

Paper Presented to the Fifth Biennial ECSA-USA Conference in Seattle, Washington,  
29 May-1 June 1997, at the Workshop on 'EU Democracy in Global Perspective'.

## **Democracy and European Integration Theory in the 1990s**

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'[I]t is certainly arguable that the EU is already the most complex polity that human agency...has ever devised'.

Philippe C. Schmitter - 1996

## **1. Preliminary Notes**

At the dawn of the new millennium, a fundamental theoretical challenge confronts the student of European integration: to conceptualise the emerging patterns of interaction between the European Union (EU) and its component state/citizen parts, by taking into account the intersection between different theoretical approaches. The aim is to enhance our understanding of the structural conditions and operational dynamics of Union governance, as they unfold against the background of a formal constitutional revision. Whatever the end-product of the revision process may be, the following questions warrant our attention. What is new about the nature of integration in the 1990s? Is it possible to classify the emerging Euro-polity under a comprehensive model of governance? If yes, then what are the appropriate theoretical lenses to that end? What are the limits and possibilities of an 'ever closer union' among distinct, yet highly interdependent, polities? Has a terminal state of union become discernible? And finally, what is the dominant character of the relationship between democracy (as demos control) and integration (as polity formation) in the post-Maastricht era?

## **2. In Defence of Theory**

Forty years of theorising about European integration have produced a situation where little remains to be said. This is not an attempt to escape the intellectual responsibility

of developing a greater understanding of the forces that constantly form and reform the regional system. It is only to state that the theory of such a polycemous concept as 'integration' appears to have reached a *plateau* in its West European context. Not that theorists should start looking for new regional experiments of comparable analytical potential. Rather, the idea is that the new challenges facing the study of integration do not take place in a vacuum: they are an extension, if not a refinement, of older ones.

Legitimately though, one may wonder whether Puchala's cynical prophesy that integration theory will amount to 'a rather long but not very prominent footnote in the intellectual history of twentieth century social science' (Puchala, 1984: 198) will prove as accurate as the author would have us believe. A first response might be that *theory matters*, whether or not its conceptual findings and qualifications are to be evenly appreciated by scholars and practitioners alike. For, familiarity with theory helps to test our analytical tools and appreciate their relevance in real situations: 'Each theory...leads to unique insights which are valid starting points for the purpose of comparison and evaluation'. (Taylor, 1971: i) Or, 'Attempts to avoid theory...not only miss interesting questions but rely on a framework for analysis that remains unexamined precisely because it is implicit' (Keohane and Hoffmann, 1990: 284). True, a great deal has still to be accomplished. But as long as theory-building is at the top of the academic agenda, important possibilities are deemed to be explored.

But what might constitute such 'possibilities'? How are they to be explored? What is the appropriate methodological line to that end? To start with, substantive progress in the field requires the transcendence of descriptive approaches about the form and functions of integration and the resolution of fundamental conceptual problems confronting a discipline which has become subject to diverse interpretation. This requires the formation of 'structured ways of understanding changing patterns of interaction' (Church, 1996: 8), free from the inherently fragmented boundaries of micro-analysis. To project a macroscopic view of the Union based on systematic conceptual explanation: 'We need to be aware of the conceptions we use since they determine our perception of things' (Ibid). This methodological pathway to the study

of integration allows higher access to reality or, alternatively, offers the infrastructure from which 'a hierarchy of realities' might emerge (Taylor, 1971: 149).

The analytical validity of these presuppositions is further justified when trying to establish a link between continuity and change within a system of multinational shared rule, or when aiming at shedding some additional light on the dialectical union between a highly interactive society of nations and new centres of decision-making. Or even when engaging in a process of investigating the allegedly 'part-formed' and/or *sui generis* physiognomy of a 'Union' composed of distinct politically organised units, where the dynamics of intrastate policy-making intermesh with those of large-scale polity formation with enormous complexity, producing a new type of collective entity characterised by interlocking structures of political authority.

But even more difficult is to critically evaluate an ever expanding *corpus* of literature dealing with such a rich kaleidoscope of relations. And all this whilst trying to make sense of a hidden agenda concerning the future of the European states system itself, and the viability of democratic arrangements within and across pre-established borders. Whatever the lessons to be learnt from the process of bringing together a number of mature democracies under a larger management system, this paper would have made a useful contribution if it has offered an opportunity to communicate the major concerns underlying the evolutionary nature of European governance.

To begin our theoretical journey, there is a case to be made on why existing theories of integration, even when taken in a complementary manner, fall short of capturing the dominant character of the relationship between the region and the sub-units. A first attempt to answer this question might be that Mitrany's functionalism, Haas' revised version of it, and the many federalist-inspired approaches to integration, ranging from the American model of 'dual federalism' to the 'co-operative federalism' of the German system, find it difficult to reconcile two apparently mutually exclusive principles: the preservation of high levels of segmental autonomy within a nascent, yet politically uncrystallised, system of mutual governance. That is, to capture the

dynamics of two complementary objectives: strengthening the political viability of separate constitutional orders through the institutionalisation of joint sovereignty.

The central point to make here is that we are currently witnessing the reversal of the Mitranian logic to international integration: instead of 'form follows function' (Mitrany, 1943: 72-3), it is increasingly the case that the structural properties of the system dictate the pace and range of joint integrative schemes. Thus, an additional concern has become manifest: the extension of the 'scope' (range) and 'level' (depth) of integration do not necessarily go together. Since the coming into force of the Single European Act (SEA) in 1987 and the Treaty on European Union (TEU) in 1993, there is evidence to suggest that both the functional scope (new policy arenas) and territorial scale (new members) of integration may be extended, if not at the expense of the level of integration (ways of management), without either altering the *locus* of sovereignty, or having any significant impact on the way in which the central institutions exercise political authority. The extension of qualified majority voting (QMV) by the SEA on largely non conflict-prone areas, and the introduction of a far too complicated new co-decision procedure by the TEU help to illustrate this point.

A second area of concern challenging our conventional ways of thinking about integration relates to the question of a 'democratic deficit' in EU structures. In a period when much scholarly debate on such a 'deficit' focuses on procedural mechanisms and interinstitutional relations, its equally important socio-psychological aspects remain largely unexplored: the absence of a fully-fledged European demos. The latter point changes our focus from the oft-raised question of 'Who Governs?' to the more demanding one of 'Who is governed?'. This shift in emphasis reflects upon the wider assumption that democracy presupposes the existence of a demos, as the necessary popular infrastructure upon which majority rule is to apply. By the same token, in the absence of such a composite demos, the Union will remain *in limbo* between a system of democratic governments and a democratic system of government. Or, alternatively, between a plurality of demoi and a pluralistic demos (Chrysochoou, 1996).

For the moment, however, the constituent demoi of the Union, despite their recent acquisition of European citizenship, are still characterised by significant levels of political fragmentation, amounting to a 'semisovereign' collection of individuals who still lack the means to mark their impact on Union governance. For we have not witnessed the creation of concrete avenues for the expression of the 'sovereign power' of EU citizens in relation to the larger polity. Such a power does not presuppose a fragmented citizenry in the sense of a 'polycracy': 'a separable multiplicity made up of the unit "each one"' (Sartori, 1987: 22). Rather, it requires a process of democratic *self-transformation*, resulting from the spread of new ideas and ways of relating EU citizens to integration processes. Here, the aim is to transform a politically amorphous aggregate of national citizen bodies into a transnational demos, capable of directing its democratic claims to, and via, the central institutions - itself a prerequisite for the development of a transnational civic identity at the grassroots. So far, it is only among the segment elites that a transnational political culture has emerged, product of the transformation of the concept of self-determination into one of *co-determination*.

Embarking on the search for a clear model of Union governance, it is argued that the construct of 'Confederal Consociation' is the closest approximation to the present stage of EU development, if not a promising analogy in filling the existing gap between classical state-centric and traditional federalist approaches to European integration. As the examination of the model is hoped to reveal, concepts and theories drawn from the domain of comparative government acquire a profound centrality when attempting a structured analysis of the transnational political process.

### **3. The Confederal Consociation Theme**

Since the mid-1980s, and despite the relatively recent resurgence of Euro-scepticism, there is evidence to suggest that the dynamics of EU constitutional change, far from leading to a diffusion of state sovereignty, have maintained the ability of the member governments to manage the increased levels of interdependence within the larger polity. Indeed, the Union continues to act as a source of state strength by enhancing

the domestic power base of national leaders, allowing them to influence the articulation of territorial interests via the central institutions. This system of political interconnectedness co-existing with high levels of (territorial) segmental autonomy can be summed up in the concept of 'Confederal Consociation' (Chrysochoou, 1994).

Like Puchala's 'Concordance System', the model represents what we believe is 'coming into being "out there" in the empirical world' (Puchala, 1972: 277). The term 'Confederal' refers to the structure of the system, whilst 'Consociation' to co-operative decision-making. All four defining features of a consociational system can be found in the Union: a fair separation of the segments comprising the Union; its domination by what Dahrendorf called a 'cartel of elites' (Dahrendorf, 1967: 269); a proportional representation of the states to the central institutions; and a qualified right of a mutual veto aiming at the protection of minority interests. Equally, the confederal character of the system has been pointed out over the years, summarised by Brewin as 'a Union of States without unity of government' (Brewin, 1987).

Consociationalism suggests that strengthening the regional arrangements tends to reinforce the role of the states, allowing their governing elites to resist the forging of *horizontal* links among their respective publics and promote *vertical* integration, thus retaining ultimate authority within their subcultures. This points to an increasing determination on their part to exercise *managerial control* over integration, even at the expense of 'progressive' initiatives reflecting the wider 'Community interest'. The operational code adopted by the Council of Ministers and the European Council, and the working method followed by them for taking positive decisions despite the reality of mutual vetoes, is a perfect test for this hypothesis: they both perform functions similar to those of a 'grand coalition', pointing to a mode of political accommodation that Taylor has earlier described as 'government by alliance' (Taylor, 1975: 346).

Focusing on systems of common management, Confederal Consociation, as a distinct form of interstate organisation and a new dynamic between highly interrelated 'bodies politic', poses no fundamental threat for the constitutional conditions of state sovereignty. Nor does it presuppose the creation of a new European sovereignty. For,

unlike a classical federation based on a higher constitutive act, the Union rests on an international treaty signed by states where 'the condition of the last-say' (Dahl, 1956: 38) rests with the partners to it, rather than with an independent authoritative entity at the larger level. Thus, Confederal Consociation can be defined as a consensually pre-arranged form of union whose component polities preserve their individual integrities and continue to form collective national identities (Chrysochoou, 1995). But where does the Maastricht process fit in the above theoretical discussion?

#### **4. Current Properties and Interpretations**

Reflecting on the nature of the TEU, the term 'Union' provides for an umbrella under which the pre-established Communities exist as separate legal entities. It is mainly for this reason that the following discussion will be centred on the essential part of its tripartite structure, the European Community. The other two pillars complementing this 'temple model', the 'Common Foreign and Security Policy' and 'Cooperation in Justice and Home Affairs', created two pluralist arenas, revealing the limits, or better the selective use of QMV in sensitive policy areas. For the *locus decidendi* of the new competences 'pooled' to the Union in these sectors rests firmly in the hands of the Council of Ministers, the limited involvement of the Commission and the European Parliament notwithstanding: 'The whole was to be consolidated into a single package of activities linked in systems of common management' (Taylor, 1993: 99).

According to Art. E, the institutions of the Union shall exercise their powers 'under the conditions and for the purposes provided for' by the provisions of the Treaty, whilst Art. N renders all parts of the Treaty subject to the same revisionary rules. Thus, given the fact that its implementation rests on two different sets of legal mechanisms - the 'Community method' and the 'intergovernmental method' (Demaret, 1994: 5) - the extent to which there exists a 'single institutional framework' is far from self-evident. On the other hand, 'the dividing line between the two types of mechanisms and between their respective fields of application is, in several instances, less than clear-cut' (Ibid: 6). But even despite these reservations, the legal maze of the



TEU has raised more questions than it originally sought to address, proving to be 'a source of controversy' (Pryce, 1994: 3). Indeed, 'the terms of Maastricht...can be interpreted as easily as making efforts to set a ceiling on, even a roll back of, the forces of supranationalism as they can be seen as crossing a new threshold on the route towards a European transnational polity' (Wallace, 1993: 294).

Overall, it is conceivable that the Union does not possess a legal personality of its own. Rather, 'it must be considered a new *international organisation sui generis* and thus as a subject of international law'. (Ress, 1994: 156). If by the term 'international organisation' we mean 'a formal, continuous structure established by agreement between members...from two or more sovereign states with the aim of pursuing the common interests of membership' (Archer, 1992: 37), challenging this view is no easy task. Suffice it to stress that the confusion surrounding the 'constitutionality' of this curious hybrid is a perfect illustration of the fact that for many scholars the question of whether the Union has moved closer to being a 'federal state' or whether it can still be conceived in terms of a classical 'union of states', remains largely unanswered. But irrespective of whether the Union is 'fragmenting or evolving' (Weatherill, 1994: 32) let us agree with the drafters of the TEU that it represents a 'new stage in the process of creating an ever closer Union among the peoples of Europe'. Whether this stage, however, is one in which 'decisions are taken as closely as possible to the citizens', is evidently in need of further clarification.

What is also clear in the current central arrangements is the insistence of the member states to protect their own cultural, political and constitutional features. A point clearly made in Art. F (1): 'The Union shall respect the national identities of the Member States, whose systems of government are founded on the principles of democracy'. Apart from the latter part of this provision, stressing once more the universality of democracy within the component polities, the former part is indicative of the need to sustain a pluralistic form of society at the larger level. In fact, it implies that any challenge to constituent identities would be unacceptable. At the same time, the search for regional unity through the striking of an 'uneasy compromise' between

federal principles and confederal structures implies a series of interstate concessions, without losing sight of the growing quest for (sub)national autonomous action.

Both points seem to substantiate the view that the TEU provides a unique blend of consensual mechanisms for accommodating varying degrees of diversity within a nascent, yet still fragile, political unity. Joining together diverse entities in a close political incorporation that respects their individual integrities, the constitutional structure of the Union challenges the organic theory of the polity without, however, relying entirely on the properties of 'segmented differentiation'. From this stems its greatest merit as a new framework of mutual governance, but also its strongest concern: to provide equality of status to its members, whilst allowing for a less rigid understanding of statehood. This has been achieved so far by applying a mixed system of consensus and majority rule, somewhat close to what Forsyth calls 'unanimity at the base, majority voting in the superstructure' (Forsyth, 1994: 66).

The political 'fragility' of such an approach to European unity was shown not only during the negotiations of the Treaty, but also during its adventurous course of ratification (especially in France and Denmark) and the subsequent 'opt-outs' secured by the more sceptical members (Britain and Denmark). Against the background of an ever more cynical electorate, any residual touch of optimism from the mid-1980s, a period hailed as a neo-functionalist 'comeback' (Tranholm-Mikkelsen, 1991), seemed to have evaporated by the early 1990s. Although the TEU managed to survive, a new 'democratic disjunction' became manifest, pointing to a widening chasm between the wishes of national leaders and popular political sentiments (Stavridis, 1993: 130).

As in past endeavours to reach accommodation on a final text, the TEU reflected in a most tenacious way the ongoing tussle between those defending the rights of states and those projecting an independent legitimacy for the new polity. As Neunreither put it: 'It is a text for insiders, not only in being difficult to read and to digest, but even more because of its paternalistic approach - everything is done *for* the people, not very much *by* the people' (Neunreither, 1994: 96). The main lesson of the Maastricht process, as a case of forging a variety of segmental differences into a

single political blueprint, is that unless there is a sufficient area of consensus at the elite level to bridge the continuing tensions arising from a classical interpretation of the principle of self-determination, and a more advanced conception of the practice of co-determination, no viable outcomes can exist. This accords with what most sceptical students of integration have implicitly assumed: over the last decade, the weight of the evidence is that the dynamic interplay between its scope and level has exploited to the highest possible degree a crucial property of consensual politics: the capacity to reconcile the concurrent demands for 'unity in diversity'.

### 5. Theorising Reform

Turning our focus to the political dynamics of the Maastricht process, the picture might be somewhat more optimistic in that the new integrative *corpus* is part of an evolution toward a more federally discernible political unit. From this perspective, the TEU brings the shared undertaking yet again into a transitional period, captured more accurately by the term *nascent Gemeinschaft*. Indeed, just as Hallstein's 'First Europe' (1958-1966) (institutional centralisation) was succeeded by Dahrendorf's 'Second Europe' (1969-1974) (creative intergovernmentalism) and that by what Taylor calls a 'Third Europe' (1974-1993) (symbiosis), so the latter seems to be giving way to a Fourth Europe based on the practice of co-determination between national and regional authorities. Whether this phase will result to a genuine European 'political community' is difficult to assert. All too often, deterministic approaches to potential outcomes have been misleading. Suffice it to stress that a *Gemeinschaft*-type Euro-polity would be comprised of citizens simultaneously conscious of their separate existence as distinct political entities and of their collective existence as one demos (Chrysochoou, 1997). In this sense, the TEU can be seen as a step in this direction.

As already mentioned, the nature of the relationship between the collectivity and the segments are liable to amendment by the 1996 review conference. Although the dynamics of constitutional change seem to have escaped Lord Mackenzie-Stuart's characterisation of the TEU as a 'driving-mirror Treaty' - in that it writes down *de jure*

what has already been achieved *de facto* (Duff, 1994: 26) - Art. N implies that the future of the Euro-polity is an open-ended one. Much will depend on the preferred lines of interpretation and/or revision of fundamental principles embedded in the TEU. The major dilemma that emerges from the present IGC is between a pragmatic, normative or 'mixed' approach to EU reform. The table below summarises the debate:

**Table: A Typology of EU Constitutional Change**

<b>APPROACHES</b>	<i>Pragmatic</i>	<i>Normative</i>	<i>Mixed</i>
<b>PROPERTIES</b>			
<i>End Result</i>	Confederation	Federation	Confederal Consociation
<i>Modus Operandi</i>	Flexibility/Efficiency	Demos-formation	Controlled Pluralism
<i>Locus of Sovereignty</i>	State Rule	Civic Rule	Consensus Elite Government
<i>Central Arrangement</i>	Constitutions	Constitution	Constitutional Engineering

In the first scenario, the Union remains an essentially intergovernmental arrangement among sovereign states. In the second scenario, the road to a European federation depends upon the formation of a European demos; majority voting as the dominant rule; the forging of affective/identitive links among EU citizens; and the creation of a new sovereignty at the larger level. Finally, the third and most probable scenario is a compromised structure, with the Union characterised by a nascent demos co-existing with high levels of state control over joint decision-making.

But whatever the winds of EU constitutional change hold for the future, one thing seems to be certain: that European integration in the 1990s is not about the

subordination of states to a higher central authority having a monopoly of law-making and law-enforcing powers, but rather it is about the preservation of those state qualities that make the participating entities surviving as separate collectivities, whilst engaging themselves in a process that increasingly transforms the traditional patterns of interaction amongst them. On balance, however, it seems a fair comment that the burden of proof lies more on federalism, rather than on intergovernmentalism, as a method of furthering both the functional scope and level of the integration process.

### **6. Implications for Theory-Building**

This paper has tried to project a macroscopic view of the Union; how it operates; which body of theory explains best its evolutionary course; and what are the prospects for democratising its internal structures. Whether or not our approach can contribute towards a 'conceptual consensus' is difficult to foresee. Yet, the point is clearly made that familiarity with theory is a two-way process: it helps to test our analytical tools and appreciate their limits and possibilities for the study of regional integration. But let us now sketch some final lines of our understanding of the transnational system.

Against the background of a mounting *crise de confiance* at the grassroots, the member states have lost nothing of their anxiety to preserve the integrity of their polities against the tides of federalism. As a result, this period was characterised by an increased tension between democracy and integration: the former was often taken to imply a straightforward loss of national autonomy to a federalising scheme which, according to Euro-sceptics, would be detrimental to the constitutional orders of states. This antithesis between 'nationalists' and 'federalists' has marked its impact over the future of the Euro-polity, demonstrating that the process of union is an open-ended one, especially if it is product of a predominantly utilitarian calculus among the elites.

In fact, this is exactly the opposite of what neo-functionalists had hoped to achieve: instead of politicisation - i.e., the process of linking the management of integration with the daily lives of EU citizens - becoming an additional weapon in the hands of pro-integrationist forces, it is increasingly used by the more sceptical actors,

often by means of resorting to nationalist sentiments, thus making it difficult to mobilise the member publics in favour of further integration and, eventually, towards a 'complete equilibrium' between different levels of government (Schmitter, 1994). Such a development contests the idea that the implied benefits of joint action would somehow overcome any potentially divisive issues as integration proceeds. This may well lead to the idea of 'flexible equilibria', where the form that integration is allowed or indeed prohibited from taking determines the outcome of specific functions.

## **7. Conclusion**

The question that is in the order of the day concerns the appropriate institutional structure to lead the Union into the twenty-first century. So far, the revision process reveals a preference for a managerial type of reform to improve the effectiveness in policy output, possibly through the introduction of a flexibility clause, allowing for differentiated patterns of integration; its deepening being referred *ad calendas Graecas*, or until a new review conference is convened. These trends reinforce the Confederal Consociation thesis: since treaty revisions are orchestrated by a 'cartel of elites' under conditions of tightly controlled pluralism, it is highly plausible that any proposed changes that may disrupt the existing equilibrium of forces must be seen as a distant possibility. It is thus likely that the Union will allow for substantive developments in the field of functional integration, but not for a tight political union, disproving those who perceive integration as a linear process towards a federal end.

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