

ADV

A DIFFERENT VIEW

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Editors:
Felipe Nunes
Thomas Bobinger
Tobias Franke



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Editorial

Welcome to Issue 26 of A Different View

Felipe Nunes
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The 26th issue of ADV will discuss social inequalities and the democratic deficit. For a long time, democracy was the great goal of many countries around the world. Especially in most parts of Latin America, Asia, Africa and Eastern Europe, where authoritarian regimes were installed, the pursuit of a system in which the people is sovereign creates challenges to those that have believed in a better future for their countries. Today, the world is confronted with challenges: How to reduce the level of inequality? And how can people participate in the society they live in? Furthermore, what are the implications of high inequalities upon democracy?

Those inequalities could be classified by two groups: the income inequality and the information inequality. The first one could be reduced by politics distancing itself from the elites and spread to the lower level of the social pyramid. Some important efforts are being made. For example, in Brazil, Lula's government created a program to reduce famine. The so-called "Bolsa Família", contributed to a decline in social inequality by 17% in four years. This example is reproduced in Mexico, Argentina, and some other

countries. And the effects are promising!

The second problem, however, demands more effort, because information inequality is caused by difference in opportunities. In such a case, the limited access to newspapers, schools, libraries and museums contribute to this problem. Moreover, a culture in which discussion flourishes and in which disagreement is possible, is crucial to develop a culture in which contesting views are cultivated and used to advance society.

This issue starts off by an appeal for more rights for the "forgotten minority" of our century. While religious, ethnic and cultural groups have gained more and more autonomy and freedom, the sexual minority, the lesbian, gay, transgender and bisexual community has been largely neglected by the proliferation of human and minority rights. Hunted and put to death in many countries, the gay movement has not benefitted from the principle of self-determination so abundant in our international system.

Turning to the economic crisis, our regular contributor Sven Brendel uses a

a Keynesian approach to economy in order to approach the issue of social inequalities. Focusing on President Obama's stimulus package he criticizes US conservatism and Reaganomics. Next in line is Antonieta Alcorta de Bronstein who analyses the effects of the Venezuelan referendum on the constitutional amendment, giving Hugo Chavez the chance to stay in power indefinitely. Dinu Munteanu attempts to put forth alternative views on understanding the contemporary dialectics of 'culture' and 'conflict', while also inserting these notions into a broader geo-political context. Thomas Bobinger, in a similar vein looks at cultural fault lines emerging after the McDonaldization of the Coca Cola Colony and the growing "vulturism" displayed by global entertainment companies. Furthermore, Carolin Echt looks at the Ottawa Process, banning anti-personal landmines, as a new approach to diplomacy in the 21st century.

Our last three articles deal with the democratic deficit in the EU. Lisa Manke gives us an overview of the topic and discusses the different lines of reasoning and standards along which the EU is analysed. She comes to the conclusion that the EU suffers from a credibility crisis much more than from a democratic deficit. Opposed to that Ozgur Erkan underlines that the EU still suffers from a democratic deficit although the European Parliament's powers have increased throughout the years. He puts a special emphasis on input legitimacy. Focussing on output legitimacy, Bennet Strang argues that there is no democratic deficit. In his view, one needs to revise the criteria on the basis of which we assess the EU.

Enjoy the literature and, hopefully, it will lead to fruitful discussions.

Belo Horizonte, February 28th, 2009

Opinion Articles

A Voice against the Misuse of Sodomy Laws: An Appeal for Gay Rights and Sexual Self-Determination

Thomas Bobinger, LL.M
(Free University of Amsterdam)
t.bobinger@gmail.com

- This contribution was written under the impression of newspaper articles stating that on 18 October a 33 year old German homosexual was beaten up publicly in a tram in Berlin by three strangers who were seeking a random victim.

- This contribution is written under the impression of having lived for six months in New Delhi, India, where homosexual acts are still forbidden by Section 377 of the Indian Penal Code, which provides a punishment up to life imprisonment for indulging in gay sex.

- This contribution is following the announcement by the Amsterdam Tourist Board that for the first time has issued a warning to gay visitors to be careful in the city. In the first country to legalize homosexual marriage, gays are increasingly fearful of holding hands in public areas. Some have been chased out of their houses and middle-class gays are moving to rural areas for safety.

- Finally, this contribution is written under the impression of the 60th anniversary of the Universal Declaration of Human Rights signed in Paris on 10 December 1948. The signing of the

Declaration came with the conviction that all human beings have fundamental rights and freedoms.

Yet, 60 years later, reports are increasing that homosexuals in Amsterdam are attacked and beaten. Amsterdam, the so-called gay capital of Europe has become a site where gay people cannot move freely in the very streets that are known around the world as "gay sites" and are advertised by tourist guides as the centers of gay life in that city.

Apart from these "incidents" as the police calls these brutal acts, which leaves ordinary gay or lesbian people scarred for life, it is especially such repressive regimes like the one that India erected under Section 377 of its penal code that disengages a vast group of human beings from society and cuts them off from the social sphere, from friends and family which are vital to the development of human beings.

Section 377 of the Indian Penal Code, which is a relic of British colonial time states:

"Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment

of either description for term which may extend to ten years, and shall also be liable to fine.”

Similar provisions are found in many countries around the world, which are neither known for their democratic record, nor for their respect for human rights, nor for their economic development nor for their integration in the world community:

Afghanistan: 15 years imprisonment, Qatar: 5 years, Malaysia: 20 years, Maldives: 10 years, Bahrain: 10 years, Brunei: 10 years, Myanmar: life imprisonment, Pakistan: life imprisonment Bangladesh: life imprisonment, Iran: death penalty, Yemen: death penalty, Saudi-Arabia: death penalty.

Those provisions subject male and female homosexuals, bisexuals, transsexuals, as well as transgenders (The so-called LGTB community) to repressive, cruel and disparaging treatment that destroys their sense of self esteem, and inflict grave physical and psychological harm. Sodomy laws, as such laws are called, inhibit the personal growth of these persons and prevents them from attaining fulfillment in personal, professional, economic and other spheres of life. Prohibiting and punishing non-mainstream sexual orientation degrades such individuals into sub-human, second-class citizens, vulnerable to continuous exploitation and harassment. Punishment provisions in the penal codes of those countries enlisted above are operated to brutalize a vulnerable, minority segment of citizens for no fault of theirs. A segment of society is criminalized to a point where individuals are forced to deny the core of their identity and vital dimensions of their personality.

It has also been well-documented by studies on the impact of Sodomy laws on LGBT persons that condemnation expressed through law shapes an individual's identity and self-esteem and that such laws serve to embed illegality within the identity of homosexuals.

Sodomy laws affect the core of a person's identity, the way he or she experiences life and the extent to which such a person can and WANTS to participate in his or her environment. It thus limits the freedoms that every human being should be able to enjoy, the freedom to express one's opinion without fear of repercussions, the freedom to take up employment, and the freedom to pursue one's goals in life. But sodomy laws go even further: They influence an individual's life not only by legitimizing open discrimination and by legitimizing exclusion from certain spheres of

life, but those laws already influence an individual when he or she makes up his or her mind on what he or she can achieve in life. Already knowing that certain jobs or a certain position in life will be unattainable because of the overt discrimination through sodomy laws shapes an individual's willingness and hopes to pursue those goals.

Furthermore, sodomy laws are a direct violation of the identity, dignity, and freedom of the individual and it fosters widespread violence, including rape and torture of LGBT persons, at the hands of the police and society. Sodomy laws such as Section 377 allow for the legal and extra-legal harassment, blackmail, extortion and discrimination against LGBT persons. And indeed, who would dare to go to the police if he has to fear to be pursued for “unnatural conduct”. The harm inflicted sodomy laws radiates out and affects the very identity of LGBT persons. Sexuality is a central aspect of human personality, and in a climate of fear created by sodomy laws it becomes impossible to own and express one's sexuality, thereby silencing a core part of one's identity. It directly affects the sense of dignity, psychological well-being and self-esteem of LGBT persons.

The right to dignity is violated by sodomy laws. Drawing from the South African Constitutional Court decision in the NCGLE case: "Gay men are at risk of arrest, prosecution, and conviction simply because they seek to engage in sexual conduct which is part of their experience of being human. The homosexuality offence builds insecurity and vulnerability in the daily life of gay men. Such a law degrades and devalues gay men in the eyes of society. Such a provision invades and erodes the dignity of homosexuals."

The assault on dignity takes on various forms: sodomy laws reinforce public abhorrence of lesbians and gays resulting in an erosion of self-esteem and self-worth in various ways. These included self-reflection, reflection of one's self through family, verbal harassment and dispute, restricted public spaces, restricted movement and gestures, and conflict with law enforcement agencies.

Homosexuals suffer tremendous psychological harm. Fear of discrimination leads to a concealment of true identity; in the case of homosexuals it is the tainting of desire, it is the attribution of perversity and shame to spontaneous bodily affection, it is the prohibition of the expression of love, it is the denial of full moral citizenship in society because you are what you are, that impinges on the dignity and self worth of a group.

Sodomy laws disrespect the right to privacy: Matters involving the most intimate and

personal choices that a person may make are central to the personal dignity and autonomy of the individual and are protected from unwarranted intrusion. At the heart of personal liberty is the right to seek and develop personal relationships of an intimate character.

Abolishing sodomy laws would lead to an emancipation of a large segment of the world's population. They would be lifted from an invisible minority that seeks to unlock the assured liberties enshrined in the Universal Declaration of Human Rights, but denied to them in an aspect of life that matters most to them: their own identity; their own sexuality; their own self. Especially democratic India has to ask itself: Can laws criminalizing sexual minorities be any longer justified? Can violence and discrimination against this minority be tolerated or should the law adopt a leadership and educative role? In pluralistic societies, is it fair and realistic to demand that members of sexual minorities change their orientation or live completely celibate lives?

LGBT persons are a permanent minority in society and have suffered in the past from severe disadvantages. Their dignity has been and continues to be degraded, severely undermining their sense of self-worth. The criminalization of homosexuality condemns in perpetuity this sizeable section of society and forces them to lead their lives in the shadow of harassment, exploitation, humiliation and cruel and degrading treatment at the hands of the law enforcement machinery. This vast LGBT section of our society comprises honorable citizens who lead wholesome lives but, in the language of the South African Constitutional Court, are denied "full moral citizenship". The "moral" dimension of their citizenship is denied to them, not because of any harm that they have inflicted on any other person, but only because they seek to live lives and build relationships -- so essential for the realization and fulfillment of life's goals -- with others, based upon a inner aspect of their being." To blot, to taint, to stigmatize and to criminalize an individual for no fault of his or hers, is manifestly unjust. To be condemned to lifelong criminality shreds the fabric of our international human rights regime.

At the end of my plea I want to return to the educative role of law with respect to the negative influence that sodomy laws have due to their reinforcing of public abhorrence of LGBT people. Reinforcing public abhorrence is something that is broadly underestimated: It is not only a problem in those states that punish or prohibit homosexuality, but it also causes problems in supposedly liberal states like Germany, the Netherlands and the US. In the US, Lawrence

(Larry) King, a 15 year old openly gay student, was shot by 14 year old *Brandon McInerney* on February 12, because Lawrence asked Brandon to be his Valentine. Newsweek described it as "the most prominent gay-bias crime since the 1998 murder of Matthew Shepard."

It is terrifying to know that in the US anti-gay feelings penetrate society to such a degree that adults (in the case of Matthew Shepard) and children alike feel threatened when they get in contact with gay people. It is thus all the more important to realize that hate and intolerance start on a very small level and grow so unbelievably fast. It starts with gays being the punchline in a joke, and may very well end in a hate crime. This is why Ellen DeGeneres, usually known for her funny comedy shows, chokingly declared that: "Apparently somewhere along the line the killer Brandon got the message that it is so threatening and so awful and so horrific that Larry would want to be his Valentine that killing Larry seemed to be the right thing to do. And if the message out there is so horrible that to be gay you could get killed for it, we need to change the message. Laughing at someone because he is gay is just the beginning. It starts with laughing at someone, then it is verbal abuse, then it is physical abuse, then it is this kid Brandon killing a kid like Larry"

It is under this aspect that sodomy laws like the one in India, a country that wants to have a permanent seat on the United Nations Security Council, that has nuclear weapons, that is a rising economy and calls itself a democracy have to be abolished and replaced by the political and legal message the being gay is not a crime, that it is not a choice, and that it is no legitimate argument to abuse someone's freedoms or curtail someone's human rights.

Opinion Articles

The Return of Keynes - A new New Deal for America and the World

Sven Brendel

California state university Monterey Bay
sven_brendel@csumb.edu

History repeats itself. Following the Second World War, modern liberals and social democrats gained power across the industrialized world. The ideas of John Maynard Keynes became the dominant school of thought among macroeconomists. Economically speaking, the thirty years that followed the Second World War were an unparalleled success. It was during this time that the modern mass affluent society was born. Take the United States for instance. In 1929, before the stock market crash, an estimated 60% of Americans lived at or below the subsistence level. Unemployment insurance, public pensions, income support and disability insurance were virtually non-existent. That began to change when President Franklin Delano Roosevelt took office, offering Americans a New Deal. He created what was to become the modern American welfare state, which would grow to consume roughly 21% of GDP by 1975. Between 1948 and 1979, inflation-adjusted family income more than doubled for families across the socio-economic strata, actually increasing faster among the bottom 20% than the top 5%. Poverty sank to less than 12% by 1970 and the economy remained at

or near full employment between 1942 and 1974.

By the mid 1970s, however, stagflation (the unseemly combination of higher unemployment and inflation) became a crisis. Conservatives seized the opportunity and their ideas filled newspapers, journals and magazines. By 1980, the Keynesian liberalism of FDR had been replaced by the conservatism of Reagan. Poverty, insecurity and inequality followed as the idea that “government is the problem, not the solution” rose to dominance. Fortunately, the political pendulum is now swinging back towards Keynesian liberalism and the chances for what prolific American economist Paul Krugman dubbed a “new New Deal” seem promising.

Today, as in the late 1970s we Americans, and many others across the globe, find ourselves in a time of economic crisis. In the U.S., many of our current problems can be attributed to the failed experiments of conservative policy makers. The progressivity of our tax code was almost completely eroded by “Reaganomics” (Reagan lowered the top income tax rate by over 60%, but increased the bottom rate to form a tax code with rates of 28%, 32%, 28% and 15%). Regulatory agencies were intentionally understaffed and

weakened. Investments in the public sector were slashed. Infrastructure spending was halved as a share of GDP and economic risks were redistributed from employers and the state to individuals. For example, defined benefit schemes, where the employee was guaranteed a pension by her employer, were replaced with tax free individual retirement accounts (IRAs). The implementation of a single-payer health care system was off the table and the minimum wage was allowed to fall behind inflation. Union membership was discouraged and shrank from 30% to 15%. The hope was that deregulation, less intervention and lower taxes for the rich would cause a trickle-down effect that would benefit everyone.

That did not occur. Median household income was lower in 1990 than in 1980, GDP growth never reached as high as in the 60s, and poverty remained stagnant. Despite the brief prosperity of the late 1990s and Clinton's restoration of a progressive income tax (he added new top rate of 40% and increased Reagan's former top rate), the trend of the 1980s has come to define the entirety of the past three decades. Taken as a whole, the Reagan era has an abysmal economic record as far as the fortunes of ordinary Americans are concerned. While worker productivity has increased over 50% since 1973, the median hourly wage has remained virtually flat (increasing by an inflation adjusted \$1.30, from a little more than \$14 to about \$15.5). Family income has increased only as women have entered the labor force in greater numbers and both sexes work longer hours. But even median family income has no longer kept pace with GDP per capita growth, as it did during the Keynesian consensus. According to Lane Kenworthy, the median U.S. family income today would be \$91,000, instead of \$61,000, had it kept up with GDP per capita growth. Poverty remains at the same level as in 1970 and is among the highest in the developed world - a whopping 58% of Americans drop beneath the poverty line at some point between ages 25 and 75.

Meanwhile the price of essential goods such as a college education and health insurance has risen much faster than inflation. College tuition, for instance, increased at three times the speed of household income between 1982 and 2007. Roughly two million Americans go bankrupt paying medical bills each year, and in a recent poll 47% admitted to having postponed necessary or recommended treatment to avoid its cost. The nation's physical plant has deteriorated to the state where the American Society Civil Engineers has given it a grade of D. While most Americans are plagued by stagnant wages, increased prices

and a decaying infrastructure, one group has prospered: the rich. The top 1% has seen its share of household income double since 1979, reaching its pre-New Deal level. With an economy where nearly all growth has accrued to the very top and the public sector has been starved of funds by a tax cutting frenzy, America is in need of a new New Deal.

In 2008, a financial meltdown (caused partly by behavior that was once judged illegal) brought the economy to the forefront of public consciousness. Even before the meltdown, most Americans saw their country as heading the wrong way. But it was not until the housing bubble burst and Wall Street investment houses fell like dominos, that a sense of crisis reached the electorate. News headlines were, and still are, dominated by investment houses who gambled away billions, CEOs who received multi-million dollar "golden parachutes," plummeting house values, foreclosures and middle class families having to choose between sending their kids to college or paying medical bills. Obama's thirty minute prime-time TV ad, which aired on three of America's four major networks just four days before election day, was built almost exclusively around the stories of middle class families struggling to make ends meet. Today as in the late 1970s, the newspapers, journals and magazines are once again filled with new ideas on how to solve an economic crisis. Only this time, they are the ideas of Keynesian liberals.

Reaganomics was never taken serious in the academy. Arthur Laffer received little more than laughter for his proposition that cutting taxes for the rich will increase government revenue by producing phenomenal growth. Alas, the American academy does not seem to have as much influence as one might suspect, for even in the 2008 election the Republican candidates touted the ideals of a trickle-down effect and virtue of less government. The financial crisis and recession of 2008, however, have woken up the public. Deregulation has become connected with recession in the minds of many. So when Obama promised to usher in an era of re-regulation he received cheers. The Republican Party and its Reaganite mantra has been discredited. Obama whose campaign was centered on "Change" and "Hope," was swept into office in an electoral landslide and Democrats expanded their majorities in each, the House and the Senate, to 59%. The Democratic Party is now just one Senatorial vote away from a filibuster proof majority, ready and able to turn Obama's most ambitious policy proposals into reality. Unlike Bill Clinton in 1992, Obama is taking office at a time of crisis; a time when the American public has grown

disenchanted with the dominant ideology; a time ripe for substantial change. In American politics, crisis is the basis for change, and the nation is in its deepest crisis in seventy years. At last, academics and laypersons agree that "less government" is not what America needs at this point.

Obama's vision for the American economy is unmistakably Keynesian. According to Keynes, recessions are caused by a decrease in overall demand. To put it simply: the less stuff people buy, the less stuff will be made, the fewer people are hired, the less income there is, the less stuff people buy... and so on. To stop and reverse this vicious cycle, the largest consumer in the economy (i.e. government) must increase its spending. That is exactly what Obama plans on doing. As of this writing he is at work with the newly elected 111th congress to enact a two-year \$825 billion stimulus package. Roughly two thirds will go into public sector investments. Infrastructure repairs, expansions of unemployment benefits, green technology, education and health care have been explicitly mentioned by the Obama administration as targets for this spending surge. The remaining third will go into tax cuts for small businesses, the poor and middle class. The tax cuts Bush bestowed upon the rich will either be allowed to expire in 2010 or reversed beforehand. The capital gains tax rate is scheduled to go up and the payroll tax will likely be expanded to include income above \$150,000 (it is currently levied only on the first \$105,000 of income). Not surprisingly, before the election the conservative *Wall Street Journal* warned that Obama will raise the top tax rate to the equivalent of 50% - where it was in 1985, before Reagan's second round of tax cuts. The result of Obama's Keynesianism will be more than half a trillion dollars to rebuild the public sector after decades of neglect, and a substantially more progressive tax code.

This return to Keynesian liberalism is neither temporary, nor confined to the United States. The Obama administration specifically states that it seeks to use the crisis to make permanent changes in the American political economy. According to Obama's main economic advisor, Larry Summers,

Investments in an array of areas -- including energy, education, infrastructure and health care -- offer the potential of extraordinarily high social returns while allowing our country to address some long-standing national challenges and put our economy on a solid footing for years to come.

Summers went on clarify that an exclusively short-run approach, is an "approach

that we must reject if we are going to strengthen our middle class and our economy over the long run." With the man who, according to Obama, will be behind every one of the administration's economic policies, making it so clear that the administration is seeking long-term changes as well as short-run stimulus, there is little doubt that America is in it for a new New Deal. Other countries have followed a similar course of action. Britain has proposed a \$20 billion stimulus package, paid for by increasing taxes on the rich, Germany has pledged \$50 billion, and China unveiled a \$600 billion plan to invest in its public sector. The liberal magazine, *American Prospect*, captured the current trend away from conservatism accurately when it adored its cover with the headline "New Deal II: This Time It's Global." Joseph Stiglitz was right when he commented a month ago that once again "We are all Keynesians now... the United States joined the Keynesian camp with unbridled enthusiasm and on a scale that at one time would have been truly unimaginable... For those of us who always claimed some connection to the Keynesian tradition, this is a moment of triumph." The end of this decade will go down in history as the time when the Reagan Era ended and Keynesianism returned to global dominance. This is truly a moment of triumph a triumph for all.

Opinion Articles

Chavez' Revolution, will it survive 2012?

Antonieta Alcorta de Bronstein

University of Hamburg
antonieta_03@yahoo.com

The so-called social revolution in Venezuela started when Hugo Chavez became President for the first time in 1999. After ten years he has not yet achieved his objectives and has asked the population to award him with the possibility of being re-elected for the third consecutive time, and as many as are necessary, in order to continue with the Bolivarian revolution; one that apparently only he is able to lead.

In the referendum held February 15th of the current year 6,319,636 Venezuelans gave Mr. Chavez this possibility by approving an amendment of the Constitution; the same Constitution that Chavez himself promoted and was accepted in December 1999 and which had already expanded the presidential powers, the terms in office from five to six years and set possible re-election for two consecutive periods.

Chavez is four years away of handing-in the presidency, his second period in government ends in 2013, and before the amendment was approved last Sunday that should have been the end of the Chavez "era" in Venezuela. Except that 14 years in power are not enough for Mr. Chavez and his social revolution. He still wants more time and now he has the possibility of winning it in the

the next presidential elections in 2012 and beyond.

The results of February 15th have marked the history of Venezuela one more time. But the consequences are yet to be determined, and will depend on the reactions and the course of actions that the government and opposition decide to follow. The year 2012 is when those consequences will be measured, again in the ballot box, at the presidential elections. However the latest electoral results provide an introduction of the possible scenarios, therefore it is important to go thoroughly over the results because it is not only about the 6,319,636 Venezuelans that voted in favour but also, and mainly, about the 5,198,006 who voted against the amendment and the more than five million that, for one reason or other, did not express themselves with their vote.

Based on the results of this election; because Chavez made it a personal issue, a popularity measurement; and using basic mathematics one can argue that Chavez support and approval is of 37% of the total electoral population, not really a majority. Furthermore from within those valid votes the difference is of only 9%, confirming that Venezuela is indeed a

a divided country where the government is determined to rule only for its supporters, ignoring the other more than 60% of the population. Moreover democracy in Venezuela seems to have been reduced to a synonym of elections and governing to a synonym of campaigning. During the last fourteen months it seems that all the country's activities have been paused only to be in a constant political campaign, abusing of the State's resources and the patience of each Venezuelan. Question is whether the next four years the main activity will continue to be campaigning and which steps will the Venezuelan opposition follow, those of the government or finally determining their own road.

There is a lot at stake and only four years to gain it. For President Chavez offers, on the one hand, the possibility of consolidating furthermore his power and enlarging his project, on the other, to remain as President until 2021, as he has declared several times. For the opposition February 15th brought a wonderful opportunity to firstly become stronger by uniting even more. Second to present a real government plan, a true alternative for those that support the president, those that are not so convinced anymore and those that for years have been already waiting for a candidate that can actually be a better option.

The next four years will determine whether Venezuela is definitely and unlimitedly following the path of Chavez' "revolution of the 21st century" or if finally the opposition is able to establish itself as a strong force whose actions are in the best interest of the country and not in that of each party. More than 17 Million Venezuelans will take the final decision in December 2012, when based on the results of the last electoral processes anything could happen.

The government could win this election if the opposition is unable to present one strong candidate and an alternative plan, not simply criticizing the government. But their main possibility resides in regaining support by finally working and not constantly campaigning, if results are achieved in terms of security, education, health, housing, if the social programs so far implemented are expanded and improved. But if this has not been achieved in the last 14 years, it seems very difficult for it to happen in the shorter period of four. Besides the world financial crisis and the impact on the oil prices will have a negative impact in Chavez' revolution, financing his programs will become more difficult and every person will suffer and live through the consequences of years of bad governance, and high levels of corruption. The fact that Venezuela is not prepared for the crisis but could have been will be a secret hard to hide.

The opposition on the other hand has better opportunities and could be favoured by the difficult economic crisis that is coming upon the country. Ironically those more than 5 Million Venezuelans that voted against the amendment and some thousands more that were not allowed to vote, were depressed and devastated as they heard the results. They were not able to realize that this is actually a better opportunity and presented them with a real possibility of winning the elections in 2012, if things are done right. If the results have been those that they expected and voted for, the opposition's unity, which was finally achieved in the last electoral processes, would have come to an immediate end. The scenario in 2012 would have clearly been more than four candidates of the different opposition parties, and one from Chavez' party, and most likely Chavez' candidate would have won those elections.

Now, after February 15th the opposition has no option but to remain working together, working being the key word. There is one third of the population in Venezuela that does not support the government, but who also do not trust the opposition leaders, and in many ways they are right in doing so. The opposition leaders have been weak and unclear in what their interests are. So far they have taken the role of critics and forgotten about the real substantial problems of the country, and most importantly the ways they plan to solve them. Now with some of them working as governors and mayors of the most important cities of the country they have the opportunity to show their capabilities, their work and their commitment to the country. There are many changes that the leaders have to make in their strategy. First they have to be inclusive, taking everyone and every class into consideration. They have to work on a real and applicable government plan that deals with the many problems, with a fair distribution of the oil income and informing the people about this plan and its advantages. They have to finally put aside their own party's interests setting the priority in the best interest of the State. Fight corruption in every level, starting from within the same opposition groups, also to win the trust of many undecided voters. They have to open space for the younger generations, who have recently become active part of the political life in Venezuela and who should not step aside but be part of the progress. They have to agree on who is the opposition's candidate, probably the most complicated issue of all.

It took many years to finally see the different opposition parties working together; today they have four years to re-establish real and complete democracy in the country, and to

fight against the social indifferences more effectively than in the last decades. They have to use the external advantages on their side and they have to start working immediately and not one year before the elections.

February 15th 2009 is an important date for every Venezuelan but the 2012 elections will mark the history forever. In the next four years the world will be able to witness a process that will determine the future of a country and influence an entire region. If the opposition leaders finally set their own interests apart and become a true alternative there is a high chance for democracy in Venezuela not only to survive but also to actually resurge. If they failed to do so, Venezuelans will have to live under the so-called revolution as long as Chavez lives and Latin America will have to deal with this self-named leader for a so-called revolution he plans to expand in the entire region.

Academic Article

Multi or Anti-Culturalism? Contemporary Dialectics of 'Culture' and 'Conflict'

Dinu Munteanu

Maastricht University

d.munteanu@student.unimaas.nl

One first step in creating reality is choosing what to take seriously; the second step is forgetting how arbitrary this process is. (Self-quote)

Contemporary Westerners live, vote and interact in a context of global eth(n)ical uncertainties. Liberal democracies across post-modern Europe face a number of challenges, attributed as much to the economic vagaries of globalised financial systems, as to the changing social fabric of the European Union itself. Liberals and conservatives alike seem to acknowledge the dilemmas posed by mass immigration, youth unemployment, aging indigene societies, rising crime rates, multiculturalism and many other interpenetrated political, social or educational trials. Obviously, solutions put on the table differ dramatically, in accordance with the political axes being ground; formulations of many of these problems are frequently articulated using key notions such as 'culture', 'civilisation' or 'identity'. These concepts often take plural forms and assume antagonistic relationships. By reviewing academic literature relevant to the topic, this essay will attempt to put

forth alternative views on understanding the contemporary dialectics of 'culture' and 'conflict', while also inserting these notions into a broader geo-political context.

Before going into the details (factual, theoretical and especially those pertaining to the fertile no man's land in between facts and theories) that might account for the "rise of cultural conflict at the turn of the millennium" (Stoffers, 2008, p. 1), I suggest we take a closer look at what is a very interesting association of terms. In bringing *culture* and *conflict* together in a syntagmatic manner, one welds the ambiguous, pervasive concept of 'culture' together with the relatively¹ straight-forward, unequivocal notion of 'conflict'. While the latter is hardly difficult to semantically define (generally, a synonym such as *disagreement*, *clash* or *tension* will do), it seems that it is rather the opposite case for the former notion. Suffice it to say that a number of cultural anthropologists have centralized and discussed no less than 164 definitions of 'culture', ranging from 'learned behaviour' to 'intrinsic ideas of the human mind', a 'construct of logical nature', 'statistical fiction', 'psychological defence-mechanism' etc. (Kroeber & Kluckhohn, 1952,

cited in White, 2003).

While keeping in mind that 'culture' per se is an essentially contested concept², we cannot begin assessing its role in contemporary issues and politics, as long as its definition is not drastically narrowed down. Raymond Williams (1995) discerns three connotations of culture that seem to have melted together in today's public perception: culture as civilization, culture as way of life and culture as monument. As such, culture becomes a complex system of values, ideas and practices. It is prevailing in its specificity and is discriminatory by nature. It creates a polarisation between those who belong to it and those who do not (hence the apparent validity of the "cultural conflict" construct, e.g. the 'democratic West' vs. the 'violent Islam'). It is also important to note that "people fall back on these elements to reflect on their identity and position and [...] to react against radical societal and political changes" (Koenis & Roder, 2008, p. 5).

The fall of the Iron Curtain provided such transformations and no later than 1993 has Harvard scholar Samuel Huntington put forward his *Clash of Civilisations* thesis, which boldly hypothesised that the post-modern world will no longer be divided on ideologically or economically defined grounds, but on a rather paramount cultural basis. He sketches out a post-Cold War globe distinctly divided into several "civilizations" (Western, Islamic, Hindu, Confucian, Latin American, Slavic-Orthodox and *possibly* African), ordained in some implacable way to violently clash with one another due to their essential and irrevocable *cultural* differences. Islam and the Western World are especially seen as antagonistic future forces, in a scenario that is basically reduced to a "West against the rest" storyline.

It is interesting to observe how Huntington manages to interchangeably use the highly complex notions of 'civilization' and 'culture', and how hundreds of years of history³ are overlooked in the process of creating conflicting islands of civilizational distinctiveness. Under the generous umbrella of constructing a paradigm, Huntington emphasizes certain events (such as Islamic terrorism or the history of Middle-East turbulence), while disregarding other developments, including his failed prediction that Turkey might decide to chase some sort of imperial past⁴, or the many facts indicating that the Islamic⁵ world itself divides and sub-divides, with conflict-lines following *state*⁶ interests, and not the higher goals of civilizational togetherness. Similarly, Muslim countries such as Indonesia and Tunisia can hardly be fitted into Huntington's

associated with a long-time policy of seeking good relations with the West, while at the same time playing an active role in Arab and African regional bodies.

A more plausible view is that of Ajami (in Huntington et al., 1996), according to whom the post-modern world will not particularly be defined by civilisational ties, but by **nations' will to dominate or to find market shares, to be competitive in the world economy, to create jobs and to lose poverty. Interestingly and relevantly enough**, what Huntington *predicted as a religious-military threat in East-Asia* turned out to be an *economic giant* very much interested in interaction⁷ with the West (China is one of America's biggest creditors). Adding up to the scepticism, many empirical investigations⁸ (Fox, 2005; Mungiu-Pippidi & Mindruta, 2002; Henderson & Tucker, 2001; Russett, Oneal, & Cox, 2000) have raised serious question marks regarding the factual validity of Huntington's thesis. Other voices are much more belligerent in their critique: in one of his books (published in 2004), outspoken proponent of Arab issues Edward Said claimed that not only is the *Clash of Civilisations* thesis a "reductive and vulgar notion" (p. 226), but also an illustration "of the purest invidious racism, a sort of parody of Hitlerian science directed today against Arabs and Muslims" (p. 293).

In sum, it seems rather plausible that conflictory foreign affairs issues are not caused or fuelled primarily by cultural zeal and polarisation(s), but are better explained or understood through the millenary dynamics of political and economical agents, usually⁹ employed by state or corporate actors. In the process of pursuing various interests, these agents make use of the now ubiquitous culture-argument, so as to justify their endeavours. In this sense, Crawford (1998) pertinently notes that much of the contemporary sequences of ethnic or sectarian violence can be linked to the triumph of economic globalization and institutional mutations. Cultural conflicts are encouraged by broken or altered social contracts, while 'cultural identity' is misused by political agents, especially in countries poorly institutionalized (which the Middle East incidentally has plenty of).

There remains, of course, the matter of why 'culture' occupies a significant place on the current political-social agenda of many Western states. Such an ample issue can only be tackled via a multi-factorial answer. I would argue that among the many phenomena relevant to this inquiry, a few are attracting an unequal share of attention, while others are understated or neglected. The first category entails or concerns

a number of evident facts, such as (1) the Occident's (naturally) defensive reaction to the abominable ambitions of Al-Qaeda and its inherent hatred for Western liberties and basic values, and (2) the difficult socio-political challenges posed by mass immigration and the so-called ensuing multi-cultural society. It should be noted that these two issues may easily create superficial generalisations (e.g., 'Islam is a terrorist-culture'), and are also easily packaged into spectacular media stories. Concurrently, they set the stage for alarmist theories such as Huntington's, which due to their scholarly pedigree present good chances of being taken seriously by political elites and eventually become self-fulfilling prophecies (see Fox, 2005, p. 448, for details). The potentiality of this type of Pygmalion effect can be regarded as one of those neglected phenomena that I have alluded to earlier, and may account for much of the perceived rise in cultural conflict worldwide. It is thus no surprise that populist leaders all over Western Europe (Berlusconi in Italy, Heider in Austria, Le Pen in France, Fortuyn¹⁰ in The Netherlands, just to name a few) have promptly reacted to such contexts and also to real public frustrations (such as those related to the rise in criminality and unemployment within cities with high levels of poorly integrated immigrants and foreign nationals). While these political forces may provide an useful, democratic function of airing out problems which liberal-progressive governmental establishments fail or fear to articulate (thus falling out of touch with the electorate), they nonetheless almost always propose simplistic, no-compromise, unrealistic ethno-national "cultural" policies (Betz & Johnson, 2004) in a world in which such solutions do not only fail to resolve crises, but are often a product of media use-and-abuse and of the shallow forms of "symbolic" politics (Cuperus, 2003); if taken seriously, these supposedly down to earth solutions usually prove unconstitutional and ultimately hearten further sectarian strife (*ibidem*).

A more subtle variable in the contemporary cultural-conflict equation can be derived from the conclusions of Ronald Inglehart's post-materialism thesis (an academic venture ranging across the decades, from the 1970s to the present day), which claims that a silent revolution has taken place in the Western world after the end of the last World War. As economic and physical insecurities specific to the vicissitudes of global wars have been replaced by steady economic growth and relative world-peace, the survival-oriented, materialistic ideals of earlier generations have been replaced by

steady economic growth and relative world-peace, the survival-oriented, materialistic ideals of earlier generations have been replaced by post-material values such as (the need for) autonomy, self-expression, quality of life, self-esteem, *gender-equality, aesthetic and intellectual satisfaction, freedom of speech, sexual liberation and tolerance* (Inglehart, 2008). *From this point of view, culture becomes a way of life and an inherent constituency of the social fabric of Western communities. Apparently, fundamental differences concerning gender-equality and sexual liberation are the main seismic lines between the West and less liberal (Islamic) societies* (Inglehart & Norris, 2003). *While there is a significant amount of truth in this argument¹¹, its originating discourse fails to take into account a gap within the West itself. In this sense, Flanagan (2003) underlines the divide between so called post-material, progressive, secular libertarians and traditional, religious (mainly Christian) authoritarians, who take a more conservative stance towards politics, morals and social issues. Concurrently, in trying to explain Westerners' post-modern voting behaviour, two Dutch researchers are curiously dramatic in suggesting that the industrial and academically unfashionable concept of class "is not dead, [but rather] it has been buried alive" by the false relevance of cultural voting* (Achterberg & Houtman, 2007, p. 1). *This point will perhaps be more clearly made (and heard) when the methodological apparatus being used will become more transparent¹².*

Returning to Inglehart, his theorizing that secular-rational values will eventually prevail in all economically advanced societies might prove to miss important nuances, such as the increasing role of spirituality and 'soul-searching' for many Westerners. This inevitably brings us to the role of religion in cultural conflict. On the one side, there are the speculative, pseudo-religious machinations that self-titled Islamic jihadists (mis)use in order to justify¹³ various politically motivated atrocities; on the other side, the West seems to be characterised by what Burleigh (2006) calls a secularisation obsession. The question is how deep this secularisation goes. Quite aggressively, Burleigh notes that „instead of religion, the liberal elites prefer their monopolistic mantra of diversity, human rights and tolerance as if they invented them" (p. 474). The argument is that such values and structures belong to a much deeper Christian culture, which is so deeply embedded in society that it eludes social perception. A modern French historian, philosopher and sociologist also interestingly noted that "modern society is not a society without

religion, but one whose major articulations were formed by metabolising the religious function” (Marcel Gauchet, cited in Burleigh, 2006, p. 475).

Indeed, Fox (2006) also makes a convincing case when suggesting that the idea of a complete separation between religion and state is illusory, (even) in the modern world. While this realization might keep hardcore atheists and firm secularists on the offensive, it certainly does not imply that cultural conflict is *bound* to develop or to evolve from and through religious outlets. Just as fundamentalist parties (or populist ones, for that matter) can and do find a place in a liberal democracy as long as they accept a number of basic premises (such as the rule of law, the charter of human rights, the plurality of interests and the virtues of political compromise and civic debates), more modern functions of religion may actually provide a common ground from which cultural conflicts can be averted, and not exacerbated. For instance, *spirituality* can be understood as religion not taken literally or, assuming a more irenic path towards the future, as a form of universal ecumenism.

The key to this process is, above all, the will and capacity to re-formulate, re-interpret, re-adjust and symbolise what otherwise is taken literally or is seen as fundamentally dogmatic. Once this is done, the path to efficient integration, opportune compromise and legitimate solutions will be more easily discernable from the obscurities of interest-groups, hectic media-hypes and, as John Gray (2006) puts it, the actions of leaders whose world-view is based on apocalyptic myths.

Notes

1. I say “relatively” because even a seemingly unambiguous concept such as “conflict” presents its share of nuances, especially in the legal spectrum. For instance, the reality of a worldwide multiplicity of various sets of judicial courts, and the fact that each nation sustains its own (sub)sets of law-systems in complete international independence, has created the need for a systematic “law of the conflict of laws” scheme also called Private International Law; this an increasingly relevant field of procedural Law studies.

2. According to historian of ideas Gallie (1964), “essentially contested” or “fundamentally controversial” notions are (highly) complex, contain an evaluative element, are susceptible to being defined divergently, and can trigger new debates as historical contexts change.

3. As Nobel-prize laureate Amartya Sen (1999) notes, “diversity is a feature of most cultures in the world. Western civilization is no exception. The practice of democracy that has won out in the modern West is largely a result of a consensus that has emerged since the Enlightenment and the Industrial Revolution, and particularly in the last century or so. To read in this a historical commitment of the West over the millennia to democracy, and then to contrast it with non-Western traditions (treating each as monolithic) would be a great mistake” (p. 16).

4. Even recently elected, self-labelled Islamic Turkish leaders turn towards Brussels, and not Tashkent, in defining foreign policy.

5. The meaning of Islam for Muslims themselves is still “an issue for debate and action in the context of the politics of nation states, the struggle for energy supplies, superpower rivalry, and dependency. What is the ‘umma’, the Islamic community, and how and where is ‘ijma’, or consensus to be formed? [...] What is Islamic government and in what forms and institutions must it be embodied?” (Gilsenan, 1982, cited in Lukens-Bull, 1999, p. 14-15, added italics).

6. As Ajami (in Huntington et al., 1996) remarks, in the Nagorno-Karabakh conflict between Armenia and Azerbaijan, an Islamic Iran economically helped a Christian Armenia, ignoring any sort of blood ties with the predominant Muslim Azeris, in the face of sheer political interest. Ajami sees this as a typical case of nation-states controlling civilisations, and not the other way around.

7. Three countries in the world buy the most U.S. debt at the present time: China, Saudi Arabia and Russia (The Trumpet, 2006, ‘The looming dangers of American debt’) ironically, none of them are liberal democracies, and each paradoxically account for one of Huntington’s supposedly non-Western civilisations.

8. Summing up the most important findings of these studies, it seems that conflicts are not more common along the fault lines of civilizations than they are within civilizations, and while civilizational differences are one reason for conflict escalation, they are outweighed by socio-economical, sectarian and ethno-linguistic conflicts. Fox’s (2005) post-Cold War research actually shows a modest decline in the ratio of inter-civilizational clashes, while Mungiu-Pippidi and Mindruta (2002) proved that political attitudes in former Habsburg and Catholic Slovakia are similar to former Ottoman and Orthodox Christian Romania and Bulgaria. Indeed, Central and Eastern European interests seem not to follow at all Huntington’s ambitious Orthodox vs. Western divide, many countries in this region sharing a similar post-communist legacy and displaying Western affiliations. Furthermore, the case of Romania and Bulgaria, recent E.U. members, debunks any Slavic propensities with which Huntington might have associated these states.

9. I say ‘usually’ because the case of Al-Qaeda (more or less the symbol of today’s Islamic terrorism) is actually the case of the individual Osama Bin Laden, whose personal history (such as his profound anti-Semitism and fossilized frustration related to Saudi Arabia’s preference for American troops over his own private army during the Gulf War), accounts for much of what others would want (us) to see as a symptom of acute international cultural incompatibilities.

10. Although late party-leader Pim Fortuyn seems to be generally regarded as a meteoric, deus-ex-machina political phenomenon which occurred in an otherwise politically correct, consensus-prone Holland, his approach towards multiculturalism did not materialize out of a political vacuum. As early as 1991, Dutch politician Frits Bolkestein more or less inaugurated the “new realism” approach to similar sensitive issues, by declaring that “the integration of minorities should be handled with guts”, creativity and a return to typically Dutch straight-forwardness (Bolkestein, 1991, cited in Prins, 2002, p. 367). As Prins further argues, “[Fortuyn] did not so much break with previous approaches to multicultural society as radicalize a genre of discourse that at the time of his arrival on the political scene, had already gained considerable respectability” (p. 364).

11. Such differences may well be vastly responsible for the challenges of assimilating non-Western immigrants into liberal societies.

12. For example, the fact that immigrant communities refuse to fill in the lengthy questionnaires which decorate the methodological basements of such sociological studies is one thing among many that deserves a more critical attention from readers.

13. The term jihad (Eng. ‘struggle’ or ‘battle’), although under modern Islamic theology refers mostly to “waging war with one’s inner-self” (Schimmel, 2003), has been appropriated by terrorists such as Bin Laden (or, in the 19th century, revolutionaries such as

Usman dan Fodio) to give religious flavour and fervour to their morbid and rather earthly undertakings.

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14. From a contemporary geo-political perspective, Fox (2006) is echoing many voices when suggesting that "Islam has to go through an «Enlightening-process» like Christianity did, so law and law-making in the society are not strongly connected to the Quran-law. If Islam does, they can do modern politics as well. If not, they will keep struggling with modern democracy" (p. 260-261).

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Academic Article

The Coca-Cola Colony Emancipates and Dissolves into the Global

An observation on the development of pop music

Thomas Bobinger, LL.M

Free University of Amsterdam

t.bobinger@gmail.com

The impact of American culture on Europe is one of the most discussed issues today. Scholars like Adorno argue that pop culture is undergoing a process of homogenization and standardization, which for some translates into pure American imperialism (Adorno, 2001, p. 87). However, others argue that the evolution of pop culture took a turn in the 1980s towards globalization, transcending the originally national culture. Is Adorno's dreadful scheme of cultural industry already reality? Has cultural industry standardized European pop music, made it homogeneous by providing a normative basis for a conformist population, which wants to be deceived and steered in a time in which religion is declining? Is European music culture diverse, or do powerful institutions like BMG, Warner Music and Sony Music standardize it? Has American preponderance in geo-political affairs transformed Europe into a sort of Coca-Cola colony, in which European music culture is subordinated to an American music producer's sense of mission? This essay is going to examine to what extent theorems like McDonaldization and Coca-Colonization are still valid today. We intend to prove that pop music is not particularly a

tool of American imperialism, but that it is a much internationalized form of culture that cannot be traced back to a single nationality. We are going to examine the transformation process that Europe is going through while emancipating from its status as a Coca-Cola Colony. Moreover we intend to inquire into the nature of globalized pop music and its post-modern features, in order to show that pop music is world music, and that "McDonaldization was replaced by globalization" (Mahtani & Salmon, 2001, p. 166). Thereby we are mainly focusing on the concepts of indigenization, creolization, deterritorialization, and world music.

When in the beginning of the 1960s, four guys from Liverpool started to make beat-music society was on the verge of its radical transformation from a post-war conservative environment towards a teenage pop market, with the Beatles as the missionaries of a youth culture in which producers and marketers aimed at the pocket money of teenagers (Wicke, 1998, p 231). Yet, what made the Beatles' music so popular was their return to Afro-American beats and Rock n' Roll standards, which were already used by American bands like the Drifters and the Isley

Brothers in the 1950s (p. 243). It were the Beatles that symbolized the anti-authoritarian attitude of the maturing society of the 60s. They were the avant-garde that prepared society for an even more radical step towards sexual liberation by Madonna and Donna Summer in the 70s and 80s (p. 258).

After the Beatles lost their rebel image and declined as the very incarnation of teenage pop culture, the task of inciting a new generation fell to Madonna, thereby swapping from Europe back to America. It was the lascivious sensuality in Madonna's videos and her astonishingly successful book featuring SM-sex that marked the new trend in popular music culture (p. 257). Much effort and professionalism was used to start once more a societal revolution, which was to culminate in a postmodern, hedonist society. In this society the body is the means to achieve self-fulfillment; lust and the stylization of popular artist to sex symbols were the ways to increase consumption (p. 260). Urban legends like "Studio 54" made the cult of the body popular, which was hitherto mostly associated with gay culture, and it was in New York's gay clubs where the drug MDMA was first used (p. 266). Ironically, it was a German producer who discovered Donna Summer and it was Germany, which thereafter swapped the American market with dance floor productions. "We sold Coca-Cola to Americans" was the famous remark of German producer Michael Kunze in 1975 (p. 265).

Despite the fact that there was continuous exchange of cultural currents between Europe and America, in many respects it seems as if Ritzer's McDonaldization theory is applicable also for the culture of pop music. Stars like Britney Spears, Michael Jackson and Madonna are among the ones claiming to be the most successful artists of all times, being referred to as "Princess of Pop, King of Pop and Queen of Pop", actually it is a pure American royal family that represents pop music culture. It is perfectly right to argue that the very same constituents of the McDonaldization thesis can be found in the business of pop music. Efficiency, technological development and Fordist mass production are the rocks on which the pop music industry leans, while calculability and standardization constitute the matrix in which producers agitate.

The idea is justified that Europe has become a sort of Coca-Cola colony, a victim subjected to American imperialism. After all, it is America that dominates geo-political affairs and it is American companies, which have the greatest sales volume of audio-visual media in the world (Gabriëls, 2005). Chart samplers that contain the year's most successful songs, are studded with

hits sung by American artists. American business organisations set standards for the European way of living and thinking. In the fast food industry, the McDonald methodology shaped the European food culture, in which the concepts of efficiency, calculability, dehumanization and control through technology prevail (Ritzer, 1993). In the music industry there are approximately six to seven ubiquitous companies that asymmetrically control the world's music market of which AOL-Time Warner, Viacom and Disney ABC are the largest in the world (lecture, 2005). European pop stars are modeled after the American idols e.g. the singer Jeanette Biederman, who is called the German answer to Britney Spears.

Furthermore, American imperialism does not merely describe the number of pop songs, which are successful in the world; it also includes the dictation of new trends and a way of living. The word "vulturism", a neologism, describes the ruthless exploitation of teenagers through overpriced pop magazines, concert fees, and almost unaffordable designer brands. Vulturism is a trend that began in the 1960s, when scrupulous producers and marketers first realized the purchasing power of the putatively undetermined and therefore effortlessly indoctrinated teenage society. Like vultures that feed from carrion, producers lunged at this billion dollars worth fraction of society, establishing multimedia features entirely adjusted to the yearnings of a youth culture that lost religion as an ordering factor in life (Wicke, 1998, p. 231).

When one applies Adorno to pop music culture, it was the people's wish to be deceived and guided that made the success of teenage pop bands unstoppable and their image inextricably intertwined with crying and screaming crowds of teenagers (Adorno, 2001, p. 89). Viktor Frankl explains this hype by the decline of religion and the outbreak of a "*noogene Neurose*". This term describes the void that has been left when religion no longer played an important part in people's every day life, and people started to cling to material things and listen to "material girls" in order to find a new reason for living (Frankl, 1978). Today this trend culminates in a growing rate of anorexic teenagers, which crave to look like the American pop star Beyonce Knowls, the wearing of hard-rock-café t-shirts and shirts with sayings like "bitch", "gorgeous", "sweetie" that are promoted by Madonna. The sense of mission of American institutions is best described as universal and omnipresent. Especially when it comes to pop music the seemingly democratic and egalitarian way of acquiring new pop stars lets us believe that conformism and copyism is

the best way to achieve glory. Allegedly everybody can become a pop star, former no-names like Britney Spears or Jessica Simpson became celebrities over night, when they were discovered by chance in a pub or because their mothers send a demo-tape to the respective music label. The reasons for the popularity of American pop music in particular seem to be the use of English lyrics. English as a quasi-universal language offers a solid basis for mass communication. The effectiveness of English was one of the most important reasons for the popularity of American music. The easy structure and grammar of the English language made it well suited for the use in lyrics. Furthermore, the power of capitalism, and a huge domestic market promote American effectiveness in this part of the economy (Pells, 2002, p. 77-78).

However, by inquiring deeper into the nature of post-modern pop music, it seems as if the cliché of American cultural preponderance and imperialism has become a self-selling item, which is devoid of much objectivity and truth. What might have been true in earlier decades, fails to explain current developments in the music scene. Rather than blaming America for this entangling voluptuous pop music culture, one should focus on international network corporations of interdigitated global players, accountable to no nation at all. Indeed, there seems to be a new development in the area of pop music, one that scholars call world music. This means that international institutions and companies like BMG have lost their local settlement, transcending national cultures and merging pop music into a kind of omni-present, supranational culture in which indigenous influences are only embedded in an already existing framework of efficiency and marketing in order to make more money (Seago, 2000, p. 127).

America is not only very successful in merging big companies like AOL and Time Warner, but also in mixing up cultural styles, since its population can be regarded as a catchment basin of cultures. America has always been a very heterogeneous country because of its large influx of refugees and immigrants. Therefore, the music industry in America had to produce music with a broad multicultural appeal. The roots of jazz music, for example, which is supposed to be a typical American form of music, can be traced back to Africa, Latin American, The Caribbean and Europe. Still, with these economic advantages, the cultural ingredients of American pop music are not particularly American, but came from all over the world. Therefore, it is not a one-side story of "American imperialism" imposing their culture on Europe. As much as

America has been an exporter and shaper of world music, it has also been a consumer of foreign musical influences. American pop music seems to be a repackaging of non-American music styles which they borrowed from all around the world. Hence, there is no need of equating mass pop music culture with American culture, because America has not even invented this sort of culture. This would imply that Ritzer's theory of McDonaldization cannot be applied to pop music because Ritzer associates this theory of Americanizing the world with the world-wide dispersion of American cultural products like fast-food chains and credit cards that are primarily American because they originally derive from the US (Ritzer, 1998, p. 83-85). Hence, if the origins of pop music do not lie entirely in America, and if outward ideas simply have been revised and slightly altered by America and then have been sent back to its place of origin, then the basis of the McDonaldization theory cannot be considered as given.

Whereas in the 1960 it was mainly American pop music with English lyrics that dominated the charts, at the moment pop music comes from almost everywhere around the world. Simply imposing American pop music on the European market did not work anymore. American local music styles, like rap from the Bronx in New York, did not sell in Europe. This meant that successful music had to be made from a global perspective. In the 1990s, the British charts were dominated by European productions because they felt they had more in common with their fellow Europeans (Seago, 2000, p. 124). Moreover, the success of famous American pop-stars declined, when musicians using national cultural repertoire gained popularity. Another development in that time is that American music companies began to lose a lot of their power. Most of them were sold out or absorbed by German, Japanese, or Canadian companies. The only American company left at that time was the music business Time-Warner, which has merged with a Britain music company (p. 122).

According to Alex Seago, four major developments can be seen in the contemporary cultural globalization process. In the first stage pop culture was undergoing a sort of re-nationalisation, when local dialects and other languages than English were used. It can be seen as emancipation from America, and a resurgence of national pride. This stage is also referred to as indigenization, which can be defined as "the local appropriation and re-elaboration of the global and its transposition into forms compatible with indigenous traditions" (Seago, 2000, p. 129). Indigenization demarcates the limits of English

lyrics in pop music and thereby shows the decline of American relevance in the pop music business. An example is the combination of global pop sound with local European languages or dialects (Seago, 2000, p. 114). Paul Rutten notes three central elements in this phenomenon. First of all, some national musicians reject the use of English because they can express their feelings better in their native language. Secondly, it leads to a reverse process in which the new lyrics have to be brought in tune with the music, which ultimately leads to a different type of music. And finally, the use of national language also has a cultural value for the audience which becomes much more responsive during performances (Rutten, 1999, p. 97). Examples are the Dutch singers Jantje Smit, Franz Bauer and Marco Borsato and German singers Xavier Naidoo and Yvonne Catterfeld, which recently celebrated huge local success.

Along with this return to traditional national values goes the process of what Hannerz calls "creolization". Creolization explains the process of dissemination and fusion of different music cultures (Seago, 2000, p. 128). Various styles of music are intertwined in such a way that the outcome serves as a better music style. It is a dynamic process of absorption and appropriation of different influences, which come from both in- and outside (p. 128). This process can definitely be seen in "global cities" like London and New York in which people from all over the world come in contact with each other and all these diverse people meet at night in clubs where all their different styles are mixed in the form of music (p. 128).

In the past decade, together with the booming of new mass communication technologies, the process of creolization was speeded up. Simultaneously, the new technologies supported the process of deterritorialization. Today almost every person has access to the world via Internet or television. People are much less connected to their local area than before, and the global becomes more important. Thereby the relationship between the place where they live and their cultural identity alters. New "ethnoscapes" and "mediascapes" are created which all get their own cultural context (Seago, 2000, p. 127). It is a process of cultural globalization in which people can form their own cultural identity instead of sticking to their local identity. In this new deterritorialized music market, national boundaries lose their meaning (p. 128) and companies create a centralized, hierarchical organizational structure, with subunits all over the world. Thereby, they control the release of each product and decide whether

an artist goes global. Nowadays, one cannot speak of an American or European company anymore, because these companies are so interconnected that they have to be seen as global players, which have lost their local settlement and their specific nationality (Rutten, 1999).

Thus, pop culture has been transformed into a sort of world music, which can be used as a final example of the intricacy of current cultural globalization. There is an increasing interest in non-Western pop music, which mostly originates from the Third World. This phenomenon can be traced back to the 1960s when the Beatles experimented with Indian sounds and to the Jamaican Bob Marley who became globally appreciated in the 1970s (Seago, 2000, p. 131). In the late 1980s and 1990s, a lot of non-Western musicians gained popularity in the West. The original fans of non-Western music claimed the sounds of this "Other" to be authentic, mystical and sensual, and much better than the empty and soulless digitalized Anglo-American pop music. A perfect example of this point is the song "Seven Seconds", which is a duet between Youssou N'Dour and Neneh Cherry. The fact that Western people could not understand what Youssou was singing did not prevent them from appreciating the musical composition. With the phenomenon of world music the relationships between musician, audience, marketing, recording and music industry also became deterritorialized and globalized (p. 132).

Coming to a conclusion a broadly parallel logic seems to characterize the development of pop music in the last decades. The cliché of a cultural hegemony of America persists and is at least partly true. Many of the features of McDonaldization can be found in the process of dispersion of pop music throughout the world. However, the principles of McDonaldization are used by companies, which have surmounted their national borders and evolved into global entities and therefore cannot be called American or European anymore. Furthermore, it can be registered that countries more and more elude from American influence, and start to return to their own national musical traditions. However, European countries do not entirely disconnect from America. Rather they establish a two-way highway of cultural deliverance. Non-American countries slowly emancipated from American preponderance. What is remarkable is that this return to national musical values seems to have been overdue, shown by the fact that the various artists that followed the trend of indigenization had great success in their countries. However, simultaneous developments like creolization and

deterritorialization transformed an originally national cultural product like pop music into a global form of shared culture. It should have become clear that the influence of pop music was mutual, and that supposedly American pop music was rather modeled by interaction with cultures outside America, thereby implying that American pop music has never been truly American but always has been a joint production by different national cultures. Now, the former coca-cola-colonies stand now on equal footing with America, influencing American culture to the same extent as America influenced them. Contemporary pop music is a combination of global sounds, leading towards a non-standardized, through local assets diversified, multicultural, project that along with the proceeding deterritorialization of companies and artists might soon culminate in pop music's dissolution into pure world music.

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Academic Article

The Ottawa Process - A “New Diplomacy” and Its Benefits -

Carolin Echt
University of Bremen
carolin.echt@gmx.de

I. Introduction

The use of industrial fabricated land mines goes back as far as the First World War and has long been deemed a conventional and legitimate form of warfare. Several millions of these weapons have since been planted into the grounds of battlefields all over the world and the most of them have remained in place long after the conflicts have been settled, killing the people who came back to their homes to start life again. In the early 1990s, an international campaign started to ban these mines and in 1997 a consensus was reached that prohibited the use, stockpiling, production, and transfer of anti-personnel mines and called for their destruction, a consensus that made history as the Ottawa Treaty. Soon it was celebrated as an outstanding success for the community of non-governmental organisations who had worked hard to reach this treaty. And scholars of global governance quickly interpreted this success as the dawn of a new way of public-private cooperation: the “new diplomacy”.

On the following pages, this article aims at extracting the quintessence of this new concept of global governance and wants to line out the

main features that made the mine-ban movement its prime example. Therefore, it starts with a brief introduction into the concept of “new diplomacy” and thereafter tells the story of Ottawa, starting at the launching of the International Campaign to Ban Landmines and concluding with the final treaty. Finally, and maybe most important, it questions the benefits of the Ottawa process in terms of input legitimacy, efficiency, and transparency.

II. Theoretical Background

Global Governance is most broadly the coordination of and between a plurality of state and non-state actors (Behrens 2004, p.104). But the theoretical background of this paper goes further, aiming at special alliances between states and civil society in specific cases which are summarised in the vague idea of a „new diplomacy“. In addition, it aims at examining the benefits and disadvantages of these forms of cooperation.

(A) “New Diplomacy”

Within the last years more and more scholars of international relations and global

governance have highlighted the emergence of new forms of cooperation and coalitions between non-state actors and governments. Some have accredited this to the development of transnational civil society networks (Cooper 2002; Cameron 2002, p.72), yet others rather argue that a new self concept of middle powers / like-minded nations is the reason for this change in negotiating and decision making procedures (Hampson/Reid 2003; Matthew 2003, p.6). Notwithstanding those different approaches, there are a few hallmarks identifiable which constitute the backbone of this vague idea that Cooper et al. call “new diplomacy” (Cooper 2002). First, there are two groups of actors which are constituting this new mode of diplomacy, civil society and middle powers / like-minded nations. The former is composed mostly of issue-specific NGOs or their transnational umbrella organisations which are especially active in the humanitarian fields (Hampson et al. 2002, p.8), which try to rise public awareness and provide knowledge to inform and influence governments (Cameron 2002, p.82), and which can play many different roles as catalysts and triggers, agents, and look-outs in the interaction with state actors (Cooper 2002). The later consists of “countries that are politically and economically significant [and] internationally respected” but still no superpowers (Matthew 2003, p.9) and have the “will and capacity for issue-specific forms of leadership”(Cooper 2002, p.11).

A further hallmark is the nature of interaction between these two main actors. As John English puts it, there is “a new texture in the international system where negotiating tables have new players and shapes, where linkages and networks transcend state limits [...]” (cited according to Neumann 2002, 107). Or, more reserved, there is a new form of cooperation which starts at flexible issue-by-issue arrangements such as the provision of knowledge by NGOs, but goes as far as the establishment “of a concerted joint-venture strategy or strategic alliance” (Cooper 2002, p.7).

In summary, this concept of “new diplomacy” describes the cooperation between middle powers and actors of civil society, aiming at a specific problem and combining the governments national authority and possibilities with the knowledge, agenda-setting abilities and control functions of civil society; thereby establishing a “shift from a concentrated top-down to a multifaceted bottom-up mode of leadership [...]” (ibid. 6).

(B) Benefits of Global Governance

In global governance theory in general, the

inclusion of private actors, namely non-profit NGOs, is considered to be one approach to bridge the “participatory” and the “operational gap” (Behrens 2004, p.107). In the first case, the involvement of NGOs shall compensate the lack of inclusion and participation that occurs in international organisations. And the second case addresses the problem that decisions are often made far away from the scene of action, by people who are not directly involved, who do not know the situation themselves, and who therefore suffer from a lack of knowledge. Thus, the inclusion of NGOs is considered to broaden input legitimacy and efficiency.

Furthermore, NGOs are highly skilled when it comes to agenda setting, the education of society and governments, and the observation of processes. And middle powers have recognized them as crucial allies in promoting and achieving their goals (Hampson/Reid 2003, p.34). But not only those governments benefit from the NGOs, it also works the other way around. The crucial point here is that international relations are still dominated by states and “old” fora of negotiating. Therefore NGOs need the help and cooperation of states to enter these fora and influence the decision making directly where it happens. Thus, in the best case, the inclusion of NGOs leads to an increase in input legitimacy, efficiency, transparency

III. The Story of Ottawa

The story of Ottawa started about twenty years ago with a few NGOs joining forces to fight a shared enemy: anti-personnel land mines. Within years of work and campaigns and supported by middle powers, it finally culminated in the Ottawa Treaty, formally known as the “Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction”.

(C) Civil Society and Middle Powers

The first steps on the road towards an international ban on land mines were set in the late 1980s and early 1990s, when through a growing number of development projects western NGOs and aid-agencies were confronted with land mines as a hindrance to their work (Williams/Goose 1998, p.21). In 1991, the Vietnam Veterans of America Foundation, together with Medico International from Germany decided to launch a common campaign to rise further awareness and invited other NGOs to join them in this task (Launer 1997, p.33). Finally, in October 1992, the “International Campaign to Ban Landmines” (ICBL) was officially launched. Founding members were Handicap International

(France), Human Rights Watch (US), Medico International (Germany), Mines Advisory Group (UK), Physicians for Human Rights (US), and the Vietnam Veterans of America Foundation (US). Those six NGOs became the first members of the "campaign steering committee", which later was expanded by several other organisations, until it consisted of thirteen different NGOs from all over the world. Today, the ICBL represents over 1100 NGOs from different fields such as human rights, arms control, or women rights, originating from over 60 countries who work on all levels to ban anti-personnel land mines (ICBL 2008a).

In the following years, the national NGOs worked out several different campaigns to raise awareness and educate the people of their home countries about the menace constituted by land mines. In Germany, Medico International toured the country and presented a faked minefield (Launer 1997, p.34). Other groups erected heaps of shoes in western city centers representing the masses of amputees who would not need them anymore or created comic books which dealt with the dangers of mines (Williams/Goose 1998).

Besides these promotion activities, the ICBL and its regional partners also worked on the provision of knowledge and facts about the effect of mines. Therefore, they issued reports such as "Land mines in Cambodia: The Coward's War" (Human Rights Watch / Physicians for Human Rights 1991) or "Hidden Enemies: Land mines in Somalia" (Physicians for Human Rights 1992).

One very important point in all these actions was to shift the issue from arms control to a humanitarian question and a matter of human security. Doing so, they could highlight the advantages a total ban on land mines would bring with it without arguing about the military importance of these weapons (Cameron 2002, p.72).

Thus, since its creation in 1992, the ICBL has managed to rise considerable public interest, provide reliable information about a hitherto neglected topic, and catch governance and people on their Achilles' heel of human security. And they even actively "recruited mid-size states to the movements goals in order to build up the numbers of states supporting a ban [...]" (Rutherford 2003, p.25).

Among the most active and important states in the ranks of supporting countries was Canada. In 1993, the newly elected Canadian government gave in to growing pressure of the civil society and set up NGO-governmental meetings. Mine ban supporters seized the opportunity to educate Canadian officials about the humanitarian scourge arising from land

mines. Thus, Canada underwent what Rutherford calls a "dramatic transformation [...] from a faithful NATO arms control follower during the Cold War to a disarmament leader in the post-Cold War world." (ibid. 32).

In Norway again, NGOs are traditionally closely linked to the government mainly through public financing. And when in 1990 the former Secretary General of the Norwegian Red Cross, Jan Egeland, became State Secretary in the Norwegian Ministry of Foreign Affairs, the link became even stronger. And the ICBL used this link to influence the Norwegian government to become one of the most active lobbyists of a mine ban (Neuman 2002, p.110).

In Britain, it was the commitment and death of Princess Diana, NGO pressure and thereupon electoral promises of Tony Blair which changed the agenda. And in France, Handicap International persuaded the government to change its land mines policy. In response, François Mitterand requested a review conference of the Convention on Certain Conventional Weapons (CCW), the international forum that traditionally dealt with questions of disarmament (Hampson et al. 2002, p.83). The conference took place and more than 70 NGOs from 20 countries attended in the cases of Canada and Australia even as members of the official delegation (Price 1998, p.624). But although the review conference thus provided a new framework for NGOs and governments to come together and commonly discuss the subject, it turned out to be a paper tiger with which no clear decisions would be reached. Nevertheless, out of the stalemate of the CCW review conference arose a "core group of pro ban states", which in early 1996 undertook "a drive for a complete ban on the use, stockpiling, trade, and production of AP land mines, with some states unilaterally renouncing their use." (ibid. pp.618). As a member of this core group and unsatisfied with the outcome of the negotiations the amended protocol to the CCW was adopted in May 1996 Mark Moher, Representative of Canada to the United Nations for Disarmament at the First Committee of the 51st Session of the United Nations General Assembly, invited pro-ban actors to attend a strategy conference in Ottawa later that year (Hampson/Reid 2003, p.16). The Ottawa Process was born.

(B) Cooperation towards a Ban

The challenges was welcomed by the ICBL and already mine-ban committed states, but as the United States and Australia, among others, expressed their opposition to this "second track"

of negotiations, it still needed a lot of lobbying from the already convinced countries and the NGOs to gain further momentum.

Thus, the new group of core states was further strengthened by a process of self-selection: prior to the actual conference, a "Final Declaration" was circulated and those who would sign in were invited as participants to the first Ottawa meeting, those who would not were invited as observers. And further initial aid came from the European Union, which only a few days prior to the scheduled meeting, committed itself to the quest for a "total elimination of AP mines" (ibid. p.16).

From October 3 to 5 1996, the meeting was held in the Canadian city of Ottawa, where 75 countries and several representatives of NGOs came together to discuss the possibilities of a total ban on anti-personnel land mines. At the end of this meeting, 50 states decided to work together, aiming at a treaty on the voluntary commitment to the abolition of these weapons (Lawson et al. 1998, pp.162). The final declaration "Towards a Global Ban on Anti-Personnel Mines: Declaration of the Ottawa Conference" (International Strategy Conference 1996) was later welcomed by the United Nations General Assembly (United Nations General Assembly 1996) and laid the headstone for the actual ban treaty.

In the aftermath of this first meeting, the ICBL, supported by the International Committee of the Red Cross (ICRC) initiated several regional conferences. In South Africa, a group of local NGOs (under the umbrella of the South African Campaign to Ban Landmines), supported by the ICBL and Nelson Mandela, succeeded to persuade their Government into a public commitment to a total ban (Rutherford 2003, p.31; Stott 1998). This not only forestalled a western domination of the movement, but also initiated a cascade of other African countries which are now too actively engaged in the issue (Price 1998, p.634). Similar meetings were held in Central America, Europe, Australia, India and other regions of the world (Lawson et al. 1998, p.173) and the ICBL additionally increased the level of pressure by regularly issuing a list called "The Good, the Bad, and the Ugly", thus naming and shaming those countries which still were in opposition to the ban movement (Cameron 2002, p.76). Finally, they had gained so much public attention and support that it became "more normal" to support the ban and countries still in opposition to it had to fear that this might turn them into "outliers" (Price 1998, p.635).

In the meantime, Austria together with representatives of the ICBL had started to work

on a draft for the mine ban treaty which would be discussed in following meetings in Vienna, Bonn, and Brussels, until it should be completed in Oslo in September 1997 (Lawson et al. 1998, pp.173; Launer 1997, p.36). In this process, the ICBL actively shaped the draft by intervening when it saw its goals deluded or definitions too widely formulated (Cameron 2002, p.78).

(C) The Ottawa Convention

In Oslo, the ICBL was invited to participate in the official negotiations with the same rights observing countries had the first time ever a NGO was granted this honour in a "disarmament/arms control or humanitarian law treaty" negotiation (Rutherford 2003, p.28). But it acted not only within the negotiation meetings. Weeks before representatives from 89 countries arrived in Oslo, the ICBL, hosted by the Norwegian People's Aid, worked out campaigns and slogans that framed the whole meeting (Williams/Goose 1998, p.43). Supported by the ICBL's suggestions, the Oslo conference created a "clear and unambiguous Convention totally banning AP mines" which was to be signed only a few months later at a final meeting in Ottawa (Lawson et al. 1998, p.180).

Prior to the meeting in Ottawa a huge media campaign was launched to reach even the last governments which still were in opposition and to keep public awareness on the edge. These attempts were busted by the Nobel Peace Prize nomination of ICBL coordinator Jody Williams and mounted in the signing of a "People's Treaty endorsing the Ban Treaty" which was signed by thousands of people around the world (ICBL 2008b).

In the planning of the final Ottawa meeting, the first idea was to grant NGOs the same rights they had been given at the Oslo negotiations, but as the signing of the treaty was finally up to states a "two round system" was invented. In this system, there was one track of meetings for the official delegation and a second track in which NGOs could participate as observers. Nevertheless, about 15 countries simply included ICBL representatives into their delegations and thereby ensured that the NGOs would have their say in the official negotiations (Cameron 2002, p.77). In the days of the conference, 2,400 participants, among those 500 members of the media, discussed, planned, and distributed money for mine aid projects. At the end of the meeting, Canada, South Africa, and Norway were the first countries to sign the treaty (Lawson et al. 1998, p.181).

The convention firstly adopted in December 1997 in Ottawa had the general

obligations that

1. Each State Party undertakes never under any circumstances:

- a. To use anti-personnel mines;
- b. To develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, anti-personnel mines;
- c. To assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention.

2. Each State Party undertakes to destroy or ensure the destruction of all anti-personnel mines in accordance with the provisions of this Convention. (Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction: Article 1)

It became faster true than every other disarmament treaty before (Rutherford 2003, p.23) and contained almost all of the ICBL's demands concerning definitions and scope (Cameron 2002, p.78). It also installed deadlines and review conferences to enforce compliance which are elaborated in the Articles 7 to 13 and furthermore "[t]he ICBL has established an international reporting network and database to monitor treaty compliance by individual countries in the areas of mine production, transfers, stockpiling and destruction, use, mine clearance, etc." (Hampson et al. 2002, p.94)

Until today, 156 countries have signed and ratified the treaty. Among those who have not are the Peoples Republic of China, India, the United States, and the Russian Federation (ICBL 2008c). Nevertheless, the so called "Ottawa Convention" can be seen as "a model of how a coalition of likeminded middle powers allied with members of civil society can promote human security." (Hampson/Reid 2003, p.10) and as an example of how a strong treaty without "exceptions, reservations, and loopholes" can be reached (Lawson et al. 1998, p.176).

IV. A "New Diplomacy" and the Benefits of Global Governance

The Ottawa Treaty was celebrated as a great success in terms of arms control as well as the effective cooperation between states and non-state actors (Rutherford 2003, p.23; Price 1998, p.623). Being consistent with the above explained idea of a "new diplomacy", the main actors in the process were NGOs and middle-powers. The ICBL as the umbrella organisation for all actors of civil society which dealt with the topic raised the problem, worked out media

campaigns, and actively tried to educate and involve governments. Representatives of middle-powers such as Norway and Canada again were the first to pick up this topic and later played a crucial role in international negotiations. It was up to those states to pave the way for NGOs to participate into these negotiations by pulling them into a second track of meetings and thus enabled the ICBL to stay active in the shaping-process of the treaty itself. And at the end, it were states and not representatives of civil society which signed the treaty "for 'their' governments on 'their' dotted line" (Larrinaga/Sjolander 1998, p.365).

But although there is no doubt that the Ottawa Convention is an example for a fast track meeting without equal, the question of the benefits of this development remains. As stated above, there are three main indicators that characterise the values of global governance: an increase in input legitimacy, efficiency, transparency.

(A) Input Legitimacy

The inclusion of non-state actors into transnational decision-making processes is meant to bridge the participatory gap, to increase accountability, and to ensure the representation of as many layers of the public as possible. In the case of the mine ban campaign, this inclusion was highly elaborated as representatives of NGOs were even partially included in the drafting and negotiating process of the treaty. Nevertheless, NGOs themselves are not democratically elected; they always serve certain, self-selected interests and usually do not possess measures to protect minorities (Behrens 2004, p.115). A factor that might lead to the conclusion that the participation of NGOs did not mean "greater representativeness but greater publicity." (Cameron 2002, p.87).

Another shadow that lies over the idea of an inclusive and representative process is the nature of self-selection within the participating states that goes back to the first invitation to Ottawa. In order to protect the scope and impact of the treaty, more sceptic states were excluded from the very beginning (Rutherford 2003, p.26). As this also concerned major powers (and major mine producing countries) such as the US, China, and Russia, the input legitimacy, deriving from the inclusion of all actors which are effected, was knowingly limited. In the "trade-off between (input) legitimacy and effectiveness" (Börzel/Risse 2005, p.212), the goal of a strict and unambiguous treaty was valued higher than the one of all-embracing inclusiveness.

(B) Efficiency

In terms of pace and unambiguousness, the Ottawa process and treaty were highly efficient. Within a bit more than one year, not only a broad consensus that anti-personnel land mines should be banned was reached, but also a treaty was drafted and adopted. In this process, NGOs played a crucial role as agenda setters, knowledge providers, and observers and thereby brought in their specific abilities to facilitate the run for a treaty.

And even the non-participation of some major powers and mine producing countries does not too much delude the impact of the treaty. With more than 150 countries participating and among those the major mine-afflicted states the demand for mines has dropped considerably, and today, “[f]ewer than 10 mine-producing countries continue to export AP mines.” (Cameron 2002, p.74). In this case, the exclusion of some countries seems not to harm the efficiency of the treaty, but rather protected it's strength and impact from the restraints of consensus.

(C) Transparency

Many international negotiation systems are overshadowed by the charge of a lack of transparency a problem that is meant to be tackled by the inclusion of non-state actors. Within the Ottawa process, the borders between state and non-state tracks were more an more deluded and the ICBL, to the extend possible, made sure the negotiations weren't held behind closed doors but rather remained on the watch of the public. And in the aftermath of the process, the continued attention of the ICBL with it's “international reporting network and database to monitor treaty compliance” (Hampson et al. 2002, p.94) ensured the preservation of this transparency a practise continued till today with regular newsletters and annual report issued by the ICBL.

V. Conclusions

When in 1992 the International Campaign to Ban Landmines was founded, nobody would have believed that only five years later a treaty would have been reached that broadly banned those devastating weapons. Today, 156 countries are parties to this treaty and it contains remarkably few loopholes.

The role of non-state actors as agenda-setters and negotiation observers and their active participation in the developing process of the treaty has proved the benefits that can origin from such an involvement. The process not only turned out to be effective, but also showed an unusual level of transparency and openness. But this

benefits were bought dearly with the non-participation of some major powers. Thus, the Ottawa process and it's outcome give a good example of the advantages a cooperation can bring with it but still shows the clinks especially in terms of input legitimacy and inclusiveness. Altogether, the developing process behind this treaty truly appears to be a unique example of private-governmental cooperation and highlights the benefits that may origin from such a cooperation. But the question of whether this means the dawn of a new age of diplomacy remains to be answered.

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Academic Article

How the Re-setting of Standards Diminishes the Democratic Deficit to Institutional Weaknesses

Lisa Manke

University of Maastricht
l.manke@student.unimaas.nl

“The democratic deficit is a concept invoked principally in the argument that the European Union and its various bodies suffer from a lack of democracy and seem inaccessible to the ordinary citizen because their method of operating is so complex. The view is that the Community institutional set-up is dominated by an institution combining legislative and government powers (the Council of the European Union) and an institution that lacks democratic legitimacy (the European Commission)” (EU Glossary 2008).

Recently, scholars departed from the classical verdict and brought up new arguments in regard to the democratic deficit and at the same time well known scholars like Giandomenico Majone and Andrew Moravcsik developed arguments which weaken the claim of a democratic deficit. First of all, it has to be said that scholars arguing against a democratic deficit, do not claim that the EU is democratic but rather state that there is no need for the EU to be democratic and argue that the standards measuring the democratic deficit need to be re-set. Therefore, it is firstly clarified which standards are used and which really should be

used. The standards applied to the democratic deficit can be placed into four different groups. The first group of standards is based on the analogy with national institutions. This means that the institutions of the European Union are compared with national institutions. However, it is often said that the EU is *sui generis* and thus not comparable to other systems in particular not to nation states (Majone, 1998 p.8). The second group uses majoritarian standards, which is abstracted from the Westminster model. The Westminster model is developed by Lijphart and implies that all non-elected institutions are suspect (*ibid.*). Further features of the Majoritarian model are, for instance, that the executive is dominant over the legislative and a takes the shape of a unitary and centralised government (Lijphart, 1999 p.3). The EU is far from being part of the Westminster model because the process of integration is non-majoritarian as the Treaties on which the integration process is built, are adopted by all member states, i.e. unanimously.

The third group deals with the question of legitimation. It is argued that the European Union obtains its legitimation from the fact that the

member states are democratic. This is a correct reasoning when the intergovernmental character of the EU is considered. However, in regard to the supranational character, which prevails in the first pillar¹, the legitimation is not covered (Majone, 1998 p.12) The last group of standards claims that the EU lacks legitimation because of the absence of social policy. They see social policy as essential for the legitimation of the nation state. Majone, however, argues that a deepening on the social policy level would rather strengthen the image of a highly bureaucratic EU and therefore, worsen the legitimation problem (ibid.).

As these standards for examining the extent of democracy are out-ruled either because solving them would deepen the problem or because of incorrect reasoning, new standards are needed. According to Majone, the EU's nature is purely regulatory which is characterised by a credibility crisis and not a democratic deficit (Tsebelis, 2008 p.279). The EU is only in charge of limited competences. For instance, the EU does not have general "taxing and spending powers" similar to national governments (Majone, 1998 p.10). A broadening of competences of the Community took place under Article 235 of the Rome Treaty, which gave the Council the ability to take "appropriate measures [...] in the course of operation in the common market" (ibid.). However, the competences of the Community are still highly restricted. Moravcsik puts it more drastically by stating that the "threat of the European superstate is a myth" (Moravcsik, 2004 p.350). In this regard it becomes clear again that the EU cannot be compared to a nation state and needs to be seen as sui generis. However, the EU it is not to deny that the EU still has wide reaching competences which need to have democratic legitimacy.

The first and foremost critique on the European Union's institutional design is the parliamentary weakness. The European Parliament is directly elected and has thus a legitimation by the peoples of the Member States. However, the elections reveal the lack of a European public sphere. Furthermore, the election lacks unity. It takes place at different days in the member states and the number of voters differs from country to country, meaning that voters per member of parliament differ and thus affect the democratic base (Nugent, 2006 p.258). The EP elections are mostly seen as a second order national election, which also causes the problem of a low participation in the elections as the voters do not see the importance of that election. Moreover, the voters, who do vote use it as an opportunity to teach their government a lesson (Hix, 2007 p.87).

Another problem in terms of the democracy in the EU is the election of the Commission President. The Council nominates the President, which is done secretly and the European Parliament only approves him (Nugent, 2006 p.157). However, this is a problem according to Hix because the method of choosing the president seems to be similar to that of choosing a pope and Hix compares it to the secret conclave of the Cardinals when it should be a competitive battle between politicians (Hix, 2007 p.85). These two examples reveal that the missing point in EU's democracy is the competitiveness. Moravcsik underlines that ideal democracy is clearly utopian (Moravcsik, 2004 p.344). Further, he points out that although the EP election may be perceived as a second order election, the EP has an effective system of parties that co-operate with each other (ibid.). In general the EU has a system of checks and balances that is effective, transparent and clean. For instance, the national governments act as an indirect control of the institutions. Also the increasing power of the EP proves to be a sufficient direct control (ibid.). Moreover, in regard to the concept of democracy the political scientist Fritz Scharpf distinguishes between input and output legitimacy. Referring to the former US President Abraham Lincoln's understanding of democracy as "government of the people, by the people and for the people" (Lincoln, 1863), input legitimacy is emphasising "government by the people" and output legitimacy is highlighting "government for the people" (Scharpf, 1999 p.6). Scharpf points out the EU is an output based legitimacy as the current debate only seems to focus on output legitimacy. As input legitimacy often requires a homogeneity of the people, the EU would always fail to meet this criterium, especially after the Central Eastern Enlargement (ibid.). This means that the EU is far too large to satisfy all voter demands and have a standardised elections. Nation states have their own voting traditions, which they want to keep up. Further, the influence of the nation states on the EU is the reason why the EU is democratic. The institutional design does not provide an argument for the democratic deficit (Moravcsik, 2002 p.363). All in all, it can be said that some scholars examining the democratic deficit with the new standards do not see any institutional failures but only weaknesses. It is rather the credibility, which led to a crisis than the effectiveness of democracy in the EU. This article has shown that the classical verdict of the democratic deficit is not valid anymore because former treaty changes and the European Union's nature led to a re-set of standards. Several authors claims rather

describe shortcomings of the EU than a severe democratic deficit.

Still with the re-set of standards the institutional weakness concerning the election of the European Parliament remains valid. In the same way, the lack of competitiveness endures a problem in terms of that the European public sphere does not evolve. These claims are rather shortcomings and hint to a credibility crisis as Majone had pointed out. The EU has to fulfil the needs of 27 member states and therefore, turns its attention to different matters than a nation state does. Hence, the institutional design also differs from a nation state in order to satisfy and represent the member states as best as it could. The sui generis character led to the argument that the EU cannot be compared to a nation state. It is in need of its own criteria, which is also necessary in the case of democracy. However, the purely democratic state or institution is rather utopian, which is also implied in the quote of Winston Churchill who said that "Democracy is the worst form of government, except for those other forms that have been tried from time to time"(1947, Speech in the House of Commons).

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Notes

1. The Treaty of Maastricht established the so-called pillar system. The first pillar comprises the European Community, Euratom, and the European Coal and Steel Community. The three main institutions the Council of Ministers, the European Parliament and the European Commission enjoy relatively equal footing.

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Academic Article

Is there still a democratic deficit in the EU despite a more powerful European Parliament?

Ozgur Erkan

London School of Economics

o.erkan@lse.ac.uk

The concern for a democratic deficit in the EU emerged following the Single European Act, which started creating winners and losers among member states by marking a shift from decision by consensus to qualified majority voting in many issue areas. Since then, the European Parliament (EP hereafter) was granted higher powers through successive treaty changes, yet rising powers of the EP were not sufficient to end the debate on the democratic deficit. The debate of a democratic deficit in the EU still continues in the academia. While one strand (Moravcsik, Majone) argues that there is no democratic deficit in the EU; the second strand (Hix, Follesdal, Scharpf, Neunreither) asserts that there is still a democratic deficit in the EU despite an empowered EP.

By using the relevant literature, this paper will argue in three parts that although the EP has been granted higher powers over the last two decades, there is still a democratic deficit in the EU. In the first part, standard definitions of the democratic deficit will be revisited. In the second part, this paper will address the powers that the EP has gained in the last two decades. In the final part, the paper will focus on the question why

there is still a democratic deficit in the EU despite a more powerful EP.

For the sake of clarity, we should define in this first part what the democratic deficit in the EU means. The standard definition of democratic deficit covers five important claims [Hix, 2008, p.75]. Firstly, national parliaments do not have scrutiny over the actions of the Council and the Commission, unlike in parliamentary systems, where the national parliament would be able to scrutinize the actions of its executive [Hix, 2008, p.75-76]. Secondly, the EP is still weak despite its rising powers, because a considerable amount of EU legislation passes under the consultation process, under which the EP only possesses a power of delaying legislation. [Hix, 2008, p.76] Thirdly, both European and national elections are *not* fought on European issues. Citizens elect both MEPs and the Council members (i.e. national politicians) based on domestic issues, therefore the policy agenda of MEPs and Council members on Europe is not determined by the preferences of citizens on European issues [Hix, 2008, p.77]. Fourthly, because the EU institutions are not completely transparent in their decision making and since the EU is a complex

political system to understand for an average citizen, the EU is distant from voters [Hix, 2008, p.78]. Finally based on the four reasons mentioned above, EU policies are not congruent with the preferences of citizens [Hix, 2008, p.78], which again brings in the question of democratic legitimacy of decisions made at supranational level. Although Hix's standard definition of democratic deficit contains elements of both input and output legitimacy, this paper will focus rather on the *input legitimacy* of the European Union, which assesses the democratic legitimacy of institutions that make political decisions [Scharpf, 1997, p.18].

After revisiting the standard definition of democratic deficit, we should analyse how successive treaty changes raised the powers of the EP and helped reduce the democratic deficit *slightly*.

Member states started raising the importance of the EP as an institution by 1979, when direct elections to the EP were held for the first time, in order to raise the democratic legitimacy of policy-making in the EU [Corbett et al., 2007, p.9]. This democratic step, however, had to be complemented through empowering the EP, because a weak institution would not be able to generate a high turnout and claim democratic legitimacy [Lodge in Andersen & Eliassen, 1998, p.194]. Accordingly, member states have granted the EP higher (legislative) powers starting from the Single European Act, which launched the co-operation and assent procedures. Through the co-operation procedure, the EP became-what Tsebelis calls a "conditional agenda-setter", since the EP can amend the Council position on a Commission proposal in its second-reading, if the Commission approves those amendments made by the EP [Corbett et al., 2007, p.9]. Under assent, the EP gains the power to veto or approve association agreements with third countries.

Through the Maastricht Treaty, the EP gained a significant legislative power, namely the co-decision power (Co-decision I). Under Co-decision I, the EP was expected to become a co-legislator with the Council, however, the Council still dominated the power of the EP under this procedure. According to the procedure, if both the Council and the EP failed to reach an agreement on a joint-text (i.e. an amended version of the original Commission proposal) after two-readings, both parties would go to a conciliation committee, together with the Commission, to find a compromise on the proposal. In the conciliation committee, however, if both the EP and Council could not again reach an agreement, the Council had the right to propose an alternative proposal

package, which the EP could accept or veto only, but not amend. Many scholars, such as Garrett, Tsebelis and Curtin, assert that the conciliation committee practice under co-decision I "stripped the EP of its conditional agenda-setting powers under co-operation" and that it did "not find a balance between the Council and the EP" [Crombez, 2000, p.51]. In other words, Co-decision I at Maastricht did not quite reduce democratic deficit, since the sole directly elected body of the EU could not become an equal co-legislator. In addition to the co-decision I power, Maastricht Treaty also brought in the approval of the Commission President by the European Parliament [Corbett et al., 2007, p.10], which aimed to increase the democratic legitimacy of this body. It is, however, doubtful whether this new power has enhanced the democratic legitimacy of the Commission president, because this approval was only a consultative, i.e. not a binding one, which means that member states could, despite the preferences of the EP, select a Commission president close to their bliss point. Finally, the Maastricht Treaty expanded the assent power of the EP towards approving international agreements [Corbett et al., 2007, p.10].

The Amsterdam Treaty of 1997 made some important changes that seemed to reduce the democratic deficit slightly. Firstly, Amsterdam Treaty reformed the co-decision procedure (co-decision II) by eliminating the second-step of the conciliation committee [Corbett et al., 2007, p.10]. In other words, under Co-decision II, if the Council and the EP did not manage to reach an agreement in the conciliation committee, the proposal would fall and the Council would not have a 'privileged right' of offering the EP an alternative take-it-or-leave-it proposal [Crombez, 2000, p.48]. Thus, the EP would become a co-legislator with the Council in the legislative process. The EP, however, did not fully become a co-legislator with the Council in each policy area, because in the second and third pillars, Amsterdam Treaty left the decision-making mainly in the hands of member states (i.e. the Council). Secondly, Amsterdam Treaty made the EP vote on the approval of Commission president binding for member states; which was a step that helped legitimizing the position of the Commission president more than the consultative vote of the EP at Maastricht. The EP cannot, however, still set the agenda by nominating candidates for the Commission presidency.

Finally, the Treaty of Nice granted the EP the power to take other EU institutions to the ECJ, if they violate the Community laws [Corbett et al.,

., 2007, p.10].

To sum up this part, successive treaty changes granted the EP higher powers that aimed to eradicate democratic deficit in the EU. Some of these measures, such as the co-decision-II procedure, which makes the EP a co-legislator in certain policy-areas and the power to take other EU institutions to the ECJ, reduced the democratic deficit slightly. Despite these reforms, however, democratic deficit still exists in the EU, due to the reasons outlined in the following part.

First of all, although successive Treaty changes gradually raised the legislative powers of the EP from mere consultation power to co-decision II by 1997; consultation procedure remains widely used in the day-to-day policy-making of the EU. Diedrichs et al. demonstrate the use of consultation procedure does not fall with increased use of co-decision over time. More strikingly, although the use of co-decision increased gradually since its implementation, by 2004 we observe that the consultation procedure was used *more* than co-decision procedure [Diedrichs et al. in Spence & Edwards, 2006, p.226]. This observation has serious limitations on the democratic legitimacy of policy-making at EU-level, because it implies that a significant amount of legislation still passes under a procedure, where the EP has very limited powers and where the Council and the Commission suppress the powers of the sole directly-elected EU institution. Therefore, we find evidence that supports the second claim of the standard definition of democratic deficit (i.e. the EP is in fact still weak)

Secondly, by looking at the evidence above, one could reiterate Moravcsik's argument that policy-making in the EU is legitimate, because even under the consultation procedure Council of Ministers and/or the European Council dominate the agenda-setting, which consist of national politicians, who indirectly represent their citizens at the European level [Moravcsik, 2002, p.611-612]. The problem with this argument is that political actions should include the consent of citizens, in order to be democratically legitimate, yet citizens do not elect their national executives based on European issues, but on domestic issues. Therefore, the policy-agenda national politicians follow at European level does not necessarily encompass the consent and preferences of their citizens on European issues. This has two important implications for democracy: There will be a lack of congruence between the ideal policy of voters and the policy preferences of national leaders at EU level, and national politicians cannot be thrown out of office by national vote before national elections, if

voters are not satisfied with the policy of their national leaders at European level [Follesdal & Hix, 2006, p.552]. More significantly, even the democratic legitimacy of MEPs is questioned, because European elections are 'second-order elections' and citizens vote based on domestic issues, and not on European issues [Follesdal & Hix, 2006, p.552]. Put differently, the policy-agenda of MEPs does not necessarily reflect the preferences of citizens on European issues. To sum up, because both the MEPs and national politicians are elected on domestic issues, and not on European issues; their political actions at European level carry little democratic legitimacy.

Thirdly, there is a serious lack of contestation for political leadership at EU level, and, it remains unclear how supranational bureaucrats and national executives can alter their policy-agendas on European issues according to shifting voter preferences without contestation at European elections [Follesdal & Hix, 2006, p.554]. For example, when the European Community was first created, voters agreed through 'permissive consensus' to create a Commission with highly integrationist preferences, yet due to the absence of political contestation for Commission presidency, the (integrationist) preferences of Commission presidents will not change with changing/shifting voter preferences [Follesdal & Hix, 2006, p.555]. Thus, since there is no political contestation for political leadership at EU level, preferences of supranational executives will not change in line with shifting voter preferences over European issues, which underpins the argument of 'a democratic deficit' in the EU.

Fourthly, according to Neunreither, there is a democratic deficit, because the power of national parliaments has eroded over European issues, while national executives have gained significant powers [Neunreither, 1994, p.300]. Against this hypothesis, Hix and Follesdal support Moravcsik's argument that in Europe national parliaments were never dominant over the executive, therefore the significant power of national governments over European issues does not correspond to an erosion of national parliaments' power [Follesdal & Hix, 2006, p.556]. This argument, however, can be challenged, because the national executive was not equally dominant over the parliament in every European country. For example, in the Netherlands, where a proportional electoral system with multiple veto-players exists, the executive is quite weak vis-à-vis the parliament, compared to the UK, where the national executive is dominant over the parliament [Tsebelis, 2002, p.104]. Therefore, we cannot

conclude that all parliaments in Europe were traditionally weak vis-à-vis the executive. This point links to another argument. If strong national parliaments in Europe lose their control over European issues, does that engender a democratic deficit? If we follow the arguments of Hix, that both national politicians and MEPs are not elected on European issues, it can be asserted; contrary to some scholars (e.g. Neunreither, 1994) that the loss of power by national parliaments over European issues will not necessarily create a democratic deficit. If national MPs were to control the policy-agenda of national executives and supranational bodies, how can they recognize and adopt citizens' preferences over European issues, if European issues are not in interplay at national elections? Put differently; one cannot necessarily expect that national MPs will represent the preferences of voters over European issues, if national elections are fought on domestic issues. As the policy positions of MPs on European issues would not necessarily be congruent with that of citizens, the inability of national parliaments to control the policy-agenda over European issues does not engender a democratic deficit.

Instead, the institutional structure of some EU institutions constitutes a significant democratic deficit. For example, few scholars consider the significance of a democratic deficit at COREPER. Made up of selected permanent representatives, COREPER can make a final decision on the so-called "A-point legislations", which will not be discussed again in the Council and will simply be voted on by the Council [Lodge in Andersen & Eliassen, 1998, p.199]. It remains, however, unclear how the permanent representatives make their decisions at COREPER [Lodge in Andersen & Eliassen, 1998, p.199], which coalitions they form, whether alternative policies to the Commission proposal emerge and most significantly if a Commission proposal is turned down, why the representatives reject it. Since COREPER, which has a significant but underestimated role in the legislative procedure resembles a non-transparency black-box; it constitutes a democratic deficit. The ECB is similarly a source of democratic deficit because of its institutional structure. Firstly, it is not as transparent and accountable as are other major independent central banks. For instance, contrary to the FED, Bank of England and Bank of Japan, the ECB does not publish its voting records and the verbatim minutes of its meetings [Buiter, 1999, p.193]. Moreover, the ECB does not send an open-letter to the legislative body at European level, when it misses its inflation target [Buiter, 1999, p.198]. Secondly, since treaty

amendments in the EU require unanimity, it is difficult to amend the mandate of the ECB within a Union of 27 members, as one member state, which is satisfied with the status quo, can block the amendment. Accordingly, as the ECB executives know that changing ECB's mandate is *nearly* impossible, they can easily engender a policy drift, by adopting their own policy preferences.

In addition to the legislative and institutional democratic deficit, there is also a "social-democratic deficit" in the EU. The social-democratic deficit in the EU stems from its liberal Single Market, which limits the capacity of welfare states to impose taxes on businesses [Scharpf, 1997, p.23] and to use the tax revenue for purposes of redistribution. In a liberal Single Market, EU members compete against each others to attract investors; therefore they cannot easily impose taxes on companies to finance their redistributive policies, such as education, health care and pensions [Scharpf, 1997, p.27]. This is for instance a challenge for France, where employer contributions form 53 percent of the welfare spending [Scharpf, 1997, p.26]. Thus, member states need to either shift the tax burden onto consumers to finance their welfare policies, or resist the claims for higher redistribution from groups that depend on welfare transfer from the state' [Scharpf, 1997, p.27]. Paradoxically, EU members cannot transfer social policy to the supranational level, since structures of financing the welfare state vary greatly across member states [Scharpf, 1997, p.27]. Consequently, while the EU focuses on liberalising and de-regulating its Single Market, it does not attach equal weight to the challenges posed by a liberal Single market on national welfare policies, which engenders a social-democratic deficit by diminishing the capacity of the welfare state.

To sum up, this paper has five justifications for the existence of a democratic deficit in the EU: Firstly, successive treaty amendments did not completely eliminate the democratic deficit, because the consultation procedure is still used frequently in the EU despite the implementation of co-decision II and the EP is still not the co-agenda setter in the nomination of Commission presidency. Secondly, the policy-agenda of national executives and MEPs over European issues carries little legitimacy, because both national and European elections are fought on domestic issues, and not on European issues, therefore the policies conducted by MEPs and national executives at European level are not necessarily congruent with voter preferences over European issues. Thirdly, because there is no contestation for political leadership at EU

level, supranational bureaucrats and national executives cannot alter their policy in line with shifting voter preferences over EU policies. Fourthly, non-transparent institutional structure of the ECB and COREPER create a significant democratic deficit in the EU. Finally, there is a social-democratic deficit in the EU, because the current system in the EU cannot find the right balance between liberalising the Single Market and maintaining the effectiveness of national welfare policies.

Although the Lisbon Treaty attempts to eliminate the democratic deficit by raising the power of national parliaments in the EU policy-making through the “Yellow, Orange and Red Card Scheme”, democratic deficit in the EU will continue to exist as long as I.) national political parties do not explicitly state their stand on EU policies at national elections II.) EP elections are fought on national issues. National MPs, national executives and MEPs can claim legitimacy for their policy-agenda at EU level, if these two steps are taken.

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Academic Article

Discussing the Democratic Deficit

Bennet Strang

London School of Economics

bennet_strang@web.de

Is there a democratic deficit and, if so, does it matter? This essay will argue that there is no democratic deficit. Quite the opposite, the European legislative decision-making process is very accessible, societal actors have the possibility of voicing their opinions, the institutions work efficiently and the only reason why people feel uneasy about the democratic credentials of the Union is because 'Brussels' is more distant from them than their national capitals are. These and other claims will be substantiated in the essay.

The development of the argument is going to take place in three steps. Firstly, the democratic deficit debate will be briefly put in context. The ensuing part addresses the question against what kind of legitimacy and understanding of democracy the EU is and should be judged in a theoretical way. Thirdly, the essay argues why the EU does not suffer from a democratic deficit, while also taking note of possible counter-arguments. Finally, a conclusion will be given.

Why did the debate on the supposed democratic deficit only come up in the aftermath of the Maastricht Treaty? An explanation might be

that as the Community turned into the Union and increasingly acquired politically salient competences, its citizens became aware of the democratic shortcomings of this development. The permissive consensus was the child of depoliticised ignorance, which gradually came to its end. Gone seemed to be the times when "there was a favourable prevailing attitude towards the subject, but it was of low salience as a policy issue, leaving national decision-makers to take steps favourable to integration if they wished but also leaving them a wide liberty of choice" (Inglehart quoted in Lord, 1998, p. 16).

The Danish no in the referendum on the Maastricht Treaty heralded that a new forceful and potential veto player, ie the public, had to be reckoned with in the future. The negative vote constituted the first popular setback to the essentially elite-driven technocratic integration project functioning according to the institutionally engrained Community method. Ironically, the democratic credentials of the Union were being questioned at a time when the EP witnessed a significant extension of its legislative decision-making powers under the introduction of the co-decision procedure. This is even more

noteworthy given that the preceding decades were characterised by the strengthening of executives at the expense of legislatures. Much activism has since been characterised the Union's response to the alleged democratic deficit challenge. In order to discuss and criticise this notion, its connotation and implications have to be analysed first.

According to Zweifel (2002), the term 'democratic deficit' refers to a lack of transparency, consensus, redistribution, legitimacy and accountability. Thus, the implications of this ambiguous catch-all expression are manifold. Some conceptual clarification is needed to prevent that people argue on the basis of different understandings of what they are talking about. Zweifel's (ibid.) disaggregation is thus helpful. Majone's (1998) will even be more so. However, before substantiating why a democratic deficit does not exist, some remarks on the nature of key dimensions to this term are necessary. The following part will, hence, analytically address the questions against what kind of legitimacy and democratic standards the Union is judged and whether this is in itself legitimate or not.

The notion of legitimacy and its understanding is central to the democratic deficit concept. It might be useful to first introduce Lord's (1998) concept of democratic authorisation, which is being defined as "consent to the overall structure of power relations and election of particular political leaderships" (p. 16). Now, how is or can the *sui generis* construction called EU be democratically authorised, if at all?¹ There are multiple possible venues of legitimacy. Lord and Magnette (2004) refer to "...four 'vectors': indirect, parliamentary, technocratic and procedural legitimacy" (p. 184). Indirect legitimacy is to be derived from nationally accountable officials and the nation-states themselves, while the EP confers parliamentary legitimacy upon the Union. Politicising the Commission by increasing its input legitimacy in Scharpf's words (1999) in the form of, say, the establishment of a kind of parliamentary democracy, would likewise add to the degree of the Union's parliamentary legitimacy. Finally, procedural legitimacy is said to derive from abiding by procedural norms of due process.

The important thing to note is that there exist numerous different conceptualisations of the EU's legitimacy. Rittberger (2003) adds three more². To the key question of what legitimacy concept to judge the EU by adds itself the crucial necessity to determine what kind of governance regime the EU is. Given that it is definitely not a (purely) statist one, why should the Union be

measured according to and be expected to meet statist-based conceptions of legitimacy, accountability and democracy after all? Have those concepts been adjusted to the particularities of a supranational governance regime with quasi-constitutional powers?³ In any way, those statist-based understandings must be challenged (Banchoff/ Smith, 1999). Some general clarification is needed and provided by Majone (1998) and Moravcsik (2002), who undertake an extremely useful contextualisation and ordering of the debate around and of the elements of the democratic deficit.

Majone (1998) draws attention to the important implications different normative frames on the Union's *finalité* have on the democratic deficit debate. "Those who assume that economic integration must necessarily lead to political integration tend to apply to the European institutions...the same standards of legitimacy which prevail at the national level" (p. 27)⁴. Thus, using the very term 'democratic deficit' already reveals a particular underlying conception of the EU, which is not necessarily commonly shared (Zweifel, 2002). Neither are any inferences as to the EU's democratic nature based upon it (ibid.). It is self-evident that the EU fails the statist-based tests of legitimacy, accountability and democracy. Why are not the nation-states held accountable for their agents' allegedly undemocratic actions? After all, they empowered them in the first place.

Thus, what standards are to be applied to the EU? Habermas makes a compelling suggestion on what legitimate rule constitutes. It "...emerges...when *rational* discourse...informs *collective action* [emphasis added]" (paraphrased in Banchoff/ Smith, 1999, p. 5). This conceptualisation is neutral if not 'cold'. European decision-making processes are undeniably characterised (and frequently criticised) for their (sometimes too) rational discourse. The opposite would be politicisation. However, it is exactly this kind of technical rational discourse which is *absolutely essential* in order for the Commission to be recognised as a legitimate actor among 'winners' and 'losers' of its executive decisions. The Commission is the guardian of the treaties and not of a particular political position. It must under any circumstances prevent to be seen as being politically biased. In Moravcsik's (2002) words: "...the EU may be more 'representative' precisely because it is...less 'democratic'" (p. 614).

Delving further into the legitimacy credentials of the Union in general and the Commission in particular, it can furthermore be remarked that the principals already legitimised their agent by having delegated powers to it

(Lord, 1998; Lord/ Maignette, 2004). This institution enjoys further indirect legitimacy by virtue of its members being chosen by democratically elected and accountable national executives (Zweifel, 2002)⁵. Majone (1998) adds that the protection of rights by the EC institutions confers itself autonomous rights upon them. Additionally, the Commission in particular and the EU in general enjoy output legitimacy (Scharpf, 1999). It is strongly suggested here that input legitimacy will neither work, nor would it be desirable. Why it will not work is because the basis for the input to develop upon in the first place is absent. There is no comprehensive European media coverage (Zweifel, 2002) because there are no polarising and politically salient European issue cleavages⁶. It would not be desirable as "...non-majoritarian institutions can produce 'superior' public policies to short-term oriented, re-election seeking officials..." (Rittberger, 2003, p. 205). The Union is better off relying on proven output legitimacy even if this involves being blamed as an undemocratic monolith, as opposed to non-workable forms of direct input legitimacy, ie politicisation⁷.

In any event, "...there is an urgent need to re-set the standards by which we assess the legitimacy of European integration..." (Majone, 1998, p. 6). Additionally, it is necessary to come to a re-evaluation of the fashionable Union-bashing allegation that it suffers from a democratic deficit. The following last part aims to do this.

"Concern about the EU's 'democratic deficit' is misplaced" (Moravcsik, 2002, p. 603). The reason for this is largely the EP. It acts as a legitimising, directly elected co-legislator. Having the right to approve of the Commission and the same office terms, the EP is also empowered to set up ad hoc committees of inquiry. Additionally, it is able to apply a motion of censure against the Commission. Both elements ensure the latter's accountability (Majone, 1998). The EU's regulatory agencies are also not totally out of the ambit of democratic supervision in contrast to what is commonly being claimed. As those receive their funding from the non-compulsory expenditures over which the EP exercises budgetary authority jointly with the Council, this 'stick' can be employed to control their operations (Zweifel, 2002).

In addition to the direct accountability of the EP, twenty-seven national parliaments also provide an indirect form thereof (Moravcsik, 2002). The examples of both Denmark and Great Britain underline that parliaments are capable of wielding control over their representatives' actions in the Council. In addition to legislatures being able to exert control and influence, multiple

actors covering the whole spectrum of societal representation are represented in the decision-making processes. Although the Committee of Regions and the European Economic and Social Committee have little political clout, they nevertheless represent and give voice to their members' positions under the co-decision procedure (Banchoff/ Smith, 1999). The EU resembles a consensus democracy with high majority thresholds and various veto players jealously checking whether each other's exercise of power is legitimate (Lord, 1998; Zweifel, 2002; Moravcsik, 2002)⁸. For whom this is not sufficient, democratically elected and accountable heads of state and government determine the general trajectory of the Union's development via European Council summits and finally take the most controversial decisions.

It is for all these reasons that "...if we adopt reasonable criteria for judging democratic governance, then the widespread criticism of the EU as democratically illegitimate is unsupported..." (Moravcsik, 2002, p. 605). The context is crucial in this regard. "When judged by the practices of existing nation-states and in the context of a multi-level system, there is little evidence that the EU suffers from a fundamental democratic deficit" (p. 621; Zweifel, 2002)⁹. Furthermore, it can be doubted that all governmental systems and governance regimes of the Member States meet the demands of accountability and transparency without any shortcomings (Majone, 1998). "...[M]ost democratic polities...rely extensively on non-majoritarian principles and institutions" (p. 11). Precisely because the Union has largely been invested with regulatory powers in those fields where otherwise collective action problems would have arisen can democratic participation not be required (Moravcsik, 2002). The EU does not largely have powers with potentially redistributive outcomes. Even regulatory decisions on the CAP are ultimately being made in the intergovernmental comitology system.

Even more so, Majone (1998) clarifies that there is also, so to speak, no 'democratic majority' for more democratic oversight following a transfer of policy competences with redistributive implications to the EU level. "As long as the majority of voters and their elected representatives oppose the idea of a European federation, while supporting far-reaching economic integration, we cannot expect parliamentary democracy to flourish in the Union" (p. 5). Neither should its standards be applied to the latter as a consequence. Departing implicitly from a principal-agent framework, he adds that "...as long as the tasks delegated to the

European level are precisely and narrowly defined, non-majoritarian standards of legitimacy should be sufficient to justify the delegation of the necessary powers” (p. 5).

The EU is widely recognised as a legitimate arena in which policies can be contested by all actors involved (Banchoff/ Smith, 1999). “Constitutional checks and balances, indirect democratic control via national governments, and the increasing powers of the European Parliament are sufficient to ensure that EU policy-making is...clean, transparent, effective and politically responsive to the demands of European citizens” (Moravcsik, 2002, p. 605). Nobody complains about potential democratic deficits at national decision-making levels even though there were enough possibilities to do so.

Notes

1. Lord (1998) suggests that authorisation takes place through extensive debate on and subsequent parliamentary ratification of EU treaties in and by the Member States.

2. These are the “...federal state legitimating belief [, the]...economic community legitimating belief...[and the] intergovernmental co-operation legitimating belief...” (p. 209).

3. “...[S]tandards of accountability historically developed to control an omniscient state with virtually unlimited powers to tax and spend, cannot be applied without substantial modifications to a system of limited competences and resources such as the EC” (Majone, 1998, p. 10).

4. Additionally, “...a focus on popular attitudes and central institutions reflects categories of analysis derived exclusively from the experience of the nation state, and which therefore do not capture the dynamics of recognition and representation in the EU” (Banchoff/ Smith, 1999, p. 2).

5. Rittberger (2003), accordingly, remarks that “...a legitimacy deficit will not be uniformly perceived among political elites” (p. 209).

6. This remark gives rise to a chicken and egg debate. Are there no Europe-wide salient issue cleavages because of lacking media coverage or is there no media coverage because there are no salient issue-cleavages?

7. “...[R]eforms, referendums, parliamentary elections, or constitutional conventions based on EU issues encourage informationally impoverished and institutionally unstructured deliberation” (Moravcsik, 2002, p. 616). Majone (1998) goes even one step further arguing that “...a strict application of majoritarian standards would only produce deadlock and possibly even disintegration” (p. 11).

8. “...[W]hile the EU lacks strong central democratic institutions, the integration process has created significant informal and pluralist forms of representation” (Banchoff/ Smith, 1999, p. 2; Zweifel, 2002). Moravcsik (2002) even argues that “...the EU regulatory processes are as open to input from civil society [eg interest groups], and as constrained by the need to give reasons, as the (relatively open) systems of Switzerland and the US” (p. 613). Consequently, “...supranational officials in fact work under intense public scrutiny” (p. 612). Even the agenda-setting process is necessarily very open as the deliberately under-funded Commission depends on the expertise of societal actors.

9. Zweifel (2002) adds that “...compared to nation-states, the EU has more decision-making centers and access points, less authoritative control over its territorial area, and fewer powers of implementation” (p. 813)

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ABOUT THE CONTRIBUTORS

Thomas Bobinger, 25, is a college graduate who received his BA (cum laude) in "European Studies" at the University of Maastricht in 2007. In 2008, he obtained an LL.M (cum laude) in "Law and Politics of International Security" at the Free University of Amsterdam. He has written his Master Thesis on private security companies and their influence on state sovereignty, and currently interns at the Europe department of the German Institute for Human Rights in Berlin.

Sven Brendel resides in Monterey County, California, USA. He is a senior majoring in political economy, with a minor in global studies, at California State University Monterey Bay; set to graduate in spring 2008 with magna cum laude honors. In August 2007, he earned his Associate's degree in University Studies from Monterey Peninsula College with high honors. He looks forward to entering the Ph.D. program in political science at the University of California, Santa Cruz in the fall of 2009. His main research interests are U.S. economic policy, having published three papers on the subject last year.

Antonieta Alcorta de Bronstein, 27, graduated in International Relations at the Universidad Central de Venezuela in 2005. She worked for the University of Münster in different international projects, including starting MUIMUN Münster University International Model United Nations. Currently she is studying a Master of Peace and Security at the Institute for Peace Research and Security Policy (IFSH) in the University of Hamburg and interns at the German Institute of Global and Area Studies.

Dinu Munteanu is 24 years old, has a degree in psychology from the "Alexandru Ioan Cuza" University in Iasi, Romania and is currently writing his Master thesis within the Arts & Sciences programme of the Maastricht University (The Netherlands). His interests are interdisciplinary, ranging from political studies and discourse analysis, to cultural anthropology and academic journalism. In what international affairs are concerned, he has a constructivist perspective, and has studied the dialectics of concepts such as "culture" and "Islam", as they appear in various international newspaper articles.

Carolin Echt is a student of political science at the University of Bremen. Currently, she is pursuing an internship at the office of a German social democratic foundation in East-Jerusalem. In her studies, she focuses on International Relations and the Middle East. In summer 2009, she will finish her B.A. with a thesis on the Israeli-Palestinian conflict.

ABOUT THE CONTRIBUTORS

Lisa Manke, 21, is a third year student in the Bachelor programme of European Studies at the University of Maastricht. Currently she is writing her Bachelor Thesis about European Neighbourhood Policy with a focus on the Ukraine and the question of whether the country can be either only orientated to the EU or to Russia. Her interests include - next to the external relations of the European Union - culture identities in the scope of globalisation.

Ozgur Erkan is from Turkey. He completed his undergraduate studies at the London School of Economics, where he obtained a BSc. in Government and Economics with First Class Honours. Currently he is enrolled in the MSc. Politics and Government in the European Union programme at the London School of Economics. In his studies he focuses on public attitude to the EU and national referenda on EU Treaties, political economy of major EU treaties and the external trade policy of the EU.

Bennet Strang, 24, has been studying for an MSc in Politics and Government in the EU at the London School of Economics and Political Science (LSE). Previously, he did his Bachelor degree in European Studies at the University of Maastricht. His interests broadly relate to good governance, administrative decision-making structures and aspects of new institutionalism, i.e. the sociological stream in particular.

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