

**GREEN PAPER
ON
THE FUTURE OF DEMOCRACY IN EUROPE
FOR
THE COUNCIL OF EUROPE**

**BY
A WORKING GROUP OF HIGH LEVEL EXPERTS
[DRAFT]**

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I. INTRODUCTION

“Democracy is the word for something that does not exist.” (Karl Popper)

For something that does not exist, democracy has certainly been much talked about recently. Moreover – at least in Europe – “real-existing” democracy seems to have a promising future, although it is currently facing an unprecedented diversity of challenges and opportunities. The issue is not whether the national, sub-national and supra-national polities that compose Europe will become or remain democratic, but whether the quality of this regional network of democracies will suffice to ensure the voluntary support and legitimate compliance of its citizens. For there is abundant evidence that the citizens of Europe – while they may not agree on its existent practices or even know what “it” really is – will not tolerate non-democracy.

“*Mal governo*,” i.e. regimes that are not responsive to needs, that engage in corrupt practices, that defraud the electoral process, that restrict or manipulate basic freedoms and that refuse to be accountable to their citizens, do not have a secure future in this part of the world. Not only are they likely to be overturned by their own citizens, but these actions are also likely to draw support from the other national, sub-national and supra-national polities in the region.

The major reason for this optimism is simple: the democratization of Europe’s “near abroad” and its subsequent incorporation within the region as a whole. There are no more graphic illustrations of this than the expansion in membership of the Council of Europe (CoE) from 21 states in 1988 to 45 states in 2003, and the enlargement of the European Union (EU) from 15 to 25 in 2004. With the success of these national efforts at regime change to its East, Europe should become an enlarged zone of “perpetual peace” in which all of its polities can expect to resolve their inevitable differences of interest peacefully through negotiation, compromise and adjudication. Moreover, there exists an elaborate Europe-wide network of trans-national institutions, inter-governmental and non-governmental, to help in the resolution of such conflicts and in the elaboration of norms to prevent their occurrence in the future.

Ironically, this much more favourable regional context presents dilemmas of its own for democracy. Many (if not most) of the major historical advances in democratic institutions and practices came in conjunction with international warfare, national revolution and civil war. Fortunately, none of these “Archimedean devices” for leveraging large-scale change seems to be available within today’s pacified Europe – although rebellion against the *mal governo* of a corrupt, unresponsive or non-

accountable democracy is still a “grass-roots device” very much within the potential reach of citizens. It is our presumption that democracy can not only live with peace, but thrive with it – if, however, it can learn to reform institutions and practices in a timely and concerted manner.

We draw five (tentative) conclusions from this unprecedented state of affairs:

1. Established democracies in Western and Southern Europe will find it increasingly difficult to legitimate themselves by comparing their performance with that of some alternative mode of domination, whether real or imagined. Now that democracy has become the norm throughout Europe and autocracy persists openly only in countries with markedly different cultures and social structures, the standards for evaluating what governments do (and how they do what they do) will become increasingly “internal” to the discourse of normative democratic theory, i.e. to what differing conceptions of democracy have promised over time and for which citizens have struggled so hard in the past. Therefore, there should be a tendency toward a convergence in formal institutions and informal practices within Europe that will, in turn, lead to a narrower and higher range of political standards.

2. New democracies in Eastern Europe and the former Soviet Union will find it increasingly difficult to legitimate themselves simply by arguing that they are so burdened by their respective autocratic heritages that they cannot possibly respect the norms of behaviour and attain levels of performance set by established democracies. The standards that their recently liberated citizens will apply in evaluating their rulers will rapidly converge with those already in use in the rest of Europe.¹ Polities failing to meet these standards will experience more frequent electoral turnover in power and may even be threatened by popular rebellions, unless their newly empowered rulers respect the rules established by the “real-existing” democracies to their West.

3. In both cases, the polities involved will usually only be able to improve the quality of their respective democratic institutions and practices by means of partial and gradual reforms. Moreover, these reforms will have to be drafted, approved and implemented according to pre-existent norms. Rarely, if ever, will the opportunity present itself for a more thorough-going, large-scale or “abnormal” change. After all, how much change in the rules of democracy can one expect from rulers who have themselves benefited from those rules? The usual rotation of parties and party

¹ Needless to say, the Recommendations and Conventions of the CoE should play a key role in setting and monitoring the norms in both of these cases.

alliances in and out of power will, at best, only open up modest opportunities for change.

4. Therefore, we should be guided by “possibilism” in our choices with regard to potential reforms of formal institutions and informal practices. We will be less concerned with what may be emerging “probabilistically” from the various challenges and opportunities that face contemporary democracies than with what we believe is possibly within their reach – provided that “real-existing” politicians can be convinced by “real-existing” citizens that the application of these reforms would make a significant improvement in the quality of their respective democracies.

5. We shall also be attentive to the principle of “transversality” which means that we will not limit ourselves to evaluating only the possible effects of any single reform measure, but always try to the best of our collective and interdisciplinary ability to seek out the interconnections and external effects that are likely to emerge if and when several reforms are implemented either simultaneously or (more likely) sequentially. As one of our participants said during the deliberations (citing R. W. Rhodes): “It is the mix that matters.”

* * *

Our guiding hypothesis throughout this Green Paper will be that **the future of democracy in Europe lies less in fortifying and perpetuating existing formal institutions and informal practices than in changing them.** “Whatever form it takes, the democracy of our successors will not and cannot be the democracy of our predecessors” (Robert Dahl). In other words, in order to remain the same, i.e. to sustain its legitimacy, democracy as we know it will have to change and to change significantly – *pace de Lampedusa* – and this is likely to affect all of Europe’s multiple levels of aggregation and sites of decision-making.

There is nothing new about this. Democracy has undergone several major transformations in the past in order to re-affirm its central principles: the sovereignty of equal citizens and the accountability of unequal rulers. It increased in scale from the city- to the nation-state; it expanded its citizenry from a narrow male oligarchy to a mass public of men and women; it enlarged its scope from defence against aggressors and the administration of justice to the whole panoply of policies associated with the welfare state.

Our tasks in this Green Paper are:

- (1) To identify the **challenges & opportunities** posed to contemporary European democracy by rapid and irrevocable changes in its national, regional and global contexts;
- (2) To specify the **processes and actors** in both the formal institutions and informal practices that are being affected by these external challenges & opportunities, as well as by internal trends that are intrinsic to democracy itself;
- (3) To propose **potential and desirable reforms** that would improve the quality of democratic institutions in Europe.

II. CHALLENGES & OPPORTUNITIES

There is nothing novel about European democracies' having to face challenges and opportunities coming from major changes in their external environment. They have done this repeatedly in the past and, despite occasional reverses (the period between World Wars I and II comes immediately to mind), they have been much more successful than autocracies in dealing with such threats to their existence. The reasons for this relative superiority are multiple:

1. Democracies generate more accurate information about the interests and passions of their citizens. They may seem to be more contentious and less efficient in the short run – precisely due to their freedoms of expression, assembly and petition – but they will be better equipped to cope with changes in individual preferences and intensities when they do get around to reforming their institutions and practices.

2. Democracies have internal mechanisms of accountability and responsiveness that prevent rulers from under- or over-reacting to such external threats. Despite the frequently decried danger of “populism,” the interests and passions of citizens – when filtered through the competition and co-operation of their politicians/representatives – usually result in more measured and apposite responses.

3. Democracies tend over time and with occasional deviations to be make collective decisions that are regarded as legitimate – even by those negatively affected by them. Citizens may grumble about inattentive and unresponsive rulers, but they conform more willingly to what is demanded of them than in the most enlightened dictatorship or technocracy because their political rights are better protected and, therefore, they are more confident that they may be on the winning side in the future.

One could perhaps argue that the challenges and opportunities embedded the present European context are exceptionally diverse and strong. Certainly, we are condemned to live in “interesting times” in which both the rate, scale and scope of change seem to be unprecedented and, most important, beyond the capacity to react effectively of the traditional units that have heretofore dominated its political landscape. Most of today's problems are either too small or too large for yesterday's sovereign national states and, hence, within Europe there has been a vast amount of experimentation with devolution to smaller political units and integration into larger ones. For the first time, knowing the level of aggregation at which reforms should

take place has become almost as important as knowing the substance of the reforms themselves. The classic question: *Que faire?* has to be supplemented by *Où faire?*

Moreover, because they are coming from a relatively “pacified environment,” the democracies affected will find it difficult to resort to “emergency” measures or “temporary” suspensions in order to pass reform measures against strong opposition. Granted that rulers will be tempted to enhance the sense of urgency by highlighting new threats to security (e.g. “the War on Drugs,” “the War on Terrorism,” or “the Fear of Foreigners”) and to exploit them for the purpose of inserting anti-democratic reforms, but the plurality of sources of information and the competition between politicians should limit this possibility in most well-functioning democracies. The key problem will be finding the will to reform existing rules by the very rulers who have benefited by them and who usually cannot be compelled to do so by an overriding external threat to their security or tenure in office.

One generic issue dominates all speculation about the future of democracy – namely, **how well do its well-established formal institutions and informal practices “fit” with the much more rapidly changing social, economic, cultural and technological arrangements that surround it and upon which democracy depends both materially and normatively?** Let us take an abbreviated look at “the usual suspects” in that surrounding context.

II.1 Globalization

Definition: an array of recent transformations at the macro-level that tend to cluster together, reinforce each other and produce an ever accelerating cumulative impact. All of these changes have something to do with encouraging the number and variety of exchanges between individuals and social groups across national borders by compressing their interactions in time and space, lowering their costs and overcoming previous barriers – some technical, some geographical, but mostly political. By all accounts, the driving forces behind globalization are economic. However, behind the formidable power of increased market competition and technological innovation in goods and services, lies a myriad of decisions by national political authorities to tolerate, encourage and, sometimes, subsidize these exchanges, often by removing policy-related obstacles that existed previously – hence, the association of the concept of globalization with that of liberalization. The day-to-day manifestations of globalization appear so natural and inevitable that we often forget they are the product of deliberate decisions by governments that presumably understood the consequences of what they have decided to *laisser passer* and *laisser faire*.

Guiding Rival Hypotheses: (1) Globalization narrows the potential range of policy responses, undermines the capacity of (no-longer) sovereign national states to respond autonomously to the demands of their citizenry and, thereby, weakens the legitimacy of traditional political intermediaries and state authorities; (2) Globalization widens the resources available to non-state actors acting across national borders, shifts policy responsibility upward to trans-national quasi-state actors – both of which undermine established oligarchic arrangements and promote the diffusion of new trans-national norms of human rights, democracy and ‘good governance.’

II.2 European Integration

Definition: the direct impact of EU directives and regulations upon member, candidate and adjacent states and the indirect effect of continuous and varied interaction of politically relevant European actors, both of which tend to produce a gradual convergence toward common norms and practices and, hence, a reduction in the persistent diversity of norms and practices that have historically characterized the European “region.”

Guiding Rival Hypotheses: (1) European integration tends to undermine established national practices of democratic participation and accountability without replacing them with supra-national practices of a corresponding nature and importance; (2) European integration through the “conditionality” that it imposes on candidate member-states and the legal supremacy according to European law over norms in existing member-states tends to promote higher and more uniform standards of democratic performance at the national and sub-national levels.

II.3 Inter-Cultural Migration and Co-habitation

Definition: the voluntary and involuntary movement of persons across previously more closed and secured national borders and the permanent residence of increasing numbers of foreigners, especially of non-European origin, within European societies.

Guiding Rival Hypotheses: (1) Migration and the co-habitation of cultures previously separated from each other tends to generate a negative reaction on the part of ‘native’ inhabitants of individual, more culturally homogeneous European countries and this finds its expression in xenophobic movements, ultra-nationalist political parties and racially motivated incidents that undermine the authority of established political organizations and agencies, force existing national (and, eventually, supra-national) governments to adopt policies restricting further in-migration and this has a secondary impact on the rights of national citizens and the stability of existing political

competition; (2) Migration and co-habitation of foreigners have a positive impact upon the practice of democracy at several levels of aggregation since they diversify the bases of political competition, compel rulers to pay attention to previously ignored issues and, in the longer run, contribute to the formation of more diverse collective identities and more tolerant citizens.

II.4 Demographic Trends

Definition: Change in the demographic profile of European societies in the direction of lower birth rates and higher proportions of elderly people.

Guiding Rival Hypotheses: (1) Aged people are more likely to vote, to join associations and, hence, to acquire the political influence to appropriate to themselves an increasing share of public funds and policy benefits and this leads to youth disaffection with politics on the grounds that rulers have to pay increasing attention to the aged (and may themselves be increasingly aged); (2) Demographic shifts, especially in their territorial impact (and when combined with compensating foreign in-migration), are bringing about long-overdue re-distributions in political representation and public policy that will enhance regime legitimacy and economic performance – provided that politically disaffected youth subsequently become engaged citizens.

II.5 Economic Performance

Definition: The combined effect of several economic components, at a minimum, of rates of growth, levels of employment, rates of inflation and distributions of income & wealth upon the citizens' perception of individual and collective well-being.

Guiding Rival Hypotheses: (1) Decline in economic performance in Europe, especially relative to the United States, leads to a perception among citizens that their democratic institutions are serving them badly and that they should be reformed in a more "American" direction; (2) Decline in relative and objective economic performance is not perceived as a corresponding decline in quality of life and, therefore, leads to a reaffirmation of the distinctiveness and value of the "less liberal" political institutions of (continental) Europe.

II.6 Technological change

Definition: The rapid, unpredictable and uncontrollable diffusion of changes in technology across political borders – whether by shared knowledge or commercial competition – and its impact upon the way in which citizens, representatives and

rulers exchange information and communicate among themselves and with each other.

Guiding Rival Hypotheses: (1) The acceleration in technological change, especially in information and communication technologies, reduces the absolute cost of exchanges, protects the autonomy of users, and lowers relative disparities in access among citizens and between them, their representatives and their rulers and, therefore, both increases political equality and makes it more possible to hold the latter accountable; (2) This accelerated technological change only reduces transaction costs for a privileged segment of persons in favored countries and opens up wider disparities between those who can and those who cannot exploit it; thereby, adding new elements of discrimination and bias to the political process.

II.7 State Capacity

Definition: The ability of existing permanent governing institutions, especially at the national level, to carry out effectively and autonomously (“in a sovereign manner”) the tasks that have been assigned to it by rulers and are expected of it by citizens.

Guiding Rival Hypotheses: (1) In the present international/interstate context, (see especially Items #1, #2, #6 & #10 in this listing), the governing institutions of previously sovereign national states find it increasingly difficult to extract sufficient resources, to regulate behavior and, hence, to satisfy effectively and efficiently the expectations of their citizens – and this causes a decline in the prestige and legitimacy of rulers; (2) While the above-noted changes in the external context do restrict the performance of national states, they also contain incentives for shifting governing tasks to both the sub- and supra-national level of aggregation and these institutions “beyond and below” the nation state are becoming increasingly (if gradually) capable of satisfying citizen expectations and generating political legitimacy.

II.8 Individuation

Definition: The shift, due to changes in working conditions, living contexts, personal mobility and family structure, in the locus of identity and collective action from large (“encompassing”) historically generated socio-political categories such as class, race, religion, ideology and nationality to much more fragmented and personalized conceptions of self-interest and collective passion.

Guiding Rival Hypotheses: (1) Individuation at the level of interests and passions undermines the tendency for citizens to support, join and act in conjunction with more

encompassing political organizations such as parties, trade unions and nationalist movements, produces a structure of intermediary associations that is more specialized in purpose and less connected in action than in the past, leads to a decline in the ability of politics to pursue over-riding “general” or “public” interests and, ultimately, to a decline in the legitimacy of democracy; (2) Individuation may undermine traditional forms of collective action, but it provides powerful incentives for creating new intermediaries that are more flexible in their structure, participatory in their decision-making, capable of forming (and re-forming) networks for the production of public goods of over-riding general interest, and this leads to the legitimacy of new forms of democracy.

II.9 Mediatization

Definition: The tendency to acquire information about politics and to receive political messages exclusively from a plurality of sources in the mass media, but especially television and internet, that are in commercial competition with each other for the attention of consumers and the profit of owners.

Guiding Rival Hypotheses: (1) Mediatization destroys previously well-established mechanisms whereby citizens discussed politics directly with each other (and their children) and obtained their information and proximate identity through distinctively public and political intermediaries such as parties, associations and unions, and replaces them with a commercial nexus that trivializes information about politicians and exploits their personal rather than political actions; (2) The growing plurality of sources, the privatization of ownership and the competition between firms for consumer attention liberates the media from control by rulers and insulates them from partisan manipulation; thereby, creating a more diverse and accessible “public sphere” from which citizens can more easily extract information and in which they can participate virtually at much lower cost and effort.

II.10 Sense of Insecurity

Definition: An increase in the perception of avoidable risks and the magnitude of their probable consequences for vulnerable individuals and groups due either to threats external to one’s own society or to damaging behaviour from one’s own co-citizens.

Guiding Rival Hypotheses: (1) The manipulation by rulers of this growing sense of insecurity, especially that due to foreign non-state actors (e.g. terrorists), reduces basic freedoms and promotes aggressive (“pre-emptive”) behaviour that undermines institutions of the accountability of rulers to citizens and distorts the competition and co-operation of democratic representatives; (2) Efforts by rulers to exploit insecurity

in order to avoid accountability will generate a reaction among previously apathetic groups of citizens that will resuscitate pre-existing parties, associations and (especially) movements in defense of threatened freedoms and provide a basis for the foundation of new intermediary organizations.

III. PROCESSES AND ACTORS

There are at least three generic “models” of democracy circulating among theorists and practitioners in contemporary Europe. Each of them places primary responsibility on different types of actors and processes of decision-making. In order to guide our collective thinking on the challenges and opportunities facing these actors and processes, we propose to use a generic working definition of democracy that does not “commit” to any specific institutional format or decision rules. By leaving open the key issues of how citizens choose their representatives, what are the most effective mechanisms of accountability and how collective binding decisions are taken, this definition does not preclude the validity of what we shall later call: “numerical,” “negotiative” or “deliberative” democracy.

Modern Political Democracy is a regime or system of governance in which rulers are held accountable for their actions in the public realm by citizens, acting indirectly through the competition and cooperation of their representatives.

This definition provides us with a tripartite division of labour. Three types of actors combine through a variety of processes to produce the *sumum bonum* of democracy, namely, accountability. We have, therefore, divided our analyses of contemporary transformations and responses into those primarily affecting citizens, representatives or rulers.

III.1 Citizenship

III.1.A Political discontent

III.1.A.1 Definitional statement

Today, one of the most striking features of European democracies is an apparently widespread feeling of political discontent, disaffection, scepticism, dissatisfaction, and cynicism among citizens. This dissatisfaction is not, or not only, focused on a given political party, government, or public policy. It results from critical and even hostile perceptions of politicians, political parties, elections, parliament, government and politics across the political spectrum.

Political discontent expresses itself in opinions, attitudes, and deeds. Some citizens give utterance to their political disappointments or angers through day-to-day talks with friends or relatives. Social scientists try to analyse such opinions through polls,

or in-depth interviews. The more intense these opinions or attitudes, the more likely they may lead to actual deeds. In the political sphere these deeds are often "non-deeds". Many disappointed or angry citizens refrain from voting or from joining a political party. Others explain that they are so angry with (established) politicians and political parties that they intend to cast a vote for some outsider, protest, or radical political party. Discontented voters are thus more likely to make unstable electoral choices and this accounts in part for the unprecedentedly high rate of turnover in the composition of governments.

Whether expressed through talks, polls or interviews, opinions may be (more or less) fragile, volatile, dependent on context, and even artificial. That is the reason why acts are more significant than words. Even if electoral participation is affected by many factors and cannot be reduced to satisfaction or dissatisfaction with politics, its evolution may provide a rough, but nonetheless informative view of the spread and growth of political discontent.

[FIGURE 1 ABOUT HERE]

"European" voter turnout has decreased from 88% in 1980 to 74% in 2002, and even 70% in 2000. Electoral participation is declining - with a more or less gentle slope - in all countries except Denmark. If we extrapolate the past overall tendency, turnout will be close to 65% in 2020, and even lower if we take into account the voting age population instead of the registered voters. The decline in electoral participation is even more marked in Eastern and Central Europe countries. In this region, the weighted mean voter turnout has moved from around 70% at the beginning of the 1990s to 60% just ten years later. It would decrease to around 45% at the beginning of 2020s if we extrapolate its evolution over this brief period. Also, these conclusions are backed up by opinion polls, showing a clear downward trend of trust in Parliaments in Europe.

Attitudes towards the political realm are however more ambivalent than opinions of discontent may suggest. National parties and politicians, that is to say specialized and professionalized political actors, are much more criticised than those on the local level. In other respects, people make distinctions among various political "levels" or "dimensions". Some of them (mostly belonging to upper middle and upper socio-cultural strata) see differences between a "politicking" component that refers to parties, politicians, elections, rivalries and struggles for power, and a non or less "politicking" aspect that is associated with projects, programs, issues, efforts to solve problems, ideas, principles, and convictions. When these people criticise politics, they usually (tacitly) think of the former dimension while refraining from criticising the

latter. At last, some of these most censorious citizens are willing to believe in politics when a leader or a party appears "different" to them or when crucial issues (terrorism, fascism, welfare state) are at stake.

The way people perceive and criticize the political realm depends on their political investments and skills. Two different types of discontent must be distinguished: (1) a rather simplistic and timeless one; and (2) another more sophisticated type. The former has been observed for a long time, well before politicians and political scientists began to worry about distrust in political institutions and actors. It is older than the political changes (e.g. globalization, "de-localization", "crisis" of the Nation-State, rising unemployment, European integration) often pointed out as explanations for political disaffection. It is well – perhaps too easily - captured through opinion polls. Respondents who share these views belong, at least statistically, to definite segments of the public which are characterized by:

- a rather low (but somewhat unequal) level of education, social status, political information and sophistication;
- a feeling of personal political incompetence;
- no marked political preferences and even difficulties to perceive differences between politicians and parties;
- a fear "to be had" by politicians because of this incompetence;
- a lack of interest in politics which leads to thinking and arguing that politics does not deserve attention;
- a narrow vision of politics mainly reduced to the "politicking" dimension mentioned above, as a consequence and a determinant of this lack of interest;
- bad living conditions that prompt people to think that politicians do not care for or do much for them and, therefore, that politics does not matter.

At the same time, some people express more sophisticated feelings of discontent. Contrary to those who may be subsumed within the previous category, they refer to various shifts in the political realm. They for instance say that "*there are not many differences among political parties nowadays*", "*left and right wing parties are presently very similar; they pursue and drive the same policies*", "*politics is increasingly lukewarm*", "*it's no longer important, it's economics that now matter*", "*Nation-States can't do much against firms' relocations and big firms' decisions*"; or that "*The EU decides on everything*". These opinions are held by people who add that they used to be, but are presently much less, interested in politics and that their political preferences have waned. Nevertheless, many of them still have strong negative preferences, in the sense that they are strongly opposed to some political parties. They also pay enough attention to politics to be able to criticize political

actors with informed arguments. People who may be classified in this second category have a higher (but not necessarily a very high) level of education. They are more interested in, informed about and confident in their ability to cope with politics. They have a more complex, diachronic, and even lofty view of politics.

III.1.A.2 Causes and explanations of political discontent

Political discontent proceeds from a set of convergent factors.

- A first one is *education*. The higher the level of education, the higher the feeling of political competence. The higher the subjective and objective political abilities, the higher the criticizing capacities and tendencies. Increasing cognitive competence among citizens increases capacity for criticism, and a greater willingness to criticize if something appears to be wrong. A more educated citizenry have a more critical mind and are potentially more demanding with their political leaders and representatives. The more educated citizens also tacitly wish to be more active, even if they are not ready to give time and energy when they are really asked to participate in something. Demands for more significant and direct forms of political participation are therefore real, although somewhat ambiguous. One of their real effects is perhaps that the significance of voting for representatives, as the most important form of democratic participation, is bound to diminish. A small but seemingly growing number of (relatively) educated citizens are more or less plainly asking for greater opportunities to express their own opinion and to decide by themselves on important subjects.

- *Changing values*. European citizenries, or, at least, large segments of them, seem to have shifted from deference to authority and authorities to scepticism of elites and institutions. But, for numerous and complex reasons, a growing pervasive permissiveness and intolerance of social norms and authority has been spreading for a long time. A growing culture of rights, equality and personal autonomy is somewhat contradictory to deference, compliance, discipline, hierarchy, and leadership that organize citizens-representatives relations in a representative democracy.

- *Economic shifts*. Economic growth has been weak during the last three decades. Unemployment has increased. Real wages have remained stable or have grown only slowly for years. Declining trade barriers and transportation costs and improvement in communication have enhanced the role of international trade and investment in all economies. Global competition brings various advantages to some categories, but also entails relocation of firms to low-wage countries, depression of wages in advanced countries, and downward competitive pressures placed on labour standards. New technologies are also eroding skilled labour and wages, even if they help to create new skilled jobs at the same time. Globalization has challenged the

capacity of the States to provide effective regulation in the economic and social domain. New institutions like the European Union or the World Trade Organization have weakened Nation-States' policy latitudes. They have also suggested that Nation-State may become a less significant collective actor. Nation-States are also hollowed out by deregulations and privatizations. Governments have at the same time faced a "fiscal crisis", and tried to balance budgets by containing public sector outlays. Social services have been reduced or their expansion has at least come to an end.

A growing number of citizens have been increasingly confronted with problems resulting from global economic competition, economic crisis, and diminishing welfare protections. Those who personally, or whose relatives, endure or fear unemployment, and those who also think that their economic situation will worsen, are more prone to having negative perceptions of politics. People who already thought that politics cannot improve their life and that there is nothing to expect from politicians have seen their opinion confirmed.

Dramatic and highly salient woes, whether "objective" or "imagined", like recessions, rising immigration, "delocalization", unemployment, and insecurity, have led some segments of the public to share the conclusion that government was poorly handling problems and was failing to keep its promises, whether they were personally affected or not, and regardless of the successes in other areas.

For more sophisticated segments of the public, the level of political discontent is also linked to more complex evaluations of governments' performances. Economic successes of governments between World War II and the economic downturn of the 1970s have probably helped to raise over-expectations of states' capacity to deal with new economic woes. Poor or poorer States' economic performances of the last decades have seemingly been assessed with reference to the successes of the thirty "glorious" post-war years, and also through expectations arisen by a century of expanding public interventions.

The most sophisticated segments of the public are more aware of the economic and social changes of the last decades. They do not reason as if no change has occurred. They think that the Nation-State is no longer able to deal with the main economic difficulties, that it cannot oppose the decisions of international companies and prevent plants' "delocalization". Their expectations, in the sense of anticipations about governments' accomplishments, are diminishing. They however remain unsatisfied with politics because they tacitly compare present governments' performances with prior ones, or with their developed normative views of what

governments should do. Both normative and ideological expectations thus provide critical resources which are activated by what appears as government failures. The conjunction of growing critical resources due to higher education and numerous political disappointments give rise to permanent critical dispositions in the politicized strata of the public. These critical leanings are activated when people face personal difficulties, whatever they may be, in their own life.

- *Political context.* When people explain their political disappointment, they refer or allude to various elements of social and political contexts to vindicate their disillusion. One observes that dramatic revelations of political corruption and scandals in numerous countries have fostered a climate of ethical distrust.

Ideological and political distances among political parties have been reduced. In various European countries, politics was, but is no longer, a struggle about utopian views of future and society. Since the collapse of the socialist system, almost no established party intends to overthrow the market economy, capitalism, and liberal democracy. For various reasons mentioned before, governments' leeway has also been reduced. This leads some segments of the public to the conclusion that politics does not matter anymore, that it is not worth losing time to decide between similar parties, defending similar policies, and that parties and politicians are fighting to further their own interests for power and privileges. Those who keep some partisan attachments deeply regret that left-wing parties drive what they regard as "neo-liberal right-wing" policies, or that right-wing parties enforce "socialist left wing" policies, when in government.

Some citizens think that politics has lost authenticity, and is increasingly run by self interest and ulterior motives. They even sometimes allude to opinion polls and communication specialists as causing these changes.

Recurrent episodes of political life that were neutrally perceived in the past, fuel political distrust when this distrust is high enough to bias against politics. Current bashing, bad mouthing and de-marketing of government by political leaders thus help developing negative perceptions among segments of the public prone to reduce the political realm to its politicking aspects.

- In order to maximize their audience, the *media* tend to simplify, personalize, dramatize and stress the "spectacular" aspects of political events. They cover politics rather than policies, focus on scandals, tactics, and personal rivalries, and give account of electoral campaigns in a "horse-race" style. Candidates and public officials are often depicted as duplicitous and self-serving. Politics inevitably appears

as "politicking" when it is brought down to its most "politicking" dimensions by media seeking to attract people already prone to see it as "politicking". Some media thus help to reinforce the negative perceptions of those who are only slightly interested in and prone to mistrust politics by their social predispositions and by the political context.

III.1.A.3 Does political discontent matter?

Is the seemingly increasing level of political discontent threatening the legitimacy of European polities? First and foremost, political discontent is ambivalent and present disenchantment is potentially reversible. A second point is that there is an ambivalent decreasing confidence in politicians, parties, elections, legislatures and governments, but apparently no pervasive distrust of other dimensions of European polities. The legitimacy of a political system depends on the existence of an alternative and competitive polity or utopia, and struggle on different forms of governmental and societal organizations has disappeared at least since 1989. Some scholars argue that since the collapse of the socialist system, citizens' support for democracy is becoming increasingly dependent on governmental performance, especially in former socialist countries. Democratic systems seem thus more vulnerable, but also unquestionable and stronger at the same time.

For the same reasons, a high and growing level of electoral abstention is not a threat to the political system *per se*. But as abstention increases when the social rank lowers, and as politicians are more eager to take voters' than non-voters' expectations into account, a declining electoral participation will perhaps reinforce or introduce a class bias in the polity.

The lack of confidence in political institutions raises the question of the willingness of the public to comply with laws, to pay taxes, or to enter administrative career. Several isolated acts of violence against politicians and officials perpetrated in some countries could be linked to a growing political discontent. Ethical distrust of politicians is already a serious problem since it weakens dispositions to comply with rules and laws. Young traffickers say for example that they don't feel ashamed of their thefts, robberies, or drug dealings, because "political leaders have stolen much more than [them]".

III.1.B Cultural Identity and Protest: Inter-Cultural Migration and Co-Habitation

III.1.B.1 Definitional statement

Migration, defined as the movement of persons from one region or country to another, irrespective of motivation, gives rise to important population changes which affect democratic life in Europe. Migration diversifies the composition of the European *demos* as it causes people with different legal status to co-habit under the same democratic roof; along with national citizens there are guest workers, long term residents (or *denizens*), asylum seekers and undocumented migrants. All these groups of people, because of their legal status, are entitled to different sets of rights.

III.1.B.2 Democracy, citizenship and rights

a) Levels and characteristics of migration

Since 1989 net migration has been the main factor impacting annual population change in CoE Member States. *Figure 2* presents the trends in the change of stock of foreign population as a percentage of the total population for 15 countries in Europe. The total recorded stock of foreign population is approximately 21 million people in 1999 amounting to about 2.6 per cent of the total population of all countries. The data suggest that in 1999, the highest proportion of foreigners relative to the total population was in Switzerland (19.3 per cent with two-thirds of foreign nationals being EU citizens). The greater part of the foreign stock is resident in Western Europe while in Central and Eastern Europe, the proportion is relatively small (less than 2 per cent). Net in-migration in both regions has been relatively high in the early 1990s, with the Federal Republic of Germany experiencing the largest absolute increase. In the late 1990s, in some countries in Western Europe, the proportion has either declined or stabilized. The percentage of foreigners has been increasing for most countries since 1998 albeit at lower levels for Central and Eastern Europe (the largest numbers have been in the Czech Republic among the CEE States). For Western Europe, the data point to considerable diversity in terms of the origins of foreign migrants and a majority of the foreign national population comes from outside the EEA (plus Switzerland). Foreign migrants from different regions select different countries as their destination, for example, for France, Africa is an important source while for Spain and Portugal, Latin America is a major region of origin. Asians migrate to different European countries for various reasons; those from the Indian sub-continent are usually in the UK, Filipinos are in large part in Italy for temporary employment, and Greece receives immigration from the Middle East region. Germany stands out as the most common destination for nationals of non-EU European countries. Temporary and transit migrants also constitute a substantial population in Central and Eastern Europe.

[FIGURE 2 ABOUT HERE]

In Europe, starting from the late 1950s migrant workers were actively recruited abroad but were not expected to stay in the receiving country permanently. Foreign labour recruitment has formally ceased in Western European countries since the mid 1970s, however the stock of foreign population did not decrease due to low return rates and family reunification. Many former guest workers have acquired the status of resident non-citizen. This category of people, often referred to as 'denizens', enjoys an intermediate status between citizens and aliens. They are incorporated into various social, economic and legal structures while not enjoying political participation rights. Rules for granting *denizenship* and the rights and benefits attached to that status vary from State to State. However, *denizenship* has become a salient and stable feature of democracy in all CoE countries, which leads to reconsideration of who has the right to political participation and how.

b) Denizenship and nationality

The continuity between people and place, nationality and *demos*, is a major premise of modern democracies. EU citizenship is a prominent example of how the boundaries of political membership can be enlarged and the *demos* can extend beyond the nationals. However even in EU Member States third country nationals are not included in the complementary status of EU citizenship defined by the Maastricht Treaty. This indicates that so far attempts to expand citizenship rights beyond nationals do not offer a comprehensive framework to attend to issues of political participation of third country nationals. This invites innovative thinking on the composition of political constituency, citizenship and mechanisms of political participation.

In fact civil and social rights have been extended also to third country nationals in the EU. Such a trend suggests that citizenship is no longer the exclusive way to access the benefits of State membership and become fully integrated members of a community. Yet political rights are a prerogative of citizens only. This prerogative is an important one as, for example, the rules for the allocation of social and civic rights are made and altered by those who have and exercise political rights, namely the citizens. This is particularly problematic, for example, in times of economic crises the citizens and their representatives may decide to cut down social benefits for resident non-citizens with the latter being excluded from the decision-making process.

However resident non-citizens contribute to the economic and social development of their country of residence, pay taxes, and are expected to abide by its laws. In other words they share the burdens and benefits of social cooperation. Therefore denying them full political rights appears as a violation of the basic (normative) democratic principle according to which those affected by a certain set of social and political

institutions, should also be granted political levers of influence. Recognizing the absence of such political rights as a form of democratic deficit, some governments have endorsed various channels of political participation other than the right to vote for *denizens*. In some CoE countries, denizens are granted channels for indirect influence in decision-making through government funded organisations, consultative bodies and Unions. Such participatory models usually shift the focus of democratic practice from the national level to the local level. By engaging in civic practice at the local level, resident non-citizens come into contact with representative bodies, associations and lobby groups which could also give them a voice at the regional and national levels. Moreover, the practice at the local level can result in skills which will enhance participation at national and supranational levels.

Granting denizens political participation rights, for example the right to elect a representative in municipal elections – as in Ireland, Sweden, Norway, Denmark, Netherlands, Finland and Luxembourg - introduces a significant change in the terms of political competition. In other words, candidates who win elections have to be accountable to a more diversified constituency, and be responsive to the needs of a sector of the population previously excluded from political life. Moreover, new issues (for example in the fields of education and health) appear or gain precedence in the political agenda.

Additionally, giving voice to *denizens* offers an opportunity for dealing with potential ethnic and cultural conflicts through democratic procedures. In this way conflicts are not overlooked, but faced and possibly solved. This would favour a free confrontation of ideas through open dialogue and deliberation, enhancing self-reflectivity and critical multiculturalism in the receiving society.

The fact that this category of migrants is going to reside permanently in the receiving country has been regarded as justifying a project of multicultural citizenship in which political rights can be shared by national and non nationals.

c) Minorities

Increasingly, some resident non-citizen and sub-state national groups demand recognition as well as effective participation in policy processes as ‘collectives’, for example as ‘minorities’. Favourable conditions for meeting such claims originate from their considerable numeric presence in some countries, the international conventions supporting minority recognition and the general concern for securing fair access to political, social, economic life for the previously excluded sectors of the population. On the one hand, most CoE countries articulate a common commitment to recognition of group rights and their accommodation (for example in the countries of

Former Yugoslavia). On the other hand, some CoE countries (such as France) contest the recognition of these groups as 'minorities' and group rights even if they recognize the equality of people of different cultural and ethnic origin. Some states (such as Croatia) have introduced quotas for linguistic minorities in regional and local representation while others maintain consultative bodies, i.e. a second chamber of parliament, or 'veto' mechanisms for national or religious 'communities'. However, the 'smaller' and territorially dispersed members of national minorities, especially the Roma, remain excluded in almost all schemes.

d) Illegal migration

In recent years, illegal migration estimates have reached worrying levels, especially in Southern European countries. Undocumented migrants, officially prohibited from taking up employment, supply labour force to the hidden economy in these countries. Irregular migration is advantageous for employers in the receiving country that profit from undocumented migrants' lower pay, more flexible and longer working hours. Both the State and the juridical system are absent from this informal sector of the market. The demand for labour supply of the undocumented migrants fosters human trafficking and smuggling, and a dramatic growth in the shadow industries which treat people as commodities in this trade. Every year, thousands of people, especially women and children fall victim to trafficking for the purposes of sexual or other exploitation, which can be equated to a new form of slavery.

III.1.B.3 Attitudes towards migrants

Observers have pointed out the alarming increase in anti-migrant attitudes in CoE Member States. The *World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance* has brought this problem into focus, and international organisations such as the *International Organisation for Migration*, the *International Labour Organisation* and the *European Centre for Racism and Immigration* have pointed to a growing negative attitude towards non-EU migrants, reinforced by racial stereotypes diffused through the media and by some political leaders. Data from the *European Monitoring Centre on Racism and Xenophobia* (EUMC) show that racially motivated attacks have increased in most EU member states. For some, official statistics indicate a possible reduction of crimes in the last two years. Concerning CEE countries, *Amnesty International* has reported a mounting of xenophobic attitudes and racist violence in the late 1990s.

Consistently in all CoE countries the typical perpetrators of racist crimes are young (18-26) males with low levels of education. However some NGOs have reported to the EUMC that worrisome numbers of racist violence were also being committed by law enforcement officers. This suggests that racism finds expression even within the

established institutional structures. Extreme rightwing parties - the electoral success of which has risen substantially starting from the 1980s - often appeal to the xenophobic feelings of people in their political campaigns. They also base their electoral strategies on the claim that migrants threaten the national culture and its symbols (such as crucifixes in Italy and Germany), and on a supposed link between unemployment and the number of migrants in their respective countries.

However, there is no actual empirical or theoretical evidence to support the claim that immigration causes unemployment. To the contrary, some studies show that citizens who are the closest substitutes for immigrant labour do not suffer as a result of increased immigration. Additionally, various studies on demographic trends have identified migration as a possible solution to overcome the 'demographic deficit' of Europe and its related problems. It has been argued that in-migration may be a political option to meet the strategic economic and social goals that underpin Europe's market economy.

A further issue often raised by leaders of xenophobic parties is that immigration constitutes a threat to political and social stability. It is also a common spread perception that crime rates have increased as a consequence of immigration. The fear of migrants has been exacerbated by the events of September 11 2001 and March 11 2004. Suspicions and fears are especially directed towards migrants coming from the Arab countries and the Balkans.

These negative perceptions have often been reinforced by the image of migrants portrayed by the media. The news report crimes indicating the offenders generically identified as members of a minority group. In a similar vein several crime fiction programs characterise murderers and offenders as people of foreign ethnic origin. At the same time, media represent an important opportunity for participation and integration of resident non-citizens. Through various mechanisms such as funding multicultural programs, some countries have highlighted the positive effects that media can have on the perceptions and attitudes of the public, as well as on the self-perception of migrants.

III.2 Representation

III.2.A Political Parties

III.2.A.1 Definitional statement

No democracy exists without political parties even if parties differ in organizational structure, ideology, size, functions and goals. They act as an intermediary between voters and the state and by structuring the political field they help voters in making their choice. There exist many definitions of political parties ranging from very broad to extremely narrow ones. Often, definitions are based on one or more of the functions of political parties. The most commonly accepted criterion is that they should compete in the political arena and try to get their candidates elected. Parties might fulfil a wide variety of functions – although not all parties are engaged in all functions, and certainly not to the same degree. They might play a crucial role in recruiting and selecting the political elite by nominating candidates for elective offices and filling government positions, in forming and sustaining governments, and in policy making. They might also play an integrative role in the society by mobilizing voters, aggregating and articulating social interests, and by enhancing the legitimacy of the political system. In addition, they might similarly engage in the socialization of voters, issue structuring or social representation. However, a party in a democracy cannot represent the whole of the society as the origin of its name *pars* (part) illustrates well. In order to avoid democratic deficits, parties in democratic systems are expected to be democratic and transparent themselves as well as establishing lasting and regulated relations between party leaders and their membership.

III.2.A.2 Party Membership Size and Party Organization

Although party membership shows a declining trend in Europe, such a claim fits long-established democracies of Western Europe more than recently democratized Southern and Central and Eastern European countries. All Western European countries record a decrease in the number of party members. Countries belonging to the third wave of democratization display more variation, with some even showing growth (Greece, Hungary, Slovakia and Spain). All this suggests that declining membership is a pervasive trend in well-consolidated democracies. This raises concerns over citizens' participation in public affairs: democracy is in danger if citizens are apathetic or disillusioned with democracy. The less they participate, the less government can be held accountable, the less individual rights can be enforced, and the less individuals' and groups' demands can be represented in the policy process. The more people are left out of decision-making, the less the democratic process will be legitimized.

[FIGURE 3 ABOUT HERE]

However, decline in membership is not worrying *per se*. It is not necessarily a sign of declining participation: the decrease in party membership can, at least in part, be accounted for by the appearance of new, socially accepted forms of participation

(e.g. signing a petition, boycott of certain products for political reasons, or participation in demonstrations). Furthermore, the incentive to join parties becomes weaker as parties face various competitors that partially seem to take over the one or the other of their functions with inflicting less demands on and guaranteeing easier access for citizens. Similarly, parties' demand for members is also waning: the changed nature of campaigning (increase in the use of the media accompanied by a decrease in traditional forms of campaigning that rely on volunteers) and the restructuring of party financing (greater reliance on government funds and, thus, less on membership fees) have made it less and less important for parties to maintain a large membership. That is, no longer do parties have to provide "regular or full programme of participatory events" besides those that are directly related to elections. Finally, high level of party membership may not make the democratic system more responsive to citizens' demands: the larger the membership, the smaller its ability to influence the party leadership.

Yet, some implications of declining membership remains worrying from the point of view of democratic legitimacy given that parties play a vital role in the process that establishes the link between popular sovereignty and the distribution of governmental power. However, parties seem inadequate in reacting to the declining autonomy of the nation state as power is shifting to the cross-national and regional levels, which might be an additional reason for fewer party members. Declining membership or the changing methods of participation is worrisome as they systematically exclude groups that choose the newer forms of political activism from maintaining society wide power: while young people and women are more likely to act on the local level, opting for newer forms of participation, party membership are overwhelmingly middle-aged and male. That is, particular segments of society will maintain power to determine the fate of the whole society. But it is difficult to see any democratic system in which a large number and a certain segment of the citizenry cannot participate and have society-wide influence (local and new forms of participation can only effect a small segment of society). Moreover, if certain groups are excluded from parties that also work to aggregate social interest and bring about a compromise among various social groups, parties will not be able to live up to these tasks and, thus, produce adequate representation. Women's full participation in politics, for instance, should be seen as one aspect of strengthening democratic institutions. Finally, while the appearance of mass parties has already caused a decline in ideological identification with parties, the declining number of young people who join parties is likely to strengthen that process. This may threaten democratic stability.

III.2.A.3 The Financing of Political Parties in Europe

During the 1990s scandals of illicit party financing were regular in European countries. Regardless of political or party system, party organization, and party law, political corruption related to party financing has been a problem in every segment of Europe. Despite differing institutional set-ups there are some problems that each country faces in party financing.

a) Higher (and growing) party expenditure that outweighs legal incomes

By the 1970s parties built up permanent and sizeable party bureaucracies. Party machineries proved to be costly, and thus, it has increased spending in non-election years. Indeed, many parties struggle with non-election year expenditure when donations are not as generous as in election years. Parallel to this, the importance of national, central offices came to outweigh local party branches.

Election campaigns are getting more and more expensive as well. First, it is because campaign techniques have changed: due to technological advances volunteer labour cannot be effectively used in a campaign, and thus, is replaced by campaigning through the media. Not only is free labour lost, but also television, radio, and newspaper advertisements are extremely costly. Second, the competitive nature of election politics urges parties to invest more into campaigns.

Certain activities related to the parties' participation in the national (and local) assemblies also need to be financed from party budgets. Sometimes other expenses emerge as the result of parties' aspiration, such as supporting parties or political groups of foreign countries.

Even if legislation on the legal sources of party finance varies throughout Europe certain general trends can be depicted. The composition and sources of party income have changed since the 1970s. Membership dues have become less important in party budgets. First, because of the declining party membership, parties raise less money from this source. Second, the increased overall demand for money reduced their relative importance within party budgets. Third, in the new democracies of Southern and Eastern Europe party membership fees did not gain central importance due to historical circumstances.

Another important element of party income is donation. Donations may come from various entities: private individuals, firms, or civil society groups. However, some of these domestic donations may be banned or limited by law. Theoretically, money might also come from foreign states, parties, firms or individuals – yet, in most European countries foreign contributions are prohibited. Parties may also gain money

through trade union as well as through firms or organizations it owns such as printing companies, newspapers or foundations.

State subsidies in party financing have gained significance since the 1970s. While three decades ago state subsidies were rare, today this is a key source of party income throughout Europe. Legislation in each country determines how these subsidies are distributed, can be spent, and whether they entail direct support in the form of money or indirect support such as free television advertisements.

b) Corruption

Illicit party financing is a common phenomenon throughout Europe. What counts as illegal is determined by national legislation; what is illegal in one country may be legal in another. Incomes might be illicit if they come from entities whose contribution is banned by law (i.e. foreign private or business persons and foreign governments) or the underworld; if it exceeds the legal limits or circumvents the legal mechanisms of contribution or spending; and if it is given – usually to the incumbent – party in exchange for some favour. Money might also become illegal if parties do not comply with the public disclosure requirements over donations and spending.

c) Parties move away from the civil society and closer to the state

It is the result of many factors such as declining party membership, changing campaign techniques and the parties' dependency on the state in financing their growing expenditures. Along with party membership, participation in the work of political parties has decreased. Volunteer work for parties has become outdated since parties try to reach people through television instead. Also, donations as a passive form of participation are declining: as a trend, a few big donations replace many small contributions. At the same time, parties are becoming financially dependent on the state and often on big business. The former is crucial not only as the major subsidizer of parties, but also because incumbent parties gain access to other (often illicit) state sources. The latter makes parties vulnerable since their room of manoeuvre is largely reduced by their main donors.

d) People's disaffection from, and apathy toward, politics

The problem is not simply that the participation of people in the life of parties is declining (other form of political participation may replace this) or that private donations are decreasing. Additionally, it has been shown that people consider political corruption as 'business as usual.'

The above problems concerning party financing are not independent from certain *global challenges*. Among these are the following:

- *Economic globalization* and its consequences serve as one of the biggest challenges for parties in Europe. First, trade liberalization means that money moves more and more freely over borders, which could broaden the sources of party finance and become vital for the opposition parties' fighting for democracy in, i.e. post-Soviet or Balkan states. Second, the concentration of money in multinational corporations or in the hands of wealthy individuals could make it easier to raise money. Yet, these economic trends have their negative side: European parties might become especially vulnerable to business interests since some multinational corporations are financially richer than these parties or even their governments.
- *European integration and state sovereignty.* European integration poses a very similar challenge to globalization. The tendency of market integration and liberalization is in contradiction with the territorially organized competition of parties. For example, people living and working in a country different from that of their citizenship are, as foreigners, often forbidden to financially support parties in the state they are living in. On the other hand, firms incorporated in a European country but otherwise representing foreign interests are free to make donations to parties in the country they are incorporated in.
- *Technological development* has changed campaigning. The media, and especially television, became a major and very costly arena of campaigning and has restructured party budgets and changed the financial demands of parties. Recently, the revolution of ICTs is gaining importance. Parties and individual candidates have their own Internet site, trying to reach out to voters through the Internet.
- *Security: organized crime and corruption, declining fiscal capability of states, and decreasing political participation.* The high demand for money makes parties vulnerable to corruption and to the influence of organized crime. Indeed, some of the techniques of illicit party financing resemble those of money laundering. This poses not only a security threat for them and for their states, but also for the principle of political participation. The perception of politicians and parties as being corrupt reinforces anti-party and anti-politics feelings within society and contributes to the decline of political participation. Consequently, party budgets suffer from declining membership dues and private contributions. Similarly, parties associated with financing scandals are losing business donors. This is especially problematic since although parties are becoming increasingly dependent on the state financially, the financial capability of the state is decreasing. Moreover, depending solely on the state as the source of party finance is likely to lead to further estrangement between parties and society.

III.2.A.4 European Parties

European political parties could potentially offer a possible response to the declining autonomy of the state and the parallel decline in membership of national parties. The development of genuine active European parties could constitute an important step towards creating a European demos and electorate. At the same time European parties are unlikely to replace national parties in the foreseeable future given the remaining asymmetry between the importance and the functions of national parliaments and the European Parliament (EP). Among the current problems and possible future trends we would like to propose the following:

- *Democratic deficit, lack of European demos.* The shift of economic and political competencies from the national to the European level has (so far) not been matched by a corresponding shift of democratic legitimacy. EU institutions lack the political legitimacy of their national counterparts. The gap between EU citizens and European institutions is growing. Surveys show that people see the union's institutions as remote, bureaucratic and largely undemocratic. This democratic deficit is aggravated by national politicians who tend to use the EU as a scapegoat, and fail to explain their own role in adopting European legislation. The resulting lack of a European demos is aptly demonstrated by the large discrepancy between the turnout of national and European parliamentary elections.

The existence of a European demos would require an increase in the salience of European (as opposed to national) political issues. Between the traditional division of internal and foreign policies, however, the third, community dimension is not communicated strongly enough to citizens. European societies must be made aware that many of the issues that have formerly belonged to the category of home or foreign affairs can only be interpreted in this third dimension. To increase this awareness, political themes present in the public debate of different member-states must be brought closer to each other. This problem of the lack of European demos and the lack of salience of European issues is – in the short run – likely to be further exacerbated by enlargement.

- *Weakness of political party formation at the European level.* Some of the reasons for the above problems have been connected with the lack of genuine European parties and with the way EP-elections are organized. The political groups within the EP do not function as true European parties: They are heterogeneous, the member parties from different member-states can be very different even if under the same name, and generally they have no infrastructure for party-like functioning. The financing of European parties has long been unresolved (lack of resources, lack of

transparency, lack of financing regulations, insufficiency of monitoring). While European parties organize on an ideological basis, elections are fought by the national member parties in their respective states. It is national parties that receive subsidies from the EU for campaign financing, however, European level (foreign) private and business donations are generally not allowed. Thus, citizens vote for the members of a supranational body on the basis of the national political scene.

EP-elections are not organized on a uniform basis. Instead of a single electoral system member-states use widely diverging rules for organizing EP-elections. (EP-elections are often not even held on the same day in different member-states.) Instead of a single EU-wide EP-election campaign we see separate national campaigns fought along national issues. National parties competing for seats in the EP rarely have European programs. EP-elections, as a result, are considered as second order national elections and are characterized by lack of public interest and low turnout. Thus, despite the substantial growth of the EP's power over time, turnout in EP-elections have decreased since the first direct election of members of the European Parliament in 1979.

III.2.B Civil Society

III.2.B.1 Definitional statement

Virtually all students of contemporary democracy recognize that the presence of a viable and lively civil society “pressuring” authorities to pay attention to rights, entitlements, interests and causes contributes positively to both the persistence and the quality of modern democracy. – and not just in Europe and America. *Nota bene* that civil society contributes to -- but does **not** itself cause this outcome. It cannot unilaterally bring about democracy. Nor can it alone sustain or improve democratic processes once they are in place. As we shall see, civil society acts along with other institutions and practices – participation by individual citizens, competition between political parties, the legislative process, regular and fair elections for major offices, checks-and-balances between governing bodies, a free and diverse press, autonomous local and provincial governments, the rule of law and an independent judiciary – just to name the most obvious ones.

Before proceeding to an analysis of the present state of civil society in Europe, let us first define it:

Civil society is a set or system of self-organized intermediary groups that: (1) are relatively independent of both public authorities **and** private units of production and reproduction, i.e. of firms and families; (2) are capable of deliberating about

and taking collective actions in defense or promotion of their interests or passions; (3) but do **not** seek to replace either state agents or private (re)producers or to accept responsibility for governing the polity as a whole; (4) but **do** agree to act within pre-established rules of a "civil," i.e. mutually respectful and public, nature.

The multiple and varied units of such a civil society may limit themselves by seeking to influence and not to replace elected officials and by accepting to treat each other respectfully, but their presence in political life is not an unmitigated blessing. In other words, the mere presence of such a mixture of self-regarding interest associations and other-regarding social movements can produce both "public goods" and "public bads." The European (and American) experience **over the long run** suggests, however, that the positive effects of civil society far outweigh the negative ones. What interests us is whether, given the challenges and opportunities facing the contemporary societies of Western and Eastern Europe, this will prevail in the future.

III.2.B.2 Descriptive Summary

The most obvious obstacle to assessing changes in the role of civil society is the continuously changing nature of the subject itself. Unlike abstention in elections or public trust in institutions or shifts in electoral preferences or increases in the number of referendums, when it comes to civil society the interest associations, social movements and charitable foundations that compose it do not remain fixed in either form or function. With the exception of those organizations whose membership is compulsory and whose interest domain is determined by public law, e.g. professional "orders," sectoral "chambers" and some trade associations and unions, most of its units are free to choose who they wish to represent and how they interpret their mission. This means that their material resources and organizational status are continuously at the mercy of shifts in social structure, consumer preference and political purpose. Forms of association that previously played an important, even a crucial, role in political life may gradually decline – hopefully, to be replaced by other kinds of autonomous collective action. For example, an American social scientist drew dramatic negative conclusions -- "there is reason to suspect that some fundamental social and cultural preconditions for effective democracy may have been eroded in recent decades" (Putnam & Goss, 2002, p.3) – from the tendency of his *conciotoyens* to "bowl alone," while ignoring their propensity to seek out and use other means of socializing with each other and articulating politically their shared interests and passions.

[FIGURE 4 ABOUT HERE]

Let us first take the case of trade unions. There is no question that this form of collective action has had a continuous and significant impact on the democratization of European politics and subsequently upon their everyday politics. Trade unions struggled to enfranchise their members and workers in general and mobilized periodically to ensure that the benefits of public policy would be more equally distributed among citizens. No national history of civil society could possibly ignore them, or the wider democratic effect that they had upon other political parties, interest organizations and social movements.

Figure 4 displays data on the long-term evolution of membership in trade unions as a percentage of the economically active population in Europe since 1972. All observations have been “smoothed out” by using three-year moving averages and they have been “normalized” to reflect the differing size of countries and the changing composition of the Council of Europe’s membership. According to two alternative progressions (one linear, the other weighted by time), the density of union membership (which was 28% in 2001-4) will be ca. 25% in 2010-12 and ca. 22% in 2018-20, provided that the underlying socio-economic trends persist and no major changes in public policy intervene. If we take into consideration only those countries for which we have data and that were members of the CoE in early 1970, the picture does not change very much. The trend is still relatively stable and membership density in 2018-20 is projected to be 23% rather than 22% of the economically active population. Comparable data for trade unions in Central and Eastern Europe and the republics of the former Soviet Union are not available, but those that do exist suggest that membership density fits within the previously established trendlines, although at the lower range of variation.

Despite alarming voices predicting the disappearance of the organized working class (or its suffocation by non-unionized workers from the East), our conclusion is more re-assuring, especially when one takes into consideration changes in the sectoral composition of employment, (the relative decline of manufacturing where unionization has historically been greater), the shifting balance of men and women in the active workforce (the former have been easier to recruit than the latter) and the growing proportion of part-time workers (*ibidem*). For example, the density of trade union membership in the United States fell much more dramatically – from 45% in 1970 to 18% to 1995! Nevertheless, the conclusion seems inescapable that one of the most significant and stable categories of associability within European civil societies will diminish in relative importance – but certainly not “fade away.”

Figure 4 also illustrates a second trend. At the initiation of the time series (ca. 1972), the disparity in national densities of trade union membership was of the order of 48

points, from a high of 68% to a low of 20%. Thanks largely to the entry of the Southern European countries into the CoE, this disparity has widened considerably. The most unionized polity had 87% in 2003; the least had 10% -- a 77 point difference! Whether this is a temporary “diversion” due to the recent nature of democratization and, with in, the sudden diffusion of freedoms of association, assembly, speech and petition after a long period of repression by single party rule or whether this represents a more deeply entrenched tendency toward “free-riding” and even hostility in neo-democracies to forms of collective action based on class and sectoral interest is not yet clear. What is clear is that, if it should be the declared policy of the Council of Europe to promote greater convergence over time in the qualities of the respective civil societies of its member states and, moreover, if this convergence should be toward a higher level of performance, this will require a good deal of reform effort.

A third trend among trade unions – more difficult to document – seems to be toward a decrease in their number at each level of aggregation (largely, through mergers) and an increase in the proportion of specialized associations that are members of higher-order federations and confederations. In short, the trade union movement seems to be undergoing a process of organizational consolidation through which its base units are becoming larger in their members and more comprehensive in their scope of representation.

[FIGURE 5 ABOUT HERE]

So far, we have made the mistake of presuming that the evolution of membership and organizational structure in a single type of association was somehow emblematic of civil society as a whole. Granted that trade unions have historically been of a much greater significance for democracy than, say, bowling societies, nevertheless, it is perfectly plausible that other types of associability have been following different patterns. Now, we are about to commit the inverse fallacy, namely, to assume that all memberships in voluntary associations are of equal significance. Thanks to the regular surveys of Eurobarometer since 1977 and the World Values Survey of 1995-7 data are available on the proportion of a random sample of the population in 28 countries that report belonging to at least one association. They are displayed in *Figure 5* according to three-year moving averages beginning in 1975. The two points of inflection (1975-77 and 1995-7) again reflect major changes in Council of Europe membership (first, Southward and, then, Eastward), and in both cases they depress the proportion of those claiming to belong to an association. The summary figure for Europe as a whole (weighted by size of country) is 47% and both the linear and time-weighted projections would be in 2010, 48% (Linear) and 46% (weighted) and in

2020, 48% (linear) and 45% (weighted) – *ceteris paribus*. If one only includes those countries already members in 1972, the corresponding figures are 50% (2003), 55% (2010) and 57% (2020). The “spread” between best and worst performers was 47 points in 1975 and an astonishing 72 points in 2003, if all countries are included, and 46 points in 1975 and 61 points in 2003, if only the 18 original member states are included.

This time the evidence is less preoccupying. Democratization, southern and eastern, seems to have had some downward impact on “primary associability” in Europe, but the overall impression is one of exceptional stability. If nothing changes, those persons in Western Europe that are members of at least one association will even be marginally higher in 2020 than in 2003. Their Eastern brothers and sisters may be less “associative,” but their net effect will only depress the total by 2 or 3 percentage points.

Let us now take a second look at this same data set by selecting out and distinguishing *grosso modo* between two types of organizations: (1) those that directly provide services and satisfactions to their members (social); and (2) those that are more likely to make demands upon authorities that indirectly benefit their members and the public at large (political). In the first, we find groups that provide social welfare, personal health, education, art, music and cultural appreciation, youth, sports, recreation and entertainment. In the second, we have included trade unions, professional associations, local community groups, political parties, movements for human rights, peace, third world development, resource conservation, environmental protection, gender equality, etc. At the beginning of our time-series (1974), ostensibly political organizations were proportionately slightly more important (55.0% of the European population reported membership in at least one of them) than social ones (51.2%). By our last observation (2003), the former had declined much more rapidly (to 33.2%) when compared with the latter (39.5%). According to our projections, only 22.8% of Europeans in 2010 and 13.7% in 2020 will be members of any type of political association or movement – again, *ceteribus paribus*. Now, a lot can change during that period. We have reason to believe that participation in such organizations did increase markedly during the 1950s and 1960s which suggests that some cyclical process may be at work within civil society. But what will provide the incentive for such a turn-around in the future? Our analysis below has failed to detect any ‘natural’ process external to democracy that seems likely to do this. Only conscious and consequent reforms in its internal rules and practices can provide the necessary incentives.

Volunteering to work in an association is not the same thing as being a member of one. It is possible, therefore, that less people could be joining and more people could be working in various parties, associations and movements. The data on such “volunteering” is sporadic and subject to wide variations due to seemingly minor changes in the wording of survey questions, but they do point to a gradual increase in most of the countries in Western Europe between 1981 and 1999. Comparable data for Eastern Europe, even for a shorter time period, do not exist. However, no one would be surprised if they showed marked lower levels given the turmoil that has accompanied regime change there.

And now we come to an interesting paradox. Although the data are scattered and difficult to interpret comparatively, they indicate no tendency toward a decrease in the sheer number of associations, movements, societies and foundations. The decline in the proportion of the population reporting membership in at least one of them does not seem to be discouraging “organizational entrepreneurs” from trying to create new units of civil society. Granted that we lack reliable information on those organizations that fail and disappear, but the clear impression is one of net growth in virtually every European society. Which suggests that the universe is becoming increasingly specialized. More and more associations, movements and foundations are chasing after members and funds to support ever more specific definitions of collective interest and passion.

And, as we have noted above with regard to trade unions, there is reason to believe that ‘traditional’ organizations representing the interests of social classes, economic sectors and professional specializations are merging and therefore decreasing in number. The dynamism, therefore, can only be coming from entrepreneurs appealing to new interests and passions – mostly, we suspect, recreational, cultural, educational and social service oriented, but also including a wide variety of “causes” - environmentalism, human and animal rights, feminism, anti-globalism and democracy itself. It is difficult to document this shift to “new social movements” since their very nature often precludes an accurate count of their numbers or their members. Nevertheless, the increase in ‘unconventional’ collective action by these movements – protests, petitions, boycotts and demonstrations – has become manifest and has transcended the boundaries of national polities. What is much less obvious is the relation of this activity to more traditional forms of democratic participation: voting, party identification, union membership and civic associability. Nor is it clear whether the young people who form the overwhelming bulk of participants in these network forms of organization will eventually settle down and join the same parties and associations as their parents.

III.2.B.3. Analytical Overview

As one might have expected from its intrinsic variability and constant adaptability, civil society has probably been affected more than any other aspect of democracy by all of the unprecedented challenges and opportunities discussed above. Every one of them seems to be having some impact on either the membership of associations, their composition, their number, their scope or their resource base.

1. *Globalization.* Here, the major difference has been the spread of trans-national Non-Governmental Organizations, especially those advocating a wide range of causes from democracy and human rights to environmental and gender issues. The impact has been particularly great in the new democracies to the East where the relative importance of financial resources and conceptions of passion and interest has been more disproportionate. In the more established Western democracies, the focus of these NGOs has often been on globalization itself and its economic, social and environmental impact upon an increasingly well-educated citizenry sensitive to the dilemmas of “complex interdependence.” There is hardly a government in Europe that has not had to face pressure from organizations whose human and material resources come from beyond their borders and whose networks of influence penetrate deeply into what had previously been a relatively autonomous realm of national politics. Whether this narrows the range of policy responses or widens the potential resources that can be brought to bear on such complex issues remains to be determined – but the outcome will have a significant effect on the effectiveness and legitimacy of rulers at both the national and the supra-national levels.

2. *European Integration.* EU directives and regulations have affected the civil societies of member, candidate and adjacent states and even led to the emergence of an embryonic European civil society. Again, the greatest impact has been on the neo-democracies to the East, especially those struggling to meet the obligations of the *acquis communautaire* and competing for funds from the various EU programs. In a few policy areas, such as agriculture and regional funds, exerting influence at the European level has become imperative; whereas, in most cases, associations and movements tend to work through their respective national authorities. EU policies have also opened up unprecedented opportunities for direct access to large trans-national enterprises. The overall picture is, therefore, mixed: pluralism for specialized functional interests and selected causes through a proliferation of points of access in this emerging “multi-level” and “poly-centric” polity and corporatism for those at the supra- and national levels with privileged resources or special access to specific agencies. Particularly striking has been the (re-)emergence of national systems of

policy concertation in response to the twin challenges of a single European market and monetary unification.

3. *Inter-Cultural Migration and Co-habitation.* One of the major challenges to European civil societies has been their response to increasing numbers of migrants, asylum seekers and refugees from outside Europe. Historically, these “aliens” were first assimilated into national cultures and then entered into pre-existing trade unions, professional associations and other intermediary organizations. When they did form associations or movements of their own, it was usually assumed that this was merely a “way-station” to their eventual integration. What is distinctive about the contemporary situation is the presence of large numbers of foreign residents who insist on their right to remain different – and, therefore, to create their own civil societies. They demand, not only that their organizations be recognized, but also that they be accorded access and influence. Making this process even more contentious is the fact that aliens often come from countries that are deeply divided internally, if not subject to endemic violence. Whether these claims to persistent difference will provoke an “uncivil” backlash among natives in their existing parties, associations and movements or whether they will contribute to a pluralistic diversification of patterns of political competition and social tolerance is one of the most difficult things to predict in contemporary Europe.

4. *Demographic Trends.* The impact of this trend is relatively easy to assess. Older people are becoming a more and more important component of existing associations, especially trade unions, or they are forming specialized organisations representing the interests of retired persons. Young people are less and less likely to join these pre-existing associations (or to participate in politics in general) and are providing more and more of the dynamism for the ‘unconventional’ behaviour of new social movements. The result is an increasing imbalance in the distribution of organizational capacity and a less homogenous mix of political strategies across generations and, therefore, a tendency toward public policies skewed to benefit the aged and a growing resistance to fiscal and other reforms intended to redress this imbalance. Unless the politically disaffected youth of today can find stable niches within the reformed national or even supra-national civil societies of the future as they mature, regime effectiveness and eventually legitimacy is bound to suffer.

5. *Economic Performance.* All European societies, even the most impoverished ones to the East, have sufficient human and material resources to sustain a large number and variety of civil society organizations. High levels of unemployment, no doubt, depress individual participation and place high demands on service organizations, but this is often compensated by increased voluntary work and

contributions from those more favored by the *conjuncture*. Governments, also, come to depend more on intermediary bodies for the implementation of social programs and this can increase associational revenue. The fact that, generally speaking, European economic performance has been inferior to that of the United States during the recent decade seems not to have had much impact on their respective civil societies. If anything, this has only brought out the contrast between the quality of life in Europe and America, where the higher levels of social solidarity and community organization tend to favour the former.

6. *Technological change*. None of the challenges/opportunities has had a greater impact upon civil society than this one. Many of its organizations have seized upon the innovations in ICT and even become agents for their diffusion throughout the rest of society. The cost and ease of contacting members and soliciting their support has been dramatically reduced. Networks tying together previously separate local efforts across large distances and especially across national borders have been formed and even proven efficacious in coordinating the behaviour of activists at the level of Europe as a whole. Which is not to say that ICT has been an unmitigated blessing. It is not yet clear the extent to which the time spent “surfing” the internet detracts from the time that individuals, especially youths, spend interacting with each other. Solicitations mailed by post or sent over the internet have been successful in creating and funding a vast number of ‘virtual associations and movements’ whose members never meet each other and who have little or no knowledge of or control over what their leaders do in their name. Many of these organizations are dominated by their professional staff and run like profit-making firms – with “customers” receiving selective goods or services in exchange for their contributions.

7. *State Capacity*. In several of the new democracies, the main issue has been whether, along with their transition from authoritarian rule, there has also come a change in geographic boundaries and collective identities. The break-up of former multi-national states has brought with it the problem of a plurality of civil societies within the same political unit – and the prospect of quite “uncivil” relations between them. In some instances, this has been resolved peacefully by a process of mutually acceptable secession – but even then there usually persist serious cleavages between the new “titular” national majority and various national minorities. But for most of Europe, the issue has been quite the inverse: how can well-established national civil societies cope with a marked decline in their state’s capacity to carry out effectively and autonomously the tasks that are expected of it by citizens. Here, the problem is not national disintegration but international integration. What can the organizations of civil society do when the state they have been seeking to influence becomes part of a larger process of ‘pooled sovereignty’? The simple answer is to re-

organize across national boundaries and expand the scale of collective action. Unfortunately, this may mean overcoming deeply entrenched differences in national culture, language and organizational format – and the resulting “European Civil Society” can be much less efficacious and skewed to favour particular interests and passions than were the previous national ones.

8. *Individuation.* If this challenge were very serious, there would be no opportunity for a civil society. If every individual citizen had different working conditions, living contexts, patterns of mobility and family situations, the probability of acting collectively and voluntarily with others would diminish greatly. Fortunately, this has not happened and human beings seem to have an intrinsic genius for discovering new goals that they have in common. It does mean, however, that some of the large (“encompassing”) socio-political categories based on class, race, religion, ideology and nationality have yielded to much more fragmented and personalized conceptions of self-interest and collective passion. Presumably, this helps to account for the continued pace of forming new associations and movements with more specialized objectives and to the gradual decline in more traditional forms of associability such as trade unions. One clear implication of this transformation is a diminished probability for reaching widely-embracing “social contracts” and, hence, a less ruly and predictable pattern of bargaining between interests and passions. It also helps to explain why political parties have less and less connection with associations and movements and have lost much of their historical function of aggregating citizens under broad “ideological” labels.

9. *Mediatization.* Previously, the units in civil society played an important role in providing their members and followers with political information and, thereby, helped to form their conceptions of interest and identity. Nowadays, the mass media – especially television – has usurped this function and whatever specialized information is offered by associations and movements usually has to compete with rival commercial sources. The “party press” has virtually disappeared and the newsletters and broadsheets from trade unions and professional groups have less and less circulation. The internet, as we mentioned above, may be offering them novel and less expensive means to get their messages across, but the competition for attention is ferocious and the audiences are much less captive than in the past. Commercialization may trivialize (and scandalize) information about politics, but has also contributed to liberating citizens from partisan manipulation and government propaganda. For the (unfortunately declining) number of them who wish to participate in an informed way in the processes of democratic accountability there are many more sources than in the past and accessing them is easier and cheaper, but they do

not involve the opportunity for direct, inter-personal exchange and deliberation that used to characterize the “public sphere.”

10. *Sense of Insecurity*. Here we discover another paradox. In the past, nothing was more productive of associability than the most threatening form of insecurity, namely, international war. During both the First and Second World Wars, membership in a wide range of political and social organizations went up dramatically and many new organizations were founded during and immediately after these episodes of large-scale violence. Now that the Cold War is over, and Europe has effectively established an “international security community” within the region, i.e. the countries within it have no realistic expectation that their disputes will be resolved by armed force or reason to go to war with each other, this powerful impetus for the development of civil society has been eliminated. It is only the perception of avoidable risks and of their probable consequences from one’s own neighbours that gives rise to new forms of voluntary collective action. Not only is this a weaker incentive, but also it is a divisive one. Its most manifest expression in contemporary Europe is the mobilization of natives against foreigners – and of these legal and illegal aliens to protect their persons and rights.

III.3 Decision-Making

III.3.A Governance and “Guarding the Guardians”

III.3.A.1 Definitional statement

In contemporary European democracies, a number of non-majoritarian institutions play an increasingly important role. In this section we will focus on so called ‘guardian’ institutions (institutions made up of experts) and at the development of network, regulatory and multi-level ‘governance’. By ‘governance’ we refer to established patterns of decision making involving various public and private actors, whose actions are not solely co-ordinated through hierarchical and/or market mechanisms. Outside and in-between these two traditional governing mechanisms, there are a variety of new modes of governance that make use of different steering mechanisms to produce policy outcomes.

III.3.A.2 Democratic legitimacy, guardians and governance

In modern societies, political legitimacy requires that matters of public and common interest should be decided democratically. For a system of governance to be considered democratic, the opinions of the citizens must be freely represented, so to be listened to and accommodated by the rulers, who in turn need to be accountable

to the citizens in their actions and decisions. It is an important aspect of democratic legitimacy that citizens must believe to have a fair chance to influence the outcome of the decision-making process on issues that affect their own life chances.

This does not mean that all social decisions should to be taken democratically. Although of social relevance, many decisions are considered private and as such left to individuals, families, and associations. Other such decisions are left to contractual arrangements between the affected parties, while others still to more automatic mechanisms of co-ordination such as the market. Moreover, much of citizens' ordinary life takes place in the organisations of education, of the workplace, and of business, which operate according to hierarchical mechanisms. The reasons for the insulation of these areas of social decision making from democratic criteria and procedures are those of privacy, organisational efficiency, and complex co-ordination. The particular application of these reasons is often disputed, but nonetheless widely accepted as part of democratic life.

However, non-democratic decision making extends to many public institutions such as the legal system, the police, the army, and the public administration, which are normally organised according to hierarchical criteria. This is due to functional reasons and to their complex organisational nature. Nonetheless, public institutions are not entirely autonomous, nor do they operate according to self-referential rules and criteria. In so far as they are *public* institutions, dealing with public matters, and supported by public funding, they need some form of democratic legitimation. This is guaranteed from the outside, by their subordination to governments and parliaments.

In the last twenty-three years there has been a further erosion of democratic decision making. This has happened from the *inside* and the *outside* of politics.

- *Inside constraints* arise due to guardian institutions' addressing policy and regulatory problems by relying on specialised knowledge and on experts who are insulated from majoritarian opinions.
- *Outside constraints* appear as public policies are increasingly decided through agreements within complex *networks of governance*, comprising public and private partners. As a result, there is a decrease in political responsibility and public accountability. Increasingly, the state acts only as a 'regulator', either directly or indirectly

The general result of these developments has been a shift in the balance of public and collective decision making from politics to administration, from democracy to technocracy, de-facto reducing the space for citizens' voice, influence and control.

III.3.A.3 Tendencies, challenges and opportunities

The shift towards technocracy and bureaucracy is also sustained by a number democracy's intrinsic tendencies such as those towards oligarchy, functional autonomy, and corruption and professionalisation.

- *Tendency towards oligarchy.* The 'iron law' of oligarchy clearly favours the ascendancy of guardian institutions, which, more than political parties and representatives, are exempt from direct public scrutiny and as such are not publicly accountable.
- *Tendency towards self-referential autonomy.* This tendency concerns politics as much as other areas of social life, since increasingly decision making requires specialised knowledge and professional expertise. As a consequence, particular groups may be able to capture guardian and governance institutions, because of asymmetries in information, knowledge, and economic power, or more generally, because of social and cultural dominance.
- *Tendency to professionalisation and corruption.* This is particularly noticeable in connection to the role of the government and of the political class. In relation to the former, although guardian and governance institutions are to various degrees independent, they remain subject to government's control and pressure. This alters the balance of power between the government and other institutions. In relation the latter, non-majoritarian institutions offer opportunities for rent to the political class as a whole.

Table 1 summarises the way in which the ten challenges and opportunities identified in this Green Paper provide a context for the development of non-democratic forms of governance. The table groups the Challenges and Opportunities under four main groups. The first group is concerned with the effect of internationalisation of governance and the loss of state sovereignty. The second group emphasises the increasing porousness between the private and public domains. The third suggests the difficulties for democratic politics to deal with increasing levels of social differentiation. The fourth describes the effect that new technology (but also risk and insecurity) have on the relationship between state and private powers, on the one hand, and citizens, on the other.

Table 1: External challenges and opportunities

Challenges & Opportunities	<ul style="list-style-type: none"> • Globalisation • Europeanisation • State Capacity 	<ul style="list-style-type: none"> • Globalisation • Europeanisation • State Capacity • Economic Performance 	<ul style="list-style-type: none"> • Intercultural co-habitation • Demographic Changes • Individuation 	<ul style="list-style-type: none"> ○ Technological changes ○ Media • Sense of security
Guardian & Governance	<ul style="list-style-type: none"> • Processes of globalisation and internationalisation have contributed to give a greater role to guardian and governance institutions. • State power is diminished in so far as it needs to co-ordinate policies with other states and with powerful private corporations at both the national and international level. 	<ul style="list-style-type: none"> • The combined effect of these challenges is to alter the relationship between public and private, reducing the steering and sanctioning role of public institutions. • In order to be effective, political institutions need more flexible policy instruments, aimed at changing behavioural patterns where they cannot use command-and-control strategies. 	<ul style="list-style-type: none"> • It is more difficult for democratic institutions to address increasingly differentiated needs and attitudes. • Problem-solving institutions are considered more effective in dealing with diversity. 	<ul style="list-style-type: none"> • Changes in the context of public information and communication provide new opportunities for state and private dominance. • But new technology also makes it more difficult for one single power to control the flow of information. • New technology lowers transactions costs for getting information and for open government.

III.3.A.4 Analytical overview

Both intrinsic tendencies and external developments tend to favour the proliferation of guardian and governance institutions. The effect that these institutions have on democratic influence and accountability is similar to that produced by traditional administrative and bureaucratic institutions. They extend the chain of delegation, so that, the longer the chain, the feebler the voice of the citizens. They tend to control information and act as having a monopoly of knowledge and expertise in a particular area. They are not directly accountable, since they are not affected by electoral discipline. However, these new institutions are even more independent from political

power than traditional bureaucracy; they are set up to avoid politicisation; and in the case of network governance the fragmentation of political responsibility makes them less accountable.

In the face of the increasing power that such institutions have in public decision making, the future of democracy depends on the way in which we answer the following questions:

1. Can the apparent loss of democratic legitimacy be compensated by other forms of legitimacy underlying 'guardian' and 'governance' institutions?
2. Can non-majoritarian institutions be reconciled with some form of democratic practices?

a) The role of non-democratic decision making in democratic societies

In addressing the first question, we need to identify the justifications normally given for delegating policy making to non-democratic institutions. As in the case of the public administration, the legal system, and the army, the main justification is the need for organisational efficiency. But this is a rather broad category, which may not apply to all guardian institutions or to network governance in general.

From an analytic perspective, the reasons given in support of non-majoritarian institutions regard the *demands* faced by public decision making in developed societies, and the *standards* required for public policy making. The main demands are those of complexity and specialised knowledge. The standards are those of feasibility, effectiveness and efficiency, respect for diversity (of needs or identity), respect for diversity (in application), private autonomy and enterprise. These demands and standards shift the balance of political legitimacy from one based on democratic influence and control to one based on functions and output.

Table 2 identifies the more specific grounds (a. to i.) on which the functional and substantive legitimacy of guardian and governance institutions rest. It organises them according to the type of reasons (*demands* and *standards*) underlying their functions, and according to the kind of constraint (from the *inside* or the *outside*) that they impose on democratic politics.

The table shows that output and functional legitimacy require institutions to operate *in place of*, instead as *representative of*, the citizens. But this seems to imply that modern democracies may be faced with a trade-off between institutions that promote democratic legitimacy and institutions that promote output and functional legitimacy. As a result of this, the balance of power is now decisively tilting on the side of non-

democratic (and potentially oligarchic) institutions, eroding citizens' sense that they can influence collective decision making.

Table 2: Reasons supporting non-democratic legitimacy

	Demands	Standards
	<ul style="list-style-type: none"> • Complexity • Specialised knowledge 	<ul style="list-style-type: none"> • Feasibility • Effectiveness/Efficiency • Diversity (of needs and identity) • Diversity (in application) • Private autonomy and enterprise
From <i>inside</i> the political system	<ul style="list-style-type: none"> a. institutions protecting democracy e. decision making affecting highly specialised areas 	<ul style="list-style-type: none"> b. institutions protecting minorities c. institutions protecting individual citizens
From <i>outside</i> the political system	<ul style="list-style-type: none"> d. impartial decision making f. complex co-ordination h. promoting competition and background conditions i. supranational co-operation 	<ul style="list-style-type: none"> d. impartial decision making g. market control h. promoting competition and background conditions i. supranational co-operation

b) Bringing democracy back in?

There is another way of looking at guardian and governance institutions, not just from the point of view of their underlying reasons, but from the more specific perspective of the kind of functions they perform in relation to the political system and to citizens' interests and welfare. This is a more promising perspective from which to address our second question on whether it is possible to reconcile democratic legitimacy with non-majoritarian forms of governance. *Table 3* is concerned with what these institutions *do* in relation to public decision making.

Table 3: Types of non democratic decision-making institutions

1. Institutions <i>inside</i> the political system	2. Institutions <i>outside</i> the political system
a. institutions for the implementation of public policies	a. regulatory institutions
b. institutions operating as checks on the political and administrative system	b. self-regulatory institutions
c. semi-autonomous institutions, operating in sectors of great public concern	c. networks of decision making

This table shows that the tendency towards the bureaucratisation and rationalisation of politics identified by Weber, is no longer embodied by the traditional bureaucracy of the public administration, but increasingly by the growing number of guardian institutions and the spread of networks of governance. This shift from politics to

administration (from the conflict and compromise approach, to the problem-resolution approach) is accentuated by the need to avoid overloading the political system with legislative and regulatory tasks that have become too extensive in modern complex societies. It also reflect politicians' blame-shirking attitude, so that they tend to delegate policy-making functions to non-majoritarian institutions in those area where policy success is difficult to establish and policy results cannot be easily translated into electoral assets.

But if neither the citizens nor their representatives have full and direct control of these new institutions, the question is how to ensure that the 'guardians' do not overstep their duties by exploiting their privileged position, to their own advantage. Who, ultimately, guards the guardians? *Quis custodiet ipsos custodes?* Table 3 implies that there is no blanket solution, since different institutions perform different functions, thus requiring different strategies aimed to reconcile democratic and output/functional legitimacy.

Table 4 suggests two general strategies in order to address this problem. One is more *direct*, and is aimed at re-introducing forms of democratic control and accountability; the other is more *indirect* and works though checks and balances.

Table 4: Strategies to bring democracy back in

	Direct strategies	Indirect strategies
Politically based	Subjecting guardian institutions to the direct control of democratically elected bodies	Promote a system of <i>horizontal</i> checks based on reciprocal vigilance between guardian and democratic institutions
Citizen based	Devise mechanisms, other than electoral control, through which guarantee popular participation and control	Promote institutions that operate a <i>vertical</i> check over political institutions by allowing for citizens' voice

III.3.B Inter-level Accountability and Decentralisation

III.3.B.1 Definitional statement

Experimentation with multi-level forms of governance is on the rise, in part due to the devolution of powers to regional or provincial governments, in part due to the EU's example that national sovereignty can be distributed and pooled to the benefit of all levels. Yet democratic ideals are challenged by these experiments in the scale of governance. How can politicians be held accountable? How is it possible to square

the norm of one-person-one-vote with sub-units of different size demanding equal voice? How does one settle the issue of which decisions should be taken by which *demos*, at what geographical level – and who should decide the inevitable conflicts that arise from such a complicated system?

III.3.B.2 Descriptive summary

Multi-level governance and decentralisation challenge democratic norms of accountability of politicians and other authorities at various levels because such systems tend to blur the opportunity spaces for political choice enjoyed by each level. Measures for regaining accountability include more transparency and political contestation concerning decision makers, both with regard to their *de jure* powers and their *de facto* ranges of choice.

III.3.B.3 Analytical overview

a) On federalism and other multi-level systems of governance

“Multi-level governance” is often used to describe the plurality of modes of decision-making within the European Union. Multi-level may refer to the “vertical” dispersal of political authority from the state upward to a supranational – European Union - level and downward to sub-national/regional levels; and/or the “horizontal” dispersal that is involved when non-state actors are brought into the process. These raise different normative challenges concerning such issues as democratic representation and accountability, often because the alleged virtues come at the cost of transparency, circumscribed *competences* and accountable authority.

For our purposes, federal political orders can be characterised by a (quasi-) constitutional division of powers between central bodies and sub-units where each level enjoys final authority with regard to some functions and where changes in this distribution of authority requires consent. In contrast, in decentralised systems the central authorities can maintain, modify or abandon lower level authorities at their discretion. In confederal arrangements, sub-units typically can veto decisions and even leave the confederation. Starting with the European Coal and Steel Community, the European Union institutions have had both federal and confederal elements.

To be sure, the EU may never become a complete federation with a comprehensive division of powers, but one effect of the Draft Constitutional Treaty currently under discussion is that, if ratified, it would add more federal elements to the “mix” since member states would have irrevocably signed away their right to veto decisions in more policy areas.

b) Subsidiarity

One of the most vexing issues within any federation or quasi-federation involves the formal (usually constitutional) allocation and use of competences across its multiple levels of political aggregation. The principle of subsidiarity purports to resolve this issue by placing the burden of argument with those who seek to centralise authority. Sovereignty can be pooled in response to the loss of effective governing capacity by smaller sub-units, but higher order authorities at the national or supra-national levels can only act legitimately when they contribute to satisfying the objectives of citizens better than the sub-units. The application of this principle has had many different and competing interpretations, ranging from modern Catholic thought, an ancient tradition associated with Althusius, doctrines of “concurrent majorities” linked to the dispute between the North and South in the United States to such contemporary sources as fiscal federalism and liberal contractualism. They disagree on such fundamental matters as the proper objectives of the political order, the weighting of sub-units of different size and capability, whether these units should be defined in territorial or functional terms, and what sorts of inter-level protection and subsidization are most effective against which risks. For example, is tyranny by the central authorities over a sub-unit worse than that exercised by local authorities over a local minority? At what point does better performance of some functional task outweigh the threat to territorial identity and autonomy? Who should be the ultimate judge when conflicts arise over the application of standards – the rulers of sub units or those of the central one? Most important for our purposes is the question of who should be held accountable (and how), especially when many decisions may involve more of a sharing of *compétences* than a separation of them.

Ultimately, the principle of subsidiarity rests on our shared interest in liberty, i.e. on the ideal that one should not be subjected to the arbitrary will of others. Giving and protecting the veto right for all sub-units would protect liberty by ensuring that joint gains do not come at the price of despotism, but they would also leave the polity as a whole at the mercy of the single most recalcitrant sub-unit. Others argue that decentralization to smaller groups that share policy preferences, personal values and/or material circumstances makes for more efficient decision-making, but precisely because of this sharing such units may not have the requisite volume or variety of resources to tackle the problem at hand. Devolution of powers can also prevent the decision-making process from becoming overloaded; but it might also make that process more parochial and oligarchic. And for certain public goods with lots of “positive internalities” (also know as “synergies”) there may be subsets of individuals who should be allowed to form ‘clubs’ for their provision, provided that they do not exclude minorities from the benefits or pass the costs on to non-members.

c) On accountability in multi-level systems of governance

It is often difficult to determine who bears ultimately the responsibility for a particular policy decision when more than one level is involved in making and implementing that decision and when each level of authority can pass the blame on to the other. Given such a complex structure, no formal system of 'multi-level diplomacy' may be capable of satisfying the democratic requisite of "accountability for acts in the public realm" and of bringing the necessary sanctions to bear on those who operate in the interstices of the various levels. Nevertheless, from a normative perspective, it is possible to specify the generic standards for evaluating such complexity.

- *Transparency vs. Opacity.* Assisted by public media, citizens and authorities should be able to determine whether the institutions and decisions roughly match whatever normative requirements are appropriate for that complex political order. An added cause of opacity in the EU is that many of the processes thus far have proceeded without public access to government negotiations in the Council of ministers. Add to this that shifts from unanimity to (qualified) majority voting limit accountability even more, since politicians may say that they were unsuccessful in voting against unpopular decisions. Their claims that 'Brussels made me do it' cannot easily be checked.

- *Security vs. Insecurity.* Unanimity offers protection to citizens of each Member State ensuring that they would not be forced to take part in arrangements contrary to their own interests, and allowed them some protection against one-sided agreements. Yet they also increase citizens' uncertainty and vulnerability, since each sub unit may block common decisions. (Qualified) Majority Voting on the other hand increases the need for trust and trustworthiness among individuals and among their representatives, requiring them from time to time to adjust or sacrifice their own interests and those of their voters for the sake of other Europeans. The majority must then be trusted to consider the plight of minorities, and to respect common decisions when they find themselves in the minority.

- *Autonomy vs. Equality.* There are tensions between respecting sub-unit autonomy and securing rough equality of living conditions across sub-units – often regarded as a condition and/or an objective of democratic politics. A central issue is therefore what range of outcomes and policies the sub-unit population should be responsible for in, in the sense that they should bear the full economic burden of their collective choices. The EU is supposed to "promote ... economic and social cohesion and solidarity among Member States." - while respecting Member State autonomy. But equalization and solidarity may require centralization of monetary, social and fiscal

policies, - *according to* the principle of subsidiarity – leaving little authority to the sub-unit.

- *One-person-one-vote vs. One-subunit-one-vote?* Attempts to ‘democratise’ federations with sub-units of unequal size can run afoul of democratic ideals: Should one-person-one-vote or one-subunit-one-vote prevail? That is, do democratic norms require majoritarianism or can one justify that small sub-units should be over-represented, for instance to reduce the risk that their citizens’ interests are regularly overruled? Such overrepresentation often occurs in federations, and might be defended also in EU institutions where less populous states are over-represented or their voting weight is disproportionately high compared to more populous states. It is not obvious that majoritarian decision-making is appropriate when segments of the population risk being in a permanent minority, especially if the majority cannot be trusted to always modify their views in light of the impact on minorities. One-person-one-vote may not be appropriate under such circumstances.

III.3.C Mechanisms for Citizen Consultation and Referendums

III.3.C.1 Definitional statement

Whereas various forms of representative democracy constitute the fundament of any European democracy – old and new – some polities have gradually introduced mechanisms for citizens’ direct involvement into their respective sets of democratic institutions. In almost every European country and at almost every layer of government, citizens can file petitions which, however, are neither binding for Parliaments nor necessarily resulting in popular votes. Such bottom-up policy demands are mostly benign epidermic manifestations of deeper rooted societal contest, channelled by either established political organisations or ad-hoc committees. Their primary goals are to sensitise the governing elite and to provoke a public debate. As the direct success of such petitions entirely depends on the rulers, petitions remain edgeless arms for the ruled. Their capacity to hold rulers accountable is limited at best. The same goes for other channels of dissent or consent, such as opinion polls or public hearings.

Besides elections - and in addition to petition rights, public hearings etc. - truly elite-constraining mechanisms have been designed and implemented in European democracies. Today, what is often referred to as "direct democracy" complements representative democracy in almost every Council of Europe Member State. Direct democratic institutions usually take two fundamental forms: the referendum and the popular initiative. Both forms are closely related to each other. The referendum encompasses a process through which proposals by political authorities may be

submitted to a popular vote. The popular initiative is a process through which a number of citizens may formulate a proposal and force the political authorities to submit it to a popular vote. Thus it is the *author* of the decision/demand that allows us to distinguish between the two basic forms of direct democratic mechanisms.

III.3.C.2 Challenges

Both the referendum and the popular initiative split political philosophers and normative theorists into two groups: those who welcome it and those who are sceptical. Instead of going into this debate, we will part from the empirical fact that direct participation of citizens in the political process has become a reality in Europe.

The main *problématique* guiding our contribution is that direct democracy challenges representative democracy as it can potentially constitute veto points through which public policies decided upon by representatives can be altered or simply abandoned. If - to use Gordon Smith's terminology - 'anti-hegemonic outcomes' of popular votes become the rule, then the political system as a whole runs the risk of deadlock. From a normative perspective, such a situation would certainly be Pareto-sub-optimal. The inverse situation, where one would find systematic congruence between representatives' and voters' choices is also potentially questionable. In an ideal world, where all principles of democracy are perfectly respected by all actors and where political debates among voters would result in levels of perfect political competence of the citizens, such congruence would, of course, be a very much desired outcome. This outcome, however, would make direct democracy perfectly superfluous, as it does not make much sense to hold popular votes on topics where both rulers and the ruled systematically come to the same conclusions. If applause can be perfectly foreseen, its function is not necessarily legitimising the performance, but simply a mechanical appendix to the latter. In any case, this perfect democratic regime, where total agreement between the governing and the governed has been achieved, remains a chimera. Systematic congruence between the elite and the people might be unhealthy as it possibly indicates perfect and mostly non-democratic control by the elite over the outcome of a popular vote - an example is Ceaucescu's 1986 Referendum in Romania that led to 100.0 per cent of yes-votes with a turnout of 99.99 per cent. We can therefore postulate that neither complete "phasing" between the principal and the agent nor total disharmony between the two are - from a normative perspective - "good" outcomes in democracies. If a democracy combining both representative and direct mechanisms of governance tends towards either extreme, we would argue, the quality and hence the functioning of democracy is put under severe stress.

In a large number of States around the world, the *initiation* of the referendum process is totally controlled by the head of State, using and abusing of this instrument to occasionally call the voters to the polls. In most African States, for example, but also in Europe, the referendum is a tool in the hands of the governing to acquire democratic legitimisation for their decisions - if and when it pleases them. This ad hoc version of direct democracy strongly contrasts with its formalised counterpart. In European countries such as Switzerland, Liechtenstein, Italy, Ireland, Denmark, most former Soviet Republics and its Satellites, the governing elite cannot control the initiation of a referendum. If, for example, their constitutions are amended, a referendum *has* to take place, following the rules of a formalised procedure. As it could be shown in the literature, whether the holding of a referendum is formally required or not makes a difference with regard to its overall effects. It also makes a difference with regard to the *institutional durability* that it can induce. While the ad hoc version of the referendum process can stay dormant over decades, the required one cannot.

It is at this point that we should underline the crucial role of the local and regional level in the "old" democracies, serving as a playground for experimentation that, over time, can lead to national implementation of direct democratic institutions. In Eastern and Central Europe, however, the abrupt transition from communist regimes to democracy caused immediate anchoring of popular rights at the national level, skipping local experimentation (this is, for example, the case in the three Baltic States).

III.3.C.3 Popular votes in Europe: assessing the evidence

In the annex we have listed all popular votes that took place at the national level between 1960 and 2003 in all current Council of Europe Member States. Over this period, European electorates took 628 direct democratic decisions at the polls. Our data first shows that over the past four decades, popular votes took place in 39 of the 45 CoE Member States. Would we include data on the local and regional level, Luxembourg would remain the only "referendumless" Member State. However, Luxembourg had three national referendums before 1960 and its government announced the holding of a referendum on the European Constitution, should the latter get signed by the 25 EU Member States. Virtually all European democracies have therefore been exposed, at least sporadically, to popular votes.

Second, more than half of all referendums in Europe since 1960 were held in Switzerland. This well-known outlier, the world's champion *par excellence* of direct democracy, has engaged on a democratic trajectory of its own. In this report, we lack the space for looking more in detail at this case. Also, for the sake of a comparative

assessment of direct democracy, we will exclude Switzerland from most subsequent analyses

Third, besides the high users of referendums in Europe - Switzerland, Liechtenstein and Italy - only five other countries had at least ten referendums over the period considered. When excluding Switzerland, the average per country is at seven referendums and only one quarter of all Council of Europe Member States have an above average referendum frequency. The bulk of Member States, however, has had a very low overall referendum frequency at the national level.

Figure 6 contains the evolution, per decade, of popular votes since 1960, allowing us to better understand the dynamics of the referendum process in Europe. The 2000-2009 data point is a linear projection based on the data for 2000-2003.

[FIGURE 6 ABOUT HERE]

The two lines in *Figure 6* show similar patterns over time. Including Switzerland into the picture merely doubles the numbers without, however, significantly affecting the s-shape of the basic curve. Both curves show a dramatic increase in popular votes during the 1990ies. The overall referendum frequency in Europe has basically *tripled* during this last decade, a unique increase, intervening at a critical juncture in Europe. However, our projections for the first decade of the third millennium show that the new level reached resembles some sort of 'cruising altitude' for popular votes, maybe indicating that the referendum phenomenon in Europe has reached some sort of limit. In view of our data one could formulate the hypothesis of the existence of a "bounded democracy" with regard to the development of direct democratic decision making. The question arises whether this is true for both groups, the old and new European democracies. *Figure 7* depicts these evolutions.

[FIGURE 7 ABOUT HERE]

Figure 7 shows a very clear convergence pattern of direct democratic decision making frequency between Western and Eastern European Countries since the end of the Cold War. For Western Europe, the massive increase during the 1990ies can be primarily explained by a series of EU integration referendums. In Eastern and Central Europe it is referendums on sovereignty and the Constitutions of the newly created States in the aftermath of the fall of the Berlin Wall that account for this increase. Why should we expect to have as many referendums during the first decade of the third millennium in both regions of Europe? First, European integration continues to promote the referendum experience. The introduction of the Euro

triggered popular votes in Denmark and Sweden. Also, in 2003, nine out of the ten new EU Member States have held a referendum on their respective accession, the exception being Cyprus. Should the 25 EU Member States adopt a European Constitution, it can be expected that the latter will be submitted to a popular vote in a majority of the Member States. Nevertheless, EU integration is not the only factor promoting referendums in Europe. While Liechtenstein, Italy and Ireland continue to have a high use of EU-unrelated referendums, countries such as Slovenia, Azerbaijan and the Ukraine are following closely.

In addition to the broadening of issues that are voted upon, institutional factors contribute to the explanation of sustained direct democratic decision making in Europe. Since 1990, the new democracies Hungary, Latvia, Lithuania, Poland, Romania, Slovenia, the Slovak Republic and Ukraine have introduced some forms of popular initiatives. In Western Europe, such initiatives have so far only led to popular votes in Switzerland, Liechtenstein and San Marino. Since 1990, popular initiatives - excluding the Swiss case - account for 13 per cent of all popular votes in Western Europe. In the CoE Member States of the new Europe, this ratio jumps to 24 per cent. This finding reveals that bottom-up demands are almost twice as frequent in Central and Eastern Europe as in the old democracies. Through a form of institutional mimicry of direct democratic institutions at the national level - above all using Switzerland and Liechtenstein as paragons - several new democracies have given its electorate the possibility to initiate policy making at the polls. This clearly differs from the trajectory of Western Europe, where experimentation with bottom-up forms of direct legislation is exclusively done at the local or regional level - if at all.

In order to measure the impact of direct democracy in Europe we need an assessment of the 'success' of popular votes. Success can take various forms. First, the question arises as to *who* is successful in a referendum vote. According to our definitions, the author of the text that is submitted to the voters in a referendum, are the political authorities (Parliament and/or Government). If the text is accepted by the voters, one can postulate that the political authority's policy proposal has been democratically legitimised, therefore constituting a success for those who govern. With regard to popular initiatives, the inverse is usually true, as the governing usually fight such initiatives and recommend their rejection. Second, acceptance may not yet be enough. A referendum can be accepted by the majority of the voters but not taken into account by the elite because of its non-binding character. Also, a binding referendum can be accepted by a majority of the voters but not taken into account because a certain participatory quorum has not been reached. In both cases, the referendum will prolong the *status quo* instead of producing an immediate policy change.

The table in the annex measures the 'net effect' of referendums and initiatives, i.e. those that lead to direct policy changes. With regard to Western Europe we first find a trend towards higher rates of acceptance over time. Since 1990 roughly three out of four referendums are accepted. *Nota bene*: this ratio is almost identical to the Swiss one. Second, one can observe a relative consistence of the acceptance rate of popular initiatives. Roughly one out of two popular initiatives has been accepted at the polls. Third, a majority of popular votes are binding and fourth, we observe a diminishing rate of referendum-induced policy change. In the most recent past, only one out of three referendums has developed a direct policy effect despite a 73.9% acceptance rate. In other words: only every second proposal that has been accepted by a majority of voters directly provokes a policy change. This rather surprising finding can be explained through two mechanisms: first, the rate of non-binding referendums has slightly increased and second, quorum rules are less and less frequently met, i.e. turnout is insufficient for the referendum result to develop direct policy change.

This is a problematic state of affairs, as it could lead to a vicious circle: if referendums are held, accepted, but ignored because of their non-binding status or failure in reaching a participatory quorum, the probability for voter apathy to rise is higher than for the latter to disappear. A voter's participation in elections is not a rational act as the probability for one vote to change the outcome is minimal. Nevertheless, participation does occur. But add to this the probabilistically sound expectation that the *overall outcome* of a vote will not be taken into account by the governing and one ends up with a multiplier effect between the 'individual vote does not count' and 'the overall result does not count'. In our view, further political apathy can therefore be expected. We would argue that the non-binding character of certain referendums is not the most problematic issue. When in 1994 a majority of Norwegian voters refused EU membership in a consultative (non-binding) referendum, it was politically inconceivable for the Norwegian government to simply ignore this outcome and join the EU. The same goes for the 2003 consultative referendum on the Euro in Sweden. It leads us to the question whether it would not be preferable to recommend referendums to be designed in a binding rather than non-binding way, as the practical difference does not seem to be enormous. However, the crux is, we believe, the participatory quorums that are not reached, sometimes by a very close margin (as illustrated, for example, by the 1999 referendum in Italy: on April 18 1999, 91.52 per cent of Italian voters accepted a reform of the mode of calculation for the attribution of Parliamentary seats in order to better respect the principle of proportional representation. However, turnout was only 49.58 per cent, therefore missing the 50 per cent quorum by 0.42 per cent of the

Italian electorate). The latter de-legitimise a referendum outcome on the basis of the questionable idea that some arbitrarily chosen participatory threshold must be reached.

The situation in Eastern Europe is quite different. Here, a very large majority of referendums and popular initiatives have been accepted since 1990. For the pre-Berlin-Wall-collapse-figures, suffice is to note the total acceptance rate: 100%. However, during the communist regime, referendums were hardly democratic and this apparent congruence between voters and elites is a pure illusion. Popular initiatives did not exist. Also, any binding/non-binding distinction is unnecessary and the same goes for direct policy change figures. One can finally note, for the most recent period, that the immediate policy change rate of popular votes was much higher than in Western Europe.

In conclusion, since the fall of the Berlin Wall congruence between the agent and the principal in referendums has been rather good. In Central and Eastern Europe, over the past few years, this congruence approaches again the communist levels of acceptance, therefore putting a minor question mark to the process. If governments always win, as we have theorised above, it could well be that both the campaign and final voting process are non-democratically biased. Against this fear points our data on popular initiatives which are traditionally aimed against existing government policy and where we find very high acceptance rates, almost twice as high as in Western Europe.

IV. RECOMMENDATIONS FOR REFORM

IV.1 Introduction

In our research on “actors and processes” in relation to the “challenges and opportunities” facing contemporary European democracies, we discovered that politicians and citizens were not only aware of pressing needs for reform, but they were also responding creatively to these needs. Contrary to the prevailing impression that its well-established democracies to the West are too sclerotic to make any substantial changes in their rules and practices and that its neo-democracies to the East are only concerned to mimic these very same rules and practices, we found lots of examples of innovation and experimentation. Needless to say, these efforts were often scattered and too recent to be able to evaluate their potential contribution. Many were emerging from the local levels of government and from specialized arenas of governance. Most often these reforms aimed at greater transparency and participation in decision-making by citizens and “stakeholders.” Not surprisingly, the growing problems associated with party finance and corruption elicited responses at the national level, although NGOs such as Transparency International and IGOs such as the Council of Europe also played an important role in identifying poor quality performance and setting standards. Around the more encompassing issues of globalization and international migration, the reform efforts primarily involved transnational organizations and international agreements, including Framework Conventions of the CoE on such matters as the Protection of National Minorities, the Participation of Foreigners in Public Life and Nationality. Although it was not founded for this purpose, the entire “experiment” in European integration could be interpreted today as an attempt to respond regionally to the challenge of globalization. Given the multiplicity of levels of aggregation and diversity in existing rules and practices among European democracies, it should come as no surprise that these responses have not been uniform and frequently have passed unobserved and under-evaluated.

As we now turn to our recommendations for reform, we should recognize that several of them were inspired by the dispersed efforts that European democracies are already making to meet the challenges and opportunities of the “interesting times” in which we have been condemned to live. Unfortunately, however, many of these are so recent that we cannot be sure that they will succeed in improving the quality of democracy. Moreover, we also have to recognize that there are several problematic areas in which very little has been tried. For example, almost everyone by now recognizes that citizens are less and less likely to vote or to join political parties, but no one seems to be seriously trying to do something about this.

When James Madison was trying to convince his fellow American citizens to take the risk of reforming their political institutions in the *Federalist Paper No. 10*, he articulated a famous dilemma. Democracy did not only resolve problems; it also created them – not the least of which was its tendency to produce “factions.” Give citizens the freedom to express their opinions and to act collectively and they will “fall into mutual animosities” over “the most frivolous and fanciful distinctions.” His response was brilliant: If “the **causes** of faction cannot be removed (without destroying democracy itself) ... relief is only to be sought in the mean of controlling its **effects**.”

We have tried to take his advice into account. And nowhere is this more evident in the contemporary world than with regard to the effect of the mass media. Newspapers, radio and, especially, television have effectively transformed democracy into a “public spectacle.” What is supposed to be a solemn process of collective reflection by virtuous citizens deliberating on and choosing among competing conceptions of the public good has become a much publicized circus of routinized speeches, televised soundbites, symbolic invocations, vacuous claims and counter-claims and choreographed events. And there is no way of eliminating this without harming the basic freedoms upon which liberal democracy rests. The answer, we believe, lies in trying to control its effects. In other words, the best way to do this is to make politics more, not less, entertaining. Several of the reforms recommended below are intended (primarily but never exclusively) to make participation in elections, in political parties or in civil society easier, more interesting and, quite frankly, more fun. As one wise observer put it in response to an earlier draft of this document, “you have taken the *Spaßfaktor* into account.”

* * *

When recommending specific institutional reforms, we found it imperative to return to our starting point, i.e. “*democracy is the word for something that does not exist.*”

First, we recognize that promoting democracy will always be “unfinished business.” Successes in coping with particular challenges or seizing particular opportunities will only shift expectations toward new ones in the future. Citizens will focus their demands for equality on new sources of discrimination, for accountability to new relations of domination, for self-respect to new arenas of collective identity. All that we can realistically hope for is that the reform measures we advocate will move the polity in a positive direction – never that they will definitively fill “the democracy deficit.”

Second, we reject the notion that there is one ideal type of democracy that all European countries should adopt at once or even converge toward gradually. Therefore, it should **not** be the task of the Council of Europe to identify and advocate a set of identical reforms that would do this. Each member state will have to find its “proper” way of coping with the unprecedented range of challenges and opportunities that face the region as a whole. They have a lot to learn from each other, and the CoE can play an active role in fostering that process, but the points of departure are different as are the magnitude and mix of challenges and opportunities. Hence, reforms in institutions and rules will not produce the same, positive and intended, effects in all countries that adopt them. Reforms that may be welcomed by the citizens of some member states might be resoundingly rejected by others. One could even argue that such a diversity of meaning and expectation is a healthy thing for the future of democracy in Europe. It ensures a continuous diversity of political experiments within a world region whose units are highly inter-dependent and capable of learning – positively and negatively – from each other’s experiences.

Summarizing *grosso modo*, we can distinguish three “models” of democracy that persist in all member states to varying degrees. They are not incompatible with each other, but each places emphasis on different institutions and consequentially on the reform of different institutions. What is especially important now that we are about to advocate specific changes in formal institutions and informal practices is not to limit ourselves to one or another of these models, but to recognize that all three potentially have something to contribute to improving the quality of democracy in Europe.

1. **Numerical.** Democracy consists of a process in which citizens with equal rights and obligations participate directly (in elections, primaries, referendums, polls, etc.) or indirectly (through representatives in parliaments, committees, local governments, etc.) in the making of binding collective decisions by competition, such that the alternative that receives the most votes is chosen.

2. **Negotiative.** Democracy consists of a process in which citizens with preferences that are of unequal intensity and, at times, of incompatible resolution enter – again, directly or indirectly – into negotiations with each other in order to arrive at a binding collective decision by consensus, i.e. that is mutually advantageous and, therefore, acceptable to all.

3. **Deliberative.** Democracy consists of a process through which citizens agree to exchange information about each other’s interests and passions under conditions of honest disclosure, mutual respect and equal power in order to modify these pre-

existing preferences, discover shared solutions and arrive at a binding decision by consensus.

Depending on which model one advocates or regards as most appropriate for a given polity, the object of reform is likely to differ. “Numericals” will tend to focus on measures that encourage citizens to vote, extend the sites at which this occurs, improve the process of tallying up electoral choices and enhance the significance of political parties and representative bodies involved in such mechanisms. “Negotiatives” will be more concerned with improving the means for expressing collective interests and passions through associations and movements and for gaining access to channels of policy-making outside the classical partisan-parliamentary one. “Deliberatives” are most likely to favour the development of forums, especially at local or issue-specific levels, in which citizens can meet each other directly, without the intervention of organized intermediaries, and attempt to persuade each other about the best course of action.

The recommendations for reform listed below are not guided exclusively by any one of the three models, but by the conviction that all “real-existing” democracies in Europe are based on some mix of all of them – and that this is a good thing. These recommendations are by no means endorsed with equal enthusiasm by all members of the Working Group, but we have all tried to follow the same guidelines when proposing them:

IV.1.A Impartiality

We intend to propose reforms, hopefully for collective endorsement by the members of the Council, that would improve the quality of democracy. As much as possible, these recommendations should be “neutral” or “ambidextrous” in the sense that they would not be manifestly designed to benefit one party or political tendency (i.e. Left-Center-Right) over another. Ideally, the reforms should be Pareto Optimal in that no existing political party or tendency would suffer from its application and all would benefit. The latter is obviously impossible to satisfy – if only because of the high likelihood of an “anticipated” objection by some party – but it is not impossible that the eventual implementation of the reform would turn out to be Pareto Optimal or at least of benefit to such a wide spectrum of interests/passions that the initial minority would come to accept and even endorse it.

IV.1.B Feasibility

Here the primary issue is one of agency, i.e. what initial combination of political forces operating under the existing rules of the “liberal democratic” game would

support and implement such a recommendation. A secondary issue is one of diffusion, namely, how the evaluation of reform measures initiated in one or a group of member states will affect the likelihood of subsequent adoption in others that were initially reluctant to try them out. Proposals were put forward only when there is some realistic prospect for both agency and diffusion.

IV.1.C Level of application

The recommended reforms may not produce similar effects (intended/unintended, desired/undesired) at different levels of political aggregation, even within the same polity. Something that has a democracy-enhancing impact at the local level could well have an autocratic impact if adopted nationwide. Therefore, every proposal for reform should specify and justify the appropriate level of its application. In general, the principle of subsidiarity should be applied: Where possible, the initial experimentation with the reform should take place at the lowest level of aggregation and only once it has proven to have democracy-enhancing effects at that level should it be transposed to a higher level – and even then only very cautiously and gradually.

IV.1.D Strategy for implementation

As a rule, the implementation of democratic reforms should be treated as political experiments, i.e. they should first be introduced into a small number of carefully chosen units, monitored closely for their co-lateral effects and extended to other units at the same or higher level of aggregation only once their positive and negative effects are known. Ideally, the initial units for experimentation should be chosen on the grounds of “most-dissimilar” systems, i.e. controlling for other differences, the units should be as different as possible on the variable or variables that putatively are expected to have the most impact upon their success or failure. Since it is often not possible to know what that variable(s) is, it might be desirable to simulate it by selecting from among the largest/smallest, most/least developed, central/peripheral units.

IV.1.E Time horizon

We have been interested in exploring and advocating reforms that could be adopted relatively quickly, i.e. without constitutional or treaty-like ratification, and those that could only be adopted through some much lengthier process. NB that it may be possible “on the cheap” to experiment with reforms at a local, less visible, level that would have to pass a much higher threshold if they were “nationalized” right away.

IV.1.F Criteria for selection

Only those proposals for reform that generated a consensus among all or most of the members of the Working Group have been put forth in this Green Paper. If the person most responsible for the substantive aspect of democracy that was directly concerned by the proposed reform was opposed, the reform was not sponsored.

IV.2 Our “Wunschliste” of Recommended Reforms

1. Universal Citizenship

This proposal would grant full rights of membership in the political community from the moment of birth to all persons born within its territory or to all of its citizens living abroad, as well as to those children who are subsequently naturalized. Recognizing the manifest incapacity of children to exercise his or her formal rights directly and independently, this reform further proposes that the parents of each child be empowered to exercise the right to vote until such time as the child reaches the age of maturity established by national law. Each child would be issued a voting registration card or whatever device is already in use to identify legitimate voters and would be informed of his/her (deferred) right to vote. The decision as to exactly which parent will actually exercise this right until age 16 or 18 would be determined by the eligible parents. If there was only one or if there was a guardian, then, it would be that person who would vote.

This reform should make the local, regional or national democracy more "future-oriented." Not only would allowing children the vote constitute a symbolic recognition that the polity has a responsibility for its future generations, but it would also provide a real incentive for these youngsters to develop an early interest in politics and to do so through an awareness of the importance of whatever level of political aggregation granted them this right. Precisely because of this incentive, it is to be expected that children -- once they become aware of the right that their parents are exercising in their name in parliamentary, or presidential elections -- will increasingly hold their parents accountable for the way in which they distribute their electoral preferences. Which also suggests that the reform measure should increase various forms of inter-generational discussion about political issues and partisan orientations in general - strengthening channels of political socialization and improving elements of citizen training within the family that seem to have considerably diminished in recent decades. It may even compensate for the prodigious decline in sense of party identification and probably would exert pressure on politicians to lower the age of political maturity from 18 to 16, if not even younger.

It should also serve as a double stimulus to encourage voting among young parents since their children would probably put pressure on them to vote and the weight of their vote once cast would be increased according to the number of children they had. Moreover, politicians would recognize this fact and orient their appeals and policies more toward this (often neglected) segment of the population.

Finally, enfranchising young children and adolescents should contribute to a greater equilibrium of the political process over the life cycle. With increasing life-spans and a stable age of retirement, older persons have become a larger-and-larger component of the total citizenry and they have both the time and financial resources to participate disproportionately in the electoral and policy processes -- with the result that an increasing proportion of public funds are being spent for the health and welfare of the aged and a decreasing sum on the education and training of youth. In the longer run, this is bound to be a self-defeating process as a smaller and less productive set of active workers must pay for a larger and larger set of retired workers.

2. Discretionary Voting

Traditional liberal democratic theory stresses not only “one person, one vote,” but also that this vote be indivisible – cast for a single party list or candidate. Some systems allow for a limited degree of “transferability” by giving the voter the right to indicate a second preference or the possibility of changing the order of preference in a party listing. More recently, a few polities have expanded the choice of electors by allowing them to vote for “none of the above” (NOTA). In general, we are convinced that such ‘discretionary’ extensions of the voting process are desirable. They make elections more interesting; they treat the citizen with greater respect; they promote more political competition, not just between parties and candidates, but also with unusual combinations and prospective alternatives.

Historically, the use of discretion was limited by practical considerations, i.e. the amount of time and attention that one could expect from the average voter during the time that he or she spent in the voting booth. If, as we advocate, European democracies were to switch gradually to postal or electronic voting, the potentiality for providing more information and exercising more discretion could be greatly expanded. The citizen would have a long period in which to express his or her choices – say, a week or more – and one can, therefore, imagine offering a wider range of choices. For example, he or she could be given not just one vote but a number of “voting points,” – say, one hundred – to distribute across candidates or voting lists, as well as to allocate to “none of the above,” if the preceding choices are unappealing. Voters would have a chance to record the intensity of their preference

for a specific party or candidate and that, itself, would become a part of the public record. For example, winners with a higher proportion of 100% preferences could rightly claim greater public support than those who won by the same aggregate margin but with more mitigated patterns of voter support. A growing number of “none of the above” votes would provide a much clearer signal of dissatisfaction than the alternative, which is usually higher electoral abstention. One might even stipulate that, in constituencies in which “none of the above” gained a relative majority, a special by-election should be held and, if that continued to be the case, no representative from that district would be elected.

3. Lotteries for Electors

We have repeatedly stressed the need for improving voter turnout at all levels of electoral competition. Some of the reform proposals proposed above might have this as an indirect effect. For example, universal citizenship by giving additional votes to families with children might increase electoral participation among young citizens. Discretionary voting should make the act of voting more interesting and expressive of individual preferences and that might also appeal to previously alienated citizens. But we should still be concerned with providing direct and positive incentives for electoral participation. Obligatory voting has had such an effect in the past, but seems to be waning as individuals learn that public authorities are reluctant or incapable of sanctioning non-compliance. The ancient Greeks considered simply paying eligible citizens to spend a day listening to speeches in the *Àgora*, but in the contemporary world that seems unacceptably commercial in a political process that is already excessively impregnated with financial concerns.

So we propose a lottery – or, better, three lotteries – for voters. Each person who votes would receive one of three special lottery tickets: (1) one ticket for first time voters; (2) one for regular voters (e.g. those who have voted in all previous elections for which they were eligible or during the last three times); and (3) one for all other voters. The winning numbers would be drawn at the same time that election results were announced and the eventual winners would be publicized and feted. The prizes should not be sums of money for private purchases, but portions of the public budget for distribution to state programs or non-profit associations and movements in civil society. The winners would be given a period, say, a month, to decide to whom they wish to give their respective sums during which time they would receive diverse proposals from public and semi-public agents. Indeed, when publicized, the decisions that these randomly selected citizens made could have a significant impact on determining public policy priorities and/or on encouraging voluntary support for organizations in civil society.

4. Shared Mandates

Normal practice in all existing democracies is for citizens to choose a deputy to represent them – either from a party list or in a single member constituency. What if parties were required to nominate “pairs” of candidates for each position? One of the two would be the *primus inter pares*; the other would be his or her deputy. The first would receive a full salary; the second a half salary. Parties would be free to decide how these pairs should be balanced – by gender or by age or by religion or by social origin – but the voter would have to choose both of them together. It would be understood that the first of the two would be “senior” in the sense that he or she could exercise the mandate for the full period and be singularly responsible for all of its obligations, or they could divide up the task according to time period or legislative function. Parties might wish to indicate beforehand what the division of labour would be in the forthcoming legislature – or they could simply leave it to the discretion of the pair once elected. The advantages of such an arrangement are multiple: (1) it should allow persons to participate actively in legislative politics while also pursuing their own careers; (2) it would encourage a parity in representation across gender, age or other sources of social discrimination; (3) it could provide a useful supplement of expertise for the legislative process as a whole; (4) it could serve as a device for gradually inserting young people into the competitive political process; and (5) it would ensure that a larger proportion of the population would share in the direct experience of governing.

5. Specialized Elected Councils

Modern European democracies are already surrounded by a multiplicity of advisory committees, ‘functional assemblies’ and consultative councils – many of which are intended to provide guaranteed access for organizations of civil society to state agencies and decision-making bodies. The expertise and information that they provide are an important complement to the deliberations of legislative assemblies, and essential for coping with the increasing complexities of public policy. Their democratic status, however, has often been questioned since they provide privileged access to those interests and passions that are best organized and not necessarily to those that are most concerned with the public interest. Usually, the participants in these councils are selected either by politicians or civil servants according to some principle such as “the most representative association” or “the most insistent movement.”

We propose that governments at various levels – the local, regional and national – consider holding periodic, specialized elections for membership in councils that provide them with advice on matters affecting such social groups as young people,

the elderly, the unemployed, ethnic or religious minorities, handicapped persons, or foreign residents. The winners of these elections should be paid a modest sum for their participation. Obviously, the nature of these councils would vary with the national or sub-national context. In all likelihood, pre-existing associations and movements (and, in some cases, political parties) will be more successful in these contests than newly created ones, but their legitimacy as representatives will be enhanced by winning and they will be more inclined to develop broader programs in order to attract votes from a wider public. Moreover, one could also envisage delegating control over specific budgetary assets to such councils. We believe that an especially compelling case can be made for the creation of **Councils for Denizens** and will make a specific proposal to that end, but the practice could be extended to cover other social groups – e.g. young people and the elderly – where appropriate conditions exist. Needless to say, this is a reform that would be easier both to implement and to monitor if initially applied at the local or municipal level and, only if successful there, might it be advisable to shift upwards to the regional or national level.

6. Democracy Kiosks

One of the universal complaints one hears about contemporary democracies is that they are “remote.” Their operations are so complex and take place through the intercession of so many layers of decision-making and policy-implementation that the ordinary citizen feels incapable of reaching those responsible – even when he or she is sufficiently motivated to do so. Moreover, the sheer volume of information that governments put out has increased to such a degree that no one can be expected to keep up with it unless they make an extra-ordinary effort.

What if democratic governments – through cooperation between all levels, up to and including the European – were to create a comprehensive system of public kiosks in visible and accessible places in every urban quarter, town and village? Whether standing alone or placed inside sites such as local government offices, public libraries or even police stations, they could serve as distribution points for official publications, allow citizens to make routine transactions such as paying fees/taxes or notarising documents, provide free internet access for receiving and sending messages from/to public agencies and offer personalized, face-to-face advice from local functionaries about laws and regulations. Eventually, if and when the polity moved toward electronic voting (see Recommendation #28), these kiosks could help to fill the “digital divide” by providing dedicated electronic access for those without home or office computers, as well as instruction for its use. In order not to unfairly burden local governments with this additional expense and to ensure an even distribution across the national territory, this system should be funded from central

government revenue. The expense could even be amortized over time by a corresponding reduction in the cost of conducting elections, sending official notices and responding to mailed or telephoned inquiries.

7. Citizenship Mentors

A 'citizenship mentor' program could be an effective way to introduce the migrants to the culture of the receiving society, as well as to acquaint "native" citizens with foreign cultures. The mentors would be volunteers, for example students, who will take on tasks such as assisting migrants to register into the health care system, to participate in the activities of various civic associations, and explaining them the basics of the existing political system, i.e. political rights, voting procedures, registering to vote. They could also be "conscripts" from the **Civic Service**, proposed in Recommendation #10. The mentors and migrants should meet periodically, if possible, during the first six months after entry into the receiving country. Mentors would have previously received formal training in multicultural awareness and civic participation through standardized programs. A common e-book should be made available in all member states of the Council of Europe with a complete listing of online resources for the use of training staff and mentors. Each 'Citizenship Mentor Centre' would supplement this with specific information according to local, regional or national needs. The Council of Europe could serve as a regional coordinator of these experiences and diffuse information on those that have proven most promising. In order to encourage both citizens and migrants to participate voluntarily in this program, non-monetary compensation could be offered to them in the form of free tickets to cultural or sporting events or vouchers to be spent for additional schooling or language courses. Alternatively, where the use of volunteers or conscripts relieves local administrative staff from tasks with respect to migrants, they should be paid a modest ("minimum") hourly wage. NGOs in some countries already provide analogous forms of mentorship as well as cultural mediators and they could be subsidized for extending and systematizing these practices which could be institutionalized and improved through international cooperation.

8. Council of Denizens

Every political unit in the EU that has more than a pre-designated proportion (say, 10%) of its total population consisting of 'denizens' – legally resident citizens from non-EU member states – should create a council for their political representation. This should be a forum for regular deliberation among denizens and for periodic exchanges of opinion with existing councils composed of citizens at the municipal, regional or national levels. Denizens should also be free to invite politicians, academics and policy practitioners to their meetings, as well as to engage in a

broader dialogue with the public on whatever matters they choose to place on their agenda. The size, *compétences*, and resources of this council would vary according to the social and legal context of the unit.

The representatives to this council should be chosen in a special election (but, ideally, one coincident with the normal citizen election at this level) by competition among political parties (presumably, in the PR system with closed lists of nominees). These parties could consist either of ‘denizen’ sections of pre-existing citizen-based parties or of parties specifically created for these elections. Each candidate should be identified by name, profession and nationality and, where possible, information should be provided about the program of the party that has nominated him or her. The parties specifically created for these elections may be formed of ‘national’ lists (e.g. Albanians, Chinese, Senegalese, Ukrainians), of ‘continental’ lists (e.g. Africans, Latin Americans, South Asians), of ‘religious’ lists (e.g. Muslims, Confucians, Protestants) or of ‘cosmopolitan’ lists that cut across these categories. Such a competitive political process within the ‘denizen community’ would avoid the need for setting specific quotas and would not certify publicly (and, therefore, reify) any specific institution (association, movement or party) or identity (nation, region or religion). It would be up to the denizens themselves to establish parties according to their own perception of common interest or identity – and the competitive process would determine which of these are entitled to representation on the CoD. Ideally, the ‘aggregative dynamics’ of the electoral process would tend to reward those parties that represent broader categories of interest or identity and, in so doing, contribute to the formation of cross-cutting affiliations and alliances.

The *compétences* of this Council of Denizens should vary according to national legislation and constitutional provisions, but at a minimum, it would have the right to be consulted on all matters relevant to the interests of denizens resident in that polity. At a maximum, it could be accorded a veto power with regard to all decisions affecting the vital interests of denizens as such. In between, the Council could play an important “mediating” role on such issues as the conditions for expelling undocumented and illegally resident foreigners and for legalizing the status of such persons. In other words, it could function as a sort of “popular court” composed of ‘denizen peers’ for handling such contentious issues on a case-by-case basis. Also, the Council could be given a formal role in assessing and/or approving public funding for associations that provide services directly and specifically to denizens as well as to illegally resident aliens.

Its resources should also vary from polity to polity, presumably according to its size and *compétences*. One possible idea that might make for greater fiscal responsibility

would be to fund the activities of the Council and any subsidies or grants that it might approve from an ear-marked quota of taxes paid by denizens in a particular unit. For example, one third of the income taxes or of the estimated VAT paid by denizens could be allocated for such purposes. The important principle is that the Council have a independent source of revenue that is not contingent upon the budget of the polity as a whole or upon the whims of whatever coalition of citizens currently forms its government.

Given the present distribution of denizens in member states, it should be presumed that such a reform would begin at the municipal level in those cities with the highest proportional concentration of legally resident foreigners. If, as expected, these councils prove to be useful in resolving (even in pre-empting) conflicts between citizens and non-citizens and to be capable of stimulating the active participation of denizens, then, these inevitably dispersed local experiments could lead to their replication at the provincial, national and even supra-national levels. Why not, eventually, an EU Council of Denizens?

9. Voting rights for denizens

Some national states, cantons and municipalities have successfully introduced voting rights for denizens. This practice should be encouraged and improved. In particular, measures to make registration and subsequent access to voting (and hence participation) easier for long term foreign residents should be introduced. Normally states and municipalities grant voting rights after a fixed number of years of residence in a country (this normally vary between 2 and 8 years). A proposal could be that denizens who participate to programmes of citizen mentorship (see Recommendation #7), or demonstrate a proficiency in civic education, constitutional matters and political history of the receiving country could be rewarded by gaining access to the vote after a shorter period of residence.

10. Civic Service

European countries have been gradually phasing out their systems of military conscription. Many of them already have provisions for an alternative *Zivildienst* that has been increasing used by conscientious objectors and has become an important source of supplementary support for organizations in civil society. Not only would the abolition of obligatory military service deprive them of this support, but there are also other good 'democratic' reasons why an alternative 'civic service' would be a desirable replacement. It would provide a common experience for all youths regardless of social distinctions (class, gender, religion, region, etc.) in the larger national community. It would introduce them to the value of working in political and

community organizations and offer a unique period of exposure to civic practice and democratic equality. Needless to say, it would quickly become a major source of support for the organizations of civil society involved in the production and distribution of public goods.

Such a service would be obligatory for all citizens and all denizens (who have lived in the country for more than 3 years) between the ages of 17 and 23. It would last for a short period, to be followed by the possibility of a voluntary extension. Exceptions could be permitted for health or family-related reasons, but the obligation should be as general and non-discriminatory as possible. The experience should, however, be as flexible and accommodating to individual needs as possible. To accomplish this, it should be divided into three stages, one obligatory and the other two voluntary:

Stage 1 (compulsory). At a time of their choice between the ages of 17 and 23, all citizens would be required to spend four months fulfilling their 'civic service.' The first month would be dedicated to general civic education and would be provided by a dispersed set of recognized institutions: secondary schools, professional institutes, universities, NGOs and other non-profit firms who would bid for competitive contracts and be paid accordingly from public funds. During the subsequent three months, the 'civic draftees' would be assigned to work in organizations of civil society or agencies of public service such as fire brigades, hospitals, homes for the aged, local governments, etc. During this entire four month period, the draftees would be paid the same modest salary (say, the minimum wage if it exists) to cover their living expenses (food and housing).

Stage 2 (optional). After this short compulsory period, those who chose to do so could extend their commitment for a further year in the same or another organization. In addition to the modest salary, they would become entitled to vouchers that could only be used for educational purposes (tuition, fees, housing or other expenses) during a subsequent three year period. These vouchers could be spent at a time of their convenience during the following ten years.

Stage 3 (optional and dependent upon matching funds from eligible organizations). Those who wish and had already completed stages 1 & 2 could opt for spending another twelve months in 'civic service,' provided that an organization in civil society or agency of public service agreed to pay them a salary equivalent to the modest one they would continue to receive from public sources. This extra year would then entitle them to an additional two years of educational vouchers.

11. Education for Political Participation

Traditionally, proponents of democracy have complained that citizens were inadequately educated for bearing the complex responsibilities required of them when voting for representatives or participating directly in decision-making. On these grounds, the electoral franchise was often “*capacitaire*,” i.e. denied to those without formal education or those who were illiterate. Ironically, in contemporary democracies the level of general education has risen so much that some observers complain that citizens have become excessively critical and demanding of their politicians. No one seems to believe that the population has ever received the “correct” political education. People tend to have a limited view of “political” objects, to reduce political affairs to “politicking,” not to be aware of policies, programs, ideas, principles, issues, debates on issues and ways of facing current problems and, consequently, to have a pejorative vision of politics.

Everyone agrees that today’s democracies need better politically informed and, therefore, better politically educated citizens. But how can this be accomplished and, more specifically, what should be the role of public policy in this effort? Most “real existing” programs for civic education focus on a description of formal institutions and a recitation of normative principles. They are far from providing the knowledge and skills demanded by a more politically aware citizenry. Indeed, much of this effort can be counter-productive – helping to breed cynicism when the observed practices fail to match up to the exalted ideals.

We believe that a better approach would be to educate citizens for actual participation in politics – as it exists rather than as it is supposed to exist. This would require that students at various moments during their education be placed in direct contact with representatives and rulers acting in their usual governing roles. The emphasis should be placed on “learning by experience,” rather than “learning from manuals.” The proposal for a **Civic Service** (Recommendation #10) based on internships in government and civil society institutions is one such effort aimed at those who are finishing secondary school. Younger students might be assigned to serve for a day or two as “assistants” to local politicians or activists in parties, associations or movements. One could even imagine a competition about politics & history among pupils in different schools with the winners spending a limited period of time as surrogate “ministers” or “state secretaries” in the regional or even national government. If millions of Europeans watch the Euro-Song Fest and participate in its ingenious voting system, why not try the same thing for a Euro-Politics Fest. Two or three controversial topics of major importance for Europe as a whole could be selected in advance for debate and students could prepare “briefs” arguing different

points of view and proposing different solutions. “National Champions” could then face each other off in live television.

12. Guardians to watch the Guardians

The purpose of establishing ‘guardian’ agencies and boards is precisely to remove them from ‘politics’ and to insure that their specialized expertise can be brought to bear to solve problems without the ‘costly’ interference of partisan disputes. Unfortunately, this also serves to disconnect them from the circuits of democratic accountability. Elected representatives may have some say in their initial nomination, but little other than legislative hearings once they are in office. We propose that all guardian institutions – central banks, general staffs of the military, regulatory agencies for a wide range of purposes, all sorts of autonomous boards and managerial public commissions – be recognized as such and each be assigned a ‘guardian’ chosen by the parliamentary committee most relevant in their field of activity. This person would be a member of the permanent staff, paid for and responsible only to the parliament, and would have the same right to information and presence as a member of the directorate of the guardian institution. His or her primary responsibility would be to report regularly on the performance of the respective agency or board and to evaluate its compatibility with democratic principles – that is to say, a sort of permanent whistle-blower with privileged access to internal documents and discussions. This should serve to strengthen the general role of parliament within the usual system of inter-agency checks and balances.

A potentially significant secondary responsibility would be to serve as a ‘specialized ombudsman’ vis-à-vis the public at large and its exchanges with the guardian institution to which he or she is attached. Virtually all European democracies have general ombudsmen responsible for hearing and acting on citizens' complaints. They have become an important resource in changing and adapting policy making to the needs of the citizens. So much so that they are frequently over-burdened with a variety of complaints and, hence, suffer from a lengthy investigation procedure. Having a number of specialized ombudsmen covering the guardian institutions would not only diminish the burden on general ombudsmen, but it would also bring more specialized knowledge to bear that should make it easier to discriminate between serious and trivial cases.

13. Special Guardians for Media Guardians

No one questions that the media – press, radio, television and, increasingly, internet – play a highly significant role in determining the quality of democracy in Europe. They provide most of the information that the public uses to make judgments about

candidates and policies; they tend to set the agenda for political debates; they can have an important direct impact upon voter behavior. And yet, neither democratic theory nor practice knows how to treat the media so that it does not systematically distort the outcome of political competition. Repeatedly, it is said that the net effect of the press, radio, television and internet should be “neutral,” “balanced,” and “fair” – but how to ensure that this is so?

By and large the situation in Europe is relatively pluralistic “at the base” – compared, for example, to that of the United States. Different forms of ownership – public as well as private -- prevail and there are usually prohibitions on too great a concentration of market share in the hands of a single firm or consortium. Television stations are required as a condition for their licensing to provide free time to the candidates of competing parties during electoral campaigns. Moreover, many countries have set up independent regulatory agencies (‘guardians’) to verify that radio and television stations cover political events and personalities in an equitable fashion. They monitor that the time and attention devoted to government and opposition is not disproportionate. Some of them are even empowered to deliver mandatory injunctions and to impose sanctions on those that violate regulations. These are practices that should be encouraged in all member states of the CoE.

But, who regulates the regulators? Who ensures that they actually do their job and are not “captured” by those they are supposed to regulate? It is one thing to legislate that media treatment is supposed to be “fair and equitable,” quite another to prevent the natural tendency to seek to expand market share by simplifying, personalizing, and dramatizing the “spectacular” aspects of political events. Such regulatory agencies may have the authority to levy fines or even to impose injunctions during campaigns, but do they dare to do so when the winning party can subsequently dismiss their officials or grant themselves an amnesty?

We are convinced not only that the *compétences* of these agencies should be strengthened so that they can intervene rapidly and effectively – up to and including the power to revoke the broadcasting licenses of egregious offenders – but also that their officials should be both encouraged to act and protected against retaliation. This means insulating them from government and partisan reprisals. Not only should they be appointed for long terms with the approval of a parliamentary super-majority, but also their subsequent renewal of contract or removal from office should be the exclusive responsibility of an especially convoked independent commission. How its members should be picked is a matter best left in the hands of each national polity, but we would favour random selection from members of the professional associations

involved in the different media – where these exist and have a significant density of membership.

14. Freedom of Information

In this Green Paper, we have refrained from advocating new rights and concentrated on innovative reforms in rules and institutions. However, there is one basic right that seems to us to be particularly crucial in order to meet the challenges and seize the opportunities of today's rapidly changing world. The increase in complexity due to global and regional interdependences and the formidable pace of technological change have made information an increasingly valuable commodity and a fundamental instrument of power. The present distribution of it, however, is asymmetric and becoming more so. Agencies of government and corporations in the private economy have much more access to it than do individual citizens or organizations in civil society. Moreover, they also have the capability to gather even more information in a surreptitious fashion on these same individuals and organizations.

This, in turn, affects the practice of democracy since the availability to receive and process information is a major determinant of choice – individual and collective. Without equal access to information, the citizen can neither form his or her preferences accurately nor decide reliably what course of action to take. They do not know which policies to accept or reject; they cannot reasonably choose which ruler to support or oppose. Negotiation and, even more, deliberation about the public use of legitimate authority are subject to manipulation by those who have privileged access to information. It seems likely to us that the rising tide of distrust in democratic institutions is due, in part, to the culture of secrecy that tends to surround agents of public and private power and the suspicion that these agents are distorting information for their own purposes.

A formal declaration of equal freedom of information should be a component of all democracies in Europe – whether as part of a constitutional specification of basic rights or as an independent legislative act.

In principle, this freedom should be two-sided: (1) it should guarantee equal access by all citizens to sources of information needed to form their preferences and make their choices; and (2) it should obligate all rulers to disclose the information that they have used to make their decisions and that they have gathered on citizens. There are obviously cases in which such transparency and full disclosure would endanger the security of the polity, but the onus of proof for withholding information would always be with its "owner." For example, data on public opinion, however anonymously

gathered and privately funded, should be made available to all citizens during electoral campaigns – except during the concluding days of the campaign when all polling should be prohibited.

In practice, however, the effective implementation of this freedom would require that training be widely available (and subsidized for those that cannot afford it) in the technical skills needed to process information; that the equipment necessary for capturing and using information is widely distributed to all social groups or accessible through public kiosks; and that the costs of access be kept as low as possible or subsidized with public funds.

15. A ‘Yellow Card’ Provision for Legislatures

Representative bodies at the municipal, local and regional levels should be granted the power to issue “yellow cards” – explicit warning notices – when they judge that their rights or prerogatives are being infringed upon by drafts of prospective legislation coming from a higher level body. This would allow them to question such infringements without taking the more formal (and lengthy and uncertain) step of appealing to a higher court for a judgment on the matter after a decision has been made. Moreover, since in many cases the legal status of such an action is unclear, it would emphasize the strictly ‘political’ nature of many of these “inter-level” infringements. When given a ‘yellow card,’ the alleged offending body would have to suspend further action on its initiative until it had provided additional justifications for its action, including a formal declaration of subsidiarity, i.e. why its objectives could not be better accomplished at a lower level of aggregation.

Article III-60 of the Draft Constitutional Treaty of the EU exemplifies this mechanism. It would give national parliaments a direct role in monitoring the application of the subsidiarity principle. If and when the Commission fails to consult widely, does not provide sufficient reasons for acting or has not demonstrated that a given proposal respects subsidiarity, it would have to furnish the ‘yellow-carding’ assemblies with a satisfactory justification before proceeding further.

While the prospective EU mechanism is limited in scope, there is no reason that we can see why it could not be extended to cover all future drafts of legislation affecting inter-level relations, or why it should not be put into practice at all sub-national levels as well as at the supra-national one. Indeed, this early warning device could be of very considerable value in avoiding unnecessary litigation within national governments and preserving the political component of democratic politics from excessive juridification.

One could even imagine extending this ‘yellow carding’ mechanism in the inverse direction. Higher level legislative bodies could be given the right to issue explicit warnings when they believe that lower level ones are violating previous commitments, whether formal or informal, constitutional or prudential.

16. Incompatibility of Mandates

The clarity of relations between levels of government – local, regional, national and supra-national – is enhanced by prohibiting politicians from either simultaneously holding or even competing for (and subsequently renouncing) elected offices at more than one level. Whatever the benefits may be for specific political parties from having ‘notables’ placed on multiple lists or eventually serving at multiple levels, the deficits in terms of unambiguous relations with constituents and accountability in the exercise of authority are much greater. In line with the previous proposal, we are convinced that it is desirable to draw clear lines of competences, personal as well as institutional, between democratic institutions. Citizens should be able to calculate before casting their vote exactly who will represent them in each specific legislative body and they should not have to rely on complex, multi-faceted chains of personal influence in order to accomplish their political purposes. Moreover, the fact that almost inevitably politicians running in multiple constituencies in the same election subsequently renounce their winning positions in those at lower levels tends to undermine the status and legitimacy of these local and regional assemblies or executive agencies.²

17. Framework Legislation

Where multiple levels of decision-making exist and where each of these levels has a substantial degree of autonomy within its own sphere, it is nonetheless common that more encompassing governments – national and supra-national – pass laws that require the active compliance of less encompassing ones. Moreover, as noted above, there has tended to be a drift in this direction due to the alleged necessity for comprehensive and unified responses to such challenges as globalization and insecurity. Historically, it was the imperative of national defence or offence in inter-state war that justified most of this impetus toward centralization. Today, a similar situation seems to be arising from “the war on terrorism.”

Whatever the ostensible justification for centralized action, the principle of subsidiarity would require that any such legislation be of a ‘framework’ nature, i.e.

² A recent directive of the European Union has declared the mandates in national parliaments and the European Parliament are incompatible, but it does not prohibit candidates from running in both contests and subsequently renouncing one of the mandates.

respect as much as possible the existing autonomy of lower level units and leave to them the choice of methods and solutions adapted to their specific circumstances. At most, the central decision should fix the generic goals to be accomplished and the general guidelines for action, leaving the rest of the implementation process to existing local and regional authorities.

Especially destructive of more dispersed forms of state authority are so-called “un-funded mandates,” i.e. requirements by central governments not only that lower level governments conform to invariant norms, but also that they fund this compliance themselves without any downward transfer of financial support. No democracy based on multi-level government should tolerate such mandates and, as far as is possible and compatible with the general objective of providing uniform access to public goods, each level should be empowered to raise sufficient “own” resources to produce the public goods that its citizens and their representative deem adequate.

18. Participatory Budgeting by Citizens

Much of the activity under this *rubrique* has been inspired by reforms introduced at the municipal level in Porto Alegre, Brasil over 13 years ago. In addition to spreading to other cities in that country and elsewhere in Latin America, there have been several experiments with “participatory budgeting” in European cities. The formula differs from site to site but usually involves the earmarking of some proportion of the municipal budget for distribution according to categories of service provision and, especially, projects of investment to be decided by an assembly of citizens at the level of specific neighbourhoods. In some cases, these decentralized assemblies in turn select representatives that meet at the level of the municipality in order to determine (along with regularly elected city councillors) the priorities of the budget as a whole. In other words, this process of transparent and open deliberation among the most directly affected citizens supplements, but does not replace, the usual channels of representative democracy.

We are convinced that this is a democratic reform worth pursuing within Europe, although a good deal of evaluation of the many experiments that have already been conducted will be necessary before settling on the details of its implementation. In the case of Porto Alegre, it was introduced by a specific party, *o Partido dos Trabalhadores* (PT), and it has been advocated exclusively by political forces on the Left ever since. We, however, see no reason why such a reform would not be supported by a broader partisan range in Europe since its outcome could just as well be conservative as progressive – depending on the preferences of the neighbourhood community involved. Moreover, there are evident problems in the actual participation of citizens in such a reform – e.g. their skewedness with regard to

education and social status, their manipulation by organized interests, their affiliation to existing political parties – and there are serious questions about how such a micro-level application might fit within Europe’s “multi-layered polity.” Clearly, it is a measure that is very sensitive to the scale at which it is conducted and cannot simply be aggregated upwards to the regional, national or supra-national level.

Which leads us to advocate a related but more ‘generic’ reform that could be applied at virtually all levels of government. What if citizens could determine, presumably by referendum, their preferred distribution of total public expenditures according to level of government? Suppose that they were offered at some point in time the choice of how much they wished to be spent, within a certain range of variation, by municipal, local, regional and national governments, and that persistent deviation above or below this distribution would eventually have to be explicitly authorized by these same citizens. Obviously, some flexibility would have to be built in for situations of natural disaster or emergencies in national insecurity, but in an accountable fashion citizens would determine *grosso modo* how increases or decreases in general revenue should be allocated according to a pre-established formula.

Note that this would not give them the direct authority to determine exactly how these funds would be spent on competing services or investment projects – that is a job for politicians much more familiar with the details of tradeoffs and relative needs. Nor would it fix the specific means for generating revenue or the degree of transfers from one taxation source to another – just the overall distribution of expenditure by level of government.

Something similar already exists with regard to the European Union where a ceiling has been placed by its member governments on the proportion of total VAT collection in Europe that it can spend in a given year. Admittedly, this is set by national governments not their respective citizenries, but why not practice almost the same thing with regard to their own national territorial constituencies?

19. A Citizens’ Assembly

This Assembly would be composed of a randomly selected sample of the entire age-eligible citizenry, i.e. both registered and unregistered voters. Its number (initially) should be twice that of the present lower chamber of the legislature. The selection of ‘Citizen Deputies’ would be in accordance with the existing system of constituencies in the lower house, i.e. two CDs will be drawn randomly from each district – if a single member district – or double the number of existing deputies – if a multi-member district. The Citizens’ Assembly should be considered as a ‘committee of the whole’ empowered by the normally elected assembly to assist it with legislative review – in

other words, it should be regarded as a measure to strengthen not weaken the legitimacy of the regular parliament.

Each CD will be paid one-half the salary of a deputy in the lower house for the two or three month period of his or her civic service. Each CD will be assigned a legislative assistant who will be responsible for ensuring that he or she will receive all relevant documentation, respond to requests for further information and help in their interactions with the public.

This Assembly would meet once a year for one month at a site to be determined, perhaps even in the lower house of the national parliament. Its unique purpose would be to review and vote on one or at most two bills passed by the regular parliament during the previous year for which at least one third of the deputies in the lower house have explicitly requested a stay of implementation.

The potential Citizen Deputies should be chosen two months prior to the meeting of the Citizen Assembly. During this period, they will be provided with the necessary documentation, including the transcript of previous parliamentary debates on the relevant bills and contemporary press commentaries. They may also request any additional information within the limits of national security. Needless to say, arrangements would have to be made to ensure that CDs would be relieved from their regular occupations during their period of civic service and guarantee that they could return to their pre-existing jobs without penalty.

The names of those chosen to be potential Citizen Deputies would be made public and citizens encouraged to contact them – through their respective legislative assistants. Adequate means for communication, e.g. on-line computers, photocopying facilities, franking privileges, etc, should be put at the disposition of all CDs and special arrangements, e.g. websites, should be made to make it both easy to contact them and to protect their privacy.

The Citizen Deputies actually participating in the Assembly should be chosen at the end of an initial two month period by coin-toss between the two CDs selected for each single member district or between pairs of CDs from multi-member districts. In the event of illness or other impediment, the ‘substitute’ would become the deputy. Here, the intent is to make it more difficult for CDs to be influenced or even suborned by external influences since no one will know until the last minute precisely who will participate in the CA.

The Citizen Assembly after due deliberation would vote on each of the bills submitted to it. Only those drafts receiving a simple majority of the votes will be passed. No legislation rejected by the CA could become the law of the land. If the regular legislature failed to assign any bills to the Citizen Assembly, it would nevertheless meet to review the year's production of laws and issue a statement on their quality by majority vote with minorities expressing their dissent if necessary.

In polities that already have referendum or initiative provisions, the Citizen Assembly could replace such arrangements – at lower cost and greater visibility, and with more opportunity for deliberation.

20. Variable Thresholds for Election

We discussed the currently fashionable proposal for democratic reform in the United States concerning “term limits” for elected representative and concluded that they were not desirable. Contemporary politics requires professional expertise that can only be acquired over several terms. Otherwise, amateur and *pro tempore* representatives could be too easily manipulated by well-staffed and powerful interests. Moreover, Europe's more disciplined political parties might be undermined when large numbers of their candidates with no long-term future as elected representatives might be tempted to vote in erratic or idiosyncratic ways.

What might be appealing, however, as a counter-weight to “the Iron Law of Oligarchy” (under which the longer a politician remains in office, the more he or she tends to accumulate incumbency resources and become difficult to remove from office by electoral means) would be a system of moving thresholds. Incumbents after serving two terms would still be eligible for re-election, but would have to win a higher proportion of votes in order to do so. For example, if in the last election he or she had won by 55%, in the next one the threshold would be raised by 2.5% to 57.5% -- and by the same increasing margin for each successive one. The same system could be applied in PR systems, either to the incumbent candidate's placement on the list or to the number of votes required to meet the quota. Citizens satisfied with their representative could continue to re-elect him or her for as long as they wished – but only provided that more and more of them expressed this satisfaction in successive elections.

21. Intra-Party Democracy

All students of democracy would agree that it is desirable that political parties be themselves democratic in their internal operation. Most of these same students would also agree that such a condition cannot be “legislated” – least of all, by some set of

binding national or supra-national norms. By their very nature parties represent “parts of the polity and society” and, therefore, should have the autonomy to determine who they accept as members and how they govern themselves. In their competition with each other, they may be compelled to widen their respective programs in order to appeal to voters outside their core membership and they may even be obliged to hold some *simulacre* of a democratic process within themselves, but they often show little enthusiasm for recruiting new members or for holding genuinely competitive internal elections if this threatens to upset established patterns of leadership. They may also show little or no interest in increasing subsequent electoral turnout if the additional voters will not manifestly benefit their candidates.

So, parties are a necessary component of liberal democracy as currently practiced, but they can also be an impediment to its legitimacy and, certainly, to the reform of its institutions and practices. Nowhere can the response to this paradox be seen more clearly than in the persistent decline in public trust in them. As we have seen, the answer cannot lie in obliging them to behave more democratically; it can only lie in rewarding them for doing so. One could imagine granting free access to the media for publicizing their internal democratic processes – elections, hearings, public dialogues, etc. – but this presumes that citizens wish to listen, watch or read about such events. An alternative might be to set aside a proportion of the public funds budgeted for supporting political parties for distribution to those parties that hold competitive internal elections for the nomination of candidates or establish regular forums for the discussion of issues with the general public. As for rewarding them for encouraging voter participation, that could be helped by the system of **vouchers for party funding** (Recommendation #23), since only those who actually vote could distribute these vouchers.

22. Vouchers for Funding Organizations in Civil Society

All liberal democracies in which membership and financial support of associations and movements is voluntary suffer from systematic under- and over-representation. Putting it bluntly, those small, compact and privileged groups that have less need for collective representation get the most of it. Those large, diffuse and under-privileged groups that most need the public goods that only strong and well-funded collective action can assure get much less of it. As one German-American political scientist, E. E. Schattschneider, put it, “the trouble with the interest group chorus is that it sings in an upper-class accent” and Europe is no exception – regardless of level or location.

Our proposal is to provide an alternative source of funding for the organizations of civil society. This could be accomplished in a democratic manner through three, closely related, measures: (1) the establishment of a **semi-public status** for interest

associations and social movements; (2) the financing of these associations through **compulsory contributions**; and (3) the distribution of these funds by means of **citizen vouchers**.

This reform in the way of funding civil society organizations would deliberately avoid the specification by political authorities of any fixed category of representation based on class, status, sector, profession or cause – unlike contemporary chamber or corporatist systems. It would leave the task of determining the organizations to be funded to the competition for vouchers from individual citizens. In many cases, the reform would be costless – provided governments could be persuaded to eliminate all existing subsidies distributed by administrative agencies and allow citizens to choose which associations and movements deserve financial support.

The central purpose behind the development of a semi-public status for associations and movements is to encourage them both to become better citizens, i.e. to treat each other on the basis of greater equality and mutual respect, and to dedicate greater attention to the interests and passions of the public as a whole. This would involve nothing less than an attempt to establish a "Charter of Rights and Obligations" for organizations in civil society. It would be naive to suppose that merely imposing certain rules would *eo ipso* make them into more "fact-regarding, other-regarding and future-regarding" actors. The legislation of most national democracies is strewn with unsuccessful attempts to regulate lobbies and pressure groups. What is distinctive about this approach is the coupling of respect for certain conditions of self-organization and management with quite concrete incentives for support and a competitive process of allocation.

This recommendation for reform rests squarely on the need to develop a new method for financing civil society that is independent of the ability and willingness of individual citizens to pay -- and that means extracting resources involuntarily from all those who ultimately will benefit. The contribution should be extracted equally from all persons resident in a given territory. Persons who wished could also give voluntarily to various causes, but this would not exempt them from the general "representative donation". Note that, by tolerating such a freedom, small and compact "privileged groups" would still be more likely to attract disproportionate resources, since their members would continue to have greater incentives to give voluntarily in addition to the general levy. Nevertheless, given the large numbers involved, a very considerable harmonization of resources across interest categories and passionate causes would be likely.

The most feasible manner for doing this would be to attach the obligation (and the voucher system) to the annual filing of income taxes -- at least in those countries where virtually all adult residents are required to file, if not to pay, such taxes. Indeed, in the interest of equity, those with such low revenue that it exempts them from paying income taxes could also be exempted from the representation levy, but they would still be empowered to distribute vouchers which would count toward determining which specific associations received money from the common fund. What is important is to retain the low level of individual payments -- say, 100 Euros per person -- in order not to scare away potential supporters of the reform, but to make the aggregate level of resources provided sufficient to compensate for persistent inequalities between interests. It is also essential to convince the public that such an arrangement would constitute an important extension of democratic rights -- analogous to the previous extension of the franchise.

What pulls the entire scheme together is the mechanism of vouchers. These specially designated, non-transferable units of account could only be assigned to those interest associations and social movements with a semi-public status, in proportions chosen by individual citizens. The only cost involved in spending them would be the individual's time and effort in getting acquainted with alternative recipients, plus the few moments it would take to check off boxes or fill in blanks. There are many attractive features of vouchers in the domain of specialized representation: they would permit a relatively free expression of the multiplicity of each citizen's preferences - rather than confine them to one party list or a single candidate as do most territorially-based voting systems;

They allow for an easy resolution of the "intensity problem" that has long plagued democratic theory, since their proportional distribution by individuals across associations should reflect how strongly the citizenry "really" feels about various interests and passions;

They equalize the amount and sever the decision to contribute from the disparate command over resources that individual citizens unavoidably have in an economic system based on the unequal distribution of private property;

They offer no rational motive for waste or corruption since they cannot provide a direct or tangible benefit to the donor and can only be spent by certified associations for designated public purposes with the EU;

In fact, they should provide a very important incentive for reflection on the nature of one's interests, thereby encouraging the opening up of a new public space. Since

they would be repeated over time, the distribution of these vouchers would present a virtually unique opportunity to evaluate the consequences of one's past choices;

They would, therefore, become a powerful mechanism for enforcing the accountability of existing associations and movements since, if the behaviour of their leaders differs too remarkably from the preferences of those who spent their vouchers on them, citizens could presumably transfer their vouchers elsewhere;

They make it relatively easy, not just to switch among existing rival conceptions of one's interest, but also to bring into existence previously latent groups that presently cannot make it over the initial organizational threshold;

Finally, they offer a means of extending the principle of citizenship and the competitive core of democracy that neither makes immediate and strong demands on individuals, nor directly threatens the entrenched position of elites.

In nuncio, by separating the financing of civil society from both the ability and the willingness to pay for it, the undemocratic impact of the unequal distribution of property, wealth and status in the economic and social realm can be neutralized (but not necessarily reversed). Borrowing (but inverting) a slogan from an earlier struggle for democracy, one could say that what we are advocating is "No Representation Without Taxation!".

23. Vouchers for Financing Political Parties

Financing political parties is a delicate issue. In most polities, political parties tend to be chronically underfinanced, and, therefore, they seek to raise money in dubious, non-transparent ways that risk being perceived as corrupt. The accusation about corruption in their means of finance reinforces the negative popular image of political parties and this, in turn, creates a vicious circle that makes normal citizens less likely to contribute voluntarily to their support and undermines the prestige and trust in democratic institutions and politicians. As a consequence, they also do not feel to have enough popular legitimacy to ask for more financial support from the public budget. This keeps them in a perpetual grey zone on the borderline between legal and illegal means of financing their activities.

One solution for this problem could be a system of vouchers for the specific purpose of distributing public funds to parties. When people vote in general elections, they would be given a chance to vote for a „second time”, that is to vote on the distribution of a fixed sum to the party or parties of their choice. In order not to risk too great an initial impact, only 50% of the total public funding for parties would be distributed in

this fashion. The other 50% would be determined by the proportional results in the previous elections – as tends to be the practice today. Eventually, this pre-allocation could be abolished and all such funds would be distributed directly by citizens – regardless of how well the respective parties performed in the past elections. What is important, however, is that the aggregate sum to be distributed should be higher than is presently the case and sufficient enough not to be overwhelmed by the efforts of individual parties to extract resources from private sources. Presumably, if citizens are convinced that they personally determine which party will be rewarded with their tax money, they will be willing to devote more resources to that purpose.

It should be noted that this second vote would be independent of their vote for political parties or their candidates in that election. Citizens could decide to split their voucher across different parties or to allocate it to a minor party that had no immediate prospect of winning. In the more extreme version of this reform measure, voters could even choose to reward “none of the above” (NOTA), i.e. to give their financial support to none of the existing parties. Such funds would accumulate from election to election and groups of citizens with a minimum number of signatures distributed across a range of constituencies would become eligible for seed money to fund new parties.

We would expect that in most cases the voter would support his or her preferred party, both electorally and financially. Nevertheless, we can also assume that a significant number would divide their vote. First, they would support a party that they prefer most in the electoral race, but secondly they might invest in another party that they would like to see gain more influence in the future. This would enhance the strategic calculations of voters (and might make it more fun to vote), and it should also help minor parties to organize in a more competitive fashion. Another desirable effect of such a reform would be to encourage all parties, major as well as minor, to campaign vigorously for a higher turnout since only those vouchers distributed by actual voters would generate income for them.

24. Referendums/popular initiatives

The overall trend towards greater direct participation of citizens in decision making processes at all levels should be given support by the Council of Europe. Both the referendum and the popular initiative are devices that uniquely allow citizens to hold their representatives and rulers accountable. Also, they tend to increase citizens' interest and expertise in political issues; therefore, they complement other reform efforts aiming at improving levels of civic competence in politics. Finally, such devices enhance the democratic legitimacy of political decisions.

We recommend that institutions of direct democracy to be added to the set of representative democratic mechanisms on all levels of government, including the supranational, i.e. the European level, with the local level offering the most appropriate starting point for experimentation and evaluation processes in those polities that are not already using them. The European Union should be encouraged to go further than the petition right proposed in the Draft Constitution and introduce both a European popular initiative and a European referendum. Also, in political systems where referendary mechanisms are yet unknown, priority should be given to constitutional amendments and international treaties of major importance to be voted upon by the electorate. While there is no ideal-type of direct democratic institution, we would recommend referendum votes and popular votes on initiatives to be of a binding rather than consultative nature. This ensures the electorate to be given a guarantee that its decisions must be implemented, without the authorities being able to ignore them altogether. We advise against the use of quorums of participation as we believe that popular decisions have to produce policy effects independently of turnout levels. In federal systems, as well as on the European Union level, we suggest a referendum design containing a double-majority, one popular and one member-state/federate-unit majority. Judicial review of direct democratic institutions and their usage should be given to constitutional courts, in the case of EU referendums to the European Court of Justice.

Similar to the Venice Commission's "Code of Good Practice in Electoral Matters", containing guidelines to the principles of the "European Electoral Heritage" as well as an explanatory report clarifying the latter, a more referendum- and initiative-specific "guide-book" should be produced by the Council of Europe. Such a "Code of Good Practice in Referendary Matters" could serve, for example, for the preparation of referendums as well as for subsequent evaluations of referendum procedures in the aftermath of popular votes.

25. Electronic Support for Candidates and Parliaments ("Smartvoting")

We recommend that the Council of Europe actively support efforts at developing electronic electoral and parliamentary support systems which would offer citizens - in conjunction with the eventual possibility for vote transactions online, i.e. e-voting (see below) - new sources of information intended to improve the quality, if not also the quantity, of their participation in elections at all levels of government. At the core of this recommendation lie a set of technological solutions that would allow citizens to match their political opinions with specific parties and candidates during electoral campaigns, as well as eventually to engage in e-deliberation with these very same parties and candidates.

These “smartvoting” technologies already exist within some of the member states of the Council of Europe, although they have not yet been generally distributed among them. They allow all candidates to fill in an online questionnaire containing an extensive set of policy questions. These questions, (e.g. “Would you support the idea of allowing foreigners living legally in your country for more than four years to participate fully in all future national elections?”), would be answered by the candidates by clicking on their preference (e.g. very much in favour, rather in favour, rather against, very much against, neutral or undecided). In addition, candidates could be able to assign a weight to their preference (e.g. high importance, medium importance, unimportant). The questionnaire itself would be designed by an official non-partisan commission that, after hearings with civil society organizations and experts from academia, would determine which questions to include and which format to use.

Any citizen would then be able to fill in the same questionnaire online and at no cost, either in its full version or in a shorter one that takes up less time. He or she would instantly be provided with a measure of his or her preferences on specific issues of public concern. The citizen would also be informed of his or her estimates of the relative importance of these issues. Needless to say, citizens could choose to answer all questions or just a certain set of questions relating to the policy fields of particular interest to them. They could also choose to fill out the questionnaire anonymously or to register as “smartvoters,” so their political profile could be stored not only for their personal future reference, but also made accessible to candidates and parties as an alternative to their relying on public opinion polling. This would be analogous to personal customer profiles used in e-banking technologies and could even become an important source of knowledgeable interaction between representatives and citizens. Politicians or parties might even use the (voluntary) system of registration as a way of contacting or recruiting “sympathetic” citizens in the course of future elections.

After filing the citizen’s online questionnaire, the system would automatically match his or her preferences with data coming from all the candidates, thereby producing a virtual “substantive ballot,” ranking them according to the extent to proportional overlap between the candidate’s and the citizen’s answers. Obviously, the more questions are answered by the citizens, the more detailed and accurate their respective profiles will be. Clicking on candidate’s names would also provide the citizen with detailed information about the former’s party affiliation, political profile, links to his/her personal website, email and other contact information. Also, candidates could provide the users with detailed justification for their choice on each

item of the questionnaire. These justifications could also be placed on the candidates' homepages.

The virtual ballot filled out by the "smartvote" server could, at the command of the voter, be printed out for use at the polling station, especially in those cases of open list systems that allow the voter to register a preference for specific candidates. In the future, should e-voting become possible, an electronic version of the "substantive ballot" could be filed directly over the internet.

26. Electronic MP-Monitor and Online Deliberation Systems

Between elections, electronic online platforms should be put up for monitoring and mapping roll-call votes of representative bodies. By accessing this platform, citizens would be able to continuously evaluate the political behaviour of their representatives during their mandate. For any roll call vote in Parliament, every MP's vote should be immediately fed into an online database that generates an objective profile of each MP's political action during his or her mandate. Voters could therefore get detailed clues about their representatives' political activity.

Citizens should also be enabled to simulate online the votes on the bills of the past, as if they were MPs, in order to produce a virtual MP profile fitting their opinions best. Such simulated, virtual MP profiles can then be matched with the real MP profiles, providing voters with yet another possibility to evaluate incumbent candidates in elections (the matching-technique would be analogous to the one employed by the "smartvote" technology). Candidates that are running for the first time in a national election should also be able to fill out a virtual MP profile. Also, every candidate should be able to give detailed arguments for their real or virtual voting behaviour in roll call votes, revealed by the MP Monitor System.

In addition, online tools should be developed in order to foster political deliberation among citizens. Public and private initiatives aimed at the development of online-platforms for deliberation, such as discussion forums, should be actively encouraged by the Council of Europe.

We believe that it is through the implementation of such simple technology that transparency in the democratic realm could be fostered. Again, the Council of Europe could produce standards and Code of Good Practice with regard to such electronic systems.

27. Postal voting and electronic voting

In a recent Report, the Venice Commission reached the conclusion that remote voting and electronic voting are, in principle, compatible with the standards of democracy in Europe. We believe that the Council of Europe should encourage the introduction of remote voting – be it postal or electronic or both - in elections and referendums. Until the means for remote voting are universally accepted, they should be introduced as **supplementary** channels for political participation. In general, we would recommend that the introduction of postal voting precedes that of e-voting and that for an interim period alternative means of site and non-site voting be made available to all citizens. Experience has shown that, once offered the choice, the latter quickly becomes the norm and makes it eventually easier to switch to a policy of exclusive non-site voting.

Remote voting procedures enhance two elements of the voting process. Firstly, they are of greater convenience to the voter and secondly, they lead to an extended time-span for participation, i.e. a period of one or several weeks during which voters can cast their ballot. Studies clearly show that these two factors lead to higher turnout rates.

In analogy to the exercise of political rights in Europe, postal voting can be designed according to three basic types: (1) multiple request, (2) single request and (3) fully automatic.

The first type (multiple request) requires the voter to formally request the ability of voting via mail for each election/referendum. He or she then receives the voting material via mail and can return the ballot by the same means of transmission. This type of postal voting is probably best suited for electoral systems that require voter registration for each election.

In the second type (single request), the voter only once requests postal voting to be made available to him or her. Once given the opportunity to vote by mail, the voter then automatically - and for the rest of his/her life - receives the voting material (and therefore the possibility to vote by mail). This type of "single request postal voting" probably fits best electoral systems where a unique registration is needed for all electoral matters.

Finally, the third type (fully automatic) refers to systems where the electoral roll is automatically produced - without any need for prior registration - and where the voting material is sent to every voter without the latter having to request it.

Studies have shown that the fully automatic version of postal voting produces the most profound effects on political participation. As with voter registration, the more automatic and open the system, the more convenient voting becomes. Positive effects on turnout can be expected to be stronger in more open systems.

In the case of remote electronic voting over the internet, the embedding of the e-voting procedure into a virtual election platform, containing modules that allow citizens to deliberate among themselves, access political information, evaluate the congruence between their own political stances and the choices of the candidates and incumbent Members of Parliament (see Recommendations #25 and #26) is expected to increase the quality of the behaviour of the electorate. The Council of Europe should produce standards and Codes of Good Practice with regard to electronic voting procedures.

28. An Agent for the Promotion of Democratic Reform within Europe

The Council of Europe has established itself as the most significant agency for monitoring the practice of human rights in Europe and already plays a significant role in “certifying” the existence of democracy in those countries that have recently emerged from autocracy. Its Venice Commission has carved out a creative role in supplying disinterested legal and constitutional expertise to newly founded democracies in Eastern Europe and the former Soviet Union.

We propose that the Council of Europe should extend its role into the systematic improvement of the quality of democracy in both its actual and its prospective member states. This would involve the creation of a permanent body composed – as is this Group of Experts – of both academics from several disciplines and politicians with experience at different levels of government and in civil society who would monitor the nature and pace of reforms, evaluate their consequences and, where appropriate, advocate their extension to other governments or countries. This should be done periodically, say, every five years, and make extensive use of data gathered by a regular reporting system in which the member states would be asked to provide information on the reforms that they have undertaken, as well as on the normal performance of their democratic institutions– much as the OECD has done in the field of economic performance. It would not be asked to issue “score cards” comparing the quality of democracy across member states, so much as to identify emerging “good practices” and promoting their diffusion to other polities. This requires an initial conceptual framework – such as is provided by this Green Paper – that would identify the key institutional dimensions of contemporary liberal democracy and the standards for evaluating its performance. Needless to say, as we have noted

repeatedly, these standards are not uniform throughout the region but vary over a considerable (but not infinite) range.

The mandate of this Group of Experts should include the possibility of reporting when the quality of democracy in a member state has significantly declined and descended below the European minimum. In which case, it could issue an **“Orange Card,”** more serious than a yellow one in the sense that it would recommend that the Council of Europe consider suspending the membership of that country until improvements are effected. Needless to say, the final decision to suspend (i.e. the **“Red Card”**) would remain with the members of the Council.

V. CONCLUSIONS

Liberal political democracy, as presently practiced in Europe, is not “the end of history.” Not only can it be improved, it must be – if it is to retain the legitimate respect of its citizens. It has done this several times in the past in response to emerging challenges and opportunities, and there is no reason to believe that it cannot do so in the present.

In this Green Paper, we have tried to use our collective imagination as theorists and practitioners of politics to come up with suggestions for reforms that could improve the quality of democracy in Europe and make it more legitimate in the future. Some of these have already been introduced – usually on an experimental basis – in a few polities; most, however, have never been tried. We would be the first to admit that not all of these reforms are equally urgent or feasible or even desirable. It is the task of democratic politicians to decide which are best and which deserve priority treatment.

We can, however, offer some concluding thoughts on those reforms that we are convinced should be considered most urgently. It is our collective judgement that the major generic problem of contemporary European democracy concerns declining citizen trust in political institutions and participation in democratic processes. Therefore, those reforms that promise to increase voter turnout, stimulate membership in political parties, associations and movements and improve citizen confidence in the role of politicians as representatives and legislators deserve prior consideration, especially in those cases where they also make politics more entertaining. The second most important problem concerns the increasing number of foreign residents and the political status of denizens in almost all European democracies. Measures to incorporate these non-citizens within the political process should also be given a high priority.

REFORMS THAT ARE RELATIVELY EASY TO INTRODUCE AND LIKELY TO PRODUCE IMMEDIATE, IF MARGINAL, EFFECTS

1. Discretionary Voting
2. Lotteries for Electors
3. Specialized Elected Councils
4. Democracy Kiosks
5. Voting Rights for Denizens
6. Council of Denizens
7. Incompatibility of Mandates

8. Vouchers for Political Parties
9. Electronic Electoral & Parliamentary Support Systems (“Smartvoting”)
10. Electronic MP Monitor and Online Deliberation Systems
11. An Agent for Promotion of Democratic Reform

REFORMS THAT ARE LESS URGENT, WOULD REQUIRE OVERCOMING MORE SUBSTANTIAL LEGISLATIVE OBSTACLES, AND MORE LIKELY TO TAKE SOME TIME IN PRODUCING MORE SUBSTANTIAL EFFECTS

1. Universal Citizenship
2. Shared Mandates
3. Citizenship Mentors
4. Education for Political Participation
5. Guardians for Guardians
6. A ‘Yellow Card’ for Legislatures
7. Framework Legislation
8. Variable Thresholds for Election
9. Vouchers for Civil Society Organizations
10. Referendums at all levels
11. Postal to Electronic Voting
12. Intra-Party Democracy

REFORMS THAT ARE NOT URGENT, WOULD REQUIRE CONSTITUTIONAL REVISION AND ARE CAPABLE OF HAVING A QUITE SUBSTANTIAL LONG-TERM IMPACT

1. Civic Service
2. Special Guardians for Media Guardians
3. Freedom of Information
4. Earmarked Distribution of Funds
5. A Citizens’ Assembly

We also wish to conclude by introducing a note of caution. Single reforms in the rules of the democratic game have rarely been efficacious “on their own.” It has been packages of interrelated reforms that have been most successful in improving performance and legitimacy. Sometimes this was the result of an explicit and rational calculation of the interdependencies involved; most often however it was the product of the political process itself with its inevitable need for legislative alliances, compromises among competing forces and side payments to recalcitrant groups. In other words, in “real-existing” democracies, the design of reform measures is almost

always imperfect, all the more so when the intent is to change the future rules of competition and cooperation between political forces.

Moreover, reformers have usually not been successful in predicting all of the consequences of the measures they have introduced. Almost always, these changes have generated unintended consequences – some good, some not so good. One should never forget that in a free society and democratic polity the individuals and organizations affected by political innovations will react to them and quite often in unpredictable ways. Most significantly, they will try to “game them,” i.e. to exploit them in ways that benefit them in particular and, not infrequently, distort their intent in order to protect established interests.

All of this pleads for caution – especially, when introducing reforms that are genuinely innovative. Ideally, such measures should initially be treated as political experiments and conducted in specially selected sites – normally, at the local or regional level. Only after their effects have been systematically monitored and evaluated, hopefully by an impartial and multinational agency such as the Council of Europe, should they be transposed to other levels within the same polity or to other member states.

We repeat:

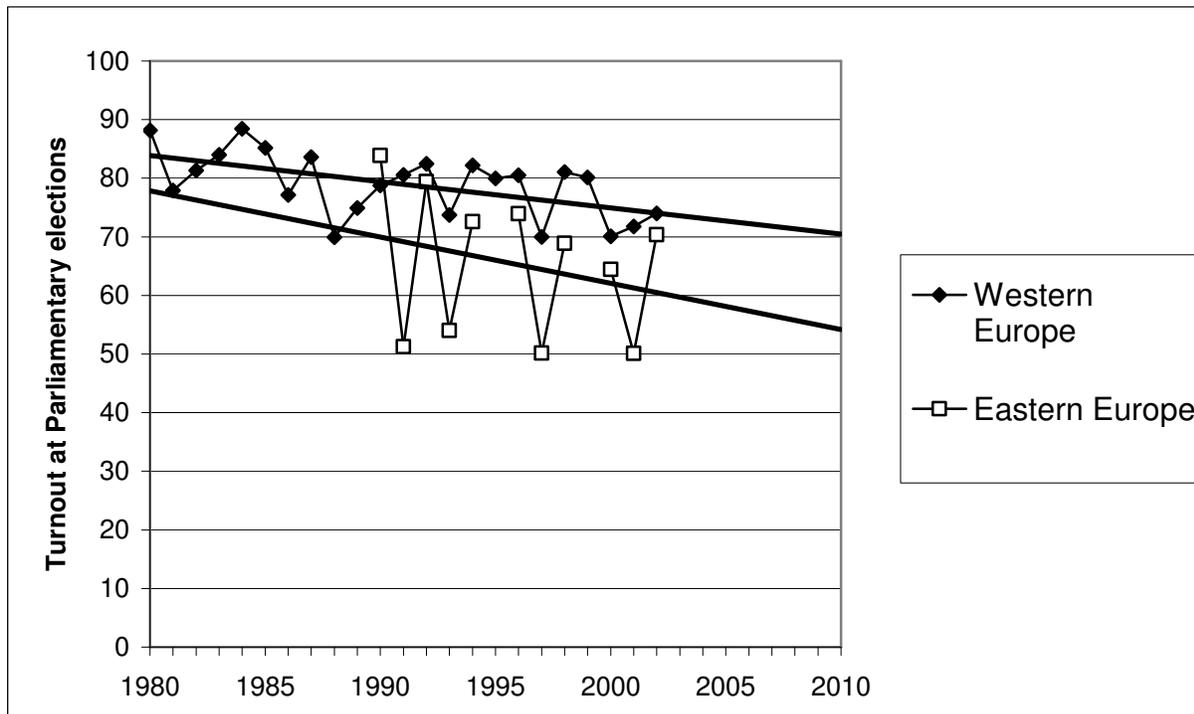
Our democracies in Europe can be reformed. They can be made to conform more closely to that “word that has never existed” and, in so doing, they can regain the trust in institutions and the legitimacy in processes that they seem to have lost over recent decades. But it will not be easy and it will take the collective wisdom of political theorists and practitioners in all of the 45 member states of the Council of Europe to identify which reforms seem to be the most desirable, to evaluate what their consequences have been and, finally, to share the lessons from these experiences among each other. With this Green Paper to the Council of Europe, we hope that we have made a contribution to initiating this process.

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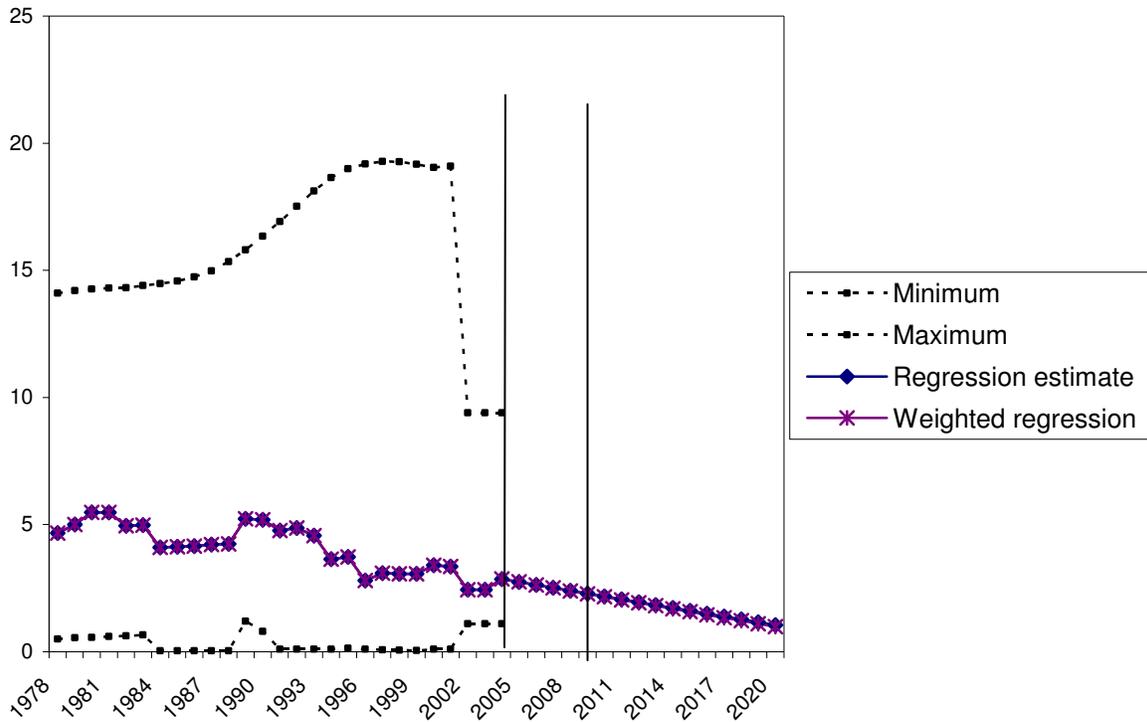
FIGURES

Figure 1: Turnout at Parliamentary elections in Western and Eastern Europe



Sources: Figure 1 measures the evolution of the mean yearly turnout at parliamentary elections in all CoE Member States since 1980. It is based on electoral data of the Member States with a population of more than one million which were members of the CoE before 1980 (Austria, Belgium, Denmark, France, Germany, Greece, Ireland, Italy, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Turkey, the United Kingdom). Such a grouping is obviously artificial, but it illustrates the overall declining trend of electoral participation in Europe and, consequently, the seemingly growing political discontent which partly determines voter turnout. Data for Eastern and Central Europe has been processed analogously and takes into account voter turnout at parliamentary elections in seven states (Bulgaria, Czech Republic, Hungary, Lithuania, Poland, Romania, Slovakia). These States have been chosen because they have a population of more than one million inhabitants and because they have joined the Council of Europe for more than ten years after 1990.

Figure 2: Stock of foreign population as a percentage of total population in selected CoE Countries, 1980-2020



Sources: The estimations are based on data from CoE yearbooks, OECD SOPEMI 'Trends in International Migration, 2003', Salt, J., 2001, 'Current Trends in International Migration in Europe', Council of Europe; Wanner, P., 2002, 'Migration Trends in Europe', European Population paper series no. 7. The data draws on foreign stock as a proportion of the total population since those countries with the highest number of foreign residents are not necessarily with the highest proportion of foreign residents.

Figure 3: Party membership in Western and Eastern Europe

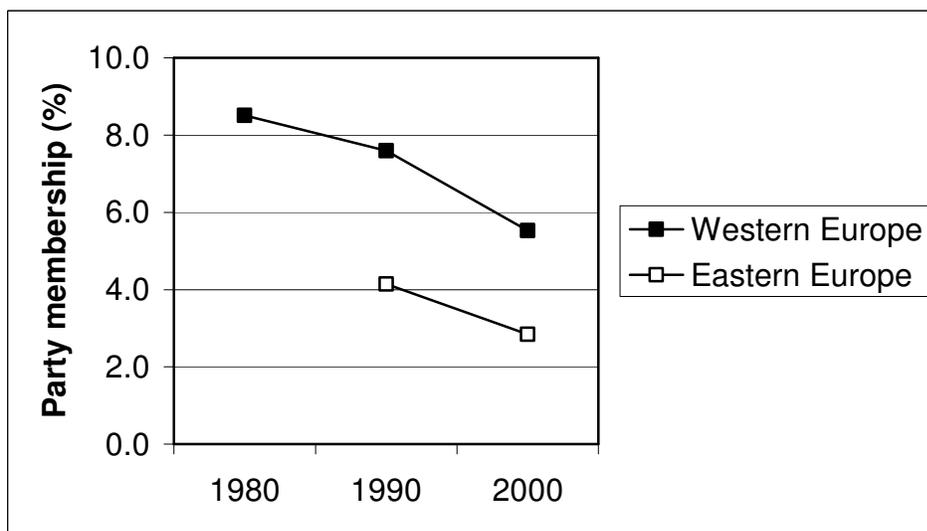


Figure 4: Union density (% of economically active population) in Europe, moving average

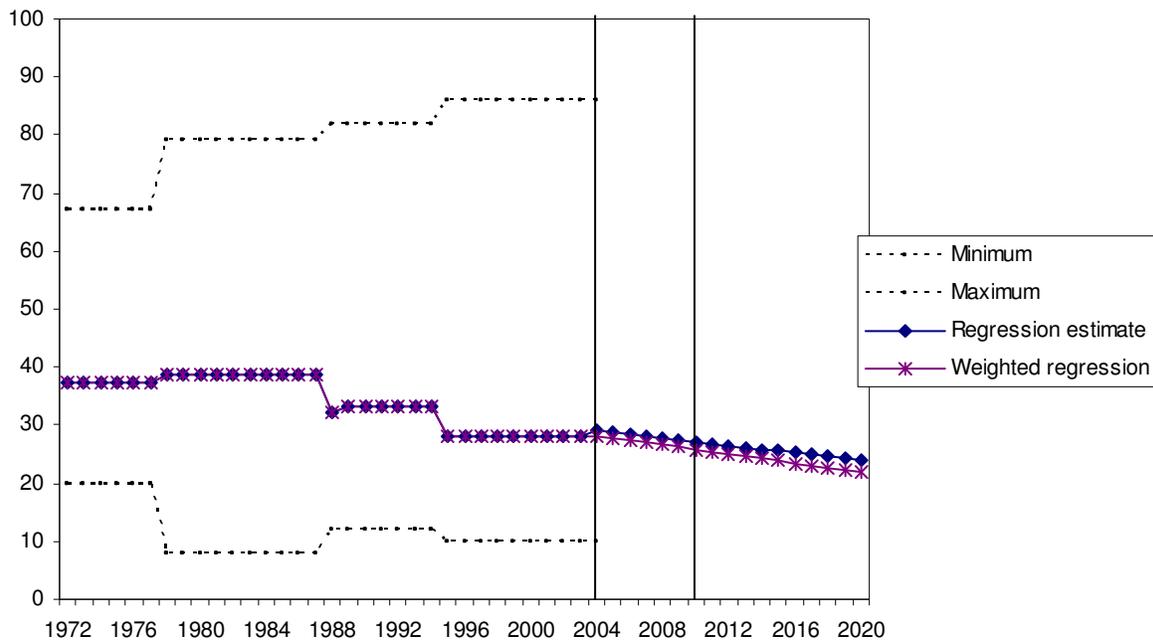
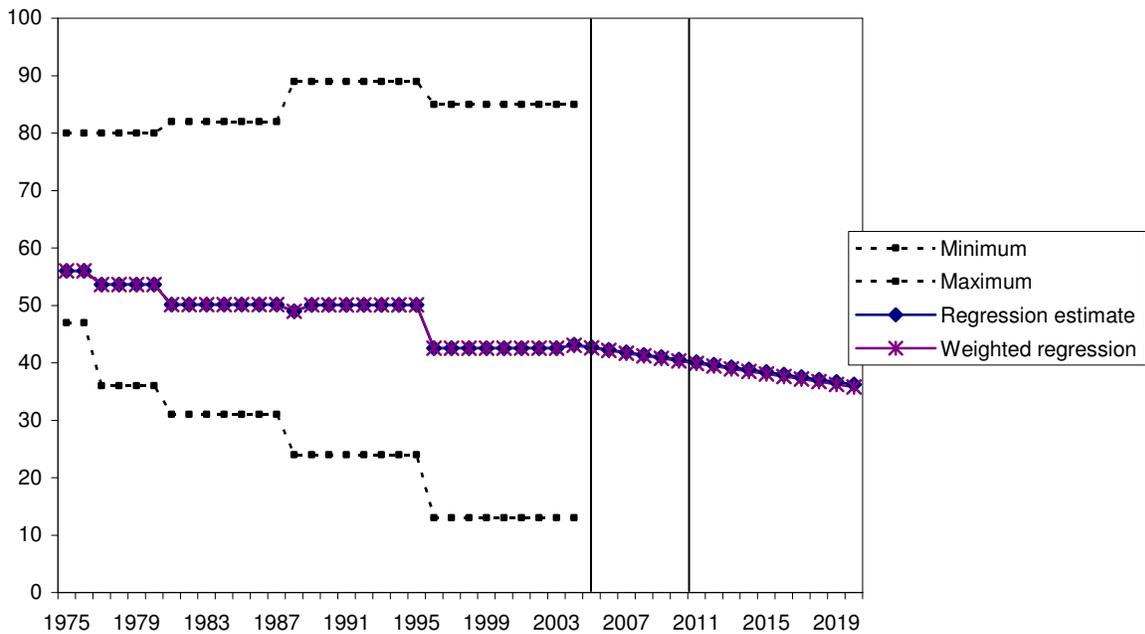
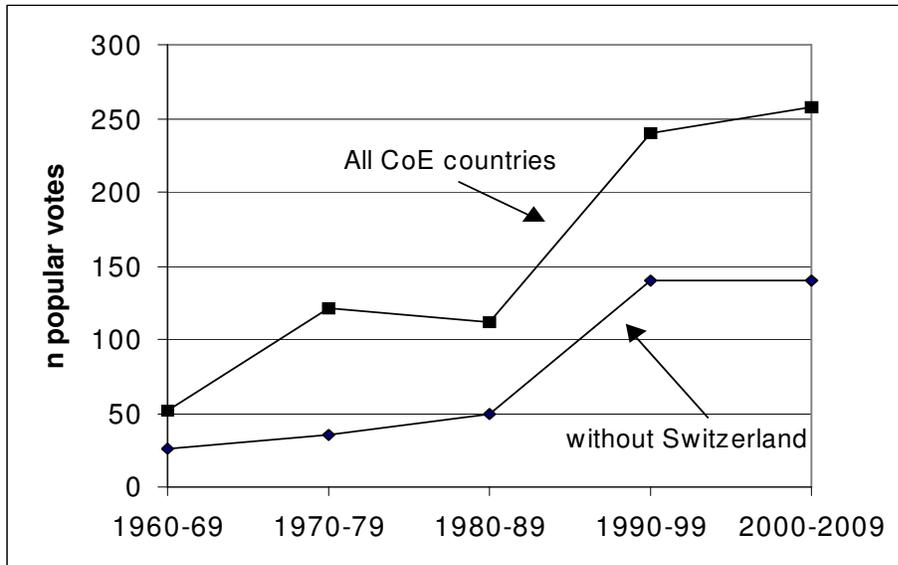


Figure 5: Membership in voluntary associations in Europe, moving average (in %)



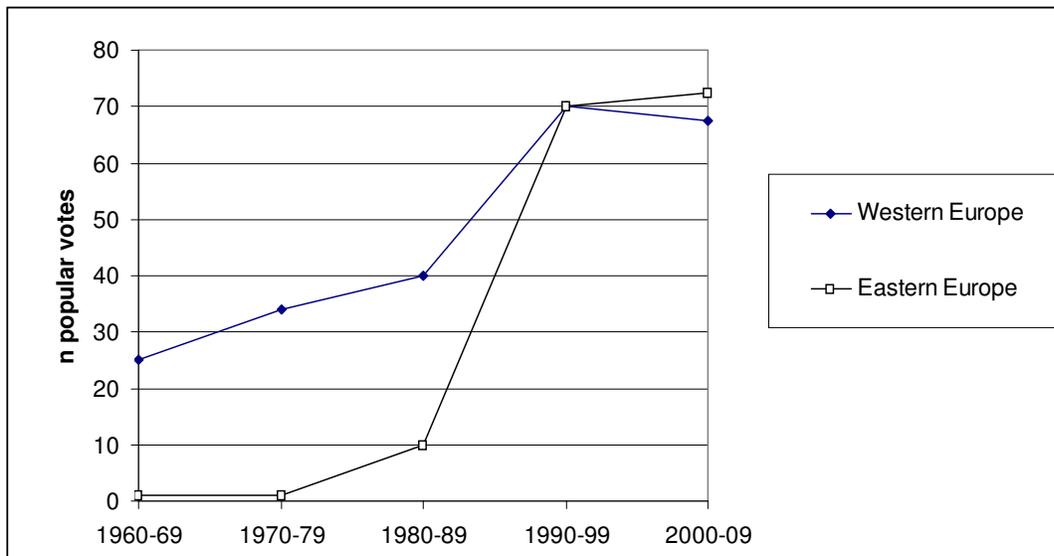
Sources: Eurobarometer and World Value Survey (1995-97)

Figure 6: Overall tendency of direct democratic votes in all CoE countries and with Switzerland excluded



Sources: Research and Documentation Centre on Direct Democracy (c2d) at the University of Geneva and 'Suchmaschine für direkte Demokratie' developed by Beat Müller at the Swiss Federal Institute of Technology in Zurich.

Figure 7: Overall tendency of direct democratic votes in Western and Eastern and Central Europe (all CoE countries without Switzerland)



Sources: Research and Documentation Centre on Direct Democracy (c2d) at the University of Geneva and 'Suchmaschine für direkte Demokratie' developed by Beat Müller at the Swiss Federal Institute of Technology in Zurich.