Democratic Representation and the Visibility of Power
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Opening Remarks
When Norberto Bobbio (1987) first wrote about the invisibility of power, he was mainly speaking about the dispersion of power behind the closed doors of national bureaucracies and the clandestine activities of governments in managing state security. He was less concerned with the prospect of sovereign state powers retreating into the distant recesses of supranational governance. The European Union can be seen as the most advanced case of this phenomenon where once nationally visible power recedes to supranational invisibility. If democracy is conceived of as an ideal of popular control (Pettit 2012) then the problem may be stated as follows: what is not in some way visible to the people cannot be understood by the people and what they cannot understand they cannot control. What I want to do in this presentation is demonstrate the self-reinforcing nature of the relationship between visible power and democratic control – what I consider to be a virtuous circle animated by the relationship between representatives and the public audience. I make my case using the EU as an illustration. First I provide an analysis of invisible power in the EU and then suggest realistic ways in which that power may be returned to visibility.

Invisible Power in the EU
To begin with, the EU is a political system and as such may be analysed in terms of three types of legitimacy. These are input, output and throughput legitimacy. Output legitimacy is the kind of legitimacy a political system gets by producing good policies; input legitimacy is the kind of legitimacy generated by good standards of democratic participation; and throughput legitimacy refers to the kind of legitimacy generated by the manner in which political institutions relate to one another (Schmidt 2013). A key requirement of throughput legitimacy is the transparency of institutions and political processes.

At least until the crisis the EU was most praised for its output legitimacy while its throughput legitimacy has improved in recent years with efforts to make decision-making more transparent. But as Vivian Schmidt (2013) points out, the EU’s moderate success in improving its throughput legitimacy has been largely motivated by its inability to address pressing concerns regarding the quality of its input legitimacy. Put bluntly, the pursuit of transparency has been largely substituted for the irreplaceable values of political inclusion and popular control.
Transparency is an important virtue for any political system, but without visibility the value of transparency is very limited. Here I am drawing a distinction between transparency and visibility that often goes unnoticed. Transparency is a property of an object that does not presuppose an on looks. Or, if it does, that relationship is one of mere potentiality in that someone may choose to look at the object and in doing so will not be deceived by that object given its transparency. Visibility, by subtle contrast, presupposes not only an on looks or audience who is actually looking but also some agent that makes the object visible to that audience. So we may say that an object can be fully transparent yet entirely invisible, at least insofar as it lacks an audience and an agent to make it visible. Similarly, an object brought to full visibility may be entirely intangible to the audience and perhaps even to the agent. If this analysis is correct, then the minimum conditions for an object to be properly understood necessitate that it is both visible and transparent.

But what kind of agent is it that makes objects fully visible to an audience, regardless of whether these objects are themselves transparent or opaque? In the political context, we may understand these agents as political representatives broadly construed. Recent work on the nature of political representation has highlighted that political representatives perform the crucial role of constituting and re-constituting political identities through articulations of values and interests manifested in representative claims (Saward 2010).

There is a great deal to be gained from this account, but it does not fully identify the role of the representative as an agent of visible power. Unlike the role of trustee or delegate, this is not a role the representative can choose. The political representative cannot help but be an agent of visible power as it is constitutive of his very activity. This does not by any means make all representatives somehow virtuous or truthful. My claim is that when representatives contribute to the formation of identities, they are always either explicitly or implicitly pointing to a locus of power and thereby making that power visible. That is to say, in forging political identities the political representative is at the same time gesturing towards and articulating the power structure to which these identities may address their demands.

Of course, the audience is not entirely passive in making political objects visible. What is crucial for the success of representative claims is that they both reach and are accepted by a relevant audience. This minimally requires an attentive audience who may also choose to participate discursively.

The problem of invisible power in the EU implicates both representatives and the public audience. Recent media analyses have demonstrated that the EU is in fact highly present in national and international media (Statham 2010). The difficulty from the
representative side of the equation is that the vast majority of representative claims come from either EU officials or members of national executives to the general exclusion of national parliaments and civil society actors. This we may call the deficit of representative breadth. The difficulty from the audience side of the equation is that the most individuals are not actually interested in following EU-related representative claims nor themselves getting discursively involved. This may be termed the deficit of audience attention.

I consider these two problems to have similar roots. Concerning the deficit of representative breadth, EU institutions and national executives have far greater resources at their disposal than national parliaments or civil society. Rather than directing their energies towards EU affairs on which they are likely to have little impact, national parliaments and civil society actors prefer to focus their often limited resources on the national arena where they can still be big players. In a similar vein, the deficit of audience attention is largely produced by the extremely limited opportunities for political participation. These factors give public audiences little incentive to become watchful of or involved in European politics.

As I shall now argue, it is by giving national parliaments and civil society genuine roles in EU decision-making that the EU may become more visible and its democratic credentials improved.

Radicalising the Role of National Parliaments and the Citizens Initiative

The question of how to change democracy in the EU depends on one’s conception of this political system. Some take an intergovernmental view of the EU (e.g. Bellamy and Castiglione 2013). This means that the EU’s normative subjects are democratic nation-states and therefore all democratic reforms must take into account these subjects only. Others accept the member states as normative subjects but also insists that citizens exist as independent and normatively valid supranational subjects that must be equally considered alongside member states in the future construction of Europe (Habermas 2001; Cheneval 2011).

The Lisbon Treaty makes two interesting changes to help improve the EU’s input legitimacy. First, it makes national parliaments guardians of the subsidiarity principle which governs the limits to which the EU may exercise its competences. Effectively, if one-third of member state parliaments object to legislation proposed by the Commission on grounds of subsidiarity, the Commission is encouraged to revise the legislation in accord with these concerns. Now, some have stressed the democracy-enhancing potential of this Early Warning Mechanism (Cooper 2012). But its detractors are more convincing (Raunio 2009). The most
significant objection is that a great deal of resources and international coordination must go into mounting a subsidiarity challenge. Parliaments have proved generally unwilling to commit these resources given the very modest impact their challenge is likely to have. A corollary of this argument is that civil society is unlikely to expend its energy in lobbying national parliamentarians to fulfil its guardian role diligently. Insofar as it lacks the ability to induce representative claims or increase audience attention, and thereby make EU institutions more visible, the Early Warning Mechanism is a lame duck.

I believe that the only way to contribute to the visibility of European institutions through national parliaments is to go beyond half-measures by giving the parliaments a real stake in EU policy-making. This could involve radicalising their guardian function by agreeing to a reasonable threshold of national parliaments who may, not individually but collectively, send back proposed legislation to the Commission for revision on any reasonable grounds (not just for a violation of subsidiarity). For this measure to work most effectively the parliaments may be given the ultimate power to reject legislation should the Commission’s modifications prove unsatisfactory. Such a significant increase in national parliamentary control over EU affairs should at the very least motivate more representative claims directed towards the EU by politicians. It should, at the same time, incentivise civil society actors to get more involved in European claim-making.

Radicalising the role of national parliaments in this way is easily compatible with an intergovernmental perception of the EU. But there is a problem with the proposal since its impact on increasing the general public’s attention is unclear. By giving greater powers to national parliaments, the EU would surely become closer to citizens, yet citizens themselves would remain absent from the story of European governance and therefore not necessarily more interested in its affairs. And without sufficient citizen attention to EU-related representative claims, the power of EU institutions still lacks visibility.

On the intergovernmental view, the possibilities of making EU power visible is very limited since it doesn’t support many measures that would allow citizens to become a direct part of EU governance. It is only if we accept the view that understands member states and citizens as co-constitutive of the EU that further possibilities emerge.

One possibility I would like to briefly consider is radicalising the European Citizens Initiative which currently gives one million citizens the right to propose legislation to the Commission. Today this mechanism is somewhat active. But its potential to mobilise civil society and institutional actors remains limited given the low stakes involved. The ultimate power over the success or failure of legislative proposals from the Citizens Initiative remains
with EU institutions. Motivation to engage in signature collecting campaigns is therefore low. But what if Citizens Initiatives were endowed with the potential to invoke binding European-wide referendums? In that case, I believe the incentive for politicians and civil society to become involved in European politics as claim-makers and attentive audiences is likely to significantly increase.

Radicalising the role of national parliaments and the Citizens Initiative in the manner I have proposed would have the effect of giving clear and distinctive democratic roles to the normative subjects constituting the Union. On the one hand, national parliaments would serve the negative function of monitoring and where necessary collectively challenging legislation proposed by the Commission. On the other hand, citizens would take on the positive function of making legislation by first proposing policy and ultimately accepting or rejecting it through referendum.

**Concluding Remarks**

To conclude, I do not wish to claim that my suggestions for reform are the only ones available or that they are entirely without normative or practical difficulty. Instead, I hope my analysis has shown that control and visibility are inextricably linked in a virtuous circle that is made possible only by the representative activities incentivised by democratic innovation. My argument is that by increasing the control of citizens and member states over the EU by the introduction of greater opportunities for democratic participation, its institutions and power structures will become more visible by activating representatives and audiences. This greater visibility will in turn have the effect of further increasing the ability of member states and citizens to control supranational power.

As things stand, the EU lacks the democratic instruments required to allow for mass politics that contains its opposition in an agonistic manner. In the absence of visible power, citizens are generally unable to distinguish between the European constitutional project as such and the behaviour of the institutions and politicians running it. So when the EU does appear to the mass public, such as in times of crisis, it looks like an undifferentiated monolith that must be opposed as a whole if it is to be opposed at all. The received wisdom of European integration seeks to avoid politicization of European politics for purposes of stability. On my view, the more democratic and visible the EU becomes the more stable it is likely to be as forms of contained opposition may convincingly overtake populist Euroscepticism as a mainstream form of disagreement and protest.