

## ***Theorising democracy in the European Union: the choice between Madison and Althusius***

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### **Conceptual separation of federalism, democracy and sovereignty**

Democracy is not an inherent feature of federalism; neither does federalism demand popular sovereignty. Once we separate these concepts we discover how federalism can be constructed to a number of types, including supranational federation.

#### *Sovereignty*

Sovereignty refers to the right of political leadership and its identification with the polity. Different theories of sovereignty assign this right to different sections or individuals within the polity – for example, in the monarch or the people. It is generally held that sovereignty is indivisible, though there is some dispute on this matter. The allocation of sovereignty in a polity signifies the locus of its legitimacy and rule-making authority.

#### *Democracy*

Democracy is a concept that assigns political sovereignty in the *res publica*. This is a normative argument that proposes citizen control over political leaders. The extent of that control may vary, as may its institutional form.

#### *Federation*

Federation is a form of governance; it establishes and manages multiple relationships between citizens and their leaders, who act with different levels of authority. A federation is the concrete expression of a written commitment made by a group of sovereign states that come together to transfer a degree of sovereignty to a common body. That common body now represents, internally and externally, the totality of those states. This common body is charged with the implementation and enforcement of the written commitment. The degree of sovereignty transfer is such that the federation establishes a political relationship with the citizens of the states, which sits alongside the citizen's political relationship with their state.

### **Madisonian federations – the contemporary type**

The combination of federation, sovereignty & democracy in the Madisonian tradition gives us a federation with popularly elected governments at the federal, state and local levels, with the polity's sovereignty represented wholly by the federal government. While nearly all modern federations have adopted this combination of governance, democracy and sovereignty, it is not the only model available. It is possible to accept a federal form of governance with substantially different forms of sovereignty and no *a priori* assumptions about the place and role of democracy. By taking this view, we are able to systematically categorise and analyse atypical federations such as the European Union.

### **Althusian federations – the premodern type**

An alternative model for the Union can be found in Althusian federalism. Based on Johan Althusius' 1614 work, *Politica Methodice Digesta*, it is a premodern model of federal government based on divisible sovereignty. Naturally, it does not consider democracy but instead places its sovereignty in its communities. Althusian sovereignty is cumulative, a quality that resides with the members of the polity who may, in a sovereign decision, expand and share that sovereignty with another community. Thus sovereignty is the joint property of the members of each community and its use and ownership belong to the members jointly.

### **A premodern model for a postmodern federation: the European Union as Althusian federation.**

#### *Sovereignty in the European Union*

In applying the Althusian concept of sovereignty to the Union, we interpret the member states' decision to invest sovereignty in the Union as itself a sovereign decision. The allocation of a measure of political authority to the new body is the exercise of cumulative sovereignty, and it is then the Union that represents the totality of the political community, not the member states.

#### *Democracy in the European Union*

In this idea of federation and cumulative sovereignty, with its multiple sources of legitimacy and multiple locations of authoritative decision-making, the possibilities for the exercise of democracy with the Union similarly multiplies. In such a federation, what counts as legitimate will depend on which rules are being made, by which process and by which level.

#### *The European Union as a supranational federation*

The Union has experienced an elite-driven federalising process that did not consider popular, democratic governance necessary to the project of European union. Democracy, and its practice in the Union, has only come under scrutiny in the last fifteen years, after the Union had evolved into a federation. Understanding the Union as an Althusian type of federation allows room for the Union to consider democratic processes appropriate to its function and capacity.