

New Roles for National Parliaments after Lisbon

The Communication Function of National Parliaments in EU Affairs

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Abstract

The European Union (EU) has been dealing with several serious political and financial crises during the last years. Also, the current Covid-19 crisis shows the poor uniformity of the EU member states. The individualistic action of the states is not only a political problem, but also a problem of a missing European identity and hence a missing solidarity between the EU member states and their citizens. The little common action is also a symptom of a communication problem of the political institutions in the EU with the public. The need for European solidarity and new digital ways of parliamentary communication in EU affairs with citizens become even clearer in the current pandemic. It is the task of the national representatives not only to digitalise parliamentary activities through remote deliberation and voting but also to make their political decision-making in EU affairs publicly transparent through digital communication.

Keywords

Communication Function - Control Function - Deliberation - European Union - National Parliaments - Parliamentary Roles

Introduction

Based on the theoretical framework by Eriksen and Fossum (2013) and as summed up in the three different models of the RECON project (2012), the author argues that, apart from the government-related new roles (Raunio 2011; Sprungk 2013), national parliaments also have to adapt to the new citizens related role of being a communicator in EU affairs. Concerning political representation beyond the nation state, parliamentary communication with the electorate becomes extremely relevant. This fact is especially important with regards to the current digital revolution within the media society. National parliaments can contribute to the second necessary structural change of the public sphere (Habermas 1965) caused by the European integration and digital change (Leston-Bandeira and Ward 2008; Schwanholz et al. 2018).

Research has shown (Sprungk 2013) that national parliaments have to play new roles to compensate their loss of influence due to the transfer of competences to the EU level, to fulfil their controlling function and the same is true for the communication function. Networking is necessary for gaining informal information. Information is also a precondition for communication with the public.

The public salience and contestation of EU issues is on the rise (de Wilde et al. 2016). The long-standing 'permissive consensus' in Germany, the former motor of European Integration, is crumbling (de Wilde et al. 2013; Wendler 2016). On the one hand, the Treaty of Lisbon provided national parliaments with expanded information rights and introduced the 'Early Warning System', thereby making national parliaments the guardians of the subsidiary principle. One the other hand, parliamentary scrutiny in the EU crises can be doubted (Closa and Maatsch 2014; Wendler 2016).

This paper argues that it is the task of national parliaments as 'strong publics' (Eriksen and Fossum 2002; de Wilde 2014) to communicate EU issues and in this way to make the EU more citizen-friendly (Auel and Raunio 2014a, 2014b; Auel et al. 2018; Never 2014; de Wilde 2014; Eisele 2017, 2020; Kinski 2018). Namely, there are two aspects of the definition of strong parliaments that are important here: (1) national parliaments are publicly legitimated; and (2) they are directly involved in legislation. This means, national parliaments in the EU and their committees have to adapt not only to scrutiny-based new roles (Sprungk 2013). They also have to handle communicationbased roles against the citizens as ultimate principals. This papers argues that from both a normative and an empirical standpoint, national parliaments can play a key role in bringing EU matters to the citizens through the 'national channel' of the EU multi parliamentary field and hence reduce the EU's democratic and communication deficit (Eriksen and Fossum 2013; Crum and Fossum 2009, 2012). This will also contribute to a necessary change in the mode of political representation beyond the nation state (Kröger and Friedrich 2011, 2016). Nevertheless, despite recent scholarly debate (Auel and Raunio 2014a, 2014b, 2016; Auel et al. 2018; de Wilde 2011a, 2011b; Eisele 2017, 2020; Kinski 2018; Wendler 2016) a clear definition of the communication function of national parliaments in EU affairs is missing. This paper fills this gap by developing a definition of the term 'communication function' based on the catalogues of parliamentary functions, the literature on national parliaments in the EU and democratic

theory (Mill 1971, Bagehot 1993[1867]). Based on the classic catalogues of parliamentary functions, a new definition concerning the requirements in the EU multilevel system is developed. It distinguishes between *quantity* and *quality* of the fulfilment of the communication function in EU affairs. Furthermore, criteria for judging the parliamentary performance are presented. In a later step, it differentiates between two forms of public communication: (1) *Transparency and accessibility* to meetings and parliamentary documents and (2) *active* parliamentary communication with citizens and the comprehensibility of information. In order to judge the quality of these two communication forms, it develops quality criteria, differentiates and identifies an *institutional and legal-political dimension* of the communication function. In the second part, empirical results of the communication function of national parliaments are given on the case of the *committees* of the German Bundestag from the 17th electoral term (2009–2013).¹ This would strengthen the democratic quality of national and European governance and provide public deliberation (Habermas 1990, 1994) – which is even more relevant in the crisis facing the EU.

Regarding the legitimating forums of political communication, the literature distinguishes between 'weak' and 'strong' publics (Eriksen and Fossum 2002; de Wilde 2014). National parliaments are legitimised through public votes and are directly involved in political control processes. National parliaments as strong publics can foster justification in two ways (Neyer 2012): through public deliberation via public meetings and documents and public accountability (Bovens 2007), and in terms of public meetings and documents as well as though understandable parliamentary PR services. It is therefore not only a certain quantitative amount of public communication that is necessary but also a certain quality.

The term 'weak publics' refers to a general arena for discussion on political issues without direct political legitimation such as mass media. By contrast, the term 'strong publics' refers to a communicative arena that is directly involved in legislation, such as the parliament. In contrast to 'weak publics' like mass media, they are majority and directly legitimised by public elections and legally institutionalised (de Wilde 2014: 109). The paper presented here argues that it is the task of national parliaments as 'strong publics' to communicate EU issues and in this way to make the EU more citizen-friendly (Auel and Raunio 2014a, 2014b; Maatsch 2014; Neyer 2014; de Wilde 2014). The author argues that the recent studies are a big contribution to the academic debate. Nevertheless, they overlook one big aspect that concerns the heterogeneous inner structure of national parliaments.

Unlike standard approaches, this paper focuses on the public policy making in EU affairs of committees of national parliaments. In a working parliament (Arter 1999), the parliamentary committees are one the most important actors for the fulfilment of the parliamentary functions. This becomes especially true in the context of the EU multilevel system, which requires special expertise of the parliamentarians about EU policy making processes, EU institutions and EU policy fields (Andersen and Burns

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¹ For an overview on the online performance of the German Bundestag from a practical point of view see Deutscher Bundestag (2017).

1996: 229; Christiansen and Larsson 2007). Legislative studies normally focus on analysing the government-related functions of government control and legislation of parliamentary committees (Lees and Shaw 1979; Döring 1995; Mattson and Strøm 1995). Committees are, however, not predestined to fulfil these functions only. They could contribute to bringing Europe closer to its citizens by making committee meetings transparent. This becomes especially true in the current political crisis of the EU (Wendler 2016).

Based on the theoretical framework by Eriksen and Fossum (2013), the author argues that apart from the government-related new roles (Raunio 2011; Sprungk 2013), national parliaments also have to adapt to the new citizens-related role of being a communicator of the national parliamentary policy making in EU affairs. Concerning political representation beyond the nation state, parliamentary communication with the electorate becomes extremely relevant. This fact is especially important with regards to the current digital revolution within the media society (Schwanholz et al. 2018). With Euroscepticism on the rise all over the EU – not only as a result of the global financial crisis (Serricchio et al. 2013), political justification (Neyer 2012) of policy making in the EU multilevel system is extremely necessary.

The author argues that national parliaments after the Treaty of Lisbon have to adapt their roles to a structural change of the 'public sphere' on two levels: (1) on one level, they have to adopt a new role because of European integration and the EU multilevel system (Kröger and Friedrich 2016); and (2) on the second level – as communicative studies show – they have to adapt to the digital change caused by new information and communication products and culture (Dai and Norton 2007).

This paper gives a clear definition of the term communication function and differentiates between the aspects of quantity and quality of national parliaments' political communication in EU affairs. It also introduces two dimensions of the communication function: the institutional dimension (transparency and communication about instituteional structures of the EU multilevel system) and the policy oriented dimension (concrete EU policy making) from the perspective of national legislatures. Unlike the control function, where the scope, timing and management criteria are often used as quality criteria to assess the control potential of a national parliament (e.g. O'Brennan and Raunio 2007), there are no quality criteria for assessing the communication function in EU affairs (Auel and Raunio 2014a, 2014b). As Sprungk (2010) already pointed out, for the control function of national parliaments, more control is not the same as better parliamentary control. The same can be said about the parliamentary communication with the public in EU affairs. The author finds that quantity is not the only relevant factor. We also need criteria for judging on how good parliamentary communication with the public effectively is. This also means that one has to think about good potential ways to reach citizens medially. One also has to think of the potential target groups. In the age of the internet and smartphones, plenary debates are not the only possible channel (Deutscher Bundestag 2017).

Following the introduction, the second part will give an overview of the state of the art of research on national parliaments in the EU and its shortcomings. A definition of

the term communication function in EU affairs will be provided, which captures the top-down dimension of the communication function. After which first empirical results showing the communication function in EU affairs will be provided from the case of three different committees of the German Bundestag (environment, home affairs, education) of the 17th electoral term. The selection of the expert committees was guided by the work of Töller (2008), to measure the degree of Europeanisation of German legislation.

National parliaments between de- and reparliamentarisation

The role of national parliaments in the political system of the EU first received serious political and academic attention in the mid 1990's in connection with debates on the EU's democratic deficit (Norton 1996; Raunio 2009). There remains division amongst academics if national parliaments can play an effective role or are reduced to merely symbolic institutions. Since then, academic research has concentrated on the analysis of the strength and weakness of national parliaments in EU affairs against the background of the transfer of legal rights of national parliaments to the EU level. On the one hand, according to the decline-thesis stated by political scientists as well as constitutional lawyers, national legislatures are considered to be the 'losers' (Maurer and Wessels 2001) or 'victims' (Oberreuther 2002: 316) of European integration (e.g. Börzel 2000; Dahrendorf 1999; Grimm 2001; Kassim 2005; Kirchhof 1994; Maurer and Wessels 2001; Papier 2004). Andersen and Burns (1996: 227) even proclaimed the 'systematic erosion' of parliamentary democracy. As a result, a wide-ranging academic and political consensus claimed that national parliaments need to be more fully engaged with EU policymaking (Katz and Wessels 1999; Strøm et al. 2003, for an overview see Goetz and Mayer-Sahling 2008; Sprungk 2010: 3). On the other hand, supporters of the parliamentarisation thesis argued that national parliaments exercise greater scrutiny of their governments in EU matters than before (Raunio and Hix 2000; Maurer and Wessels 2001; Saalfeld 2005; Raunio 2005; O'Brennan and Raunio 2007; Raunio 2009: 318).

Despite different empirical results, supporters of the de- and re-parliamentarisation thesis have in common that they regard national parliaments as 'cornerstones' (Kiiver 2006; Smith 1996) for the building of democratic legitimacy in the multilevel EU. The latest research is dedicated to the involvement of national parliaments in the context of the euro crisis (Closa and Maatsch 2014; Rittberger and Winzen 2015; Fossum 2014; Auel and Höing, 2015; Höing 2015) and international trade (Roederer-Rynning and Kallestrup 2017). A number of recent works examines the question of how interparliamentary cooperation between national parliaments in the EU and the EP in the multilevel parliamentary field (Crum and Fossum 2012) can strengthen parliaments' role as overseers. In addition, recent research has examined the legitimising role of subnational parliaments, in the German case of the regional parliaments of the Länder, in European politics (Abels 2017; Abels and Eppler 2016; Buzogány and Häsing 2017; Högenauer 2017; Högenauer and Abels 2017).

The analysis of the functions of national parliaments is closely connected to the question of the scientific ideal image of political representation in the EU (Neyer 2014) Supranationalist as well as intergovernmentalist approaches (Scharpf 2009: 181) seem to represent 'old ways' of thinking about democracy (Neyer 2014). A more adequate path to political legitimacy in the EU seems to be the multilevel governance approach (Hooghe and Marks 2001) and EU multilevel, parliamentary field (Crum and Fossum 2009, 2012). According to Crum and Fossum (2012) citizens are linked to EU decision making via national parliaments and national governments through the national channel. Furthermore, citizens are linked to EU decision making via European Parliament through the European Channel (Crum and Fossum 2012; Norris 1997).

Eriksen and Fossum (2013) argue that the EU is organised as a multilevel system of representative parliamentary government in which deliberation is especially relevant from the point of normative democratic theory, but has to be regarded in an instituteional perspective. Democratisation of the EU should be provided by national parliaments as well as the European Parliament through government control law making procedures. They state that deliberation itself cannot bear the entire burden of democratic legitimacy because it is impossible to meet the requirement of having the legal norms accepted by all affected parties in a free and open debate. In that sense, Eriksen and Fossum's approach combines models of democratic representation and deliberation, government-related functions are equally important as citizen-related functions.

Explaining variables for variance in the fulfilment of the control function

The following variables could be identified (cit. Maatsch 2014): (1) Parliament's constitutionally granted information rights to the government on EU matters (Maurer and Wessels 2001; Raunio 2005); (2) Parliament's position on government (Bergman 1997; Damgaard and Jensen 2005); (3) Euroscepticism of the population (Karlas 2012), Euroscepticism of political parties and type of government, minority government (Holzhacker 2005; Saalfeld 2005) or coalition government; (4) complex intraparliamentary relations between the political groups (Damgaard and Jensen 2005) and the power of the opposition (Holzhacker 2005); (5) political culture (Bergman 1997; Hansen and Scholl 2002; Raunio 2005). The main factors are the citizen opinion and party opinion on European integration (Raunio 2011).

Overall, research to date has concentrated on the development of parliamentary information rights vis-à-vis the government on EU affairs and the establishment of EU committees to compensate for the transfer of national competencies to Brussels. Also, the unwillingness of the EU Committees to exercise governance in EU affairs (Barrett 2008; Maurer and Wessels 2001; Norton 1996; O'Brennan and Raunio 2007; Smith 1996; Tans et al. 2007) were explored. Recent studies have analysed the involvement of national parliaments in the context of the euro crisis is being investigated (Auel and Höing 2014, 2015; Closa and Maatsch 2014; Crum 2013; Höing 2015; Rittberger and Winzen 2015). Nevertheless, the question of the weakness or strength of national parliaments in the EU remains the research framework for this paper.

National parliaments and the treaty of Lisbon and the euro crisis

The treaty of Lisbon provided national parliaments with new control and information rights vis-à-vis the EU institutions, and had the potential to strengthen the democratic quality of parliamentary oversight in EU politics. But it grants national parliaments not only new power, but also new responsibility: it explicitly mentions national parliaments in a text of the treaty as political actors in European politics for the first time and gives them information and control rights of participation vis-à-vis the EU institutions. Nevertheless, it is still debatable to what extent the treaty affects the national parliaments and changes their position within the EU system. While some see them as 'watchdogs of subsidiarity', due to the expansion of information rights and governance (Article 10) and the introduction of an early warning mechanism on subsidiarity (Article 5), others see it as merely a 'formal Improvement without low thrust' (Hölscheidt 2008).

On the whole, however, the adaptation to European integration continues to varying degrees (Auel et al. 2015): the most recent studies of show a group of strong parliaments in Northern Europe with Denmark, Sweden, Finland, Germany, the Netherlands and Austria and a group of weaker parliaments in the southern states with Greece, Malta, Cyprus, Portugal, Spain, Belgium and Luxembourg (Auel and Christiansen 2015; Auel et al. 2015; Karlas 2012; Winzen 2012). France, Italy and Great Britain take a middle position. Some Eastern European parliaments also seem to have overtaken the Bundestag in their active participation in EU policy (Karlas 2012; Szalay 2005). Buzogány (2015) examines the adaptation of national parliaments in Central and Eastern Europe to EU integration in the context of the imitation of the 'old' EU member states.

New roles for national parliaments in EU affairs in the EU crisis: The communication function of national parliaments

The study of citizen-related functions of national parliaments has been largely neglected (Auel 2007; Raunio 2011). In other words, the literature has mainly explored the control function of national legislatures vis-á-vis their governments in EU affairs. This is astonishing since it is widely acknowledged that parliaments fulfil a variety of functions and tasks (Auel 2007: 494).

The author argues that national parliaments not only fulfil new roles concerning government-related roles (Sprungk 2013), but also have to create new ways of public communication. This fact becomes especially true against the background of two big challenges that national parliaments in the EU face: the end of democracy within the nation state and the digital revolution. New models of democracy within the EU multilevel system are needed. Since there is little evidence of a genuine European public sphere, and it is more accurate to speak of several national public spheres, national parliaments should make EU policy making transparent to their citizens by reducing the EU's 'communication deficit' (Meyer 1999) and legitimising governance through communication (Schlesinger and Kevin 2000; Olsen 2002; Fossum and Schlesinger 2007; Schlesinger 2007; de Wilde 2010: 3).

Following the approach by Eriksen und Fossum (2013) and the RECON project (2012) there are three possible options for democracy beyond the nation state in the political system of the European Union. Applied to parliaments this means: national parliaments (model 1); European Parliament (model 2); and deliberation (model 3). It is argued that the control function of national parliaments is the main function of national parliaments. Also, the author regards public debate of national parliaments as very essential.

Nevertheless, there is a need for a second structural change of the public sphere. Because of the EU multilevel system and the digital revolution, the author argues that European democracy has to be a communicative democracy. National Parliamentarians should communicate their decision-making in EU affairs because 'policy decisions in Europe are increasingly taken in the supranational and intergovernmental arenas, but the nation state has remained the primary focus for collective identities and citizen participation' (Koopmans 2007: 183). The Treaty of Lisbon aims to increase the transparency of European governance vis-à-vis citizens.

Even more, the communication function of national parliaments gains new relevance, because of the shift of the control mode of national parliaments against their government and EU institutions. By virtue of the lost competences of national parliaments: the control mode has changed from classic ex-post public control to new forms of ex-antes informal control of national parliaments (Callies and Beichelt 2013). Research on the communication function of national parliaments in the EU is still pending. We know little about whether the variables of control literature also explain the communication performance of national parliaments in the EU. An open research question is also whether the cross-national variance identified by the 'control research' in fulfilling the parliamentary control function explains the variance of the communication function between the specialised committees of a parliament. The present work is intended to fill this scientific gap. This will be achieved by looking beyond the principal-agent models (Strøm et al. 2003) that have hitherto dominated research.

National parliaments in the age of internet and social media

The literature on the communication function of national parliaments has so far overseen the fact that parliamentary communication in the digital age of internet, social media and smartphone can take many forms apart from plenary debates. As many citizens lack the time and resources to attend plenary debates on their own, the indicator is the number of plenary debates in EU affairs is not meaningful on its own. Rather, it is about the question of the user-friendly preparation of parliamentary work such as plenary debates, committee meetings or parliamentary documents.

Since the turn of the millennium, research on technological change in information and communication technology on national parliaments has received increasing attention under the heading 'Parliaments in the Digital Age' (Leston-Bandeira and Ward 2008)

or 'Parliaments in the Age of Internet' (Coleman et al. 1999).² The works are mainly descriptive (Leston-Bandeira and Thompson 2013), and some are of a comparative nature. As a result of some comparative studies, independent variables that influence the adaptation of national parliaments to the new information and communication technologies are identified (Riehm et al. 2009; 2013). Zittel's analysis (2008) of the public communication of members of parliament revealed that their ideas of representation and the internet vary from country to country and depend on the respective political and communication culture.³

Definition: The communication function of national parliaments in EU affairs

This section will provide a clear definition of the term 'communication function of national parliaments'. Since its beginnings in the 19th century, parliamentary research has dealt with the question of which functions should be fulfilled by national parliaments (Mill 1971; Bagehot 1993[1867]). Modern catalogues of parliamentary functions mainly enlist an elective, a policy making, a control and a communication function of national parliaments that partly overlap (Marschall 2005: 133ff).

Studies on national parliaments in the EU tend to use the classic catalogues of parliamentary functions of Mill (1971 cit. a. Robson and Stillinger 1981) and Bagehot (1993 [1867]), developed on the case of British House of Commons in the 19th century, without proving their relevance for the context of EU multilevel governance and the multilevel parliamentary field (Crum and Fossum 2009) and overlooking the normativity of all discussions about any ideal-typed functions of national parliaments. The classic text on functions of a national parliament by Mill (1971 distinguishes mainly between two parliamentary functions: government control and public debate. Mill regards the public debate as the main parliamentary task and, to a lesser extent, the task of holding the government accountable. The public debate should establish transparency and publication. Surprisingly, other functions which seem to be important to us today like legislating were not included in Mill's catalogue (Marschall 2005: 134f). Mill regarded (1971: 215, cit.a. Robson and Stillinger 1981) the deliberative function of national parliaments to stimulate public discourse on important political topics as the most essential one: 'When it is necessary or important to secure hearing and consideration to many conflicting opinions, a deliberative body is indispensable'.

According to Bagehot (1993[1867]), a national parliament should fulfil five functions: (1) elective function (election and deselection of the government), (2) expressive function, (3) teaching function, (4) informing function and (5) legislating function (policy making) (Marschall 2005: 136; Hofmann and Riescher 1999: 55). The expressive function can be seen as the bottom-up part of the communication function. The teaching and informing function can be seen as the top-down parts of the communication function.

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² For a brief first overview over the beginnings of the academic field of the research of parliaments and information and technology, see Zittel (2007).

³ As the comparative study of Riehm et al (2013) shows can the Scottish parliament be seen as a pioneer of digital communication with the public.

The communication function, however, is the only function that concerns the relationship between the parliament and its citizens. It is often part of modern catalogues of parliamentary functions (for an overview see Marschall 2005: 139ff) but lacks a common definition and even a common denomination. Instead, a variety of expressions is used such as 'articulation function', 'public function', 'forum function', 'integration function' or 'response function'. These terms include various communicative acts, but refer to the relationship between the parliament and the citizen. In general, they include a top-down as well as a bottom-op perspective. From a bottom-up perspective, the parliament should express the opinions of the citizens to the government (articulation function) as well as provide a forum for public debate to hear different opinions from interest groups relating to certain policy processes and potential decisions (forum function) (Marschall 2005: 142).

Recent studies on the parliamentary communication function in EU affairs fail to give a clear definition of this term (Auel and Raunio 2014a, 2016). The more systematic discussions about the functions of national parliament in EU affairs in general and the parliamentary communication or deliberation function in particular are the ones by Raunio (2011), Neyer (2014) and Cooper (2015).

Raunio (2011: 4) does not enlist a special communication function, but distinguishes between several functions relating to the link between citizens and parliaments, which can all be seen as parts of the communication function: acting as a safety valve and achieving a redress of grievance, mobilising and educating citizens. The first two functions can be seen as parts of the bottom-up-side of the communication function, the second relates to the top-down-side. Cooper (2015) sees three major tasks for national parliaments at the EU level: legislation, representation and deliberation, provided by the Lisbon treaty. Nevertheless, as recent studies show, the need for research on the public communication of national parliaments (Auel and Raunio 2016, Auel et al. 2018; Eisele 2017, 2020; Kinski 2018) becomes obvious. Nevertheless, we need a clearer concept of the communication function in national parliaments in EU affairs as well of potential indicators. Regarding the debate on parliaments in the digital age and their social media use (Schwanholz et al. 2018), plenary debates cannot be seen as the only communication channel to the citizens. What we need is a clear definition of the term communication function in EU affairs, which can be applied to traditional parliamentary work as well as on digital indicators (Deutscher Bundestag 2017). This shall be provided here.

The author argues that one can distinguish between two forms of parliamentary communication of committees on EU affairs to the citizens: (1) transparency of policy making and accessibility of communication (e.g. meetings, documents) and (2) active communication to the citizens (e.g. through parliamentary public relations work, comprehensible information on websites). The first aspect is especially important regarding Habermas' model of a public sphere: for empowering all citizens to engage in a common public discourse, access to parliamentary meetings and documents is important. Citizens must have their own sources of information beyond parliamentary PR. This may be discoloured by the opinion of the journalists. Nevertheless, not all citizens have the time to attend parliamentary meetings. Therefor parliamentary PR is

also an important factor for enabling debates on EU affairs in the public sphere (Habermas 2014) and establishing justification (Neyer 2012).

Nonetheless, Never (2014) started an important debate on the normative point of view of the desirable role of national parliaments in the EU. He argues from a deliberative approach that in the multilevel system of the EU, the communication function of national parliaments is the most relevant of the parliamentary functions in EU affairs. Given the increased importance of the EU, he regards it as the task of the parliamentarians to make their decision making in EU affairs publicly transparent to enable a public discourse on EU topics. The parliamentary function of public deliberation is especially relevant in the complex EU multilevel system in which decision making procedures are difficult to understand and in which the EU institutions have been often criticized for being too far away from the citizens. Herewith one can achieve the 'minimal requirements' for democracy (Abromeit 2001: 67). Marschall (2005: 135) argues that Mill's ideal concept of a national parliament can be understood in a negative sense that views parliament as a 'talking shop'. Nevertheless, in the framework of governance in the multilevel system, EU and the so called multilevel parliamentarism (Crum and Fossum, 2012), the need to explain the EU to the citizens becomes extremely relevant (Eriksen and Fossum 2013). In the following section, the normative grounding of the definition of the communication function of national parliaments in the EU is developed.

A democratic model: The second link - Normative goals

Apart from other approaches, the author of this paper will use the term communication function of national parliaments in the sense of Hübner and Oberreuter (1963, cit. a. Schüttemeyer 1978: 273). It should therefore be the task of national politicians to make its European policy decisions public.

In general, a model of democratic theory is needed to develop a corresponding definition and evaluation criteria, by which the fulfilment of the dependent variables in the case of the specialised committees of the Bundestag is examined and measured empirically. Overlooked in research on national parliaments in the EU is the 'second link' within the principal-agent model (Kiewiet and McCubbins 1991; Strøm et al. 2003) – the relationship between parliament (agent) and voters (principal). It is argued that it can also be used to characterise the European policy communication function of the specialised committees of the Parliament towards the citizens. Public communication avoids agency losses of citizens. Accordingly, the specialised committees should make their European political decision-making transparent in order to give the voters various choices of the political parties in the European policy (technical) policy and also to make it transparent to the voters and to communicate. According to Føllesdal and Hix (2006), the democratic quality of European governance depends on the existence of various parties offering different positions to stand for election, as well as on competitive elections. The aim of the function is to serve as a precondition for the 'vertical Europeanisation' of the national publics in the form of top-down communication of national parliaments in EU affairs according to the model of Koopmanns and Pfetsch (2004): (1) on the one hand, for the citizens in the nation-states to familiarise themselves with the EU and its institutions, and (2) to make clear the link between the EU and the nation state, both at the institutional and the legislative level. In this way, the dependent variable can contribute to the creation of a common European public (Koopmanns and Pfetsch 2004).

According to the 'Responsible Party Model' (Cox and McCubbins 2005), it is not only important that different parties have a choice of positions, but also that these party opinions are publicly communicated to citizens, so that they become aware of different positions available for election. For this purpose, it is necessary that the committees communicate their work and the opinions of the political parties as comprehensively as possible. With Never (2012, 2014) and Bovens (2007), the communication function in EU affairs is understood as a publicised control function in EU affairs: 'accountability' is understood here according with Bovens' definition (2007: 161). Bovens understands 'accountability' as a social relationship '[...] between an actor and a forum, in which the actor has an obligation to explain and justify his or her conduct, can pose questions and pass judgment, and the actor may face consequences'. As Never (2014) points out, complex governance structures would lead to accountability issues. At the same time, it also strengthens the legitimacy of political governance at the national level through transparency in the European policy of the specialised committees. Citizens not only gain insights into the structures and functioning of the EU institutions, but also the national legislature and the specialised committee. Auel (2007: 498) writes: 'Parliaments provide a major space for public debate and are thus the ideal forums for the deliberation of important European issues and their domestic implications'.

In summary, the overarching normative goals of the communication function in EU affairs are defined as:

- At the EU level: increasing the legitimacy of European governance through communication and public justification (Neyer 2012). Contribution to creating a European public and a common identity through 'vertical Europeanisation' (Koopmans and Pfetsch 2004).
- At the national level: increasing the legitimacy of governance at the national level. Communicating knowledge about EU institutions, functionality, policy and parliamentary European policy through transparency in the public control function and active communication. Creation of information, voting and control options (impose sanctions) as well as opportunities for participation (including participation in the public opinion-forming discourse) for the citizens (Bovens 2007).

Three ways of communication for establishing justification: Accessibility of documents and meetings vs. active communication (public relation) and usability of homepages

The author posits that the EU communication function of national parliaments and their specialised committees consists of two parts – according to Marschall (1999). The author states that transparency and parliamentary PR provide the opportunity of public justification of parliamentary activities and decisions.

- 1. Transparency and accessibility of government oversight in EU matters at sectoral level. For this, it is important that the greatest possible access to parliamentary decision-making in EU matters, for example by giving access to plenary debates, committee meetings, documents (quantity) as well as a high quality of the exercised government control (quality).
- 2. Active mediation and provision of information on the EU committee work carried out towards the citizens through public relations: this information should be as comprehensive as possible (quantity) and of highest quality - in the sense of general user-friendly presentation (quality). Through their public actions, national parliaments and their specialised committees (actors) enable their voters (forum) (Bovens 2007) to critically scrutinise parliamentary action (e.g. in letters to the editor, citizens' questions to parliament) and impose 'sanctions'. In the case of dissenting actions of the parliament (agent) against the order of the voters (principal) (Kiewitt and McCubbins 1991) - up to the deselection. It can be assumed that parliaments have - in many areas - an informational advantage over the population, as it is more directly involved in the political process. One limitation may apply to stakeholders who are likely to be more knowledgeable on issues than Members of the European Parliament. With the two aspects of transparency and accessibility of parliamentary documents and meetings as well as comprehensible information for the citizens through parliamentary public relations.
- 3. Justification (Neyer 2012) of national as well as European policy making becomes possible. This is necessary because in policy making beyond the nation state the public control of governmental institutions both on EU as on national level is essential but hard to achieve regarding the complex decision-making practices.

Public communication through the communication function of national parliaments in EU affairs is the grounding for justification (Neyer 2012), which means to justify the political power of national institutions as well as EU institutions. Justification can solve some of the public accountability problems inherent in the complex decision making structures in the EU multilevel system.

For Habermas, the opportunity to participate in public discourse as a citizen (membership rights) is one of the basic rights of individuals. The public is thus the social place where all relevant positions and interests can be articulated (Burkart and Lang 1992, quoted in Drücke 2013: 86). The committee members comply with this

requirement by making the committee work and its results publicly available. The orientation function fulfils the task of binding the political system and its decision-makers as closely as possible to public opinion (Drüeke 2013: 86). Applied to the communication function of national parliaments in EU affairs, it means that: on the one hand, through transparency and communication of the committee's work, it becomes clear to what extent the committee members respond to or consider arguments of public opinion in their debates. On the other hand, the parliamentary information also enables or improves the formation of public opinion. According to Habermas, public opinion is the result of free, communicative advice to which all citizens have access. It is an open question in this work to what extent committee meetings take place in a free communicative process and to what extent the meetings themselves (transparency function) or their via inter alia. Internet-mediated work (transparency function) is actually accessible to all citizens.

Quantity vs. Quality

Overall, one can distinguish between the quantity and quality of communication: research on the communication function of national parliaments in the EU has often been limited to quantitative aspects (Auel and Raunio 2014a, 2016; Eisele 2017, 2020; Kinski 2018). However, the author argues that the quantity of communication is a prerequisite for quality - since a committee has to communicate in any way in order to inform the public. Without quantity, there can be no quality of communication. In this respect, one can argue that quantity itself is also a qualitative evaluation criterion. A quality criterion means that a committee should communicate sufficiently to the public in order to meet the normative goals. In other words, it should publicly communicate sufficiently relevant EU issues. The benchmark of whether parliaments adequately communicate is ultimately also a quality criterion. The areas of quantity and quality are thus linked and mutually dependent. In this way, 'quality' can function as a generic term, to which the aspects quantity, content and manner of the communication are attached. For analytical reasons, however, a distinction should be made here between quantity and quality. The quantity and quality of the dependent variables examined are mutually interdependent: it is not simply a matter of giving the public maximum access to European committee work (quantity). Moreover, the quality of the government's control exercised by the committee is closely linked to the quality of citizen communication: the more government control is exercised, the more information will made available.

Content: The institutional vs. the legal-political-dimension:

As Leonard and Arbuthnott (2002 cit. a. Michailidou 2008: 36) write, the performance of the EU within the category 'matching the EU's policies to public priorities' is inadequate.

The top-down communication function in 'national affairs' should include:

1. Institutional dimension: informing the public about the function and structure of the EU institutions in policy-related contexts, or on relevant EU structures and institutions, such as the inter-parliamentary cooperation or the networking

of the expert committee with EU institutions, which overlap with dimension two.

2. Legal-political dimension: public information of the European policy work of the technical committee, including EU issues dealt with in the technical committee, d. H. EU legislative initiatives and other EU projects or relevant EU-related policy information.

It is argued that all actors (members, deputies, members' political and personal members) and levels (plenary, political groups, committees, members) of national parliaments can contribute to this. However, it is assumed that not all potential actors should be able to contribute in the same way. For example, the press and public relations department of the parliamentary administration can provide information from the public on the structure of the EU and its functioning within the institutional dimension, for example in the form of a PR brochure (Marschall 1999; Sarcinelli 2011).

Communication in the institutional dimension makes the institutional interaction between the national level visible and comprehensible to citizens. As well as the communication in the legal-political dimension, citizens' access to EU policy or national implementation of EU regulations will reveal their influence on the daily lives of the population. The committees can contribute to the legal-political dimension of the communication function of national parliaments in EU affairs, since the legislative processes are concrete subject-specific subjects. Communication at the institutional level can be achieved indirectly by informing the committee on EU affairs, by networking with the EU institutions and, on a horizontal level, by other specialised committees of national parliaments in the EU

However, this ideal-typical claim is faced with the problem of limited parliamentary resources for communication (staff, budget, time). In this sense, it is expected that parliamentary praxis will not be able to fulfil this, even though it should fulfil it.

Potential indicators

The search for potential indicators is closely linked to the question of the responsible actor of public accountability of parliamentary policies. In what way, by means of which indicators should communication and transparency be made ideal. The communication services can be provided both individually and collectively. Nonetheless, committees are particularly relevant from a democratic point of view, because of the shift of parliamentary decision-making from plenary to committees, in order to provide citizens with an insight into real parliamentary decision-making.

Specialist committees have many opportunities to shape their communicative relationships and thus their 'public relations work'. Here, a selection of possible indicators must be made. This is to be done in the following. Here one can differentiate the different actors of the communication:

• the level of the overall committee

- the press and public relations of the parliament
- the committee secretary
- the members of the committee and their staff
- the political group leaders who assist the committee members of their group

They all can communicate about the European policy work of the expert committee and make a contribution to the fulfilment of the communication function in EU matters

The present work sets the perspective on the communication of the whole committee. Both the literature and the practice argue that increasing the visibility of committee work enhances the Parliament's image. Citizens would thus become aware of the work of parliamentarians and they would no longer be surprised at the empty plenary hall, but understand that the deputies are working in the committees of their work. This argument is adopted here. Since the administration is committed to a politically neutral reporting and it is their mandate to publicly present the structures and function in a positive way, there is at least some risk of this danger (expert interview no. 32, 33, 34).⁴

For democratic reasons, it is desirable for voters to be able to form their own opinion. That is how public accountability comes into being. This will enable voters to impose 'sanctions' (Bovens 2007) on parliaments or political parties at the next election (e.g. deselection). Transparency and communication of committee work through public committee meetings and the publication of committee documents make it clear how far the members of the committee respond to arguments of public opinion in their debates.

Committee websites

As argued by the literature on the adaptation of national parliaments in the EU, national parliaments must respond to the digital transformation (Dai and Norton 2007). Not all citizens have the time or means to attend public meetings and to read public documents (Grunwald et al. 2005: 71; Leggewie 2004, cit. a. Grunwald et al. 2005: 69). According to Habermas (1965), public opinion is the result of free, communicative advice to which all citizens have access. It is an open question as to what extent committee meetings take place in a free communicative process. Overall, internet communication offers new ways of shaping the relationship between parliament and citizens (Coleman et al. 1999; Dai and Norton 2007). According to Coleman (2005) websites can be considered as a core resource for external parliamentary communication. However, it is questionable whether and to what extent different groups of society can be reached by providing information and whether internet communication can also be designed to meet the high standards proposed by Habermas.

As the first study on this topic, this work developed verifiable quality criteria:

1. The greatest possible number of public documents or meetings as a quality criterion. Maximum access is a necessary if not a sufficient condition for justification (Neyer 2012) and public accountability (Bovens 2007). Especially in the case of public parliamentary committee meetings in the form of public

⁴ The expert interviews were conducted with MP, faction and administrative staff (2012-2014).

expert surveys, the voter is also able to obtain additional information by participating in interrogations of non-governmental and paramilitary third parties as a 'fire-alarm mechanism', thereby reducing the risk of agency losses in the relationship between parliament and citizens ('second link') (Kiewitt and McCubbins 1991).

- 2. The second quality criterion relates to the quality of the publicly exercised government control. The publicly exercised control function correlates with the communication function at this point, since in this way, not only does the parliament control the government, but the citizens also control the parliament. Thus, a better basis for their own decision making is a prerequisite for their exercise of the right to vote at the next election under the Responsible Party Model (Cox and McCubbins 2005) or participation in deliberative public discourse (Habermas 1990, 1994).
- 3. Comprehensibility of information and usability of parliamentary websites Access to meetings and documents alone is not enough to ensure that they can be received by the general public (Curtin and Meyer 2016). The quantity of online communication is measured by the availability of European committee documents and information on the European work of the Committee. However, the availability of documents and information alone is not enough to meet Habermas' claim of universal accessibility among equal citizens. So to ensure that nobody is excluded from public opinion formation, it is necessary to make the information and document generally understandable, for example through journalistic texts, explanation of parliamentary terms in relation to the European committee work. In relation to the present question, this is understood to mean a generally understandable processing of the information by means of explanatory journalistic texts. The user-friendliness of websites is just as crucial as a study on the electronic petitioning of national parliaments and civic participation in parliamentary work has already shown (Riehm et al. 2013).

First empirical results from the committees of the German Bundestag (17th electorate term) (2009-2013)

Based on the parliamentary role theory, it was examined under which conditions specialist committees fulfil their communication function in EU matters. Three specialised committees with different degrees of Europeanisation were examined: environment (highest degree of Europeanisation of legislation), internal committee (average degree of Europeanisation) and education committee (low degree of Europeanisation). Höing (2015) sees the Bundestag on the way to becoming a policy shaper due to the expansion of information rights as a result of the Lisbon ruling and the increase in institutional resources. Furthermore, the Bundestag has benefited from the opening of its liaison office in (2007) Brussels, which increases the information and control potential of EU policy (Wolter 2008; Callies and Beichelt 2013). In addition to the parliamentary administration, employees of the political factions of the Bundestag

are also present here. The tasks of the latter can be defined as following: (1) information gathering (often through formal and informal networking), (2) reporting / information brokerage, and (3) networking between the Bundestag faction and the European Parliament (Wolter 2008: 89). Since there is a shift from ex-post-official and official control to informal ex-ante control on the one hand, the exercise of parliamentary communication function on the other hand.

On the basis of the higher priority of treatment of national versus EU submissions as shown in the three specialised committees found here, however, these results do not meet the ideal standard. As a result, information rights and opportunities can only be seen as a necessary, not sufficient, condition for fulfilling parliamentary functions in EU affairs. Accordingly, it is assumed that, in EU matters, the parliamentary control and communication functions of standing committees are crucial to parliamentary capacity and transparency towards the citizens (H1). The working hypothesis (H2) is that a standing committee exercises its control and communication function more strongly when the EU influences in the policy field are higher⁵. At the micro level of the individual MPs, the results suggest that there are different types of roles that are influenced by different motivational self-concepts. Research on national parliaments in the EU therefore requires additional studies beyond the mainstream variables.

In the 17th parliamentary term, the Committee on Civil Liberties, Internal Affairs and the Internal Market made by far the largest number of recommendations for decisions on opinions on European policy. A total of eight recommendations for resolutions on motions for the submission of resolutions on European policy were issued. In three of these cases, the motions were rejected, and in four cases, the motions were accepted and the submission of a European policy opinion was recommended to the plenary. In quantitative terms, this means that the Committee on Home Affairs has complied most with the normative fulfilment of the dependent variables in the legal-political dimension compared with the other two committees. All rejected proposals came from the opposition groups, the accepted proposals from the government groups. This leads to the conclusion that, due to the German majority system, the committees depend on the activity of the government factions to fulfil the dependent variables – as Sprungk (2010) already formulated for the area of the control function in EU affairs by the specialist committees.

However, the Committee on Civil Liberties and Internal Affairs has only made recommendations for decisions on statements on European policy on the basis of motions from political groups that are to be counted as national drafts because they were drafted by national actors. There is no recommendation for a decision by the Committee on the basis of an EU proposal. In the Committee on the Environment, Public Health and Consumer Policy an application for a European policy opinion was submitted by the Left Group. This was rejected by the Committee of Experts. However, there is no recommendation for a decision by the committee on the relevant motion. Thus, despite the high degree of Europeanisation of the policy area, the Committee on

⁵ For the selection of the expert committees, I am guided by the work of Töller (2008), to measure the degree of Europeanisation of German legislation.

the Environment, Public Health and Consumer Policy has not issued a recommendation on a European policy position. This shows, on the one hand, that the confirmation/falsification depends significantly on the evaluation of the indicators. On the other hand, it shows that the degree of Europeanisation is not the only explanatory factor. In addition, there are other influencing factors. Particularly in view of the high number of motions for resolutions tabled by the parliamentary groups in the Bundestag in the Committee on Internal Affairs. it can be assumed that this is due to the salience of the EU bills in question. The fulfilment of the dependent variables depends on the (party-political) interests of the government and opposition parliamentary groups in the committee. Due to the majority situation, motions for resolutions to deliver EU opinions can be tabled by all political groups, but due to the proportion of votes, they can only be adopted with the votes of the government groups, which is particularly evident in the case of the Committee on Home Affairs.

While for career politicians, the salience of EU affairs in the media, the population and the party is essential for European political engagement, specialist politicians who are primarily motivated in their committee activities are influenced by other factors such as the salience of EU templates in professional circles (trade associations, science, media). Future research should focus more on these explanatory factors. This is necessary so that national parliaments and their committees can fulfil their function as 'strong publics' through communication about EU affairs with the citizens.

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