Possibilities of Parliamentarisation of the European Parliament

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In the History of Concepts Group’s annual conference in Bielefeld last week I presented a paper on the European Parliament’s Rules of Procedure (Palonen 2014b, referring to the EP 2014). That paper is a methodological thought experiment: how to study the political horizons of the possible of a contemporary document in a conceptual historical perspective. In this paper I will make a different thought experiment, namely speculate with possibilities of getting rid of the EP’s unparliamentary features in comparison with the parliamentary ideal type, for which Westminster remains both historically and conceptually the closest approximation (see Palonen 2014a). My concern is political theory of parliamentarism, not comparative politics.

With the reference to ‘ideal type’ I identify myself as a Max Weber scholar and speak of the concept in the sense of Weber’s essay ‘Die “Objektivität” der sozialwissenschaftlichen und sozialpolitischen Erkenntnis’ (Weber 1904, esp, 189-214). To sum up the main points: ideal types refer to one-sidedly accentuated perspectives on a topic, which might for political agents explicate a limited number of ‘pure’ alternative courses of action. The ‘pure’ character of the alternatives refers to that they transcend the always complex and ‘dirty’ world as well: in the ‘real’ situations it would be seldom possible or advisable to choose one of the pure alternatives, but politicians face the additional task of constructing a proper mixture. What the scholars can do is to identify and construct not merely thinkable but also to a minimal degree realistic political alternatives and judge their strengths and weaknesses.

Three ‘parliamentary deficits’ of the EP

On the basis of the analysis of the EP’s Rules of Procedure I have identified three main possible directions for its parliamentarisation. One of them is widely debated among the EU scholars and corresponds to the political science’s mainstream view on parliaments in the post-war period,
namely the thorough *partisanisation* of the EP at the cost of heterogeneous parliamentary group with limited powers in relation to the member states’ EP ‘delegations’ (see e.g. Tiilikainen 2011). In other words, the majority and government formation of the EP would then be formed on the basis of the EP- and EU-wide party organisations, and this would strengthen within the EU the EP’s position at the cost of the intergovernmental element.

The two other possibilities deal more with the EP as a parliament, its procedures and rhetorical practices, and deserve more background discussion. The second alternative can consists of securing a stricter autonomy of deliberations of the EP by excluding the Commission and the Council(s) from the intra-parliamentary proceedings, securing the priority of deliberations over negotiations in politics. It would also set some requirements for revising the Council(s) to the direction of a second parliamentary chamber.

In a parliamentary regime the government is the main although not exclusive initiator of parliamentary motions, bills and resolutions. The parliament’s debates and decisions are formally autonomous and separated from the government, which has merely indirect means to guide the parliamentary process. When the motions arrive to the parliament, the government does not per se intervene, but cabinet ministers as parliamentarians have right speak in the plenum and even the non-parliamentarian ministers frequently have the occasion to do so. If the prime minister declares that some changes in the proposal would mean a vote of no confidence to the government, this is a fully parliamentary measure.

In the European Parliament things are different. Both the ‘ordinary legislative procedure’ and the budget procedure are in a constant search for compromises. A formally sovereign parliament of Westminster type would never tolerate what is called the “Commission’s Work Programme”.

1. Parliament shall work together with the Commission and the Council to determine the legislative planning of the European Union.
Parliament and the Commission shall cooperate in preparing the Commission Work Programme – which is the Commission’s contribution to the Union’s annual and multiannual programming – in accordance with the timetable and arrangements agreed between the two institutions and annexed to these Rules of Procedure.
2. In urgent and unforeseen circumstances, an institution may, on its own initiative and in accordance with the procedures laid down in the Treaties, propose adding a legislative measure to those proposed in the Commission Work Programme.
3. The President shall forward the resolution adopted by Parliament to the other institutions which participate
in the European Union's legislative procedure and to the parliaments of the Member States. The President shall ask the Council to express an opinion on the Commission Work Programme and on Parliament's resolution. (Rule 37)

Max Weber in his booklet *Wahlrecht und Demokratie in Deutschland* from 1917 offers a militant defence of universal suffrage against corporatistic elements, plural voting etc. and emphasises the contrast between the elected parliament that debates and votes with the estate diets which negotiate on compromises between estates. In the modern states based on individual and equal suffrage and the parties competing on votes in elections, then is “die ultima ratio des Stimmzettels” the most important feature of the modern parliament (Weber 1917, 169). In rhetorical terms, the vote is the final step of deliberations, the compromises refers to the negotiations, in which not the course of action is controversial but politics is reduced to the distribution of resources alone. We can, with Weber, emphasise the contrast between the parliamentary style of deliberations ending with a vote and the diplomatic style of negotiations ending with a compromise.

If the Council (including the European Council) can be seen as a second parliamentary chamber, as for example Teija Tiilikainen (2011) claims, the procedure of the EP deviates from that of bicameral parliaments. Both the House of Lords and the Bundesrat in Germany have a motion on their agenda only after the ‘lower house’ has deliberated and decided its stand. The Council’s intervention – that is de facto the threat of the member states to use their veto against the EP – in the middle of parliamentary process is a gross violation of the EP’s procedural autonomy.

It is, as indicated, a similarly unparliamentary manner of proceeding to allow the government-Commission to intervene in the procedure as if it would be part of the negotiations. For Walter Bagehot (1867) parliamentary government is nothing more than an executive committee of the parliament itself. Unlike other committees appointed by the parliament, government has some extraordinary powers, including that to dissolve the parliament. Even if the parliamentary responsibility of the Commission as a government has been recognised, with Jean-Claude Juncker’s election to EU’s prime minister (President of the Commission) as the most recent step, the manner of the Commission’s intervention into EP’s deliberations as expressed in the rules of procedure, fells short of a cabinet government system. It rather resembles the Hegelian vision of the officialdom as the incarnation of the “objective spirit” of the Union, which it has to defend against the partisan and partial interests of the parliament and the council.
The third parliamentary ‘deficit’ concerns the priority of the committees over the plenary debates in the EP’s procedure. This is a Francophone procedural tradition, which is followed by the practice of committees specialised according to the subject matter corresponding the ministerial division. The initial presentation of a motion in the plenum by the minister or a member and the subsequent first reading is missing from the EP. The individual MEPs have no chance to debate every motion presented to the parliaments, but the committee, its chair and rapporteur serve as intermediaries whose comments and standpoints are already included to the version of the proposal that arrives to the plenum.

1. Parliament shall examine the proposal for a legislative act on the basis of the report drawn up by the committee responsible.
2. Parliament shall first vote on the amendments to the proposal with which the report of the committee responsible is concerned, then on the proposal, amended or otherwise, then on the amendments to the draft legislative resolution, then on the draft legislative resolution as a whole, which shall contain only a statement as to whether Parliament approves, rejects or proposes amendments to the proposal for a legislative act and any procedural requests. (Rule 59)

We can contrast this view with John Stuart Mill’s defence of parliamentarians’ freedom of speech and of the House Commons as an exemplary deliberative and representative assembly:

Representative assemblies are often taunted by their enemies with being places of mere talk and bavardage. There has seldom been more misplaced derision. I know not how a representative assembly can more usefully employ itself than in talk, when the subject of talk is the great public interests of the country, and every sentence of it represents the opinion either of some important body of persons in the nation, or of an individual in whom some such body have reposed their confidence. A place where every interest and shade of opinion in the country can have its cause even passionately pleaded, in the face of the government and of all other interests and opinions, can compel them to listen, and either comply, or state clearly why they do not, is in itself, if it answered no other purpose, one of the most important political institutions that can exist anywhere, and one of the foremost benefits of free government. (Mill 1861, 117)

Walter Bagehot a few years later claims as an advantage of the British parliamentary government consists in being rule by a public meeting:

From a consideration of these functions, it follows that we are ruled by the House of Commons; we are, indeed, so used to be so ruled, that it does not seem to be at all strange. But of all odd forms of government, the oddest really is government by a public meeting. Here are six hundred and fifty-eight persons, collected
from all parts of England, different in nature, different in interests, different in look and language. … We see a changing body of miscellaneous persons, sometimes few, sometimes many, never the same for an hour; sometimes excited, but mostly dull and half weary, – impatient of eloquence, catching at any joke as an alleviation. (Bagehot 1867, 99)

There are historical reasons why the European Parliament is no exemplary deliberative assembly with the plenum as the core institution. The huge number of members, the multilingualism and the ‘ambulant’ character of the parliament was well as the adaptation to the ‘rationalised parliamentarism’ of the French Fifth Republic are some reasons given by Nicolas Clinchamps in his study of the EP’s procedural history (2006). Nonetheless, the late entrance of proposals to the plenary session in the committee’s already worked-out version raises suspicion. Debate is subordinated to the process of decision, and the importance to hear as many as possible individual voices of parliamentarians has never been institutionalised in the EP.

The committees are formed among the experts of the Commission, parties, national governments and lobbyists. Such a cartel of experts tends to deparlamentarise the question into merely policy issues. The Westminster style parliamentarism, unlike that of the French Assembly and the US Congress, attributes priority to the political generalists over the specialists. The committee-based agenda-setting of the EP efficiently prevents the parliamentary control of the officials and experts, for which Max Weber explicitly argues in his Parlament und Regierung im neugeordneten Deutschland (1918, esp. 234-237).

It is time to raise the question, how far the adoption of the Westminster-type introduction of proposal to the plenum would enable a removal of obstacles for debate within the EP? Of course, it could also have unintended consequences and would in any case require a reorganisation of parliamentary time in order not to let the first reading plenary debates serve as obstruction measures that could eventually blockade the entire parliament.

The reform of the electoral districts

Before entering to the discussion of the EP and its competitors within the EU, I want to speculate with a change in its mode of election. A strong obstacle for parliamentarisation of the EP is that electoral districts in the EP elections are the member states. Imaginative ideas of de-naturalisation of the elections are needed. One historical parallel can be found in the Kleisthenian reform in
ancient Athens of 507-508 before our era, namely the replacement of the kinship-based fratria by the artificial demos and, based on it, the phyle, as units of election and of ‘local government’.

The point was the breaking down of the clientelism based on the rule of the noble families and of the local interests. The German historian Christian Meier puts the point as follows: “Jede Phyle, so kann man resümieren, sollte offenbar einen Querschnitt durch die verschiedenen Regionen darstellen; jede Region in jeder Phyle vertreten sein. Und umgekehrt sollte keine von ihnen besondere lokale Interessen repräsentieren. Jede sollte nichts als ein Zehntel, ein Durchschnitt der Bürgerschaft sein”. (Meier 1995, 194)

Let’s now apply this principle to the elections of the European Parliament. The EP has currently 751 members. Applying the classical more geometrico thinking, this number would allow to form for example 29 electoral districts, each of which would elect 25 members and one 26, or 14 electoral districts with 50 members and one 51 members. The point is, that every of these electoral districts would include voters from all the 28 EU member states. This presupposes the principle of proportional representation: dividing the 751 single-member constituencies in a way that electorate from each member state would been included would be too complicated.

The statisticians could in any case have a work to allocate the existing local municipalities and the electoral districts of bigger cities to the EU election districts in a manner that would prevent major gerrymandering. Whether this should be realised in the most fully randomised fashion or whether similarities between the districts – say harbour towns or university towns – could be considered, despite providing a basis for some interest representation, could be a matter of debate.

The major political point would then be directly analogous to the Kleisthenian reform: none of the MEP would have a chance to profile themselves as representatives of national or regional interests. It would not make sense to present oneself as the representative of this or that electoral district in the EP, when these districts have next to nothing in common. Such an electoral reform would strengthen the free mandate of MEPs to deliberate on the politics of the EU in the EP.

The history of the suffrage illustrates that the Kleisthenian model has not been followed in the parliaments of European states. On the contrary different ‘naturalising’ criteria – citoyen proprietaire, citoyen capacitaire – as well as corresponding ‘binding the voter to the roots’, such as the permanent residence, have been dominating (see Rosanvallon 1992). The medieval and
neo-corporatist models of representing ‘interests’ instead of individuals have been strong among
romantic conservatives (Disraeli), syndicalists (following Proudhon), thinkers of corporate
representation, as realised in Mussolini’s Italy and in the Austrian Ständestaat of 1934-1938, with
the soviet model of workplace representation (excluding the bourgeois) as a left wing variant.
Also in democratic parliaments elected on the basis of individual, equal and secret suffrage, a
number of parliamentarians present themselves strongly in terms of corporative identities as
representatives of e.g. ‘middle class’ or ‘countryside’ interests.

Representing interests on voluntary basis is nothing illegitimate, but it must be strictly separated
from the election of the EP. Also important would be to keep the two chambers of EU’s
parliamentary representation different in their mode of election. When the intergovernmental
element expressed in the Councils would include two representatives of each member state, this
would support the parliamentarisation of the Councils’ proceedings and the reorganisation of the
EP’s elections along the lines of the Kleisthenian reforms sketched above.

The EP elections with proportional representation can be arranged in detail in different ways.
From the perspective of parliamentarisation a necessary condition would be that it is the party
groups in the European Parliament who take care of the selection of the candidates, although the
parties in national, regional and local assemblies might offer their suggestions for the lists.

An open intra-party competition within the list in every electoral district, as the case is for
example in the Finnish parliamentary elections (since 1950), should be the basis formula for the
distribution of EP seats. With some counting operations the parties would have a basis to estimate
that the results of the first ‘Kleisthenian’ elections would not be completely random but parties
still would know where they are assumed to have high and some low support areas. This would
facilitate putting the high rank politicians to relatively ‘secure’ electoral districts, also to
guarantee that minor member states would obtain some seats in the EP. For an interim period I
would think that both minimum (e.g. two MEPs) and even maximum (ca. 100 MEPs) from one
member country could be represented. Similarly it could be possible to arrange that for example
in one of the districts (of 25 or 50 members) that there the party ranking prevails over the intra-
party competition of the candidates to secure the seats of leading European politicians of the
party. Every party setting up 751 candidates for the EP elections would have citizens from each of
the 28 member states on their lists in this system of cross-state electoral districts.
The partisan alternative

Others have already discussed the extension of the party conflict as the principle to form of the Commission as a government fully responsible to the EP. One of the advantages would be in transcending the intergovernmental aspect in the commission by making of it a more cabinet-like unit. The grand coalition in the EP, which served as the basis for Juncker’s election, illustrates a strong tendency towards this direction, preceded by the presentation of Europe-wide top-candidates of the party groups, although not yet among the eurosceptic fractions.

If the EP parties set up the candidates, this strengthens the position of the parties in EP. It can namely be assumed that candidates elected on the list of a party group would also represent that group in the EP, in contrast to the current practice in which a number of parties negotiate after the elections to which group they would join. This being the case, there is no need to put additional obstacles to disjoining a party group or joining another during the EP mandate period. The EP’s principle of free mandate of the members – “Members of the European Parliament shall exercise their mandate independently. They shall not be bound by any instructions and shall not receive a binding mandate.” (Rule 2) – must be more fully appreciated. The privileges of party members over the “non-attached” can eliminated, when all are elected on the party lists and grouping with support only in one member state would not have any chance to get elected. Then the non-attached members are formed as in the course of intra-parliamentary debates when a MEP’s dissent with the party turns out to be insurmountable.

The strong position of the parties is currently institutionalised in the Conference of the Presidents, which consists of the EP’s president and the chairs of the party groups (rule 26.1) as well as in the formation of the EP’s committees on the partisan basis (rule 199.1). There is no need to alter these rules. More doubtful is, whether it is necessary to retain the minimum number of 25 MEPs to form a party group (rule 32.2), when the party strength is in principle decided elections and not in post-election negotiations. An EP party of 5 members would be perfectly possible, maybe not that of one member who presents the party’s stand in pluralis majestatis.

For the partisan version of parliamentarism in the EU the intra-parliamentary changes are probably less important than those in the Commission. We could think of applying the Bagehotian cabinet model of parliamentary government to the EU, which would affirm the election of the cabinet by the parliament and treat the cabinet as a political unit of ministers.
(commissioners). The present Commission is still largely a bureaucracy with independent administrative branches and the commissioner its political figurehead. For Bagehot a strong politician, retaining the membership in parliament, an the head of the ministry defends the cabinet and ministry against the parliament, the parliament against the ministry as well as her own ministry against others: “a changing parliamentary head, a head changing as the ministry changes, is a necessity of good Parliamentary government” (Bagehot 1867, 131).

For the parliamentarisation of the Commission a stronger cabinet loyalty and independence of commissioners as elected politicians over their own bureaucracy, both as separate sectors and as career professionals would ‘ministerialise’ the Commission in service of its parliamentarisation. Allowing the commissioners to retain their seat in the EP according to the Westminster model would strengthen the EP’s ‘parliamentary parties’ at the cost of their party apparatus, for which also a europeanisation would be necessary. For this purpose also Commission officials’ selection on the basis of professional career is worth retaining, not allowing the partisan Commission to extend the spoils system of the parties into the commission.

For the party-based reformation of the EP and the Commission important would be the clear division between government and opposition parties in the EP and the election of the Commission among the supporters of the EP majority. Within the present-day strands of opinion, there is no chance to form a simple majority for one party in the EP and therefore the Commission would likely resemble a coalition government of the continental European type. If the majority in the EP would be tight, this would strengthen the party whips and marginalise the independence of the back-bench supporters politically.

Within this majority coalition government it is not likely that the Parliament would become not a mere rubber stamp of ratification but it could still politically secondary in relation the the Commission/government. In so far it remains doubtful, whether the full partisanisation of the Commission in terms of a stable majority coalition occupying all the commissioner posts would be desirable, as compared with the shifting majorities in the EP as well as in the Commission, in which all parliamentary parties of certain strength would be represented.

The bicameralist parliamentarism
The second alternative to the parliamentarisation would be to render the EP procedurally autonomous from the intervention of the Commission and of the Councils. This would require seeing the Commission as an ordinary government, which plays the main role in the preparation and agenda-setting of parliamentary initiatives but also institutionalises the individual MEPs’ initiative.

One thing to do first is to get rid of the “Commission’s Work Programme”, as presented in the Rule 37.1. “1. Parliament shall work together with the Commission and the Council to determine the legislative planning of the European Union.”

This is a Soviet-style expression, which should be replaced by an initial declaration on the items to be set to the EP’s agenda of the upcoming parliamentary term, as governments in parliamentary regimes nowadays regularly do. The programme shall not resemble the Soviet five-years’ plans, rather a coalition agreement between parties that form the Commission majority. In order to give the EP real powers, the programmatic declaration of the Commission should rather indicate the list of items to be set to the Parliament’s agenda than detailed commitments to a definite position. It suffices that the standpoints are fixed when the Commission presents the motions and bills to the Parliament.

The main thing to do is to maintain the strict parliamentary autonomy in dealing with items on its agenda. The Commission-government does the preparation and lets know its opinions to the amendments done by the parliament through its supporters in the committees and eventually by declarations of responsible commissioner in the plenary sessions but as the Commission it should be silent in the parliament stage of deliberations.

The introduction of the individual MEP’s right to parliamentary initiative is also an indispensable reform. Currently this right exists but it is bound to exceptional situations and to the support of a party group or a sufficient number of MEPs. The procedure of introducing items to the EP’s agenda is an indirect one.

1. Before each part-session the draft agenda shall be drawn up by the Conference of Presidents on the basis of recommendations by the Conference of Committee Chairs taking into account the agreed Commission Work Programme ….The Commission and the Council may, at the invitation of the President attend the deliberations of the Conference of Presidents on the draft agenda.
2. The draft agenda may indicate voting times for certain items down for consideration.
3. One or two periods, together totalling a maximum of 60 minutes, may be set aside in the draft agenda for debates on cases of breaches of human rights, democracy and the rule of law ….
4. The final draft agenda shall be distributed to Members at least three hours before the beginning of the part-session. (Rule 149)

The individual’s member’s political initiative is thus left to be marginal in the EP. Through the Conference of the Presidents the fractions can get their say, through the committee chairs also the inter-committee disputes will be regulated. The time for the debates is submitted to the guillotine rules. The amendments to the proposed agenda, in Westminster the main route for political alternatives, are possible merely as a qualified exception, and not by individual members but by parliamentary groups or 40 members:

At the beginning of each part-session, Parliament shall take a decision on the final draft agenda. Amendments may be proposed by a committee, a political group or at least 40 Members. Any such proposals must be received by the President at least one hour before the opening of the part-session. The President may give the floor to the mover, one speaker in favour and one speaker against, in each case for not more than one minute. (Rule 152)

In a curious manner, the individual MEP’s initiatives and the chances to contribute to debates are regarded rather as exceptions than as a regular part of the EP’s procedure. In order to enable the EP to become a genuine deliberative assembly, to which the rules of procedure occasionally refer, the introduction of the individual member’s initiative is indispensable, even if its practical significance in relation to the government/Commission’s initiatives may remain secondary.

Analogously to the Commission, the Council, as the EU upper chamber, shall equally be silent during the EP’s deliberations. So long the Council(s) are intergovernmental institutions of the current national governments with veto rights for the member states, the main measure for the parliamentarisation would be cutting down the range of items, to which the Council(s) have anything to say. The powers of the British House of Commons relies perhaps more than ever on the recognition of the House of Lords to leave the matters of budget to the lower house. Lloyd George’s budget from 1909 introduced the final battle, which, mediated by the electoral victories of the Liberal government, initiated the end of the Lords’ veto in politically important matters. Something of a similar dethroning the Council(s) in favour of the EP would probably be the most decisive measure for parliamentarisation.
Another route would be the more genuine bicameralisation of the EU, probably best with the two Councils were unified into a single institution. The most obvious manner would be to turn the Councils to a real Senate with two representatives from each member state, as in the US Senate. Not the incumbent government chooses both representatives, but the member state parliament should choose the second “senator”. As parliamentary representatives of member states in the Council the Presidents of Parliaments and the committee chairs would be good choices. In contrast, I would be rather sceptical about the US style direct election of the EU senators, because the point of the EU bicameralism is that member state ministers are as Council members also parliamentarians. They have the occasion to act in the double political role of senator and representative of member state government and parliament. The directly elected senators would make it more difficult to bind the member states to the EU decisions. Similarly the parliamentary representatives would bring the politics of balance between two types of parliaments.

Another move for the bicameralisation would be the alteration of the mode of proceedings of the Council to correspond the parliamentary style of deliberations. This would include such measures as the publication of the records of deliberations, separating the EC’s president from the chair of the Senate debates, the replacement of the consensus principle by the majority vote and the restriction of the member states’ veto power to a very limited range of ‘existential’ questions for the states (see Palonen & Wiesner, forthcoming).

The parliamentarisation of the commission is on its good way, and it remains to be seen how long and how openly this way might be followed. The individual MP’s right to initiative is a matter of principle, but should be accorded relatively easily, except by those governments which are afraid on parliamentarisation as such, as the current British government. For the parliamentarisation the formal separation of government, parliament and senate in the time of deliberations would be a major move, although a resistance against it would rise for example among the Commission bureaucracy propagating the “governance” thinking.

I guess that the dethroning the powers of the member states’ representative assembly and the intergovernmental element of the EU is for a foreseeable future an unrealistic possibility, although the EU history shows that things can change soon. In that sense the bicameral route, especially the two-member variant, of which the one representative of the member state would represent the government, the other the parliament, would sound a more realistic option.
From a legislating to a debating parliament

The question, whether a motion is presented in parliament first to the plenum or to a committee looks a matter of pure expediency. It can, furthermore, be assumed that in a so big parliament as the EP with its 751 members and a long list of items on the agenda it would be appropriate to ‘filter’ the motions and bills through a committee before letting it arrive to the general debate in the plenum. The above quoted views of Mill and Bagehot on the most complete presentation of available views, supposing a large assembly of parliamentarians, might be seen as suitable to the times prior to the 1867 parliamentary reform, when the pressure on parliamentary time was not so radical. And when the number of items on the agenda, due to the further politicisation of new items, continues to grow, the idea that the essential debate should be limited to those items which survive the committee stage.

So plausible as all this sounds, it is worth asking, where and how to use the expediency and where to affirm the role of the most intensive and extensive debate. The Westminster House of Commons also has more than 600 members and it has retained the order that motions will be first presented to the plenum. Gilbert Campion’s list of stages of parliamentary debate from the 1920s is still by and large valid:

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Introduction
Second Reading
Committee Stage
Report Stage
Third Reading, and
Consideration of Lords’ Amendments (Campion 1929: 176)
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Thus, why do the House of Commons discuss the one and single bill or motion five times before making a decision? It is clear that the point is not just to have time intervals between each stage to allow reconsideration among the members. The committee stage is only one of the five, but here several different committees might be involved. But why to debate the item four times in the plenum? The German lawyer and Hamburg parliamentarian Gottfried Cohen understood the point already in the nineteenth century. The sense of the three readings is “nicht etwa die wiederholte neue Berathung der Bill, sondern der gegliederte Fortgang der allgemeinen Berathung bis zur schließlichen Revision des in den Verhandlungen gewonnenen Resultats ist” (Cohen 1861: vi).

The perspective to debate the bill is at each stage different, which can lead to a revised evaluation
of its strengths and weaknesses as well as provoke amendments to reformulate the bill, that is, it to raise crucial alternatives to the original bill in the course of the plenary debates.

Here we can detect a decisive difference between the ideal types of a legislature and a parliament as a deliberative assembly. The US Congress and the French assemblies since Revolution and Napoleon, with certain exception for the Third and eventually Fourth Republic, have been primarily legislatures with the main attempt to bring though a ready-thought governmental programme, which parliament may alter in detail but for which it does not and cannot offer a more radical alternative. The parliament as a legislature is part of the system of government.

The Westminster parliament was never a legislature of this kind. For it debating the items pro et contra has been a decisive methodological principle, formulated already in 1593 (see Peltonen 2013, 139). The different rounds of deliberations not only expect the presence of dissensus but the shifts of perspective between the rounds also increase the chances to find points of view that alter the judgment on the strengths and weaknesses of a motion. This might be the case with when the same people debate at different occasions, or debate with different rules (plenum vs. the Committee of the whole House), or a selection of members debating with committee rules (Select and Standing Committees). The third reading has the point to cast a final overview on the motion, as the last chance to stop the whole motion.

The EPs rules of procedure praise at several occasions a free and fresh debate and pay some lip-service to the character of the EP as a deliberative assembly (see e.g. Rule 162.6). Nonetheless my conclusion in the Bielefeld paper is this:

For this struggle the important thing for the parliamentarians to notice is a contrast to Westminster. There the freedom of individual members to deliberate is accepted first and then restricted from within, whereas in the EP this character of a deliberative assembly is first negated in favour of parties, committees and the intervention of the Commission and the Council(s). After all that it is reintroduced via different ‘back doors’ assuming such freedom of deliberation as something self-evident (Palonen 2014b).

The ‘front door’ alternative to the parliamentarisation of the EP through changes in its procedure would then consist in introducing the Westminster-style of presentation of motions and bills to the plenum of the parliament. This would be almost a necessary condition for replacing the legislature paradigm with the parliament as a deliberative assembly, in which the debate pro et
*contra* from opposed perspectives in the main thing that the parliament does. The ‘results’ or ‘achievements’ of the parliament are a secondary matter in face of affirming the parliamentary manner of acting politically, instead of subordinating to the governmentalist style, as characteristic of regarding parliaments as legislatures.

Within the deliberative framework of parliament and a debating political culture with the parliament in its focus, there are always ways to cope with the scarcity of time and the length of the agenda in a manner compatible with the time demands of debating items from opposed perspectives. The classical measures of *clôture* and *guillotine* as well as the minute rules of the EP are among the possible devices, and even party quotas for debate times might be considered. It might also be worth thinking, whether the Francophone *rapporteur* system for the committees might as such provide a better basis for parliament’s amendments than the British or Scandinavian style of committees.

The parliamentary style of politics is, however, incompatible with the idea of ‘pressing through’ government policies by majorities formed prior to submitting the policy to the parliament for debating. As a deliberative and government-controlling institution the parliament cannot be reduced to a mere ratifying or margin-revising institution of government policies. The parliamentary powers to debate must be given the possibility to alter the text in the course of debates more or less radically. Nobody wants frequent governmental changes in the style of French Third Republic, although they probably had their own justification (see Roussellier 1997), more flexible parliamentary majorities would also give better chances to the parliamentary back-benchers even among the government-supporters (for the Westminster practices of accepting the front- vs. back-benchers as the second dimension of parliamentary conflict besides the government vs. opposition divide see Griffith/Ryle 2003, esp. 378-379, 532-533).

The strategic questions for the parliamentarisation of the EP concerns, to connect to the terms I with which I summarise my Bielefeld paper, are thus 1) whether the parliamentarisation should proceed via back doors, by extending the now exceptional situations of genuine debate between opposed perspectives to the extent that they change from exception to rule? Or should we 2) rather support the front door strategy, for which the key would be lifting the plenary sessions a central place in the EP’s proceedings at the cost of the committees. When this is connected to the contrast between legislature vs. parliament as deliberative assembly, I would here support the
front door strategy, that is a comprehensive reform of the EP’s rules of procedure to the direction of a parliament à la Westminster.

Concluding remarks

In this paper I have sketched ideal typical ‘utopias’ for the parliamentarisation of the EP. The main idea has been to illustrate deviations from the parliamentary ideal type in current practices and thinking aloud how the EP could act otherwise. The alternatives for parliamentarisation are not exclusive ones but might rather complement each other. Still, there would arise strategic questions of priorities of what should be done in which order and what would be left to the background. My idea has to been to present pure alternatives, which then might be mitigated with different steps of Realpolitik in order to get them more acceptable.

The persistence of the strong intergovernmental element in the EU is the main obstacle for the parliamentarisation of the EU. In order to break it down, an electoral reform of the EP in line with the Kleisthenian model would be probably the most efficient measure. Still, it would not automatically guarantee the parliamentary superiority over the other EU institutions, and also otherwise it would be such a radical disturbance of the vested interests in many respects. And we hardly can imagine that within the EU a Kleisthenes-like charismatic politician would rise over all others: although many are looking for such a ‘leader’, others, myself included, would regard such reform from above with suspicion, even when supporting its principle. The point of the thought experiment is nothing more than for the election of a European Parliament, its mode of elections should be more European than the current one.

My three alternatives for parliamentarisation are independent of changes in the election of the EP. When it comes to up to the politicians themselves to decide, I shall not say anything more about their chances of realization or about their more detailed consequences. My own sympathies are irrelevant, although they might be read between the lines. My point is rather to say that I have identified aspects of EP’s politics worth closer debating and speculated with alternatives that are not present for those who are themselves engaged in the EU’s and EP’s daily politics.

I don’t share at all the widespread academic contempt for daily politics and professional politicians. On the contrary, I have a high respect for them and don’t aim at advising them. Although I play in this piece the game of a scholar as an occasional politician, I cannot say to
them anything what they should do, at most what perhaps could be done. My speculations in this paper merely aim at provoking a Verfremdungseffekt increasing the insight into the contingency of the current forms of EP and EU politics.

References:


