The EU's legitimacy crisis and the multilevel parliamentary system. Escaping from the trilemma of market integration, national democracy and national sovereignty

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Abstract

This paper deals with the legitimacy crisis of the EU, defined as the incapacity of the EU to deal with the negative effects of its own market integration. It takes inspiration from the self-definition of the EU as a representative democracy to explore avenues to curb the lack of legitimacy. Building on a well-known but amended trilemma, this paper proposes to reconcile market integration (necessary to create the wealth to redistribute) and national sovereignty (as the prime level to install democracy) with a politicization of the EU in the national and multilevel parliamentary arena. The establishment of a multilevel parliamentary system (e.g. through the introduction of an EU level chamber with representatives of national parliaments) or the collective European politicization of national parliaments are introduced as possible avenues to bring the EU closer to a substantive democracy. Presenting voters the choice between alternatives is considered a prerequisite to give a potential voice to policies that can tackle the effects of market integration and enhance the legitimacy of the EU.

1 Introduction: the EU's legitimacy crisis

Although clearly an open door, this paper starts from the observation that the European Union (EU) is confronted with multiple and simultaneous crises. In specific policy domains (monetary policy, economic policies, refugee and migration policies, internal and external security policies, …) member states and EU institutions seem to struggle with developing and implementing responses to acute and ongoing crises situations. On top of these specific areas, the legitimacy – if not even the very existence of the EU itself – is put into question by an increasing number of Eurosceptic parties and a growing share of the EU population. This paper approaches the perceived incapacity of the EU to deal with the range of societal problems from an institutional perspective. It argues that the current institutional design doesn't seem to be able to cope with the implications of the globalization project of which the EU is an inherent and even constitutive part. Starting point is the assumption that European economic integration, as part of the broader evolution of globalization and characterized by international trade and open borders, is a necessary condition to create wealth. At the same time, however, European economic integration and globalization have downsides as well, to the extent that the created wealth is not distributed in a fair way and that societal effects of open borders are considered as negative by some groups in society. Both sets of consequences have prompted an increasing number of groups to question the legitimacy of the European Union itself. This paper explores potential institutional solutions for the EU to regain its legitimacy. It will do so by considering the EU as a multilevel parliamentary system and, more in particular, by exploring a number of ways to enhance the politicization of the system, which eventually can lead to changes in dealing with globalization effects and ultimately to restoring the acceptance of the European multilevel system as a necessary institutional set-up to cope with globalization.

The EU has lived through a series of critical periods before. Ever since the start of the integration project, it has had to address severe policy and institutional challenges. Major examples include the internal opposition of France's Charles De Gaulle culminating in the empty chair crisis in the 1960s, the economic and oil crises in the 1970s, the financing and reform of the Common Agricultural Policy in the 1980s, the civil war in the Balkans in the 1990s and the fall-out of the absorption of 12 new member states since 2004. During each of these, the EU was taken on by two sets of criticisms. Those who oppose integration argued

that the European level is inadequate to deal with policy challenges and plead for the restauration of full sovereignty of the member states, often failing to mention that the member states had not provided the European level with the competences nor the instruments to deal with the challenges. Contrary, those who supported integration considered the European level insufficiently equipped to address the challenges and argued for more pooling of sovereignty and more flexible decision-making rules (reminding the view of Jean Monnet who wrote that substantial steps forward in integration would only occur at times of crises), but often failing to raise public support for deeper integration.

While criticism on EU policies or even on the EU itself is not new, the nature of the crisis may well be different as the number of policies under fire is multiple and simultaneous. The banking crisis, which spilled over from the US, hit the EU at a time that it did not dispose of sufficient common rules to regulate the financial sector. The subsequent and related sovereign debt and economic crises (such as growing inequality and unemployment) made clear that the required institutional leverage had not been installed on a European level. The pressure of large groups of refugees and migrants occurred in a vacuum of European policies allowing member states to refuse to engage in burden sharing solutions. The military conflicts in North-Africa and Ukraine showed the incapacity of a European foreign policy based on intergovernmental policy-making. The threat of terrorist attacks on EU territory made clear that the EU lacks joint border protection as well as common intelligence and law-enforcing policies.

Most of these societal phenomena are related to the implications of globalization, be it economically (financial and economic crises) or culturally (migration and security crises). The EU doesn't seem to be equipped to deal with the negative side-effects of international trade and open borders. In addition, a growing number of member states' governments, under pressure of substantial proportions of the electorate, are increasingly reluctant to provide the European level with the necessary competences to deal with globalization effects, while the European institutions such as the Commission seem to be largely unwilling or lacking the ambition to fully exploit the already (rather limited) allocated instruments. Both the member states and the European institutions seem to be incapable to overcome the obstacles currently present in the construction of the EU. A substantial proportion of the public,

however, sees first and foremost the problems of the European level. This originates from the fact that most people identify themselves far more with the national level than with the European level (REFS) and from a situation in which information channels are organized almost exclusively on the national level. In addition, member states governments have been framing the communication in a way that the EU takes the blame (e.g. though effective scapegoating strategies). All this results in a growing number of citizens to consider the EU as an illegitimate and undemocratic level to tackle the problems they are confronted with. It is exactly this institutional design of the EU, or rather the potential avenues to alter the institutional set-up, that will be the focus of this paper.

The first part depicts the EU as a representative democracy hosting a multilevel parliamentary system. Next we describe the EUs legitimacy crisis as resulting from a trilemma between market integration, national sovereignty and national democracy. We then explore two avenues of politicization – multilevel parliamentarism and Europeanization of national parliaments - as possible escape routes from the trilemma.

2 The EU as a multilevel parliamentary system

The EU is a peculiar multilevel organization. Its unique nature follows from the intense *Verflechtung* of governmental layers which reaches deeper than in any other international organization, however without resulting in a fully-fledged federal system (Folledsdal en Hix 2006). A crucial feature of the EUs multilevel character and its day-to-day political practice is the dominance of executive actors at each of the governmental layers. Some examples. The European Council has become a more powerful actor in the past few years and is now a core player in the agenda-setting stages of legislative policy-making next to being a decisive actor in intergovernmental areas such as foreign policy. The European Commission increasingly opts for executive measures such as delegated acts as an alternative for traditional legislation, hence circumventing parliamentary involvement in regulatory policy-making. In addition, alternative procedures such as the Open Method of Coordination and other instruments in the framework of the European Semester increasingly sideline parliamentary actors (Bursens and Högenauer 2017). Other executive and non-majoritarian institutions such as the European Central Bank have been granted substantial autonomous decision-making power. In short, the multilevel nature of the EU seems to grant executive actors a

strategic advantage vis-à-vis legislative actors, who encounter a series of obstacles while executing their control duties in the EU checks and balances system (Curtin 2014). Executive dominance is only partially compensated by the strengthened position of the European Parliament (EP) in the Treaty of Lisbon. The EP now enjoys co-decision in almost all policy domains as well as shared budgetary powers with the Council, but it still lacks the right to initiate legislation and to control the European level executive bodies, i.e. the Council and the European Council. Member state parliaments are hardly mentioned in the Lisbon Treaty. With the exception of the ex-ante subsidiarity control (the Early Warning System), national and regional parliaments can only act within their own governance level. Of course, according to constitutional arrangements and political traditions, domestic parliaments can control the positions that national governments will take in European negotiations. However, a wide variety of scrutiny exists, ranging from the Scandinavian parliaments, who can sometimes make use of a negative mandate, to the Belgian federal parliament which is often pointed at as one of the least active (Norton 1995; Maurer and Wessels 2001; Kiiver 2006; Goetz & Meyer-Sahling 2008; Cooper 2012; Raunio 2011; Winzen 2012, Hefftler et al. 2015, Auel & Christiansen 2015; Sprungk 2016; Bellamy and Kröger 2016).

The executive dominance over legislatures is at odds with the EUs basic treaties in which the member states have written explicitly that the EU is a representative democracy (article 10.2 of the Treaty of Lisbon). Representation of citizens is only one way to ensure democratic legitimacy, situated at the input side (Scharpf 2009) and defined as government by the people through participation or representation. Democratic legitimacy can also be achieved by means of output legitimacy or government for the people, through problem-solving and acceptable policy solutions for societal problems or by means of throughput legitimacy through ensuring that decision-making takes place in a legal and transparent way (Schmidt 2013). This paper focuses on the input side of legitimacy and more particularly on parliamentary representation.

Several other types of input legitimacy such as functional or administrative legitimacy or direct democracy may and do supplement parliamentary representation in the EU. Functional legitimacy, for instance, takes place through interest groups and civil society organizations (Kohler Koch 2013). Some authors consider the participation of stakeholders in

policy-making as a tool to increase legitimacy (Finke 2007, Greenwood 2007). This view is shared by the Commission in its White Paper on European Governance (2001) which called for involvement of societal actors in the governance of the EU. However, the legitimizing mechanism is then rather participation of societal groups to ensure output legitimacy instead of representation of EU citizens guaranteeing input legitimacy. Next, also administrative legitimacy or representative bureaucracy is by some authors (Murdoch e.a. 2017; Wille 2010; Riccucci e.a. 2014; Gravier 2013; Olsen 2004) considered as contributing to the input legitimacy of a political system when civil servants 'think like their wider community' (Murdoch 2017). Such administrative legitimacy is argued to be complementary to electoral legitimacy. This is especially relevant in the EU as the EU is often seen as suffering from a lack of electoral accountability by having delegated powers to non-majoritarian agencies and bureaucracies. Hence, a high representativeness of EU staff may help to legitimize the EU. Murdoch et al. (2017) indeed empirically find a correlation between preferences of Commission staff and their member state population. Finally, also direct representation through referendums or petitions (such as the European Citizen Initiative) may help to enhance the EUs input legitimacy (REF).

Despite these additional channels to legitimize EU policy-making, the lack of parliamentary involvement remains in stark contrast with the Treaty claims of representative democracy. This paper follows other authors who have explored whether an increasing role of parliaments can be part of the solution. Crum and Fossum (2009) for instance argue that parliamentary representation is the most effective way to reach political equality and public deliberation, which is viewed by Bellamy and Kröger (2012) as a crucial condition for democratic legitimacy. As the EU is composed of multiple layers of governance, one can expect that the channels to legitimize the EU, and more in particular parliamentary representation, are also implemented in a multilevel way. Fossum and Jachtenfuchs (2017: 470) write in this respect that representation is key to federal democracy: 'In federal democracies, citizens are directly represented in the central institutions, as well as are collectively represented in the central institutions through their respective sub-units'. The next question then becomes whether multilevel parliamentary democracy is reconcilable with EU integration, as an expression of globalization, and national sovereignty.

3 The trilemma of globalization, parliamentary democracy and national sovereignty

Economic scholars have empirically proven that globalization of national economies in the form of liberalization of trade has been beneficial for the participating countries (REFS). The EU is the ultimate step in trade liberalization as it is a single market with free movement of goods, services, capital and people, creating specialization and economies of scale that foster growth and the creation of wealth. Most political ideologies therefor support the creation of supranational institutions, i.e. the establishment of a European multilevel political system in which member states jointly exercise national sovereignty to regulate a single market. This pooling of sovereignty is grounded in a cosmopolitan attitude that favors openness towards other cultures and acceptance of cultural diversity. This open attitude has led to a European continent of political stability and welfare creation. However, one crucial qualification must be added: the increased wealth is an aggregate phenomenon. Globalization and more specifically European integration has not been paired by a fair redistribution of the increased welfare. The EU in total has gained prosperity, but market integration also created winners and losers among and – above all – within the member states. Some societal groups have reaped the benefits from integration, others have not or have even suffered economically from integration. Indeed, some work in highly competitive sectors that flourish in a single market, others have seen companies in their sector relocate within the single market or are confronted with foreign competitors for their jobs. In addition, market integration implies open borders and free movement of people. For some, this brings a much-welcomed mix of cultures, for others this puts national values under pressure which is considered as an undesirable loss of identity. Often – but not always - the same societal groups that suffered economically have also been the most susceptible for these cultural changes. In short, European integration has created a group of economically and culturally discontented citizens that have started to question the capacity of European policies and the EU itself to deal with their problems. When opposing the legitimacy of EU policies, these groups demand a redistribution of the wealth created by market integration through investment in social policies, education, employment and infrastructure. When opposing the legitimacy of the European political system, they want their country to leave the EU, regain full sovereignty and establish protectionist economic and cultural policies, which are believed to counter globalization effects.

Most of the societal groups opposing the EU have been political inactive for a long time. As these groups did not voice their concerns, the legitimacy of the EU and its policies was only openly disputed by a small number of extreme-right and extreme-left parties. More recently, however, radical left wing and right wing populist parties have succeeded to mobilize those who feel economically and / or culturally deprived by the EU and its policies. Turning against the pro-trade and open borders consensus of mainstream parties, they plead for economic and cultural protectionist policies promising to fight for the 'own' losers of globalization and to restore national identity. This inevitably comes down to rejecting the EU itself as the supranational forum that stands for free trade and open borders. Their aim is to re-establish national redistributive policies by closing borders and rejecting market integration. Opponents of this strategy would argue that this strategy is doomed to fail as protectionist policies will also destroy trade, i.e. the very source of the wealth that can be redistributed. Pro-integration parties also argue that such policies can lead to trade disputes or even (trade) wars, ultimately putting the stability and peace on the European continent at risk. The challenge therefor is to address the concerns of those who feel economically and culturally uncomfortable without destroying the sources of wealth and stability, hence within the framework of European integration. The political quest, in other words, comes down to save-guarding the EU while democratizing it to reform its policies.

The political challenge described above is no stranger to political science and economics. It is a variation of what Rodrik (2011) has introduced with respect to globalization and later applied to the EMU by Crum (2013) and to fiscal integration by Nicoli (2017). These authors have in common that they identified three phenomena that cannot be reconciled at the same time. The basic idea is that processes of globalization, democracy and identity cannot be achieved simultaneously. This paper builds upon this by introducing an adjusted trilemma of European (market) integration, parliamentary democracy and national sovereignty. It seeks for adjustments in the institutional set-up and political practices of the EU to escape from the legitimacy deadlock. In this paper not only EMU and fiscal integration pose legitimacy issues, but also market integration itself. In this, it departs from Nicoli (2017) who states that the EU was fairly democratic before the response to the financial crisis. It rather follows up on Fabbrini (2017: 591) who argues that EU democracy is under more pressure in intergovernmental policies, such as those following the financial and sovereign debt crises

and the security and migration crises. Fabbrini contends that in these areas there is now a confusion of powers (instead of a separation of powers) whereby the Council and the European Council perform both executive and legislative functions, which can only be legitimate in case of vertical accountability, i.e. when national parliaments control their national governments. We follow Fabbrini when classifying these new policies as problematic, but add that also the traditional policies that are adopted according to the *méthode communautaire* suffer from legitimacy problems as national parliamentary scrutiny on EU legislation is often insufficient. Fabbrini also rightly points out that scrutiny concerns at best individual control per member state while the decisions are taken collectively at the EU level.

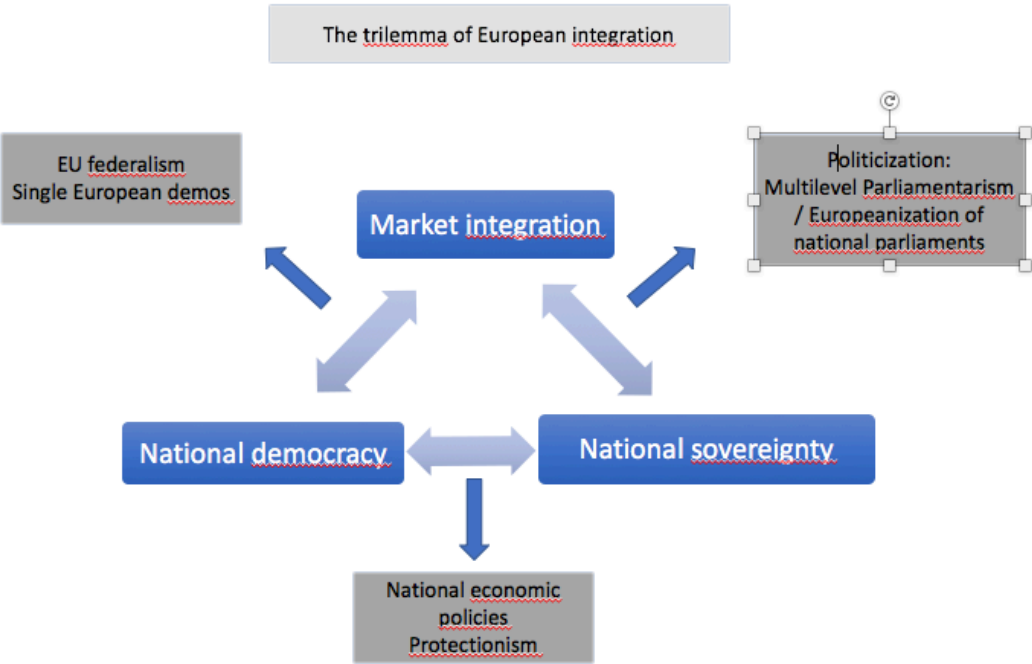Figure 1: the trilemma of European integration

Figure 1 summarizes the trilemma. It shows that only two out of three dimensions can be combined. The logic is that, if you want to preserve two out of three dimensions, the third should be somehow reversed to make it reconcilable with the two others. Firstly, national democracy and national sovereignty cannot be reconciled with market integration, but only with national autonomy over economic policies (the opposite of integration), likely leading to protectionism. Second, democracy and market integration cannot be combined with

national sovereignty, but only with a European level sovereignty. Thirdly, market integration and national sovereignty do not go together with national democracy, but only with a Europeanized democracy. In other words, for each trilemma, one can think of a way out but adjusting one of the three dimensionsOnly the third escape route will be fully explored in this paper. We only briefly discuss the two other options as they are either undesirable or unfeasible, at least in the short run. The first option to abandon European market integration to preserve parliamentary democracy within the borders of sovereign states is not considered as a desirable path to pursue. As has been argued above, the current legitimacy crisis of the EU is to a large extent induced by discontent of societal groups that blame European integration for their declining economic and cultural situation. They demand the retreat of European integration to re-organize redistributive policies on a national scale via national parliamentary procedures. While the latter is of course a legitimate pursuit, the strategy to do so via national channels may not be the most effective. Fair and elaborate redistributive policies are more likely in a polity that disposes of the financial means to redistribute, or even better, in a polity that has growing means to do so. In other words, redistribution presupposes economic growth, which, according to consensual knowledge among economists, can better – if not only – be achieved by shaping a context that allows for schemes of international trade, of which European market integration is the most effective. Hence, the solution to the trilemma by dropping the integration to safeguard national democracy and sovereignty will not help to restore legitimacy of the governing political system. Once the same societal groups mentioned above will discover that a retreat to the nation state cannot deliver the desired economic benefits, they will start to question the problem-solving capacity of the nation state (output legitimacy) and ultimately also the national polity itself (input legitimacy).

This brings us to the second option: keeping EU integration and making the EU more democratic. However, according to the trilemma this is not feasible as this would come down to abandoning national sovereignty, while the nation state is regarded to be the only level that can be rendered democratic. The argument behind this reasoning is that a democracy can only be reached when the political system coincides with the demos it governs. Taking this argument further, the trilemma can be solved if and when the EU evolves in a fully-fledged federation that would in the long term generate a single European

demos. This is the option that is propagated by the European federalists. It presupposes a radical reform of the EU, granting the European Parliament full powers, including the right to initiate legislation and to control the European executive, turning the European Commission into some kind of government accountable to the European Parliament and limiting the role of the Council and the European Council. Creating such a federal polity could in the long run make citizens of the member states identify with and hence possibly also legitimize a European federation. However, in the short run, such a radical reform seems to be unacceptable for a large share of European citizens. Not only those longing for the full restoration of the nation state, also those supporting European integration are not necessarily in favor of a federal Europe (REF). Even the current level of integration doesn't generate policies that guarantees sufficient acceptance by the European public. In other words, an elitist move towards a federal EU-level parliamentary democracy will not solve the legitimacy crisis in the short run, it is even doubtful whether a single European demos can ever be induced by institutional engineering (REF). Or as Weiler (2001) would put it: giving the EP full parliamentary control over integration is no option because there is no European wide demos while identity is necessary for democracy. Fabbrini (2015) argues in this respect that structural asymmetry and cultural differences between member states make it very hard to implement a full federal system. In addition, opening negotiations on Treaty reform means opening the discussion about the EU polity, which in itself has to be conducted according to democratic norms. Fossum (2017) rightly points out that while an institutional reform process itself would be contested, the process also needs to happen in a democratic way. Such politicization of the polity may as well result in reversing European integration and bringing back protectionist policies (Bartolini 2005). The latter have been evaluated before as counterproductive when seeking to increase growth and wealth that can be used for redistributive policies.

4 Politicization of the European polity

Discarding the previous two options as undesirable or unfeasible leaves us with a final third option: how to reconcile European integration and parliamentary democracy with the existence of multiple nation state level demoi and nation state level parliamentary systems? The rest of this paper explores politicization of the European polity through parliamentarization in two ways. As Benz (2017: 501) puts it, parliaments can try to restore

the balance of power with executives by establishing relations between parliaments at different levels, both within one level and across levels in the overall European polity.

Assuming that the EU is the most appropriate vehicle to generate and redistribute wealth, citizens of the EU member states must be able to question EU policies (and not the EU itself), by making use of national representative channels (Kriesi 2016). In terms of the trilemma, this means seeking ways to preserve market integration and to ensure democratic processes while respecting national representative procedures. In the rest of the paper, two possible routes are explored. The first entails institutional reform (though less spectacular than in the second option discussed earlier), the second comes down to altering political practices within the existing institutional set-up. Both start from the premise that the electorates must be given the opportunity to judge policies and those who hold political office, i.e. legitimize European policies by making the content and those who are responsible for the content transparent.

Such politicization is hard to achieve in the current institutional set-up in which executive actors dominate legislative actors. The European Commission nor the national ministers in the Council, the Heads of State and Government in the European Council nor autonomous institutions such as the European Central Bank are properly scrutinized by parliamentary bodies – at any level. In EP elections citizens hardly judge European policies that have had redistributive effects (such as the policy mix between budget cuts and public investments). EP election campaigns primarily discuss the competences of the member states and hardly cover policy options made on the European level. Also national (and regional) electoral campaigns deal with policies that nation-state level parliaments no longer decide on (Mair 2000). It is sometimes argued that this is not a democratic problem as national governments, who co-decide upon the policies in the Council, are controlled by national parliaments. This, however, is only effectively the case in a small number of member states (cf. supra). As executive actors are hardly forced to defend their policy choices at times of elections, the EU lacks what Schattschneider (1960) has called a substantive democracy. Voters are not presented alternative policy options for the levels that are competent to take these options. Referring back to our original legitimacy problem, such an institutional set-up doesn't create a context in which EU policy-makers are inclined to opt for policies that provide answers to

the concerns of those who have doubts that European integration has brought them economic benefits.

Can we think of institutional reforms that can bring the EU closer to substantive democracy? In the following we explore such institutional upgrades through various ways to Europeanize national parliaments. This strategy combines the three constitutive elements of the trilemma: preserving European integration and parliamentary democracy through member state level representative democracy.

A *European multilevel parliamentary system*

The challenge of a true multilevel parliamentary system is to be found in connecting the national parliamentary democracies with EU level representative democracy. This strategy follows Weiler (2012) who argues that the EU ultimately needs to base its legitimacy on the member states' democratic institutions and Bellamy and Kröger (2016) who plead for giving national parliaments a more prominent place in the multilevel system of the EU. Examples of such a strategy include the refusal of the Walloon Parliament to ratify the free trade agreement between the EU and Canada (CETA) and the proposal to grant national parliaments on top of the EWS' 'yellow and orange cards' also a 'red card', allowing them to completely block Commission proposals or even a 'green card' granting them the right to force the Commission to initiate legislative proposals (Kreilinger 2015).

A structural way to establish a multilevel parliamentary system would be to install an EU level bicameral parliamentary system with one directly and one indirectly elected chamber. The directly elected 'second' chamber is, of course, the EP. According to the current treaty even the directly elected EP has national features as elections are organized in national constituencies making national political parties crucial actors. This means that national party systems already make up the core of representative democracy in the EU, which clearly speaks to the idea of member states being the prime level of democracy. The existing system prevents the EP from being truly supranational in the sense that MEP'S need to serve national parties which in the end draw up the candidate lists. The EP could be more Europeanized by creating one single European constituency composed of the same candidates all over the EU. While this would certainly Europeanize the political debates, it

has many drawbacks as well, for instance in terms of languages, or a fair chance for candidates that originate from smaller member states. Above all, an EU wide constituency presupposes an EU wide party system and strongly integrated EU wide parties. As this would be a long way off from building the EU upon national parliamentary representation, the current composition of the EP is not up for change.

A more fruitful strategy to establish a multilevel parliamentary system is the introduction of an indirectly elected 'first' chamber or Senate, composed of parliamentarians that originate from the national level. Watts (2010) has listed variations of such a chamber that could be inspiring for the EU. A first option is the Canadian model in which the members of the Senate are appointed by the federal government. This is hard to apply to the EU as there is no European federal government. It would also be void of a link with the member states, which is key to our argument. A second model is having the members directly elected by the electorates of the constituting states, which is the case in the USA, Mexico or Switzerland. This is a useless formula for the EU's first chamber as it would equal the current EP. A third option is the German model in which the members of the first chamber are composed by the governments of the member states. This is how the current Council of Ministers is composed. It keeps a link with the member state level (what we are looking for) but with the executive instead of the legislative branch of the member state (which would therefore not contribute to the establishment of a multilevel parliamentary system). South-Africa has a variation on the German system in the form of a mixed system in which both member state governments and member state parliaments appoint the first chamber members. Finally, in Austria and India the parliaments of the states select the first chamber's members from their midst. Applied to the EU this means that delegations of national parliaments would make up the EU's first chamber.

A first chamber that ties national parliaments to the European level respects the three dimensions of the trilemma, assumed as a precondition to help legitimize the EU. Clearly, following the Austrian model would come the closest to a Europeanisation of national parliaments, potentially allowing for a politicization of the EU, rooted in national representative systems and respecting national party systems. National democracies are the basis, but they are activated at the European level. The EU level chamber of national

parliamentarians could be composed in a way that reflects both the variation in population in the member states and the variation in political composition in the national parliaments. In a way, this would go back to the predecessor of the current EP (the Common Assembly) which was composed of national representatives. Piketty (2016) expressed support for such a design. Hill (2012) argues that such a system also existed in the US before 1916, i.e. in the earlier years of the American federal system. Regarding the EU as a rather young and still evolving federal system, such a first chamber could be considered as a necessary) step towards a more mature federation. Also the US has gone through a series of constitutional reforms to reach the current equilibrium. The idea has been floated in the EU before, for instance by the former German Foreign Affairs Minister Joshka Fisher at the time of the European Convention. In the end, the Constitutional Treaty and later also the Lisbon Treaty did not withhold the idea and introduced the EWS as an alternative to boost national parliaments' involvement.

Some issues need to be raised, however. First, the proposed composition would alter according to the results of elections for member states' parliaments which take place at various moments. Although this would clearly respect national representative democracies, this would also make political majorities at the EU level potentially unstable. Secondly, the EU is at this very moment already equipped with a (not Austrian but German-like) bicameral system (in the areas where co-decision applies), composed of the directly elected EP and the indirectly elected Council of Ministers. Adding a third chamber without changing the role of the two existing ones doesn't seem to be very wise as it would enhance the complexity of the polity even more and potentially jeopardize transparency (throughput legitimacy) and effectiveness (output legitimacy). Fabbrini (2017) adds to this that a third chamber would weaken the crucial idea of subsidiarity. Bolleyer (2017) points at institutional constraints on the possibilities of national parliaments to become joint players through interparliamentary cooperation in the EU arguing that any joint engagement of national parliaments depends on the nature of the respective executive – legislative relations. As EU member states are mostly parliamentary systems 'inviting the fusion of executive and parliamentary majority' (535-536), hence having high party discipline and parliamentary majority loyalty to the executive, collective action among parliaments when controlling EU policies of the national governments is seriously hindered.

Another option would be to abolish the current Council and to replace it by a new chamber composed of national parliament representatives. The intergovernmental input would remain assured by the European Council whose role has been increasing in many stages and areas of policy-making over the last few years. However, such a replacement would make member states' governments lose substantial control over EU legislation, putting doubts on the feasibility of this option. A less radical variation would be to keep the Council of Ministers and make it only competent for executive or even regulatory issues, which aim to optimize market policies while generating less or even no distributive effects. Legislation with a redistributive nature would then become the competence of the new chamber of national parliaments, together with the EP. The argument for this solution is to be found in the idea that exactly the content of redistributive policies should find its origin in national parliamentary systems discussing how the effects of market integration should be dealt with.

The introduction of an additional or replacing parliamentary chamber also opens the discussion about the locus of the right to initiate legislation. Leaving it with the European Commission guarantees the common European interest the most, but also keeps the initiative for redistributive policies at the European executive level, the latter being one of least accessible for national voters. Such a status quo therefore doesn't deliver on the idea that national parliamentary arenas should be the prime locus for discussing the nature and consequences of market integration.

Next, in line with our argument, the new parliamentary chamber should also take over the budgetary competence from the Council and exercise it jointly with the EP, as decisions on the budget, i.e. on how to spend financial means, heavily affect those policies that organize redistribution. Politicization of the budget (who pays what) belongs to the heart of democratic majoritarian decision-making. Again, the feasibility to pull away the budgetary competence from member states' governments is questionable as decisions on the European level will determine the margins of national governments' policies.

The (partial) replacement of the Council by a parliamentary chamber would have the advantage of clarifying the relations between the executive and the legislative. The current

situation is ambiguous as the EP only partially controls the Commission. It approves the composition of the full Commission, but individual Commissioners do not bear individual political responsibility. More importantly, the EP cannot bring the Commission down in case a majority disagrees with the Commission's policy proposals. According to the Lisbon Treaty, the EP has got even less tools to control the Council or the European Council. The argument is that the principle of national sovereignty doesn't allow for a political control of a supranational though directly elected legislative body (the EP) on an executive body (the Council) that represents the will of national electorates. Attributing the political control of a body that is composed, not of directly European elected, but nationally elected parliamentarians (hence a joint national rather than a supranational chamber) may be considered as a more feasible, horizontal instead of vertical, way to enhance the parliamentary control function in the EU polity.

Obviously, the discussed changes require Treaty reform, while earlier on this has been regarded as undesirable as it may politicize the polity and not the policies. However, a Treaty change that would focus on the parliamentarisation would not necessarily (only) politicize the discussion about the reallocation of competences, but also the discussion about what policies would become possible after institutional reform. If Treaty reform could be politicized in terms of the subsequent policies, institutional reforms could become a game changer for subsequent policies, shifting the political discussion during Treaty reform from a debate on the level of integration into a debate between continuing current economic policies or changing towards parliamentary driven policy shifts. Proponents of the latter could campaign in favor of reforms that would make such changes possible.

A Europeanization of national parliamentary arenas.

As the feasibility of joint parliamentary action is not always considered very high, the paper now turns to a second option to activate parliamentary representation: a within level politicization of legislative – executive relations, or a Europeanization of national parliamentary arenas. This option can be considered as somewhat less supranational, which is preferred by a large part of the European citizens, without being too much intergovernmental, which holds the risk of gliding towards protectionism. Limiting parliamentary involvement to increased one-by-one control of national parliaments on their

respective national governments would also politicize European politics, but with the risk that national parliaments solely focus on national interests without considering the broader European picture and thus without politicizing the European arena itself. We nevertheless explore two dimensions: electoral campaigns and parliamentary practices.

Europeanizing national elections can be helpful to make the EU a more substantive democracy (see also Mair and Schattschneider above). This is quite a challenge as even European elections are often characterized as second order elections, i.e. dealing with national issues rather than with European level issues. If even European elections are not fully European, how then could national elections become more European. In other words, how can a reversed second order situation be created? Thorlakson (2017: 549) cites a number of strategies that have been found to downplay the second order risks at the EU level which can also be applied to the reversed second order. A vote choice for the EP is more likely to be shaped by EU issues in case of increased politicization (Hobolt & Spoon 2012), increased salience of EU issues (de Vries et al. 2011; Hix and Marsh 2007; Hobolt e.a. 2009) and increased information on EU issues (Hobolt & Wittrock 2011). Similarly, a vote choice for members of national parliaments that takes into account that most competences these candidates will have to deal with can be regarded as European is more likely when the campaigns focus on the European level. In other words, when the EU is debated in the national arena, when the parties and candidates provide information on the EU becomes a salient issue. Salience of the EU, of course, presupposes that the EU is politicized by candidates, i.e. that they take explicit position on EU policies, provoking debates that are picked up by mass media coverage.

Next to electoral campaigns, the representative behavior of national parliamentarians reflects the level of politicization of EU policies. Bellamy and Castiglione (2013) argue that the strengthening of representative democracy at the supranational level is implausible, but that this can be compensated by strengthening member state level representative democracy, i.e. through the relation between national parliamentarians and national governments. Likewise, Mair and Thomassen (2010) contend that copying the national system of democratic representation and democratic government to the European level will not work. By only representing and not governing (or controlling the governing bodies) at

the EU level, parties will fail to be the link between citizens' preferences and public policy. Giving the EP a more controlling role will not work if the tasks between parliament and governmental bodies are not properly institutionally defined. A presidential system (directly electing the Commission President) will not work either as it will grant the President too much legitimacy which is unacceptable for a Euro-sceptic public. In short, not the EP but rather the national parliaments are the place to look for when aspiring to increase EU democratic legitimacy.

What is possible at the national level? National Parliaments can make use of the EWS. While empirical studies report only a limited number of reasoned opinions (only two 'yellow cards' so far), Miklin (2017) argues that next to the actual use of the opinions, there are less tangible effects such as increased attention and resources devoted to EU policies in general, especially in those parliaments which previously only moderately engaged in EU affairs. In other words, parliaments and their members become socialized in EU affairs and adopt other role expectations as a spill-over effect of the introduction of the EWS. On the down-side, the EWS only allows for a reactive and procedural involvement, not proposing or even discussing policy content, but merely testing the subsidiarity and proportionality principles, in each member state seperately.

The most obvious option is to make sure that each national parliament (and in member states where relevant also each regional parliament) fully engages in its scrutiny duties on the national (or regional) executive is exercising its constitutional right to control. As has been mentioned earlier, member states parliaments vary substantially when it comes to controlling their governments. Politicizing EU politics hence requires that this constitutionally established right (or even duty) is taken seriously in all member states. This will force national ministers to explicitly take positions on EU policies and defend these vis-à-vis members of parliament in an environment that is open to mass media coverage and public attention. Such a Europeanization of the national (parliamentary) arena will politicize EU politics, allowing for alternative positions towards the effects of market integration to be put on the table.

Of course, there are drawbacks to this strategy as well. Benz (2017: 502) points to a dilemma that confronts political parties when engaging in scrutinizing national EU policies. Majority parties in national parliaments can control the positions that the national executive takes at the European level, but they can't push too hard in order not to jeopardize the negotiation strength of the executive. Opposition parties in national parliaments, on the other hand, need to challenge the executive but equally cannot push too hard in order not to get blamed for sabotaging the national executive's position. Secondly, such an approach keeps the debate locked within the individual member states, which bears the risk that national interests will the debate and determine the outcome of the discussion. Such a focus on national interests may force the member states' governments to pursue these national interests in the (European) Council. When unanimity is required, deadlock may even occur more often than without or with less national parliamentary scrutiny, making perhaps the likelihood of introducing more redistributing policies even less feasible. The chance of deadlocks or no-decisions becomes even higher to the extent that also regional parliaments will push their regional governments to pursue regional interests. Again, the example of the Walloon parliament behavior in the CETA discussion can be mentioned as an example here.

In short, Europeanizing the national parliamentary level can be a tool to bring the EU polity closer to a substantive democracy, respecting national representative democracy as a corner stone of the EU polity while at the same time allowing for market integration. The resulting politicization may offer voters alternative candidates who stand for EU policies that tackle the effects of globalization and market integration.

5 Conclusion

This paper started out with the legitimacy crisis of the EU, defined as the incapacity of the EU to deal with the negative effects of its own market integration. It took inspiration from the self-definition of the EU as a representative democracy to explore avenues to curb the lack of legitimacy. Building on a well-known but amended trilemma, this paper proposed to reconcile market integration (necessary to create the wealth to redistribute) and national sovereignty (as the prime level to install democracy) with a politicization of the EU in the national and multilevel parliamentary arena. The establishment of a multilevel

parliamentary system (e.g. through the introduction of an EU level chamber with representatives of national parliaments) or the collective European politicization of national parliaments were introduced as possible avenues to bring the EU closer to a substantive democracy. Presenting voters the choice between alternatives was considered a prerequisite to give a potential voice to policies that can tackle the effects of market integration and enhance the legitimacy of the EU.

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