

Democracy, Federalism, and the European Union

The Pitfalls of Combining Explanation and Normative Theory

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Erik Oddvar Eriksen and John Erik Fossum, eds., *Democracy in the European Union* (New York: Routledge, 2000)

Dusan Sidjanski, *The Federal Future of Europe: From the European Community to the European Union* (Ann Arbor: Michigan University Press, 2000)

These two volumes by European scholars bravely attempt to combine normative discussions of European integration and democracy with social-scientific analysis. *Democracy in the European Union* argues that the development of “deliberative supranationalism” may lessen the EU’s much-maligned “democratic deficit” more than would a more formal parliamentarization of EU institutions. *The Federal Future of Europe* suggests that federalist ideas have inspired much of the development of the EU, and that stronger federalism promises a still better Europe. I am sympathetic to the normative positions and most basic analytic claims of both books. I also salute the goal of normative-analytic synthesis, though I share the typical American wariness of its potential pitfalls. Unfortunately, both books do more to showcase these pitfalls than anything else.

The contributors to *Democracy in the European Union*, edited by Erik Oddvar Eriksen and John Erik Fossum, offer Habermasian analyses of the EU, including a chapter on globalization by Habermas himself. They contrast their “deliberative” model of democracy—“democracy as governance based upon the public use of reason”—to more traditional liberal or republican models. Liberals

see democracy where individuals with protected rights vote by majority for representatives, who themselves arrive at collective decisions by majority. Republicans see democracy where all members of a polity participate directly in decision making and ultimately recognize “the will of all,” or common good. In deliberative democracy, legitimate decisions emerge through broad participation in arguments in the “public space” between society and government. The best arguments win, giving good enough reasons to convince dissidents to accept them as legitimate.

Besides arguing for the abstract normative superiority of this definition of democracy, these authors note that it is particularly appropriate to the EU context. National sovereignty contaminates the conventional models: “The adequacy of institutionalized forms is assessed foremost in terms of the degree of coherence with a particular state form and national community ... rather than coherence with fundamental principles of democratic governance” (7). The democratic legitimacy of deliberation, by contrast, can in principle be extended to anyone who participates in argument. This “disconnects collective will formation in modern politics from the notion of a pre-existing system of common values and affiliations” (18). The fact that no real “European identity” undergirds the EU institutions means this model may be not just the best but the only route to supranational democracy. Thus common calls to reduce the “democratic deficit” by making the EU more like a democratic state (notably by strengthening the European Parliament) misdiagnose the problem. They overlook the obstacles to a real European *demos*, as well as the potential legitimacy of “deliberative supranationalism” that may already exist in EU procedures.

Most of the twelve chapters, regrettably, do little more than reiterate this basic perspective. The first four chapters and the conclusion largely repeat each other. A sixth, by Andreas Føllesdal, does the same in conjunction with reflections on “subsidiarity.” Another, by Roberto Gargarella, offers an anachronistic, acontextual comparison of EU institutions to eighteenth century Anglo-American conservative and radical thought. Four chapters add some empirics, looking for potentially legitimate deliberation in the 1996 Intergovernmental Conference (by John Erik Fossum), in links between national parliaments in the EU (by Lars Blichner), in the “comitology” of EU com-

mittees (by Christian Joerges and Michelle Everson), and in the discussions of indigenous rights for Saami people (by Else Grete Broderstad). A skeptical chapter by Philip Schlesinger and Deirdre Kevin, finally, offers a note of real “deliberation” in this volume itself. They suggest that in imagining an open, deliberative public sphere as the basis of EU democracy, the Habermasians overemphasize a decontextualized rationality, underestimate the power of bounded cultural identities, and pay little attention to current trends in Europe. Schlesinger and Kevin see little “European public space” so far. Pan-European discussions are limited to elites, and tend to be dominated by “top-down” flows of information rather than any real dialogue.

At a basic level, these chapters seem to sketch the basis for a promising new understanding of the limits and potential for democracy in the EU. Beyond its fundamental concepts, however, the book quickly runs into problems. There is basic confusion over how much the deliberative view actually differs from conventional analyses of the democratic deficit. Does EU democracy require a state-like, identity-based *demos* and majoritarian institutions or not? Habermas himself hugely undercuts the supposed novelty of the volume:

[N]ot until independent collective actors have been transformed into members of a political community equipped with a democratic legislature would it be possible for equal social and environmental standards to be implemented....*Citizens' solidarity*, hitherto limited to the nation-state, must be expanded to the citizens of the Union in such a way that, for example, Swedes and Portuguese, Germans and Greeks are willing to stand up for one another, as it is the case now with citizens from former West and East Germany. Only then would it be possible to expect them to accept the same minimum wages, let alone the same opportunities for their different collective forms of life and for their individual life-projects. (34, original emphasis)

This flatly contradicts repeated assertions that “The discourse-theoretical concept of deliberative democracy sits very well with supranationalism as it decouples citizenship and nationhood and conceives the constitution as a system for *accommodating difference*” (51, original emphasis).

The book only provides extremely thin empirical evidence of any sort of “reasoned argument” in the EU. Again, only five of twelve chapters have any real empirical content. Of these, perhaps the most empirical is the critical Schlesinger/Kevin piece. The remaining four

assert rather than demonstrate their claim that deliberation matters. Joerges and Everson explain that this is because the importance of deliberation “is not directly demonstrable” (183). They are apparently unaware that scholars like Jeffrey Lewis have done so quite convincingly in the exact same context of EU committees.¹ More troubling still, even if deliberation is going on as described (which I believe), the book offers absolutely no evidence that any real actor perceives such deliberation as providing democratic legitimacy. It is peculiar that these scholars, who emphasize discourse, pay such little attention to real actors’ discourse on the democratic deficit. If they did, they would be forced to recognize that the liberal-parliamentary analysis of the EU is not just a construct of misguided, nationally-bound theorists. It is institutionalized in today’s misguided, nationally-bound world. Most real people do not read Habermas and tend to think that making the EU more democratic necessarily means making it more like a national democratic state. Thin evidence of reasoned arguments in some EU committees is not going to convince them otherwise.

This latter point is a by-product of the deepest and most pervasive problem of the volume: its confusion between normative and analytic claims. These authors largely ignore how real actors view the democratic deficit because they are trying to advance a new normative view of the problem. This leads to the analytic error of exaggerating, in my view, the viability of deliberative legitimacy as a solution to the EU’s perceived problems. Another similar confusion arises in the introduction and conclusion by Eriksen and Fossum, and skews the rest of the book. They assert that deliberation should be seen “both as a normative requirement, and as an empirical fact” of EU decision making (18). This may be unobjectionable as an analytic point of departure, suggesting simply that cooperation depends on some sort of minimal shared discourse, as John Searle might argue.² But stronger claims elsewhere magnify this observation into their main causal argument (“the thesis of *integration through deliberation*,” 257):

The particular nature of supranationality in the EU (dynamic, non-hierarchical, and open to different kinds of cooperation and policy solutions) points us in the direction of the discourse-theoretical perspective of deliberative democracy because those involved are compelled to sort out their disagreements and commonalities with reference to arguments. In order to reach an agreement and decisions

that are binding, they cannot simply rely on power or resort to procedures that terminate in voting or bargaining (4).

Thus conventional explanations of integration, like intergovernmentalism or neofunctionalism, are inadequate because “Neither of these takes the question of democracy as an explanatory variable into consideration” (xii). Leaving aside the confusing language (how can “democracy” be an explanatory variable?), deliberation apparently causes integration to some degree. This assumption in turn underlies the main normative thrust of the book. If integration cannot take place without deliberation, the EU showcases a fair amount of deliberation, and since deliberation defines democracy, the EU must already be fairly democratic. This jumbled normative-analytic train of thought goes furthest in the Joerges/Everson chapter, which finds democracy in the secret arguments of obscure EU food-safety committees:

[T]o the extent that new European institutions of governance may be argued to be founded upon a legally structured and deliberative balancing of national and supranational claims to protect and promote social and ethnic interests against the demands of rational economic integration, they may likewise be claimed to represent ‘good governance’ in the making... (165)

This train of thought takes several unwarranted turns. First, the fact that cooperation presumes minimal shared discourse does not necessarily mean deliberation decides outcomes. There is a considerable distance between people who share enough discourse to bargain comprehensibly, and people who share truly constraining standards of what constitutes an acceptable argument. I suspect much EU interaction is closer to the former pole. Second, even if power and bargaining were not deciding much of EU policies, outcomes might reflect the normative power of law rather than persuasive, reasoned deliberation. Accepting something as legitimate due to law is not the same thing as according it deliberative legitimacy (one may accept many laws, and occasionally even results of presidential elections, despite seeing them as unreasonable). Third, even if EU comitology were purely deliberative—with Luxembourger and German arguments given equal attention—it would not represent democratic “good governance” in Habermasian terms. No matter what goes on in EU committees, most EU citizens do not even understand basic EU procedures, let alone know that these particular committees

exist or what they are discussing in any given month. EU comitology—avoided even by most EU specialists as an incomprehensible morass—is the antithesis of a European public space. Strangely, the other specific areas considered in this book (IGCs, interparliamentary committees) are also some of the least transparent, least well-known parts of EU institutions. In delving into the EU institutions in search of reasoned arguments and “deliberative supranationalism,” these authors often leave behind the broad participation that is fundamental to any model of democracy (including their own).

In sum, *Democracy in the European Union* hints at an innovative analysis, but does not deliver. I am sure its authors are right that deliberation matters in the EU at all levels. I am also sure that most readers will sympathize with Habermas’s basic normative claim that you cannot have meaningful democracy without deliberation. Yet this book only convinces me of a point the authors are trying not to make: that you *can* have deliberation without democracy, and that this may describe much of the EU today.

Dusan Sidjanski has been an expert on the European Communities almost since their inception. He is also a committed Euro-federalist. His *Federal Future of Europe* was published in French in 1992, offering essays on postwar federalist thought and the dynamics of integration since the 1950s. Three new chapters on EU developments since the early 1990s have more than doubled its length. They have not, I fear, salvaged a book that often takes its normative view of federalism as self-evident, makes no clear analytic argument, and tosses together a great deal of ill-organized information about the EU.

Drawing primarily on the thinking of twentieth-century federalist Denis de Rougemont (but also on earlier thinkers like Proudhon), Sidjanski presents federalism as “Based on the recognition of the dignity of man, his right to freedom, and his responsibilities and on a spirit of tolerance”:

[F]ederating means uniting different elements in a dynamic equilibrium. It means safeguarding the individuality of each nation, region, and minority; opposing the totalitarian simplification and uniformity imposed by a centralizing nation-state; and living in space of freedom, democracy, and participation with different cultures, beliefs, political parties, businesses, and interest groups coexisting with a complex and varied social fabric (2).

The more specific appeal of European federalism points to the continent's unfortunate history of nationalism. Undoubtedly thinking of his native Yugoslavia, Sidjanski begins his book:

Federalism is our future....federalism today appears to be the only form of social and political organization capable of keeping national and regional identities safe in the context of growing interdependence and globalization....Once more Europeans are faced with a choice between a united Europe and balkanization (1).

This normative call obviously shades into a strong analytic claim about underlying trends to conflict. Though this is never quite explicit, the book hints at a Europe constantly pushed to the brink of disaster by nationalism and global forces. The main (though also usually implicit) analytic claim is that to save Europeans from these trends, the assertion of federalist ideas has gradually built the EU. His first chapter locates "The Roots of the European Union" in federalist writings of the late 1940s. He allows that the somewhat different "functionalist" ideas of Jean Monnet have also been influential, but notes correctly that both ideologies ultimately "aimed at creating a European federation" (xv). He also appears to attribute some importance to neofunctionalist-style mechanisms of "spillover," titling his sixth chapter, "The Decision-Making Process and the Spillover Effect." Overall, he seems to explain the EU as the product of courageous, partly federally-minded leadership, with some support from a broadly favorable public and social actors.

There is a good case to be made for both Sidjanski's normative federalism and his implicit analysis that federal-style thinking has mattered in European integration. His federalism is a deeply pragmatic philosophy, seeking to balance individual rights and cultural identities with flexible efforts at collective action across multiple levels of government. Phrased in this way, federalism is difficult to oppose. Analytically, it is reasonable to suspect that courageous, partly federally-minded leadership has indeed been a major factor in the construction of the EU. Most scholars have dismissed this notion, instead tracing integration to the mobilization of objective social interests. At least from a superficial glance, however, EU history seems punctuated by the triumphant political initiatives of self-proclaimed "Europeanists" like Robert Schuman, Konrad Adenauer, François Mitterrand, and Helmut Kohl, who pushed new delegations

of power to central European institutions despite somewhat divided (or uncaring) electorates. To some degree, the EU is the product of a conscious federal ideology.³

But Sidjanski does not make either case well. The normative argument does not get developed much beyond the citations given above. His justifications remain at the vague level of balancing rights and collective power and avoiding nationalist catastrophe. We never learn what exactly a European federation needs to do. A closing section called “Toward a New European Federal Model” discusses a random assortment of proposals, endorsing pieces of some of them. Some of the endorsements are confusing: after a few typical federalist notions (like making the EU Council of Ministers into a senate), he notes implausibly that his model “would ensure the participation of the representatives of the various states—whose autonomy is in no way called into question” (413). Sidjanski seems largely unaware that all the important questions in a federal model lie in the details: what exactly needs to be done to “safeguard the individuality” of nations? How much uniformity, of what type, is too much? He constantly praises the concept of subsidiarity—locating each task of governance at the lowest effective level—but fails to note that this principle itself does not define anything: “To each level there should correspond the functions and powers that it is the most suited to exercise. This is the way recommended by federalism” (188). It is extraordinary that the founder of the Department of Political Science at the University of Geneva can be so unconscious of politics. The politics of European integration *begin* with the raw notions of multilevel government and subsidiarity. Sidjanski writes as if these were self-evident concepts that resolve Europe’s problems.

That said, the normative assertions are the stronger part of this book. In analytic terms, it fails to attain minimal scholarly standards. There is a pervasive lack of organization that cannot be written off to the stylistics of French essayists. The reader rarely knows why Sidjanski has included a particular section, or a particular point or fact within any given section. The third chapter, “The Dynamics of Community Institutions,” runs through a few inconclusive paragraphs on “the role of European personalities,” offers overly detailed coverage of the crises of the European Economic Community (EEC) in the mid-1960s, and concludes with a long, textbook-like discus-

sion of the functioning of EEC institutions. The fifth chapter, “The Integration Process,” summarizes a few public-opinion polls on support for the EU, gives two pages of figures on the shape and scale of the European economy, catalogs the main EU business and union associations, and muses a bit about parties in the European Parliament. The final chapter, “New Steps Forward and New Challenges,” presents a journalistic, 100-page overview of every EU event since the mid-1990s. Overall, the more one reads, the less one is sure what this book is attempting to do. Is it attempting to inform readers about EU institutions and recent events? Textbooks are clearer and more complete. Is it an explanation of EU developments? There are no explicit analytic claims, nor any reference to alternative explanations. It might be said to offer a history of federalist ideas about the EU, without much careful evaluation or historical context, and with a great deal of extraneous material.

Worst of all, Sidjanski’s normative enthusiasm leads him to some clear historical inaccuracies. For example, after giving very general and ambiguous poll numbers, he finds that “overall European public opinion provides unhesitating support for the provision of increased powers to the European Parliament” (262). It is far from clear that such a measure would pass a vote in any EU country today. Later, Sidjanski calls for today’s EU leaders “to put forward clear choices, as was the case during the consultation process leading to the Single Market and the Euro” (412). The notion that anything one might call a “consultation process” led to either the Single Market or the Euro is simply wrong. The public and even most business actors paid little attention to the Single Market until well after its implementation had begun. With the euro, leaders were very careful to avoid asking the public or even business actors until it was well along. Some of the larger historical omissions also amount to errors. In presenting Charles de Gaulle’s “Fouchet Plan” for political union as a “missed opportunity” for integration in the 1960s, Sidjanski argues that the more federalist European leaders should have accepted de Gaulle’s overture, since any “progress” is good. Amazingly, he gives no attention at all to de Gaulle’s actual intentions to use the Plan to *undercut* federal-style integration. This analytic failure makes his normative point seem irrelevant.

In the foreword to *The Federal Future of Europe*, Harold Jacobson notes that American social scientists “are not used to reading books

that are both profound works of scholarship and powerful statements of advocacy” (xii). Much of American social science certainly deserves to be criticized for its distance from normative theory. This has contributed to the decline of the public intellectual in American life, and also often cloaks normative biases under the gray neutrality of pseudo-scientific discourse. But neither *The Federal Future of Europe* nor *Democracy in the European Union* is a model to follow. To the contrary: they show that we must clarify and distinguish how we think the world is (or was) from how we think the world should be, before trying to bring the two things together.

Notes

1. “The Methods of Community in EU Decision-making and Administrative Rivalry in the Council’s Infrastructure,” *Journal of European Public Policy* 7:2 (June 2000), 261-289; “Is the “Hard Bargaining” Image of the Council Misleading?,” *Journal of Common Market Studies* 36:4 (December 1998), 479-504.
2. John Searle, *The Construction of Social Reality* (New York: Free Press, 1995).
3. I argue this in “Showing Ideas as Causes: The Origins of the European Union,” *International Organization* 56:1 (Winter 2002, forthcoming); “Domestic Interests, Ideas and Integration: Lessons from the French Case,” *Journal of Common Market Studies* 38:1 (March 2000), 45-70.

â€¢ Democracy, Federalism, and the European Union: The Pitfalls of Combining Explanation and Normative Theory. Save to Library. by Craig Parsons.Â The European Union has reached a deeper level of market integration than any other region. In many ways its success parallels the integration of national-level markets, particularly in the broadly similar continental project of the United States. The European Union has reached a deeper level of market integration than any other region. In many ways its success parallels the integration of national-level markets, particularly in the broadly similar continental project of the United States. This paper asks whether the EU and US cases hold any lessons for the pursuit of market integration in Europe. It provides a thorough evaluation of how democracy might best be defined in the transnational context of the EU and explores the key strategies that have been deployed to enhance the Union's democracy from the Single European Act to the present day. In considering why the strategies have been unsuccessful, Alex Warleigh contends that the EU can only democratize itself by abandoning federalism, and working towards a more participatory democracy based on flexibility and active European citizenship. The book therefore advances important new ways in which the EU's 'democratic deficit' can be addressed. Democracy and Federalism in the European Union. Andreas Føllesdal. Pages 231-253. The Normative Challenge of a European Polity: Cosmopolitan and Communitarian Models Compared, Criticised and Combined. Richard Bellamy, Dario Castiglione. Pages 254-284.Â EU Institutions European Union European law Theorie der Demokratie democratic legitimacy democratic theory demokratische Legitimität transnational institutions transnationale Institutionen. Editors and affiliations. Andreas Føllesdal. 1. Peter Koslowski. 2. 1.ARENA, Advanced Research on the Europeanisation of the Nation StateOsloNorway. 2.Centre for Ethical Economy and Business CultureThe Hannover Institute of Philosophical ResearchHannoverGermany. Bibliographic information.