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## THE PARADOX OF TECHNOCRATIC DEMOCRACY AND THE DEMOCRATIC DEFICIT OF EUROPEAN INSTITUTIONS BY JÜRGEN HABERMAS<sup>1</sup>

[O PARADOXO DA DEMOCRACIA TECNOCRÁTICA E O DÉFICIT DEMOCRÁTICO DAS INSTITUIÇÕES EUROPEIAS, EM JÜRGEN HABERMAS]

Jorge Adriano Lubenow \*

**ABSTRACT:** In the nineties, Habermas redirected his political writings to the post-national constellation (global and European) and the possibilities of a society politically integrated through *transnational democracy* (or post-national democracy). This thematic reorientation took place on two fronts. The first one is the *global transnational democracy*, which includes the impacts of the economic globalization on national democracies, as well the proposal for a political Constitution for a pluralistic world society, based on a constitutionalization of international law. The second one is the *European transnational democracy*, which includes the redefinition of the political profile of European welfare state for an economic liberal profile, as well the paradox of democratic technocracy operated by European institutions and the proposal to overcome the decoupled technocratic policy model. This paper will address only this last topic, describing the reasons of the democratic deficit and the consequent delay of European political Union. Despite numerous reforms, the technocratic policies have not eliminated the discrepancy between centralization and democratization, and mistakenly indicate another direction further reinforcing the problem of European undemocratic institutions. In contrast, Habermas argues

**RESUMO:** Nos anos 1990, Habermas redirecionou seus escritos políticos para a constelação pós-nacional (global e europeia) e as possibilidades de uma sociedade integrada politicamente por uma *democracia transnacional* (ou democracia pós-nacional). Esta reorientação temática aconteceu em duas frentes: a primeira, uma *democracia transnacional global*, que inclui os impactos da globalização econômica nas democracias nacionais, bem como a proposta de elaboração de uma Constituição política para uma sociedade pluralista transnacional, baseada na constitucionalização do direito internacional. A segunda, uma *democracia transnacional europeia*, que inclui a redefinição do perfil político da comunidade europeia para um perfil econômico-liberal, bem como o paradoxo da tecnocracia democrática operada pelas instituições europeias, e a proposta de superação do desacoplado modelo político tecnocrático. Este artigo tem por objetivo apenas este último tópico, e descreve as razões do déficit democrático e o consequente atraso político da União Europeia. Apesar de inúmeras reformas, as políticas tecnocráticas não conseguiram eliminar a discrepância entre a centralização e a democratização, e equivocadamente indicam para uma outra direção, reforçando o problema das

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that the democratic deficit could only be overcome replacing the technocratic approach by a deeper democratization of European institutions.

**KEYWORDS:** Jürgen Habermas. Transnational democracy. Technocratic democracy. European democratic deficit. Public sphere depoliticization.

instituições europeias não democráticas. Em contrapartida, Habermas argumenta que o déficit democrático apenas poderia ser superado substituindo o modelo tecnocrático por uma profunda democratização das instituições europeias.

**PALAVRAS-CHAVE:** Jürgen Habermas, democracia transnacional, democracia tecnocrática, déficit democrático da Europa, despolitização da esfera pública.

## **1. THE DISCREPANCY BETWEEN ECONOMIC AND POLITICAL INTEGRATION; EMPHASIS ON EU MONETARY UNION; REDUCTIONISM TO “MARKET-ORIENTED GOVERNMENT”.**

The economic and monetary union was planned to be a support element of an economic strategy to stimulate competition and organize obligatory rules between EU Member States as market partners beyond national borders. It was also an economic reaction to effects of economic globalization on national states, with the purpose of compensating in a transnational context the loss of economic and political control capacities at a national level. However, this EU emphasis on economic integration meant a shift towards a market-oriented Europe in a neoliberal format. The consequence of a monetary community is that the markets limit the ability of individual states to decide on policy action. This results in the dismantling of the welfare state (one which is focused on social justice) and the corrosion of the democratic element of national democracies. In addition, a “market-oriented Europe” is institutionally unable to positively correct the market and impose redistributive regulations that leads to a weakening of political regulation and poorly-legitimized public services.<sup>2</sup> The discrepancy between economic and political integration demonstrates the political failure of the EU.

In contrast, the expansion of the legitimizing basis of European institutions should be accompanied by the expansion of the EU political action ability. The current problems cannot be solved solely by economic means, because they have a genuinely political nature. Up to now, the EU has been established and ensured equal economic

freedoms, but now it also needs to decide on thorny political issues, such as labor market, unemployment, social security, inequality, social justice, immigration, and so on. The enlargement of democratic legitimacy base requires a refocusing away from the economic to the political level, which should integrate all Member States. Although this would not be possible without a feeling of belonging to the same transnational political community,<sup>3</sup> the requirements to provide a transnational democratic legitimacy, which arises from a civil society and finds resonance in a European public sphere, have not yet been fulfilled.<sup>4</sup> For Habermas, the discrepancy between economic and political integration could be overcome by organizing political action skills at a transnational level. In the same way, the European political crisis can only be overcome with a deepening of political integration in a European transnational democracy.<sup>5</sup>

## **2. THE PARADOX OF UNDEMOCRATIC INSTITUTIONS; THE LACK OF TRANSNATIONAL DEMOCRATIC INSTITUTIONS.**

In the post-national constellation, supranational agencies are created in order to compensate for gaps in inefficiency and the loss of autonomy of national States. The transfer and supranational centralization of regulatory powers produces a legitimacy deficit of European decisions, because: the Member States give the monetary sovereignty to an institution, and thereby restrict the capacity to influence their economy; the imposition for resolutions in central areas of national Parliaments responsibility; the European agencies (as Commission and Council) sign contracts and international treaties which work as equivalents for a political regulation; the EU intergovernmental agreements are decoupled from the collective will and national Parliaments.<sup>6</sup>

Although the policies of the created institutions have an effect on citizens' daily lives, they usurp democratic control. Not even the European Parliament seems able to establish a bridge between national political disputes and EU Commission decisions in Brussels. At the European level, there is a gap between the citizens' political will

forming and the politicians' decisions and actions, which shows an uncoupled European policy – *entkoppelte Europapolitik*.<sup>7</sup> Moreover, there is an imbalance between the roles of the European Council and Parliament. So long as the power between Council and Parliament in the ordinary legislative procedure is not equally divided, the EU will keep sharing a democratic deficit with all EU institutions based on intergovernmental agreements. The Parliament could affect a rebalance of power, which would make the EU decision process more democratic (more legitimate) and more inclusive (less unequal), because a larger number of representative voices of national communities would be involved and articulated via political parties organized at the European level.

*Wrong way.* The recent intergovernmental agreements to solve the financial crisis, as well as the EU Council imposition of informal and non-transparent agreements on national Parliaments mistakenly highlight the existence of a “post-democratic executive federalism” policy model. Thus, the Heads of government invert the original idea of the European project: instead of a supranational democratically community, there is a bureaucratic and post-democratic domination; instead of more democracy, there is in fact more centralization of decisions.<sup>8</sup> This inversion only reinforces the hitherto political *modus* and makes permanent the decoupling of the European project from the democratic will of the citizens. The Commission's concept of reform is the real reason for the political crisis.

The incoherence of the EU would be creating undemocratic institutions. The EU is institutionally, but not democratically integrated. The political crisis has not been solved just because of the technocratic bias is an undemocratic control model of EU institutions. Instead of eliminating the discrepancy between centralization and democratization, the EU institutions usurped the democratic control. Consequently, the technocratic conduction prevents the democratic deepening of the EU institutions by undermining the element of solidarity necessary to political integration among European citizens.

In addition, the emphasis on monetary instead of political community shows the perverse consequences of a limitation by markets

of the political action abilities of the national states. The European economic union is institutionally unable to correct positively the market and impose redistributive regulations. From the normative point of view, growing social inequality makes democratic justice impossible. According to Habermas, “*there is not democratic legitimacy without social justice*”.<sup>9</sup> In this sense, the question whether political communities can form a collective identity beyond national borders and thus fulfill the conditions of legitimacy for a post-national democracy remains suspended. The conditions for a post-national democratic legitimation procedure have not yet been met. According to Habermas, “*the obstacle are the governments, not the populations. Those avoid the offensive debate over the future of Europe*”.<sup>10</sup>

### **3. THE TECHNOCRATIC GOVERNANCE MODEL: POST-DEMOCRATIC EXECUTIVE FEDERALISM.**

*From the top.* The technocratic model reveals a bureaucratic and elitist top down enterprise, because the EU is the Union of and among political elites of the EU Member States.<sup>11</sup>

*Nontransparent.* The lack of publicity regarding negotiations and agreements helps to undermine the legitimacy gap of the EU institutions.<sup>12</sup> Informed opinions and calculated comments in the course of European integration have remained until now widely a matter for professional politicians, economic elites and interested scientists, not intellectuals. Surveys show that more than half of the legislative decisions taken and implemented from the Brussels bureaucracy are not exposed to public discussion in national states. The non-transparent decisions that affect everyone and the absence of chances for European citizens to be integrated in the decision-making processes are some of the reasons for the growing scepticism among the European population.<sup>13</sup>

*Tendency to self-immunization.* The trend of self-immunization makes European policy increasingly inaccessible and it just reinforces a policy crisis that equips itself with the constitutional status and

thereby immunizes against critical voices. Now that is maintained and monopolized by political elites, the EU is developing a dangerous asymmetry between the EU Parliament's decisions in Brussels and the citizens' indifference to them. In the decisive moments of the union process, European policy has always been handled in a blatantly elitist and bureaucratic way.

#### 4. THE APATHY OF POLITICAL ELITES, POLITICAL PARTIES AND MEDIA.

The *political elites hesitate* in modifying the treaties, because of opportunistic interests, power maintenance and lack of leadership. They become merely functional elite, unable to handle a situation beyond the usual administrative approach based on opinion polls conducted selectively.<sup>14</sup> Fearing loss of political power, political elites are reluctant to discuss the political future of the EU with the population, because a radical change in behaviour would be required.<sup>15</sup> In Habermas words:

The political elites should reflect on the limits of the bureaucratic direction. First, they have to answer the question of how and where the controversy about the purpose of European unification can turn on a theme of citizen' self-understanding process. A citizens' political identity, without Europe cannot get capacity for action, only forms in a transnational public sphere. This conscience formation escapes an elitist intervention from above and cannot be produced by administrative decisions, such as the movement of goods and capital in economic and monetary common spaces.<sup>16</sup>

On the the political elites' shamelessness, write Habermas:

The process of European unification since the beginning operated off the people's will, finds itself today at an impasse, because it cannot proceed, without the until now usual administrative mode, be replaced by a stronger participation. Instead, the political elites stick their heads in the sand. They impassively continue their elitist project and the guardianship of European citizens.<sup>17</sup>

In addition, the *political parties* are no more a space for

politicization; the political spaces that gave cohesion to political parties are disappearing. Guided by commissioned opinion polls, opportunistic political parties avoid discussing unpopular issues; the priority is to win the next election. The political elites are afraid that the European project, until now performed behind closed doors, might have to take place in a political public sphere, which would require explanation, discussion, justification and persuasion with good arguments. On the apathy of the political elites, their fear of public opinion, and on political parties' defensive position, write Habermas:

Our apathetic political elites, who prefer to follow the Bild headlines, cannot argue that would be the people who stand in the way of further European unification. Because they know as anyone that people opinions, captured in public opinion polls, are not the same thing as the result of a citizens' democratic will, deliberatively formed ... Until now political parties have yet to configure politically the public through an offensive clarification.<sup>19</sup>

On the fear of political parties to thematise unpopular issues, and on the priority to win elections, also write Habermas:

For decades, the elections to the European Parliament are dominated by issues and people about which it is not for any decision. The fact that citizens have illusions about the importance of the events in Strasbourg and Brussels, subjectively distant, shows well a portable debt, which, however, political parties run away obstinately.<sup>20</sup>

Finally, *the media* (TV, journal, internet). Habermas also criticizes the existing mass media controlled by economic and political elites, unable to report about political controversies and positions. For a transnationalization of existing spheres, it would be preferable to change the current media, rather than increase the number of media sources. The media restrict the public sphere as a space for discussion and subsequent formation of political opinion. Because the media earn more money by promoting the system winners, that affect the public perception and result less critical then before. In addition, the way which internet is structured not allow change the institutional framework. The primacy of economic instead of social and political issues in the media has resulted in the replacement of sociologists and



political scientists with economists who are closer to the competitive evolutionary ideology and *manager mindset* (Brunkhorst). In short, the political elites, political parties and media hinder the formation of a European public sphere and civil solidarity.<sup>21</sup> In Habermas words, the reluctance of political elites and the media to discuss the political future of the EU with the population:

If they wanted to attract their people for a solidary Europe, such elites should abandon the usual combination between work in the public sphere and incrementalism led by experts, moving to a risky and above all inspiring fight in a wider public sphere. In addition, paradoxically, they would have to compete for the interest of the common European good that would clash with their own interest in power maintenance.<sup>22</sup>

On the dismay with political elites, political parties and media, write Habermas:

The political union has become an elite project over the heads of populations and works until today with those democratic deficits, which can be explained essentially by the intergovernmental and bureaucratic character of the legislation.<sup>23</sup>

Anyway, the Constitution should require across national boundaries a stronger involvement of citizens in a more visible political will-formation made in Strasbourg and Brussels. Instead, the in reduced-scale Reform Treaty now sealed then in fact the elitist character decoupling political events of the populations (...) All that reinforces the until now policy mode and makes definitely the fearful decoupling of the European project from the citizens' opinion and will formation. The European policy at the turning points of unification process has never been operated so blatantly elitist and bureaucratic like this time.<sup>24</sup>

## 5. THE ABSENCE OF A EUROPEAN DEMOCRATIC PUBLIC SPHERE.

A European democratic public sphere is an indispensable condition to eliminate the deficit of democratic legitimacy. It fills the

primary function for legitimacy of the democratic State of Law (base on / governed by the rule of law) that has until now only taken place within national states. However, a European public sphere still needs to be created.<sup>25</sup> For Habermas, without a political public sphere and an organized civil society, the policy will not have the indispensable impulse able to redirect the race for profit into a social justice perspective:

Without feedback from the insistent dynamis of a political public sphere and a mobilized civil society, political management lacks the drive to use the means of democratically enacted law to redirect the profit-oriented imperatives of investment capital into socially acceptable channels in accordance with the standards of political justice.<sup>26</sup>

Why the sleeve of the already established European citizenship should not fill in a similar manner with the consciousness that all European citizens now share the same political fate? However, for the formation of such and as always weak European identity it is of central significance the emergence of a European political public sphere, i.e., one on the relevant issues specialized, beyond national boundaries communications context. It is not sufficient that common policies in Brussels and Strasbourg are institutionalized and that European citizens could take on the election of a Parliament with its own fractions influence on these policies. In order for the citizens of their right to vote and make de facto use so that they can develop a sense of solidarity in the course of this practice, the European decision-making processes within the existing national public spheres must be made visible and accessible. A European public sphere can only arise if the national public spheres open for each other<sup>27</sup>.

## **6. THE ABSENCE OF A EUROPEAN CIVIL SOLIDARITY.**

Ironically, what approximate the European citizens are the eurosceptics voices.<sup>28</sup> For Habermas, the unification process got stagnated due to the absence of a civil solidarity at the European level. However, this condition can only be satisfied with the expansion of the

State citizens' solidarity beyond the national borders. It was only possible to build an artificial and abstract national consciousness among strangers when national states were constituted, so it is necessary now to jump into an artificial and abstractly European consciousness among strangers. However, this new European consciousness should not be understood in the ethnic sense (origin, race, language), but in the political and constitutional sense (political solidarity, social justice, social equality).<sup>29</sup>

## **7. THE INEFFECTUAL AND EVASIVE ANSWERS TO THE FINANCIAL CRISIS. REASONS FOR THE DELAY POLITICAL INTEGRATION.**

*Treaty of Rome* (2004). Faced with the legitimacy crisis, the Treaty of Rome should establish a European Constitution. The elaboration of a Constitution for Europe arises as an attempt to respond to the challenges of the stagnation of the unification process, seeking to deepen it by strengthening the capacity for collective action and reducing the democratic deficit. In this sense, the development of a Constitution could work as a means of forming a European identity, and it could change the political procedure involving citizens in the elaboration of the Constitution, changing (*Umstellung*) the elitist project in the most democratic way. Thus, this Constitution seemed to be the historical solution to the problems of economic and policy efficiency. However, it has not come into effect because it has been rejected in plebiscites held in 2005 by French and Dutch populations. Although it was prepared "in the name of the citizens and the States of Europe", the Constitution could not account for the political question (What kind of Europe we want?) or the geographical question (Where are the borders of the European Union?); it does not have a catalytic effect.<sup>30</sup> That is why the political unification remained stagnant at that time. So write Habermas in his book *The divided west* (2004), chapter 6, on the necessary and possible formation of a European identity:

Since European governments failed to reach an agreement on the Constitution outline prepared by the Convention, the European unification looks once again stagnant. The

mutual suspicion of nations and the Member States seems to signal that European citizens do not have a sense of political belonging and that Member States are further away than ever to achieve a common project.<sup>31</sup>

*Treaty of Lisbon* (2007). Because of the embarrassing result of the 2005 referendums in France and the Netherlands, the Treaty of Lisbon – initially known as the Reform Treaty – aimed a greater political integration and the democratization of the European Union, trying to include more national Parliaments and citizens in the policy-making process. In terms of European political integration, the Treaty of Lisbon is the turning point. Innovations towards a constitutional change are noticeable. Despite the legitimacy deficits in European decisions resulting from the bureaucratic style of governing, Habermas recognizes the important democratic step already adopted by the European Union by the Treaty of Lisbon.<sup>32</sup> An innovation is *the primacy of European law*: the need to apply European law by Member States as indispensable to the legal equality of the Union citizens. Another innovation is the introduction of the concept of “EU citizenship” with explicit reference to a European interest for the common good, becoming the basis of a politically constituted community.<sup>33</sup>

(in 2008) The EU responses to economic crisis in 2008 showed the original monetary construction failure: the individual acting of governments and the inability to a common European economic policy. This would be the weakness of the EU: there is not a common will formation around economic policy; there is not a European economic, fiscal, tax, labor and social policy; there is only a common currency. Common currency was confused with economic integration. Each country reacted with own economic policy measures; each country plays its own foreign policy.<sup>34</sup> An EU relapse in the old power plays between national governments. One example was the reluctance of German government Head for a common European action for the countries of the eurozone before the in 2008 financial crisis outbreak. Here it could already be noticed with evidence the reactive features of Germany national isolation.<sup>35</sup> Also the retard for weeks of the European assistance package for Greece in the first half of May 2010,

appealing to the example of the German budget discipline, was a statement of the national issues priority.<sup>36</sup>

*The euro decides the fate of the EU* (in 2010).<sup>37</sup> However, despite the reluctance, the German government submitted crestfallen to the onerous imperatives of the market by agreeing to grant aid to the indebted Greece. The aid agreements to solve the mechanisms of the crisis and the changes in the clauses of the European Union indicate both a *paradigm change* (the Commission's intervention affects the Treaties) as the *conscience of a defect in design* of a political union that halted halfway (the establishment of competences to jointly coordinate the economic policies of member states). According to Habermas, "today nobody else considers unreasonable the International Monetary Fund requirements of 'a government for the economy'".<sup>38</sup> In addition, Habermas confesses: "It was at this point that I became aware, for the first time, of the possibility of failure of the European project".<sup>39</sup>

*A pact for the Euro* (in 2011).<sup>40</sup> Also called "Euro Plus Pact", the pact for the Euro is an agreement signed in March 2011 in Brussels by the eurozone Heads of State or Government, with the purpose to reinforce the economic pillar of the monetary union and establish a stronger coordination of the economic policies for competitiveness and convergence. According to Habermas, this pact is an important change in European integration towards politicized intergovernmentalism of the euroclub Chiefs, called "post-democratic executive federalism".<sup>41</sup> Although late, this "outbreak of political integration"<sup>41</sup> was an initiative of the European Council to stabilize the common currency and coordinate the economic policies of Member States. However, it is a cooperation outbreak forced by financial markets; the step towards greater political integration took place under systemic pressures. Consequently, this "emergency solution" is undemocratic because the Heads of Government are committed to implementing in their countries the list of measures of financial, economic, social and salary policies, which should be matter of national Parliaments.<sup>43</sup> Furthermore, imposing resolutions in central areas of responsibility of the member states Parliaments is a *false method*. The informal agreements between Heads of Government and the Commission's intervention to discipline

national budgets modify or disregard the Treaties increase even further the existing democratic deficit. That is why Habermas named this management mode as post-democratic domination responsible for intergovernmental emptying of democracy, a “post-truth democracy” democracy model.<sup>44</sup> For Habermas, the alternative would be the Commission carry out its tasks through democratic means with the consent between Council and Parliament.<sup>45</sup>

*Postponement of democratization.* However, the *Reform Treaty* did not solve the real problem of the democratic deficit because it does not change the hitherto political *modus*. On the contrary, it further reinforced the problem of the European agencies undemocratic control model; European agencies continue by the technocratic bias, postponing the required democratization. As before, the problem is that the governments hope to cross economic regulations by the political level without changing the political institutions.<sup>46</sup> In addition, when there is some suggestion of institutional change, it comes from the top down, from senior officials who do not have to be submitted by elections.<sup>47</sup> From the legitimacy point of view, only strengthening the capacity for action of European agencies, although without democratic control, is problematic because only reinforces structurally the existing policy model. Despite the Commission plans to fill the gap between economic demands and what is politically viable, it does it by the technocratic instead of the democratic way. Instead of enlargement of the legitimacy base, which was promised as a light at the end of the tunnel, the Commission has prioritized the expanding of control mechanisms, thus serving the power interests of executives and relegating the issue of political integration and the consequent extension of the legitimacy basis to a shameful appendix:

In the plans proposed by the Commission, this precise expansion of the We-perspective of national citizens into one of European citizens, which is constitutive for a proper European polity, is discreetly hidden away in a kind of appendix. To be sure, instilling this twofold perspective in the citizens, as a result of which political Europe would first appear in a different light, must be regarded as a process. But the enlargement of perspective has assumed an anticipatory institutional form with the elections to the

European Parliament, and especially with the formation of Members of the European Parliament into political groups. Nevertheless, the proposal of the Commission accords the expansion of steering capacities priority over a corresponding enlargement of the basis of legitimation also in the medium term. Thus the delayed democratization is presented as a promise in the manner of a light at the end of the tunnel. With this strategy the Commission is, of course, also serving the usual interest of the executive in expanding his power.<sup>48</sup>

However, this way shows the danger of further the gap of a technocracy democratically uprooted. In this technocratic lure, the European Union could fully assimilate the dubious ideal of a democratic market-oriented democracy, which would expose without resistance the market imperatives not anchored in a society politically mobilized.<sup>49</sup>

*Failure of political integration.* The postponement of the democratization by the Treaty of Lisbon shows the failure of the European political union. For this reason, it is crucial to change perspective, replacing the technocratic model for democratic deepening of European institutions. (ST, p. 138; 85). The democratic deficit can only be compensated with a transnationalization of democracy, based upon a gradual political integration of Europe:

Two innovations above all would differentiate a democratic version of the European Union, which for obvious reasons could initially include only the members of the European Monetary Union, from market-conforming executive federalism: first, joint political framework planning, corresponding transfer payments and reciprocal liability of the member states; and, second, the revisions of the Treaty of Lisbon that are required in order to democratically legitimize the corresponding competences, in particular equal involvement by Parliament and Council in the lawmaking process and equally accountability of the Commission to both institutions. In that case, political decision-making would no longer depend exclusively on dogged compromises fought out between representatives of national interests who block each other, but would depend equally on majority decisions of the deputies elected in accordance with party preferences. A generalization of interests that cuts across national borders is only possible in a European Parliament organized into parliamentary factions. A generalized We-perspective of the EU citizens

throughout Europe can solidify into institutionalized power only in the parliamentary process. Such a change in perspective is necessary if the rule-bound coordination of pseudo-sovereign single-state policies favoured until now is to be replaced by joint discretionary decision-making in the relevant policy fields.<sup>50</sup>

## **8. AFTER POST-DEMOCRATIC EXECUTIVE FEDERALISM.**

The *Treaty of Lisbon* has incorporated the European Council in the institutional structure as a management agent, which should to strength the acting ability of the European Union. However, paradoxically, the centralization of the political power in the European Council created a powers imbalance between Council and Parliament and, consequently, increased further the democratic deficit. The permission to the Council exercise an extraconstitutional power innovating institutional procedures and changing Treaties can be observed in decisions taken amid the financial crisis of 2008 and the “Pact for the Euro” in 2010.<sup>51</sup> The imposition of non-transparent and legally informal agreements on national Parliaments mistakenly points to the direction of a central control by European Council in the form of “post-democratic executive federalism”. Therefore, it is necessary to amend the Treaty of Lisbon. To this end, the Council should convene a Convention for an authorized change in the Treaty. However, political groups have no interest in change again the Treaty of Lisbon/European Constitution.<sup>52</sup> The Heads of government are scared just in think about their re-election from this unpopular step, and have no interest in disempowerment.<sup>53</sup> In addition, while the President of the Council, the Commission and the European Central Bank are planning an institutional design for a real economic and fiscal union, the Heads of government think about their election.<sup>54</sup> Therefore, to the democracy in Europe do not be further eroded, is urgent to change the European Constitution as well as the national Constitutions.<sup>55</sup> The European policy remain at a deadlock: it must be decided between democracy and technocracy.<sup>56</sup>

As we have seen, the problem are Governments and political



parties; politicians, political parties or media do not represent the people. The constitutional design of the EU are not open to alternatives; the traditional channels of political representation are restricted. That is why more democratic legitimation is necessary. Nothing will change whether the motto “more Europe” will not meaning more than an intergovernmental coordination beyond the formal policies of the Member States or Angela Merkel’ austerity recipes. Therefore, is necessary decide between a political refoundation of the European nucleus or leave the Euro fails.<sup>57</sup>

Hovewer, when we look forwards, none European social movement or political party is interested in provoking a discussion of the *finalité* or struggle anti-market to a greater European political integration. Governments and political parties both run away from the problems. The traditional channels of political representation seem blocked. For now, there is also no chance in the European institutions to the political course for the social state. The question wheter the European democracy transnationalization is possible remains suspended. The conditions of formation of a post-national democratic legitimation procedure that arises from civil society and to find resonance in a European public sphere, were not yet satisfied. Perhaps this is the main reason of Habermas’ dismay: the lack of perspective *to reverse* this scenario toward a more economic and less political integration.

*Way out.* Habermas does not offer many options. He oscillates between optimism (when theorizing) and discouragement (when diagnosing). Habermas offers a way out replacing the technocratic approach by a deeper democratization of the European institutions. He tries to show that is not only possible, but also necessary a transnationalization of the democracy beyond national borders in another way that it happened until now.<sup>58</sup> The only way to resolve the European social and political crisis would be to further deeper the integration process by institutionalising a European welfare state. It would be possible only by deepening a European solidarity (political solidarity, in the sense of social justice). Otherwise, Habermas projects the EU dissolution.

However, Habermas position oscillates. Sometimes it seems that those responsible for the depoliticization are the same that should be responsible for the re-politicization. On the one hand, the expectation that referendums, political parties and European elections as an important step towards a gradual political integration:

My optimism in view of an adoption of such a referendum is based on, among other things, that the same parties who operate cautiously in government or with a view to future participation in government, must fight with an open visor, once the question of the future of Europe will no longer be decided in private offices, but on the public spaces. Until now, all European Parliament elections have been decided by more or less national issues. It is time that also in Europe it should not only react for the people.<sup>59</sup>

On the other hand, however, the diagnosis of the reasons for the democratic deficit and stagnation of political integration: the bureaucratic conduct of the European Unification by political elites; the apathy, the reluctance of political elites from the public opinion and discuss the political future of the European Union with the population; the defensive position and the gradual death of political parties. In this sense, the answer on the *subject* (who will do it) of the *repoliticization* remains open here and seems to be the main methodological problem of Habermas theory of transnational democracy: the arduous task of an empirical anchoring of normative expectations of a European transnational democracy. Perhaps an alternative to answer this question could be some empirical studies that showed the increase of a European citizenship orientation to welfare state, despite the decreasing of trust into political institutions; something which, curiously, do not appear in the media and public debates and speeches of politicians.<sup>60</sup>

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## NOTES

- 1 Lecture presented at the **Kolloquium Probleme der Gesellschaftstheorie**, which took place at Europa-Universität Flensburg, Germany, on 16-17 January 2015. A preliminary version was presented at the **Interdisziplinäres Kolloquium** at Europa-Universität Flensburg on 16 December 2014. I would like to thank Hauke Brunkhorst my supervision at Europa-University Flensburg during the winter semester 2014/15 as Postdoctoral Scholarship CAPES Foundation Brazil.
- 2 Cf. HABERMAS, **Die postnationale Konstellation**, p. 148.
- 3 Cf. HABERMAS, **The divided west**, chapter 6b.
- 4 Cf. HABERMAS, **Die postnationale Konstellation**, p. 151.
- 5 Cf. HABERMAS, **Im Sog der Technokratie**, p. 94; **The lure of technocracy**, p. 14.
- 6 Cf. HABERMAS, **Time of transitions**, chapter 6c.
- 7 Cf. HABERMAS, **Im Sog der Technokratie**, p. 82-83; **The lure of technocracy**, p. 3-4.
- 8 Cf. HABERMAS, **Zur Verfassung Europas**, p. 81.
- 9 HABERMAS, **Die postnationale Konstellation**, p. 2.
- 10 HABERMAS, **Ach Europa**, p. 124.
- 11 Cf. HABERMAS, **Im Sog der Technokratie**, p. 82-83; **The lure of technocracy**, p. 3-4.
- 12 Cf. HABERMAS, **Im Sog der Technokratie**, p. 95; **The lure of technocracy**, p. 15.
- 13 Cf. HABERMAS, **Time of transitions**, chapter 7b.
- 14 Cf. HABERMAS, **Der gesplittene Westen**, p. 82.
- 15 Cf. HABERMAS, **Zur Verfassung Europas**, p. 86-87.
- 16 HABERMAS, **Der gesplittene Westen**, p. 85.
- 17 HABERMAS, **Zur Verfassung Europas**, p. 138.
- 18 Cf. HABERMAS, **Zur Verfassung Europas**, p. 140.

- 19 HABERMAS, **Zur Verfassung Europas**, p. 132-133.
- 20 HABERMAS, **Zur Verfassung Europas**, p. 140.
- 21 Cf. HABERMAS, **Zur Verfassung Europas**, p. 86-87.
- 22 HABERMAS, **Zur Verfassung Europas**, p. 88.
- 23 HABERMAS, **Zur Verfassung Europas**, p. 98.
- 24 HABERMAS, **Zur Verfassung Europas**, p. 99.
- 25 Cf. HABERMAS, **Ach Europa**, p. 91.
- 26 HABERMAS, **Im Sog der Technokratie**, p. 91; **The lure of technocracy**, p. 15.
- 27 HABERMAS, **Ach Europa**, p. 106-107.
- 28 HABERMAS, **Im Sog der Technokratie**, p. 83; **The lure of technocracy**, p. 4.
- 29 Cf. HABERMAS, **The lure of technocracy**, chapter 1 (German version chapter 5); on the concept of political solidarity, p. 20-24 (German version, p. 100-105); HABERMAS, **Zur Verfassung Europas**, p. 75-76; HABERMAS, Ist die Herausbildung einer europäischen Identität nötig, und ist sie möglich?, in **Der gesplattene Westen**, p. 68-82.
- 30 Cf. HABERMAS, **Zur Verfassung Europas**, p. 74-75.
- 31 HABERMAS, **Der gesplattene Westen**, p. 68.
- 32 Cf. HABERMAS, **Zur Verfassung Europas**, p. 58.
- 33 Cf. HABERMAS, **Zur Verfassung Europas**, p. 66-67.
- 34 Cf. HABERMAS, **Zur Verfassung Europas**, p. 108; HABERMAS, **Im Sog der Technokratie**, p. 86-87; see also chapters 5.1 and 5.2.
- 35 Cf. HABERMAS, After the bankruptcy - an interview, in **On Europe's Constitution**, chapter 3.1.
- 36 Cf. HABERMAS, **Zur Verfassung Europas**, p. 116-117.
- 37 Cf. HABERMAS, The euro will decide the fate of the EU, in **On Europe's Constitution**, chapter 3.2.
- 38 HABERMAS, **Zur Verfassung Europas**, p. 114.
- 39 HABERMAS, **Zur Verfassung Europas**, p. 97.
- 40 Cf. HABERMAS, A pact for or against Europe?, in **On Europe's Constitution**, chapter 3.3.
- 41 Cf. HABERMAS, **Zur Verfassung Europas**, p. 98.
- 42 Cf. HABERMAS, **Zur Verfassung Europas**, p. 120.
- 43 Cf. HABERMAS, **Zur Verfassung Europas**, p. 121-122.
- 44 Cf. HABERMAS, **Zur Verfassung Europas**, p. 126.
- 45 Cf. HABERMAS, **Zur Verfassung Europas**, p. 123.
- 46 Cf. HABERMAS, **Im Sog der Technokratie**, p. 126; **The lure of technocracy**, p. 74.
- 47 Cf. HABERMAS, **Im Sog der Technokratie**, p. 128; **The lure of technocracy**, p. 76.
- 48 HABERMAS, **Im Sog der Technokratie**, p. 90-91; **The lure of technocracy**, p. 10-11.
- 49 Cf. HABERMAS, **Im Sog der Technokratie**, p. 92-93; **The lure of technocracy**, p. 12.
- 50 HABERMAS, **Im Sog der Technokratie**, p. 147-148; **The lure of technocracy**, p. 93-94.
- 51 Cf. HABERMAS, **Zur Verfassung Europas**, p. 73-74.

- 52 See HABERMAS, *The lure of technocracy: a plea for European solidarity*, in **The lure of technocracy**, chapter 1 (German version chapter 5)
- 53 Cf. HABERMAS, **Im Sog der Technokratie**, p. 96; **The lure of technocracy**, p. 16.
- 54 Cf. HABERMAS, **Im Sog der Technokratie**, p. 135; **The lure of technocracy**, p. 83.
- 55 Cf. HABERMAS, **Im Sog der Technokratie**, p. 117; **The lure of technocracy**, p. 65.
- 56 See HABERMAS, *European politics at an impasse: a plea for a policy of graduated integration*, in **Europe: the faltering project**, chapter 6 (German version chapter 9).
- 57 Cf. HABERMAS, **Im Sog der Technokratie**, p. 120; **The lure of technocracy**, p. 68.
- 58 Cf. HABERMAS, **Im Sog der Technokratie**, p. 121; **The lure of technocracy**, p. 69.
- 59 HABERMAS, **Ach Europa**, p. 125. In this sense, Habermas reinforces their normative expectations with the empirical studies of the German political scientist Bernard Peters on transnationalization of public spheres (civil society, interest groups, political parties, lawyers, intellectuals, and other organizations that are organized at European level), as well as the empirical research on the extension of the pro-European consciousness, performed by James Fishkin (Department of Communication at Stanford University, California). Cf. HABERMAS, **Ach Europa**, p. 108
- 60 Cf. GERHARDS; LENGFELD. **Wir, ein europäisches Volk? Sozialintegration Europas und die Idee der Gleichheit aller europäischen Bürger**. Wiesbaden: Springer VS, 2013. Recent polls conducted in Germany, Poland and Spain by Jürgen Gerhards (Institut of Sociology, Free University of Berlin) and Holger Lengfeld (School of Business Administration, Economics and Social Sciences, University of Hamburg) have shown that the acceptance of solidarity between European countries is greater than sometimes assumed in the public debate.