The European Union: From Schumpeterian Democracy to a European Public Sphere?

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Abstract : *One of the most discussed aspects of the so called democratic deficit of the EU is the lack of a European public sphere. The Union's democracy is perceived by its citizens as Schumpeterian in nature and this perception corresponds to a large extent to reality. Schumpeter described democracy as the rule of the politician, who gains decision making power in the free competition over votes. The parliament's role is of minor importance; it decides more by acceptance than by initiative. Citizens can neither bring up the issues nor decide them. The European Union is indeed an ideal platform for such a model, because it is elitist, technocratic and rather complicated for the ordinary citizens. European integration was and still is an elite-dominated project, where citizens do not have many possibilities to intervene during legislation-periods. Over many years, the consensual behaviour of the political elites hindered the emergence of broad debate and of conflict in a European public sphere. As a consequence, scepticism towards the integration process became stronger in the Member States. At the beginning of the new millennium, politicians tried to turn the table by stressing the importance of the involvement of the citizens. A convention was installed to work out a Constitutional Treaty. But once again, the debate remained elite-dominated. The heads of governments finally signed another elitist compromise without the broad involvement of the citizens. The rejection of the Constitutional Treaty in France and the Netherlands in 2005 can thus be considered as the result of an elitist and Schumpeterian model of democracy which is perpetuated by the new reform treaty of Lisbon. Thus, the claim for a European public sphere remains relevant, although scholars differently define such a sphere. The argument of this paper is that besides the often claimed Europeanization and transnationalisation of European debate, the notion of broad conflict is of high importance for the emergence of a European public sphere.*

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Introduction

The 'democratic deficit' is one of the most discussed phenomena of European integration in the last decade and it has different aspects (e.g. Andersen/Eliassen, 1996; Jachtenfuchs/Kohler-Koch, 1996, Eriksen/Fossum, 2000; Hix/Follesdal, 2005). Some scholars focus on the decision-making procedure (e.g. Blichner 2000, Gargarella 2000), while others concentrate on the lack of participation (Abromeit, 1998). Others again deny the existence of such a deficit (Moravcsik, 2001; Majone ,2006) or even defend it (e.g. Gustavsson, 1998). Closely linked to this issue is the question of a European public sphere, which itself is differently interpreted by different scholars. This article starts with two premises. Firstly, it agrees that there is a lack of democracy or a democratic deficit in the European Union; furthermore, it stresses that one of the most important aspects of this deficit is the still underdeveloped European public sphere (e,g. Habermas, 1994; Gerhards, 1993; Grimm, 1995). These presumptions lead to the following hypothesis: the rejection of the Constitutional Treaty in France and the Netherlands in 2005 is the result of an elitist and Schumpeterian model of democracy which is perpetuated by the new reform treaty.

Concerning the democratic deficit in the EU, this article argues in the first section that the Union's democracy is perceived by its citizens as Schumpeterian in nature and that this perception corresponds to a large extent to reality. That is to say, European integration is an elite dominated project and the competition on votes is of a second order and more a struggle over power than over positions. The European Union is a good platform for such a model, because it is complicated, technocratic and elitist. A look at campaigning at the European level then confirms and underlines these assumptions and shows, above all, that it is the lack of an open public sphere, which is characteristic for any Schumpeterian democracy and especially for the European Union. But what is so problematic about this lack? In democratic theory it is often argued and sometimes implied, that a democracy needs a public sphere to help realise a democratic ideal. The article agrees with this argument and stresses the importance of such a sphere for any democratic order. After a short outline of some recent definitions of a democratic public sphere on a European level, the article will attempt to enlarge the term through the concept of conflict.

Firstly however, it remains to be shown that the EU is perceived as a Schumpeterian model of democracy[1], that this perception actually holds true for different aspects and is not only based on subjective impressions of the perceivers.

The European Union Perceived as Schumpeterian Democracy

The European Union is largely perceived as a construction of elite, especially by the media and the citizens. Terms and formulations like 'democratic deficit', 'eurocracy' or 'the missing link to the citizens' have become common in recent years to describe this perception (e.g. Bruell/Mokre/Pausch, 2009). 'Brussels' today stands for much more than merely the Belgian capital. It has almost become a Kafkaesque metaphor for bureaucracy and opacity.[2] Indeed, in European research there is hardly any dissent on the fact that the EU is an elite dominated project (e.g. Scharpf, 1999; Riekmann, 1998) and even the politicians themselves admit that the integration must come closer to the citizens.[3] Knowing this, it seems surprising that in the scientific discourse on the democratic deficit with all its faces – from the decision-making process in the EU Council and the Parliament to the lack of a common European identity – the name Schumpeter is hardly ever heard.[4] This may have its reasons in the fact that his analysis of the 1930s and 1940s referred to nation states and that supranational political systems were not known at that time. Nevertheless, his theory seems to fit almost perfectly with many aspects of the European Union.

For Joseph Schumpeter, democracy is not a value, but only a decision-making method.

> *"Democracy is a political method, that is to say, a certain type of institutional arrangement for arriving at political - legislative and administrative - decisions and hence incapable of being an end in itself."*[5]

The people can never really reign. In big societies, this is according to Schumpeter neither possible nor desirable, since citizens were not competent on the political stage. The claim for a government by the people is therefore replaced by the claim for a government approved by the people.[6] He finally describes democracy as the rule of the politician, who gains decision making power in the free competition over votes.[7] The parliament's role is of minor importance in Schumpeter's analysis; it decides more by acceptance than by initiative. Moreover, he argues that political parties are less interested in the public welfare than in their own power.[8] Bureaucracy is a major player for Schumpeter. It has to function very well and must be strong enough to instruct the ministers if necessary.[9] The voter's function remains the mere choice of the politicians in elections. Citizens should not intervene during legislation periods. They can neither bring up the issues nor decide them; this is in many cases the task of experts.[10]

This short outline of Schumpeter's theory shows his pessimism as regards the citizens' abilities and towards democracy in general. He developed his work "Capitalism, Socialism and Democracy" in the 1930s and 40s, in a period of democratic failure, and was especially influenced by the German Weimar Republic and the First Austrian Republic, where he held for some months the position of Finance Minister. His approach, considered as a minimalist and elitist model remains, however, one of the keystones of democratic theory until today (e.g. Schmidt, 2000;

Arenhövel ,1998). Schumpeter succeeds to a large extent in creating a model free of normative assumptions. Nevertheless, in some formulations we can discern a certain cynicism, and he cannot fully exclude a number of conditions for what he calls a properly functioning democracy. His analysis is a trenchant and concise critique of democracy's weaknesses and is therefore still a relevant point of departure for anyone who deals with questions of democratic theory. Schumpeter could, of course, only write about the democratic nation states he knew at that time.

After the Second World War, Western democracies were oriented in a direction which was largely opposed to what Schumpeter had analysed before and which eradicated many of the weaknesses he had claimed. The so-called concept of civil society arose (e.g. Cohen/Arato ,1992), changed the nation states, brought about new political parties and citizens' movements and was celebrated by philosophers like Habermas as the rebirth of the critical public sphere (e.g. Habermas, 1994). 'Woodstock', Martin Luther King or the students' revolutions of 1968 are synonyms for this development. The Schumpeterian elite democracy, in which citizens had no other word than that of their vote in elections, in which they should not intervene during legislation periods and where they were considered as too infantile and stupid to participate (e.g. Schumpeter, 1950), seemed to be overcome. The public debate produced pressure. Media were emancipating themselves as the fourth power of the state (e.g. Thompson, 1990). But parallel to this 'golden age of democracy', a new political order evolved on the supranational level, which was tailor-made for elites.

If we now compare the Schumpeterian description of democracy with the realities of the European Union, we can note some points of correspondence. While – as mentioned – the democratic nation states created mechanisms of people's participation and elements of public pressure after the Second World War and thereby refuted a number of critiques of Schumpeter, on the European level right the opposite was the case. An elite-dominated and anti-participatory order evolved. The perception of the European Union by its citizens meets perfectly with the Schumpeterian model and can be summarized as follows:

The EU is an elitist political order:

> The European Union is undoubtedly perceived as elitist in the sense of being complicated, technocratic and intransparent. As different surveys of Eurobarometer (e.g. Eurobarometer 63, 2006) and studies of election campaigns (e.g. Schmitt/van der Eijk, 2005; Hix ,2005) or of debates on referenda show (e.g. Bruell/Mokre/Pausch 2009), this remains true until today.

The EU is the realm of the politician:

> Closely linked to its elitism, people perceive the Union as something guided by politicians and bureaucrats which is far away and unreachable for the ordinary citizens (e.g.ibid 2009).

Brussels bureaucracy is overarching and obscure:

> The bureaucracy of the Union, in particular, is often criticised. It is said to be obscure, inaccessible, and expensive. Decision making procedures are perceived as unintelligible and complicated (e.g. ibid. 2009).

Citizens cannot intervene or participate:

> Influencing the European Union through direct democratic processes of citizens' participation seemed to be impossible until the Lisbon Treaty. Even the European elections are considered as having little influence and as being rather unimportant (Hix/Lord 1997).

The elites are concentrated on their own power more than on the common good:

> Finally, in the citizens' view, the elites do not take into account the daily problems of the people but only their own power and position (e.g. Gaisbauer/Pausch 2009; e. g. Eurobarometer. 2005).

These perceptions closely correspond to what Schumpeter described. Of course perceptions do not always match reality; and it is undeniable that the EU cannot be fully grasped by the simplified and often stereotypical assumptions of Schumpeter. Nevertheless, in the above mentioned aspects, there is undeniable correspondence and accuracy between his analysis and the reality of the EU. It is a largely incontestable conviction of scholars that the integration process was and still is dominated and guided by elites. The rule of the politician is a reality in so far as the chains of democratic legitimacy are long and the executive is more powerful than the legislative.[11] Bureaucratic procedures are complicated, although not as powerful and overarching as often criticised (e.g. Riekmann, 1998). Finally, the possibilities of citizens' participation are effectively limited to the elections of a relatively weak parliament (e.g. Hix/Lord, 1997).

The European Union: Elitist Consensus and Second Order Elections

Campaigning groups usually concentrate on gaining or remaining at power and therefore tend to use populist or manipulative methods (e.g. Schumpeter, 1950; Duverger ,1965; Michels, 1911). This is the same in European elections as it is in national, regional or any other kind of elections. Many different studies on European elections prove the phenomenon of second order elections in the EU. One characteristic of second order elections is that the debates are dominated by first order issues which are in most cases national issues (e.g. Reif/Schmitt, 1980; Delwitt/Poirier, 2004; Mokre/Pausch, 2004; Hix, 1995). European studies have

shown this without referring to Schumpeter. What make the EU more Schumpeterian than its member states are, however, the already mentioned elite dominance and the voters' sense of having even less influence, and of having even less information and knowledge in respect to the European level than in respect to the domestic level.

From the First European Elections to the Convention

Over many decades, a broad public sphere did not exist in the European Union. Publicly held conflicts or debates of elites appeared only in election campaigns, which were of second order and rarely dealt with European issues. The European Union – from its beginnings an elite project, was perceived ever more elitist the stronger its powers became and the more national sovereignty was transferred to the supranational level. Despite all measures and efforts to democratize its decision making procedures and despite its general acceptance, the EU is considered an outstanding construction far away from citizens' problems. At hardly any moment in the history of European integration, there was a broad debate on European issues. All occasions of citizens' participation, that is to say, elections and referenda, did not create such broad debates, but were of second order, mainly reduced to struggles for power.

Until the end of the 1970s, the above mentioned deficit did not play a major role. The EU found its legitimacy in its output [12] its powers were limited to a certain number of policy fields and hardly anybody was talking about a democratic lack, although European parliamentarians already claimed more power. Furthermore, there were no mechanisms of democratic participation for the citizens at all and so there was no necessity for politicians to fight for voters' acceptance. From a democratic point of view, one has to say that the situation was much more deficient than it is today. With the first elections to the European Parliament in 1979, the public pressure for more participation became steadily stronger and at the same time the necessity to justify decisions and to fight for the favour of the people on the supranational level increased. The Schumpeterian analysis, that the competition for votes with all its aspects weakens the efficiency and the outcome of a political system, could be cynically quoted here, because Schumpeter was convinced that the democratic struggle was a disadvantage for the interests of the state, especially for external politics.[13] More democracy was associated with less efficiency.

Let us now come back to the hypothesis that European elections and referenda were until now limited to the second order conflicts and struggles for power between the European elites. Their strategic goal in elections is very often a better position in domestic struggles. So, conflicts carried out in the respective campaigns for European elections rarely dealt with European issues.[14] They were mostly on national party-political quarrels.[15] Apart from these election campaigns, elites seemed to be relatively united in a pro-European position. Actually existing conflicts are dealt

with behind closed doors in councils or intergovernmental conferences (IGC). An open and European-wide broadly discussed conflict has hardly ever taken place in the history of European integration. This also holds true for the greater part of the constitutional debate.[16] Thus, on European issues there either was conflict and debate behind closed doors or not at all. Furthermore, the model of 'good governance'[17] hindered the development of a broad public debate and reduced every possible conflict to expert struggles. All these procedures of deliberation and consensus impeded a European public sphere, because the spreading of responsibility made the decision making process even more confused, and the institutionalized debate with a certain number of privileged NGOs only created other elitist arenas and closed circles of experts.[18]

However, voters were deceived in a double sense. Firstly, they got no credible information on the real European questions. And, secondly, nobody wanted to be responsible for decisions taken on the EU level. If something went awry, those culpable were either mysterious bureaucrats in Brussels, politicians of other member states or the domestic political adversary. Taking this into consideration, it is not surprising that participation in European elections has already fallen under 50%.

To prevent a further failure of an IGC after the one of Nice 2000, the heads of governments decided in 2001 to install a convention with representatives from the member states, the national parliaments and the candidate countries as well as the EU institutions, which started their work in February 2002. Despite the explicit goal of transparency and broad debate, the convention was again dominated by elite consensus .[19] The fact that the big people's parties were composed mainly of older male representatives, as well as the unimportant role of the civil society, underlines this elitist orientation .[20] The sometimes authoritarian style of its president, Valéry Giscard d'Estaing made the convention method somewhat absurd and the aim of coming closer to the citizens was not achieved.[21] Shortly after the convention, the heads of governments and states took centre stage once again and constructed another elitist conflict, mainly on the number of votes in the Council, which deceived the citizens and did not leave any space for broad public debate. This thereby attained secondary compromise negotiated by the elites was thus expected to be ratified with a comfortable majority. The ratification was largely considered as a merely formal act. Up to that point, we could still identify a Schumpeterian model, which was neither changed by 'good governance' nor by the convention method.

Elite Consensus in the Constitutional Debate

After the IGC of October 2004, when the Constitutional Treaty was signed by the heads of governments and states, the ratification process began, and in some countries referenda were planned. The broad elite consensus was to be accepted and confirmed by the people. In most countries, with some exceptions like Great Britain

or Poland, a Yes in a referendum seemed rather sure, in spite of data which might be seen to give a bad image for the EU. The progresses in democracy, transparency and participation undoubtedly delivered by the Constitutional Treaty were supposed to be honoured by the people. Hardly anybody thought that they could decide against their own interests. Nevertheless, two founding states of European integration, France and the Netherlands, rejected the Constitution. The reason for this rejection is to be found yet again in the Schumpeterian attitude of the elites. The broad elitist consensus was concealed by a sham fight. In the words of the philosopher Slavoj Zizek, the elitist consensus did not allow a clear, symmetric decision. The elites offered a choice which wasn't a choice. The citizens were only to ratify the unavoidable, the result of 'enlightened' experts. They created the referendum as a "decision between knowledge and ignorance, between expertise and ideology, between post-political administration and the old political passion of the left and the right".[22]The citizens could not decide on the conditions of their choice. This means that over the whole constitutional process, they were largely excluded by the elites. The conflict was not a conflict with regard to the Constitution; it was much more a conflict between the elites and the people, and the people decided to punish the establishment for its undemocratic and deceiving strategies. [23] A look at the French debate during the referendum backs this assumption.

Elitist Consensus and Conflict in France

During the convention and a long time afterwards, the Constitution was not the dominating issue in the French debate, as media analysis shows.[24] There were other problems which seemed to be more important. Moreover, hardly anybody doubted that the ratification would easily pass by a big majority in France. The most parties were united in a pro-European mood and the debate after convention and IGC was quite consensual. UDF, UMP, PS and Greens were convinced that the Constitution was a good solution or at least better than anything before and much better than the Treaty of Nice. When French President Jacques Chirac decided to hold a referendum, he was rather confident of strengthening his position in domestic politics by a clear acceptance, but the closer the date came, the more opponents appeared on the political stage. All those, who were hardly visible during the whole Constitutional process, the convention and the IGC, suddenly took centre stage. Issues which had no direct relation to the Constitution appeared: the possible entry of Turkey, the Bolkestein-initiative, the crisis of the welfare-state, as the Constitution became the scapegoat for every negative development. This elitist opposition to the Constitutional Treaty tried to open a broad public debate at a time when the document was already signed by the governing elites, thus at a moment when changes in the text were hardly possible. The governing elites were themselves surprised by the sudden opposition and tried to avoid the public discussion (e.g. Gaisbauer/Pausch, 2009).

The dominating argument in the French debate against the Constitution was its putative social deficiencies. It was accused of being 'unsocial', 'neoliberal', 'capitalistic', 'ultraliberal', 'blairiste' and 'right-wing'.[25] The opponents could, however, not underline or empirically prove these statements by articles or text passages of the Constitutional Treaty. Nevertheless, they argued that a No would lead to a more social document. To back their argument, they referred to other voices from Europe with a similar approach, like the new German party WASG with the prominent figures Oscar Lafontaine and Gregor Gysi. Something similar happened in the framework of the question of the entry of Turkey. This argument came mainly from the right wing and the extreme right: By voting Yes, you open the borders for the entry of Turkey .[26] During the debate, many experts and supporters tried to clarify that this argument was mainly a populist and xenophobic strategy having nothing to do with the Constitutional Treaty. Nevertheless, it traversed national borders and became a largely discussed issue. The supporters of the Constitutional Treaty, however, did not really succeed in finding counter arguments. The then French Prime Minister Jean-Pierre Raffarin stated for example that the constitution would make the European Union more French and not France more European.[27] Furthermore, the opponents were qualified as 'ignorant', 'anti-European', 'populist', 'egoist' and so on.[28] Supporters from other countries were quoted and invited to convince the French during the campaign that a Yes was the only way to continue the integration project and that a rejection would be its end or at least mean a big crisis. The Constitution itself, however, was hardly ever the focus of the arguments.

In respect to the emergence of a democratic European public sphere, the analysis of the debate in France shows an ambivalent picture. The debate was obviously on European issues and even transnational speakers intervened from time to time. Europeanization and transnationalisation were fulfilled. But still the debate was dominated by the elitist fight for political power. One could therefore conclude that the No in France was a punishment of European elites by the citizens for excluding them from the real European debates. It was not the result of a lack of consensus between elites, but rather of a lack of conflict in the debate about European integration, over many years. Zizek compares the process with the Amish tradition of releasing their 17 year old members after a whole life in discipline into the freedom of American society. After having known the dangers of this freedom – drugs, sex, alcohol, and crime – they voluntarily go back into their Amish society. Nevertheless, their choice was of a second order, because they could not influence the conditions of this choice. The absence of a real alternative to the elitist constitution and the elitist produced election shows for Zizek the inability of the politicians to articulate the citizens' problems and to translate them into a political vision.[29]

On the other hand, the French debate also shows that in principle a conflict and struggle on positions in a European public sphere is possible in spite of different languages and cultures. It shows that there are deep disagreements on how the Union should develop: disagreements on its social dimension, on further enlargement, on its identity, its cultural and religious orientation, but especially disagreement on its

elitism. So, we learn from the French debate that the potential for a broad European public sphere exists. But still all these issues were discussed only some weeks before the referendum took place and they were exploited by the elites to strengthen their own positions. It would be a further step on the way to what we call a European public sphere, if the mentioned conflicts and debates would continue into the future and not only come up in election periods. Hence, as already argued above, a public sphere is not about public consensus or even collective acclamation, nor about elitist competition, but about struggle and conflict in a broad public sphere.

The Lisbon Treaty and Its Aftermath

Out of the perspective of a European public sphere, the Lisbon Treaty has to be evaluated in an ambivalent manner. On the one hand, more than 90 percent of the conventional draft went into the Lisbon Treaty, which can be seen as a success in comparison to the traditional intergovernmental and opaque reform processes of former years. Also, the strengthening of the European Parliament in respect to the Council and the Commission as well as the introduction of a petition as direct democratic instrument are positive reform steps out of a democratic perspective. On the other hand, the Lisbon Treaty does not really change the European Union's elitist style. Governments had the last word on the final version of the Treaty and changed some important passages of the conventional draft. The European Parliament still decides by acceptance more than by initiative, the public does still not have many possibilities to intervene during legislation periods, the voting system for the EP is still dominated by national political parties, media maintain their national focuses on European issues. Two new positions were created in the institutional setting of the EU, the Council President and the High Representative for Foreign Affairs which are both not elected or legitimated by the public, but chosen by the heads of governments of the Member States. Europeanized and transnational conflicts are still not negotiated in a broad European public sphere as the discussions after the economic crisis has shown. Again, heads of states and governments, especially those of France and Germany, set the agenda and decide whether there should or should not be a common economic policy or even a European economic government, a protection area for the Euro currency and so on. In other policy fields like migration and integration, social protection and welfare, the European decision processes remain very elitist as well.

Europeanization and Transnationalisation

As shown above, the European Union is in many aspects a Schumpeterian democracy and therefore includes all the weaknesses which are immanent to this model. This

means, above all, that it is elitist and that there is no European public sphere. At this point I agree with many other scholars who claim the lack of such a sphere (e.g. Gerhards, 1993; Kielmansegg, 1996; Grimm, 1995). In many studies, projects and articles of recent years, this phenomenon was theorized, deplored and variously defined. For Jürgen Habermas, one of the most important figures in this research field, a European public sphere means a critical public sphere, in which all European citizens can participate in the debate and where they are at the same time authors and subjects of the law.[30] For Gerhards, the decisive indicator is the Europeanization of national public debates (e.g. Gerhards, 1993). Eder/Kantner put the focus on transnationality, meaning the same criteria of relevance at the same time in different national public spheres (e.g. Eder/Kantner, 2000). All these definitions have their strengths and point out important aspects. But, one point still seems to be neglected, namely the broad conflict as a public debate on different positions.

The model of a so called pan-European public sphere with a European media system and European newspapers has been given up by most scholars. The lack of one language, one media tradition and one collective community of communication seems to hinder such a pan-European public sphere. While some of these arguments against this model could be contradicted by the examples of other multi-lingual states and public spheres, it remains however true that empirically such a sphere has not developed until today. Most scholars in the field therefore concentrate more on the Europeanization of national public spheres as an alternative model to a pan-European one. Gerhards understands such Europeanization as an increase of European topics and a European rather than national perspective [31] while others put the focus on other aspects like the simultaneous appearance of issues in different states (e.g. Tobler, 2002). Gerhards is, however, pessimistic about the development of Europeanized public spheres. In a long-term study on Germany he finds that there is no noticeable increase of European topics in German newspapers. Nevertheless, this pessimism seems to be unjustified. Obviously there are articles on European topics; however, neither their quantitative increase nor a so-called European perspective can really indicate the existence of a European public sphere. I shall have to come back to this point of critique.

A more specified definition with a focus on qualitative aspects has been given by Eder/Kantner, who state that a European public sphere is identifiable when,

> *"in an anonymous mass-public* the same topics are communicated at the same time, using the similar criteria of relevance".[32]

There are, however, a number of open questions which arise with this definition. Firstly, what does the same time mean? Does it mean the same day, the same week or the same month? And what can be understood by "same criteria of relevance"? As Kantner explains, she does not think of one collective perspective or consensus.

> *"By same 'criteria of relevance,' I do not mean a 'European' perspective based on a European identity, but common interpretations of the problem concerning an issue which include controversial opinions on the particular question".*[33]

This definition still remains vague. How can we measure whether a topic is qualified by the same criteria of relevance in Finland and Portugal? And why is this decisive for a public sphere? Risse is not yet satisfied with this definition of "same criteria of relevance". In his view,

> "*we can speak of a European public sphere if and when people speak about the same issues at the same time using the same criteria of relevance and are mutually aware of each other's viewpoints*".[34]

He consequently suggests the following definition of an ideal European public sphere:

> *"An ideal typical European public sphere would then emerge*
>
> *1. If and when the same (European) themes are openly debated at the same time at similar levels of attention across national public spheres and media;*
>
> *2. If and when similar frames of reference, meaning structures, and patterns of interpretation are used across national public spheres and media;*
>
> *3. If and when a transnational community of communication emerges in which speakers and listeners recognize each other as legitimate participants in a common discourse that frames the particular issues as common European problems."* [35]

After a study of the debate on the government participation of the Austrian extreme right Jörg Haider, which Risse analysed together with van de Steeg, his conclusions are more optimistic than those of Gerhards. Another study of November 2002 also shows a kind of European debate following the statement of the convention's president Giscard d'Estaing on the entry of Turkey.[36] In an interview with *Le Monde* he said, that such an entry would be the end of the EU. In the following days, almost all European media quoted this statement. Commentaries and reports followed. A European debate was obvious. [37] Risse and van de Steeg also clearly observed a community of communication in their research.[38] In his definition, Risse mentions one crucial point in his third condition, to which I will come back later.

Europeanization as defined in the above mentioned studies and theories can undoubtedly appear in the Schumpeterian model. In the case of Europeanization,

nothing is said about the elites, the role of the citizens, and the dimension of conflict. Even in the French debate on the Constitution, Europeanization was largely fulfilled. A real conflict on the Constitution, however, was not identifiable because it was eclipsed by sham fights. We can absolutely remark a certain Europeanization. The number of articles during the campaign increased and it must be admitted that the Constitution became the dominant issue. This meets with Gerhards' definition. The results even suggest that the same issues were debated with the same criteria of relevance in different public spheres, as Eder/Kantner claims. Nevertheless, the expectation of what a European public sphere could bring still seems to remain unfulfilled. Do we have to refer to Schumpeter and believe what he thought about the citizens, namely that they are just too incompetent to know about their own interests, and that they fall back to a deeper level of rationality when entering the political discussion? I suggest that the quality of the debate is not the decisive aspect. Instead, we have to extend the model of a European public sphere by the claim for broad conflict which is not limited to the elites. We have to ask what we really want, what we attend of a European public sphere and which functions it should fulfil (e.g. Bärenreuter, 2005).

The European Public Sphere: Europeanization, Transnationalisation and Conflict

As mentioned above, questioning the function and the sense of a European public sphere is essential. Some scholars consider identity building as its main function (e.g. Risse, 2003). Others focus more on legitimacy (e.g. Banchoff/Smith, 1999). Without denying the importance of both, identity and legitimacy, I would go further and claim that without a public sphere one cannot talk of a democracy; or, in other words, the Schumpeterian elitist model of democracy is not satisfactory and must therefore be enlarged by the dimension of a public sphere.

Europeanization and transnationalization need to be clearly separated from each other. Both remain important and undeniable aspects and make the phenomenon empirically measurable. Therefore, both terms should mainly be considered as empirical indicators. Nevertheless, a third dimension must be added, namely a public debate in a broad sense which is not limited to elites. In the philosophers' struggle between Habermas' deliberative and Mouffe's radical democracy, this article agrees with the latter that conflict in a democracy is a more important dimension than those of consensus and deliberation. But while Mouffe considers radical democracy an anti-essentialist aspect,[39] one could argue that it is indeed a normative dimension which cannot be reached without a procedural consensus in the Habermasian sense.[40] From all definitions of a European public sphere mentioned so far, the one of Thomas Risse comes closest to the point of conflict, by stating that the issues must be "controversially debated".[41] The focus of his definition is, however, not on

conflict, which seems to remain a minor point. Therefore, my main argument is that it is precisely the notion of conflict which is to be highlighted in the research field.

Consequently, a European public sphere fulfilling its function of democratization consists of a debate including the following three dimensions:

- Europeanization
- Transnationalization
- Conflict

Let me concretize this definition: Europeanization is considered as the simple debate of European issues, independent of where it takes place and what the arguments are. This is to say that Europeanization can already be noted in any article on a European topic, no matter whether it be in a supranational, national, regional or local medium. I agree with Gerhards that the more articles on European issues are publicised, the more we can talk of a Europeanized debate. But, I do not agree that a European perspective is necessary. Euroscepticism, anti-Europeanism and similar aspects certainly do not hinder Europeanization, but are, on the contrary, part of it.

Transnationalization is then the participation of speakers of other countries. They can be cited, interviewed, criticised, acclaimed or mentioned in any way. Contrary to Eder/Kantner, I do not think that the moment or the period in which an issue is debated in different national public spheres must necessarily be the same. One can suppose that there is a certain path dependency and if a person is cited in one arena this will normally cause reference in others. I would also neglect the same criteria of relevance. It might be, for example, that a debate on fishery policy in the Mediterranean takes place and it seems logically that a country like Austria or the Czech Republic does not debate the issue with the same criteria of relevance as Italy or Spain. Nevertheless, speakers of all these countries can intervene and media can report the issue. That's why, this article proposes the mere quantitative measuring of speakers and their origin to measure transnationalization. Bärenreuter, however, is sceptical on the necessity of transnationalization for a Europeanized public sphere and considers this aspect of minor importance:

> *"All that is necessary is that various transnationally shared wishes and preferences are communicated to the political system".*[42]

I agree that this communication between public sphere and system is essential. But this is also the case in any other international organisation. Since one of the problems is exactly this national limitation of public debates, the transnational exchange of

positions is important in order to create a kind of public pressure which is not limited to nation states, but which traverses frontiers and thereby leads to a European public sphere.

Consequently, the two dimensions of Europeanization and transnationalization – easily measurable by the analysis of media and quantitative research – remain two important aspects. But they are not enough. The decisive moment for a European public sphere is the aspect of broadly debated conflicts. In a complex democratic society, it is undeniable that conflicts exist. Hiding them behind an elite consensus or constructed debates during election campaigns can only work during a certain period of time. Chantal Mouffe has argued that, due to the multiple subject positions which exist in today's societies, only the open struggle on these positions and an agonistic pluralism allow a democratic order. Conflict, however, does not mean antagonism in the sense of Carl Schmitt or even physical conflict.

> *"Envisaged from the point of view of 'agonistic pluralism', the aim of democratic politics is to construct the 'them' in such a way that it is no longer perceived as an enemy to be destroyed, but as an 'adversary', that is, somebody whose values we combat but whose right to defend those values we do not put into question*" .[43]

While Mouffe considers such a struggle mainly in terms of identity building, I argue that it is ultimately the only way of stabilizing a democratic order, in which conflicts undeniably exist due to different and multiple subject positions. With Jonathan Dean, one could argue that this Mouffean quotation could be interpreted as a Habermasian argument for a procedural consensus.[44]

It is thus the notion of broad conflict and an agonistic pluralism which makes the third dimension of a European public sphere. Conflict can be defined as struggle on positions in contrast to sham fights and Schumpeterian struggles over power. The above mentioned examples of the French constitutional debate show that such a struggle is also possible at the supranational European level. It is to regret that these conflicts broke out only during the campaign to the referendum in France and not already during the convention-period. But even more problematic is the fact that the political elite once again ignored the voice of the people by creating a new treaty that covers the conflicts and perpetuates the elitist consensus. On the other hand, the new treaty of Lisbon offers the chance for more public debates by introducing a direct democratic instrument, the European petition which will come into force during the year 2011. It is, however, only a small step into the direction of a democratic European public sphere.

Conclusion

As this article tried to show, the European Union corresponds, to a large extent, to a Schumpeterian model of democracy. In other words, the role of the citizens was and still is very limited. The new reform treaty, its emergence and its ratification showed that the elitist model of democracy is perpetuated in many respects. At the same time, the acceptance of that treaty among European citizens remained relatively weak and the decision making procedures in the EU remain largely elitist. Therefore, the call for a European public sphere remains relevant. Theories and research in this field, however, usually concentrate on aspects of Europeanization or transnationalisation of national public debates. This focus has its merits but it neglects the notion of conflict in such a sphere. Therefore, stressing the necessity of political struggle and conflict is an important tool for a future European public sphere.

NOTES

[1] This perception, however, is rarely associated with the name Schumpeter, but nevertheless corresponds to his theory.
[2] This is aggravated by the very common attitude of national politicians to accuse "Brussels" for unpopular measures and to justify domestic reforms by referring to the pressure from EU-institutions.
[3] European Commission, *Weißbuch: Europäisches Regieren*. KOM (2001), 428.
[4] Bob Jessop has shown in recent years that Western democracies develop from Keynesian welfare states to Schumpeterian models, but the focus of his research lies on the economic dimension of the latter's work and not on the democratic one (Jessop 1993).
[5] Joseph A. Schumpeter, *Kapitalismus, Sozialismus, Demokratie*. (Bern: Francke, 1950), 385.
[6] Joseph A. Schumpeter,390.
[7] The free competition over votes is the most important indicator for Schumpeter. This free competition exists in the framework of the EU, but it is focused on national election processes and long chains of legitimation (e.g. Scharpf).
[8] Joseph A. Schumpeter,445.
[9] Joseph A. Schumpeter, 467.
[10] Joseph A. Schumpeter,464.
[11] Richard Bellamy and Dario Castiglione, "The Uses of Democracy: Reflections on the European Democratic Deficit", in: *Democracy in the European Union, Integration through Deliberation?* edited by Erik O. Eriksen and John E. Fossum, (London/New York: Routledge, 2000, 65 – 85.
[12] Giandomenico Majone. "The Constitution, Delegation and Fiduciary Duties: On the Foundations of EU-Governance", in: (eds.), *Europa Res Publica. Europäischer Konvent und Verfassungsgebung als Annäherung an eine Europäische Republik?* Edited by Christian Dirninger, Günter Herzig and Sonja Puntscher Riekmann, (Wien: Böhlau, 2006), 91 – 117.
13 Schumpeter ,456
[14] Simon Hix and Andreas Follesdal, "Why There is a Democratic Deficit in the EU. A Response to Majone and Moravcsik". *European Governance Papers*, C-05-02, (2005),19
[15] Monika Mokre and Markus Pausch, "Les Élections Européennes en Autriche et en Allemagne", *in*:. *Parlement Puissant, Électeurs Absents? Les Élections Européennes de Juin 2004***,** edited by Pascal Delwit and Philippe Poirier, (Bruxelles: Editions de l'Université de Bruxelles, 2005), 65
[16] Markus Pausch, *Auf dem Weg zu einer Europäischen Öffentlichkeit? Perspektiven einer Demokratisierung der Europäischen Union*. Ph.D. Dissertation,(Salzburg, 2003), 212
[17] European Commission, *Weißbuch: Europäisches Regieren*. KOM (2001) 428.
[18] Markus Pausch 176
[19] Peter Norman, "The Accidential Constitution, The Story of the European Convention", (Brussels: EuroComment, 2004), 274
[20] Peter Norman, 17
[21] Peter Norman, 224
[22] Slavoj Zizek, 2005, *Ein Nein der Hoffnung. Die Wahl, die Keine War*. Die Zeit, July 09th 2005.
[23] Slavoj Zizek.
[24] While Le Monde published a respectable number of articles on the issue during the convention period, Le Parisien largely ignored it until the start of the election campaign. There was, however, a remarkable increase in the number of articles in both newspapers when the campaign started.
[25] Monika Mokre et al., "The Referenda on the European Constitution: A Crucial Moment for the Development of a European Public Sphere?" *Vienna: EIF Working Paper*, (2006).
[26] Monika Mokre et al,121.
[27] Monika Mokre et al, 130.
[28] Monika Mokre et al, 132.
[29] Slavoj Zizek.
[30] Jürgen Habermas, *Faktizität und Geltung. Beiträge zur Diskurstheorie des Rechts und des demokratischen Rechtsstaats*. (Frankfurt am Main: Suhrkamp, 1994),189.
[31] Jürgen Gerhards, J., "Europäisierung von Ökonomie und Politik und die Trägheit der Entstehung einer Europäischen Öffentlichkeit", *Kölner Zeitschrift für Soziologie und Sozialpsychologie*, 40 (2000): 294.
[32] Klaus Eder and Cathleen Kantner, "Transnationale Resonanzstrukturen in Europa. Eine Kritik der Rede vom Öffentlichkeitsdefizit", *Kölner Zeitschrift für Soziologie und Sozialpsychologie* 40 (2000): 315
[33] Thomas Risse, *"*An Emerging European Public Sphere? Theoretical Clarifications and Empirical Indicators". (paper presented to the Annual Meeting of the European Union Studies Association (EUSA), Nashville TN, 2003)
[34] Thomas Risse,11.
[35] Thomas Risse,14.
[36] Markus Pausch, 162.
[37] Markus Pausch, 162.
[38] Marianne Van de Steeg et al., "The EU as a Political Community, A Media-Analysis of the Haider-Debate in the European Union", (EUSA Biannual International Conference, Nashville, 2003).
[39] Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy, Towards a Radical Democratic Politics.* Second Edition, (London/New York, 2001).
[40] Jonathan Dean, "Radical democracy Between Theory and Engagement"*, Essex Conference Paper*, (2005), 22
[41] Thomas Risse, 14
[42] Christoph Bärenreuter, *Researching the European Public Sphere and Its Political Functions,*

A Proposal. (Vienna: IWM-Paper, 2005):11

[43] Chantal Mouffe, *The Democratic Paradox*. (London: Verso, 2000):101

[44] Jonathan Dean, 22.

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