulate their preferences and ideas in a politically effective way. National parliaments are thus a prime candidate and a most crucial element in
the policy-making process for giving a prominent role to the individual right to justification.

The Control Function

As outlined in the introduction of this volume, the recent debate on the role of national parliaments in the EU reflects these insights. It builds on an understanding of the role of parliaments in the democratic process that centres on their function to represent the people and to safeguard that governments are actually doing what the people want. It is built on the idea of a linear stream of bottom-up delegation and control that runs from the citizens to parliamentarians and from there to the government, and finally the EU. In this perspective, efforts to strengthen national parliaments would have to centre on giving them as many rights as possible to make governments accountable to parliamentary scrutiny. Most of the recent political innovations in the European political process reflect this idea. Most of the member states have implemented the Treaty of Lisbon and implemented domestic legislation for ensuring that national parliaments can control their governments better in EU affairs. All of these changes in the institutional architecture are to be applauded for the new awareness that they attribute to national parliaments.

At the national level, European Affairs Committees (EAC) have been set up in all parliaments and many of them have been equipped with the necessary legal resources for scrutinising their government. The role model for these institutional reforms has often been the Danish Folketing (Laursen, 2001). The Folketing participates in EU policy-making by tying the government to a mandate given in advance of European-level negotiations. Before entering negotiations, the responsible minister has to present a proposal in person to the EAC and must obtain a supportive majority. The members of the committee not only vote on the proposal but also have the right to propose amendments. The minister has no right to enter into any negotiations in Brussels if s/he fails to convince the majority of the committee of his/her proposal. Likewise, if the negotiations in Brussels make it necessary to change the Danish position, and if s/he wants to go beyond the authorisations given by the mandate, s/he must present new suggestions to the EAC and wait for new instructions.

The Danish model has received much praise for the limits it imposes on governmental discretion. It must be added, however, that much of this effect is due to factors apart from the mandating procedure. According to the Danish constitution, all transfers of political powers to supranational institutions require a five-sixths majority in the Folketing or a simple majority plus a referendum. In practice, all treaties since the accession of Denmark to the EU have had to pass through the bottleneck of a referendum and thus received broad public awareness. An equally important aspect is the fact that Denmark normally has minority governments. Much of the salience of the EU in Denmark is probably explained by the fact that the opposition parties use the EAC for criticising government policies and indirectly addressing the Danish public. The Danish case thus not only highlights
the importance that a national parliament can have in the processes of European governance but also the difficulty of generalising from single cases. Many other member states have had less convincing experiences with strengthening the control powers of their parliaments. The Austrian example provides a telling case of a parliamentary EAC that is equipped with strong control and monitoring powers but hardly ever uses them (see the contribution by Pollak & Slominski in this volume). A most important reason for this political failure is that the majority of MPs in a parliamentary system represent governing parties. They thus have few incentives to scrutinise their government publicly. As argued by Auel (2007), ‘the result would be similar to a defeat of a governmental bill, namely a public and therefore humiliating opposition to the government by its own parliamentary majority, something the majority will usually have no incentive to risk, because it may undermine their own political credibility’ (p. 492). Strengthening the control powers of national parliaments might thus simply be the wrong strategy if the goal is to bind citizens and European politics closer to each other and to prepare the ground for an effective justificatory discourse.

The Communicative Function

Control is fortunately not everything. An alternative option for increasing the role of national parliaments is to emphasise their communicative function (see the introductory contribution by Auel & Raunio in this volume). The parliament is not only the agent of the citizens and the principal of the government but also a political space in its own right. It is a forum in which preferences and concerns can be voiced and differences articulated. It is towards parliament that the government must justify its policies and it is in parliament where the legitimacy of a political system is contested and reaffirmed (Norton, 1998).

It is true that the communicative function of parliament and its role as a transmitter between governmental activities and citizen awareness has somehow lost its importance in domestic politics. Newspapers and other media today closely watch all domestic governmental activities. Some observers already describe the advent of a media democracy in which newspaper and television programmes have adopted many of those functions that were formerly in the hands of parliaments. In European politics, however, things look quite different. Peter and de Vreese (2004) report that television coverage of EU politics takes place only sporadically and is of limited visibility. Newspapers are only slightly more adapted to European integration. Although Sifft, Brüggemann, Kleinen-von Königslöw, Peters, and Wimmel (2007) observe an intensifying scrutiny of EU politics by newspapers, they also conclude that most EU politics takes place unnoticed. Gerhards (2000) adds that ‘European questions receive the lowest level of media attention in comparison to all other … issue-areas’ (p. 294) while Risse and van den Steeg (2003) report that the European public discourse is ‘fragile, fragmented, and constrained to particular sets of issues’ (p. 3). The defect is the more serious as European news coverage is strongly biased towards governmental activities and by and large overlooks parliaments, party
actors, and civil society (Koopmans, 2007). Inclusive and effective justificatory public discourses thus face serious obstacles at the European level (Risse, 2010).

Important reasons for this meagre role of the public discourse in European politics are probably to be found in the fact that most citizens are already well-occupied with following national politics. Many citizens do not have the additional time and resources to inform themselves on the often very technical details of EU affairs and to gather the necessary information to formulate an opinion on, say, the new directive on data storage or on public procurement. In addition, many relevant political issues today have a level of complexity that can be processed by the average citizen only if it is reduced to its most important ethical or redistributive implications. For very practical reasons, debates on nuclear energy, global warming, genetically modified organisms or the intricacies of health reform need to be simplified and organised into a limited set of options for making them accessible to public discourse. An active role of parliamentarians is thus a precondition of reasonably autonomous decision-making by citizens. The need for parliamentarians to adopt an active role is intensified by the fact that the media are often slow in reacting to real-world problems and operate according to their own economic standards. Politically relevant topics are also often overlooked owing to limited public interest or lack of expertise on the part of journalists. Relying on the media for facilitating discursive processes between governments and citizens might thus be overly optimistic.

Europe’s ‘Sleeping Beauty’

A more promising way to revitalise the communicative function of national parliaments and to work towards a fully justified political system is to awaken the EU’s ‘sleeping beauty’, the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC). COSAC is a body that meets once every six months in the member state holding the Council presidency, bringing together delegations from the EACs of national parliaments and from the EP (Raunio, 2011). Although the EU treaties grant COSAC the power to ‘make any contribution it deems appropriate’, its own rules of procedure limit its function to primarily ‘exchanging information, in particular on the practical aspects of parliamentary scrutiny’ (COSAC, 2011). The right to submit non-binding contributions to the EP, the Council and the Commission is hardly ever used as an instrument for interfering with either the constitutional function of the European Council or with the political authority of the other EU institutions. COSAC thus serves today basically as a kind of informational platform of national parliaments that organises discourse among the EACs.

It is hardly surprising therefore that COSAC is rarely discussed as a major political actor in the EU. The political irrelevance of COSAC, however, is in sharp contrast to its capacity for giving effect to the right to justification and thus for fostering a justified European order. COSAC can be seen as an
inter-parliamentary layer of governance in statu nascendi that is not domestic, intergovernmental or supranational, but ties together a direct representation of the citizens with a European voice. By claiming a central role in the European political process, COSAC could transform national parliaments from fence-sitting losers of integration to its driving force. To assume that role, COSAC would not have to compete with the European Parliament for influence in the legislative process. Co-decision in ordinary legislation is already well conducted by the EP, and there is no need for duplication. What is urgently needed, however, is a strong parliamentary voice in the EU’s constitutional process. The dominance of the member state governments in the European Council needs to be balanced with an equally strong voice of parliamentary representation. The ambivalence of the Treaty in giving parliaments only a very limited role in the constitutional process reflects the EU’s international legacy more than its democratic future and is in open contrast to the idea of a fully justified political order.

COSAC should take seriously the ambition of the EU to improve the integration of national parliaments and transform itself into an Inter-parliamentary Constitutional Assembly (ICA). This reformed institution should claim – as it is appropriate for parliaments – the authority to review all practices and powers of the EU, and to propose amendments to the Treaty or any other legal documents of the Union. The new ICA would make sure that the EU’s constitutional development not only reflects intergovernmental bargaining but also is – via its parliamentary members – in permanent close contact with the national parliaments and thus contact with the democratic sovereign of the member states. If COSAC were transformed into an ICA, the EACs of the national parliaments would no longer just observe and eventually criticise governmental politics but become crucial actors in the EU. National parliaments would readopt the constitutional importance as is foreseen in national constitutions and demanded by the German Constitutional Court. It would also be an important corrective to the role occupied by the ECJ. The Court’s sometimes very ambitious interpretation of the treaties is misunderstood if interpreted only as an act of self-empowerment (Scharpf, 2010). It also reacts to the lack of a proper constitution-giving body and the corresponding political deficit in further developing the constitution.

Turning COSAC into an ICA would therefore be an important institutional reform for helping to justify European structures of justification. These structures would no longer be unduly shielded from critical scrutiny by the practices of intergovernmental diplomacy but become subject to permanent contestation, critique and eventual reform. The ICA could propose a harmonisation of corporate taxation, the introduction of a European tax for financing infrastructure, the fading out of the outdated structural funds, a balancing of the four freedoms with the social protection of workers, and many other projects that are today blocked by the opposition of single member state governments. The ICA would thus have the potential to move the EU a significant step closer towards a fully justified structure of justification.
Conclusion and Research Agenda

This study has undertaken a tour de force through European institutional structures and a discussion of appropriate normative standards. It has analysed difficulties in democratising the European multi-level governance system and taken issue with the possible contribution of national parliaments to remedy normative problems of the EU. It has worked on the assumption that national parliaments are the institutional backbone of any proper working democracy. They are the mediating link between government and citizens and carry much of the burden for safeguarding responsible and responsive governance.

The establishment of political structures above the nation-state and, by implication, beyond democratic governance, is a serious challenge to the institutional order of democracy. It threatens to disable the parliamentary link between citizens and government and opens a window of opportunity for the decoupling of governance from democracy. Parliaments today do not yet live up to the challenge of re-establishing their central role in the European political process.

Dominant incentive structures for most MPs militate towards downplaying and depoliticising the EU domestically. Hardly any national parliament thus uses its legal scrutiny powers fully. Most seem to be content with being the losers of integration and to accept being bypassed by the growing importance of the executive.

Much of this discussion has been brief, lacks proper systematic evidence and should be viewed as preliminary. What the discussion should have been helpful for, however, is to situate the analysis of national parliaments in the EU in wider constitutional and normative debates and to identify important future research questions. For example, we know hardly anything about the practices of national opposition parties in bringing European topics closer to their domestic audiences. Where and when do they undertake such efforts and under what conditions are these efforts successful? Do the media listen to the opposition’s efforts to politicise the EU? When and how does that happen? And more broadly, do national parliaments still have the capacity to mediate between citizens and European governance or are we forced to look for new non-parliamentary means for legitimising the EU?

How we answer these questions is important for understanding the future of parliamentary democracy in the EU and beyond. If the EP remains for the foreseeable future too weak in terms of both powers and normative potential to compensate for the losses of domestic legislative power; and if national parliaments face incentive structures that militate against taking their role in the European multi-level system seriously, then we are in the midst of a deep crisis of European parliamentarism. How this crisis will unfold, and will be met, depends to an important degree on the creativity of academia in finding innovative answers to the challenge of situating national parliaments in a multi-level governance structure.
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