

T.C.
DOKUZ EYLÜL ÜNİVERSİTESİ
SOSYAL BİLİMLER ENSTİTÜSÜ
ULUSLARARASI İLİŞKİLER ANABİLİM DALI
İNGİLİZCE ULUSLARARASI İLİŞKİLER PROGRAMI
YÜKSEK LİSANS TEZİ

**DEMOCRATIC DEFICIT IN THE EUROPEAN UNION:
A RECONFIGURATION OF POLITICS**

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Danışman
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2007

Yemin Metni

Yüksek Lisans Tezi olarak sunduğum “**Democratic Deficit in the European Union: A Reconfiguration of Politics / Avrupa Birliği’nde Demokrasi Açığı: Siyasetin Yeniden Yapılandırılması**” adlı çalışmanın, tarafımdan, bilimsel ahlak ve geleneklere aykırı düşecek bir yardıma başvurmaksızın yazıldığını ve yararlandığım eserlerin kaynakçada gösterilenlerden oluştuğunu, bunlara atıf yapılarak yararlanılmış olduğunu belirtir ve bunu onurumla doğrularım.

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Öğrencinin

Adı ve Soyadı : İlkin ÖZDİKMENLİ
Anabilim Dalı : Uluslararası İlişkiler
Programı : İngilizce Uluslararası İlişkiler
Tez Konusu : Democratic Deficit in the European Union:
A Reconfiguration of Politics
Sınav Tarihi ve Saati :

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ABSTRACT

Master Thesis

Democratic Deficit in the European Union: A Reconfiguration of Politics

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The European Union is faced with a “democratic deficit” that appears at different levels. At supranational level; the legal framework on the functions and the accountability of legislative, executive and judiciary organs is not sufficient, and the Parliament, traditionally identified with direct representation, legislation and the supervision of the executive, is largely devoid of legislative powers, of social legitimacy, and of supervisory authority. At national level; while the national governments and bureaucracies, conducting the relations with the EU are strengthened, parliaments and mass organizations are trivialized. At popular level, electoral apathy and alienation from politics is observed. Problem of popular legitimacy of the Union revealed itself recently in the rejection of European constitution in two core EU members, and in the ever-decreasing voter turnout in the elections to the European Parliament -45 per cent in 2004-. In short, there appeared a structure with a fragile legitimacy, in which political representation, accountability and participation are weakened, and politics is technicalized.

In this thesis it is argued that the democratic deficit is a natural outcome of the process of reconfiguration of economy and politics started in the 1980s. In the period that followed the Single European Act (1986), the EU has not only deepened its economic integration but also started to take steps towards a political union. The EU started to seek for new sources of legitimacy, as the features on which the Union formerly based its legitimacy –provision of socio-economic welfare and being composed of legitimate government representatives of member states- eroded due to the transition to neo-liberal economic policies and the process of ever-growing delegation of sovereignty. Concurrently gained ground the attempts of alternative schools of thought in democratic theory to redefine political participation in the framework of civil society, deliberation, representation of differences etc. It is asked in the thesis whether those approaches did challenge liberal governance based on neo-corporatist participation, and it is concluded that they reproduced the supremacy of the economic sphere over the political, that of technocratic and neo-corporatist “policy-making” over agonistic “politics”, and liberalism over democracy.

Key Words: European Union, Democratic Deficit, Democratic Theory, Governance, Civil Society

ÖZET

Yüksek Lisans Tezi

Avrupa Birliği’nde Demokrasi Açığı: Siyasetin Yeniden Yapılandırılması

İlkim Özdikmenli

Dokuz Eylül Üniversitesi
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İngilizce Uluslararası İlişkiler Programı

Avrupa Birliği çeşitli düzeylerde ortaya çıkan bir “demokrasi açığı” ile karşı karşıyadır. Ulusüstü düzeyde; birliğin yasama, yürütme ve yargı kurumlarının fonksiyonları ve hesap verirliliği konusunda yeterli hukuki çerçeve bulunmamakta, geleneksel olarak doğrudan temsil, yasama ve yürütmenin denetlenmesi kavramlarıyla özdeşleştirilen Parlamento yasama gücünden büyük ölçüde yoksun, toplumsal meşruluktan uzak ve yürütme karşısında yetkisiz bulunmaktadır. Ulusal düzeyde; AB ile ilişkileri yürüten ulusal hükümetler ve bürokrasiler güçlenirken, parlamento ve kitle örgütleri önemsizleşmektedir. Popüler düzeyde ise; seçmen ilgisizliği ve siyasete yabancılaşma gözlemlenmektedir. Avrupa siyasetinin popüler meşruluk sorunu son olarak iki merkez AB ülkesinde referandumlarla Avrupa anayasasının reddedilmesinde ve parlamento seçimlerine giderek azalan ve son olarak %45 düzeyinde gerçekleşen katılımda kendini göstermektedir. Kısacası siyasi temsil ve hesap verirliliğin zayıfladığı, siyasetin teknikleştiği ve siyasal katılımın zayıfladığı, meşruluğu kırılmalı bir yapı ortaya çıkmıştır.

Bu tezde demokrasi açığı ve meşruiyet sorununun, 1980’lerde başlayan ekonomi ve siyasetin yeniden yapılandırılması sürecinin doğal bir sonucu olduğu öne sürülmüştür. 1986 Tek Avrupa Senedi’ni izleyen süreçte AB, ekonomik bütünleşmesini derinleştirmekle kalmamış, siyasi bir birlik olma yolunda da adımlar atmaya başlamıştır. AB’nin daha önce meşruluğunu dayandırdığı, sosyo-ekonomik refah sağlama ve üye devletlerin meşru hükümetlerinin temsilcilerinden oluşma niteliklerinin neoliberal ekonomi politikalarına geçiş ve artan egemenlik devri süreçleriyle zayıflaması, birliği yeni meşruiyet kaynakları aramaya itmiştir. Eş zamanlı olarak, demokrasi teorisinde alternatif yaklaşımların siyasal katılımı sivil toplum, müzakere, farklılıkların temsili vb. çerçevede yeniden tanımlama girişimleri güç kazanmıştır. Tezde söz konusu yaklaşımların neo-korporatist katılıma dayalı liberal yönetim anlayışının sınırlarına meydan okuyup okumadığı tartışılmış; bu yaklaşımların ekonomik alanın siyasal alan üzerindeki, teknokratik ve neo-korporatist “politika-oluşturma”nın tartışmacı “politika” üzerindeki, ve liberalizmin demokrasi üzerindeki üstünlüğünü yeniden ürettiği iddia edilmiştir.

Anahtar Kelimeler: Avrupa Birliği, Demokrasi Açığı, Demokrasi Teorisi, Yönetişim, Sivil Toplum

**DEMOCRATIC DEFICIT IN THE EUROPEAN UNION:
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INTRODUCTION

Democracy, defined either as the restriction of authority, as accountability of the rulers, or as participation in decision making, is about the legitimate use of power delegated by the people to a ruling body. Democracy is one of the most important sources of legitimacy, though not the only one. As the necessities, priorities, organization of social relations, preferences of power-holders, external environmental factors change in an act of use of power in a given social unit, democracy metamorphoses. Modern democracy is currently under an actual and paradigmatic metamorphosis, as modern state is being exposed to a worldwide transformation since the mid-1970s.

The term “democratic deficit”, referring to the democratic legitimacy problem within the European Union came to be widely used by the 1990s. Before then the debates around democratic institutions such as the demands for an increase in the roles and responsibilities of the European Parliament and national parliaments, were mainly held within the context of dissention between functionalist and intergovernmentalist understandings of integration. Neither were really concerned about popular participation or checks and balances among European institutions but both had been attempting to improve their positions with regard to the other by strengthening national or supranational bodies. Both parties agreed on the elite character of European integration, and that democratic participation was irrelevant. This was because the legitimacy of the project had been based on a different but solid basis according to them: Neo-functionalism of the federalists claimed that public welfare provided by the process would legitimize the project and democratization would simply follow deeper integration. Intergovernmentalists on the other hand argued that the EU was an intergovernmental organization and thus the integration was a matter of diplomacy. In other words, legitimacy was grounded in the provision of economic and social welfare, or in the medium of the democratic legitimacy of member state governments. Both were true since the EU took some significant supranationalist steps in certain fields but remained intergovernmental with respect to others.

The legitimacy of the European Union had been derived from the legitimacy of its national member states, and democracy within the institutional structure of the European Union has not been considered and debated much, until the 1990s. The legitimacy of Western European states then mostly relied on the welfare state practice and to a lesser extent on the threat perception and open society rhetoric of the Cold War against the communist bloc. However, the late 1980s and the 1990s witnessed the completion of a dual transformation of this situation: the domestic and Union-wide consequences of transition to neo-liberal economy on the one hand, and the requirements of integrating the former socialist countries into the liberal world on the other, pushed the European integration, which was thus far merely a customs union, to deepen and gain an efficient political-institutional framework. In the late 1980s and early 1990s the most critical steps in European integration such as the Single European Act, the Schengen Convention, and the Maastricht Treaty were taken by the European elites, excluding the European peoples whose consent was considered as given. However, “democracy struck back” (Smith and Wright, 1999: 1) in the 1990s. Unexpectedly, in June 1992 Danish electorate rejected the ratification of Maastricht Treaty, which reestablished the Union in the eve of the new world order. Also in other member states, including the core countries, the Treaty led to serious debates. Although this blow was overcome, it forced the European politicians to reconsider the elitist roots and the decreasing legitimacy of the Union. New forms and sources of legitimacy that would not but threaten the new economic structure were required. Democratic deficit then came to be discussed on a wide scale.

The concept “democratic deficit” has usually been used to refer to the ineffectiveness of the elected –namely of the European Parliament in EU decision-making processes-, to the power of EU bureaucrats, to the lack of openness and transparency of European institutions, and to the ignorance and apathy of European peoples towards the EU. To close the deficit, defined as above, the EU took some steps throughout the 1990s and early 2000s, such as gradually increasing the authorities of the European Parliament (EP), and providing to national parliaments and peoples more openness and transparency in accessing the records and regulations. The increase in the roles and responsibilities of the parliament cannot be disdained but

representation crisis even at this level of analysis continued though; EP is still ineffective in legislation to a certain extent, main decision maker is the European Council, which consists of minister level representatives of member states, and the European Commission is also more powerful than the parliament in both legislation and execution. It is still frequently argued that the direct elections to the EP are held for nothing but providing legitimacy to the Union. The elected is quite weaker than the appointed. What is political is squeezed in a narrow sphere subject to parliamentary representation, political competition, and public pressure, while many economic, financial, social, educational, environmental, cultural etc. issues are dealt by experts as if they are technical issues. Another facet of accountability problem is the unaccountability of national governments and bureaucrats over against national parliaments and the people. Supranationalism contributes to the deepening of democratic deficit. Delegation of sovereignty through supranational institutions and mutual interference help the governments at national level, who are in fact quite authorized thanks to the principle of subsidiarity and their role as Council members, Commission appointers and as implementers, hold the EU responsible for those policies not welcomed domestically. Increased use of majority vote instead of unanimity in Council decisions deepens the accountability problem.

While defining the democratic deficit in the EU as the weakening of representative institutions and the unaccountability of governments and bureaucracies is a useful framework for starting, democratic deficit cannot be understood and closed merely in institutional terms. Low participation levels in the direct elections to the EP is quite low (45,5% EU-wide in 2004) and every treaty reform the Union puts forth faces a referendum crisis. These demonstrate a general loss of interest in politics and at the same time a popular discontent about the erosion of state sovereignty and about neo-liberal policies and their social consequences such as unemployment, immigration, etc. This is why many critical theorists start by describing a legitimacy crisis prior to the democratic deficit problem and propose new popular grounds for legitimacy. Their ideas started to be taken seriously by the EU relatively late, in the late 1990s, when the EU became ready to play a much more assertive role in the region and in politics, thus to establish a politically coherent union, to follow the

principles of neo-liberal governance, and to reconstitute its sources of legitimacy. Those new approaches that examine the weaknesses of a representative understanding of democracy based popular sovereignty and civic nationalism in closing the deficit, and that propose alternative models such as technocratic, cosmopolitan or deliberative democracy, will thus be dealt in the thesis.

A brief history of European integration and its institutions will be given in the first chapter of the study, with a special emphasis on the motivations of integration, on its popular bases, and on whether it has become a post-national and postmodern organization today. Then the facets of democratic deficit in the EU as the weakening of representative institutions and the unaccountability of governments and bureaucracies will be defined and discussed in the second chapter. As the EU has constituted and imposed a model for democratization to the candidate members, how democratic deficit is reflected in its periphery will also be studied in this chapter. The third chapter will be dealing with the transformation in politics and the theoretical reflections on it. Many students of European democracy consider this approach inadequate, arguing for rethinking democracy in a postmodern/post-national framework. The final chapter will review the formal initiatives of the EU for regaining legitimacy after 2001, especially the premises and principles of democratic governance. This chapter relies mostly on primary documents such as Commission reports. This part will deal with those approaches that examine the democratic deficit in the EU and its solution, in terms of European public sphere, citizenship, transparency, multi-level governance and multiculturalism, etc.

The EU applies to these alternative theories and attempts to take certain steps. Among these initiatives are multi-level governance (localization, regionalization, supranationalization), politics of identity (multiculturalism, minority rights, environmentalist-feminist-ethnic politics), NGOism at different scales, emphasis on human rights, citizenship, and constitutionalism etc. A great deal of theoretical work has started to focus more and more on new types of democracy, from Habermasian deliberative democracy to radical democracy, and to postmodernist theories that even deny the ideal of free political debate in civil society arguing that not only

representation but also emancipatory public discourse understanding is archaic and incongruous with the fragmented eclecticism of postmodern practice. At all scales the center of democratic polity shifts from the competition for political power to civil society and NGO activities.

CHAPTER ONE

A BRIEF HISTORY OF THE EUROPEAN INTEGRATION

In the first half of the 20th century, economic and political factors divided the Western European states into adversary camps. Delayed economic development of some countries and the following competition for overseas markets, disintegration of empires, territorial disputes, and conflicting ideologies led them to hostility and to fight two world wars. In the second half of the century, however, Western European states have accomplished building a unique regional trading bloc and common market, and managed to avoid serious conflicts with each other from then on.

In this section we will make a selective reading of the history of European integration that would serve the purposes of this paper, not a comprehensive study of EU history. Narrating the developments since 1945 up until the present date, we will mainly try to highlight the elitist and technocratic roots of the union, the responses of the EU to the transformations in world economy and politics, the place of national interests/considerations, and the arise of popular alienation.

It is a common approach to examine the history of European integration in three parts: from the date of foundation until the 1973 crisis (period of economic growth and welfare economy), from 1973 to 1986 (economic crisis and stagnation in integration), and from the end of the Cold War to date (years of deepening and widening). We will follow the same path.

1.1. CONSTRUCTION AND WELFARE PERIOD

Europe certainly represents a common political and legal culture that covers the concepts of rule of law, common good, right to resist tyranny, constitutionalism and so on. However, as Aykut Çelebi suggests, it is the transformations in world politics and economy and the attitudes of European states in accommodating themselves to new circumstances rather than the mythology of “Europe” that that determined the course of European integration into a political union. In this sense,

European integration is a contingent process, not the fulfillment of the *telos* Europe. (Çelebi, 2002: 46, 51) It is known that the periods when European integration accelerated comes upon post-war/post-conflict/post-crisis times; European states reconstitute their integration in accordance with the requirements of international and regional conjuncture (Dedeoğlu, 2003: 41). So, the assumptions on the founding role of common identity, values and culture in the establishment of a European community should not be overestimated. This project has born out of the search for security and a strong economy in the Western Europe, and involved a variety of interests, perceptions, and capacities. Have ruined economically and socially by the two world wars, lost their economic and political world leadership position, lost most of their colonies, lost their backyard –Eastern Europe and the Balkans- to socialism and faced strong communist parties inside, especially in those countries occupied during the war, the European states needed each other and the new hegemonic power United States to revive. First of all a long-lasting peace settlement between the two inveterate enemies, France and Germany, had to be established. New tensions between France and Germany would have been committing suicide. Still the French have agreed to take a radical step for peace only when they have been persuaded that the country's national interest required so.

The US was the first to realize the need of closer cooperation among the war-weary European states, and have been the external motor of European integration. It provided economic aid through the European Recovery Programme (Marshall Plan) by 1947, “for reasons that were not altogether altruistic”; Cold War was about to begin, and a politically and economically strong Western Europe that would be the main station in this war had to be formed quickly. Greater economic cooperation among European states was the condition openly attached to the aid. (Nugent, 1999: 16) To this effect, the Organization for European Economic Co-operation (OEEC) was established to coordinate the program. Establishment of the North Atlantic Treaty Organization in 1949 and the launch of the Cold War accelerated the cooperation trend. “Western Europe’s presumed economic weakness and supposed political vulnerability drew the United States deeper into the continent’s affairs and turned Washington into a zealous champion of European integration.” (Dinan, 2005:

18) Economic well-being of Europe had to be supported and maintained for the sake of consolidation of internal power, and also for the rallying of world trade. Western Europe had to be secured internally and externally against communism. The Americans realized that the motor of the revitalization of European economy could be Germany, with its advanced industrial base, industrial raw material sources, broad market, trained population, socio-cultural ties with its neighbors etc. From then on, the US has become the major partner and sponsor of Federal Germany.

The 1948 “Congress of Europe” in Hague was the first important gathering of the Europeans. That the World War II paradoxically produced solidarity and motivation to defeat chauvinism among European peoples thanks to the common fate of being occupied and the spirit of fraternity created by the resistance movements, provided a positive popular ground for cooperation among states. The Hague Congress has become a stage for the first time for the still ongoing supranationalist-intergovernmentalist debate. The ensuing Statute on the Council of Europe 1949, introduced a Committee of Ministers and a Parliamentary Assembly. The Council served as an intergovernmental diplomatic conference but still achieved much; it was to adopt the European Convention on Human Rights in 1950, establish a Commission on Human Rights and a Court of Human Rights and sign the European Social Charter in 1961.

Contrary to what the US desired, France was frosty about cooperating with Germany. Though the bipolar system of the Cold War facilitated intergovernmental relations, it was still hard for the French to overcome historical economic and political fears and hostilities. Dealing with the reconstruction of France, DeGaulle charged Jean Monnet with the task of a radical economic revitalization. A perfect technocrat, as Dinan describes him, Monnet advocated functional integration between Western European states, administered by powerful politicians. That was necessary to reconstruct French economic power, to contain Germany, and to compete with larger, more resourced units such as the Americans, the British Commonwealth, and the Russian sphere. Functional integration meant that close

cooperation in certain economic sectors would achieve federation in the long run. (Dinan, 2005: 13-16; Nugent, 1999: 13; Therborn, 1995: 343)

The crisis triggering the French efforts for European integration has been the Anglo-American plan of reconstruction of West Germany. Monnet “exploited” the French’s fear of Germany. At first he planned to control the coal-rich Ruhr region of Germany through an International Ruhr Authority and sell the industrial output in the rehabilitated German market. After the US, which realized the importance of Ruhr for European economic recovery, pressed the French to come up with a mutually acceptable solution, Monnet revised his plan. The experience of the two world wars that a humiliated Germany would be dangerous, and the new fear that a political and economic vacuum in the Western Germany could result in a communist takeover, prevailed the fear of a nationalist, armed Germany. Monnet then proposed a supranational coal and steel community, and French foreign minister Robert Schuman took the political initiative. He declared the proposal on 9th May 1950, handing over responsibility for administering French and German coal and steel industries to a common high authority, an arrangement open to the participation of other European states. A strategy to reconcile German economic recovery and French national security, the Schuman declaration was in a sense a “political calculation” in terms of national interest. German Chancellor Konrad Adenauer enthusiastically showed his receptiveness to “integration of any kind”, since reconciliation with France was necessary for Germany in gaining full sovereignty and economic recovery. (Therborn, 1995: 345; Dinan, 2005: 11-13, 20-24) After long intergovernmental negotiations, European Coal and Steel Community (ECSC) was established in 1951 by the Treaty of Paris signed by France, Germany, Italy, Belgium, the Netherlands and Luxembourg.

The acceleration of the Cold War brought up at the same time the issue of German remilitarization, again pushed by the US. The treaty European Defense Community, again initiated by Monnet to control this process, was signed in May 1952 but not ratified by the French parliament due to Gaullist demand of monopoly over national defense policy and to communist opposition to the remilitarization of

Germany. Bargaining returned to issues like energy. As atomic energy started to gain importance as the basis of industry and military, Monnet this time proposed a European atomic energy community. In the meantime, Benelux countries were pressing for further economic integration from which they would benefit much. Belgian foreign minister Spaak proposed in 1956 not only sectoral integration (atomic energy) but also a wider economic integration, a common market in separate organizations. France started to consider seriously the intergovernmental conferences that would lead in the end to the European Economic Community, following the defeat in 1956 Suez crisis that resulted in a shift of attention to Europe, the fear of remaining behind its neighbors economically, and also the weakening of communists after the Soviet invasion of Hungary. The French but wanted guarantees for overseas possessions and wanted to include agriculture in the common market. The other states agreed since “an EEC without France was impracticable.” (Dinan, 2005: 27-34; Wallace and Smith, 139) They also tolerated French nationalism, blinking at French political and cultural leadership in the upcoming community (Therborn, 1995: 195).

In 1957, Treaties of Rome established the European Economic Community and the European Atomic Energy Community. The EEC broadened largely the economic focus of the early European integration, in search for a free movement of goods and services, capital, and people (Dinan, 2005: 2). By January 1959, the first stage of transition to a common market began and by July 1968 the Customs Union was going to be completed. The Merger Treaty signed in April 1965 and came into force in July 1967 fused the three communities (ECSC, EEC, Euratom) under the name of European Communities.

The treaty introduced five principal institutions: the Council of Ministers, the European Assembly (later called as the European Parliament), the European Commission, the Court of Justice of the European Communities, and the Court of Auditors. The roles and responsibilities of the first three -decision-making institutions- and their status according to each other have evolved and have been

attached importance within the framework of intergovernmental-supranational debate and recently more within the framework of the “democratic deficit” in the EU.

The collapse of the proposals of the European Defence Community is important in the sense that it cancelled for several decades the debate on limiting state sovereignty in the most critical issue of military power, thus blocking the most determining element of the ideal of a federal Europe. So, intergovernmentalism and functionalism marked the integration process from the very beginning. Considering this and also the technocratic execution of the process that reduced the public debate to minimum, William Wallace and Julie Smith conclude that “proponents of an integrated Europe retreated from federation into functional organization, from political accountability to technocratic administration. Democracy and legitimacy were left in the hands of the nation states- at least for the time being.” (Wallace and Smith, 1995: 139) In other words the EC is a top-down construction of political elites, disregarding the popular will. This is called a consociational integration in which elites representing differing interests (national in this case) come together and arrive at a compromise with each other upon regulating and representing different interests. Democratic legitimacy of the single parts (the governments) provided the democratic legitimacy of the whole in this intergovernmental model. This partly explains why the EC had not had a “democracy problem” for long. (Çelebi, 2002: 55) Still, intergovernmentalism/supranationalism cannot be simply associated with legitimacy issue; European consociationalism was supported by economic well-being of the people, as we will deal in subsequent chapters in detail.

The late 1950s and the 1960s were the Golden years of Western economy in general. Considerable advance in customs union, coming into effect of Common Agricultural Policy, establishment of organs like the European Investment Bank and European Social Fund were are of the improvements in this period (Dedeoğlu, 2003: 51-52). “Under boomtime conditions the economic development of Europe was a plus-sum game. It did not matter that much, therefore, who made the larger or the smaller concessions.” (Therborn, 1995: 345) This also facilitated the Franco-German relations and thus accelerated the European integration. By the 1963 Elysée Treaty

that introduced regular bilateral presidential meetings, the Franco-German axis was institutionalized (Dinan, 2005: 46-47). From then on, this axis has constituted the base of European integration, either as catalyst or inhibitor. National concerns and interstate competition, the character of relations with the hegemonic power—the US, and regional interests determined the course of relations between Germany and France. From the very beginning a love-hate relation marked this axis, since France, despite the economically advanced position of Germany, was the politically dominant actor since the late 1990s for historical reasons.

National concerns has always played a great role in the course of integration, as the crisis on Common Agricultural Policy in 1965, or French vetoes on Britain's application to the EC illustrate. French vetoed British application in 1963 and 1967 considering that Britain sought to join on its own conditions and that it would put EC under American domination (Dinan, 2005: 54). In the meantime, French economy and influence in the EC was declining while German economic and political power was growing and German politics towards the East (*ostpolitic*) was advancing. French fear from Germany's resurgence, and frictions between the two such as that over European Monetary Union proposed in 1971 pushed the French to reconsider British application so as to counterbalance German power together with Britain. Britain, naturally followed by Ireland and Denmark much of the foreign trade of whose were to Britain, became members in January 1973. (Dinan, 2005: 57-63)

1.2. THE HALT AND RECOVERY: 1970S AND 1980S

In August 1971, the US unilaterally decided to abandon the Bretton Woods system as the costs of worldwide national development and welfare economy based on US capital flows exceeded its benefits, coercing the capitalist countries quit the former modes of capital accumulation and distribution. Suspension of dollar's convertibility into gold led to great instability and chaos in world's money markets. Oil crises of 1973 and 1979 made world economy worse and alarmed the political and business leaders to radically alter economy policies. (Maitland, 2001; Fontaine, 2003)

The 1973-1984 period following the first enlargement was a period of stagnancy for the EU due to the effects of international economic crisis, the difficulties in absorbing the new members who were skeptical about deep political and economic integration, and the growing German assertiveness (Dinan, 2005: 63, 69). Under the negative economic circumstances of the early 1970s such as high inflation, unemployment, trade deficit, and oil embargo, the British demanded renegotiating its accession agreement in terms of a recalculation of its budgetary contribution, a reform of Common Agricultural Policy, and protection of its Commonwealth interests (Dinan, 2005: 72). Britain was appeased in the renegotiation process but this established the ongoing negative feeling among the members towards Britain. However, not only Britain but all the other members acted unilaterally within this period to cope with the economic crisis, which jeopardized even the current levels of economic integration. In the face of this trend, initiatives for political cooperation appeared, discussing the mechanisms for the provision of political union. The establishment of the European Council in 1974 to institutionalize top-level meetings was an attempt to overcome this situation. It was simultaneously decided to hold direct elections to the EP to counterbalance the strengthening of intergovernmentalism at the expense of supranationalism. (Dedeoğlu, 2003: 55; Dinan, 2005: 74)

The economic and political crises of the 1970s revealed the need for a fundamental transformation of European states, individually and as a body. Further integration has been the European model for reconciling with the facts of the new climate. The historic steps for European integration, the European Monetary System and the Single Europe Act, have emerged consequently.

Jenkins, the Commission President from 1977 to 1981, put forth the project of European Monetary System. It was designed to stabilize the exchange rate regime and provide financial and monetary discipline to reduce inflation and unemployment, and to increase investment. Germany enthusiastically supported the plan since the depreciation of dollar and appreciation of mark had been posing a threat to German

industrial competitiveness. The EMS was launched in March 1979, excluding Britain. Although it was launched not for advancing European integration but as a cyclical and intergovernmental instrument, it still represented a breakthrough in the history of the community. (Dinan, 2005: 77-80)

Margaret Thatcher, elected as British PM in 1979, reopened the question of Britain's overpayment to the Community budget, triggering a five-year long budgetary dispute. The solution of the dispute in the end had removed a longstanding block in front of deeper economic integration within the community and catching up with American and Japanese economies. It conduced to the first steps of transition to deregulation, privatization and market integration. (Dinan, 2005: 82-85) Transition from neo-mercantilism to neo-liberalism in trade within the framework of single market was on the agenda. The second enlargement towards the Mediterranean (Greece in 1981, Spain and Portugal in 1986) in the meantime, had political rather than economic motives. This even brought economic handicaps –difficulties in “digesting” them in Thatcher’s words- but the instability and shift of public opinions to the towards the radical left following the decadence of military regimes was posing a considerable threat to European capitalism that should be contained.

By the mid-1980s leading European companies started to propagandize for European integration, specifically on the urgent need to complete the internal market. It is officially declared by the EU that “to achieve economies of scale and to find new customers, European businesses need to operate in a bigger market than just their home country”, considering the small population of single countries. To ensure economic growth and be able to compete with other major economies, the European states had to remove the obstacles to trade and investment. (Fontaine, 2003) The European Commission led by Jacques Delors, published a “White Paper” anticipating the completion of the single market by 1992. The European Council discussed the White Paper and the Dodge Report (a report on institutional reform strengthening the European Parliament and the Commission) at Milan Summit in June 1985 and decided to convene an intergovernmental conference to discuss the revision of the Rome Treaty. The intergovernmental conference lasted for nearly five

months and, by February 1986, the Single European Act was signed. (Dinan, 2005: 105-108)

The Single European Act institutionalized the neoliberal internal market programme. “A bigger market was supposed to lead to tougher competition resulting in higher efficiency, greater profits and eventually, through a trickle-down effect, in more general wealth and jobs. National markets were deregulated and liberalized, national companies were privatized. An emerging common competition policy was meant to secure the market against state intervention or ownership even in areas such as telecommunications, public procurement and energy.” (Bieler, 2005: 519)

SEA also introduced institutional changes since reform in decision making procedures was essential to establish the single market. These institutional changes included (i) the introduction of majority voting in two third of issues, though the procedure of unanimity continued in the most controversial issues and, (ii) compulsory consultation between the Council and the European Parliament, making the parliament more involved in decision-making processes. (Dinan, 2005: 109-110) Also the policies that must be followed to achieve single market such as economic and social cohesion, budgetary discipline, CAP reform, European Monetary Union (Dinan, 2005: 112-114) led to the establishment of new institutions.

1.3. END OF THE COLD WAR: DEEPENING AND WIDENING

The idea of political union appeared by 1990, when the world entered into a new and quite different phase. Before then the EU had developed under the shadow of the Cold War as an intergovernmental body, dealing mostly with economic integration. As the Cold War ended, European integration had to take a new form, in accordance with the new economic and political realities. Political union would be a means for becoming an assertive actor in the approaching multipolar world stage and for integrating the East European countries into world capitalism economically and politically.

Another significant motivation behind further integration was quite similar to that in the establishment of the community by the 1950s: to keep Germany under control. Reunification of Germany, accompanied by the disappearance of the common threat, resurfaced the fear from Germany, which has already had the strongest economy in Europe. The decision-making elites, especially the French, were thus convinced that Germany must have been tied more tightly to its neighbours through EU if it was to be prevented from dominating Europe. Also, the French demanded that German currency was merged with a single European currency in the long run. Germany, on the other hand, defended a greater degree of political integration in which it could be the leading actor with its economic and demographic power and with its potential influence over the former socialist European states for historical reasons. It no longer had to tolerate French predominance but still needed a coherent European Union behind to play for becoming a global power. Far from having a shared vision, “beneath the stage costume” individual actors were seeking to go in different directions. (Nugent, 1999: 19-21; Smith and Wright, 1999: 14-15)

Intergovernmental conferences on political union and on European Monetary Union started in December 1990 and continued until December 1991 Maastricht Summit. The elements of the emerging political union were defined as “stronger democratic legitimacy; more efficient institutions; unity and coherence of economic, monetary, and political action; and a common foreign and security policy” (Dinan, 2005: 116). First of all, Maastricht laid out the plan for EMU, introducing an independent European Central Bank to carry out the common monetary policy and monitor the convergence criteria to the aim of common currency. Convergence criteria obliged the member states to keep a government budget deficit of no more than 3% of GDP, and a government debt of no more than 60% of GDP. No maximum unemployment percentage existed. The maintenance of price stability and low inflation were then the primary objectives, not economic growth and employment. Bieler concludes that both the single market and monetary union “put the EU on the road towards a neo-liberal Anglo-American model of capitalism.” (Bieler, 2005: 519-520)

Signed in 1992, the Maastricht Treaty was a huge step forward for political union. It created the European Union (to replace the name community), added critical areas of intergovernmental cooperation such as foreign and security policy and justice and home affairs, established new institutions like the Committee for the Regions and the Cohesion Fund, introduced the concept of European citizenship, increased the powers of the European Parliament, and but introduced the principle of subsidiarity, referring to the principle that “the EU and its institutions act only if action is more effective at EU level than at national or local level”. Still, the intergovernmental conference was so engaged in the EMU that it laid many unresolved and unclear matters on the table for the next conference. (Fontaine, 2003; Maitland, 2001: 83; Smith and Wright, 1999: 14) Two issues that are to be the two most important topics in EU agenda throughout the 1990s and 2000s were not discussed: provision of democracy and of efficiency. While a definite period had to pass to undertake the latter topic (namely Eastern enlargement becoming closer), the former revealed itself very soon.

Ratification process of Maastricht Treaty revealed the public alienation from the Community. 50.7% of Danish electorate voted against the treaty. The immediate step taken to overcome Danish ratification crisis was to give Denmark the right to opt-out from certain provisions of the treaty, which would appease the electorate. On the longer run came the efforts for transparency-openness and the principle of subsidiarity. (Dinan, 2005: 124-127) France “yes” votes slightly outnumbered the “no”. German Federal Constitutional Court took a decision that criticized the treaty on the grounds that it threatened national sovereignty and democracy. As a merely intergovernmental organization of sovereign states, the EU had never been bounded by legitimacy before. The Maastricht Treaty, coming into effect in November 1993, soon led to an enduring lively debate on such issues as European democracy, sovereignty, citizenship, public sphere, civil society etc. The concept of democratic deficit started to be widely used to identify and treat the legitimacy problem.

The initial enlargement after 1991 was towards the European neutrals during the Cold War. Austria, Finland and Sweden joined the EU in January 1995, while

Norway and Switzerland rejected membership in referendums. This enlargement supported the post-Cold War rhetoric of the EU about European identity and its democratic credentials. Before then, the Western European integration was a clearly economic one, not known as a democracy project. It had been a network of sovereign units connected by trade and commercial law, and policy formation was developed “mainly along the route of capital concentration” (Therborn, 1995: 195). By the 1990s, this economic character became even more evident in the sense that the economic integration is widened and deepened to meet the challenges and requirements of globalization. However, as deepening (single market and common currency) and widening (integration of the former communist Europe) required a political-legal union and also “in response to the alienation of ordinary Europeans, national governments sought to give the EU a more political character. Therefore, they inserted into the Amsterdam Treaty a key affirmation: ‘The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the member states.’” For the first time the Union explicitly mentioned core political values and the sanctions for those who deviated from that values. (Dinan, 2005: 168-169)

The EU also immediately reacted to the disintegration of socialist Europe through this framework. It has at first undertaken the responsibility of coordinating Western aid to the region and the financial assistance to reform process, has signed trade and cooperation agreements, has established a European Bank for Reconstruction and Development, and so on. The enlargement was desired by the EU but there was not a consensus about the speed and extent of enlargement; the intergovernmentalist British supported an early accession while the French were worried about possible economic implications and about an increased German sphere of influence within the community. In Copenhagen Summit in June 1993 the European Council spelled out the criteria for accession: stability of institutions guaranteeing democracy, the rule of law, human rights, and respect for and protection of minorities; existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the EU; ability

to take on the obligations of membership, including adherence to the aims of political, economic, and monetary union. (Dinan, 2005: 144-148)

Accession negotiations with the Czech Republic, Hungary, Poland, Estonia, Slovenia, (and Cyprus) began in March 1998, and with Latvia, Lithuania, Slovakia, Bulgaria, Romania, (and Malta) in February 2000. All the candidates became a member of the Union, those other than Romania and Bulgaria in May 1, 2004, and recently these two in January 1, 2007.

Dinan notes, “The negotiations –really a series of diktats by the EU to bring the candidate countries into line for membership- left some ill feeling on both sides.” The applicants felt discriminated on certain issues like the seven-year restraint on free movement, or the lower levels of agricultural subsidies. The antienlargement feeling on the EU side, on the other hand, might be observed in the rise of extreme right in Austria and France, or the Irish rejection of Nice Treaty in 2001. (Dinan, 2005: 152, 154) The wave of immigration from the Eastern Europe since the late 1980s, coupled with the effect of rising structural unemployment of transition to neo-liberalism, strengthened Western European nationalism and created a notable tendency towards xenophobia, even in the Netherlands and Sweden (Therborn, 1995: 242). This is a dramatic step backwards in post-war European identity.¹ Rise of nationalism poses a serious challenge to EU democracy. The EU was put to test in this issue in 2000. When Haider’s ultra nationalist party had an attempt to power in Austria, “core political values” was first referred. Unofficial mild sanctions were imposed on the Austrian government but they were removed as the Austrian government threatened to hold a referendum on EU membership. Still, it may be argued that these “sanctions” had a certain effect on Haider’s stepping down from party leadership, though the coalition continued to work and Haider continued to control the party from behind scenes. (Dinan, 2005: 169)

¹ The main “other” that shaped European identity was nationalism- the past of Europe that resulted in two world wars and unforgettable memories of genocide held by Europeans themselves. The rise of nationalism by the 1980s, as seen in the appearance of radical nationalist parties in France, Germany, Italy, Austria and Belgium, reached a peak in West German “historians debate” to clear Nazism of charge. (Therborn, 1995: 244, 323)

The project of European Union has received a certain popular support from the beginning. However, this was not a committed support but “largely an adaptation to national policy.” People were indifferent, not hostile, to integration as far as it based a ground for further economic growth, social welfare, mobility and quality of life. (Therborn, 1995: 246) As this began to erode (or people feared that it would erode) by the 1990s, a popular discontent with the EU has been observed in the form of rejections or narrow victories in the referenda for ratification of major treaty revisions from Maastricht to the Constitutional Treaty. In March 2000, the European Council adopted the “Lisbon Strategy” that embodied the end of rendering European economy modern and competitive. Welfare expenditure was viewed as a pressure over economy; and a comprehensive reform program involving privatization, reduction in labor costs, education reform in accordance with the needs of European capitalism was proposed. While some member states could gradually implemented reform packages, the “strongly institutionalized welfare traditions” (Markoff, 1999: 31) continue to be an obstacle in front of Anglo-Saxon model to be fully implemented.

The concept “democratic deficit” usually refers to the ineffectiveness of the elected, especially of the European Parliament- in EU decision-making processes, to the power of EU bureaucrats, to the lack of openness and transparency and the distance from the European peoples. To the European peoples “the Council seemed secretive and self-serving, the Commission remote and technocratic, and the Parliament expensive and irrelevant” (Dinan, 2005: 125). The Union is blamed for the current situation of jobs, incomes, and social provisions, and also for mismanagement and nepotism, an opinion reinforced by the scandal in 1999 which ended with the resignation of the Commission as a block.

To close the deficit the EU took some steps such as gradually increasing the authorities of the European Parliament (EP) and providing to national parliaments and peoples more openness and transparency in accessing the records and regulations, and bringing up other grounds for increasing democratic legitimacy such as European identity, citizenship, and a well functioning public sphere. The thesis

will cover and evaluate both the reforms in the existing institutional structure and the new sources for legitimacy.

From the mid-1990s till now the EU has been engaged in a gradual reform program in search for both efficiency and legitimacy, to cope with its institutional problems, enlargement, and Euroskepticism. Treaty revisions in Amsterdam (1997), Nice (2001), and with the Constitutional Treaty (have not been ratified and thus not valid) can be read as such attempts. The allocation of votes in the Council, the threshold for qualified majority (number and percentage of member states and population of the EU), the threshold for blocking minority, the authorities of the European Parliament, the number and composition of the Commission, the role of national parliaments have been debated for long and revised for several times. Both Amsterdam and Nice Treaties debated institutional arrangements to provide democracy and efficiency. Both were inadequate to permanently equip the Union against the challenges of enlargement.

The Convention on the Future of Europe started in February 2002 with an enthusiasm to find permanent solutions, thus with a wider agenda and wider participation. However, the division between big and small states soon resurfaced, exacerbated by the rift caused by Iraq crisis. The essential distinction was between the Six and the rest; especially France and Germany closely cooperated. The items discussed most were institutional issues and EU's competences and responsibilities. The member states again spent much effort to further their national interests. (Dinan, 2005: 173-180) Anyhow, the European Constitution did not pose a threat to the sovereignty of member states; on the contrary, it restructured the hierarchy of authority and broadened the scope of action of national states when compared to the current ambiguity (Çelebi, 2002: 72). We will examine the content of treaty amendments in terms of democratic deficit in the next chapter. The ratification of Constitutional Treaty through referendums turned out to be a greater disappointment than the ratification of the Maastricht Treaty and of the subsequent treaty revisions because the popular rejection of the treaty occurred this time not in an old-standing skeptic and relatively peripheral country like Denmark or Ireland, but in two of the

original Six – France and the Netherlands. In June 2005 the European Council adopted a declaration calling for a period of reflection in which a broad debate involving citizens, civil society, social partners, national parliaments, political parties and European institutions would take place. Finally in 22-23 June 2007 the European leaders agreed on a draft treaty reform that would maintain much of the regulations of the constitution but not imply any constitutional characteristics.

The EU is quite a unique organization, both a mature and irreversible supranational polity with a common currency, and an intergovernmental body consisting of long-established and assertive national identities and interests. The assessment of the Union's democratic quality and the proposals for closing the democratic deficit should not thus lean on a clear-cut differentiation between old (nation-state) and new (supranational-local) democracy theories but take into account the breaks and continuities in democratic theory with regard to the pressures of international political economy. In the next chapter we will define the democratic deficit in detail, glance at the roles and responsibilities of EU institutions, and analyze their relations with each other and with the people, around such concepts as representation, accountability, participation, technocracy and public alienation.

CHAPTER TWO

DEMOCRATIC DEFICIT IN THE EU IN TERMS OF INSTITUTIONS

Though the search for further and deeper democracy has always been a concern, a particular “democratic deficit” within the EU came to be widely uttered by the 1990s. Until the 1990s the issues that are identified today as democratic demands, such as increase in the roles and responsibilities of the European Parliament and national parliaments, were mainly raised within the context of federalist-intergovernmentalist debate. Neither federalists nor intergovernmentalists really concerned about popular participation or checks and balances among European institutions but both sides have attempted to improve their positions with regard to the other by strengthening national or supranational bodies.

Since the very beginning of European integration, the process “was considered (by the EU elite) a matter of high politics and inter-state diplomacy, not requiring popular consent and participation”. Neo-functionalist understanding that the public welfare created by the process would justify itself and democratization would come up after the integration had reached to the desired depth, dominated. While neo-functionalists justified their ignorance of democratic credentials in terms of public interest, intergovernmentalists also “considered that democracy was a non-issue for European integration” since integration was thought of by them as a diplomacy act. (Warleigh, 2003: 14, 17)

Also in the late 1980s and early 1990s, when quite critical steps in European integration were being taken (such as the Single European Act, the Social Chapter, the Schengen Convention, and the Maastricht Treaty), the people were hardly involved in the debates. “They were given what was considered good for them. However, during the 1990s democracy struck back.” The ratification of the Maastricht Treaty went problematic not only in Denmark but in most of the member states, including France, Britain, and Germany. (Smith and Wright, 1999: 1-2)

Warleigh (2003: 17-22) relates the normative turn in the EU studies in the 1990s with three causes. First, there was the need to scope out to the public discontent that was revealed by the rejection or narrow admission of the Maastricht Treaty in some countries and the need to consolidate the new complex structure foreseen by the Treaty. Maastricht Treaty was a huge step both towards an economic and monetary union and towards a political union, bringing out EU citizenship, common foreign and security policy, introduction to a bicameral legislature through co-decision procedure, deeper cooperation in justice and home affairs, and the principle of subsidiarity (as it implied a vertical separation of powers). However, the treaty did not provide participatory means for further public socialization into the project. Secondly, there was the failure of orthodox integration theories in understanding and predicting the course of integration. Interrelated to this, thirdly, there appeared an increased and interdisciplinary theoretical and normative interest in the union in depth as it turned out to be a new, unprecedented kind of polity. The envisaged “uncontested developmental path ahead of (the EU)” according to the neo-functionalists proved wrong upon the halt in integration in the 1970s. Also intergovernmentalist approach was incapable of apprehending the extent of changes in supranational direction following the Single European Act. A theoretical pluralism emerged, following the failure of classical approaches and the growing post-national, postmodernist atmosphere.

By the 1990s Western Europe as well as the rest of the world entered into a new phase. The dynamics of globalization pushed the EU towards a neoliberal economy and regional trade regime that might provide with it the opportunity to cope with the challenges of the reconfiguration in economic sphere. The EU faced with a need of double transformation into a deeper economic union and a political union, which was also driven by the process of enlargement towards the former socialist countries of Central and East Europe. The EU can be said to be reestablished after the mid-80s according to the rationale of the new economic and political structure. A comprehensive transformation took place. The pressures of globalization and supranationalization on national sovereignty also revealed pressures over the former regulation of state/society relations and relations between state institutions.

State theory and democracy theory are intertwined. Within a liberal context one cannot think about the state without referring to democracy and vice versa. In a period when nearly the whole political science literature discussed one single issue, the transformation (or death) of national state, democracy necessarily came up to the agenda. Neither the former understanding of state nor that of democracy could have remained unchanged. Western Europe had additional dynamics at the same time; while the EU project gained a state-like character in the sense that it produced direct effect over the lives of people often without the medium of national states, it did not grant the people the formal mechanisms of societal control over state in democratic regimes.

In defining democratic deficit we have some difficulties. There is no one definition of democracy first of all, and no one model of its appliance in the EU, a quite new form of governance that erodes national sovereignty within which democracy had classically been realized. Though we use the term liberal democracy identical to democracy today, it still implies two different traditions that gradually converged: liberal and democratic traditions. And there is still a tension between the two. It might be called as the tension between equality and freedom as Chantal Mouffe (2002) has described, or with nuances, that between participation and accountability, that between the formal and substantive kinds of democracy etc. Warleigh (2003: 3-4) states that while formal democracy focuses on providing legitimate leadership through the rule of law and fair procedures/mechanisms to choose between rival candidates for public office and to make them account, substantive democracy is about providing people the means for participating in the shaping of decisions that affect their lives.

Both forms of democracy intercepts at some points with the medium of institutions. Formal state institutions serve both as participative means and checks and balances providers. The European Union has three essential and several secondary institutions. The roles and responsibilities of them and their status with regard to each other is attached importance in democracy debate since democracy is

usually defined by the formation of and relations between state organs –regular elections, separation of powers and checks and balances constitute the institutional/procedural essence of democratic functioning of governance. Besides the classical categories of the elected-appointed, authorized-unauthorized, legislative-executive, accountable-unaccountable, which we refer when discussing the roles of state institutions in a single country, a different dimension has to be also taken into consideration for the EU: intergovernmental-supranational.

With regard to formal democracy, at the first sight there seems no doubt that EU is a democratic organization, as it consists of democratically elected governments with a highly developed liberal culture and institutions. Understood in terms of fundamental rights and liberties, European democracy is among the best practices of democracy. Democracy is “an implicit part of the Union’s *acquis communautaire*”, as the admissions policy demonstrates. Right to express views, to organize etc. are carefully protected. However, as a supranational organization, the EU makes national governments and parliaments sacrifice some of their decision-making capability, leading to a loss of democratic control by the people. So, the legitimacy of the EU cannot be rested on the legitimacy of its parts. (Markoff, 1999: 34-35; Warleigh, 2003: 6-7) The legitimacy of European institutions should be grounded in themselves.

We will deal in this chapter with democratic deficit within the classical framework of representative democracy. Those new approaches that examine the weaknesses of a representative understanding of democracy based popular sovereignty and civic nationalism in closing the deficit, and that propose alternative models such as technocratic or deliberative democracy, will be dealt in the next chapters.

We may build a three-level definition of the EU’s democratic deficit: EU level, national level and people’s level. The EU level refers to the democratic deficit in terms of the roles, characteristics and relative positions of European institutions. National level refers to the deficits in national democracies again in institutional

terms that follow from the European integration. The third level, interconnected with the other two, mostly refers to the legitimacy problem of the European integration project in the eyes of European peoples and to the popular participation deficit. At all levels, we discuss the issue around some common concepts such as accountability, transparency, popular sovereignty, participation, bureaucratization etc.

2.1. DEMOCRATIC DEFICIT AT THE EU LEVEL

2.1.1. The Evolution of the Concept

Ben Crum states that three main elements constitute the concept of representative democracy: delegation, conditionality, and equality. The parliament, “to which the people, acting as political equals, delegate political power, on a conditional basis”, is thus the foremost institution of representative democracy. It has the functions of effective engagement in legislation and control over executive. (Crum, 2005: 455) Many people thus identify the democracy problem with the institutional imbalance between the Parliament and the Commission and Council, with the constraints over the Parliaments two functions stated above. Then, we should have a look at the historical foundations and the evolution of the European institutions to understand the democratic deficit at the supranational level.

“The neo-functionalists (who initiated and directed “at least” the first phase of the European integration- I.Ö.) were self-confessedly ‘economic determinists’, seeing in the emergence of an affluent European society a shift away from a politics of ‘alienation leading to political mobilization and conflict’ to ‘a benign social climate in which more and more people will be preoccupied with the satisfaction of material needs’. In this comfortably unmobilised political climate a ‘permissive consensus’ was all that needed to signify public consent for elite policies.” (Wallace and Smith, 1995: 145)

Tezcan states that what was substantially authentic about the European Coal and Steel Community was that the decision-making authority was not granted to an

organ representing member states but to an independent or common organ: The High Authority. Subsequently established EEC and Euratom was going to retreated from this, seizing the decision-making competence of the High Authority, even changing its name as Commission, and delegating some of its regulatory powers to the Court of Justice. (Tezcan, 2003: 67-68) However, the linear course of technocratization and depolitization was not going to change but the weight of nation states, represented in the Council, increased as European states gained economic strength and political autonomy.

According to the ECSC Treaty, the High Authority has consisted of technical experts who also consulted corporate interests (of producers, dealers, workers etc.). It was truly supranational and was the main decision-making body, though the approval of the Council, consisting of representatives of national governments and tasked with harmonizing the activities of the High Authority and the general economic policy of the governments, was required for important decisions to be taken. The Assembly, consisting of deputies representing national parliaments, had a minor advisory and supervisory role. ("ECSC Treaty"; Wallace and Smith, 1995: 142)

This first denomination of the European Parliament as "Assembly" implies, according to Lodge, that "it was a talking shop rather than a legislative authority". The term "European Parliament" was adopted in 1962, though many member states continued to call it Assembly until the 1980s. (Lodge, 1996: 63) Still the ECSC and EEC Treaties expressed a commitment to move in the future towards electing Assembly members by direct universal suffrage in accordance with constitutional requirements of each member state. The smaller states of The Six at first resisted to a strong representative element that would lead to the dominance of France and Germany. However in the meantime French President de Gaulle, through the Fouchet Plan, stated his criticisms on the role of the unelected Commission, his insistence on nation states as sources of legitimacy and call for a plebiscitary democracy. This pushed other states to taming France through towards further integration, strengthening the parliamentary supranational body which also had democratic credentials. "From then on until the French Government's concession of the principle

of direct elections in 1974, the issue of popular involvement was defined in terms of a directly elected European Parliament, and all other governments combined to press this issue against the French.” (Wallace and Smith, 1995: 142-143)

Democratization, in terms of holding of direct elections to the European Parliament and then of the increase in legislative and supervisory functions of it, has been concerned since the 1960s. The anxiety in the early 1970s that the attempts to mobilize the electorate to vote in elections to a parliamentary body which lacks a real legislative power and keen interest of people could result in a failure (low turnout and popular alienation) proved true. (Lodge, 1996: 75) We will deal with this popular alienation matter in the later parts of this chapter. Up to here we may say that the European Parliament has been viewed as the only source and means of democratic legitimacy for quite a long time. The Commission allied with the Parliament against the Council which gained strength during these decades.

Since the Maastricht Treaty, however, “a more expansive interpretation of democratic legitimacy has evolved.” Before then the member state governments’ resistance to an increase in the legislative powers of the parliament was the predominant explanation regarding the sources of democratic deficit in the EU. Under this pressure, the member state governments followed the path of switching attention to the Commission, pointing out to the closed and secretive nature of the Commission deliberations. (Lodge, 1996: 77)

The corruption scandal and the ensuing enforcement of the Commission to resign in 1999 “have pushed the question of democracy in the EU higher up the agenda.” (Smith and Wright, 1999: 3) It also gave the Council the opportunity to blame the Commission for the democratic deficit. Lodge points out that the Council is reluctant to reform its democratic credentials but uses the Commission as a “scapegoat” for the EU’s democratic deficit. (Warleigh, 2003: 7)

After this introduction to the evolution of the democratic deficit conceptualization with respect to institutions, we may now focus in detail on the

roles and relations of these basic EU institutions, seeking also to answer the question “Which one rules the European integration?”.

2.1.2. The Competence of European Institutions

There is a general trend of “shift of the point of political gravity from legislation to execution”. This shift poses a challenge to the traditional understanding of politics both at supranational and national levels, as law-making and law-implementation appear to be technical issues. (Crum, 2005: 456) Much of the parliamentary work shifts from legislation to the control of the executive. In European Union not only the legislation function of the European Parliament is restricted since it mostly belongs to the Council of Ministers (thus national states) in many issues and to the Commission in those supranational issues of economic and social policy that are uniformly imposed by the dynamics of global capitalism; but also the parliamentary function of controlling the executive is restricted since (i) there is no single executive body but the function of executive is diffused among the Commission, Council secretariat, High Representative, national states, Europol, European Central Bank etc. and, (ii) the operation of these executive bodies, especially the Council and the Commission are opaque and carefully shielded from scrutiny. (Crum, 2005: 456-457)

If we return to the question of who legislates in Europe, we should look more closely at the institutional structuring (in its evolution) of law-making in the EU. The European Council, the meetings of which are key events in EU history, consists of top political leaders of member states and the Commission president. The Council of Ministers consists of government ministers and a relevant commissioner. There are about 10 councils of ministers, the General Affairs and External Relations Council and the Economic and Financial Affairs Council being the most effective ones. The European Council and The Council of Ministers are usually together called as the Council. The presidency of the two organs rotates among the member states for 6-month periods. The presidency arranges and chairs the meetings of the two council

and their subcommittees, brokers deals to reach compromise, launches policy initiatives, and represents the Union (Dinan, 2005: 228).

The allocation of votes in the Council, the threshold for qualified majority (number and percentage of member states and population of the EU), the threshold for blocking minority have been debated for long and revised for several times. Amsterdam Treaty, in return for large members' loss of second commissioner as the number of commissioners was reduced, increased the weight of votes in the Council. The intergovernmental conference to result in the Nice Treaty (2001) also debated institutional arrangements to provide democracy and efficiency. It is ironic that the Union aiming deeper integration debates in the intergovernmental conference on the distribution of national representation in the EU institutions. A substantial antipathy towards the big states by the small appeared following the debates on the voting weights in the Council and the size and composition of the Commission. It is, then, not abnormal that the most important provision was the noticeable removal of the constraints on flexibility, which would give way to "closer cooperation among like-minded member states" (Dinan, 2005: 172). That Irish people hardly voted for the treaty in a second referendum reindicated to the public alienation.

Both Amsterdam and Nice revisions were inadequate to permanently equip the Union against the challenges of enlargement. The Convention on the Future of Europe started in February 2002 with an enthusiasm to find permanent solutions, thus with a wider agenda and wider participation. However, the division between big and small states soon resurfaced, exacerbated by the rift caused by Iraq crisis. The essential distinction was between the Six and the rest; especially France and Germany closely cooperated. The items discussed most were institutional issues and EU's competences and responsibilities. The member states again spent much effort to further their national interests. (Dinan, 2005: 173-180)²

² That the number of members increased to 25, and "small and administratively underresourced" countries such as Malta joined the Union, made a reform about the Council presidency necessary and inevitable. The Constitutional Treaty introduced a president to be elected by the heads of state for two and a half years, and an EU foreign minister to overcome discontinuity and representation problems. (Dinan, 2005: 235-236) A smaller Commission was formed, a decision to be implemented after 2014.

Beside specific decision-making functions such as selecting the Commission president or head of European Central Bank, the Council has the roles of providing strategic direction, discussing international developments and trying to reconcile foreign policies, resolving budgetary disputes, “setting the agenda for further integration”, and “negotiating key treaty revisions during intergovernmental conferences.” (Dinan, 2005: 239) According to Tezcan, it stands at the top of the institutional hierarchy. It provides the impulsion of integration and overcomes deadlocks among members. (Tezcan, 2003: 72)

As to the roles and responsibilities of the European Parliament, firstly, the EP shares authority with the Council in budget making –a central responsibility of parliaments in classical democracy theory-; however it only has responsibility for determining the expenditures since the Council is the sole authority for raising revenue. As to the expenditure, its authority is still limited; it may only propose modification for compulsory expenditures. The only budgetary power that lies with the EP alone is the right of granting a discharge; i.e., verifying the accuracy of Community’s decision and determining precise economic figures for a given year. The Constitutional Treaty abolishes compulsory-noncompulsory distinction, thus giving the EP “the final word on the budget as a whole.” However, as the public finances of the Union are relatively small and insignificant, beside all the other constraints, it is hard for the parliament to broaden its authority through this topic. (Dinan, 2005: 275-276)

Legislative powers of the EP were gradually increased by several stages. Instead of the former non-binding consultation procedure, the Single European Act introduced cooperation procedure, and parliamentary assent (only yes or no) in a few cases. Maastricht Treaty extended the cooperation procedure to 14 policy areas and, more importantly, introduced the codecision procedure. Codecision implies joint legislation in several policy areas; according to this, after the second reading of the EP of a proposal a conciliation committee from both the EP and the Council might be

As to the weighting of votes in the Council, double majority (at least 55% of member states and 65% of EU population) was introduced.

formed to reach a compromise over a joint text. After that, however, the EP had a negative right of rejection, and the Council could make a one-sided third reading. Amsterdam Treaty abolished cooperation in favor of an extended codecision procedure, and vastly increased the number of policy areas of codecision. It granted the right of third reading to the Parliament as well. Nice Treaty further increased the number of policy areas. Finally the unratified Constitutional Treaty grants further legislative power, even changing the name codecision as “ordinary legislative procedure”. Still, the EP does not have the right to initiate legislation, it may request from the Commission to do so but the Commission has the right to disregard. (Dinan, 2005: 277-278, 331-335) Co-decision procedure brought by Maastricht Treaty made the European Parliament a partner in legislation on issues stated in the Treaty. However, the “big partner” continues to be the Council, and there is a topical restriction on the procedure. (Tezcan, 2003: 70)

The EU governments tend to restrict the role of the EP in Common Foreign and Security Policy since it is strictly an intergovernmental affair. It is only consulted and informed on this topic regularly. There is no –even shared- authority in common trade policy, and the EP only has a consultative function in the Common Agriculture Policy. The Constitutional Treaty, however, grants the right to approve international trade agreements. Still, the EP has a decisive role in enlargement and in association with third parties; parliamentary approval by a two thirds majority is required for accession and association agreements of all types. (Crum, 2005: 459; Dinan, 2005: 279-280)

Due to the topical restrictions accompanied by other mechanisms, about 30 different variants of legislative procedure emerge within the EU. Moreover, “in various domains, governments have also developed the habit of adopting non-legislative acts in the Council whose political effects often equal or even surpass that of acts passes through the formal, legislative procedures but that are exempt from any parliamentary control.” (Crum, 2005: 459)

The European Commission is an effective supranational institution. Each member state nominates a commissioner, and a Commission president is selected by the Council. The Parliament approves the president and the commissioners not individually but as a body. The roles and responsibilities of the Commission are proposing (by itself or on the request of the Council or EP) and shaping legislation; deciding the framework of the budget; executing the community policies by enacting directives, regulations and decisions to generate practical effect that are to be implemented and monitored by national officials; policing community law in various ways from warning to bringing a member state before the Court of Justice; carrying on external relations responsibilities like negotiating international trade accords, negotiating accession agreements, and conducting diplomatic relations with third parties; contributing to enlargement and treaty reform processes at all stages; regularly reporting on EU developments; and pointing the way forward for closer integration and taking initiatives to this effect when necessary. (Dinan, 2005: 211-222)

Wallace and Smith define the process following the empty chair crisis, Luxembourg Compromise and the departure of Walter Hallstein –the first and the most strong commission president- as the collapse of integration theory and the passing of the Golden Age of the Commission. The Luxembourg compromise “had deep repercussions for the EC, leading to a slowing down of integration, and move toward the ‘confederalist’ approach favoured by de Gaulle, rather than a more federalist approach favoured by Hallstein.” This might be clearly read in the introduction of regular European Councils and of rotating presidency of the Council of Ministers as a rival of the Commission in steering the project. The claim for representation and accountability gradually passed into the hands of national governments. (Wallace and Smith, 1995: 147; “Luxembourg Compromise”, 2007)

For its being a supranational organ, national leaders do not want a strong Commission to drive the integration beyond their control (Dinan, 2005: 195). The widespread image of bureaucratic elites is right to the extent that the Commission bureaucracy has a critical and direct role in monitoring economy policies such as

competition, economic and monetary discipline, stability and convergence programs. (Dinan, 2005: 216) However, defining the Commission with reference to its independent organizational interests would be misleading. The standing debate over the number of Commissioners; either one from each, or two from some, or a rotating fifteen, shows the national pressure over the EU. There is also national competition for the portfolios allocated to the commissioners by the president, especially for significant ones such as agriculture, trade, regional policy, environmental policy, foreign and security policy (Dinan, 2005: 200).

The Commission has the authorities of submitting proposal on legal arrangements, regulation of treaties, fulfilling executive responsibilities given by the Council. Though it has a strong position about the authority of submitting proposal (e.g. in those cases the Council legislates upon a proposal of the Commission, the Council can only unanimously alter the proposal), this authority is still subject to important exceptions. First, the Commission can be stimulated by the Council to propose legislation; second, a proposal can be changed by the Conciliation Committee between the European Parliament and the Council according to the co-decision procedure; thirdly, the Commission shares its authority with member states in intergovernmental topics such as justice and home affairs, CFSP, immigration, free movement of people and so on; finally, there emerge practical exceptions as well. (Tezcan, 2003: 68-69)

The fusion of legislative and executive power horizontally and vertically, i.e. between the EU institutions, and between the EU and member states, leads to a serious accountability problem. There appears no single body to hold accountable. The setting of the legislative agenda is left to the jurisdiction of the Commission regarding the first pillar and to that of national governments as to the second and third pillars. The fusion is so big that even the rulings of the judiciary organ plays a role in European integration process as critical as treaty changes, as the Cassis-de-Dijon case in 1979 has demonstrated. The European Court of Justice delivered such a judgment in the case mentioned (a judgment that challenged the specific national product standards that create barriers to free trade) that pushed and facilitated the

Commission to initiate the single market program. The supremacy of EU law, the principle of direct effect, and “member state liability for non-compliance with EU policy, have all resulted from ECJ rulings rather than Treaty change.” This “judicial activism” is dangerous for democratic politics since the ECJ, certainly having no direct or indirect popular base, adds provisions to the *acquis communautaire* though it is not entitled to do so. To sum up, “the EU’s unclear separation of powers and complex, network-based method of decision-making render the system excessively opaque and thereby hinder accountability.”(Warleigh, 2003: 7-9)

The Parliament carries out the task of scrutinizing and supervising the work of the Commission and the Council. The Commission is accountable to the Parliament. The EP approves the appointment of Commission president and his cabinet, it may question the Commission for maladministration, use the power of censure, and form temporary committees of inquiry, and it may vote the Commission out of office by two thirds majority. Commissioners have to participate regularly in relevant EP sessions and committee studies. The EP also discusses the annual General Report of the Commission. It receives citizens’ petitions and appoints an ombudsman to carry out this job. The Treaty of Nice allowed the Commission President to demand the resignation of individual commissioners but the EP still has no right to censure individual commissioners. It may dismiss the *entire* Commission. Against the selection of the Commission President by the Council, many people advocate that the EP should control (not the current passive role of consultation and approval/rejection) this appointment. The constitution did not improve the situation in this topic. (Crum, 2005: 463-4; Dinan, 2005: 199, 279)

The Parliament has less authority over the Council; it receives reports after Council summits and before and after presidency changes, and it may ask written and oral questions to the Council. (Dinan, 2005: 279) In terms of democratic deficit, lack of transparency in Council meetings is widely stated. The EU appears “overly Byzantine”, says Warleigh. Secrecy is legitimized on the grounds that “Being ‘democratic’ may make a system less efficient by restricting what those in power can rightfully do and by slowing down decision making so that opportunities are lost.”

(Warleigh, 2003: 3, 20) It is defended on the grounds that there is a need for confidentiality for providing efficiency and facilitating concessions and agreement by national leaders. Thus public access to Council documents is very limited despite some recent betterment after a transparency clause was included in the Amsterdam Treaty. Still the documents do not include accounts of the real bargaining process, referring to the Council's "dual nature as a legislative and diplomatic body". (Dinan, 2005: 243-245) This implies that as a legislator the Council should be transparent but as a diplomatic body it has a right for confidentiality. However, there is no clear-cut differentiation between legislative and diplomatic functions of the Council, and disputed issues usually belong to the sphere of legislation, not diplomacy.

We should mention the COREPER (The Committee of Permanent Representatives) if we will discuss the bureaucratic character and power attributed to the Council and the democratic deficit. COREPER prepares the Councils' agendas, sets up and monitors legislative working groups (Dinan, 250). It is "extremely powerful and even more secretive than the Council." It is said to be the real legislature of the EU, since it categorizes items before submitting to councils as A (those which will be automatically approved by the councils) and B (those which will be discussed and decided by the councils). Its members are appointed bureaucrats. Viewed from these aspects, COREPER constitutes a key part of democratic deficit. (Dinan, 2005: 251)

An institutional measure to reduce the prevalence of expertise and technocracy is the establishment of European Economic and Social Committee. It is established "to increase democratic accountability, make EU decisionmaking more transparent, and familiarize the economic and social sectors with the Council's legislative output", through providing interest group participation. However, its recommendations are non-binding. (Dinan, 2005: 309-311)

Member states are not only involved in legislation but also try to be involved in the execution of decisions. The typical example is the decision of Comitology. Comitology refers to the placing of executive authorities of the Commission in a

framework and controlling of them through committees consisting of representatives of member states. According to the regulation procedure, the Commission may take a regulative decision only in case of positive opinion of the related committee. (Tezcan, 2003: 74-75) However, this is a synthesis between the bureaucratization/technocratization of European politics (“logic of membership”) and the ongoing influence of national governments (“logic of influence”). Some scholars think of it as an indication of bureaucratic expansion, as a “multi-level mega-bureaucracy” or “comitocracy” consisting of national and European administrations. (Wessels, 1998: 214-215, 226)

The network of committees in general is huge; there are over 1500 committees, including comitology committees, and also working groups for the Council and expert groups and advisory committees for the Commission. Comitology committees constitute secondary decision-making structures. They successfully “keep their political masters out of the game” by doing most of the job. Although they are non-political experts working in a smooth business-like interaction, they remain oriented towards national interests as well. This proves the irreversible path to technocratization. National bureaucracies are transformed in accordance with the needs of integration process, but as critical as this is that they “become mobilized at all levels of the EU policy cycle and are not pushed out of the relevant Brussels areas.” Still with their complexity they also provide the governments by which they are appointed the opportunity to blame the EU bureaucracy. They have no transparency; democratic control of their work by national parliaments or the EP is impossible. (Wessels, 1998: 219, 226-228) So the process reinforces both national governments and bureaucracies and the Brussels bureaucracy. The reference point here; i.e. the reference against which the reinforcement of bureaucracy is described, is the people, their parliaments, and political parties. At this point we can get through the effects of European integration on democratic legitimacy at the national level.

2.2. DEMOCRATIC DEFICIT AT NATIONAL LEVEL CAUSED BY THE EU

We argued that the transfer of sovereignty to a certain extent from national states to the supranational EU did not imply a withering away of national states but a transformation of them, these states even playing the greatest role themselves. A relational and historical approach should be preferred in discussing the European integration. What is a more critical and broader tendency is the transfer of sovereignty (defined as law-making power) from the legislative to the executive, thus the shift of attention from democracy to efficiency, the shift from politics to policy-making.

We have seen that at European level the legislation function actually belonged to the national governments oriented and assisted by Brussels and national experts towards supranationalism, not to the institution that is historically designed to possess legislative power –the Parliament. And the executive function is implemented without democratic accountability since it is diffuse and opaque. EU legislation and executive are unaccountable to national political institutions as well, though they have direct impact on national structures, thus rendering some of the national representative institutions meaningless and leading to a domestic democratic deficit.

There is a general pattern of decline in partisan politics in almost all European democracies. The indicators of this, according to Raunio, are the declines in turnouts, in identification with and attachment to parties, and in party membership. Another tendency besides the weakening links with citizens is electoral volatility that is fostered by ideological convergence of parties. Political parties become more and more clustered in the center, and their ideological distances have diminished. This mainly results “from the dominance of neoliberal economic policies throughout Europe, with international agreements further narrowing the policy options available to individual countries.” A third trend with regard to political parties is their growing dependence on state resources for their survival as long as their links with the society

have weakened. The ties between the state and parties improves. Parties' role in the parliaments and governments, however, is not in decline. (Raunio, 2002: 407-408)

A further development connected to these growing state-party relations is the centralization of decision-making within parties. Raunio (2002: 406-412) argues that "European integration consolidates centralization of decision-making through strengthening the agenda-setting powers of party leaders." Ministers in government parties enjoy a dominant position over the central office and ordinary members.³ In the EU arena the party organization cannot have any control over party representatives. EU policy process carried out between national elites behind closed doors strengthens the executive; executive members enjoy "informational advantages" which even their party fellows lack. In those states with weaker parliamentary scrutiny over EU affairs, centralization is greater.

National parliaments started to fight back against the dominance of the executive after the integration deepened by the 1990s. They established European Affairs Committees and other specialized committees to scrutinize EU legislation. (Raunio, 2002: 412) Currently the extent of member states' parliaments' involvement differs from one state to another. While in Germany "EU policy is enacted behind closed doors, mainly on the cabinet level" and there is no systematic control of the parliament, the situation is different in the UK. A special parliamentary commission receives and discusses law proposals and has the right to invite the responsible minister and instruct him/her how to vote in Brussels. (Grundmann, 1999: 132) Mechanisms of parliamentary scrutiny over EU matters are stronger "in countries with more Eurosceptical publics and the parties and where the parliament has traditionally performed a stronger role in national politics." (Raunio, 2002: 413-414)

Though the German government agreed in September 2006 to inform the German Parliament early on EU matters and to take account of its opinion in the

³ The extension of participatory rights within the framework of intra-party democracy does not make any difference, in fact it serves as an absorbing factor. According to Raunio, focused on selecting people, not on policy-making, intra-party democracy stifles real internal political debate. (Raunio, 2002: 409-410)

negotiations in the Council, the agreement explicitly granted the government the right “to reach deviating decisions for important reasons of foreign policy or integration policy”. So the government may act contrary to the will of the parliament. (Herzog and Gerken, 2007: 3)

Then, national governments mostly cannot influence the content of proposals; at the most, in some exceptional cases they may direct the actions of their respective governments. In practice, this does not take place even though a national parliament has formal power to do that. For instance the Austrian Parliament, the Nationalrat, has a constitutional right to issue binding mandates to ministers but seldom uses this right since the MPs do not have the technical expertise needed to deal with European affairs (informational asymmetry), and rigid positions are seen to weaken the hand of the government during the negotiations in the EU institutions, thus obstruct the realization of national goals. (Raunio, 2002: 412-413)

As for increasing the role of national parliaments some institutions to provide formal contact between the EP and national parliaments were established. Maastricht Treaty “promised” to consult more to the Conference of the Parliaments, one of those institutions, and to “encourage” governments to consult their parliaments as much as possible. Amsterdam Treaty outlined some practical ways to realize this but has produced no substantial achievements. National parliaments, especially that of Germany, Finland, Sweden, Britain and Denmark, have pressed for greater involvement in EU affairs throughout the 1990s. Finally, in a protocol to the Constitutional Treaty, it is stated that the Commission must also submit all proposals to national parliaments, and that it should review its proposal if at least one third of the parliaments object to it. (Dinan, 2005: 323-324) However the right granted to national parliaments by the Constitution to censure the legislation against subsidiarity principle does not have any binding effect. The right of national parliaments to object to a decision in six months does not mean much in practice, since it is harder to overturn a decision already taken by the governments than to deny consent for an ongoing decision-making process. (Herzog and Gerken, 2007: 4) Undertaking the negative role of blocking an agreement (Crum, 2005: 458) is hard

for national parliaments, especially in a European atmosphere dominated by the discourse of interdependence and cooperation, and in a centralized European political spectrum in which most of the parties agree on EU issues.

What is more important than the accountability of the EU institutions to national parliaments in terms of democratic legitimacy is the accountability of national governments to national parliaments. There is an erosion following either from intentionally using Brussels “as a backdoor for introducing legislation” in those cases an internal resistance is expected (Herzog and Gerken, 2007: 2), or from the transition to qualified majority vote in decision-making process in some policy areas.

Dinan states that national governments blame the Commission for unpopular legislation, though they do not object to but support EU-level legislation (2005: 330). “National parliaments have less control over the actions of national ministers who can use the EU setting to bring about what they cannot bring about in national politics. Some hold, for example, that support by the Italian government for the creation of a common currency and a powerful European Central Bank was in order to obtain economic outcomes that they did not want to try to sell to the Italian electorate. Deidre Curtin refers to this situation as the ‘multi-level deficit scenario’.” (Markoff, 1999: 41)

National governments blame Brussels for undesirable policy outcomes, though they appoint the Commission and they constitute the members of the Council. The secrecy of Council meetings fosters this tendency. (Katz, 2001: 57) A more smooth path was opened up by the extension of qualified majority vote in the EU to some policy areas formerly subject to unanimity.

Qualified majority voting in the Council brought out by and gradually improved after the Single European Act, is designed to serve to the deepening of integration and to cope with the challenges of enlargement to the East but reduces the authority and thus the accountability of national governments. Broader use of majority voting has deepened the democratic deficit in terms of the assignment of

responsibility to the Union by national governments. The governments can no more be held responsible for not vetoing a legislation. (Dinan, 2005: 253-254) They may hide behind the obligation to international commitments. Thus, Herzog –former German president- and Gerken conclude that the proposed EU Constitution will not be able to cope with the democratic deficit and the breakdown of the principle of separation of powers but even consolidate them. (Herzog and Gerken, 2007: 4)

They state that 84 percent of the legal acts adopted in Germany between 1998 and 2004 came from Brussels through the hand of government. Against the democratic principle of the separation of powers, they argue, the European legislative functions mainly lie with the executive, and the constitutional competencies of national parliaments are substantially undermined. They thus question whether Germany can still be referred as a parliamentary democracy. They also remind that the European Constitution increases the role of the European Parliament but it does not close Brussels' backdoor. (Herzog and Gerken, 2007: 1-4)

Bureaucracy within the member states is quite powerful. Member states play an active role in decision-making mechanism through the medium of bureaucracy that conducts the relations with the European Union. The first leg of this bureaucracy is the Permanent Representations in Brussels, and the second leg is the ministries or General Secretariats in the capital cities responsible for the European Union. So, bureaucracy is preponderant in both Brussels and capital dimensions of decision-making process. (Tezcan, 2003: 80)

Another factor that weakens the role of parliaments is the transformation of interest group activity. Interest groups increasingly bypass the national parliaments, lobbying directly with EU institutions and national ministries, which possess the actual legislative authority. (Raunio, 2002: 415) The third and fourth chapters will deal with this post-parliamentary interest group activity that occurred at the expense of political party activity and parliamentary representation in detail.

2.3. DEMOCRATIC DEFICIT AS POPULAR ALIENATION

The European Parliament wants full legislative authority, defining the democratic deficit as the gap between the powers of the Commission-Council and that of the EP-national parliaments. It is argued that the reduction in the role of national parliaments should have been compensated by enhancing the powers of the EP. The Commission and the Council, on the other hand, admit the democratic deficit but define it (and its solution) differently. They argue the EU is not a state and thus it would be wrong to make direct analogies regarding political institutions at different scales. (Dinan, 2005: 286) This might either imply the intergovernmentalist understanding that the EU derives its legitimacy from that of member states and excessive responsibilities for the EP would undermine efficiency, and/or the design of public participation and representation at other levels and forms. It is true that legitimacy of individual member states and the EU is not merely based on parliamentary representation. It is but an effective means to obtain popular welfare, which is among the direct sources of legitimacy. It is important in this sense but not the essence of the democratic deficit. This is why “most Europeans tend to see the Parliament as part of the problem, not part of the solution”, in other words “most Europeans, if they thought about the EU at all, would doubt that giving more power to the Parliament might help to close the democratic deficit.” (Dinan, 2005: 261, 287)

In other words, a special importance is attached to the European Parliament in terms of the democratic credentials of the EU, not surprisingly. It is the “democratic pillar” of the Union. But many people either do not appreciate the distinct role of the parliament, or believe its powers are very limited, or have negative opinions about the parliamentarians. (Blondel, Sinnott and Svensson, 1998: 4, 11, 13) The people are not interested in who will be appointed to the Commission or in the balance of power between the Commission, the Council and the Parliament. They are more interested in the balance of power between national governments and “Brussels”. (Grundmann, 1999: 131)

“From the 1790s to the present, there have been recurrent complaints about the depth of popular involvement in political life, the reality of popular control over powerholders, and the possibility that the existence of some form of institutional channel for participation could blind publics to the inadequacy of that participation.” Nevertheless, parliamentary representation provides “an opportunity for popular forces to bargain for their support with elites.” Parliamentary process is significant as it asserts the essence of democracy- power of the people, popular sovereignty, creates channels for exerting influence, politicizes people forcing them to gain information and take side at least when voting, and provides target for political campaigns. (Markoff, 1999: 24-25) We may conclude that parliamentary representation is significant as far as it serves as a medium of popular participation to political life.

Then, even if the legislative and supervisory powers of the Parliament were increased, this will not close the democratic deficit as long as it lacks popular support. Delors, the Commission President between 1985 and 1994, was right in warning about the dangers if people did not see the EU as relevant or understandable. These dangers came true by the 1990s, starting at the bottom with electoral apathy, then discontent, Euroscepticism, and objection to widening and deepening. (Wallace and Smith, 1995: 152)

Identifying the lack of legitimacy solely with the democratic deficit, in other words democratic order with legitimacy may be misleading to the extent that it ignores material sources of legitimacy. The EU received until the 1990s a diffuse support or a permissive consensus, which refers to “a commitment to an institution that is not contingent upon short-term satisfaction with policy out-puts (‘specific support’)”. When the public became dissatisfied, however, this support began to erode. (Grundmann, 1999: 129)

Welfare state and political democracy had developed in a symbiotic character in Western Europe, states Markoff. Now there is a subtle challenge to social

provisions in Europe through the medium of a supranational organization which stresses liberalization, has an autonomous and technocratic central bank devoted to currency stability and monetary discipline, and has a judicial apparatus recognizing the priority of union law in many cases. (Markoff, 1999: 31-32)

According to Leonard there are three interconnected reasons behind the unpopularity of the EU: detachment of European institutions from people's daily experience, incompatibility of the priorities of the people and the EU decision-making bodies, and uneven distribution of the benefits among regions, sectors, social groups etc. He claims that "the EU is perceived as a club in which more highly educated, professional people have more interest than other social strata." (Grundmann, 1999: 130)

Warleigh (2003: 2) argues that "the principal obstacles in the EU's path to democratic reform are deficits of legitimacy and participation. He enumerates three main reasons for the unpopularity of the Union. First, "the Union's competences do not reflect those that the public considers it should have"; second, "the citizen remains on the periphery of the decision-making process of the EU" and; third, "(the EU suffers from) problems common to all the member states, i.e. the shift towards the dominance of the executive and the expert over the elected representative, and the rise of issue, rather than partisan, politics." This last one, which Andersen and Burns call "post-parliamentary governance" (Warleigh, 2003: 2), we pay special attention throughout this study, especially in the final chapter.

Despite the lessons of Maastricht ratification, reforms made by the Amsterdam and Nice Treaties did not bring any radical solutions but were "managerial" since "the member states have prioritized the safe launch of the euro over dealing with either the substantive issues posed by the prospective enlargement ... or those of democracy." (Warleigh, 2003: 20) Educational exchanges, official flag, structural-fund spending, cross-border transactions etc. could not achieve producing a positive image of integration. Despite the rhetoric of "Citizens'/People's Europe", "national identities still constitute the basis for political community, within nation states, in

spite of the effective loss of control over central issues of national government and state sovereignty.” (Wallace and Smith, 1995: 148)

The “participation deficit” observed in the form of electoral apathy for the EP demonstrates to an extent this dominance of domestic politics over European politics and the distance of European institution from the people. The turnout in the elections for the European Parliament has decreased between 1979 and 2004 from 66% to 45,5%. “In many of the member states there is a gap of some 20 to 40 percentage points between turnout at European and at national elections.” (Blondel et al., 1998: 2; Warleigh, 2003: 10)

Blondel et al. search whether European elections are “second-order elections”, dependent on national elections. The concept has a double-meaning, one related with its importance with regard to national elections and the other related with the correlation of the characteristics of voting behavior in national and European levels. The former usually leads to absence in European elections. The latter takes place, for instance, when one punishes the national government by voting for the opposition in European elections, or he/she votes automatically for the same party in European elections. (Blondel et al., 1998: 5, 14-15)

According to Reif there are four factors behind the second-order status of European elections. Firstly, party configuration is the same in both levels, as national parties surpass the loose and unstructured transnational parties. Second, European issues do not attract the attention of European people unless they are related to national questions. Third, the “centralization” in the political spectrum, meaning the affinity of the main parties to each other on European issues, reduces the competition between parties. The last but not least, European elections do not allocate power as there is not any EU president or parliamentary government, and the Council and the Commission are not really much liable to give account to the Parliament. (Blondel et al., 1998: 15-16)

Scharpf points out that “the problem is not simply the democratic deficit of *the European Union* but also a democratic deficit *in Europe*.” That many policy areas are now beyond the realm of national politics and thus beyond democratic control is the result of globalization rather than Europeanization, the EU only making this more obvious. (Katz, 2001: 56) While some interest groups (especially the business) may directly lobby in the EU institutions, the people (with their diffuse interests) basically have their national representative institutions for influencing EU decision-making. “The significant shift in power away from the old national states as a result of Europeanization and devolution presents a major challenge for democracy.” A shared culture and language is a resource for democracy since “it allows people to articulate their wishes, debate their needs, and organize for resistance or change.” (Grundmann, 1999: 131-132; Smith and Wright, 1999: 7)

2.4. A TYPICAL TEST CASE: ENLARGEMENT TOWARDS CENTRAL AND EASTERN EUROPE AND THE EXPORT OF DEMOCRATIC DEFICIT

The process of enlargement of the European Union had an indirect effect on the democratic deficit of the EU, as the institutional challenges of enlargement made the Union consider more about the efficiency of decision-making in the EU-25. However, in return, the process had a much more direct effect on the democracies of the applicant/new member countries. These effects, on the one hand, are a reproduction in these countries of the democratic deficit at national level caused by the EU, which we studied above.

On the other hand, the enlargement process had extra effects on domestic democratic deficit since (1) the accession negotiations appeared rather as nonnegotiable directives of the receiver to the entrant (rather than a mutual deliberation) to adopt a set of regulations called as the *acquis communautaire* in the 40-year process of development of which the entrant had no say, and (2) the extent and complexity of the *acquis communautaire* further brought the question of

expertise in the foreground, thus narrowing further the space of public participation. That these countries lack a strong mass political culture of democracy and welfare that West European peoples have, and that they are enthusiastic about being accepted to the Western political and economical sphere with the hope of better economic conditions and better governance, facilitated the export of the democratic deficit in the EU to them in its most naked form.

To understand the extension of European democratic deficit to the new members of Central and Eastern Europe (CEE), we should first study the logic of enlargement from both the receiver's and entrant's viewpoints. This would help us understand the structural basis of the quality of democracy exported. The underlying logic of enlargement is integrating the CEE countries into global capitalism.

The attempts to integrate them into the global economy started in the early 1990s. Economic policies of transnationalization, liberalization, deregulation, privatization etc. were followed throughout the decade, together with the political aims of democratization and membership to the NATO and the EU. Wallerstein argued that this integration would "breathe considerable new life into the existing capitalist world economy" (Türkeş and Gökgöz, 2006: 667). Bieler adds that security of this neoliberal project had to be provided externally, mainly through EU membership. "The prospect of EU membership and the expected economic benefits deriving from it make it easier to cope with the social hardship resulting from neoliberal restructuring." Bohle and Bieler explain this with Gramscian concept of "passive revolution", in which structural change in domestic social relations is not held by domestic dynamics and social forces but through the incorporation and adoption of foreign economic-political models by technocrat state cadres. So, it was the transnational forces of capital that were internalized. (Bieler, 2002: 588-589)

İrem argues that though both integration and enlargement processes serve for the reproduction of globalization at the EU scale through single market, monetary union, neoliberal trade regime and economy policies that increase competitive capacity of European economy, still they have quite different dynamics and logics.

While the EU is deliberative, mutual and participatory in integration; it is dictating, unilateral and imposing from above in enlargement. (İrem, 2006: 52, 57)

While the EU keeps (*has to keep* for obtaining a certain level of legitimacy) welfare practices to a certain extent in the core countries, it “has exported a more ‘market-radical’ variant of neoliberalism to its new member states.” Anyhow the welfare in the core could only be compensated by the unconstrained neoliberalism in the periphery. (Bohle, 2006: 57) Neoliberal transformation in social policy brings a decrease in real wages, social benefits and subsidies; reform (meaning privatization/semi-privatization) in health and education services; reduction in the role and power of trade unions, turning them into passive non-governmental organizations. İrem stresses that the retreat of organized labor movement makes the development of participatory-organized democracy hard. This once more proves the correlation between political democracy and welfare economy. Civil society is attached importance in the accession process only in order to weaken central state structures and ideologies. It focuses on the relations between the state and the individual, not on the representation of masses. (İrem, 2006: 80)

The EU certainly *has* a democracy-promoting function. It is undeniable that the Union contributes to the improvement of respect for human rights, minority rights, rule of law etc. However, what marked the politics of European integration until the 1990s was not improving democracy but extending free market. Even in the 1990s as well, when the EU has been identified as a recipe for democratization following the Copenhagen criteria, the quality of the democracy that was exported was determined in accordance with the aim of providing a competitive and secure East European market. (İrem, 2006: 53-54)

Understood in minimal and procedural terms, Raik argues that the candidate states already had a functioning democracy, the EU providing an additional guarantee against reversion to authoritarianism. However, with respect to broader criteria, the principles and ideals of enlargement were “contradictory to, or at least in a tense relation with, a number of central features of democratic politics.” In this

sense, “indirect and unintended impacts of integration have been more pervasive than the EU’s policies of democracy promotion.” (Raik, 2004: 569-575; Raik, 2002: 138)

The EU forces national governments to grant basic rights and thus contributes to the strengthening of the individual against the state but this negative understanding of freedom cannot provide the means necessary for making the citizens active participatory actors. (İrem, 2006: 80) Politics of *acquis communautaire*, i.e. the adoption of European legal, political and economic system, in a manner quite different from the earlier examples, led to a Schumpeterian minimal and procedural understanding of democracy in which the citizens are “alienated or passive at best”, as it constrained the participation of national representative actors and the people. (İrem, 2006: 77-78; Raik, 2002: 143)

All candidate states have to perform certain conditions to become a member of the EU. They have to adopt and implement the *acquis communautaire* that consists of ten thousands of pages. Cameron defines the *acquis communautaire* as “the corpus of treaties, court decisions, directives, and regulations that new members must adopt as their own.” According to him, we would not be exaggerating when we say that the adoption of the *acquis communautaire* is the re-creation of new members as new states that do not quite resemble the former ones in terms of policy-making processes and policy outcomes. The *acquis communautaire* reflects the policy-making processes and policy outcomes of the earlier members of the Union. (Cameron, 2003: 24-25; Raik, 2004: 576) Revising the *acquis* is impossible and the new members are drastically deprived of exemption privileges (*opt-outs*).

Politics of the adoption of the *acquis* led to an “internalization of the external”. The EU became an internal actor in the preaccession period and membership turned into a hegemonic project inside in the Gramscian sense by the articulation of interests through some key discursive elements: inevitability, speed, efficiency, expertise, objectivity, conditionality, and competition (with other candidates). These elements support each other and support depoliticisation. (Raik, 2004: 570, 574, 582)

Inevitability is surely contradictory with democracy since it “denies the possibility of choice” which lies at the heart of politics and democracy. “Politics ends at the moment when inevitability becomes established.” People then would not have the chance of influencing decision making and thus, they would not be interested in politics. The people either actively or passively agreed with the elites on the inevitability of membership for the security and welfare of their country. Raik even compares this to the former “detached and distrustful” attitude towards the Soviet Union. (Raik, 2004: 577-586)

Another factor that trivialized and hid politics during the enlargement towards Central and East European states was the emphasis over expertise. The work of the European Commission, which played the most important role in determining the strategy of and monitoring the enlargement, was claimed to be “expert, objective, impartial, and free of political prejudice.” The political nature of the whole process was thereby hidden or played down, and public debate was blocked since political judgment was replaced with objective knowledge. (Raik, 2004: 579-582) Such elements as expertise are not only discursive. As we examined in the former parts of the study, a technocratic cadre cognizant of the *acquis* is actually growing in role and responsibility. İrem describes this as the “emergence of a new type of political engineering”. (İrem, 2006: 81)

The discourse of enlargement established a set of self-styled “objective” norms by which the legal and administrative acts of the candidates were evaluated and directed. The interests and knowledge of those who benefited from and ruled integration were put forth ironically as the national interest, objective knowledge, absolute truth, concepts that are claimed to have a blood incompatibility with the “postmodern” EU. By the same token national governments, which conduct the accession process, monopolize power and we witness a strengthening of governments, political party leaders and national bureaucracies in the Central and East European states just as that in the EU in general.

Beside the EU-wide facts that the functional and informational asymmetry grants executive organs and national bureaucracies great powers and that the delegation of authority to supranational bodies makes national governments unaccountable, also it is a Commission strategy to rely on strong political leaders in candidate countries who are capable of providing the adoption of the *acquis* and of implementing neoliberal economic policies fast and expertly. So, concludes Türkeş and Gökgöz, while the Commission has claimed to democratize state-society relations in Central and East European candidate countries, on the contrary it led to a reproduction of authoritarianism through the neoliberal and technocratic restructuring. (Türkeş and Gökgöz, 2006: 687, 690)

The tendency in the old members of the EU to blame the Union for unpopular policies is reproduced in the applicants and new members. Delegation of power accompanied with the myth of “membership requirements” becomes an escape route, strengthening the hand of the executive over against other national actors. Raik states that “there have also been numerous cases when the government has defended unpopular decisions by EU requirements, *even by non-existing ones* (emphasis mine-İ.Ö.)” (Raik, 2002: 143)

It is widely accepted that the last wave of enlargement provided “less room for manoeuvre and negotiation than in previous enlargements.” This was not only due to the growth of the *acquis* in volume and sophistication but also to a shift to a new model of patron-client relations between the EU and the candidates. The relation was no longer reciprocal as it formerly had been to an extent. The candidates were granted much less exemptions and less financial support. They had to follow a temporal program, if not a timetable, arranged by the Commission, and were forced to compete with each other in quality and speed of reforms. The fear of missing the opportunity was retained alive by the Commission and applicant governments so that this fear could support the discourse of accession. (Raik, 2004: 576-577)

The shift from national government to multi-level governance forced us to reconsider the settled concepts of participation, representation, accountability and

legitimacy, and strengthened public and private bureaucrats and experts everywhere. (İrem, 2006: 59) Delegation of the sovereignty that the people exert through their accountable representatives to an unelected or unaccountable institution causes serious problems about the democratic credentials of the regime. While this loss of sovereignty is compensated to an extent by some mechanisms of mutual intervention in integration, states İrem, candidate states delegate sovereignty without that opportunity to compensate it. (İrem, 2006: 76) The politics of *acquis* forces the candidate state to accept the asymmetrical relation of power between itself and the Union, establishing some kind of a “mandatory” regime. (Quoting from Böröck and Mahua, İrem, 2006: 76)

Türkeş and Gökgöz similarly argue that though the EU membership was claimed to provide an escape from decades of dependency on Russia, in the final analysis, the dependency is reproduced in CEE countries’ relations with the EU and with the United States as well. (Türkeş&Gökgöz, 2006: 664-665) Zielonka also describes the handling of the process as a dictatorial one since the candidates faced two options: either to accept the conditions of entrance without negotiation or to renounce membership altogether. (Zielonka, 2007: 162)

Referring to the Estonian case, Raik states that “during the accession negotiations, the main task of Parliament was to accept as quickly as possible the new legislation required by the EU.” The role of the parliament was nodding remotely and formally. Most politicians, not only parliamentarians but also even some government members, lacked the technical expertise that the preparatory work demanded. Another factor that we mentioned before in the former parts of the study is the consensus over the accession process among political parties. The only argument of the opposition, in Estonia and elsewhere (by the way in Turkey), was that “proud membership” had to be realized, i.e. an accession and membership process protecting national interests well. (Raik, 2004: 587-589)

Though national parliaments in CEE countries seek for gaining a better position in the decision making mechanisms of the Union in order to protect national

interests against the bigger and more powerful members of the EU, this seems to be unrealistic. National parliaments of CEE countries, which are traditionally not quite strong, became weaker and weaker during the accession period. They hastily adopted the *acquis* without the opportunity of “representing” national or local concerns. This trend seems to continue due to the structural causes we mentioned above. These national parliaments also lack the national popular support to raise demands for increasing the authorities of national parliaments since the process of “mandatory extension of the *acquis*” undermined their domestic prestige as well. For instance, in the four crucial years for the adoption of EU legislation, from 1998 to 2002, public confidence in Poland’s parliament decreased from 44% to 20%. (Zielonka, 2007: 169-170) The role of political parties and their prestige among the public eroded in this process as well.

“Weaknesses in the functioning of democracy, the lack of pre-existing democratic tradition, as well as the representation of integration as a matter of national existence” facilitated the settlement of technocratic governance model in the CEE states. (Raik, 2002: 152) Still, wide public discontent with the EU exists.

The candidate countries faced with the task of a quick creation of new regulatory institutions and policies required for full economic liberalization. And they were also under macroeconomic challenges, especially of budget and trade deficits. Participation in the Economic and Monetary Union required a max-3% budget deficit. Public spending had to be reduced despite the existence of high unemployment rates. As for the trade deficits, they had to increase exports but had to do it in such a manner that they would be able to compete with the enterprises in the EU area. (Cameron, 2003: 29, 31-32) Decrease in real wages and welfare spending was inevitable under such economic pressures. The Commission was less generous to the new candidates in terms of financing the accession than it had been to the candidates in earlier enlargements (Cameron, 2003: 33). This, in return, led to a loss of popular support for the governments and for the accession process.

Those who suffered the most from the socio-economic consequences of globalization and Europeanization –pensioners, peasants, the unemployed- were the most negative and apathetic towards national governments and the EU. (Raik, 2002: 142) There was a considerable public skepticism or ambivalence about the EU itself or EU membership in the Central and Eastern European candidates. According to the Eurobarometer 2001, in nearly all the 8 countries that later joined the EU in 2004 the people who described the image of EU as positive were under 50%. These rates then slightly increased. (Cameron, 2003: 38-40) In the same period, public support for EU membership was under or on the border of 50% in six candidate countries –Estonia, Latvia, Lithuania, Poland, the Czech Republic, and Slovenia, states Albi (2004). In the 2006 Eurobarometer, only 18% of the respondents in Latvia believed that their voice counts in the EU, 20% in Czech Republic, 21% in Estonia and Slovakia. The EU average was not quite different though: 36%. (Zielonka, 2007: 166)

This public apathy was feared to endanger the integration project, since a negative vote in referendums for EU entry could constitutionally block the process for a certain period.⁴ Hence, some measures such as reducing the high minimum turnout requirements, holding the referendum in more than one day etc. were taken. Hungary, for instance, luckily reduced the requirement of 50% participation for a referendum could be valid to 25%; the turnout rate in accession referendum was 42%. Some states decided to hold consultative (not binding) referendums and even some decided not to hold a referendum at all. (Albi, 2004) Still, the referendums have demonstrated the success of the hegemonic project; the average turnout was low (about 54%), yes votes was clear (about 81%).

Public apathy was further observed in the elections to the European Parliament in June 2004. Even the supposed enthusiasm of becoming a member one month ago did not have any positive effect on peoples' interest in European politics. The

⁴ “In the case of an invalid or a negative result, a new referendum on the issue may not be re-initiated within four years in Poland, three years in Slovakia, two years in the Czech Republic, one year in Slovenia and, in the case of a constitutional amendment referendum, in Estonia and Lithuania. In Estonia, the Parliament is also to be dissolved.” (Albi, 2004)

average turnout in the elections was about 26% in CEE countries, with Slovakia about 17%, Poland 20%, and Estonia 27%.

The Euro-Gap in 2004, referring to the gap between the turnout in the EP election and the turnout at the latest election for the national parliament, averaged 25% across the European Union. The biggest Euro-Gap was registered in Slovakia, where 70% have voted in national parliamentary election in 2002, but only 17% have voted in 2004 to elect members of the European Parliament. (Rose, 2004)⁵

The de-politicization of judgment and choice by the logic of enlargement and hence the narrowing of the space of democratic politics is peculiar neither to the preaccession period nor to the new members. The democratic deficit through the politics of *acquis* turns into the democratic deficit through the politics of integration. The preaccession process only represents the “extension of the technocratic, elite-centered, and overly complex EU system to the applicant states.” It reproduces the democratic deficit in the functioning of the EU. Thus, when the accession comes closer, the candidate becomes more strongly subject to the logic of enlargement/integration that constrain democracy. (Raik, 2004: 591-594) Moreover, there is no sign that the unequal terms of membership and asymmetrical relations among the EU which deepens the democratic deficit in the CEE countries will change in the future.

The tension between the logic of integration and democratic politics might even be generalized as the dilemma of every democratic regime, not of supranational bodies only. Efficiency vs. participation, speed vs. time needed for deliberation, expertise vs. citizen sight, objective knowledge vs. values and judgments are some of the facets of the ever present democracy/efficiency dilemma. (Raik, 2004: 591-594)

The search for a theoretical redefinition of democracy to overcome this dilemma in the EU context, where neither of the concepts might be sacrificed, made its mark on the late 1990s and the first decade of the 21st century. While some

⁵ In the light of this public alienation from European Union politics, most of the CEE countries decided not to make referendums to approve the European Constitution.

politicians and theoreticians argued that an agreeable definition of democracy in the age globalization should exclude some of its participatory merits, many others agreed on a redefinition of participation in terms a supposed transformation from democracy as representation and participation through national parliaments, political parties, and mass organizations, to democracy as individual/group autonomy, the increasing role of supranational and local identities and institutions, and representation within the civil society. Public sphere, European citizenship, politics of identity, multiculturalism, cosmopolitanism, devolution are some of the popular conceptual tools of the contemporary theory of democracy. The attempts of European states to close the democratic deficit, those also other than the attempts to reform the institutional balance, can only be understood by taking into account the new theoretical affinities. The next chapter will thus study contemporary theories of democracy from a critical viewpoint also taking the great transformations in political economy into consideration, with a special emphasis on the implications of these debates about the democratic deficit in the EU. Then the final chapter will examine and evaluate the attempts of the EU to restore its democratic legitimacy, heightened after the negative votes in France and the Netherlands on the constitutional treaty in 2005.

CHAPTER THREE

PARADIGM SHIFTS IN THE EUROPEAN DEMOCRATIC ENVIRONMENT

Democratic deficit in the European Union has reached to such a point that it even began to undermine the legitimacy of European integration. There appeared a structure with a fragile legitimacy, in which political representation and accountability has weakened, politics has been technocratized and political participation has declined. Apart from the impact of European kind of supranationalism on democracy, this structure reflects a general trend, neither specific to the EU nor the European nation states. The transformation of capital accumulation model starting in the 1970s had a great constraining impact on democratic politics. Simultaneously gained ground the attempts of postmodern, cosmopolitan and deliberative approaches to question representation and redefine political participation. The further development of the integration project towards a political union, and political liberalism of the EU provided the empirical justification of these theories. The EU institutions, in return, handled the democratic deficit within the framework of these new paradigms and thereby justified the reconfiguration of democratic politics.

In this chapter we will examine the paradigm shift in democratic theory. We will mainly analyze the contemporary theoretical reflections on the deficiency of modern liberal democracy and on alternative models. Cosmopolitan approaches to democracy, which assume that classical communitarian parliamentary model and modes of popular representation are irrelevant due to globalization process, will be depicted. Then the currently predominant liberal and deliberative models of democracy, John Rawls and Jürgen Habermas being the leading theoreticians, which are grounded on a critique of the republican and state-centered understanding of democracy will be studied. Next, the theory of radical democracy, particularly Chantal Mouffe's debate with deliberative democracy will be treated. From the debate between deliberative and agonistic models we will move to our argument that

there is a common theoretical shift from an understanding of democracy as the inclusion of social groups into politics (the struggle for power) to an understanding of democracy as the inclusion of social groups in policy-making (without touching the power structures); and from philosophical questions on “good life” to technical questions on institutional forms. For understanding the acceleration of the process of depoliticization of democracy, we will take into account the structural factors behind the need for the redefinition of democracy in the neoliberal age.

3.1. GLOBAL GOVERNANCE: NEOLIBERAL DEMOCRACY

Political-institutional structures constantly change and adapt to new conditions. Globalization was a moment that radically shifted basic political formations such as democracy, and theoretical paradigms associated with them. By globalization I refer to the economic, social and political implications of the transformation in global capital accumulation processes, which emerged as a response to the world economic crisis in the 1970s and which were politically enabled by the collapse of the rival socialist system in the late 1980s. Neoliberalism is thus regarded as the trademark and even the essence of globalization in this study.

Globalization has revealed two interrelated patterns of novelties that had impacts on democracy: one concerning the *scale*, the other concerning the *form* of democracy. Firstly, global and local scales began to challenge the traditional view that democracy had been peculiar to the national scale. Rise of global NGOs and advances in international human rights regimes on the one hand, localization and redefinition of devolution of power as a means and aim of democratization on the other, started to question the traditional state-democracy relation. The debate between cosmopolitan and communitarian models of democracy has been the main theoretical product of this challenge.

In terms of form, following the quake in the foundations of social sciences led by postmodernism, and the erosion of sovereignty due to globalization, such fundamental concepts of modern political theory as representation, popular

participation, national sovereignty were redefined. New concepts came to be widely used, like civil society, public sphere, multiculturalism, international regimes, deliberation, discourse, devolution, subsidiarity etc.

Though political studies identified democracy with capitalism since the very beginning of the Cold War, actually it was the welfare practices of developed capitalist countries that rendered that level of democracy possible. Welfare democracy was questionable too; it was based on electoral competition and liberalism, hence was minimal. There existed important objections addressed to representative democracy regarding the alienation of people. Still, the workers had a word in socio-economic and political matters thanks to the organization of economy and the legacy of European working class movement. Trade unions were strong, and political life was lively.

By the 1970s, “an excess of democracy” was condemned for the economic troubles during the decade, on the grounds that the Keynesian economy, which has given scope for organized labor and mass movements, resulted in social policies incompatible with capitalist accumulation. This close relation between the economic and political system might also be observed in the fact that the following neoliberal wave did not only restructure economy but also politics. (Boetsch, 2005: 2-3)

Keynesianism was blamed for expanding political decisions into the realm of economics (Boetsch, 2005: 6), as if the desired non-political character of economy was not something political. Welfare practice came to be regarded as an anomaly, and it was claimed to have returned to the normal distinction between economic and political spheres. However, the de-economization of politics had to and did result in either authoritarianism or de-politicization of politics because economy policy is something political.⁶ If politics will not include public debate on the policy of taxation, privatization, retreat of state from social sectors, the achieving of autonomy

⁶ The term “politics” has its etymological roots in the Ancient Greek “polis”, establishing the citizens (inhabitants of the *polis*) as persons equally charged with making decisions about everything related to the social life in the *polis*. Then and now, politics is about decision making in the most general sense however different the actors, aims and features of decision making process is defined by different schools of thought.

of central bank etc., then what will it include? So, to maintain the system the elites should suppress or/and hide the relation between economy and politics. Since the 1980s neoconservative parties focused on the former (reducing the power of trade unions), social democrats on the latter (stressing social dialogue). Still, a strategy leaning on only one of them would not last long. This is why European peoples within two decades voted for conservatives, then for social democrats, and now for conservatives once again and even for the extreme right parties.

Either conservative or social democrat, it is argued that the enlargement of market relations and reduction in state functions would provide not only economic efficiency but also freedom and democracy, by breaking up the monopolization of power. The market is accepted as the sphere of freedom since transactions within it are voluntary and decentralized. (Boetsch, 2005: 2-3, 7) New Right theoreticians argue that freedom is the individual control over choices, and it is best exercised in a market economy (McLaverty, 1999: 25).

The term “governance” started to be positively used by all parties to describe the political form of global market economy. It is defined as “governance without government”. Theories of governance argue that while government refers to formal acts and procedures at state level, governance is based on a network of informal relations at all levels. It assumes an interdependency between nations, between nations and international organizations, and between nations and transnational or subnational structures. Governance aims at organizing the state and social life in general, along market relations. Even the state itself is dealt as if it is a business administration job. Politics is identified with corruption, nepotism, partisanship etc., and the parliamentary and political party systems are regarded negatively as sources of populism, which harmed much the functioning of economy. (Bayramoğlu, 2005: 33, 154, 172)

Making economic decisions turned out to be the job of technocrats, who were claimed to be neutral professionals applying the objective rules of the game called economy. Legislation and regulation are increasingly carried out by non-

parliamentary and non-governmental agents. A neo-corporatist structure is developing in which interest groups and specialized policy networks represent themselves in a market-like sphere of politics. As expert knowledge “as opposed to popular, common-sensical, everyday knowledge” of the people tends to prevail, the democracy of citizens is being replaced by the democracy of organized interest and lobbies. The expansion of governance to supranational/global scale also make classical representation less appropriate. Territorial representation is being replaced by more effective and flexible form of representative democracy. (Andersen and Burns, 1998: 228-231)

As the society becomes more and more differentiated and complex in terms of economy, public services, administration and culture, a post-parliamentary governance to cope with the requirements of globalization appears. Key organizing principles and rules of this “post-parliamentary” or “organic” governance might be summarized as below: There appeared a “representational complex” ranging from territorial to interest group representation. Sovereignty and authority became increasingly non-territorial as well, distributed into civil society networks, subgovernmental actors and international organizations. While the classical representative institutions formally retain responsibility, practically their authority to govern and monitor are minimal. Accountability is diffused as well; accountability to specialized interest prevailed over accountability to the larger public. Even the law is no longer peculiar to a certain territory; international, regional, local and sectoral agreements challenge the law of the nation state. (Andersen and Burns, 1998: 236-239)

Based on the assumption that social reality became too complex it is argued that elected representatives will have difficulty in obtaining the necessary technical knowledge to deal with the problem areas they face. Social groups with special interest and/or values want to be directly involved rather than being aggregately and hence insufficiently represented. “Powerful actors, in particular interest groups, bureaucratic agents and professional experts, find the organic forms more effective, less constraining or costly than parliamentary forms.” (Andersen and Burns, 1998:

240-243) For a majority of the people however, political power provided at least formal equality. Political manipulation or the ineffectiveness of the elected is an undeniable fact uttered for long, but still parliamentary representation is an opportunity for most of the people who have no individual political power but their political rights. However, at the expense of political forms of participation and representation, neoliberalism promotes economic representation. Therefore only those individuals and groups with a certain level of wealth would participate in the market. (Boetsch, 2005: 8) Jean Grugel states that “globalization and governance are not neutral processes and they affect states, classes and social movements differently. Understanding these processes can open fresh perspectives on the ways in which new political arrangements are embedded (or not) in state-society relationships.” (Grugel, 2003: 239)

The reconfigured democracy favors “issue-specific patterns of citizen mobilization and participation...rather than the general aggregation of interests across issues undertaken by political parties in liberal democracies.” It trivializes political parties and mass interest organizations due to its stress on sector-specific choice and participation. (Warleigh, 2003: 127-128) This is claimed to be a deeper process of socialization than a politics based on simple participation through a representative assembly is, but the question below is worth asking: “Can NGOs and similar organizations really help socialize citizens into the system, or do they rather represent a means by which citizens abdicate responsibility for active citizenship, and leave responsibility for political engagement with NGO staff?” (Warleigh, 2003: 54, 118) We will return to the approaches that identify democratic politics with voluntary action within the civil society, in the following pages.

Governance model is based on a partnership of bureaucracy, NGOs and firms. Despite all the propaganda against state intervention, neoliberal economy led to an unprecedented bureaucracy. De-politicization of monetary and fiscal policies simply replaced state discipline with market discipline, but also closing the doors to popular participation. Whereas there is deregulation and decentralization at state level through privatization, deregulation, devolution, the establishment of autonomous

government agencies, and neo-corporatism, at the local/regional/global institutional levels appears a concentration of political power. Autonomous/semi-autonomous governance agencies, either at supranational or subnational scales, monopolize legislative, executive, supervisory, and even judiciary functions. (Bayramoğlu, 2005: 197, 207) Thus the self-proclaimed democraticness of global or local scales is questionable.

As neoliberal democracy eroded parliamentary representation, strengthened some autonomous/semi-autonomous bureaucratic institutions, and privileged those interest groups which directly participated through lobbying or formal corporatist mechanisms, the democratic ideal of rule *by* the people turned into mere voting, and rule for the people into interest group representation. However, by the 1990s, this limited democracy, accompanied by the negative social effects of liberalization faced with a crisis of legitimacy. Electoral apathy increased much, extremist parties gained strength, and some people demonstrated their reaction to the new right governments, as is seen in the ratification of Maastricht. Today, states David Held, “more and more people recognize the need for enhanced political accountability and for transparency and openness of decision-making in international, social and economic, domains; although the proper form and place for such initiatives, it has to be said, is far from clear” (Held, 2000: 398). Those approaches we will examine in the remaining part of this chapter seek for a legitimate basis for contemporary liberal democracy.

3.2. COSMOPOLITANISM VERSUS COMMUNITARIANISM: THE SCALE OF POLITICS

The argument that national level is more appropriate for democracy since common language and culture, and a distinct addressee facilitate participation is widely debated, revealing two main models for democracy: cosmopolitanism and communitarianism. Cosmopolitan models for democratization emphasize interdependency and merger of external and internal factors in the era of globalization. It is no longer possible, according to cosmopolitans, to generate domestic public policy independent of externally-set agendas. Multinational

corporations and stock market operators have great impact on states and citizens but are unaccountable to them in terms of conventional means of accountability. To reverse transnationalization and interdependency is impossible. “Thus, because politics and economics have been internationalized, democracy must be reconfigured in a similar way if any meaningful accountability or participation is to be fostered.” (Warleigh, 2003: 23)

David Held, together with Daniele Archibugi, is the leading theoretician of cosmopolitan democracy model. He argues that the geography of political power is shifting and changing in character. There are those structural transformations that eroded state sovereignty in the last three decades, such as deregulation of capital markets, establishment of international regimes, and global problems like terrorism and global warming. However, claims Held, globalization is not taking place “straightforwardly at the expense of states”. On the contrary, “states and public authorities initiated many of the fundamental changes – for example, the deregulation of capital in the 1980s and early 1990s.” (Held, 2000: 395-397)

What is challenged today, through supranational organizations, devolution, multiple citizenship etc., is the indivisibility and sovereignty of state power. “Although governments and states remain powerful actors, they have helped create, and now share the global arena with, an array of other agencies and organizations.” The project of cosmopolitan democracy is an attempt to provide accountability and democracy in the changing geography of political power. (Held, 2000: 397-398, 402) For Held globalization led to a world environment in which the authority and actual capacity of states to make national economic and political decisions eroded, international regimes governing global issues like trade or environment grew in number and strength, international law started to challenge state sovereignty, and the borders that detached national cultures blurred. In this new environment it was no longer the nation state but the world that had to be democratized. (Grugel, 2003: 256) Held argues that “democracy for the new millennium must allow cosmopolitan citizens to gain access to, mediate between and render accountable the social, economic and political processes and flows that cut across and transform their

traditional community boundaries”. Only a disconnection of political authority from fixed borders may create an accountable form of globalization. (Held, 2000: 402-404)

According to Archibugi as well, in order to adapt democracy to changing conditions, the cosmopolitan model considers politics at all levels (not exclusively state level), emphasizes the importance of norms and rules in international relations, and supports global campaigns around realistic and limited objectives. A global democracy is a far objective but the journey is as important as reaching the final destination. (Archibugi, 2004: 465-466) He agrees that there is a lack of a global *demos*, and the presence of a global civil society is an exaggerated idea. However he thinks that there is not one definition of *demos*, and there are different *demoi* not directly associated with state borders. What’s more, *demos* is not independent from and does not necessarily precede institutions; common institutions may give birth to a *demos*. (Archibugi, 2004: 461) Among global civil society issue areas are “environmentalism, Third World debts, poverty, gender discrimination, violence, child slavery, human rights, immigration and democratization” on the grounds that “global scale of problems demands a global response” (Grugel, 2003: 259-260).

There are other levels of cosmopolitan governance as well. State level is not completely denied; reflection of cosmopolitanism at state level is multiculturalism, immigrant rights etc. Local, interstate, regional and global levels appear at the same with no less importance than one another. Archibugi argues that cosmopolitanism ultimately aims a world parliament has the highest level institution of a global democratic governance. This would not be an embodiment of sovereignty but of global constitutionalism. Conflicts would be solved constitutionally through dialog and judicial procedures. (Archibugi, 2004: 446-452)

There are variants in cosmopolitan model that differ in their views about economic redistribution or about the ideal of world government. However, according to Warleigh, for all cosmopolitans “ultimate value is not democracy as such (at least in terms of public participation in, and control of, decision making), but rather the

promotion of human rights and public welfare. Democracy may, or may not, be the best means of guaranteeing this. ... Thus, there is a contradiction at the heart of cosmopolitanism.” (Warleigh, 2003: 23-24)

Saward too, states that “the cosmopolitan model appears to shift the balance between constitutionalism and democracy in favor of the former.” Constitutionalism has developed as a part of the struggle for democracy but too much emphasis on constitution may push as into a “slippery slope”; it is dangerous for democracy if the legal system expand at the expense of “normal” realm of democratic politics. (Saward, 2001: 562) This tension between liberalism and democracy will be examined in detailed in the following part.

Liberal universalism is based on a deontological ethics around the concepts of rights and liberties while communitarianism is based on virtues in the context of an ethical-political society. (Dallmayr, 1999: 398) For communitarians who object to cosmopolitans, “*universal* human rights” does not make any sense because human rights become substantive only if they are articulated by particular individuals and groups living in a particular culture. Belonging to a community gives an individual the ability to enact her/his rights. Community sets the acceptable and legitimate norms that people agree on. There are quite a few, if there are, universally agreed norms. Imposing people norms alien to them would only lead to conflict. There are also variants in communitarianism, which differ in their definitions of community either in ethnic or civic terms. What unites them, claims Warleigh, is their devotion to democracy as the ultimate political value. For them, democracy is operated “through and for” a *demos*. Only this sense of community “makes possible the creation of meaningful political debate about what should constitute public policy through a process of deliberation.” (Warleigh, 2003: 24-25)

Communitarians do not constitute a monobloc school of thought under this name but what describes them is their opposition to cosmopolitanism. Radical democrats and multiculturalists might be mentioned. A radical democrat, for instance, Chantal Mouffe argues that a border between those belonging to a *demos*

and not should be drawn for democracy to live. She states that without a demos that people belong to, they will not have the opportunity to realize their democratic right to make law. At best, they will have the liberal right to apply to supranational judiciary bodies when their individual liberties are violated. “Cosmopolitan democracy, if ever it comes true, will not go beyond a null concept that hides the de facto disappearance of democratic polity and that denotes the victory of liberal governmental rationality.” (Mouffe, 2002: 49-51) Thaa in the same manner described the cosmopolitan citizen “as a bearer of rights and moral commitments rather than an author of the law” (Grugel, 2003: 257).

Those who argue that nation state is the compulsory locus of citizenship take homogeneity as a precondition of democracy. This homogeneity thesis follows from the ideas of Carl Schmitt. By homogeneity Schmitt means equality, not the abstract individualist liberal understanding of equality but a political and substantial understanding of equality. (Mouffe, 2002: 46-48) For Schmitt democracy is the identification of the ruler and the ruled. It requires an inclusion/exclusion dialectic for the ruled to be clearly defined. The boundaries and scale of the ruled is thus critical. The concept “humanity” does not refer to any political entity. (Mouffe, 2002: 51-52)

Multiculturalists such as Will Kymlicka and Charles Taylor are skeptical about the claim that transnational governments can be made democratic, accountable or participative (Grugel, 2003: 257). They demand group-specific rights for minorities. Objecting to Kymlicka’s argument that “democratic politics is politics in vernacular”, Archibugi righteously reminds the fact that “far too many aspects of our daily lives escape the vernacular dimension.” (Archibugi, 2004: 460) There is not a democraticness of community in itself. But the global scale is not by its nature democratic as well, on the contrary it makes the power invisible and thus unchangeable. The debate around scale has its natural limits; it is knotted with debates around the form of democracy as we may easily infer from the communitarian critiques of cosmopolitanism that imply a tension between democratic politics/deliberation and liberalism/constitutionalism.

3.3. NORMATIVE TURN’: PUBLIC SPHERE AND DELIBERATION

Minimal democracy originally formulated by Joseph Schumpeter in the 1940s is based on electoral competition for leadership. Since the people are ignorant and open to manipulation they have to leave policy making to politicians. Their participatory role should be limited to casting vote so that legitimate and accountable governments could be formed. This approach was reinforced by Robert Dahl, who introduced the term polyarchy; i.e. plural democracy. Minimum institutional guarantees of democracy is enumerated by Dahl as such: the right to establish and join organizations, the right of expression, the right to vote, the right to be elected to public office, competition for being elected, existence of various sources of information, free and just elections, legitimate government institutions (Mısır, 1999: 21-22). This primitive form of representative democracy model was dominant in Western political and theoretical life during the Cold War, constituting the main rhetorical element against the socialist bloc: democracy versus totalitarianism. This minimal democracy was legitimized by the argument that “the right to participate entails the right to refrain from politics” as against the situation (mobilization) in totalitarian regimes. (Plotke, 1997: 20-21) What’s more important, it was legitimate because of factors external to it: social welfare. So, the end of the Cold War and the neoliberal transformation revealed an already existing tension between capital accumulation and democracy.

The elitist structure of democracy was not a new theme in political theory. Complaints about the quality of political representation have always existed in modern Western political thought (Plotke, 1997: 19). Since Carl Schmitt it had been argued that elections were not the reflection of popular will but were a political duty for the citizens and a means of limiting the political power for elites (Çelebi, 2002: 27). Procedural representative democracy was criticized by some thinkers in the West also during the Cold War on the grounds that it blocked real political participation. However, only after the Cold War ended that these critics was going to

be absorbed by liberalism and voiced loudly, as the democracy-totalitarianism opposition lost its central place in politics. (Plotke, 1997: 23)

The basic product of American behavioralism in social sciences that reached its peak in the 1960s was modernization theory. By the 1980s and the 1990s while modernization theory was challenged and lost much of its reputation in development studies, it enjoyed a “renaissance” in democratization studies. Democratization studies “exploded”. These studies were equating democracy with the existing Western democratic institutions. (Grugel, 2003: 238-242) The enthusiasm, after the collapse of socialism, of transition to Western democracy and market economy and of the ideology of “the end of ideologies” was strengthening this approach.

However, this enthusiasm did not last long. Capitalism-democracy identification and elite-led transition to “governance” soon faced with legitimacy problems. By the 1990s, issues such as “civil society, civility, participation, representation, community, ethics and human rights”, which were long neglected by American empirical political science but which in fact, laid the foundations of western political theory, stroke back (Grugel, 2003: 248-249). This strike back is not self-contained and incontinent as I tried to explain. It has its motivations and roots in the global structural transformations since the 1970s, which also contributed to the postmodern turn in science.

Input legitimacy (the feeling of having capacity to influence a decision) guarantees output legitimacy (acceptable policy outcome) but output legitimacy does not necessarily mean that there is input legitimacy (Warleigh, 2003: 50). Decreasing output legitimacy (economic welfare, security) since three decades necessitates an increase in input legitimacy but in a way that would not endanger the efficient functioning of economy. To this end, consensus is replacing consent, which has elitist/authoritarian connotations. Consensus is based by different thinkers on liberalism and/or ethical principles and/or deliberation (which refers to a dialogue in which the participants understand the others’ needs and perspectives, exchange views, and reach a mutually agreeable outcome). As a common denominator, civil

society is being reinvented in political theory and appearing as the sphere of public participation.

The deliberative model of democracy has been dominant in democratic theory since the 1990s. The moment of transformation is labeled as the normative or deliberative turn in democratic theory. It was based on a critique of electoral democracy which, deliberativists argued, should have been supported by a more participatory and libertarian model. “The meanings of political community, of democratic constraint, of giving an account of actions, of participation in the public sphere, have been profoundly affected by the deliberative turn in democratic theory.” (Saward, 2001: 564, 567) The conceptualization of accountability has been transformed along deliberative principles, for instance. The formal line-hierarchy of accountability –the civil servant is accountable to the minister, the minister to parliament, parliament to the people– is replaced by an understanding of accountability “as the *ongoing* (emphasis mine-İ.Ö.) giving of accounts, explanations or reasons to those subject to decisions.” (Saward, 2001: 566)

Two figures are critical for deliberativism. John Rawls and Jürgen Habermas since the 1970s attempted to bring normative dimension of politics back in, against the mainstream instrumentalist/behavioralist theories of democracy. The predominant approach had a minimal and procedural understanding of democracy, reducing it to the procedures of treatment within interest group pluralism. Deliberativists argued that this understanding of democracy led to a deep legitimacy crisis in Western societies. (Mouffe, 2002: 86-87)

Noticing that this crisis could result in radical threats for liberal democratic order that advocate a return to pre-modern modes of loyalty, they undertook a rationalist defense of modern democracy. They attempted to lay a strong base of loyalty for liberal democracy. As liberals they were aware of the potential dangers of popular participation for liberalism. What they did was to reformulate the democratic principle of popular sovereignty in a manner that would not endanger liberal values. In Rawls’ words, they wanted to resolve the tension between Lockean liberal

tradition that emphasized fundamental individual liberties (of thought, belief, property) and the rule of law on the one hand, and Rousseauian democratic tradition that focused on equal political rights and the virtues of public life on the other. (Mouffe, 2002: 88-90) For that aim Habermas reinterpreted popular sovereignty in an intersubjectivist viewpoint and extended it to the cultural and individual aspects of social life. Popular sovereignty turned out to be a “communicatively produced authority” in public sphere and in civil society. Rawls, on the other hand, sought for a social consensus based on public reason. According to Mouffe, Rawls made a sharp differentiation between private sphere, the sphere of plurality of different and antagonistic views and identities, and the public sphere, where a consensus on the basis of a common understanding of justice might be built. (Mouffe, 2002: 89, 95)

3.3.1. Political Liberalism of John Rawls

American philosopher John Rawls introduced new themes in liberal political thought. Still, strictly positioning him in the deliberativist tradition is hard. Rawls wanted to reform the principles of liberalism that proved to be insufficient to explain and manage modern social and political structures, through a synthesis of classical utilitarian principles and Kantian ethics. He attempted to fuse negative rights of liberal doctrine and equality and justice principles of modern welfare state in the tradition of American constitutionalism. (Çelebi, 2002: 25-26)

Rawls claims to offer a new solution to the liberal concern about how to provide peaceful coexistence. For a long time liberals proposed a *modus vivendi* to this aim, an agreement between conflicting views along certain legal procedures. Rawls claimed that liberal democratic societies needed a deeper consensus than a procedural *modus vivendi* provided. There has to be common ethical principles around which people coexist as political partners. These principles would be about justice. The common desire for and understanding of justice lays the ground of legitimacy. (Mouffe, 2002: 33-35)

Rawls enumerates three essential elements of deliberative democracy: the idea of public reason, constitutional framework that specifies the setting for deliberative legislative bodies, and knowledge and desire of citizens to follow public reason. (Rawls, 1997: 772) Rawlsian “public reason” refers to the collective ability of a political society to develop an agenda, and make and implement plans. This public reason would only be possible in a well-regulated constitutional democratic society with common cultural and public values. Civil society institutions are the *sine qua non* precondition of a democratic public culture, since they improve interpersonal civil relations and strengthen individual and social feelings of autonomy. There occurs a reasonable public debate when citizens view one another as equals and reasonable so that they would be willing to respect and cooperate when another’s idea is accepted. Still, Rawls does not limit his concept of public reason to public deliberation but regards constitutional judgment as a power that effectively draws the borders of and interprets public deliberation. (Çelebi, 2002: 29, 31; Rawls, 1997: 770)

Rawls himself draws the borders of his works: his work is an account of the political and is only concerned with it. He does not introduce a comprehensive philosophy as Habermas did. (Rawls, 1995: 132-133) According to Rawls citizens “cannot reach agreement or even approach mutual understanding on the basis of their irreconcilable comprehensive doctrines”. Thus, central to the idea of public reason is that it does not criticize any comprehensive doctrine unless it is incompatible with the principles of public reason and democratic polity. Controversial doctrines (political ones are not treated as controversial) are relegated to private sphere, but a reasonable consensus on political issues is sought. What makes a doctrine reasonable is accepting and recognizing a constitutional democratic regime and its elements. (Rawls, 1997: 766; Mouffe, 2002: 39)

To capture the views of Rawls about European integration and about international relations in general, his concept of “the law of peoples” is critical. He argues that liberal political order is the founding principle of international peace and cooperation as well as internal peace and stability. So, liberal/constitutional and well-

regulated states are the nucleus of international peace. He positively mentions regional cooperation, federations and the EU. (Çelebi, 2002: 32)

Some of Rawls' ideas also constitute a source for "the politics of *acquis*" of the EU towards new members. He explains the situation of illiberal and badly regulated societies not by their modernization problems, educational level, religion etc., but by their lack of a political public culture. One of the most important means to overcome this lack of public culture is establishing a close institutional and political relationship with those countries that possess this culture. Protection of human rights should be spread to new areas. (Çelebi, 2002: 36-37)

In the public sphere he emphasizes agreeable plurality against simple plurality. Rawlsian differentiation between the agreeable and disagreeable has in fact a political function; it helps to eliminate a pluralism that might threaten the dominance of liberal principles in public sphere. Rawls, according to Mouffe, presented an actually political decision as an ethical imperative by this way. (Mouffe, 2002: 35)

Rawlsian ethical understanding of consensus around the principles of theory of justice claims to be different from the interest based and institutional *modus vivendi* of some liberals. Though he still agrees with the need for a constitutional consensus, there has to be an ethical consensus at the time the content of the constitution is determined. And he implies, according to Mouffe, that once a well-regulated society is reached, it will not be rational and agreeable that a person questions the existing regulations –the embodiment of the principles of justice. (Mouffe, 2002: 37-39) Once the founding assembly of active citizens finished its task, citizens turn out to be "clients and audience", "leaving the democratic arena of political cooperation". Deliberation is then left to state institutions in charge and to the electoral process. This is too focused on the limitation of state power and ignores civil society according to Seyla Benhabib (1999a: 142).

Benhabib argues that liberal principle of dialogical impartiality does not work in practice as a regulating principle of public sphere. This principle is based on a

differentiation between justice and understandings of good life. Ethical values should not be publicly debated in the name of peaceful co-existence, which would destroy political debate and in fact establish the unquestioned predominance of one normative stand. This might be the fundamental principle of legal order but it is too restrictive and frozen to be applied to the dynamism of power struggles in real political processes. This is why all struggles for emancipation in history redefined formerly non-political private matters as political matters of justice. (Benhabib, 1999a: 139-141)

Benhabib hence regards Rawls as a liberal. Standard liberal fear that unconstrained agonism and majoritarianism might flaw liberties leads to a belief in the necessity of legal/institutional preconditions. In the end, the “open-ended, agonistic, sensational” character of politics becomes absent in Rawls (Benhabib, 1999a: 144-145). The discursive public sphere model of Habermas, according to Benhabib, responds better to the realities of modern societies that have a high degree of decentralization and differentiation. Participation undergoes a change in Habermas; rather than exclusively focusing on *political* participation, a much more comprehensive “discursive will formation” is analyzed. Participation is extended to social and cultural spheres as well. Practical discussions within the civil society on the determination of norms are no less political in Habermas. (Benhabib, 1999a: 146-147)

3.3.2. Jürgen Habermas: Discourse Ethics

Different from Rawls, who had a narrower understanding of public that referred to deliberation and decision making about political matters, for Habermas public sphere is the communicative environment of the social life as a whole. (Çelebi, 2002: 30) Also to him public sphere appears not under predetermined legal conditions but appears in each and every “practical discourse”; i.e. whenever and wherever people evaluate the validity of general norms of social and political action. (Benhabib, 1999a: 148)

There are three theories of democratic politics according to Habermas: liberal, republican, and procedural/deliberative. Benhabib also states that these are three different understandings of “public sphere”: legalistic, agonistic, and discursive. Their main theoretical points of departure are liberalism since Kant, Hannah Arendt, and Habermas, respectively. For liberal theory, politics serves for the protection and coordination of the interests of bourgeois society; liberals seek for building the foundations of a just and stable public order. For republican theory, politics serves for the realization of common good in an ethical community; republicans focus on republican and civic virtues. Habermas’ deliberative approach, on the other hand, criticizes liberal and republican views on the grounds that they focus too much on the state. He is concerned with the democratic reconfiguration of late capitalism. Habermasian democratic theory departs from the assumption of a modern decentered society. He is claimed to try to make a synthesis of intersubjective communication and civic republicanism. (Benhabib, 1999a: 122-123; Benhabib, 1999b: 15-16)

Lockean liberal view regarded politics as a mediator between the state and civil society, and democracy as the protection of the rational choice of actors in market space through negative rights. For liberals, state and society are clearly separated, and democracy only serves as a mediator and regulator between the two. That liberals merely focus on taming and directing the state and are not concerned with the society is Habermas’ central point of attack on liberal democrats. (Habermas, 1999: 37-40, 44-45)

Rawls’ “public reason” agrees with deliberative democracy model in seeing the evaluation, control and legitimation of political institutions as a public process open to all citizens. They differ, however, in three main points. Firstly, Rawls’ public use of reason is thematically constrained to matters about constitutional foundations and justice. Second, Rawls regards public reason not as a reasoning process but a regulating principle about this process. It is constrained by “political liberalism”. A common understanding of political justice should precede public debate so that we can have a common criteria of the principles and rules of discussion. Finally, public reason is also spatially restricted; public sphere takes place not in civil society but in

legal and institutional sphere of state. Deliberative democracy of Habermas, on the other hand, places public sphere into civil society. (Benhabib, 1999c: 112-115)

For republicans, democracy is equal to the political organization of the society; state and society are embedded (Habermas, 1999: 44-45). In fact, Habermas criticizes, the society (life-world and its communicative reason) is absorbed by the state (system and its instrumental reason) in this tradition. Habermasians argue that what Arendt disfavors against authority is persuasion and opinion formation (Benhabib, 1999a: 132). Habermas states that republicanism, through the civic positive rights it grants, guarantees the opportunity of joining the political praxis as citizens. He approves this model since it better reflects the original meaning of democracy: collective institutionalization of rational action for the benefit of the common good. However, republicanism is overloaded with ethics. Communitarian aspect of republicanism restricts it ethically. Rather than predetermined ethical ideas, he suggests, democratic will formation should be based on communicative procedures that render deliberation possible. (Habermas, 1999: 37-41)

In Habermasian deliberative democracy, the participants are not bound by the authority of a priori norms or requirements, they are claimed to approach political issues free from bias. Politics is not a power struggle but a reasoning and discussion process, in which only the power of better argument matters. (Young, 1999: 176-178) For this, an undistorted communication should be provided. According to Habermas, an ideal speech situation is one in which the participants of deliberation are equal and free to initiate and participate in a speech act, to ask questions and discuss about the issue deliberated and about the procedures, application and contents of the speech.

Public sphere is the material realization of discursive democracy. Different from Rawls who limits it to *political* public sphere, Habermas also describes *civil* public sphere. Public dialogue is held through a network of a plurality of organizations, not through a single body (assembly) of deliberation. Civil society has a central place in Habermas's theory, and in contemporary liberal political theory in

general. (Benhabib, 1999c: 111, 121) The term is so to say “rediscovered” recently, as globalization declared the autonomy of economy and governance particularized representation.

The differentiation and conflict (assumed by liberals) between the political (state) and the economic (civil society) lays at the basis of the conceptualization of civil society (Wood, 2003: 283). The concept was tracked back to Hegel and Marx, and to Antonio Gramsci. Gramsci had half a century ago redefined civil society as a new type of arena of class struggle: the dominant class had not been concentrating its power on the state but had been building a cultural and ideological hegemony within social life. His approach is quite popular today among liberals, “decontaminated” from its anti-capitalism. (Wood, 2003: 285)

If we get back to the point, deliberation process is described not as an encounter of fixed and final positions but as a process of attaining knowledge, recognizing and understanding others’ arguments, determining priorities, so that a compromise might be reached (Benhabib, 1999c: 107-108). “Habermas distinguishes between perlocutionary and illocutionary forms of speech. Perlocutionary speech is concerned with strategic action, i.e. trying to get others to help you achieve your goals; illocutionary speech is concerned with the endeavour to reach understanding.” (McLavery, 1999: 31-32) How the impact of economic and political power on speech act will be abolished and the ideal speech situation will be attained is unclear though.

Habermas attempts to remove the normative, as well as legal/instrumental, constraints over practical discourse, through advocating that the fairness and appropriateness of norms are at the same time subject to debate (Benhabib, 1999a: 150). In other words, he regards norms such as justice open to debate. However, this may lead to conflict between comprehensive world views and is dangerous for liberalism. To realize the broader aim to provide the conditions of peaceful co-existence within the liberal structure, Habermas takes refuge with discourse ethics

and communicative rationality. The equivalent of Rawls' "reasonable" in Habermas is a synthesis of Kantian universal ethical imperatives and hermeneutic dialogue.

Just like for Kant, Habermas perceives knowledge as the application of rational categories to sensational impressions, and ethical judgments are universal and imperative. Habermas just replaces Kantian transcendent subject with linguistic intersubjectivity. A universal intention of reconciliation is accepted as the basis of communication. (Callinicos, 2001: 165-166, 170, 176) Upon the agonistic and postmodern critique of the restraints of deliberativism appeared another critical novel stance in modern democratic theory: radical democracy.

3.3.3. Critique of Consensual/Deliberative politics

Deliberative democracy is claimed to be a rational response to the permanent norm/belief/interest conflicts, as it allows the questioning, revising or radically changing policies and actors through liberal democratic procedures. These procedures introduce us the conditions and methods of expressing and eliminating conflicting interests. (Benhabib, 1999c: 109-110) In other words, communication, learning, reason and consensus appear as the means of eliminating some interests and favoring some others, according to some thinkers. Habermas assumes that a consensus based on universal interests and values is attainable. However many writers from the agonistic tradition deny the existence of such universal interests, they even go further stating that this is undesirable as well. Relatedly, Habermas is also criticized for neglecting social-economic inequalities, which makes an ideal speech situation impossible. (McLaverty, 1999: 34)

Consensus might be perceived as an expression of hegemony and the crystallization of power relations in a liberal democratic polity. Either drawn by reason or ethics, the border between legitimate and illegitimate that determines the limits of deliberation is political, and hence open to challenge. (Mouffe, 2002: 57)

Young states that deliberative democracy focuses on the unity between people. Some deliberativists perceive unity as a precondition of deliberation. According to Michael Walzer for instance, people apply to *a priori* common understanding for communicative discussion. Similarly, Habermas describes consensus in some of his writings as a reconstruction of a declined former consensus. Some other deliberativists object to this, arguing that this “rediscovery of consensus” approach overplays the possibility of a common understanding between people, and blocks self-reflection and learning processes. Thus, these theorists conceptualize unity not as the starting point but as the goal of political dialogue. (Young, 1999: 182-183)

This may lead to exclusion as well. In modern societies people are divided in terms of group culture and social status, and some are more privileged than others. In a political dialogue that assumes or aims common good/interest, this would probably serve the privileged. When the participants aim at a unity and common good for which they would lay aside their particular experiences and interests, the perspective of the privileged would most probably dominate the definition of “common good”. The less privileged would be asked for not expressing some of their experiences and for quitting some of their demands for the sake of the common good. (Young, 1999: 183-184)

Through the difference they make between rational discourse and rhetoric, deliberativists disdain enthusiasm, and constrain the dialogue to a certain dispassionate and “rational” style. According to Spragens, a rational democracy should deal with “improving brains, not firing passions.” (Young, 1999: 189) Arendt who, on the contrary, regarded spontaneity, imagination, participation and empowerment as the trade mark of politics (Benhabib, 1999a: 132), is a quite different figure in this sense. The idea of radical democracy has drawn much (notwithstanding selectively) upon her writings. Arendt is worth examining in a parenthesis at this point, for she is the forefather of the idea of an agonistic political public sphere, and her type of establishing the nature of politics supports the conclusions we will reach on modern democratic politics.

Basic assumption of Arendt's political philosophy is the "rise of the social" in modern times. The "social", here, refers to "civil society" in its widely used meaning today. According to Arendt, in the Greek city-state where politics and democracy have been born, there was a sharp division between the private and the public. Economic subsistence was everyone's personal matter and non-political. It was the sphere of necessity whereas the *polis* was the sphere of freedom. While any ruler-ruled relation, exploitation, use of violence belonged to the private sphere, equality, interaction and speech constituted what Aristotle defined as *bios politicos*. In modern times the household appeared in the public sphere and formerly private matters became collective matters. Economic/private sphere of the *homo economicus* (rational man seeking self-interest) expanded into the realm of *homo politicus*. The distinction between the two spheres blurred. (Arendt, 2006: 60-71, 77; Benhabib, 1999a: 124) The distinction is represented by the different meanings ascribed to the terms action and behavior. Action embraces (political) *virtue* whereas behavior has a pejorative meaning.

According to Arendt, the political public sphere have gradually been transformed from a sphere of "action" into a sphere of communication in which the individuals only "behave" as producers, consumers and urban inhabitants. As the political sphere was blocked by the social since subsistence naturally prevails when compared to other aspects of human life, there appeared a loss of interest in *res publica*, in political gathering. Politics became identified with administration. So, she concludes, the rise of the social is the fall of the public sphere. (Benhabib, 1999a: 124-125, 130)

By describing the Greek polis as a state of beginning, Arendt is claimed to belong to the tradition of *ursprungsphilosophie* (*first philosophy*). This is a retrospective and ahistorical understanding that does not take into account the historical continuities and breaks. Her views are much criticized for being anti-modernist and for that she ignored and discounted the fact that the rise of the social was accompanied by the lower classes' emancipation from the "dark world of the household" and entry into public life. She was criticized for being elitist and anti-

democratic, disregarding the universal political emancipation and development of citizen rights. (Benhabib, 1999a: 125, 127)

Arendt's agonistic model departs from a moral and political homogeneity in the society, while the deliberative socialization model departs from and takes as given the growing and diversifying public sphere in modern society. Capitalism integrated formerly excluded groups such as women, peasants and workers into economic and political life. It would be impossible that this new public sphere that included social groups, especially the workers, who are capable of taking an independent political position, could be democratic in the pre-modern or ancient sense. (Benhabib, 1999a: 130) This is why liberalism is an inseparable even the preponderant part of modern democracy.

While Athenian democracy realized the rise of *demos* to the position of citizen and edged towards a balance between the rich and the poor (excluding the slaves), modern democracy appeared during the struggle between monarchs, lords and the bourgeoisie and thus refers to the institutions that these classes built in order to restrain the power of each other, such as constitutional rule, the rule of law, separation of powers etc. This newly emerging structure came not from Athenian descend but followed the tradition of Roman law and Magna Charta. The response of modern state to the tension between elites and masses has been an extended, legally protected but passive citizenship. (Wood, 2003: 243-247, 274)

Mouffe defines liberalism and democracy as two different traditions the essential values of which are totally different: individual liberty, the rule of law and universal human rights on the one hand and, equality and popular sovereignty on the other, respectively. Modern democracy is born out of a contingent articulation between these two traditions. This articulation process is not a smooth one but full of harsh struggles and it has not ended. Currently liberal party seems to have accomplished interpreting democracy in a manner more favorable for liberal aims. For nearly three decades, democracy is being identified with the rule of law and defense of human rights while popular sovereignty is regarded archaic. This trend,

however, resulted in a democratic deficit that undermines the legitimacy of democratic regimes. *Status quo* came to be viewed as something natural after the collapse of socialism but neoliberal hegemony that demanded a consensus in the political center now threatens democracy. The fog in the line between the right and left wings, thanks to the constraints brought by neoliberal structuring over labor demands and to the rapprochement of the left to the center, gags any political debate. Return of the political would be more dangerous however. Unless the liberal order builds institutions and discourses in which potential antagonisms are represented, the political struggle between adversaries would turn into a war between enemies and destruct democracy. The rise of nationalist-xenophobic parties all over the Europe might be read as such a sign. (Mouffe, 2002: 14-19, 42)

The search for a peaceful and legitimate ground for liberal democracy through further democratization also made its mark on Chantal Mouffe and Ernesto Laclau's works. In the next part we will examine how their theory of "radical democracy" contributed to and how their themes reflect, the changing environment in democratic theory.

3.4. RADICAL DEMOCRACY AND POLITICS OF PRESENCE

Mouffe advocates that the democratic paradox; i.e. the structural tension between liberalism and democracy, cannot be overcome but conditions in which they are permanently deliberated can be provided. (Mouffe, 2002: 16-17) This paradox is not necessarily destructive as Carl Schmitt advocated in the early 20th century, but a positive step in realizing the real capacity of liberal democracy because a contentious co-existence of the two traditions would push each other to their theoretical limits. Only after the paradox is accepted we could appropriately describe democracy as an agonistic confrontation between the conflicting interpretations of liberal-democratic values. In Mouffe's "agonistic pluralism", liberalism and democracy are friends as far as they share a common symbolic space but adversaries since they want to organize this space differently. (Mouffe, 2002: 20-21, 25)

Radical democrats first discuss with the social democrat Third Way approach developed by Anthony Giddens. This approach claims that right/left division in politics is the legacy of simple modernization, and is inappropriate in the current age of reflexive modernization. It is implied that the society was not divided and political solutions that could satisfy everybody existed. Strengthening of social dialogue was advised. This reduced politics to a competition between elites. (Mouffe, 113-114) Deliberative democracy models are not quite different though. They reach to the same conclusion (consensus) from a different formula. However they differ from each other, these consensus approaches serve for the preservation of existing social hierarchies (Mouffe, 2002: 26).

“Forms of agreement can be reached but they are always partial and provisional since consensus is by necessity based on acts of exclusion” (Quoting from Mouffe, McLaverty, 1999: 37). The search for consensus makes us disregard the indeterminable, “irrational” and passionate character of human relations. They propose instead following poststructuralist and deconstructive approaches. (Mouffe, 2002: 23, 41) In that sense, Laclau and Mouffe perceive discourse quite different from Habermas did. For them discourse is not a communicative procedure applied among unitary subjects with pre-established identities but is the essence of human life, through which identities and interests are constructed and reconstructed. These identities are not fixed and not unitary, but they are consistently renegotiated and are the articulation of many subject positions. They therefore deny “any ontological reason why people should be able, or wish to, achieve consensus, as a result of undistorted communication.” (McLaverty, 1999: 36)

What Laclau and Mouffe mainly argued in *Hegemony and Socialist Strategy* was that every social reality is established by the acts of political power, and is thus political. Political practice is not a simple representation of pre-established identities but the establishment of identities by a hegemonic power on a temporary and unstable basis. This is an antithesis of deliberativist argument that the more democratic a society is the less the political authority is active in the foundation of social relations. So, the radical democrats continue, the main question is not how to

limit the state or seize political power but how to found a power structure more (not absolutely) consistent with democratic values (Mouffe, 2002: 104-105) Real democracies can only provide “enough” democracy (Benhabib, 1999b: 21). A certain level of democracy might appear only if a social actor accepts that power cannot be eradicated and he cannot represent the whole. Mouffe prefers this to liberal thought, which hides exclusion behind the image of neutrality. (Mouffe, 2002: 32-33)

For Mouffe, the difference between ancient and modern democracy is not about magnitude but about quality. The difference follows from the modern concept of “pluralism”, which put an end to the approval of a single “good” and introduced the approval of the diversity in the conceptualization of “good”. (Mouffe, 2002: 29-30) Today social differentiation and conflict is at the highest level, and modern liberal democracy should focus on the representation of these differences. According to Mouffe, politics is about creating “we” against “them”, it aims to built unity in a context of conflict and diversity. The aim of democratic politics should not be to surmount this we/them antagonism, which is anyhow impossible, but to keep it compatible with pluralist democracy. The way of it is transforming antagonism (between enemies) to contestation (between adversaries). (Mouffe, 2002: 106-107)

Feminist scholarship has played a critical role in the transformation of democratic theory, as it emphasized the representation of diversity through the “politics of presence”. (Grugel, 2003: 249-250) Advocates of the “politics of presence” remind that no sexual, ethnic, religious etc. identities are attached to the category of citizen in liberal democracies. “Feminist and multicultural critics have challenged this apparently neutral view of citizenship, arguing that it masks processes of social and cultural exclusion and equality.” They argue that merely representing ideas was not enough but “the inclusion of previously excluded voices” should have been promoted. Group rights, quotas, multiculturalism appeared as policies to provide that. (Saward, 2001: 567-569)

Politics of identity (politics of difference, politics of new social movements, in other words) appeared in Western political and theoretical life by the 1970s and

1980s, filling the vacuum in the political spectrum left by Marxism. This marked the beginning of a radical shift in the nature of politics. Themes, actors and their aims drastically changed. (Benhabib, 1999b: 12-13) These new movements developed as part of critical social theory but soon absorbed by the mainstream liberal understanding of society. Political society, providing the people with the means of seizing the control of and reconfiguring state structure, was replaced with the public sphere and civil society which shifted the focus of politics from state (as changing hand of the power) to society (as representation of differences). Foucaultian understanding of dispersed power and Derrida's "différance" were the basic theoretical sources.

Chantal Mouffe and Ernesto Laclau, distinguish between democracy as a regime and democracy as a mode of presence (Benhabib, 1999b: 18). Democracy as a regime is about self-government, while democracy as a mode of presence is about "recognition of conflict, division and antagonism", thus about liberalism. So radical democrats, too, are concerned with reformulating democracy in a way that does not threaten liberalism.

In order to avoid an "explosion of antagonisms" that follows from a "crystallization of collective passions", democratic regimes should be able to manage differences and conflicts without suppressing them. They should open a living space for conflict and provide necessary institutions. In that sense Mouffe agrees with the liberal argument that a pluralist democracy, in order to be able function, requires a certain level of consensus over and loyalty to common constitutional norms and values. What makes radical democrats different is their labeling the consensus as a contentious one. (Mouffe, 2002: 108-110) The aim of controlling collective passions, attempting to eliminate the radicalization of people seems to us contradictory with "radical" democracy .

Mouffe is successful in grasping the historical and politics-laden character of democracy, the antagonistic and passionate nature of politics, and the impossibility of any real transformation through deliberative models. But radical democracy is also

a postmodern farewell to politics. Liberal axiom that a citizen cannot claim that his understanding of “good” is better than another’s, and poststructuralist understanding of politics as an inconclusive war among uncompromised particularized interests, undermine politics –the public competition over the meaning of good life (Benhabib, 1999a: 133). Postmodern understanding of atomized and uncompromising identities and inaccessibility of absolute truth/common good leads to a deadlock which, in most cases, favors the status quo. This is a “radical” anagram of the stifling of politics.

Liberal universalism and egalitarianism has already been more compatible with cultural heterogeneity and politics of difference, showing a greater and differential interest in “identity”. Before then, cultural studies drew less attention and cultural groups were defined in terms of “external” qualities such as race, gender, age etc. By the 1990s, cultural groups came to be defined by the *feeling* of identity- common practices, experiences and sufferings. (Dallmayr, 1999: 400-401) Postmodern shift of interest from politics and universalism into culture and language also changed the way emancipation described: as emancipation from cultural constraints to emancipation in and through cultural diversity and plurality. Mutual respect for differences and recognition of differences in public sphere, preservation of authentic cultures and life styles of minorities, extension of minority rights etc. are given high priority, as part of the general trend towards liberal values of peaceful coexistence and localism. (Dallmayr, 1999: 402-405)

Multiculturalism is in a sense a step backwards as it provides a central place for anthropological homogeneity. There are two types of homogeneity: political (the establishment and reproduction of state organs and functions through the consensus and consent of actors) versus anthropological (common origin, religion, myths, traditions etc.). Anthropological homogeneity freezes our traits by birth and creates gaps between peoples that cannot be closed. It is the “logic of ghetto”, in Çelebi’s words, to make anthropologically homogenous people subsist in their living spaces according to their specific interests. The bonds between ghettos might of course be established, through political authority and legal regulations. As liberals disfavor the

former, the latter looms large. This time the problem of legitimacy of the legal system appears, however. Public deliberation is introduced as a solution to this legitimacy problem. But the definition of public sphere in non-civic terms, following from the Anglo-American model is inconsistent with the European demographic and political structure and traditions. (Çelebi, 2002: 38-40)

Public deliberation in the context of anthropological identities, as liberal identity politics brings today, is a contradiction in terms. Identity policies have nothing to be deliberated and the parties would either try to impose their position to one another or would remain silent. When anthropological and political homogeneity are embedded into each other, at best, ghettos among which there is “silence rather than dialogue” appear. (Çelebi, 2002: 40) But according to Charles Taylor, an uncritical acceptance of cultural differences is in the final analysis a way of humiliation, since it does not follow from a real respecting act (Dallmayr, 1999: 409). Contemporary liberal democracy draws lines and borders not only between the state and the society, but also between social groups.

3.5. INTERIM CONCLUSION

Praxis of modern liberal democracy absorbs elements from all these theoretical stances we examined. This might seem contradictory but in fact it is not because (1) however they differ from each other these theories all share a common aim of resolving the current legitimacy crisis of Western democracies in accordance with the requirements of contemporary globalized capital and, (2) global governance is “complex, flexible and decentralized” enough to contain social fragmentation, when conceptualized through a Weberian group approach, without disturbing the existing modes of political power. (Benhabib, 1999b: 13; Şengül, 2004: 154)

“There is an increasing interest in visualizing democracy as political freedoms and the development of a liberal civil society.” Civil society is now argued to provide “a pool of socially integrated individuals that can be drawn on to enrich the political elite” in their strategy of restricting state power. This is undoubtedly an advance with

regard to the procedural and technocratic democracy but, as it does not pay attention to practical questions of power, it reduces democracy to a variant of liberalism. (Grugel, 2003: 245-246) NGOs now have a very limited role of advocating a certain identity/interest/position, deprived of any decision-making power (Archibugi, 2004: 450). Wood describes the term civil society as a conceptual mess that amassed everything together, from households to voluntary associations and to the economic system. This mess complicates and hides things as much as it reveals. In Eastern Europe, for instance, the concept is used to refer at the same time to the defense of political and cultural rights, and to the transition to market economy and the restoration of capitalism. (Wood, 2003: 288)

Another trend is the increasing emphasis on scale. The erosion of the nation-state sovereignty brought up such new themes regarding democracy as cosmopolitanism, *demos* creation, citizenship, regionalism, devolution, minority rights etc. Globalization and localization are welcomed as means of democratization, assuming that these scales are automatically more eligible for democracy. Those assumptions imply a serious spatial determinism. Spatial scales in economy and politics are not technical or neutral geographical units but the formation, relations and hierarchy of them are defined by power relations at a certain historical moment. (Şengül, 2004: 119-120, 126, 149)

There is a growing dominance of legal sphere, which should be understood in the context of the weakening of democratic political public sphere, as Mouffe states. Legal system started to be seen as the sphere in which social relations were regulated and conflicts were resolved. (Mouffe, 2002: 118) However those who complain about legalism of modern democracy themselves reduce democracy to liberalism, civil society activity and politics of presence, since whenever they are stranded they start to talk about not the content but “the rules of the democracy game, their interpretation and the position of the referee” (Benhabib, 1999a: 150).

Though Arendt and the civic/republican tradition seems the most successful in capturing the participatory and passionate “essence” of *normative* democracy, all the

theories we mentioned fail to recognize the implications of the nature of modern capitalism on politics and the *historical* democracy. “The real task ahead is to identify the range of democratization projects that are currently possible and to engage critically with them. Democracy can simultaneously be understood as an emancipatory ideology, as well as a tool of elite global management” (Grugel, 2003: 263-264).

The erosion in the expression of popular will through representative or participatory mechanisms, is defined as a “democratic deficit” in political theory. The term deficit implies something neglected but has prospect to be closed. However, the deficit in Western political life is too deep and systemic to be explained with the simple term “deficit”. (Bayramoğlu, 2005: 200) Thus, what is defined as the democratic deficit in the EU seems as a reflection of a radical reconfiguration of politics rather than an undesirable by-product of European integration (Sanlı, 2005).

This chapter was an attempt to show both the material changes brought by global governance, and the theoretical novelties it caused in the democratic environment. The European Union is a valuable and interesting laboratory for rethinking and redefining some basic political concepts like democracy, sovereignty and legitimacy. What is more, the EU does not just reproduce broader global dynamics, but has a role in shaping the way global governance functions due to its central place in global economy and politics. This is why, as we will see, the theoretical and political positions described in this chapter are quite “European” and they are applied or gained strength in Europe at certain periods. In the next chapter we will examine how they are applied to European studies and the attempts of the European Union to “close” the democratic deficit with respect to this broader theoretical context.

CHAPTER 4

THE EU IN SEARCH FOR DEMOCRATIC LEGITIMACY

4.1. DEMOCRATIC THEORY AND EUROPEAN INTEGRATION

In many economic, social and environmental respects, state scale is becoming too small to address the contemporary challenges of globalization. Thus, in those respects a great deal of decision making authority became subject to global dynamics or in some cases is delegated to international organizations, which naturally undermines democracy. The European integration has deepened and accelerated after the mid-1980s to cope with those challenges and secure European economic and social development. Its uniqueness lies in its state-like character, enormous effects in daily life, and in return, its being subject to democratic legitimacy test, a trait that none of the other international organizations have. (Eriksen and Fossum, 2000: 1-2) Still this situation of being subject to democracy test is in fact a quite new phenomenon. This is why, as Çelebi states, the process of European integration has until recently been dealt and directed by the disciplines of law and economy. The halt and disturbance felt in recent years increasingly drew attention to politics and sociology. (Çelebi, 2002: 21)

“Realists are not really concerned with the prospects for democratic governance in contemporary Europe and neo-functionalists are prone to take the legitimacy of the EU-based institutions for granted.” For neo-functionalists and intergovernmentalists, democracy is simply irrelevant. It is hard to say that these approaches are ineffective in the organization of the Union; in fact they have been predominant for long. However, the deliberative perspective is gaining adherents since the popular legitimacy of the Union has eroded much in the last ten years. (Eriksen and Fossum, 2000: 2) This appearance of a third understanding of European integration is claimed to create a “normative turn” in European studies. The distinctive aspect of deliberative model is that it regards legitimacy in a different manner and gives legitimacy a central place in conceptualizing democracy.

Democracy as civic participation is always limited in all types of democracy as we discussed in the former chapter, due to the historical “rise of the social”, or to “provision of welfare” that appeases class struggle, or to “rational” and “consensual” limits on democratic deliberation. Whatever the cause is, a certain number of citizens have no interest in democratic politics. “The major difference between the EU and national democracies, in this respect, is the fact that the apathetic category is much larger at the supranational level” (Magnette, 2003: 148) because the EU is a mixture of supranational, transnational, transgovernmental, and intergovernmental structures and this magnifies already existing problems of representation, accountability, transparency, and legitimacy (Eriksen and Fossum, 2000: 4-5).

European polity is legitimated by three different sources of legitimacy:

i. Output legitimacy: efficiency and effectiveness of European problem-solving ability and capability; ‘government for the people’.

ii. Input legitimacy: direct democratic legitimation of European politics through the elected European Parliament; transparency; citizens’ participation and consultation; ‘government by the people’.

iii. “Borrowed” legitimacy through member-states: indirect democratic legitimation of European politics through intact member-states and their legitimated authorities (member-state governments, national parliaments, civil servants, nominated experts); ‘government of the people.’” (Höreth, 2002: 9)

Traditionally, technocratic and utilitarian justification of European governance in terms of its efficiency and effectiveness in dealing with political problems, has constituted the main source of legitimacy in the EU. The EU enjoyed utilitarian support, mainly through the economic welfare it provided. (Höreth, 2002: 8) So, the EU has always been distant from the European peoples but “output legitimacy” and “borrowed legitimacy” were deemed sufficient. However, by the 1990s, the erosion in welfare policies started to undermine the former, while the erosion of state sovereignty, especially following the formation and progress of political union, undermined the latter. The perceived responsible for this situation was the immigrant inside, who caused unemployment and appropriated the unearned welfare benefits, and the EU outside. This trend was quite dangerous for European integration project and European values, for liberalism and democracy in the first place. Input legitimacy thus had to be gradually increased in accordance with the dynamics of

globalization, and “governance”, with which we dealt in the former chapter, based on post-parliamentary neo-corporatist deliberation set the appropriate framework.

Eriksen and Fossum (2004: 437-438) enumerate three strategies of legitimation that looms large in the debates on the future of Europe: instrumental, contextual, communicative. *Instrumental* logic regards the EU as a problem-solving entity, whose purpose is to solve the problems that nation-states face in a globalized economic and social structure. Thus its legitimacy depends on its success in coping with these problems efficiently, and providing the European peoples economic well-being. Public accountability through electoral control and judicial review is deemed sufficient. *Contextual* strategy of legitimation regards the EU as a value-based community. The legitimacy of the Union depends on the success in harmonizing different values, interests, and allegiances, and developing a collective self-understanding. A European identity should be encouraged through participation in civic-type associations. The final strategy, the *communicative* logic, regards the EU as a *sui generis* rights-based entity. Its legitimacy depends on public reason-giving, democratic procedures, deliberation, protection of human rights, and fairness. These strategies are not entirely optional, they continue; which means one of them could not be exclusively and fully followed. A democratic EU polity would probably oscillate between these three in an indeterminate democracy complex, especially today, when the EU is an unsettled project subject to the dynamics of globalization and world politics, and to challenges of enlargement.

Those actors and scholars who see the EU as an intergovernmental body regard the democratic deficit as a ‘myth’. The EU enjoys a sufficient level of legitimacy. “Constitutional checks and balances, indirect democratic control via national governments, and the increasing powers of the European Parliament are sufficient to ensure that EU policy-making is, in nearly all cases, clean, transparent, effective and politically responsive to the demands of European citizens.” (Moravcsik, 2002: 605; Magnette, 2003: 145) This technocratic view that civic maximalist democracy could be sacrificed for the sake of efficiency, and that the bureaucrats would make the best

decision in the long-run on behalf of the people who usually think of their daily interests is currently weakening, given the discontent of the European peoples.

The contextual strategy has shortcomings as well. The EU has established by the Maastricht Treaty a status of European citizenship, stimulating an important debate on the possibility of a post-Westphalian/supranational citizenship. While some scholars regarded it a bold step towards the ideal of cosmopolitan citizenship to disconnect nationality and statehood/citizenship (Eriksen and Fossum, 2004: 455), some other like Weiler have read it as a “brand development” effort to regain consumer satisfaction; it was invented to appease alienation and to promote feelings of belonging to a technocratic project which was then about to penetrate more into the lives of ordinary Europeans by the forthcoming monetary and political union. (Shore, 2004: 33-34) There are formal and ideational impediments to a European identity and European public, such as ongoing allegiance to national identities and national states, mistrust among the peoples, increasing nationalism and xenophobia, flexible integration, subsidiarity, opt-outs, etc.

Communitarians argue that EU could not be made democratic for it is too hard to construct even a civic European identity, and without a European *demos* the Union would always suffer from a democratic deficit. Deliberativists accept the existence of merits of nation-state form conducive to democracy, such as social justice, coherence, and accountability. But this is a constrained model reduced to passive representation. However, a “cross-border solidarity and identification between EU citizens” might be accomplished by a participatory/deliberative model of political socialization. (Eriksen and Fossum, 2000: 6-8; Warleigh, 2003: 26, 31)

The debate on the construction of a European *demos* has been articulated into European constitutionalism in the early 2000s. The idea of a European Constitution idea was designed by state elites for completing the unfinished task of configuring the institutional structure of the enlarged Union, making it efficient and legitimate. The debate was first launched by German Foreign Minister Joschka Fischer in 2000, and turned into a real political debate and project in one year by the Laeken

Declaration. Deliberative democrats, who found themselves in a bottleneck as to the creation of a European *demos* picked up the constitution buoy. Habermas welcomed the project as below: “Economic expectations alone can hardly mobilize political support for the much riskier and more far-reaching project of a *political union*. This further goal requires the legitimation of shared values. ... Great political innovations, such as an unprecedented design for a state of nation-states, demand political mobilization for normative goals. Constitution-making has hitherto been a response to situations of crisis.” (Habermas, 2001: 8) At such a moment of crisis, many federalists argued, the European Union could only be politicised, and thereby give rise to active citizenship, if it followed the classical European parliamentary model with a coherent executive, derived from and accountable to a double legislative body of Council and Parliament, the leader of this executive even elected by the people. (Magnette, 2003: 153)

Habermas argued that the constitution would be the catalyst of the emergence of a European civil society, the construction of a European-wide public sphere, and the shaping of a common European political culture. (Habermas, 2001: 16) He criticized the ‘no-demos’-no democracy thesis on the grounds that “a nation of citizens must not be confused with a community of fate shaped by common descent, language and history. This confusion fails to capture the voluntaristic character of a civic nation, the collective identity of which exists neither independent of nor prior to the democratic process from which it springs.” (Habermas, 2001: 15)

There is another group of writers who reverse the relation between constitution and public sphere. Çelebi claims that though the European elite tries to reduce EU democracy to a catalog of rights, democracy has never been a legal matter. The EU should be transformed into a real *political* union through a democratic understanding of politics. The priority should not be given to the European constitution as Habermas does, but to including European peoples into the integration process. (Çelebi, 2002: 9) Supranational legal regulations might be transformed into a European constitution only if a deliberative European public sphere respecting difference and diversity develops. Otherwise, neither the stagnation in European

politics could be overcome, nor could the democratic deficit be closed. (Çelebi, 2002: 64) After this theoretical introduction let us see the evolution of how the European Union perceived and responded to its democratic deficit after 2001, when the Union stopped regarding the deficit in terms of inter-institutional relations and dramatically discovered its legitimacy crisis which foreclosed it from becoming a strong regional and global actor. EU attempts after 2001 have also evolved, in the search for a legitimate ground for the Union. The continuities and ruptures of this process will also be analyzed.

4.2. EU REGULATIONS AND INITIATIVES SINCE 2001

Until the 1990s the EU and most of the academic literature had perceived the democratic deficit in terms of the noncompetence of the European Parliament, underrepresentation of national parliaments, and the unaccountability and opaqueness of the Commission and the Council. A careful eye would easily see that this perception follows from the tension between supranationalism and intergovernmentalism. Democratic deficit has been for a long time associated with the war of position between institutions and between members. Thus, it is not a coincidence that the phrase was invented by Euro-skeptic British scholars in the mid-1970s (Magnet, 2003: 145).

Though the crucible ratification process of Maastricht Treaty and the increasing apathy of the people towards European politics throughout the 1990s have given the alert to the European Union about the democratic deficit; the introverted agenda of the EU that focused on establishing a deeper monetary and political union in this decade, delayed the explosion of legitimacy problems until the late 1990s. 1998-2000 period marked the beginning of a new era in European politics. The beginning of accession negotiations with five of the Central and Eastern European countries in March 1998; the Kosovo War in 1999 that brought up the issue of involvement of the EU in international affairs out of its borders; the corruption scandal and resignation of the European Commission in 1999; the Lisbon Strategy adopted by the European Council in March 2000, which envisaged a transformation

of European capitalism in a more competitive and deregulated direction; the rise of nationalist-xenophobic parties in the EU and the becoming of Austrian Freedom Party a coalition partner in 2000; distrust and bitterness between EU member states that appeared before and during Nice Summit in December 2000, forced the EU to revise its social and economic policies, political structure, institutional set-up, sources of legitimacy, and foreign and security policy, to cope with and/or to gain from globalization and enlargement.

Since 2001, especially after the rejection of the Nice Treaty by the 64% of the Irish electorate in the first referendum, democratic deficit has gradually come to be understood in terms of legitimacy crisis and dealt in terms of European governance. Inter-institutional understanding of the democratic deficit did not become trivialized though, as the debates concerning the constitutional treaty and treaty reform demonstrate. Nevertheless, all the regulations and proposals after 2001 have at least rhetorically articulated input legitimacy into formerly inter-institutional evaluations. In this part not all regulations and initiatives of the EU after 2001 but the most significant ones and the ones reflecting the shifts and ruptures best, will be examined.

4.2.1. Public Access to Documents

Short before the Irish rejection of Nice Treaty, “Regulation of the European Parliament and of the Council Regarding Public Access to European Parliament, Council and Commission Documents” dated 30 May 2001 was released. The beneficiaries of the regulation are defined as any natural or legal person, or any entity outside the institution concerned, including the Member States, other Community or non-Community institutions and bodies and third countries (A3/b). By document it is meant any content whatever its medium, concerning a matter relating to the policies, activities and decisions falling within the institution's sphere of responsibility (A3/a). Documents shall be made accessible to the public either following a written application or directly in electronic form or through a register. In particular, documents drawn up or received in the course of a legislative procedure shall be made directly accessible (A2/4). The exception phrase in Article 4/1(a) that the

institutions shall refuse access to a document where disclosure would undermine the protection of the public interest regarding public security, defence and military matters, international relations, the financial, monetary or economic policy of the Community or a Member State, is very obscure and can be arbitrarily abused

It is assumed that improved public access to information would increase public support for EU membership, but people are not interested in uninteresting and technical official information. “Reinforcing the confrontation between ‘the people’ and ‘the elite’, ‘the people’ have been portrayed by the political elite as the unknowing mass that needs to be informed about the righteousness of government policies which neglects the possibility that the fault is perhaps in the policies, and not just in communication with the public.” (Raik, 2002: 146) Transparency does not encourage or provide participation by itself. The required new blood to cope with the legitimacy problem in the new global economic environment has been democratic governance.

4.2.2. White Paper on European Governance

The notion of “multi-level governance” was first introduced in European academic debates in the mid-1990s. It seemed a useful analytical tool because, on the one hand, it was underlining the atypical multilayered structure of the EU and, on the other, it referred to the regulatory (rather than redistributive) character of most of the EU policies, which implied that they required expertise and neutrality. These two developments were undermining classical forms of civic participation and parliamentary accountability but governance contained its own means of democratic legitimation: First, the administrators were deemed as reliable trustees carrying out mandates and, second, stakeholders were closely associated to the decision-making process. (Magnette, 2003: 146) Governance was to be legitimized, then, on the grounds that it reflected the reciprocal relations in civil society.

“European Governance A White Paper”, released by the European Commission in 27 July 2001, holds the distinction of being “a very noticeable shift from output-

oriented to input-oriented argumentation within the Commission.” (Höreth, 2002: 11) The President of the European Commission Romano Prodi had announced at the beginning of his term of office (2000-2005) that “promoting new forms of European governance” was one of its four strategic objectives. Successor of a Commission forced to resign after scandals, this goal-setting had got much to do with the growing concerns for the legitimacy of the European institutions. (Höreth, 2002: 6) However, one might also claim that considering the other objectives –creating a stable Europe with a stronger voice in the world, creating a new economic and social agenda, and improving quality of life-, governance is a component part of them in the age of globalization. For “the White Paper on European Governance concerns the way in which the Union uses the powers given by its citizens” (“European Governance”, 2001).

The report envisages change under four broad topics: (1) better involvement and more openness, (2) better policies, regulation and delivery, (3) the EU’s contribution to global governance and, (4) Refocused policies and institutions. As to the first one, the Commission should provide that EU policies are open and easy to understand, delivery of up-to-date on-line information through all stages of decision making, systematic interaction and dialogue of member states and the Commission with regional and local groups and civil society, flexibility in the implementation of Community legislation in respect of regional and local conditions, establishment of minimum standards for consultation on EU policy etc. (“European Governance”, 2001)

Under the topic of better policies, regulation and delivery, the importance of speed, flexibility and expertise in decision-making was emphasized. The Commission planned to strengthen technocratic rule through “greater use of different policy tools (regulations, “framework directives”, coregulatory mechanisms), through simplifying EU law and encouraging Member States to simplify the national legal procedures to adopt EU law so that legal procedures cannot slow down execution of decisions, through organizing and legitimizing expert contribution, and through creating new regulatory agencies. In the third part, the Commission

contributed to the debate on global governance. It stated its “aim to boost the effectiveness and enforcement powers of international institutions. Union’s coherence in international political arena was thus critical. Refocused institutions part emphasizes policy coherence and identification of long-term objectives. As a part of the technocratization trend, the Commission demands from the Council reinforced capacity to take decisions cutting through different sectoral interests, and establishment of a stronger link between EU policy and national action. The role of the Council and the European Parliament are desired to be reduced to defining the essential elements of policy and monitoring of their execution. (“European Governance”, 2001)

According to the report there are five principles of good governance: namely *openness* (use of accessible and understandable language in the work of institutions), *participation* (popular participation throughout the policy chain), *accountability* (greater clarity and responsibility of all involving actors), *effectiveness* (effective and timely policies with clear objectives) and *coherence* (maintaining consistency against the challenges of globalization and enlargement). As they apply to all levels of government, an additional principle of *proportionality and subsidiarity*, especially in realizing the principle of effectiveness, appears. All are in the final analysis related to the aim of increasing effectiveness and improving the confidence of people in the Union. (“European Governance”, 2001)

If we evaluate the paper in more detail we should say that the technocratic character of governance is quite dominant over its democratic character in the White Paper. Beside the nature of governance itself, this was also because the paper reflected Commission’s reaction to the increasing role of the Council and the Parliament, and its assertion to revitalise the former “Community Method” that granted broad legislative and executive authorities to the Commission (Kohler-Koch, 2001). The Council and the European Parliament were expected to speed up the legislative process, through, when legally possible, voting (of the Council) as soon as a qualified majority seems possible rather than pursuing discussions in the search for unanimity, or through agreeing proposals in one rather than two readings.

(“European Governance”, 2001: 22) The paper demanded that the role of the Council and Parliament be restricted to “essential” elements when legislating, the details but left to the Commission. “Whichever form of legislative instrument is chosen, more use should be made of “primary” legislation limited to essential elements (basic rights and obligations, conditions to implement them), leaving the executive to fill in the technical detail via implementing “secondary” rules.” (“European Governance”, 2001: 20) Secondary rules are regulations and “framework directives”. As they are not subject to approval and integration into national legislation, they exclude interference by national parliaments and governments. They are “less heavy-handed, offer greater flexibility as to their implementation, and tend to be agreed more quickly by Council and the European Parliament”. (Kohler-Koch, 2001; “European Governance”, 2001: 20).

Governance is a highly political affair and politics is a confrontation of normative and factual preferences, one or few of which are chosen. The White Paper on European Governance rather reads it as co-ordinating and accumulating the necessary expertise. “No one would object “better legislation” – but the choice is not between the bad and the better but between alternative options. There are different preferences, different criteria of evaluation and last, not least, distributive and redistributive effects that have to be taken into account. Politics is not a truth finding exercise, not looking for the “one best way solution” which could be provided by expert knowledge.” (Kohler-Koch, 2001)

“The goal is to open up policy-making to make it more inclusive and accountable. A better use of power should connect the EU more closely to its citizens and lead to more effective policies.” This statement, which is meant to justify participation shows, according to Beate Kohler-Koch, that the White Paper neglects conflict of interests and the dialectic of policy making. In a heterogeneous and liberal setting like the EU, openness and participation are more likely to stimulate debate among competing and sometimes irreconcilable interests, than leading to more effective policies. (Kohler-Koch, 2001; “European Governance”, 2001: 8)

Civil society is evaluated in one page length in the paper. It is stated that “civil society plays an important role in giving voice to the concerns of citizens and delivering services that meet people’s need” and “it is a chance to get citizens more actively involved in achieving the Union’s objectives and to offer them a structured channel for feedback, criticism and protest.” But first of all, the White Paper gives no exact definition of what civil society is. Only some concrete organisations and associations are mentioned such as trade unions, nongovernmental organisations, professional associations, churches and charities, grass-roots organisations and so on. (Höreth, 2002: 11; “European Governance”, 2001: 14-15)

This is not entirely convincing since it includes only networks, organisations and associations but not the individual, unorganised citizen. Civil society organizations are mainly organising those “who have already the choice of exit and voice”. Therefore, it is more a kind of modern neo-functional and post-parliamentarian version rather than participatory. (Höreth, 2002: 12-13; Kohler-Koch, 2001) According to Höreth it is also a weird and relatively irritating statement that “Civil society must itself follow the principles of good governance, which include accountability and openness”. Because civil society is an arena for voluntary action, open and free public debate following its own rules of deliberation. “Their actors should not be seen primarily as helpful co-governing agents for political and administrative purposes, co-opted and domesticated by ruling authorities”. (Höreth, 2002: 11) The neo-corporatist character of civil society understanding in this document is the emphasis over The Economic and Social Committee and the Committee of Regions. They are expected to play an active role in developing a new relationship of mutual responsibility between the Union and the civil society. Member states should take this new role into account when appointing members to the Committee. (“European Governance”, 2001: 15)

Kohler-Koch claims that “the civil society is likely to remain a euphemistic label for relatively elitist participation and consultation practice, limited to those citizens and groups who benefit from enough intellectual and financial resources to influence EU politics and policies.” (Höreth, 2002: 13) Paul Magnette also argues

that the rhetoric of “civil society” tries to convince us that governance reform concerns all citizens but, in the white paper and elsewhere, conceptualizes participation in functional not universalistic terms. An organic definition of civil society is given by mentioning those functional groups with particular ends: trade unions and employers, NGOs, professional associations, grass-roots and community-based organizations, charities and religious communities. General actors such as political parties, who defend a global view or aggregated interests, are not mentioned as part of the civil society. “The contrast is striking between the importance given to sectoral groups and interested parties and the ignorance of general actors”, though such “general” words of *citizens*, *civil society*, *people*, *general public* are frequently used. (Magnetete, 2003: 149)

4.2.3. European Constitution

The idea of making a constitution that would merge the existing treaties and pillars making up the EU was addressed by the European Council at the 2001 Laeken meeting of the European Council. Before the biggest and the most challenging enlargement in its history, the Union desired to provide the effective functioning of the Union by regulating status of EU institutions, and to overcome the growing legitimacy problems since Maastricht by stating its values and the rights and obligations of EU citizens.

To make the EU a more effective actor in world politics has been the main motivation behind the constitution project. There has been a broad consensus over that, though the expectations from becoming an influential actor in world politics differed. Critical theoretician Habermas, for instance, counted among the leading reasons of constitution project the development of a European Union capable of speaking with one voice in matters of foreign and security policy, thus of having a word in NATO operations, UN decisions, in global affairs in general, to realize its values and norms. He also argued that a stronger political union with greater international influence would provide a better balance between deregulation and re-regulation than an individual state could. The undesired economic, social and cultural

consequences of globalization can be counterbalanced with the principles of justice and solidarity only if a EU resistant over against the pressures of global economy exists. (Habermas, 2001: 7, 12)

The Convention on the Future of Europe had not been designed as a Constitutional Convention, and lacked decision-making powers. Its proposals could be overturned by the member states in the intergovernmental conference, which was formally authorized to undertake treaty changes. The composition of the participants was dominated by representatives from the EU institutions and member states. There was no direct representation from subnational agents and from civil society, they but had a limited number of observers. As to the Convention's deliberative quality, though it was set up as a deliberative body working in openness and transparency, "deliberative norms were more frequently violated." Especially in the final stages of discussions, institutional interests gained a prominent position, some intergovernmental bargaining appeared, and tension increased to such a point that the president of the Convention was accused of privileging government representatives. (Eriksen and Fossum, 2004: 449-454)

In terms of content, the proposed constitution did not bring any novelties. The Title VI of the Treaty Establishing a Constitution for Europe, named as "The Democratic Life of the Union" has covered eight articles regulating the principle of democratic equality, the principle of representative democracy, the principle of participatory democracy, the social partners and autonomous social dialogue, the European ombudsman, transparency of the proceedings of Union institutions, bodies, offices and agencies, protection of personal data, and status of churches and non-confessional organizations. Such general statements as "Every citizen shall have the right to participate in the democratic life of the Union. Decisions shall be taken as openly and as closely as possible to the citizen (Article I-46/3)" or "The institutions shall, by appropriate means, give citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action (Article I-47/1)" did not make much sense. The supposed general character of constitution articles cannot be put as a counterargument because there were concrete

institutions mentioned, e.g. The Tripartite Social Summit for Growth and Employment in Article I-48. The constitution reflected an understanding of negative democratic rights.

4.2.4. Plan-D for Democracy, Dialogue and Debate

After the “no” votes to the European constitution in France and the Netherlands a two year “period of reflection” and debate took place. In 13 September 2005 the Commission has launched the “Plan-D for Democracy, Dialogue and Debate” to stimulate debate and listen to the people on the future of Europe. In order to learn what people expected from the Union, a variety of events and conferences were planned to be held with the participation of citizens, national parliaments, political parties, civil society, and “specific target groups” such as the young people and minorities. Mass media, especially television and the Internet were planned to be used.

The ultimate aim of the plan was defined as “to reinvigorate European democracy and help the emergence of a European public sphere, where citizens are given the information and the tools to actively participate in the decision making process and gain ownership of the European project.” Given that all the indicators in terms of trust, image or assessment of EU membership had fallen then, the EU had to show the European peoples that they had the ability to affect the way decisions are taken. (“Plan-D for Democracy”, 2005)

The plan stated its desire that the debate should go beyond institutional questions and the Constitution, that it should focus on how Europe is addressing issues such as jobs, the economy, transport, the fight against terrorism, the environment, oil prices, natural disasters or poverty reduction in Africa and elsewhere. The following broad themes were proposed to be subject to debate: Europe’s economic and social development, feeling towards Europe and the Union’s tasks, Europe’s borders and its role in the world. (“Plan-D for Democracy”, 2005)

The Commission, through the Plan-D, emphasized that the debate should have a national character in the first place, but also proposed and undertook on its behalf the responsibility of a series of initiatives to be taken at the Community level to stimulate and facilitate debate: (1) To listen to the citizens and to become visible to them, the Commissioners were to visit the member states and meet with governments, national parliaments, business and trade union leaders, civil society, students and regional and local authorities. (2) Beside the normal duties of Commission Vice-President responsible for relations with national parliaments, individual Commissioners were also to be accessible and prepared to explain to national parliaments the Commission policies and provide an overview of recent EU developments. (3) Commission intended to reinforce the role of its Representations in national states, to turn them into places where the citizens could easily get information, contact with the Heads of Representation, and collect feedback on their concerns. (4) A decentralized network of Europe Direct Centers were to be utilized as a tool for reaching citizens on the ground, in partnership with regional and local host structures. (5) The Commission intended to establish a European Round Table for democracy that would gather citizens, especially young people, “to explore ways for enhanced cross-border debate, promote active citizenship as well as raising awareness of the process of European integration.” (6) To draw the attraction of people, the Commission planned to hold meetings and general talks on specific European areas or programmes, by “European Goodwill Ambassadors” –well known personalities or celebrities. (“Plan-D for Democracy”, 2005)

Other initiatives intended to promote citizens’ participation in the democratic process were as follows: (7) The Commission planned to more effectively utilize its existing consultation procedures (Green and White Papers and internet consultations) “in order to achieve increased involvement of national and regional stakeholders”. (8) To promote active European citizenship, the Commission was to support and improve the already existing citizens’ panels at local level in certain member states, which are often tied into the decision-making process at regional level. (9) The Commission supports increased transparency and openness at all European institutions, at the Commission following its European Transparency Initiative, and

at the Council, though its commitment to present main proposals and open to the public of votes and explanations of votes have not yet been translated into practice. (10) To increase the low levels of participation in local, national and European elections that reflect and deepen the lack of legitimacy, the Commission intends to work together with other European institutions. “Specific attention would be given to participation of young people and minority groups, and the use of new technologies to increase participation.” (“Plan-D for Democracy”, 2005)

As basic tools to generate a dialogue on European policies, (11) “A specific Eurobarometer survey on the future of Europe, assessing citizens’ views on the future of the European project as well as citizens’ support for and expectations of European policies and actions” was be carried out. (12) The Commission decided to use Internet technology “to actively debate and advocate its policies in cyberspace, which has become an important opinion-forming forum of debate.” (13) As a final initiative, the Commission proposed to focus on some target groups, especially on the youth, as a first and lasting step toward public dialogue. (“Plan-D for Democracy”, 2005)

In cooperation with national governments and national parliaments, debates were planned to take place either in permanent structures, forums or platforms, or in less organized ways. The Commission has assigned 4.5 Million Euro to support pan-European projects of non-profit NGOs, which were expected to “promote EU citizen’s networking and its participation in the debate on Europe as foreseen in Commission’s Plan D, collect citizen’s opinions in a qualitative and extensive scale, provide analysis of citizens’ contributions as feedback for decision-makers”. Six projects were selected and held in 2006 and 2007. (“EC Press Release”, 2006)

“It is indeed questionable whether these valuable experiments in radical democratisation are really being taken seriously by EU leaders. [During a press conference with Communication Commissioner Wallström, where the results of one of the projects were handed to the Commission] several citizens enquired as to what will happen now with the results of the public consultation, but received no concrete

answer, save vague promises “that we will report back to you in the future” and that there will be some “mechanisms for follow-up.”” (“European Citizens’ Consultations”, 2007) However, it is claimed by the Union in the Commission webpage that the process worked; that now confidence in Europe is at its highest (57%) since 1994 and 2/3rd of the people support a European constitution in some form.

4.2.5. White Paper on Communication

“White Paper on a European Communication Policy” was presented by the European Commission in 01.02.2006. This was the foremost material step towards a European public sphere. It is confessed that in recent years “communication has remained too much of a ‘Brussels affair’. It has focused largely on telling people what the EU does: less attention has been paid to listening to people’s views.” Therefore the Commission proposed “a fundamentally new approach - a decisive move away from one-way communication to reinforced dialogue, from an institution-centred to a citizen-centred communication, from a Brussels-based to a more decentralised approach.” (“White Paper on Communication”, 2006: 4)

The document was based on the idea that the ‘public sphere’ within which political life took place in Europe was largely a national one. European issues were seen by most citizens from a national perspective. The media remained largely national, and there were few meeting places where Europeans could address issues of common interest. Main reason for alienation of European peoples from Brussels was the inadequate development of a ‘European public sphere’ where the European debate can unfold. The White Paper on Communication thus aimed at contributing to the development of the pan-European political culture (“WPC”, 2006: 4-5)

There are five areas for action in the document. (1) It is proposed that *common principles* of democracy should be defined as a first step. These principles are the right to information and freedom of expression, inclusiveness, diversity, and participation. (“WPC”, 2006: 5-6) Diversity is especially important here, as the

diverse social and cultural backgrounds and political views of Europeans are for the first time recognized. (2) The embodiment of these principles is possible through *empowering citizens*; i.e. providing them with the necessary tools and facilities – the forums for debate and the channels of public communication. Future work in this area should aim at improving civic education through which active citizens would be raised, improving educational and training opportunities for young people across Europe, connecting citizens with each other through face-to-face meetings and communication technologies (like digitally connected libraries, websites with online forums), connecting the citizens and public institutions from the local to the European level by rendering the institutions more responsive, open and accessible. (“WPC”, 2006: 6-8) (3) *Working with the media* and new technologies is essential. There are some existing tools such as Europe by Satellite, which supplies video, sound and images to the media on behalf of the three main EU institutions, and Europa – the largest website in the world. However, media coverage of European issues remains limited and fragmented. A European communication policy should be developed. (“WPC”, 2006: 8-10) (4) *Understanding European public opinion* by using (and improving) opinion polls (Eurobarometer, independent social research on European issues etc.) and media monitoring is vital. (“WPC”, 2006: 10-11) (5) The efforts of one party would not be sufficient, *the job should be done together*. A working European “public sphere” cannot be shaped in Brussels but only emerge if the objective is backed by all actors – the member states, EU institutions, local-regional administrations, political parties, and civil society organizations (“WPC”, 2006: 11-12)

During German presidency treaty reform became a priority. In May 2007 Danish MEP Jens-Peter Bonde and UEF Secretary-General Friedhelm Frischenschlager criticised the German Presidency for “returning to methods from the past, behind closed doors” to revive the Constitution as a Treaty and to make sure that no member state submits it again to its citizens for a referendum. (“European Citizens’ Consultation”, 2007) Finally 27 heads of state came together at the European Council meeting in 21-22 June 2007 to reinstate treaty reform, but this time with modest aims. The EU is claimed to move beyond the constitution impasse,

as an agreement was reached after tough negotiations. The European Council agreed that “after two years of uncertainty over the Union’s treaty reform process, the time has come to resolve the issue and for the Union to move on. The period of reflection has provided the opportunity in the meantime for wide public debate and helped prepare the ground for a solution.” The Council agreed to convene an intergovernmental conference to draw up a “Reform Treaty”, into which the innovations decided in 2004 intergovernmental conference were to be integrated. But the term “constitution” was abandoned, the “Union Minister for Foreign Affairs” was to be called “High Representative of the Union for Foreign Affairs and Security Policy”, symbols of the EU such as the flag, the anthem or the motto were abandoned. (“Presidency Conclusions, 2007”) Anything that would be reminiscent of the rejected constitution were removed. Provisions on democratic principles were to be contained but the role of national parliaments were to be enhanced. The Article on fundamental rights were to contain a reference to the Charter on fundamental rights, defining the scope of its application and finally making it legally binding.

CONCLUSION

This thesis was an attempt to rethink the democratic deficit in the EU in its relation to the broader economic and political environment around. Only then the differences and similarities between conventional/institutionalist and radical/sociological approaches in terms of their perception of the problem and the solutions they propose, would clearly appear.

The first chapter of the study has attempted to give a brief history of the European Union. It was argued that the role of common identity, values and culture in the establishment and development of the European Union should not have been overestimated; that the project has born out of the search for a secure and coherent Western Europe and the desire to control unreliable partners with different interests and capacities. From the beginning the EC was a top-down construction of political elites, disregarding the popular will. Its democratic legitimacy was grounded in that of its components, and in the socio-economic well-being of European peoples. This partly explains why the EC had not had a “democracy problem” for long. By the mid-1980s however, things started to change. The Single European Act (1986) introduced a neoliberal internal market so that an efficient and competitive economy would be created. The idea of a political union followed this, by the early 1990s. Apart from calculations of national interest, this was regarded also as a means to become an assertive actor in the region (enlargement) and then in the globe. In the Maastricht Treaty (1992) “stronger democratic legitimacy; more efficient institutions; unity and coherence of economic, monetary, and political action; and a common foreign and security policy” were defined as the elements of the political union (Dinan, 2005: 116). Ratification process of the treaty revealed the public alienation from the Community. While 50.7% of Danish electorate voted against the treaty, German Federal Constitutional Court expressed that the treaty had been threatening national sovereignty and democracy. Since then the EU has been engaged in a gradual reform program in search for both efficiency and legitimacy, to cope with its institutional problems doubled by the enlargement, and with Euroskepticism. European Constitution was expected to provide a permanent

solution but it was rejected by referendums in France and the Netherlands in 2005. After a two year period of reflection, an intergovernmental conference has recently been summoned by the Council to prepare a reform treaty, the frame of which is roughly determined.

Second chapter dealt with defining the “democratic deficit” in institutional terms. A three-level definition of the EU’s democratic deficit has been given: EU level, national level and people’s level. The EU level refers to the democratic deficit in terms of the roles, characteristics and relative positions of European institutions. National level refers to the constraints on national democratic institutions that follow from the European integration. The third level mostly refers to the legitimacy problem of the European integration project in the eyes of European peoples and to the popular participation deficit.

It is argued that in both EU and national level, there is a trend towards technocratization going on for a long time, which led to a “shift of the point of political gravity from legislation to execution” (Crum, 2005: 456). Legislative and monitoring functions of the European Parliament are quite marginal when compared to the Council and the Commission. Executive function is implemented without democratic accountability since it is diffuse and opaque. EU legislation and executive are unaccountable to national political institutions as well, rendering national representative institutions meaningless and leading to a domestic democratic deficit. Accountability of national governments to national parliaments is quite weak due to the lack of formal mechanisms of control and due to the fact that parliamentary actors lack the necessary information and expertise to participate in decision-making. National governments use Brussels “as a backdoor for introducing legislation” in those cases an internal resistance is expected (Herzog and Gerken, 2007: 2), and the transition from unanimity to qualified majority vote in the Council in some policy areas reduces the responsibility of national governments who do not have the weapon of vetoing any more.

The deficit of participation of the people in European politics might be the most evidently observed in the electoral apathy for the EP elections. The turnout in the elections for the European Parliament has consistently decreased between 1979 and 2004 from 66% to 45,5%. This is because the Union is unpopular and it is still the domestic sphere where politics takes place. Warleigh enumerated three main reasons for the unpopularity of the Union. First, “the Union’s competences do not reflect those that the public considers it should have”; second, “the citizen remains on the periphery of the decision-making process of the EU” and; third, “(the EU suffers from) problems common to all the member states, i.e. the shift towards the dominance of the executive and the expert over the elected representative, and the rise of issue, rather than partisan, politics.” This last one, which Andersen and Burns call “post-parliamentary governance” (Warleigh, 2003: 2), we paid special attention throughout this study, especially in the third and fourth chapters.

At the end of the second chapter we examined the extra effects of accession to the EU on domestic democratic. We argued that (1) the accession negotiations appeared rather as nonnegotiable directives of the receiver to the entrant (rather than a mutual deliberation) to adopt a set of regulations called as the *acquis communautaire* in the 40-year process of development of which the entrant had no say, and (2) the extent and complexity of the *acquis communautaire* further brought the question of expertise in the foreground, thus narrowing further the space of public participation. That these countries lack a strong mass political culture of democracy and welfare that West European peoples have, and that membership turned out to be a hegemonic project in those countries, facilitated the export of the democratic deficit in the EU to them in its most naked form.

In the third chapter the contemporary theoretical reflections on the deficiency of modern liberal democracy and the alternative models have been examined after the structural factors behind the need for the redefinition of democracy in the neoliberal age were given. It is argued that globalization has revealed two interrelated patterns of novelties that had impacts on democracy: one concerning the *scale*, the other concerning the *form* of democracy. Firstly, global and local scales

began to challenge the traditional view that democracy had been peculiar to the national scale. Rise of global NGOs and advances in international human rights regimes on the one hand, localization and redefinition of devolution of power as a means and aim of democratization on the other, started to question the traditional state-democracy relation. Secondly, the term “governance” started to be positively used by all parties to describe the political form of global market economy. Theory of governance left a significant mark on those approaches seeking for alternative models of democracy, since it was regarded as a big challenge to the former hierarchical, state-based, representative form of politics. This was because the neo-corporatist structure of governance in which interest groups and specialized policy networks represented themselves in a market-like sphere of politics (Andersen and Burns, 1998: 229) seemed attractive to many critical scholars. This was perceived as the bed of civil society. However, it was the powerful interest groups, bureaucratic agents and professional experts, who redesigned the political mechanism in a more effective, less constraining or costly form for themselves (Andersen and Burns, 1998: 240-243) than the parliamentary and political party-based form which provided the citizen the equality that he had not had in the economic sphere.

In this chapter cosmopolitan and communitarian models of democracy were dealt. While cosmopolitan models for democratization argued that it was no longer possible in the age of globalization and interdependency to generate domestic public policy independent of externally-set agendas, and that to make global actors accountable democracy had to be reconfigured in a global scale. Communitarians objected with the argument that only in an ethical-political community might people act as citizens and participants addressing to a substantial and overthrowable government, but the cosmopolitan model has favored liberalism/constitutionalism over against democracy.

Then the currently predominant liberal/deliberative models of democracy have been studied. In this model deliberation and consensus replace consent in politics. Deliberation refers to a dialogue in which the participants understand the others’ needs and perspectives, exchange views, and reach a mutually agreeable outcome.

Civil society is reinvented in political theory and appears as the sphere of public participation. The two prominent figures of contemporary deliberative liberalism are John Rawls and Jürgen Habermas. Deliberativists argued that the mainstream minimal and procedural understanding of democracy led to a deep legitimacy crisis in Western societies. Against the radical threats for liberal democratic order that this crisis might lead, they attempted to lay a strong base of loyalty for liberal democracy. It is one of the main arguments of the thesis that what they did was to reformulate the democratic principle of popular sovereignty in a manner that would not endanger liberal values. In Rawls' words, they wanted to resolve the tension between Lockean liberal tradition that emphasized fundamental individual liberties (of thought, belief, property) and the rule of law on the one hand, and Rousseauian democratic tradition that focused on equal political rights and the virtues of public life on the other. Habermas reinterpreted popular sovereignty in an intersubjectivist viewpoint and extended it to the cultural and individual aspects of social life. Popular sovereignty turned out to be a "communicatively produced authority" in public sphere and in civil society. Rawls, on the other hand, sought for a social consensus based on justice and public reason. (Mouffe, 2002: 86-95)

Next, the theory of radical democracy, particularly Chantal Mouffe's debate with deliberative democracy has been examined. Deliberative models have set some rational procedures as they had bore the liberal concern of peaceful co-existence. The procedures or principles of communication, learning, reason and consensus have appeared as the means of eliminating some interests and favoring some others, according to some thinkers. Many writers from the agonistic tradition denied the existence of universal interests that could lead us all to consensus, and they even went further stating that this is undesirable as well. (McLaverty, 1999: 34) According to Mouffe, consensus might be an expression of hegemony. Either drawn by reason or ethics, the border between legitimate and illegitimate that determines the limits of deliberation is political, and hence should be open to challenge. (Mouffe, 2002: 57)

Mouffe defines liberalism and democracy as two different traditions the essential values of which are totally different: individual liberty, the rule of law and

universal human rights on the one hand and, equality and popular sovereignty on the other, respectively. Modern democracy is born out of a contingent articulation between these two traditions. Currently liberal party seems predominant and favors the legal sphere; democracy is being identified with the rule of law and defense of human rights while popular sovereignty is regarded archaic. This trend, however, resulted in a democratic deficit which would be dangerous for liberal democracy. The liberal/deliberative call for social dialogue and consensus after the Cold War gags any political debate. And unless the liberal order builds institutions and discourses in which potential antagonisms are represented, return of the political would be more dangerous. (Mouffe, 2002: 14-19, 42)

Hannah Arendt, who regarded spontaneity, imagination, participation and empowerment as the trade mark of politics (Benhabib, 1999a: 132), is the forefather of the idea of an agonistic political public sphere. However, what is peculiar to her – “the rise of the social” thesis- is much more inspiring in understanding the ground on which contemporary approaches of governance and civil society are built: According to Arendt, the political public sphere have gradually been transformed in modern times from a sphere of “action” into a sphere of communication in which the individuals only “behave” as producers, consumers and urban inhabitants. As the political sphere was blocked by the social since subsistence naturally prevails when compared to other aspects of human life, there appeared a loss of interest in *res publica*, in political gathering. Politics became identified with administration. So, she concludes, the rise of the social is the fall of the public sphere. (Benhabib, 1999a: 124-125, 130) The “communicative behavior of producers, consumers and urban inhabitants” that she defined resembles the wide usage of the term “stakeholders” to refer to citizens, consumers, and business in theories of governance, as if they jointly own something, a common good. This is the point where legitimization through civil society either in its neo-corporatist or participatory form has its limitations: the sphere of civil society contains social inequalities, different from the equality in sphere of *res publica* however it might be manipulated and constrained.

It has been concluded that Mouffe was successful in grasping the historical and politics-laden character of democracy, the antagonistic and passionate nature of politics, and the impossibility of any real transformation through deliberative models, but that radical democracy was also a postmodern farewell to politics. It is stated that the liberal axiom that a citizen cannot claim that his understanding of “good” is better than another’s, and poststructuralist understanding of politics as an inconclusive war among uncompromised particularized interests (politics of presence), undermine politics –the public competition over the meaning of good life (Benhabib, 1999a: 133). This is a “radical” anathema of the stifling of politics. Democracy understood as politics of presence is about “recognition of conflict, division and antagonism”, thus about liberalism. So, including the radical democrats, there is a common theoretical shift in modern liberal democracy from an understanding of democracy as the inclusion of social groups into *politics* to an understanding of democracy as the inclusion of social groups in *policy-making* and from philosophical questions on “good life” to technical or legal questions on the institutional forms of co-existence.

In the final chapter, the normative turn in European studies and the EU attempts to close the democratic deficit have been analyzed via this broad theoretical framework. Deliberative model appeared as a third understanding of European integration and gained adherents especially after 2001, though not sufficient to challenge the functionalist and intergovernmentalist stances. This follows from the deficiencies of deliberative model in terms of applicability in European political geography (as the public sphere-constitution dichotomy demonstrated), as much as from the enduring power of realism in international relations. Still, the attempts to provide further input legitimacy has been increasing, notwithstanding following the premises of liberal governance at the expense of republican politics.

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