

The Subnational Foundations of the European Parliament



INTRODUCTION

AS THE ONLY DIRECTLY ELECTED PARLIAMENT TO EVER EXIST BEYOND THE NATION-STATE, THE EUROPEAN PARLIAMENT (EP) IS ONE OF THE MOST DISTINGUISHING FEATURES OF THE EUROPEAN UNION (EU). Over the course of the last fifty years, the EP has evolved from an “assembly” with a merely consultative role to a parliament whose legislative and budgetary powers are not too far behind those of many national parliaments. Whereas the founding treaty of the European Coal and Steel Community (ECSC) established only an assembly consisting of representatives of national parliaments, the Rome Treaty already envisioned direct elections to the EP, which eventually first took place in 1979. Even before the initial direct elections, the EP had received significant budgetary powers. Within the boundaries of a budgetary ceiling fixed by the member-states and limited to so-called non-compulsory expenditure,¹ the EP has been granted the right to increase, reduce and redistribute spending. Moreover, it acquired a right to reject the whole annual budget. The EP is also endowed with a range of supervisory powers: it has a right to receive and debate annual reports of activity from the Commission, and a right to receive oral and written replies to parliamentary questions. Although appointments to the

European Court of Justice are the exclusive domain of the Council, the EP has been given a right to (dis)approve of any incoming Commission and to dismiss the entire Commission by a vote of censure. Most impressive, however, are the EP’s legislative powers. In a series of treaty revisions following intergovernmental conferences, the EP’s legislative powers have been permanently enhanced. In 1987, the Single European Act introduced the so-called co-operation procedure which gave the EP the right to suggest amendments to a Council proposal and even to reject it entirely. However, the power of the EP remained conditional on the Commission and the degree of unity among the member-states: in the case the EP rejected a proposal, it could still be overruled by the Council if the Council decided unanimously and the Commission did not withdraw the proposal. This co-operation procedure applied to the bulk of Single Market legislation.²

The EP’s legislative powers were further enhanced with the coming into force of the Maastricht Treaty in 1993. The so-called co-decision procedure gave the EP the right to reject any proposal during its second reading, while depriving the Council of its right to overrule the EP’s rejection. Moreover, a conciliation committee is convened when the Council does not approve all amendments proposed by the EP. At

that stage, the EP either reaches agreement with the Council or may reject the proposed legislation in which case the regulation or directive in question cannot be adopted. Because of the introduction of the co-decision procedure, the EP has been regarded as the “major winner” of the intergovernmental conference leading to the Maastricht Treaty (Wallace 1996:157).

The co-decision procedure received some minor changes under the Amsterdam Treaty of 1997 which came into force in 1999. Under co-decision, the Council and the EP now legislate on an equal footing. Even more important, however, was the extension of the co-decision procedure to some twenty provisions including R & D (research and development) policy, environmental policy and development aid (Griller *et al.* 2000:314). The proportion of co-decisions will expand even more when (and if) the Nice Treaty is ratified by the member-states. The Nice Treaty provides for a further extension of co-decision-making to a range of treaty articles (among others, parts of social policy, industrial policy and cohesion; see Fischer 2001:565).

This impressive history of enhanced powers poses the question of why the EP has been so successful in acquiring new powers. The question is particularly puzzling because any delegation of competencies to the EP can be regarded as *de facto* irreversible not only because unanimity and ratification is required to change the treaties but because it seems practically unfeasible to withdraw powers from a directly elected institution (Jachtenfuchs 1999:329). To be sure, the EP has frequently used its existing powers to acquire further competencies. For example, the EP had no right of approving every Commissioner individually and having him/her resign if it lacks confidence in him/her. The Treaties have given

the EP only the right to subject the Commission in its entirety to a vote of (dis)approval. In 1999, the EP used the possibility of rejecting the incoming Prodi Commission in its entirety to elicit the concession from the Commission President that he would consider requesting any Commissioner to resign if the EP expressed a lack of confidence in him or her (Nugent 2001:86). By using its existing powers to the maximum extent possible, the EP has thus managed to further enhance its powers. Moreover, other supranational institutions, most notably the European Court of Justice, have supported the EP's requests for enhanced competencies. The European Court of Justice contributed to the establishment of parliamentary democracy as an EU constitutional principle by declaring that ‘the people should take part in the exercise of power through the intermediary of a representative assembly.’³

However, the question remains as to why the member-states repeatedly AGREED to extend the EP's powers and competencies. A cursory look at the various treaty negotiations reveals that enhancing parliamentary powers has always been among the most contested issues on the agenda. During negotiations on the Single European Act (1985), the Maastricht Treaty (1990/91) and the Amsterdam Treaty (1996/97), there were always a number of member-states that saw the strengthening of the EP as a high priority. In each negotiation, the member-states pressing for a strengthened EP obtained some concessions from the more reluctant member-states and were thus instrumental in endowing the EP with significant powers.⁴ In order to explain the strengthening of the EP, it therefore has to be analysed why those member-states have held such a strong preference for this particular institutional choice.

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Because the literature on institutional choice has been dominated by rationalist theorising, this paper starts by examining whether the rationalist theory of institutional choice is capable of explaining member-states' preferences for strengthening the EP. As will be demonstrated in Section II, however, the delegation of power to the EP cannot be explained by rationalist institutional choice theory. Section III, therefore, addresses the issue from a constructivist perspective, which has emerged as the major challenger to rationalist theorising. Starting from the constructivist assumption that ideas play an important and independent role in preference formation (and thus institutional choice), it will be shown that the key to the answer lies in the member-states' internal political systems, particularly the extent to which direct parliamentary control can be found at the sub-national level.

RATIONALIST INSTITUTIONAL CHOICE THEORY

THERE IS A GROWING BODY OF LITERATURE DEDICATED TO A RATIONALIST EXPLANATION OF MEMBER-STATES' DECISIONS TO DESIGN INTERNATIONAL INSTITUTIONS IN VARIOUS WAYS (Garrett 1992; Pollack 1997; 1998; 1999; Moravcsik 1998; Moravcsik and Nicolaïdis 1999). The rationalist theory of institutional choice is functionalist, *i.e.* it 'explains institutional choices in terms of the functions a given institution is expected to perform and the effects on policy outcomes it is expected to produce, subject to the uncertainty in any institutional design' (Pollack 1997:102). With regard to the EU, two main forms of institutional choices can be distinguished. Whereas sovereignty is 'POOLED when governments agree to decide future matters by voting proce-

dures other than unanimity,' sovereignty is 'DELEGATED when supranational actors are permitted to take certain autonomous decisions, without an intervening interstate vote or unilateral veto' (Moravcsik 1998:67).

From an institutional choice point of view, the assignment of competencies to the Commission embodies the ideal-type of delegation. However, strengthening the EP is also best understood as a case of the delegation (as opposed to the pooling) of sovereignty (Moravcsik and Nicolaïdis 1999:76). Clearly, the EP does not take decisions autonomously — as would be the ideal type of delegation — but participates in joint decision-making with the Council. However, in contrast to the Council, the EP is designed as an independent body whose members are not instructed by their national governments. Though Members of the European Parliament (MEPs) remain dependent on their national parties to be nominated, they are legally independent of their national governments. Moreover, though national cleavages remain visible, parliamentary work is effectively organised along party lines (Hix 1999:76). Indeed, a recent empirical study found that 'legislative behavior in the EP is structured more by party affiliation than national affiliation,' *i.e.* 'MEPs are more likely to vote with their EP party group than with MEPs from their Member State (who sit in other EP groups)' (Hix 2001:684). Taken together, by strengthening the EP the member-states delegate sovereignty to a supranational actor.

From an institutional choice point of view, DELEGATION addresses the problem of incomplete contracting, *i.e.* the fact that states (or any other group of actors) are unable to cover every aspect of an agreement and are therefore forced to agree on decision-making procedures for secondary (implementing) decisions. Pol-

lack (1997:103) listed several functions that the delegation of sovereignty may fulfil: delegation may increase the credibility of commitments. This function is particularly prominent whenever incentives to defect continue to exist, as is the case in monetary policy (Sandholtz 1993). Further, there are incentives to delegate the right to initiate proposals. Because initiatives are costly and may weaken a state's position in the ensuing negotiations, states face incentives not to take the initiative themselves even if this strategy results in a failure to co-operate (Gehring 1994:231). Moreover, under qualified majority-voting there are incentives to delegate a monopoly of initiative. Otherwise outvoted states may try to reverse a decision through a new policy initiative. This may lead to an 'endless series of proposals from disgruntled participants who had been in the minority in a previous vote' (Pollack 1997:104). Thus, the European Commission's monopoly over initiative can be well explained by rationalist institutional choice theory. Finally, the delegation of sovereignty may serve to detect defection from agreements. Because the member-states encounter incentives not to blame other member-states for any (alleged) defection, the delegation of this function can be explained.

However, the delegation of decision-making power to the EP cannot be explained by rationalist institutional choice theory. The function of increasing the credibility of commitments is simply not served by the delegation of decision-making power to the EP at all. At the same time, the Commission better fulfils the functions of initiating proposals and detecting defection than the EP could if it were endowed with these tasks. The delegation of power to the EP does not increase the credibility of substantive commitments (e.g. to keep interest rates low) because the substance of future deci-

sions by the EP cannot be forecasted. Independent agencies with a "technical" mandate (such as the European Central Bank) are better suited to increasing the credibility of commitments. The EP could be endowed with a right, or even monopoly, to initiate proposals as well as a right to detect defection from co-operation. However, the Commission and the European Court of Justice are better suited to meet these tasks. In principle, the EP could make proposals of the same substance and number as the Commission. However, the Commission is better suited to initiate proposals in the name of a common European interest because its internal decision-making procedures are based on reaching consensus rather than on building majority coalitions.⁵ As a consequence, Commission proposals already reflect a consensus among politicians from, though not representatives of, all member-states. In contrast, and notwithstanding a high degree of co-operation between the two biggest political groups, proposals emerging from the EP are more likely to reflect the perspective of a majority coalition and are therefore more likely to elicit opposition from those outside this coalition. Since European legislation should be based on the greatest consensus possible (because the EU is not a state and peoples' loyalties largely remain with their nation-states), the Commission is best suited to initiate the respective proposals.

The same applies with regard to the detection (and sanctioning) of defection by and in member-states. The Commission acting as a college is least likely to be blamed for acting on national or party political motives when it sues member-states before the European Court of Justice. Adjudication and the imposition of fines are better left to the independent European Court of Justice whose members do not strive for re-election. Though

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court rulings still have a political dimension (Burley and Mattli 1993), their acceptance depends on the authority of the Court as a non-political interpreter of given agreements.

A CONSTRUCTIVIST EXPLANATION

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EVEN PROMINENT ADHERENTS OF RATIONALIST INSTITUTIONAL CHOICE THEORY THEMSELVES CONCUR THAT THE STRENGTHENING OF THE EP CAN HARDLY BE EXPLAINED BY INSTITUTIONAL CHOICE THEORY (Pollack 1997:107; Moravcsik and Nicolaidis 1999:61). Instead, they have pointed to the role of “federalist ideology” (Moravcsik 1998:70) and thereby handed the issue over to constructivist theorising. According to Moravcsik, the pressure ‘for greater EP powers came from countries with a tradition of European federalism and with strong domestic parliamentary systems’ (Moravcsik 1998:376).

Constructivism holds that actors’ preferences are not exogenously given but socially constructed and, therefore, involve ideas, norms and values (Adler 1997; Ruggie 1998; Wendt 1999). The cornerstone of any constructivist explanation therefore lies in the identification of those social constructions (“ideas”) that can be assumed to have an impact on the state preferences at stake. In a research project dedicated to explaining the German, French and British EU policies Jachtenfuchs *et al.* (1998) identified different *Leitbilder* that are regarded as influencing these states’ EU policies. According to them, Germany’s support for a strong EP is driven by its attempt to create a European federal state (*Bundesstaat*). By contrast, British politicians want the EU to remain an economic community with strong supranational institutions

only in the governance of the Common Market and with intergovernmental decision-making in the realm of political co-operation. Whereas the *Leitbild* shared in Germany includes strong support for the EP, the British vision relies on the member-states and their parliaments because integration is limited to the Common Market.

The constructivist explanation that will be developed in this section supports these findings. However, the argument presented here draws on a different causal mechanism that does not depict ideas as goals which governments hold and follow but instead regards ideas as tools available to governments and that help governments manage previously unknown problems.⁶ In particular, it will be argued that there are different principles of the appropriate parliamentary legitimation of non-national politics institutionalised in the domestic political systems of member-states. These principles which are considered valid domestically can be understood as tools that governments employ to address the new problem of the parliamentary legitimation of EU policy-making.

Different principles of parliamentary legitimation can be considered part of a state’s political culture, *i.e.* ‘those world-views and principled ideas — norms and values — that are stable over long periods of time and are taken for granted by the vast majority of the population’ (Risse-Kappen 1994:209). The principles, values and norms that have become a state’s political culture usually become institutionalised in a state’s political institutions. In institutionalised form,

the impact of ideas may be prolonged for decades or even generations. In this sense, ideas can have an impact even when no one genuinely believes in them as principled or causal statements (Goldstein and Keohane 1993:20).

From a constructivist perspective, a state's institutions are 'not only neutral devices for the accommodation of different interests in the pursuit of common policies, but also provide symbolic guidance for society' (Jachtenfuchs 1995:116). Societal institutions affect the preferences and actions of the members of society. They

provide moral or cognitive templates for interpretation and action. The individual is seen as an entity deeply imbricated in a world of institutions, composed of symbols, scripts and routines, which provide the filters of interpretation, of both the situation and oneself, out of which a course of action is constructed (Hall and Taylor 1996:939).

Since member-states have been forced to address the issue of the EU's so-called democratic deficit, they have faced two options because, in principle, decision-making at the international level can receive parliamentary legitimation in two ways, *i.e.* DIRECTLY *via* a supranational parliament or INDIRECTLY *via* the national parliaments of the member-states.⁷ The principle of indirect parliamentary legitimation is based on the notion that only nation-states possess social legitimacy,⁸ whereas the EU misses both a common European identity and a European public (Kielmannsegg 1996). According to that principle, the democratic deficit should be addressed by preserving social legitimacy at the national level. By contrast, the principle of direct parliamentary legitimation is based on the notion that the need for direct legitimation increases with every transfer of decision-making competencies to the European level. Adherents of indirect legitimation are criticised because they only allow for unanimous decision-making which must be regarded as highly inefficient. Proponents of direct legitimation point out

that any strengthening of supranational institutions (particularly the EP) will also further a common European identity (Habermas 1992; Zürn 1996:45).

The constructivist explanation presented here holds that member-states will respond to the question of supranational democracy in the same way they have addressed the question of SUBNATIONAL democracy. The constructivist explanation thereby draws on the so-called domestic analogy whereby decision-makers 'want their international environment to be ordered by the same values and principles as their domestic system' (Billing *et al.* 1993:163).⁹ Thus, we should expect support for direct parliamentary legitimation by those countries whose policy at the regional level has been legitimised by directly elected regional parliaments, *i.e.* by federal states. By contrast, countries whose regional-level policy has been legitimised indirectly by the national parliament, *i.e.* unitary states or states with only a minimum of parliamentary devolution, are expected to prefer indirect parliamentary legitimation for the EU as well.

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PLAUSIBILITY TEST FOR THE CONSTRUCTIVIST EXPLANATION

THE ISSUE OF STRENGTHENING THE EP WAS MOST PROMINENT DURING NEGOTIATIONS ON THE MAASTRICHT TREATY IN 1990 AND 1991, WHEN CRUCIAL CHANGES IN TERMS OF THE PRESENT EP POWERS TOOK PLACE (Earnshaw and Judge 1996: 110; Westlake 1994:146; Corbett *et al.* 2000:176, 188). Hence, this period is useful for running the plausibility test for the constructivist explanation of the EP's strengthening. The explanatory power of the constructivist model outlined above can be assessed by comparing the observed member-state preferences on the introduction of the co-

decision procedure with the preferences that can be expected from externalisation of the principle applied to the legitimation of regional policy.

Support for the EP and the introduction of a co-decision-procedure is expected from those states that established directly elected regional parliaments in order to legitimate policies at the sub-national level. However, the principle of direct parliamentary legitimation is not fully realised if a national parliament may withdraw competencies from the regional parliaments or may even dissolve them. In those states, the principles of direct and indirect parliamentary legitimation have been mixed because the direct parliamentary legitimation of regional policy exists only at the mercy of and under the control of the national parliament. From the perspective of a domestic analogy, these decentralised unitary states do not belong to the same category as federal states and are not necessarily expected to be supporters of a strengthened EP. As a consequence, no constructivist expectation can be derived for France, Italy, and the Netherlands.¹⁰ At the time of the Maastricht negotiations, directly elected regional parliaments existed in each of these member-states. However, the regional parliaments in France, *la republique une et indivisible*, lacked legislative powers. Moreover, French regions were not even mentioned in the constitution and can easily be dissolved by a majority in the national parliament (Constantinesco 1990). In Italy, too, the national parliament determined the competencies of the regions. Moreover, the Italian government kept a veto over legislative decisions of the regional parliaments (Trautmann 1995:682). Finally, the Dutch "provinces" are considered to be mere administrative units (Andeweg and Irwin 1993) whose competencies may also be changed by the national parliament at any time.

At the time of the Maastricht negotiations, three member-states were classified as federal states. Whereas the classification of the Federal Republic of Germany was beyond doubt, Belgium was in the final stage of a constitutional reform that has transformed it into a federation (Alen 1995). Finally, Spain whose territory had been divided into 17 *comunidades autónomas* was considered a 'federation in all but name' (Elazar 1991:227). Germany, Belgium and Spain were indeed strong supporters of a strengthened EP in general and of co-decision in particular. The Belgian memorandum of 20 March 1990¹¹ helped set the agenda for strengthening the EP. The issue was taken up and further supported by Germany which is held responsible for the respective passages in two joint letters to the Presidency by Chancellor Kohl and President Mitterrand (Wagner 2001: 206).¹² Although the Spanish government did not present any paper on institutional questions, observers had no doubts about Spanish support for co-decision (Corbett 1992; Gil Ibañez 1992:110).

Opposition to a strengthened EP and to the introduction of co-decision could have been expected from those states in which policies at the regional level are legitimised indirectly by the national parliament and in which no regional parliaments exist. The United Kingdom, Greece, Portugal, Denmark and Ireland belong to this category. In the United Kingdom, whose political system is based on parliamentary sovereignty, regional parliaments may be entrusted with competencies (as is currently the case in Scotland and Wales). But Westminster can withdraw these competencies at any time by a simple majority (which happened to Northern Ireland in 1972). In 1986, regions were established in Greece but not endowed with their own parliaments (Engel 1991:12). In both Portugal

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and Denmark, there is a “partial federalism” for the Azores and Greenland but the mainland is organised along unitary principles (Opello 1992; Hansen 1993). Ireland, too, is a unitary state which only has a variety of (cross-cutting) *ad hoc* regions for various administrative purposes, but which lacks a regional tier of government let alone regional parliaments (Voß 1989:427; Laffan 1991).

During the intergovernmental conference, the United Kingdom was a strong opponent of co-decision and even boycotted the respective negotiations. According to former Prime Minister John Major, ‘the Council of Ministers, whose members are answerable to their national parliaments, must be the body which ultimately determines the Community’s law and policies’ (quoted from Laursen and Vanhoonacker 1992:425). The Portuguese representative to the intergovernmental conference also signalled opposition by abstaining from discussing the matter. According to the Irish government, ‘the democratic legitimacy of the Community is ensured by the fact that the representatives of the Member States in the European Council and the Council are elected and responsible to their national parliaments’ (quoted from van Wijnbergen 1992:134). Though a Danish memorandum mentioned the necessity to strengthen both the national parliament and the EP, Denmark disapproved of all proposals for co-decision. The Greek policy on co-decision, however, remains puzzling from the constructivist point of view. After many years of firm opposition against any form of co-decision, the new government of Konstantin Mitsotakis preferred the EP to become ‘a real legislative and monitoring body’ (quoted from Laursen and Vanhoonacker 1992:278). The ‘decisive U-turn’ (den Hartog 1992:80) in Greek European policy runs contrary to the constructivist expectation.

In sum, the constructivist expectation is satisfied for seven states, namely all federalist and unitary states, with the exception of Greece. No expectation could be derived (let alone “tested”) for the mini-state of Luxembourg, nor for France, Italy and the Netherlands because as ‘decentralised unitary states’, French, Italian and Dutch principles of parliamentary legitimation remain ambiguous. With regard to Germany, Belgium, Spain, the United Kingdom, Portugal, Denmark and Ireland, the constructivist explanation is highly plausible. The constructivist explanation presented above is further supported by an analysis of the domestic cleavages on the issue of parliamentary legitimation.¹³ Cleavages are particularly visible in those states in which the principle of parliamentary legitimation of non-national politics has been challenged, *e.g.* in the United Kingdom. As would be expected from a constructivist perspective, supporters of regional parliaments (especially the Scottish National Party but also large parts of the British Labour Party) tended to support the strengthening of the EP while opponents to regional parliaments (particularly the British Conservative Party) tended to regard the national parliament as the appropriate level for legitimising European politics as well. Thus, during debates on the so-called European Communities Amendment Bill in the House of Commons Alex Salmond of the Scottish National Party argued that he was ‘attracted by the idea ... of this place losing powers to the European Parliament, to European institutions and to the people of Scotland.’¹⁴ In contrast, the representative of the Conservative Party, Graham Brady, found it ‘disturbing that the Government are moving political power and sovereignty in two directions; on the one hand, to Brussels and Strasbourg, and on the other, to Scotland, Wales and the regions.’¹⁵

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CONCLUSION

MEMBER-STATES WITH REGIONAL OR FEDERAL TRADITIONS HAVE BEEN AT THE FOREFRONT OF PROMOTING THE STRENGTHENING OF THE EP. These states have applied the principle of direct parliamentary legitimation, as institutionalised within their own domestic political systems, to the realm of European policy-making. Externalisation of the principle of direct parliamentary legitimation has been the chief force of support for an EP with considerable budgetary and legislative powers. It should be noted that this explanation differs from both the "strong parliamentary traditions" — and the "federalist ideology" — argument launched by Moravcsik. A strong parliamentary tradition at the national level might even contribute to a viable opposition to the EP. Indeed, member-states with strong parliamentary traditions such as the United Kingdom and Denmark are among the most prominent opponents to any stronger EP. Also, there is no inherent link between strong support of the EP and adherence to European integration or an Europeanised identity which is particularly strong among those states which emerged from World War II with their legitimacy in tatters.¹⁶ To be sure, Germany in particular has tied its post-war identity to the process of European integration and this may also have contributed to a favourable attitude to the EP. But the example of other states demonstrates that this link is by no means inherent. Thus, adherents of European integration, *e.g.* Ireland, do not necessarily support a strong EP. At the same time, the EP has received support from states whose national legitimacy hardly suffered from World War II such as Belgium and the Netherlands.

The constructivist perspective employed in this article does not only offer

an explanation of one of the most distinguishing features of the EU. What is more, the constructivist perspective points out certain future scenarios with regard to strengthening the EP. First, the process of devolution and regionalisation in many member-states, most notably in the United Kingdom, is likely to increase member-states' support for the EP. As the principle of direct parliamentary legitimation becomes established in ever more member-states, government policy on the EP is likely to become more supportive.

However, the ramifications of the EU's eastern enlargement on future support for a strong EP are difficult to assess. Most applicant-countries have devolved power to regions which in many cases were newly created (Council of the Regions 2000). What is more, in many applicant-states regions have been endowed with directly elected parliaments to legitimise regional policy-making. However, devolution and regionalisation in the applicant-countries is often said to serve the requirements of the EU's regional policy. At the same time, a strong central government is still highly valued. Therefore, it remains to be seen whether the eastern enlargement brings about further supporters of a strong EP or whether the future new member-states will remain hesitant with regard to the delegation of power to supranational (as well as regional) parliaments.

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1 Compulsory expenditure refers to expenditure necessarily resulting from the Treaty Establishing the European Community and from the acts adopted in accordance therewith. In practice, the distinction between compulsory and non-compulsory expenditure shields spending on agriculture from parliamentary intervention.

2 A comprehensive overview of the EP's competencies and functioning can be found in Corbett *et al.* (2000).

3 The so-called Isoglucose ruling of 1980 (Case C-138/79); here quoted from Corbett *et al.* (2000). See also Zuleeg (1982:26;1993).

4 The question why those member-states opposed to a strengthening of the EP eventually compromised is an issue of bargaining theory and will not be addressed here. For a brief overview of "supranational" and "intergovernmental" bargaining theories, see Moravcsik (1998:50-67).

5 The College of Commissioners can decide by a simple majority of its members, but Commissioners prefer to seek consensus and hardly make use of the voting procedures (Nugent 2001:100).

6 For the concept of culture as a toolkit, see Swidler (1986). In International Relations literature, similar arguments can be found in the literature on democratic peace (Russett 1993; Weart 1994) and in

Katzenstein's (1993) analysis of German and Japanese security policies.

7 Of course, improving policy output could also contribute to the EU's legitimacy. Notwithstanding this additional possibility to increase the legitimacy of EU policies, however, member-states cannot evade the question of input legitimacy, *i.e.* whether parliamentary legitimation should take place indirectly *via* the national parliament or directly *via* the EP.

8 Whereas formal legitimacy can be achieved by an adherence to constitutional procedures, social legitimacy refers to the broad acceptance of the political system in society (Weiler 1989:79).

9 This argument is particularly prominent in the constructivist explanations for the so-called Democratic Peace according to which democratic politicians externalise the norm of non-violent conflict resolution, which is acknowledged domestically, to their international environment (Russett 1993; Weart 1994).

10 Because of its small territory and, as a consequence, the missing possibility to establish regions, no principle of regional legitimation can be found in Luxembourg.

11 Reprinted in Laursen and Vanhoonacker (1992).

12 The two letters are reprinted in Laursen and Vanhoonacker (1992:276, 313).

13 For the significance of domestic cleavages, see Moravcsik (1998:27).

14 Alex Salmond (SNP), House of Commons Debates (Hansard), 21 May 1992, col. 555.

15 Graham Brady (CP), House of Commons Debates (Hansard), 15 January 1998, col. 515.

16 The author owes this point to one of the anonymous reviewers.

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