The European Union and the Constitutionalization of Democracy

By

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Abstract

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From the Treaty on European Union (1992) to the Treaty of Lisbon (2007), democracy became a central element in the constitutionalization of the European Union. Over these twenty-five years, democracy was embedded in the institutions and practices of the European Union in two primary respects. First, following the controversial the ratification of the TEU, a series of treaty reforms were introduced to address the EU’s “democratic deficit.” These reforms culminated in the Lisbon Treaty. Second, in response to the political revolutions in Central and Eastern Europe the European Union made the transfer of democratic forms of rule to non-member states a key component of its membership policy. It is now the case that only democratic countries can be members in the democratic Union. This dissertation investigates the origins of some of the key ideas that led to the constitutionalization of democracy in the European Union.
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Chapter One
Interpreting European Democracy

1. Introduction

From the Treaty on European Union (1992) to the Treaty of Lisbon (2007), democracy became a central element in the constitutionalization of the European Union (EU).\(^1\) Over these twenty-five years the constitutionalization of democracy occurred in two primary respects. First, the controversy over the ratification of the TEU led to a series of treaty reforms to address the EU’s “democratic deficit.” These reforms culminated in the Lisbon Treaty (LT). Second, the EU made the transfer of democratic forms of rule to non-member states a key component of its membership policy. It is now the case that only democratic countries can be members in the democratic Union.

The constitutionalization of democracy is one of the most important transformations in the history of the European project. It is also one of the most significant experiments in democracy in world history. The democratic reform of internal governance and the creation of the democratic criterion for membership are two key aspects in the culmination of the transformation of the EU from an economic entity (albeit one with obvious political goals) to one with explicit democratic ends and means. Despite trenchant criticisms, the EU is the most democratic international organization in existence in the world today. According to some accounts, the EU is even more democratic than some of its member states.\(^2\)

This dissertation addresses why from the early 1990s to the late 2000s democracy was constitutionalized in the EU. Key points of the arguments can be quickly summarized. A longer discussion is provided in the final section of the chapter.

Chapters two and three address the democratic reforms contained in the LT. I argue that in the wake of the controversial ratification of the Maastricht Treaty, the European Council, European Parliament (EP) and the European Commission (Commission) became preoccupied with the problem of how to stem the apparent rising tide of public skepticism toward the EU. They feared that if something was not done to placate public opinion, the historical achievements of the Union would be threatened and future plans blocked. The institutions concluded that a central cause of the decline in public support for the EU was the organization’s inadequate democratic character. The EU’s faulty democratic legitimacy, in their view, was a primary cause of its social illegitimacy. In this context, the institutions viewed deepening democracy as a means to address the problem of public opinion and ultimately to shore up the European project.

The institutions, however, did not agree on what changes would improve the democratic character of the Union. Each institution proposed changes according to a different model of EU democracy. How should we account for these differences? I demonstrate that disagreements over how to make the EU more democratic arose in part because the European Council, the Parliament and the Commission drew on different “governance traditions” or notions about how the EU could be governed legitimately. Respectively, these traditions were nationalism,

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federalism and technocracy. The democratic reforms they proposed reflected the influence of these conflicting traditions. The final text of the Lisbon Treaty included proposals and combinations of proposals put forward by each of the institutions. As a result EU democracy according to the Lisbon Treaty is a composite of concepts, combining nationalist, federalist and technocratic interpretations of democracy. By tracing the ideational origins of the democratic reforms contained in the Lisbon Treaty, chapters two and three improve our understanding of why and in what senses the EU has become more democratic since the early 1990s.

In 1993 at the Copenhagen Summit of the European Council, member state leaders announced that EU membership was henceforth only open to countries deemed to be sufficiently democratic. It was thought at the time that by explicitly linking membership and its attendant benefits to domestic political reforms, the “Copenhagen Criteria” would promote democracy in applicant states. The promise of membership would serve as a carrot to incentivize leaders to implement democratic reforms. While such a policy may seem obvious, even natural for an organization that is entirely composed of democratic states, I argue that the EU’s new policy of democratic membership conditionality was made possible by relatively recent changes in how democracy was understood. In chapter five, I demonstrate that between the early 1960s when membership criterion were first debated and the early 1990s, there were important changes in how Community actors thought about the value of democracy and what factors caused countries to democratize. I demonstrate in chapter six that the policy of democratic conditionality is the result of new normative and causal theories of democracy that emerged in the 1980s. By uncovering how EU actors thought different about democracy and membership over time and by tracing the ideational origins of these changes, chapters five and six improve our understanding of why the EU promotes democracy through membership conditionality.

As should be evident from this short summary, the object or objects of study are the ideas that have influenced the EU’s constitutionalization of democracy. The focus on ideas and their origins is the result of the analytical approach I advocate: interpretive genealogy. Interpretivism is a distinct position in the philosophy of social science that asserts to understand and explain social life one must account for the beliefs and preferences of the people one studies. Genealogy is a strand of interpretivist inquiry oriented towards investigating the historical origins of human beliefs and practices. Most research on the EU does not adopt an interpretivist or genealogical perspective. Because I do, and further because I hold that interpretivism is indispensable rather than optional, in this chapter I defend my selection.


these authors, metatheoretical battles have been fought to a standstill. Better to abandon the battlefield and compare and perhaps even combine different theoretical approaches to attain an enhanced understanding of the range of factors that explain EU integration and policymaking. To allow our philosophical commitments to discipline actual research would, so the argument goes, arbitrarily cut us off from making important empirical and theoretical insights. Best to remain philosophically agnostic and simply “get on with it.”

The problem with this advice is three-fold. First, philosophical commitments have implications for substantive research. Theoretical explanations grounded in different philosophical foundations frequently cannot be compared. The relative validity of different explanations cannot be directly assessed if they derive from distinct normative accounts of what form explanations should take. This level of analytical ecumenism is unattainable. Second, we should demand intellectual coherence between our metatheory and theory. That is, our beliefs about the proper form of political understanding and explanation should not clash with the substantive understandings and explanations that we proffer. The call for analytical ecumenism ignores this philosophical requirement. Third, philosophical commitments on the proper form of political explanation are unavoidable, even if those commitments remain latent and tacit. As such we should consider whether certain perspectives are more convincing than others and modify the form of political inquiry we endorse in light of our reasoned conclusions.

Because analytical ecumenism cannot be justified and because interpretivism and genealogy are underdeveloped and controversial approaches in the field of EU studies, the primary purpose of this introductory chapter is to provide an account of the interpretive approach that orients this project. The chapter explains why interpretation is necessary, point out some fundamental dissimilarities between my approach in comparison to a number of major approaches to the study of the EU, explain the basic concepts used and how they bear on the dissertation’s substantive arguments, and address some common criticisms of interpretivism. Each of these objectives corresponds to one or more sections of the chapter. The next section outlines why EU scholars and political scientists in general should adopt an interpretive approach. The third section outlines and criticizes dominant approaches to the study of EU from the perspective of interpretivism. Most centrally, an interpretivist perspective leads to a warranted skepticism toward attempts to develop theoretical models of EU integration or policymaking based on the existence of certain social conditions, structures or actor rationalities. Section four demonstrates that research on the EU and democracy parallels the theoretical aspirations typical of EU studies generally and thus is subject to the same criticisms. The fifth section outlines the key concepts employed by this study. Section six defends my interpretivism from some common criticisms. While the call for an interpretivist EU studies does not rule out a reconstruction of non-interpretivist research on interpretivist lines, it does set parameters for what forms of research will be philosophically justified and what one should aim at in such a reconstruction. Thus in addition to the goals just mentioned the discussion below establishes normative standards to judge such a reconstruction. The seventh section summarizes the main arguments and conclusions of the dissertation, drawing attention to the interpretive concepts that guide the study. Thus in addition to providing the reader with a fuller summary of the primary questions, arguments and conclusions contained in subsequent chapters, the last section demonstrates how the philosophical commitments translate into substantive findings and what the payoff of an interpretive approach can be.

In sum, this project has both discipline-configurative and substantive objectives. On the one hand, the aim is to establish interpretivism – and genealogy as one type of interpretive inquiry – as a philosophically justified and fruitful approach to the study of the EU. On the other hand, the aim is to shed light on one of the more dramatic developments in contemporary Europe: the constitutionalization of democracy in the EU.

2. An Interpretive Genealogy

In this section I define my understanding and justify my selection of interpretivism and genealogy. In completing this task, I hope to dispel a general fear that interpretivism and genealogy are exotic species of social inquiry that are difficult to understand or accept.

2.1 Interpretivism

Interpretivism is a philosophical position on the study of human activity. It takes as the central objects of interest the beliefs and preferences of those it studies. Interpretivists assert that people can only engage in an activity – whether that activity is football or democracy – if they hold certain beliefs. Thus, we “understand and explain practices and actions adequately only by reference to the beliefs and desires of the relevant actors.”

Two premises justify an interpretive approach. First, humans act according to beliefs and preferences that are their own. EU leaders might have promoted democracy in third-states because they believed it was a morally preferable system of government or a means of stabilizing conflict-prone societies. They may have introduced internal democratic reforms because they believed enhancing the powers of the parliament, increasing transparency, or providing greater opportunities for public input and participation would increase the EU’s legitimacy in the eyes of the public or improve decision-making. Whatever substance we give to our explanations of the EU’s democratic turn in the 1990s, we must do so by reference to the beliefs and preferences of relevant EU actors because humans are agents who act according to beliefs and preferences that are their own. The second premise of an interpretive approach is that the beliefs and preferences of actors cannot be reduced to social facts. If they could be, then we would be justified in treating beliefs and preferences as mere intervening variables whose final cause lay elsewhere. However, the impossibility of pure experience – the idea that beliefs and preferences are determined by mere facts of existence – means that the beliefs and preferences of actors cannot be, for instance, determined by their social position or membership in a particular group.

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Knowledge of the world and desires are always mediated by language and ideas. An official’s institutional position or national affiliation, a citizen’s party membership or an immigrant’s country of origin do not in themselves explain their beliefs and actions. Rather, we must interpret the beliefs and desires that they hold in order to adequately understand and explain the actions those beliefs bear upon. In sum, the fact that humans act according to beliefs and preferences that are their own and because their ideas are not reducible to their social position or other objective characteristics means that social inquiry should be principally concerned with interpreting the actions of others. To interpret well is to grasp the relevant beliefs and preferences that are the basis for why others act as they do.

Many political scientists and scholars of the EU would accept that human action is explained by reference to beliefs and preferences, but nonetheless insist that their theories can be modeled on the natural sciences. They might claim, for instance, that the delegation or pooling of sovereignty at the EU level caused EU actors to propose changes to the structures or processes of decision-making to enhance the organization’s democratic legitimacy. The fact that political authority was reorganized at the level of the EU, so the theory goes, forced leaders to propose and negotiate new democratic reforms. Or it might be said that the end of the Cold War and the attendant shift in the international balance of power caused leaders to reprioritize democracy as an objective of EU foreign policy. The fact that the Soviet Union no longer posed an existential threat to Western Europe meant that it was no longer necessary for EU leaders to be primarily concerned with maintaining or fomenting the political allegiance of undemocratic regimes. The end of the Cold War caused Western Europe’s political leaders to modify their foreign policy priorities. We can classify these types of explanations as “naturalistic” because like theories of the natural world that ascribe cause and effect to natural facts such theories argue that EU democracy was the result of certain social facts.

Given what has already been said about interpretivism and what it entails for the study of human action, it should be clear why such views cannot be accepted. Explanations based on non-ideational factors like the allocation of decision-making authority or the international distribution of capabilities attempt to bypass the beliefs and preferences of relevant of actors. After all, the statement that that delegation or pooling of sovereignty caused leaders to improve the EU’s democratic credentials – whether cause is understood strictly or probabilistically – makes no reference to the ideas that EU actors actually held. If the ideas of actors enter they story, they are epiphenomenal of some deeper social reality. It is alleged that they were in some sense forced to act due to structures that were beyond them. The empirical inadequacy of these explanations follows from their philosophical inadequacy. More generally, “when we try to explain the link between preferences, beliefs and actions, there is no causal necessity equivalent to that

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9 I take this point, though not the reference to the EU, from Andrew Davison, Secularism and Revivalism in Turkey: A Hermeneutic Reconsideration (Yale University Press, 1998), 53–54, 57.
characteristic of explanations in the natural sciences.” Explanations that posit a causal necessity violate our understanding of humans as agents who act according to beliefs and preferences that are their own. The idea of causality borrowed from the natural science is thus inappropriate for the human sciences.

However, because we cannot adopt a naturalistic model of explanation that refers to social facts to explain human action – like the structure of authority or the international system – it does not mean we cannot explain. The rejection of naturalism is not the rejection of explanation. Rather we should adopt a form of explanation that is appropriate for the study of human actions, practices and institutions. That form of explanation is humanistic. We account for human artifacts by “pointing to the conditional and volitional links between the relevant beliefs, preferences, intentions and actions.” Explanation of social phenomena should be humanistic in the sense that it acknowledges and draws upon our understanding of humans as agents. Therefore, candidate explanations must substantively point to the beliefs and preferences of actors, rather than structures or quasi-structures whether material or ideational in nature.

In addition to constraining the substance of candidate explanations, interpretivism’s view of humans as agents also indicates the form explanations should take. Explanations in EU studies, but also political science more broadly, should take a narrative form because developments in the EU should be explained by reference to the beliefs and preferences that actors held and how they came to hold those views. Thus, we might tell a story – as I do in chapters four and five – about how EU actors came to believe that promoting democracy in third-states was normatively desirable and causally effective through the model of conditionality by relating those beliefs to the rise of new normative theories of governance and new empirical theories of democracy. In doing so, I note the relevance of the end of the Cold War, but not because it caused actors to behave in a particular way, but according to how EU actors they understood the significance of the end of the East-West conflict for their existing beliefs and preferences. The fact of the end of the Cold War must be put into a wider web of meaning to derive its significance. For some actors it led them to modify their beliefs, preferences and therefore actions. For other actors who held a different web of beliefs, it did not have any immediate effect at all. Whatever narrative of EU democracy that we adopt, it should be characteristically humanistic rather than naturalistic whose substance and form recognizes that EU actors are agents.

In sum, interpretivism is a normative account of the appropriate form of understanding and explanation in the social sciences. To understand and explain human actions or practices – like the EU’s promotion of democracy in third-states or the EU’s adoption of internal democratic reforms – we must refer to the beliefs and preferences that inform those actions and practices. Interpretation is necessary because of the nature of humans as agents. Humans are agents because they act according to beliefs and preferences that are their own. This project is

14 Ibid.
15 Of course, just because interpretivists reject the idea of naturalistic causality for the explanation of political phenomena does not mean they don’t recognize that others accept it and act according to that belief.
16 In fact, this is what occurred. Whereas some European political leaders responded to the Soviet Union’s withdraw from the bloc states as a justification for a change in foreign economic policy, the administration of George H.W. Bush advocated staying the course, at least in the short-term. Tanja A Börzel and Thomas Risse, “Venus Approaching Mars? The European Union’s Approaches to Democracy Promotion in Comparative Perspective,” in Promoting Democracy and the Rule of Law: American and European Strategies, ed. Amichai Magen, Thomas Risse, and Michael McFaul (New York: Palgrave Macmillan, 2009), 34–60.
necessarily interpretivist because its objects of study are humans engaged in particular political projects of democracy-building. Interpretation is indispensable.

2.2 Genealogy

There exists a number of different varieties of interpretive theory, including hermeneutics, ethnography as well as those inspired by post-structuralist and postmodern philosophies. The genealogical approach that I endorse here is one type of interpretive theory. Interpretation is indispensable.

Genealogy is a “historical narrative that explains an aspect of human life by showing how it came into being.” As Michel Foucault more succinctly stated, a genealogy is a history of the present. Genealogy is an approach to explanation that addresses how actors came to hold the beliefs that they do and to participate in the practices that those beliefs inform.

As an approach to the study of human ideas and practices, genealogy is associated with the radical turn in nineteenth century historicism and more concretely with Friedrich Nietzsche’s *Beyond Good and Evil* and *Genealogy of Morals* and later Michel Foucault’s *Discipline and Punish* and *History of Sexuality*. Historicism conceives of social life as the result of human creativity and purposeful intentionality. Most nineteenth century European social theory, however, was developmental rather than radical in that it conceived of history as guided by fixed principles like liberty, reason, nation and statehood. *Beyond Good and Evil* and *Genealogy of Morals* can be distinguished from earlier work, including some of Nietzsche’s own, by its emphasis on a radical rather than a developmental view of history. In contrast, genealogy stresses the contingent origins of human practices and beliefs, including of such principles. For instance, whereas a developmental history of EU democracy might appeal to more or less fixed notions of appropriate political legitimation embedded in different national traditions, a radical account will appeal to actors’ actual beliefs and trace the sources of those beliefs.

The radical turn in historicism led genealogists to emphasize nominalism, contingency and contestability as elements of social explanation. Each of these themes is directly connected to an understanding of humans as intentional agents who act upon some of the beliefs and preferences that they hold. Nominalism is the idea that human beliefs and practices emerge against a historical background and in particular historical contexts that influence their content. Nominalism can be contrasted with the idea that the content of practices have fixed essences, like a fixed essence of democracy. We should conceive of historical background as the beliefs and practices that an individual or collective inherits from those who previously existed. Given the interpretivism of this project, “inherits” should of course be understood ideationally rather than genetically. We come to understand and practice democracy the way we do in part because we

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17 This section draws heavily on Mark Bevir, “What Is Genealogy?,” *Journal of the Philosophy of History* 2, no. 3 (September 1, 2008): 263–75.
22 A critic might interject here that I’m not being faithful to Foucault’s or Nietzsche’s understanding of genealogy because of their continued reliance on structural themes in their explanations. If this is an accurate depiction of the two authors, then I think it’s justified to part ways with them on this point. My concern is not with fidelity, but explanation of my own position.
accept the ways people have previously understood and practiced democracy. We inherit this historical background when we come to believe and act as others have. Contexts are the circumstances in which individuals and collectives act. Of course, contexts themselves must be interpreted and cannot determine responses in any direct sense. But historical background and interpreted contexts influence the content of actors’ beliefs and actions by providing meanings upon which they act or which they modify. Thus for instance, a democrat may push for parliamentary control of the EU executive based upon an inherited notion of parliamentary democracy as executive control by a directly elected representative body or might argue for an alternative model given the existence of apparent contextual constraints, like the absence of a fully formed European demos or weak constituent-representative ties. In either case, the agent’s interpretation of her historical background and context influence the content of her democratic advocacy. A genealogy will seek to understand the particular content actors give to their concepts historically.

For genealogists, history is contingent because outcomes are the result of human interpretation and reinterpretations of inherited traditions in response to new contexts or dilemmas. The emphasis on contingency can be contrasted with modes of explanation that assume determinism, whether understood strictly or probabilistically. If democracy could be understood and practiced in just one way – say as Aristotle or Rousseau understood it – then there would be no history of democracy but simply a repeated set of practices over time. But because democracy is a human creation and humans possess agency to create and recreate inherited traditions in response to new problems and in new contexts, democracy has a contingent existence whose emergence must be accounted for historically as the result of human agency. Because humans can interpret democracy and their contexts differently and frequently do, the practice of democracy has a contingent existence that depends on relevant actors holding certain beliefs rather than others. A genealogy will seek to explain how actors came to hold the contingent beliefs that they did.

Lastly, genealogists emphasize contestability because practices and outcomes are the result of human agency. Of course, the expectation of conflict and contestability is not peculiar to genealogy but present in most political studies. However, genealogy’s focus on the beliefs and concepts that inform actors’ actions highlights an area of contest not always central in other political research, where, inter alia, ideas of wealth, power, prestige or security hold sway. The fact that humans possess agency and act against particular historical backgrounds suggests that there are always innumerable ways a practice or institutions can be instantiated and justified. Because practices and institutions can be understood differently and different agents can act on the basis of different meanings, genealogists emphasize the contestability in human institutions and practices. A genealogy will frequently show how a practice or institution was the result of various understandings of that practice or institution and a struggle over its meaning. For instance, as I demonstrate in chapter six, the Commission, Parliament and European Council advanced competing conceptions of how to make the EU more democratic. The reforms contained in the Lisbon Treaty reflected a composite of these different conceptions. EU democracy was the result of diverse understandings and the struggle over its interpretation.

Genealogy is a type of interpretive theory that arises with the radical turn in historicism. Because of its emphasis on human agency, genealogy rejects the idea that human beliefs and practices can be explained historically by reference to fixed principles. Genealogy rejects the search for fixed essences or determinism and doubts the existence of equivalent understandings.
Rather in acknowledging the centrality of human agency, genealogy is a historical narrative of human affairs that emphasizes nominalism, contingency and contestability.

3. An Interpretivist View of EU studies

Intelligent reviews of the state of the art in EU studies can be found in a number of places. The primary purpose of this section is not to offer a repetition of the primary concerns, explanatory models, methodological choices, empirical findings or points of debate in the field. Rather, I argue that despite substantive and methodological differences, the study of the EU remains wedded to a loose positivism. Dominant approaches remain loosely positivist in the sense that they aim to construct general theoretical models of European integration and policymaking based on the existence of certain social facts. In their theoretical models, International Relations, comparativist and governance scholars typical invoke social and psychological structures or quasi-structures as the causes of some observed outcome. In doing so, they adopt a naturalist form of explanation.

For some, this is a welcome finding indicating that the field is moving towards a progressive, normal science. Mark Pollack for one concludes that EU studies is emerging out of the “immaturity and weakness of integration theory” in the pre-1970s and toward empirically robust mid-range theories. Similarly Andrew Moravcsik has argued that for EU studies to be a progressive science, scholars should develop mid-range theories and state “distinctive testable hypotheses” which “specify concrete causal mechanisms” understood in terms of the process and conditions under which certain behaviors are expected. In this section, I argue that the aims and typical characteristics of these mid-range theories are incompatible with our understanding of humans as agents who act according to beliefs and preferences that are their own. Because they are incompatible we have two options. We can either modify our understanding of humans. To do so, we would need to state why the interpretivist view presented above is invalid and why the proposed alternative is justified. The other option – the one advocated for here – is to replace a positivist approach to the study of the EU with an interpretivist one. Key components of such an approach are outlined in the subsequent section.

3.1 International Relations

International Relations scholars typically focus on the causes and direction of the process of European integration. Since the 1990s, neo-functionalism and inter-governmentalism have been challenged by various types of rationalism and constructivism, reflecting a wider trend in the field of International Relations. On the rationalist side, these include liberal

24 The term ”quasi-structure” is used to denote those theories that pose an iterative or dialectical relationship between structures and agents. The constructivist theories discussed in section 3.1.2 are a good example.
intergovernmentalism and rational choice institutionalism. On the constructivist side, these include constructivist intergovernmentalism and sociological institutionalism. Rationalist and constructivist/sociological scholarship hold different positions on the nature of human rationality and its relation to the external world. Liberal intergovernmentalism and rational choice institutionalism differ on the role institutions play in their explanations. Similarly, constructivist intergovernmentalism and sociological institutionalism differ on the emphasis they place on state leaders relative to institutions. Despite these differences each approach posits certain rationalities and social structures that determine actors’ behavior.

3.1.1 Rationalist theories

Rationalist theories of European integration can be divided into two main types: liberal intergovernmentalism and rationalist institutionalism.

Liberal intergovernmentalism. Andrew Moravcsik has been the primary champion of liberal intergovernmentalism. Moravcsik argues that European integration is best explained according to a model that emphasizes EU member state preferences, relative bargaining power and credible commitments. Moravcsik’s theoretical model is “rationalist” in the sense that state leaders act according to a “logic of consequences,” attempting to reach agreements that minimize the costs and maximize the benefits for themselves and the national populations that they represent. Contra neofunctionalists or supranationalists, Moravcsik argues that the EU’s groundbreaking decisions were not driven primarily by supranational entrepreneurs, unintended spillover from integration or transnational interest group coalitions, but the policy and institutional preferences of state leaders and an intergovernmental process of hard bargaining. The supranational elements in the institutional design of the EU are the result of member state leaders’ efforts to ensure compliance and guard against backsliding on agreements through improving the information environment.

Rationalist institutionalism. Whereas liberal intergovernmentalism focuses on the preferences of member state preferences, bargaining power and the expected effects of different institutional designs for establishing credible commitments amongst states, rationalist institutionalists have directed their attention to the constraining and enabling effects of formal institutional rules. Liberal intergovernmentalists and rational institutionalists differ in whether they treat EU institutions as dependent or independent variables in their explanations. Rational institutionalists argue that formal rules influence or constrain the behavior of actors by increasing or lowering the costs and benefits of certain courses of action.

Within rationalist institutionalism, two perspectives can be identified, one offering synchronic explanations and another focused on diachronic explanations of the effects of institutions and rules. Drawing upon principle-agent and transaction cost models of institutions,

synchronic studies address the design and effects of formal institutions.\textsuperscript{30} Alternatively, diachronic studies addressed the influence or constraints of institutions over time. Paul Pierson has argued that institutions can “lock-in” the future behavior of the state leaders by establishing decision-making hurdles or raising the costs of change to influential private actors.\textsuperscript{31}

In sum, rationalist research on the EU conceives of state and non-state actors as utility-maximizers concerned with some combination of power, prestige or welfare. It typically conceives of institutions as formal rules that enable and constrain the behavior of relevant actors through creating incentives and barriers to particular actions. Actors are conceived of behaving according to a logic of consequences constrained by an outside environment that imposes costs and benefits to different pathways of actions. This strand of research is positivist in that it poses certain psychological (utility maximization) and social structures (formal institutional rules) as deterministic of actor’s behavior.

\subsection*{3.1.2 Constructivist and sociological institutionalism}

Whereas rational choice institutionalism explains the establishment and effects of the European Union in terms of the preference optimizing behavior of state leaders and the constituencies they represent, constructivist and sociological institutionalists emphasize the way formal rules and informal norms on the one hand and actors’ identities and preferences on the other are mutually constitutive.\textsuperscript{32} As a result, particular examples of constructivist research tend to focus on either the way European actors construct EU-level institutions or how EU and domestic institutions construct the identities and preferences of actors. Although, given the constructivist belief in the mutually constitutive nature of agents and structures, there is an inevitable recursivity.

\textit{Actors constructing institutions.} Constructivists who address the construction of the EU study the communicative and discursive practices of EU actors. They do so because they believe that in order to understand and explain the behavior of actors, we must understand how they make sense of the world and the meanings they attach to their activities.\textsuperscript{33} Studying what actors say or what is written provides observers access to the meanings that explain why EU actors have created the EU that they have.

Drawing upon Jürgen Habermas’s idea of communicative action, some scholars have argued that policy making in certain areas provides evidence of deliberative policy making.\textsuperscript{34} Rather than policy making solely through command and control or strategic bargaining, actors


enact policies on the basis of the better argument and persuasion. Policy actors’ understanding of the situation and even interests are transformed through ongoing deliberations. Decision-making is constrained and directed by such ideas as legitimacy, reciprocity, scientific expertise, a due concern for the effects of policies on others and the sharing of risks. In these studies, authors cite different conditions under which the likelihood of communicative action increases: where the distributive effects of policy cannot be calculated, interaction continues of a long-period, negotiations are informal and non-hierarchical, or where the outcomes will be “history-making.”

Whereas authors who employ the idea of communicative action focus on argumentation and reason giving, a second strand of research addresses discursive practices and the construction of social meanings. In doing so, scholars point to how the establishment of certain interpretations of problems and contexts limit or enable, legitimize or delegitimize particular viewpoints, proposals and courses of action. The study of European discursive practices focuses both on the substantive ideas actors use to make sense of EU politics and the process through which ideas emerge, are established and change. For example, in her study of French discourses on European integration and globalization, Vivien Schmidt claims French elites have attempted to ensure public support for European integration by arguing that it provides France with a forum for leadership in Europe and protects French workers and producers from wider global competition. Over time, however, the public stopped finding such argument convincing in light of evidence to the contrary. As a result, the French public has become increasingly skeptical about further institutional integration, as evidenced by the French “non” on the referendum for the Constitutional Treaty in 2004. For Schmidt, the French discourse on Europe, which initially successfully legitimized support for integration, has over time erected obstacles to further European development.

Constructivists who study discursive practices or discourses posit the existence of certain conditions or quasi-structures that limit or enable political action.  

Institutions constructing actors. A second focus of constructivist research has been the ways the EU as an emerging polity contributes to identity formation amongst EU actors, influencing their preferences and actions. By constructing actors’ identities and preferences, EU institutions are said to contribute to a “logic of appropriateness,” where policy makers judge the right course of action according to its fit with the relevant institutional setting. Liesbet Hooghe, Jeffrey Lewis and others have sought to test under what conditions EU institutions socialize officials into adopting new norms, identities and preferences. In her study of the preferences of Commission officials, Hooghe attempted to specify the “scope conditions of international socialization,” including factors of time, institutional cohesiveness or

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fragmentation, interactive effects of national socialization, and normative variation. In his study of bargaining in the Committee of Permanent Representatives, Lewis attempts to test the relative importance of informal rules, norms and shared understandings in the formation of attitudes, values and role conceptions by individual members and in turn bargaining outcomes. In these studies, constructivist scholars argue that social context, institutions and/or psychological dispositions can be understood as quasi-structures. On the one hand, actors constitute their social contexts by acting on their beliefs in ongoing relations with significant others. On the other hand, once created social contexts in some sense stand apart from the actors and may socialize participants into new norms, preferences and identities. Constructivists attempt to specify the scope conditions and mechanisms through which such socialization should be expected to be more or less successful.

Constructivist studies of the EU certainly acknowledge the importance of ideas, and thus at first glance seem to be overlap significantly with the interpretive approach taken here. However, constructivist accounts typically reify beliefs, treating social contexts, institutions and/or psychological dispositions as “quasi-structures” that may affect actor’s behavior directly or indirectly through their identities and preferences. Institutions, discourses, and norms are quasi-structures in that they are believed to exist in some sense relatively independent of the agency of actors. Given their relative independence, constructivist scholars invoke these social facts as components of their explanations. In this regard, discussions of the “constitutive effects of norms” or “causal effects” of “institutional and normative environments” are indicative of a persistent naturalism. Lewis, for one, hypothesizes that institutional environments characterized by a high density of interactions that occur outside of public scrutiny should induce participants to adopt other-regarding views and behavior. Beliefs and attendant behaviors are hypothesized to be the result of social facts. By reifying norms, rules and institutions, constructivists reject the interpretive claim that actors adopt beliefs and participate in certain practices for reasons that are their own. Constructivists, by contrast, argue that actors adopt beliefs and engage in political action as a result of their environment. Constructivists retain a commitment to explanation that appeals to social structures that is in tension with an understanding of humans as agents.

3.2 Comparativist research

Beginning in the mid-1990s an increasing number of comparativists turned to the study of the EU. Two primary reasons have been given for this development. First, observers began

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40 Jeffrey Lewis, “Institutional Environments And Everyday EU Decision Making Rationalist or Constructivist?,” *Comparative Political Studies* 36, no. 1–2 (February 1, 2003): 97–124.
41 Checkel, “Special Issue: International Institutions and Socialization in Europe,” 811.
44 Lewis, “Institutional Environments And Everyday EU Decision Making Rationalist or Constructivist?,” 99, 106.
to view the EU as a political system in its own right. Simon Hix was symptomatic in this regard, arguing in a series of publications that the EU had become sufficiently similar in its functioning and processes to national polities that theoretical models developed in the subfield of comparative politics could be successfully applied.46 Following Lindberg and Scheingold, he noted that the EU should be understood as a political system that adopts binding political decisions for the authoritative allocations of values in European society. Thus, whereas “international relations may be appropriate for the study European integration . . . comparative politics are more appropriate for the analysis of European Community politics.”47 There was a second reason for the rising influence of comparative politics in the study of the EU. Following the ratification of the Single European Act and especially the Treaty on European Union, the EU increasingly gained competences and influence in areas of policy that previously had been viewed as exclusively the remit of national governments. Europeanists could no longer understand the industrial, regional, social or environmental processes or outcomes they were interested in without considering the impact of the EU.48 Indeed, these two factors that accompanied the comparativist turn in EU studies drew upon one another: the increasing delegation and sharing of national legislative, executive and judicial responsibilities with the EU resulted in the Union becoming similar to national political systems in significant aspects.

The view that the EU was a polity like any other did not go unchallenged,49 but for those who accepted this basic claims, theoretical models and analytical tools developed for the study of politics within states became a promising option for the study of the politics within the EU. Comparative analyses have been applied to the study of vertical and horizontal separation of powers and concurrent competences, the completion of the internal market,50 the roles of executive bodies and institutions, the influence of different actors in the legislative process, the independence of the European Court of Justice, the organization and functioning of the European Parliament and Council, public opinion and interest organization and representation.

As Mark Pollack notes, given the subdisciplinary roots of comparativist research on the EU (American and comparative politics), it tends to be rationalist and positivist in nature, employing the language and models of rational choice theory while aiming to systematically test theory-drive explanations. Rationalist theories developed for the study of US Congress have been particularly influential on the EU’s legislative politics.51 These have been applied to the organization and functioning of the Parliament, the study of voting power in the Council of Ministers and legislative bargaining among the three main institutional actors – the Council, Commission and Parliament. Of particular interest in the study of legislative bargaining has been

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50 Garrett and Tsebelis, “An Institutional Critique of Intergovernmentalism.”

the relative power of the Parliament under different legislative procedures, whether the Parliament’s influence has increased over time and, if so, why.52

For instance, in his study of the co-operative procedure introduced by the Single European Act, George Tsebelis argued that under certain conditions the Parliament gained “conditional agenda-setting power.”53 An actor in the legislative process has agenda-setting power when it is impossible, difficult or costly to amend a proposal made by that actor. Under the co-operation procedure, amendments proposed by the Parliament, and supported by the Commission, during the second reading of draft legislation could be accepted by the Council by a qualified majority of its members but amended or rejected only by unanimity.54 Drawing upon a spatial model of voting developed for the study American legislative behavior, Tsebelis argued that the co-operation procedure made it easier for the Council to adopt rather than modify the Parliament’s position. As a result, the Parliament was capable of and sometimes did achieve policy outcomes that otherwise would not have been considered. Tsebelis noted most prominently the raising of automobile emissions standards, which was supported by the Parliament over the objections of automakers and some Council members.

Others who argued that Tsebelis’s model mis-specified the decision-making procedure and thus over-stated the influence of the EP. According to Peter Moser and Christophe Crombez, by focusing on the EP’s second reading of legislation in the co-operation procedure Tsebelis failed to take into account the preferences and independent agenda-setting influence of the Commission.55 They conclude that the EP is in fact substantially weaker than Tsebelis claims. For these authors, the primary power of the EP under the co-operation rule was not agenda-setting but veto power. A similar debate occurred over the shift from co-decision I established by the Maastricht Treaty to co-decision II under Treaty of Amsterdam. For Tsebelis and Garrett, the Parliament lost its agenda-setting power and gained veto power. For others, co-decision under the Treaty of Amsterdam demonstrated that the EU was moving towards a fully bicameral legislative system.56

Despite substantive differences, studies on the Parliament’s relative influence under different legislative procedures aim to establish the necessary or sufficient conditions for Parliamentary influence. To do so, scholars make formal and substantive assumptions about actors’ preferences – for instance, they are exogenously formed and ordered according to expected utility, the Parliament prefers more integration relative to the other institutions – and their beliefs – like knowledge of each actor’s preferences, the impact of different policies, and the location of the policy status quo. Formal rules of the legislative procedure are treated as structures that constrain and enable different avenues of actions. Explanations of Parliamentary

53 Tsebelis described the EP’s agenda-setting power as “conditional” because it depended on the Parliament proposing and the Commission supporting legislative amendments that made a qualified majority in the Council better off than any alternative that could be adopted by unanimity. Tsebelis, “The Power of the European Parliament as a Conditional Agenda Setter.”
54 The precise decision rule of qualified majority voting (QMV) in the Council has changed over time, but generally speaking legislation adopted under QMV required a greater number of votes than an absolute majority and a lesser number of votes than unanimity. In the version that Tsebelis initially analyzed successful legislation required 54 of 76 votes, where each member state is allocated a weighted number of votes.
(in)effectiveness thus tend toward reified rationalities and the positing of formal rules as codified structures.

3.3 The Governance School

The Governance School forms the third major approach to the study of the EU. Like comparativist research, governance studies of the EU arose in the early 1990s in response to what scholars viewed as the changing nature of the Union. Unlike comparativists, however, governance scholars did not draw the conclusion that the EU was becoming increasingly similar to national political systems. As a result they rejected the comparativist tendency to adopt off-the-shelf models and theories drawn from the study of domestic politics. Rather, the idea of governance signaled the arrival of a new type of political system in Europe. This new political system was distinct from conceptualizing the EU as either an international organization (the International Relation’s view) or a domestic political system (the comparativist view). Governance scholars conceptualized the EU as a system of rule in which networks of private and public actors engaged in non-hierarchical deliberation and problem-solving efforts guided by informal norms as well as formal institutions. The emphasis on networks of public and private actors stood in contrast to the IR emphasis on state and supranational governmental actors; the emphasis on deliberation and problem-solving stood in contrast with rationalist research that conceived of actors as engaged in preference maximizing; and the emphasis on norms as well as formal institutions stood in contrast with IR and comparative analyses that incorporated formal legal rules. As discussed previously, not all IR or comparativist research exhibited these features. It would be misleading, therefore, to suggest that governance scholars did not overlap with their IR and comparativist colleagues. But to the extent governance studies combined relatively distinct ideas about who the relevant actors were and how they interacted, it could lay claim to being a distinctive research agenda on the EU.

Early application of the governance approach to the EU can be found in literatures on multi-level governance (MLG) and policy networks. MLG and network theory shares obvious affinities in their focus on the dispersion of influence amongst different actors throughout the policy process. However, whereas MLG tends to focus on governmental actors at different territorial levels, network theory scrutinizes public and private actors at the same (“horizontal networks”) or different territorial levels (“vertical networks”).

58 Pollack, “Theorizing the European Union.”
61 Ibid., 132.
3.3.1 Multi-level governance

According to MLG scholars, European integration and policy-making has led to a dispersion of authority amongst state, EU and subnational governmental actors. Actors at different levels of government have become dependent on resources controlled by actors at other levels – information, economic resources, authority, etc. As a result, a number of public actors hold considerable sway in the policy process and outcomes are determined by the interdependence of the European and domestic levels of government.\(^6\)

In his early study of EU structural funds, for instance, Gary Marks challenged the dominant supranationalist vs. intergovernmentalist debate in the field of International Relations.\(^6\) He argued that the post-1988 reform of structural funds policy – the second largest EU expenditure behind the Common Agricultural Policy – had led to central governments losing control of the design and implementation of funds, while the Commission as well as local and regional governments had gained in influence. As a result, in certain cases the Commission and subnational governments capitalized on their new influence by pressuring national governments (namely, the British) into concessions they opposed. Marks’ claims drew critical scrutiny and further research appeared to show substantial cross-national variation in the empowerment of supranational and subnational actors in EU structural policy. However, in a follow up article, Marks and co-authors reasserted the claim that the EU polity was marked by an increase in interdependence between governments at different territorial levels (European, national, regional, and local) and a decline in the autonomy of national governments in the design, implementation and adjudication of policy.\(^6\) Growing interdependence amongst public actors at different territorial actors had led to a decline in the autonomy of national governments over policy-making. Individual state sovereignty was being weakened by collective decision-making and supranational institutions and by the direct connection subnational actors were forging in the policy process at the EU level.\(^6\)

3.3.2 Network theory

Like MLG scholars and comparativists, network theorists view the EU as an emergent polity. They differ with the former over the nature of the polity. According to one prominent definition, a policy network is “a set of relatively stable relationships which are of [a] non-hierarchical and interdependent nature linking a variety of actors, who share a common interests with regard to a policy and who exchange resources to pursue these shared interests

\(^6\) Markus Jachtenfuchs, “The European Union as a Polity (II),” in The SAGE Handbook of European Union Politics, ed. Knud Erik Jørgensen, Mark Pollack, and Ben Rosamond (Thousand Oaks, CA: SAGE, 2006), 162. In his summary, Jachtenfuchs dwells on a number of other more specific traits of the EU’s system of multilevel governance that I do not include here: the absence of a military or police force, no monopoly on taxation, a hierarchical legal system, weak political parties, and a weak coupling of levels of government. See pp 162-165 especially.


\(^6\) Ibid.
acknowledging the co-operation is the best way to achieve common goals.”66 A policy network includes all public and private actors involved in the design and implementation of policy in a particular policy sector. The concept of policy network is intended to capture the distinctiveness of European governance when compared to policymaking through either Weberian notions of hierarchy where the centralized state designs and imposes a desired outcome or the neoliberal focus on markets for the allocation of scarce resources and the delivery of services. Network theory is said to illuminate the shift towards a sharing of tasks and responsibilities by public and private actors who command a variety of resources in the process of public policy-making.

The EU is thought to be particularly susceptible to network analysis for a number of reasons. First, it is a highly differentiated polity. Across different policy sectors, decision rules and dominant actors vary considerably. The process and actors that shape, say, monetary policy and external trade policy are quite distinct. Second, many policy areas are highly technical and tend to be dominated by experts. This is especially evident in social and environmental regulation. Policy-making in these areas gathers together EU independent bodies as well as public and private experts. Third, at every stage of the policy-making process—agenda formation, decision-making, implementation and adjudication—the Union relies upon committees of officials and other stakeholders. Not only does this make policy-making incredibly complex, but influence is dispersed to both public and private actors who deliberate and bargain throughout the policy process. As a result, statist or supranationalist theories of the EU that rely upon a determining center are said to misunderstand how policy is actually made.67

Network theorists claim that the structure of networks has a significant influence on how members interact, the policy-making process and outcomes. Although different typologies of networks exist in the literature,68 network theorists tend to argue that the relative stability, openness and resource interdependence of transnational and transgovernmental networks determine the relative influence of various actors and the substantive content of EU policies.69 Stability refers to a network’s membership and whether over time the same actors are active in decision-making or if there is considerable flux according to a particular policy issue. Openness refers to the level of insularity in the network: does the network consist of a stable set of like-minded actors or is it open to participation by individuals and groups with various objectives? And resource interdependence refers to how reliant members are on each other for access to key resources like money, expertise and legitimacy. Variation in these variables, and thus variation in the internal structure of networks, is alleged to produce different outcomes. At one end of the continuum exist “tightly integrated policy communities,” which are “capable of single-minded collective action.” At the other are “loosely affiliated issue networks, which find it far more difficult to mobilize collectively.”70 In general, the set of interpersonal and interorganizational relationships that form a network constitute a social structure that partially determines actor behavior.71

Network theory has been joined with various rationalist and constructivist rationalities to explain EU policy-making. Network analysis has been used to explain the relative influence of

67 Peterson, “Policy Networks,” 117–118.
68 For a review of the different ways scholars have typologized policy networks see Börzel, “Organizing Babylon - on the Different Conceptions of Policy Networks.”
69 Peterson, “Policy Networks,” 120.
70 Ibid.
national or supranational interests in instances of bargaining, the role of political advocacy coalitions and epistemic communities in bringing about policy shifts, domestic interest mediation in EU foreign policy-making, the building of regional cross-border cooperation, the evolution of the EU’s emission trading scheme, Cohesion Policy and the Common Agricultural Policy.

Drawing upon rational choice, Manuel Fischer and Pascal Sciarini argue that state executives actively engage domestic non-state actors in the formulation of national positions on EU foreign policy. Because state executives worry that negotiated agreements at the EU level will be rejected by euro-skeptical “veto players,” they collaborate with and actively seek support from them to avoid domestic referendums or to ensure their passing. Collaboration takes the form of informational meetings, formal and informal consultations and the negotiation of compensatory side-payments. For Fischer and Sciarini, the dependence of state executives on domestic state (e.g., Parliaments) and non-state actors (e.g., unions) for support of agreements negotiated at EU summits, structures collaboration in predictable ways. Alternatively, Burkard Eberlein and Edgar Grande incorporate both rationalist and constructivist rationalities in their study of informal regulation. They argue that fairly stable, open and resource interdependent transnational networks of European and state regulators have been able to partially overcome a key regulatory dilemma: how to impose uniform rules across member states in the absence of formal powers and institutional capacities to do so at the EU level. Through the sharing of information and best practices and guided by professional standards and norms, transnational regulatory networks of experts, economic actors, and representatives of EU and national regulatory agencies have achieved greater levels of coordination and harmonization of regulatory practices than expected under the formal agreements by member states. Interacting at regular meetings, inclusive of significant public and private actors, and heavily dependent on technical expertise and knowledge, successful informal regulation has notably occurred in the opening of national electricity markets and telecommunications licensing and implementation.

Both multilevel governance and network theory scholars depict the EU as a new form of public rule. Whereas theories of multilevel governance focus on the dispersion of authority across different levels of government, theories of networks point to the structures networks in determining policy outcomes.

3.4 Many theories, one metatheory

In a certain respect, contemporary EU studies exhibits significant variation. IR scholars have focused on the causes and direction of European integration, drawing on rationalist and constructivist rationalities alongside varieties of institutionalist theory. Building on rationalist models of domestic decision-making, comparativists draw attention to the effects of decision-making rules and relative power within and between EU institutions in the policy-making process. Governance scholars emphasize the dispersal of influence between different levels of

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government and within state-society policy networks. In terms of explanatory models, methodological choices, substantive focus and empirical findings, EU studies is as varied as ever.

Nonetheless, EU studies continues to reflect the dominance of a naturalist ontology and positivist epistemology. The two go hand-in-hand. Because the EU is composed of various social structures and quasi-structures and EU actors possess certain rationalities, EU politics is knowable in terms of general, if probabilistic, laws. Chart 1 summarizes the distinct strands of EU research, underlying the social structures or quasi-structures and rationalities specific to each. While making references to beliefs, these approaches take as their central object of study economic interdependence, the international distribution of power, societal interests and bargaining power, past institutional decisions, social identities, social discourses, the organization of policy networks, and actor rationalities. Such a focus does of course allow researchers to generate predictive hypotheses and to see whether actor behavior corresponds with expectations. From the perspective of interpretivism, however, the reification of actor agency and social structures leads EU scholars to no longer be engaged in what could properly be understood as social explanation. Given our understanding of humans as agents, scholars should turn to understanding and explaining the actual beliefs and preference of EU actors and not reified social structures or rationalities.

Table 1.1 Theories of European integration and policy-making

<table>
<thead>
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<th>Approach</th>
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<th>Rationalities</th>
<th>Example</th>
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<td>Rational choice – utility maximization;</td>
<td>Rational choice – Maastricht Treaty (Moravcsik),</td>
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<td></td>
<td>domestic interests, formal institutional rules;</td>
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<td>joint-decision trap (Sharpf)</td>
</tr>
<tr>
<td></td>
<td>Constructivism – discourses, paradigms, culture</td>
<td>Constructivism – norm following or deliberation</td>
<td>Constructivism – COREPR negotiations (Lewis)</td>
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<td>Comparativist</td>
<td>Decision-making rules, distribution of power</td>
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<td>Governance</td>
<td>MLG – dispersion of governmental authority</td>
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<td></td>
<td>Network theory – the nature public-private of networks</td>
<td>Network theory – deliberation or bargaining</td>
<td>Network theory – informal governance (Eberlein and Grande)</td>
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</table>
4. The Study of the Constitutionalization of Democracy

How does the study of democracy and the EU compare to EU studies generally? Does research in this area reflect the tendency amongst EU scholars to base their explanations on appeals to social structures and reified rationalities? Or does it acknowledge that the democratization of EU governance is the result of actors behaving according to beliefs and preferences that are their own and therefore provide historical narratives of how actors came to hold those views?

Prominent and recent examples of research on internal reform of the EU and the EU’s membership policy reproduce the primary features typical of EU studies described in the previous section. Research on the internal reform of the EU appeals to social conditions, domestic social norms and reified rationalities. Scholars who study membership conditionality frequently claim that the EU has a fixed, norm-driven identity that determines its relations with third-states.

4.1 The study of the democratic deficit and democratic reforms

The study of internal reform attracts the interest of both political theorists and empirical social scientists. The primary concern of political theorists has been normative evaluation and prescription. The key questions they address are what democratic standards should be used to evaluate the EU? How are the institutions and practices of the EU democratically deficient? What changes would redress the EU’s democratic deficit? Empirical social scientists have focused their attention on explaining those features that are the source of the EU’s democratic deficit and why the EU has become more democratic over time.

Perhaps most prominent amongst empirical research on treaty-based reforms is the work of Berthold Rittberger. Developed through a series of publications over a number of years, Rittberger has articulated a two-stage theory of the construction of parliamentary democracy. In stage one, national governments recognize a legitimacy gap in the EU’s institutional design. He argues that there are two conditions under which state leaders are compelled to reflect on the procedural legitimacy of the EU. At “constitutional founding moments” (e.g., the creation of the founding Treaty of Rome) when the creation of a new political order is at stake, state leaders are destined to reflect on issues of procedural legitimacy when deciding on general principles and secondary rules of the political system. Alternatively, when decisions are taken to pool sovereignty through the extension of qualified majority voting in the Council or delegate sovereignty through the transfer of new competences to the EU, member state leaders worry that domestic channels of interest representation and accountability are undermined. The centralization of policy, in Rittberger’s language, “triggers” an imbalance between procedural and consequential legitimacy that political elites “feel compelled to do something about.”

76 Some implications of this study for normative democratic theory and the EU are discussed in chapter six.
However, state leaders are influenced by different conceptions of appropriate parliamentary legitimation. These conceptions or models are rooted in their domestic political cultures. As a result they adopt different and conflicting perspectives on what institutional changes would make the EU more democratic. Stage two of Rittberger’s theory addresses how decisions are reached over institutional reform given the initial conflicting views of state leaders. Rittberger’s explanation of the outcome of negotiations varies. In his earlier work on the creation of the common assembly, the extension of the Parliament’s budgetary powers under the Treaty of Luxembourg and the extension of its legislative powers under the Single European Act, he emphasizes the role of different sorts of rationalities: bargaining, communicative action, or rhetorical entrapment. More recently he has argued that the coherence, determinacy and clarity of proposed changes are additional determinants of which legitimacy strategy is taken. Proposed changes that cohere with existing rules and which are determinant and clear have a greater likelihood of being adopted.

Reflecting its roots in the new institutionalism and liberal intergovernmentalism, Rittberger’s two-stage theory of the parliamentarization of the EU echoes themes discussed in section three. His discussion of the conditions under which political leaders will perceive a legitimacy gap in the institutional design of the EU reflects the constructivist claim that norms cause actors to behave in particular ways. The claim that domestic norms of political legitimacy constrain the negotiating positions of member state leaders echoes Moravcsik’s liberal intergovernmental theory of domestic preference formation. Norms, in this case norms of appropriate parliamentary legitimation emanating from countries’ domestic political cultures, pressure or compel heads of state and government to be concerned with the EU’s procedural legitimacy. His account of negotiations draws equally on rationalist and constructivist views of actors’ rationalities. Either state leaders are driven by a logic of consequences (preference maximization) or by a logic of appropriateness (communicative reasoning) or some combination thereof (rhetorical action). In sum, by basing his explanation of the parliamentarization of the EU on social and psychological structures we can see how Rittberger’s theory reproduces the loose positivism typical of EU studies. While he acknowledges the importance of ideas – especially ideas of appropriate parliamentary legitimation – the beliefs and associated actions of political leaders are determined by social and psychological structures that in some sense stand independent of the leaders themselves.

4.2 The study of democracy promotion and conditionality

How does the study of the EU and political conditionality compare? Political conditionality can be defined as the policy of linking a perceived benefit (like aid) to the protection of human rights and the advancement of democracy. Research on the EU’s political conditionality has primarily focused on the question of why and under what conditions is it

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79 Rittberger, Building Europe’s Parliament.
effective? Researchers debate the significance and relative influence of consistent application,\(^8\) negative vs. positive inducements,\(^8\) the level of dependence of the targeted state, preferences of domestic actors,\(^8\) and credible commitments and the benefits and costs of compliance.\(^6\) Less systematic attention has been paid to why the EU promotes democracy through membership conditionality. Where it is addressed, scholars cite a range of factors: the end of the Cold War, western hegemony, donor countries’ interest in maintaining public support for foreign assistance or as a justification for cutting off aid, the perpetration of particular human rights violations (Idi Amin, Tiananmen Square, apartheid South Africa) and the public response, the poor record of development aid, norm entrepreneurship by particular actors,\(^8\) managing conflicts within and between EU institutions,\(^8\) changing causal theories of democratization, the bureaucratization of foreign policy,\(^9\) or minimizing the risk of acceding countries from becoming political or economic burdens on the Union as well as a means for guiding applicant states through the process.\(^9\) One view that has been particularly influential is the idea that the EU promotes democracy in third-states because it is a “normative power.”

According to Ian Manners, the EU is a normative power in the sense that its global influence is guided by certain fundamental norms.\(^9\) They include a commitment to strengthening peace, liberty, democracy, the rule of law, human rights, social solidarity, anti-discrimination, sustainable development and good governance. These norms, evident in treaty articles and EU practices, are constitutive of the EU’s international identity. Because these norms define “who” the EU is, they also determine “what the EU does.”

The EU’s “normative power” consists in its ability to “shape conceptions of ‘normal’ in international relations.”\(^9\) The EU influences what state and non-state actors consider to be normal both indirectly and directly. It indirectly influences others through setting an example that others mimic and directly through strategic communications or by establishing a presence in other countries.

The idea that the EU is a normative power has been used to explain why it promotes democracy through membership conditionality.\(^9\) It is often paired with claims about the

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\(^8\) Smith, “The Use of Political Conditionality in the EU’s Relations with Third Countries: How Effective?”

\(^8\) Pridham, *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe*.


\(^8\) Smith, “The Use of Political Conditionality in the EU’s Relations with Third Countries: How Effective?”


\(^9\) Pridham, *Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe*.

\(^9\) Grabbe, “European Union Conditionality and the Acquis Communautaire.”


\(^9\) Ibid., 239.

changing international context as a mediating variable. The principle of democracy is constitutive of the EU’s identity. Throughout the Cold War, however, the commitment to democracy was frequently trumped by the aim of peace and security in Western Europe. In the context of the looming threat of the Soviet Union, maintaining positive relations with strategically important states often required providing material and symbolic support to authoritarian regimes. With the dissolution of the Soviet Union, however, the EU and member states were freed from Cold War security exigencies. As a result, the EU reprioritized supporting democratization in its membership and foreign policies. The adoption of political conditionality as a policy instrument is one of the direct mechanisms through which the EU exerts its normative power over non-member states.

The normative power thesis addresses the question of what purpose or interest does a policy of promoting democracy serve. The explanation of political conditionality rests on the idea that democracy is constitutive of the EU’s identity. Like other constructivist research, the normative power thesis acknowledges that identities and norms are constructed by agents, but once these constructed these are constructed they become quasi-structures that shape the subsequent behavior of actors. This is made particularly clear by what Manners presents as evidence for his normative power thesis. He cites treaty articles as defining the norms that are constitutive of the EU’s identity. Justifying this strategy, he writes, “The constitution of the EU as a political entity has largely occurred as an elite-drive, treaty based, legal order. For this reason its constitutional norms represent crucial constitutive factors determining its international identity.” Codified norms determine what the EU is and does. In pointing to treaty articles, Manners’ explanation of the behavior of the EU attempts to ignore the beliefs of actual actors. Treaty principles in some sense determine the content of the EU’s external policy.

In basing their explanations on appeals to social and psychological structures, prominent theories of the constitutionalization of democracy exhibit similar characteristics to EU studies generally. Whether citing norms of appropriate parliamentary legitimation emanating from domestic political cultures or constitutive norms located in treaty articles, scholars appeal to quasi-structures to explain the constitutionalization of democracy.

5. The Explanatory Concepts of an Interpretivist Genealogy

The previous two sections demonstrate that the study of the EU remains wedded to a loose positivism rooted in a naturalist mode of explanation. In contrast, this study of the EU and democracy combines an interpretivist emphasis on meanings and a genealogical emphasis on the contingent and contested origins of human practices. The following chapters trace the history of the patterns of thought that informed the democratization of EU governance.

Given the criticisms leveled at concepts used in EU studies in the previous sections, it remains to be detailed the concepts used here, how they are distinct from positivist concepts and how they fit with its underlying interpretivism. In this section I explain the two key explanatory concepts deployed in this study: traditions and dilemmas.

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94 Smith, “The Use of Political Conditionality in the EU’s Relations with Third Countries: How Effective?”; Pridham, Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe.
95 Manners, “Normative Power Europe,” 241–244.
96 Ibid., 241.
5.1 On traditions

Different forms of social explanation revolve around two ideas: social context and agency. Those that invoke social context in their explanations frequently do so to show how structures, discourses or paradigms determined the behavior of social actors. Those that invoke agency often do so to demonstrate how the actions of individuals brought about social change. However, given this study’s understanding of agency, social contexts cannot determine or strictly speaking limit the actions of individuals. Because individuals inhabiting the same social contexts can hold different empirical and normative theories about the world and act according to reasons that make sense to them, contexts cannot have the determinative or limiting role they are often given. How should we then account for the importance of social context in such a way so as not to violate our understanding of human agency?

The claim that individuals possess agency does not mean their agency is not marked by certain social influences. But rather than think of social influence in terms of determinative structures, discourses or paradigms, social context is better conceptualized as a tradition, where the latter is understood as the beliefs and practices actors are socialized into and the background against which they reason and act. Traditions are initial influences on people that shape their behavior if they do not modify their beliefs. We identify the relevant tradition as the background to beliefs and action we wish to explain by establishing its coherence and tracing the relevant historical connections. “The explanatory value of traditions lies in the way in which they show how individuals inherited beliefs and practices from their communities.” Whether the traditions we invoke are judged to be objective will depend on the coherence they have with object of inquiry and the demonstrated historical connections to the belief or practice under investigation.

Such an approach to social influence calls for a pragmatic definition of traditions. Traditions should be defined pragmatically in relation to the human objects we wish to explain. A pragmatic approach can be distinguished from one that assumes concepts or practices have some unchanging essence. We understand and explain traditions by reference to the beliefs and desires of individuals who create, sustain and modify them.

5.2 On dilemmas

Locating human artifacts in their relevant traditions is one aspect of an interpretivist explanation. The analysis of traditions demonstrates the historical influences on present beliefs and practices. Given our understanding of human agency, social inheritances cannot determine or limit future beliefs or actions. Because people are endowed with a capacity for creativity they can change their beliefs and thus also their actions. EU scholars can use the concept of dilemma to explain such change. A dilemma is a new belief that calls into question an individual’s existing beliefs and traditions and the practices that they inform. Suppose for instance that an actor holds an empirical theory of democratization that stresses the social prerequisites of democracy, for instance, that democratization is the result of a society achieving a certain level of socioeconomic development. That actor may subsequently notice that a number of states have

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99 Ibid., 34.
begun democratic transitions that did not appear to manifest the expected level of development. As a result, the actor may then alter their theory of democratization in more or less significant ways to establish a new coherence for her beliefs. Change occurs when an individual modifies her existing beliefs and practices in order to accommodate the new belief. For the interpretivist, therefore, identification of dilemmas is a central element in explaining change.

A dilemma can be moral, empirical or theoretical in nature. Dilemmas, however, should not be equated with “objective pressures in the world.”

They can rise from new experiences or theoretical or moral reflection. Individuals modify their beliefs and actions in response to ideas they think are true. We explain changes in individual and collective beliefs and actions by reference to ideas they actually hold irrespective of the apparent truth-value. We can understand people’s solutions to dilemmas by reference to the character of the dilemma – factual, theoretical, moral – and their existing beliefs. Thus although there is not singular or correct response to a dilemma and individuals may accommodate new beliefs within their existing beliefs in a number of ways. To do so, they will have to modify their existing beliefs to maintain a relative coherence between the beliefs that they hold. A focus on dilemmas and knowledge of actors’ existing beliefs allows us to account for why they modify their beliefs and actions in the way that they do. By knowing an actor’s existing beliefs we can understand what problem a dilemmas posed for her and the relevant actions she engaged in. By understanding the character of the dilemma we can explain why the actor responded as she did.

The concepts of tradition and dilemma are the analytical lenses the interpretivist can deploy in explaining the beliefs of significant actors. Tradition draws attention to the historical inheritance that affects current beliefs. Dilemma draws attention to how actors change their webs of belief and thus their actions in response to the introduction of a new belief that is incongruent with their previous beliefs.

6. Criticisms

In this section I address three criticisms that might lead a skeptical reader to doubt the usefulness of the interpretive genealogical approach advocated for here. These three criticisms are 1) interpretivism leads to naïve voluntarism, 2) it posits unobservable facts and thus its theories are either undesirable, unfalsifiable or both, and 3) it rejects the possibility of generalization. Interpretivism has the resources to counter each of these criticisms.

The criticism of voluntarism arises in response to the interpretivist rejection of social structures as an element of social explanation. This criticism can be advanced in the following way. Conventionally, social life is understood as determined by two factors: actor agency and social structure. Interpretivism claims it can explain political life solely by reference to the beliefs and preferences of actors. How then can it explain the fact that agents frequently cannot accomplish the ends that they set out to achieve? If one does not believe in social structures, then one must accept a voluntaristic view of political life. But such a view is obviously mistaken. Social structures like institutions, networks, the distribution of power or the market therefore must exist and must be elements of any plausible political explanation.

Interpretivism can account for “social structures” by reference to the beliefs and preferences of people. As a result, interpretivism does not imply a voluntaristic view of social life. Take for instance a standard definition of international regimes as “sets of implicit or explicit

100 Ibid., 36.
principles, norms rules and decision-making procedures around which actors’ expectations converge in a given area of international relations.”\textsuperscript{101} Norms are thought to constrain actors’ behavior by establishing a standard of propriety. But norms themselves are simply beliefs about how one ought to behave in a particular circumstance. If norms constrain behavior, then it is because relevant actors hold such beliefs and are willing to discipline those who fail to comply. If one actors fails to achieve his or her ends by not abiding by the norm – say of reciprocity – then it is because other actors hold such a belief and act in ways that counter the actions of those who do not. “Social structures” can (and should be) unpacked in terms of the beliefs, preferences and related actions of relevant actors. The rejection of reified structures does not imply a voluntarist conception of social life because we can frequently expect other actors who hold different beliefs and preferences to act in ways that disrupt the plans of others. More generally, the focus on beliefs and agency does not dispute the fact that patterns of behavior exist. It rejects the idea that those patterns explain anything.

A second criticism addresses the unobservability of beliefs and preferences. The basic thrust of the criticism is that we cannot observe people’s beliefs and preferences only their actions and individual or social characteristics. As a result explanations should reference these objective observable features. This criticism and recommendation can be understood in two important ways. The first is that it is a lament about the level of certainty we can obtain about ideas of others and perhaps also a worry regarding the difficulty of accumulating the right sorts or amount of relevant data. To the extent that this is the worry, it is not an objection to interpretivism’s basic claim that we should account for the political lives of others by reference to their beliefs and preferences, but an acknowledgment of the challenges and inherent limits of inquiry.

There is a second way of passing this criticism. If actions and characteristics express beliefs and preferences, then we can infer the beliefs and preferences of others by observing their actions and characteristics. We can know the subjective features of those we study by closer observation of their objective features. The problem of this criticism has been addressed previously: beliefs and preferences cannot be read off of actions or actor characteristics.\textsuperscript{102} There are innumerable reasons why someone might engage in a practice. We cannot adequately understand or explain the political lives of others without accounting for the beliefs and preferences that constitute the practices and actions they engage in.

A third criticism addresses possibility of generalization. Commenting on the debate over whether the EU forms an “N of 1,” Marcus Jachtenfuchs writes, “[T]he real debate is not about whether the EU is unique and needs a special theory in order to explain it or whether important aspects of the EU can be explained by general theories. Instead, the debate is about which general theories are more powerful for explaining the most relevant aspects the European Union.”\textsuperscript{103} As the above review demonstrated, many EU scholars attempt to relate their explanations to more general theories. In fact, Jachtenfuchs suggests that generalization itself relies upon a belief in general laws. Given interpretivism’s rejection of the idea of general laws of politics based in social or psychological structures, does this mean that interpretivism rejects

\textsuperscript{102} See section 2.7 above.
\textsuperscript{103} Jachtenfuchs, “The European Union as a Polity (II),” 159. Jachtenfuchs makes the claim that the central debate in European studies is whether theories of international relations or theories of domestic politics more useful for explaining aspects of the EU. A third option, of course, is neither.
generalization? Must all studies be idiosyncratic in their explanations? Is every study an “N of 1”? We can respond to this worry in the same way we did to the positivist claim that social explanation should conform to the same criteria as explanations in the natural sciences: the rejection of searching for general laws is not the rejection of the possibility of generalization. Rather what we must do is adopt an understanding of generalization that is consistent with our understanding of humans as agents. We must adopt a humanist account of generalization. If humans act according to beliefs that are their own, and humans are capable of creativity and thus the creation of new ideas, their actions may be idiosyncratic. However, it’s obvious that perhaps more frequently beliefs and preferences are shared across individuals. As a result, an interpretivist political science can generalize by identifying beliefs that are shared. We can distinguish this view of generalization from the positivist view by acknowledging that it is grounded in a claim about contingent empirical facts – the existence of shared beliefs – rather than a theoretical law which appeals to psychological or social structures.

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In a review of rationalist and constructivist research on the EU, Joseph Jupille, James Caporaso and Jeffrey Checkel suggest, “metatheoretical debate about institutions has run its course and must now give way to theoretical, methodological, and carefully structured empirical dialogue.”104 In their view, moderates who are committed to an “ambitious agenda” of midrange theory construction, careful research design, theoretical dialogue and empirical testing should seize the study of the EU. In the perspective argued for here, this would be a mistake in at least two respects. First, it counsels philosophical naivété. Remaining agnostic over our metatheoretical commitments is not possible. The principle of coherence requires that we align our theories and metatheories. Second, the rationalist/constructivist research agenda they advocate leaves little room for interpretivism. But properly understood political inquiry requires accounting for the beliefs of others. Interpretivism is indispensable.

In sum, an interpretivist holds that the study of human affairs must place meanings – understood in terms of the beliefs and desires of those we study – at the center of our analyses. Genealogy is a historical approach explanation that investigates the origins of our beliefs and thus our practices. The foregoing description of interpretivism and genealogy has a number of implications for the study of democracy and EU governance, some of which have already been suggested. Most centrally it directs research to a number of questions inspired by the importance of nominalism, contingency and contestability. The purpose of genealogy is to investigate the historical origins of present human ideas and practices. A genealogy of European democracy, therefore, will address the origins of beliefs that made the democratization of European governance possible. The focus on nominalism suggests close attention to the expressed beliefs of EU actors, the investigation of the historical traditions that gave rise to those beliefs and the dilemmas to which actors have responded in justifying their beliefs and practices. The focus on contingency recommends a focus on agency rather than structures or quasi-structures that are alleged to be associated with democratic forms of rule. In fact, this choice isn’t a mere preference but a necessity. If structures or quasi-structures are understood as analogs to physical objects that are central to the study of the natural world, they cannot form part of the study of EU democracy.

because they simply do not have analogs in the human world. In the human world, we must explain artifacts by reference to beliefs and preferences as aspects of humans’ agency. Finally, genealogy’s acknowledgement of contestability suggests a role for multiple interpretations of democracy and political struggle in the emergence of EU democracy. A genealogy of EU democracy will likely demonstrate that, for example, a variety of paths were open to the democratic reform of EU governance and the actual path taken was the result of a political struggle amongst different groups attempting to impose their vision of democratic governance.

7. Summary of Arguments and Conclusions

One way to understanding the four chapters that follow is that they compose two case studies that illustrate the usefulness of the interpretive genealogical approach. As a result the chapters have both discipline configurative and substantive objectives. The discipline configurative objective is to broaden the appeal of the interpretive approach in EU studies. Assuming that researchers are not just convinced by abstract argument but by empirical success, the following chapters are intended to demonstrate the payoff of the approach that I have detailed in this chapter. The substantive aim of the project is to shed light on one of the most important recent developments in European politics: the constitutionalization of democracy in the EU. Chapters two and three address the democratic reforms contained in the Lisbon Treaty. Chapters four and five focus on the establishment of membership conditionality. Together they investigate the contingent and contested origins of beliefs that informed the constitutionalization of democracy.

Before I summarize the contribution of the following chapters, I want to be clear about the scope of the research. Because this study is focused on treaty amendments and policy decisions, it does not as such address how democracy is practiced in the EU. The scope of the inquiry extends to rule-making, but not rule-implementation. While it may be the case that democracy is practiced in ways very similar to the way it was codified, this need not be the case. And given my underlying commitment to interpretivism, I cannot assume this to be true. Because people act according to beliefs and preferences that are their own, codified rules – whether contained in treaty provisions or policy decisions – cannot fix subsequent performances. The focus of this dissertation is squarely focused on democratic rule-making rather than implementation.

Chapters two and three provide a genealogy of the broad patterns of belief that informed the democratic reforms contained in the Lisbon Treaty. These democratic reforms included, inter alia, the strengthening of the European Parliament, providing new powers of scrutiny to national parliaments, streamlining tasks between the Council of the European Union and the European Council, and the creation of the High Representative for Foreign Affairs and Security Policy. The key questions that I address are what is EU democracy? And why did it take the shape that it did? I argue that EU democracy is a composite of concepts. It is a composite of concepts because it draws on ideas put forward by the European Council, the Parliament and the Commission. Each of these institutions was influenced by a different “governance tradition.”

As discussed in section one above, the European Council, the Parliament and the Commission believed that the Maastricht controversy signaled that public support for European integration could no longer be counted on. They believed that a rising tide of Euroscepticism threatened to undermine the historical accomplishments of the EU and put future developments

105 I explain in what senses these and other changes were intended to be democracy enhancing in chapter three.
in doubt. In the conceptual schema of interpretivism, managing public opinion emerged as key dilemma for the life and success of the Union. The institutions viewed combatting the sources of the public’s unease as a pressing priority. They believed that one major source of public concern was the EU’s faulty democratic character; the EU’s declining social legitimacy was due to its insufficient democratic legitimacy. Addressing the EU’s democratic deficit was necessary to shore up public support for the EU.

However, agreement on the end (improving public support for the EU) and the means (democratic reform) did not ensure agreement on the substance of democracy. The institutions advanced rival views about how to make the EU more democratic. I argue that institutional disagreements were the result of different governance traditions or strands of belief about what made EU governance legitimate. Inspired by a nationalist interpretation of democracy, the European Council envisioned the EU as a “democratic union of states.” Drawing on the federalist tradition, the European Parliament aimed to transform the EU into a system of “federal parliamentary government.” For its part, the Commission held onto the idea of a technocratic form of governance, which it sought to blend with democracy. The Commission wanted to remake the EU into a system of “democratic governance.” As I explain further in chapter three, a democratic union of states, federal parliamentary government and democratic governance are all models of EU democracy. They are, however, different models. And they are different because they draw on different governance traditions.

EU democracy is thus a composite of concepts because the Lisbon Treaty incorporates reform proposals from the European Council, the European Parliament and the Commission. Chapter two narrates the historical origins of the three governance traditions of nationalism, federalism and technocracy. Chapter three demonstrates the influence of these traditions on the proposals put forward by the three institutions and changes enacted in the Lisbon Treaty.

Chapter four and five turn to the topic of democratic conditionality. The overarching question I address is why does the EU promote democracy in third-states through membership conditionality? More specifically, I ask what values or interests is democracy promotion intended to achieve? And why did EU member states believe that membership conditionality would be effective?106

In chapter four, I demonstrate that between the 1960s and 1990s the ideas Community actors held about national democracy underwent two important shifts. First, there was a shift in the normative value attached to democracy. Whereas in the earlier period actors focused on the moral significance of democracy and its contribution to political legitimacy, in the latter period actors focused on the contribution democracy could make to regional security and welfare. Second, between the two periods there was a change in the causal theories that actors held about democratization. Only in the 1990s did actors express the belief that linking democratization to membership could serve as an effective mechanism to incentivize domestic reforms.

Chapter five explains why the normative and causal beliefs of relevant actors changed over time. I argue that the shift in the values attached to democracy can be attributed to the

influence of “securitization theory.” Securitization theory developed as a response to a number of empirical, philosophical and policy dilemmas that confronted Political Realism as a guiding theory in the explanation and practice of international politics. In the view of securitization theory, the spread of democracy would decrease the likelihood of renewed ideological conflict and ease ethnonationalist tensions in Central and Eastern Europe, protecting Western Europe from potential spillover effects. Democracy would also serve as a building block for robust regional cooperation. More generally, spreading democracy to authoritarian or post-authoritarian states was viewed as a means to ensure regional security and economic well-being.

If securitization theory explains the change in the normative value attached to democracy, what explains the change in the causal theories held by EU actors? Prior to the 1980s, empirical theories of democracy placed emphasis on the economic, societal and cultural prerequisites of democracy. Given these social prerequisites, it was believed that there was little outside policymakers could do to directly influence the political character of national regimes. In response to a number of apparent anomalies in the mid-1980s, theories of democratization shifted from emphasizing social requisites to the impact of elite decision-makers. The emphasis on choice and strategic decision-making made conditionality a plausible policy option. Outside agents, like the EU, could use the resources at its disposal to change the calculations of policymakers.

When the member state leaders announced the policy of democratic conditionality at the Copenhagen Summit of the European Council in 1993, they were drawing on normative and empirical traditions of democratic theory they may only have been loosely aware of. Nonetheless, understanding the origins of these ideas is crucial for explaining why the EU promotes democracy through membership conditionality today. By tracing the origins of the normative and causal beliefs that are constitutive of the EU’s membership policy, chapters five and six contribute to our understanding of this significant policy.

In the final chapter, I summarize the primary substantive findings of the dissertation. I also step back from the actual cases at hand and consider more broadly what implications an interpretivist approach would have for EU studies and what potential research program interpretivism could inspire. I conclude by drawing out the implications of interpretivism for one particular area of research on the EU: normative democratic theory. I argue that the interpretive commitment to nominalism undermines attempts to articulate a democratic blueprint for the EU. The democratization of the EU will remain contingent and contestable, and as a result normative theories of EU democracy will remain what I call “democratic theory in the conditional.”
Chapter Two
The Political Legitimacy of the Community Prior to Maastricht

1. Introduction

From the perspective of interpretivism, we explain the actions of others by accounting for the beliefs that inform their actions. In the view of genealogy, we account for the beliefs of those we study by tracing the historical influences that bear on their beliefs. Because I am interested in explaining the democratic reforms contained in the Lisbon Treaty, I therefore must investigate the origins of the ideas that influenced the reforms.

In this chapter, then, I summarize and compare three broad traditions on the legitimacy of European integration and policy-making and situate those traditions with respect to democracy. The three traditions are nationalism, federalism and technocracy. These traditions – what I call “governance traditions” – are the background to the Lisbon reforms that are discussed in the next chapter. As chapter three demonstrates, they are the “background” in the sense that they are part of the fund of ideas that EU actors drew upon, if also modified, in agreeing to the Lisbon reforms. These governance traditions thus partly explain the reforms contained in the Lisbon Treaty.

Because the focus in this chapter is on traditions of Community legitimacy, the interpretivist concept of dilemma is de-emphasized in the narrative. The concept of dilemma features more prominently in the next chapter, where post-Maastricht managing public opinion became a key dilemma that the EU institutions sought to address through improving the democratic character of the Union. Here I explain the governance traditions that the institutions drew on in response to the dilemma of public opinion.

At this point the reader might ask, “Why these traditions? Why not others?” As discussed in the first chapter, we should take a pragmatic approach to traditions. We should select traditions based on the beliefs we want to explain. The traditions of nationalism, federalism and technocracy were selected because they were relevant to the beliefs about democracy I wanted to explain. The reader might also wonder how I knew which beliefs about democracy I wanted to explain. The full answer and description is provided in the next chapter. The short answer is that they were ideas gleaned from an analysis of documents produced by the European Council, Parliament and Commission post-Maastricht. I identified certain recurring conceptualizations of democracy, which were also evident in the Lisbon Treaty itself. These then became the ideas I wanted to explain.

In addition to summarizing three broad traditions regarding Community legitimacy, a second objective of this chapter is to demonstrate how these three traditions influenced David Marquand’s original formulation of the European Community’s “democratic deficit.” Marquand – a member of the British Labour Party and European Commission – coined the phrase the “democratic deficit” in 1978. The claim I advance in this chapter is that Marquand’s influential conceptualization of the deficit and Community democracy drew upon and combined elements of the nationalist, technocratic and federalist traditions. For Marquand, Community democracy was a composite of concepts.

The focus on Marquand serves two purposes. By demonstrating the influence of nationalism, technocracy and federalism on Marquand’s thought, I provide an original
explanation of the “democratic deficit” as it was first conceived. My explanation stands in contrast to previous research that has claimed that the standard version of democratic deficit is essentially federalist in nature or that the history of the EU has pitted technocracy against democracy.\textsuperscript{107} My explanation, therefore, improves our understanding of Marquand’s key contribution to the debate about the EU’s democratic deficit.

Secondly, the discussion of Marquand illustrates the themes of nominalism, contingency and contestability which are central to genealogy. The reader will recall from chapter one that nominalism is the belief that beliefs and practices do not have essences. Rather they emerge against historical backgrounds and in contexts that influence their content. Genealogy emphasizes contingency because actors interpret traditions and contexts differently and act on the basis of those interpretations. Lastly, genealogy places focus on contestability because concepts and practices are the result of human agency. Actors influenced by different traditions and who interpret their contexts differently will have different understandings of relevant concepts and practices. The discussion of Marquand and the governance traditions that influenced him demonstrates how his original conceptualization of the democratic deficit was contingent and contestable in these ways. The themes of nominalism, contingency and contestability are further underscored when compared to the reform proposals put forward by the EU institutions, as discussed in the subsequent chapter. While Marquand and the institutions draw on the same governance traditions, their diagnoses and prescriptions differ.

The discussion of Marquand thus serves two purposes. The standalone value is that it provides a novel explanation of his original formulation of the Community’s democratic deficit. Secondly, it provides a point of contrast to how democracy was reinterpreted by the EU institutions post-Maastricht, underscoring the contingent and contestable nature of democracy as it is codified by the Lisbon Treaty.

The chapter is organized as follows. The next section outlines the main components and historical lineage of the three governance traditions. It also illustrates their influence on significance Community actors. Section three discusses Marquand’s intervention and demonstrates how the three traditions influenced his novel contribution to the debate over the legitimacy of the Communities. The conclusion summarizes the main points.

2. Legitimate Governance before the Maastricht Treaty

In this section I describe the three primary rival traditions on the legitimacy of European integration prior to the Maastricht Treaty and situate them in relationship to each other as well as democracy. The three traditions that have played central roles in conceptualizing and justifying European governance are nationalism, technocracy and federalism. These traditions share broadly similar criticisms of the pre-1945 European national state. In particular they viewed the national state as a dangerous force for violent conduct in international affairs and doubted its capacity to achieve national goals.\textsuperscript{108} The drive toward domination and hegemony threatened regional peace and well-being and was ultimately self-defeating. Counter-balancing economic and strategic coalitions had proven effective, if immensely destructive, at blocking the aspirations of imperial powers. Even in the absence of a revisionist power like Nazi Germany,

\begin{footnotesize}
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\item \textsuperscript{108} Alan Milward, \textit{The European Rescue of the Nation State} (Routledge, 1999), 63.
\end{itemize}
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independent national policy-making was ineffective because of security and economic interdependence and the negative externalities of national policy. Both national security and national economic well-being depended on the actions and policies adopted by neighboring countries. Common institutions and cooperation were indispensable to safeguarding peace and prosperity in Europe.\(^\text{109}\)

However, three governance traditions responded to the dilemmas of nationalism and interdependence in different ways, providing varying accounts of the purpose and form of European integration as well as its relation to democracy. Their key differences can be quickly summarized.

Actors who continued to be influenced by the tradition of nationalism emphasized national interests and the role of national representatives in intergovernmental treaty-making and policy-making. In their view, the democratic legitimacy of the Communities was based on the parliamentary democracy of the states that made them up. In this sense, the Communities’ democratic legitimacy was “indirect” rather than “direct.” Technocrats emphasized the welfare of citizens and expertise. For technocrats, the Communities were legitimated by the material benefits that they delivered to citizens. Given the assumed technical nature of welfare delivery, what was principally required was the application of expertise to economic policy. Democracy, understood as citizen input and control, was largely unnecessary for what amounted to a technical enterprise. Federalists emphasized the collective, European interest, usually defined in terms of shared welfare benefits, and supranational parliamentary democracy. Like their technocratic counterparts, federalists took the purpose of European integration to be the achievement of economic and security benefits for the citizens of Europe. But they also believed that the European project was as much political as economic. As a result, direct citizen representation through a supranational parliamentary body with extensive legislative, budgetary and control powers was essential to the Communities’ legitimacy.

Nationalists, technocrats and federalists offered contending visions regarding what Europe should accomplish, how it should accomplish it and thus what made it legitimate. Each of these traditions can be associated with a representative figure: Charles de Gaulle, Jean Monnet and Altiero Spinelli, respectively. The differences are summarized in Table 1 below.

In describing and relating these three traditions on European governance, I do not intend to assess their general influence in the construction of the European Communities. The chapter has a more narrow purpose: to set out the web of beliefs that constituted each of these traditions and to clarify their similarities and dissimilarities. Only in the next chapter do I advance an argument about how they influenced the democratic reforms contained in the Lisbon Treaty.

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Table 2.1 The governance traditions of the EU

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<td>National interests</td>
<td>European welfare</td>
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<td>Input legitimacy</td>
<td>National</td>
<td>Technical expertise</td>
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<td>View of community</td>
<td>National/indirect</td>
<td>Limited corporate</td>
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<tr>
<td>Example</td>
<td>Charles de Gaulle</td>
<td>Jean Monnet</td>
<td>Altiero Spinelli</td>
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2.1 The nationalist tradition – the indispensability of nations and states

The nationalist view placed emphasis on the nation, national interest, and national channels of legitimation or indirect democracy. From this perspective, European cooperation should be primarily measured in terms of the national interest and national control. The Communities and Community policy were legitimate on the basis that they advanced the national interest and were authorized and controlled by national political institutions.\(^{110}\)

As a political ideology, nationalism finds its roots in the revolutionary movements of the 19\(^{th}\) century. Central to nationalism was the idea that the nation was the social unit of primary political concern. This view was based on two assumptions: humankind was naturally divided into nations, which were defined by prepolitical ties like language, culture, ethnicity or history. Nations were natural, formed on the basis of existing bonds of community. The nation, therefore, was the most legitimate form of political rule. Classically, this meant bringing the territorial borders of the state in line with the nation. Within the nation-state, nationality and citizenship would coincide. In the ideology of nationalism, the existence of prepolitical communities justified the nation-state as the ultimate source of fealty and obligation, overriding smaller, local or larger, regional affiliations. The state should represent politically the particular nation to which it corresponded. These similarities aside, nationalism has been grafted onto a range of different and conflicting political ideologies.\(^{111}\)

If the existence of prepolitical bonds of community provided the initial justification for the nation-state, the state established its ongoing legitimacy and thus justified the loyalty of its citizen through the provision of particular public goods. These included originally the protection of private property and the defense of the nation, and subsequently guaranteeing a certain level of social welfare. The nation-state secured its ongoing legitimacy through satisfying citizens’ interests or needs.

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\(^{110}\) Different strands of the nationalist tradition emphasized different channels of national authorization. For some, national governments were central to the legitimacy of the Communities. For others, it was national parliaments that should play the key role.

In the postwar era, nationalists emphasized national political legitimacy, state management of the economy, and the national economic and political benefits of regional cooperation. A key problem – perhaps the key problem that nationalists confronted – was how to restore the political legitimacy of national governments. Between 1940 and 1945 most west European states had proven to be incapable of ensuring the most elemental forms of individual and collective security. After six years of devastating war, occupation and defeat, many national political elites worried about the support of their masses. For some the weakness of European nation-state during the interwar period was its inability to effectively respond to the greater range of demands placed on them by their citizens. Many nationalists interpreted this as one of the fatal reasons extremist parties had proven so attractive. A key issue, then, was on what basis should the postwar west European state be constructed so that it would command a broad political consensus amongst different societal groups? Many national politicians settled on the belief that parliamentary democracies should pursue policies of economic growth and security. What exact mix of policies varied amongst states, but the aims generally included a commitment to higher wages and full employment, state support of incomes for those working in the agricultural sector and the extension of state welfare programs. Transferring limited amounts of authority to the Communities, in particular to support a more liberal international trade regime, was one aspect of pro-growth policies.

Intergovernmentalism can be defined as the view that the European Community and community policy was legitimate because political control and responsibility resided with national governments and decisions taken through the European Community achieved national goals. For nationalists, the material benefits of cooperation were viewed through the prism of re-establishing the authority of national governments. The purposes of regional cooperation was not to construct a political alternative to national government by slowly merging economies, societies and administrations into a larger entity, but to ensure the reassertion of the nation-state post-1945. In fact, the welfare and political purposes of European cooperation were intertwined. Without the European Community, west European governments could not have assured their citizens the level of economic and security guarantees that their political loyalty was built upon.

Because the nation was the fundamental political community, legitimate politics was the representation and accomplishment of the national interest. Only governments could represent and assure the achievement of the national interest. The legitimacy of Community action thus required intergovernmental decision-making. As a result, supreme political control needed to remain with the national governments represented in the Council, and subsequently the European Council.

In the 1950s and 60s, Charles de Gaulle was the most vocal proponent of the intergovernmentalist view of the Communities. Although bound up with the objective of securing French leadership in Europe and globally, the 1965/66 “Empty Chair Crisis” and

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112 Milward, *The European Rescue of the Nation State*.  
113 Ibid., 21–45.  
114 Ibid., 29–44.  
115 Ibid., 2–3.  
Luxembourg Compromise are often side viewed as the ultimate assertion of the nationalist view. The basic details of the conflict and resolution are well known.

Having denounced the Rome Treaty of 1957, President de Gaulle came to power in 1958 with the aims of liberalizing the French economy and maintaining independence from the US in foreign policy, while moving towards greater European cooperation in foreign policy and defense. In addition to reviving the economy, De Gaulle’s economic and security objectives were oriented toward ensuring French influence in international affairs, including the containment of Germany. While de Gaulle conceded that “perhaps one day” Western Europe would become “an imposing confederation” his immediate intention was “building Western Europe into a political, economic, cultural and human grouping organised for action and self-defense” based on ministerial consultation and cooperation.

In the summer of 1965, two issues converged which threatened de Gaulle’s nationalist economic and political priorities. First, in 1962 as part of the plan to proceed to the second stage of the customs union, leaders of the six member states had reached agreement in principle on the introduction of a common agricultural policy covering preferential treatment for domestic producers, common financing to support agricultural production and export subsidies. The agreement, achieved in the wake of de Gaulle threatening to leave the EEC altogether, set July 1, 1965 as the deadline for a more specific arrangement over common financing. As one of the primary beneficiaries, de Gaulle sought generous support payments for French producers. The Commission tabled a second initiative that conflicted with de Gaulle’s vision of Europe in March. The Commission proposal would have strengthened the supranational character of the Community by funding the CAP through direct taxation (and thus shift influence away from national parliamentary allocations), increased its own leadership role (notably, in the area of external trade) and would have given the Parliamentary Assembly new budgetary powers. Secondly, the Rome Treaty had stipulated that qualified majority voting would be extended in Council decision-making as of January 1966, thereby limiting the power of member states to veto agreements. De Gaulle opposed the Commission’s proposal and the extension of QMV as illegitimate extensions of supranationalism and a whittling away of the influence of national leaders.

At the crucial June meeting of the Council of Ministers, de Gaulle withdrew French representation. In return for renewed participation, he extracted from other member states the so-called Luxembourg Compromise whereby each member state retained the right to veto any decision they judged would harm fundamental features of the national interest. The threat of the national veto would loom over European integration for the next two decades.

Summarizing his nationalist vision of the European project, de Gaulle stated, “Only the States, in this respect, are valid, legitimate, and capable of achieving it. I repeat that at present there is and can be no Europe other than a Europe of the States – except of course for myths, fictions and pageants.” In his memoirs, de Gaulle described the “the doctrine of ‘supranationalism’” as “France’s submission to a law that was not her own.” In his view the French people had emerged from the war “determined to preserve their own identity…. My
policy therefore aimed at the setting up of a concert of European states which in developing all sorts of ties between them would increase their interdependence and solidarity.” De Gaulle’s actions which precipitated the Empty Chair Crisis and the agreement reached over the national veto speak to the nationalist vision that he held. The legitimacy of the European project depended achieving the national interest (e.g., in agriculture) and ensuring that policy-making remained within the control of national governments (e.g., the national veto).

In sum, post-World War II nationalists emphasized the economic and security benefits of European cooperation for individual member states. They advocated for decision-making structures that both limited the powers of the Community and ensured that national institutions retained fundamental control over decisions.

2.2 The technocratic view: European welfare, expertise and Jean Monnet

The technocratic vision emphasized welfare improvement, expertise, corporatist consultation and supranational functional integration. From this perspective, the legitimacy of European integration was based on the security and economic benefits that it produced for members of the Community. While initially these issues pertained to the problem of ensuring against hostilities amongst the countries of Western Europe and reviving the European economy in the wake of World War II, the technocratic vision was subsequently applied to a wide range of policy areas: immigration policy, product quality, freedom of movement, price stability and so on. European cooperation was justified by the European-wide welfare benefits that it produced.

If satisfying citizens’ welfare preferences were the primary outputs in the technocratic account of political legitimacy, impartial expertise, supranationalism and consultation were its chief inputs. Social welfare problems were viewed as soluble through the application of expert and technical knowledge. The overall goal was to make sure decisions should be made by those with the requisite expertise and knowledge to deliver the goods that EU citizens wanted. The technocratic approach thus advocated governmental action on the advice of experts. Importantly, in order to achieve the long-term, European interest, expertise needed to be impartial and thus protected from national or sectional interests. National or sectional interests could obstruct achieving the general European interest. The solution to this dilemma was the delegation of authority to new institutions. The solution was supranationalism. Rule by experts was ensured by a decision-making center capable of acting independently and even against particular expressions of national and sectional interests.

Because of the emphasis placed on unbiased expertise, advocates of a technocratic Europe were generally wary about the positive contributions Europe’s citizens or their elected representatives could make toward achieving the European common good. At most what was necessary was corporate consultation, gathering the requisite information from representatives of businesses, unions or other affected interests so that experts could make informed decisions. Government for the people, required government not by the people. Over the longer term,

123 Ibid., 33–34.
126 Schrag Sternberg, The Struggle for EU Legitimacy, 38.
advocates of technocracy believed that popular consent would emerge once the new institutions had been established and the European public had come to understand and appreciate the material benefits they delivered.\textsuperscript{127} But as Walter Hallstein, the first President of the Commission of the European Economic Community (EEC), stated, “In pluralistic political systems, the major problem becomes one of maximizing wealth – clearly a question for experts, the technocrats.”\textsuperscript{128}

Technocracy was at the heart of the original conception and rationale for the role played by the High Authority (HA) of the European and Steel Community (ECSC) and subsequently the Commission of the EEC.\textsuperscript{129} No figure was more influential in pushing for technocratic integration than Jean Monnet, the first president of the ECSC from 1952-55.

Monnet is remembered primarily as the most important European advocate and practitioner of functional integration. We can understand functional and technical integration as two aspects of a single process. The creation of functional, especially economic links amongst states would be the means through which the new European political architecture would be built. Technical integration would be how the new political architecture was operated. While we are primarily interested in the latter here, a quick summary of the former is justified so that certain common themes can be identified.

For Monnet, the dangers of nationalism and the need to find common solutions for common problems required new centralized institutions. Not only was the ideology of nationalism dangerous, but the nation-state had in several ways become anachronistic for the problems Europe faced. New institutions were crucial to establishing a peaceful and prosperous in Europe. A key dilemma to be overcome, however, was the continuing political reality of the national states. European integration had to be functional in order to overcome the conventional conflicts amongst states. Monnet believed that the conventional conflicts of interest amongst states could be achieved through changing circumstances. In his view, perceptions, attitudes, and values were the result of context. Rather than run up against the surface cause of conflict head on, Monnet’s strategy was to treat the underlying causes. In his memoirs, he called this “lateral thinking.” Monnet believed that one primary way to change the contexts was to change the institutions. New institutions establish new contexts for thinking and action. He described institutions as having the ability to “hand on the wisdom of succeeding generations.”\textsuperscript{130}

Influenced by his experience serving on allied committees during World War I and II as well as the head of the French Commission of Modernization and Public Works, Monnet advocated for a High Authority (HA) independent of national governments that would be staffed by experts in economic planning. For Monnet, the two necessarily went together: European growth and welfare objectives could only be met if the members of the HA were able to formulate plans based on the best scientific knowledge and without interference from national politicians. Although his ideas were watered down during the negotiation process, Monnet proposed a strong executive for the ECSC and vehemently opposed the creation of a Council of Ministers. His views on expertise and independence also influenced the corporatist mode of operation of the ECSC. The ECSC created a “Consultation Committee” comprised of 51 representatives of producers, workers and consumers, which the HA would call upon in working

\textsuperscript{127} Wallace and Smith, “Democracy or Technocracy?,” 5, 12. The thesis that political loyalty of Europeans would gradually shift toward the Community level was made famous by Ernst B. Haas, \textit{The Uniting of Europe} (University Press, 1968).

\textsuperscript{128} Quoted in Wallace and Smith, “Democracy or Technocracy?,” 16.


\textsuperscript{130} Jean Monnet, \textit{Memoirs} (Collins, 1978).
out the details of policy. Corporate interests would be consulted, but be not allowed to control decision-making.¹³¹

Given the needs of expertise and independence, Monnet believed that greater input and control from the people of Europe at the time was not just unnecessary but potentially detrimental to achieving the European interest. In his memoirs, Jean Monnet concluded, “I have never believed that one fine day Europe would be created by some great political mutation, and I thought it wrong to consult the peoples of Europe about the structure of the Community of which they had not practical experience.”¹³² While the citizens of Europe would at some point in the future be called on to ratify what had been achieved through functional integration and technical expertise, democratic institutions would follow functional achievements.¹³³

For Monnet, nationalism and nation-states were part of an ideological age that was coming to an end. In the new age, political loyalty would go to those institutions best able to overcome the functional problems of coordinating economic policies that satisfied the public’s material desires. A staff of experts, acting independently of sectional or national interest and possessing the technical and empirical know-how would ensure the desired welfare achievements. In the meantime, the simple absence of popular opposition signified public consent to elite policies.¹³⁴

2.3 The federalist vision: European welfare, supranational democracy and Altiero Spinelli

In a certain way, all supporters of post-war European cooperation or integration have been federalists. Although they were divided over the form and objectives of the new European institutional machinery, they all advocated a European political architecture that was characterized by “self-rule plus shared-rule,” a hallmark of federalist thought.¹³⁵ No major voice on European integration advocated submitting all political issues to European-level decision-making. Even Charles de Gaulle, whose actions which led to the “Empty Chair Crisis” (often taken as the ultimate assertion of nationalism), wanted community-level policy (agriculture) and policymaking, just not the one being pursued by the Commission and its allies.

As the term is used here, federalism marks out a more narrow terrain of thought. Specifically, it denotes the advocacy of a form of European integration that combines supranational decision-making and a powerful directly elected European Parliament.

The influence of federal political thought spread rapidly through the 17th and 18th centuries: to America via the Anglicans in Virginia, the Puritans in New England and the Presbyterians in the Middle Colonies, famously influencing James Madison and the American federalists. Post-WWII, federalism drew support from wartime exiles and resistance fighters, American policy-makers and a changing mix of West European governmental elites.¹³⁶ It also influenced one of federalism’s most ardent European advocates, Altiero Spinelli.

European federalism is a theoretical tradition that draws together a number of overlapping but distinct strands of thought. These include 17th Reformist covenant theology and

¹³¹ Wallace and Smith, “Democracy or Technocracy?,” 9.
¹³³ Burgess, Federalism and European Union, 35.
¹³⁴ Wallace and Smith, “Democracy or Technocracy?,” 13–14.
¹³⁶ Wallace and Smith, “Democracy or Technocracy?,” 7–9.
the work of Johannes Althusius, Pierre-Joseph Proudhon’s 19th century socialist-anarchism and late 19th, early twentieth century Catholic social theory. Key ideas in the federalist tradition include organicism and corporate representation, the division of powers and subsidiarity, and covenantism, or the belief that relations amongst humans bound them together in a moral contract, like the biblical covenant between God and the Israelites. These ideas separated federalism from early modern social contract theories like Jean Bodin and Thomas Hobbes who emphasized individualism, the centralized state, and self-interest.

In the federalist tradition, the polity was a compound political organization composed of groups – families, congregations, occupational guilds, commercial organizations, territorial units, nations – with distinct common lives and in some cases, legal spheres. These units arose organically or naturally, creating and sustaining valued forms of existence for their members. Higher levels of decision-making arose naturally as a result of the desire to achieve particular purposes which could not be achieved independently at lower territorial levels or within smaller groups. Importantly, transfers of decision-making authority were strictly limited in nature, restricted to addressing the problems it was intended to solve. Such a political order assured both union and pluralism and instantiated the belief that decisions should be taken as close to the citizenry as possible, or subsidiarity. Subsidiarity was justified as a means to support naturally existing diversities. The federal structure that was enacted by contracting parties was thus characterized by a division of powers, the belief in the fundamental interdependence of groups, the principle that groups were represented on functional as well as territorial lines, and the idea that human organization was guided by normative principles of mutual recognition, tolerance, respect, obligation, responsibility and consent. Rules and obligations entered into created a moral contract or covenant between the parties. The overall purpose of federation is to create a political order that can accommodate as many communities as possible and to distribute political authority and decision-making according to the principal of subsidiarity.137

We can define the key concepts of the federal tradition in the following way. Federalism is the normative justification for and ideology of federation; it both describes why federalist political structures are morally desirable and provides a prescriptive guide to action. Federation is the institutional arrangement whereby a state distinguished from other states incorporates regional units or other associations in a decision-making procedure on a constitutionally entrenched basis. Constitutional protections for constituent communities can include a number of rights, including the right to participate in collective decision-making, the right to existence and the right to legislative and administrative autonomy. A federal system organizes political authority to support naturally existing social diversity. And a federalist is a person who supports the creation or furthering of federation.138

In post-war Europe, European federalists drew on this heritage, emphasizing collective peace and prosperity, supranational parliamentary democracy, public participation and political will-formation.

Federalists agreed with their technocratic counterparts that regional peace and prosperity required supplementing or supplanting the nation-state in certain policy areas. In their view, it was national elites, their desire for national power, and the doctrines of national sovereignty and nationalism that stood in the way of achieving sustained peace and prosperity in Europe. Because of the dilemmas posed by national elites and nationalist ideology, advocates of federalism broke with the traditional federalist commitment to national corporate representation. Citizens, rather

137 Burgess, Federalism and European Union, Chapter 1.
138 Ibid., 25–27.
than nations, needed to be represented at the European level if they were to put an end to the recurrence of inter-state war. To allow national leaders to continue to dominate political decision-making courted future conflict.  

To overcome nationalist tendencies, federalists advocated supranational institutions and decision-making. In addition to their criticisms of nationalism and war, federalists drew on two arguments to justify their view of European democracy, one normative and one instrumental. The normative argument was that Community powers required their own source of democratic legitimacy. The instrumental argument was that only the European Parliament could effectively “associate” the peoples of Europe with European integration and generate the requisite political will to make integration sustainable. Supranational parliamentary democracy would make European integration both legitimate and enduring.

For federalists the plan and practice of European integration was a fundamentally political rather than technical enterprise (a key contrast with the technocratic view). Federalists believed that the scope and depth of effects, distributive trade-offs, and the riskiness of the enterprise made European integration an inherently political project and thus requiring direct popular input. The European architecture envisioned required handing over significant amounts of decision-making power to an overarching authority. This authority would be responsible for making decisions with important trade-offs and distributive effects, formulating measures that would significantly affect the economic well-being of countries and individuals and designing policies with significant risks with unknowable effects. In addition, the scope of authority would be broad in nature and unlimited in duration.  

Given the political and supranational character of European integration, federalists believed that democratic decision-making structures were central to the political legitimacy of the Union. Most importantly this meant that a directly elected federal parliament that was accountable to the citizens of Europe was essential to the Community’s political legitimacy. Only a directly elected and powerful European Parliament could ensure representation, authorization and accountability necessary to ensure that European integration was democratically legitimate.

In addition to what might be labeled the moral justification of parliamentary structures, there was also an instrumental rationale. Federalists tended to believe that only a parliament could supply the necessary political will to overcome obstructions and achieve European unity. Without public support, the Communities would not be able to achieve its tasks. It was only the EP that could effectively associate the peoples of Europe with the Communities. On the one hand federalists tended to believe that there was significant latent public support for European unity. On the other, federalists believed such support could be generated through “educating” the European public about the benefits of the new political architecture they desired. As they did in the national context, elections and parties were essential for educating the public about policy options and their salience and providing alternative political options over which they could express their preferences. A strong parliament and parliamentary form of government was necessary to activating the interests and affections of the European public.

In the post-war era, Altiero Spinelli was arguably the most important advocate of a federalist system for Europe. Imprisoned on the island of Ventotene under Mussolini, Spinelli

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140 Schrag Sternberg, The Struggle for EU Legitimacy, 51–52.

141 Ibid., 49–58.
witnessed the failure of the League of Nations to restrain war in Europe. In 1941, Spinelli along with two collaborators wrote the “Manifesto for a Free and United Europe,” a key document in the postwar federalist movement. Drawing on the example of the American federal system and writings by British federalists, the Ventotene Manifesto, as it came to be called, declared the establishment of a federal Europe the top priority for European socialists and Europeans generally. Putting an end to war in Europe, in Spinelli and his co-authors’ view, required eliminating national armies and putting them under a single command.

After the toppling of the Mussolini regime in 1943, Spinelli was instrumental in establishing the European Federalist Movement, which gradually built relations with resistance movements across Europe. From 1948 to 1962 Spinelli led the Movement for European Federation in Italy and served on the Executive Bureau of the European Union of Federalists in Paris. In 1970, the Italian government nominated Spinelli to be a Commissioner of the European Community. He would serve as a European Commissioner from 1970 to 1976 and a member of the EP from 1976 to 1986, the year of his death. While a member of the EP, Spinelli was the driving force behind the 1984 Draft Constitution for European Union.\(^\text{142}\)

For federalists, like Spinelli, national administrations stood against popular support for closer unity. In Spinelli’s words, “[N]ational administrations are bound to defend the status quo, but that there is a large reservoir of popular support for closer unity among the public at large and that the key to successful forward movement is to find ways of bringing this pressure to bear.”\(^\text{143}\) Spinelli believed that to overcome national power holders and achieve the common solutions the European people desired, it was necessary to create common European institutions with significant decision-making power, including over defense policy.\(^\text{144}\) Autonomous and powerful institutions were a necessary starting point for European integration.

Following the end of World War II, federalists like Spinelli looked to European integration as a way to overcome the problems posed by the political form of the nation. Only a federal structure of self-rule, plus shared rule could ensure against the destructive effects of nationalism and protect the common, European interest. Within this vision of Europe, the EP held a prominent position for two reasons. Given the political nature of European integration, only the EP could provide the requisite democratic legitimacy to the project. Given the continued obstructionism by national political actors, only the EP could ensure integration would be sustained.

2.3 Summary of three traditions

Post-World War II we can identify three prominent approaches to the legitimacy of European integration. Each of these traditions emerged against a backdrop of a more distant history that shaped their understandings of the purpose and form of the European project. The different historical lineages also affected how bearers of these traditions approached democracy. Emphasizing the importance of the nation and national interests, for nationalists the legitimacy of the European project focused on the domestic democratic regimes of member states and


\(^{143}\) Wallace and Smith, “Democracy or Technocracy?,” 8.

\(^{144}\) Burgess, *Federalism and European Union*, 36.
controlling function of national representatives in the Council as the providers of democratic legitimacy. In emphasizing the importance of welfare provision and expertise, technocrats were skeptical about the additional benefits that democracy could provide. And in emphasizing the common interest and the political significance of integration, federalists turned to a directly, elected and powerful supranational parliament to provide the requisite democratic legitimacy and political impetus.

As I demonstrate in the next section, however, these traditions were not always subject to fundamental antagonisms. David Marquand drew on elements of each of these traditions in his original formulation of the Community’s democratic deficit and Community democracy.

3. Marquand and the European Community’s first “Democratic Deficit”

David Marquand first coined the term the “democratic deficit” in an article that appeared in The Political Quarterly in 1978. The following year he expanded on his argument in his better known book, A Parliament for Europe. In this section, I demonstrate that his understanding of the Community’s democratic deficit and Community democracy was indebted to the nationalist, federalist and technocratic traditions. Marquand was a nationalist about the objectives or outputs of the Community. He was a federalist and technocrat about its form. For Marquand, Community democracy was a composite of concepts.

In demonstrating Marquand’s debt to the three governance traditions, this section provides a new understanding of his views. In doing so, it challenges two conventional views about the political legitimacy of the Community. The first view is that there is or was a “standard” version of the Community’s democratic deficit, which was federal or supranational in essence. According to Joseph Weiler et. al., the conventional view of the Community’s democratic deficit is that the transfer of powers and competences to the Union which were previously controlled by national parliaments generates a democratic deficit. Why? The authors give two reasons. First, the sheer volume, complexity and timing of legislative decision-making in the Community make national parliamentary control nominal rather than real. Second, the increased use of majority decision-making in the Council under the Maastricht Treaty meant that the national representatives of a state’s citizens could be outvoted. As a result, national representatives could not be held responsible for decisions made in the Council. Without a corresponding increase in the powers of the European Parliament, the electoral link was eliminated. While no doubt some political actors and observers have held this view, this description misrepresents the views of Marquand. It misrepresents his views because it is incomplete. Federalism was only one element of his understanding of Community democracy.

Others have argued that the history of ideological conflict in the EU has been between democracy and technocracy. In this view, the long struggle over the political legitimacy of

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147 Weiler, Haltern, and Mayer, “European Democracy and Its Critique.”
148 Weiler et. al. cite additional factors that contribute to the democratic deficit: the disempowerment of individuals, the lack of formal powers and remoteness of the European Parliament from voters and the overall lack of transparency.
149 Wallace and Smith, “Democracy or Technocracy?”
European integration has been between those who advocate technocratic and democratic decision-making.

The argument here is that claims that the standard view of the Community’s democratic deficit was federal and that the history of European integration is marked by opposing and antagonistic legitimating principles are misleading. Marquand’s classic formulation of the democratic deficit was influenced by the federalist, nationalist and technocratic traditions. His conception was not simply federalist in essence nor was there a simple clash between democracy and technocracy. Marquand presented a synthetic view that combined each of the three dominant governance traditions.

The second more general value of this section is that it illustrates the explanatory value of focusing on governance traditions for understanding why actors come to hold the views that they do. Simultaneously it demonstrates the importance of agency and the way actors respond to dilemmas in non-deterministic ways. In this case, Marquand responded to the dilemmas of economic slowdown, member state diversity, regional interdependence and national entrenchment and the way these changes obstructed achieving British national interests by blending together elements from each of the governance traditions previously described. The elaboration of Marquand’s view therefore highlights the contingency and contestability of the blueprint of European democracy that he puts forward.

The discussion begins by explaining in what sense Marquand held a nationalist view of the utility of the Community. Then I outline the new dilemmas he identified that were obstacles to ensuring the Community effectively achieved Britain’s national interests. Finally, I show how his solutions to these dilemmas drew upon technocratic and federalist ideas. The argument demonstrates that for Marquand, Community democracy was nationalist, federalist and technocratic in character.

3.1 The role of the Community in achieving the national interest

Marquand labeled his perspective on the ultimate purposes of the Communities, especially the European Economic Community, as “pragmatic.” It is a view that he associated prominently with the Conservative leader Harold MacMillan and the Labour leader Harold Wilson. For him, the achievement of British economic and political interests was the Community’s legitimate aim or output. In the terminology used above, Marquand was a nationalist, or to combine the terms we might call him a pragmatic nationalist. In calling himself a pragmatist, Marquand aimed to distinguish his view from what he saw as two other rival British views: those of “integrationists” and “anti-integrationists.”

Integrationists viewed the nation-state as no longer capable of protecting the interests of their citizens. Integrationists believed, therefore, that a supranational polity should supersede the nation-state. The purpose of the European project was to eventually subsume Europe’s citizens in a larger, more capable political unit. Anti-integrationists argued that Britain was a different kind of country politically, economically and culturally from continental European states. Britain’s resurgence in the world was still possible through the emergence of the right type of leadership. In this sense, anti-integrationists were nationalists too. We might contrast their position with Marquand’s own by labeling them national essentialists. In any case, anti-integrationists and integrationists viewed regional projects as all or nothing affairs.
By contrast, pragmatists or pragmatic nationalists assessed membership in the Communities in terms of the benefits and costs for British economic interests and influence in the world. In Marquand’s estimation, since 1973 when Britain joined the European Communities, pragmatists’ expectations had been largely realized. The removal of quantitative restrictions on goods and services had boosted European trade and British incomes. In international trade negotiations, Britain had been able to wield over-sized influence because members of the EEC negotiated as a bloc. And finally the national veto in the Council of Ministers – the outcome of de Gaulle’s actions in 1956 – had effectively protected British interests and British sovereignty from supranational decision-making. When other member states or the Commission pushed for policies contrary to the country’s national interest, Britain’s representatives could simply invoke the national veto. Whereas integrationists wanted to merge Britain in a supranational polity and anti-integrationists were hopeful for a reassertion of Great Britain, pragmatists were willing to sacrifice limited amounts of sovereignty for the political and economic benefits that European collective action could bring to the nation.  

3.2 The new dilemmas of the new European reality – economic slowdown, member state diversity, interdependence and national entrenchment

The problem for Marquand was that by 1978/79 the pragmatic approach faced a number of challenges. Central to them was that intergovernmental decision-making was no longer capable of delivering policies good for Britain. Rather than protecting Britain’s national interests, limited transfers of decision-making authority to the Community and the national veto now stood in the way of achieving national objectives. Intergovernmental decision-making inhibited rather than advanced Britain’s interests. How so? Three dilemmas stood out: economic slowdown, economic interdependence and member state disagreements.

From 1948 to 1973, Western Europe experienced an economic boom. Increases in national income were well above historical averages, as was personal disposable income. Public expenditure on welfare, education and health expanded rapidly. Unemployment fell amidst sustained low levels of inflation. The nation-states of Western Europe experienced exceptional gains in worker productivity. And the international trade and payments systems functioned well. Across nearly all sectors of the economy and all classes, Europe was booming economically.

By 1973, however, GDP growth had returned to near historical averages, higher inflation was setting-in and unemployment was increasing. For Marquand national economic growth and full employment could be best achieved through the application Keynesian economic and monetary policies. The dilemma that the British and other Community members faced in the late 1970s was that national Keynesianism was no longer effective at achieving or protecting national economic interests. The 1973 oil crisis and the subsequent exchange-rate instability had demonstrated the inability of individual states to steer independent courses of action. As Marquand stated, “The member countries of the European Community live by taking in each other’s washings.” Economic interdependence had undermined the effectiveness of national policy instruments. National technocracy was not an option. The solution to Europe’s and as a result Britain’s economic malaise, for Marquand, was to replace national policy instruments with

150 Marquand, Parliament for Europe, chap. 1.  
151 Ibid., 39.  
152 Ibid.
Community policy instruments. Keynesian instruments would only be successful at the continental level. For Europe and the UK to recapture its economic vitality in the face of economic interdependence, greater economic integration was necessary. National technocracy needed to be replaced by regional technocracy.

Continental Keynesianism required the establishment of a central bank responsible for monetary policy and the supportive policy instruments to make a common policy work. Addressing Britain and Europe’s economic problems also required deepening the Common Market through eliminating further obstacles to intra-Community trade. However, given the diversity of member state interests and the national veto, reaching unanimous agreement would be extremely difficult or result in deadlock. The most likely outcome was suboptimal outcomes as agreement would depend on satisfying outliers. Given the increasing diversity of economies and interests that would have to be accommodated, conflicts over resources and policies would invariably make reaching decisions even more difficult. Achieving British national interests required a more efficient and effective decision-making process.

In addition to the problem of national diversity – a problem that was to become significantly worse with the envisioned southern enlargement – another political problem remained: the re-entrenchment of national power holders. In the wake of the total destruction of World War II, political elites – especially French and German politicians – were enthusiastic about joining the European Community to address certain domestic problems. Despite the 1973 oil crisis and the resulting economic slowdown, the revival of France and Germany had led political elites to fear the loss of influence that the transfer of competences to the Community would bring. At the same time, WWII memories had faded amongst the public, and the problem of nationalism and the inability of nation-states to satisfy the interests of citizens had become obscured. The problem, for Marquand, was how to achieve the necessary transfer of powers and changes in decision-making despite objections from national political elites who feared a loss of influence.153

The dilemmas of economic slowdown, economic interdependence, member state diversity and national re-entrenchment made it difficult to address Britain and Europe’s underlying economic problems. Economic interdependence meant that problems and solutions were not subject to independent national policy-making. Member state diversity and national obstructionism meant that sectional interests and national power holders stood in the way of extending the internal market and establishing monetary union. For Marquand, a new pragmatic nationalist solution was needed. To overcome these dilemmas Marquand turned to technocratic and federalist ideas.

3.3 Federalism and technocracy in support of pragmatic nationalism

Marquand’s proposals for a new European architecture did not abandon his view of the purposes of European cooperation. National, and specifically British national interests, remained the basic standard for evaluating the benefits and costs of Community membership. Marquand’s solution, nonetheless, borrowed from technocratic ideas of effective and efficient policy-making and federalist ideas about political legitimacy. The solution to the political obstacles was the empowerment of the Parliament and giving the Commission an electoral mandate. In sum,

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153 Ibid., 53–59.
Marquand argued that European democracy was the means for achieving European technocracy, and in turn, Britain’s national economic interests.

For Marquand, the extension of QMV in the Council and the establishment of economic and monetary union would address the problems of member state diversity and interdependence. The question then was how to overcome national power holders?

For Marquand, the Commission was unable to play the technocratic role envisioned in the treaties because it lacked the necessary political legitimacy to face down vested interests and national power holders. In Marquand’s words, “In the Western World … the source of political authority is popular election. National Governments, responsible to elected parliaments, possess not only the sword of power but the scepter of democratic legitimacy. The Commission possesses neither.” He continued, “For if the Commission is to provide the motive force which the Community needs it will somehow have to acquire the democratic legitimacy which it has lacked hitherto.” Furthermore, to transfer responsibility for monetary policy to the Commission in the absence of an electoral mandate would result in a “democratic deficit” that would “not be acceptable to a Community committed to democratic principles.”

The details of Marquand’s proposal are somewhat incomplete. But the basic features included incremental increases in the Parliament’s legislative and budgetary powers, EP–Commission cooperation, socialization of members of the European Parliament, the creation of European parties, and citizen and interest group pressure. His proposal was to use the first direct elections of the European Parliament in 1979 to transform the Union into a supranational parliamentary system. Under these conditions, the Parliament could provide the political legitimacy to the Commission that it needed so that it could beat back national opposition to extending QMV and establishing monetary union. And the powers of the EP would be expanded in the new monetary union to ensure that monetary policy would continue to respond to the views and interests of citizens.

We can see, then, that Marquand’s conception of Community democracy reformulates and combines the standing traditions on the legitimacy of the European project. Marquand’s vision of a democratic Europe was neither narrowly federalist nor did it counterpose technocracy and democracy. The parliamentarization of the Community in the wake of direct elections would endow the technocratic Commission with the democratic legitimacy to bring forward proposals to extend the internal market and establish monetary Union. This would all occur in the name of achieving Britain’s economic interests.

4. Conclusion

In sum, prior to Maastricht, we can identify three prominent traditions on the legitimacy of European integration and policy-making. The nationalist tradition emphasized the nation, national interests and intergovernmental decision-making. Democratic legitimacy was provided

154 Ibid., 88.
155 Ibid., 61–62.
156 Ibid., 66.
157 Ibid., 65.
158 Ibid., 90–104.
159 Ibid., 104–106.
160 Ibid., Ch. 6.
161 Ibid., 70–77.
through national representatives and the parliamentary systems of member states. An exemplary exponent of this view was Charles de Gaulle. The technocratic tradition emphasized European welfare and expertise. Democratic legitimacy was something that could be delayed until the European people had understood the full value of Community decision-making. Jean Monnet was a vigorous advocate of this view. The federalist tradition emphasized European welfare and parliamentary democracy at the European level. For federalists, the European project was too important to be controlled by national leaders and too political to be left up to the technocrats. The democratic legitimacy of the European project was secured through a directly elected and powerful European Parliament. Altiero Spinelli doggedly pushed the federal vision of an integrated Europe from the end of WWI up until his death in the 1984.

Table 2 highlights how Marquand’s original formulation of the democratic deficit and Community democracy drew on each of these traditions. He was a pragmatic, British nationalist about the goals of the Community. His vision of the form of the Community enlisted supranational democracy on behalf of technocracy.

**Table 2.2** The governance traditions and David Marquand

<table>
<thead>
<tr>
<th>Output Legitimacy</th>
<th>Nationalism</th>
<th>Technocracy</th>
<th>Federalism</th>
<th>David Marquand</th>
</tr>
</thead>
<tbody>
<tr>
<td>National interests</td>
<td>European welfare</td>
<td>European welfare</td>
<td>British national interests</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Input Legitimacy</th>
<th>National representation</th>
<th>Technical expertise</th>
<th>Supranational parliamentary representation</th>
<th>Supranational parliamentary representation and technical expertise</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>View of Community democracy</th>
<th>National/Indirect</th>
<th>Limited corporate representation</th>
<th>Supranational/direct</th>
<th>Mixed</th>
</tr>
</thead>
</table>

The belief that the standard version of the democratic deficit was in its essence federal or supranational or that the history of European integration is marked by a recurring confrontation between technocratic and democratic principles of legitimacy are misleading. In his assessment of outputs, Marquand was a nationalist. The purpose of the Community was to achieve Britain’s national interest. In his understanding of economic policy-making, technocratic. The prominence he gives to the Commission in formulating policies and his proposal to create a regional economic and monetary union based on Keynesian principles are elements of his technocratic view. And in his political strategy, federalist. The Commission would need the requisite amount of democratic legitimacy to face down national interests and make bold economic proposals with the proper parliamentary mandate.

In the next chapter, I demonstrate that like Marquand’s own vision the negotiating positions of the EU institutions and the Lisbon Treaty itself were influenced by the three
traditions described here. The result is that democracy according to the Lisbon Treaty, like Marquand’s own view, is a composite of concepts, combining elements of nationalism, technocracy and federalism.
Chapter Three
Democracy according to the Lisbon Treaty

1. Introduction

On December 13, 2007, the leaders of EU member states signed the Treaty of Lisbon. For many observers, the Lisbon Treaty (LT) significantly improved the EU’s democratic legitimacy. The treaty broke new ground by including in the preamble an explicit commitment to democratic principles in the operation of the Union. It strengthened the legislative, budgetary and oversight powers of the European Parliament (EP). It created new opportunities for citizens and civil society to participate in decision-making as well as provided national parliaments new rights and powers. To a certain extent, the LT even reduced the complexity of the treaties and institutional working methods, thus increasing the comprehensibility of the EU system as a whole.

The diversity of provisions on democracy contained in the LT raises a number of questions. What exactly is EU democracy? Is it one thing or several? Whether one or several, where did the different ideas and practices come from? And why did they take shape in the way that they did? Why were certain changes included and not others?

This chapter provides a genealogy of the broad patterns of belief that informed the democratic ideas and practices introduced to the EU by the Treaty of Lisbon. Based on an analysis of European Council/Council of the European Union (the Council), European Parliament (Parliament) and European Commission (Commission) documents produced between the Maastricht Treaty and the Lisbon Treaty, the chapter demonstrates the continuing influence of the three governance traditions discussed in the previous chapter. We can make sense of the LT’s provisions on democracy – and thus account for the nature of EU democracy – by noting their debt to the three governance traditions which have dominated debate about the EU and its predecessors’ legitimacy. In addition to explaining a number of commonly recognized democratic improvements under the LT, the analysis also demonstrates that certain changes, although not normally recognized as democracy-enhancing by popular and academic commentators, were intended to be according to the EU institutions. By situating these changes within the governance traditions of nationalism, federalism and technocracy, we can make sense of the institutions’ democratic intentions. Lastly, the genealogy also provides an account of why certain provisions continue to be absent, pointing to the role of conflicting perspectives on the EU’s democratic legitimacy and the instrumental value attached to democratic reform.

In short, the genealogy developed here explains why democracy took the shape that it did in the LT, what democracy is according to the LT and why certain democratic deficits persist.


163 Since the European Council and the Council of the European Union are composed of representatives of member states, for shorthand I refer to both as the Council under the assumption that they represent the views of member state leaders.
Let me briefly summarize the core of the argument. The analysis of Union documents post-Maastricht reveals a common institutional concern with the problem of public opinion. For each of the three institutions, reducing public skepticism toward European integration and increasing public support was viewed as critical to carrying out their existing and future plans for Europe. The Council, Parliament and Commission viewed managing public opinion a key dilemma post-Maastricht. In this context, the institutions portrayed introducing greater amounts of democracy as a way to garner greater public support for the European project. As the analysis demonstrates, however, the institutions disagreed about what kinds of democratic changes would address the problem of public opinion. I argue that these disagreements can be explained by reference to the different governance traditions the institutions drew upon and reformulated in response their evolving understanding of the problem of public opinion. Because the LT enacts various democratic proposals put forward by the EU institutions, democracy according to the LT is a composite of concepts, influenced by the nationalist, federalist and technocratic traditions.

How does my argument differ from existing accounts? First, it demonstrates that the claim that the LT contains both participatory and parliamentary forms of democracy is misleading. It is misleading because this description assumes that the relevant traditions and thus conceptual schema are participatory and parliamentary democracy. The argument here demonstrates the continuing relevance of nationalist, federalist and technocratic conceptions of democracy. These conceptions crisscross the familiar participatory/parliamentary divide. Second, the analysis of institutional positions below challenges Berthold Rittberger’s explanation of why EU actors have made treaty changes to address EU’s democratic deficit. According to him, the pooling and delegating of sovereignty to the Union level activates an anxiety about the democratic legitimacy of the EU. The transfer or proposed transfer generates a “perceived discrepancy between the ‘ought and ‘is’.” In turn, political leaders take steps to enhance democratic accountability in the Union. Rittberger’s explanation claims actors are motivated by a commitment to the inherent legitimacy of democracy and thus feel compelled to offer “democratic compensation.” While I do not doubt this is partially true, I document below that post-Maastricht EU institutions were also, perhaps primarily, driven by forward-looking, instrumental concern for the sustainability of European integration. The institutions were concerned with maintaining public support for future transfers of authority to the Union. They adopted what I call a “system maintenance” view of democracy. The institutions valued democracy instrumentally as a means for managing public anxieties and redirect them toward further support for integration. This conclusion has important implications for how democracy was enacted. It in part accounts for the partial and limited nature of the democratic reforms. Why? Because the ultimate aim was systems maintenance rather than, say, self-determination, only those democratic reforms that could be expected to generate public support for integration were considered. A more radical program that would have transferred significant decision-making power to the public was off the table from the start because it would potentially give EU citizens too much control over the EU’s activities.

The argument here differs from previous research in a third way. A number of authors, including Rittberger, have argued that we should look to the domestic political cultures of

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member states to discover the origins of the ideas that guide democratic reforms of the Union. While I agree that such a procedure can be useful, here I demonstrate the influence of “international” ideas. Given the international history of nationalism, federalism and technocracy, it would be difficult to claim any particular domestic providence. The institutions mobilized on the basis of ideas that circulated throughout Europe.

The chapter is organized as follows. Section two provides a brief history of democratic reforms following the Maastricht Treaty and a summary of the democratic changes included in the LT. Section three describes the primary documents that served as the basis of the research and the coding procedures used in the analysis. Section four analyzes the responses of the EU institutions to the challenge posed by Maastricht. Section five analyzes the proposals of the EU institutions prior to the Convention on the Future of Europe. The conclusion summarizes the primary findings.

2. The Democratic Development of the EU from Maastricht to the Lisbon Treaty

The difficult ratification of the Maastricht Treaty is widely considered the signal event in the democratic development of the Union. It is true, of course, that elements of parliamentary democracy had been previously added to the Community. The Treaty of Rome created the Parliamentary Assembly and provided it with the power to censure the Commission. The 1970 Treaty of Luxembourg and 1975 Brussels Treaty gave the EP the right to amend and reject the budget. Popular accountability was enhanced through the introduction of direct elections of members of the EP in 1979. The Single European Act added both the cooperation and assent procedures, which expanded the role of the directly elected Parliament. And the Maastricht Treaty itself increased the power of the EP over the Commission and introduced the codecision procedure. For many observers, however, the Dutch rejection of the Maastricht Treaty, its narrow approval in France, the Maastricht judgment by German Constitutional Court and the rancorous public debate that accompanied the difficult ratification was evidence of a general lack of popular support for the Union, even a rejection of its underlying values.

Whether or not Maastricht really signified a sea change in public opinion is open to debate. Some researchers concluded that a significant number of EU citizens voted against the treaty in national referendums to register their dissatisfaction with domestic politics. Others argued that the level of public opposition was overstated because either it was limited to specific policies or initiatives and not the EU project per se or because critics relied upon fanciful standards of political legitimacy, ones no member state could satisfy. Still others concluded that opposition toward the EU was derivative of a more general public disillusionment with and loss of confidence in political systems. Opposition to the EU, in this sense, was mainly

167 Rittberger, Building Europe’s Parliament; Jachtenfuchs, Diez, and Jung, “Which Europe?”
168 For a useful summary of treaty changes that enhanced the budgetary, legislative, appointment and oversight authority of the Parliament, see Rittberger, “Constructing Parliamentary Democracy in the European Union.” Many of these changes are addressed in Rittberger, Building Europe’s Parliament.
169 Fritz W. Scharpf, “Economic Integration, Democracy and the Welfare State,” Journal of European Public Policy 4, no. 1 (January 1, 1997): 18–36. For a discussion of the public debate in France and Germany see Schrag Sternberg, The Struggle for EU Legitimacy. The treaty was eventually approved by Dutch voters after the country was given a number of opt outs from treaty provisions.
epiphenomenal, pointing toward a much longer and deeper political malaise. Still others have argued that the problem of generating public consent has preoccupied ministers, “wise men” and parliamentarians since the Luxembourg crisis of 1965-66. In this view, the legitimacy crisis was an old crisis. Maastricht, in short, admitted of different interpretations.

Nevertheless, the difficult ratification process of the TEU is widely considered to be the signal event in the democratic crisis of the EU. For many observers, the EU’s legitimacy crisis reflected two central facts about the European project: (1) since the founding of the Communities, building Europe had been an elite-driven and technocratic enterprise. Public input and accountability were largely absent. And (2) the launch of the “1992 project” by the Single European Act and the growth in Community competences beyond the “economic” and into the “social” and “political” had awakened an otherwise pliable and uninterested public to the significance of the EU. As a result it was no longer possible for political elites to bargain behind closed doors and expect a largely indifferent public to dutifully follow the preferences of their national political leaders. The rise of public skepticism toward the European project marked a shift from a “permissive consensus” to a “constraining dissensus.” Party leaders henceforth had to negotiate European issues with one eye on the electorate and influential domestic groups.

In the wake of 1992, various reforms were made to the form and functioning of the EU to address the polity’s apparent undemocratic nature. These were achieved in part by a series of treaty amendments that adjusted the powers, competences and functioning of individual institutions and the Union as a whole. The Treaty of Amsterdam (1997) made the selection of the Commission President dependent on the approval of the EP. Previously, the EP needed to simply be consulted prior to appointment. The legislative procedure of codecision was also reformed and extended to new issue areas. And the Nice Treaty (2000) further extended the application of codecision.

However, reflecting on the limited success achieved in negotiating the Nice Treaty, in 2001 EU member state leaders agreed a “Declaration on the future of the Union” calling for a “deeper and wider debate” about the EU’s future development. In the Declaration, member

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170 Gráinne de Búrca, “The Quest for Legitimacy in the European Union,” The Modern Law Review 59, no. 3 (May 1, 1996): 350–351. Moreover, each of these interpretations suggest different possible solutions for addressing public opposition. Some interpretations suggest the EU may not be capable of doing anything at all.

171 Wallace and Smith, “Democracy or Technocracy?”


173 de Búrca, “The Quest for Legitimacy in the European Union,” 350; Alex Warleigh, Democracy in the European Union: Theory, Practice and Reform (SAGE, 2003). As I detail below, this formulation was not uniformly shared among the EU institutions themselves.


175 Whether or not the reform of the codecision actually increased or decreased the EP’s influence has been a subject of debate.

state leaders stated that the debate should address four key issues: the establishment and monitoring of the delimitation of powers between the Union and member states, the status of the Charter of Fundamental Rights of the European Union, “a simplification of the Treaties to make them clearer and better understood without changing their meaning,” and the role of national parliaments in the Union. Member state leaders hoped that by addressing these four issues the Union would address “the need to improve and to monitor the democratic legitimacy and transparency of the Union and its institutions, in order to bring them closer to the citizens of the Member States.” Subsequently, the Laeken European Council (2001) declared that further changes were needed to “increase the democratic legitimacy” of the EU and furthered expanded the list of relevant considerations. Over the course of 2001, the other EU institutions weighed in, reaching a rough consensus that a formalized discussion on future reform of the Union should precede the planned 2004 IGC.

The Convention on the Future of Europe began its work in February 2002. The Convention was composed of 105 politicians drawn from across the Union and candidate member states. It included representatives of Heads of Government, national parliaments, the European Commission and the European Parliament. Business, civil society organizations and the public were also invited to make submissions. The Convention met until July 2003, producing a “Draft Treaty Establishing a Constitution for Europe.” Following revision by an intergovernmental conference, ten member states governments committed to submitting the text to a national referendum. Following ratification by Spain Lithuania, Hungary and Slovenia, French and Dutch voters rejected the Constitutional Treaty. After a two-year hiatus in which other states continued with their ratifications procedures, the Constitutional Treaty was scrapped under the German Council Presidency, which then pushed for a more orthodox treaty amendment. The Treaty was signed in Lisbon in December 2007. Two years later, after overcoming Irish and then Croat objections, the Lisbon Treaty entered into force on December 1, 2009.

Given this study’s commitment to nominalism, a full consideration of what provisions in the Lisbon Treaty were intended as democratic reforms awaits an analysis of what relevant actors actually believed. Here I limit myself to those features that have received significant attention.

Under the LT, the appointment, budgetary and legislative influence of the EP was increased. In proposing the Commission President, member states are instructed to take into account the outcome of the previous EP elections. The previous distinction between “compulsory” and “non-compulsory” provisions of the budget was eliminated. The EP can now amend or reject any element of the annual budget. Additionally, a multi-annual financial framework was inaugurated, providing greater transparency over future budgetary plans. Co-decision was made the “ordinary legislative procedure” and extended to a number of new areas of decision-making. In addition to formal increases in the powers of the European Parliament, national parliaments were given new subsidiarity controls, including the ability to challenge legislative decisions in the European Court of Justice.

179 An in depth discussion of the Convention and the Constitutional Treaty can be found in Norman, Accidental Constitution.
In addition to these parliamentary measures, the LT expanded opportunities for the involvement of citizens and civil society organizations (CSOs). Although stopping short of giving citizens and CSOs a justiciable right, the LT instructs the institutions to provide open, transparent and regular opportunities for input and dialogue. Additionally, the LT created the first significant opportunity for citizen participation in the formal legislative process. The Citizens Initiative gives citizens the right to invite the Commission to make proposals in any policy area for the purposes of implementing the Treaties.\textsuperscript{180}

Post-Maastricht the democratic character of the EU was enhanced in a number of ways. The question I address in the subsequent sections is why did the democratic reforms take the shape that they did?

### 3. Documents and Questions

The article analyzes and compares two sets of primary materials. The first are the institutional submissions to the 1996 Intergovernmental Conference. The second are institutional reports drafted in anticipation of the 2002 Convention on the Future of Europe. These two sets of documents were selected because they contain the official views of the three primary institutions of the Union – the Council of the European Union/European Council, the Parliament and the European Commission – on the issue of democratic reform. The three institutions participated in the negotiations which led to the Treaty of Amsterdam (1997) and the Treaty Establishing a Constitution for Europe (2004), respectively. While the latter never came into effect, its provisions are similar to those contained in the Lisbon Treaty (2009); understanding the democratic ideas which contributed to the Constitutional Treaty are thus key to understanding the ideas contained in the Lisbon Treaty.\textsuperscript{181}

The analysis of these documents addressed four questions. First, what is/are the source(s) of the Union’s democratic legitimacy? Second, why should the Union be made more democratic? Third, what is/are the source(s) of the Union’s “democratic deficit”? That is, what problems or obstacles stand in the way of the Union being more democratic? And fourth, what changes would make the Union more democratic? The template used for the analysis is included as Appendix 1 – “Template for Analyzing Institutional Documents on Internal Reform.” Each document was analyzed at least three times to ensure the reliability of interpretations.

One challenge to interpreting the institutions’ concepts of democracy was deciding what criticisms and proposals pertained to the Union’s democracy versus other considerations. This difficulty arose repeatedly in two contexts: when democracy was discussed in the context of more than one objective and when reforms were discussed without reference to specific objectives. The Parliament’s 1995 “Resolution on the Treaty on European Union” is illustrative of both difficulties. The EP’s Resolution contained a section labeled “Stronger and more democratic institutions.”\textsuperscript{182} This title raises the question of whether each of the proposed reforms should be understood as making the Union “stronger,” “more democratic” or both. The EP’s

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\textsuperscript{181} Craig, “Constitutional Process and Reform in the EU.” See also Norman, Accidental Constitution, 5.

Resolution also contained a section on “The Decision-Making Mechanisms of the Union” in which various legislative, budgetary, and political control proposals were forwarded.\textsuperscript{183} Frequently, these were not linked explicitly to any specific objective, whether democracy or otherwise.

The decision on how to classify statements in these contexts was based on two considerations. First, where the discussion of democracy was combined with other objectives, I assumed that the problems or reforms discussed were intended as elements of democracy unless explicit distinctions were made. Second, where criticisms or reforms were not explicitly linked to democracy, I considered how they fit with more general statements about democracy contained in the documents. For instance, since in the introduction to the EP’s Resolution the Council’s secretive working methods were specifically singled out as anti-democratic, I assumed that subsequent recommendations to make the Council more open to public scrutiny justified on the basis of making the EU more democratic, whatever else their objectives.\textsuperscript{184}

One particular criticism that the analysis here might be susceptible to is that as public documents, those responsible for them have incentives to distort their real beliefs. In short, the analysis may be reliable, but not valid because politicians lie. Two responses can be offered in defense. First, the beliefs expressed by the institutions are substantially consistent across time. If the documents were largely distortions, one might expect significant variation in their content as priorities changed. Second, the beliefs expressed in the documents precede and cohere with what is actually in the LT. A lack of coherence would suggest that the documents are not to be taken seriously. But as discussed below, they do. Coherence provides some warrant for the belief that the documents expressed some of the actual beliefs of the participants. As a point of principal, of course, further empirical evidence could support or impugn the claims made.

4. Interpreting Maastricht

The legal mandate for the 1996 Intergovernmental Conference (IGC) was contained in the Maastricht Treaty.\textsuperscript{185} At the Corfu European Council (24 and 25 June 1994), the member states created a “Reflection Group” to prepare for the 1996 IGC. The Reflection Group was composed of representatives from the European Parliament, the Commission and the Ministers of Foreign Affairs. The institutions were invited to submit reports which would serve as the basis for work of the Reflection Group so that it could “examine and elaborate ideas relating to the provisions of the Treaty on European Union for which a revision is foreseen and other possible improvements in a spirit of democracy and openness” and to elaborate measures “deemed necessary to facilitate the work of the Institutions and guarantee their effective operation in the perspective of enlargement.”\textsuperscript{186}

In this section, I make three principle arguments. First, in the wake of the Maastricht debate the three EU institutions came to identify managing public opinion as a central dilemma. Second, the three institutions identified making the Union more democratic as a key strategy for

\textsuperscript{183} Ibid., 64–66.
\textsuperscript{184} Ibid., 57, 62–63.
\textsuperscript{185} Article N of the TEU established the legal basis. TEU and accompanying declarations outlined issues to be considered at the IGC, including, \textit{inter alia}, the effective functioning of the mechanisms and institutions of the Community (Article B), the possible extension of codecision (Article 189b(8)), possible revision of the CSFP (Articles J.4(6) and Article J.10), and the consideration of introducing a hierarchy of Community acts.
\textsuperscript{186} The European Council, “Corfu Conclusions of the Presidency” (The European Union, 1994).
addressing growing public skepticism and redirecting it toward supporting integration. According to the Reflection Group’s report “A Strategy for Europe”: the central challenge was to gain the “democratic backing of Europe’s citizens” for the European agenda agreed to by the Heads of State or Government.\(^ {187}\) For the Parliament, the EU needed to “tackle a democratic deficit that a growing number of European citizens find unacceptable.”\(^ {188}\) The Commission identified the depth of public skepticism revealed by the Maastricht debate as one of the “two major challenges for Europe”\(^ {189}\) and noted that bringing the “Community closer to the citizen” should be “an overriding principle which guides its actions.” According to the European Council, “The Union must be built with the support of its citizens.”\(^ {190}\) My third argument is that although the broad outlines of the reform agenda were shared by the three institutions, disagreements arose about what sorts of democracy-enhancing changes would placate public opinion. These differences reflected the different governance traditions the institutions drew upon: the Council/European Council (nationalism), the Commission (technocracy) and the Parliament (federalism). These disagreements were evident in the reports submitted to the Reflection Group and the Reflection Group’s final report itself. In advancing different democratic solutions to the dilemma of a skeptical public, each of the institutions thereby advanced a different conception of Union democracy.

4.1 The Council – treaty democracy

Unlike the reports drafted by the Commission and the Parliament, the Council’s submission does not present a list of suggested reforms. In its own words, “Care has been taken not to anticipate the discussions of the Reflection Group.”\(^ {191}\) Nonetheless, the Council’s report does suggest an underlying concept of democracy. The Council’s concept of democracy is evident in the problems that it identified as undermining the Union’s democratic legitimacy. The Council’s concept of democracy can be labeled “treaty democracy.” Treaty democracy captures the belief that the provisions of the Treaty define the Union’s democratic legitimacy. The Union was democratic to the extent that the institutions and other bodies acted in accordance with their respective powers and fulfilled their specified functions. Treaty democracy can be understood as one species of the nationalist tradition of political legitimacy in that member states are the ultimate source of the Union’s treaties. However, it modifies the nationalist tradition as well in that it permits other institutions to share in decision-making power, as long as that participation is specified in the treaties and thus by the states themselves.

In its most explicit statement about what constitutes Union democracy, the Council states, “The new provisions introduced by the TEU, especially those on increasing the powers of the European Parliament, sought to establish a firmer basis for the Union’s democratic character. The European Parliament’s role in this context is an essential one; but democratic legitimacy


\(^{190}\) The European Council, “Corfu Conclusions of the Presidency.”

must be the expression of the Union’s institutional system as whole.” For instance, in addition to the role played by the Parliament, the report states, “The Council also helps to ensure respect for the democratic functioning of the system, insofar as each of its members is politically responsible to the national parliament.” The democratic character of the Union is the result of each of the institutional fulfilling its treaty-defined role.

The general sense in which democracy is the ‘expression of the Union’s institutional system as whole’ is contained in the Council’s evaluation of each of the institutions. Its evaluation addresses one central question: is each of the institutions exercising its powers in accordance with the Treaties? For instance, the Council criticizes the Parliament and Commission for agreeing to a “code of conduct” which limits the independence of the Commission in the exercise of its power of legislative initiative. The code of conduct violates the provisions of the Treaties by changing the decision-making process and altering the institutional balance. Similarly, the Parliament is criticized for taking a “very broad interpretation to its powers under the Treaty” and for leveraging its Treaty-specified powers in matters where it was not given formal powers (e.g., in implementing acts). More generally, the Council identifies two features of the Union which are defective from a democratic standpoint: the unintended use of powers and the failure to exercise powers.

The Council’s Report expresses the belief that democracy is defined by the powers and roles specified by the Treaty of Maastricht. An institution that acts beyond its powers or does not fulfill its role undermines the Union’s democracy.

4.2 The Commission – representative governance

According to the Commission’s report, “[T]he Treaty has to be assessed primarily in terms of the concept of democratic legitimacy. It is this which can consolidate the ordinary citizen’s sense of being a part of the process of building Europe.” For the Commission, Union democracy is identified with “representative governance.” Representative governance is different from representative government in that it accepts that the Union is a decentralized system with “different tiers of authority [that] cooperate democratically and effectively to help solve the problems affecting ordinary Europeans.” This difference aside, representative governance shares many similar features of J.S. Mill’s representative government. For the Commission, the main components of Union democracy are parliamentary input and accountability (national and European), an expert bureaucracy that protects the general interest and an engaged citizenry that provides oversight.

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192 Ibid., 15.
193 Ibid., 18.
194 This conclusion is also supported by the organization of the report. In the section of the report titled “Institutional System,” the subsection “Democracy and Efficiency” precedes dedicated analyses to each of the Union’s main institutions, bodies and their relations. Ibid., 15–23.
195 Ibid., 19.
196 Ibid., 17.
197 Ibid., 18.
199 Ibid., 6.
For the Commission, the primary institutional obstacles to fuller representative governance in the EU are the intergovernmental aspects of the pillar system; the lack of transparency in institutional procedures and working methods as well as the complexity of decision-making procedures, the Treaty system and legislation; and the absence of mechanisms for national parliaments to control and guide national choices (one aspect of the principle of subsidiarity). Respectively, these anti-democratic features block the EP and the Commission from fulfilling their representative functions, reduce citizen understanding and generate suspicion as well as undermine their ability to hold officials accountable, and disable national parliaments from providing ministerial oversight or from protecting their legitimate powers. The Commission proposes to address these democratic deficits by bringing justice and home affairs and the common foreign and security policy within the Community pillar; simplifying the legislative procedures and the treaties by introducing a new treaty based on a single text, and by giving national parliaments the means to control and guide national choices at the Union level. The Commission devotes particular attention to the issue of intergovernmental decision-making. This is because the requirement of unanimity in the Council blocks decisions that would achieve European general will, including policies in such areas as employment, environmental protection, social inclusion, justice and home affairs, the common foreign and security policy as well as EU citizenship.

In addition to intergovernmental decision-making, the Commission emphasizes the lack of institutional effectiveness and coherence as inhibiting democracy:

At the forefront of these debates [during national ratification of the Maastricht Treaty] were the same fundamental requirements: democratic operation of the institutions, openness in the Union system; and effectiveness and coherence in practice. … These themes set the main parameters for judging the Treaty. They are in fact mutually connected: democracy withers if it does not operate effectively; and effectiveness is pointless without democracy. Otherwise democracy becomes nothing more than technocracy.

For the Commission, there is no clear line between the objectives of greater effectiveness and greater democracy. Changes to decision-making procedures that will make it easier to overcome obstructionist actors are portrayed as a way to achieve the European general will. For instance, limiting or ending unanimity decision-making in the Council in the pillar of justice and home affairs is justified because “security at home and abroad are indeed legitimate priorities for every citizen.” Similar statements are also made with respect to the operation of the common foreign and security policy pillar and the extension of qualified-majority voting in the Council to new areas. As the Commission concludes, “The Union’s decision-making rules and procedures should … serve to make the institutions more democratic and help them operate effectively.”

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202 Ibid., 18.
203 Ibid., 4, 18–28, 31–33.
204 Ibid., 4.
205 Ibid., 2, 4.
206 Ibid., 3.
207 Ibid., 5. See also, 47-48.
208 Ibid., 18.
209 Ibid.
Reforms to make the Union more effective though expanding the scope of the Community method also make the Union more democratic.

Representative governance blends technocracy and parliamentary governance. The role the Commission envisions for itself will allow it to achieve the European general interest. It also supports a role for representatives – MEPs, heads of state and government and national parliaments. However, where achieving the general interest collides with the actions of representatives – for instance, unanimity decision-making in the Council – then reforms to unblock the European general interest enhance the Union’s democracy.

4.3 The European Parliament – federal parliamentary government

The Parliament’s conception of democracy is one of “federal parliamentary government” because it in the EP’s view the EU is a union of parliamentary governments and EU citizens. “Democratic control of EU matters,” it writes, “would be best achieved by partnership between the European Parliament and national parliaments.”210 At the EU level, EU citizens should be represented as whole through the Parliament and as nations through parliamentary control of national executives. Improving the Union’s democracy requires reforming decision-making so that it is more responsive and responsible to the citizens and their representatives.

Like the other institutions, the EP justifies enhancing the EU’s democracy as a direct way to address public skepticism. There is, it writes, “a need to tackle a democratic deficit that a growing number of European Union citizens find unacceptable.”211 Democratic reforms are also depicted as a way to enable the Union to implement the policies and achieve the objectives that the citizens want: “The European Union will have to reinforce its existing framework if it is to respond to economic and political change and to enhance its credibility in the eyes of its citizens. To do this it will have to develop new policies for the future and to strengthen its existing policies.”212 The Parliament lists, *inter alia*, policies in CFSP, JHA, EMU, the environment, citizenship, social policy and agriculture.213 Like the Commission, then, the Parliament believes enhancing democracy achieves two goals both related to rallying public support: giving citizens the democracy that they want and giving them the policies that they want.

The EP identifies Council secrecy and independence, limitations on the Parliament’s powers – especially in CFSP and JHA pillars, the lack of representation and participation by women,214 and deficient mechanisms for participation by national parliaments and citizens215 as the primary obstacles to a more democratic Union. First, according to the EP, the “lack of openness and full democratic accountability” in Council decision-making is one of the “major deficiencies under the Treaty on European Union.”216 The EP calls for opening up the Council’s proceedings to public and parliamentary scrutiny through greater access to Council documents (especially drafts and proposals), meeting in public when debating or deciding on legislative

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211 Ibid., 3.
212 Ibid.
213 Ibid., 4–7.
214 Ibid., 62.
215 Ibid., 59.
216 Ibid., 3.
matters, and operating according to a binding agenda. \(^{217}\) Second, the EP criticizes the use of intergovernmental procedures in the second and third pillars as well as limits placed on the scope of parliamentary involvement in economic and monetary union (EMU), budgetary decisions, agricultural policy, international agreements, Treaty revision, and the process for selecting and appointing EU officials. \(^{218}\) To address these deficiencies, the EP recommends, *inter alia*, bringing the first and second pillars progressively within the Community domain, \(^{219}\) giving the EP equal status with the Council in all fields of EU legislative and budgetary competence\(^ {220}\) and generally extending the powers of the EP and national parliaments. In addition to increasing its policymaking role, the Parliament advocated enhancing its powers of political oversight and control by extending the assent procedure to all nominations for the Courts and members of the Executive Board of the European System of Central Banks, expanding its access to the Courts to protect its powers and ensure the Treaties are being followed, and endowing it with the power to require (and not simply request) a legislative proposal from the Commission. \(^ {221}\)

Like the Council, the EP draws on one of the existing traditions on Union democracy. The Union’s democracy is federal parliamentary government. Union democracy can thus be best achieved by expanding the powers of the EP and national parliaments.

4.4 Comparing treaty democracy, democratic governance and federal parliamentary government

In the wake of the Maastricht Treaty, each of the three institutions identified managing public opinion as a primary justification for institutional reform. They viewed improving the Union’s democratic character as a way to address public skepticism and increase public support. However, the three institutions advanced distinct, if at times overlapping, conceptions of democracy. The overlap was most obvious between the Commission and the EP. For the Commission, the EU should be made more democratic by transforming it into a system of representative governance that was responsive to the European general will. For the Council, the EU should be made more democratic by fulfilling the vision for deliberation and decision-making contained in the Maastricht Treaty. For the Parliament, the EU should be made more democratic by shaping it into a system of federal parliamentary government. These differences are summarized in Table 3.1.

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\(^{217}\) Ibid., 62–63.  
\(^{218}\) Ibid., 4–10.  
\(^{219}\) Ibid., 58. Communitarizing JHA and CFSP are also justified by the goal of “ensuring the unity of the institutional system.” Ibid., 61.  
\(^{221}\) Ibid.
Table 3.1 Summary of the views of the EU institutions on democracy in 1996

<table>
<thead>
<tr>
<th>Justification for democracy</th>
<th>The Council</th>
<th>The Commission</th>
<th>The European Parliament</th>
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</thead>
<tbody>
<tr>
<td>Build public support for European integration</td>
<td>Build public support for European integration</td>
<td>Build public support for European integration</td>
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<thead>
<tr>
<th>Model of democracy</th>
<th>Treaty democracy</th>
<th>Representative governance</th>
<th>Federal parliamentary government</th>
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<tr>
<th>Nature of “democratic deficit”</th>
<th>Institutions not fulfilling their treaty-specified roles</th>
<th>Intergovernmentalism, lack of transparency, lack of national parliamentary input, absence of document specifying citizenship rights</th>
<th>Intergovernmentalism, Council secrecy, lack of national parliamentary input, limitations on powers of the EP</th>
</tr>
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<tr>
<th>Examples of recommendations</th>
<th>Eliminate “code of conduct” agreement between EP and Commission; EP retract its broad interpretation of its powers</th>
<th>Communitarize pillars II and III, simplify decision-making procedures and Treaties, adopt text on citizenship rights and obligations</th>
<th>Extend EP budget, legislative, oversight and treaty powers; binding mechanisms for Council openness; national parliamentary participation; implement subsidiarity</th>
</tr>
</thead>
</table>


In June 2001 at the Gothenburg European Council, Javier Solana, the Secretary-General/High Representative of the Council of the European Union, presented the report “Preparing the Council for Enlargement.” The report outlined the approach member states would take to reforming the EU. This was followed in October when the Committee on Constitutional Affairs of the European Parliament published its “Report on the Laeken European Council and the Future of the Union.” Then in June 2002, the Commission lay out its own

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vision of the reform agenda in its report “A Project for the European Union.” In this section I compare the three institutions’ different visions of democracy to each other and to their understandings in 1996.

The main findings are the following. All three institutions once again justified reforming the EU because by making it more democratic they would build public support for European integration. The institutions based their assessment and prescriptions on the same or similar democratic concepts to those that guided their 1996 statements. For the Commission, Union democracy consisted in “representative governance.” For the Parliament, the Union should be a “parliamentary federal government.” And for the European Council democratic legitimacy was achieved through a “democratic union of states.” The differences between their perspectives once again reflected the different governance traditions that they drew upon. The institutional perspectives differ primarily in terms of the problems they identify which contribute to the democratic deficit and the substance of their particular recommendations. These differences are summarized in Table 3.2.

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Table 3.2 Summary of the views of the EU institutions on democracy in 2002

<table>
<thead>
<tr>
<th>Justification for democracy</th>
<th>The Council</th>
<th>The Commission</th>
<th>The European Parliament</th>
</tr>
</thead>
<tbody>
<tr>
<td>Build public support</td>
<td>Build public support, interdependence and globalization</td>
<td>Build public support for European integration</td>
<td></td>
</tr>
<tr>
<td>of Councils and achieve objectives of member state leaders</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Model of democracy</td>
<td>Democratic union of States</td>
<td>Representative governance</td>
<td>Federal parliamentary government</td>
</tr>
<tr>
<td>Nature of “democratic deficit”</td>
<td>Inefficient and ineffective structures and working methods in the Council and European Council</td>
<td>Intergovernmentalism, lack of transparency, not achieving general interest, lack of national parliamentary control</td>
<td>Intergovernmentalism and unanimous decision-making in Council</td>
</tr>
<tr>
<td>Examples of recommendations</td>
<td>Interdepartmental coordination, coordinating role for GAC, clear division of tasks between Council and European Council, continuity between Council presidencies</td>
<td>Communitarize JHA and CFSP, protect European model of society, combine roles of High Rep and Commissioner for External Affairs, QMV in Council, Constitution based on single treaty, post-facto control mechanism for national parliaments</td>
<td>Communitarize JHA and CFSP, hierarchy of Community acts; eliminate distinction between compulsory and non-compulsory budget; assent procedure in appointment of Court judges</td>
</tr>
</tbody>
</table>

5.1 The Council – a democratic union of states

As the title of the Secretary-General’s report indicates, improving the Union’s democracy was not the Council’s primary concern prior to the 2004 IGC the EU. The report, rather, was a follow up to two previous assessments of the Council’s structures and working methods in preparation for future enlargement. The report evaluates the implementation of recommendations begun since the Helsinki European Council in December 1999 and makes further practical suggestions for improving the Council’s structures and working methods. A

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225 Solana, “Preparing the Council for Enlargement.”
226 Tumpf/Piris report (March 1999) and Helsinki European Council (December 1999).
third part of the report contains a summary of coordinating systems in member states for EU matters, which had been requested by the Helsinki Council.

Nonetheless, Secretary Solana’s report does address the issue of democracy. In fact, the challenges of enlargement are depicted as posing challenges to the democratic functioning of the Union. In the view of the report, the Union’s democracy consists in achieving the goals set by member states leaders. The EU should be reformed to ensure that it remains what can be called a “democratic union of states.” This view is evident in the problems and reforms the report discusses in light of the overall objectives it identifies. Its intellectual heritage is clearly the nationalist view of the Union.

In the view of the Secretary-General, the present working methods and structures of the Council “fall well short of what is required” if the Council is to “remain an effective legislative and executive body after enlargement.” The report justifies changes for two reasons: 1) to ensure that “Union action is consistent with the will of its political leaders” and 2) because “[t]he Council must be seen as a results-oriented decision-making body rather than a platform for political statements.” That is, reforms to the Council must be made to ensure that the EU remains a democratic union of national states and so that the public believes the Council is capable of providing effective leadership. Enhancing democracy and public support justify further reform.

The two general problems that stand in the way of greater democracy and bolstering public support are the ineffectiveness and inefficiency of the Council and European Council. Contributing to these problems are three particular issues. The increasing diversity of the Council’s activities along with the tendency toward increased segmentation of work and the blurring of responsibilities has resulted in the “risk of contradiction, incoherence and inefficiency.” The risk is institutional overload. Secondly, the increasing use of non-legislative forms of enhanced cooperation, most notably the open method of coordination (OMC), has led to the “blurring of the distinction between legal instruments and ‘soft’ law” and the powers of the Union and member states. The result of OMC has been the undermining of consistency and clear lines of responsibility. The third problem is the rotating presidency of the Council and the fact that the presidency is both too strong and too weak. Because there is a tendency of incoming presidents to want to “put their stamp” on Union activities, the rotating presidency leads to significant swings in policy focus. At the same time, however, the president of the Council lacks sufficient administrative support to effectively discharge his or her duties. The result is a shifting set of bold plans combined with a limited ability to achieve stated goals.

To address the problems of ineffectiveness and inefficiency, the Secretary General makes four recommendations. The first is greater interdepartmental coordination amongst member states. If enhanced cooperation techniques like OMC are going to be used, then greater interdepartmental coordination should be used to ensure effective follow up and implementation once agreements are reached. Second, the increased diversification of the activities of the Union must be complemented by the creation of a coordinating body within the Council to support efficient decision-making and ensure the complementary rather than conflicting policies. The Report suggests giving an overall coordinating function to the General Affairs Council as well as greater collaboration in COREPR and the working groups. Third, clearer and more appropriate division of tasks between the Council and the European Council is required. The European

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228 Ibid.
229 Ibid.
Council’s role should be to set general political objectives and provide political impetus to the Union. The Council of the European Union should provide legislative and executive leadership in the implementation of general policy objectives. The blurring of these two responsibilities, especially the handling of policy questions by the European Council, is resulting in inefficiency. Fourth, to ensure the Council Presidency is capable of fulfilling its duties, greater support should be provided through the General Secretariat, possible formalization of Vice-Presidency or creating chairpersons for fixed terms. And to avoid abrupt shifts in priorities from one presidency to the next, instruments for strengthening continuity between presidencies of the Council should be found to maintain focus on the Union’s priorities.230

In sum, for the Council the Convention on the Future of Europe should implement reforms that enhance the effectiveness and efficiency of the EU as a democratic union of states. Consolidating the effectiveness of OMC, enhancing the steering role of the General Affairs Council, clarifying the responsibilities of the Council and European Council and providing the necessary support and ensuring persistence in the functioning of the Council Presidency would ensure that the European Council and the Council are “seen as results-oriented decision-making” bodies and that “Union action is consistent with the will of its political leaders.”

5.2 The Commission – representative governance

In its 2002 communication “A Project for the European Union,” the Commission emphasizes the problem of public opinion, “representative governance,” and the dilemmas of globalization and interdependence.

In the communication, the Commission repeats its preoccupation with satisfying public opinion: “The Convention’s [i.e., the Convention on the Future of Europe] task is to try and shape the Union of tomorrow. A Union in which the member states, united by common policies and bonded by strong institutions, retain their ability to transcend their own divergences and to deliver what their people expect.”231 Reform is necessary to satisfy the EU’s citizens. The Commission reiterates its view that representative governance constitutes Union democracy, emphasizing the distribution and sharing of powers amongst different levels of authority, a Commission that represents the European general interest and the need for an engaged citizenry.232 Because under the Community method the institutions that represent the European people as a whole – the European Parliament and the Commission – are given a greater role and thus the European general interest is more fully represented in decision-making, the Commission once again calls for limiting intergovernmental, unanimity-based decision-making and extending the scope of the Community method to improve the democratic credentials of the Union.233 It also advocates reducing the complexity of the decision-making procedures and the treaty system

230 Ibid., 3–5.
231 Commission of the European Communities, “Communication from the Commission: A Project for the European Union,” 25. Similarly, the Commission writes, “While in general they are ‘for Europe’, our citizens want to understand European integration better. The people of Europe have specific expectations of the Union.” This sentence is followed by a lengthy list of policies and institutional reforms the people expect. ‘Understand’, here, is given both a cognitive and evaluative shading. Ibid, 3.
232 Ibid., 20–21, 24.
233 The Commission identifies the Community method as the procedure that “has enabled us to carry forward integration democratically and gradually.” Ibid., 4.
to increase transparency and thus improve EU citizen understanding.\textsuperscript{234} The justification for democratic reforms (public skepticism), the concept of democracy (representative democracy) and the prescription (extend the Community method) in the Commission’s 2002 report resemble quite closely those in its 1996 report.

The 2002 document, however, differs in two primary respects: the emphasis that is put on the problem of regional interdependence and globalization and the content of some specific proposals, especially the emphasis given to the role of the European Commission in protecting the European general interest or “certain values,” which it states, are “essential to our democracies.”\textsuperscript{235}

The Commission argues that national policy instruments cannot deliver the policy outcomes that EU citizens desire because of the rise of regional interdependence and globalization. According to the Commission, European citizens desire a “European model of society”\textsuperscript{236} – inter alia, peace and security, low unemployment and poverty, the elimination of international crime, acceptable levels of immigration, the equal treatment of women, the protection of the environment and a sustainable model of development, and high quality and safe consumer products. Under the conditions of regional interdependence and globalization, however, “a national go-it-alone approach can no longer be the answer for any country.”\textsuperscript{237} National policy instruments cannot ensure a European model of society. The Commission, for instance, points to how “in an integrated monetary and economic zone, overspending and the absence of control over national inflation rates inflict a collective cost borne by all the States sharing the same currency.” The “twin objective of macroeconomic stability and a high rate of growth and employment” cannot be accomplished without more “stringent cooperation.”\textsuperscript{238} Alternatively, because of economic globalization, decisions by other countries and entities impact the citizens of the EU, but are not controlled by them. Economic globalization has led to a loss of democratic control.\textsuperscript{239} Similarly, the globalization of criminal activities\textsuperscript{240} and security risks\textsuperscript{241} overwhelm national capacities.

Because regional interdependence and globalization have undermined the independent capacities of national governments to safeguard the type of society EU citizens expect, “strong common policies and better European coordination”\textsuperscript{242} are necessary. “In many respects,” the report states, “it is through the European Union, through concerted approaches and the pooling of political resolve that the people of Europe can defend their model of society and exercise their democratic rights better and more comprehensively.”\textsuperscript{243} The report suggests that empowering the EU to exercise “the responsibilities of a world power”\textsuperscript{244} will enable democratic recapture.\textsuperscript{245}

\begin{itemize}
\item[Ibid.]\textsuperscript{234} 3, 17–22.
\item[Ibid.]\textsuperscript{235} 15.
\item[Ibid.]\textsuperscript{236} 5.
\item[Ibid.]\textsuperscript{237} 3.
\item[Ibid.]\textsuperscript{238} 6–7.
\item[Ibid.]\textsuperscript{239} 11–12.
\item[Ibid.]\textsuperscript{240} 8.
\item[Ibid.]\textsuperscript{241} The Commission refers specifically to the deployment of forces outside of Europe in order to ensure peace. Ibid., 11.
\item[Ibid.]\textsuperscript{242} 3.
\item[Ibid.]\textsuperscript{243} 11.
\item[Ibid.]\textsuperscript{244} ibid.
\item[Ibid.]\textsuperscript{245} One cannot help but be struck by the way that the Commission understand European integration as both the cause of the national democratic deficit and the solution. If integration was historically one of the causes of the
\end{itemize}
The Commission makes a number of more specific proposals to extend the EU’s competences and objectives and to reform the way the institutions operate. It calls for, *inter alia*, extending economic policy coordination to include social objectives and sustainable development; codifying EU citizenship based on the *Charter of Fundamental Rights*; implementing common measures of control and surveillance of external borders, judicial and policy cooperation to combat organized crime and terrorism, and common policies on immigration and asylum. In order to achieve the European general interest in these policy areas, greater use of the Community method is required and a more prominent role for the Commission in particular.

Perhaps most significant or striking is the Commission’s proposal to reform the institutional balance and decision-making in the area of EU external policy. In its recommendation we can see the reasoning described above regarding globalization and democratic recapture. Its recommendation also illustrates the emphasis the report places on the role of the Commission in protecting the European general interest.

To achieve the European general interest, the Commission recommends combining the roles of the Commissioner of External Relations and the High Representative for the Common and Foreign Security Policy as well as progressively extending QMV in the Council to the CFSP pillar. According to the Commission, “Persistent and worsening economic and social imbalances in the world” are lead to the “spread of terrorism, trafficking and clandestine immigration [and] the destruction of the global and local environment.” Because citizens expect the Union to safeguard peace and security, “the Union must address the causes, near and far, of these new threats to security and prosperity.” The globalization of these sources of insecurity means European peoples cannot be satisfied with the achievement of peace and stability in Western Europe. The EU must become better at “exporting this stability.” The coherence and effectiveness of EU external policy is, however, inhibited by inadequate decision-procedures. Principal amongst these are the fact that policy initiative is split between the Community and CFSP as well as the reliance on unanimity voting in the Council. Because only the Commission can impartially formulate “the general European interest and not national or
deterritorialization of, for instance, the economy, and the undermining of national democratic control, it now permits democratic recapture by relocating decision-making at the EU level.

247 Ibid., 8.
248 Ibid., 9.
249 Ibid., 11–12. Although less specific in its proposal, the Commission also calls for the EU to use its economic power to influence global economic governance. As the report states, “The Union’s external policy is not easy to define,” but includes “traditional diplomatic and military aspects and stretches to areas such as justice and police matters, the environment, trade and customs affairs, development and external representation of the euro zone.” Ibid., 12.
250 The other areas in which a greater role of the Commission is proposed include the drafting of major economic policy guidelines for the ECB and opinions on the stability and convergence program, the adoption of legal norms in creating an area of freedom and justice. Ibid., 7, 9.
252 Ibid., 3.
253 Ibid., 12.
254 Ibid., 11.
255 Ibid.
256 Ibid., 13–16.
partisan interests” and possesses the requisite technical expertise to evaluate situations as they arise and assemble the necessary range of instruments, the Commission should be given the full right initiative. More specifically, the Commission calls for merging the positions of the High Representative for the Common and Foreign Security Policy and the Commissioner of External Relations and placing the new post fully under the Commission. Why should this new position be located in the Commission? In addition to ensuring that the European general interest is the basis of policy, merging the right of initiative for external policy under the Commission avoids an outside body deploying the resources and instruments the Commission manages – e.g., the common commercial policy – and whose operation the Commission is politically accountable for under the Treaties. If selected by agreement of the Council and the Commission President designate, the High Representative/External Commissioner would have the dual democratic legitimacy of both the Parliament and the European Council. Consolidating the right of initiative for external policy in the Commission enhances the Union’s ability to achieve the European general interest.

The effectiveness of combining the roles of the High Representative and External Commissioner will only be realized if timely decision can be made in the Council. For the Commission this requires progressively making decisions by QMV:

If this dimension is correctly taken into account when the initiatives are being prepared [i.e., the relations between member states and non-member states], when the Union’s general interests is being defined, qualified majority voting would then meet the requisite conditions of effectiveness and legitimacy. Unanimity must be rule out, without prejudice to procedures which might apply for security and defense.

By reducing the ability of minority, partisan interests to block the decision-making process, QMV enhances the democratic character of the institutions.

For the Commission, improving the Union’s democratic credentials means improving its system of representative governance. Foremost amongst the sources of the EU’s democratic deficit is intergovernmentalism in the Union pillars. Combining the roles of the High Representative and Commissioner for External Relations under the Commission while extending QMV in the fields of external policy is proposed as one way of improving Union democracy. Thus while the Commission’s conception of representative governance combines elements of technocracy, federalism and nationalism, the dilemmas of interdependence and globalization give its democratic proposals a technocratic bent.

5.3 The European Parliament – federal parliamentary government

In October 2001, the Committee on Constitutional Affairs issued the “Report on the Laeken European Council and the Future of the Union” The Committee adopted the Report on a vote of twenty-three to three. The Report is broken into three parts: a “Motion for

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257 Ibid., 15.
258 Ibid.
260 The three dissenting members issued a minority opinion. The minority opinion emphasized in particular bolstering the powers of national parliaments. Ibid., 10.
Resolution” for the Parliament to debate and vote on as a whole and two opinions issued by the Committee on Economic and Monetary Affairs and the Committee on Legal Affairs and Internal Market. Each of the three parts includes proposals on how to make the Union’s institutional framework more democratic. The Resolution also includes recommendations on the composition of the Convention on the Future of Europe, its working methods as well as mandate and timetable.

Like the 1995 report, the EP justifies reforming the EU on the basis that it will bolster public support for European integration: “[T]he aims of the forthcoming reform must be to ensure that the general public full embraces the process of European integration.” Enhancing the Union’s democratic functioning was one of the top requirements: “European citizens desire, above all, that the policies and procedures adopted to determine the future course of the Union will make the Union more democratic, more transparent, more vigorous and more responsive to social issues.” Like the other institutions, the EP expresses the instrumental, systems maintenance view of democracy.

In the 2001 report, the EP maintains its vision of Union democracy as “federal government.” At the EU level, EU citizens should be represented as whole through the Parliament. Improving the Union’s democracy requires reforming decision-making so that it is more responsive and responsible to the citizens and their representatives. The report also repeats a number of policy and process prescriptions contained in its 1996 report including, consolidating citizens’ rights; establishing a foreign, security and defense policy; incorporating CFSP and JHA into the Community pillar; making QMV in the Council and codecision the normal legislative procedure; eliminating the distinction between compulsory and non-compulsory expenditures; increasing parliament’s involvement in economic and monetary and amending its goals; and giving the EP the right of assent in the appointment of judges to the Community courts. However, unlike the 1996 the EP does not emphasize the role for national parliaments or even discuss mechanisms for their greater incorporation. Instead, the EP focuses almost exclusively on the distribution of powers amongst the three Union institutions and their working methods.

In addition to the changes already discussed, the EP identifies five new changes “which are essential if the Union institutions are to operate more democratically and more effectively”:

1) reorganization of the tasks amongst the European Council, the General Affairs Council and the Council of Ministers meeting sectorally,
2) changing the system for nominating the Presidencies of the European Council, the General Affairs Council and the Council meeting sectorally,
3) introducing a hierarchy of Community acts,
4) full involvement of the Parliament in common trade policy, external economic relations and development and implementation of enhanced forms of cooperation,
5) the election of the Commission by the European

Ibid.
Ibid.
Ibid., 7.
Ibid., 17.
Ibid., 7. Other recommendations noted by the Committee on Economic and Monetary Affairs include consultation with the EP prior to the Council issuing its Broad Economic Policy Guidelines (Article 99.2), the use of the codecision procedure for issuing of rules for the purpose of multilateral surveillance of economic policies, the application of the codecision procedure to competition policy and conformation hearings for members of the European Central Bank Governing Council. Ibid., 12-13.
Parliament. Although the rationale for numbers four and five seem obvious – they enhance the powers of the Parliament, the rationale for one, two and three are not discussed.

5. 4 Comparison

Like they did prior to the 1996 IGC, the EU institutions prior to the Convention on the Future of Europe portrayed democratic reform as a way to manage public opinion. Each of the three institutions also drew on similar governance traditions. In responding to the problem of public opinion, they proposed overlapping but also different democratic reforms. The differences reflected in part in part the different tradition or traditions that they drew upon and the particular problems they believed needed to be confronted through making the EU more democratic. The European Council’s recommendations focused on making the EU an effective and efficient democratic union of states. The reforms it proposed to the working methods and structures of the Council/European Council were designed to ensure that the EU was able to achieve the goals set out by the member states. The Commission’s proposal was oriented toward reforming the EU along the lines of representative governance. In this system, greater democracy was necessary to ensure that the Commission could play its role in achieving the European general interest and ensuring a ‘European model of society.’ For the Parliament, the EU should be made more democratic through bringing it closer to a form of federal parliamentary government. Empowering the Parliament as the direct representatives of the people was crucial in this regard.

7. Conclusion: EU Democracy according to the Lisbon Treaty

This chapter has addressed why democracy took the form that it did under the Lisbon Treaty. I have answered this question through three principal arguments. First, the contentious ratification of the Maastricht Treaty led the EU institutions to focus their reform efforts on placating public opinion. In this context, enhancing the EU’s democratic legitimacy was advocated as one antidote to a growing Euroscepticism. Second, because each of the institutions drew on different governance traditions, they made different proposals on how to make the EU democratic and thereby placate the public. Their different proposals represented contending notions of Union democracy. Third, the Lisbon Treaty drew on these different contending notions. Democracy according to the Lisbon Treaty is a composite concept.

Or more accurately, we should state that democracy is a composite of different concepts: a democratic union of states, representative governance and federal parliamentary government. The creation of new control mechanisms for national parliaments with the yellow card and orange card systems aligned with the Commission’s view that the EU should be system of representative governance.\(^\text{267}\) The elimination of the distinction between compulsory and non-compulsory budgetary expenditures aligned with the Parliament’s view that the EU should be a federal parliamentary government. The extension of the scope of the co-decision procedure to approximately 40 new areas of legislative activity and its rebranding as the “ordinary legislative procedure” was supported by both the Commission and the Parliament’s conceptions of

\(^{267}\) In the yellow-card system, NPs representing one-third of the twenty-seven member states, or one-quarter in the fields of freedom, security and justice, can force a review of a legislative proposal to ensure its conformity with the principle of subsidiarity.
democracy. Alternatively, the creation of a fixed two and a half-year term for the president of the European Council and formalizing the triosystem for the Council satisfied the Council’s view that the presidencies needed to be more effective and consistent. EU democracy under the Lisbon Treaty is a composite of concepts. The Union as it stands today is not just a union of states and citizens but also a union of different concepts of democracy.

The evidence discussed in this chapter also suggests that certain changes introduced by the Lisbon Treaty that are not generally thought of as “democratic enhancing” should be considered such from the perspective of the institutions. Perhaps most prominent amongst these is the creation of the High Representative of the Union for Foreign Affairs and Security Policy, which combined the posts of the High Representative for the Common Foreign and Security Policy and the External Relations Commissioner. Although not fully housed under the Commission as the Commission had hoped, the High Representative is a vice-president of the Commission and the post is intended to bring greater coherence to the EU’s external policy. The High Representative is both a vice-president of the Commission and chairs the foreign affairs configuration of the Council. From the perspective of the Commission, then, the High Representative is a (half) step toward representative governance. Analyses of the Lisbon Treaty that draw from the normative literature on EU democracy overlook points like these. The genealogical approach used here brings them to the surface by showing how they fit within wider webs of meaning.

I conclude by answering a question posed in the introduction: Why were certain changes included and not others? In two respects, the genealogy presented here helps to explain certain persistent absences. In his analysis of the Lisbon Treaty’s impact on the EU’s democratic deficit, Stephen Sieberson details six “concerns that arguably go to the heart of the democratic deficit.” These include 1) The Parliament not possessing full legislative power, including the right to initiate legislation, 2) the lack of institutional accountability because of an absence of extensive checks and balances, 3) the fact that Commission members, including the president, are not appointed by the Parliament alone or elected by popular vote, 4) a continuing lack of openness in all sessions of the Council and the European Council, 5) not all lawmaking or policy-making is subject to majority vote and 6) that individual member states still retain certain derogations and opt-outs (e.g., UK and EMU). We can say these absences exist and are likely to persist in part because the three institutions held conflicting ideas about democracy. While the Parliament might be in favor of acquiring full legislative powers, for instance, this would conflict with the Commission’s understanding of its role as protector of the European general will and the European Council’s belief that the EU should be a democratic union of states. Similarly, direct or Parliamentary election of the Commission could be justified from the perspective of the Commission and Parliament, but it would be difficult to square with the European Council’s belief that democratic representation is also channeled through member state governments. Conflicting notions of democracy, and not just conflicting interests, help to explain in part why these democratic deficits persist.

Secondly, despite the divergent reforms sought by the Council, Parliament and Commission, they shared a common view of the purpose of democracy. The value democracy was intended to advance was not amongst the familiar ones advocated by democratic theorists: better decisions, a more accurate representation of citizens’ interests or values or fairer outcomes. Rather the institutions advocated democratic improvements to contain and co-opt a skeptical European public. For the institutions, the purpose of democratic reform was to deflate

public opposition and to build public support for European cooperation so that the institutions could continue with their plans for a united Europe. The ultimate purpose of treaty changes was not democracy per se, but systems maintenance. In Nietszchean language, this was the “disgraceful origins” of democratic reform. As such, it helps to explain various persistence absences, limitations or boundaries in the EU’s democratic character.

In their examination of the new rights provided to national parliaments by the LT, Richard Bellamy and Sandra Kröger conclude that they will do little establish two key democratic functions played by national parliaments and parties in a system of representative democracy: generating political debate and accountability. “Consequently,” they conclude, “citizens’ preferences about the EU are not properly represented.” As the genealogy of this article has detailed, the reforms initiated by the three EU institutions post-Maastricht and completed by the Lisbon Treaty were never intended to ensure that citizens’ unmediated preferences were properly represented. The reforms were intended to ensure that citizens would support the plans the institutions held for further integration. Given this system maintenance view of democracy, what was never considered was a more radical overhaul of the EU which would give citizens or their representatives the ability to control or even change the course of integration in ways the institutions would find unacceptable.

The system maintenance purpose of reforms is evident in the much discussed Citizens’ Initiative (CI). While the genealogy presented here cannot explain the inclusion of the CI itself, it does help to illuminate certain limitations. The CI allows EU citizens to request the Commission to make a new legislative proposal “for the purpose of implementing the Treaties.” While commentators have noted the radical, participatory nature of the CI, the genealogy presented here draws attention to its system maintenance character. Three elements of the CI stand out in this respect: 1) the Commission can decide whether or not to act on a successful CI, 2) the Commission has ultimate control over the content of any new legislative proposal and 3) only proposals which implement the Treaties are acceptable – any proposal that would change the acquis is rejected in advance. The Commission retains final control and whatever citizen participation comes out of the CI can only support an ever closer Union: democracy as system maintenance.

In sum, democracy according to the LT is a composite of nationalist, technocratic and federalist conceptions of democracy. The enduring limitations in the democratic character of the Union are partly the result of the fact that the Council, Parliament and Commission held different and competing conceptions of democracy. It is also the result of the purpose of democratic reform itself – system maintenance.

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269 In a way, the system maintenance view of democracy turns liberal democratic and republican views of democracy on their head. Democratic reform was initiated as a way to increase the power of the ruling elite (the institutions) rather than restrain their actions.


Chapter Four
European Union Membership and Changing Theories of Democracy

1. Introduction

The two previous chapters have focused on the democratic reforms contained in the Lisbon Treaty. This chapter and the next shift attention to a second way the EU has constitutionalized democracy: membership conditionality. In this chapter I document two important changes in the way Community actors have thought about democracy and membership. In the next chapter I explain the sources of these changes. In sum, chapters four and five investigate the origins of key ideas that underpin the EU’s policy of democratic membership conditionality.

On October 12, 2012 in the Norwegian capital of Oslo, Thorbjørn Jagland declared, “The Norwegian Nobel Committee has decided that the Nobel Peace Prize for 2012 is to be awarded to the European Union. The Union and its forerunners have for over six decades contributed to the advancement of peace and reconciliation, democracy and human rights in Europe.” In awarding the EU the Nobel Prize, Jagland invoked a common view about the EU and democracy: EU membership conditionality is an effective means of promoting democracy in non-member states and the promotion of democracy is symbiotic with the maintenance of regional political stability and the protection of human rights.

In order for the EU to deliberately promote democracy in non-member states, or “third-states,” EU policymakers had to come to hold three beliefs. First, they had to believe that the EU should promote democracy. Democracy promotion had to be seen as a normatively desirable goal of Community activity. Second, they had to believe that the EU could promote democracy. That is, EU actors needed to believe that they had the means available to them to bring about democracy enhancing changes in other countries. Thirdly, EU actors needed to hold a view on what constituted democracy – the set of institutions, practices and conditions by which democracy is said to exist.

Each one of these beliefs is necessary for the purposeful promotion of democracy but none are obvious. First, it is not obvious democracy is an absolute good nor its relation or relative priority to other goods like stability, security, justice, social welfare, the protection of individual rights and the like. Democracy, of course, has not been the only acceptable way of organizing the domestic political system of a country and its relative value compared to other goals remains a point of recurring debate within Europe and beyond. Second, it is far from clear that external actors can effectively promote democracy in third-states. While the academic debate continues over whether, to what extent and how states, international organizations or non-

275 Actively or purposefully promoting democracy is not the only way the EU might be said to “support democracy.” It may also do so through activities that inadvertently do so. The focus here is only on deliberate efforts.
276 This actually comprises two beliefs: 1) that democracy was desirable and 2) that the Union should help to spread it.
governmental organizations can promote democracy in other countries, until the 1990s the mainstream academic view was that with the exception of military conquest, democratization was largely (if not wholly) a domestic affair. Writing in the mid-1980s, Philippe Schmitter concluded, “[O]ne of the firmest conclusions that emerged…was that transitions from authoritarian rule and immediate prospects for political democracy were largely explained in terms of national forces and calculations. External actors tended to plan an indirect and usually marginal role….”

Third, the history of democratic thought and practice is characterized by significant disagreements about what institutions, practices and conditions are essential or supportive of self-governance amongst political equals. And yet each of these controversies regarding democracy – the normative, the causal and the constitutive – had to be settled, at least temporarily, in order for the EU to be in the business of democracy promotion.

The focus of this chapter is the normative and causal beliefs that underpinned the EU’s membership policy in the early 1960s compared to the late 1980s and early 1990s. How EU policymakers conceptualized democracy is not addressed, primarily because it is an issue that has already been taken up elsewhere. I argue that between these two periods the normative and causal beliefs that informed the organization’s democratic requirement for membership changed significantly. It is because these beliefs changed that the organization’s policy changed.

In the early 1960s, members of the European Parliamentary Assembly (MEPs) successfully mobilized around the view that only democratic states were eligible to join the European Economic Community (EEC) on the basis that democracy was necessary for the Community to fulfill its moral aims and purposes. The democratic requirement was a moral requirement. In their response to Central and Eastern Europe countries’ (CEE) interest in membership at the end of the Cold War, leaders of the member states in the European Council re-cast the value of democracy as supporting regional security, stability and economic well-being. The democratic requirement served member states’ security and economic interests.

In addition, while in the earlier period MEPs believed democracy should be a requirement for membership, they did not express the belief that erecting such a requirement could be a catalyst for reform. If political conditionality is the deliberate linking of certain material or symbolic benefits to the adoption of certain reforms, MEPs understood democracy to be a condition for membership; they did not conceive of membership as being a mechanism of conditionality. In fact, as discussed in chapter five, during most of the Cold War the Community pursued a policy of détente in part because it was believed that bolstering economic development in Central and Eastern Europe through enhanced international economic exchange would over the long-run support democratization. Socioeconomic development, so the theory went, would precede democratization. Community policy reflected this theory. Although beliefs about how to support

democratization remained mixed, only at the end of the East-West confrontation did member state leaders express the belief that a policy of conditional carrots and sticks would help drive democratic reforms.

The chapter begins by discussing the development of the EU’s democratic condition for membership and how the argument here differs from existing research on the topic. Section three summarizes the source material used in the research, on what basis it was selected and the approach used in the analysis. Section four details the views of the European Parliamentary Assembly in the early 1960s. The views of MEPs are important because as discussed below they were the key institutional actors who first asserted the democratic requirement for membership. Section five discusses the position taken by the European Council at the end of the Cold War. The view of the Council is important because it was the key institutional actor responsible for setting the Community’s policies on expansion in this period. The concluding section summarizes the differences between the two periods and outlines the questions taken up in the subsequent chapter.

2. Background and Existing Research

Democracy promotion did not become a formal goal of the EU’s membership policy until the 1990s.281 According to the founding Treaty of Rome (1957), democracy was neither a requirement for membership nor was it a stated goal of the EEC. It was not until the 1993 Copenhagen Summit of the European Council that the leaders of EU member states formally declared that only countries that possessed a stable democratic regime were eligible for membership. Following the establishment of the “Copenhagen Criteria,” the European Commission was given the responsibility of evaluating the democratic credentials of applicant states. “European Agreements” between the EU and CEE countries seeking entry into the EU created a framework for economic and political cooperation that supported countries’ economic, social and political reforms.282 Since 1997 the Commission has released yearly reports detailing the progress (and regress) states seeking membership have made toward fulfilling the democratic requirement as well as other requirements of membership.

Even though democracy was only formally adopted as an entry requirement in 1993, its practical application to considerations of membership and association dates to the 1960s, when the authoritarian regimes of southern Europe first expressed interest in joining the European Economic Community (EEC).283 Spain first applied in 1962, but membership negotiations did not commence until after the death of General Franco and the beginning of democratic reforms in the mid-1970s. Greece completed an association agreement with the EEC in 1962, but following the “colonel’s coup” in 1967 relations were frozen until the military regime collapsed in 1974. Similarly, negotiations with Portugal did not enter into a steady stream of progression until the military regime fell in 1974. Spain, Greece and Portugal were only offered membership in the EC once democratization was considerably under way in the 1980s.

282 Ibid., 40.
Research on the decision to make democracy a requirement for membership has focused on the motivations of significant actors and the immediate policymaking process that preceded decisions on state membership or membership candidacy. Three primary explanations can be derived from the existing literature. Karen Smith argues that EU policy towards the countries of Central and Eastern Europe was designed to promote regional security and stability and that member state leaders believed democracy would help achieve this goal. In contrast, Jose Torréblanca concludes that democratic conditionality was a means for state leaders to manage conflicting political and economic interests over closer relations with CEE countries. For “drivers” of enlargement (e.g., the UK and Germany) conditionality was a way to argue for expansion based on the fact that applicant states had satisfied membership requirements. For “brakemen” conditionality was a means of slowing or stopping the enlargement process because it would damage their interests regarding, inter alia, further integration, the Common Agricultural Policy, structural and cohesion funds, and the protection of key economic sectors (especially textiles, steel and agriculture). A third view has highlighted the ideological purposes of the democratic requirement. Steven Weber has conjectured that in addition to addressing the “practical” requirements of establishing a single market, EU foreign policy towards non-member states was driven by a broad consensus regarding the values and norms of democracy. In international affairs, the EU is a “normative power.” The domestic consensus that EU member states and citizens hold with respect to the values of peace, democracy, liberty and development guides its foreign policy around the world.

The research presented here differs from the existing literature in three primary ways. First and most generally, its scope is different. Whereas existing research has focused on the motivations of key policy actors and the immediate decision-making process, this chapter has a longer time horizon. It compares how EU policymakers understood the relationship between democracy and membership across two periods: 1961/62 and late 1980s/early 1990s. In doing so, it confirms previous research that member state leaders at the end of the Cold War believed that supporting democratization efforts would enhance regional security and economic well-being. The comparative analysis, however, also reveals significant shifts in the way EEC/EU policymakers thought about democracy and membership in the 1960s and at the end of the Cold War. Specifically, it demonstrates that policymakers drew upon different normative and causal beliefs in justifying Community policy. In the 1960s, MEPs argued for a democratic requirement for membership on the basis that the Community formed a moral community. They did not, however, claim that a policy of linking membership to democratization would propel democratic reforms in other states. In the 1980s/90s member state leaders claimed that democracy would support regional stability and economic development, and they also claimed the democratic requirement for membership would further domestic political reform.

This chapter makes a second related point. A number of authors have suggested that the primary difference between the early 1960s and late 1980s/early 1990s has been the formalization or codification of democratic conditionality, what is sometimes described as a

286 The terms “drivers” and “brakemen” are taken from Frank Schimmelfennig, The EU, NATO and the integration of Europe: Rules and rhetoric (Cambridge University Press, 2003). 177-78.
288 Manners, “Normative Power Europe.”
289 Smith, The Making of EU Foreign Policy. See especially chapters 3 and 7.
move from *de facto* democratic conditionality to *de jure* democratic conditionality. As I detail below this description is a mistake. It is a mistake because in the original debate over a democratic criterion for membership, the belief that it would be a spur to domestic reform was absent. Democratic conditionality is the explicit linking of symbolic and material benefits to democratic reforms. Conditionality only becomes an avowed policy of the EC/EU in the late 1980s/early 1990s. When democracy was first asserted as a requirement of entry, it was cast as a condition for membership but not as conditionality. The research here corrects the belief that the primary change over time has been from an informal practice to formal codification.

Third, Karen Smith has argued that at the end of the Cold War the EC abruptly shifted from a policy of Cold War détente to post-Cold War conditionality. She states that conditionality was “a reverse of the Community’s position during the Cold War, when trade with communist Europe was a ‘carrot’, but the Community hesitated before using it as a ‘stick’.” I demonstrate through a systematic analysis of European Council documents that even as the policy of conditionality grew in prominence, the policy of “détente” continued to have substantial sway in discussions over relations with the countries of Central and Eastern Europe. I refer to this policy as “engagement” to distinguish it from its Cold War cousin. The end of the Cold War did not herald a sharp break with past policy as Smith contends. Rather the EU’s policy toward Central and Eastern Europe mixed conditionality with engagement.

The empirical findings of this chapter raise three puzzles that are addressed in the subsequent chapter. First, why did EU policymakers come to believe that the spread of democracy throughout Europe would support regional security and economic well-being? Second, why did the causal beliefs that EU policy actors expressed change over time? That is, why didn’t they think requiring democracy would be an effective means of promoting democracy in the countries of southern Europe in the early 1960s, but they did with respect to Central and Eastern Europe at the end of the Cold War? Third, the causal logics of conditionality and engagement are opposite. Conditionality promises future benefits or losses to incite political reform in the present. Engagement delivers benefits with the expectation that political reform will follow. The third puzzle, then, is why in the late 1980s and early 90s did Community policy remain divided over whether democratization would be best supported by integrating the CEE countries into the single market or by demanding change before moving toward membership?

3. Source Materials and Approach

Descriptions of the source material and justification for their selection are treated in more depth in subsequent sections. Section four is based on the 1961 Birkelbach Report and the transcript of the debate held in the Parliamentary Assembly regarding the Report in January 1962. These documents were selected because as Daniel Thomas argues, MEPs were the primary Community actors responsible for pushing for a democratic requirement for membership in this early period. The Birkelbach Report was the original statement by MEPs on what criteria

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should be applied to states seeking to join the Community. The Parliamentary debate included statements by members of all three Political Groups in the Assembly.

Section five is based on documents of the European Council. Most centrally, it uses the Conclusions of the Presidency from Council Summits between 1988 and 1993. I selected these documents because the Council was responsible for establishing the Community’s policy with respect to the newly independent states of Central and Eastern Europe. The Presidency Conclusions and other relevant documents set out the EU’s policies towards Central and Eastern Europe.

The analysis of the source material is based on content and discourse analysis. I used content analysis to code the documents for explicit views expressed about membership, democracy and the role of the Community in supporting democratization. I used discourse analysis to account for tacit or implied views. The latter was especially useful in understanding the Parliament’s justification for the democratic criterion. Because neither the Report nor the speakers in the Parliamentary debate stated their views about why democracy should be a requirement explicitly, the justification was derived from other ideas expressed in the documents.

4. The Community Origins of the Democratic Requirement for Membership

In February 1962, after several years of seeking favorable alternatives to joining the EEC, Spain’s Foreign Minister Fernando Maria Castiella submitted a letter to the Commission officially requesting membership. In his letter, Castiella cited the adverse impacts the creation of the Common Market would have on the country’s external trade balances and as a result the political stability of the Franco regime as reasons for Spain’s application. Although there were some differences amongst the leaders of the Six – The Federal Republic of Germany, France, Italy, Belgium, The Netherlands and Luxembourg – regarding the prospect of developing closer relations with Spain, the Spanish application received a generally positive reception. French Foreign Minister Maurice Couve de Murville later wrote, “France could only be favorable to such approaches which, without undermining the integrity of [the] Community, would increase its trade volume and thus its weight. Of all candidates, Spain was the most important; as a European country, it obviously had its place in the future within a truly European organization.” Germany was equally supportive, having raised the possibility of an association agreement as early as January 1958.

The EEC’s provisions on membership and association posed no ostensible obstacle to

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294 The coding instructions can be found in Appendices 2 and 3 – “Template for Analyzing Birkelbach Report and Debate” and “Template for Analyzing European Council Documents on Membership.”


Spain’s application. Unlike the Council of Europe (1950) or the failed Draft Treaty to create the European Political Community (1953), democracy was not a requirement for membership or association according to the EEC Treaty (1957). According to Article 238 of the Treaty of Rome, association agreements required the Council to consult the Parliamentary Assembly and act by unanimous agreement. According to Article 237, membership was open to all “European states.” To extend to a country an offer of admission, the Council was required to consult the Commission, take a decision based on unanimous agreement amongst the member states, and to ratify an offer of membership according to each state’s domestic constitutional requirements. In light of the relevant Treaty provisions, both authoritarian and democratic states were equally eligible for association and membership.

Despite the absence of significant political – insofar as member state leaders were concerned – or legal obstacles, Spain’s original overture would result in a relatively weak trade agreement in 1970. And association and membership negotiations would not commence until Spain’s democratic transition had begun following Franco’s death in 1975. Pilar Ortuño Anaya explains, the European Socialist Group’s “constant criticism of the Franco regime, and constant repetition of the Birkelbach criteria, made it extremely difficult for negotiations between the Franco regime and the EEC ever to go as far or fast as Spain and some European Conservatives wanted.”

Similarly, Thomas has argued that the Parliamentary Assembly led by the Socialist Group successfully pressured state leaders to back down from the initial support for Spain’s application. He concludes, “[B]y publicizing Spain’s request and portraying the EEC’s choice in terms of existing domestic and international norms, European parliamentarians and trade union activists delegitimized the outcome preferred by Paris and Bonn and thus altered the course and normative basis of European integration.”

In this section I provide a detailed analysis of the views of MEPs concerning membership and association in 1961/62. The views of the Parliamentary Assembly are important because, as argued by Anaya and Thomas, they set out the position and reasoning of the primary institutional actor of the Community that originally supported a democratic condition for membership. To answer why the EEC began in the 1960s to require states that sought entry into the Community to be democratic requires accounting for the beliefs of MEPs at that time. Here I analyze the 1961 Birkelbach Report and the associated debate held in the Parliamentary Assembly in 1962 employing content and discourse analysis. Content analysis was used to systematically compare the views expressed in the Report and debate about the political conditions of membership as well as the nature and purposes of the Community. Discourse analysis was used to connect these ideas to the wider web of beliefs that they expressed and drew upon.

In analyzing the views of the Parliamentary Assembly, I draw three primary conclusions. First, MEPs supported a democratic requirement for membership on the basis that the Community formed a “moral community.” The inclusion of authoritarian states would put into question the Community’s moral foundation. Second, absent in the Report or the parliamentary debate is any evidence that MEPs believed that the Community could influence the political character of national regimes through conditionality. That is, if conditionality is understood as the explicit linking of political reform to defined benefits or sanctions (e.g., membership) with

300 I have only included in the analysis speeches by MEPs, leaving aside the comments made by Commissioners the EEC and Euratom.
the intention of promoting democracy in target states, MEPs believed democracy should be a condition for membership, but they did not express the belief that membership could be a mechanism of conditionality. Third, while the Socialist Group in the Parliament is generally credited with championing the democratic condition for membership, the belief that a democratic form of rule should be prerequisite of membership was shared across Party Group lines.

4.1 Description of evidence

On December 21, 1961, Willi Birkelbach presented Document 122 on behalf of the Political Committee to the European Parliamentary Assembly. Officially titled “Rapport sur les aspects politiques et institutionnels d’adhésion ou de l’association à la Communauté,” the document is better known with reference to its rapporteur as the “Birkelbach Report.” The Report was the third of a trifecta of reports produced by the Political Committee that addressed issues arising from the integration of third states into the Community through either association or membership. As the title indicates, the Report focused on the political and institutional aspects of association with and accession to the Community. Divided into five sections, it addressed (1) in what sense the Community is “open” to new members and associates; (2) the geographical, economic and political conditions for membership; (3) the political implications of membership; (4) the institutional aspects of membership; and (5) the political and institutional problems of association.

The Report was drafted between the 10th of November and the 19th of December 1961. The acknowledged impetus for the Report was the decision by a number of states to submit requests for opening negotiations with the aim of membership or association. The most important of these was Britain’s request for membership, which was received on August 9, 1961. The report also appeared during the period when member state leaders were in deep and fraught discussions over foreign and defense policy cooperation. In the wake of the French National Assembly’s rejection of the proposed European Defense Community and along with it the European Political Community in 1954, leaders of the six member states continued to discuss

302 There is no official English translation of the Report. The original report was translated into the four official languages of the Communities: German, French, Dutch and Italian. Community documents were not widely circulated in English until the UK joined in 1973. Translated into English, the report’s title is “Report on the political and institutional aspects of membership or association with the Community.” The discussion of the Report and associated debates are based on the author’s translation from the French.
303 Marinus van der Goes van Naters, a Dutch member of the Socialist Group, had written on the procedural issues of negotiating and concluding a membership accord with Britain. Pierre Blaisse, a Dutch member of the Christian Democrat Group, had reported on the commercial and economic aspects of expansion. The Birkelbach Report also followed a highly critical report on the establishment of an association agreement with Greece and the sidelining of the Assembly and Commission in the negotiation process.
305 Official negotiations with Denmark were also opened in October 1961. Ireland submitted its request in July 1961, but would not receive a positive response until October 1962. Austria, Sweden and Switzerland applied for association in December 1961.
the possibility of closer political cooperation. In the July 1961 Bonn Declaration, state leaders asserted their commitment to “give shape to the will for political union already implicit in the Treaties establishing the European Communities.”

The Report reflected these political concerns, linking the development of the political aims of the Communities with considerations of closer relations with non-member states.

On January 23, 1962, a few weeks prior to the reception of Spain’s request to open negotiations, the Assembly held a session to debate the Report. Ten MEPs along with one member of the Euratom Commission and two members of the EEC Commission spoke. Six of the speakers were members of the Socialist Group: Willi Birkelbach (Federal Republic of Germany), George Bohy (Belgium), Fernand Dehousse (Belgium), Heinrich Deist (Federal Republic of Germany), Paulus Kapteyn (The Netherlands) and Ludwig Metzger (Federal Republic of Germany). Two members of the Christian Democratic Group participated: Jean Duviesart (Belgium) and Emilio Battista (Italy). Mr. Duviesart spoke in his capacity as President of the Christian Democratic Group and on their behalf. This probably explains why no other member of his party spoke, other than Mr. Battista who spoke in his role as Chairman of the Political Committee.

Camille Bégué (France) is the lone member of the Liberal and Allied Group to speak. There is one other speaker identified as Jarrosson in the text whose nationality and party affiliation I could not identify. My suspicion is s/he was one of the few MEPs not aligned with any of the three party groups and thus her or his presence was less well documented.

The Report and associated debate should be considered a fairly accurate representation of the common position of the Parliamentary Assembly. This is not an uncontentious claim, but is justified by three considerations. First, the Political Committee, which was responsible for drafting the Report, was composed of members of all three Political Groups in the Parliamentary Assembly. Of the sixteen members of the Committee, six were members of the Socialist Group, six from the Christian Democrat Group and four from the Liberal and Allied Group. Second, the Committee adopted the Report unanimously and without abstention. Such a vote, of course, need not mean there was unanimous agreement on the content of the Report, but there were strong disagreements one might expect members to express their dissent by voting against it or abstaining. Third, the Parliamentary debate on the Report demonstrates a high level of concurrence amongst the various speakers. Where disagreements did arise, they were largely limited to how to deal with the applications of neutral states and which states deserved priority with respect to establishing association agreements (whether with European or non-European, especially African states and territories). The claim here is not that there were no disagreements, but that the Report and the debate express points of widespread agreement on the issue of democracy as a requirement for membership.

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307 It is worth noting that the Report and accompanied debate appear prior to Franco’s regime officially request for entry, which was submitted in February 1962. Thus the Parliament’s initial action should not be seen as a reaction to the possibility of an authoritarian state joining the Community.


309 In his remarks, Battista states that he has little to add to what has been said previously but stated it was customary for the chairman of the committee whose activities the Parliament is discussing to “conclude” the debate. As a matter of fact, Battista is not the last speaker. Both EEC Commissioner Jean Rey and Mr. Birkelbach speak after Battista; the latter for a second time.
4.2 Analysis of the Birkelbach Report and parliamentary debate

In this subsection, I analyze what the Report and MEPs say about democracy and how they justify their views. I address the normative purpose of the democratic criterion before turning to the issue of whether the criterion was viewed as capable of incentivizing reforms.

According to the Report, “The political regime of a country seeking to join the Community cannot be treated with indifference.” It continues,

Guaranteeing the existence of a democratic form of state, within the meaning of a liberal political organization, is a condition for membership. States whose governments have no democratic legitimacy and whose people do not participate in government decisions directly or by freely elected representatives, cannot be admitted into the circle of people that form the European Communities.\(^{310}\)

This point is repeated by a number of MEPs during the debate. In his presentation as rapporteur of the Report and President of the Socialist Group, Birkelbach commented, “Regarding political conditions, we believe that only states which guarantee in their territory truly democratic governing practices and the respect for human rights and fundamental freedoms can become members of our community.”\(^{311}\) Fellow socialist Fernand Dehousse agreed, “[I]t must be considered whether they are democratic states.”\(^{312}\) Similarly, Jean Duvieusart speaking for the Christian democrats stated that Birkelbach was “quite right to stress” that the Community could only form a union with states that were “animated by the political philosophy of democracy.”\(^{313}\) Camille Bégué of France, the loan member of the Liberal and Allied Group to speak, did not address the political character of applicant states. Of the ten delegates that addressed the Assembly, five explicitly affirmed that membership was only open to democratic states,\(^{314}\) no speaker opposed the democratic criterion for membership outright, and as already noted democracy was endorsed as a requirement in the Report.

Neither the Report nor the MEPs who spoke on behalf of democracy explicitly addressed why the nature of a country’s domestic political regime was relevant to the consideration of its inclusion in the Community. While the economic policies of an applicant state were clearly relevant to the goals of the European Economic Community, its political institutions and practices were not obviously so.\(^{315}\) As detailed above, none of the Treaty’s provisions on


\(^{312}\) Ibid., 70.

\(^{313}\) Ibid., 62.

\(^{314}\) In focusing on the number of speakers who explicitly discuss the democratic criterion for membership, this may understate the actual number who would have agreed with its inclusion had they been asked. A number of speakers may have implicitly signaled their agreement in their comments, especially since a number asserted their overall agreement and admiration for the Report in which the democratic criterion is explicitly presented. For instance, the one member of the Liberal and Allied Group who spoke (Bégué) did not address democracy, but he did assert his general agreement with the Report’s findings.

\(^{315}\) Although particular political practices would be relevant. Birkelbach raised the issue of the Franco regimes persecution of unions as violating the terms of the EEC Treaty.
membership or association took a position on whether a state was democratic or authoritarian. In fact, as the Report itself notes, “It is not easy to identify the essential political conception of the Community in the light of various treaty articles.” How then should we best account for why MEPs repeatedly opposed closer relations with non-democratic states? The Report summarizes the concern over enlargement thus:

The political regime of a country seeking to join the Community cannot be treated with indifference. When considering an application for membership, in addition to geographic and economic conditions, it will enter into consideration whether the political structure of the country in question does not make it a foreign body in the Community.

My view is that opposition to including authoritarian states as members is best explained by the widely expressed belief that the Community formed a “moral community.” The Community was moral in the sense that it was founded upon a common set of core principles. These core principles include advancing the “vital” or “real” interests and values of the member states and citizens, as well as those of significant non-members; maintaining and extending economic and political solidarity; and ensuring the Community’s ability to achieve these ends. An authoritarian state would be a “foreign body” because its inclusion would run contrary to these core principles in a number of ways. Authoritarian states do not respect and routinely violate the vital or real interests of their citizens. Demonstrations of political solidarity with authoritarian regimes in the form of symbolic or material support would lend legitimacy to the state’s oppressive character. Collective action would be inhibited if the leadership of a member state held drastically different goals from those of the rest of the members.

Moral opposition to allowing authoritarian states to become members is implicit in the Report and debate rather than explicit. I present it as the most plausible account given what is contained in the Report and said in the debates. Evidence in the Report and debate for the belief that the Community does and should have a moral nature is found in two primary areas: 1) the positive substance given to the purpose of the Community and 2) a repeated contrast of the Community’s goals and nature with those of a “simple economic association.”

The idea that the six member states formed a moral community is evident in repeated depictions of the Community’s internal and external relations. Most important are claims that a central priority of the Community is to further European unity and solidarity as well as statements that the Community should prioritize association agreements with overseas territories and countries (colonies or former colonies). According to the Report, the Community is the “core of European unification.”

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317 Ibid., II.3.24. Mr. Battista (It/Christian Democrat) underlines this point in his remarks: “I recall a phrase of the Birkelbach report that seems to me to characterize a bit of the spirit of this report, the sentence that says "foreign bodies" should not enter into our Community. What does that mean? This means that our community must remain closed to countries that do not have our sense of community, countries that do not have the spirit that makes us look beyond the current objectives and to forward proposals urging the Fouchet Commission to adopt a project of the Treaty of European Union which signals real progress towards the political union of our countries.” European Parliament, Débats: Compte Rendu in Extenso des Séances: Aspects Politiques et Institutionnels de l’Adhésion ou de l’Association à la Communauté, 92–94.
Mr. Birkelbach remarked, “If the Community is limited geographically to European States this is partly to be understood as a political goal, by the fact that this community is basically the core from which a united Europe will form.” In his remarks, Ludwig Metzger (FRG/Socialist) stated,

Those who are strong are not simply permitted to be generous to the weak; it is a duty. When making policy, we must assume our moral obligations. We who can see ourselves as the strongest in a certain manner, are morally obliged to the weaker European countries. While these countries have no legal claim against us, it is equally certain that they may on moral grounds ask not to be forgotten, not to be kept out of the Europe that is coming.

According to Emilio Battista (It/Christian Democrat), “The main purpose of our Communities is not to solve problems of an economic nature but to achieve political unity.” According to Jean Duvieusart (Bel/President of Christian Democratic Group), it is through the Community that “we precede towards a more and more pronounced economic, social and political solidarity.” He continued, stating that the Community should show a “special desire for solidarity” with “the black nations” of Africa. For Heinrich Deist (Bel/Socialist) the Community must be careful about the external effects of European integration on small states: “We must constantly keep in mind [our] responsibilities to those countries in the world over which, because of our potential, we exert a strong influence…. The Treaty and our discussion revealed to the public that the Community is ready to recognize the interests of other states.” He subsequently mentions a number of states in this regard: those European countries who have a vital interest in neutrality, Israel, and European colonies and ex-colonies. For Paulus Kapteyn (Ne/Socialist), association agreements should be used to achieve humanitarian goals.

The Report as well as nine out of ten speakers stated that the goal of the Community was unity and solidarity amongst European peoples. Seven of the ten speakers singled out supporting overseas countries and territories as a priority. The member states had formed a moral community in the sense that they would act with due regard for the legitimate interests and values of others both within and outside the Community.

The moral character of the Community was also confirmed by the Report and speakers when the Community was contrasted it with the idea that it formed a “simple economic association” or a kind of business venture. Countries who were considering applying or joining the Community and believed that it formed an economic association were mistaken. The nature of an economic association was depicted as differing from that of a moral community in one significant respect: in an economic association states pursue their egoistic economic interests without regard for the valid and vital interests of others. By contrast, in the Community only certain interests were legitimate and states must take into account and attend to how their aims

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320 Ibid., 75.
321 Ibid., 92.
322 Ibid., 61.
323 Ibid., 82–86.
324 Ibid., 90.
affect others. The Report states that a country that mistakenly believes that the Community is a simple economic association “considers only its own situation and only the real or imagined trade disadvantages it may suffer as a result of the implementation of the common customs tariff of the Community.” In deciding whether to form an association with a country, the Community “must consider, in addition to economic considerations, the need to strengthen European solidarity and to reunite as far as possible the people of Europe.”\footnote{Ibid., IV.1.88.}

The leader of the Christian Democrat Group, Mr. Battista, made a similar point:

[W]e cannot think only of creating business relations. We are not here to do business, we are here to do something much more important: we are here to ensure a happier future of peace and tranquility in Europe, improving economic opportunities in order to raise the living standard of the populations of our countries. I believe there is an absolutely fundamental principle that must be believed in order to enter the Community…. They [European states that are not already part of the Community] must also have a commitment to adhere to the political spirit that animates the European Community.\footnote{Ibid., 83.}

For Heinrich Deist (FRG/Socialist),

We therefore emphasize one of the determinant aspects that was highlighted in the report and which Mr. Birkelbach stressed the importance of today. This is to compare and weigh the interests of all partners…not only material interests, it is not only economic interests, it is also big political interests. There is one restriction, however: there are no unilateral interests.\footnote{Ibid., 56.}

And according to Mr. Birkelbach

Permit me to make a remark on the particular political character of our Community: it relates more particularly to those who hitherto have not been part of our Community. The notion that the Treaty establishing the Community would be a wider international economic agreement not involving important political elements has not prevailed. When one analyzes the Treaty and the life of the Community, one realizes immediately that both are undoubtedly political.\footnote{\textit{Ibid.}, 56.}

The Community is a political community, not just an economic association. It is a political community because it is founded on a set of common set of moral aims and values, which include achieving the vital and legitimate interests of its members and supporting European and extra-European unity and solidarity. Given the Community’s moral and political nature, only democratic states are acceptable members.

The belief that the Community was founded on a commitment to certain moral principles is clearly evident in Birkelbach’s questioning of EEC Commissioner Jean Rey in March 1962 over the Spanish application: “Does the Commission believe that it is appropriate to consider a

\footnote{Ibid., 93.}

\footnote{\textit{Ibid.}, 83.
\textit{Ibid.}, 56.}
request from a regime whose political philosophy and economic practices are in complete 
opposition to the concepts and structures of the European Communities?\textsuperscript{330} He continued,

To avoid misunderstanding, the rejection of the Madrid regime does not affect our 
attitude towards the Spanish people. Spain and the Spanish people are part of Europe. 
Europe needs Spain, it needs the Spanish people. We say to these people that they have 
our sincere sympathy and it goes without saying that on the day when it will be 
impossible for our contribution to be used by a regime which opposes freedom, to extend 
its domination and to aid the oppressors, that is the moment when the Spanish people can 
freely exercise the right of self-determination, we will actively associate with all the 
forces that are willing to make great material sacrifices to develop as quickly as possible 
the life and work conditions of the Spanish people to the level of the most advanced 
peoples in progress. It will be a great opportunity to really show European solidarity and 
to consolidate Europe.\textsuperscript{331}

While the Report and MEPs in the debate repeatedly return to the theme of democracy as 
a \textit{condition} for membership, membership is never portrayed as a modality of \textit{conditionality}. The 
evidence suggests that the Assembly did not believe membership could function as a carrot to 
induce authoritarian states to transform their domestic regime. This absence may be explained by 
the fact that neither the Parliament had not given much thought to what role it might play in 
furthering democratization in other states. Or this absence might be due to a disagreement. In 
fact, when one looks at the Birkelbach’s questioning of Commissioner Rey it is clear that by 
March 1962 when Spain’s application had become a topic for debate, a division existed in the 
Assembly about how Spain’s democratization might come about. Birkelbach stated, “[W]e [i.e., 
the Socialist Group and their societal allies] categorically reject any kind of assistance to a 
regime of that is the enemy of freedom.” But, he continued,

From various sides we are opposed by those who believe that the establishment of tighter 
relations between the European Community and the Spanish government or the Spanish 
economy would initiate developments and the obtaining of incidental effects that could 
lead to a progressive democratization and gradual transformation of the regime.

This is a view Birkelbach and the Socialist reject:

Those who have experienced a dictatorship – as is the case for some of us – know that 
freer movement of goods across borders, that some economic liberation will not bring 
freedom to the Spanish population, the people of Spain. Admission to various 
international organizations has not resulted in the diminishment of mechanisms of 
oppression.\textsuperscript{332}

\textsuperscript{330} Birkelbach repeats this question twice in his remarks. Rey does his best to avoid directly answering the question. 
Négociations Avec l’Espagne}, 1962, 81, 82.

\textsuperscript{331} Ibid., 82.

\textsuperscript{332} Ibid.
Rather than accept the view that economic interdependence will advance democracy, Birkelbach posits an alternative causal theory of democratization: “Perhaps this discussion will facilitate the start of developments that bring about the freedom of the Spanish people. Therefore, if the European Economic Community takes a position that leaves no room for ambiguity, it will give to the Spanish people the most effective help that one can give to its march towards Europe.” While Birkelbach argues against considering Spain for either association or membership primarily for moral reasons, he also rests it on a causal proposition that he acknowledges many of his colleagues do not share: the democratic criterion for membership will support the Spanish people’s quest to democratize Spain. Others, presumably members of the Christian Democrats and Liberals, believe that building economic relations with Spain would support democratization.

4.3 Summary of Birkelbach Report and parliamentary debate

The Birkelbach Report and associated debate are significant because they set out the position and reasoning of the primary institutional actor that supported a democratic condition for membership. It later framed the Assembly’s and other social groups’ opposition to the Spanish application in 1962 and subsequently the association agreement with post-coup Greece and Portugal’s membership while they remained under military rule. A systematic reading of the Report and the ensuing Parliamentary debate demonstrates democracy was a central element in the Parliament’s framing of political conditions. In order for the Community to fulfill its moral mission, member states had to be democratic states because only democratic states were morally legitimate. Importantly, the belief that only democracies were morally acceptable members of the Community did not entail the causal belief that the promise of membership could serve as a fillip for a country’s internal political transformation. The promise of membership was not depicted as a carrot to induce political leaders to carry out domestic political reforms. During this first period, democracy should be seen as a condition of membership but membership not as an instrument of democratic conditionality. The fact that the Parliament asserted the moral importance of democracy for member states and democracy as a condition rather than conditionality would not be significant except when one views it in light of the changing discourse on membership at the end of the Cold War.


At the end of the Cold War, member state leaders in the forum of the European Council asserted the importance of democracy for those countries seeking to join the EU. The value the Council placed on democracy and the role envisioned for the Community in promoting democracy, however, were significantly different from the views expressed by the Parliamentary Assembly in the early 1960s. Appearing alongside the belief that democracy was the basis of political legitimacy were other beliefs about why democracy was important. Namely, democracy

333 Ibid.
334 For a discussion of the Community’s policy toward the southern European states see Pridham, Designing Democracy: EU Enlargement and Regime Change in Post-Communist Europe.
was portrayed as a means for ensuring European security, stability and peace as well as successful economic development. In fact, democracy, security and economic development were understood to have a symbiotic relationship: democracy contributed to security and security contributed to democracy, democracy contributed to economic development and economic development contributed to anchoring democracy. In addition to the change in the way democracy was valued, another shift occurred. Whereas in the Birkelbach Report and debate, there was no evidence that it was believed that the Community could promote democracy in non-member states, repeatedly expressed at the end of the Cold War was the belief that the Community could play a key role in supporting the nascent political reforms in Central and Eastern Europe as well as further afield. Through the duals strategies of “engagement” and “conditionality” the EU could help anchor the democratic identity of post-authoritarian states. At the end of the Cold War, statements by state leaders expressed a new normative theory of democracy and new causal theories of democratization.

5.1 Description of evidence and approach

The discussion below is based on a content analysis of documents approved by the European Council. It focuses on the expressed beliefs of the European Council because it was the leaders of member states who were primarily responsible for developing the EC/EU’s membership policy towards the countries of Central and Eastern Europe.335 The sample includes all “Conclusions of the Presidency” and associated annexes issued at European Council summits from 1988 through 1993. The Conclusions outline the main decisions and plans made by the heads of state and government at each summit. This six-year period covers the beginning of economic and political reforms in the CEE countries through the Copenhagen Summit (1993), where the CEE countries were officially offered the prospect of membership and the criteria for membership were officially announced. The sample also includes a select number of other documents, all of which were cited in the “Conclusions of the Presidency” and were judged to be particularly relevant. The sample of documents analyzed, therefore, combines both random and selected sampling. The randomization is a check on potential biases in the selection of documents. By including all of the Conclusions and their annexes, the sample maintains a significant amount of randomization. The use of selected sampling ensures the analysis includes particularly relevant documents to understanding the views of the Council.

5.2 Analysis of evidence

Of the twenty documents analyzed, all twenty discussed the Community’s relations with third-states. Eighteen of the twenty documents (90 percent) stated the Community supported – symbolically, materially or both – democracy or democratization efforts in other countries. Statements of support for democracy were not limited to European states. Frequent references were also made to political developments in Africa and Latin America. Apartheid and post-apartheid regime of South Africa was singled out for particular attention. There were also frequent references to the post-authoritarian countries of Central America.

335 Smith, *The Making of EU Foreign Policy.*
Like the earlier period, political legitimacy remained a justification for why states should be democratic. In the eighteen documents in which democracy is addressed, five linked the requirement of democracy to the Community’s moral character (28 percent). In the Strasbourg Conclusions of the Presidency, the Community’s support for “freedom, democracy and progress” in Central and Eastern Europe is justified in terms of its identity as a “Community of Responsibility and Solidarity.” It is striking to note, however, that discussion of democracy as contributing to political legitimacy stopped in 1990. Democratic legitimacy was discussed in five documents up to and including the Charter of Paris (November 1990), but did not appear in any of the ten documents analyzed after this date.

Running alongside and then replacing the belief that democracy is central to political legitimacy were two other ideas that were absent in the Birkelbach Report and debate. The first is that democracy and security, peace and stability are intertwined. Fifteen of the eighteen documents (83 percent) that addressed democracy linked democracy to security. In four of the documents (22 percent), peace and stability are portrayed as contributing to democracy. For instance, the proposed “Stability Pact” to address the status of territorial borders and the treatment of minorities in Hungary, Poland and Czechoslovakia is said to be a “staple component of joint action to promote stability, reinforcement of the democratic process and the development of regional co-operation in Central and Eastern Europe.” But in fourteen of the documents (78 percent), democracy is portrayed as contributing to peace, security and stability. At the Rhodes’ summit, the heads of state and government issued the “Declaration of the European Council on the International Role of the European Community,” stating,

The European Community and its member state are determined to play an active role in the preservation of international peace and security and in the solution of regional conflicts, in conformity with the United Nations Charter. Europe can not but actively demonstrate its solidarity to the great and spreading movement for democracy and full support for the principles of the Universal Declaration on Human Rights.

The Declaration justified the Community’s support for the ongoing political reforms in the CEE countries in terms of ensuring regional peace and security. Similarly, the final declaration issued at the 1990 Paris summit of the Conference on Security and Co-operation in Europe stated, “We are convinced that in order to strengthen peace and security among our States, the advancement of democracy, and respect for and effective exercise of human rights, are indispensable.” And there was this from the Brussels’ presidency conclusions:

Foreign and security policy covers all aspects of security. European security will in particular be directed at reducing risks and uncertainties which might endanger the territorial integrity and political independence of the Union and its Member States, their democratic character, their economic stability and the stability of neighbouring regions.

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338 The European Council, “Rhodes Conclusions of the Presidency” (The European Community, 1988).
The idea that domestic democracy contributed directly to regional peace and stability in Europe was a repeated theme in the documents.

A second new theme was the linking of economic development with democracy. Fourteen documents (78 percent) stated that economic development and democracy were conjoined. Frequently, the relationship was portrayed as recursive and symbiotic. For instance, the Presidency conclusions for the 1992 Lisbon European Council stated, “A political consensus is growing around the fundamental relationship between pluralistic democracy, respect for human rights and development.”

The relationship between democracy and economic development was also portrayed in more directed ways. Democracy was said to contribute to economic development in seven of the documents (39 percent). The Council at the Luxembourg summit stated,

Democracy, pluralism, respect for human rights, institutions working within a constitutional framework, and responsible governments appointed following periodic, fair elections, as well as the recognition of the legitimate importance of the individual in a society, are essential prerequisites of sustained social and economic development.

While the idea that democracy contributed to a country’s economic well-being was a repeated theme over the period, appearing somewhat more frequently was the belief that economic development contributed to democracy (11 documents or 61 percent). Underlining the relationship between a country’s economic well-being and its democratic character, the Conclusions of the Madrid Council stated,

The European Council paid particular attention to examining the situation of middle-income countries facing the problem of indebtedness. Their situation was extremely worrying, especially in Latin America, where a solution to this problem was of particular importance for the consolidation and strengthening of democracy.

Similarly, the “Declaration on East-West Relations” issued at the July 1989 G-7 Summit in Paris read, “We welcome the process of reform underway in Poland and Hungary. We recognize that the political changes taking place in these countries will be difficult to sustain without economic progress.” Economic progress underpins democratization and vice versa.

What is the role of the Community in supporting democratization efforts in other states? Unlike the earlier period in which the idea that the Community could play a supportive role in a country’s democratization is absent, in this latter period the Community was repeatedly depicted as capable of aiding democratization. Two opposing empirical theories of democracy appear repeatedly in the Council’s democracy discourse. They differ primarily on whether political and other types of reform would be the outcome or precondition of closer relations. The first strategy can be labeled “engagement.” The theory of engagement posits that further democratization will result from building various types of relations between the Community and third-countries. These include political dialogue, the strengthening of economic ties, providing financial and technical assistance, the establishment of association agreements, and training and educational assistance.

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activities. In the theory of engagement, democracy is the predicted outcome of building closer relations with the Community. The second theory is “conditionality.” In contrast to the view of engagement, the theory of conditionality posits that requiring reform before closer relations will strengthen democratization and their attendant benefits are delivered. Many of the same policy instruments of engagement are also framed in terms of conditionality but they are offered as carrots to induce reforms. In the sampled documents, the idea of engagement appears a fair number of more times than conditionality – eighteen (100 percent) compared to thirteen (72 percent).

An example of the theory of engagement is evident in the conclusions from the Edinburgh European Council, where established and future relations with the Commonwealth of Independent States are depicted as supporting democratic reforms:

One year after the dissolution of the Soviet Union, the European Council renews its commitment to help the transition from Communism to democracy… Cooperation between the Community and its member States and the countries of the CIS is developing rapidly. It is extending into unprecedented areas. Joint business ventures and new political relationships have been created. Friendly exchanges have been initiated at various levels…. We pledge ourselves to build on this cooperation. We shall continue to give the strongest possible support to those striving for democracy. We shall seek to develop trade, investment and technical cooperation….

Different forms of cooperation were depicted as supporting the further democratization in the Soviet Union and the CIS.

Alternatively, the theory of conditionality is evident in the June 1989 Madrid Conclusions of the Presidency:

The Community has taken and will take the necessary decisions to strengthen its cooperation with peoples aspiring to freedom, democracy and progress and with States which intend their founding principles to be democracy, pluralism and the rule of law. It will encourage the necessary economic reforms by all the means at its disposal, and will continue its examination of the appropriate forms of association with countries which are pursuing the path of economic and political reform.

Whereas in the quote from the Edinburgh European Council, established and ongoing relations with the CIS is cited as supporting their political transition, in the Madrid statement association is predicated on prior political reforms.

5.3 Summary of European Council documents

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345 These findings put in doubt Smith’s claim that the end of the Cold War heralded the reversal of the Cold War policy of engagement in doubt. Engagement appeared alongside the move toward conditionality. Smith, *The Making of EU Foreign Policy*, 43–44.


The analysis of the Presidency Conclusions to the European Council meetings and other significant documents for the 1988-1993 period reveals two important points. The European Council valued democracy in third-states because of its contribution to economic development and regional security and stability. Though still present, less emphasis was placed on democracy as the basis of political legitimacy. Second, the Community was seen as having an important role to play in promoting democracy in third-states. The policy strategies, however, were contradictory in their approach. The theory of engagement expected that democratization would be the outcome of building closer economic, political and cultural relations with the post-authoritarian states of Central and Eastern Europe. The theory of conditionality expected that democratization would precede the creation of closer relations and the delivery of further material benefits.

6. Conclusion

The interpretivist orientation of this study focuses attention on the beliefs of political actors. In this chapter I have compared how Community actors thought about membership and democracy in the early 1960s and the late 1980s/early 1990s. That comparison yielded evidence of two significant shifts. Tables 4.1 and 4.2 summarize these differences. First, the value actors attached to democracy changed. In the latter period, the concern for political legitimacy is not absent but layered on top is the belief that democracy is linked with security, peace and stability as well as economic development. Second, democratization is not a process that the Community must sit idly by and wait to come about. Through forms of economic and political engagement and conditionality the Community can encourage and lock-in changes.

**Table 4.1** The value of democracy

<table>
<thead>
<tr>
<th></th>
<th>1961-62 (n=11)</th>
<th>1988-93 (n=18)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Political legitimacy</td>
<td>6 (55%)</td>
<td>6 (33%)</td>
</tr>
<tr>
<td>Economic development</td>
<td>0 (0%)</td>
<td>7 (39%)</td>
</tr>
<tr>
<td>Peace, security, and stability</td>
<td>0 (0%)</td>
<td>15 (83%)</td>
</tr>
</tbody>
</table>

**Table 4.2** The role of the Community in promoting democracy in third-states

<table>
<thead>
<tr>
<th></th>
<th>1961-62 (n=11)</th>
<th>1988-93 (n=18)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engagement</td>
<td>0 (0%)</td>
<td>18 (100%)</td>
</tr>
<tr>
<td>Conditionality</td>
<td>0 (0%)</td>
<td>13 (72%)</td>
</tr>
</tbody>
</table>
The genealogical sensibility of this study focuses attention on the origins of actors’ beliefs under study. By tracing the historical lineages of those beliefs, genealogy explains how actors came to hold the beliefs that they do and engage in the practices that those beliefs sustain. Genealogy, therefore, raises three significant questions about the changes in the normative and causal beliefs of Community actors detailed in this chapter. First, why did the European Council believe that democratization would support regional security and welfare? Second, why did the policy of conditionality emerge only at the end of the Cold War? Third, why did the Community seek to promote democracy through engagement and conditionality, which appear to assume opposing causal theories of democracy? These questions are addressed in chapter five.
Chapter Five

Why the EU Promotes Democracy through Membership Conditionality

1. Introduction

The previous chapter compared how EU actors thought about membership and democracy in the early 1960s compared to the late 1980s and early 1990s. It established that there was a shift in why they valued democracy and what role they thought a democratic requirement for membership could play in promoting democracy in non-member states. In the earlier period, Members of the European Parliament (MEPs) emphasized the moral desirability of democracy. Because MEPs considered the Community to be a moral community, the basic interests of all members should be upheld, including an interest in being governed by a democratic regime. In the later period, the European Council claimed that promoting democracy in non-member states would support the goals of regional security and economic welfare. Additionally, only the European Council expressed the belief that linking democracy to membership would support reforms in non-member states. MEPs portrayed democracy as a condition but not as conditionality.

This chapter addresses why these changes occurred. The chapter explains the shift in the value that EU actors attached to democracy due to the influence of what is labeled “securitization theory.” It explains the shift in the causal beliefs that EU actors held about the role the Community could play in promoting democracy to the emergence of new empirical theories of democratization.

During the 1990s, political conditionality swept through many of the activities of Western governments and international institutions. Political conditionality emerged as a key feature in both economic and political relations between developed and developing countries. Conventional wisdom views this development as the result of the end of the Cold War. Released from the imperatives of the East-West rivalry, Western governments and international institutions refocused on promoting their values rather than their self-regarding interests. Because the loyalty of autocrats no longer retained the strategic value it did during the five decade long confrontation between the Western allies and the Soviet bloc, the West shifted its economic and political largesse to support emerging democrats.

While the conventional wisdom no doubt captures part of the truth, focusing on the international context and the shifting priorities of Western governments and institutions leaves out important elements of the story. As the last chapter detailed and this chapter will explain, key ideas which informed the EU’s policy on democracy and membership emerged before the dissolution of the Warsaw Pact, the unification of Germany and the collapse of the Soviet Union. These ideas include new normative justifications for why democracy was desirable and new causal theories regarding how democratization occurred. These ideas may have become policy relevant at the end of the Cold War but they did not come into existence because of the end of the Cold War.

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The chapter attributes the shift in the way EU actors valued democracy to the influence of “securitization theory.” In the view of securitization theory, democracy would decrease the likelihood of renewed ideological conflict, ease ethnonationalist tensions in Central and Eastern Europe and protect Western Europe from spillover effects, and serve as a building block for regional cooperation. The origins of securitization theory are found in the 1980s, when a variety of groups set out to reconceptualize West European security in light of the apparent irrationalities of prevailing strategic concepts.

Similarly, between the 1960s and 1980s Community policy reflected a shift in causal theories of democracy. Prior to the 1980s, empirical theories placed emphasis on the economic, societal and cultural requisites of democracy. To be sure, different scholars emphasized different combinations of economic development, the presence and organization of civil society and cultural values. During the Cold War, elements of these socioeconomic theories were manifested in the West European policy of détente. Supporters of increased economic and social exchange stressed the contribution economic and social linkages could make to democratization in the East. In the 1980s, scholars of democratic transitions and consolidation began to shift their focus to the role of agents, especially the strategic choices of political elites in what was labeled “pact-making.” The shift, however, was only partial. For those who put more emphasis on choice and strategic decision-making, conditionality became a plausible policy option. Outside agents, like the EU, could use the resources at its disposal to change the calculations of policymakers. For those who continued to emphasize the economic and social prerequisites of democracy, a post-Cold War strategy of détente remained a viable policy option. These differing empirical theories of “democracy from outside” appeared in the EC’s and EU’s policies of conditionality and engagement.

In sum, the EU’s decision to promote democracy through membership conditionality at the end of the Cold War was due to the influence of new normative theories of European regional security and welfare and new causal theories of democratization. By tracing the origins of these beliefs, this chapter explains why the EU’s democratic membership conditionality emerged at the beginning of the 1990s and not before.

The chapter is divided into seven sections. Section two addresses how the argument and approach compares to existing research. Section three explains how the theory of securitization accounts for the shift in the value attached to democracy. Section four outlines the main causal theories of democracy prior to the 1980s and section five illustrates how they informed West Europe’s policy during the Cold War. Section six examines the shift in empirical democratic theory in the 1980s to emphasizing the role of elite choices. The shift, however, was only partial and the tensions within empirical democratic theory were reflected in the EU’s policies of conditionality and engagement. The final section summarizes the chapter’s argument and findings.

2. Existing Research and Approach

This chapter differs from existing research in three particular ways. The EU’s membership conditionality consists in linking membership in the Union to the completion of specific political reforms. Prevailing explanations of the EU’s membership conditionality have focused on the motivations of key actors in the immediate decision-making process. Karen Smith, José Torreblanca and Steven Weber all argue that the Community
responded to the emergence of the independent states of Central and Eastern Europe by matching policy goals with policy instruments. Although the authors disagree on the exact purposes that guided Community policy-making, their explanations rely upon taking the preferences of key actors as given. As the last chapter demonstrated, the preferences of EU actors regarding political conditions have not been fixed. Not only did French and German leaders originally oppose a democratic condition for membership, MEPs in the 1960s emphasized the moral significance of democracy. In contrast, member state leaders at the end of the Cold War believed democracy would contribute to regional security and stability. This chapter provides an explanation of this development.

Second, a number of authors have claimed that the main difference in the Community’s political requirements for membership between the early 1960s and the late 1980s/early 1990s was their codification. Daniel Thomas, for instance, states that MEPs and like-minded civil society actors “established an informal rule governing the community’s policy practice that laid the groundwork for the subsequent constitutionalization of democratic and human rights principles within the community’s treaties and jurisprudence.” Over time, political conditionality moved from being de facto practice to a de jure rule. As the last chapter detailed, this claim misrepresents how MEPs thought about the relationship between membership and democracy. They understood the democracy requirement to be condition but not conditionality. As this chapter further argues, West European policy toward the Soviet bloc during the Cold War was heavily influenced by empirical theories of democracy which emphasized the socioeconomic preconditions of democracy. A policy of conditionality only became conceptually viable with the rise of new empirical theories of democracy in the 1980s, which emphasized the importance of elite choices and strategic decision-making.

Third, despite claims to the contrary, the application of conditionality by the Community in its relations with the countries of Central and Eastern Europe did not reverse the Community’s policy of détente during the Cold War. As the previous chapter documented, member state leaders in the Council also continued to support the use of engagement (a post-Cold War cousin of détente). The causal logics of these two instruments draw upon are opposite. Conditionality promises future benefits or losses to incentivize reform in the present. Engagement delivers present benefits with the expectation that future reform will follow. This chapter accounts for this apparent policy muddling by demonstrating that conditionality and engagement reflected the influence of different prominent empirical theories of democracy.

As already described, this study adopts an interpretive approach. Although it draws upon the particular techniques of content and discourse analysis, my interpretivism should be understood as a philosophical position rather than as a commitment to a particular method. My approach is interpretivist in the sense that it places at the center of its analysis the beliefs of

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349 See 4.2 for a fuller description of the differences amongst these three explanations.
352 Smith, The Making of EU Foreign Policy, 43.
353 A fuller description of what an interpretivist approach entails can be found in chapter one.
354 If by method we mean a set of research techniques that are thought to be either necessary or sufficient to discover the truth about something, interpretivism is not a method. Interpretivism is a view about what should be studied (beliefs) and what form the explanation of human artifacts should take (narrative). Interpretivism is a philosophy of social science that can support a range of investigative techniques.
actors rather than material or ideational structures or quasi-structures. The objects to be understood and explained are the beliefs of significant actors. The particular beliefs I attempt to account for below are that (1) democracy should be a requirement for membership in the EEC/EU and (2) membership conditionality is an effective means of promoting democracy in non-member states. In an interpretive framework, particular beliefs – both explicit and tacit – are understood and explained when they are placed within the web of beliefs to which they belong and give them coherence and meaning. What the content and discourse analysis of the last chapter revealed is that the democratic condition for membership was differently understood between the 1960s and late 1980s/early 1990s. In 1961/62, MEPs argued for the democratic requirement based on their view that the Community formed a moral community. In the late 1980s/early 1990s, leaders of member states emphasized the regional security and economic benefits of democratization. Additionally, it is only in the latter period that the democratic condition for membership is cast as conditionality. This chapter argues that we can explain the creation of EU membership conditionality historically in reference to securitization theory and developments in empirical democratic theory. Securitization theory and an agent-centered theory of democratization are elements of the wider web of beliefs that give the EU’s policy of membership conditionality coherence and meaning.

More generally, then, this chapter differs from existing literature by focusing on the origins of beliefs rather than their effects. In doing so, it denaturalizes existing explanations of the EU’s policy on membership and democracy and helps us to understand a contradiction at the heart of that policy. Rather than taking policy preferences for granted, this chapter demonstrates that European Council support for the democracy requirement drew on what I label “securitization theory.” Rather than taking causal beliefs for granted, it shows that the EU’s policy instruments drew upon new theories of democratization while also remaining wedded to older empirical theories of democracy.

3. Securitization Theory and the Value of Democracy

The belief that promoting democracy in third-states would promote peace, security and stability in Europe can best be explained by situating it within the development of securitization theory. Securitization theory is most prominently associated with the Copenhagen School of International Relation (CS). I do not claim, however, that EU actors actually read any of the works produced by those scholars associated with the CS (nor do I claim that they did not). Rather the claim of this section is that the CS provided a clear distillation of ideas that circulated popularly and influenced how EU actors understood and responded to events in the countries of Central and Eastern Europe (CEE). Within the CS itself, the term “securitization theory” refers narrowly to a specific analytical framework for understanding how an issue becomes a security problem or issue. I use the term here more broadly. It refers to beliefs developed by the CS and also circulating in European publics and policy environments that drew upon and developed the idea of societal security and shifted analyses away from a primary focus on military security. The evidence for the influence securitization theory is the timing in appearance of key security

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ideas and the overall coherence with how member state leaders justified promoting democracy at the end of the Cold War.

In this section, I explain why securitization theorists broke from the dominant Realist paradigm. Then I outline how democracy fits within securitization theory.

3.1 Securitization theory: transcending Realism

Beginning in the mid-1980s, a group of researchers associated with the Centre for Peace and Conflict Research in Copenhagen (later to become the Conflict and Peace Research Institute - COPRI) began to produce a number works aimed at reformulating the field of security studies.³⁵⁷ Important CS contributors to securitization theory were Barry Buzan and Ole Wæver, but also Egbert Jahn, Morten Kelstrup, Pierre Lemaitre, Elzbieta Tromer, and Jaap de Wilde. The CS developed its theory of security by drawing upon and synthesizing ideas from peace research, Neorealism, German security studies, interdependence theory, security communities, W.B. Gallie’s conceptual analysis, and J.L. Austin’s speech-act theory. Amongst IR scholars, the CS is perhaps best known as providing an analytical framework for studying security issues.³⁵⁸ But the contribution of the CS to the study and practice of international security includes concepts such as the non-military aspects of security, securitization, regional security complex, and security sectors.

To understand why ST viewed democracy promotion as an aspect of security policy, it is necessary to contextualize its development with what securitization theorists viewed as its primary rival: Political Realism.³⁵⁹ ST did not reject the Realism of Carr, Morgenthau and Waltz outright.³⁶⁰ In fact, the distribution of military and economic capabilities remained a core concern. Securitization theory, however, embedded traditional Realist preoccupations like the distribution of power and the intentions of leaders within a broader security framework. This framework developed out of three important criticisms of Realism: (1) theorists and practitioners of Realism placed an undue focus on military power as the object and source of state security, (2) Realism’s policy prescriptions were self-defeating, and (3) the focus on great powers obscured the regional basis of state security concerns. In place of these views, securitization theory emphasized that security was multidimensional, effective state policy required international cooperation, and the scope of European security concerns were primarily regional rather than global.

³⁶⁰ Carr, Morgenthau and Waltz are the primary targets of Barry Buzan’s criticism in People, States, and Fear.
First, according to ST Realism no longer provided a plausible view about what constituted national security. The Realist focus on power, and most centrally military capabilities, misconstrued what was elementary to the state. The state was primarily metaphysical or ideational rather than physical. Under certain conditions, superior military forces could protect the political independence of a state’s governing institutions and its territorial integrity, but the state was at its core an idea or an organizing ideology held in common by a group of people. The security of any particular state depended to large extent on how widely and firmly a particular society accepted the idea of the state. A strong state was one in which there was general agreement amongst the population about the purposes of the state and its legitimacy. Realism’s focus on the material capabilities of the state mistook the outer expression of the state (governing institutions and territory) with its core (a common idea).

Second, Realism could not provide policy guidance to address the military security problems it diagnosed. Given the dynamics of the security dilemma and the destructiveness of modern weapons technology, the traditional Realist focus on power tended to be self-defeating. For Realists, superior military capabilities ensured a state’s security and survival. Amongst developed states with developed militaries, however, national security was put in jeopardy by either losing a war or even fighting a war. “Superior” military capabilities were not sufficient to ensure a state’s security or the well-being of its inhabitants. Conventional and nuclear warfare put the survival of society at stake. Avoiding war rather than winning a war was necessary for achieving physical security. The interest states possess for achieving international primacy is matched by fear for survival. Attempting to achieve military dominance – and thus a position of unparalleled security in the Realist paradigm – could only come at the expense of risking collective destruction through a counter-balancing war. Thus under the sway of Realism, traditional security studies and policymakers had miscast the referent object of security (sovereignty) as well as the means for achieving security (military dominance). State security lay in the protecting the idea of the state from internal vulnerabilities and external threats. The latter were not only or primarily threats of force.

Third, for ST the waning of the Cold War and the rise of interdependence in Europe rendered Realism’s state-centered concept of national security “virtually meaningless.” Realism was state-centric because it assumed security was divisible. The Realist ideal was one of autarkic, mercantilist states interacting in anarchy. From the perspectives of the United States and the Soviet Union during the Cold War, the Realist picture – at least when extended to their two respective blocs – seemed to capture the security dynamics in the international system. Security was divisible and zero-sum, especially when it came to the control and forward-defense of Europe: either the Soviet Union or the US could dominate Western Europe. However, with the decline in the ideological and military confrontation between the two superpowers, European security concerns and dynamics were no longer submerged under superpower “overlay.” The growing density of interactions in the political, economic, environmental and societal sectors and the absence of superpower confrontation, meant Europe had developed into a “regional security

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362 Ibid., 38–43.
complex.” Although the borders of Europe were somewhat ambiguous and developing, the region formed a security complex in the sense that the primary security concerns of European states were link together sufficiently closely that their national securities could not realistically be considered apart from one another.

Regional interdependence in the absence of Cold War confrontation meant that important aspects of European state security were indivisible. The organizational stability of a state, its systems of government and legitimating ideologies required meeting both internal and external challenges to accepted forms of government and policy goals. Achieving and maintaining acceptable levels of economic welfare depended on the policies of other states and external societal actors. Maintaining a society’s language, culture, and religious and national identity within acceptable levels of change required shielding them from a homogenized global (American) consumer culture and mass in-migration. Sustaining a local and planetary biosphere necessary for human enterprises depended on the transboundary effects of the actions of others. In general, the intensity and density of transborder interactions put into doubt the effectiveness of independent national security policies. Although European states and societies could address some of the internal vulnerabilities they faced (e.g., economic security through welfare and redistributive policies), their ability to address the external threats to the independence of their life and their identity could only be achieved through establishing mutually beneficial cooperative schemes. The European state system was still anarchic in the sense that there was no overarching government above the level of individual states. Cooperation could not be enforced from above. But the character of European international anarchy and the security of European states across different sectors of activity depended on the development of commonly agreed upon norms and the existence institutions capable of sustaining cooperative relations amongst states and societies. The “maturity” of European anarchy or the development of a “thick” European international society formed the basis of individual and collective state security.

Table 5.1 summarizes the primary differences between Realism and the ST. For Realists, states should protect their sovereignty (political independence and territorial integrity) through military balancing or achieving dominance in the international system. For ST, Realist premises and propositions were valid when superpower rivalry existed, interdependence was low, and military means had primacy in achieving physical security. At the end of the 1980s and beginning of the 1990s, key Realist beliefs no longer held. State security in Europe could no longer be achieved by military means. Not only were arms races self-defeating, but also sovereignty was not the primary object of security. Security consisted in freedom of external threats to the idea of the state or identity of society. The sectors of security were multidimensional and interconnected. Military security formed just one aspect of the nation-state’s security. Societal, economic, political and ecological concerns all weighed heavily. Primary threats to security could not be addressed through autarkic policy means. The achievement of national security goals required regional cooperation and coordination of policies and activities across state boundaries.

366 Buzan, People, States, and Fear: The National Security Problem in International Relations, 106.
367 Buzan et al., The European Security Order Recast: Scenarios for the Post-Cold War Era, 3.
368 Buzan, People, States, and Fear: The National Security Problem in International Relations, 96–98.
Table 5.1 Realism vs. securitization theory

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<tr>
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<th>Realism</th>
<th>Securitization theory</th>
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<tr>
<td>Core object of security</td>
<td>Sovereignty</td>
<td>Idea of the state/identity of society</td>
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<tr>
<td>Sector(s) of security</td>
<td>Military dominant</td>
<td>Multidimensional and interconnected</td>
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<td>Scope</td>
<td>Global</td>
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<td>Policy</td>
<td>Balance/Hegemony</td>
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3.2 Securitization theory and democracy

How did democracy fit into ST’s view of security? Effectively promoting democracy in third-states satisfied four primary security goals: (1) it insulated Western democracies from ideological challengers, (2) it undermined the ideological source of military confrontation, (3) it ensured societal security in Western Europe, and (4) it established a necessary condition for building a robust international society organized around common norms and institutions.

First, democracy was both an object and instrument of state and societal security. In fact, the two cannot be neatly separated because securing democracy in Western Europe was one justification for promoting democracy in Central and Eastern Europe. Since security consists in the ability of states and societies to maintain the independence of their life and their identity, for the countries of Western Europe democracy was constitutive of their security. West European political security consisted in the stability of democratic forms of government and the ideologies that underpinned them.369 The existence of an ideological competitor to Western democracy in the form of Soviet or Soviet-style state socialism, posed an ongoing threat to the stability of democratic political organization in Western Europe.370 State socialism was the non-democratic competitor for the political loyalty of society. Supporting democratization was a way of shoring up the ideological certainty of Western-style democratic capitalism.

Second, the military confrontation of the Cold War was at its essence an ideological confrontation.371 This belief follows directly from the view of the state as primarily ideational. Since the state essentially consists in commonly held beliefs amongst the population about its purposes and sources of legitimacy (an ideology), the mobilization of military forces during the Cold War was fundamentally concerned with protecting alternative legitimating ideas about the political economies of Western and Eastern states. Accordingly, the primary cause of military confrontation – and the physical insecurity that it induced – could be eliminated through the ideological re-alignment of the former Soviet bloc. Establishing a democratic region of states would be effective means of ensuring against a new Cold War.372

369 Buzan et al., The European Security Order Recast: Scenarios for the Post-Cold War Era, 4.
370 Buzan, People, States, and Fear: The National Security Problem in International Relations, 76–78.
371 Ibid.
Third, successful democratization in Central and Eastern Europe would address societal insecurity in the East and West alike. To the extent that the end of the Cold War meant that traditional military and ideological threats were on the permanent wane, Western worries about losing or fighting a war with the Soviet Union or the penetration of communist appeared increasingly distant. The traditional objects of state sovereignty were no longer in serious doubt: political independence and territorial control. The process of economic integration was too developed for Europe to fall into neomercantilist fragmentation and competition. The Single Market ensured access to the resources, capital and markets necessary for domestic economic success.

The principal focus of insecurity in Europe was society itself. Societal security consists in the sustainability of language, culture, as well as religious and national identities and customs within acceptable levels of change. For those countries newly emerging from state socialism, the primary vulnerability to society was the potent combination of nationalism and economic distress. The presence of large numbers of ethnic minorities and the rise of xenophobic nationalism at a time of massive economic change and reorganization with its predictable dislocations raised the likelihood of political violence, economic chaos and social fragmentation. Societal fragmentation in the East threatened societal security in the West. An eruption of aggressive nationalism and/or economic collapse could result in the mass influx of immigrants, refugees and asylum seekers to Western Europe. The arrival of large numbers of non-nationals would have destabilizing societal effects by disrupting valued forms of life and threaten the ability of West European societies to maintain their essential character. As a regional security complex, societal insecurity in the East could feed societal insecurity in the west. The plausibility of this thesis was illustrated by the Yugoslavia conflict.

The solution to societal insecurity in the East (and thus also in the West) lay in addressing low levels of sociopolitical cohesion. The main problem was how to develop acceptable forms of government and stable developing economies? Establishing a democratic constitution was a way of solving tensions between different ethnic and national communities and ensuring against the possibility that the state itself would be used to suppress ethno-national groups. Typical elements of (Western) democracy – government by law, public order, non-violence, non-discrimination, adequate police-protection, constitutional government, separation of powers, human rights, minority protection, participation, and the possibility of changing governments – provided strategies for ensuring that ethno-national groups did not pose a serious threat to each other or the state to particular ethno-national groups. Democracy was the form of government most suited for establishing stable political legitimacy and a successful transition to a market economy would deliver economic security.

Finally, the effective management of national military, political, economic, societal, and environmental concerns depended on the development of a mature international society which would support the type of cooperative schemes necessary to address various sources of

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375 Ibid., 4.

insecurity.  

Central to the conflict during the Cold War was the unwillingness of states to recognize and accept the legitimacy of states outside their own bloc. The source of illegitimacy for the West and the East was each other’s fundamentally different organizing principles—democratic capitalism vs. authoritarian state socialism. Differences in domestic societal orders gave rise to different principles for organizing international life. To the extent that order existed in the international system during the Cold War, it was primarily the result of deference to power rather than the existence of shared norms, rules or conventions for the conduct of their relations. Because of interdependence, state-centered policy responses in the post-Cold War era were inadequate to address the security concerns of states and societies. Achieving and maintaining acceptable levels of economic welfare (i.e., economic security), for instance, depended on establishing durable open markets and fair terms of competition. A strong international society with common rules and norms of behavior depended could only be built on the basis of mutual recognition and acceptance. This could only be achieved by establishing democratic capitalist states.

3.3 Summary of securitization theory and the European Council’s view of security and democracy

Whether it was aware of its influence or not, securitization theory framed how the European Council thought about the value of democracy when initiated its policy of democratic conditionality at the end of the Cold War. The influence of ST is evident in the 1993 Presidency Conclusions of the Brussels Summit:

Foreign and security policy covers all aspects of security. European security will in particular be directed at reducing risks and uncertainties which might endanger the territorial integrity and political independence of the Union and its Member States, their democratic character, their economic stability and the stability of neighbouring regions.

As the previous chapter demonstrated, statements like this one were not unique. Out of the eighteen European Council documents analyzed, fifteen (83%) stated that the spread of democracy to non-democratic states would support the goals of peace, security or stability. The European Council repeatedly linked democracy to regional welfare. Securitization theory explains why such a link made sense to member state leaders.

Securitization theory emphasized the metaphysical rather than physical foundations of the state. This basic difference with Realism led to a reformulation of what constituted security for the state and society and how it could be achieved. Additionally, in the view of ST security was primarily regional rather than international or global in scope: the problems of security lay within Europe. The promotion of democracy in the Community’s near abroad was a way of avoiding militarized ideological confrontation, avoiding intercommunal conflicts and mass migration, and establishing common values and principles upon which international cooperation could be based.

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In sum, ST explains why it was believed that promoting democracy in non-member states would promote societal security within the EU and member states

4. Empirical Theories of Democracy

The previous section explains why at the end of the Cold War EU leaders believed that promoting democracy in Central and Eastern Europe (CEE) would support regional security and economic well-being. Securitization theory is part of the web of beliefs that explains the value the European Council attached to democracy. There is a further question, however. EU leaders had to decide how they should promote democracy in CEE. In this section, I turn to examining the historical origins of the causal beliefs that underpinned the EU’s policy of membership conditionality. The claim I seek to defend is that changes in the Community’s policy towards the countries of Central and Eastern Europe reflected developments in empirical theories of democratization.

The argument proceeds in three steps. I begin by mapping the primary strands of empirical democratic theory post-1950. Prior to the 1980s empirical theories of democracy emphasized the social and economic prerequisites of democratization. Different scholars emphasized different combinations of economic development, the presence and organization of civil society and the right mix of cultural values. Next, I demonstrate how during the Cold War elements of these socioeconomic theories informed the West European policy of détente towards the Soviet bloc. Specifically, supporters of increased economic exchanges stressed the contribution more robust economic relations would make to long-term political change in the East.

The final step of the argument narrates the emergence of agent-centered theories of democratization in the 1980s. As discussed below, these theories developed in response to a number of empirical, theoretical and policy dilemmas. By emphasizing choice and strategic decision-making by political elites, agent-centered theories of democratization made political conditionality a coherent policy option. Outside agents could use the resources at their disposal to influence the payoff structure and therefore the decisions of policymakers. By linking membership to internal reform, the EC/EU could support democratization in CEE.

Agent-centered theories of democratization, however, did not entirely displace the older focus on social and economic conditions. As described in the previous chapter, at the end of the Cold War the European Council supported a policy of conditionality and engagement towards CEE. Though the logics of these two policies are incompatible – conditionality promises future benefits in exchange for present reforms, whereas engagement provides present economic benefits in expectation of future political change – we can make sense of this dual strategy by relating them to the two traditions of empirical democratic theory discussed below. The development of agent-centered theories of democratization in the 1980s explains why the EC/EU pursued a policy of membership conditionality. The older tradition in empirical democratic theory that stressed social conditions explains why the EC/EU also pursued a policy of engagement. At the end of Cold War the EC/EU’s muddled position on democratic promotion reflected an ongoing debate in empirical democratic theory. By narrating these different traditions of empirical democratic theory, this section explains the wider webs of causal beliefs that underpinned EC/EU’s policies of conditionality and engagement.
It is important to be clear about the claim I wish to defend here. The strong claim would be that the causal theories I detail were either necessary or sufficient beliefs for the policies of détente during the Cold War and conditionality and engagement in the post-Cold War. And thus the shift in the beliefs policymakers held about the causes of democracy was either necessary or sufficient to explain a change in policies. The primary problem with the strong claim is that multiple beliefs supported the policies discussed. I make no attempt to weigh the relative importance of different beliefs. The more moderate claim I seek to defend is that the causal theories detailed below were a condition of possibility for the EC/EU’s membership policy. To say something is a “condition of possibility” is not equivalent to saying it is a “necessary condition.” To classify something as a condition of possibility means accepting that there might have been other conditions that would have made possible the same policy. As such, the condition discussed was philosophically non-necessary even it was empirically relevant for the policy it helps to explain.\(^{379}\) The causal theories made it possible to believe that the policy of détente and subsequently conditionality would support democratic transitions. The policies expressed these causal theories. Or to state it slightly differently, the causal theories in part constituted the policies, if nonetheless other ideas also could and did constitute the policies.

This section begins by examining three of the major mid-century schools of thought on democratization. Next I illustrate how certain elements of these causal theories of democracy informed West European policies of détente during the Cold War. Then I describe how new agent-centered theories of democratization arose in the 1980s. My claim is that new theories that emphasized agency over structure made possible the partial shift in policy to conditionality as an instrument for promoting democracy.

4.1 Causal theories of democratization before the 1980s

In this subsection, I examine three of the major traditions in empirical democratic theory in the mid-twentieth century. By doing so, I highlight some of the sources of the EEC’s policy of détente during the Cold War. These influences are demonstrated in the subsequent section. I also foreground the contingency of the policy of détente as an instrument for promoting democracy.\(^{380}\) The policy was contingent in a double-sense: first, because détente was made possible by the existence of particular economic and social theories of democratization, and second détente drew on those theories while ignoring other contending theories, most notably those that emphasized the importance of cultural values and voluntary, civic associations. These other theories of democracy pointed to other policy options or even a lack of policy options.\(^{381}\)

Scholars in the 1950s, 60s, and 70s focused on the structural conditions of democracy. Different scholars highlighted different structures or combination of structures: economic conditions, societal conditions or societal values. Reflecting the influence of an older positivism that focused on necessary conditions and covering laws, mainstream research from this period attempted to establish which societal characteristics were either necessary or sufficient for the

\(^{379}\) This point is directly related to the issue of “multiple realizability” which is commonly discussed with respect to case-study research.

\(^{380}\) Détente, of course, also had other purposes than those discussed here.

\(^{381}\) For instance, some cultural theories suggested that democracy was a form of rule that depended upon developments that were essentially internal to the political community, not amendable to external manipulation, and could take decades if not generations to come about.
emergence or consolidation of democracy. As such, these explanations tended to ignore or downplay the role of agency and choice.

4.1.1 Socioeconomic theories of democracy

A large number of scholars emphasized the socioeconomic preconditions of democracy.382 This line of research is prominently associated with Seymour Lipset (1959), Joseph Schumpeter (1942), Barrington Moore (1966) and Philips Cutright (1963). For these scholars, higher levels of economic development – understood in terms wealth, industrialization, urbanization, the creation of a middle class, and increased levels of education and communication – contributed to the emergence and stability of democracy. Lipset argued that economic development led to a number of outcomes that were supportive of democracy. Higher levels of societal wealth eased tensions over the distribution of scarce resources and undermined social grievances that make the lower strata susceptible to extremist ideologies. Increases in educational attainment encouraged the acceptance of democratic norms like toleration and accommodation. An expanding middle class reduced and mediated conflicts over the distribution of resources between the rich and poor. Urbanization increased contacts amongst social groups and sustained crisscrossing social affiliations which contributed to both toleration and moderation in society. In general, for Lipset economic development undermined the bases for extreme conflicts within society, which can overwhelm a democratic system.

Whereas Lipset emphasized the conflict-reducing effects of economic development, a second strand of thinking emphasized the conflict-inducing effects of economic development. Schumpeter argued that the emergence of a national bourgeoisie led to the progressive rationalization of the social world. Democracy was the means through which the bourgeoisie achieved their successful triumph over the traditional elites. By attaining political power through elections, the bourgeoisie could legislate away the ancient rites of influence and economic success. Additionally, by practicing certain democratic values – personal freedom, utilitarianism, legality, limited state authority, and toleration – the bourgeoisie contributed to a general egalitarian ethos.383 Similarly, Moore emphasized the presence of a significant commercial class as a precondition for democratization. Because the interests of the commercial class stood in conflict with the crown, they were willing to challenge the traditional political organization of society. Alternatively, for Göran Therborn the emergence of a bourgeoisie weakened state power and led to the protection of human rights and the rule of law. But it was the working class rather the property-owing class that demanded political inclusion in the form of the expansion of voting rights and the right to form political parties. The transformation of the class structure and the strengthening of the working class placed new interest demands on the state and spawned the right to organize through political parties.384

A primary way that socioeconomic theories of democracy differed was in terms of the role of conflict in bringing about democracy. For Lipset, socioeconomic development undermined sources of system destabilizing conflict. For Schumpeter, Moore, Therborn and others, the emergence of resource conflict facilitated democratization. Despite this basic difference, socioeconomic theories of democracy emphasized the role of national capitalist development in furthering national democracy. As we will see below, socioeconomic theories strongly influenced EEC/EC policy towards Central and Eastern Europe.

4.1.2 Cultural theories of democracy

A second strand of research emphasized political culture as a crucial factor in the development and stability of democratic political systems. Influential scholars associated with this strand of research included Gabriel Almond and Sydney Verba (1963), Harry Eckstein (1966), Robert Dahl (1970), and Lucian Pye (1965). For these cultural theorists of democracy, the political system of any country was to a significant degree determined by the existence of a relatively coherent pattern of attitudes, sentiments and cognitions, which structured political behavior. Attitudes referred to the basic values that guided the population’s evaluation of the process and outputs of government. Sentiments were the emotional beliefs of the population, like loyalty to the political system and the existence or non-existence of interpersonal trust. Cognitions were the basic beliefs people had about the functioning of the political system. These politico-cultural features of society established the norms of political behavior. Cultural theorists agreed that the existence and stability of a democratic system required the right mix of cultural traits. Disagreements arose over what particular features were most important or to what extent political culture was amendable to deliberate manipulations.

In their study of the political culture of five democratic countries, Almond and Verba argued that political culture was the “micropolitics” of political systems. The diffusion of physical goods, modern techniques of production, and a participatory political culture guaranteed a general modernization of national economies and societies, but they did not ensure the emergence and persistence of democratic system of politics. Democracy required that citizen possess the right mix of attitudes toward politics. The necessary cultural component of democracy was the presence of what Verba and Almond labeled the “civic culture.” The civic culture combined a number of disparate political attitudes, labeled “participatory,” “subject,” and “parochial.” The possession of these different attitudes ensured citizens adopted the requisite roles for the proper functioning of the political system. The participatory role ensured their active involvement in politics, especially volunteer organizations and political discussions. The subject role ensured deference to proper authorities, like the police and bureaucracy. The parochial role ensured that politics is maintained in its “proper place” and general social relations remain insulated from political partisanship. Parochialism was particularly important for the maintenance of interpersonal trust. Properly combined, these different attitudes and roles

guaranteed that a democratic system remained in balance and was able to fulfill contradictory goals like governmental decision-making autonomy and responsiveness.

Similarly, Harry Eckstein argued that stable democracies required the balancing of division and cohesion. By definition, democracies allowed for the articulation of and competition between different interest and values. Such pluralism, however, if too great could lead to system destabilizing conflict. Democratic systems could be undermined through either the election of anti-system parties (like the National Socialist Party in the Weimar Germany) or by making the system un governable and thus unable to formulate and implement policies that address the needs and aspirations of the country’s citizens. Eckstein hypothesized, therefore, that an enduring and effective democracy balanced political division and political consensus. In Norway – the primary country of his study – specific disagreements on policy were offset by a general cultural consensus on political and social values, especially an overarching attitude of solidarity and egalitarianism amongst Norwegians and a commitment to democratic governmental structures. The source of this cultural agreement for Eckstein was found in non-governmental authority structures (political parties, voluntary organizations, families). A high level of congruence between governmental and state authority structures was necessary for inculcating sufficient loyalty to the Norwegian political system. He hypothesized that deeply incongruent state and societal authority patterns would be too great a psychological burden for those living within them. Because relations of authority existed in all facets of social life, they needed to have a similar (democratic) structure for humans to be capable of acting according to their expectations.

Cultural theorists generally believed that the development of a suitable democratic culture occurred over a long period of time, through a complex weaving of processes. For Almond and Verba, the civic culture in successful democracies like the United States and Britain developed over a number of generations through repeated encounters between forces for tradition and forces for modernization. The creation of a civic culture was the result of neither traditionalists nor modernizers being able to impose their will. What emerged over time was a synthetic culture that composed both modern elements (e.g. rational organization) with traditional elements (e.g., veneration of traditions and institutions). At the point working class groups were given rights to participate, the boundaries of acceptable participation had already been established and thus the democratic system stabilized. Eckstein held a similar view. He thought Norway’s Viking history was partly responsible for the country’s cultural consensus. Importantly, for the cultural school of democratic theory, the key elements of democratic stability were largely beyond the intentional manipulation of individuals. The development of the right cultural elements was in Eckstein’s words “primordial.”

Sydney Verba and Robert Dahl suggested that a country’s political culture was the result of two processes: non-political socialization and political socialization. Non-political socialization was the impact that the family, the school and other contacts with peer groups had

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389 Community solidarity was not the only means for establishing cohesion. Eckstein also hypothesized that cohesion could be established through crisscrossing ties or general political agreement.
on political attitudes. Verba contended these pre-political experiences were particularly
important for establishing beliefs about authority and interpersonal trust that carried over into
political life. As important as non-political socialization was for explaining political behavior, it
fell largely outside the purview of political elites. These authors contended that the public’s
beliefs toward the political process were also highly impacted by its experiences with politics.
The role of elites in guiding public expectation and beliefs was, therefore, potentially significant.
Verba identified three primary moments in the life of a nation in which elite decisions could
considerably affect the political culture of the population and particular groups: the process of
forming the country, political crises, and the outcome of demands for greater participation by
excluded groups. In each of these scenarios, leaders could take decisions that could lead to
greater unity and sense of community, and voice, or division, mistrust and deep antagonism.

Despite Verba and Dahl’s claims that there were moments where agency – especially
elite agency – could be critical in establishing or reshaping a country’s political culture, the
overall picture painted by scholars of political culture is one of largely structural determinants.
Political culture was largely beyond the reach of individual or collective control. Empirical
beliefs established the commonsense populations held about the political system. Social values
determined what expectations the citizenry had regarding the process and output of their
government. Feelings or sentiments of loyalty or alienation were largely fixed. The cultural mix
caused the population to participate in democratic or non-democratic ways in the political
process.

4.1.3 Civil society theories of democracy

A third tradition of empirical democratic theory emphasized the importance of civil
society in the emergence and stabilization of democracy. Major contributors include Dankwart
Rustow (1970), Seymour Lipset (1956) and Robert Dahl (1956). For these scholars, the presence
of voluntary associations was central to democratization. Different strands within this tradition
emphasized the contribution voluntary organizations made to the organization and outcome of
political conflict as well as their educational and participatory effects.

Dankwart Rustow argued that enduring social conflict in the context of an existing
common national identity were preconditions for democracy.394 In his “genetic model,” Rustow
claimed democracy emerged in four stages. In the first stage, national unity is established. A
previous collection of people who had disparate loyalties and political identities come to believe
that they belong to a common political community. In the second stage, political struggle
emerges between opposing social classes. Group cleavages may form along a number of
different lines – class, urban/rural, ethnicity, or religion – but the key characteristic is that the
conflict cannot be accommodated within the existing parameters of the political system and no
group is powerful enough to assert its will over and against other groups. In stage three, political
leaders take the deliberate decision to institutionalize democracy (at least partially) to
accommodate the diversity of opposing demands. In Sweden, this occurred in 1907 with the
“Great Compromise” between rural farmers, the lower-middle and working class on the one side
and the conservative alliance of bureaucrats, large landowners, and industrialists on the other.
For Britain step three went through a number distinct phases: the principle of limited government
in the compromise of 1688, cabinet government in the 18th century, and suffrage reform after

394 Rustow, “Transitions to Democracy: Toward a Dynamic Model.”
1832. Rustow calls stage four “habituation.” Over time, agreements that began as instrumental compromises amongst antagonistic groups become objects of true affinity and intrinsic value. The democratic rules of the game are no longer a source of latent conflict. For Rustow, civil society groups play a key role in the emergence of democracy as focal points for inter-group conflict.

Other scholars argued that civil society and political pluralism were necessary for democracy’s continued existence, and not only important for its emergence. The presence of a large network of independent secondary associations was the solution to the totalitarian and dictatorial tendencies of “mass society,” as diagnosed by thinkers like Emil Lederer, Karl Mannheim and Hannah Arendt. Secondary organizations – community associations, labor unions, social clubs, veterans’ groups, sporting groups, lodges, and the like – tempered the isolating and depoliticizing effects of modern society that made individuals prone to bureaucratic domination.

The existence of independent associations supported the stabilization of democracy in four specific ways. First, they were arenas for the production of new political ideas and opinions. They served as a counterweight to official sources. Secondary organizations, of course, existed in totalitarian states as well, but their dependency on state or party power meant they were used to communicate the point of view of those in power. Free secondary institutions not only provided different views about the policies and actions of the government, but stimulated interest in politics in the general population. By forestalling apathy they paved the way to actual participation. Third, social groups were training grounds for political action. They helped men and women to develop the leadership, oratory, and organizing skills necessary for success in politics. They produced the type of people capable of being an effective opposition to ruling elites. Lastly, independent associations increased participation in politics by inculcating habits of participation. The very nature of social groups is to generate collective action, whether it is attending a religious conference, participating in a sporting event or sponsoring backyard barbeques. Members regularly make and implement plans of collective actions based on common interest. The habit of civic engagement carried over into the political sphere. In general, independent secondary organizations were a site of power that could be activated as a counterweight to the state because they increased the political involvement of their members.

The “pluralists” made up a third strand of theorizing about the role of civil society in sustaining democracy. They emphasized the presence of what we might label “political society” rather than secondary organizations in general. Following Joseph Schumpeter’s critique of the “unreality” of both classical and nineteenth century representative government, pluralists accepted that democracy was defined by the method through which political leadership was selected. They also acknowledged that the electorate was more apathetic, less informed and less able to influence the democratic process than earlier theorists had recognized. But taking their cue from James Madison’s discussion of factions (albeit to opposite effect), pluralists emphasized the way interest and pressure groups stabilize democracy and are a central expression of the democratic process. In the pluralist vision, society was divided into a host of

395 Seymour Martin Lipset, Martin A. Trow, and James S. Coleman, Union Democracy; the Internal Politics of the International Typographical Union (Glencoe, Ill.: Free Press, 1956).
different groups who possessed different amounts and kinds of power with which they pursued their members’ interests in politics. The activity of different groups ensured that elected representatives were at least broadly responsive to the interests of the electorate (rather than a tyrannous majority). Regular elections and political competition amongst groups guaranteed that ordinary citizens exert a relatively high level of control over politicians. The conflicting priorities of different groups as well as the crisscrossing memberships meant that no social group was able to dominate the political process and in the long-term the interests of everyday citizens were protected. And despite conflicts over policy preferences, the stability of the democratic system was ensured by broad consensus on the norms of political activity. At a minimum, the losers in an election recognized the right of the winners to rule. In sum, the existence of a diverse political society ensured that leaders remained broadly responsive to the citizenry (despite widespread citizen non-participation) and no single group would come to dominate the machinery of government.

4.1.4 Contrasting socioeconomic, cultural and civil society theories of democracy

Table 5.2 summarizes the different traditions of democratic theory in the 1950s, 60s and 70s. Each tradition highlighted a different condition as important. For socioeconomic theories, capitalist development was the key. For cultural theories of democracy, attitudes, sentiments and cognitive beliefs were central. For civil society theories, the existence and functions of secondary associations were important for the emergence and stabilization of democracy. As the table indicates, however, within each tradition different theorists identified different mechanisms that supported democracy’s emergence or stabilization.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Socioeconomic</th>
<th>Cultural</th>
<th>Civil Society</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Capitalist development</td>
<td>Attitudes, sentiments and cognitive beliefs</td>
<td>Secondary associations</td>
</tr>
<tr>
<td>Mechanisms</td>
<td>1. Reduction in societal conflict (Lipset)</td>
<td>1. Civic culture (Almond and Verba)</td>
<td>1. Opposing group interests and habituation (Rustow)</td>
</tr>
<tr>
<td></td>
<td>2. Bourgeoisie preference for democratic political structures (Schumpeter, Moore)</td>
<td>2. Congruent authority structures (Eckstein)</td>
<td>2. Socialization (Lipset, Trow and Martin)</td>
</tr>
<tr>
<td></td>
<td>3. Working-class demands for inclusion (Therborn)</td>
<td>3. Political and non-political socialization (Verba and Dahl)</td>
<td>3. Government by minorities and value consensus (Dahl)</td>
</tr>
</tbody>
</table>
In the next section, I demonstrate how the socioeconomic tradition of democratic theory influenced the West European policy of détente during the Cold War.

5. Western Europe and the Promotion of Democracy during the Cold War

How does the previous discussion of empirical theories of democratization help us to make sense of Western Europe’s policies of détente during the Cold War? It is widely recognized that the United States and Western Europe repeatedly clashed over relations with Eastern Europe and the Soviet Union during the Cold War. Disagreements repeatedly arose especially in the areas of Western credits and export controls in East-West trade. While American and European leaders agreed that there should be a blanket ban on trade in military-relevant equipment and technologies, they repeatedly disagreed over trade in non-military goods, the provision of export credits and general economic cooperation. These differences in the US and Western Europe approaches to trade with their Cold War adversaries has been described as “containment” versus “interdependence” or “dissolutionist” versus “transformationalist” thinking.

The US viewed foreign economic policy as an extension of its security policy of containment. Supporting economic growth in the allied West (e.g., through the Marshall Plan) and denying Western exports to the Soviet Union so as to undermine its military capability and thus to maintain a significant economic and military advantage were part and parcel to the US’s overall goals. As evidenced by the 1949 Export Control Act and the 1951 Mutual Defense Assistance Control Act (also known as the “Battle Act”), US foreign economic policy toward the Soviet bloc aimed to deny it access to industrial materials and technology, which would benefit its industrial and military capabilities. An important element in this strategy was to implement an effective multilateral embargo system with its West European allies through the Coordinating Committee for Multilateral Export Control (CoCom), which was initiated in 1949 and began operation in 1950.

Following the rise of Willy Brandt in West Germany and Olof Palme in Sweden in the late 1960s, Western Europe initiated a more open trade policy with Eastern Europe. At times Western Europe sought to attach specific internal policy changes to improved relations, for instance when human rights provisions were incorporated into the 1975 Conference for Security and Co-operation in Europe Final Act. More frequently, however, the Community and member states attempted to promote democracy and improvements in the social conditions through the creation of trade and commercial contacts. In West German Foreign Minister Egon Bahr’s famous phrase, the aim was “change through rapprochement.” Between 1970 and 1977 East-West trade steadily grew as West European states offered the socialist states credits to purchase capital goods as well as machinery and technology to modernize their industries. At the same

397 Of course, US and West European policies were not purely conflictual.
398 Although what precisely sorts of goods should be deemed as “military-relevant” was a source of disagreement.
399 Smith, The Making of EU Foreign Policy, 37.
time, the Soviet bloc diversified their traditional exports of raw energy to include semi-finished and manufactured goods. Following the communitarization of member states’ commercial policies in 1974, the Community repeatedly held negotiations with the Council for Mutual Economic Assistance (CMEA), and subsequently with individual CMEA states. Discussions between the Commission and Hungary and Czechoslovakia over expanding sectoral trade agreements began in 1983. By 1984 the Community was the largest trading partner with the socialist states and held two thirds of the total debts of the CMEA. Despite repeated US efforts to limit trade and economic agreements between Western Europe and the Eastern bloc, economic exchanges expanded throughout the Cold War period.

It would be misleading to suggest that Europe’s East-West trade strategy was determined primarily by the goal of promoting democracy and a socioeconomic theory of democratization. For many leaders, considerations of the economic benefits and costs to their domestic economies and industries, the belief that inter-state economic exchanges would help to stabilize peaceful relations, the importance of historical cultural affinities between countries, and the desire to assert autonomy from the US as well as to limit the control of the Soviet Union over the foreign policies of the countries of Eastern Europe played a significant role. Western Europe’s Eastern policy during the Cold War was a classic example of mixed motives and mixed cognitive beliefs. Nevertheless, the influence of the socioeconomic tradition of democratic theory was evident in the EEC/EC’s East-West trade policy. By building closer economic relations through international trade and supporting economic liberalization domestically, EEC leaders hoped this would support an orderly transition to democracy. A primary example of how the US and Western Europe approached East-West economic relations differently is evident in their responses to the Polish crisis in 1981-1982.

Following the emergence of Solidarity (Solidarnosc) in Poland and General Wojciech Jaruzelski’s declaration of martial law in December 1981, long running tensions between the US and its European allies over East-West trade reached a critical juncture. The US response to the imposition of martial law was immediate and punishing: the introduction of economic sanctions against Poland and the Soviet Union, including the curtailment of agricultural exports, technology sharing and financial credits. The US put pressure on the Community to do likewise. After a much delayed response, the Community decided to reduce import quotas from the Soviet Union by a mere 1.4 per cent. The Community also shifted its food and medical aid to the Catholic Church and other non-official bodies rather than deal directly with the Polish government. More significantly the Community agreed to support the US position not to reschedule Poland’s official debts until martial law was lifted, to limit Poland’s access to credits and to raise interest rates on other socialist states. In any case, the Community response fell well below the Reagan administration’s expectations.

In June 1982, the Reagan administration moved to stop the construction of a natural gas pipeline then underway between the Soviet Union and Western Europe. The construction of the pipeline depended on Western credits and technology. The administration announced that West European firms that had signed contracts with Soviet Union for the supply of equipment would not be able to use any American licenses or technology in the fulfillment of the contracts, including equipment built in the EEC by US subsidiaries. The declaration was in effect an

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404 Smith 32
405 Crawford, “The Roots of European Self-Assertion in East-West Trade.”
extraordinary extra-territorial application of American law. In an unusually strongly worded letter to the US State Department written by the Commission in consultation with member states, the Community declared that US efforts to block the construction of the natural gas pipeline was illegal under international law and threatened Western Europe’s commercial interests. Furthermore, the letter stated that sanctions were unlikely to be effective at bringing about the desired political changes. Although a compromise between American and the Community was eventually reached, the dispute clarified a key difference between American and Community perspectives on East-West trade. For the Americans, trade policy was subordinated to its goal of containing the Soviet Union and its allies. For Western Europe, trade and other economic relations was in part a means for supporting further liberalization and eventually democratization.

Writing in *Foreign Affairs* magazine in 1982, West German Foreign Minister Hans-Dietrich Genscher and leader of the Free Democratic Party since 1974 described what he viewed as the major differences between the American and European approach to détente. He noted that these differences demonstrated themselves with special clarity in the Polish Crisis. Whereas Americans viewed détente as an alternative to and potential replacement for a strategy of military confrontation and containment, Europe viewed détente as one pillar of a two-pillar strategy toward the Soviet Union. As a result when détente “failed” in the mid- and late-1970s to induce Soviet restraint in Angola, Poland and Afghanistan, Americans drew the conclusion that dialogue, negotiations and cooperation had shown themselves to be utopian Cold War policies. For West Europeans, according to Genscher, it simply demonstrated a lack of “equilibrium” between the military and détente aspects of the Western strategy. Most notably, during the 1970s US military spending had declined and a policy of non-cooperation with the Soviet Union in the economic sphere had been pursued. The US, according to the West German Foreign Minister, had simultaneously reduced its commitment to containment and gave up on attempts to incentivize Soviet cooperation. For Genscher what was needed was a “realistic policy of détente,” which took a long-view of political change in the East. 

For the Europeans, the first pillar consisted in the maintenance of sufficient military capabilities in the Atlantic Alliance to deter or defend against a possible Soviet attack. The second pillar was the readiness for dialogue, negotiations and cooperation to stabilize the East-West conflict and to reduce tensions. Détente was based on the beliefs that a great leap forward in East-West relations would not occur in the near future and that the alternative strategy of “linkage” would prove ineffectual. The short-term purpose of dialogue between the governments and peoples of the West and East, negotiations (especially over arms control), and cooperation (especially in the economic sphere) was to mitigate the possibility of war in Europe and to sustain a “modus vivendi.” The medium- or long-term purpose of détente was to bring...
about a peaceful domestic transformation in Eastern Europe and the Soviet Union: “the long term [aim is] to foster an evolutionary process in Eastern Europe and the Soviet Union itself, leading to greater freedom for people in the East and to a genuine peace order in Europe.”413 As one feature of Europe’s overall strategy, détente supported near-term international peace and stability as well as long-term domestic political change.

In sum, Genscher’s argument against linkage was that cutting off trade and withdrawing Western credits would have minimal effect on the Soviet economy, reduce the economic incentives for a change in Soviet foreign policy, reduce internal demands for change, and hurt Western economies both in absolute and relative terms. While precautions should be taken to ensure that economic relations were truly mutual beneficial, the transfer of military relevant technology strictly limited, and dependence avoided, the best prospect peaceful coexistence and domestic political transformation depends on maintaining economic ties and offering the prospect of “truly significant and comprehensive cooperation.”414

We can see then that European policy during the Polish crisis and Genscher’s justification drew upon a loose version the socioeconomic theory of democracy discussed in the previous section. Economic modernization through international trade would over the long-term contribute to peaceful domestic political change.

6. Empirical Theories of Democracy in the 1980s/early 90s and EU Membership Policy

Structural theories of democracy influenced the way the EEC and member states engaged with their neighbors to the east during the Cold War. Following the rise to power of the West German Social Democrats in the late 1950s, the EEC attempted to bolster the forces of democratization through establishing more robust economic linkages with CMEA. Drawing upon socioeconomic theories of democratization, EEC policy was underpinned by the belief that economic linkages and their attendant benefits would support the democratization of the Communist countries. By aiding CEE’s socioeconomic development, the EEC was also facilitating its democratization. How does this compare to the Community’s policy at the end of the Cold War?

As described in the previous chapter, the European Council at the end of the Cold War committed the Community to a mixed strategy of economic engagement and conditionality to support the political transformations underway in Central and Eastern Europe. In their basic logic, these policies are in tension. The policy of engagement expects democracy to be the outcome of building closer political and especially economic relations. The policy of conditionality requires states to implement political and economic changes before closer political and economic relations commence. The purpose of this section is to explain the presence of this puzzling position taken by the European Council.

I argue that the differing policies expressed the continuing resilience of the socioeconomic theory of democracy and the advent of new theories of democracy that emphasized the importance of agency and elite choice. The end of the Cold War did not lead to a reversal of the Community’s Cold War policy and its replacement by conditionality, as Karen Smith has argued.415 The European Council drew on different, competing causal theories of

413 Ibid.
414 Ibid., 55–56.
415 Smith, The Making of EU Foreign Policy, 43.
democracy in formulating its policies with respect to CEECs. This Community’s mix policy of engagement and conditionality is best accounted for the continuing influence of both the socioeconomic tradition of democratic theory and the rise of elite theories of democratization.

6.1 The rise of agent-centered theories of democratization

Beginning in the mid-1980s and early 1990s, some scholars began to break away from or modify the existing search for macrosocietal factors that were determinative of democracy’s emergence or survival. Central to this development was the work produced by a number of scholars (and sometimes politicians in the case of Fernando Henrique Cardoso) associated with the Woodrow Wilson Center’s project on “Transitions from Authoritarian Rule.”

This included Guillermo O’Donnell and Philippe Schmitter as organizers, but also Laurence Whitehead, Robert Dahl, Juan Linz, Adam Przeworski, Albert Hirschman, and Fernando Henrique Cardoso amongst others. The traditional views that emphasized economic, cultural or societal determinants continued to hold sway in certain quarters, but these researchers emphasized the role of elite agency, elite interactions and strategic choice. The shift towards agency in theories of democracy emerged out of three primary criticisms of structural accounts. These criticisms were empirical, theoretical and normative in nature.

The empirical criticism of structural theories of democracy was straightforward. The search for necessary or sufficient conditions could not be reconciled with the fact that so many societies with strikingly different characteristics had made the transition to democracy. Terry Karl concluded, “The experience of Latin American countries in the 1980s challenged all of these presumptions about preconditions.” Peru’s transition occurred despite low or negative growth rates, extreme levels of foreign debt, persist balance of payment problems, and a regressive distribution of income. Argentina remained authoritarian despite relatively high levels of per capita GDP. If political culture was the alleged key to democracy, how could Uruguay and Brazil make sudden democratic transitions despite sizable sections of the population tolerating significant levels of state terror and widespread human rights violations? The recent historical record of democratic transitions neither supported the thesis that capitalist development, nor political culture, nor the presence of civil society groups were necessary or sufficient for democracy.

The theoretical criticism speculated that the empirical theories of democracy had mixed up the cause and effect. Democracy and certain social conditions were correlated. But the causal relation between the hypothesized condition and democracy may in fact have been reversed. Democracy, for instance, may not be the result of economic development – high levels of per capita GDP or literacy, urbanization or literacy – rather higher levels of economic development may be the result of the presence of democracy. Similarly, the creation of a

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419 Ibid., 5.
democratic culture may follow rather than precede democracy’s emergence. The types of societal cultural traits associated with stable democracies – Verba and Brady’s “civic culture” or Eckstein’s “parallel authority structures” – might be the outcome of democratization rather than its origin.420

A third criticism focused on the limited policy guidance provided by structural theories.421 According to one author, the break from the focus on macrosocietal factors was in fact “largely political.”422 Many of the hypothesized factors driving existing theories of democratization seemed to be largely beyond the immediate reach of policy-makers. If democracy depended on the presence of a supportive political culture, for instance, it was unclear what policy levers, if any, supporters of democracy had available to them. The development of the right political culture was a long and winding process, often appearing to be the result of chance and luck rather than planning and policy. Similarly, while political leaders who hoped to see democracy emerge in the long-term could pursue economic and social policies aimed at increasing per capita GDP, improving literacy rates, or modernizing the economy, existing theories presented few opportunities for immediate democracy-enhancing action. Structural theories were not sufficiently policy relevant. The search for policy relevant advice landed on the empirical claim that agency and process were central to transitions away from authoritarianism and to democracy.423

These criticisms led this new literature to focus on the choices of state and societal actors in an evolving process. Scholars centered agency and de-centered structure. In their “tentative conclusions,” Guillermo O’Donnell and Philippe Schmitter emphasized the role of elite “pacts.”424 Pacts were agreements amongst a restricted group of actors (political, military, or societal) that redefined the rules of governing while ensuring that the vital interests of the actors’ were not threatened. While often including provisions for greater amounts of participation and accountability in political decision-making, they nonetheless restricted who could participate and limited the political agenda.

O’Donnell and Schmitter hypothesized that such democratic pact-making evolved over a series of “moments.” Democratic transitions frequently began with elements of the ruling military regime negotiating with societal notables to partially liberalize in exchange for commitments to allow the military to continue to rule. The military moment may then be superseded by a political moment in which political parties negotiated with the military for a limited opening for political competition. Like the military pact, the political pact retained significant limits on who could participate, how resources and representation would be distributed, and what issues could be on the policy agenda. A third moment likely to arise was the renegotiation of the basic organization of the economy. Because authoritarian regimes tend to leave a difficult economic legacy, civilian leaders were often faced with the need to take dramatic decisions to revitalize the economy. To take these decisions required the support or acquiescence of significant groups. In each democratizing moment, the particular configuration of interests and bargaining amongst significant groups were central.

423 Ibid., 333.
The new emphasis on elite choices and pact-making did not, however, always lead to radical reconstructions of the older approach, even by those who accepted the essential validity of the criticisms. For some like Terry Karl, the breakdown of authoritarian regimes was the result of decisions and strategic bargaining (especially amongst elites) and the presence or absence of certain social structures and political institutions. Choice and compromise were important, but were enabled or constrained by features like the organization of the domestic economy and its links with state elites or the procedural and substantive rules of the political game. Additionally, because elite agreements or pacts set limits on the policy agenda, redistribution of resources or extent of participation they could become structures in later stages that restrict further democratization or channel it in specific ways. For others, the economic theory of democracy remained largely correct but political leadership could play a role in the timing of a democratic transition and democracy’s consolidation.

6.2 Empirical democratic theory and the EC/EU’s instruments of democratic promotion

At the end of the 1980s and beginning of the 1990s empirical democratic theory was divided over the relative importance of structures and agency. The long-standing focus on economic, social and cultural determinants was joined by new theories that emphasized the contribution of elite decision-makers to a country’s democratization.

The theoretical debate over democratization was not limited to the academy. In formulating their response to developments underway in Central and Eastern Europe, the heads of state and government in the European Council emphasized both engagement and conditionality as policies to support further political reform. The policy of engagement meant the EC/EU would provide various forms of political and economic aid to support countries’ democratization. According to the Edinburgh European Council,

One year after the dissolution of the Soviet Union, the European Council renews its commitment to help the transition from Communism to democracy…. Cooperation between the Community and its member States and the countries of the CIS is developing rapidly. It is extending into unprecedented areas. Joint business ventures and new political relationships have been created. Friendly exchanges have been initiated at various levels…. We pledge ourselves to build on this cooperation. We shall continue to give the strongest possible support to those striving for democracy. We shall seek to develop trade, investment and technical cooperation…. In this statement, it is suggested that further democratization will be the result of diverse forms of cooperation and support.

At the same time, the policy of conditionality meant the EC/EU would provide political and economic aid contingent on the fulfillment of prior reforms. As stated by the Madrid European Council,

The Community has taken and will take the necessary decisions to strengthen its cooperation with peoples aspiring to freedom, democracy and progress and with States which intend their founding principles to be democracy, pluralism and the rule of law. It will encourage the necessary economic reforms by all the means at its disposal, and will continue its examination of the appropriate forms of association with countries which are pursuing the path of economic and political reform.\footnote{The European Council, “Madrid Conclusions of the Presidency,” 11.}

Here, Community support will be provided to countries ‘which are pursuing the path of economic and political reform.’ As documented in the previous chapter, of the eighteen European Council documents analyzed, all eighteen committed the EC/EU to a policy of engagement and thirteen to political conditionality.

At the end of the Cold War, the European Council policies of democracy promotion were muddled because empirical democratic theory was itself muddled. For some, structural conditions remained central to explaining democracy’s emergence and success. For others, elite agency and bargaining were the important mechanisms of bringing about democratic change. For a third group, the right mix of structure and agency sustained democracy. Thus on the one hand we see the European Council advocating engagement, especially enhanced economic relations, as a means for supporting democratization. On the other hand, the European Council commits the EC/EU to conditionality in order to incentivize democracy-enhancing choices by political and societal elites.

7. Conclusion

In June 1993 at the Copenhagen Summit of the European Council, the heads of state and government of the EU declared that the ten countries of former communist Europe were eligible to become members of the European Union. Countries wishing to join the Union, however, must, in the words of the Copenhagen Criteria, “achieve stability of institutions guaranteeing democracy.”\footnote{The European Council, “Copenhagen Conclusions of the Presidency” (The European Union, 1993).} With a short declaration, a political regime long thought to be the essence of anarchy and injustice was embraced as a cornerstone for a stable, prosperous and peaceful Europe.

This chapter has addressed why the EU promotes democracy through membership conditionality. It has made two primary arguments. First, I explained the shift in the value attached to democracy (from political legitimacy to regional welfare) as reflecting the influence of securitization theory. In the view of securitization theory, the democratization of Central and Eastern Europe would serve a number of regional security and economic goals. It would shield against the development of a new ideological schism and military confrontation in Europe. It would ameliorate ethnonationalist tensions and thus lessen the likelihood of unwanted mass migration from East to West. And the spread of democracy would form the domestic basis for developing robust regional security and economic cooperation. Second, I explained the partial shift to conditionality at the end of the Cold War as reflecting new causal theories of democracy. During the Cold War the west European policy of détente drew upon causal theories of democracy that emphasized the centrality of socioeconomic conditions as requisites of
democracy. The partial shift to conditionality on behalf of the EU and EC reflected new emphasis on agency and choice in the democratization process.
Chapter Six
An Interpretivist Research Agenda for EU Studies

1. Introduction

The purpose of this project has been two-fold. The first was to define and defend interpretivism as an approach to the study of the EU and genealogy as one form of interpretivist inquiry. In doing so, I distinguished interpretivism from other significant approaches in the field of EU studies. The discussion of interpretivism is primarily contained in chapter one. The second aim of the project – located in chapters two through five – was to provide an explanation of the constitutionalization of democracy in the EU since the early 1990s. Democracy has been ‘constitutionalized’ in the sense that democratic principles and rules have been embedded in the EU’s legal regime. In chapters two and three I addressed the democratic reforms introduced to the Union by the Lisbon Treaty. In chapters four and five I focused on the Union’s membership conditionality. The two purposes of the project are connected. The chapters on the constitutionalization of democracy illustrate the distinctiveness and usefulness of the interpretive genealogical approach I advocate.

In this final chapter I will summarize the major substantive findings of the study and then turn to the broader issue of what an interpretivist research agenda might look like for EU studies. The primary change such a research agenda would introduce is a shift from trying to identify social structures that explain EU outcomes to a focus on ideational traditions and situated agency. I conclude by considering some implications of an interpretivist approach for one particular area of EU studies: normative democratic theory. My primary claim is that a commitment to nominalism leads to a warranted skepticism regarding attempts to stipulate a democratic blueprint for the EU. Rather than leading to the conclusion that democratic theory should be abandoned, however, I suggest a reorientation towards what I call “democratic theory in the conditional.”

2. Main Findings and Arguments

The empirical focus of this project has been constitutionalization of democracy in the EU. In this section, I highlight the major findings.

Chapters two and three focus on the democratic reforms contained in the Lisbon Treaty (LT). The aim was not to address every reform contained in the Treaty, but to focus on a few significant ones: inter alia, the extension of the powers of the European Parliament, the enhanced subsidiarity powers of the national parliaments, the introduction of greater transparency and openness in the policy-making process, the extension of QMV in the Council, a clearer delineation of responsibilities between the Council and the European Council, and the creation of the High Representative of the European Union for Foreign Affairs and Security Policy. The central questions I addressed were why did reforms take the shape that they did? And why were these reforms believed to enhance democracy?

As I explained in chapter three, post-Maastricht the European Council, the European Parliament and the Commission viewed the rise of a Eurosceptical public as a significant dilemma for European integration and policy-making. The institutions interpreted the difficult ratification of the Maastricht Treaty and the public dispute that accompanied it as evidence that public support could no longer be assumed. Some scholars have described the impact of a Eurosceptical public as a change from a “permissive consensus” to a “constrained dissensus.”

Member states, the Parliament and the Commission feared that their ongoing and future plans for the EU would be hampered unless they stemmed the rising tide of Euroscepticism. They believed that public opposition originated in part from the fact that the EU was insufficiently democratic. For the institutions, the EU’s social legitimacy was hampered by its faulty democratic legitimacy. The institutions approached democratic reforms as way to tamp down public opposition and rebuild support for the European project. The institutions thus took an instrumental approach to democratic reforms, aiming for what I labeled “system maintenance.”

Agreement on the end (systems maintenance) and the general means (democratic reform) did not ensure agreement on the substance of democratic reforms. While the three institutions occasionally advocated changes that overlapped, they frequently made differing proposals. Why did the institutions support conflicting democratic reform agendas? There can be little doubt that each of the institutions was worried about how changes would affect its own influence within the policy-making process. Nevertheless, I argued that part of the explanation is that the institutions drew on different “governance traditions” in conceptualizing the legitimacy of the EU. In chapter two, I discussed the origins and features of the governance traditions that the institutions drew upon – nationalism, federalism and technocracy. Because the European Council was inspired by the nationalist tradition, it advocated changes based on the model of a “democratic union of states,” including greater interdepartmental coordination, an enhanced coordinating role for the General Affairs Council, and a clearer and more consistent division of tasks between the Council and the European Council. Because the Parliament was inspired by the federalist tradition, it advocated for changes based on the model of “federal parliamentary government,” including extending subsidiarity powers to the national parliaments and enhancing its own legislative, budgetary and oversight powers. Finally, because the Commission drew primarily on the technocratic tradition, it proposed reforms based on the model of “representative governance.” The reforms it proposed included communitarizing JHA and CFSP, combining the positions of the High Representative of the EU and the Commissioner for External Affairs, extending QMV in Council decision-making and providing control mechanisms for national parliaments. In sum, because the institutions conceptualized Union democracy differently they advanced competing proposals about how to address the dilemma of public skepticism.

The argument in chapter three draws two primary conclusions. First, EU democracy is a composite of concepts. It is a composite of concepts because the Lisbon Treaty (LT) incorporates proposals from the European Council, Commission and Parliament. The LT’s democratic reforms were rooted in different governance traditions and different models of EU democracy. A democratic union of states, federal parliamentary government and representative governance are all models of a democratic EU, but they are different models. Because the LT incorporates different elements of these models, EU democracy is a composite of concepts.

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431 Hooghe and Marks, “A Postfunctionalist Theory of European Integration.”
The second conclusion I drew is that the democratic deficit is not likely to be eradicated. This is due to two reasons. The institutions hold different views about what makes and what would make the EU more democratic and this leads to conflicting reform proposals. Changes advocated for by one of the institutions can be either non-pertinent or conflict with the views of one or both of the other institutions. Take for instance the position of the High Representative. The reader will recall that the Commission advocated the creation of the High Representative because it would enable the Union to achieve the foreign policy interests of EU citizens. These foreign policy interests – combatting trafficking and organized crime, supporting democratization and addressing climate change amongst others – correspond with maintaining what the Commission called a “European model of society.” Because the High Representative would be responsible for managing resources controlled by the Commission, it argued that the new position should be affiliated with the Commission to ensure democratic accountability. If the High Representative stood independent of the Commission and yet controlled Commission resources, she would control resources that she was not accountable for. Democratic accountability, in the view of the Commission, thus required her to be a full member of the Commission. The role and position of the High Representative fit with the Commission’s model of representative governance. The eventually agreed upon formula for the High Representative departed in significant ways from the Commission’s original proposal. The High Representative is a Vice-President of the Commission and chair of the Foreign Affairs Council. The process through which she is selected and confirmed ensures that member states maintain significant control. While this outcome differed significantly from the Commission’s ideal, it fits with the member states’ view of the EU as a democratic union of states, which is responsive to the democratically elected heads of state and government. How the High Representative’s hybrid identity is democracy enhancing depends on whether one accepts the Commission’s or member states’ model of democracy. From either perspective, the High Representative’s hybrid identity is not entirely satisfactory. Democratic deficits like this are likely to continue because disagreements over the right model of democracy are likely to persist. While contingent overlaps in perspectives will arise, critics who take a federal view of democracy will fault the EU’s persistent intergovernmentalism. Those who adopt a nationalist view of democracy will criticize its federalism. And technocrats will disagree with both.

There is a second reason that critics will likely continue to find fault with the EU’s democratic credentials: the purpose of reform has not been democracy per se, but system maintenance. Because a primary impetus for treaty reform was the perception that the European project was endangered by the rise of a Eurosceptic public, the ultimate goal was not democracy but stabilizing public opinion in support of the EU. The goal was systems maintenance. Such an orientation forestalled the consideration of more radical, participatory democratic transformations. Since the aim was building support for the EU, including support for its further development and deepening, changes that would give the public too much control or influence over EU decision-making were taken off the table from the start. If the public had too much influence, it may use that power to take the EU in directions the EU institutions did not support, including reversing previous decisions.

The orientation towards system maintenance helps to explain why the Citizens’ Initiative (CI) has the peculiar restrictions that it does. These restricts strip the CI of much of its radical participatory potential. Unlike in other referenda systems where citizens can propose and vote on

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432 These reasons are not exclusive of other reasons, but they are in their own right obstacles to addressing the EU’s democratic deficit.
radical overalls of policy or policymaking, the CI is limited by two fundamental restrictions. The proposal can only request that the Commission initiate a legislative proposal. A CI cannot compel the Commission to act. The Commission can decline to act on any initiative that nonetheless surpasses the stipulated threshold for public support. More significantly, the proposal must be oriented toward achieving the goals as set down in the Treaties: the proposal must lead to the deepening of the EU. The only sort of democratic participation that the CI permits is participation that is pro-system.

The EU’s democratic deficit is thus likely to remain for two reasons. First, there are continuing disagreements over what reforms would make the EU more democratic. These disagreements themselves are rooted in different governance traditions. Second, since for the institutions the ultimate objective of democratic reform has been system maintenance, more radical democratic innovations do not have institutional support.

In chapters four and five, I address a second feature of the constitutionalization of democracy: membership conditionality. In the 1993 Copenhagen Criteria, the leaders of member states formally declared that applicant states must be democratic in order to be eligible for membership. Moreover, the policy was initiated with the express purpose of incentivizing democratic reforms in third-states. Explicitly tying membership to democratic reforms in applicant states was presented as mechanism for supporting democratization in Central and Eastern European countries. Chapters four and five are dedicated to tracing the origins of the ideas that made this policy change possible.

In chapter four, I examined how EC/EU policy actors understood the democratic requirement in the early 1960s compared to the late 1980s and early 1990s. Because of the critical roles they played in determining the EC/EU’s policy during these periods I focused on the European Parliamentary Assembly and the European Council, respectively. Based on an examination of institutional documents, the chapter drew two primary conclusions. First, in the early 1960s the Parliamentary Assembly viewed the democracy requirement as necessary to uphold the Community’s moral ideals. The Community was conceived as a moral community committed to solidarity amongst countries and the protection of people’s basic interests, including their interest in living under a democratic form of government. Alternatively, in the late 1980s and early 1990s member state leaders emphasized the contribution democracy made toward regional security and economic well-being. Spreading democracy supported member states’ interests in a stable and prosperous Europe. The first conclusion I drew then was that there was a shift in why EU actors believed member states should be democratic. That is, there was a change in why democracy was believed to be normatively desirable.

The second finding concerned the role of the EC/EU in promoting democracy in third-states. While the Parliamentary Assembly believed in the early 1960s that democracy should be a requirement for membership, they did not express the view that the prospect of membership could serve as an effective way of incentivizing democratization. If conditionality is the explicit linking of material or symbolic benefits to a change in policy or practice, the Parliament believed democracy should be a condition for membership, but not that membership could be an instrument of conditionality. This stands in contrast with the way member states in the European Council discussed the membership criterion in the later period. By the late 1980s, member state leaders believed that a policy of carrots and sticks could help drive domestic democratic reforms in states wishing to join the EU. The European Council expressed the view that political leaders could be induced to introduce democratic reforms in light of the expected benefits of membership and the heavy costs of exclusion. The second conclusion I drew based on the
evidence was that there was a change in the causal theories that EU actors held regarding democratization.

Chapter five addresses why the normative and causal theories held by Community actors changed over time. It provides an account of why EU policymakers by the late 1980s had come to believe that the spread of democracy throughout Europe would support regional security and economic well-being, and also why they thought that requiring applicant states to be democratic would be an effective means of promoting democracy in Central and Eastern Europe. By providing answers to these questions, the chapter provides a genealogy of key beliefs that underpin the EU’s current membership policy on democracy. I explained the changes in the normative and causal beliefs held by EU actors by setting them in the context of broader historical shifts in the way democracy was theorized. More specifically, I argued that the belief that democracy would contribute to regional security and economic well-being was influenced by the rise of “securitization theory.” I attributed the shift in the causal beliefs that EU actors held about the role of the Community in promoting democracy to the emergence of new empirical theories of democratization that focused on the agency of elite actors.

The Copenhagen School of International Relations provided the clearest distillation of securitization theory. Central to ST was de-emphasizing military security and emphasis on societal security. Whereas military security took sovereignty (political independence and territorial integrity) as its object of concern, societal security emphasized the importance of maintaining valued forms of life within a society. This shift occurred against a wide-ranging critique of Realism as an analytical framework and policy orientation. From the perspective of ST, democracy promotion supported societal security in four primary ways: (1) it insulated Western democracies from ideological challengers, (2) it eliminated the ideological source of military confrontation, (3) it stabilized domestic societies and thus blocked conflicts from spilling over borders, and (4) domestic democracy could support the construction of a robust international society organized around common norms and institutions. The key take away point is that according to ST the democratization of Central and Eastern Europe would support the ability of Western Europe to maintain its model of society.

If securitization theory explains why political leaders in the late 1980s and early 1990s hoped for the successful democratization of Central and Eastern Europe, the spread of new empirical theories of democratization explains why they believed they could support these efforts. Prior to the mid-1980s, empirical theories of democratization focused on structural conditions. Influenced by an older form of positivism, these theories sought to establish the conditions that were either necessary or sufficient to bring about a country’s transition to a democratic form of rule. To be sure, different theorists emphasized different conditions or combinations of conditions. Some focused on levels of economic development, others the presence and organization of civil society and still others political values. But importantly democracy was seen as the result of underlying features of domestic society.

In the 1980s, some scholars of democratization began to shift their attention to the role of agents, especially the strategic choices of political elites. This shift is captured well by the collaborative project *Transitions from Authoritarian Rule: Prospects for Democracy*.

The focus on the decisions of political elites in empirical democratic theory was prompted by the recognition of a number dilemma for existing approaches. Three stand out. First, the existing social prerequisites approach could not account for various empirical anomalies. Some poor countries like Peru democratized, while other rich countries like Argentina remained

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authoritarian. A second doubt emerged over whether the cause and effect relationship between democracy and the theorized conditions had been reversed. Rather than certain social conditions leading to democracy, some scholars began to wonder if it wasn’t the case that democracy brought about the observed social conditions. The third dilemma was policy-political. Many of the hypothesized factors central to precondition theories seemed largely beyond the immediate influence of policymakers. For instance, it was not clear what, if anything, Western policymakers could do to influence social values of a given society. The search for policy-relevant advice led to an interest in elite decision-making.

The empirical, theoretical and policy-political dilemmas that arose in the 1980s gave way to a new emphasis on elite choices and what was labeled “pact-making.” As scholars and policymakers began to focus on the role of elites in initiating and democratization, it became possible to think that a policy of carrots and sticks would be effective at supporting democratization in non-member states. Elite choices could be manipulated through the strategic timing of various inducements. The EU’s policy of membership conditionality drew on this new development. In exchange for democratic reforms, the countries of Central and Eastern Europe would receive the promise of EU membership and its attendant benefits. The declaration of the Copenhagen Criteria in 1993 was the concrete expression of the shift in empirical democratic theory from a focus on social conditions to elite choices.

The constitutionalization of democracy in the EU since the early 1990s exhibits the effects of both old and new ideas. The Lisbon Treaty reforms reflect the continuing influence of nationalism, federalism and technocracy and the new problem of public opinion. The EU’s membership conditionality reflected the rise of securitization theory and new causal theories of democratization. The democratization of EU governance was the result of actors drawing on existing ideas in response to new dilemmas.

3. Interpretivism and EU Studies

Interpretive theory focuses on the beliefs the people it studies and the meanings that shape their actions. The interpretive approach used here explains the actions of those it studies by locating their beliefs in the relevant historical traditions and in response to particular dilemmas. One purpose of this project has been to illustrate the usefulness of an interpretivist approach for the study of the EU through tracing the origins of certain ideas that underpinned the constitutionalization of democracy. Since I have argued that interpretation is not just useful but indispensable for political inquiry, in this final section I address the larger question of what research agenda an interpretive approach could inspire for EU studies and how would it differ from other research agendas?

The primary differences an interpretivist agenda would make to EU studies is not what it would study. The topics or issues would be the same. Like other EU scholars, interpretivists would be interested in both the “big bang” events of European politics and day-to-day policymaking and its effects. The way an interpretive approach would differ is in the questions it would raise about these topics and the explanations it would produce.

In the introduction, I criticized major strands of EU research for taking as their objects of study social and psychological structures. Of course, different research traditions – International Relations, comparative politics, the governance school – emphasize different structures and

combinations of structures. But the questions they typically ask are what are the causal factors that contribute to some observable outcome? Or, what are the conditions and mechanisms that cause some outcome occur? The interpretivist criticism of these approaches is that by focusing on structures or quasi-structures, scholars attempt to explain the actions of agents while bypassing their actual beliefs and preferences. Explanations that appeal to structure or quasi-structures run afoul of the premise that humans are agents who act according to their desires and beliefs. By contrast, an interpretivist EU studies would re-center agency and the beliefs and preferences that shape action. This re-centering would involve producing historical narratives of the beliefs and desires of the actors who are the focus of research. The focus of an interpretivist EU studies would be situated agency.

As I have attempted to do here in my study of the democratization of EU governance, an interpretivist agenda would research the political, cultural and social scientific traditions that influence the actions of EU policy makers. The first change an interpretivist research agenda would then be a shift from a focus on structures or quasi-structures to a focus on traditions that bear on the desires and beliefs of EU actors.

An interpretivist approach would also investigate the dilemmas that European integration throws up and attend to how different actors respond to such dilemmas. Whereas the concept of tradition is useful for capturing the influence of society on actors’ agency and thus the continuity of action, the concept of dilemma captures the experience of change. It is important to be clear here. A dilemma should not be equated with “objective pressures in the world” that cause actors to re-evaluate their existing beliefs and preferences and the actions that they sustain.\textsuperscript{435} A dilemma is any idea that an actor comes to believe is true and which calls into question existing beliefs or practices. Dilemmas only exist through recognition and acceptance by actors. Change occurs when actors alter their existing web of beliefs and desires (and thereby actions) to accommodate the anomalous idea. Thus in my narrative of the EU’s membership policy, I explained how in the late-1980s a number of empirical, theoretical and policy dilemmas converged to bring about a change in the prevailing tradition of empirical democratic theory. The previous focus on the social prerequisites of democratization gave way to a new focus on the agency of elite actors or agency alongside social structures. The emphasis on agency made possible the belief that outside agents like the EU could incentivize domestic democratic reform. That is, the focus on agency provided the rationale for the EU’s policy of democratic membership conditionality. In addition to research on traditions, EU scholars should provide accounts of dilemmas and how they lead actors to modify their beliefs and practices.

One way of clarifying about what would make an interpretivist EU studies distinct is by contrasting it with the sociological agenda outlined by Adrian Favell and Virginie Guiraudon. For Favell and Guiraudon the objective of a sociological agenda would be to “spell out the structural conditions for a regional convergence of contemporary European economy and society.”\textsuperscript{436} In light of the theoretical commitments entailed by an interpretivist approach, such a program is not attractive. It is not attractive because the objective is not attainable. The objective is not attainable because there are no such structures that determine actors’ behavior. Convergence (or divergence) is the result of agents acting on the beliefs and preferences that they hold. Actors’ beliefs and preference emerge against the backdrop of different traditions and

\textsuperscript{435} Ibid., 36.
\textsuperscript{436} Adrian Favell and Virginie Guiraudon, “The Sociology of the European Union: An Agenda,” \textit{European Union Politics} 10, no. 4 (2009): 551. Though some of the ethnographical work they admire does not fit with their emphasis on the search for social structures.
in response to particular dilemmas. From this perspective, it will be a fruitless endeavor to search for the structural conditions that Favell and Guiraudon desire. The problem is not one of insufficiently refined sociological theories of European integration, but the wrong philosophy of social science that underpins such theories. To explain European integration, we need to grasp the relevant meanings which guide action. This can only occur by focusing on the ideas that guide political action.

In sum, the primary difference an interpretivist agenda would make to EU studies is a focus on situated agency. Agency is situated because the beliefs and preferences that actors hold are the result of traditions and dilemmas. Explanations should address the political, cultural and social scientific traditions that influence EU actors’ agency as well as the dilemmas which led them to modify their inherited traditions and thus their behavior.

4. Theorizing EU democracy

In this final section I will consider the implications of an emphasis on situated agency for efforts to theorize EU democracy. If we accept the interpretivist claim that agent’s ideas are the result of ideational traditions and in response to dilemmas, what significance does this have for normative theories of EU democracy? The primary claim that I want to defend is that attempts to theorize EU democracy should be more self-consciously historical than they frequently are. I will specify more clearly what I mean by this in just a moment. However, theorists must become historical without surrendering a commitment to critical standards. The key implication for theorizing EU democracy is that the aim of stipulating a democratic blueprint should be abandoned. Instead, an openness and critical awareness – or what I will refer to “democratic theory in the conditional” – should frame the theoretical agenda for the EU.

The problem of theorizing EU democracy – articulating standards for evaluation and prescribing changes for its institutions and practices – has been taken up from a variety of perspectives. Some debate the EU’s democratic deficit in terms of the “no-demos” problem. In this view, famously articulated by the German Constitutional Court, European level governance was incapable of becoming democratic because no European demos existed. There was no identifiable demos that could rule or to whom Europe elites would be accountable in an EU polity. Others have taken up the problem of political legitimacy and value pluralism: how to arrange or combine various values in a legitimate EU polity. Another view questions whether adequate citizen influence can be maintained in a political system of the size and diversity of the EU. For still others, the question is one of determining how and to what extent the EU does or should adhere to democratic rules and institutions.

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The debate over the EU’s democratic legitimacy is multi-layered. The particular issue I want to address is the “question of standards.” This issue is implicated in various framings of the problem of theorizing EU democracy because a key question theorists must address is on what democratic basis should the institutions and practices of the EU be judged?

One way of classifying different answers to this question is by distinguishing those who look to historical models to construct standards and prescriptions and those who go back to first principles. That is, theorists of EU democracy respond to the ‘question of standards’ through providing either an immanent or an idealist theory of democracy. These two different approaches to theorizing EU democracy are clearly captured in the influential debate between Andrew Moravcsik and his critics Simon Hix and Andreas Follesdal. For Moravcsik, the EU compares favorably with democratic nation-states. For Hix and Follesdal, the EU fails to satisfy some basic ideal criteria.

In comparing and criticizing each of these approaches I support a via media between these two poles of immanent and ideal theory. This third-way is what I call “democratic theory in the conditional.”

According to Moravcsik, the EU is democratically legitimate when “judged against existing advanced industrial democracies.” Moravcsik offers a number of justifications for his view. First, like liberal democratic states, EU institutions are significantly constrained by constitutional checks and balances. “Bureaucratic despotism” is checked by substantive, fiscal, administrative, procedural and legal constraints. Second, the policy functions that the EU performs are of low electoral salience for its citizen. Its policy functions – like consumer product regulation and monetary policy – are frequently delegated to anti-majoritarian institutions in national democracies. Third, responsiveness and accountability to citizens is secured through the combined channels of national governments and the directly elected and increasingly powerful European Parliament. Indirect representation through the Council and European Council and direct representation through the EP ensure that policies are broadly responsive to citizens and decision-makers can be held accountable for such policies. Fourth, the criticisms that the EU has a weak mode of political representation or that its policy outputs are bias against the majority preferences of EU citizens is misleading. Such criticisms are based on comparisons between the EU and either an idealized Westminster-model or “utopian form of deliberative democracy.” Moravcsik thinks that “if we adopt reasonable criteria for judging democratic governance” and do not engage in “utopian thinking,” the empirical evidence demonstrates that the EU compares admirably with the “‘real world’ democracy” found in nation-states.


441 Majone, “Europe’s ‘Democratic Deficit.’”

442 Although it is perhaps better to think of immanent and idealist theories as existing on a spectrum.


444 Follesdal and Hix, “Why There Is a Democratic Deficit in the EU.”


446 Ibid., 606–610.

447 Moravcsik, “Is There a ‘Democratic Deficit’ in World Politics?,” 344.


449 Moravcsik, “Is There a ‘Democratic Deficit’ in World Politics?,” 337.
So Moravcsik’s defense of the EU is based on a number of specific points. The general claim that I want to take aim at is Moravcsik’s belief that we should use institutions and practices of existing national democracies as benchmarks for evaluating the EU. My criticism of Moravcsik is not based on the frequently made empirical claim that European governance is markedly different from that at the country-level. My disagreement with Moravcsik is on the basis that he has left his theory of democracy much too immanent. This approach to theorizing EU democracy leads to some absurd conclusions.

Moravcsik is without doubt correct in his observation that any actual existing political system will fall short of ideal criteria.\textsuperscript{450} The labels we attach to political systems can only mark general tendencies rather than uniform features. Moravcsik is also correct when he claims “delegation and insulation are widespread trends in modern democracies.”\textsuperscript{451} But there is a deeper consideration here. Moravcsik believes that “to assess the extent to which a given insulation or delegation of power in an international organization is democratically legitimate, we may ask whether a similar institutional adaptation is widely accepted in existing democratic systems.”\textsuperscript{452} The critical reader may ask whether we should believe it to be the case that any practice that national democracies engage in qualifies that practice as democratic.

For instance, suppose that the citizens of a democratic state decide to create a dictatorship. Suppose also that this decision is taken through the normal democratic procedures. Should we think that because the people elect to create a dictatorship that dictatorship is democratic?\textsuperscript{453} Obviously not. The reason is that we need to distinguish between how a decision is made and the nature of the decision. Just because modern democracies have through democratic procedures delegated significant powers to “constitutional courts, central banks, regulatory agencies, criminal prosecutors, and insulated executive negotiators” we should not conclude that removal of significant areas of policymaking from public deliberation and decision-making is democratic.\textsuperscript{454} Just as a dictator may be elected through a democratic process, the process through which areas of policymaking are insulated from public control can be democratic, but that does not qualify the outcome as democracy-enhancing. One can have a very realistic view about the possibilities of actualizing democracy and still be critical of these delegations of authority.

My disagreement with Moravcsik (and by extension those who share his approach) is that he answers or responds to the question of standards by simply referring to the actual practices and institutions of those countries widely recognized as democratic. He derives his immanent theory of EU democracy from the actual institutions and procedures of “democratic” countries like those of Western Europe and the United States do. Though I suspect he would not accept it formulated so bluntly, he has not provided himself with a way of avoiding the view that democracy is whatever so-called democratic countries do. Hence he concludes that policy delegation is also democratic. The key problem is that Moravcsik’s immanent theory of democracy provides no regulative ideal for evaluating actual institutions or practices: democracy is whatever we (i.e., democratic countries) say it is.

\textsuperscript{451} Ibid., 605.
\textsuperscript{452} Moravcsik, “Is There a ‘Democratic Deficit’ in World Politics?,” 347. Moravcsik claims these delegations are justified in the face of real-world constraints. But the claim is simply stipulated rather than argued for.
\textsuperscript{453} Jeremy Waldron, \textit{Law and Disagreement} (Oxford University Press, 1999), 255–256.
If Moravcsik’s argument marks one end of the immanent-idealist spectrum of theorizing EU democracy, the opposing tendency is illustrated by the work of his critics Andrew Follesdal and Simon Hix.\textsuperscript{455} While Follesdal and Hix’s approach avoids the problem of immanent theory noted above, it has problems of its own. The key problem from an interpretivist perspective is that their definition of EU democracy attempts rule out other candidate theories.

Rather than use as their baseline actual existing national democracies, Follesdal and Hix stipulate six criteria that they believe are “shared by a broad range of democratic theories.” Central to their criticism of Moravcsik is that his theory of democracy fails to manifest these basic criteria. They list the criteria as

1. institutionally established procedures that regulate,
2. competition for control over political authority,
3. on the basis of deliberation
4. where nearly all adult citizens are permitted to participate in
5. an electoral mechanism where their expressed preferences over alternative candidates determine the outcome,
6. in such ways that the government is responsive to the majority or to as many as possible.\textsuperscript{456}

On the basis of these six ideals Follesdal and Hix focus their critical scrutiny on the absence of competition for political leadership in the EU. Follesdal and Hix conclude that contestation for political leadership is “ultimately the difference between democracy and an enlightened form of benevolent authoritarianism, is an essential element of even the ‘thinnest’ theories of democracy, yet is conspicuously absent in the EU.”\textsuperscript{457} Amongst other negative effects for democracy, the lack of political competition constrains the emergence of a political opposition that could place before voters a rival slate of leadership candidates and an alternative policy program. The lack of an electoral link between political leadership, the EU policy agenda and voters undermines democratic accountability and responsiveness.

To redress the issues of accountability and responsiveness, they propose greater transparency in the Council, separating the purely Pareto-improving functions of the Commission from its distributive functions, and linking the outcome of EP elections with the selection of the President of the Commission. The latter reform in particular is intended to establish the sort of competition for political leadership that they view as central to democracy.

By stipulating six ideals and operationalizing them in terms of specific reforms, Follesdal and Hix avoid the pitfall of renaming clearly anti-democratic practices as democratic.\textsuperscript{458} However, they do not avoid a separate problem – defending their model of democracy. While acknowledging that the EU is a “multi-level policy, with some classic federal features and some completely new institutional innovations,” their democratic recommendations are clearly

\textsuperscript{455} Follesdal and Hix, “Why There Is a Democratic Deficit in the EU.”
\textsuperscript{456} Ibid., 547.
\textsuperscript{457} Ibid., 534.
\textsuperscript{458} Although they do accept that that purely Pareto-improving functions can legitimately be shielded from democratic decision-making. The reason they give is that purely Pareto-improving policymaking does not have redistributive effects and it achieves other normatively desirable goals. Why they think this is an acceptable warrant is not stated. They also claim elsewhere in their article that the relevant criterion for democracy decision-making is “impact on citizens” thus accepting something like the “all affected” principle. This criterion seems to be in tension with their Pareto-improving/redistributive criterion. Ibid., 551.
indebted to the federal tradition. The model of democracy they hope will come about is federal parliamentary democracy. Tying the election of the Commission President to the outcome of EP elections is the most obvious change indebted to the model of federal parliamentary democracy. The authors also suggest—much like their federal counterparts in the EP—that enhancing competition for political leadership through the reforms they have proposed will move the EU to move in a federal direction. Amongst the outcomes they hope for or expect is a decrease in citizen support for anti-EU parties, the creation of the political will to undertake structural reforms to the European economy and the development of a common European identity through greater political participation in EU elections, political parties and the media. Thus while Follesdal and Hix attempt to get around defining a conception of democracy—a task that they describe as a “perennial dispute” that “seems largely fruitless to us”—through stipulating basic criteria that they believe all theories of democracy share, the reforms they stipulate are clearly indebted to the federal tradition.

The problem of idealist democratic theory—Follesdal and Hix being but one example—is that perennial disputes about the definition of democracy cannot be avoided all together. To evaluate, criticize and propose democratic reforms to the EU one needs criteria. And yet the perennial dispute over the definition of democracy cannot be ultimately settled. It cannot be settled because there are multiple traditions of democratic theory. What Follesdal and Hix have done is simply to make that definition implicit rather than explicit and then present their reforms as obvious and beyond dispute.

Taking the debate between Moravcsik and Follesdal and Hix as our cue, the crux of the dilemma for theorizing EU democracy is that we require a non-immanent theory of democracy that can be the basis for regulative criticism and yet any ideal theory of democracy always faces challengers that have an equal claim to the definition of democracy. As I demonstrated in chapter three, this problem also arose within the context of negotiating democratic reforms to the EU. Whereas member states through the European Council favored a “democratic union of states,” the European Parliament advocated for “federal parliamentary democracy” and the Commission’s preferred vision was “representative governance.” I don’t want to claim that there is no way to adjudicate between these or other models of EU democracy. For instance, the technocratic themes central to the Commission’s vision are clearly anti-democratic in nature. But even if candidate theories can whittled down, there will likely remain multiple democratic options available.

The genealogical approach adopted here helps to explain why and therefore why efforts to stipulate a democratic blueprint are bound to be subject to democratic objections. As the reader will recall from the discussion of genealogy in chapter one, genealogy adopts a nominalist view of our concepts, practices and institutions. Nominalism looks skeptically on the claim that concepts, practices or institutions have transhistorical essences or stable content. If we take nominalism as a starting point, then we have to deny that democracy itself has an essence. We might agree that as an aggregate concept democracy means “rule by the people.” And this general definition may allow us to disqualify certain arrangements as democratic. For instance, it may be the case that an independent central bank with a monetarist mandate is normatively

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459 Ibid., 548–551.
460 Ibid., 547.
desirable from the perspective of price stability and the positive effects it has in terms of investment and aggregate welfare. But as already suggested, as anti-majoritarian institutions, independent central banks do not qualify as advancements for democracy because in no sense do the people rule. A nominalist view of democracy still permits the identification of undemocratic or anti-democratic practices. But what it does not allow is the possibility of defending a model of democracy against all alternatives. Rather as nominalists we necessarily view democratic blueprints as the result of actors drawing on and modifying particular democratic traditions in response to the particular democratic dilemmas they identify. In this sense, political theorists find themselves in roughly the same position as the EU institutions did when they advanced competing reforms to make the EU more democratic. Such blueprints will remain ineluctably contingent and contested.

What follows from viewing democracy and theories of democracy as contingent and contested outcomes of human practices? We should change the way we approach theorizing EU democracy. We should move from trying to establish blueprints to engaging in “democratic theory in the conditional.” Democratic theory in the conditional is self-conscious about its historical specificity. This orientation aligns with a commitment to nominalism.

Democratic theory is “conditional” for a number of reasons. Specifying a democratic theory requires interpreting the nebulous value of equality. It also requires translating the principle of equality into institutions and procedures. These institutions and procedures will admit of multiple translations. Additionally, the problems democrats identify will vary across contexts and over time. They will make different judgments about the relative significance of problems. Democrats will reach different conclusions about the empirical possibilities of alternative forms of democracy. They will disagree about the future effects of different changes or the trajectory of forms of governance. Each of these issues will condition the types of democratic criticisms and programs both theorists and practitioners generate.

More generally, there will always be multiple candidate democratic theories because theorists work with different democratic traditions and in response to dilemmas. A democratic theory of the EU should therefore be self-aware, self-critical and open. Competing theories of EU democracy and the competing reform platforms they give rise to should not be understood as capturing some essence of democracy – as Follesdal and Hix would have it – but as a conditional claim on our, or rather, EU actors’ allegiance. Democrats, no doubt, will have reasons for selecting one version of democracy over another, but disagreements cannot be ultimately adjudicated by appealing to some unconditioned definition of democracy. The democratic theory of the EU will necessarily be theory in the conditional.

5. Conclusion

The interpretive approach of this study has far reaching implications for EU studies. As I’ve demonstrated in chapters two through five it leads to novel claims and arguments about the constitutionalization of democracy in the EU. Given the focus on actors’ beliefs it draws attention ideational influences that have been overlooked by other research. More generally, the premise that we must explain the actions of those we study by reference to their beliefs and preferences undermines attempts to generate explanations based on appeals to structures or

462 Although different democratic theories might also disagree about whether certain features of a political system are really anti-democratic.
quasi-structures. It reorients research on the EU towards the origins of actors’ beliefs and preferences through a focus on traditions and dilemmas. If such a reorientation occurred, the result would be historical narratives that trace the descent and emergence of ideas and the practices that they sustain. Finally, the interpretivist genealogy this study deploys generates skepticism towards attempts to establish normative blueprints of EU democracy. The philosophical commitment to nominalism undermines such attempts by pointing to the necessarily contingent and contested origins of such theories of democracy. Because democratic theories – standards, criticisms and proposals – are historically contingent and contested, theorists of EU democracy should be guided by a self-critical openness, captured by the idea of democratic theory in the conditional.
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Appendix 1

Template for Analyzing Institutional Documents on Internal Reform

1. Document:

2. Date of analysis:

3. Outline (section headings, subheadings, sub-subheadings and page numbers):

4. Topics addressed:

5. Does the document address the Union’s democracy?   Yes   No

6. Does the document dedicate a specific section or sections to a discussion of democracy?
   Yes   No
   If yes, what is the title of the section?

7. What is/are the source(s) of the Union’s democratic legitimacy?

8. What problems stand in the way of the Union being more democratic? What (if any) solutions are recommended? Include quotes. If implied, rather than explicit, indicate

9. Does the document state why the Union should be made more democratic?
   a. Yes (explicit)   Yes (implicit)   No (explicit)   No (implicit)   Does not say

10. What reasons are given explicitly or implicitly for making the Union democratic? Include quotes.

11. What other documents are referred to?
Appendix 2

Template for Analyzing Birkelbach Report and Parliamentary Debate

1. Document:

2. Date of analysis:

3. Debate topic:

4. Nationality and group affiliation:

5. Topics addressed:

6. Potential problems of membership or association:

7. Does the speaker explicitly address democracy? Yes No

8. If no to #7, does the speaker implicitly address democracy? Yes No
   a. How so?
   b. Key quotes

9. Does the speaker state democracy should be a requirement for membership? Yes No
   a. Key quotes:

10. Does the speaker state WHY democracy should be a requirement for membership? Yes (explicit) Yes (implicit) No (explicit) No (implicit) Does not say
    a. If so, what reasons does s/he give for democracy as a precondition?
    b. Key quotes:

11. Does the speaker state s/he believe that membership conditionality could cause the applicant state to democratize? Yes No Does not say
    a. If so, why?
    b. If no, why not?
12. Does the speaker define what s/he means by democracy?  Yes  No

   a. If so, what definition does /she give for democracy?

   b. Key quotes:
Appendix 3

Template for Analyzing European Council Documents on Membership

1. Document:

2. Date of analysis:

3. Topics addressed (include pages):

4. Annexes (number “I, II …” and include page numbers):

Content of Document

5. Does the document address relations with non-member states?
   
   Yes  No

   a. If yes to #5, with respect to what topics?

6. Does the document address democracy in member states?
   
   Yes  No

7. Does the document address democracy in non-member countries?
   
   Yes  No

   a. If yes, to 8, which countries?

8. Does the document say the community supports or promotes democracy in non-member countries?
   
   Yes  No

Justification of Democracy

9. Does the document discuss democracy in third-states with respect to political legitimacy?
   
   Yes  No
10. Does the document address peace, security or stability?

Yes  No

a. If yes to #10, with respect to what?

b. If yes to #10, is peace, security or stability linked to democracy?

Yes  No

c. If yes to #10, is democracy said to support peace, security or stability?

Yes  No

d. If yes to #10, is peace, security or stability said to support democracy?

Yes  No

11. Does the document address economic development in non-member states?

Yes  No

a. If yes to #11, is economic development linked to democracy?

Yes  No

b. If yes to #11, is democracy said to support economic development?

Yes  No

c. If yes to #11, is economic development said to support democracy?

Yes  No

12. Does the document link democracy in non-member countries to membership?

Yes  No

a. If yes to #12, does the document say why democracy should be a requirement for membership?

Yes  No
i. If yes to #12a, what justification is given?

Causal Theory

13. Does the document discuss how to strengthen democracy?

Yes  No  Ambiguous

a. If yes or ambiguous to #14, how (e.g. interdependence or co-operation, dialogue, conditionality, etc.)?

14. Does the document discuss how to strengthen security, peace, or stability?

Yes  No  Ambiguous

a. If yes or ambiguous to #15, how (e.g., interdependence or co-operation, dialogue, conditionality, etc.)?

15. Does the document discuss how to strengthen economic development in non-member states?

Yes  No  Ambiguous

a. If yes or ambiguous to #15, how (e.g., interdependence or co-operation, dialogue, conditionality, etc.)?