

**On Democracy in Europe
and
the Democratization of Europe**

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**ON DEMOCRACY IN EUROPE
AND THE DEMOCRATIZATION OF EUROPE**

PHILIPPE C. SCHMITTER *

ABSTRACT: For better or worse, the future of democracy *in* Europe has come to depend on the democratization *of* Europe, i.e. on re-designing the institutions of the European Union so that they are more accountable to the citizens of Europe. While there is not yet much evidence of an awareness of this “democratic deficit” in mass publics, there are abundant Europe-wide signs of increased politicization -most of which point to growing popular resistance to the further expansion of the scope and authority of European integration. Moreover, both monetary unification and impending Eastern enlargement seem destined to exacerbate rather than attenuate tensions over the uneven distribution of benefits. Were this not enough, there is mounting evidence that EU institutions and policies are having a significant impact upon the practice of “domestic democracy” in its member states, and that, at least in some aspects, this has undermined the legitimacy and effectiveness of established national political institutions.

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Democracy *in* Europe took a very long time to consolidate itself. The democratization *of* Europe has only just begun and remains a rather remote prospect. The multiple and competing national states that uniquely composed this region of the world were normally autocratic in their political regimes -- with the historical exception of Switzerland that somehow managed to practice continuously its peculiar form of democracy. Indeed, Western Europe only became uniformly democratic in the mid-1970s with the regime changes in Portugal, Spain and Greece. Central & Eastern Europe has only more recently managed to institutionalize the accountability of its rulers to citizens via competitive processes of representation.

As for the democratization *of* Europe's primary supra-national institution, the European Community or Union, that has remained a project that has yet to capture the imagination of its peoples or overcome the resistance of its politicians. The EEC/EC/EU (hereafter, just EU) has long had most of the trappings of a modern liberal democracy, but has never functioned as one.

The EU has been a rather extreme case of a prototypic consociational democracy that "weighs intensities" more than it "counts noses"-especially, when those intensities are expressed in the form of so-called national interests. Not only are small countries over-weighted in the voting formula of its Council of Ministers, the distribution of seats in its Parliament and the assignment of high officials in its Commission, but also on a wide range of important issues unanimity among member states is still required. In principle, tiny Luxemburg with 400,000 inhabitants could prevent the EU from adopting an important measure that all the other 14 member states with their 370,800,000 inhabitants wanted. In the future, barring any change in the rules, Malta with less than 400,000 inhabitants will be able to do the same.

To a limited extent, the decision-making procedure of qualified majority voting that was promoted by the Single European

Act (1986) and extended by the subsequent Treaties of Maastricht, Amsterdam, and Nice bore some resemblance to a confederal system based on concurrent majorities. However, in the absence of any statutory guarantees specifying the powers (*compétences*) attributed to supra-national, national and/or sub-national governments, there has existed not even a *quasi*-federalist consensus on the distribution of these powers – just the principle of “subsidiarity” enshrined in the Treaty of Amsterdam that is supposed to ensure that tasks are devolved to the lowest feasible level of political aggregation.¹

A Multi-Layered, Poly-Centric System of Governance

So, for better or worse, the EU is not a federation or a confederation, nor is it even a state, but a *sui generis* “system of multi-layered, poly-centric governance,” i.e. a unique combination of the following properties:

- (1) *Governance*: a method/mechanism for dealing with a broad range of problems/conflicts in which actors regularly arrive at mutually satisfactory and binding decisions by negotiating and deliberating with each other and co-operating in the implementation of these decisions.
- (2) *Multi-Layered Governance*: an arrangement for making binding decisions that engages a multiplicity of politically independent

¹ In the exact words of the Treaty of Amsterdam, subsidiarity is defined as: “(taking) action ... only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by member states and can, therefore, by reason of scale or effects of the proposed action, be better achieved by the Community” (Art.3b). This guiding principle was further explicated in a lengthy Protocol to the Treaty of Amsterdam. For the text of that Protocol and a discussion of the concept in its relation to democratic theory, see Andreas Follesdal, “Subsidiarity and democratic deliberation,” in E. E. Olsen & J. E. Fossum (eds.), *Democracy in the European Union. Integration through Deliberation?* (London: Routledge, 2000), pp. 85-110.

but otherwise interdependent actors – private and public – at different levels of territorial aggregation in more-or-less continuous negotiation/deliberation/ implementation, and that does not assign exclusive policy *compétence* or assert a stable hierarchy of political authority to any of these levels.

- (3) *Poly-centric Governance*: an arrangement for making binding decisions over a multiplicity of actors that delegates authority over functional tasks to a set of dispersed and relatively autonomous agencies that are not controlled – *de jure* or *de facto* – by a single collective institution.

Moreover, since these properties are likely to prevail in the foreseeable future, any effort to democratize this bizarre “un-identified political object” (as Jacques Delors, the former Commission President, liked to call it) must take into account the peculiarities of the emerging Euro-polity.²

Enter the ‘Convention’

An awareness of these peculiarities, no doubt heightened by the prospect of incorporating 10 more member states, contributed to the decision by the existing 15 member states to convoke a “Convention of the Future of Europe” that was charged with re-designing the institutions and decision rules of the EU. That Convention began meeting in February 2002 and has just recently (June 20, 2003) produced the draft of a prospective constitution.³ Its mandate in the Joint Declaration at the Laeken Summit (2001) neither envisaged that it would come up with a single document nor

2 For a discussion of these concepts and their relation to alternative futures of the Euro-polity, see my “Imagining the Future of the Euro-Polity with the Help of New Concepts”, in Gary Marks, Fritz Scharpf, Philippe C. Schmitter and Wolfgang Streeck, *Governance in the European Union*, (London: Sage Publications, 1996), pp. 121-150.

3 The official text of the Convention’s proposed treaty can be found at <<http://european-convention.eu.int/docs/Treaty>>.

empowered it specifically with the task of “constitutionalizing” the EU. However, its Chairman, the former French President, Valerie Giscard d’Estaing, immediately seized the opportunity for what he pretentiously called “our Philadelphia” and declared that the year-long deliberations among 110 *Conventionnels* should produce a consensual draft of a “constitutional treaty” to be handed over to an Inter-Governmental Conference (IGC) for final revision and approval.

It would be premature to evaluate the content of this draft, especially since it deliberately leaves a number of very strategic issues unresolved and may be subject to major changes when the national representatives of the 15 member and 10 candidate states get hold of it.⁴ Nevertheless, this unprecedented exercise in deliberation can inform us about the strengths and weaknesses of any effort to democratize supra-national Europe and, thereby, also to influence existing practices of national democracy in its member states.

1. The Convention’s success in producing a single, consensual draft – regardless of its “silences and abeyances” – is proof that something like an “overlapping consensus” does exist across the continent on certain basic norms and institutions of contemporary democracy.
2. The extensive deliberation among the *Conventionnels*, their deputies and a myriad of invited participants from civil society also demonstrates that it is possible to generate a “European public sphere” – at least at the level of a selected elite – despite obvious national differences in language, political tradition, composition of government, experience with the integration process, etc.

⁴ For a collective analysis by a distinguished group of international lawyers of what should have been included, see Bruno de Witte (ed.), “Ten Reflections on the Constitutional Treaty for Europe,” Florence: RSCAS & Academy of European Law, 2003.

3. However, the almost complete disinterest of mass public and the press in the deliberations of the Convention is clear evidence that no broad-gauged *Euro-demos* exists that is actively concerned with “its” supra-national governance and that even the multiple *Euro-demos* that do exist are serenely unconcerned with “their” supra-national governance.
4. One novelty of the Convention’s format was the extensive presence of national and European parliamentary deputies in its deliberations and the restricted formal role assigned to the European Commission. This suggests a self-conscious effort to enhance the role of partisan politicians in the integration process and perhaps to provide incentives for the eventual formation of a European party system, at the expense of those actors who had previously dominated EU policy-making, i.e. interest group representatives, national civil servants and functionaries of the Commission.
5. Rather early in the Convention’s brief history, national governments up-graded the status and visibility of their own representatives – usually to that of a major minister. This could be interpreted as an attempt (and a successful one) to demote the importance of non-state representatives from civil society and professional experts and, thereby, to assert the “inter-governmental” nature of the integration process and insure that the existing *acquis communautaire* based on economic interdependence would not be exploited to “spill-over” irrevocably into political integration.
6. One side-effect of the Convention was to bring out a line of cleavage that had previously been under-estimated or papered over, namely, that between member states of different size. EU institutions, all of them, had consistently over-represented smaller states, but this

seemed an acceptable price for the large ones to pay – as long as size did not coincide with the “real” interest cleavages in Europe, i.e. between different levels of development, commitments to social welfare, left-right government compositions, agricultural producers-food consumers, central-peripheral locations, and so forth. The disparity grew with each successive enlargement (when the average size of entrants was smaller than that of previous members) and began to threaten the “presumed” hegemony of the French-German duopoly and even to displace the six founding members from control over “their” creation.

7. The Convention was convoked to deal with three generic issues: (1) the anticipated decline in the effectiveness of EU policy-making due to impending Eastern enlargement; (2) the gradual decline in the voting strength of large states due to the past and future admission of over-represented small states; and (3) the threatening decline in EU legitimacy among mass publics due to excessively complex, remote and technocratic decision-making rules. Its draft deals more extensively and effectively with the first two issues than the third and, hence, cannot be said to contribute much to the democratization of Europe. There seems little probability that this imbalance will be reversed by the forthcoming IGC.

So, unless something very unexpected comes from next year’s IGC, the EU will not have found its “constitutional moment,” much less its definitive “democratic formula.” Giscard d’Estaing has triumphantly declared that the Convention’s draft, if adopted, will provide the EU with thirty years of institutional continuity. I am convinced that, at best, the EU will come out of this experience with a slightly more intelligible and moderately more efficacious set of rules, but not a stable basis for legitimacy. At worst, these improvements may be perceived by its citizens as so marginal that

they will not even turn out in sufficient numbers to validate the referendums in those countries where they are required. Far from reaching its “maturity” as predicted by one American specialist, the EU will have entered into its political adolescence, i.e. the beginning rather than the end of its democratic evolution.⁵

Enter the Dreaded “F” Word

Before the EEC was founded in 1957, there had been a great deal of speculation about the need for a “United States of Europe,” cloned upon the American federalist model. Once it had become apparent that the direct political route to European integration was effectively blocked (mainly, by France) and that only the economic detour was passable, federalism gradually disappeared from the Euro-lexicon, although it has recently re-emerged during the deliberations of the Convention.⁶

Federalism is such a capacious and polysemic concept that nothing is to be gained by disputing whether the draft constitutional treaty is or is not federalist. According to my lexicon, it is not even a constitution, much less a federalist one. Nevertheless, in the light of what we have learned from the extensive deliberations and exchanges of proposals and amendments over the past year’s functioning of the Convention, we are now in a much better position to evaluate whether federalism is a viable formula for a democratically integrated Europe with 28 to 35 members. As I have demonstrated elsewhere in this review, Alexis de Tocqueville was confident that federalism was not an appropriate solution in

⁵ See Andrew Moravcsik, “Europe comes of age,” *Newsweek*, June 23, 2003.

⁶ At some point in the course of the convention, Giscard d’Estaing announced a contest for a new name for the European Union in a speech at the College d’Europe (2 October 2002). As far as I can tell, nothing came of this audacious venture. The draft treaty, at British insistence, only obliquely mentions the “F” word when it proposes that the EU will act “in a federal manner.”

Europe, although a number of social and political transformations have since occurred in this part of the world that might lead contemporary scholars to reverse that negative judgment.⁷

No doubt, once the draft constitutional treaty becomes definitive, i.e. once the member states participating in the IGC have agreed unanimously to it, the process will shift to ratification at the national level and that will take place over a considerable period of time on different dates and according to different rules. Ratification of EU treaties in this dispersed and lengthy fashion has become increasingly difficult and there is every reason to suppose that it will be even more so for such a complicated document with such varied implications.

At some point in this process, I suspect that a group of intellectuals will combine their talents and their enthusiasm for European integration and try to produce an equivalent to *The Federalist Papers*. Finding a James Madison or an Alexander Hamilton will not be easy, but there will certainly be candidates for the honor.

I will not be among them. For I am convinced, as was Tocqueville, that federalism (as I conceive it) cannot provide an appropriate “template” for the future Euro-polity and that proponents of further political integration in this region should invent a different model for such a system of multi-layered, poly-centric governance.

For my purpose, I assume that a polity is “federal” if it has the following properties:

- (1) Territorially defined political sub-units;
- (2) Whose continued existence and decisional autonomy are constitutionally guaranteed;
- (3) Whose participation in decisions taken by the central

⁷ “Federalism and the Euro-Polity” in *Journal of Democracy*, Tenth Anniversary Issue, Vol. 11. No. 1 (January 2000), 40-47.

government is formally established, usually (but not always) as constituencies in one assembly of a bicameral legislature;

- (4) Whose domains of policy action (*compétences*) are established and protected by statute and cannot be altered without voluntary consent;⁸ and, finally,
- (5) Whose secession or expulsion from the above arrangement cannot be accomplished unilaterally.

In other words, a federal state is considerably more than a polity that is de-centralized in its territorial structure or de-concentrated in its functional administration, but whose subordinate units can be ignored, combined or eliminated at the convenience of the central authorities. Moreover, federal sub-units have a distinct status in public law and capacity for exercising legitimate coercion within their respective domains; hence, they are not equivalent to the fluctuating multitude of private or semi-public units in civil society that may also perform important territorially or functionally based tasks within modern democracies. It should be noted, however, that this definition leaves room for a considerable range of variation within federal systems and, therefore, the issue for the EU may be not whether it should be “federal,” but, if so, how “federal” or, if not, what can be put in its place.

My doubts about Euro-federalism can be summarized in the following seven points:

- (1) *Constitutionalization*: All federal systems depend on a set of meta-rules that are established (usually by consensus among drafters

⁸ Note that I have *not* included the proviso that at least some of these *compétences* must be exclusive. In the oft-cited definition of William Riker, federalism is contingent upon a division of the activities of government “in such a way that each kind of government has some activities on which it makes final decisions.” (“Federalism,” in *Handbook of Political Science*, Vol. 5, Reading, Mass.: Addison-Wesley, 1975, pp. 101). This reflects a distinctively American view of the phenomenon. In European federations—whatever the formal provisions—the actual practice is more “cooperative” in which the different levels interact both horizontally and vertically to produce policies.

and ratification by the citizenry) and that are considered “sacrosanct” by the public and are inviolable or alterable without some formal and elaborate amendment procedure. The EU presently does not have such a singular set of meta-rules, just a continuous accumulated set of treaties that are unknown and unintelligible to the public and that are consistently being altered (by unanimous consent) through successive treaties. *Is it desirable or feasible for the EU at this moment in time to constitutionalize its meta-rules?* At a minimum, this would have to involve sequential processes of consent-formation, first by the Convention, then by the member governments in an IGC and, finally, by the citizens of each member state. At least as the present draft now stands, it does not set out a sufficient set of meta-rules and, given the likelihood of a dispersed, extended and controversial treaty-ratification process, there is little chance that they will acquire “sacrosanct” status.⁹

- (2) *State-ness*: All federal systems have at their core a political unit with the minimal properties of a state, i.e. a super-ordinate polity capable of administering legal norms and controlling the behavior of a unique population within a specific territory through the use of a legitimate and organized monopoly of violence to ensure compliance. The EU is not presently a state by these criteria. *Should it or could it acquire this centralized capability to impose a standard (if restricted) set of norms and behaviors, and what concentrated means of legitimate force would be necessary to make them credible?* It would seem that this can not be accomplished without depriving member-states of at least some of their existing capability to apply independently legitimate violence and without creating a new Europe-wide

9 Unless the “constitutional moment” is captured by having all of the member and candidate countries ratify the draft in a Euro-wide referendum held under equal conditions and at the same moment. There is virtually no chance of this happening and, by resorting to the usual erratic and differentiated process of treaty ratification, the document will lose all of its “European” aura and probably be rejected by at least one country.

judicial and police system. None of this is in the draft constitutional treaty.

- (3) *Defined Territoriality*: Federations are supposed to have prescribed territorial boundaries – both external and internal, although the example of the USA demonstrates that rules can be specifically provided for a re-definition of those boundaries. The USA also demonstrates that such extensions can be perilous for federal unity. Disagreement between North and South over the rules and consequences of “enlargement” was a major contributor to the Civil War. *Is it conceivable as of this moment that the founders of a federal EU will be able to fix definitively the outer and the inner boundaries of the units that will compose it and come up with a fixed set of rules for governing such an extended polity?* Given the large number of plausible candidates for membership and the practical difficulty of excluding many of them, the original members will very soon find themselves in a minority, unless they deliberately discriminate against new entrants – which would be “anti-federal.” The draft contributes nothing new to the task of defining where European territory ends.
- (4) *Distinctive Population*: Each Federation is presumed to have its own population that identifies with it. Moreover, if democratic, this population has to be according the equal rights and obligations of “its” citizenship. This does not preclude simultaneous identification with one or more of its sub-units and variations in rights and obligations for different sub-units, but some overarching common identity is usually presumed to be a necessity. *Is it possible that, at least initially, an EU-Federation could have a population that does not identify with it and that this pseudo-demos could have quite different rights and obligations?* Obviously, the gamble would be that, despite the unfavorable point of departure, “the peoples of Europe” are willing to overlook considerable discrimination in the way in which their votes are “weighed” and are sufficiently committed to a convergence in standards and achievements that they will

eventually acquire an overarching identity.

- (5) *Policy Compétences*: According to the much-cited definition of Riker, all federations rest upon the bedrock of a distribution of authority between central and regional governments in which each have prescribed and protected rights to make final decisions. Needless to say, the formal distribution can be skewed to favor one or the other level and the actual practice can evolve over time (presumably in some consensual fashion), but at any given moment the units in a federation are supposed to have distinctive and significant policy *compétences*. This is not presently the case with the EU where, with some exceptions, very few are assigned exclusively to the supra-national level and very many are shared by more than one level. *Is it either possible or desirable in a polity that is still emerging, i.e. manifestly not yet reached the functional scope demanded by its members, to attempt to fix this distribution, and is it not precisely the absence of such an effort that gives it the flexibility to overcome differences in member preferences?* Not only is it likely that, at this “unfinished” point in the process of regional integration, the participants will be unable to agree upon such a *Kompetenz-katalog*, but in order to do so they are likely to opt for some minimal common denominator solution that would prove unsatisfactory to everyone in the longer run. Again, the draft is “federally impaired” in that it contributes only marginally to fixing the distribution of *compétences*.
- (6) *Formal Symmetry*: Federations tend to be composed of sub-units that have the same legal status and are subject to the same rules of representation. Granted that informal distinctions in “policy clout” do develop and that institutions such as political parties do emerge “alongside” the constitution that can be very asymmetrically distributed across the territory, but decentralized polities where these features are prevalent usually prefer to describe themselves differently, e.g. Spain. Despite its famous *acquis communautaire*, the EU has evolved in the direction of a polity whose members have different functional

obligations and whose institutions have different territorial compositions. *Would it be possible for the EU to federalize itself and, at the same time, recognize formally the existence of such asymmetries?* In my previous work on alternative futures for the Euro-polity, I have stressed the tendency toward what I have called a *consortio* or even a *condominio* in which differences in functionally and territorially based authority might become institutionalized for a lengthy period.¹⁰ A Federal Constitution would probably preclude recourse to such interim solutions.

- (7) *Democracy*: Although many federalist theorists take it for granted, Euro-federalism would have to be explicitly democratic. Its founding document – constitution, treaty or constitutional treaty – would have to convince the publics eventually called upon to ratify it that these rules embody adequate mechanisms so that the rulers of the federation would be held accountable to citizens of Europe for their actions in the public domain. As is already the case in the ‘domestic’ democracies of its member states, the actual work of accountability is done by representatives – politicians acting through parties, associations and movements. The EU may already be surrounded by lots of representatives (if rather skewed in their distribution of interests and passions), but its rulers are not accountable to them. *Given the larger scale of authority and greater variety of preferences – and, hence, the more acute need to rely upon mechanisms of representation, will the usual institutions of federalism be sufficient to convince citizens that the rulers at the center of the EU are being held accountable to them – and not to un-representative intermediaries or over-represented member states?* My hunch is that unless some new formula for legitimation is found there will always be a marked tendency to apply “national” standards to the performance of the EU, even “national-federal” standards, and it will inevitably be found deficient. The Convention’s draft

10 "Imagining the Future of the Euro-Polity with the Help of New Concepts", Op. Cit., FN 2.

treaty does go a considerable distance toward defining a common set of civic and human rights and it increases the accountability powers of the European Parliament, but I doubt if these modifications will be sufficient to convince the Euro-citizenry that they are ratifying an arrangement that will effectively empower them to hold EU authorities politically accountable.

The other side of the coin

But so what? So, the EU is no federal or democratic and the impending “constitutional treaty” does not seem likely to change the situation very much. Why should Europeans care? No other intergovernmental organization functions democratically. Indeed, they are all much less democratic in their internal proceedings than the EU. Moreover, there is not much evidence that many Europeans do care. The so-called “democratic deficit” is largely a creation of academics and intellectuals. As we have seen with the Convention, its convocation was manifestly incapable of mobilizing citizens in favor of democratizing EU institutions.

The primary reason for a concern with Euro-democratization is simple: more than any other arrangement for policy-making between sovereign national states, the EU has had a major -if not always recognized- impact on the practice of domestic democracy within its member-states. The expanding scope of its policy tasks and the more modest, but still significant, increment in its supra-national authority may have passed for some time largely unperceived by mass publics, but that “grace period” has ended. Since the signing of the Single European Act and, especially, since the contentious ratification of the Maastricht Treaty, wider publics have become *politicized* with regard to the EU. For the first time, “European issues” have forced their way onto the agenda of national politics and domestic politicians can lose and gain votes as a result of the positions they have taken in Bruxelles. The new cleavages generated by “more vs. less” Europe seem to be cutting across

traditional cleavages established by class, religion and geographic location and, thereby, undermining the coherence of domestic political parties and party systems. Even more surprisingly, an overwhelming proportion of prominent national politicians irrespective of parties have tended to support EU initiatives (except in Great Britain), but they have found themselves increasingly disavowed by their previously obedient followers. Politicization, in other words, has tended to disfavor rather than favor further extensions of the integration process.

The fact, as we have noted above that the EU is *not* itself a practicing democracy raises the *a priori* likelihood that its impact will be negative -not so much in undermining democracy as such but in diminishing “the accountability of rulers to citizens acting indirectly through the competition and cooperation of their representatives”.¹¹

Given the expanding range of EU *compétences* and their functionally-skewed nature, it is highly unlikely that supra-national non-democracy will be neutral with regard to the type or quality of domestic democracy. The primary mechanism of the EU’s impact upon domestic democracy is, therefore, differential *empowerment*. Being affected by or involved with the EU increases the power/authority of some and decreases the power/authority of others at the national (and, increasingly, sub-national) level. At the most primitive level of assessment, those institutions or individuals that are most directly subject to the “authoritative allocations” of the EU should be able to increase their influence relative to those less affected by its policies -*unless* (and this is a big caveat) the form or content of the EU attention actually weakens their capacity for collective action more than it would have been had they only been subject to national authority or not been members of the EU.

11 One should not exaggerate the anti-democratic impact of the EU. For a well-reasoned defense of its pro-democratic effects, see Tom Arbuthnott, “Is Europe reviving national democracy?,” British Council, The Foreign Policy Centre, Next Generation Democracy 5 (February 2003).

Now, who interacts with and is most directly subject to the authorities of the EU but member-governments and selected components of their national state apparatus? It is tempting, therefore, to presume that *the most important net effect of the EU is to strengthen the role of central executive power over other national political institutions such as the parliament, the judiciary and local assemblies and governments.*¹² These executive agents have presumably acquired greater degrees of freedom and levels of information that can be (again, presumably) converted into leverage over those actors who lack this access. So ingrained is this perception that national executives are frequently accused of willfully exaggerating their EU commitments in order to jam through policies against the resistance of national parliaments, party comrades, interest representatives and local politicians - thereby, further contributing to the sense of powerlessness of these marginalized actors.

Leaving aside the dubious counterfactual implied -namely, that national executive powers would be significantly weaker in the absence of the EU- this conclusion seems (to me) to be deeply flawed for (at least) five reasons:

First, it is manifestly wrong to assume that strengthening the executive power of national governments (if this is the case) is tantamount to increasing the power of national states. Indeed, innumerable monographs have referred to the intrinsic conflict between the government *pro tempore* and the permanent administrative structure of the state - especially, in countries where the latter is deeply embedded in the norms of a professional civil service. The EU may (appear to) increase the power of the former in its day-to-day dealings with the parliament, the party system and the

¹² The leading advocate of this hypothesis has been Andrew Moravcsik in his "Why the European Community Strengthens the State: Domestic Politics and International Cooperation," Harvard University, CES Working Paper Series, No. 52, 1994. The argument shadows one made earlier in Alan Milward, *The European Rescue of the Nation State* (London: Routledge, 1992).

pressures from “special interests”, but this might even serve to undermine the enduring role of national *state* authorities.

Second, it violates the most element understanding of the nature of political power that stresses its relational quality. By only observing the arguments put forth by national executives, such an argument ignores the *quid pro quo*, i.e. what it is national executives cannot say or do not do because they are entangled in the reciprocal obligations of the EU. There is every reason to suspect that participation in continuous inter-governmental bargaining -not to mention the dependence on supra-national agenda-setting- has its price.

Third, it conveniently leaves out of the analysis the very significant change that has occurred in the role of national judiciaries as the “side-product” of their becoming empowered by the European Court of Justice to question the compatibility of national laws, decrees and administrative acts with the “quasi-constitution” of the EU. Moreover, this supra-national process has been supplemented and strengthened by growing powers of constitutional review at the national level. In those countries where this “check-and-balance” was previously absent (e.g. France and Great Britain), national executives have been especially constrained -much to their dislike.

Fourth, it seems to overlook the possibility that national citizens, firms, associations and movements may have developed the capacity to coalesce across national boundaries (often with the complicity of Eurocrats) in order to bring added pressure to bear on those supposedly more empowered national executives. Especially crucial to this process are the exchanges of information that permit national actors (and supra-national bureaucrats) to argue more compelling about the Europe-wide consequences of actions taken by national executives. By fragmenting and re-

structuring the patterns of interest articulation, this can have a dramatic effect upon assessments of the so-called “national interest”.

Fifth and final flaw, the presumption of ineluctably growing “executive-centered-regimes” at the national level would deny that, over time, the processes of selecting and electing national executives might be influenced by “anticipations” - either by party executives or by voters- of how a given candidate might perform at the European level. Without claiming that it has already become the norm, one can find considerable evidence not only that EU issues are beginning to make a difference (admittedly, often a negative one) in the outcomes of national elections, but also that candidates are being scrutinized for their “Euro-compatibility”. Can it be an accident that extreme-Rightwing parties that advocate much greater “discretion” for national executives are also opposed to the “Europeanization” of their national politics? Or, are these people just too stupid to recognize the benefits to executive-centered-ness that are flowing from the EU?

Applying the same (flawed) assumptions as above, one could arrive at a second general conclusion: just as the EU promotes a functional concentration of power within executive agencies, so *it promotes a territorial centralization of power among levels of government*. After all, it was exclusively the national governments that signed the relevant treaties and they continue to send by far the most representatives to Bruxelles. And yet, perhaps contrary to the expectations of these national rulers, sub-national governments -especially at the “regional level”- seem to have found their way there and even to have been able to exploit their (admittedly less significant) exchanges with EU institutions in ways that empower them relative to their national “superiors”. Which brings up a second generic lesson about power: its relativity. The net impact of the EU could just be more important than its absolute impact, especially if it tends to alter relativities that have been long standing or subject to contrary trends in the past.

On one dimension, virtually everyone is in agreement: given its functionally skewed agenda, the EU has tended, first, to benefit *interest groups* over other forms of collective political action, and second, to benefit those categories of interest that have been most capable of organizing themselves across national borders. This can be translated in concrete terms into a decisive advantage in influence for business interests over those of labor and for more specialized sectoral associations over peak associations. Having myself (with Wolfgang Streeck) arrived at this conclusion and even accused the EC of signifying “Executive Committee for the Management of the Common Affairs of the European Bourgeoisie”, I now wonder whether this judgement will continue to hold in the future.¹³ In recent years, a impressive array of “causes” and “passions” have managed to find their way to Bruxelles and Strassbourg [and onto the dockets of the European Court of Justice (ECJ) in Luxembourg] -and there are some indications that they may becoming more successful at that level than they were previously within their respective national homelands. Women are an interesting case in point. They have benefited significantly from EU policies and ECJ decisions promoting gender equality -even if, as a group, they have been less in favor of European integration than men. As Ulrike Liebert has pointed out, this opposition is particularly strong on the part of women from countries that have already more advanced national policies.¹⁴

Finally, no realistic or compelling assessment of the impact of the EU on domestic democracy can afford to ignore taking *counterfactuals* into account. One has to begin with some plausible scenario of what national democracies might look like today if they had not benefited and suffered from several decades of European

13 "From National Corporatism to Transnational Pluralism: Organized Interests in the Single European Market", *Politics & Society*, Vol. 19, No. 2 (June 1991), 133-164.

14 *Gendering Europeanisation* (Bruxelles: P.I.E.-Peter Lang, 2003), pp. 11-46 and 223-284.

integration. To observe that party organization, ideological conviction, partisan identification, parliamentary “sovereignty”, citizen respect for authority, the prestige of politicians, the sense of political efficacy of many individuals, and other aspects of domestic democracy have been in decline says nothing *a priori* about the responsibility of the EU for these trends. There is plenty of evidence that these “morbidity symptoms” are present and increasing in most advanced capitalist, liberal democratic polities -whether or not they are members or even neighbors of the EU.

Conclusion

My conclusion, therefore, is that the impact of the non-democratization of Europe upon democracy in Europe is a process - not (yet) an outcome. It has changed, albeit sporadically, with shifts in the functional content of the integration process and expansion in *compétences* of European institutions. Moreover, those institutions themselves are not yet close to having consolidated a stable and legitimate set of rules, *pace* the efforts of the Convention. Even reflecting retrospectively, it is difficult to point to a distinctive -much less a definitive- contribution, since the net effect of supra-national governance seems to complement (and, probably, to enhance) trends that were already affecting domestic democracies. Indeed, the emerging Euro-Polity might best be interpreted as an exaggerated version of both the positive and negative features of “post-modern,” “post-national,” post-statist,” and “post-liberal” democracy in Europe.

But can this “transitional” situation endure indefinitely? In a book entitled *How to Democratize the European Union ... and Why Bother?*,¹⁵ I have argued that there are at least two good reasons why it may be timely to begin experimenting with continental democracy sooner rather than later:

15 Philippe C. Schmitter, *How to Democratize the European Union ... and Why Bother?* (Lanham, MD: Rowman & Littlefield, 2000).

- (1) There is considerable evidence that rules and practices of democracy at the national level have become increasingly contested by citizens. This has not (yet) taken the form of rebellious or even “unconventional” behavior, but of what Gramsci once called “symptoms of morbidity” such as greater electoral abstention, decline in party identification, more frequent turnover in office and rejection of the party in power, lower prestige of politicians and higher unpopularity of chief executives, increased tax evasion and higher rates of litigation against authorities, skyrocketing accusations of official corruption and, most generally, a widespread impression that contemporary European democracies are simply not working well to protect their citizens. It would be overly dramatic to label this “a general crisis of legitimacy,” but something isn’t going well -and most national politicians know it.
- (2) There is even more compelling evidence that individuals and groups within the European Union have become aware of how much its regulations and directives are affecting their daily lives, and that they consider these decisions to have been taken in a remote, secretive, unintelligible and unaccountable fashion. Whatever comfort it may have given them in the past that “unwarranted interference” by the Eurocrats in Bruxelles could have been vetoed by their respective sovereign national governments, this has been dissipated by the advent of qualified majority voting. Europeans feel themselves, rightly or wrongly, at the mercy of a process of integration that they do not understand and certainly do not control – however much they may enjoy its material benefits. Again, it would be over-dramatizing the issue to call this “a crisis of legitimacy” but the “permissive consensus” of that

accompanied European integration in its early stages is much less reliable -and supranational officials know it.

These two trends are probably related causally -and together they create a potentially serious “*double bind*” for the future of democracy in Europe.¹⁶ If, on balance, the shift of functions to and the increase in supra-national authority of the EU have been contributing to a decline in the legitimacy of “domestic democracy” by calling into question whether national officials are still capable of responding to the demands of their citizenry, and if the institutions of the EU have yet to acquire a reputation for accountability to these very same citizens when aggregated at the supra-national level, then, democracy as such in this part of the world could be in jeopardy. Admittedly, the grip of this double bind is still loose, but tightening. The national “morbidity symptoms” show no sign of abating; the supra-national “permissive consensus” shows abundant signs of waning. Between the two, there is still space for the introduction of democratic reforms, but who will be willing (and able) to take advantage of the rather unusual political opportunity space formed by monetary unification and eastern enlargement (not to mention, the increasingly skewed outcome of Euro-elections) is by no means clear. The potentiality exists for acting preemptively before the situation reaches a crisis stage and before the compulsion to do something becomes so strong that politicians may overreact, but will it be exploited? One might have hoped that the “Convention on the Future of Europe” would have done so, but its resulting draft is far too limited and weak to make much difference.

It looks to this observer that an important opportunity has been missed and I would not be surprised if the European electorate, when and where it is called upon to ratify the eventual

16 Presumably, something like this double bind is what Fritz Scharpf had in mind when he wrote: “Since ...Europe is part of the problem (of democratic legitimacy), European policies can also help alleviate it.” “Governing in Europe: Effective and Democratic,” unpublished paper, Max Planck Institute for the Study of Societies, Cologne, no date, p. 8.

“constitutional treaty,” will end up rejecting it or, more likely, find it so insignificant an improvement on the *status quo* that it will simply not bother to vote.