

# **The Democratic Theory of European Integration: Elite Domination vs. Demos Control**

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## **Introductory notes**

This essay aims to develop, and at the same time defend, a general view of democracy which goes beyond what has been labelled by Forsyth as 'normal interstate relations',<sup>1</sup> reflecting upon the current political physiognomy of the European Union (EU) as a *Confederal Consociation*: a compound polity whose distinct politically organised units are bound together in some form of 'Union' for specific purposes without losing their national identity or resigning their sovereignty to a single common government. In doing so, it is expected to shed some additional light on the relationship between democracy in the member nation-states and democracy within the larger polity. Hence, not only international relations theory or comparative politics proper, but also democratic theory, as a coherent 'network' of concepts and ideas concerning 'the art of good government', comprise the field of exploration. Although a number of normative assessments and value judgements are likely to develop during its elaboration, it should be stressed that there is no place of dogmatism in this undertaking. As Cohen once put it: 'There may be dogmatic democrats; there can be no democratic dogma'.<sup>2</sup>

## **European Union as a challenge to democratic government**

The realisation of a more democratic process of European integration depends vitally upon the incorporation of the essential principles of representative democracy in the political arrangements that are to shape the relations between the collectivity (EU) and the segments (states). Among those principles that will most certainly play a decisive role in determining the *quality* of EU-level democracy, special emphasis

should be given to: meaningful legislative representation of national and subnational units in central decision-making; decisional openness and transparency in the making of European legislation; collective ministerial responsibility to the directly elected representatives of EU citizens; and continuous and extensive democratic control over the setting of the integrative political agenda through a functional distribution of responsibilities between the national parliaments and the European Parliament (EP).

By linking these favourable conditions of large-scale democracy<sup>3</sup> with the basic properties of modern representative government, it is almost self-evident that democratic progress at the Union level goes hand in hand with the degree to which effective parliamentary scrutiny and control can be adequately incorporated in the mechanisms that actually shape the transnational political process. And given the importance attached to the principle of democratic accountability or *indirect demos control* such a democracy ultimately rests upon the extent to which the emerging polity will be in a position to reaffirm the role of the individual citizen as the decisive subject of EU politics. Thus, the democratic viability of the Union is insolubly linked to the institutional capacity of its *nascent demos* to exercise control over the actions of 'executive-centred elites'<sup>4</sup> as integration proceeds. This currently missing democratic property from the EU system, we term *transnational civic competence*. But what should the meaning of democracy be in the context of a 'union of diversities' as the EU? To give a preliminary answer: *EU democracy refers to the gradual but stable building of a multilevel and polycentric form of mutual governance based on the power of commonly shared democratic arrangements among the member publics.*

Accordingly, its ultimate objective becomes one of building up, down and across pre-established frontiers politically responsible, socially responsive and, above all, democratically legitimate instruments of decision-making, whose deliberative 'outcomes' would be directly accountable to the European citizen body as a whole. Such a conception of democracy, however, presupposes the creative combination of national and transnational democratic engineering so that the decisions produced by the central authorities reflect most closely and precisely the preferences, needs and

demands of the constituent *demoi*. This, in turn, requires both the sustenance of a pluralistic form of society at the larger scale of government and the recognition of the other as 'a legitimate presence within which some accommodation must be made'.<sup>5</sup>

Indeed, if a more civil, participatory and considered process of integration is ever to become a political reality in the EU, it must effectively link different domains of political authority in such an elaborate way so as to strike a delicate balance between the mounting quest for cultural distinctiveness and democratic diversity of the parts and the equally pressing plea for 'ever closer union' of the whole. In order, therefore, for the tale of democracy to have a happy ending beyond a purely national level, it is essential that the emerging system of EU government and politics should act as 'the constructive basis for a plurality of identities to flourish within a structure of mutual toleration and accountability'.<sup>6</sup> In brief, the process of EU democracy-building presupposes the existence of mutually reinforcing legitimation structures *in and through* which a plurality of forces can democratically co-exist with each other.

### **Introducing the transnational democracy theme**

Theoretically speaking, the notion of *transnational democracy*, albeit a relatively 'new' term in the vocabulary of political science, directly invokes the age-old debate of how to organise, channel and articulate in the most efficient and democratic way the basic needs, interests and concerns of the *demos* within a composite 'body politic'. However, the very success of the envisaged process of democratising the larger, 'inclusive' political unit should not always be taken for granted, but rather it should be seen and evaluated in the light of the *intrinsic* and *contextual* challenges that confront both the 'component' units and the wider entity *per se*.<sup>7</sup> Hence, for all its idealistic nature, the term 'transnational democracy' should be used as an analogy to illuminate the main features of a primarily *organising method* through which democratic purpose can be effectively transformed into practical political achievement.

Accordingly, this novel democratic design for democratically regulating transnational relations refers to *a situation in which the demos of the 'inclusive' polity*

*can effectively and continuously exercise control over the decisions that have a direct impact on the daily lives of its individual members.*<sup>8</sup> This accords with the view that a common defining property of all forms of democracy is that political authority should ultimately rest with the collective body of citizens itself and nowhere else. This also suggests that an optimal model for EU-level democracy would have to satisfy the following two criteria: first, the achievement of prior agreement among the members of the *composite demos* on 'the democratic rules of the game' (the way in which EU affairs should be handled); and second, the existence of the necessary machinery through which democratic ideals can be reflected in the workings of EU institutions.

Thus sketched, far from being equated with a static system of axiomatic principles, norms and values or even with a fixed and regularised 'code of practice', transnational democracy is more closely related to a set of procedural arrangements through which citizens share in the governing function of the larger association. But for democracy to exist both as a continuous process of interaction between rulers and ruled *in* and *between* countries and as a process of joint decision-making a number of further democratic requirements must be fulfilled - the most crucial of which being the establishment of procedural mechanisms for continuously supervising the work of transnational activities, thus keeping them in close contact with public preferences.

To further extent the argument, a transnational democratic polity is not only one in which large-scale policies are publicly discussed, debated and challenged, but also one in which these policies become subject to public scrutiny and debate through a plurality of institutional and informational avenues. Thus, the fulfilment or non-fulfilment of transnational democracy is conditioned by the extent to which the choice of EU policies is matched by adequate levels of what Bealey terms 'upward control'<sup>9</sup> over them. Should that not materialise, what we may actually end up with is not democracy but 'a parody of democracy or pseudodemocracy'.<sup>10</sup> The latter term has been defined by Green as 'representative government, ultimately accountable to the people but not really under their control'.<sup>11</sup> In short, the more open the process of arriving at EU policies, and the more these policies are subject to extensive dialogue

by the larger *demos*, the more successful their transformation into widely acceptable outputs, and the more operationally meaningful transnational democracy is.

Connectedly, if democracy in general refers to a situation in which authority ultimately rests with the *demos* and not merely with those in power, transnational democracy refers to a system of governance capable of transforming the abstract of *popular power* into effective *demos control*. The incorporation of the accountability principle in the workings of transnational institutions becomes all the more relevant in the case of the EU since the latter represents a constellation of *democracies* embarked on an difficult journey of 'power-sharing' based on the common management of jointly merged sovereignties. It is to a closer consideration of the problems that EU governance generates for transnational democracy that we wish to turn our attention.

#### **EU governance and the erosion of the democratic ethos**

It seems fair to suggest that the process of regionalisation in postwar Western Europe became a redeeming element, if not indeed a contemporary *deus ex machina*, for the participating governments to reassert their authority domestically and re-establish themselves as the principal actors of the national 'governing process'. Indeed, a significant *recentralisation* of national political authority, albeit to a varying degree from one member state to another, has gradually but steadily taken place in favour of 'executive-centred elites' and at the expense of traditional representative institutions which, at least so far, have failed to establish effective methods of controlling national ministers and civil servants in their conducts of relations with the central institutions.

It is lamentable but a fact that the role of member parliaments has remained extremely marginal in comparison to those of national and EU executive agents - the net-result being that a significant widening of the *scope* of regional decision-making has been actually determined within the secretive confines of various ministerial meetings and administrative committees and sub-committees, thus providing a difficult situation for representative democracy itself. Further, as the traditional dichotomy between Legislature-Executive relations becomes less and less clear-cut,

and the relationship between different policy areas within the state apparatus all the more difficult to comprehend, so the possibilities for parliaments to hold government to account are steadily decreasing. And given the predominance of national political elites in determining the pace of integration, the weakening of national parliamentary structures appears to be somewhat endogenous to the evolution of EU governance.

Under these bitter realities, a deep-seated concern for *a growing dissonance between the essential requirements of modern democratic government and the actual conditions upon which the political management of EU effectively rests*, has recently emanated in both academic and political circles. This 'democratic deficit' has been mainly justified on the following set of empirical evidence: first, it is the Council of Ministers, and not the EP as the natural exponent of representative democracy at the larger level, that has the final word over a considerable range of EU legislation, with each member state having the right to veto any particular action of which it strongly disapproves even when majority voting is formally required by the treaties; second, it is the same body alone that adopts decisions *in camera* which nevertheless are directly applicable to the national legal systems of the states; third, it is the unelected Commission that has significant control over the setting of the integrative political agenda through its almost exclusive right to initiate draft EU legislation; and finally, it is only the member governments themselves that are empowered to revise the context of the common functional arrangements as well as to extend the scope of their collective action by creating formal EU 'competences' in new policy areas.<sup>12</sup>

It logically follows that the evolution of EU governance, far from leading to a considerable diffusion of national sovereignty, reducing the legal and political status of the states to the level of subordinated provinces in a European federal state, has led to a different kind of enfeeblement, namely *the erosion of the democratic ethos* in the conduct of EU affairs. Indeed, a very strong sense exists that member governments continue to possess a wide range of possibilities open to them for managing the process of building the great arrangements in the EU without, however, being subjected to effective *demos* control. As Moravcsik put it: 'the unique institutional

structure of the EC is acceptable to national governments insofar as it strengthens, rather than weakens, their control over domestic affairs'.<sup>13</sup> Phrased differently, EU institutions continue to act as a source of state strength by enhancing the policy initiative and bargaining power of national leaders.<sup>14</sup> The central conclusion to draw, then, must be one of increased scepticism: national governments have such structured the central arrangements so as to consolidate their power base domestically, influence the articulation of territorial interests via the common institutions, and obtain a greater level of diplomatic manoeuvrability in international negotiations.

### **Confederal Consociation and the dynamics of inverse federalism**

At a theoretical level, this peculiar system of political interconnectedness co-existing with high levels of territorial segmental autonomy can be summed up in the concept of *Confederal Consociation*.<sup>15</sup> The first part of the term refers to the structure of the system, whilst the second to the means for arriving at collective binding decisions. The consociational aspects of the processes were first depicted by Taylor, following Lijphart's classic work on the subject.<sup>16</sup> Indeed, all of the four defining characteristics of a consociation can be found in the EU: a fair separation of the segments (segmental autonomy); its domination by what Dahrendorf called a 'cartel of elites'<sup>17</sup> (grand coalition); a proportional representation of the states to the central decision-making institutions (proportionality); and finally, the existence of a qualified right of a mutual veto.<sup>18</sup> Equally, its confederal character has been pointed out by many students over the years, recently summarised by Elazar as 'a new-style confederation of old states'.<sup>19</sup>

Applied to the EU of the 1990s, consociationalism lends support to the view that the strengthening the central arrangements tends to reinforce rather than weaken the role of states *vis-a-vis* the collectivity. It also suggests that the system provides the means by which the power of the dominant political elites that represent the collective interests of distinct segments can be significantly enhanced, whilst enabling them 'to present themselves as leaders and agents of a distinct clearly defined community'.<sup>20</sup> As a result, they may well resist any tendency towards the strengthening of *horizontal*

links between their respective populations by fear that this might weaken their own constituencies, and promote *vertical integration* which allows them to strike deals with other bloc leaders whilst retaining authority within their domestic subcultures.<sup>21</sup>

Moreover, it suggests an increasing common determination by the 'relevant elites' to exercise *managerial control* over integration, even if this actually implies that 'progressive' initiatives reflecting the wider 'Community interest' will have to be compromised in the name of vital national interests. The operational code adopted by the members of the Council of Ministers and the European Council, and particularly the working method followed by them for reaching accommodation and take positive decisions despite the reality of mutual vetoes, seem to provide a perfect test for this hypothesis: both institutions perform functions similar to those of a grand coalition in a 'normal' consociation. This is not to imply that the EU is the 'jewel' in the consociational 'crown'. Rather, it suggests that joint decision-making often turns into a 'summit diplomacy forum' in which consensus-building - the process of co-opting divergent expectations - is not sought at the grass-root level but at the leadership level. This is fully in line with consociationalism as a theory of political stability and its explicit distinction between 'elite political culture' and 'mass political culture'.<sup>22</sup>

A further insight from Confederal Consociation points to the viewing of the EU as a cohabitational community of 'territorial communities', to use Duchacek's term,<sup>23</sup> as opposed to a civic community of individuals, aiming at the amicable settlement of divisive issues against the peril of fragmentation. Here, the model highlights an important function of the EU system: 'the maintenance of stability in a situation of actual or potential mutual tension'.<sup>24</sup> Moreover, by emphasising the internal conditions under which nations decide to do certain things in common in favour of consensually predetermined objectives, it sets the bases of acceptable behaviour within a co-operative system through multiple networks of formal and informal arrangements supervised by a *coalescent* style of leadership, similar to that described by Taylor as 'government by alliance'.<sup>25</sup> In short, Confederal Consociation refers to *the merging of interdependent but yet distinct culturally defined and*



*politically organised states and peoples in some form of 'Union' to further certain common ends, without either losing their sense of forming collective national identities or resigning their individual sovereignty to a higher central authority.*<sup>26</sup>

Unlike, therefore, a 'complete' or 'tight' political federation on the lines of the 'constitutional democracies' of the USA, Canada or Australia, the EU is primarily about the collective management of separate national sovereignties. And since governments, as Groom argues, 'feel themselves ultimately to be in control, they are willing to contemplate a far-reaching pooling of sovereignty which they jointly manage'.<sup>27</sup> Thus, Confederal Consociation, both as a distinct form of political interstate organisation and a new integrative dynamic between independent but yet highly interrelated body politics which are conscious of their distinctive identity, poses no fundamental threat, at least in constitutional terms, for the sovereignty of states. In addition, whereas a 'conventional' federation is based on a constitutive act which gives rise to a higher legal order, Confederal Confederation is based on an international treaty where the 'condition of the last-say', to use Dahl's term,<sup>28</sup> rests with the partners to it than with an independent authoritative entity at the larger level.

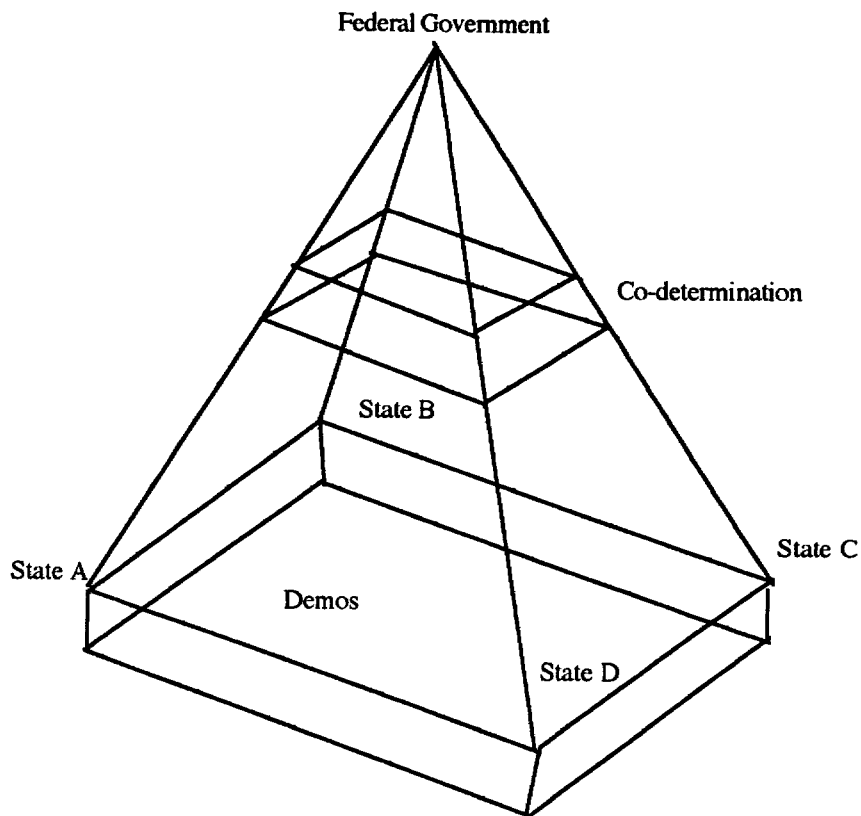
Thus sketched, our conception of the EU has an interesting analogue with a system of *horizontal Kooperativer Staaten*,<sup>29</sup> in the dual sense that the formulation of common policies rests upon the existence or not of prior agreement between state and federal actors, whilst their implementation almost exclusively relying on the administrative systems of the states. It is exactly in that respect that the EU system can be thought of as based on a co-operative type of federalism rather than on a federalism founded upon notions of institutional centralisation and hierarchical, vertically linked authority structures. Further, in both systems, the collective power of the constituent units is well protected, whilst political authority originating at different orders of government is jointly merged and commonly managed after intensive intergovernmental bargains. The same cannot be supported, however, for the US federal system where state governors do not share in the making of national policy.<sup>30</sup>

More specifically, whereas Washington represents a 'centre' composed by institutions insulated from the States and capable of regulating the interactions stemming from their activities, Berlin is better seen as the 'meeting point' of state and federal agents that jointly decide upon the formulation of national policies.<sup>31</sup> Hence Sbragia's remark that it is not the American but the German type of federalism which 'allows one to conceptualise a Community in which a "centre" is created that is not completely independent from its constituent units'.<sup>32</sup> Under both models, however, central political institutions are ultimately responsible to the federal *demos* rather than to the state governments. Indeed, it is the absence of one sovereign *demos* that makes the EU being closer to a confederal than to the federal-type of organisation.<sup>33</sup>

It also follows that only if 'electoral representation' is linked to the development of EU-level institutions independent of national governments, and a strong political centre established that is rooted neither in territorial cleavages nor in their representation, but rather 'meant to transcend such divisions, to represent the European interest', can we speak of a truly *federated* European polity.<sup>34</sup> One in which the EP, as the ultimate body to exercise indirect *demos* control over the territorially motivated Council, and act as a check on the appointed Commission, would be allowed to evolve into a legislative authority similar to that of other federal chambers.

As suggested by Sbragia, the implied analogy should be seen in relative terms, and especially under the light of the German variant of federalism, not least due to the inherent elasticity of its basic properties to combine the advantages of parliamentary democracy with those stemming from the explicit recognition of two distinct representational bases: state executives and *demos*. She elaborates: 'The German model ... represents an important institutional innovation in federalism and helps us to grasp how the constituent units of a system may, as institutions, participate in central decision-making ... [it] treats state governments as institutions seriously'.<sup>35</sup> This largely *sui generis* and at the same time dynamic type of co-operative federalism drawing from the contemporary German federal experience, can be represented schemmatically as follows:<sup>36</sup>

**Figure 1. The Co-operative Federalism Pyramid**



On the other hand, it is equally important to emphasise that the co-operative nature of German federalism makes it extremely difficult for the individual citizen-voter 'to identify responsibilities for specific policy decisions in an increasingly intransparent decision-making process in which every level of government is partly involved and thus only partly accountable'.<sup>37</sup> Also, the predominance of negotiations between *Länder* and federal agents 'generally lessens the effectiveness of parliamentary controls on both levels; state parliaments, in particular, usually find themselves called upon to merely ratify outcomes which they are not expected to influence'.<sup>38</sup> Or, as Wessels has alternatively phrased the problem: 'In such a process the decision-making is shifted to common institutions and bodies which cannot be controlled according to traditional democratic standards'.<sup>39</sup> As a result, Kirchner has recently warned that 'without adequate provisions to the contrary, the prevailing "democratic deficit" in EC decision-making would probably continue under the system of co-operative federalism'.<sup>40</sup>

From a democratic theory view, the transformation of state *representation* into state *participation* in national policy-making, otherwise known as 'participative management', by inserting a strong dose of creative intergovernmentalism in the federal process of government, moves the German polity away from the traditional type of federal democracy, whilst placing at the heart of the federalist design the territorial representation of governments rather than that of the *demos* in a conventional 'center'.<sup>41</sup> This alternative democratic arrangement to the old 'center-periphery model' on the exercise of federal public authority, points to the institutionalisation of direct avenues of state participation in the exercise of power in order to protect rather than submerge particular territorially defined interests.<sup>42</sup> But irrespective of whether the member governments will one day become the functional equivalents of the German *Länder*, co-operative federalism raises the possibility for 'a federal-type organisation to operate without a centre traditionally conceptualized ... constructed by member governments without its being detached from the collectivity of constituent units'.<sup>43</sup>

This polycentric and multilogic pattern of federalism co-existing with a more favourable version of intergovernmentalism as a method of promoting EU integration, and based on the premise that the defence of each separate interest coincides with the need to strike a deal in the context of an intersegmental positive-sum game, may be defined best as a case of *inverse federalism*: a situation in which political authority tends to be diffused as much as possible to the executive branches of the constituent units rather than to the common central institutions - schematically seen as an 'inverse' pyramid.<sup>44</sup> In practice, this type of federalism takes the form of a profound locking together of *horizontal Kooperativer Staaten* for limited, functionally specific purposes. The growth of this mode of interaction, as the nub of the idea of Confederal Consociation, together with its emphasis on balancing territorial and non-territorial claims and on the consociational principle of segmental autonomy, fits best the *ad hoc* evolutionary character of the EU system. For one thing, the latter has managed to give meaningful institutional expression to the principle of territoriality through its

intergovernmental central institutions, whilst permitting the channeling and articulation of non-territorial claims via its *par excellence* 'supranational' bodies.

Although inverse federalism serves the EU as a means of accommodating the interests of the collectivity with those of the segments, it falls short of meeting the requirements of those who proclaim the demise of the traditional West European nation-state, envision the immediate creation of a common European identity, support the formation of a fully-blown EU *demos*, and expect a zero-sum transfer of loyalties to the EU. It is our contention that the appearance or lack of a creative balance between such neighbouring concepts as inverse federalism, territoriality, and segmental autonomy, will in the end define both 'the possibility of movement toward a closer political bond as federalism',<sup>45</sup> and the shape of Europe's *would-be demos*.

For the moment, however, we are witnessing the emergence of a *system of mutual governance* in which the condition of territoriality co-exists with that of non-territoriality in a symbiotic rather than competitive manner, and where the dynamics of interstate accommodation shape the forms transnational federalism is allowed or prohibited to take. Although Confederal Consociation should be recognised as a discernible overall integrative stage, for the more optimists, it can be seen as part of a wider political evolution in which today's quasi-federal and quasi-democratic central arrangements may be replaced in time by a formal constitutional framework whereby territorial institutions, low-level consensus, bureaucratic management and, in short, *executive elite dominance* become the exception than the rule of EU political practice. In this sense, perhaps, a self-determining 'political community' might emerge, and being governed by democratic standards, thus adding substantively to the dynamics of *transnational demos-formation*.<sup>46</sup> This qualitative structural leap forward, however, by representing the culmination of a dynamic, conscious and intensive process of large-scale community-strengthening and institution-building, presupposes that the positive feelings of the sub-units springing from their common membership should be seen as more important than any potentially divisive issue that may arise during the transformation of the EU from *democracies* to *democracy*.

### **Reflections on the pluralist character of the system**

The significance attributed to the concept of Confederal Consociation is that it provides a conscious attempt at instituting for politically distinct, culturally diverse but highly interdependent polities a generally acceptable form of governance in a basically incogruent transnational setting. At least, it can be seen as one possible form of applying consociational principles in a 'confederation' or 'federal union of states'<sup>47</sup> which might gradually evolve into a congruent federal body.<sup>48</sup> At best, it can be used as a new pattern of interaction in which the EU and the states transcend the ill-effects of subcultural fragmentation through the application of co-operative arrangements. In both cases, however, it opens a wide range of possibilities for reconciling parallel demands for segmental autonomy and overall systemic stability, that is, 'the capacity of the system to operate as a legitimate system of authority',<sup>49</sup> within a polyethnic and, still, politically loose society characterised by strong pluralistic tendencies.

Essentially, this co-operative interplay between national and regional political life, by involving the simultaneous building up, down and across of a multiplicity of interactive ties,<sup>50</sup> addresses the more general issue of the transformation of the classical concept of 'self-determination' - and its implications of 'what a nation does or can do'<sup>51</sup> - into one of 'co-determination' involving the joint management of 'pooled' or 'mixed' sovereignties. This gradual transformation has been largely sustained by the emergence of a transnational political culture among the dominant West European political elites, amounting to a rather moderate version of nationalism co-existing with a general awareness at the elite level for avoiding systemic polarisation.<sup>52</sup>

In such a diverse but relatively cohering network of interactions facilitated by a highly flexible treaty framework, there are no permanent coalitions of power nor is there any fixed 'code of practice' regarding the role that each separate actor has or is expected to perform. Procedurally, the system is loose enough to allow consensual and majoritarian patterns of decision-making to co-exist and determine the outcome of specific policies dealt with at the central level. Its generic properties are segmental distinctiveness and autonomy within a largely uncrystalised political whole, whilst its

legal nature effectively rests upon the individual constitutional orders of the states rather than on a superordinate, higher federal order. Concomitantly, the dynamic enmeshing of personal, functional and territorial loyalties, along with the gradual but stable development of cross-national allegiances and multiple group affiliations, by enhancing the pluralist character of the system, prevent the emergence of exclusive loyalties which may exacerbate conflict among the sub-units. And since it is possible for a plurality of loyalties and identities to co-exist in a 'corporate' body politic such as the EU of today - including states/EU, states/citizens and EU/citizens interests<sup>53</sup> - there is no reason for national authorities to cease contemplating higher levels of co-determination under the wider 'umbrella' of the common regional system.

Put simply, there is no need for a zero-sum competition of the interests of the collectivity and the ascending plurality of claims stemming from the subcultures. Equally, the process of 'macro-level loyalty building' should not be associated with the integration of the masses into a common political form that overrides citizens' 'fixed primary loyalties'.<sup>54</sup> Nor should attempts to manage or even extend the scope of the integration process be equated with a direct loss of capabilities at the state level. Indeed, by perceiving the EU system as inclusive of national repositories of sovereignty, Confederal Consociation mitigates the fears that integration in the 1990s is about the subordination of the states in some form of a federal authority having a monopoly of law-making and law-enforcing powers. On the contrary, by dismissing an either/or conception of EU politics, it sharpens the point that a functional division of jurisdictional competences between states and international organisation is compatible not only with the very idea of statehood, but also with further national state-building processes, subnational community-strengthening and, finally, multiple identity holding. Overall, the model contains a suggestion of the flexibility of the currently structured EU system, of the non-conflictuous character of power-sharing and, finally, of the means through which the separateness of the various segments is compatible with notions like systemic stability, sustainable governance, substantive accommodation, and institutionalised compromise.

This is perhaps why the initial concentration of law-making and law-enforcing power to the state gives way to a continual structuring and restructuring of power within the shared undertaking without losing its assumed character of sovereignty. In other words, the system employs a looser notion of pluralism to the British and American political traditions which tend to emphasise the importance of individual liberty *vis-a-vis* state activity and the sharing of power between relatively autonomous groups and government agencies respectively.<sup>55</sup> Hence, the political dimension of EU pluralism is based on the realisation that 'economic and political interests are best advanced by staying together in a sensibly arranged political union'.<sup>56</sup> For one thing, the Union retains the traditional characteristics of a voluntary association of states and hence the possibility of secession by its members which, assisted by a common economic system and a single institutional framework, are united for specific ends. And although such a system is flexible enough to exhibit varying degrees of pluralism according to the separate interests involved in transnational processes, the outcome of the various claims is determined, or better controlled, by the members of the *elite cartel*. Thus, EU pluralism can be seen best as a 'matter of degree' rather than an 'all-or-none' phenomenon between dominant and subordinate elites - the latter being the case in the 'conflict' model of plural, highly segmented and conflict-prone societies with no multiple loyalties, cross-cutting memberships, interests and affiliations.

The persistence of this form of *controlled pluralism* - lying in the midst of a continuum whose two extreme ends are represented by dynamic 'equilibrium pluralism' (which exists in congruent federations) and 'conflict pluralism' (which characterises consociational systems) - becomes conditional upon the extent to which a delicate balance of power and interests can be struck among the member states.<sup>57</sup> Evidently, the 'winner-take-all' ethos which subsists in the majoritarian Westminster model and its 'government-versus-opposition' logic, do not suit the EU system since they almost certainly mean that the wishes of some politically organised people will be enacted in central legislation at the expense of others. For the model's essential constitutional characteristics such as parliamentary supremacy, unitarianism, single-



party executive, adversarial two-party system, and plurality elections,<sup>58</sup> conflict with the consociational nature of the EU and the currently fragmented nature of its *demos*.

Put differently, the inclination of the integrative system is such that induces the segment elites to adopt the working principles of 'joint consensual rule'. By contrast, this is not institutionally required in the Westminster model where 'an elected majority enjoys extensive power for the duration of its majority status'.<sup>59</sup> Thus, the common management of pooled sovereignties in a consociate manner, that is in a 'cartel of elites' which often takes the form of a 'passive co-ordinating authority' at the disposal of states, tends to reinforce the symbiotic nature of integration, whilst providing a barrier to the prevalence of adversarial politics. This system of *elite governance*, however, is not without serious implications for the advancement or indeed obstruction of a more democratic process of integration. Keeping in mind Taylor's recent observation that 'there may be cases indeed that regional integration helps to reinforce the anti-democratic tendencies of elites' notwithstanding?,<sup>60</sup> it is on the limits and possibilities of transnational democracy to which we now turn.

### **On the limits and possibilities of transnational democracy**

From a democratic theory perspective, Confederal Consociation does not manifest itself as a unity constituted by a single, self-conscious and politically active *demos*, but rather as a *system of national demoi* whose external relations are governed by a cartel of governmental elites. The point being made here is that as long as the norms, principles and values of democratic government are consciously undermined in EU processes, then, any consequent democratic deficiency at that level will be merely a reflection of a certain philosophy of governance whereby the *demos* abides to the decisions taken within the secretive confines of the *elite cartel*. In this sense, perhaps, the subversion of the democratic process, and with that the preservation of a 'democratic deficit', springs from a conscious effort to maintain political stability by avoiding intersegmental confrontation and the ill-effects of institutional immobilism and fragmentation. As Moravcsik put it: 'Ironically, the EC's "democratic deficit" may

be a fundamental source of its success'.<sup>61</sup> In summary, the price of stable governance practically takes the form of various democratic shortfalls which in a different context - i.e., in a congruent, non-segmented society - would simply be unacceptable.

Similar to any other consociational model, democracy in the EU 'is inherently limited within the sphere of inter-elite communications',<sup>62</sup> not least because its currently fragmented *demos* still lacks the means either to set the integrative agenda or to influence in a continuous and effective manner the shaping of EU legislation. Instead, both processes are effectively controlled by the member governments assisted by advanced networks of technical expertise, also known as 'commitology'.<sup>63</sup> And since consociational polities are collective entities based on what Lijphart has referred to as the principle of government by the *elite cartel*,<sup>64</sup> 'the individual loses the status of being the active and decisive subject in politics'.<sup>65</sup> Instead, politics become, as Bachrach might have added, a form of *democratic elitism*..<sup>66</sup>

In such an elaborate system of *co-operative elites* the introduction of democratic arrangements is practically compromised by the need to achieve adequate levels of *decisional efficiency* defined as 'the ability of the segments to reach so-called "amicable agreements" through the politics of accommodation and compromise'.<sup>67</sup> This mode of interaction is similar to that detected by Taylor in the mid-1970s as 'managed *Gesellschaft*': 'a decentralised, though coordinated, system in which the participating actors ... have a high level of interdependence with each other, but, nevertheless, preserve and even augment their autonomy'.<sup>68</sup> Theorising on this prototypical description of European *Gesellschaft*, the prospering of transnational democracy is conditioned by the extent to which the logic of 'mutual conciliation' and, in practice, *reversible dissensus*, will prevail over that of 'mutual antagonism' and/or 'joint exclusiveness'.<sup>69</sup> This method of accommodative decision-making, alternatively termed by Taylor as one of 'confined dissent',<sup>70</sup> partly explains why democracy in the EU acquires the status of a sufficiently flexible organisational device for seeking widely acceptable solutions, rather than taking the form of an end in itself.

Seen as a community of 'territorial communities' in search of an ever-lasting symbiosis among its various segments and identities involved in its multilayered context, the EU is primarily concerned with the elimination of conflictual situations which may arise by the use of majority rule in areas where vital national interests are, or appear to be, at stake. Put in another way, the development of EU-level democracy is linked to the possibilities of reaching broad agreement on controversial issues without resort to what Riker calls the 'minimum winning coalition' principle,<sup>71</sup> even when majoritarian patterns of decision-taking are formally required by the treaties. For the 'embarrassment feeling' of being outvoted in a vital decision is such that the rule of the game prescribes that the greater the importance of the outcome for a participant, the greater the consensus required to achieve an overall satisfactory resolution. While this might not be positively unanimous, it does 'reflect a "negative unanimity" or general consensus'.<sup>72</sup> In brief, the device of mutual vetoes minimises the risks of 'winner-take-all' outcomes that subsist in the Westminster model, thus enabling each member of the *elite cartel* to function without the anxiety of having its vital interests 'subsumed' either by the force of other territorial interests, or by the combined strength of non-territorial ones. What, then, *prima facie* appears to be the violation of the principle of majority rule in a one-way direction, and against the dictates of normative democratic theory, in essence, this pattern of interaction helps to promote vertical integration among the member publics and horizontal cooperation among the elites. Conversely, when the stakes are presumably not too high, majority voting, far from endangering the peace and unity of the system, becomes the rule for the normal transaction of EU business. From this analytical prism, Confederal Consociation can be seen as a by-product of a uniquely observed compromise between the traditional notions of representative government and a commitment for achieving the conditions of *stable democracy*.

This prompts us to assert that although democracy survives as the fundamental principle of political organisation at the national political arena, such a principle does not exist 'as such' in the political cosmos of the larger entity. Instead, what we

actually have there is a multiplicity of manifestations of democratic arrangements dictated by the overarching need to sustain positive-sum governing. By emphasising elite-driven as opposed to *demos-oriented* integration, Confederal Consociation suggests that the implications stemming from the dialectic co-existence of a plurality of forces pressing simultaneously toward a more centralised or decentralised, loose or coherent, technocratic or democratic EU, are far from ephemeral or easily done with.

Finally, the Confederal Consociation thesis, by transcending the major political dilemma evident, explicitly or less so, in all classical approaches to federal integration, namely that of stressing the representation of the *demos*, as opposed to that of state governments, is capable of providing a comprehensive explanation to the inherent ambivalence of EU democracy-building: that despite the fact that over the last few years a number of significant steps have been taken towards the democratisation of the common system, no substantial progress has been yet achieved in bringing the ordinary voter to the European polling-booths.<sup>73</sup> The explanation the model offers in that respect is that in a system where low-level consensus politics among the segment elites prevail over the application of liberal democratic practices, citizen identification with the non-territorial central institutions will be far from complete. In fact, political apathy may well be interpreted as a consequence and hence a reflection of popular wisdom: why should EU citizens bother to vote if their directly elected representatives at the larger level are but a decorative feature in a predominantly intransparent, arcane and hence undemocratic process of governance?

In addition to these realist interpretations, if we subscribe to Cohen's dictum that 'rational discourse about any particular type of democracy presupposes some understanding of the community in which democracy is realised',<sup>74</sup> then the process of inserting a stronger dose of democracy in the EU must be compatible with the very complexities and peculiarities inherent in its political structures. Structures, which at least so far, have effectively managed to combine various norms and identities in a mutually reinforcing (symbiotic) rather than competitive manner. Thus, equal consideration should be paid to the *operational dynamics* of EU democratisation, so

that any alteration of the system's 'constitutional' position will not disrupt the delicate balance of interests and power achieved so far between the region (EU) and the states.

In overall terms, the preservation of the symbiotic relationship between the interests of the 'inclusive' European community and those of the 'component' national communities, becomes a requisite condition for any move towards a more democratic process of integration. This may also lead to the development of new ways to redress the democratic pathology of the regional system, by allowing for the development of a *transnational demos ab intra*.<sup>75</sup> What, then, seems to be new about the politics of the relationship between democracy and integration in the EU of the 1990s is that *no terminal democratic state can be envisaged that is not essentially symbiotic, and not able to ease the tension between the representation of territorial governments and the incorporation of the nascent European demos in the politics of integration processes.*

#### **From 'Gesellschaft' to 'Gemeinschaft'?**

In historical terms, Confederal Consociation represents neither a movement back to a 'neo-Hobbesian' *Machtpolitik* situation of international politics, nor a qualitative leap toward the formation of a 'tight' and formally amalgamated federation. In the typical and well-consolidated federations of the century, the processes of formal constitutional engineering and amalgamative political behaviour have been largely determined by an overarching need to balance the weight of territorial and electoral representation. As a result, not only was it essential that the meaning of democracy should be clearly defined within the wider federal architecture, but also that it should be made operative through the workings of 'general' central institutions. For instance, what was produced at the Grand Convention of 1787, also known as the 'Miracle of Philadelphia', was a balanced resolution among the territorial, political and constitutional dimensions of federalism, with institution-building being a response to the intricate problem of how to achieve public accountability via elected representatives without jeopardising the overall federal cohesion of the new polity. Or even without encouraging those subscribing to the dictum 'Let the States govern

themselves'. It is not accidental, therefore, that in the American case a democratic culture could be developed *ab intra* and grass roots-politics be firmly established, leading to a self-conscious, active and politically responsible *demos*.

By contrast, the elasticity of EU institution-building, along with an overriding concern for securing the representation of what Scharpf calls the 'institutional self-interest of governments',<sup>76</sup> has itself set the the limits of democratisation in the larger polity. Despite its remarkable evolution from inception to the present day, the divide between territory *versus demos* has persisted, manifesting its continuing weight by the claims of non-territorial institutions like the EP for correcting serious democratic deficits.<sup>77</sup> According to Sbragia, the option available to the European polity 'is to implement the political dimension of federalism without its constitutional dimension'.<sup>78</sup> In particular, the author proposes for the evolution of EU governance a type of federal organisation which she calls 'segmented federalism' allowing for a number of functionally specific treaty-based federal arrangements without being founded on a formal, constitutionally based federation.<sup>79</sup> Confederal Consociation sharpens this point since it does not require the existence of a higher constitutive act among the sub-units to deal effectively with the pressing realities of the day.

For the time being, however, the EU exhibits more a dispersed *system of national democracies* rather than a comprehensive transnational *democratic system*. One reason for this is that the interests of the 'territorial state' co-exist with those of the central institutions in so far as they are product of inter-elite negotiations. Moreover, if one takes into account that the *locus decidendi* of the system continues to be resting on state agents, it is easy to see why it is the constituent governments that have a particular influence in the overall framework of power.<sup>80</sup> This, however, effectively frees the participants from what has been referred to as 'the albatross of federalism' in the sense that the current balance of trends minimises the possibilities for the establishment of a European 'federal government', as a type of government concerned with the political organisation of a single state.<sup>81</sup>

However, being a transitional arrangement, Confederal Consociation may give way, in time, to what might be called a *nascent Gemeinschaft* through the application of the provisions of the Treaty on European Union (TEU), not least due to the immediate future aspirations embedded in its content. Indeed, the greatest challenge posed to this presently dominant synthesis of confederal structures and consociational processes can be found in the elements of a transnational 'psycho-political community', to use Groom's terms.<sup>82</sup> But the extent to which the process inaugurated at Maastricht is alone capable of transcending the *Gesellschaft*-like qualities of EU governance, and hence bring a stronger *Gemeinschaft* element in its daily conduct, is yet to be seen. Maybe, the realisation of the idea of a 'Europe of Regions', as opposed to the notion of a 'Europe of States' based on the principle of 'government by elite cartel', will create strong tendencies at the popular level for demanding an immediate and substantive increase in the democratic properties of the central political system.

Yet, in the real world of territorial and non-territorial politics and interests, the achievement of an optimal model for balancing the 'public sentiment' with the underlying objectives of governments and administrations, is heavily conditioned by the presence or the lack of political will at the elite level. Indeed, the system's ponderous reliance on practices of interelite accommodation, and the premium it places on *in camera* bargaining procedures among national executives, minimise the possibilities for the emergence of a politically organised *Gemeinschaft* at the popular level. And if we are to accept Taylor's prognosis that 'any European socio-psychological community is more likely to emerge despite rather than because of the intentions of leaders',<sup>83</sup> then, the persistence of *structured elite predominance* in the Union's decisional context clearly highlights 'some of the roadblocks that are in the way'.<sup>84</sup> From a rational choice theory perspective, the predisposition is not to forge strong identitive links among the member *demos*, as a prerequisite for the political viability of any federal-like entity that aims to fulfil the democratic functions of government, but rather it is to satisfy the central strategic choices of the *elite cartel*.

Against this highly dynamic and self-encompassing milieu of interactions which gradually but nevertheless steadily set the scene for the next millennium, the integrative adventure in this part of the globe can be classified best as an *unfulfilled democracy*: a transnational democratic order in the making which, at this stage of its political evolution, becomes a reflection of its dominant consociational nature.<sup>85</sup> Instead of a conclusion, therefore, let us alternatively stress once more that any essential departure from this stage will most certainly require the evolution of the presently 'semisovereign' European *demos* into something more than merely the numerical aggregation of the separate national *demos* of the member states. It is our contention that this process of democratic self-transformation, as a uniquely observed crusade for large-scale democracy building, is the only possible means for taking the EC system beyond *executive elite dominance*, 'impel the creation of a participatory political culture and *expectations*',<sup>86</sup> and hence bridge the existing gap between the worlds of intrastate and interstate democracy.

In attempting now to capture the dynamics of EU democratisation by means of examining the relationship between the structure of its *demos* and the patterns of elite behaviour, we offer the following diagram:<sup>87</sup>

**Figure 2. Stages in the process of transnational demos-formation**

*Structure of Transnational Demos*

		Fragmented	Compound
<i>Patterns of Elite Behaviour</i>	Confrontational	<b>Exchange Gesellschaft</b> (Self-determination)	<b>Nascent Gemeinschaft</b> (Federalisation Process)
	Co-operative	<b>Managed Gesellschaft</b> (Concordance system)	<b>Complete Gemeinschaft</b> (Organic Polity)

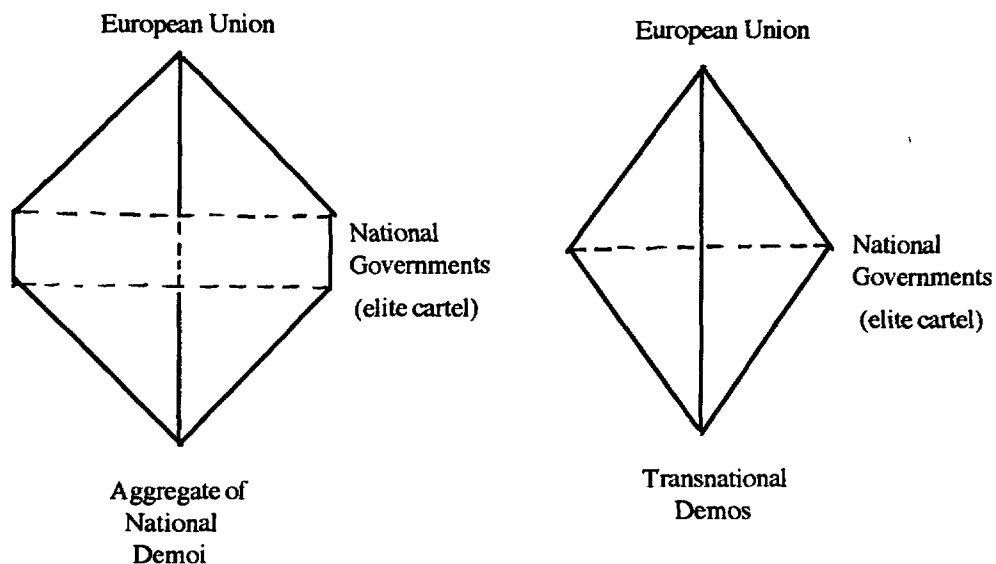


As the above diagram illustrates, each stage corresponds to a particular form of political organisation ranging from a system of self-determination to an organic polity. Further, the democratic viability of the EU, where the structure of its *demos* is compound rather than fragmented, depends vitally upon the degree to which its members can be actively engaged in the transnational process of government, whilst being capable of holding the Union's executive branches - via their elected representatives - publicly to account for their actions or lack of action. This currently missing political property, we term as *transnational civic competence*, and define it as the institutional capacity of the composite *demos* to influence in substantive terms the process of EU governance.<sup>88</sup>

It needs to be said, however, that the envisaged transformation of the larger polity from 'managed *Gesellschaft*' to nascent *Gemeinschaft* is neither certain nor automatic. For instance, much will depend on the outcome of the 1996 IGC and, in particular, on which 'integrationist front' will prevail over the other during the transnational negotiating process. These two discernible and relatively coherent groups are currently represented, on the one hand, by Britain and Denmark, forming a rather sceptical coalition, and on the other, by the majority of the remaining countries that are more or less driven by the same federalist aspirations. Yet, as the history of the regional experience suggests so far, no zero-sum outcome can be expected. However speculative one may wish to be, only time will tell how creative the response of the upcoming review conference will be to the Union's acute transparency/legitimacy problems.

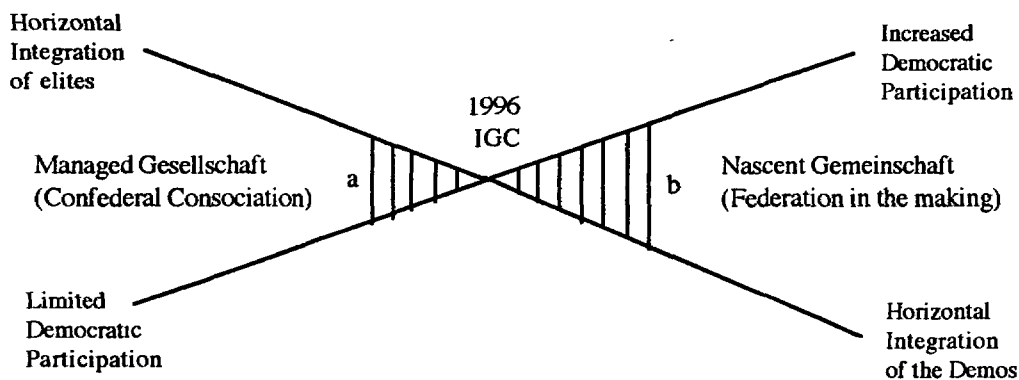
Alternatively, and in a rather more picturesque way, the same basic assumptions underlying the above stages in the process of transnational *demos*-formation as expressed by diagram 2 can be found in the exercise of collapsing the 'hexagon' into a 'diamond'. It is expected that such a move will create direct links of communication between the EU and its nascent *demos* as a requisite condition for any successful attempt toward a more democratic process of integration. The following diagram helps to illustrate this point:<sup>89</sup>

**Figure 3. Collapring the hexagon into a diamont**



Returning to the politics of the 1996 IGC, the following diagram aims to capture the range of possibilities open to the interested parties for transcending the elite dominated character of the system:<sup>90</sup>

**Figure 3. Institutional dynamics and the prospects for EU democratisation**

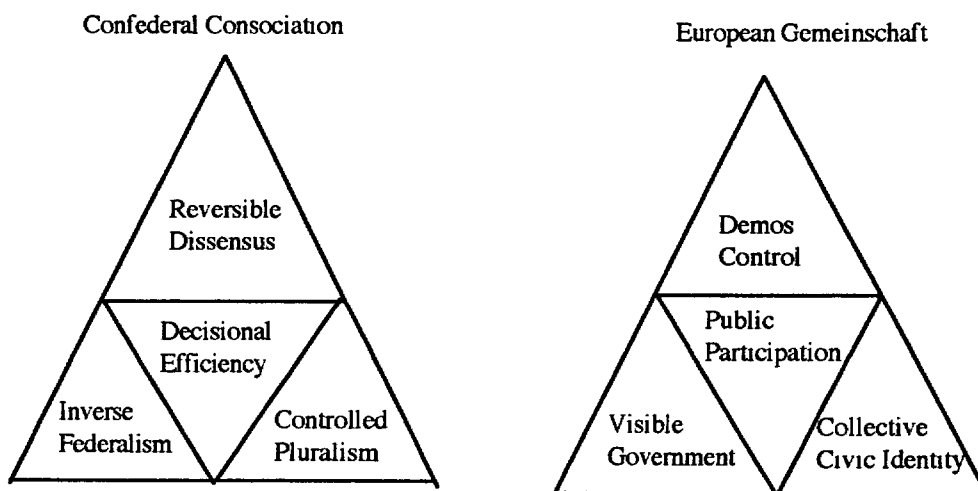


Note: a=democracy in input and b= democracy in output.

As the above diagram illustrates, the move from the upper left to the lower right side of the diagram points to the strengthening of the horizontal links among the member publics, as a prerequisite for the embodiment of a stronger *Gemeinschaft* element at the popular level. As for the second process, it stresses the quality of democratic participation in the integration process. Taken both together, these tendencies can be seen as forming part of the wider qualitative leap - in both structural and socio-psychological terms - from *Gesellschaft* to *Gemeinschaft*.

Finally, the main differences between the basic political properties of Confederal Consociation or 'managed *Gesellschaft*' and a politically organised *Gemeinschaft* based on solid democratic arrangements, as two alternative modes of transnational political organisation, can be represented as two different pyramids, each composed of four distinct but highly interrelated parts equally important to the political viability of the whole construction.<sup>91</sup>

**Figure 3. The Confederal Consociation and European *Gemeinschaft* pyramids**



Keeping these various reflections in mind on the relationship between Confederal Consociation and democracy in the EU of the 1990s, the following table summarises the main theoretical points made so far, and helps to clarify the differences between the various models discussed:<sup>92</sup>

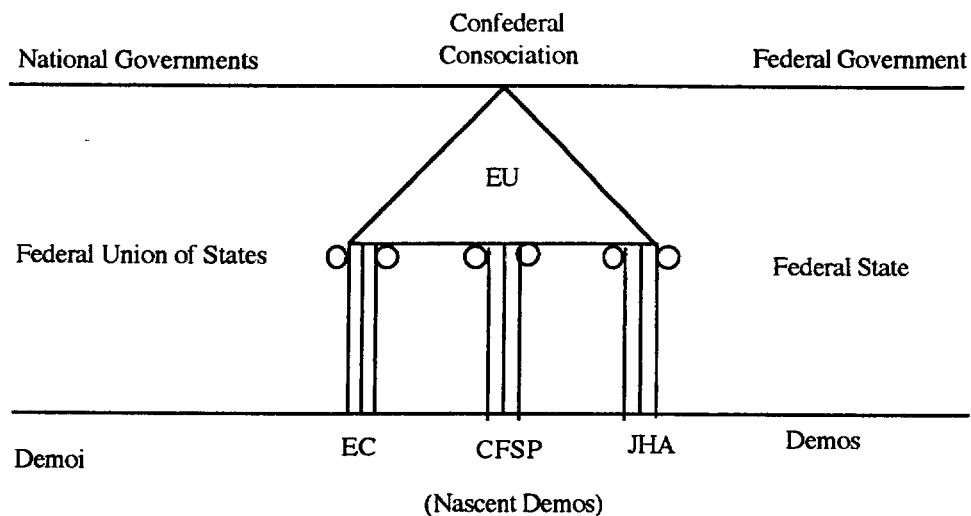
**Table. Alternative Models of Governance**

<b>Models of Governance</b>	<b><u>Federation or Federal State</u></b>	<b><u>Confederation or Federal Union</u></b>	<b><u>Confederal Consociation</u></b>
<b><u>Conditions</u></b>			
<b><u>Central Actors</u></b>	Demos	States - National Governments	National Elites
<b><u>Central Arrangement</u></b>	Constitution	Pact - Contract - International Treaty	International Treaty
<b><u>Regime</u></b>	Constitutional Democracy	Democracies	Consensual Democracy
<b><u>Political Authority</u></b>	Central Institutions	National Governmants	Elite Cartel
<b><u>Interaction</u></b>	Interregional Communication (Horizontal and Vertical)	Interstate Co-operation (Mainly Horizontal)	Interelite Communication (Horizontal)
<b><u>Decision Making</u></b>	Majoritarianism/ Selective Unanimity	Unanimity/ Selective Majoritarianism	Reversible Dissensus
<b><u>Policy Style</u></b>	Common Policies	Co-operation/ Co-ordination	Harmonisation/ Mutual Recognition (Common Frameworks)
<b><u>Conflict Outcomes</u></b>	Dynamic 'Equilibrium Pluralism'	'Conflict Pluralism' (Natural Liberum Veto)	Controlled Pluralism (Accommodative Mutual Veto)
<b><u>Representation/ System Support</u></b>  (Legitimacy)	Dual (Demos - Regional Governments)	National Governments	National Elites (Grand Coalition)
<b><u>Belief Systems</u></b>	Predominantly Compatible	Implicitly Compatible	Coexisting and/or Accommodative
<b><u>Society</u></b>	Amalgamated Security Community/ Gemeinschaft	'Exchange Gesellschaft'	'Managed Gesellschaft'
<b><u>Political Parties/ Interest Group Organisation</u></b>	Federations	Confederal	Associations

### Still a 'half-way-house'?: a conclusion

For the contemporary student of politics the EU remains largely unclassified a system of governance. Consisting of quasi-federal and intergovernmental institutions, whilst providing an 'extra-national' channel of communication between various state and non-state actors, its 'part-formed' political infrastructure is far from comprehensive. In fact, such is the ambiguity surrounding any attempt to conceptualise the current stage of EU development, that the traditional types of 'political union' offered by historical experience seem to be of little practical assistance in capturing the totality of the relationship between the Union and the constituent units. And yet, to argue that the EU is merely a *sui generis* international organisation which should be examined exclusively in terms of *ad hoc* theoretical interpretations runs the danger of leaving it *in limbo* between the worlds of 'federal state' and 'federal union of states'. In light of this interminable search for a clear model, we have tried to establish that *Confederal Consociation* represents a promising analogy in filling this gap. Schematically, the transcendence of the 'half-way-house' approach to the EU can be represented as follows:<sup>93</sup>

**Figure 4. Beyond the 'half-way-house' approach**



Although no straightforward answer exists as to whether the bonds of unity in the EU will prove to be strong enough to revitalise the forces of integration in order to overcome the obstacles that are in the way to a European *Gemeinschaft*, should they succeed, the whole movement could mark a step forward in the making of a transnational *democracies*. To that end, it is essential that a 'communitarian' approach to integration prevails over any consociationalist inspired tendencies to sustain the elite dominated character of the system and its negative input to the prospects of a fully-blown EU *democracies*. As for now, all we can say is that the greatest challenge facing the EU is neither the preservation of an informal culture of unanimity for managing the transnational *Gesellschaft*, a process facilitated by what Taylor terms 'the equalisation of the hierarchy of actors',<sup>94</sup> nor even the safeguarding of a neofunctionalist 'procedural consensus' through which rival groups agree to pursue their interests,<sup>95</sup> but the building of a collective civic identity among the member publics.

Inevitably, however, some may venture to claim that this path to a European *Gemeinschaft* will certainly challenge the 'hard-core' of the member nation-states. Further, they may argue that the major political effects of self-conscious community-strengthening, possibly accompanied by acts of constitutional engineering, might be seen in the light of the existing equilibrium of territorial and non-territorial forces as an apology for confrontational behaviour. Practically, this 'unnecessary' development may take the form of various disjointed responses on the part of the sub-units, either knowingly or less so, as to which particular set of institutional reforms might produce an optimal model for EU-level democracy. It is exactly in relation to the possible outbreak of an uncontrolled by the forces of political unity, and detrimental to the interests of overall systemic stability, intersegmental jostling over the selection of the 'appropriate' channels of EU democratisation, that 'the shadows of a troubled future are visible'. Yet, one has to consider whether these reservations amount to a rather deceptive dilemma between the essential requirements of democratic government and the conditions responsible for the political viability of the transnational unit.

## Notes

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<sup>1</sup> Forsyth, M (1981): *Unions of States: The Theory and Practice of Confederation*, Leicester University Press, pp. 10-16.

<sup>2</sup> Cohen, C (1971): *Democracy*, The Georgia University Press, p. xv.

<sup>3</sup> For details see Dahl, A, R (1982): *Dilemmas of Pluralist Democracy: Autonomy vs. Control*, Yale University Press, pp. 7-16.

<sup>4</sup> On the general question of holding 'executive-centred elites' to account see Mezey, L. M (1979): *Comparative Legislatures*, Duke University Press, pp. 54-56.

<sup>5</sup> Held, D (1993): *Democracy and the new International Order*, Institute for Public Policy Research, p. 24.

<sup>6</sup> Ibid, p. 25.

<sup>7</sup> On this distinction see Crozier, J. M, Huntington S. P and Watanuki, J (1975): *The Crisis of Democracy: Report on the Governability of Democracies to the Trilateral Commission*, New York University Press, pp. 4-9.

<sup>8</sup> Chrysochoou, N. D (1994a): 'La Democrazia Transnazionale nella Teoria e nella Pratic: Il Caso del'Unione Europea', *Pace, Diritti Dell'Uomo, Diritti Dei Popoli*, Anno VI, No. 3, 1992, p.p. 101-102.

<sup>9</sup> Bealey, F (1988): *Democracy in the Contemporary State*, Clarendon Press, p. 5.

<sup>10</sup> Arblaster, A (1987): *Democracy*, Open University Press, p. 95.

<sup>11</sup> Green, P (1985): *Retrieving Democracy: In Search of Civic Equality*, Methuen, p. 3.

<sup>12</sup> Chrysochoou, N. D (1994b): 'Confederal Consociation and the Limits of Democratisation in the European Union', *Insight*, Newsletter of the CEUS, Issue 5, October, p. 6.

<sup>13</sup> Moravcsik, A (1993): 'Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach', *Journal of Common Market Studies*, December, p. 507.

<sup>14</sup> On this point see Matlary, H. J (1993): "Beyond Intergovernmentalism: The Quest for a Comprehensive Framework for the Study of Integration", *Cooperation and Conflict*, pp. 181-208.

<sup>15</sup> Chrysochoou, N. D (1994c): 'Democracy and Symbiosis in the European Union: Towards a Confederal Consociation?', *West European Politics*, October, pp. 1-14.

<sup>16</sup> Taylor, P (1990): 'Consociationalism and federalism as approaches to international integration', in A. J. R. Groom and Paul Taylor eds., *Frameworks for International Co-operation*, Pinter, pp. 172-84. See also Lijphart, A (1968): *The Politics of Accomodation. Pluralism and Democracy in the Netherlands*, University of California Press.

<sup>17</sup> Dahrendorf, R (1967): *Society and Democracy in Germany*, Weidenfeld, p. 267.

- 18 Taylor (1990), p. 174. Cf. Tsinisizelis, J. M and Chrysochoou, N. D (1995a): *Reflections on the State of Democracy in the EU: The Concept of Confederal Consociation*, Discussion Papers in Federal Studies, Leicester University, forthcoming.
- 19 Elazar, J. D (1994): 'Introduction', in Elazar et al, *Federal Systems of the World: A Handbook of Federal, Confederal and Autonomy Arrangements*, Longman, p. xvi.
- 20 Taylor (1990), p. 176.
- 21 Graziano, L (1980): 'The Historic Compromise and Consociational Democracy: Toward a "New Democracy"', *International Political Science Review*, Vol. 1, No. 3, p. 351.
- 22 Lijphart, A (1971): 'Cultural Diversity and Theories of Political Integration', *Canadian Journal of Political Science*, March, p. 11.
- 23 For definition of the term see Duchacek, D. I (1970): *Comparative Federalism: The Territorial Dimension of Politics*, Holt, Rinehart and Winston, p. 20.
- 24 Taylor (1993): *International Organization in the Modern World: The Regional and the Global Process*, Pinter, p. 82.
- 25 Taylor, P (1975): 'The Politics of the European Communities: The Confederal Phase', *World Politics*, p. 346.
- 26 Chrysochoou (1994c), p. 4.
- 27 Groom, R. J. A (1993): 'The European Community: building up, building down, and building across', Conference Proceedings, *People's Rights and European Structures*, Centre Unesco de Catalunya, p. 47.
- 28 Dahl, A. R (1956): *A Preface to Democratic Theory*, The University of Chicago Press, p. 38.
- 29 The term 'Kooperativer Staaten' has been initially employed to describe the basic properties of the German federal system. On its application to the EU see Tsinisizelis, J. M and Chrysochoou, N. D (1995b): 'Form "Gesellschaft" to "Gemeinschaft"? Confederal Consociation and Democracy in the European Union', *Current Politics and Economics in Europe*, forthcoming.
- 30 Sbragia, M. A. (1992): 'Introduction', in Sbragia, M. A (ed): *Euro-Politics: Institutions and Policymaking in the 'New' European Community*, The Brookings Institute, p. 13.
- 31 Ibid.
- 32 Ibid.
- 33 Chrysochoou, N. D (1995): 'Consociationalism and Democracy in the European Union: The Case of a Semisovereign Demos' (in Greek), in Tsinisizelis, J. M (ed): *Federalism and Democracy in the European Union*, Themelio Pbl, forthcoming.
- 34 Sbragia, M. A (1992): 'Thinking About the European Future: The Uses of Comparison', in *ibid*, p. 278 and p. 279.
- 35 Ibid p. 285. Cf. Scharpf, W. F (1988): 'The Joint-Decision Trap: Lessons from German Federalism and European Integration', *Public Administration*, Autumn, pp. 242-243.
- 36 Chrysochoou (1995).



- <sup>37</sup> Sturm, R and Jeffery, C (1993): 'German Unity, European Integration and the Future of the Federal System: Revival or Permanent Loss of Substance?', Sturm, R and Jeffery, C (eds): *Federalism, Unification and European Integration*, Frank Cass, p. 165. In addition to these problems of public accountability, the authors identify problems of governmental inefficiency. See pp. 166-167.
- <sup>38</sup> Scharpf, W. F (1994): *Community Policy and Autonomy: Multilevel Policy-Making in the European Union*, EUI Working Papers RSC, No. 94/1, Badia Fiesolana, p. 3. As the author comments, these formal similarities between the EU and the German federal system should not obscure the significance of substantive differences; a particularly crucial one being that the German federal government can draw its parliamentary and electoral legitimation to exert political pressure on the states, and in negotiations it can bring to bear the weight of its larger budget, whereas the Commission is completely dependent on the member state governments in both political and fiscal terms. See p. 4.
- <sup>39</sup> Wessels, W (1994): 'Rationalizing Maastricht: the search for an optimal strategy of the new Europe', *International Affairs*, July, p. 456.
- <sup>40</sup> Kirchner, J. E (1991): *Decision Making in the European Community: The Council Presidency and European Integration*, Manchester University Press, p. 14.
- <sup>41</sup> This argument draws largely from Sbragia (1992), pp. 287-289. She elaborates: 'The German system, in a sense, incorporates direct democracy - of governments rather than individuals. In a strict sense, then, the state governments are not "represented" but are participants and decisionmakers in national policymaking'. See p. 287.
- <sup>42</sup> Sbragia (1992), p. 288.
- <sup>43</sup> *Ibid*, p. 289.
- <sup>44</sup> Tsinisizelis and Chrysochoou (1995b).
- <sup>45</sup> Peters, B. G (1992): 'Bureaucratic Politics and the Institutions of the European Community', in *ibid*, p. 121.
- <sup>46</sup> Chrysochoou (1994c), p. 12.
- <sup>47</sup> For definitions of the terms see Forsyth (1981), pp. 2-10.
- <sup>48</sup> For definitions of congruent and incongruent federations see Lijphart, A (1984): *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries*, Yale University Press, pp. 179-183.
- <sup>49</sup> Graziano, L (1980): 'The Historical Compromise and Consociational Democracy: Toward a "New Democracy"', *International Political Science Review*, p. 349.
- <sup>50</sup> Groom (1993), p. 46.
- <sup>51</sup> Taylor (1993), p. 182.
- <sup>52</sup> Tsinisizelis, J. M and Chrysochoou, N. D (1995c): 'Between "Federal State" and "Federal Union of States": The European Union as a Confederal Consociation', Bordeaux ECPR Joint Sessions of Workshops.
- <sup>53</sup> I owe this point to Dr Michael Burgess (University of Hull).

- <sup>54</sup> Lodge, J (1978): 'Loyalty and the EEC: The Limits of the Functionalist Approach', *Political Studies*, June, p. 234
- <sup>55</sup> Boulle, J. L (1984): *Constitutional Reform and the Apartheid State: Legitimacy, Consociationalism and Control in South Africa*, St Martin's Press, p. 33.
- <sup>56</sup> Ibid, p. 31.
- <sup>57</sup> Chrysochoou (1995).
- <sup>58</sup> Boulle (1984), p. 61.
- <sup>59</sup> Ibid, p. 47.
- <sup>60</sup> Taylor, (1993), pp. 176-177.
- <sup>61</sup> Moravcsik (1993), p. 518.
- <sup>62</sup> Vasovic, V (1992): 'Polyarchical or Consociational Democracies?', in Vanhanen, T (ed), *Strategies of Democratisation*, Crane Russak, p. 91.
- <sup>63</sup> Shaw defines the term as 'the practice within the Council of delegating implementing powers by primary legislation to the Commission, to be exercised in conjunction with committees of national civil servants which wield varying degrees of influence over the executive process'. See Shaw, J (1993): *European Community Law*, Macmillan, p. 85.
- <sup>64</sup> Lijphart, A (1969): 'Consociational Democracy', *World Politics*, Vol. 21, No. 2, p. 222.
- <sup>65</sup> Ibid.
- <sup>66</sup> Bachrach, P (1967): *The Theory of Democratic Elitism: A Critique*, The University of London Press. For a more recent account on the role of political elites in Western democracies see Etzioni-H E (1993): *The Elite Connection*, Polity Press.
- <sup>67</sup> Chrysochoou, N. D (1995): 'Between Decisional Efficiency and Responsible Government: The EC in Search of a Balancing Act', *Conference Proceedings on Federalism Subsidiarity and Democracy in the European Union*, ECSA-World, forthcoming.
- <sup>68</sup> Taylor, P (1978): 'Confederalism: The Case of the European Communities', in Taylor, P and Groom R. J. A (eds): *International Organization: A Conceptual Approach*, Pinter, p. 317.
- <sup>69</sup> Chrysochoou, N. D (1994d): *The Consociational Dimension of European Integration: Limits and Possibilities of Transnational Democracy*, Occasional Research Series, No. 6, Institute for International Relations, Panteion University, p. 21.
- <sup>70</sup> Taylor, (1993), p. 88.
- <sup>71</sup> For more on this point see Riker, R. W (1962): *The Theory of Political Coalitions*, Yale University Press.
- <sup>72</sup> Ibid.
- <sup>73</sup> Indeed, turnout in the European electoral process has been constantly decreasing from 61.4% in 1979 to 56.5% in 1994. For a brief account of the 1994 European elections see Stavridis, S and Chrysochoou, N. D (1995): 'Some Comments on the Wider Implications of the 1994 Elections to the European Parliament', Discussion Paper, Department of Law, University of Casablanca.
- <sup>74</sup> Cohen (1971), p. 41.

- <sup>75</sup> Tsinisizelis, J. M and Chrysochoou, N. D (1995d): *European Union and Democracy: Structural Conditions and Political Process* (in Greek), J. Sideris, p. 62.
- <sup>76</sup> Scharpf, (1988), p. 254.
- <sup>77</sup> For a comprehensive account of the politics of non-territorial institutions in the EU see Sbragia, M. A (1993): 'The European Community: A Balancing Act', *Publius*, Summer, pp. 23-38, esp. pp. 32-36.
- <sup>78</sup> Sbragia (1992), p. 263.
- <sup>79</sup> *Ibid*, p. 262.
- <sup>80</sup> Groom (1993), p. 47.
- <sup>81</sup> Taylor (1993), p. 108.
- <sup>82</sup> Groom (1993), p. 47.
- <sup>83</sup> Taylor (1990), p. 182.
- <sup>84</sup> *Ibid*, p. 182.
- <sup>85</sup> Chrysochoou, N. D (1994): 'Unfulfilled Democracy: Some Normative Criticisms on the European Community's Governing Process', ECPR Madrid Joint Sessions of Workshops.
- <sup>86</sup> Lodge, J (1994): 'Transparency and Democratic Legitimacy', *Journal of Common Market Studies*, September, p. 347.
- <sup>87</sup> Tsinisizelis and Chrysochoou (1995a).
- <sup>88</sup> Tsinisizelis and Chrysochoou (1995c).
- <sup>89</sup> Chrysochoou (1995).
- <sup>90</sup> Tsinisizelis and Chrysochoou (1995c), p. 95.
- <sup>91</sup> Chrysochoou (1995). The idea for this diagram largely draws upon Beetham's Democratic Pyramid. See Beetham, D (1994): 'Key Principles and Indices for a Democratic Audit', in Beetham (ed), *Defining and Measuring Democracy*, Sage, p. 30.
- <sup>92</sup> Tsinisizelis and Chrysochoou (1995b).
- <sup>93</sup> Chrysochoou (1995).
- <sup>94</sup> Taylor, P (1983): *The Limits of European Integration*, Coloumbia University Press, p. 109.
- <sup>95</sup> *Ibid*, p. 7.