

## EUROPEAN INTEGRATION AND DEMOCRACY: SOME SCEPTICAL REFLECTIONS

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### SUMMARY

Since the process of European integration achieved a new start in the middle of the 1980s, most observers have shared the view that a democratic “deficit” is emerging at the European level. For some the European Union (EU) will have to develop forms of political representation and accountability similar to those experienced at the national level; that is to say, by strengthening the electoral accountability of the EU executive(s), the parliamentary control of the legislative process, and the layer of European political and social citizenship to be added to the expanding European civil citizenship (the four freedoms). For other observers a reproduction of democratization processes similar to those of the nation-state is unlikely to develop at the European level. Rather, attention should be given to the peculiar system of mutual checks, multi-level balances and alternative systems of representation which develop in a *new type of polity*, which, however, will never be a multi-national state endowed with a central system of political representation.

This paper develops a few reflections around the theme of the inherent tension between unbounded economic transactions and still bounded principles and practices of political legitimation. It argues three points. The *first* is that this tension is intrinsic, that is, it is not due to the unbalanced development of economic versus political integration but arises from the specific original project and institutional building of the EU. In other words, it is not that the achieved level of economic integration now “implies” or “demands” political integration, but rather the contrary: it is the modality of economic integration that now makes difficult any form of institutional democratization.

The *second* point is that in the debate about the EU’s lack of democratic political decision-making, too much attention has been given to normative arguments about the “desirable” and “necessary” form of a polity on the one hand, and to institutional-constitutional procedural aspects and citizenship building on the other. A second dimension of any historical democratization process has remained in the shadows: the processes through which political institutions become structured and “vertebrated” by substantive socio-cultural inputs emerging from

the mobilization and organization of interests, identities and socio-cultural movements. Political democracy is not only made up of procedures and rights, but also of the actual balance of the socio-cultural and political forces which seek the realization of their values through these institutions.

The *third* point is that attention has so far concentrated on the EU democratic deficit and on how to redress it. However, the main problem may well lie at the national level. It is often thought that while the EU institutions remain weakly and indirectly legitimated, the main focus of legitimation and political decision-making remains at the national level. However, the expanding scope of European integration will soon have considerable implications for the quality and substance of national democratic procedures, transferring the democratic deficit from the EU institutional setting to the national ones. So the inherent tension between the EU and democracy has two main features: EU institutional democratization and the impact of national democracy on the integration process.

In the paper these points are addressed discussing first the general structural tension between the *territorial* expansion of the market on the one hand, and the *territorial* retrenchment of democracy on the other. In the second section, the paper concentrates on the issue of *democratizing* Europe. In the third and final section the paper tackles the problem of the impact of economic integration on *domestic* democracy.

## 1. INTRODUCTION

Since the process of European integration achieved a new start in the middle of the 1980s – with, first, the Single European Act, and, later, the Maastricht and Amsterdam treaties – considerable and growing attention has been devoted to the thorny relationship this involves with the ideals and practices of democracy as implemented at the national level. Most observers share the view that some sort of democratic “deficit” is now emerging at the European level. However, two lines of reasoning are present in the debate. The first maintains that the European Union (EU) will have to develop forms of political representation and accountability fundamentally similar to those experienced at the national level. This will require strengthening the electoral accountability of the EU executive(s), a stronger parliamentary control of the legislative process, and the development of a layer of European political and social citizenship to be added to expanding European civil citizenship (the four freedoms). A second line of reasoning argues, on the contrary, that a reproduction of democratization processes similar to those of the nation-state is unlikely to develop at the European level. Rather, attention should be given to the peculiar system of mutual

checks, multi-level balances and alternative systems of representation which develop in a *new type of polity*, which, however, will never be a multinational state endowed with a central system of political representation.

This paper develops a few reflections around the theme of the inherent tension between unbounded economic transactions and still bounded principles and practices of political legitimation. It argues three points.

The *first* is that this tension is intrinsic, that is, it is not due to the unbalanced development of economic versus political integration, but arises from the specific original project and institutional building of the EU. In other words, it is not that the achieved level of economic integration now “implies” or “demands” political integration, but rather the contrary: it is the modality of economic integration that now makes difficult any form of institutional democratization.

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The *third* point is that attention has so far concentrated on the EU’s democratic deficit and on how to redress it. However, the main problem may well lie at the national level. It is often thought that, while the EU institutions remain weakly and indirectly legitimated, the main focus of legitimation and political decision-making remains at the national level. However, the expanding scope of European integration will soon have considerable implications for the quality and substance of national democratic procedures, transferring the democratic deficit from the EU institutional setting to the national ones. So, the inherent tension between the EU and democracy has two main features: EU institutional democratization, and the impact national democracy on the integration process.

In the following pages these points will be addressed discussing first the general structural tension between the *territorial* expansion of the market on the one hand, and the *territorial* retrenchment of democracy on

the other. In the second section, the paper concentrates on the issues of *democratizing* Europe. In the third and final section the paper tackles the problem of the impact of economic integration on *domestic* democracy.

## 2. EUROPEANIZATION AND DEMOCRACY

In a broad historical perspective, Europeanization – meaning by this term the entire process of community building and integration within a varying set of European states – can be conceived as the sixth major developmental trend in the history of Europe since the sixteenth century. The first was *state-building*, with its historical progressive coincidence of regulatory orders in economic, administrative and military spheres under the supremacy of a single set of hierarchically organized territorial institutions. The second was the *development of capitalism*, which, notwithstanding its potential unboundedness, was nourished within the capsule of the state because of the formation of the national market. The third was *nation-formation*, with its strengthening of cultural borders and the creation of equality areas of cultural solidarity and common cultural standards. The fourth was the process of *democratization*, with the progressive articulation, recognition and legitimation of the institutional channels and political structures for internal voice structuration. The fifth was the colossal development of *welfare systems formation*, with the development of social citizenship for the culturally homogeneous national communities aimed at providing a substantive complement to democracy.

State-building and nation-building created the wrapping within which capitalism developed and was often nourished. Party systems and welfare states represented the crucial mechanisms of political identification and legitimation which stabilized societies characterized by high rates of socio-economic change. *Europeanization* can be read as a sixth possibly powerful driving force for the European system of states, nations, economies, democracies and welfares.

The issue is the following: what does Europeanization mean in this broad historical context and with respect to the other components of the historical sequence summarised in Figure 1? In fact, as Figure 1 makes graphically evident, the process of European integration seems to arise fundamentally from two types of problem-pressures. On the one hand, the unbearable costs of the rivalries of the state systems in an era of war technologies whose destructive power becomes disproportionate to the stake of the rivalries themselves. On the other hand, the growing pressure

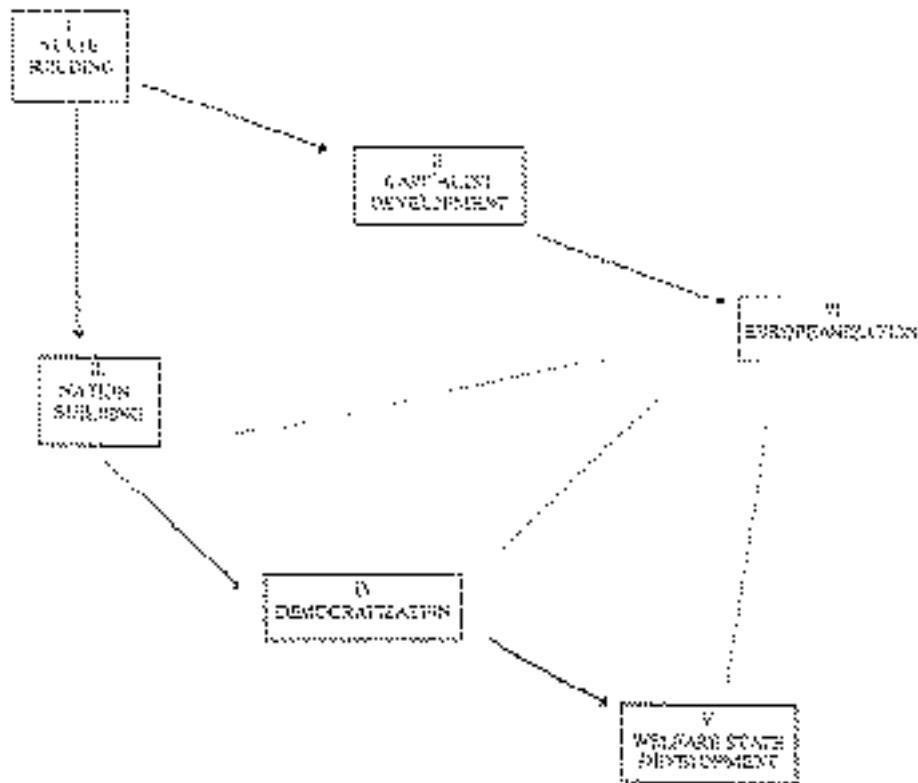


Figure 1: The six developmental trends in European history since the 16th century.

caused by the slow but significant economic peripheralization of Europe in the post-W.W.II world economy and the corresponding perception of the inadequacy of the European state and of its boundaries as a principle for efficient economic organization in world competition. In other words, Europeanization can be interpreted as a response to the weakening of the European state system and to the new pressures of capitalist world development.

Yet Europeanization has to come to grips with the other threads of development: with *national*, *democratic* and *welfare* states. Every relationship between this process of European integration and the closely historically associated phenomena of nation-building, democratization and welfare developments appears problematic and somehow contradictory. Nation-building, democratization and welfare state development were processes closely linked by their reference to the state as a bounded

territory and to its internal cultural homogeneity. The mechanisms of democratic decision making and those of redistribution of the material resources similarly assume, and rest on, both strong collective identities and solidarity ties – that is, high cultural costs of exit – and on the physical inability (or difficulty) involved in subtracting resources from the social obligations contracted on a territorial basis (that is, high material costs of exit). The process of European economic integration of the second half of the twentieth century – to the extent that it represented an answer to the new trend towards free trade and liberalization at the international level – has progressively represented a direct challenge to national cultural systems, national political decision-making, and national redistributive mechanisms and policies.

This sets Europeanization at the core of a potential contradiction between the processes of overcoming state-systems and of further capitalist development on the one hand, and the processes of “national” identity, legitimation and political decision-making on the other. While the former two processes are inherently based upon the removal of boundaries among the pre-existing system of European States with a view to achieving the “scale” sufficient to overcome the inadequacy of such States as a capsule of economic and military competition, the latter three processes are all based upon the control by the State of the redistributive capacities, cultural symbols and political authority. While the first processes require boundary removal, the second processes are historically built on the capacity to successfully lock the resources controlled by economic and cultural forces within the decision-making process of the territorial State. In this sense, the tension between the project of a stateless market constructed at the wider European level and the nationally bounded cultural, redistributive and political capacities, represents a profound structural contradiction and not a mere growth imbalance.

### 3. THE DEMOCRATIZATION OF THE EUROPEAN UNION

Critics of the current state of democracy at the European level normally point to seven main aspects as being responsible for the inadequate legitimacy of the European decision-making process.<sup>1</sup>

- i) In the EU smaller states (and their citizens) enjoy a disproportionate

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<sup>1</sup> See J.H.H. WEILER, U.R. HALTERN and F.C. MAYER, ‘European Democracy and its Critique’, *West European Politics*, 18, 1995, pp. 4-39, for a summarising discussion.

power in both parliament and intergovernmental negotiation (veto powers, unfair weighted votes and parliamentary representation). This criticism, of course, assumes as its reference point the general principle of *individual* political equality.

ii) Community and union governance pervert the balance between national executives and legislative bodies, empowering executives and making national parliamentary control impossible (because of the timing, complexity, volume, and nature of EU decision-making).

iii) the European Parliament offers no balance to point ii) because of its formidable gaps in competence, its remoteness, and its language problems.

iv) Euro-parties of the European Parliament are not genuine parties because:<sup>2</sup> 1) they do not have a European electorate (there is no “European” issue area or set around which parties compete. Parties compete in European elections invoking national issues; in elections national voters vote for their national parties and labels and know little about European-wide groupings); 2) they do not have internal organizations to carry out policies decided by a leadership (the executive boards which may coordinate their lives are weak and they mainly “co-ordinate”, advise, etc.; 3) the cohesion of Euro-groups is extremely weak (and neither group consciousness nor group stability is high).

v) As a consequence of the previous points, the European electorate is not structured around EU alternatives and choices, and it is unlikely to have its voice heard in any meaningful sense.

vi) If important corporate actors exercise influence through bureaucratic and other channels, the Parliament is no alternative for the less organized, more diffused and fragmented non-corporate interests, which find it more difficult to organize at the transitional level.

vii) As a general consequence, electoral power and public opinion carry no or little weight at the European level.

To these seven fundamental points a few others are often added, which seem to me of lesser importance. For instance, the complaints about individual disempowerment due to the enlarged membership group represented by the EU polity are typical of any “big” state. Similarly, the lack of transparency of the EU decisional processes is only an exacerbation of

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<sup>2</sup> M.N. PEDERSEN, ‘Euro-parties and European Parties: New Arenas, New Challenges and New Strategies’, in S.S. Andersen and K.A. Eliassen (eds.), *The European Union: How Democratic Is It?* (London, Sage, 1996), pp. 15-40.

typical national features. Steps toward the overcoming of the main seven “deficits” would almost automatically entail a partial solution of the “disempowerment” and “transparency” problems, which are derivative.

What it is more important to underline is that the above mentioned weaknesses are exacerbated by the feeling that the activities of the Community expand, or have already expanded, in areas previously perceived as being outside its reach. The related perspective is that there might be no limits to further expansion of these areas of intervention.

The discussion of the democratic deficit and its possible remedies is often normative and/or institutional/constitutional. Some solutions are sought in the field of public opinion formation, that is, with reference to the need for a discursive process of will and opinion formation – the formation of a European public opinion in a European public space – made by different fluxes of communication which perform a critical and limiting function with respect to economic and state power: “Still, on a normative level, I assume a networking of different communication flows which, however, should be organised in such a way that these can be supposed to bind the public administration to more or less rational premises and in this way enforce social and ecological discipline on the economic system without nonetheless impinging on its intrinsic logic”.<sup>3</sup> Other arguments have preferred to emphasize the constitutional transformations required to overcome the above mentioned deficiencies, through either the enforcement of majority principles based on one person one vote legitimacy theories of politics, or the progressive development of a constitution which is not only economic but also a bill of rights which defines citizenship and is defended by the courts.

The seven democratic weaknesses listed above, however, identify a set of intimately linked issues. Political democracy is a set of *rights and procedures* pertaining to *competencies in substantive decision-making fields* which apply to a defined *political community* organised by *representative political actors*. In discussing a process of democratization in which an existing territorial hierarchical structure is progressively democratized according to Western traditions and standards, attention must be paid to the definition of the demos (the political community) and to the representative actors which substantiate and aliment *the input side of democracy* as well as to the process of accretion of the competencies of the territorial authority and to the formal institutional mechanisms of political responsibility which

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<sup>3</sup> J. HABERMAS, ‘Citizenship and National Identity: some Reflections on the Future of Europe’, *Praxis International*, 12, 1992, pp. 1-19, p. 11.



together legitimize *the output side of democracy*. A democracy is, indeed, impossible without a clear definition of its political community and constitutionally guaranteed rights and procedures. It is, however, ineffective without the existence of autonomously organized socio-political actors; and it is ethero-directed if it lacks the capacity to set its own substantive competencies.

In the historical experiences of the European nation-states the order of these factors has varied. The appropriate political community was sometimes well defined in ethno-cultural terms long before institutional democratization could be achieved; in other cases the issue of what was the appropriate community actually postponed institutional democratization as it was felt impossible to institutionally democratize a polity whose political community definition was regarded as illegitimate by parts of its own membership. Political representative forces (parties, interest organizations, socio-cultural movements) were sometimes the main actors of democratic constitutional development, while in other cases they emerged and consolidated through such a process. What is certain is that in all processes of democratization these four elements eventually combined to reinforce each other, so that it is today hard to conceive of democracy with the absence of any of these elements. What is also certain it is that in relation to the development of the EU, as we shall see, there is wide disagreement on where the process should start and how far should it go.

In the following sections these four dimensions of democratization are briefly discussed with specific reference to the European integration process.

### 3.1. *The European "political community"*

Who are the people whom are both the basis and the object of the democracy which is to be introduced? This question was not problematic in early state formation. The "subjects" of the prince were originally territorially defined. Problems of political community definition emerged only with the religious conflicts of the post-reformation period and, more clearly, with the age of nationalism. The issue has been forcefully rejuvenated in connection with the EU by the debate surrounding the by now famous German Constitutional Court argument about the fundamental illegitimacy of a political democratization of supranational institutions in the absence of a political community characterised by "some degree" of "cultural integration" or perception of "shared destiny".

The temporal priority – implicit in the German High Court argument – of a subjectively felt political community over a democratic state is clearly

and simply wrong from a historical point of view. In most cases nations were shaped by states, that is by their active policies of educational inculcation, linguistic standardization, redistributive solidarity, etc. It is, however, not accidental that this argument has been most forcefully expressed in Germany, which experienced the existence of a well defined and strongly felt "nation" long before a state form could be achieved for it. State(s) unification came after national consciousness had been aroused and triggered violent and fateful disputes about what its function should be and where the state should actually start and end.

The critique of the ethno-national conception of the demos implicit in the German Constitutional Court's argument is, however, not historical. This is because a normative argument cannot be discussed through historical evidence. The critics of the ethno-national conception of the demos tend, therefore, to criticize the thesis that a political community needs a primordial and ancestral ethno-cultural linkage to define itself. They do not deny the need for the development of some sense of a political community, but they define differently the ties binding together such a community. It is suggested that a civic commitment to constitutional values and civic duties, a citizenship conception of the demos, and the development of a "republican" patriotism can be enough to define a layer of political community built upon the ethno-cultural differentiation of the European peoples. Shared values, shared understandings of rights and social duties, and shared rational and intellectual culture which transcend ethno-national differences are the defining elements of the European would-be political community. The EU, which is often defined as a system of "multi-level governance" (supranational, national, regional, etc.), could develop a system of multi-level citizenship whose top level, the European one, should only incorporate those basic legal rights and duties sufficient to legitimize the necessarily limited range of "political competencies" of the Union.

I find this perspective of a constitutional patriotism the only possible solution in logical terms, but I am less confident that it can be in itself a *feasible solution* in the absence of considerable change in the current mode of integration. The first problem is where does this "civic" communality come from? The only answer is that it is created by the Union's definition of these rights, duties, obligations, etc. That is, it can come only from the development of community action in new and politically sensitive areas. It is not sufficient in this area to strengthen further the Union's definition of the *civic rights* of the Europeans (economic and property rights, free movements, etc.). It requires the coupling of these rights with a considerable injection of specifically *political* and *social rights* to substantiate European constitutional citizenship. The Union so far represents

an area where individual civic rights expand and become progressively defended by the courts, while, at the same time, social and political rights remain anchored to the national systems.

However, it is exactly this development of socio-political rights which is challenged by the “absence of the demos” thesis. If you cannot attribute substantive political and social rights (and obligations) to individuals not bound by a demotic linkage (the German Court argument) how can you create such demotic linkage through constitutional citizenship? If the demos is required for positive integration to go further, and, at the same time, further positive integration cannot be advanced in the absence of a demos, then we are in a deadlock that cannot be resolved by the terms which define it.

The second problem with the “civic culture” patriotism thesis is more momentous. The “no demos” type of argument, however unpleasant its reference to the ethno-cultural roots of nations may appear, raises an implicit but crucial empirical issue: how is it possible to create an area of cultural solidarity which can sustain and accept the inevitable redistributive choices and obligations required for positive integration measures? *De facto*, in Europe the cultural national ties define the pre-contractual bases of the citizenship contracts. They define the emotional and solidarity context within which purely contractual egotism is suspended and constitutional rights and duties, as well as actual redistributive decisions, social justice arguments, territorial equilibrium, etc. can be defended.

If a European constitutional citizenship can be uncoupled from the ethno-cultural definition of the demos, it must have a purely “contractual” nature; that is, be based on voluntary adhesion and possible voluntary withdrawal. And its content cannot be defined but by the mutual agreement of all parties whose original motivation cannot but be self-interest (given the absence of emotional solidarity as a precondition). A contractual relationship is not likely to provide advancement in political decision-making, as adherents may always withdraw totally or partially. Selective and partial withdrawal are likely to be the norm for partial functional regimes. The move of contemporary membership into an ethno-cultural national demos and into a supranational civic, value-driven demos, is likely to create tensions even if it was possible to give sufficient content to the second (which is unlikely until some common ground is found for the political decision of creating a European citizenship)

It seems unlikely, therefore, that a solution to the democratic problems of the EU could be advanced by an attempt to define and give some content to its political supranational community. We can always believe that, *over time, progressively, in the long-run*, and so on and so forth, some

sort of constitutional patriotism will develop in parallel with the similarly, over time, progressively, in the long-run development of the political and constitutional capacity of the EU. But if the two must develop progressively and in parallel, there is not much point in discussing which comes first and/or whether a multi-level citizenship can offer sufficient legitimacy to further European integration and what its actual content should be.

### 3.2. *Competencies: democracy on what?*

On which matters should “European democracy” exercise its political jurisdiction and the limits of its competence? Over which domains should the form of politically responsible decision-making be legitimately exercised? To phrase the issue more precisely: would democratization be regarded as a precondition for extended competencies; would it be regarded as a necessary consequence of these extended competencies, or, finally, should it be regarded as the legitimate process through which debate and decisions about competencies should take place?

Normally, national constitutions define at the same time basic rights and duties, the procedures for selecting those who are allowed to take decisions, and also the formal procedure for taking legitimate decisions. As far as the substantive fields of decision-making and the substantive goal of the decisions, constitutions are normally silent. Most of their provisions are devoted to define those areas in which political decision-making *is not* legitimate (e.g. private property in some cases, human rights, freedom of conscience, etc.). They are a list of impossibilities, of untouchable areas, but say little or nothing about the actual content of what has to be done where it is possible to do something. Every area not constitutionally reserved is in principle subject to the political decision making.

The EU treaties, which are more and more often defined as the “Constitution” of the Union, are quite different in this respect. The “constitutionalised” original international treaties present the unusual peculiarity of including a large set of pre-defined substantive goals whose implementation, by now, has its own logic and its own constitutional defence (in the European Court of Justice). The treaties define some rights, duties and procedures, but they also identify positively the specific areas where activity can take place and the specific goals to which it should aim. The areas where the Community has no competence are defined negatively, by omission. In normal constitutions the opposite is true: the areas of non-activity are defined positively by constitutional safeguards. The constitutionalized substantive areas of intervention are protected from the vagaries of (intergovernmental) political decision-making. This arose from

the specific goal-oriented nature of the early Community treaties which were devised to offer specific and internationally agreed upon solutions to common problems.

This original Community constitutional design weighs heavily on the prospects for competence democratization. In this sense it is grossly exaggerated to compare the EU treaties to national constitutions. It is true that the competencies of the Union have grown over time and have expanded in fields originally not foreseen; it is equally true that the peculiar interpretation of its role by the Court of Justice, via its supremacy and direct effect theory, have extended case law into various directions. However, on the whole, the EU new policies and court case law remain mainly concerned with issues which are “market-making” rather than “market-correcting” (mainly technical issues related to the free movement dimension of integration), i.e. policies which are almost exclusively concerned with the civic rights to enter into contracts, and not with the rights which concern the contents and the outcomes of such contracts.

This peculiarity of the EU constitutional setting has two consequences of great interest from the perspective of democratization. First, how can we combine the principle of political legitimacy and responsiveness to the public macro-preferences with the substantively limited competencies and the pre-defined goals of the EU “Constitution”? In other words, provided that some form of democratic process for selecting the decision-makers was set up and the latter found their political responsibility at stake, how could this be squared with the pre-defined competencies in “market-making” and the pre-defined goals of “economic integration” (lower barriers, fair competition, etc.). The question is whether electorally responsible leaders could be free to set the substantive agenda of Union policy-making (for instance, moving into totally new fields; “de-constitutionalizing” and transforming into politically contentious issues certain pre-defined goals as “competition law”). It is hard to imagine responsible élites bound by the substantive constraints of the treaties, if they were to be really responsible to a European-wide electorate. On the other hand, it is hard to see how democratization could be combined with predominant intergovernmental “voluntarism” in this area.

Secondly, solutions to Europe *à la carte*, flexibility, opting out, etc. are solutions which allow an exit option for some states. These exit options at the level of the member States (Schengen, Social Protocol, Monetary Union) have consequences. The voluntary basis of contractual adhesion to different functional regimes is likely to obstruct any development of integrated sovereignty in terms of competencies. Intergovernmentalism and unanimity principles produce the same result to the extent that they allow any actor

who is unwilling to engage either to withdraw or to block the decision. From this perspective, political democratization may be in the interests of those forces and States which aim at reducing the exit options of other forces and States. It is evident that this reduction cannot be operated and not even invoked within an intergovernmental structure. For that matter, even confederal and federal designs may include considerable brakes on the competence autonomy of the central hierarchy. Only a democratized structure can exercise these restrictions by invoking the principle of political direct legitimacy to raise obstacles to exit options.

If the EU needed a positive decision to evolve in all directions, its democratization would not appear as a necessary requirement. National executives could enter negotiations and political exchange involving the entire variety of domains of integration – economic as well as others. Democratization appears, however, as a pressing problem precisely because the constitutionalization of the market-making goals allows the triangle made up of the treaties, the Commission and the Court to continue to produce negative economic integration whose political consequences are then felt by national governments and representative institutions. Institutional reform and democratization, instead of being justified with the demotic argument of citizens' participation, etc. could well be in the interests of those actors who need a principle to stop or control the internal engine of the Union and at the same time to reduce the exit options of other recalcitrant actors whose exit limits the scope of action of the others.

### 3.3. *Regime democratization*

The issue of the regime concerns which specific institutional procedures should be introduced to “democratize” the Union. An extensive debate has been going on about which institutional reforms are needed and almost all solutions have been proposed: from the direct election of a EU president to the introduction of the political responsibility of the Commission in relation to the European parliament. There is no space in this paper to discuss the merits and demerits of alternative institutional democratization designs and the likely tension that each of them would create in the existing framework. I will limit my discussion to highlighting three points.

The first point concerns the issue of competencies discussed above and deals with it, this time, from a constitutional perspective. An ultimately democratized regime, whatever its form, will have to deal with the problem of “competence over competencies”. That is, it will have to clarify who has

the constitutional power to modify the treaties. It would make little sense, and create undue tension, to devise a regime endowed with the principle of direct or indirect political responsibility without empowering it with the capacity to design the competence boundaries of its own decision-making. If treaties remained an intergovernmental affair – with at most a binding interpretation role of the Court of Justice – than any democratization would appear as a facade exercise.

The second point is that most proposals for institutional democratization seem to focus on the principle of the political responsibility of the “Executive” (the Commission, presumably, even if the EU Executive is clearly dual and the Council is in a dominant position). This corresponds to the almost universal situation of the European national parliamentary systems which all work – even French semi-presidentialism – under the fundamental rule of the parliamentary accountability of the Executive. It should be pointed out, and historically reconsidered, that the original requests for institutional democratization did not involve “responsible government” but rather the legislative power of the elective chambers. In most European cases elective assemblies came to control crucial legislation areas long before they could hold the Executive responsible to them or dependent on their consent. This dual system typical of the “constitutional monarchies”, and of the transition phase to modern parliamentary democracy, provided for an Executive which was not responsible to elective assemblies (responsible to the Crown, in the past, to the national government possibly in the EU) accompanied by assemblies with legislative control but no powers of control over the Executive.

This model would require in the EU an extended role for the legislative and budgetary competencies of the Parliament whose approval would be necessary for all EU legislation. At the same time, it would leave a veto power to both the Executive (the Council, in this case) and the Parliament. Europeans are obsessed by the danger of deadlock implicit in separate institutions endowed with autonomous powers. However, this solution would have the merit of introducing a substantive democratization of the EU *legislative output* without fundamentally challenging its dual nature. The victim of a development in this direction would of course be the Commission, which will have to see its role confined more and more to that of a bureaucratic executive agency.

The third point is the critique of the abused idea of the EU intergovernmental level as bringing about an informal regime of “consociational democracy”. This is based on a few prevalently formal similarities: mutual veto power and concessions; top leadership representation of broad group

interests (national); and a style of co-operative negotiation aimed at compromise and consensus.<sup>4</sup> In my opinion the fit is indeed very weak. Apart from any other consideration, consociationalism presupposes a closed state system in which actors facing external and internal threats are *obliged* to enter systemic relations and to come up with common solutions. The absence of exit options for all actors oblige élites to accommodate and to create packages of political exchange.

In an open system like the EU, the exit options for several actors prevent packages over a wide range of policies. Actors whose resources are needed for the package are not locked into the system, which is loosely bounded. They can withdraw their resources and in so doing they can impede any outcome and live with their second best solution of no outcome at all. Moreover, the simple fact that consociationalism works only at the inter-governmental level defeats the very reason for its existence. The fact that other crucial fields and resources *escape* the consociational decision-making (because they are dealt with at the supranational or infra-national level) makes the possibility of consociational deals less likely, less far-reaching and less stable. Those aspects of the Union treaties which are constitutionalized (boundary removing, competition enhancing, etc.) subtract resources from the consociational deals. The latter are therefore undermined by exit options and constitutional checks outside their control. The scope for consociational political exchange is therefore extremely limited.

#### 3.4. *Actors for political structuring*

Much of the debate about democracy at the European level addresses either general theoretical and normative principles such as citizenship, sovereignty, etc., or it concentrates on institutional solutions. Less attention is given to the formation of the socio-political actors and political conflict which can structure European politics – that is, to those processes of political structuring that give (and gave) democracy the substantive bases for voice channelling and political organisation. As a matter of fact, beyond the important constitutional, institutional or public opinion elements, democracy was the result of the equilibrium reached by different political and social forces endowed with resources of a different quality (economic resource control, organisational pressure, electoral numbers, competence, etc.). This guaranteed the capacity of the political system to consider and to

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<sup>4</sup> See J.H.H. WEILER, U.R. HALTERN and F.C. MAYER, 'European Democracy and its Critique', *West European Politics*, 18, 1995, pp. 29-31, for a discussion of the consociational model.



respond to demands coming from forces whose economic position did not automatically ensure the safeguard of their interests as a result of the system's maintenance imperatives.

The sense in which I would like to speak of "political structuring" is the development of intermediate structures, organizational networks of political and social movements linking citizens to interests groups, to political organizations, and to broad political alliances capable of "vertebrating" the political process.

Known forms of representation have been historically based on three principles which correspond to different actors and channels: *corporate* representation; *territorial* representation, and *political* representation. Corporate forms of representation acquire the possibility of directly representing within the bureaucratic structure and machinery of the state the interests articulated within the society and/or of accepting as valid and binding the negotiated orders that those same interests can agree upon among themselves. Territorial forms of representation are based on the principle of representing sub-national territorial units directly within the central decision-making hierarchy and, therefore, take on the homogeneity and the cohesion of the territorial articulation of interests. Finally, political forms of representation are based on individual voluntary participation in processes of leadership selection structured by broad political organizations without a pre-defined representational content. The latter legitimation, as it is known, does not rest on how well they represent and defend the interests of a specific constituency of pre-defined actors (interests groups or territories) but rather on how well they represent, through the electoral accountability mechanisms, whatever interests are or might be electorally significant.

One could argue that in the EU all these forms and channels of representation have been activated and are now somehow operational. Early integration theory assigned an important role to the development of interest groups at the EU level, and the Commission and bureaucracy in Brussels were willing to promote interest organizations on "a scale coterminous with their supranational legislation". An infinite number of consultative and negotiation committees has since then been set up in every area of EU activity. It was hoped that these groups, brought into the central bureaucratic decision-making process, would have lobbied for Brussels in relation to their national governments.

In terms of territorial representation, the state decentralization trend in most EU member states since the seventies has given rise to increased regional capacities, in terms of economic and organizational resources, in dealing with territorial problems and in managing policies of local economic development, and thus to a reinforcement of mechanisms of

intergovernmental relations within the national scenario. At the same time, the local impact of the Single European Market and the uncertainties produced at the regional level have led relevant social forces and interests to express their concerns about the possible impact of EC measures on regional and local economic structures. These uncertainties have generated demands from local socio-economic actors for regional action to identify areas affected by these changes and take the appropriate measures to respond with regional structural adjustments. The EU in general and the Commission in particular acted fast in taking the opportunity to set up new legal and financial tools for regions and engaged in a programme of institution-building for regional representation mobilization within the Union (regional development funds, conventions of frontier co-operation, Committee of the Regions, etc.). These efforts have created growing cross-regional co-operation and a growing “central” representation of regional actors.<sup>5</sup>

At the political level, too, the Union has strengthened the role of the Parliament and of the transnational parties through a number of structural changes (direct election, growing competencies). It could be said, therefore, that in all three realms of representation, corporate, territorial and political, the Union has actually strengthened its “roots” via a slow but consistent strategy of institution-building aimed at creating new channels for the possible grass-roots mobilization of various kind of non-state actors.

However, this picture is too optimistic and criticism concerning the performance of these channels outweighs the positive results. Firstly, all these institutional opportunities are based upon the possible option of concerned partners *to exit or to abstain* from participation. Some regions are more proactive and endowed, others are weaker and actually incapable of profiting from the new opportunities.<sup>6</sup> Some corporate interests (in particular capital and business) cannot be forced to accept the results of concertative frameworks as binding, as the Commission has no capacity to “bribe” them or to “force” them to do so. For some of them, regions or corporate actors, the default solution of non-co-operation may prove more profitable than that of engaging in actual participation in these loose representation frameworks.<sup>7</sup> Parties formally regroup at the EU parliament

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<sup>5</sup> G. MARKS, F. NIELSEN, L. RAY and J.E. SALK, ‘Competencies, Cracks, and Conflicts. Regional Mobilisation in Europe’, *Comparative Political Studies*, 29, 1996, pp. 164-192.

<sup>6</sup> W. STREECK and P. SCHMITTER, ‘From National Corporatism to Transnational Pluralism: Organised Interests in the Single European Market’, *Politics and Society*, 19, 1991, pp. 133-164.

<sup>7</sup> M. KEATING, ‘Les Régions Constituent-elles un Niveau de Gouvernement en Europe?’, in P. LeGalès and C. Lequesne (eds.), *Les Paradoxes des Régions en Europe* (Paris, La Découverte, 1997), pp. 19-35; KEATING M., ‘The Political Economy of Regionalism’, in Keating Michael and John Loughlin (eds.), *The Political Economy of Regionalism* (London, Frank Cass, 1997), pp. 17-40.

level but are not compelled to provide coherent alliances and policy alternatives by the “non-systemness” of the European party system.<sup>8</sup> This “open” structure at the level of political representation corresponds to the equally open structure of the EU at the intergovernmental level mentioned above.

Secondly, and consequently, that the channels of representation do not function is demonstrated by the absence, and indeed the impossibility, of opposition and conflicts about the EU being expressed in each of them. Although it is obvious that sub-national territorial interests are and will be diversified, and that some areas may profit more than others from the opportunities offered by the new integrated market and suffer less its costs, the idea of “regional representation” betrays an organic and generalized unanimous consent to participation and none of the bodies set up for territorial representation has so far shown any sign of a capacity to represent different territorial interests and diverging views about the activities, future and content of the integration process. Similarly, the extremely “pluralistic”, organizationally fragmented, and internally competitive world of the interests represented in Brussels has not generated stable lines of alliance, opposition and conflict that could be effectively mediated through the actors’ concertation and the Commission’s role. Similarly, again, the European elections, parties and Parliament have so far been totally unable or unwilling to articulate any of the latent conflict and opposition relating to the EU related issues of enlargement, competencies, powers, etc.

Yet regions cannot be represented without including conflicts among losers and winners and compensating mechanisms. Interests cannot be centrally brought into the “concertation-negotiation” mechanisms until exit options for some are not reduced; parties cannot hope to represent anything until their internal divisions on the contentious issues of the Union are brought up and constitute the issues of the debate. However, it is obvious that in none of these channels/arenas are conflicts and alternatives generated, expressed, articulated and mediated. The only channel and arena where this happens is still the intergovernmental Council. Anti-European, European-sceptical and European-critical sub-national actors have to by-pass enormous barriers of institutional exclusion (for most informal channels), of organization, of territorially dispersed pockets, and of culturally and ideologically disparate parties. As a result, national arenas remain the only arenas for actors deprived of those resources necessary for

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<sup>8</sup> R. ANDEWEG, ‘The Reshaping of National Party Systems’, *West European Politics*, 18, 1995, pp. 58-78.

EU access which include fundamental adhesion to the current EU policy and institutional framework and to its ethos.

The conclusion is that institutions and channels of corporate, territorial and political representation seem to represent more a system of legitimation for the techno-bureaucratic central hierarchy than effective mechanisms of interest representation which must incorporate and resolve conflicts. They seem sometimes to respond more to the Commission's need to legitimize itself (and to weaken its intergovernmental counterpart) via direct relationships with sub-national or supra-national institutions.

### 3.5. *Conclusion*

The usual argument which is employed by the optimistic view of the development of the Union is the “*not yet*” argument. That is, whatever the criticism, the developments in the fields of corporate, territorial and political representation point to trends which will go on, eventually endowing the Community with functioning representational linkages. It is naturally difficult to discuss the “not yet” perspective because its time-horizon is not defined. The point here developed is that the democratization of the EU now faces structural obstacles and inherent contradictions that cannot be solved incrementally by approaching the target by piecemeal adaptation,<sup>9</sup> but which, instead, require fundamental institutional adaptations. With regard to the latter it is not easy to identify either the actors or the motivations.

It is certain that the four dimensions of EU democratization briefly discussed here – demos and citizenship, substantive competencies, regime structure and actors' representation – relate to each other closely. One could say that the structuring of the actors' political representation requires previous institutional regime democratization and that the latter will actually stimulate the former. According to this, territories, groups, parties and voters do not structure their “European-level” political interactions because there the competencies are limited and the powers are not democratically responsible.

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<sup>9</sup> Neither can they be solved by the “democratic-deficit” rhetoric that transforms itself into sheer normative invocation. A recent contribution has even stated that “the achievement of an optional (sic!) model for EU-level democracy requires a process of self-transformation from a dispersed system of national democracies to a unity constituted by an ‘inclusive’, self-conscious and politically active transnational demos, capable of directing its democratic claims to and via the central institutions and hence move the European policy beyond executive elite dominance”. D.N. CHRYSOCHOOU, ‘Democracy and Symbiosis in the European Union: Towards a Confederal Consociation?’, *West European Politics*, 17, 1994, p. 13.

Alternatively one could say that forms of contentious structuring of European public opinion, articulated through parties discussing European issues, would create that European public sphere which will eventually lead to successful pressure for institutional democratization. One can also believe that the progressive extension of EU competencies will by itself trigger off such widespread public reactions and leaders' perceptions of the risk of them as to ensure further steps towards political structuring and institutional democratization. And, to conclude, one can also think that the progressive definition of a European-level demos through the establishment of a set of citizenship involving not only civic but also social and political rights, enforceable by court action, could achieve the same result of increasing pressure for other areas of democratic development.

The prospects of slow spill-over effects from one dimension of democratization to others in a progressive mutual strengthening of all of them cannot be dismissed. Incidentally, it resembles considerably the historical process which characterised national political democratization development. In my opinion, however, citizenship definition, regime democratization and European-wide actors structuration, tend to be primarily dependent upon the peculiar institutional competencies of the Union. The constitutionalized defence of market-making legislation and the corresponding necessary positive intergovernmental political decision for any significant extension of those original goals make it unlikely that any bottom-up form of socio-political actors political structuration will take place.

#### 4. NATIONAL DEMOCRACY AND EUROPEAN UNION

So far the discussion has concerned how to democratize Europe, how to overcome the current version of a Union characterized by "enlightened administration on behalf of uninformed publics, in co-operation with affected interests and subject to the approval of national governments".<sup>10</sup> This problem is not particularly pressing if one believes that the fundamental roles of democratic decision-making, of social citizenship definition and defence, and of national political identity representation, are left unaffected at the national political level *during* the process of European economic integration. Is it the case that the European Union process, however low its democratic legitimacy might be, does not affect the functioning of democracy at the national level?

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<sup>10</sup> W. WALLACE and J. SMITH, 'Democracy or Technocracy? European Integration and the Problem of Popular Consent', *West European Politics*, 18, 1995, pp. 138-157, p. 143.

A growing number of analyses which concentrate on the development of European integration have underlined how its persisting double aspect of intergovernmental and supranational processes, and the divided sovereignty at the top of the EU which follows, have contributed to the nation-states relinquishing sovereignty over the Keynesian control of the national economy while they have resisted successfully any attempt to intrude into their typical cultural and political distinguishing features. So, the differential speed and scope with which integration has proceeded in the field of economic rights, economic boundary removal, and free movement of productive factors has left the States, once they have relinquished their claim to a national political control of the market, in full control of their systems in different areas. If European States have lost their capacity to govern their economies, and impose political will on market forces and their dynamics, they have however retained their prominent role of being a focus for political organization and collective identity (democracy and identity), drawing continued legitimacy from association with democracy and national identity. Is this *retrenchment* of the nation-state into its cultural and politico-administrative boundaries compatible with its relinquishing its traditional control over its economic boundaries? Can nation-states and political élites, formally disengaging themselves from economic issues and problems, nonetheless manage to consolidate “their position both as masters of the international system and as the principal foci of political identification and democratic legitimacy”?

One can imagine that national domestic sovereignty and democratic political legitimacy can be maintained even under conditions of very high international economic interdependence only if citizens can be persuaded by public debate or by the successive failures of different governments that economic outcomes are *de facto* the result of forces outside the reach of the nation-state. Otherwise, performance legitimacy having being undermined, there will likely be tensions in the political structure. Either the perception of the national loss of control in economic matters is exaggerated, or political consequences in the channels of national political representation are likely to emerge.

I maintain that this peculiar division of labour between the EU and the nation-state is unlikely to be without consequences in the medium term, and that nation-states are unlikely to find it easy to remain the focus of political legitimacy and identity while the process of dismantling their economic competencies is progressing rapidly. The removal of economic boundaries and the parallel reduction in the capacities of nation-states to control the national socio-economic environment is likely to have consequences with regard to forms of national political representation and national

identity definition. In this sense, the European integration process is also likely to affect the “quality” of national democracies and political representation with consequences for the role of national parliaments, the cohesion of national parties-national electorates, and the cohesion of national interest organizations.

#### 4.1. *National parliaments*

It is evident that in those fields in which policy competencies have been effectively transferred to the supranational Commission or to the intergovernmental Council, national parliaments have actually seen their legislative scrutiny capacity either disappear or be reduced. The sheer quantity, technical complexity and remoteness of EU legislation, the imbalance in information, and the required freedom of manoeuvre required by national executives in their Council’s negotiations determine this.

Since the new ratification processes of SEA and TEU, national parliaments have increased and improved their scrutiny of EU legislation and they have exploited the uncertainties surrounding ratification to bargain increased powers of scrutiny over EU legislation.<sup>11</sup> The new treaty ratification brought about a number of procedural and even constitutional changes designed to improve and increase the scrutiny power of national parliaments, to make sure that their views could be expressed before national ministers approve proposals in the Council of Ministers, to receive information from executives in due time, etc. etc. So, in conclusion, the new treaty ratification has brought about an increase request for parliamentary scrutiny power *vis à vis their national executives*. National governments were forced to concede, or were interested in conceding, those constitutional, procedural or actual changes within their domestic institutions which improved the transmission, quality and capacity to scrutinise EC legislation and EU matters generally. This meant that the national-parliament-national executives linkage was strengthened and that parliaments necessarily asked for more control over their executive action in Brussels in the Council.

In contrary fashion, very little if anything was achieved in the direction of closer co-operation between the national and the European parliaments.<sup>12</sup> In fact, the co-operation drive among national and European parliaments is hampered by two fundamental problems: the national parliaments are not, of

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<sup>11</sup> D. JUDGE, ‘The Failure of National Parliaments’, *West European Politics*, 18, 1995, pp. 79-100.

<sup>12</sup> K. MEUNREITHER, ‘The Democratic Deficit of the European Union: Towards Closer Cooperation between the European Parliament and National Parliaments’, *Government and Opposition*, 1994, p. 29.

course, and cannot be, part of the routine legislative process of the EU. Therefore their main work and activity is to hold national ministers and executives accountable for what they do and obtain in the Council.

In other words, it is unclear whether there is any compatibility in the role of national versus European parliament. There might be a fundamental difference of interest as far as accountability is concerned. National parliaments when they fight the cause of democratic accountability are naturally inclined to make their national executive more accountable and more constrained in what they do in the Council. While holding national executives responsible for their actions in Brussels they actually contribute to an inter-governmental vision of EU decision-making. By claiming accountability in relation to what the Commission and the European Council are doing, the European Parliament invokes a different chain of accountability, which may be in opposition to that claimed by national parliaments. By increasing national accountability through a closer control over their executives, national parliaments undermine the process of European accountability in relation to the European parliament.<sup>13</sup> The contrary, too, would, of course, be true: increasing EU executive(s) accountability at the EU parliament level would entail a loosening grip on the part of national parliaments.

#### 4.2. *National parties, electorates and interest groups*

The idea of the “demise of the nation-state” actually refers to the “demise of the nation-state Keynesian policy capacity”. Once economic boundaries are removed and productive factors deregulated, corporations and individuals can move freely from one jurisdiction to others according to the social costs and regulatory burdens imposed on them and the alternative positive opportunities offered to them. The absence of European-wide harmonization forces governments to implement their economic and social policies following the requirements of international competitiveness and engenders pressures for competitive deregulation. National competitiveness is becoming the dominant political imperative and programme as national regimes are themselves exposed to competition that they can no longer contain either at the national level or at the EU level.

The consequences of this new situation are already surfacing at the national level, with a tendency to shift taxation from more mobile to less

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<sup>13</sup> See M. SHACKLETON, ‘Democratic Accountability in the European Union’, in F. Brauwer, V. Lintder and M. Newman (eds.), *Economic Policy Making and the European Union* (London, Federal Trust, 1994), p. 100.



immobile factors (from capital to labour and general taxation) and to shift the financing of the welfare state from employers' contributions to general tax revenues. These tendencies are likely to be strengthened in the context of the single currency programme and the related monetary, fiscal and social policy harmonization at the national level that it will impose. EU competition policy pushes toward the privatization of previously nationalized industries which protected sectors of the labour force and rules out state aid and subsidies to domestic industries for employment protection. Access and participation in the EMU constrains public borrowing and the overall public deficit. The central banks are made more autonomous and in the future they will no longer be allowed to extend credit to government.

Within this context, national political parties will have less and less capacity to control the resources available to meet the demands of their *classes gardées* and to smooth the asymmetric shocks on different social groups. Moreover, facing the development of the EU and the issues which reverberate on national politics from this process, the parties will have to face the consequent problem of how to deal with the possible and uncontrollable splits within their national electorates and in their own rank and file and the linked potential loss of control over the bulk of "their" voters. Their generalised tendency to make EU-policies and issues *valence* issues and to silence their potential divisiveness is fed by the clear perception that those issues, if publicly mobilized, are likely to split both the parties and their traditional electorate along new and different lines of alignment. This silence-collusion is making national parties quite vulnerable to the emergence of anti-EU or anti-EU-specific policy splinter parties or new small parties or political movements or opinion moods.

Parties all over Europe may well soon discover the importance of the development of a European-issue and the European arena for the national control of their voters. To put it differently, parties will discover the importance of continued control of voters in the realm of supranational political issues, elections, policy and also constitutional matters.<sup>14</sup> The emergence of new political alignments and opposition lines *at the national level* and within the national party system (not at the European level for the reasons discussed above) may cut across, reshape, and disrupt traditional party internal cohesion and coalition strategies. In other words, the issues related to the domestic impact of the European market-making effort may realign national electorates, interest groups and group leaders.

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<sup>14</sup> A point well made in M.N. PEDERSEN, 'Euro-parties and European Parties: New Arenas, new Challenges and New Strategies', in S.S. Andersen and K.A. Eliassen (eds.), *The European Union: How Democratic Is It?* (London, Sage, 1996), pp. 25-26.

In the longer run national political parties may also face the problem of how to consider and control the potential for the building up of new trans-European parties or groups of parties which do not fit well with the national party alignments. Increasing their role at the EP level, national party groups and factions may pursue at the European level strategies of alliance with parties and other groups which are inconsistent with the national pattern of coalitions.

The history of party politics tell us that parties will be able to continue to control electorates only if they manage to control effectively all arenas in which citizens are interested and active, in much the same way as their control and powers extended historically to local politics and to executive institutions previously beyond their "reach". If the EU sites of policy-making entirely escape their control and reach, it is likely that they will experience growing problems even in keeping the traditional national control of political alignments, voting, parliamentary life, etc. Their present considerable, if not total, command of the national arena may well be challenged progressively by their weak command of other, sometimes sub-national, but most frequently supra-national, arenas.

Even national pressure groups are affected by the acceleration of the integration project. It took most of these groups a long time before they could overcome sector, regional and organizational differences to effectively represent larger audiences of their respective putative interests. More or less they are all affected by a growing internal organizational tension which is caused by a progressive differentiation of interests which all revolve around the costs and benefits of the new mobility options offered by the European and international market. Tensions between domestically oriented groups and multi-market oriented groups tend to cut across most business and trade associations.

The effective capacity of certain national groups, corporations, individuals and even territorial subnational governments to escape the obligations of national jurisdiction reduces the available resources at the national level and imposes those policies which are meant to pre-empt the exit options of those endowed with skills and resources which make them potential "exiters". At the same time, the reactions of those who cannot enjoy the same opportunities and whose fate is locked into the mechanisms and constraints of the nation-state may well lead to considerable tensions in the forms of national representation. Exit options affect the resources available at the centre of the national decision-making process and may, in the long run, also affect those emotional and solidarity pre-contractual elements which were at the roots of the territorial and cross-groups redistribution of rights, wealth and power which pacified our societies after the Second World War.

## 5. CONCLUSION

It has been argued that, at the moment, the relationship between the specific features of the European project of market integration on the one hand, and the prospects for democratic institution *both* at the EU and at the national level on the other, are characterized by a growing and more explicit tension and imbalance. In conclusion, democracy may well prove very difficult to organize at the EU level, but, at the same time, it may prove to be more and more ineffective as a linkage mechanism between public preferences and policy outputs at the national level.

The generalized structure of “exit options” which characterizes the “market-making” activities of the Union has militated so far against any stable form of political structuring of representative actors at the European level. At the same time, the same exit options which arise from the removing of national economic boundaries in the making of the integrated market also tend to undermine local and national mechanisms of political representation and legitimation.

The key issue is the imbalance between, on the one hand, the economic boundary removal which has been progressively sustained by constitutionalized goals and court case law, and, on the other, the incapacity of new boundary building caused by the blockage of veto powers at the intergovernmental level and the inherent limited competencies of the Commission. This imbalance tends to prevent any real political structuring of actors, oppositions and policy alternatives at the European level, while at the same time tends also to “destructure” and “delegitimize” the traditional national sources of political legitimacy, either by factually reducing their autonomy and their scope for purely national policy-making, or by weakening and breaking the organizational solidity and cohesion of the national socio-political actors in relation to the new and uneven redistribution of options and opportunities offered by the building of an integrated market characterized by the mobility of some and by the firm locking in of others.

The picture presented here is not optimistic for democracy. In the absence of clear-cut political and ideal choices capable of overcoming the embedded mechanisms which structurally prevent any democratization process, the logic of integration left to itself would probably produce political tensions which cannot be solved either at the EU or at the national level.

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