

## Table of Contents

<b>List of Abbreviations</b>	13
<b>Introduction</b>	15
<b>Part I - Dimensions</b>	21
<b>1. Scope (x-axis - what)</b>	23
Introduction	23
1.1. Individualism (liberty) or collectivism (equality)	25
1.1.1. Collectivism (equality)	25
1.1.2. Individualism (liberty)	27
1.1.3. Justice (liberty and equality)	33
1.2. Intervention or retrenchment	38
1.2.1. Retrenchment	39
1.2.2. Intervention	42
Conclusion	50
<b>2. Participative or representative (y-axis - who)</b>	52
Introduction	52
2.1. Classical participatory democracy	53
2.2. Representative democracy	55
2.2.1. Institutional representation (bound or unbound)	56
2.2.2. Interest group representation	60
2.2.2.1. Lobbying	60
2.2.2.2. Liberal corporatism and consociationalism	63
2.3. Critique of polyarchy: <i>fin du circle?</i>	64
2.3.1. Majoritarianism	65
2.3.2. Associative and deliberative democracy	66
2.3.3. Modern participatory democracy	69
2.3.4. Direct democracy	71
Conclusion	75

<b>3. Decision-making process and mode (z-axis - how)</b>	77
Introduction	77
3.1. Decision-making process	78
3.1.1. <i>Homo politicus (citoyens) and homo oeconomicus (bourgeois)</i>	78
3.1.2. The liberal individualistic approach	81
3.1.3. The deliberative collective approach	84
3.2. Decision-making mode	87
3.2.1. Majority rule	87
3.2.1.1. Relative majority rule – minority rule	88
3.2.1.2. Intensities	90
3.2.1.3. Logrolling	92
3.2.2. Consensual rule	93
3.2.2.1. Consociational democracy	94
3.2.2.2. Deliberative democracy	96
Conclusion	98
<b>Part II - Frames</b>	101
<b>4. The polity - more than a confederation, less than a federal state</b>	103
Introduction	103
4.1. Unity in diversity (federalism in theory)	104
4.1.1. The origin of the federal idea	104
4.1.2. Federalism and democracy	106
4.2. Self-rule and shared-rule (federalism in practice)	107
4.2.1. Federal polity/federal political systems	107
4.2.2. Confederation ( <i>Staatenbund</i> )	109
4.2.3. Federal state ( <i>Bundesstaat</i> )	112
4.2.4. Federation ( <i>Bund</i> )	115
4.3. The EU: More than a confederation, less than a federal state	117
4.3.1. Federalism in theory	117
4.3.2. Federalism in practice	121
Conclusion	128
<b>5. The basic legal document - between a treaty and a constitution</b>	130
Introduction	130
5.1. Treaty (subjects, making, revision, termination, arbitration)	131
5.2. Constitution	134

5.2.1. Constituting a constitution	134
5.2.1.1. Republican <i>pouvoir constituant</i>	135
5.2.1.2. Liberal <i>pouvoir constituant</i>	136
5.2.2. Constitutionalism	137
5.2.2.1. Republican (political) constitutionalism	137
5.2.2.2. Liberal (legal) constitutionalism	139
5.2.3. Constitution	141
5.2.3.1. Liberal and republican constitutions	141
5.2.3.2. A dual concept of constitutionalism	144
5.2.4. Constitutional review	146
5.3. Constitutional Treaty	150
5.4. A legal document for the EU	152
5.4.1. Constitutionalisation of the EC Treaties	152
5.4.2. A European <i>pouvoir constituant</i>	155
5.4.3. Judicial review	158
5.4.4. What kind of Constitutional Treaty?	160
Conclusion	164
<b>6. The social basis - between <i>demos</i> and <i>demoi</i></b>	<b>166</b>
Introduction	166
6.1. <i>Volk</i> - <i>Nation</i> - People	167
6.1.1. French <i>nation</i> , German <i>Volk</i>	167
6.1.1.1. French <i>nation</i>	167
6.1.1.2. German <i>Volk</i>	169
6.1.1.3. The French <i>nation</i> and the German <i>Volk</i> as <i>demos</i>	173
6.1.2. A pluralist concept of <i>demos</i>	177
6.1.2.1. American constitutional patriotism	178
6.1.2.2. Swiss citizenship	179
6.2. A European <i>demos</i> ?	181
6.2.1. A homogeneous concept of a European <i>demos</i>	181
6.2.2. A plural concept of a European <i>demos</i>	185
Conclusion	190
<b>Part III - The European Union</b>	<b>193</b>
<b>7. The scope of EU politics (x-axis - what)</b>	<b>195</b>
Introduction	195
7.1. Economic theory and European integration: between neo-liberals and socialists; sovereignists and federalists	196
7.1.1. The sovereignist/intergovernmentalist approach	197
7.1.2. The Federalist approach	200

7.2. Retrenchment vs. intervention	202
7.2.1. Redistributive policies	202
7.2.1.1. Common Agricultural Policy (CAP)	202
7.2.1.2. Cohesion policy	204
7.2.2. A European welfare regime	205
7.2.2.1. Harmonisation of social policies	205
7.2.2.2. Harmonisation of taxes and wages	209
7.2.3. Difficulties with establishing a European welfare regime	211
7.2.3.1. Externalities	211
7.2.3.2. A question of legitimacy	213
7.2.4. The European liberal economic rescue of the welfare state	215
7.2.4.1. Welfare regimes remain national states	215
7.2.4.2. A reform of redistribution policies	219
Conclusion	221

## **8. Representation and participation in EU policy-making (y-axis - who)** 222

Introduction	222
8.1. Institutional representation	223
8.1.1. Participation/representation on the European and the national levels	223
8.1.1.1. The European Parliament	223
8.1.1.2. The (European) Council	227
8.1.1.3. The Commission	230
8.1.1.4. Balance of powers	231
8.1.2. Representation/Participation on regional level	235
8.2. Interest group representation	238
8.2.1. Corporatism	239
8.2.2. Lobbying	241
8.3. Direct democracy	243
Conclusion	246

## **9. Decision-making in the EU (z-axis - how)** 247

Introduction	247
9.1. The diagnosis: the joint-decision trap	248
9.1.1. From neo-functionalism ...	248
9.1.2. ... to intergovernmentalism	249
9.2. The cure (I): Deliberation instead of bargaining	251
9.2.1. Liberal intergovernmentalism	251
9.2.2. Supranational deliberalism	255
9.2.2.1. Low politics: Comitology	255

9.2.2.2. High politics: Convention	258
9.3. The cure (II): Majority rule instead of consensus (unanimity)	262
9.3.1. Majority rule	262
9.3.2. Non-majority rule	265
9.3.3. Efficient decision-making	267
Conclusion	269
<b>Conclusions</b>	271
<b>Reference List</b>	276