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The Consociational State. Hypotheses Regarding the Political Structure and Potential for Democratization of the European Union

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Abstract

This essay centres attention on the political structure of the European Union (EU) and its potential for democratization. To illuminate the constituent nature and potential for democratization of the EU, a useful theory will be employed that was until now underrepresented in research on European integration, namely consociational theory. Regarding the political structure, it will be argued, the EU is a case of a consociation, albeit not of a democratic consociation. The EU is rather a bureaucratic consociational state with a structural democratic deficit. Whether the democratic deficit of the EU can be ameliorated, and if so, to what extent, will be examined with conceptual tools and hypotheses derived from consociational theory.

1 Introduction

To what extent is consociationalism a useful tool in the analysis of the political structure and the potential for democratization of the European Union (EU)? This is the basic question addressed in this chapter. Regarding the political structure, it will be argued that the EU is a case of a consociation, albeit not of a democratic consociation. The EU is rather a bureaucratic consociational state with a structural democratic deficit (section 2). Whether the democratic deficit of the EU can be ameliorated, and if so, to what extent, will be examined with conceptual tools and hypotheses derived from consociational theory in section 3. The result is moderately encouraging for democratization in the EU.

In some political spheres the political performance of the EU is respectable, in others poor (Dinan 1998; Grande & Jachtenfuchs 2001; Scharpf 1999). To the exceptional achievements counts the contribution of European integration to securing peace among its member states. The EU has also contributed greatly to the democratic transition and the consolidation of democracy in the states of Southeast Europe – Greece, Portugal and Spain – which were formerly governed by authoritarian regimes. After the fall of the Iron Curtain, the Union also worked to promote democracy in the reforming states of Central and Eastern Europe. There is the additional success of bringing together the national economies. Moreover, it is worth nothing the protection against the

risks if Finlandization, with the EU gives to new member states on the border of Eastern Europe. Great steps forward have been achieved primarily in bringing about economic integration in the sense of a free market oriented liberalization community. The policy of open markets and promotion of unconstrained competition, the so-called negative integration, has been successful. And in the nineties, attempts to anchor price stability within the member states of the EU were also a major success.

However, positive integration, that is, political integration beyond the sponsorship of a European wide market economy proceeded at a snail's pace (Scharpf 1996, 1999). The EU made things especially difficult for itself in areas such as foreign policy, where the required capability of high elasticity and quick reaction runs up against the diverse foreign policy interests of the member states and the principle of unanimity. More than anything else the weakness in the spheres of democratic political participation and legitimacy is striking. This mainly forms the basis for a structural democratic deficit (Schmidt 2000: 424-37).

The democratic deficit of the EU concerns both main dimensions of democracy in the sense of Robert Dahl's polyarchy theory (Dahl 1971): participation and contestation. It thus means a deficit in significant political participation of all adult citizens, and a deficit in the degree to which interest articulation, interest aggregation and decision-making are openly organized and competitive.

The democratic deficit of the EU has many roots. One of them lies in the fact that its executive is not elected by the EU-citizenry or from its elected representatives on the basis of a union-wide process of deliberation, but is appointed by the executives of the member states in cooperation with the European Parliament. The democratic deficit is rooted, secondly, in a relatively weak parliament that has little effective control and budget functions in relation to the executive. This is not offset by the fact that the European Parliament has achieved influence even without having great competencies. Thirdly, the democratic deficit is present in the fact that there has until now been no vital Europeanized system of intermediate institutions. Interest articulation and aggregation occur in a diversity of opaque networks of changing contexts, varying from field to field. Representatives of the EU-institutions are primarily involved in these networks, among them increasingly the European Parliament, furthermore representatives of the executives of the member states, finally representatives of a few important interests groups that are consulted by the respective general directorates of the European Commission.

Connected to this is the fourth component of the European democratic deficit, the most important one to be mentioned: the EU still does not possess any demos worthy of the name (Kielmansegg 1996). Its citizenry is not a

union-wide communication society, and it is therefore not in a position to discuss common public necessities in one language (or in many common languages) within Europeanized intermediary institutions. The European citizenry does not come up with viable alternatives on which it can decide either directly or indirectly by popularly elected representatives. The fact that a part of the EU-citizenry, primarily the more highly-qualified, is bilingual or multilingual is not much of a help since this group is still small and does not yet act in an EU-wide public sphere. The lack of a European demos is also not offset by the fact that Europe contains elements of a community of experience and a community of memory based on religious-cultural commonalities, war experiences, community of welfare, cross-national travel, exchange of students and scholars, and increasing Europeanization of public concerns.

These findings raise additional questions. The EU is not a democratic federation of states, but what is it then? And furthermore, can the democratic deficit be decreased or wholly eradicated? Consociational theory, which has so far been relatively neglected in the literature on the European Union can contribute to answer these questions.

2 The bureaucratic consociational state

The theory of consociationalism stems from comparative studies on democracy. It received its prime impulse from research on the functional preconditions for non-majoritarian democracies in societies that were deeply fragmented – politically, socially and economically –, such as the Netherlands from 1917 to the mid-sixties, Belgium and Austria from 1945 until the mid-sixties, and Switzerland. In these studies, democracies were investigated that appeared to have minimal chances of being created and surviving according to the model of the Anglo-American majority democracies and in light of the standard interpretation of such fragmented societies. It was, however, precisely this non-majoritarian character that assured that these countries could establish and maintain democracy – so goes consociational theory – because the deep social fragmentation of these nations could be bridged with compromise techniques such as consensus-oriented negotiation, protection of minorities, veto rights, unanimity and consensus building by express avoidance of majority decisions. This result – the theory continues – is of great meaning for future democratizations: if there is to be a democracy of any kind in countries deeply split by religion, language, region or class, where the majority principle would therefore lead to unacceptable results, then a consociational democracy with secured cooperation, participation and veto rights for all segments of society is the only viable option.

Consociationalism is the technical term for an institutional arrangement or a form of government that guarantees an equal communal-contractual and autonomy-preserving regulation of public matters in a society deeply split into various segments (for the four key characteristics of consociationalism see Preface). To what extent does the socio-political structure of the EU conform to the structures of the consociational state? It is not difficult to show that the European community of states is a case of consociationalism and therefore belongs to the family of consociations. It does not belong, however, to the category of democratic consociations. Rather it is a special case, one of a predominantly bureaucratic consociational style.

First, the social structure of the EU corresponds to the type of a fragmented society. It is divided into various segments. One even registers a particularly deep fragmentation, for the Union falls into numerous segments, which are constituted in nation-state fashion, possessing considerable autonomy and having highly differentiated political systems. Furthermore, the fragmentation is linguistically-culturally buttressed, because most citizens of the EU-member states only master the language of their own country; the EU lacks the characteristics of a community of communication, which, together with a community of memory and experience, is the fundamental precondition for a demos, the existence of which is assumed in consociational theory.

Second, the deep fragmentation into numerous segments is bridged over politically in the EU. This occurs through joint decision processes in which representatives of all segments, thus of all member states, participate with secure cooperative rights and by and large secure veto positions.

Third, for non-communalized issues, autonomy and sovereignty for the segments exists to a great extent, in spite of the trend towards increasing Europeanization of public tasks, so that by the yardstick of segmental autonomy the EU qualifies as consociational as well.

Fourth, the EU fulfils at least broadly the characteristic of proportionality, which exists essentially in political representation, except for the fact that the smaller states are overrepresented in the institutions of the EU. Broadly defined proportionality characterizes also the appointment to top positions in the governing and administrative apparatus of the EU. Proportionality principles are also observed in the allocation of funds by the European Union, although to a lesser extent, because compensation payments have led to great differences in the reception of funds between rich member states – the net contributors, like the Federal Republic of Germany – and the poorer and weaker economic states – the net benefactors.

Fifth, EU-institutions contain numerous veto positions and great room for veto players. Factually, most important public decisions are decided according to the principle of unanimity or on the basis of very high levels of consensus.

The EU has remained, more than all other political systems, a regime of particularly numerous and particularly powerful veto players.

According to the criteria of consociational theory, the EU today is a consociation. According to its capacity for the authoritative distribution of scarce goods, it has the quality of a political system. In this sense it can claim an important element of statehood, which has grown on the basis of increasing Europeanization (Lindberg & Scheingold 1971; Schmidt 1999; Schmitter 1996b). Certainly this statehood still lacks a couple of things: for example, a significant union-specific taxing capacity; a union-specific army and the monopoly of legitimate physical violence or even a sharing in such power. More than anything else, the EU still lacks the proper citizenry and suffers from a structural democratic deficit.

In the final analysis, therefore, neither the citizens nor the leaders chosen by the citizens' representatives govern the European Communities. The EU grounds itself to a significant extent, even more so than the Bundesrat in Germany, on the rule of councils, which consist of representatives of the executive and whose functions are primarily bureaucratic in a Weberian sense; that is thoroughly effective and efficient with regard to administrative functions. Rule in the EU is mainly rule of officials and bureaucrats. The EU embodies, however, a unique kind of bureaucracy. In contrast to the bureaucracy that Max Weber saw at work in the German Empire from 1871 to the end of the First World War, government in the EU is not only exercised in a legalistic way, but also in the guise of the consociational state, with distinct consultation of interest representatives and experts of the member states, and growing intervention of the directly elected European Parliament. Moreover, this rule is exercised by democratically constituted member states and legitimated indirectly from there.

3 Under what conditions can the democratic deficit of the European Union be dismantled?

That the EU suffers from a democratic deficit is, at first view, astounding in light of research on comparative democracy. For according to the results of this research the chances for democratization of a community like the EU must be high: in the sphere of the EU, all the conditions that are important for a functionally capable democratic system are present (Lipset et al. 1993). An example: the majority of the EU member states are countries with a high level of socio-economic development and widely dispersed resources of power. Furthermore, all EU-states are MDP-societies in the sense of Robert Dahl; that is, modern, dynamic, pluralistic societies and therefore especially capable of

democracy (Dahl 1989). In addition, the EU-states are marked by secularized political culture, a high esteem for the individual and his or her rights. Moreover, most EU member states look back on long phases of the priority of civil over military conflict regulation. This also speaks fundamentally for a community friendly to democracy. The same goes for the international surroundings of the European Communities, which was overwhelmingly friendly to democracy already before 1990 and has been even more so since then. Lastly, the EU has no painful colonial historical aftermath of an authoritarian character on its territory, which in other places limits democratization. According to the prevailing wisdom, this must be beneficial for democratization and the consolidation of democracy.

Nevertheless, democracy has not until now come to fruition properly in the European Communities. We looked at why this is so in the above section. Whether it must remain so is an open question. Consociational theory can contribute helpful insights in answering this question. It claims to reveal those conditions that promote or hinder the establishment and maintenance of a democratic consociation. Therefore, the consociational theory is of particular interest for the EU. For its democratization, straight majority democracy is not a viable option because majority rule in a highly segmented community such as the Union would bring results that are not acceptable for the individual member states and their populations. The magic formula of consociational democracy, however, is an option. It is a democratic form, which can in principle guarantee division of power and autonomy of the segments. Therefore, it is a democratic form that can be communal-contractual and autonomy preserving in equally high measure.

What conditions are decisive for supporting or hindering consociational democracy? Table 1 instructs the reader over this. It contains the key variables, which, according to consociational theory, determine the chances of democratization. Table 1 also reports the results from applying this theory to the EU and – on comparative grounds – on a number of other consociational, half-consociational and non-consociational states.

Table 1 Conditions that promote and hinder the transformation of the European Union to a democratic consociation

Favourable conditions for consociational democracy	Do these conditions exist in the EU?	EU	Austria	Belgium	Switzerland	Germany	Netherlands	Canada	South Africa	North Ireland
1. No majority segment and no segment striving for majoritization	yes	++	-	-	+	++	++	-	-	-
2. Equal size of segments	no	-	0	+	-	+	0	--	-	--
3. Small number of segments	no	--	+	0	--	++	+	+	-	+
4. Small population	no	--	++	++	++	--	+	0	+	++
5. Geographic concentration of segments	yes	++	-	-	++	-	-	+	-	-
6. No high social inequality. Or strong redistributive policies	yes	+	+	+	+	+	+	+	-	-
7. Unity-supporting threats from abroad	weak	-	0	0	0	0	0	0	0	0
8. Community related loyalty greater than segment-related loyalty	weak	-	++	0	++	+	++	0	+	-
9. Tradition of compromise-oriented policy by elites	yes	+	++	+	++	+	+	-	-	--
10. Weak institutions of conflict regulation not based on negotiations	yes	++	-	-	0	-	-	-	-	-
11. Results (non-weighted) maximum +20 minimum -20.		+1	+5	+2	+7	+4	+6	-2	-6	-8
12. Results (weighted)* maximum +6, Minimum -6.		+3	+2	+1	+4	+4	+4	0	-3	-5

Conditions 1 to 9: standard model following primarily Lijphart (1985) as well as Lijphart (1977, 1991, 1993), Lehmbruch (1992) with supplementation of the regulation indicator. For classification, following Lijphart, (1985: 120) a ranking scale was used: ++ = very favourable; + = favourable, 0 = neither favourable nor unfavourable; - = unfavourable, -- = very unfavourable. The classifications of Belgium, Switzerland and South Africa are taken from Lijphart (1985: 120). For South Africa the values refer to the time before the dissolution of the apartheid regime. Data for Austria and the Netherlands refer to the time up to the mid-1960s.

Point 12: results weighted according to Lijphart (1997: 684).

Table 1 indicates that the chances that the EU will become democratic are differently categorized according to the instruments of measurement. According to the summary result in line 11 of the table, the chances for democratization of the EU appear to be neither particularly good nor bad. In comparison to those particularly difficult cases of transformation – the South African Republic and Northern Ireland – the chances for democratization of the EU are even relatively high. And the distance from prime examples of consociationalism – Switzerland, Belgium, the Netherlands and Austria – is not so great. This suggests that the plan to democratize the EU is not completely without prospects.

Table 1, however, also indicates which great obstacles there are to a transformation of the EU from a bureaucratic consociation to a democratic state. Among the inhibitors is the unequal size of the segments. The size difference by population between the largest member state of the EU, the Federal Republic of Germany, and the smallest, Luxembourg, is by far greater than the difference between the largest and smallest states in the United States or cantons in Switzerland. The high number of segments in the EU must also be classified as an obstacle on the path to stable democratic consociation. The hypothesis is that with a high number of segments, negotiations, the search for compromise and the probability to attain a consensus decrease. Moreover, the large population of the Union is an unfavourable factor. According to consociational theory, small states have advantages over large states: there is a greater frequency of contact and integration of elites, and the chance, therefore, to decrease the complexity of decision-making, and there is the absence of a costly foreign policy and a costly military apparatus. Additionally, the theory goes further in stating there is a greater probability that a small state will be confronted with an external challenge or threat, which promotes cohesion and readiness to cooperate within the system. A further obstacle on the path from being a bureaucratic to becoming a democratic consociational state consists in the weaknesses of community-based loyalties relative to the loyalty to the nation-state. The community beliefs, in the sense of Max Weber, are still with the nation state and only in small measure with the EU. The European Communities do not benefit, as postulated by consociational theory, from the impetus to remain together and from a cooperation that arises due to a powerful external pressure, for example, from an outside threat of an economic or military character.

The use of consociational theory indicates, however, that striving for the democratization of the EU can count also on favourable structural conditions. One of the most important preconditions for a functionally capable consociation is fulfilled in the EU in the sense that there is neither a majoritarian segment in it, nor one that could strive for majoritization with

prospects of success. And there is normally no coalition of larger segments seeking majoritization in the EU. The fragmentation of the EU, in particular the great number of member states, hinders usually the especially dangerous threat to a consociation, namely majority rule by one segment or coalition. Thus the EU enjoys – in comparison with other consociations – a relatively unique strategic advantage on the possible path to democratic conflict regulation.

This is not the only advantage. It is flanked by the geographic concentration of the segments. This is also an advantage that only few communities have, in particular Switzerland. According to consociational theory, if the individual segments of a deeply fragmented society are concentrated into areas that are separated from one another, the reciprocal isolation hinders latent antagonisms from veering into open conflict. Powerful pillars maintain the segmental autonomy through institutionalization in federalist forms or through formal and informal decentralization.

The EU can also count on a tradition of compromise-oriented conflict regulation, which has become considerable in recent times. Here the often criticized immobility of interest aggregation and decision-making in the EU appears as a considerable advantage on the path from bureaucratic to democratic consociation.

Somewhat ambiguous is the contribution of the inequality factor, which the literature on consociationalism regards as one of the two most important conditions for a stable democratic consociation, together with the absence of a majoritarian segment (Lijphart 1985; 1997: 684). If one takes as a yardstick the level of redistributive policies (Lijphart 1985) one arrives at a moderately positive effect for the EU. If one measures the inequality factor in a stricter way, however, namely as the absence of important socio-economic differences among the segments, the positive effect disappears in the face of the high disparity between the economically most powerful and the economically weakest EU-member states.

If one quantifies the effects of the factors that foster and hinder consociationalism with the help of Lijphart's indices, three things stand out with regard to the European Union:

1. If one takes into consideration all those conditions that foster and hinder consociationalism in an additive way and without weighing them, the EU achieves a place in the middle on the scale from -20 to +20. In other words, the chances for its democratization are neither especially good nor especially bad. Certainly its chances are more unfavourable than in the classically consociational democracies of Switzerland, Austria, and the Netherlands, but they are hardly less favourable than in Belgium, which is another prime example of consociationalism.

2. With regard to the most important conditions, the chances for democratization of the EU even reach an above average value.
3. The EU is considerably more favourably positioned to follow a path to democratic consociation than the particularly difficult cases of transformation of the South African Republic and Northern Ireland.

4 Conclusion

In sum, the use of consociational theory for the EU indicates that endeavours directed at democratizing the EU must reckon with considerable barriers. Among these, the structures of a bureaucratic consociational state deserve most attention. These endeavours could, however, also count on considerable advantages of an institutional nature. In the medium and long-term, the greatest challenge exists in creating a viable society of communication and in fortifying the already present elements of a community of memory and experience. That will not be possible without the competence of the majority of citizens to discuss their community matters in a common language and will require, Union-wide, a massive promotion of language training; so that the economic and currency union can be supplemented with the demand for a promotion of a cultural and linguistic union.

The use of consociational theory for European integration indicates that striving for democratization of the EU is a thorny undertaking, but not unrealistic. In addition to the favourable and unfavourable conditions mentioned above, the theory also emphasizes the role of leading actors and puts forth the proposition that the political will and political skill of these actors can move mountains. "The really crucial factor is the commitment and skill of the political leaders" (Lijphart 1985: 127). With these words, Arend Lijphart completed his analysis of the hindrances and possibilities for the democratization of South Africa and indicated additionally that the conditions that hinder the establishment and maintenance of consociational democracies can be rendered null and void through cooperation by political elites. That underlines an instructive principle of actor-centered institutionalist theory: institutions influence choices, but they determine neither the choices nor the results of these results. This can facilitate the case of democratizing the EU, but it can also work against it.

Notes

1. Exceptions confirm the rule, such as Heisler (1974), Lindberg (1974), Taylor (1993: 80-112), Hrbek (1981), Gabel (1998) and Chrysochoou (1998). However, these contributions do not differentiate sufficiently between various forms of

consociationalism such as democratic and bureaucratic consociational states, and they tend to neglect the contribution of consociational theory to the establishment and maintenance of a consociation.

2. According to the representatives of consociational theory, this concerns favourable or unfavourable conditions and probabilistic factors of influence, but not in the sense of the logic of necessary or sufficient preconditions. See primarily Lijphart (1985: 114), who speaks expressly of favourable factors only; compare also Lijphart (1977: 53-103) and Lehbruch (1992: 210). The representatives of consociational theory also claim neither a self-contained nor a deterministic theory. They emphasize, in any case, that the effects of the favourable or unfavourable conditions of electoral processes, in particular electoral processes of elites, could be overcome. If one takes all this into account, a considerable portion of the objections against this theory (for example, Lustick 1997; Bogaards 1998) can be regarded as overdone or inconclusive.

3. Analyses of consociational democracies likewise teach us that all that glitters is not gold. To their main weaknesses belong the intransparency of will formation and decision-making, localization of responsibility made difficult, delayed capability of reaction, tendentially reduced elasticity of problem-solving, susceptibility to the 'tyranny of the minority' and their minimal suitability for media-appropriate political production (see, for example, Weiler 1995).

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