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Elements of Democratic Legitimation in Europe:
Seen from a different Angle

von
Adrienne Héritier



Elements of Democratic Legitimation in Europe Seen from a different Angle

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Elements of Democratic Legitimation in Europe: Seen from a Different Angle¹

ABSTRACT: Whilst the lack of democratic legitimation in the European polity is striking when measured against member state parliamentary democracies, this focus shifts attention off those less obvious empirical processes which enhance democratic legitimation in Europe. In order to compensate for the slow and incremental nature of democratisation, the Commission has sought to develop elements of substitute democratic legitimation via the transparency programme which attempts to bridge the gap between Brussels and member state citizens, and the creation of supportive networks. Accountability is also strengthened by structural and processual elements inherent in European policy-making—mutual horizontal control and distrust among actors in a diverse, negotiational democracy, and competition among multiple authorities. The described strategies and processes reinforce democratic support and accountability but do not allow the democratic definition of overall goals for the European polity as such.

I. Introduction

One of the common criticisms levelled at the European polity is its lack of democratic legitimation. That the powers of the European Parliament, as the only directly democratically legitimized European decision-making body, are limited when compared to its member state counterparts, and that the Commission exercising executive functions is not elected by a legislative body but appointed by member state governments, are two much highlighted aspects of the European polity in matters of democratic deficit. Whilst this lack of democratic legitimation is indeed striking if one measures the European polity against member state parliamentary democracies, it

¹ I am indebted to the participants of the workshop on ‘The Democratic Process in Europe’ held at the Max-Planck-Institut (Cologne, November 1998), for their constructive criticisms and comments on my presentation.

presupposes a very specific normative yardstick with which to measure the democratic quality of European policy-making processes. However, this judgement strikes one as inconsistent given that there is no agreement among the member states on a straightforward parliamentarisation of the European Union as a common goal. This being the case, there is no good reason to use this normative standard as *the* measuring rod for assessing the democratic substance of the European polity (Majone 1998; Schmitter 1998).

In order to avoid a foregone conclusion and an over-hasty verdict by a standard which is not professed by all, I will focus not on existing formal European institutions and their democratic opportunities and limitations, as measured by national democratic institutions, but on existing practical elements of democratic control and attempts to create citizen support for European policies which have hitherto attracted little attention as democracy-enhancing factors. These derive, on the one hand, from measures promoted by the Commission to compensate for the slow and incremental nature of democratisation in the broader context of constitutional reform within the intergovernmental conferences. On the other hand, there are components of European policy-making inextricably linked to the diversity of the European polity which contain elements of democratic legitimation whose potential has not been recognised. I will examine these elements of democratic control and support-building from various analytical perspectives and in terms of the underlying democratic theory. Finally, I will assess these empirical patterns with respect to relatively abstract normative democratic criteria which — beyond all differences — constitute common ground in the understanding of what a democracy should be in a nation state. I will then go on to measure them by standards of democratic governance possible under conditions of economic and social internationalization in which a congruent relationship between political decision-makers and the recipients of political decisions are no longer given (Held 1991). Of course, the discussed process patterns must always be seen as existing alongside the given formal structures of intermediate democratic legitimation of the Council, and the direct democratic legitimation of the European Parliament.

II. Elements of democratic legitimation in Europe

The existing process-patterns of democratic legitimation may be differentiated into substitute elements of democratic legitimation in the shape of intentional strategies, including the transparency programme, and the creation of supportive policy networks on the one hand, and the structural and processual elements inherent in European policy-making, including the mutual horizontal control and distrust among actors in an extremely diverse, negotiational democracy, and the competition between different authorities in a composite polity, on the other. In reality these process elements overlap. They are distinguished here analytically in order to expose the different types of efforts and opportunities to provide democratic legitimation. The different processes are examined in relation to the following analytical dimensions:

- Is the scope of the activity in question defined in functional or territorial terms?
- At which level(s) does the activity occur? Does it take place at the supranational, national or sub-national level or does it typically extend over several?
- Which types of actors are involved? Are they public or private, individual or corporate actors?
- At which stage of the policy-making process does the legitimizing activity unfold? Is it dominantly in the input-phase, that is, policy-formulation, or rather in the output-phase, that is, implementation?
- Is the measure or process apt to create input-legitimation by enhancing participation in policy-making, or does it strengthen output-legitimation by offering material benefits and regulatory advantages to actors?
- How is the process characterised? Are the decision-makers democratically elected representatives or are they delegates? Does the process imply information, consultation or co-decision-making? Or is its emphasis on controlling and holding accountable? Does it consist of negotiation with ensuing compromises, compensation and package deals? Or does it advocate deliberation and problem-solving? Is it based on the competition among authorities, playing-off of authorities and exit-possibilities of citizens?

- Finally, which are the theoretical roots of the phenomena described here? Does the process in question constitute a central element of the theory of democratic representation; the theory of responsive democracy; the Madisonian theory of the mutual control of factions or democratic pluralism; the theory of democratic negotiations or the theory of competing authorities in a composite policy?

1. Substitute elements of democratic legitimation

The differences of opinion as to whether the European polity should be more of a parliamentary democracy, or a looser market polity, combined with the restrictions imposed by the unanimity rule at the intergovernmental conferences, have meant that only incremental constitutional changes towards a democratic polity have taken place. Thus, in the course of various intergovernmental conferences seeking to reform the constitutional structure of the European polity, the decisional competences of the European Parliament, the only directly elected body, have been incrementally increased by, for example, introducing the decisional rules on co-operation and co-decision and subsequently by expanding the application of the second to more issue areas. Yet, no major steps have been taken to change the Parliament into a body electing a European government, nor has it been given the right of legislative initiative because most member states do not wish to parliamentarise the European political institutions. In view of the modest prospects of constitutional reform, in particular the Commission, has taken action to beef up democratic support for European policies by various other measures not requiring a reform of the treaties and, in some cases, not even legislation, of which the transparency programme and the development of supportive networks are key examples.

a) The transparency programme

The idea behind the transparency programme is to create support for European policies by disseminating information about them. Much new European legislation contains clauses providing for access to information. The information offered generally relates to

the implementation of European legislation by national administrations. In this way the Information Directive of 1990 is an attempt to guarantee the free access to information on the environment held by the national authorities in the member states, its dissemination, and conditions for access. Public administrative authorities that perform functions in the field of environmental protection at the national, regional, and local levels, and which dispose of such information, are required to make it accessible to the public (Héritier *et al.* 1996). Other environment-related directives providing information clauses are the Integrated Pollution Control (IPC) Directive and the Hazardous Waste Directive.

Access to information provisions also exist in other policy areas. Thus, the Citizens First Programme addresses the rights of citizens in the integrated markets and tries to make them familiar with such rights (Héritier 1999). Clearly, the instrument of offering information about the nature of European policies is increasingly used to bridge the gap between the Brussels administration and member state citizens, in the hope that pointing out the merits of European legislation will help generate popular support for these measures.

When viewed along the analytical dimensions outlined above, it appears that the 'access to information' instrument refers to particular functional aspects of policy-making extending across levels from the sub-national and individual citizen level all the way up to the Commission. The actors involved are individual citizens and corporate actors such as interest associations active in the output-phase of policy-making, that is, during the implementation phase and the delivery of policy outputs. Citizens and organizations may just receive policy information, but they may also play a more active role, as for instance when they are consulted by administrative actors on how to implement a European policy, or even one step further, when their active co-operation in implementing a European policy is required in order to produce a service or to comply with a regulation under European legislation. Thus, active co-operation is a precondition for a successful implementation of regional and structural policy or agricultural policy. All three types of activity, albeit to varying degrees, require involvement in the particular policy issue at hand. By having knowledge about a

particular European policy and enjoying its benefits (outputs), it is hoped, that support is generated for that same policy.

The democratic theoretical foundation of this element of European policy-making can be traced back to the theory of responsive democracy developed in the 1970s and 1980s as a critique of bureaucratic/administrative behaviour which was judged to be unresponsive to the needs and demands of citizens. The argument was precisely the reverse of what we are discussing today in the European context where a lack of parliamentary representation is criticised as the main form of democratic deficit. It was claimed that democracy via parliamentary representation during the input-phase of policy-making was not sufficient to realise democracy, and that administrative behaviour should also be held accountable and responsive to the wishes of citizens during the output phase of policy-making.² A variety of institutions, particularly at the local level, such as citizens' information offices, interest groups or citizens' watchdog bodies, were developed in order to allow citizens and associations to exert influence on administrative behaviour.

b) Supportive networks

Another measure frequently taken by the Commission in order to legitimize European policies is the development of supportive networks. This phenomenon is most striking when it comes to establishing new European policies, previously the preserve of the member states, such as European policy-making in environmental issues (Héritier *et al.* 1996), or telecommunications (Schneider *et al.* 1994; Natalicchi 1998; Schmidt 1998), and anti-poverty questions (Bauer 1998), or when altogether new policies are introduced, such as recent attempts to create a maritime policy (Alexopoulos 1997). These endeavours frequently go against the interests of member state governments, hence the Commission seeks to rally diverse actors with a stake in a policy area behind

² The difference is, of course, that parliamentary representation did exist alongside a perceived need to be complemented by a 'democratisation' of administration, while in the second case full parliamentary powers do not exist.

its banner by building such a network. The pattern is a familiar one. The Commission issues a Green Paper and initiates a process of consultation seeking the expertise and positions of different actors. It organises round-tables and conferences on specific issues to bring together all concerned actors, and a working group is then formed which submits a policy draft as a basis for future EU legislation. A great many European policies are in fact based on such networks (Mazey and Richardson 1993).

From the viewpoint of analytical dimensions, these supportive networks are organized according to functional, sectoral aspects. The members are delegated from their respective organizations to represent their interests in the network. The latter is formed across levels and across national boundaries and generally involves public and private, but mostly corporate, actors. The activities generally take place in the input phase of the policy cycle, that is, during policy formulation. If policies are extensively shaped during implementation these networks may be created during the output phase, too, when for instance legislation is adjusted to local conditions, as in the case of regional policy. Supportive networks seek to secure input-legitimation by allowing the concerned actors to take part in policy-shaping, thus constituting 'co-operative hierarchies' (Taylor 1996: 5) in which the Commission fosters, and taps, 'local horizontal capital'. With some reciprocity of influence this type of 'governance is more responsive and consensual and [...] more legitimate' (Taylor 1996: 5). At the same time, networks also try to create support for European policies by distributing benefits and regulatory advantages to the actors in the network, thereby creating output legitimation. The dominant process pattern in networks is mainly based on the theory of democratic bargaining, with the consequent use of compromises, compensation payments and package deals. If the structure of the network in terms of interest representation is well balanced, the network will tend to open up policy-shaping opportunities for a variety of diverse actors without interests being realised at the cost of third parties.

2. Structural and process elements of democratic legitimation

In addition to the Commission-generated strategies of the transparency programme and the building of supportive networks, there are other structural and process elements to muster support for European policies and enhance democratic legitimation which are

inherent in the features of the European polity itself, that is, the diversity of its actors and the fragmented nature of its architecture. These elements are mutual, horizontal control and 'distrust', bargaining democracy and the presence of multiple authorities in a composite polity.

a) Mutual horizontal control and 'distrust'

At each step of the European policy process, from the first tentative drafts to the formal decision-making process, policy-making is characterized by a distrustful and circumspect observation of the mutual policy proposals made by the involved actors. The participants controlling each other are generally experts and/or decision-makers from the different member states, responding to each other's policy proposals with counter proposals backed up by expertise. The mutual distrust signifies an enormous potential for control and a chance to hold actors accountable for individual policy moves which need to be defended in substantive terms. This is the virtuous side of the slowness, and indeed potential deadlock, inherent in the European decisional process. This phenomenon is so widespread, permeating virtually the entire fabric of the decision-making process across issue areas, that individual policy examples are superfluous.

Viewed from the angle of the analytical dimensions the actors mutually controlling each other are delegates from both territorial and functional units, for the greater part public and private corporate actors. This distrustful mutual control generally takes place at the supranational level in decision-making processes in the input-phase of the policy cycle, and sometimes during the 'fleshing out' of legislative detail during implementation in the output-phase. Input-legitimation is created by preventing the domination of one particular influence in the shaping of policies and securing a balanced structure of power. The process mechanisms at work in this case are control, criticism, the containment of power and the fending-off of policy proposals.

This element of a democratic process can be traced back to Madison's theory of the control of factions, where he claims that the tyranny of a majority can only be contained by creating a plurality of factions which keep each other under control (Madison 1981 [1787]), and the theories of pluralist democracy proposed by Lindblom

(1977) and Dahl (1963). Since a 'general will' is not easily defined in a complex modern society—due to a wide distribution of political resources—pluralism, and polyarchy prevail and power is controlled by counter-power to the effect that no single group dominates a policy-making process (Steffani 1973; Grant Jordan 1987).

The dark side of mutual control and distrust is—considering that European decision-making does not usually rely on the majority principle—of course stalemate, where a decisional process is stalled because the participants are exclusively engaged in controlling and fending-off policy initiatives presented by other actors involved. 'Distrust leads to foregone opportunities' (Hardin 1993: 507) unless it is overcome by constructive bargaining.

b) Bargaining democracy

Fortunately, bargaining constitutes the complementary side of mutual horizontal control and distrust. It is present in all aspects of European policy-making, given the presence of actors with diverse interests and a concrete need for consensual decision-making. Consensus is achieved through negotiating in the course of which compromises are formulated, compensation payments made, and package deals struck.

Actors negotiating may be representatives from territorial units or delegates from functional organizations, such as associations. Thus, in negotiating sectoral questions, such as in regional and social policy under the 'partnership principle', delegates from functional organisations are predominantly involved. During the input-phase bargaining mostly takes place at the supranational level. If legislative details need to be specified during the output-phase they occur at the national/sub-national level as well. Bargaining democracy creates input-legitimation since it prevents individual interests from being outvoted and thereby forces actors to take multiple interests into account. This is reflected in the more equitable outcomes of bargaining processes. By virtue of precisely this fact it also constitutes a source of output-legitimation. The underlying process mechanism is consensus building with the help of compromises, compensation payments, and package deals. Bargaining theory (Scharpf 1998; Sebenius 1992) stresses the importance of forcing actors to take a variety of interests into account, where the interests of the minority which is outvoted under a strict principle of

majoritarian democracy would be neglected. This is enhanced by a context of long-term bargaining arrangements which characterise many policy areas in the European Union favouring the application of a principle of reciprocity. This tends to produce a 'balanced profit sheet' in so far as the actors involved are aware that they will remain together and are therefore willing to forego short-term benefits in favour of long-term gains, and to take the interests of the other involved actors into account, knowing that in the future they may depend in turn on the support of the others. Under conditions of reciprocity with a balanced structure of those taking part in negotiations it may also be possible to initiate a phase of problem-solving oriented or deliberative bargaining in which the possible joint gains may be discerned, and possibly extended, before the actors proceed to defensive, and individualistic profit-oriented bargaining.

c) Pluralistic authorities in a 'composite polity'

The multiple political and jurisdictional authorities which exist in the European Union at the vertical and horizontal level have generated more opportunities for individual citizens and corporate actors to address an authority and voice their concern in the case of a specific policy issue. In practice, this means the opportunity to exit from a specific avenue of decision-making which has proved less than promising and to test prospects in another arena. Thus, a citizen or corporate actor may address his or her representative in parliament at the national or European level, the national or the European Ombudsman, and the national courts or the European Court of Justice. These increased opportunities at the EU level—as compared with their nation state counterparts—create leverage to press for political action. In the case, for example, of environmental policy, local environmental groups address the Commission in order to pressure their national governments into implementing European legislation. Or, more politically delicate, sub-national political actors seeking a greater degree of independence from their central governments establish links with a supranational authority, as is the case in Catalunya or the Basque Country.

The authorities which can be addressed are organized along territorial rather than functional lines. That is, they are political, administrative and jurisdictional bodies. 'Choosing authorities' typically extends over various levels, from individual citizens and

corporate actors to sub-national, national and supranational public entities. It refers to the input-phase of policy-making when actors seek to influence policy formation, and to the output-phase when trying to shape policy implementation. The type of legitimation enhanced by widening the possibilities of voicing concerns *vis-à-vis* authorities is input-legitimation. The process mechanisms which come to bear are exit from one arena to another, playing-off actors against each other, and the formation of coalitions between two actors against a third actor.

This democracy-enhancing process based on a choice of authorities mirrors the 'checkered history of early modern Europe states' (Tarrow 1998: 12) in the sixteenth to eighteenth centuries and 'its multiple and overlapping structures of political opportunity' (te Brake 1997:12–13, quoted after Tarrow 1998: 12) which reach back into the Christian Middle Ages, to a 'system of overlapping authority and multiple loyalty' (Bull 1977: 254). The territorial political units at that time 'were ruled by, or were at least under the sway of powerful local elites—bishops, merchant aristocrats, dukes and rival princes [...] Ordinary people [...] sometimes made common cause with local rulers against expanding kings and at other times hazarded alliances with them against their local oppressors.' (Tarrow 1998, citing te Brake 1997). Medieval Christian and late modern Europe was a composite polity with 'overlapping, intersecting, and changing political spaces' (te Brake 1997: 13, quoted after Tarrow 1998: 12). It is 'in the interstices and on the margins of these [...] composite state formations that ordinary people enjoy(ed) their greatest political opportunities' (te Brake 1997: 12, quoted after Tarrow 1998: 7). In present-day Europe citizens and associations also have the opportunity to 'jockey over levels and national boundaries' (Tarrow 1998: 11) to some extent in responding to European legislation, and engage in triads of changing cross-level and cross-boundary coalitions. The resulting 'criss-crossing loyalties, conflicting interpretations of rights and duties, and interconnected authority structures [...] displace notions of sovereignty as an illimitable, indivisible and exclusive form of public power' (Held 1991: 224).

However, the new opportunities on the part of individual citizens and corporate actors have a price. The more fragmented a polity, the greater the difficulty of reaching a overall definition of the general welfare of the society subject to this segmented and

intersecting structure of authority. The body responsible for defining the 'common weal', the parliament, will tend to lose power as a result of competition among those laying claim to authority. There will consequently be less room for debate and deliberation as to the general direction in which a society as a whole is to develop. If, for instance political goals are achieved through litigation in court instead going through parliament (*The Economist* 21 Nov. 1998), no attempt will be made to build a social consensus by debating various possibilities and then coming to a compromise in the parliamentary arena. As a consequence the policy goals which are pursued become more and more particularistic.

Another problematic consequence may be decisional deadlock. Under conditions of joint-decision-making stalemate may ensue because one of the implicated authorities does not come forward with a decision. In the case of separate decision-making there is a risk that the responsibility for unpopular decisions is simply shifted to another authoritative body. Hence, whilst the presence of competing authorities in a composite polity such as the European Union offers more opportunities for voicing criticism and exercising influence and thereby enhances input-legitimation, it may also be detrimental to the overall welfare of a society in terms of policy outputs and favour decisional stalemate.

III. The overall picture and its normative implications

What then is the overall picture which emerges from the various elements of democratic control and support fostered by the strategies and process patterns described here as typical for European policy-making? Which elements dominate, which are entirely missing, and how are the empirical processes to be assessed against a normative yardstick of democracy?

1. The overall empirical picture

Looking at the overall picture of the empirical elements presented three significant features emerge. Firstly, the elements of democratic control and legitimation observed have very diverse origins. European policy-making reflects a patchwork of democratic

practices of different backgrounds. This is not surprising considering the diverse notions of democracy held and the different goals pursued by member state actors with respect to the future development of the European polity. Given this lack of agreement on a single common form of democracy to be developed in Europe, such as parliamentarization, an incremental piecing together of various elements has occurred as opportunities arose in the decision-making process.

Besides the heterogeneity of the normative theoretical foundations of the democratic elements assembled in the European practices, several other features are striking, foremost among them the lack of direct democratic input legitimation in the form of elections and representation together with majoritarian decision-making. Instead, the picture is dominated by bargaining and the striking of compromises among delegated actors. These negotiations, furthermore, occur primarily in particular functional areas of European policy-making and do not relate to aspects of the polity as a whole. Finally, many of the process patterns described cut across levels and national boundaries and involve both public and private actors.

2. Normative assessment

How is the patchwork of elements of democratic control and legitimation to be assessed from a normative democratic standard? Since, due to the diversity of the democratic models pursued and unanimous decision-making rules applied—no one specific democratic concept can be imposed on all member states, it makes little sense to pass judgement on the basis of a democratic standard specified or championed by one party. Instead, a measuring rod is used which is sufficiently abstract to be applicable to all different notions and institutional specifications of democracy.

The abstract normative criteria by which democratic quality is assessed may be differentiated along two models, one more modest, the other more demanding, and both developed in the context of the nation state. The first notion of democracy builds on a Schumpeterian definition of democracy emphasizing the ability to produce collective decisions regarding the entire polity by voting a government into and out of office. By electing the opposition into government, discontent with governmental collective decisions can be voiced, governments are held accountable for their performance, and

governmental power is contained. The existence of competing political elites striving for office and the opportunity to choose between them in free elections under equal conditions of participation, therefore, constitute the core of the notion of democracy as a procedure.

The second more demanding variant of democracy qualifies the capacity to bring collective decisions about regarding the substance of these policy decisions. It is claimed that in a process of self-determination collective decisions are made about the welfare of the society as a whole within the territorial boundaries. These decisions must take into account the interests of all members of society and not systematically favour particular interests (Scharpf 1998). This may imply a restriction of individual opportunities to the benefit of the collectivity, and indeed redistribution (Théret 1998). A normative identification of the individual with his or her polity (Dryzek 1990) enhances the willingness to contribute to the common welfare even where this will incur costs for the individual.

Measuring the empirical elements presented above against the two different notions of democracy, we find elements of the more modest procedural variant reflected in the processes of distrust/mutual horizontal control which creates sources of control and accountability. Furthermore, competition between authorities in a composite polity can lead to a control of the individual body. However, the latter lack a crucial element of control through 'democracy as procedure', the actors engaged in mutual control are not elected and cannot be removed from office by means of a popular vote. In this sense, the EU is not a "political society", 'in which the polity specifically arranges itself to exercise control over public power and the state apparatus [with ...] political parties, elections, electoral rules, political leadership, interparty alliances, and legislatures—by which society constitutes itself politically to select and monitor democratic government' (Linz and Stepan 1996: 8; Schmitter 1998: 6).

Other democratic elements described in this article, such as the development of supportive networks or the transparency programme, do—at the input level—allow for more participation and a voice in policy-shaping, albeit not on an even level of Community-wide elected representatives (Schmitter 1998: 10), but in functionally

specified areas and in the case of the transparency programme at the administrative level and not in policy formation.

Where measured by the more demanding substantive notion of democracy, the elements described clearly lack the Community-wide process of self-determination and shaping of a common welfare of the 'European society' which includes the willingness to accept redistributive measures. Rather, the processes of positive policy-shaping, such as in the supportive networks take place in functionally specific areas with no regard for the overall well-being of the polity at large. If a sense of mutual reciprocity is developed it generally concerns this network as such.

Yet measuring the empirical elements described above against both the procedural and substantive model of national democracy may miss the mark for three reasons. First, the models are not reality and if their standards are applied it should be measured against the reality of procedural and substantive democracy as practiced in member states. Second, the functioning of particularly the substantive model, presupposes the existence of a full-blown state at the European level, which is not the case. Third, using models derived from the context of the nation state may miss out on important restrictions to which democracies are subject in a globalizing world. As regards the first argument, no attempt can be made here to measure the empirical democratic elements presented against the diverse *de facto* democratic practices of the EU member states. But it seems reasonable to assume that the lack of performance of the described empirical patterns is not quite as acute if measured against the democratic reality of the member states. Second, a measure derived from a democracy functioning in a national context presupposes the existence of a European state with all attributes of a state, such as the right to wield legitimate force in the territory, the right to collect taxes and the implementation of a judicial system (Linz and Stepan 1996: 18; Schmitter 1998: 3). These attributes of power — with the partial exception of the last — do not exist in the EU as such, but remain instead the exclusive competence of the individual member states. The latter however are not willing to yield these important competences to the European Union, and want to maintain them as exclusive national powers. Thus, member states do not surrender those competences necessary to guarantee some form of fiscal redistribution or redistribution by social policy measures,

thereby decisively restricting the capacity of the European Union to develop features of a substantive democracy. Consequently, the European level has to settle for more modest measures of democratization for want of something bigger and better.

The third argument also challenges the aptness of standards derived from a national context of democracy, but from a different perspective. In an interdependent world problems frequently originate outside the borders of the European Union, but have repercussions within it. The causes cannot be tackled within the remits of the Community. In other words, policy problems are not congruent with decisional problem-solving powers (Held 1991). Hence, one might argue that instead of measuring the democratic quality of Europe against the standards of a nation state democracy, it should be measured against the democratic practices of the institutions developed in order to deal with problems of global interdependence in a globalized world, that is intergovernmental decision-making bodies (Held 1991: 224–26). The democratic accountability of the existing international organizations to member states such as in the case of the International Monetary Fund or North Atlantic Treaty Organization, not to mention their accountability to citizens in the member states, remains a problem (Held 1991: 225). This yardstick, applied to Europe would be too loose because the European Union is more than an international organization but has some features of a supranational polity. It is characterized by this ‘in-between-ness’ (Laffan 1998) of international organization and state. This ‘in-between-ness’, however, does not mean that the Community is likely to develop into a statelike entity in the near future. It may well be that, with the further enlargement of the Union and a variable geometry of common policy-making of members, the present ‘dissociation between territorial constituencies and functional competencies’ (Schmitter 1998: 22) will become more pronounced, leading to ‘a plurality of polities at different levels of aggregation—national, sub-national and supra-national—that overlap in a multitude of domains’ (Schmitter 1998: 24). This would mean that the future European polity will be different and altogether new, and accordingly requires new types of democratic institutions (Schmitter 1998). At the same time, however, there are factors, such as the monetary union, working for more integrated policy-making, such as in monetary and fiscal policy which will need to be embedded in the context of democratic decision-making. The

situation calls for institutional measures which provide an arena to counterbalance the tendency towards segmentation and the pursuit of particularistic interests. Such measures would after all be to strengthen the European Parliament to keep overall aspects of the interlocked polities in mind. While the empirical processes described correspond quite well to the functional differentiation requirements of European policy making, they are not able to provide democratic legitimation for the European polity as a whole.

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