



JÖNKÖPING INTERNATIONAL BUSINESS SCHOOL  
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# Democracy and communication

A study of the European Union's communication with the citizens until 2005,  
from a deliberative perspective

Bachelor thesis within Political Science

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## **Abstract**

There is a gap between the citizens and the political institutions of the European Union. Several years of low participation in the European Parliamentary elections and a number of surveys shows that the EU has weak legitimacy in the eyes of the people.

This thesis is a critical study of EU's communication with the citizens until 2005. Based on Habermas's theoretical framework, it searches for deliberative qualities within the EU's structure. According to Habermas, political legitimacy requires that people can shape and express their opinions in a public sphere, but the EU does not really have a public sphere. He also emphasizes the importance of good channels of communication between people and politicians, but within the EU, communication has been synonymous with information (or marketing) and practically unilateral. This leads to the conclusion that the EU's lack of deliberative qualities can have affected EU's political legitimacy negatively.

Key words: Deliberative democracy, EU, communication, legitimacy

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# 1 Introduction

The European Union (EU) has changed shape during the last decade. Originally, it was created by political leaders as a peace project, right after the Second World War. Increased economic collaboration over time has also made it a project for improving European prosperity. The legitimacy of the Union in the eyes of the people has long been based on these two pillars – peace and prosperity. But today there is little risk for war between European states, and the social effects a common market are less tangible as economic growth is slowing down and production moves to low-cost countries outside Europe. At the same time, collaboration within the Union is getting deeper, and wider. “Deeper “ in the sense that an increasing amount of decisions are made on EU level, and “wider” because of the expansion of the EU territory through the accession of new Member States. The system of today is no longer merely collaboration between states, but also a political entity in itself, which influences diplomatic relations as well as people’s every day life. Nevertheless, the citizen’s within the EU seem to lack enthusiasm for the European project, which may show that the EU needs the support of a third pillar, political legitimacy (Bellamy and Castiglione 2000:66, Habermas 2006:75, Kuper 1998:144, Weiler 1992:36).

The German philosopher Jürgen Habermas has developed a theory of discursive democracy consists of informed dialogue between the people and the politicians through the public sphere. Habermas finds that everyone who is concerned by a decision should have the right to participate in the debate about it in a free and equal environment based on universal rights. This requires a transparent system where people know what is going on, that they are given possibilities to participate in the political debate, and that politicians consider people’s input when they make decisions. According to this theory, there are several advantages with deliberation which could be useful for the EU such as: reinforced community feeling, a more engaged and informed debate and more legitimate outcomes of political decisions (Eriksen and Fossum 2000:19, 58, Eriksen and Weigård 2003:123-124, Habermas 1996a:127).

## 1.1 Purpose and questions

This thesis aims at analyzing the deliberative aspects of the relation between EU and its citizens until 2005, revealing the historical problematic in the legitimacy of the EU.

*Has the communication between the EU and its citizens included any deliberative qualities?*

*How has the level of deliberation affected the legitimacy of the European Union?*

## **1.2 Limitations**

There are various interesting aspects within European integration, for instance there have been many normative discussions on what a future constitution should look like. But since the thesis is about the deliberative qualities and effects of the communication strategy, I do not attempt to carry out a discussion on the constitution and it is not a normative analysis on how to improve the political legitimacy of the EU. Instead, focus lies on the relation between the policy makers and the citizens attempting to analyze what the nature of communication does to the current gap between people and politicians. This thesis is limited within the time frame from the creation of the EU in 1950 to the rather recent year 2005.

## **1.3 Choice of subject and earlier studies**

In an earlier essay, I have described the rise of extreme right parties (specifically the UDC in Switzerland) as a syndrome of the widening gap between people and politicians in modern democracies. Within the EU, the political gap seems to be even wider than on national level and it seems even harder to bridge this gap. I wanted to discover why the gap has been so wide, and compare it to Habermas's theory of deliberation, which suggests that increased communication leads to increased legitimacy.

## **1.4 Further disposition**

In order to understand the deliberative qualities of the system of the European Union, it is necessary to know the theory of Habermas. Chapter two outlines three democratic decision making procedures and takes a closer look on Habermas's discursive version of deliberative democracy. The third chapter brings up the methodological framework, explaining how I have proceeded when doing this thesis, and why. Chapter four describes the origin of the Union and how it was legitimized before, followed by an explanation of how it has developed until 2005, and why people claim that the EU suffers from a "democratic deficit". In the Concluding discussion, five questions based on Habermas's deliberative theory are studied in relation to the political reality of the EU, followed by a discussion on the possi-

ble effects of the strategy on EU legitimacy where I also permit myself to express my personal opinions.

## **2 The theory of deliberative democracy**

Even though the roots of deliberative democracy can be traced back to the political argumentations in the direct democracy of Athens, the deliberative democracy as we know it today arose as a reaction to liberal democracy and civic republicanism in the 1990's. This view considers that it is possible to achieve political legitimation through communication and as will be shown in the following chapter it attempts to answer questions such as "In what way can today's representative politics be re-connected to the democratic ideal of governing by the people?" and "Why is it not enough from a democratic perspective just to vote every now and then?".

### **2.1 Background**

In order to facilitate the understanding of the concept of deliberative democracy, this section gives an overview of different ways to make decisions that have influenced this theory.

There are several alternative or complementary processes to come to a collective decision according to political theory. First of all, it is possible to bargain by successive offers and counteroffers, which can have the form of threats and promises. Each party then tries to maximize the outcome to its own interests. Diplomatic negotiations can sometimes function like this. This can be useful in situations when the involved parties have difficulties to agree on a common solution. On the other hand, the individualistic character of bargaining might stand in the way for an optimal solution, which would be easier to obtain if the parties collaborated through dialogue. In the process of arguing, which is the second alternative, there is a real discussion where arguments and not offers are exchanged between the involved parties, in order to understand all angles of the question and transform the wills into a common solution, typical in jury decisions. Argumentation leads to more legitimate solutions than bargaining or voting (described below), since all views are taken into account when shaping the final solution. But it is a time consuming process, which requires that the participants want to collaborate with each other, which is not always the case. Finally, there is voting, where the number of people who for instance are in favour of a proposition is aggregated in order to make the decision. Contrary to the methods above, voting does not necessarily involve any communication between the participants. According to Rousseau, it is even preferable that citizens form their preferences in isolation, in order to avoid being influenced by misleading demagogues. This process can be very efficient, and especially useful in situations involving time constraints or violent conflict where bargaining and dis-

cussion is impossible. Unfortunately, it has been proven that different methods of counting votes may result in different outcomes<sup>1</sup>. Aggregation of votes can be instable since the efficiency of the process does not guarantee full legitimacy of the final outcome. Therefore, it is quite common that the voting procedure is preceded by a discussion involving arguing, bargaining, or both (Elster 1998:5-7, Eriksen and Fossum 2000:58-60, Habermas 1996b:22).

## **2.2 Definition of deliberation**

Here the general ideas of deliberative democracy will be presented, together with some of its positive implications.

According to Joshua Cohen, deliberative democracy is a process of collective will-formation through “free public reasoning among equals who are governed by the decisions”. This means that citizens should be free to express their views without risk and that everyone who is concerned by a decision should have the right to participate in the debate about it. The inclusive norm within deliberation goes hand in hand with the idea of equality. People should not only have the right to participate, they should also have the same rules and be treated on equal terms, permitting for all actors to have equal chances to take part in the debate. It has even been suggested that groups or individuals, which have a weaker capacity than others to make their voice heard, should have the right to be represented or supported by someone. The deliberative concept is built on dialogue and therefore it is not enough for people to have the right to express themselves. In order to establish a qualitative dialogue each person must also be listened to, and seriously taken into consideration. In deliberative theory, it is the number of views and not the number of heads, which is taken into account. This means that the deliberative view favours dialogue where all opinions are ventilated instead of an aggregative system of voting. Heterogeneity is seen as positive since when a question is discussed with others from different point of views, the participants get a more complete picture of the issue and its implications. Deliberation can be intergovernmental between political representatives or non-governmental between citizens and groups in the public sphere. The aim of deliberation is to discuss practical questions just as well as higher values. This means that it should be possible to question everything, not only political goals but also the process for determining these

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<sup>1</sup> The Condorset's paradox



goals (Cohen 1996:100-105, Cohen 1998:186, Cunningham 2002:166-169, Eriksen 2000:52, Mackie 1998:71-72).

In the quote above, Joshua Cohen defines deliberation as something that is based on public reasoning. This is a way of acting in public debate that signifies that citizens or groups of people need to look away from self-interest and motivate their preferences with other-regarding arguments. This leads to a debate about the common interest instead of individual preferences. In a reasonable debate, strategic behaviour, threats or self-interested arguments are not accepted. Deliberation is a learning process, where new information which is revealed through the debate, as well as new arguments, permits people to transform their preferences during the process of deliberation, as they understand the question better. Ideally, the result is that only one solution, the best one, remains in the end, and that everyone agree on that in a consensus. In bargaining and voting, there is compromise, but not consensus. These methods focus on accommodation of conflicting interests, but not reconciliation and cooperation. The common solution obtained through these decision-making processes will not be a maximization of everyone's interests, only a minimization of conflict, which is instable for society. Within deliberation on the other hand, citizens are able to reflect on an issue together, and find a solution together which creates a situation of cooperation, which favours tolerance and trust. Other positive aspects of deliberation is that when people participates in politics, they become better informed and more engaged, which also contributes democratic legitimacy (Benhabib 1996:72, Blichner 2000:154, Cohen 1998:193-194, Cooke 2000:8, Dryzek 2002:48-49, Rättilä:41-44).

### **2.3 Habermas's discursive theory**

Habermas is often seen as the "father of deliberation", and the general description of deliberation above counts also for Habermas's theory, even though his model differs slightly from general deliberative theory by its limitations on what can be qualified as deliberation, as will be seen below.

Habermas's discourse theory is a mix of the liberalist idea of legitimacy through rights the republican concept of legitimacy through discussion. The republican society is based on public discussion, which Habermas finds essential to democratic society, but he also thinks that in order for dialogue to be effective, discussions need to be of a power free, secular and rational character. Therefore, the political institutions must guarantee equal chances of

participation in the deliberative process. This requires a liberally inspired framework of rights-based laws with universal character. It is only in a situation of equal consideration and respect that the best argument can be distinguished. Since there are many different moral views on what is good in society, it is not possible to say that there exists any ultimately “good” outcome. Therefore, discursive theory claims that a fair procedure is more important than the outcomes of the discussion. If all parties perceive the procedure as fair it is possible to make people collaborate even in complex and pluralistic societies such as modern, western democracies. A fair procedure is, according to Habermas, both a process and a democratic goal in itself. Deliberative theorists do not assume that the deliberative process always results in the best answer. On the other hand, it should be possible to question everything, and therefore there is always an openness around the conclusions, which makes it possible to challenge and criticize them even after a decision. Sometimes it might be impossible to obtain a common agreement, for instance in cases of deep conflict when parties do not manage to deliberate under reasonable forms. Then the second best alternatives can be voting and bargaining (Bohman 1998:407, Cohen 1998:222, Eriksen and Weigård 2003:123-124, 127, Habermas 1996a:127, Johnson 1998:162).

Just as important as equal rights, is the idea of actual dialogue in society. The discursive theory finds the process of public will-formation more important than direct participation in decision-making. According to Habermas, public deliberation should take place in the public sphere and then serve as directions for the administration, which should be the only one with the power to act. By separating the public will and law-making, he wants to create a barrier against unfair or unfeasible decisions. This means that Habermas wants to leave the representative system of most modern societies just as it is, as long as the system can be subject to critical testing just as the questions that are deliberated. The real dynamics of discursive democracy lies in the interaction between the mobilized public and the will-forming institutions. In the public sphere, people should formulate opinions and issues through dialogue, which should guide the politicians in their decision-making. Discursive democracy requires continuous dialogue between people, people and politicians as well as within the institutions. In *Between Facts and Norms*, Habermas refers to the public sphere as a “network for communicating information and points of view”. The participants in the public sphere are individuals, interest groups, NGOs, associations and others. Originally, people deliberated in gatherings in public places, just as in the ancient Greece, but today the action within the public sphere also includes many other media of communication. De-

liberative action can be organized in forums, it can be written, and it can go through journalistic media or through new technologies such as the Internet. Quite opposite to the institutions, the public spheres are inclusive, but unstructured. The debates within the public spheres are supposed to function as a critical counterweight to the will-formating institutions, and not passively receive and accept their actions. In order to be critically reflective, it is vital for the forums of the public spheres to be independent of the institutions (Habermas 1996*a*:171, 361, 444, Habermas 1996*b*:27, Eriksen 2000:59, Eriksen and Fossum 2000:19, 58, Smith 2000:33, 41).

It is important with good channels of communication between the public sphere and the institutions. The role of the institutions is to listen to and respond to the opinions from the public sphere and then deliberate within the institutions in order to make binding decisions. If some voices are not heard, it is necessary to enable them to express their opinion, since the basic principle of deliberation is that everyone should have the right to participate, and also because an exclusion of people or groups might lead to sabotage, as they perceive the decision as illegitimate. The system of representation has the advantage of being more efficient, and according to Habermas, more just than direct democracy. But the institutions carry a subtle role, which demands well developed sensitivity to the public opinion at the same time as it has to protect the people from itself. As mentioned, this consists of sorting and testing the ideas generated in the public sphere to avoid unfair, unequal or simply unfeasible actions. Politicians need to learn to justify their acts for the critical public in a transparent way. This makes them more responsible, and if they manage to motivate their actions rationally, they also become more legitimate to the people. But if the decision-making power cut the channels of dialogue and rule without listening to the people, there will be a gap between politicians and people and their decisions will no longer be legitimate in the eyes of the people. The deliberative value of a democratic system can thus be analysed by looking on the fairness of the system as well as the capacity of the public sphere to influence the political agenda (Blichner 2000:149, Rättilä 2000:50-52, Eriksen and Weigård 2003:124, 189, 196, 207, 216).

## **2.4 Summary**

Deliberative democracy is a model of political legitimization through free, equal and rational communication. This is a mix of liberal democracy and civic republicanism, since it is based both on rights-based law and discussion among citizens. It is the responsibility of the

political institutions to guarantee the equal possibilities of expression for all members of society in a frame of universalistic values. Habermas states that if everyone perceives the procedure of decision-making as fair, it is possible to make people with heterogeneous opinions collaborate. This is why deliberative theory can be useful in today's complex and pluralistic society. It implies that everyone who is affected by a decision should have the right to express his or her opinion and be seriously taken into consideration. But in order to create a genuine dialogue, Habermas also holds that communication should be justified by other-regarding reasons. The process of rational dialogue with others makes people reflect on different angles of a question and understand each other better, which opens the way for a common agreement.

The "public sphere" is an important element to Habermas. The legitimacy of a political system depends on the dynamics within the public sphere, as well as the dynamics between the public sphere and the politicians. In the public sphere, people formulate opinions and issues through dialogue, which are then supposed to reach the politicians through good channels of communication. According to Habermas, the opinions derived in the public sphere should guide the politicians in their decision-making, and this is why it is important with good channels of communication between the public sphere and the institutions. If the politicians and the people do not continuously dialogue with each other, there is a risk that the governing body becomes illegitimate in the eyes of the people, no matter how fair the system is.

## **3 Methodological aspects**

This chapter outlines how I have proceeded to accomplish this thesis and why it has been done that way.

### **3.1 Analytical framework**

This thesis aims to analyze the deliberative qualities in the relation between the EU and the citizens, and its possible effects on the legitimacy of the EU. In order to be able to do this, I first considered using content analysis, which is a method within text analysis that is generally quantitative, but it can also be qualitative, or both. According to Bergström and Boréus, content analysis consists of counting or measuring the occurrence of certain words or the expression of specific ideas in a text material. The qualitative version of this method is used when the subject requires interpretations that are more complex and does not necessarily involve counting. Content analysis aims to distinguish a pattern within an extensive material, for instance what has been written in the newspapers on a certain subject during a limited period. It is a structured method where the categories of words or ideas are determined at an early stage of the research process. This makes it easier to sort the material, but it also increases the risk to involuntarily exclude relevant aspects. Since it focuses on the occurrence of words or ideas, this method is criticized for ignoring what is said “between the lines” and what is not said at all. In addition, it has the disadvantage of overlooking the overall context (Bergström and Boréus 2005:45-46, 60, 78-80, 86). I find that it would have been possible to analyze the deliberative qualities of the communication between the EU and the people, through a qualitative content analysis. Nevertheless, other methods emphasise even more on the qualitative aspects of analysis. According to Bergström and Boréus, ideology analysis is a framework that aims to create a deeper understanding of complex questions within politics. Here, the analysis relates political ideas to reality, which permits a wider analytical and more critical approach. This is a qualitative method within text analysis that has a less formalized structure than content analysis. It includes several directions and since there are no given tools for the analysis, the researcher can decide quite freely on how to structure the study. Bergström and Boréus write that one solution can be to construct an “ideal type” which describes the characteristics of a set of ideas or an ideology. The concept “ideal type” was created by the sociologist Max Weber who used it to characterize various phenomena, such as “bureaucracy”. He used it to simplify reality, but in the context of this method, the “ideal type” is used to simplify a theory in order to com-

pare it to a political context (Bergström and Boréus 2005:158, 165, 175-176). This method seems appropriate in order to compare Habermas's discursive theory with the highly political reality of the EU since it simplifies a complex theory and structures the comparison without depriving the study from analytical nuances.

### **3.2 Operationalization**

Patel and Davidsson describe validity as an important factor in a scientific study. Validity depends on to what extent the tools in a study measures what they are intending to measure. It can be tricky to connect a theoretical problem with operational indicators. According to Esaiasson et al. the more abstract a concept is, the harder it becomes to assure validity with an appropriate operationalization. They find that deliberative democracy is one of these highly abstract subjects, and Eriksen states that Habermas discursive version of deliberative democracy is "an ideal rather than a description of current practice". Esaiasson et al. write that a study with high validity avoids being spontaneous and has a systematic argumentation clearly supported by the sources. When it comes to empirical validity, they claim that it is useful to use several operational indicators in order to avoid mistakes (Patel and Davidsson 1994:85-88, Eriksen 2000:49, Esaiasson et al. 2002:63-66). Conscious of the fact that my subject includes operational challenges, I have been careful when developing the tools to measure the deliberative qualities of the EU's communication and its possible impact on EU legitimacy. In order to measure the deliberative qualities of the Union's communication with the citizens, I have chosen to translate some of Habermas's main values into five questions. Since his theory is rather complex, I cannot attempt to include all aspects of it. The questions focus on the importance of free, equal, and inclusive dialogue in an independent public sphere with good channels to the institutions, which should be transparent and accountable to the public<sup>2</sup>. The questions are rather broad since I want to avoid excluding important aspects that become visible during the research process. In order to find answers to the five questions I have made a systematic study of each source<sup>3</sup> by looking for key words such as "dialogue", "transparency", and "inclusiveness".

The questions are the following:

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<sup>2</sup> See also chapter two

<sup>3</sup> Described below

1. *Has the EU emphasized on dialogue or on information?*

This question derives from Habermas's idea of genuine dialogue<sup>4</sup>.

2. *Have there been a space for independent debate between the EU's citizens?*

Habermas states that people need an independent public sphere in order to function as a counterweight to the institutions. He says that EU level politics necessitates EU level debate.

3. *Has the Union sought to include everyone in the dialogue?*

Genuine deliberation is based on equal and inclusive dialogue, that everyone can "make their voice heard".

4. *Have the EU been responsive to the opinions expressed by the people?*

The institutions within a deliberative system have the responsibility to transform deliberative outcomes from the public sphere into political action. Habermas states that it must be possible to question everything, not only political goals, but also the process for determining these goals.

5. *Public scrutiny of the institutions requires transparency and accountability, has the EU acted for increased transparency?*

Without transparency, the public cannot act as a counterweight to the institutions.

Within research, there is another factor that is almost as important as validity according to Esaiasson et al.: reliability. The reliability of a study depends on if the study is free from un-systematic mistakes and has been carefully done. Eriksson and Wiedersheim-Paul claims that if another person reproduces the research by using the same tools, this should ideally lead to the same results. In a quantitative study, the reliability can be verified for instance by statistical means. Qualitative studies on the other hand are based on interpretation AND are less measurable. (Eriksson and Wiedersheim-Paul 2001:40, Esaiasson et al. 2002:68). For this thesis, I have read each source carefully several times and the references to the sources are placed at the end of each section in order to facilitate the reading, but to avoid confusion the source is also briefly mentioned in the text (for instance "according to

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<sup>4</sup> These brief explanations are completed by longer ones in the beginning of each question in the concluding discussion, chapter five.

Habermas’). Chapter five does not include direct references since it discusses chapter two and four, where the sources have already been specified. Generally, sources are referred to according to author, dater or year of publication and page number<sup>5</sup>.

The scientific approach referred to as “positivism” holds that research should be as objective as possible. According to Patel and Davidsson, positivism aims for science to be neutral and universal, and therefore the researcher should not bias his or her study by expressing his/her personal views. Holme and Solvang do not find that objective research is practically feasible since all researchers have a set of ideas (or prejudices) on their subject, which unavoidably influence their choices and interpretations during the study. Eriksson and Wiedersheim-Paul agree on this, and say that no one can be completely objective, but that it is possible to be objective to a certain extent. Another approach to science; hermeneutics focuses on the researcher’s personal interpretation, considering that it provides deeper understanding (Eriksson and Wiedersheim-Paul 2001:37, Holme and Solvang 1997:95, Patel and Davidsson 1994:23-27). Though I agree with the idea that it is impossible to stay completely objective, my intention when conducting this research has been to stay as objective as possible in my interpretations of the sources and to avoid free speculations. I do find though, that personal reflection can add an interesting dimension to research, therefore I have chosen to express my personal views in the end of the concluding discussion.

### **3.3 Sources**

In order to make the study as complete and accurate as possible, the analysis is based on several sources. Each source has specific interests and the way it expresses itself depends on whom it addresses and within what context, according to Holme and Solvang. Some sources can have opposite interest and therefore present different perspectives, which help the researcher to get a fuller perception of the actual situation. Eriksson and Wiedersheim-Paul adds that several sources also can choose to exclude certain facts, due to a common interest, therefore nothing can be taken for granted and the researcher need to have a critical approach (Eriksson and Wiedersheim-Paul 2001:33-34, Holme and Solvang 1997:128). I

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<sup>5</sup> With exception of two Internet sources since home pages do not have a date of publication. In those cases, the reference is based on a link to the webpage that is specified in the bibliography.



have used a number of books and articles in order to give a representative picture of the subject of this thesis.

## **4 Democracy and communication within the European Union**

This chapter presents the political system of the European Union and the communication with the citizens. To start with, it explains how the Union has been legitimized before and why it has lately been faced with a problem of legitimization. It ends with a picture of the communication strategy of the European Commission, which is the most influential organ within the EU.

### **4.1 The origins of the EU**

After the Second World War, there was a great desire to create stable peace in Europe. In order to get rid of earlier power struggles based on maximization of national interests, several political leaders decided to unite in The European Coal and Steel Community, ECSC. The aim with the community was to create a basis for cooperation and peace between the first member countries Belgium, West Germany, Luxembourg, France, Italy, and the Netherlands. This cooperation worked well and after a while it was decided that it should be extended to include a common market. Several treaties between the member countries resulted in an international law framework which ensured the community formal legitimacy. Following, the increased prosperity of the countries due to the economic collaboration provided the union with social legitimacy. On the other hand, the project has been criticized for being run by the elite, an affair between top-politicians administered behind closed doors. By the end of the cold war the world changed in many ways. Without the overhanging threat of clashing superpowers, the idea of the union as a peace project seemed less relevant. At the same time, economic growth slowed down and it became more difficult to legitimize the Union by its social effects. The result of this was a general weakening of the legitimacy of the community-project, and the two pillars of peace and prosperity which had long been sufficient, suddenly needed support by a third one: political legitimacy. Increased economic and legal integration, especially since the Maastricht Treaty in 1992, had come through with enthusiastic support by the political elite and a sometimes more hesitant public. In a wide range of areas from agriculture to defence, policies have lately become subject to joint decisions and the member countries increasingly share a common market with free movement of goods, services and people. The last accomplishment was the creation of the Economic Monetary Union finalized in 2002, leading to one

common currency and one central bank among other things (Bellamy and Castiglione 2000:66, Habermas 2006:75, Meyer 1999:19, Weiler 1992:36, European Union home page: History).

## **4.2 New challenges for the Union**

Over time, the collaboration within the Union has become deeper, and wider. “Deeper” collaboration means that an increasing amount of decisions are made on EU level, and “wider” stands for the expansion of the EU territory, including new member countries. This has implied new challenges for the Union, which until 2005 has not dealt with its problem of political legitimacy. According to Habermas, an expression of the people’s dismay with the shape of the Union could be seen in the result of the recent failure of passing the European Constitution during the spring 2005. The national referendums on the Constitution were much anticipated by national leaders, but the project fell short when the citizens of France and the Netherlands voted against it. This document was written in a technocratic and advanced language, which made it hard for common people to identify with, but what the citizens did know, was that they did not want European integration to go any further if it was not on their conditions.

The problem for the European Union is that it has never been a project by the people, but by the politicians. The EU is perceived as remote and people feel that they have no power of influence. According to Richard Kuper, this has resulted in popular apathy and a lack of public support to the Union. As the gap between politicians and citizens has widened, the legitimacy of the Union has become seriously questioned. Which have been the issues subject to criticism in this case? Habermas and other authors such as Andreas Follesdal, Simon Hix, Michael Nentwich, Richard Kuper, David Beetham, Christopher Lord and many others who have studied the case of the EU, think that the EU suffers from a democratic deficit within its political system. They also find that it lacks a common space for public debate which could help to reattach the people to project Europe, which is generally perceived as in the hands of elites and technocrats (Beetham and Lord 1998:24, Ferry 1992:183, Habermas 2006:58,71, Kuper 1998:144).

## **4.3 Democratic deficit within the institutions**

The decision-making institutions of the EU are the Commission, the Council of the European Union, and the European Parliament. The Commission has a central role in this gov-

erning structure since it is in charge of developing propositions of new laws and policies, which implies that it has agenda setting power. It is also the executive body of the EU, responsible for the implementation of decisions made by the European Parliament and the Council. Before making an initiative public, it counsels politicians, experts and members of different non-governmental organizations (NGOs) who debate together in committees. It has been argued that this system favours technocratic power and organized interests. Nothing guarantees the representativeness or the accountability of these groups. The members of the Commission are appointed by the member states, but commissioners are not supposed to represent their member countries. Instead, their aim is to act in the interest of the EU as a whole. Despite the extensive power of the Commission, Eriksen and Fossum say that it is not held accountable to the people, nor is it effectively checked by the other institutions, the European Parliament and the Council. The second most powerful institution is the Council, where ministers from the member states meet to make binding decisions on policy matters. In some areas, it has exclusive legislative power, and in others, it has co-decisive power together with the Parliament. The members of the council are only indirectly elected by the citizens by their role as ministers within national governments. The European Parliament on the other hand, consists of members elected directly by the people of each member country every five years. This is the only representative body of the EU, and thereby the only one to actually be accountable to the citizens. In case the Parliament is not satisfied with the Commission, it has the power to dismiss it, but that requires a crisis, and cannot function as a tool of influence on issues in general. Heidrun Abromeit claims that the Parliament is a symbolic institution and not an executive or legislative one. Despite several reforms since the mid-80's to increase the power of the Parliament, its role remains rather weak compared to the other two institutions (Abromeit 1998:116, Eriksen and Fossum 2000:6-7, Eriksen 2000:60-2, 82, Follesdal and Hix 2006: 3-7, European Union's homepage: Institutions).

It is possible to consider the EU democratic, since the member states consensually have established this system together. It is also possible to claim, as does Andrew Moravcsik, that the system is representative since people have elected the governments, which in turn choose the representatives for the EU institutions. However, this lengthened chain of representation creates a distance between the people and the institutions. Generally, most authors agree that indirect representation is not democratic enough. Democracy, as a system of popular sovereignty requires a more important role for the citizens, at least when it

comes to agenda setting and influence on outcomes. Habermas writes that a reason for people's scepticism against the EU is that they feel under-represented in Brussels. Christoph Meyer also thinks that the current democratic deficit can be a product of the Unions' lack of accountability and transparency. The system of today consists of a dense administration, which is formally linked to the national governments, but in reality it possesses important autonomy. Traditionally, decisions have been made behind closed doors and since the system does not resemble national systems with well-defined legislative, executive and judiciary institutions, it is hard for people to understand and scrutinize the actions of EU institutions. David Beetham and Christopher Lord mean that due to these obstacles for transparency, citizens are to a great extent reduced to depend on elite guidance instead of being the centre of the political system (Beetham and Lord 1998:24, Christiansen 1998:100-102, Eriksen 2000:60, Ferry 1992:183, Habermas 1992:32, 65, Meyer 1999:15, Moravcsik 2002:603-624).

Another deficiency reducing the democratic qualities of the EU is the lack of institutional debate. When the Commission makes a proposition, they have already listened to different actors through the counselling process and what they present is a sort of compromise, shaped their way, which signals "there is no other choice", according to Paul Maignette. This means that deliberation mostly takes place before initiatives are made public. Apart from the consensus-oriented procedures of the Commission, the political debate is further reduced by the fact that the Union does not have any supranational political parties. On a national level, different political parties present different solutions to political issues, which automatically create a climate of debate helping people to understand questions at stake and their different implications. According to Follesdal and Hix, the already existing elections for the European Parliament does not contribute to a more dynamic debate on a European level, since parties and the media treat them as "mid-term national contests", which means that they are in fact national power struggles and not about Europe (Follesdal and Hix 2006:4, 17, Maignette 1999:153-154).

#### **4.4 A bleak European public sphere**

So far, it has been made visible that EU's political system needs a higher degree of representativity, accountability, transparency, and institutional debate. Enough about the institutions, what about the people? As described in the theoretical chapter, it is essential for political legitimacy with a continual process of public reasoning and scrutiny of the institu-

tions. Habermas means that a suitable place for citizens to shape and express their opinions is in the public sphere. Today there is no strong European public sphere where the citizens of Europe discuss together on a supranational level. Instead, the public spheres in Europe are mainly nationally based, which makes the people a weak and fractioned counterweight to the Union's institutions (Habermas 1992:37, Swiecicki 2003).

Media plays a central role in the dynamics of the public sphere since it allows for communication of opinions and information broadly in society, generating common debate and will-formation. One reason to the lack of supranational debate could therefore be that there are few truly European media today. According to a report from the European-wide research project Citizenship and Democratic Legitimacy in the European Union (CIDEL), current supranational media only touches the political and economic elite, which is not enough for a public sphere *per se*. On the other hand, it is not indispensable to have common media in order to have a common debate. National media could shift their focus away from the national political arena towards a European level, and thereby make the public more engaged and informed about the EU. This would enable a European debate through and between the national media. Eriksen and several other authors believe that new technology i.e. the internet is about to facilitate trans-national media and other forms of communication, information, and debate (CIDEL report 2005, Eriksen 2000:58, Schlesinger and Kevin 2000:206-207, 228).

Another important element in European public debate is the involvement of civil society actors. According to Ruud Koopmans and Barbara Pfetsch, there are today a small number of NGOs which participate in the lobbying circuits in Brussels and Strasbourg, and their activities are not linked or made visible to the larger public at the level of the member states (Koopmans and Pfetsch 2003:6-8).

The lack of a common public sphere is intimately connected to the lack of a European identity, according to Habermas among others. Traditional nation-building has always been based on a common identity, a perception of who "we" are (and who "they" are). Since people in the EU speak different languages and have separate cultural heritages the European identity seems unattainable from a communitarian, homogeneity-oriented perspective. But Marianne van de Steeg says that a European identity could be created through other means than language and culture. In fact, if citizens would participate in European politics, the political bond could create a common identity. This view is shared by Habermas who

means that deliberation and mutual comprehension is an integrative force in itself. By engaging for a common cause, people create a common identity (Beetham and Lord 1998:22, Habermas 1992:31, 38, Ferry 1992:182, Schlesinger and Kevin 2000:210-211, van de Steeg 2002:502-504).

Even though public participation can lead to legitimization and identification with the EU, Jean-Marc Ferry shows that citizens have no active role in the current political system. They do not have any agenda-setting power, direct influence on decisions, or control of the political process. The Commission, which is the most powerful institution, favours contact with highly organized interests while common people are left out of the process. Magnette points out that many people are not interested in politics even on a national level, and therefore it is up to the institutions to encourage people to participate by making EU politics more accessible through transparency and information, as well as creating channels for the citizens to dialogue with the political power. Politicians might find it more comfortable to go on governing without public debate, but this clearly deprives the EU from legitimacy (Ferry 1992:182, Magnette 2003:154, Scharpf 1999:187).

#### **4.5 The European Commission's communication policies until 2005**

According to Christophe Leclercq,<sup>6</sup> the difficulty of EU institutions to communicate is a well-known issue. This is not just a problem of communication but also a problem of democracy and lack of awareness of the citizens' values. The Council and the Court of Justice have had non-transparent information regimes and have not been open for public scrutiny. The Parliament on the other hand, which is also the most representative of the institutions, has worked for transparency and deliberation, but what matters most in this context is the powerful Commission, which has been responsible for the general communication of the EU. Media has been the major tool of communication for this institution and Meyer shows in his study of the Commission's media communication that it has long approached the press in a technocratic manner. Before commissioners were not trained to express themselves in media. They expressed themselves in technical jargon, which made them seem bossy and inaccessible. According to Meyer, some of them did not want to defend their cause publicly since they considered it a waste of time. In 1993, the current president

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<sup>6</sup> Founder and publisher of the independent Internet based media portal EurActiv which writes about EU affairs.

Delors decided to make a change to this and he proposed that the Commission should treat the current EU (European Community, EC) as a product that should be branded. In this marketing procedure, journalists were to be targeted and charmed by what has later been called pure propaganda. The project became heavily criticized because of its lack of genuine communication. It is important to distinguish between marketing, education, information, and communication. Communication also requires tools for feedback. Michael Nentwich has made a study of several means of public expression within the EU but despite that he found many such ways, none of them seemed really adequate. Direct contact between citizens and politicians were dominated by a hierarchical and unilateral approach. He concludes that at the time of the study (1998), the Commission was rarely interactive and the few channels of feedback were mainly aimed for making the institution's information-activities more efficient, while the responsiveness to popular input was low. In 2001-2003, the communication policy mainly consisted in making the Union more transparent and information more comprehensible, in order to stimulate people's interest, but it did not stop public support from decreasing. In 2004 president Barroso reacted by creating a new commissioner for communication, Margot Wallström, who was supposed to change the course of the communication between the EU and its citizens. She started to present actions during 2005, which draw the limit of this historical analysis of EU's communication (CIDEL report 2005, EurActiv 08.07.05, Meyer 1999:6-8, Nentwich 1998:127-134, Schlesinger and Kevin 2000:219).



## **5 Concluding discussion**

This chapter will compare the EU's communication with the citizens, presented in the previous chapter, to the deliberative framework presented by Habermas, outlined in chapter two. The discussion is structured by five scientific questions, which are based on Habermas's deliberative theory presented in chapter two. The questions are followed by a reflection on how the EU's communication might have affected the legitimacy of its institutions. The chapter ends by a methodological critique and ideas on further studies.

### **5.1 Has the EU emphasized on dialogue or on information?**

There is an essential difference between the perception of communication as dialogue and communication as information. Defined as information, communication can be unilateral with a sender of a message and a passive receiver. This does not require any interaction between the parties involved. According to the deliberative view, communication is the same as dialogue. It functions as a learning process where both parties express themselves, and listen to and consider the ideas of the other. Even though information must be an important basis for dialogue (i.e. both parties know what they are deliberating for or against and are able to use rational arguments) the dynamic core within Habermas's theory lies within dialogue. The communication strategy by the Commission has focused on delivering information to the people about the EU, initially in a difficult and technocratic manner, and lately as a sort of marketing. The main aim has been to make people understand the Union better. By this, the EU has reduced the role of the citizens to passive spectators instead of attempting to create a genuine dialogue, contrary to the deliberative ideal.

### **5.2 Have there been a space for independent debate between the EU's citizens?**

A deliberative society requires a public sphere, which permits people to freely come up with ideas and critically examine the institutions. Therefore, it is one of the most important elements of a deliberative democracy. In the EU, the member countries have had separate public spheres, but until 2005, there has been no strong common public sphere. It has been suggested that this is due to the lack of pan-European media that could generate a common debate. Others think that the lack of a common culture and language nationalizes the debates. No matter the reason, the deficient public debate on EU level has clearly weakened

the citizens' role as a counterweight against the institutional power, and it has reinforced the general sentiment of powerlessness before the political elite.

### **5.3 Has the EU sought to include everyone in the dialogue?**

In order for a deliberative process to be fair, all parties which are touched by a decision should have the right to make their voice heard and be taken into consideration, according to Habermas. When many people get the chance to express their views in a debate, there is a greater chance to find a solution that is good for all. Besides being practical, an inclusive process also increases the legitimacy of the outcome. Habermas's idea might be simple to capture, but it can be quite tricky to put into practice. The population of the EU currently exceeds 450 million inhabitants<sup>7</sup>, and they are all concerned by the future of Europe. It seems like a tough task to permit them all to make their voice heard. Chapter four shows that EU has been perceived as a system that favours the political elite, and that people have experience that channels that could serve to influence political decisions were limited or inaccessible. For instance, before the Commission makes a proposition public, it has already worked on it for a long time in committees consisting of politicians, experts, and members of NGOs. When the proposition of the European Constitution was put in the hands of the public, it was written in an inaccessible, technocratic language, which excluded common people from taking part of it. These examples shows that the system of the EU has favoured technocratic power and organized interests, thereby reducing the role of the citizens and discouraging public debate.

### **5.4 Have the EU been responsive to the opinions expressed by the people?**

Habermas's theory is based on a dynamic view of society and the institutions where dialogue contributes to improve the quality of the decisions and strengthen the political legitimacy of the authorities. The political system visualized by Habermas in his discursive theory is representative democracy, since the institutions have to filter the ideas generated by the people in the public sphere and assure that these are feasible, and most important, in accordance with the universal rights, before creating binding laws. Nevertheless, the institu-

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<sup>7</sup> The estimation includes the present 25 Member States, when Bulgaria and Romania join the Union in January 2007 the number will increase to approximately 480 million people.

tions must be responsive to what is deliberated in the public sphere in order for the system to remain democratic. As seen in the previous chapter four, people have not felt that decision-making on EU level reflected their views and concerns. Apart from the fact that there has not existed any common sphere where people have been able to express their views, the members of the Commission and the Council have not been directly elected by the people. Only the least influential organ of the EU, the Parliament, has been representative. It is questionable if the politicians have listened to the people since there has not even been any means of public expression.

### **5.5 Public scrutiny of the institutions requires transparency and accountability, has the EU acted for increased transparency?**

As seen previously in chapter two and question 5.2, Habermas states that the public sphere within a deliberative democracy should function as a critical counterweight to the institutions. This requires that people are given access to information about the actions of the politicians and that politicians learn to justify their acts for the public in a transparent way. The EU's system has long been criticized for its lack of transparency and chapter four backs up the widespread idea that politicians have seemed to prefer to make decisions above people's heads without their involvement. Decisions have often been made behind locked doors, but since 2001, there have been attempts to make the EU more transparent. Still, the institutional system of the Union has included a dense administration and has lacked a clear division of responsibilities. This has made it hard for common people to understand and scrutinize the decision making process.

### **5.6 The effects on the EU's legitimacy**

It seems clear that the EU's communication with the citizens have not had many deliberative qualities until 2005. Habermas's theory of political legitimacy through continuous dialogue requires that everyone can make their voice heard, and be listened to. The EU has kept a hierarchical relation to the people, preferring to inform people similarly to marketing, rather than creating transparency and a genuine dialogue. The fact that the EU has been perceived as remote and that people have had no agenda-setting power, direct influence on decisions, or control of the political process is an important democratic problem, which inevitably has contributed to the popular apathy and a lack of support to the Union.

The EU urgently needs to regain legitimacy, but this will necessitate a stronger popular basis and improved links between the governing and the citizens.

### **5.7 Methodological critique and further studies**

I would have liked to search deeper in this complex problematic, in order to give a fuller picture of reality. However, this is only a thesis on bachelor level. Time and resource restraints have made me opt for a general description, in order for the reader the underlying problematic of the EU, a problematic which will be further developed in my master thesis on Commission new communication's policy which was created in the end of 2005. The new strategy aims to deal with the EU's legitimacy problem and improve the relation between the Union and the citizens through what looks like a deliberative approach. In that study, I will go deeper in my research, by including more articles, studying official documents of the EU, and by interviewing key persons inside and outside the institutions, in order to see if the image the Commission and the EU aims to project corresponds to what is actually done.

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