

Heart or Hub of Parliamentary Democracy? Reflections on Political Trust in a Multilevel System

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Prepared for the EUSA Biennial Conference 2019, Denver, CO USA, 9-11 May 2019

Introduction

Trust lies at the *heart* of representative democracy in multiple ways. From normative and functional perspectives, trust and general political support provide the linchpin for political institutions, their interactions with one another and the electorate, and the political system as a whole. In democracies, elections endow officials and institutions with authority, albeit for limited time. They are in turn entrusted to govern and hold non-elected agencies and other bodies accountable. The chain of legitimacy is also constructed around trust. This applies as *hub* especially to parliamentary systems, where parliaments install governments with their ‘confidence’, and where loss of confidence equates to removing government from office. This political trust relationship interlinks with coalition building, dynamics of government and opposition, and party discipline in the course of a legislative period and a ‘government’.

In this paper I propose to conceptualize this two-pronged perspective on trust, and apply it as approach to comprehending the complex nexus of challenges of (dis)integration in the EU multilevel order. Countless political and societal developments over the last years and increasingly into the present have been challenging conventional forms of representative democracy and parliamentary government: e.g. decreasing trust in the ‘establishment’, growing disaffection against politicians and parties; processes such as globalization and Europeanization; and conjunctions of these variegated processes in Europe, the EU and its member states (see e.g. Armingeon and Guthmann 2014). Indeed, it seems that the ‘heart’ of

socio-political support and trust in European parliamentary democracies has considerably eroded or at least been experiencing numerous palpitations (see e.g. Dalton 2004). Yet, the linkage between parliamentary majorities and governments, itself built around a ‘hub’ of confidence and trust, remains a powerfully effective mechanism for political decision and policy making. What is more, these institutional parameters remain pivotal to governing both within member states and the EU multilevel system. Through European integration, the fundamental trust relationships for governing in the member states have become increasingly integrated into an additional *vertical* dimension, linking national parliaments and governments to European institutions, legislative and implementation processes, and more. These integration processes, however, have proved utmost challenging for precisely the ‘heart’ of trust vis-à-vis the EU as a whole and member state institutions of representative democracy.

The paper sets out to provide an analytical framework for one, which is less novel with respect to its individual components and dimensions, but new – or refreshing – on account of the perspective I propose. For another, it seeks to prompt reflection on implications for confronting challenges to holding together democracy and multilevel governance in the EU, not only at the EU level but also and with regard to the EU and the member states. To this end, I draw predominantly from comparative federalism research and in particular regarding the combination of federalism with parliamentary government. In a first step, the paper provides a condensed picture of challenges in combining federalism and parliamentary democracy as two distinct types of division-of-powers arrangements that follow different, and often opposing logics of politics. The second and main part then conceptualizes how, in turn, parliamentary government with its particular institutions and mechanisms of political trust can nonetheless turn out as ‘productive contradiction’ for making federal or otherwise multilevel governance work. Thus, the primary focus will lie with conceptualizing the hub, or rather institutional, structural-functional configurations, particularly the combination of parliamentary democracy with federalism. Finally, the paper concludes with a reflection on this often overlooked

dimension of political trust as *hub*, implications for EU multilevel governance, but also challenges deriving from the *heart* or the perceived legitimacy and popular support for the EU multilevel polity.

Parliamentary and Federal Governments

There has long been a notion of fundamental tension between federalism and parliamentary democracy. This was exemplified by the ‘incompatibility thesis’ of Lehbruch (2000) and Sharman (1990), and similarly ringing critiques, by which the functional logic of parliamentarism contradicts federalism. Reasons for this problematic relationship are attested foremost to the tendency of the former to superimpose into the federal dimension party competition along lines of dualistic ‘government versus opposition’ emanating from the trust or confidence relationship between executive and legislative. The resulting pattern is to render decision-making between constituents units (e.g. in intergovernmental relations) or in federal-level legislative processes (e.g. in second chambers) cumbersome and prone to deadlock. There is good reason to reconsider the relationship between the two as one of tensions, but not necessarily counterproductive ones. To this end, the following re-examines core aspects of democracy, federalism and parliamentarism as forms of separation of powers, in order to assess the types of tensions and dynamics that unfold on account of the conjunction between a particular *horizontal* division of powers arrangement, parliamentary democracy, with a vertical one, federalism or otherwise configured multilevel system.

Vertical separation or sharing of powers

Parliamentary democracy and federalism each comprise dimensions of separation of powers. At the same time, the various arrangements for dividing power implicate necessities, whether by normative or functional need, to share powers in governmental practice. Federalism faces

the inherent challenge of balancing between self-rule and the autonomy of the constituent units on the one hand, and shared rule and the solidarity as well as capacity for solving common problems on the other (e.g. Elazar 1987; Levy 2007). Democracy likewise has to cope with the tension between separation of powers, as part and parcel of any modern democratic government, and their exercise by different branches of government as well as groups and territories for one, and the fulfillment of the equally fundamental democratic principle of “power sharing” (e.g. Lijphart 1969; 1977; 1999) for another. The classic separation of powers, conceived as *horizontal* between government branches, in modern government may be more appropriately termed rather an arrangement of “separate institutions sharing powers”, as Neustadt asserted with regard to the US system (Neustadt 1960). More generally, division of powers in both the democratic *horizontal* government dimension and in the federal *vertical* dimension of government can span, in turn, between rather power separating (self-rule) and power sharing (shared rule) types. With regard to federalism, a basic differentiation refers to dual systems of separating levels of government or rather cooperative systems (see e.g. Hueglin 2013; Watts 2008). The dilemma of federalism concerns safeguarding diversity and sufficient scope of authority of constituent units or member states, while also fostering cross-state and cross-level legal security and unity in general and coordination to manage common problems in particular (e.g. Benz and Broschek 2013; Elazar 1987). The dual federal type entails power separation, while cooperative forms emphasize institutions and especially practices of joint or coordinated exercise of competences, and thus power sharing. Similar applies to the democratic organization of government, which – aside from the independence of the judiciary – concerns especially relations between the executive and legislative.

Horizontal separation or sharing of powers

The dualism between separating and sharing of power regarding democratic forms of government has been captured most notably in the distinction between presidential and

parliamentary systems (see e.g. Steffani 1979; Verney 1959). Parliamentary systems emerged historically through a long evolution toward empowering the legislative assembly vis-à-vis the executive. This 'old' dualism is still manifested principally in the presidential form of government, with dual but concurring strands of legitimation tied to the separately elected president as head of government and to the legislature, the latter which cannot be dissolved by the former, nor vice-versa. In parliamentary democracy, the government emanates from parliament and remains responsible to it. This 'new' dualism entails a more fluid division between the two branches; decisive for this arrangement is the functional fusion or merger between the government and the governing majority in parliament, comprising a relationship of mutual dependence – for governing as much as remaining in office (Loewenberg 2007; Steffani 1979; Verney 1959). The majority can remove the government through a 'vote of no confidence', while the latter can discipline the former through the (threat of) 'votes of confidence' since if such a vote is lost, the parliament as a rule can be dissolved and early elections called. Consequently, political trust forms a linkage underpinning this government form. From the confidence-nexus follow the representative-democratic and functional necessities for cohesion between government and governing majority and thus party or coalition discipline. The executive becomes a 'government', taking on responsibility for administration and implementation, but also a substantial, if not predominant part of preparing legislation.

Executivization of politics has been a familiar phenomenon cross-cutting modern governments for several decades (see e.g. Egeberg 2008; Poguntke and Webb 2005), though parliamentary ones appear especially predisposed to it. The fusion between government and governing majority may particularly invite these shifts in government practice, as the dynamics between the two branches do not follow 'parliament versus executive', but rather government versus opposition logic (i.e. exceptions like minority governments aside). The separation of powers and formal control by the parliament is simply less obvious than in presidential systems. The majority in parliament, in short, will tend to refrain from overt opposition to and critique

of 'its' government. However, and importantly, the vote of no confidence or the rejection of a government bill need not be exercised in order to have effect, but rather the government must act in the "shadow" (cf. Scharpf 1997) or in anticipation of these mechanisms. Finally, the power sharing arrangement in parliamentary democracy can make government comparably more effective (see e.g. Gering and Thacker 2008). This applies in the sense of facilitating the conversion of popular elections to parliament into a responsible government for one, and one that can govern through discipline between the parliament (majority) and the head of government and cabinet for another.

The Parliamentary Government Hub of Multilevel Governance

In general institutions and logics of democratic politics are neither inherently compatible with, nor necessarily counterproductive to those of the federal, multilevel dimension of government (Benz and Sonnicksen 2017). The parliamentary form with its logic of party competition though has been construed as especially prone to encumbering, and even counteracting and hindering federal governance. Such inferences have been theorized on the basis of the parliamentary-federal cases of Australia, Canada, Germany, as well as the quasi-federal multilevel governance system of the EU (e.g. Hueglin 1987; Lehmbruch 2000; Sharman 1990; Scharpf 1988). The democratic and the federal government dimensions follow distinct and different structural-functional principles, which can result in a disjuncture or discontinuity in government practice. Parliamentary government-versus-opposition dynamics may override the principles and logics of cross-level intergovernmental negotiation and coordination attached to federalism, the cooperative variant in particular. Moreover, this potential for parliamentary politics disrupting federal governance in cooperative federalism may apply especially to arrangements involving constituent-unit executives in a formal, joint-decision making system at the superordinate level of government. Examples of such a configuration are the functional second chambers of the

German *Bundesrat*, where executives from the states or *Länder* are represented and co-decide on federal legislation, and – with a remarkably similar structural-functional predisposition (see e.g. Dann 2004) – the EU Council of Ministers.

While these inferences on the conjunction between two different dimensions and logics of government are certainly applicable, the relationship between parliamentary and federal governance extends much further than potentials for deadlock. For one, deadlocks are not limited to parliamentary politics in federal systems with strong bicameralism. For another, countervailing majorities and other forms of “divided government” are surely evident in, if not typical of presidential systems (see e.g. Elgie 2001). Moreover, incompatibilities in functional logics of co-governing institutions can limit concordance or consensus-democratic politics (see e.g. Czada 2000; Kaiser 1997; Pelinka 1999), while same can be said in general for politics under complex institutional conditions of multiple ‘veto players’ (Tsebelis 1995). However, in the context of parliamentary government, its potential as a *facilitating* factor for the functionality of federalism remains widely neglected. On account of functional and democratic-representative logics, with its principal linchpin of *trust* between government and governing majority, parliamentary government can in turn prove conducive and even productive to governing in a multilevel system.

Federalism of course can take diverse forms and functions. However, like parliamentary democracy in the horizontal dimension of division of powers, cooperative federalism, especially in the German and EU variants, entails comparatively more sharing of powers in the vertical dimension of government. The two together thus exhibit a striking congruence, not least when juxtaposed with the diametric counterpart of stricter separation of powers of presidential government with a dual federalism strictly separating levels of government as typical of the US case. With a view to the German case, cooperative federalism relies on relatively fluid division of powers, with a number of competences enumerated separately, but a large share rather jointly allocated. Other areas are geared more toward cooperation and division of labor, most notably

for those areas of federal legislation that are implemented by the state or *Länder* (about half of all federal legislation). In return, rather than violating ‘separation of powers’ and more in line with ‘power sharing’, members of government (i.e. the executive) from the *Länder* participate in decision-making at the federal level via the Bundesrat. They are responsible, qua executive, for the subsequent implementation of those laws at *Länder* level. Hence, one can assert that not only is this multilevel power sharing, cooperative-federal arrangement functionally and structurally consistent, but also that it ‘matches’ the power-sharing predisposition of the parliamentary systems of government (i.e. like the federal level, all *Länder* governments are parliamentary as well). That the executives in the Bundesrat emanate from parliamentary governments may entail an ensuing potential for deadlock. B this also – and more fundamentally – implies a comparably higher probability of implementation on account of the governing ‘trust’ and discipline between *Länder* governments and parliaments. Similar can be postulated as well regarding intergovernmental agreements achieved between constituent-unit governments, whether in the German or in other parliamentary federal cases.

In a framework of multilevel government in which constituent-unit, member state governments are parliamentary democratic ones, these respective governments, for one, remain responsive to ‘their’ governing majorities in parliament in intergovernmental processes, whether out of democratic-representative consideration of their partisan or coalitions partners or in following strategies of “two-level games” (Putnam 1988). The governing majorities in parliaments, for another, are rather averse to defy ‘their’ respective government and veto a decision it negotiated in another arena. Defection is by no means precluded, but largely improbable nonetheless, not least thirdly since it can trigger political sanctions in response - whether through a motion of no confidence by the opposition, the ‘backbenchers’, the coalition partner or a combination thereof, or through the government tacking onto the decision in question a vote of confidence in order to discipline the parliamentary majority. That such drastic steps are rather seldom taken does not attest to their ineffectiveness, but precisely the contrary.

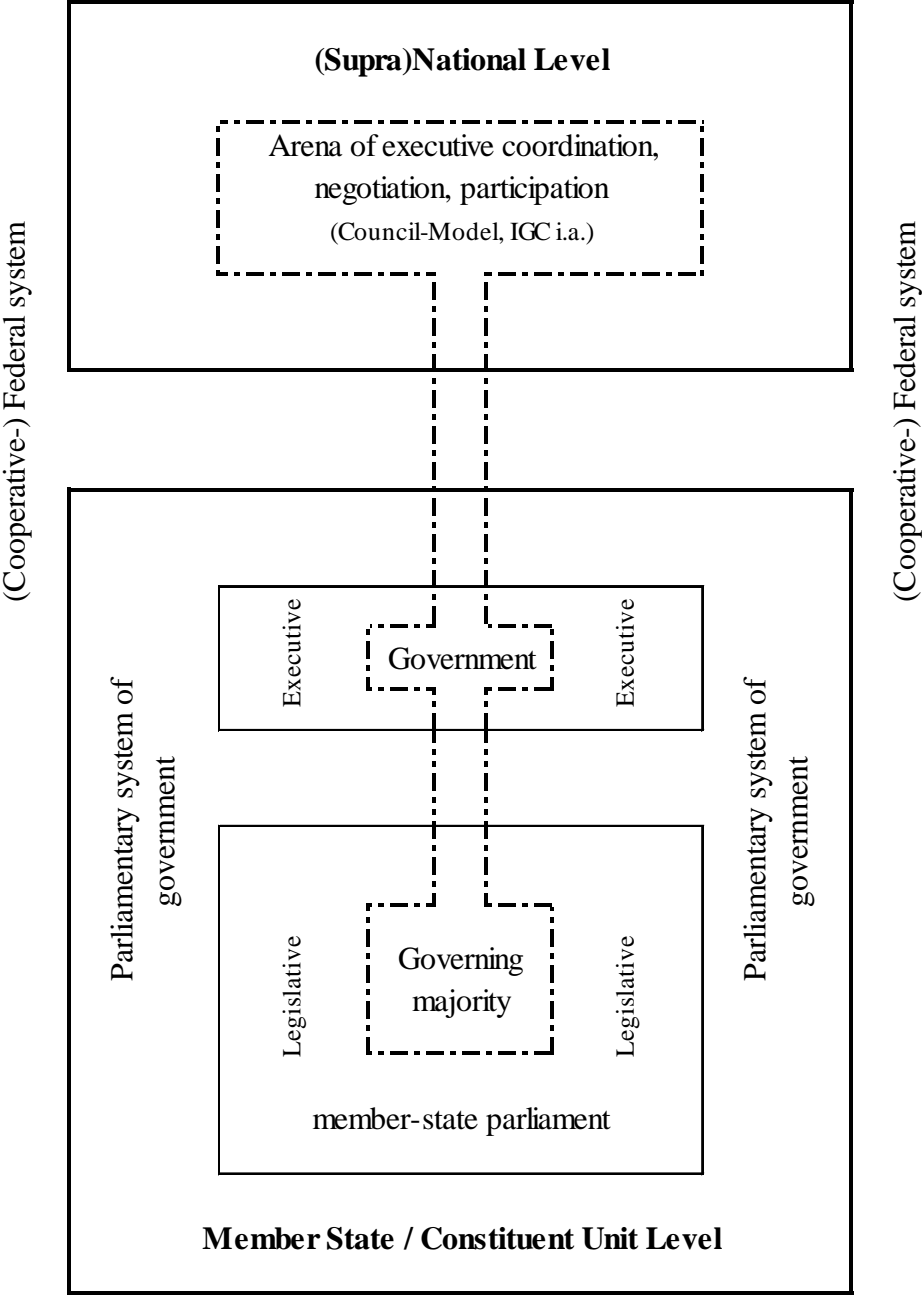
Consequently, the parliamentary-democratic governments face, by and large, relatively high reliability or chances of success when they return to their member-state parliament – or rather vis-à-vis its majority – to implement or, as the case may be, have ratified their intergovernmentally negotiated decisions.

In light of these patterns of parliamentary-federal politics, it is all too easily – and commonly – inferred that the parliaments become relegated to ‘rubber stamp’ institutions, with little to no leverage but to ‘take or leave’ their governments’ proposals. It could seem as if only the minority party(-ies), relegated to ‘opposition’, resist the government, and this apparently in vain. The diffuse division-of-powers between government and parliament renders inter-institutional contestation and checks and balances perhaps more ambivalent and less palpable than in a government constellation of stricter separation of powers. However, the executive-legislative relations, predicated on a linchpin of trust or *confidence*, entails nonetheless ongoing, if comparatively ‘less obvious’ communications, negotiations, and coordination between government and parliament, in order to govern, no less remain in office at all for a legislature period. The mutual dependence surely can lead to asymmetries favoring the executive, though again, patterns of executive preponderance in politics may just as well, if not more derive from complexities of modern governance in general. Thus control in the sense of actually lodging vetoes or motions of (no) confidence tends to be rare, but effective nonetheless as governing in their anticipation remains necessary for legitimacy as well as institutional-functional reasons.

The link between parliamentary governments and multilevel governance bears enormous relevance not least for the political system of the European Union. One institutional affinity to cooperative federalism has already been pointed out, namely the parallels between the Bundesrat-model of executive-participatory federalism and the EU Council of Ministers. This parallel refers not only to the structural-functional make-up of the Council – as arena of member-state executives with extensive decision-making powers at superordinate, i.e. here supranational governmental level. It also applies to the embeddedness in a larger, de-facto

federal governing arrangement by which a great deal, perhaps the vast majority of EU-wide collectively binding decisions are implemented, not by the supranational, but rather the member-state governments. What is more, they virtually all constitute parliamentary democracies (with the exception of Cyprus, and including the so-called 'semi-presidential' systems). These circumstances and the role they play have been widely overlooked thus far as a factor fundamentally characteristic of the European multilevel order and federative governance. Yet it has far-reaching implications for the governability of the EU system, which relies principally on implementation of supranational or 'community' decisions at member-state level. In the context of the democracy dilemma, for instance the influence and participation of national parliaments in European multilevel governance have found widespread analytical attention (see e.g. Auel 2007; Raunio and Hix 2002). However, this parliamentary-governmental infrastructure should be conceived as a core feature of the European multilevel system proper. A composite parliamentary functional logic emanates from the member-state governments with its rather power-sharing dualism, to which a significant part of the governability in the EU as well as federal or multilevel systems can be attributed (see also figure below). This constellation does not guarantee frictionless negotiation, coordination and decision-making procedures in the arenas of intergovernmental relations and bicameralism, and certainly not blanket compliance in the implementation of EU legal acts. Nevertheless, this composite parliamentary power-sharing infrastructure uniting member states with the EU level comprises an enabling factor of governing; it is also a constitutional component of the EU multilevel system itself.

Figure: Parliamentary Governing in a Multilevel System



The parliamentary institutional and functional logics, with political trust as overarching linchpin or *hub* – illustrated in the above figure by the dotted lines –, can thus be conceived as constitutive feature in federal, multilevel systems. The constituent-unit or member state parliaments serve as fundamental centers of gravity in this complex, polycentric multilevel space. The governments enter into arenas of cross- and multilevel relations and thus into higher

'orbits' than their parliaments, but nevertheless cannot detach from them, at latest on account of the dependence on their confidence. This depiction of the hub of political trust refers not only to the chain of legitimacy, accountability and responsiveness, but also the functions and decision-making patterns in federal orders whose sub-state or member state governments are parliamentary. Systems that are respectively constituted may surely invite the superimposition of party-competitive logics into the multilevel and intergovernmental arenas. However, what should not be overlooked is the capacity to likewise attenuate, if not at times subsume many other potential and possibly controversial cleavages and tensions in a federal system – whether between largely and lowly populated, between economically stronger and weaker, between larger, smaller and even micro-states, between opposing economic as well as a host of other policy differences. Precisely these sort of conflicts and tensions can become effectively channeled into the parliamentary contestation. This by no means implies that parliamentary systems are in general better or more compatible with federal governance in particular, but they are surely no worse than stricter separation-of-power democratic arrangements in conjunction with stricter dual or power-separating federal ones. Finally, the conjunction of rather power sharing parliamentary government with federal shared-rule arrangements clearly exhibit advantages as well, precisely as the former can contribute to making the latter work.

Concluding discussion

Parliamentary Democracy and Multilevel Governance in a Renewed Light

The hub of political trust entails that fusion of powers between executive (government) and legislative (parliamentary majority party/coalition) in parliamentary democracy coincides with comparatively higher party-voting discipline. However, in the federal dimension of a political system, this can also allow for coherent chains of responsibility in a multilevel space, and even

facilitate inter-constituent-unit negotiations and decision-making, for instance by absorbing otherwise virulent conflicts into cross-regional partisan contestation. This relationship has been conceptualized, also using illustrative examples from Canada, Germany and the European Union. Precisely the composite parliamentary government structural and functional logics emanating from the sub-national or member states offers a missing link to understanding governance in a multilevel system working in practice. This type of democratic regime, predicated on a constitutional trust relationship between governments and parliaments, can provide for centripetalism in the functioning of a federal system.

These generalizeable patterns are not easily measurable or to be found merely on account of formal laws and rules, but rather have to be conceptualized from the effects institutional configurations have in governmental practice. The parliamentary hub of political trust, that tends to coincide with coherent governing underpinned by the confidence relationship between executive and legislative, is not formally prescribed, but rather unfolds in practice, most of all in the ‘shadow’ or anticipation of losing confidence. This arrangement becomes coupled with cooperative federalism, and in the EU case, as in the German one, with a particular form of executive participatory governance in intergovernmental relations and especially joint-decision making of member state executives at superordinate, (supra-)national level. Horizontal power sharing thus couples with vertical power sharing.

The basic parliamentary structures of member states in the European Union, like e.g. in Australia, Canada, or Germany, comprise not only a potentially disruptive factor, but rather and more fundamentally an enabling and facilitating one for cooperative federal or multilevel governance. Respective (supra-)national and intergovernmental negotiated agreements and joint decisions reached in the multilevel arenas return for ratification and implementation at member state level and thus within their parliamentary systems. Against this backdrop, there emerges a ‘missing link’ for conceptualizing political trust in parliamentary government as hub for the functionality and adaptability of certain federal and multilevel systems. Its

representative-democratic and institutional-functional partisan logics can ultimately play a *constructive* role for making multilevel governance work.

With regard to the European Union in particular, these parliamentary governmental underpinnings across the member states should be conceived as an immanently constitutional dimension of the EU multilevel system. Thus, it appears pivotal to factor in this composite *hub* of political trust in order to comprehend the multidimensional separation and *sharing* of powers in the European Union. At the same time, there are potential, evident, and seemingly intensifying challenges for legitimate European governance, and thus the *heart* of political trust under current conditions.

Challenges for European Multilevel Democratic Governance

Over the course of European integration, the fundamental parliamentary trust relationships for governing in the member states have become increasingly integrated into an additional *vertical* dimension of multilevel governance. But these developments have proved quite challenging for precisely the heart of trust vis-à-vis the EU as a whole as well as the member state institutions of representative democracy. Unlike other systems of multilevel government, federal democracies in particular, the EU lacks as of yet a polity-wide, genuinely Europeanized mode of political contestation vis-à-vis a (supra-)national government. Instead *politics* continues to be predominantly mediated via the member states. These features even apply to the direct European Parliament elections, organized and contested as they are within national electoral systems by national political parties (see e.g. Clark 2014; Koepke and Ringe 2006). Consequently, representative-democratic linkages between EU institution and EU citizens – or rather the still structurally and functionally decoupled member state citizenries – remain quite limited. Without revisiting the democratic dilemma or ‘deficit’ debates at length (cf. e.g. Føllesdal and Hix 2006), at bottom line, the particular complex multilevel government inherent to the EU has coincided with democratic challenges, ones that have invited contestation,

‘skepticism’ and risks of delegitimation of the EU and even the member state governments themselves (see e.g. Mair 2007; Papadopoulos 2005).

The recent crises that the EU has experienced, especially the fiscal and economic crisis, but also the problems in managing waves of refugees, may have only exacerbated deficiencies in common European solidarity as much as tendencies toward EU-opposition and anti-establishment populism (see e.g. Lefkofridi and Schmitter 2015; Polyakova and Fligstein 2016). The ‘new intergovernmentalism’ (Bickerton, Hodson and Puetter 2015), which shifted decision-making power to national governments, though asymmetrically, should not be construed necessarily as a protection of member state sovereignty or democracy either. Rather, the fiscal and macro-economic governance responses pit ‘creditor’ against ‘debtor’ states, shifting political power in favor of the former (or rather their governments) and thus allowing economic asymmetries to determine the de-facto distribution of power. These political dynamics not only contributed to renationalizing European politics. They were also facilitated precisely by the composite member-state *hub* of parliamentary democracy, in that national governments could return with bargained decisions in the European Council and present them as ‘there-is-no-alternative’ ones, i.e. lest the national parliament risk theirs and their governments’ political survival. The further introduction of austerity measures and the strengthening of the Commission’s role in monitoring national compliance, appear to have intensified further the ‘executive federalism’ of the EU but “at a democratic price” (Crum 2013). The result has been to cement a further decline in accountability of European governance to national parliaments, not to mention the European Parliament.

One may surely and seriously doubt the sufficiency of persisting to have European multilevel accountability relations rest so fundamentally with Member State governments. Even before various crises of recent, there were certainly many reasons for (or at least to consider) reforms for further democratizing European multilevel governance. However, developments in recent years like the aforementioned crises and critical junctures, but also Brexit as well as EP

and a number of national elections, appear to have made them all the more pressing. Re-squaring political trust as persistent hub of parliamentary democratic government with the circle of fragile, and in many places and ways diminishing heart of political trust poses a fundamental challenge to the European Union, though also many parliamentary federal democracies.

All governments and democratic ones in particular must cope with balancing between democratic inclusion, representation and responsibility with the needs of solving problems (see e.g. Dahl 1994), especially complex and cross-border ones in an increasingly multilevel governance world. The conceptualization developed here actually provides analytically sensible reasons for viewing parliamentary democracy with federal or multilevel government in a renewed, even 'better' light than ones coinciding with the political distrust that have meanwhile become so pervasive. One may also surely doubt of course that this sort of rethinking could, no less should be enough. In the end, the conceptualization undertaken here rather points all the more so to the conundrum at hand. For the question of how to restore popular faith in institutions of democratic-representative and multilevel government or, saving that, to adapt them adequately to changing conditions and demands, poses the very heart of complex dilemmas confronting modern government in general.

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