Democracy in Europe

Territoriality, identity, and representation

Abstract

The 'Conference on the Future of Europe' (European Union, n.d. -a) is scheduled to produce its final report by the end of April 2022 (European Union, n.d. -e). So far, one of its panels, (European Union, n.d. -b) more specifically panel two on 'European democracy/Values and rights, rule of law, security,' proposed sweeping reforms, including the introduction of a single European voting circumscription (recommendation sixteen, panel two, recommendations, European Union, n.d. -c) to become exclusive after a transitional period, during which sub-European circumscriptions would still be allowed. In less radical terms, the inclusion of such a voting system has been defended in successive positions by the European Parliament (Diaz Crego, 2021) for over two decades. The view has not as yet been accepted by most European Union member states.

Other than the feasibility and legitimacy of such a transformation in the representation mechanisms offered to European citizens, the proposal transforms the whole European voting territory in a single circumscription, that is, it sweeps away territoriality from citizen political identification in an unprecedented way.

Territoriality has been a defining element in democratic political representation; it was also important in most aristocratic representation systems. Within democratic history, the movement for political proportionality challenged territoriality as the distinctive criteria for representation. Other than partisan affiliation, ethnic or religious criteria have also been considered as defining criteria for political representation.

The process by which territoriality is fundamentally questioned within European political representation, goes hand in hand with the transformation of the perception of the spatially-based category of Europe into a loosely defined, 'value-based' entity. The process is called 'Europeanisation' by its mentors.

The present paper will focus on the spatial dimension of the proposed transformations from three consecutive approaches: territoriality on representation through history; the proportional political affiliation perspective; and the modern complex regimes.

Keywords: Europe, Democracy, political science, electoral system, political system, European Parliament, Representation, Participation, Territoriality

1. The future of Europe

Since at least the end of the 1970s, there has been an academic research effort on the existence of systems of values within Europe (European Values Study, n.d. -a). The idea is to search for a 'value dimension' to the European construction and it is animated by a wide community of political scientists. This work is on-going and based on two long-term enquiry series, the European Values Study and the World Values Study (European Values Study, n.d. -b).

If anything, these studies have been instrumental in showing how values evolve, both in Europe and in the rest of the World, and how difficult it is to establish defining distinctions between these geographically defined entities.

The Convention on the future of Europe (Interactive Terminology for Europe, n.d. -a) convened by the Council in 2001 to draft a European Constitution, would be marked by strong controversies (House of Commons Library, 2004) on the issue of European values, namely its Judaeo-Christian roots as well as the wisdom of introducing a quotation of Thucydides on the meaning of democracy, (Convention on the future of Europe Interactive Terminology for Europe, n.d.- b) proposals that did not survive in the Constitution (European Parliament, 2004) as approved by European institutions (a Constitution that was not ratified anyway).

After the Constitution was abandoned, most of its proposed changes were eventually recovered and brought into the European institutional framework through the Treaty of Lisbon (European Union, 2007), including this period taken from its preamble:

'DRAWING INSPIRATION from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law.'

The initial quotation from Thucydides (Convention on the future of Europe; Interactive Terminology for Europe, n.d. -b) to the text where this period was included, as we saw, did not survive, but the subsequent text is inspired on the presumed Greek geographical, political and cultural contribution to the European inheritance. This view, as now enshrined in the European Treaties, downplays three important elements necessary to correctly situate this supposed inheritance.

In the Ancient Greek perspective, Europe was as much part of the outside world as was Asia; that is, Greece relation with Europe was not of a different nature of its relationship with Asia. Even applying contemporary geographic or political definitions for both continents, Ancient Greece can be seen either as belonging to both areas or as independent of both. In other words, European claims of geographic inheritance from Ancient Greece cannot be seen as exclusive. But even if we were to consider the question from contemporary geopolitical realities, that is, from an undoubtably

European Greece, we should bear in mind that ancient democracy was not necessarily circumscribed to Greece, as the armies of Alexander the Great understood when reaching the Indus valley (Casaca, 2015).

The second point is that our knowledge on the ideas of the intellectual founders of Greek democracies are limited, as a substantial part of what they stood for was lost and came to our knowledge only through opponents of democracy such as the Socratics. Thucydides' quotation may not be a sufficient ground for us to fully grasp what Greek democracy builders had in mind.

This confusion between Europe and democracy is compounded by a third quid pro quo, establishing an inherent link between democracy and human rights. The oldest known human rights charter, the Cyrus Cylinder (The J. Paul Getty Museum, n.d.) was authored by the same head of the Persian Empire that started a long-term confrontation (Encyclopaedia Britannica, 1998) with Ancient Greece, including democratic Athens, and who could not possibly be seen as a democrat.

These three confusions, present in the common European mind-set, are further aggravated by the reversal of the terms implied by this text on the relation between values and Europe. The Treaty of the European Union claims to be inspired by contemporary universal values. However, the same text claims these Universal values to constitute a European spiritual inheritance. That is, the very same values are sometimes called European, sometimes called Universal.

At face value, this appears as simple jingoistic rhetoric, to which Europe has no exclusive right; however, more to the point, this will become the starting point of an exercise where loosely defined 'European values' will be used to actually subvert fundamental universal values, sometimes confused with identities.

For instance, in recommendation 30 of panel 2(recommendations, European Union, n.d. -c), one can read: 'European identity and values (i.e. rule of law, democracy and solidarity)', where 'Universal values', 'European values' and 'identity' are used interchangeably. However, as the 'Europeanisation' mind-set assumes the need to 'Build European identity' (heading of recommendations 24 to 26), the implicit message is that the European values are also in need to be built, shaking the notion that the European Union in bound by existing Universal values.

In November 2019, the 'Convention on the future of Europe' was resurrected as a 'Conference on the future of Europe' (Politico, 2019) by a 'non-paper' leaked to the press and authored by two of the then 28 member states of the European Union.

The 'non-paper' was welcomed by the European Council a month later as an 'idea' (European Council, 2019) and was given a timetable: starting in '2020 and ending in 2022'; a more precise calendar and proceedings (European Council, n.d.) being agreed between the European institutions soon after.

The most striking feature of this European institutional initiative (European Council, n.d.) is the fact it does not make a single reference to the 'Convention on the Future of Europe' that preceded it, despite using practically the same name, having the same institutional framework, and discussing the same issues, largely through the same methods.

This astonishing self-plagiarism wipes years of debates and helps portraying old ideas as new ones. Giscard d'Estaing, the inspirator and President of the convention, likened it to the Philadelphia Convention (Agence Europe, 2001). The present conference does not claim such high inspirations, yet it develops the pretension of advancing proposals resulting from a 'citizen-led series of debates and discussions'.

The organisation of the conference is managed by a 'consortium of external service providers contracted by the Commission for the organisation of the panels'. (specific contract No COMM/C3/02/2020 implementing framework contract No PO/2017-11/A2; European Union, n.d. -d). This consortium is responsible for the selection of the eight hundred members of the conference, divided in four panels, based on random criteria, respecting the general population balance (although tilting to the young, as a third of the participants should be aged between 16 and 25). The Editorial Team is composed of members of the consortium.

One of the four panels is entitled 'European democracy/values and rights, rule of law, security' and is divided in five streams, according to the initial information (panel 2; European Union, n.d. -b), guided by six experts and, according to the report of session 3, guided by an extra number of 15 experts. Other than the twenty-one experts, the above-mentioned Consortium, according to the report of session 1, (panel 2, European Union, n.d. -c), also nominated 'professional facilitators' to lead groups of 12 to 14 participants. The number of citizens attending session 3 (panel 2, European Union, n.d. -c), was 162 out of the 200 selected. The minutes of the previous sessions do not show the number of participants in the category of 'citizens'.

Still, we learn through the report of session 2 (panel 2, European Union, n.d. –b-c) that a group of 38 'fact checkers' were also enrolled, ostensibly to 'give a brief overview on the different sub-streams' topics, outline the relevant challenges regarding these topics as well as existing different positions and proposals for solutions within the field'. 'In addition, fact-checkers were available to clarify basic questions, so that the discussions could be based on factual information.'

The text was therefore drafted by a consortium of external service providers, with the help of teams of several professional facilitators and thirty-eight fact checkers, and superseded by over twenty experts.

The text is quite unbalanced as to the importance, political coverage, clout, and meaning of its recommendations. The most significant from the perspective of this paper – and

possibly in overall political terms – is recommendation sixteen aiming to institute an electoral system to the European Parliament made of a single electoral circle, that is, an electoral system where territoriality would no longer be taken in consideration for political representation. It is in this context relevant to take in consideration that the creation of such an electoral circle, proposed by the European Parliament, is described as a venue to 'Europeanise' (Diaz Crego, 2021) such elections.

Why wiping out territoriality from political representation in the European Parliament would Europeanise democracy is not entirely obvious. Among the arguments advanced in favour of this option, carefully presented in the quoted study by the Think Tank of the European Parliament (Diaz Crego, 2021), we can, however, identify two lines of reasoning. One can be seen as more instrumental – the need to create, to favour or to 'strengthen European political parties' (p. I). The other is linked to identity: the need to have a 'truly European campaign' (p. 5) conducted by 'truly European candidates' (p. I) that would conduct a 'truly European contest' (p. 4), which is bound to call for the creation of a 'European demos' (p. I). The 'true' European would therefore be cleansed of any territorial identity somehow polluting it.

2. The European Demos and proportionality

The Cambridge companion to Ancient Athens (Niels et al, 2021) gives us a reputed portrait of the 'Asty and Chora' (city and countryside, or Athens and Attika, Fachard, pp. 21-34 in Niels et al 2021) that is centred on the 'demes':

'the institutionalization of 139 demes (demoi, understood as local communities living on their own land); the creation of thirty trittyes made of demes belonging to the three regions of Attika (the coast, the inland, and the city) – three trittyes forming a tribe, one from each region. (…)

'Each Athenian adult male was registered as a citizen in his deme under his demotic (the latter being hereditary), which granted him the right to attend the Assembly (ekklesia). (…)

'Each deme sent a number of representatives (bouleutai, chosen by lot) to the Council (boule) according to the size of its population at the time of the reforms. Kleisthenes fixed the number of bouleutai at five hundred, fifty from each tribe serving in rotation as prytaneis of the Council during the calendar year. (…)

'Therefore, one must imagine the entire Attic peninsula as a mosaic of 139 deme territories of various demographic and territorial sizes. (…)

'In many ways, the deme was a microcosm of the polis. Thanks to the institutional structure of the deme, communities retained their local identity and some form of autonomy, while fully participating in the civic and democratic process of the polis. (pp. 24-26, Fachard, op. cit.)

The 'deme', the village, the basic composite of the people, is the essential element of the democratic representation political machine.[1] Democracy in the polis of Ancient Athens is a construction based on the local identities of its communities, and this is still the case with contemporary democracy.

Even in aristocratic representation, the spatial connection remains important. In ancient Rome (Setia, 2008), the majority of the Senators (but not all) had a territorial representation, as it was also the case with the European feudal nobility, even as these territorial links were sometimes nominal.

During the French Constitutional debates of 1789 (Theule, 2006), there was a confrontation between two models of representation. Whereas Sieyès was partisan of a geometric organisation of the country departing from Paris and dividing itself in equivalent portions of territory (the most important divisions being the departments, which survived to our day), Mirabeau wanted to keep the parishes as organised according to human criteria within territoriality, as inherited from the Ancient Regime, explaining that the spatial dimension is nothing and population is everything. The debate centred on a centralised, pyramidal, vision of the political organisation versus a citizens-based institution. However, territoriality remained a key variable in both visions.

Proportionality has sometimes been seen as a necessary counterbalance to the majoritarian principle. Brighouse and Fleurbaey (2010), for instance, say that 'In this article we propose to replace the principle of equality by a principle of proportionality. In a nutshell, the basic principle of democracy that is examined here states that power should be distributed in proportion to people's stakes in the decision under consideration.'

This formulation merely implies the replacement of the vision of citizenship – where all are necessarily equal – by a vision of people being differentiated according to their interests. Here, we can point out that all non-democratic visions of society have emphasised the need to consider persons differentiated either by birth, ethnicity, religion, gender, or sexual orientation; by capabilities, skills or interests. The corporatist mindset, which was recovered from the Middle Ages by modern opponents of democracy, departs exactly from the principle of the need to take people's specific stakes on decisions.

We take proportionality here with a different meaning. If we are to consider as the defining element of a community the bounds of people living together (from family to village, to wider circles; eventually, the polis), then a majoritarian system, as well as a

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[1] In Plato's Republic, the city is referred both as the space and the community of citizens. In contemporary times the Spanish term 'pueblo' also means both village and people; the same is true of dialectal Portuguese 'povo', which means both village and people.

Sortition (selection by lot, the most widely used method in Ancient Athens; Mulgan, 1984) both do insure proportionality.

However, if we consider that there is a competing defining element such as a political party, or its ideas, proportionality needs a second mechanism to ensure equality (since the distribution of this second defining element is not necessarily random in territoriality).

This is also true of any sort of competing defining element such as ethnicity or religion affiliation as soon as there are reasons to believe that the distribution of this defining element is non-random. Arguments for quotas, gender quotas being the most common, stand on a different basis – they assume there are reasons preventing citizens from expressing themselves fairly, reasons that justify wider limitations to freedom of choice.

The movement for proportional representation developed in tandem with the modern democratic movement. The Proportional Representation Foundation sees Thomas Wright Hill, the inventor of the 'Single Transferable Vote' System, as his main ancestor. The movement developed elsewhere on mostly independent basis and became crucially important through the 'Reformist Association for the Adoption of Proportional Representation' created in Belgium in 1881, with Victor d'Hondt as one of the founders. Belgium became in 1899 the first country in the World to adopt a proportional system, which became known as the d'Hondt system, (Farrell, 1997, p. 61). As Farrell (1997) stresses:

'The origins of list systems coincided with the development of representative democracy, and particularly with suffrage extension and the development of mass parties.' (p. 61)

Still, according to the author:

'The earliest pressures for electoral reform in favour of proportional representation were felt in Belgium and Switzerland in the late nineteenth century. In both cases, as 'divided societies' (with ethnic and religious divisions), there was a desire to adopt an electoral system which could equalize the representation of the different communities involved.' (p. 61)

The d'Hondt system is used widely across the world and in particular in Europe and is also the method used by most of the Member States for the European Parliament's elections as well as for internal elections within it (Kotanidis, 2019).

The proportional system is normally combined with spatially defined electoral circumscriptions (Israel is one of the few exceptions where there is a single, national electoral circumscription).

Today, both majority and proportional systems can be found in our democracies. Perhaps the most important fracture lies in the prevailing concept of democracy. Karl

Popper's main thesis ('The open society and its enemies, vol. I 1945, and vol. II 1945) departs from the notion that a democracy aims at getting rid of bad governments rather than insuring good governments. This necessarily requires a majority, not a proportional system. In a short piece written to the Economist (The Economist, 2016), Popper makes the argument more pointedly.

On the opposite side of the political philosophy spectrum, we can find Jürgen Habermas, who emphasises consensus over choice: 'Habermas summarizes his idealized conception of practical discourse in the "discourse principle" (D), which we might state as follows: A rule of action or choice is justified, and thus valid, only if all those affected by the rule or choice could accept it in a reasonable discourse.' (Stanford Encyclopaedia of Philosophy on Jürgen Habermas).

Habermas has been the most influential contemporary political philosopher in Europe. Consensus, deliberative democracy, and constitutional patriotism are key elements in his discourse. He does not, however, favour proportional over majoritarian electoral systems.

In this regard, the so-called 'German electoral system' – as Farrell (1997, pp. 87-88) explains, a German inheritance of post second-world war British presence – a system which combines elements of both traditional majoritarian and proportional systems, is seen as favourable in several countries.

Other electoral systems and discussions on these have been put forward; however, to our knowledge, none aims at erasing spatially defined communities from the representation process. Proportionality as a major political concern did not eliminate the concern with strengthening relations between electors and elected; both concerns have coexisted and found solutions like the so-called German system, or of other type, developing together.

3. The setting of the new identity for Europe

The European Union Treaty unequivocally profess to respect 'the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law'. The European claim of these values as the continent's own inheritance is debatable at the very least. In fact, we consider this claim as more of a patriotic pronouncement, not to be taken at face value.

Other than the debate regarding inheritance, the dual consideration of universal values and their supposed European foundations gave rise to an ambiguous notion wherein Europeans should simultaneously respect existing universal values and also reinvent them in a 'European way'. That is, it seems: to 'Europeanise' democracy!

Furthermore, as we have seen, 'identity' was confused with 'values' Whereas the creation of a new identity (most famously, the new Soviet human being dealt with here

by [Porshneva, 2019]) is a typical trait of all totalitarian powers, democracies do not aim at creating new identities but rather to abide by existing ones within a set of 'universal values' that restrain them to forms compatible with mutual respect.

This applies to national states, but even more to a supranational construction such as the European Union. Only totalitarian states consider the existence of multiple identities within its borders as a problem; the recurrent concern with a supposed lack of European identity expressed in European texts such as those under appreciation is itself worrying.

Regarding the large federal democracies that can be seen as examples for the European Union (India, USA, or Brazil), none of them has single circumscriptions and there is no trace of any debate linking 'Indianness', 'Americanness' or 'Brazilianness' to single national circumscriptions.

Whereas the freedom of association of citizens in political parties is part of the democratic set-up, and whereas the good functioning of European institutions within most of the European institutional traditions calls for the existence of functioning European political parties, there is no reason to believe that erasing spatially determined circumscriptions would facilitate this task.

The political system that is most famous for its single national circumscription, the one of Israel, produces one of the most party-fractured representation known in the democratic world. Israel is a small country with 120 representatives; one could only imagine the result to be more fractured in a large reality like the European Union, which elects over seven hundred representatives. This would counter the assumed intentions of facilitating European governance.

To impose artificial barriers to the creation of European parties so as to ensure the effectiveness of such system would naturally run the risk of fundamentally curtailing the basic freedom of citizens to organise action in political parties.

Further to this, virtually all the opinions and proposals discussed in my previous electoral constituency (Portugal) regard the need to diminish the size of existing circumscriptions – eventually turning them uninominal – so as to ensure a better link between electors and elected. This stands in complete opposition to the essence of the above proposal.

Whereas deliberative democracy is upheld by Jürgen Habermas and most contemporary political philosophers, one can naturally consider democratic sortition as a feasible alternative, bearing in mind it was the preferred method used in Ancient Greece's democracies. This is naturally so, provided sortition is considered in a reasoned, transparent, impartial, and rigorous way, which did not happen in the present Conference on the Future of Europe.

Democratic principles and procedures can naturally be changed, improved, and rethought, but one should not forget that the most important concern must be their protection from manipulation. As Löwenstein (1938) explains, Hitler did not abrogate the Weimar Constitution, he just tempered it as to make it unrecognisable.

Europe does not need an authority to create a new identity. Identities evolve, are moulded, and can be strengthened by reality. Certainly nothing contributed more, in the recent past, for approaching Europeans to the fundamental universal values as the current dramatic events lived in Ukraine.

In comparative institutional analysis, there is no evidence justifying the erasing of territoriality from a European democratic electoral system. Democratic institutions guided by humanist universal values are not supposed to be concerned with erasing community identities stemming from their spatial dimension. Reforms of electoral systems should follow democratic rules and procedures.

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(Paulo Casaca)