

# The European Union and Post-national Integration\*

Erik Oddvar Eriksen\*\* and John Erik Fossum\*\*\*

## Abstract

How can post-national integration be explained? Integration may occur through strategic bargaining or through functional adaptation. However, it may also occur through deliberation, and this is vital because stability depends on learning and alteration of preferences. Deliberation, when properly conducted, ensures communicative processes where the force of the better argument sway people to harmonize their action plans. To understand integration beyond the nation state, explanatory categories associated with deliberation are required, as supranational entities possess far weaker and less well-developed means of coercion than do states.

## Introduction

Reflecting on the revolutions in Eastern Europe in 1989, the late Francois Mitterand stated in his 1990 New Year's speech to the French people that "Europe is returning home to its history and geography". The revolutions in Eastern Europe should not be

construed simply as an occasion to look back, to try to resurrect the past. Rather, they represent a unique opportunity for Europe to try to recapture the aspects of the past that will produce a better future. Now that Europe is no longer divided, it can proceed with the civilizational project that was first initiated during the Enlightenment era, but which has since then faced a number of grave setbacks. European integration is rooted in the past, and ultimately draws its legitimating force from the humanistic developments that have been so important to the Western world. European integration is rooted in the strongest institutional manifestations of this development, namely the successful establishment of national systems of democratic governance in all of Western Europe. European integration promises to expand the system of *democratic governance* to the international level, through the establishment of supranational institutions. Such institutions can be seen as efforts to remedy the particular contemporary challenges associated with globalization. Globalization alerts us to the fact that in many important respects the state is too small to address many of the most pressing challenges we are faced with today. Globalization brings forth new and magnifies old challenges to legitimate governance. The state is not able to control international capital flows or technological developments. Nor can it stem the negative social and environmental effects of an increasingly global capitalism. It has become increasingly evident that many problems such as nuclear waste, refugees, cross-border financial flows, criminal law problems, and technology transfer need to be solved at the international level. In addition, in such a situation, it has become increasingly difficult for the state to uphold the socio-economic compromise which has long sustained the welfare state. This compromise consisted of measures to sustain economic growth, on the one hand, and measures to ensure social protection, on the other.

This particular project to develop democracy at the international level, from the vantage point of a system of democratic states, has no historical or contemporary precedents. In particular, the EU attaches citizens to a supranational entity in such a manner as to potentially undermine the nation-state. As such, Europe is facing a unique moment of institutional innovation which attests to what Robert A. Dahl (1994) has called the third transformation in the history of democracy. The first phase concerned the transformation of the undemocratic city-state and began in the fifth century B.C.; the next phase concerned the democratization of the nation state and began in the wake of the French and American revolutions. There is a parallel between these two phases: as the city-state then became too small to cope with its problems, the nation-state today is too small to cope with its problems, as it has to grapple with the challenge of globalization. Decision-making authority is transferred to the international level, but the democratic structures at the international level are rather weak.

International bodies of governance are, as a rule, not democratic. The EU, however, is not an ordinary international organization, nor is it a state. It is a unique type of entity. It is unique not only because it has developed a unique set of institutions, but also because there is such a great concern with democracy in the EU. This sets it apart from ordinary international organizations which are rarely subject to democratic concern and scrutiny. The democratic quality of the EU is assessed not only in terms of the outcomes that the EU produces, or in terms of its institutional and decisional make-up, but also in terms of its democratic accountability. Democratic accountability is directly linked to popular legitimacy. It is widely held that the EU suffers from a democratic deficit and this is often attributed to weak popular legitimacy (Wallace, 1993, Weiler, 1996b).

Our point of departure is that innovations at such a scale require not simply attention to the empirical nature of the novel governance arrangements. They also require serious re-examination of the concepts available to depict these developments, and thereby theoretical frameworks and attendant standards that we can use to assess the democratic quality of this nascent system of governance. In this paper, our purpose is to clarify this assertion. We address the most common conceptual approaches that are used to analyse the EU and spell out how – and the extent to which - they assess the democratic quality of the EU. Conventional analyses of international integration are still informed by realist and neo-functional conceptions of political interaction. Realists are not really concerned with the prospects for democratic governance in contemporary Europe and neo-functionalists are prone to take the legitimacy of the EU-based institutions for granted. *The deliberative perspective* which is only now gaining adherents among students of the EU represents the most explicit departure from the dominant frameworks and standards that have thus far been applied to the EU. The deliberative perspective alerts us to achievements as well as shortcomings and enables us to assess the democratic quality of the EU without resorting to the standards associated with the nation-state. We start with some observations on the limitations of the nation state as ontological reality and epistemological tool for the assessment of democratic governance in contemporary Europe.

## **Beyond the nation state**

The contemporary nation state is facing many challenges, as manifest in increased interdependence and incorporation into an emerging global economy, and through the establishment of international, transnational and supranational organizations and structures of governance. The state is under heightened pressure also because of

important changes in the public sphere, such as the internationalisation of social movements, transnational epistemic communities and the emergence of some semblance of a “global public opinion”. These developments have raised questions as to the continued relevance of core state attributes such as territorial bounds and formal and de facto state sovereignty.

The state is “Janus-faced”. One face of the state is oriented inwards, to the domestic arena, and the other is oriented outwards, to the international community or society of states. That the state has two “faces” has had important implications for democratic accountability. The state has been seen as accountable to *its citizens*, whereas its obligations to non-citizens have been seen as weak, at best. This is the most widely held conception of democracy in both its liberal and republican trappings. It is from this notion of the state as a geographically confined and sovereign entity with a clearly defined *demos* that most standards of democratic governance have been derived. The doctrine of national sovereignty ensured that the interstate arena was seen as marked by anarchy, not in the sense of disorder, but in the sense of absence of an authoritative system of governance. This notion of accountability was wholly compatible with protection of borders and nationally based difference.

After the Second World War, in particular, the international arena has changed so as to heighten the salience of individual autonomy through universal human rights (Held 1993; Driscoll 1989). <sup>[1]</sup> The entrenchment in a body of treaty law of a set of individual and group-based rights at the UN and European levels has led to increased attention and heightened respect for individual and group-based rights other than those explicitly upheld by states. In the contemporary world the two faces of the state can not be kept separate, a development which might have profound consequences for established notions of accountability and democratic governance. The EU seems to reinforce this process of merging the state’s two faces and the attendant sets of accountability.

In the EU, a set of institutions are established over and above the member states which citizens of member states, as well as aliens and denizens, <sup>[2]</sup> have recourse to, as an added set of outlets for settling their grievances. The EU is a complex entity without a clearly defined core and, compared to a state, with a far less hierarchical system of governance (Schmitter 1996). It is a mix of supranational, transnational, transgovernmental, and intergovernmental structures. Institutions such as the European Commission, the European Parliament and the European Court of Justice are “supranational”. *Supranationality* refers to a system of law-making which exists and operates independently of the Member States and which supports and

is supported by an accommodating process or style of decision-making.<sup>[3]</sup> 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 can not simply rely on power or resort to procedures that terminate in voting or bargaining.

Institutions such as the European Council and the Council of the European Union (formerly known as Council of Ministers, and subsequently only referred to as the “Council” here) are generally referred to as “*intergovernmental*” in the literature, since they are composed of the executive officials of the states. The former is composed of the heads of government, including foreign ministers, and their supportive staffs. The latter is composed of the ministers (including foreign ministers), organized along functional lines, so that one meeting will consist of the agricultural ministers and another of the energy ministers, and so forth. The Council, however, operates in close cooperation with organized interests which means that it operates within and promotes *transnational* relations, where transnational denotes “transboundary relations that include at least one non-governmental actor” (Risse-Kappen 1996:57). The EU is often referred to as a *multilevel structure of governance* (Marks, Hooghe and Blank 1996, Jachtenfuchs and Kohler-Koch et al 1996). The Committee of the Regions promotes transgovernmental relations, where transgovernmental refers to “cross-boundary relations among sub-units of national governments in the absence of centralized decisions by state executives” (Risse-Kappen 1996:58). The contemporary changes in the role of the state have led to renewed interest in democracy and democratic governance.

## **Democratic governance**

Analysts and policy-makers are greatly concerned with the challenges facing the nation-state. But mainstream analysts who have assessed the democratic implications of the challenges, have done so by means of terminology and standards which are direct transpositions of conceptions of democratic governance associated with the nation-state. This is particularly evident in the debate on the quality of democracy in the EU. There is consensus among analysts and policy-makers that the EU suffers from a “*democratic deficit*”. Analysts have identified this as a multifaceted problem, which includes deficiencies in representation and representativeness, accountability, transparency, and legitimacy. The most widely held view is that the EU represents

the establishment of an additional layer of governance which has revealed an often surprising ability to take on added tasks. This process, it is often contended, has been largely unchecked.<sup>[4]</sup> The bounds between the EU and the member states in terms of powers and competences are ill-defined and ambiguous.

That the standards of democratic governance used to assess the EU have been derived from the nation-state is perhaps not so surprising when it is recalled that the founders of the EU, such as Jean Monnet and Altiero Spinelli, agreed on the need to establish a new state-type structure on top of the established states (although they differed on how to proceed with integration) (Navari, 1996, Holland, 1996). Their view of the EU, as a “United States of Europe in-the-making”, is shared by many also today.<sup>[5]</sup> But whether the EU evolves into a state or not, the critics assert, the EU will magnify already existing problems of representativeness and accountability in the states and will also generate new problems. Decisions are further removed from the citizens, due to the greatly increased size of the entity, the added layer of governance, the lengthened chain of representation, etc. In general terms, internationalization entails extending further the powers and prerogatives of the executive, that is the national officials - bureaucrats and experts - who are the main actors in international cooperation. The intergovernmental bodies of the EU, the European Council and the Council, are not properly checked by other institutions, such as the European Parliament, nor are they properly checked by a system of constitutional controls. It is observed that whereas EU citizens can elect 626 MEPs directly, the EP is not able to hold the executives properly accountable. The Council is the one institution of the EU that comes closest to be the “legislature” of the EU and consists of representatives from each member state (from relevant ministries). Increasingly, decisions are reached by qualified majority voting<sup>[6]</sup> and contribute to strengthening the supranational dimension of the EU. Also, the Commission, which is often considered to be the “government” of the EU and “the motor of integration”, consists of 20 commissioners and 26 Directorate Generals. The Commissioners are appointed by the member states, but are required to act as EU officials and not as national spokespersons.<sup>[7]</sup> The Commission is required to place the interest of the EU first. It operates on the majority principle, but when a decision is reached, all Commissioners are expected to give full support to all policies, which further reinforces the salience of the Commission as a supranational institution.

These institutions have a weaker popular basis than do ordinary states. There are no real European political parties that can act as vital intermediaries between the general populace and the central institutions at the EU level. Citizens of member states are not able

fully to control the actions taken by the executive officials that they have elected in national elections. The inter-institutional lines of accountability in the EU are hazy due to a byzantine legal structure - a legal structure made up of “bits and pieces” (Curtin 1993) - and a multitude of complex voting procedures differentiated by policy content. <sup>[8]</sup> The EU has established an EU-based citizenship. EU citizens have obtained civil rights, but the legal enforcement of these rights at the EU level is weaker than in nationally based constitutional systems. EU citizens have also been granted political rights, but are not able to act as the ultimate authors of the laws that emanate from the EU.

This brief presentation of the EU serves to underline that the EU is quite different from a state. Further, there is no assurance that these differences will disappear. Therefore, the analogy with the nation-state is misleading <sup>[9]</sup> (whether we speak of the nation-state as model or whether we speak of an actual nation-state). In real terms, states differ considerably. But this observation does not alter the fact that the EU is qualitatively different. The question, however, is how the recognition of the EU as different from the nation-state will affect the standards that we must use to assess its democratic quality. Before proceeding with outlining an alternative set of standards, let us try to be a bit more explicit with regard to the shortcomings of the conceptual tools and the analytical perspectives that have dominated mainstream research on the EU.

## **The tyranny of concepts**

In order to address the problem of democratic deficit in the EU, it is necessary to question the widely held conception of democracy and democratic legitimacy as intimately linked with and as dependent on the nation-state, and the vocabulary associated with the nation-state. <sup>[10]</sup> Hedley Bull has observed that “...one reason for the vitality of the states system is the tyranny of the concepts and normative principles associated with it” (Bull, cited in Linklater 1996:78). This applies especially to the most fundamental and taken-for-granted concepts of political analysis, such as state and constitutionalism. Ulrich Preuss has observed that “... statehood has been the underlying premise of the concept of constitutionalism” (Preuss 1996:213), although “... constitutionalism as a doctrine and practice predated the development of the modern State and its scope is larger than the state” (Lane 1996:16). The “tyranny” of the concepts and principles associated with the nation state, relate to how sovereignty, identity, community, citizenship and democracy have all been tied to the notion of state and made subject to the territorial logic of the state. The state is sovereign which means that it controls a specific territory and those that inhabit

that territory. The state as organization shapes conceptions of community and identity in such a manner as to highlight *national* communities. Such “imagined communities” are sustained by sovereign states which promote the development of a sense of national allegiance and an exclusive notion of citizenship (Anderson 1983). This sense of national allegiance is intended to crowd out other forms of allegiance, and this has been done by various means, such as assimilation, integration, exclusion or even extermination. The world is made up of states, or territorially based communities, which are able to exclude those that they deem to be non-nationals. In a world of territorially delineated states, communities that are not states aspire to become states in order to obtain recognition as sovereign entities and to ensure their continued survival.

The “tyranny” of the state form is reflected also in the normative hegemony of the nation state as the sole legitimate institutional source of democratic governance. The institutions of the state are intended to foster a sense of national allegiance – patriotism - and forms of participation that are compatible with the state. Some conceptions of democracy and democratic governance are more compatible with these constraints than are other ones. The adequacy of institutionalized forms is assessed foremost in terms of the degree of coherence with a particular state form and national community, normally the unitary nation-state, rather than coherence with fundamental principles of democratic governance. The universally held embrace of state-based conceptions of democratic governance has made this into a powerful tradition. There are no doubt merits in the state form of governance which are conducive to democracy, such as coherence and accountability. The problem is when each of these merits, as well as their interdependence, are taken for granted and assumed rather than asserted through examination and careful research. There is a certain propensity among students of the EU to derive institutional features or arrangements from democratic states and apply these to the EU without properly examining the normative status of these arrangements in the model of democracy from which they have been derived. Further, there is a certain tendency to fail to examine what the actual democratic quality of such a component is in current practice. <sup>[11]</sup> The “tyranny”, then, can manifest itself in a certain tendency to graft governance arrangements onto the EU from the actual arrangements of states, without proper attention to democratic principles and whether the arrangements conform with such at a supranational level. Or it can manifest itself in the conflation of different conceptions and criteria of democratic governance which are based on quite different requirements. For instance, models of representative democracy are based on less stringent popular requirements than are participatory and deliberative ones.



That this taken-for-grantedness of the concepts and principles associated with the state has become problematic is evident also in how these standards have been applied in actual research. Keohane and Hoffmann observe that "... (p)ortrayals of the state are often bedevilled by the image of an ideal-typical "state" whose authority is unquestioned and whose institutions work smoothly. No such state has ever existed; viewed close-up, all modern states appear riddled with inefficiencies and contradictions" (Keohane and Hoffmann 1990:279). Therefore, when assessing the democratic deficit of the EU, we need to keep in mind that states often actually fail to adhere properly to the democratic standards associated with the nation-state model itself.

The taken-for-grantedness of the concepts and principles associated with the state also manifests itself in a certain propensity to associate polity-formation with state-formation. Although the state form has become the dominant organisational form at present, there is no a priori assurance that this trend will continue. <sup>[12]</sup>

In recent years, some analysts have not only questioned the relevance of the nation-state, as the benchmark in the assessment of the democratic quality of the EU, but have also made efforts to think through which alternative standards can be applied. Clearly, the notion of democratic deficit (a term with a strong economic connotation), is more than a matter of definition, i.e. it entails something more than merely spelling out which aspects of the EU that fail to adhere to conventional conceptions of democracy. The question of democratic deficit has direct bearings on what type of polity the EU is, what the EU aspires to be, and what we want the EU to be. It also means that we can not simply equate democracy at the national level with legitimacy. The precise relation between these two terms needs to be explored, because this set of questions relating to the democratic deficit has direct bearings on how the EU works. It also needs to be explored in terms of understanding the logic of integration, and in terms of how we evaluate the EU in normative terms.

The EU is neither a market nor is it a state. Therefore, to address the question of democratic deficit we are compelled to think carefully about what kind of entity the EU is and what can reasonably be expected from it. In counterfactual terms, one might ask what a "democratic surplus" is, <sup>[13]</sup> or what a fully democratic order at the transnational level might look like. Once we start thinking about this counterfactual notion, it becomes quite clear that the question of democratic deficit revolves around both what type of polity the EU is and what standards of assessment can be applied to assess the democratic quality of it. It is therefore ultimately a matter of which analytical perspective that informs our conceptions of democracy and democratic legitimacy.

The question of the democratic deficit reminds us that it is not enough to describe the EU and the integration process, but we also need to understand and account for the fact that the EU prevails despite its many deficiencies and problems. It is quite easy to depict the many shortcomings and obstacles that beset the European integration process. It is more difficult and far more urgent to try to explain what makes the system keep on going. What are the integrative forces in the EU? To shed light on this it is necessary not simply to look at stability as something that prevails by virtue of its already being in place. Something is in place not simply because it has existed for a while but also because it appeals to something that people can relate to and can support. Therefore, to understand the stability and longevity of the EU, it is necessary to clarify what are the “virtues” of the EU system that contribute to its stability. The contention that informs this position is that in a democratic setting there is *no stability without validity*.<sup>[14]</sup> The normative visions which have long been associated with the EU pertain to peace, freedom, democratic constitutionalism, and Europe as a common life world. These may be depleted today (Offe 1998), but are examples of the kinds of factors that help explain the attraction of the EU project.<sup>[15]</sup> Thus, it is necessary to let such values inform the discussion with regard to the overarching question as to what type of entity this is. What is the quality of the institutional make-up of the EU from the vantage-point of normative theory, and what are the prospects for its viability? There are, as mentioned, competing visions of the EU which emanate not only from uncertainty as to what kind of entity this is but which also relate to opposing views of the nature of politics.

## **Integration through what?**

In order to understand the nature of the political system in the EU, in particular its democratic quality, it is necessary to go beyond economic and realist perspectives in political science, because these perspectives consider democratic legitimacy as largely irrelevant. These perspectives consider the prospects for legitimate systems of democratic governance to emerge at the international level as bleak indeed. Intergovernmental perspectives - theories of international politics such as classical and structural realism conceive of the international scene as dominated by “billiard-ball” behaviour between states. State behaviour is driven by self-interest, and interstate relations are marked by “balancing” behaviour (Morgenthau, 1985, Waltz, 1979). Standards of behaviour do not exist independently of power, and democracy can only flourish insofar as it is compatible with the prevailing patterns and distributions of power. Even those theories that are concerned with the growth of interdependence and

reject the billiard-ball conceptions of states such as (complex) interdependence and regime theory, <sup>[16]</sup> do not reject the core power-based assumptions of political realism, but rather seek to modify these so as better to reflect the changes that have taken place on the international scene. <sup>[17]</sup> Regime theory, for instance, focuses on binding international cooperation in narrow functional areas (“low politics”), with little potential for spill-over to vital state concerns (“high politics”) and almost always as subject to utilitarian calculus (Krasner 1982, Fossum and Robinson 1998). These theories of international politics have certain basic assumptions about human behaviour that are surprisingly similar.

In principle, one may distinguish between integration that occurs through *functional adaptation*, and integration that occurs through *interest-accommodation*, or strategic group activity. However, integration may also occur through *deliberation*. There are other versions of integration, as well. These three modes are chosen because they adhere to distinctly different logics of explanation and can be seen as idealtypes (consistent with Max Weber’s use of such). In the following pages, we will provide a brief presentation of these three modes of integration and link them to the relevant theoretical perspectives.

## **Neo-functionalism**

Most of the theoretically informed work on the EU has drawn on two alternative but distinct theoretical approaches, neo-functionalism and intergovernmentalism. Neo-functionalism conceives of integration as essentially self-sustaining, albeit not at a constant rate. William Wallace defines integration as

the creation and maintenance of intense and diversified patterns of interaction among previously autonomous units. These patterns may be partly economic in character, partly social, partly political: definitions of *political* integration all imply accompanying high levels of economic and social interaction (Wallace 1990:9).

Wallace’s definition is consistent with mainstream usage of the term. <sup>[18]</sup> Integration is effected through two kinds of “spill-over”, functional and political. Spillover is seen to occur when “..imbalances created by the functional interdependence or inherent linkages of tasks can press political actors to redefine their common tasks” (Nye, cited in Keohane and Hoffmann, 1991:285). Functional spillover refers to the interconnection of various economic sectors or issue-areas, and how integration in one policy-area tends to spill-over into others. Political spillover refers to how the existence of supranational organizations tends to generate a self-reinforcing process of institution-building. The

institutions of the EU, in particular the Commission, would provide a modicum of leadership over, as well as an arena for, a burgeoning transnational society (Caporaso, 1998:9)

Supranational integration empties the state of policy content and normative salience, through an often mutually reinforcing process in which the actions by elites and interest-groups reinforce the integrationist pull of a set of supranational institutional actors (Kirchner, 1980, Caporaso, 1998). The process is set in motion by some kind of imbalance and is carried forward by functional interdependence. The process of spill-over induced integration reinforces the salience of the supranational institutions at the EU-level, at the behest of the intergovernmental ones. The net effect is a set of institutions that are contingent on a wide network of substate actors but which themselves are relatively independent of the state actors for their operations and support. State power is therefore diffused onto a wide range of actors.

Neofunctionalism sees integration in process terms: polity-building is seen as the result of a wide range of converging processes. However, no conceptual links are established: Neo-functionalism has “no theory to explain the transition from utility-maximizing self-interest to integration based on collective understandings about a common interest” (Risse-Kappen 1996:56). Neofunctionalism conceives of integration as the effect of behaviour oriented towards fulfilling systemic requirements. Basically, the actors’ behaviour appears to be driven by instrumental self-interest, largely conceived of in economic terms. The actors are oriented at utility-functions and expertise more than at interests and power (Caporaso 1998). The theory which neofunctionalism lacks, would have to account for at least two vital conversions. First, how instrumental self-interest founded on economic utility can be converted into stable patterns of behaviour, and hence a sense of identity and allegiance. Second, how this conversion will enable a shift of allegiance from one level of governance to another, i.e., from the state level to the supranational level.

Neofunctionalism assumes that the process of integration will proceed from cooperation in the realm of “low” politics (economic policies) to “high” politics (foreign and defense policies) because the former is less contentious than the latter. But that is of little value to understand how identities and senses of allegiance are formed, sustained, and altered – identities that are required to sustain such patterns of behaviour. Without this vital information, neo-functionalism does not provide us with a good sense of how the two processes of spillover, functional and political, are related. Nor can it explain why each type of spillover is seen as acceptable by those affected by it. The EU is

seen to survive because it is a functional answer to the problems of globalization. The question of its value basis and why those affected by integration accept it, i.e. the validity dimension, is left unanswered. The theory lacks microfoundations, and hence the problem of identifying feed-back loops, which accompanies all kinds of functional analysis, prevails (cp. Elster 1984:28ff, Moravcsik 1998:16).

## **Intergovernmentalism**

Intergovernmentalism posits that integration proceeds as far as states permit it. This theory is founded on the basic realist premise that political action is based on power and that politics is a struggle among contending interests. In its more recent EU trappings, intergovernmentalism basically represents an attempt to apply the core assumptions of rationalist instrumentalism – rational choice - as reflected in realist, neo-liberal and neo-liberal institutionalist work on the EU. The recognition that EU is something more than a mere intergovernmental arrangement has sparked considerable debate and important refinements and modifications. Perhaps the clearest and most recent example of this is Andrew Moravcsik's rational choice inspired approach which he terms "liberal intergovernmentalism" (Moravcsik 1998). Moravcsik seeks to refute the neo-functional notion that integration weakens the state through diffusion of power and argues that integration strengthens the state. <sup>[19]</sup> The executive officials of the state control access to the international arena and have a strong incentive to "cut slack" in relation to the domestic actors, i.e., to remove domestic constraints on their actions. European integration facilitates this because the executive officials who negotiate agreements have unique agenda setting powers and privileged access to information and policy making fora. The process of integration, to Moravcsik, therefore "internationalizes domestic politics" in the sense that executive officials bring domestic issues and concerns to the intergovernmental bargaining table and settle these issues with little domestic input. The executives seek to legitimate their actions with reference to "the realization of common abstract values rather than self-regarding material interests..." (Moravcsik 1994:14). This appeal to broader values, such as peace, prosperity, and cosmopolitanism provides executive officials with *added policy leverage*, since a wide range of policies can be justified with reference to such general values: "The looser the links between broad ideals and concrete policies, the more flexibility the executive enjoys in framing domestic policy deliberations." (Moravcsik 1994:25) The propensity for executives to seek to cut domestic slack means that the democratic deficit of the EU is a characteristic feature of the integration process, rather than a recent phenomenon associated with the Single European

Act (SEA), the Treaty on European Union (TEU) and the Amsterdam Treaty. The democratic deficit is a choice and a dilemma, between representativeness and effectiveness.

In empirical terms, intergovernmentalists - including Moravcsik - are hard put to account for the magnitude of integration that has occurred, in particular since the mid 1980s, when the ability of individual states to veto decisions has been greatly curtailed in a wide range of policy areas. What intergovernmentalism fails to properly acknowledge is that acts of integration are cumulative and foreclose states retaking their autonomy and sovereignty (Sandholtz 1996).

Intergovernmentalists conceive of states as actors who pursue their self-interests. This view of the state as actor is problematic. It attributes preferences and purposes to a collectivity - the state - without a proper explanation of where these preferences have been derived from and what their quality is. Intergovernmentalists also conflate the notion of state as actor with the notion of state as structure. <sup>[20]</sup> Therefore, they fail to examine how the complex institutional and structural make-up of the state affects the role conceptions and preferences of state officials. This is part of the wider problem of preference formation and justification facing intergovernmentalists who, like neo-functionalists, both take preferences as givens and as generally motivated by self-interest.

## **A New Agenda**

The perspectives briefly presented above, neo-functionalism and liberal intergovernmentalism are analytical perspectives, which differ profoundly in how they conceive of the nature and effects of the integration process, but which share two important features. First, they are both based on a common underlying conception of action motivation, and a means-end notion of rationality (*Zweckrationalität*, in Weber's terminology). Neo-functionalism is based foremost on the technical instrumental version, whose conception of action is derived from an observational perspective, whereas intergovernmentalism is based on the strategic version of means-end rationality. The latter is intentional and surpasses the former in the sense that actors' choices are seen not only as driven by expectations about the future, "... but also *on the basis of their expectations about the expectations of others*" (Elster 1984:19). This basic similarity in behavioural assumptions places important constraints on the extent to which these can be seen as truly alternative conceptions.

Second, both perspectives operate with a weakly developed and inadequate conception of democracy and democratic accountability. They therefore also understate the normative potential inherent in the

European integration project. Neo-functionalism conceives of democracy in narrow terms and as ultimately contingent on a particular end product of the European integration process, i.e., a European federal state or a “United States of Europe”. Neofunctionalism does not provide a convincing theory to explain how the EU might get to that end result.

The two perspectives listed above do not consider values and arguments to have any real or direct effect on behaviour. Moravcsik, for instance, sees appeals to values in instrumental terms, in particular as instruments for elites to augment their power and influence by “cutting slack” in relation to domestic interests. Moravcsik sees elites as able to appeal to general values, and the populace is only able to hold the elites accountable if the appeals refer to a specific set of policy measures which people can hold up against the values to see if they match. The executive officials are only accountable, it appears, when it is possible to match a specific policy with a specific value. The values and arguments are conceived of merely as aspects of a self-serving conception of justice. However, such an interpretation both underestimates the civilizing force of hypocrisy (Elster 1995) <sup>[21]</sup>, and the potential force of the better argument. Another example of Moravcsik’s narrow conception of accountability - typical of intergovernmentalism - relates to his view of domestic constraints. To him, each state’s domestic arena is quite autonomous. State elites are only truly constrained by the domestic arena in their own country (cp. Marks, Hooghe and Blank 1996:345, Caporaso 1998:12). Intergovernmentalism’s shortcomings with regard to the notion of democracy are similar to those of the liberal, aggregative model, which we will return to.

Neither perspective places any emphasis on public discourse and the binding force of words in communicative practice, e.g., appeals to values can spark a public discourse on what the relationship between policy and value is and should be. Appeals to values raise normative expectations, a point which Moravcsik clearly fails to consider, and thereby also neglects how appeals to values have contributed to generate and sustain the supranational traits of the EU. <sup>[22]</sup> Preferences can not be taken as given, they are shaped, tested and reshaped in the many discursive and legal settings that the complex European integration process provides.

Recent research, in their efforts to conceptualize the EU, have gone beyond the simple supranationalism embedded in neo-functionalism and the state-centric view of intergovernmentalism, to conceive of the EU as *a system of multi-level governance* which consists of multi-tiered, geographically overlapping structures of governmental and nongovernmental elites <sup>[23]</sup>. Some analysts term this the “new



governance agenda” (cp. Hix 1998). This term should not be construed as an expression of a uniform and coherent alternative theoretical position. The “new governance agenda” is unified in its rejection of the nation-state bias and in its conception of the EU as a polity *sui generis*, but not in the conception of what the entity – the EU – really is. It draws on widely different theoretical perspectives in rejecting the state analogy. These studies are mostly empirical and void of normative content, however, striking findings are the EU’s lack of accountability and the lack of popular influence on the EU. In the EU, it is the voice of the expert, rather than that of the people, that dominates. It is *steering without democracy* and governance without government (cp. Rosenau and Czempiel 1992) <sup>[24]</sup>. These structures are hard to validate in normative terms. The neo-liberal and postmodernist vision of post-national networks, as replacements for political government, can not make up for the lack of steering capacity and legitimacy that ensues at the national level. Functional efficiency and governance capacity do not justify outcomes, they are themselves in need of legitimation (cp. Habermas 1998:124).

These assessments by some of the adherents of the new governance agenda draw quite heavily on functional and instrumental outlooks, which are insufficient to address the fundamental questions: What keeps the Union together? What are the integrative forces? Why does the EU evoke popular support at all, and how can it undertake the following tasks: “In addition to redistribution, through the regulation of social, environmental and health risk, EU citizenship, and competences over food safety, culture, tourism, immigration, combating racism and xenophobia, and police and judicial co-operation, the EU is increasingly involved in the allocation of social and political values throughout Europe “(Hix 1998:42). These undertakings, in addition to enlargement to the East and the establishment of the EMU, require explanations that go beyond the ones provided by functionalism and interest calculus – because they pertain to collective action and norms of solidarity and fairness. These should not be reduced to the pursuit of self-interest or to the requirements of functional adaptation. <sup>[25]</sup> This is so because extra-material elements – norms or values – are required to motivate collective actions. Some must contribute more than they receive, and some have to pay for the misfortune of others, in order to realize collective goods, i.e., goods that can not be reserved for the ones who produce them. Articulations about identities, commitments and the common good are needed, however shifting they may be (cp. March and Olsen 1995:35ff, 1998, Olsen 1998). Generally speaking, established theoretical frames of reference appear inadequate to explain integration. Functional interdependence and interest accommodation are inherently unstable, as the moral or normative-procedural elements that are needed to bring about integration are



lacking. This is, briefly stated, the general background which warrants the quest for another theoretical frame of reference in the research on European integration. To highlight the particular features of this perspective, we will briefly contrast it with the liberal and republican conceptions of democracy.

## **Deliberative democracy**

The governmental structure of the EU contains many features that are inconsistent with the basic assumptions of realism and realism-derived perspectives and which these perspectives can not explain. These features are also based on something more and different from spillover-induced integration. Basically, this contention stems from the fact that the EU is based on *voluntary cooperation*: cooperation is not dependent on prevailing patterns and distributions of power or on functional interdependence. The EU, then, may be seen as marked by actors who strive to solve problems and realize common goals and whose behaviour is constrained by established programs and entrenched rules. The “government” of the EU contains a legal structure for collective decision-making - rules for the exercise of executive, legislative and judicial powers. According to this perspective, the EU already possesses a constitution (Weiler 1991, 1995). This is substantiated by several judgments of the European Court of Justice. The founding treaties are based on the rule of law. The most recent Treaty of Amsterdam defines the common objectives of the Union more clearly and introduces the prospect of sanctions if the fundamental principles of the Union are breached or violated.

Basically, constitution means that the parties’ common affairs are conducted within a set of norms and objectives which are not up for grabs as they constitute the very rules of the game. They provide a set of procedures that make problem solving and conflict resolution possible, i.e. “... rules that can be contested within the game, but only insofar as one first accepts to abide by them and play the game at all” (Benhabib 1994:39, cp Kratochwil 1991:205ff). Procedural arrangements bring people together to solve problems and conflicts, and encourage willing adherence to common rules. They are structures that constrain but also enable action in so far as they create arenas for people to meet and to foster binding agreements. It is the legal medium that provides the binding force of words in a political context. This may explain the connection between the broad political ideas – of peace, freedom, and solidarity – to which politicians in the EU pay tribute and the rather prosaic and nitty-gritty manner in which – including bargaining and logrolling - concrete decisions are made. Further, integration depends on the alteration, not the aggregation of, preferences. *Integration is premised on learning and the alteration of*

*preferences*: at least one of the contending parties must change his/her opinion in order to reach an agreement. This forms the backdrop for the assumption that integration takes place through deliberation.

On the basis of this, there is a need for an alternative conceptual framework which is not solely based on power and self-interest, but which acknowledges the role of deliberation and arguing in the establishment and validation of rules and the potential for consensus formation among parties with conflicting interests and values. What are the prospects for reasonable action and rational argumentation within the EU structure? Does the EU embody institutional arrangements that can sway actors to adopt disinterested or third-party perspectives, or that, at least, enable working agreements and intermediate forms of consensus based on the force of the better argument? These questions are addressed in several chapters in this book. There are institutional dynamics that are based on egocentric behaviour as well as dynamics based on other-regarding behaviour. There are procedures that encourage strategic interaction – bargaining – and there are procedures that encourage participants to adopt a deliberative orientation, i.e., communicative action.

We need, however, to clarify what is meant by deliberative democracy and what the particular contribution of deliberative democracy is to international democracy. Political theory has long been concerned with *democracy as a method*, and as a means of aggregating preferences (cp. Schumpeter 1942, Downs 1957). One particularly important means of aggregating preferences has been through the establishment of voting procedures. In the liberal and pluralist tradition, democratic legitimacy is seen to emanate from the aggregation of votes cast by secret ballot. A voting procedure is seen to be just when the procedure treats people as equals by assigning their preferences equal weight in the collective decision making process (Riker 1982). Voting procedures have generally been less relevant at the international level than at the domestic level. The establishment of institutions at the EU level that serve to aggregate preferences through voting procedures has therefore been conceived of as a major democratic improvement and much of the debate on the democratic quality of the EU has revolved around the nature and quality of these particular arrangements. The establishment of voting procedures at the international level is most likely a democratic improvement, but voting is not the only means to improve the democratic quality of the EU. The EU consists of approximately 350 million people and it is difficult by way of voting to secure that people are not subjected to laws they themselves have not consented to. The problem with majority voting is that it permits the violation of freedom (Rawls 1971:356). A majority vote is merely the reflection of the view of a particular majority at a particular point in time. It is,

however, a general observation among analysts that a voting outcome, to stand over time, must be supported by substantive arguments - reasons (Dewey 1927:207, Rokkan 1966). A voting result can not claim to reflect the common will, but only the will of the winners. It therefore requires non-majoritarian sources or additional arguing in order to be held to be legitimate (Chambers 1997). The question which informs much of the present debate among political theorists is whether it is the act of voting or whether it is the antecedent debate that is the characteristic feature which lends legitimacy to outcomes. In an open debate decision-makers are forced to give reasons, and this enhances transparency and public accountability (Shapiro 1992: 183). Public debate is the single most important clue to the assessment of *democratic quality*, because the legitimacy of power-holders can be tested in relation to affected interests. <sup>[26]</sup>

Deliberative democracy does not preclude voting or bargaining, but it places the emphasis on obtaining a shared sense of meaning and a common will, both of which are the product of a communicative process. This is seen both as a normative requirement, and as an empirical fact. It takes a lot of arguing to get voting mechanisms to work, and a modicum of consensus is needed in order to establish alliances and voting alternatives. Without some kind of agreement and mutual understanding, a representative system such as a parliamentary one will be severely hampered in its ability to produce decisions, and those reached will be challenged on legitimacy grounds. In open societies political solutions have to be defended vis a vis the citizens in public debate. Outcomes will not be accepted unless they can be backed up by good reasons, as citizens require, and are expected to require, reasons of a certain quality. Constitutional democracy has, in fact, built in various types of safeguards that transform values and the perception of interests, so that citizens decide on "... who they are, what their values are, and what those values require. What "they" want must be supported by reasons" (Sunstein 1991: 13). The deliberative process of arguing and counter-arguing is a process "... that shapes *the identity and interests* of citizens in ways that contribute to the formation of a public conception of the public good" (Cohen 1991:19). While aggregation may reflect only base preferences, and bargaining may only reflect actual resources and may yield suboptimal solutions, deliberation transforms preferences and compels actors to give reasons for why they seek a particular outcome, regardless of their resources. Deliberation is based on arguing which rests on reason giving and is considered superior to bargaining and voting. Among other things, deliberation improves decision making while it pays attention to side effects, reveals private information, legitimizes the ultimate choice, contributes to Pareto-superior decisions, makes for a larger agreement, fosters mutual respect and is seen as good unto itself

(Elster 1998a, Estlund 1997, Fearon 1998, Cohen 1991).

In such a perspective, *democratic legitimacy* does not stem from the aggregation of the preferences of all, but from “.. the deliberation of all” (Manin 1987:357). This perspective may be applied to international democracy as it does not base democratic accountability solely on the existence of formal aggregative procedures. The discourse theoretical variant of deliberative democracy associated with Jürgen Habermas also disconnects collective will formation in modern politics from the notion of a preexisting system of common values and affiliations. In this perspective, there is a separation of politics and culture, of citizenship and nationality. Discourse theory departs from a substantive, or ethical conception of citizen autonomy, which emanates from the convergence of traditions and family-type bonds on the basis of which it is possible to reach an agreement. The republican or communitarian tradition of political theory presupposes an ascriptive membership in a common life form where it is possible to identify common goals, interests and affiliations. The people or citizens takes the shape of a political subject - a nation. “But this distinctive cultural identity does not designate it *as* a political community of citizens. For the democratic process is governed by *universal* principles of justice that are equally constitutive for every body of citizens. In short, the ideal procedure of deliberation and decision making presupposes as its bearer an association that agrees to regulate the conditions of its common life impartially” (Habermas, 1996a:306). Democracy is conceived of at a more abstract level: it is not seen only as an organization principle – e.g. representative or parliamentary democracy – but as a legitimation principle which ensures the conditions necessary for justification. In other words, it is not identical with a particular organizational form, but is rather a principle which sets down the conditions that are necessary for how to get things right in politics. Democracy is a way to find out what is fair or just. In a deliberative perspective, arguing is required for a norm to be seen as impartial.

From a conceptual point of view, then, supranationalism is a possible option, as cooperation in constitutional democracies is facilitated by procedures that do not require particular virtues or commonalities. They only require adherence to the rules of the game and a sense of fairness and justice, which can be seen essentially as a cognitive undertaking. People can reach agreement on what is fair or just when they proceed according to standards of communicative rationality (Habermas 1981, 1983, 1996a).<sup>[27]</sup> It is possible to reach agreement on norms without presupposing common values and interests. The process itself is the guide to find out what is and what is not common, and how to treat equal and unequal cases.

Habermas understands democracy in political and not cultural terms, and shifts the focus on constitutions from seeing them as expressions of ethical substance (common life) to morality in the Kantian sense, i.e. as arrangements for respecting the integrity and freedom of the individual. Citizenship, then, requires membership and participation in the very structures that affect individual interests. State and world citizenship, then, form a continuum (Held, 1993, Linklater, 1996, Soysal, 1994, Habermas 1996b) The EU can usefully be conceived of as an intermediate institution for grappling with transnational exigencies, and as such is an interesting experiment.

### **Deliberative supranationalism**

In a complex world people are affected by decisions made earlier and present decisions that are not subject to popular control. Modern societies increasingly have developed into *risk societies* and it is held that the distance between what decision makers decide and the possible dangers that this represents for affected parties has become ever bigger and is difficult to bridge politically (Beck 1986, 1997, 1998, Luhmann 1991). At present, there are global structures of production, trade, and communication that permeate and transcend the boundaries of the state and which render these increasingly irrelevant. International legislative and policy-making bodies have emerged, and have added to the existing complex of local, regional and national centers of authority. The nation state is challenged not only by internationalization, but also by regionalization and by changes in the dynamics of domestic decision-making brought about by global interdependencies. There are added layers of governance- and in Europe international as well as supranational and transnational levels of governance - which work to decouple citizens' participation and representation from concrete bodies. They serve to lengthen the chain of representation, control, and legitimacy. As this makes the process of aggregation more cumbersome, the liberal-aggregative model faces new shortcomings. To it, the democratic deficit seems grave and insurmountable.

Likewise, the Republican concept of deliberation becomes confining as it links democratic legitimacy to actual participation in the process of decision-making. Political decisions must reflect "the will of all", something which is quite impossible in a large nation-state, let alone in an international polity. As a consequence, the liberal, aggregative and the republican, community perspective, each sees the development of international political institutions as incomprehensible, and as an expression of obvious normative deficiencies, rather than as a means to rectify persistent ills and normative challenges. Heteronomy prevails. The net effect is to

conclude that there is no possible way to legitimize the growing process of internationalization. In what way may this development at all be valid? At present, there is an obvious lack of proper assessment criteria by which the process of internationalization can be evaluated.

Habermas' conception of discourse theory is an innovation on other conceptions of deliberative democracy because it is explicitly devised to overcome the traditional controversy between liberal (rights-based) and republican (community-based) theories of democracy. Human rights and popular sovereignty, constitution and democracy, presuppose each other reciprocally. It is only possible to form a common will in a qualified manner when individuals possess autonomy - negative freedom - to make up their minds independently. Even though liberties are among the topics of deliberation, they nevertheless constitute the framework that makes rational discussion possible. <sup>[28]</sup> In this manner discourse theory makes for a normative model of democracy that is not hampered by the shortcomings of liberalism, nor is it hampered by the shortcomings of republicanism. The latter does not properly emphasize the constitution and negative freedom. The shortcomings of liberalism relate to the failure to attend properly to collective will-formation and to place an overly strong emphasis on individual (non-reflective) preferences. In the discourse theoretical reading of procedural democracy, both the atomistic individual and the supra-individual subject - the nation, the people - disappear. It is the flow of free communication in and between the associational network of civil society and the parliamentary complex that constitutes and ensures popular sovereignty, not the formal aggregative procedures that the liberals place their trust in or in the coming together in fora and "halls" that republicans salute.

## **Legitimate governance**

The discourse model of democracy, then, proposes to remedy some of the deficiencies of the existing models of democracy. The concept of sovereignty and the notion of autonomy are reframed in discursive terms as they are conceived of in terms of presuppositions for rational opinion and will formation. This makes the model of democracy not only more adequate in a normative sense, but also more suitable to face the challenges facing the territorially delineated and circumscribed nation state.

For a system of governance to be democratic, discourse theory claims that several requirements must be fulfilled. First, all people must be able to participate in the legislative process, which follows from the principle of popular sovereignty. Second, their rights to freedom must be respected, which follows from the principle of *human rights*. In a

democracy, people are both the author(s) and the subject of the laws, and ultimately, a norm is only valid when it has been consented to in a free debate by all affected parties (Habermas 1996a:107). In order for a governmental structure to be legitimate, the principles of liberty, equality, security and participation need to be complied with. In more specific terms, the requirement is that it meets the criteria of *congruence and accountability*. By congruence is meant the basic democratic principle that those affected by decisions should also be responsible for them (Zürn 1996:39). This is an approximation: little congruence will lead to lack of legitimacy, while “too much” is held to reduce efficiency in large polities. In real world democracies, there has to be “a trade off” between legitimacy and efficiency.

Accountability means the decision makers can be held responsible by the citizenry and that it is possible to dismiss bad or incompetent rulers (ibid, 41). What, then, is required is that basic liberties are guaranteed and that people also have participatory rights to initiate, influence and object to proposals in formal as well as informal assemblies. A rather multifarious set of institutional arrangements may be needed to secure citizens’ rights in complex and pluralist societies with added layers of governance. Several checkpoints are relevant for assessing the democratic quality of a system of governance. In the discourse-theoretical perspective, then, we do not solely focus on decision making power, lack of parliamentary representation or separation of powers, but also on the possibility for wielding influence via institutions in civil society - press, media, non-governmental organizations - and the possibility of participation in opinion formation and the shaping and channeling of communicative power into the institutional complex of the EU. In addition to its focus on a wider range of fora, discourse theory is also concerned with whether the interaction processes within (and without) decision making bodies - assemblies, committees, etc - take on an arguing or a bargaining style.

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## Footnotes

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\*\*ARENA, University of Oslo.

\*\*\* Department of Organization and Administration Theory, University of Bergen.

[1] Prior to the establishment of the UN, human rights were deemed a matter for domestic jurisdictions. Exceptions related to (a) certain minimum standards in the treatment of aliens; (b) slavery and the slave trade; (c) "rights of certain persons in times of armed conflict"; and (d) rights of minorities (Driscoll, 1989:42)

<sup>[2]</sup> A *denizen* can be defined as a long-term resident “who possess[es] substantial rights and privileges... The denizenship model [of citizenship] depicts changes in citizenship as an expansion of scope on a *territorial* basis: the principle of domicile augments the principle of nationality. Denizens acquire certain membership rights by virtue of living and working in host countries” (Soysal, 1994:138-9). Soysal critiques this model for being confined to the nation-state model.

<sup>[3]</sup> To Ernst Haas, supranationality refers to “a process or style of decision-making, `a cumulative pattern of accommodation in which the participants refrain from unconditionally vetoing proposals and instead seek to attain agreement by means of compromises upgrading common interests.”(Haas cited in Keohane and Hoffmann, 1991:280)

<sup>[4]</sup> Perhaps the clearest example is that of the Danish opponents to the Maastricht Treaty who sought and obtained a Supreme Court ruling on the constitutionality of the TEU. They claimed that article 235 of the TEU violated paragraph 20 of the Danish Constitution because it enabled the EU to take on issues that are not mentioned in the treaties.(Politiken, April 7, 1998)

<sup>[5]</sup> See e.g. Mancini (1998), Pinder (1991, 1994).

<sup>[6]</sup> “When a Commission proposal is involved, at least 62 votes must be cast in favour. In other cases, the qualified majority is also 62 votes, but these must be cast by at least 10 Member States. In practice, the Council tries to reach the widest possible consensus before taking a decision so that, for example, only about 14% of the legislation adopted by the Council in 1994 was the subject of negative votes and abstentions.”(<http://europa.eu.int/inst/en/cl.htm#methods>, July 8, 1998)

<sup>[7]</sup> Member states cannot remove Commissioners from office during their period of tenure. Further, Article 10(2) of the Merger Treaty states that a Commissioner that breaches the principle of autonomy can be compulsorily retired from office. The record thus far shows that Commissioners have been fully loyal to the EU.

<sup>[8]</sup> The Amsterdam Treaty represents an important attempt to simplify the procedural arrangements of the EU by eliminating a large number of voting procedures.

<sup>[9]</sup> The literature on this theme is vast, see e.g. Ruggie, 1993, Caporaso, 1996, 1998, Curtin, 1997, Linklater, 1996, Gowan and Anderson (eds.) 1997, Moravcsik 1993, 1994, 1998, Schmitter, 1992, 1998, Weiler, 1995

<sup>[10]</sup> For an illuminating account of the shifting vocabulary associated

with the nation-state, consider M. Oakeshott (1975) and Q. Skinner (1989).

[11] For instance, consider the plea for European-wide political parties. To address such a plea, we would need to specify which models of democratic governance that are compatible with political parties; what role political parties are intended to play in each model; and what type of party and party system is required for the model to work. Then, once this is settled, it is necessary to examine how such parties and party systems fare today, i.e. are they well suited to address the particular democratic challenges that the EU is faced with now? Part of this answer can be found by examining their record at the national level. With regard to parties, many analysts contend that contemporary political parties are inadequate to address contemporary democratic challenges associated with more fluid allegiances and identities and more assertive citizens. It makes little sense to advocate the adoption of an institutional arrangement that is deemed to be crisis-ridden at the national level, straight to the European level, without first making sure that this arrangement does not simply replicate the problems at the European level.

[12] Despite much effort to the contrary, there is still a tendency to engage in what Giovanni Sartori terms 'conceptual stretching' (Sartori, 1970) when discussing the EU. For instance, if the EU is deemed a state-in-the-making, the denotation of the term 'state' has to refer not only to the characteristic features of an established state but also to those features that contribute to state-making. When there is no clear intent to establish a state, as is the case in the EU, it is easy to overstretch the connotation of the term state. A state is marked by fixed territory and a clear conception of sovereignty whereas the EU is marked by ambiguity on both counts. Since there are many possible end-states of the EU, to conceive of it as a state-in-the-making is akin to permit a desired result to determine the status of the present entity. This type of teleological thinking would not only denigrate the independence of the institutional structure in place but also conceive of it in merely instrumental terms.

[13] Consider for instance Gorm Harste, 'Demokratisk overskud' [Democratic Surplus], *Politiken*, May 26, 1998.

[14] Tyrannies may be stable but lack validity and will therefore not be stable for very long. The EU is not only marked by a remarkable degree of stability, the high rate of change that it has undergone and continues to undergo is indicative of 'stability in motion'.

[15] They are also still widely drawn upon by EU officials in their efforts to legitimate the EU, as is amply demonstrated in the numerous submissions to the IGC-96. See documents and Fossum, in this



volume.

[16] For a presentation of 'Interdependence', see Keohane and Nye (1977 and 1987). For regime theory, see Haggard and Simmons 1987, Rittberger 1993, Krasner 1982.

[17] In their classic work on 'Power and Interdependence', Keohane and Nye seek to *modify* the core assumptions of political realism rather than reject them. They note that complex interdependence is marked by a setting in which (a) there is a multitude of channels that connect societies; (b) interstate relations are characterized by an '*absence of hierarchy among issues*' which means that security does not dominate the agenda; and (c) governments do not use military force against other governments. (Keohane and Nye, 1977)

[18] Consider for instance Phillippe Schmitter's definition of integration as "the process of transferring exclusive expectations of benefits from the nation-state to some larger entity. It encompasses the process by virtue of which national actors of all sorts (government officials, interest group spokesmen, politicians, as well as ordinary people) cease to identify themselves and their future welfare entirely with their own national governments and its policies." (Schmitter, cited in Kirchner, 1980, 98). Similarly, Karl Deutsch has defined integration as "the attainment, within a territory, of a "sense of community" and of institutions and practices strong enough and widespread enough to assure, for a "long" time, dependable expectations of "peaceful change" among its population." (Deutsch, in Wallace, 1990:9)

[19] Caporaso argues that Moravcsik has modified intergovernmentalism by incorporating so much of neo-functionalism as to blur the distinction between classical realism and neo-functionalism: "Realism can now embrace economic goals, can reject the hierarchy between security and economic issues, and can thoroughly disassociate itself from the systemic determination of preferences." (Caporaso, 1998:11)

[20] For this distinction, see Evans et al., 1985. See also Marks, Hooghe and Blank, 1996: 347-8. It should, however, be noted that Moravcsik conceives of preferences as being formed through nation-state democracy, and as such are qualified..

[21] The civilizing force of hypocrisy refers to the way public debate induces actors to replace the language of power by the language of reason, i.e., the have to appeal to common norms and values. This does not necessarily eliminate egocentric motives, but forces the actors to hide them, and in so doing they actually confirms the validity of norms and reproduce them (see Elster 1998b:111)

[22] John Hume, Nobel Peace Prize Laureate, recently noted that “(t)he Irish and British membership of the EU has really contributed to create the will to resolve the conflict in Northern Ireland. It has been almost embarrassing for the two countries to have a nationalist civil war going on in their back yard, while they have participated in a grand scale anti nationalist project.”(Weekendavisen, Denmark, 6-12 November, 1998:2) Authors' translation.

[23] There is a large body of literatur on this, see e.g., Wessels, 1996:63f, Marks 1993, Jachtenfuchs and Kohler-Koch (eds) 1996, Hooghe 1996, Kohler-Koch, 1996, Scharpf 1996a and 1996b.

[24] “One can distinguish between government based on representative democracy and governance based on a variety of different regulative, representative and authority processes”. (Andersen and Burns 1996:228). On this see also for example, Andersen and Eliassen (eds.) 1996, Hix 1998, Majone 1996, Marks, Scharpf, Schmitter and Streek (eds.) 1996.

[25] This is to say that such forms of collective action could theoretically be modelled as rational choices from the actors' point of view by means of game theory. However, these are “as if” explanations and seem highly speculative and unrealistic and quite often also cynical. On this see Eriksen and Weigård (1997:225). For instance, the tendency to explain integration and enlargement as necessary side-payments, does appear to be overly cynical.

[26] See e.g., Bohman 1996, Gutmann and Thompson 1996; Bohman and Rehg (eds.) 1997, Elster (ed.) 1998, Cohen and Sabel 1997, Rawls 1997.

[27] Contractualists hold that this is obtained when parties proceed according to the principles of the original situation - behind a veil of ignorance (Rawls 1971, 1993).

[28] The conditions for autonomy can only be accomplished through collective action as it is the political institutionalization and safeguarding of human rights through political activism that make them into real assets (Habermas 1996a:14ff).

