

# Normative Accountability and Supranational Democracy

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**Abstract:** The European Parliament has been a frequent focus of debate about the democratic deficit in the European Union. This essay argues that the innovative use of rhetorical action in foreign policy by the European Parliament can provide grounding for re-considering the way in which supranational structures might be judged democratic. I begin with a brief look at the traditional challenge of parliaments and foreign policy: limitations of competency on foreign affairs because of the representative and public nature of parliaments. Then I show that while the European Parliament is formally bound by similar restrictions, it utilizes methods of informal influence—including framing and shaming. What is innovative about the European Parliament’s use of framing and shaming is the way in which these tools are used as an *ex ante* means of constraining foreign policy. Instead of accountability as popular control, this rhetorical action generates a form of accountability to normative ideals. This normative accountability, when coupled with democratic norms (as in the case of the European Union), can serve as an alternative to traditional concerns of the democratic deficit—which are excessively focused on matching European institutions with those of national-level democracy.

The study of democracy at the supranational level has notoriously few cases. The European Union (EU) is currently the primary example—and the primary headache—of scholars wishing to consider the implications and possibilities of democracy above the nation-state. Central to that focus is the European Parliament (EP), the institution that bears the bulk of democratic discussion. The EP is the default container for democratic considerations of the EU mainly because of its institutional similarity to national legislatures that satisfy many participation and policy control dimensions of democratic theories. In short, the EP is the supranational institution that “looks” most like national democracy.

However, the common focal point of democracy at the national level—political control by the citizens—is not necessarily the way that democracy may look at the supranational level. I argue that supranational democracy need not be based solely on popular control. Instead, alternative strategies that justify practices with democratic principles could also provide a basis for judging supranational organizations as democratic.

I begin with a consideration of the traditional role of parliaments with regard to foreign policy. The engagement of national parliaments in foreign policy often quite limited. This occurs because of hesitations to involve open and discursive decision-making in policy processes believed to require secrecy, expedience, and the protection of sovereignty. The notion of popular control, which some authors view as the key touchstone of democracy at the national level, is the property that causes parliaments to be excluded from foreign policy.

I then turn my consideration to the EP, which at first glance looks equally restrained when compared with national parliaments. However, I argue that the EP's activities on foreign policy issues deserve closer examination. These actions fall within the realm of informal action (as opposed to formal areas of control by the EP), and can be described as "rhetorical action."<sup>1</sup> In particular, the EP uses shaming and framing as tools to shape the foreign policy process according to democratic ideals of equality and human rights.

This technique of rhetorical action is a notable innovation. It is notable because the EP does not hinge its arguments upon the traditional portfolio of legislative concern with foreign policy: public control, accountability to citizens, representation. Instead, the EP attempts to force EU policies and practices to conform to normative ideas to which the community has committed itself. Notably, these ideas revolve around human rights and democratic equality. The EP's innovative usage of framing and shaming to gain *ex ante* constraint over the foreign policy process is the mechanism by which these normative ideas become elements of policy control. While parliaments and the EU may fail to be fully democratic regarding issues of popular control, this conception allows for the possibility of democratic legitimacy in a different way—by aligning practices with democratic norms.

The focus of the remainder of the essay is on the prospects for supranational democracy and the EU's democratic character. Taking the EP's rhetorical action seriously may suggest an alternative to the usual institutionally-focused requirements mentioned in the increasingly myopic debates about the democratic deficit. I briefly

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<sup>1</sup> Schimmelfennig, Frank. 2001. "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union," *International Organization*, 55, 1, pg. 48.

consider how supranational democracy need not (and likely will not) match the way in which we understand democracy in the nation-state context—a move that the democratic deficit debate seems unable to make. Given that the nationally-valued ideas of representation and accountability to citizen input can be difficult to enact in supranational contexts, a notion of democratic normative accountability offers a different platform for evaluating the shape and character of supranational democracy.

### **Parliamentary Foreign Policy: Exclusion Because of Popular Control?**

In liberal democracy, foreign affairs are a policy area with less democratic control. While the foreign affairs of liberal democracies are not devoid of democratic input, often the traditional institutions with democratic credentials (legislative bodies) may have less influence in foreign policy planning than they do with many other policy issues of the state.<sup>2</sup> The constitutions of European states were often reluctant to involve parliaments in foreign policy.<sup>3</sup> Understanding why foreign policy has often been withheld from legislatures—especially parliaments—is critical to understanding what this means for a regime’s democratic character.

There are two reasons why parliaments have not traditionally been the locus of foreign policy. First, there are institutional problems that parliaments have regarding foreign policy. Second, there are issues relating to the continued concern with

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<sup>2</sup> Howorth, Jolyon. 2001. “European Defence and the Changing Politics of the European Union: Hanging Together or Hanging Separately?” *Journal of Common Market Studies*, 39, 4, pgs. 765-789.

<sup>3</sup> Bieber, Roland. 1990. “Democratic Control of European Foreign Policy,” *European Journal of International Law*, 1, 1, pgs. 148-174.

sovereignty. These reasons are entangled and mutually reinforcing. However, treatment of them as separate issues is useful.

One reason for parliament's marginalization on foreign policy issues has been an institutional problem. Foreign policy often carries with it concerns over secrecy and efficiency in decision-making. To reveal dissent and preferences to other nations over foreign policy would weaken the position of the state. And in cases of emergency, quick responses are necessary. This thinking builds upon the long-standing notion of the executive as possessing "expedition" and "dispatch" in the affairs of state.<sup>4</sup> Yet secrecy and efficiency are traditionally the areas where the institution of parliament fairs poorly. This may explain a tendency to lodge foreign policy responsibility in the executive.

A second reason is states' concern with the maintenance of sovereignty. The fracturing of sovereignty due to the process of globalization aside, states (since Westphalia) have been inclined to act according to certain norms of sovereignty. One of those norms is the assumption of the unitary nature of state interest on issues of foreign policy.

"National parliaments in almost all West European states had long found foreign policy a more difficult area in which to hold their governments to account than most aspects of domestic policy. Foreign policy and defence were traditionally considered matters outside and above the partisan domestic debate: directly linked to the preservation of sovereignty, and therefore entrusted to the executive."<sup>5</sup>

The common aphorism in American foreign policy debate is that politics stop at the water's edge. Both of these ideas suggest that partisan arguments should not impede the

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<sup>4</sup> Montesquieu, Charles de Secondat. 2002 (1748). *The Spirit of Laws*, Amherst: Prometheus Books, pgs. 54, 156.

<sup>5</sup> Hill, Christopher and William Wallace. 1996. "Introduction: Actors and Actions," in Christopher Hill (ed.), *The Actors in Europe's Foreign Policy*, London: Routledge, pg. 6.

decisions of state foreign policy. These desires for consensus and a unitary face to foreign policy imply a smaller role for parliaments—sites of partisan dissention, discussion, and disagreement.

This brief consideration of why parliaments have been on the margins of foreign policy is certainly incomplete. It does, however, give enough grounding to demonstrate a trend of limiting parliamentary oversight in foreign affairs. It also allows for the questioning of the democratic credentials of the foreign policy process in many countries.

There are two central concerns to most notions of democracy. One is concern about equality, which is linked to liberty and rights. The second concern is popular control over government and/or participation (direct or indirect) in collective decisions.<sup>6</sup> The institutional forms that realize these items vary greatly from theory to theory (and regime to regime). The popular control over government and participation element is what initially appears problematic with the exclusion of parliaments from the foreign policy process.

Foreign policy, when insulated from legislative control, loses a degree of participatory control and influence. Shifts giving further executive control of foreign policy have a dual impact: it weakens legislative input, which many scholars view as reducing democratic controls.<sup>7</sup> Not only is the deliberative process of the legislature

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<sup>6</sup> Such short treatment is grave injustice to the wealth of differences that mark the debate on the nature and institutions of democracy. However, I follow the approach of David Beetham by focusing on the shared notions behind democratic theories. With this approach, debating the institutions is “secondary and derivative” compared to inquiring how political societies seek to realize the “undisputable” ideals of democracy: collective decision-making (sphere of the political) that is controlled by all members equally (political equality). For the purposes of this argument, I am focused more on the method of Beetham’s suggestions (look at the ideals the institution is seeking to serve) than specifically arguing that his identification of the two principles of democracy is most properly situated. See: Beetham, David. 1999. *Democracy and Human Rights*. Cambridge: Polity Press.

<sup>7</sup> Fisher, Louis. 1998. *The Politics of Shared Power: Congress and the Executive*, College Station: Texas A&M University Press, pg. 206.

being removed, but the translation of citizen interests into the debate is also being limited. Legislatures are not the only mechanisms for this (and need not be ideal mechanisms), but they are recognizable and accepted sites of representation at the national level. With a lessening of their influence, it would seem that foreign policy is being placed outside the reach of citizen control.

This loss of popular control is at the heart of the issue. As mentioned earlier, concerns about the unitary face of the state and problems of a transparent process are at the core of the exclusion of parliaments. Yet coping with the non-unitary reality of the public is a core element of national-level parliamentary democracy. Ethics of public information and transparency are central to many of these conceptions of democracy. So the very reasons for exclusion of parliaments may be because they are the site of specific popular controls—controls which bear the democratic burden in many national-level conceptions of democracy. This notion is especially problematic for current accounts of the international system. The widely shared notion of the democratic peace is built upon a notion of popular (“democratic”) restraint on foreign policy. While popular opinion may still serve as a constraint (executive officials concerned with re-election or retention), there remains a lack of penetration of foreign policy debate into legislatures.

### **The European Parliament: Anomaly**

Against this backdrop, an interesting empirical anomaly emerges. The EP, while similar in structure to national parliaments, has shown considerable involvement in foreign policy. Despite the tendencies to limit parliamentary influence on foreign policy

discussed above, the EP has demonstrated both growing involvement and growing influence over the common foreign policy of the European Union.

The EP's position in the foreign policy process is a complex one.<sup>8</sup> Initially, the EP was excluded from certain pillars of community policy, including the security and defense aspects of the European Community's (EC) external relations.<sup>9</sup> The Common Foreign Security Policy (CFSP) of the EU is an environment where many analysts see the EP as "fundamentally limited" and marginal at best.<sup>10</sup> While other areas of external policy (notably economic) of the EU do come within the scope of the EP, the traditional "high politics" areas of security and defense remain largely outside of the EP's formal role.

From a traditional perspective, the EP looks to be extraneous to the security portion of foreign policy—playing the role of *ex post facto* information receiver.<sup>11</sup> This information receiving position is the most notable role of the EP on CFSP issues. Article 21 of the TEU established that the EP is to be informed by the European Council presidency of developments and initiatives in foreign policy. However, the extent to

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<sup>8</sup> This section will only provide a brief overview of the salient concerns for the EP. For a fuller picture of the EU's foreign policy process consult the following works: Smith, Michael E. 2004. "Toward a theory of EU foreign policy making: multi-level governance, domestic politics, and national adaptation to Europe's common foreign and security policy," *Journal of European Public Policy*, 11, 4, pgs. 740-759; Nuttall, Simon. 2000. *European Foreign Policy*. Oxford: Oxford University Press; Regelsberger, Elfriede, Philippe de Schoutheete de Tervarent, and Wolfgang Wessels, (eds.). 1997. *Foreign policy of the European Union: from EPC to CFSP and Beyond*. Boulder: L. Rienner.

<sup>9</sup> Weiler, J. 1980. "The European Parliament and Foreign Affairs," in Antonio Cassese (ed.), *Parliamentary Control over Foreign Policy*, Alpen aan den Rijn, The Netherlands: Sijthoff & Noordhoffpg. pg. 151

<sup>10</sup> Jørgensen, Knud Erik. 2002. "Making the CFSP Work." from *Institutions of the European Union*, ed. Peterson, John and Michael Shackleton. Oxford: Oxford University Press, pg. 223.

<sup>11</sup> Stavridis, Stelios. 2003. "The CFSP/ESDP, Parliamentary Accountability, and the 'Future of Europe' Convention Debate." Working Paper n. 42, Institut Universitari D'Estudis Europeus, Observatori de Política Exterior Europea, Univesitat Autònoma de Barcelona, pg. 3.

which the EP is informed and included is a matter that can vary by the disposition of the country holding the presidency and the extent to which they keep the EP informed.<sup>12</sup>

Some scholars feel that these limitations to the EP's role are entirely appropriate, because of the lack of precedent of national parliaments being involved in foreign policy.<sup>13</sup> This opinion demonstrates why the EP appears as such an anomaly. Despite these institutional restrictions and the bias against legislative bodies acting on foreign policy issues, the EP has shown some influence and participation in the foreign policy process. With the Single Europe Act (SEA) and in the following years, the EP has demonstrated more involvement in foreign policy—involvement that goes “far beyond its legislative powers.”<sup>14</sup>

EP resolutions and debate on foreign policy issues draw some recognition by other EU-level actors, member states, and the scholarly community. The EP has had some success at influence simply by providing a “grand forum” for discussion of foreign policy, and extending invitations to political leaders (though not always of member states).<sup>15</sup> EP resolutions, such as the “Resolution on the right of humanitarian intervention” (April 20<sup>th</sup>, 1994), are objects of serious consideration and debate among scholars of international law.<sup>16</sup> Even though the EP only possesses “non-binding scrutiny rights,”<sup>17</sup> it still debates issues of foreign policy, issues declarations, reports, and recommendations on the subject, and conducts public interview sessions with issue

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<sup>12</sup> Allen, David. 1996. “Conclusions: The European rescue of national foreign policy?” from *The Actors in Europe's Foreign Policy*, Christopher Hill (ed.), London: Routledge, pg. 297.

<sup>13</sup> Howorth, 2001, pg. 778.

<sup>14</sup> Bieber, 1990, pgs. 148-174.

<sup>15</sup> Edwards, Geoffrey. “The Pattern of the EU's Global Activity,” in *International Relations and the European Union*, Christopher Hill and Michael Smith (eds.), Oxford: Oxford University Press, pg. 57.

<sup>16</sup> Zanetti, Véronique. 2001. “Global Justice: Is Interventionism Desirable?” in *Global Justice*, Thomas Pogge (ed.), Oxford: Blackwell Publishing, pg. 204.

<sup>17</sup> Gavrilesco, Suzana-Elena. 2004. “Parliamentary Scrutiny of European Security and Defense Policy: is there Anybody in Charge?” *Perspectives: Central European Review of International Affairs*, 22, pg. 82.

experts and EU officials.<sup>18</sup> And in many respects, these actions do have influence on the foreign policy of the Union.

The EP—similar in structure to many national parliaments—shows a notably innovative effect and process with regard to foreign policy. It is the examination of these differences and their implications for understanding supranational democracy (and its primary case: the EU) that the remainder of this essay focuses upon.

### **The European Parliament: Innovator in Rhetorical Action**

The reason why I utilize the label “innovator” is twofold. First, the EP has sometimes used different methods of meeting core notions of democracy than national parliaments. They use some of the same processes, but in distinct variation that proves to be a critical innovation. That variation becomes distinct mainly because of the second innovative aspect. The EP’s actions in expanding its foreign policy influence draw not only on the expansion of representation (the traditional role of parliament), but on another shared notion of democracy: equality and human rights.

There is considerable evidence that the EP is not simply acting within its formal boundaries. The focus here is on the informal policy influence of the EP as opposed to formal oversight of policy. The way in which the EP has a strong influence on foreign policy issues (both security and economic) is through rhetorical action. Rhetorical action is an idea that links strategic behavior with the idea that power can be exercised through the use of normative ideas. Schimmelfennig (2001) defines rhetorical action as “the

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<sup>18</sup> Stavridis, 2003, pg. 3.

strategic use of norm-based arguments.”<sup>19</sup> In his formulation, Schimmelfennig looks at how actors use the standards that the EU has already agreed upon, and how arguments have been used to constrain or “entrap” actors who propose policy that does not affirm the ideals of the community.

The particular forms of rhetorical action that the EP utilizes on foreign policy fall under the categories of framing and shaming. They focus on presenting public actors as failing to follow sets of agreed norms (shaming) or controlling definition of the issues at the heart of certain foreign policy debates (framing). These strategies are rhetorical because they involve control of argumentation and norm-based arguments as political tools.

There are many examples of the EP’s use of shaming and framing to gain influence in the EU’s foreign policy. These examples span multiple facets of foreign policy—from membership to security to trade. I will briefly consider one of each.

*Membership policy:* The treaties of the EU include the notion of a common identity that is European that should motivate all European peoples and states to join in the Union.<sup>20</sup> Parliamentarians used this commitment, enshrined in treaty, among others to influence foreign policy regarding EU expansion. On the question of making association treaties with external European states versus incorporating them into Union membership, members of European Parliament (MEPs) used shaming techniques to argue for wider expansion of the EU. Particularly, MEPs suggested publicly that the existing European Community was not giving membership to states that also had a European identity.<sup>21</sup> The

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<sup>19</sup> Schimmelfennig, 2001, pg. 48.

<sup>20</sup> Schimmelfennig 2001, pg. 67.

<sup>21</sup> Schimmelfennig 2001, pg. 71.

“caught in the act” nature of this—of not living up to one’s promises and ideas—has a potent influence and was integral to reaching a Europe of 25 members.

*Security policy:* A number of cases regarding Central America (particularly Nicaragua) gained the interest of the EP during the 1980’s. Disturbed by human rights abuses in Nicaragua, the EP directly suggested that member state foreign policy be neutral toward the revolutionary government and foremost cognizant of human rights and democracy issues.<sup>22</sup> Around this policy stance, the EP generated policy positions on human rights, economic aid, area no-intervention, and democracy that were subsequently “pressed” on the other European Union institutions.<sup>23</sup>

*External trade policy:* In the WTO bananas dispute in the early 1990’s, EP had “no formal right of initiative” yet it still spoke out on the issue—two Parliament committees developed reports that supported the position of the African, Caribbean, and Pacific (ACP) states that exported bananas.<sup>24</sup> By siding with the ACP nations, the EP used its outsider status (provided by its lack of formal role) to try and change the debate from the basis of economic liberalization to one about maintaining historical ties and post-colonial responsibility for equality. While it may not have a formal right of influence, the EP gains some leverage on foreign policy issues in this alternate way, shaping the “atmosphere” in which the EU determines its policy objectives.<sup>25</sup>

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<sup>22</sup> Smith, Hazel. 1996. “The European Union in Central America: the lessons for the CFSP,” presented at the Third European Community Studies Association (ECSA) World Conference, Brussels, 19-20 September. Text available at: <http://www.ecsanet.org/conferences/ecsaworld3/smith.htm>

<sup>23</sup> Smith, 1996.

<sup>24</sup> Stevens, Christopher. 2000. “Trade with Developing Countries: Banana Skins and Turf Wars,” in Helen Wallace and William Wallace (eds), *Policy-Making and the European Union*, Oxford: Oxford University Press, pgs. 409-410

<sup>25</sup> Woolcock, Stephen. 2000. “European Trade Policy: Global Pressures and Domestic Constraints,” in Helen Wallace and William Wallace (eds), *Policy-Making and the European Union*, Oxford: Oxford University Press, pgs. 376-400.

The scholars who comment on these types of actions tend to treat them as highly novel things. However, it is interesting to note that the institutional device through which these activities are often carried out is not the innovation of the EP. In particular, the examples about expansion and Nicaraguan policy were examples of rhetorical action carried out at least partially under the guise of a familiar practice to parliaments in Europe: question time.

Parliament question time, when a minister answers to the actions of their bureaucrats, is a direct import from national parliaments into the EP. The difference, however, lies with the motivations that have developed for the practice in the EP on issues of foreign policy. One of the traditional functions of parliaments is to ensure that policies are discussed publicly and that reasons for the decision are provided to the public.<sup>26</sup> Parliament question time is generally intended to answer questions of accountability and minister responsibility.<sup>27</sup>

The rhetorical action strategies of the EP on foreign policy issues appear both similar and different from these notions. The EP is using the same institution, but focusing on accountability in a particular sense. The rhetorical argument is not about accountability in a representative sense. The EP did not argue that the decisions of the EU about expanding membership or policy toward Nicaragua were not formed through channels of popular control. Instead, the EP used question time combined with shaming and framing methods to demonstrate that the decisions of the EU were not accountable to the norms that the community agreed upon.

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<sup>26</sup> Benz, Arthur. 2004. "Path-Dependent Institutions and Strategic Veto Players: National Parliaments in the European Union," *West European Politics*, 25, 5, pgs. 875-900.

<sup>27</sup> Marshall, Geoffrey. 1989. *Ministerial Responsibility*, Oxford: Oxford University Press

## “New” Framing and Shaming: Constraint by Linking Practices to Norms

A deeper look at how framing and shaming are such an “innovation” for the EP is important. Shaming and framing certainly is not new with the EP—human rights organizations have used the tactic for some time. In traditional usage, these techniques are cast as tools to correct wrongs. Organizations shame governments, or frame issues in a new ways, with the goal of encouraging changes in policies.<sup>28</sup> In cases of shaming human rights abuses, the goal is to “mobilize psychological and political pressure against violators”—an aspect of accountability to citizens.<sup>29</sup> The purpose of these tools is to create a linkage between public and/or international pressure and a change in a target policy or policies.

The EP’s use of framing and shaming contains an additional dimension. While the tools are used to influence policy, there is another aspect to their usage by the EP. Shaming and framing is used by the EP in a democratic way. By referencing articulated democratic norms and human rights standards, the EP is introducing a significant method of post-facto constraint. While there are examples of the EP framing and shaming in order to correct European politics seen as problematic, other cases are less about correcting a problem. Instead, the EP is acting to bind future decisions to a set of democratic principles.

The innovation that is emerging from the EP is treating shaming and framing as democratic actions themselves. It’s not only about policy change, but about injecting the

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<sup>28</sup> Wachman, Alan. 2001. “Does the diplomacy of shame promote human rights in China?” *Third World Quarterly*, 22, 2, pgs. 257-281. pg. 260.

<sup>29</sup> Nathan, Andrew. 1999. “China and the international human rights regime,” in *China Joins the World: Progress and Prospects*, Economy and Oksenberg (eds.), New York: Council on Foreign Relations. Pg. 139.

decision-making environment of the EU with democratic norms that can constrain future decisions. Shaming and framing are directly utilized as tools to keep the Community's practices accountable to the ideals of democracy.

The EP's actions regarding foreign policy are novel because they are focused on this accountability to ideas *rather* than traditional accountability to citizens. That is not to say that accountability to citizens is not an issue in the EP.<sup>30</sup> Rather, this essay is simply focusing on the moments when the EP has used a different pathway that should be evaluated from a democratic standpoint. This normative accountability to democratic ideals is focuses on a different aspect of democracy than the accountability issues that underlie representation and the concerns of parliamentary foreign policy control.

If normative accountability does indeed access a different component of democracy, then it may illuminate aspects of supranational democracy and the debate about the democratic deficit in the EU that have remained in the shadows. In particular, it may provide an alternate grounding to democracy evaluations in the supranational context. Instead of focusing entirely on issues of popular control, accountability, and representation, a second parallel track of consideration appears—one that focuses on the way in which institutions are forced to take account of the normative ideals of democracy in their policies.

I have argued in multiple places that the EP is demonstrating a different aspect of democracy with the focus on linking practices to norms and democratic values. Here I

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<sup>30</sup> In fact, I believe that further inquiry could illustrate a link between normative accountability and popular control. A plausible argument is that tracing the process of agreeing to a set of norms in the first place is rooted in popular control, and thus popular control is exercised when those norms are enforced upon policy decisions.

draw upon the thought of David Beetham (1999) regarding democratic theory.<sup>31</sup> Beetham argues that much of the current debate over democracy is about second-order concerns—squabbling over which institutions capture democratic principles. His methodological approach is to focus on what he identifies as the shared core of democratic theories: collective decision-making (sphere of the political) that is controlled by all members equally (political equality).<sup>32</sup> While this involves a strong concern about popular control, there are also normative values raised by this approach. The critical notion is that Beetham suggests that there can be a common notion of democracy identified that exists separate from the institutions of democracy. It is about popular control but also something else—the normative system of values that the collectivity has in place to secure equality.

The discourse of parliamentary influence (or lack thereof) in foreign policy that began this analysis is notable because of what it demonstrates. The concern with parliaments has long been one of popular control. The questions at stake feed into notions of whether popular control is present or lacking (justifiably or not) in states and policy areas. What the EP's rhetorical actions suggest is that there is another set of questions that could be raised when thinking about the democratic credentials of certain regimes or policy discourses. The focus need not just be on popular control, but on the ideals of democracy being met and respected in the discourse.

This issue is especially interesting because it is the EP that has been conducting this innovative action. Representative accountability and popular control have been at the heart of concern among the democratic deficit arguments regarding the EU. These actions

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<sup>31</sup> Beetham, David. 1999. *Democracy and Human Rights*. Cambridge: Polity Press.

<sup>32</sup> Beetham, 1999, pgs 3-5.

show that another issue may be worth considering when it comes to the EU—or any account of supranational democracy. The stakes of democracy at the supranational level are not just that institutions be representative, but equally that the norms and rights that guarantee political equality are respected by collective decisions in the supranational sphere. Given these different stakes, it seems that the EU may not be a case of democratic deficit, but rather a variant form of democracy that focuses on normative accountability.

Changes in the debate about foreign policy in the EU show evidence of the strength of democracy through normative accountability. The EU has been described as having a “self image... as a civilian power.”<sup>33</sup> This process is linked to the EP actively seeking more democratic controls by defining foreign policy issues in terms of democratic and human rights issues. And democratic and human rights obligations in policy are not difficult to come by in the supranational context of the EU. The declaratory and treaty nature of the Union’s accords mean that a number of “rhetorical commitments” have been advanced as shared by the Union and all the member states.<sup>34</sup> If this treaty-based nature is a feature of supranational democracy, then likely rhetorical commitments will also feature heavily into other instances than the EU.

At the heart of all this is a procedure of linking democratic ideals to the policies of the EU. The intention of the EP is to link the practices of the supranational collectivity to strong, shared democratic norms. The EP takes similar institutions to those of national parliaments, but uses the tools of shaming and framing in order to craft democratic legitimacy on an ideal basis rather than a popular control basis. Because of these innovations, I believe that the examinations provided in this essay can provide an

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<sup>33</sup> Howorth 2001, pg. 778. See also Manners, Ian. 2002. “Normative Power Europe: A Contradiction in Terms?” *Journal of Common Market Studies*, 40, 2, pgs. 235-258.

<sup>34</sup> Schimmelfennig 2001, pg. 66.

alternate, and ultimately more profitable, starting point for discussing the nature of supranational democracy—especially in the EU context.

### **Concluding Remarks: Implications for Supranational Democracy**

This analysis has raised three broad implications for the study of supranational democracy and the EU. First, its perspective reveals that the democratic deficit debate about the EU is dangerously mired in institutional similarities and differences. Second, it shows that systematic democratic institutions and practices can evolve which look quite different from national level versions—yet do a better job of getting at the core ideals of democracy. Third, it suggests that the democratic deficit debate is in dire need of either a re-orientation or an outright replacement. Each of these implications will be examined in turn.

First, the democratic deficit debate in the EU focuses too heavily upon institutional similarities and differences. The existing literature on the EU contains a concerted debate regarding the democratic credentials of the EU. Arguments that the Union suffers from a democratic deficit<sup>35</sup> are met with claims that such concerns are overblown.<sup>36</sup> The majority of these arguments look at institutional differences between national democratic systems and the institutional patterns of the EU—similar to the squabbling over democratic institutions that Beetham rejects in democratic theory debates.<sup>37</sup> The particular focus of the democratic deficit debate lies with whether the EU

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<sup>35</sup> Decker, Frank. 2002. "Governance Beyond the Nation State. Reflections on the Democratic Deficit of the European Union," *Journal of European Public Policy*, 9, 2, pgs. 256-273; Majone, Giandomenico. 1998. "Europe's 'Democratic Deficit': the Question of Standards," *European Law Journal*, 4, 1, pgs. 5-28.

<sup>36</sup> Moravcsik, Andrew. 2002. "In Defense of the 'Democratic Deficit': Reassessing Legitimacy in the European Union," *Journal of Common Market Studies*, 40, 4, pgs. 603-624.

<sup>37</sup> Beetham. 1999. pgs. 3-5.

and the EP demonstrate sufficient levels of accountability to citizens, representation, participation, and public control.

My argument has demonstrated that these traditional measures of democracy—which are bound up with the national-level specifications of democracy—need not be the only path through which we may consider the EU democratic. While comparisons to existing institutions (parliaments) can serve as the starting point for considering the EP's contributions to democracy in the EU, my focus is less on specific institutional traits and more upon the way in which core notions of democracy are being met by the EP's actions. To continually argue over the fit between national-level ideas of democratic institutions and the shape of EU institutions is counter-productive. Instead, analyses like mine seek to examine the way in which the EU is acting as a key innovator of democracy. The understanding of an evolving usage of shaming and framing to secure *ex ante* democratic constraints on policy is one such innovation—an innovation that would be difficult to consider by simply using national-level parliaments as “the” democratic template which the EP must follow.

The second implication is that new democratic institutions and practices may look different than national-level versions of democracy, and have the potential to get closer to the core ideals of democracy. The debate over supranational democracy—with the EU as its *sui generis* example—may be only partially specified as long as the concern lies with accountability to citizens, representation, and ensuring participation and public control. Another portion of the democratic character of any supranational arrangement may lie in these issues of securing political equality and democratic rights. In the cases described in this essay, the EP demonstrated tentative steps toward a move in this direction. Instead of

being democratic through popular control, the EP may be democratic to the extent to which it can force the foreign policy decisions of the EU to be made with regard to democratic norms and ideals.

This becomes a particularly interesting prospect with regard to the foreign policy process in the EU. Popular control—and its related aspects—served as the reason why many parliaments were excluded from the foreign policy process—and with them the sense of democratic guidance. Yet the EP's actions may be a means of injecting democratic controls without being tied to a notion of popular control. By constraining the foreign policy environment with democratic ideals, the process may yield more democratic outcomes.

The broader message of this is that the institutions and practices that one might describe as democratic may look very different at the supranational level—but can yet reach these democratic outcomes. The provision of normative accountability to democratic ideals is only one such practice. By stressing accordance with democratic principles rather than direct representation in the debate, the EP's use of framing and shaming show initial steps toward a different notion of democratic deliberation and justification.

My third implication is certainly the boldest one of all—the democratic deficit debate needs be re-oriented or replaced. The debate has yielded many insights into the institutional character of the EU and how national-level measures of democracy succeed or fail in the supranational context. However, the focus on deficit immediately biases the debate against the search for how democracy is different at the supranational level.

Instead of focusing on deficit, some scholars have begun to advocate positions that move toward treating supranational democracy as its own entity. It is here that the argument in this paper feels most at home. The goal should be searching for innovative practices that get at alternative aspects of democracy—practices that may or may not exist at the national level.<sup>38</sup> To the degree that the democratic deficit debate is linked to national-level comparisons, it should be relieved of its duties.

Instead, consideration of supranational democracy should begin by looking at the core ideals of democracy: commitment to equality and human rights. What matters is how those principles are met—or could be better achieved—by supranational institutions and practices. Certain national-level democratic concerns, such as representation and citizen input, may not be feasible at the supranational level. Instead, alternative methods for ensuring democratic supranational decision-making may evolve. The EP’s novel use of framing and shaming to secure democratic constraints is only one such example. While different, these innovative methods may still be equally democratic in a normative sense.

This sort of approach hesitantly embraces the *sui generis* nature of the EU. By starting from a position that the EU is different than anything we’ve seen before (despite its sharing similarities with both international organizations and states), case research on supranational democracy may be freed from a need to impose pre-conceived notions of how democracy works—and can focus on new (or simply different) modes of democracy in action.

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<sup>38</sup> In one sense, this essay is also biased by starting with the European Parliament as a source of democratic innovation—as mentioned in the introduction. While this is due to the innovations I have detailed rather than the fact that it is a parliament, there are other EU and national institutions that have received study for non-traditional modes or sites of democratic innovation—most notably the European Court of Justice and bureaucracies. One example of this is treatment of bureaucracies as sites of democratic participation. See Hunold, Christian and B. Guy Peters. 2004. “Bureaucratic Discretion and Deliberative Democracy,” in *eTransformation in Governance: New Directions in Government and Politics*, Matti Mälkiä, Ari-Veikko Anttiroko, and Reijo Savolainen (eds.), Hershey: Idea Group Publishing, pgs. 131-144.

