National and European Understandings of Democracy: The Case of Austria and the EU

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Abstract

The paper explores the Austrian understanding of democracy and its likely implications for the European Union. It develops a framework consisting of democratic "frames", "practices" and "discourse" for the analysis of national democratic systems. The Austrian understanding of democracy is influenced by its disruptive history of state- and nation-building and based on an impure parliamentary structure, which for some time had been impeded in its functioning by peculiar consociational practices. Implications of Austria's understanding of democracy for the evolution of the EU are derived from Austria's experience of national identity formation and its peculiar federal and constitutional practices. We identify significant corresponding elements in the workings of democratic governance and complementary "democratic deficits" at both levels which result in rather weak incentives for a more radical democratization of the EU.

Kurzfassung

Die Studie untersucht das österreichische Demokratieverständnis und seine Implikationen für die Europäische Union. Sie entwickelt einen Analyserahmen bestehend aus demokratischen "Rahmen", "Praktiken" und "Diskursen" zur Untersuchung demokratischer politischer Systeme. Das österreichische Demokratieverständnis ist von einer disruptiven Geschichte der Staats- und Nationsbildung beeinflusst und baut auf einer "unreinen" parlamentarischen Struktur auf, die in ihrer Funktionsfähigkeit für einige Zeit durch besondere konsoziative Praktiken gehemmt war. Die Implikationen des österreichischen Demokratieverständnisses für die Entwicklung der EU ergeben sich aus der österreichischen Erfahrung der nationalen Identitätsbildung und besonderen föderalen und konstitutionellen Praktiken. Wir identifizieren bedeutsame korrespondierende Elemente in der Wirkweise demokratischen Regierens und komplementäre "Demokratiedefizite" auf beiden Ebenen, die in eher schwachen Anreizen für eine radikalere Demokratisierung der EU resultieren.

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1. Introduction

This study explores the Austrian tradition of democratic thought and practice and its likely implications for the democratization of the European Union. There is a widespread assumption that different attitudes and visions concerning the "political finality" of the EU prevents it from solving its problems of legitimacy, democracy and efficiency in a coherent manner. European integration evolved – depending on which theory of integration one refers to - out of "great bargains" reached in intergovernmental conferences and/or incremental steps of integration that used windows of opportunity to overcome deep rooted differences of interest and perceptions of what the telos of integration might be (Schneider 1977, 533; 1987).

What is true in regard of the overall institutional development also applies to the problem of the democratic legitimacy of the EU. The critique of the "democratic deficit" of the EU draws mainly on standards that are derived from national democratic experiences and institutional configurations and practices and/or from different normative conceptions of democracy (Abromeit 2001; Antalovsky, Melchior and Puntscher Riekmann 1997; Majone 2001). It has been observed that much of the criticism of the EU is based on rather idealized interpretations of the working of national democratic systems (A. Moravcsik 2002a) and little systematic knowledge is available of how different national models and democratic practices have influenced the institutional development of the EU. Only recently, a debate started that explores different national traditions of democratic thought and practice in search of a possible "overlapping consensus" that may inspire democratic reforms at EU level or that may help to legitimise the European polity (Bellamy, Castiglione and Santoro 2004; Bellamy and Warleigh 2001). From the perspective of policy learning and policy transfer it also has been argued that "institutional isomorphism" – borrowing and transplanting "best practice" models from the national level to the EU level or to other national systems – may contribute to the EU's legitimacy (Lodge 2000; Radaelli 2000). Furthermore, it is widely acknowledged that firstly, the basic compatibility between national and European institutional arrangements is a fundamental precondition for European political integration; and secondly, the transfer of particular elements of one's own political arrangement onto the European level is widely used as a strategy to minimize adaptation-costs and for the creation of competitive advantages (Eising 2003, 403).

This is not to say that any further democratization of the EU should rely on particular national blueprints. What these approaches do tell us is that we should take a closer look at national democratic institutions, practices and discourse in order to analyse, firstly, how they influence the development of the European Union in the first place; secondly, what resources in terms of ideas, institutions and practices exist at the national level that may inspire the search for solutions for the problem of democracy at the European level; thirdly, whether certain well entrenched national democratic practices and attitudes collide with certain projects of European integration, and fourthly, whether there exists common ground between Member States concerning key understandings and elements of democracy.

In this study, we develop a framework for the analysis of (national) understandings of democracy that should help us to overcome two shortcomings we often find in the discussion about the European "democratic deficit": first, to measure the workings of European democracy against an idealized or ideal-typical model of national democratic systems and second, to focus only on the formal aspects of democratic institutions that do not match the complexity of real world democracies. By combining the analysis of democratic frames, practices and discourses with a historical and dynamic perspective we hope to give a more appropriate picture of the respective understanding of democracy in a given country.

Applying the framework to the Austrian case we want to prove not only the fruitfulness of the approach for the study of real democracies but also to shed some light on the "democratic imagination" that both informs and directs the options of democratic reform that seem compatible with a particular understanding of democracy. It is the stickiness and variety of national traditions of thought and practice that make it difficult to deepen European integration and to come to terms with its "political finality", including democracy. Our approach encourages us to test this presupposition empirically. Only on the basis of sound knowledge about the different national understandings of democracy we will be able to identify whether an "overlapping consensus" (Rawls) on basic values, ideas and conceptions of democracy exists or, at least, which "cognitive dissonances" we are faced with if we want to move towards a common understanding and practice of democracy at the Union level.

The given study is only a first step and can only lay the foundations for more extended research on these questions. The current paper is of an exploratory nature and a starting point. It develops a framework of analysis that is applied to a single case study. The case of Austria is interesting in this respect because it represents a peculiar case of rather late, but successful state-, nation-, and democracy-building. Its political development deviates from the standard sequence of nation-building and democratic consolidation and there are some interesting structural parallels between Austria and the European Union concerning the complexity and incomprehensibility of the constitution, the dominance of the executive branch in federal interaction, and the role of consensus seeking for the functioning of the political system. Austria represents (after enlargement) a medium-sized Member State that promoted an integrationist political agenda since accessing the EU in 1995. It is now confronted with a widening gap between the pro-European attitude of most political parties and the economic elite on the one hand, and the growing ignorance or even frustration about the EU among a significant portion of the population. Moreover, Austrian politics is in a phase of change that has been described as the "normalization" or "Westernization" (Pelinka) of the Austrian political system; a development that is accompanied by the "Europeanization" of ever more policy areas. Not least, the selection of the case of Austria is motivated by the familiarity of the author with the Austrian political system which is a precondition for testing the fruitfulness of the proposed analytical framework. If the framework seems appropriate for analyzing national understandings of democracy it can easily be applied to other Member States of the EU and beyond.

The study is divided in four parts. Chapter two develops the framework of our analysis and addresses some hypotheses concerning the implications of different understandings of democracy for the development of national and European systems of democratic governance. Chapter three contains the Austrian case study that is structured according to our three elements of any understanding of democracy, namely "democratic frames", "democratic practices" and "democratic discourse". Chapter four contrasts the Austrian understanding of democracy with corresponding structures of the EU and sketches reform options that seem to be either compatible or, to some extent, negotiable at the European level given the particular Austrian democratic tradition, and it discusses some lessons that can be drawn from the Austrian experience of democratic development. Chapter five summarizes the results and hints at directions for further research.

2. The framework of analysis

The attempt to develop a more comprehensive account than is usually given of the "national understanding of democracy" is motivated by the expectation that any solution to the problem of democratic legitimacy of the European Union will in some way be inspired by the combined democratic imagination represented by different national understandings of democracy. By looking in some depth at different national democratic arrangements we may broaden our knowledge about democratic institutional devices and practices that may be overlooked if one focuses on ideal-typical democratic models alone. Secondly, we expect that a certain extent of convergence of understandings of democracy facilitates progress at European level because agreement on any particular institutional solution is more likely when a consensus exists on fundamental questions of democracy. By exploring the development of democratic institutional arrangements and by including democratic discourse at the national level in our analysis we should be better able to determine whether a convergence of different understandings of democracy is actually taking place or if it seems possible, at least. And thirdly, we expect that particular institutional solutions to the problem of EU-democracy may also incur adaptation costs for Member States. Under which conditions such costs occur is discussed in the literature on Europeanisation (J. J. Anderson 2002; Börzel 2000; Cowles, Caporaso and Risse-Kappen 2001; Goetz and Hix 2001; Knill 2001; Kohler-Koch 1999).

It is widely held in the literature that adaptation pressures arise when there is a particular misfit between the institutional settings at European and national level. However, it depends on the type and intensity of that pressure and on a number of intervening variables that determine how national systems react to such pressure. For instance, pressure to adapt seems high in the field of "positive integration", which involves binding regulations and instruments that monitor implementation, medium in the field of "negative integration" where change is dependent on the empowerment of particular actors, and lowest in the field of "framing integration" that only indirectly influences discourses and strategies of national actors (Buller 2003, 333). Similarly, the pressure to adapt is higher when European and national patterns have to be congruent and lower when they only need to be compatible with European guidelines (Eising 2003, 405). At the national level, adaptation pressure is mediated primarily by the degree of institutionalisation of particular patterns of governance and by the cost-benefit ratio of change (Kohler-Koch 1999, 279). Hence, the convergence or divergence of institutional configurations is dependent on all of these factors. Whether national and European arrangements fit together or not, therefore, is only the first step in identifying possible paths of change.

Moreover, and this factor tends to be overlooked, adaptation pressures work in both directions. They do not only put pressure on national systems, but also on the European Union. Parts of the debate about the "democratic deficit" of the EU can be interpreted in this way. Particularly concerning the question of democracy, differences between the democratic setup at the national and the EU level give rise to demands that the EU should adapt its structures and workings, and not the other way around. A closer examination of how national understandings of democracy compare to the given arrangements at European level may help to explain why the "democratic deficit" of the EU is perceived differently in different countries. Our hypothesis is that in countries where the given institutional arrangements and practices resemble structures and practices at the EU level the "democratic deficit" of the EU won't be perceived as very pressing while in countries where the understanding of democracy is at odds with European practices the pressure for democratic reforms of the EU or, at least, the criticism of the EU in terms of its lack of democratic legitimacy would be more pronounced which should hold, again, only under the ceteris paribus condition.

Furthermore, in accordance with the fundamental preconditions of European integration cited above, we expect that the more proposed solutions of institutional reform at European level deviate from national arrangements the harder it will be to make the reforms comprehensible and intelligible to the broad public. Even if the political elite and governments agree that national democratic arrangements are unsuitable for the peculiar political nature of the EU and that new or different solutions have to be invented and applied, such solutions have to be compatible with key elements of one's understanding of democracy and they have to be made comprehensible to the public if they aspire to produce democratic legitimacy. In a similar vein, Vivian Schmidt has argued that the differences between the national and the European political fabric put special burdens on the legitimating discourse at the national level (Schmidt 2004).

And lastly, we hypothesise that the deeper the differences between national understandings of democracy the harder it will be – ceteris paribus - to agree on the need and course of democratic reform at European level. For example, it seems rather difficult to find common ground between understandings of democracy that are centred on direct democratic means, like it is the case in Switzerland and which is one of the reasons why the Swiss rejected to join the EU, and representative conceptions of democracy. Similarly, different perceptions of the role of a democratic constitution, parliament, the rule of law, the relationship between legislature and executive, the role of judicial review, or of transparency in the workings of democratic institutions and public administration may pose problems for consenting on democratic reforms of the European Union.

These problems do arise irrespective of which institutional solution is adopted at the European level and irrespective of whether these solutions correspond to particular national practices because they touch on the more fundamental aspect of what democracy means and which institutional arrangement one is inclined to accept as "democratic".

By analyzing what we call the "national understanding of democracy" we want to identify a set of standards that are used by national political actors to assess the democratic quality of the EU and which may inform the choice of national political actors among the wide range of options of democratic reform that are discussed in the literature and in political discourse.(1) We do not assume that this is the only factor influencing decisions of national political actors concerning the way the European Union should be democratized nor do we suppose that it is the decisive one. It is well known that the strategies for democratizing the EU are determined not only by any particular conception of democracy but more so by the perception of the political nature and telos of the European Union itself, as is exemplified by the intergovernmentalist, functionalist or federalist readings of the EU and its implications for democratic reform (P. P. Craig 1999). It is an empirical question to determine how the preferences and decisions of national political actors like governments or political parties concerning the development of European democracy are formed. But we need to know what the national understanding of democracy is before we can assess its potential impact on any decision of political actors concerning the democratization of the EU.

The national understanding of democracy is conceptualized as the resultant of three sets of factors: a) democratic frames, b) democratic practices; and c) democratic discourse (see diagram 1).

Figure 1

a) The notion of "democratic frames" refers to those features of a political system that provide the context in which democratic institutions and actors operate. They consist of boundaries, characteristics of the state like the constitution and federalism, the structure of society, and national identity. These elements determine how democracy is implemented and provide the context for its functioning. These frames normally are relatively stable, but not static. Therefore, one has to take their development into account. These frames will be grouped and analyzed from the perspective of state-building and nation-building as two interrelated but analytically distinguished processes (Flora, Kuhnle and Urwin 1999). In the European context sometimes it is argued that without a particular quality of these elements democracy cannot take hold. Hence, we will explore the question of how the Austrian experience of state- and nation-building has influenced the development of Austrian democracy and what this may imply for the European Union.

Figure 2

Democratic frames have a double function: On the one hand, they are rather stable patterns that tend to be taken as granted, channelling and in a certain sense limiting the ordinary workings of democracy, and on the other hand, they structure the democratic process in a particular way by giving rise to cleavages and lines of conflict that are typical for a given society and political system. One set of frames is normally associated with the "state" and its evolution, namely its boundaries, the constitution and federalism. The second set of frames is associated with the "nation" and its socio-economic and socio-cultural dimension. Sometimes it has been argued that only when a state and a nation come together, democracy can take hold. The Austrian case is an interesting example which teaches us that there is some variation in the sequencing and articulation of a "state" with a "nation" and with "democracy" even within the Western European tradition of the co-evolution of these elements, not to speak of examples from Africa and Asia where no such coincidence can be

taken for granted.

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The democratic frames are of relevance not only in a historical perspective, but also in view of the further development of the European Union. An open discussion about the "finalité politique" of the European Union had for long been avoided not only because of substantive differences concerning the role and weight but also because of different opinions regarding the form and shape of the European level and its institutions. Although both concerns are closely linked they give rise to different kinds of problems for political actors. While the question of how to balance the power of the national and the European level can be dealt with on the basis of a negotiated distribution of competences and control mechanisms, the form and shape of European institutions is dependent on the agreement on a particular political design. Such an agreement requires convergent perceptions and ideas of how to make institutions work in a given context. The latter conflicts are – in a sense – more complex and demanding than those which can be solved by "splitting the difference" or by reaching compromises that do not involve questions of principle.

Political boundaries do not only define the limits of a territory, but also of a state. Within its boundaries the state claims the monopoly of the legitimate use of force; it claims to be the highest political authority, and its jurisdiction reaches throughout the bounded territory. Boundaries are constitutive for states and democracies alike. They determine whether a state is small or big, poor or rich in natural resources of all kinds, and whether the society the state corresponds to is homogenous or heterogeneous. The boundaries also determine to a large extent who belongs to the community that is ruled by a state, particularly during the founding times of states. For instance, making the boundaries of states congruent with boundaries of nations was a guiding principle of state-formation in the 19th century, but also after WW I. How boundaries are drawn influences not only the relationship between neighbouring states but may also lead to conflicts within a state like in the case of national minorities.

The existence of a nation normally is taken as a prerequisite of democratic politics because it gives an answer to the question of who belongs to the "demos" that is the subject of democratic rule. More often than not, the existence of a nation is not a matter of principle and of "yes or no" but of degree and development. The integration of a given population into a single nation was and is of great concern for most states. A nation is not constituted by objective attributes but by the subjective feeling of belonging. Therefore, national identity is used as a measure of how successful the efforts of integrating a population into a nation have been. However, the intensity of national identification or the lack thereof does "frame" the workings of democracy in particular ways: While a strong national identification is seen as a prerequisite for majoritarian democracies to function effectively, weak or segmented national identities may require more "consensual" or "minority friendly" forms of democracy (Abromeit 2001; Lijphart 1999).

Every society is characterized by certain patterns of conflict that have a structuring effect on the working of (democratic) institutions. Even if societies are faced with similar lines of conflict they differ in how these conflicts are articulated and processed within the political system. Political cleavages may result from differences in socio-economic status, ethnic belonging, religious conviction, life-style or a combination thereof. These cleavages influence the formation of political parties and interest groups and associations; the content of day-to-day political debates; and they may result in differing attitudes towards democratic institutions and practices.

(Democratic) constitutions "frame" democratic politics in at least three fundamental respects: Firstly, democratic constitutions install a particular type of democracy in the first place. Secondly, constitutions limit the operation of democratic politics by establishing a certain "division of powers" between state institutions and societal "stakeholders" and by guaranteeing fundamental individual rights; and thirdly, constitutions express a certain normative ideal that may be invoked if political practice deviates too much from the constitutional norm. Nevertheless, there is no guarantee that constitutions are respected; but even if they are instrumentalized by political actors they function as a "negative" frame of reference that hardly can be ignored.

Federalism is the last "democratic frame" that is included in our analysis. Federalism can be seen either as a "vertical" division of powers within a state or as a particular combination of "self-rule" and "shared rule" in a system of (democratic) governance (Elazar 1998). Depending on how federalism is understood it may be interpreted as a decentralized form of democratic government that narrows the gap between the ordinary people and their representatives or as a device to soften the grip of the (democratic) majority on regionally concentrated minorities. Either way, federalism as a structural element impinges heavily on the functioning of democracy in (federal) states.

b) The nature of a particular democratic system is not only characterized by formal rules and institutions but by the practice of political actors who make use of them. We start from the assumption that the understanding of democracy is also shaped by political culture and the constellation of social and political forces that translate into particular systems of representation, intermediation, and patterns of decision-making. Given that national political actors identify with these elements as part of "good and normal democratic practice" these elements tend to frame their "democratic imagination" and form part of the "tacit knowledge" of national democratic standards. They provide a pool of ideas, attitudes, and standards that are (selectively) used to form opinions about the "democratic quality" of national political systems and the EU alike. Furthermore, it seems likely that political actors will find it easier to accept and adapt to democratic reforms at the EU level when they resemble institutions and practices that are in place at national level.

c) The discourse on national democratic reform provides another source for the reconstruction of national understandings of democracy. In public debates – where political and academic discourses intersect – standards of democratic quality become visible at least ex negativo: by pointing out deficiencies and malpractices in the democratic workings of the political system norms and measures of "good" democratic practice are applied. Turning these norms and understandings into "explicit knowledge" of national democratic standards will help to relate the national reform debate to different schools of democratic theory and to delimit the pool of ideas that inform a particular national understanding of democracy.

Of course, barriers to the further democratization of the EU do not only consist in "cognitive dissonances" between national understandings of democracy but also in two other related aspects: First, the relative national costs and benefits of alternative options of democratic reform; and second, the assessment of the political nature of the EU and perceptions of its political (in)finality. These factors influence the government's position concerning "how much" and "what kind" of democratic reform they feel is appropriate for the European level. Both factors can work in two directions: they can either help to overcome some of the "cognitive dissonances" that exist or they may reinforce or even create more dissonances where they have not existed before. It is beyond the scope of this study to address these questions in any detail. We will give some evidence of how such calculations have influenced the Austrian position towards the further development and democratization of the European Union.

3. Mapping the Austrian understanding of democracy

The following chapter analyzes the role of these frames for the working of Austrian democracy and how the Austrian "democratic imagination" is influenced by the interaction of these elements. Austrian democracy has until recently been characterized as some form of consociational democracy. This form of democracy had been the product of peculiar historical experiences, circumstances and contingent forces more than the result of democratic constitutional choice initiated and authorized by the people and prepared by intellectuals and politicians in public debate. These historical peculiarities were responsible for the fact that Austria's democracy was founded not only on a "state that no one wanted"(2) but also – and only with little exaggeration - on a "nation that no one wanted". The first observation refers to the fact that the Austrian state was created from what was left after the break-up of the Habsburg Empire after WW I, with little confidence on behalf of elites and people alike in its political and economic viability. The latter observation refers to the widespread believe during the 1920ies that Austria forms part of the German nation with which it should unite. Austrian nationalism, therefore, had not been a major political force until the 1930s when it was used by the fascist dictatorship of the Christian-Social chancellor Engelbert Dollfuß as a political ideology to veil the oppression of all left-wing parties and unions. Until today it is contested whether Dollfuß should be regarded as an Austrian patriot or someone who paved the way for Nazi-German annexation (Bischof 2003; Tálos 1988).

It was not until the establishment of the Second Republic after WW II that democracy took hold in Austria. Democratic aspirations had played a role in the politics of the Habsburg Empire since 1848. Nevertheless, democratic movements often were suppressed and of minor political significance during the second half of the 19th century compared to the struggle for a liberal constitution, for holding the Empire together in face of strong tensions between the different nationalities, and the struggle between left- and rightwing political parties that, finally, escalated into civil war in the beginning of the 1930s. Given the importance of disuniting forces and authoritarian temptations in Austrian history it may come as a surprise that the establishment and incorporation of democracy in Austria after 1945 went rather smoothly. This was due to a number of historical, social and political factors, both at the national and the international level, which have conditioned the development of Austrian democracy for several decades.

3.1. Democratic frames: The Austrian experience of state- and nation-building

3.1.1. Boundaries and population

The Austrian state emerged after the disintegration of the Habsburg Monarchy after World War I. Against the Wilsonian doctrine of national self-determination strategic considerations dominated the determination of the Austrian territory. In the end, the Austrian territory did not encompass all German speaking inhabitants of the Habsburg Empire – even not those who lived in a contiguous area. Instead, territorial concessions had to be made in favor of Italy, Czechoslovakia, and what afterwards became Yugoslavia. While German speaking minorities were created in these countries rather small national minorities of Hungarian, Croatian, and Slovenian origin became part of Austria (Vocelka 2002, 273-6).

The lack of loyalty to the new state and its democratic institutions was reinforced by a lack of confidence among the different groups of society. Although Austrian society was rather homogeneous in terms of language and religion, society was split by class and political ideology (Faßmann 1995, 19-20). The class structure of society translated into antagonistic politics.

Two political camps, one of the left and one of the right, developed. The left adopted a radical political theory and language that has become known as "Austromarxism" while the ideologically rather inhomogeneous right formed a "bourgeois block" in order to keep the left from power (Dachs 1995, 151-153; Lehner 1995, 51-56). As a consequence, not many believed in the viability of the Austrian state. All three governing parties – the Social Democrats, the Christian Socialists, and the German Nationalists - were in favour of an anschluss of Austria by Germany, although with differing intensity and for different reasons.

In 1938, Austria became part of the German "Reich" after its invasion by Nazi Germany. After the Second World War Austria was re-established within the borders of 1920 but remained under control of the four occupying powers (Russia, Great Britain, France, and the US) until 1955. The state-treaty of 1955 resurrected Austria's sovereignty. It contains, inter alia, provisions for the protection of the Croatian and Slovene minorities, the prohibition of an anschluss of Austria by Germany and of activities of Nazi or fascist organizations. On 26th of October 1955 a constitutional law about the perpetual neutrality of Austria was adopted (Vocelka 2002, 207-303, 324-329). By then, the Austrians had learned their lesson and made peace with a state they had not been able to identify with for long.

3.1.2. The constitution: provisional, but long lasting

After the end of WW I, the Austrian constitution was adopted in 1920 and represented a compromise between two very different visions of state and government (Brauneder 2001, 121-2). Conflicting views concerned a) the federal structure and b) the form of government. As a result, Austria was constituted as a parliamentary democracy with a weak federal structure and a relatively weak president.(3) No referendum on the constitution was held which did not contribute to its legitimacy and the legitimacy of democratic governance that was introduced for the first time (Pelinka and Rosenberger 2000, 23-4). Paradoxically, it was exactly this provisional constitutional arrangement that was made the basis of the Second Republic after World War II. Again, no referendum was held about the new constitution in order not to provoke a constitutional discussion that could endanger the unity of the state and which could reactivate the deep rifts between the left- and right-wing political parties concerning fundamental issues of institutional design and the vertical distribution of competences (Öhlinger 2003, 39-45).

What really had changed in comparison to the first republic was the determination of the elites to work together and to uphold and develop Austria as an independent democratic state. What did not change rapidly was the sense of distrust between the two political camps on the left and on the right. Both parties had an interest to secure that no change of the status quo is possible without their consent. As a consequence, ever more political contested issues were regulated not by ordinary but by constitutional law. This situation had a number of problematic consequences concerning the normative quality of the constitution, the separation of powers between state institutions, and the democratic workings of the political system as a whole:

First, Austrian constitutional law has become dispersed, confused and overly detailed There are approximately 1000 articles in more than 100 ordinary laws that have "constitutional status" (Öhlinger 2003, 24).(4) Even more serious is the fact that the constitution is quite limited in its function to frame, limit and give direction to politics. On the contrary: constitutional law was instrumentalized to serve the political purposes of the two dominating parties. The formal understanding of constitutional law was subsequently complemented by numerous constitutional laws, which proclaim a number of "state objectives" ("Staatszielbestimmungen) to the effect that the constitutional court since the 1980s revised his "value free" approach and is now confronted with the

difficulty to decide how these should be applied to particular cases and how their implementation can be controlled (Pelinka and Welan 2001; Welan 2001, 85-94).(5)

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Second, in a number of cases the legislature granted constitutional status to regulations that either very likely would have or definitely had been declared unconstitutional by the constitutional court. By doing so, contradictory elements have been inserted into Austrian constitutional law with disrupting effects on its unity. Furthermore, the authority of the constitutional court has been undermined in those instances in which the legislature and the executive either ignored the ruling of the court or sidestepped it by granting constitutional rank to certain problematic provisions.

Third, the democratic logic of parliamentary democracy is undermined in various ways. This is why we talk about Austria as an "impeded parliamentary democracy". The quorum of a two thirds majority in parliament, that is needed to change constitutional laws, guarantees that laws that have been agreed by the two largest parties cannot be changed even if one of the parties is in opposition. As a consequence, the scope for political decision-making for governments that command less than a two thirds majority in parliament is limited. Furthermore, the representative system becomes less responsive to changes in public attitudes because policies get "locked-in" after they have been regulated by constitutional laws and provisions.(6) This in turn limits the performance and innovative capacity of the political system. By forcing the two largest political parties to cooperate and compromise beyond their cooperation in government suboptimal outcomes - representing the lowest common denominator - become more likely. This arrangement also has a self-sustaining effect because there is no incentive for the party that is not in government to agree to a compromise which would turn a constitutional provision into ordinary law. Another problematic consequence is that the constitutional court is drawn into political debates. Matters that otherwise would have been subject to political compromise in government and parliament become the object of judicial judgment and decision. This, on the one hand, reduces the legitimate role of the legislature and, on the other hand, puts the independence and political neutrality of the judiciary at risk. Although this might be seen as an unavoidable consequence of judicial review it is the particular content of Austrian constitutional law and the political constellation that accounts for its frequency and broad application.(7)

When Austria joined the EU in 1995 a referendum had to be held because the accession was qualified as a fundamental change ("Gesamtänderung") of the constitution (Öhlinger 2003, 49-61). By joining the EU, nearly every basic principle of the Austrian constitution was affected. Formally, these changes were legitimated by a referendum about the accession treaty and certain changes of the constitution itself. The principle of direct effect and primacy of European law has altered the hierarchy of law ("Stufenbau der Rechtsordnung") which has a long standing tradition in Austria. Austria is one of the rare cases in which the constitutional court has unconditionally accepted the primacy of even secondary Union law over national constitutional law (Öhlinger 2002, 93-4).

The national elections of 1999 ended a period of 12 years of grand coalition governments (1987-1999) and the "constitutional partnership" ("Verfassungspartnerschaft") that had lasted for 45 years. Motivated by the need to make public administration more efficient and less expensive, to create a "lean state" and to consolidate the constitutional texts and their substance, the government established the Austrian Constitutional Convention ("Österreich-Konvent") that began its work on 30th June 2003 .(8) By the end of January 2005 the Constitutional Convention presented an extensive report on the reform options discussed, including a proposal for a new constitution that was drafted unilaterally by the Convention president. (9) It seems likely that the new constitutional proposal will be further negotiated between government and opposition parties within the parliamentary arena. Only after having been approved by a two thirds majority in parliament and by

a referendum the new constitution will enter into force, if at all.

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3.1.3. Federalism, a domain of the executive

Against the apparent weak federal structure of the constitution Austrian federalism is nevertheless an important factor of political life. The political influence of the provinces is not adequately reflected in the constitution because the most influential body is not the Bundesrat but the conference of the governors of the provinces ("Landeshauptleutekonferenz"), several other conferences of representatives of the executives of the provinces and their secretariat ("Verbindungsstelle der Bundesländer"). These conferences operate on an informal and rather non-transparent level. They are used to coordinate the position of the provinces vis-a-vis the federal level and binding decisions have to be taken by unanimity. It follows, that the provincial executive unlike the legislature, dominates not only at the provincial level but also in the intergovernmental arena.

If one looks at Lijphart's index of federalism Austria scores 4,5 out of 5 points where 5 signifies the highest possible degree for a federal structure. Austria is categorized as a federal, yet centralized political system (Lijphart 1999, 189). The political weight of the provinces in Austria derives also partly from their role in the administration of the state (Pernthaler and Weber 1997, 761). Given the size of the administrative system at the level of the provinces there is also much room for "patronage" in the sense of filling administrative posts with personnel that is close to one's own political party (Wielinger 1997, 770-72). The provinces do play an important role in party politics, particularly with regard to the ÖVP, which has a decentralized structure. In addition, also the chambers (of commerce, agriculture, and labour – to name just the most important ones), which are constituted as autonomous organizations at provincial level and which are held together by umbrella organizations, play an important role in the institution of "Sozialpartnerschaft" at all levels (Luther 1997, 822).

Since the 1980s the provinces have been able to gain in importance through a number of reforms that increased their autonomy, their capacity to act and their influence on national policy (Öhlinger 2003, 47).(10) In the run-up to the accession to the EU, and particularly in connection with monetary union, the provinces secured extensive rights of information about European legal initiatives and may even commit the Austrian representatives in the council to certain positions if they so decide. In practice, this instrument is rarely used (Fallend 2002, 211-215). Nevertheless, European integration has put some stress on the Austrian federal system. Besides the loss of competences to the EU that affect both the provincial and the federal level a complex set of shared and interlocking competences in Austria makes the implementation of EU law quite burdensome. It seems likely that a streamlining of competences lies ahead that will further diminish the autonomous rights of legislation of the Länder in those areas that have been Europeanized (Öhlinger 2002, 92). Such reforms would reinforce the type of "executive federalism" ("Vollzugsföderalismus") that has characterized Austrian federalism from the very beginning and which the provinces accepted only reluctantly.

3.1.4. The building of a nation, notwithstanding

Austrian national identity is a rather recent phenomenon. It was not before 1945 that a specifically Austrian national consciousness became politically relevant. The strong emphasis on Austrian patriotism and the Austrian "fatherland" during the Austrofascist period (1933-1938) could not take hold since it was misused to legitimate an authoritarian regime that suppressed the working class and its political representatives. It was not until the German occupation, World War II and the common experience of the concentration camp that the political elites from the Socialist and the Christian Social Party became committed to an independent Austrian nation-state (Frölich-Steffen 2003, 106-

107).

If we look at the objects of national identification we find a mixture of elements that primarily are non-political with two exceptions: a rather strong identification with Austria's neutrality and an affective attachment to the institution of "social partnership" as a symbol for the peaceful resolution of conflicts between labor and capital and a guarantor of economic prosperity (Frölich-Steffen 2003, 99-105, 174-189). Both institutions are held in high esteem by the population despite an erosion of their political relevance because of globalization and European integration, attacks on both institutions from the freedom party since the 1990s, and governmental priorities and practices since 2000 that have undermined their meaning, content and impact (Strohmer and Lutzenberger 2000; Tálos and Fink 2003).

Since joining the European Union in 1995, national identity has been supplemented by an emerging European consciousness that is not without ambiguities. Membership in the EU seems to be appreciated primarily because of a lack of alternatives. In comparison with other EU countries, positive connotations with the EU are less pronounced in Austria (common currency; freedom of movement) while the general mood towards and the assessment of European integration have deteriorated recently (Eurobarometer Austria 2004, 3-4, 26-27).

If we think of the nation as a community of communication, experience and memory (Kielmannsegg 1996, 55-58) we may conclude that the second and particularly the third dimension still pose problems for Austrian identity. Until the present day, differences exist concerning how the development of the first republic, the period of "Austrofascism"(11) and, to a lesser extent, Nazi annexation are interpreted and evaluated (Dachs, Hanisch and Staudinger 1995). The cultural and political memories in Austria seem not very integrated but segregated and rather diffuse. This is attributed to a lack of a common reservoir of participatory experiences in the past and also during the first decades of the second republic (Bruckmüller 1996, 396-400). The shortage of such "social capital" partly explains the paternalistic and élitist elements that characterised Austrian democratic practice after 1945.

3.2. The practice of Austrian democracy: From consociational to conflict democracy?

After 1945 Austria was re-established as a parliamentary democracy with presidential elements and elements of direct democracy. The parliamentary mode of governance dominates the other two. Only rarely the president was able to influence the composition of a government either by rejecting the participation of a particular party or by refusing to appoint particular ministers of a governmental coalition.(12) The weakness of the Austrian president is also manifest in his role as representative of state. He neither plays a part in the formulation of Austrian foreign policy nor does he represent Austria in political bodies like the European council. This can partly be explained by the fact that the post of president - out of historical reasons – is designed to guarantee the functioning of the state and not to interfere with daily politics (Welan 1997).

Direct democratic instruments play some role in Austrian politics but they are rather weak, subordinated to parliamentary politics and often instrumentalized by political parties. The strongest instrument is the referendum that was only used twice in the second republic. The instrument that has been used the most since the 1960s is the "Volksbegehren", a kind of legislative initiative. The main function of these instruments is to mobilise political support for issues that are of particular importance for one or the other political group or political movement and to make the general public aware of issues that are neglected by parliamentary politics (Pelinka and Rosenberger 2000, 69-74).

The development of democratic practice in the second republic can be described as a slow erosion of the system of "consociational politics". The concept of consociationalism had been developed by Arend Lijphart and others to describe the practice of democratic governance in plural societies (Lehmbruch 1967; Lijphart 1977; 1999). The main idea is that cooperative and consensual behaviour of political elites compensates for a divided society that is segmented along ethnic, religious or ideological lines. While Austrian democracy in the period 1945 to 1966 was taken as a "classic" example of consociationalism, by the beginning of the 1990s, "it has become the victim of its own success" (Luther and Müller 1992). The erosion of consociationalism has led to a more dynamic and open system of political contestation. This change is characterized by the following developments (see diagram 3):

Figure 3

a) A slow erosion of the segmented socio-cultural environment dominated by the two big political "Lager" of the right and of the left. Since the end of the 1960s, party identification, party membership and ideological determination of voting behaviour started to decrease (Plasser, Ulram and Müller 1992). Since the 1980s, voter volatility has reached the European standard and has ended the stable pattern in voting behaviour (Haerpfer 1997). In parallel, the organizational penetration and hierarchical control of the parties' auxiliary associations decreased and we have witnessed a decline in two-party concentration, party influence and the salience of the system of "Proporz" (Plasser, Ulram and Müller 1992).

Since the 1980s, trust in the political parties and their ability to solve social problems declined significantly. Consequently, the dominant pattern of political activity within parties has been supplemented by alternative forms of political involvement like participation in demonstrations, giving signatures, or participation in grass-roots and social and ecological movements (Ulram 1997). Social movements developed with some delay in the 1970s. The most successful of these movements were the women's and the ecological movement. Both had an important impact on policies and on public discourse, but only the ecological movement led to the establishment of a new party, the Greens, that could establish itself as a permanent political force at communal, regional and national level (Gottweis 1997).

b) The shift from a system of two-party dominance towards moderate party pluralism (Müller 1997). The 'classic' phase of Austrian consociationalism (1945-1966) coincided with 'grand coalition'-governments based on the dominance of the two big parties. The "constitutional partnership" and the importance of the pre-parliamentary phase of political opinion formation in the framework of social partnership were used as instruments for minimising conflict and political conciliation. The centripetal drift in party competition led to a more adversarial style of competition when the FPÖ adopted a right-wing populist strategy after 1987 under the leadership of Jörg Haider and the establishment of green parties and their later fusion into the Greens. Since joining the coalition government with the People's party in 2000 the Freedom Party is in decline (Plasser and Ulram 2003, 195). The Freedom party questioned elements of the consensus on which the second republic was based: the political institutions dominated by "the political class" and the "old parties" and the principle of social partnership. While the Freedom Party has become more moderate in recent years it remains to be seen whether it will try to re-establish itself by adopting a more radical political course.

c) The erosion of the system of "social partnership". The Austrian model of neo-corporatism developed in the 1950s and early 1960s and survived until the end of the 1990s (Tálos 1997, 444-447). Since the year 2000 the centre-right government of ÖVP and FPÖ tends to bypass the social partners ever more often, putting its relevance fundamentally in question. Whether this implies that the concertation of interests will be replaced by a more particularistic mode of interest representation remains to be seen (Tálos and Fink 2003, 221-226; Tálos and Kittel 2001, 232-239).

The character of Austrian democracy is undergoing profound changes. Traditional institutions and practices of interest representation and conflict resolution are undermined by socio-economic, socio-cultural and political developments. The ultra-stability of the political system has given way to a new era of uncertainty about what will replace the traditional conventions and practices (Müller and Jenny 2004). It seems likely that consensual politics will be replaced by more controversial and adversarial forms of politics concerning the relationship between employers and employees (particularly in the public sector) and between government and opposition parties; and it will lead to more radical shifts in policies following changes in the composition of governmental coalitions (Pelinka, Plasser and Meixner 2000, 446).

3.3. Democratic thought in the second republic

The debate about Austrian democracy and its reform is closely connected with developments and changes in the constellation of forces in Austrian politics but also within the academic community. What follows is a short survey of five different themes of critique and debate about options for reform of Austrian democracy.(13) Diagram 4 summarizes the main themes of the debate. Although particular topics dominated the political debate at different junctures they form a pool of ideas that may be invoked at any time and whenever it seems advantageous for any political actor.

Figure 4

3.3.1. Austrian democracy between (constitutional) norm and (political) fact

A first phase of debate (1955 to 1966) is related to the establishment of "grand coalition" government, the pervasive role of the parties, and the growing power of "social partnership". The given practices were criticized mainly in the print media by a nascent political journalism that developed independently from the parties and by academic commentators from constitutional law. By that time, social and political science had not been established in Austria yet.

The overall theme of the debate was whether the given practices of governance, in particular the system of "Proporz", the growing influence of the governing parties in all social domains, and the informal delegation of decision-making power to the social partners were in line with the constitution. The "real constitution" ("Realverfassung") was confronted with the "formal constitution" ("Formalverfassung") and it was argued that the latter should have precedence over the former. In this reading of the (mainly conservative) constitutional lawyers there is a tension between the constitution, as the highest expression of the will of the people, and the democratic institutions of representative democracy, which are constituted by it. In cases of conflict the highest courts, neither government nor parliament should have the final word.(14) In reality, it was the other way around.

Critics demanded that parliament should be strengthened and that a first-past-the-post electoral system should be introduced in order to establish clear responsibilities, a powerful government and an empowered opposition (Schaller 1998a, B 30-46). Liberal views of the rule of a representative, constitutional state that stands above the narrow interests and factions of society and that secures the common good were opposed to conceptions that emphasized the positive role of parties and interest associations as central agents of a democratic state ("demokratischer Parteien- und Verbändestaat").

3.3.2. The demand for comprehensive democratization

The period from 1966 and 1975 is characterized by single party governments of the People's party (1966-1970) and of the Socialist Party (1970-1983). The monopoly of definition and interpretation of democracy by the discipline of law ended. New impulses for democratic reform sprang from the "student movement" of the late 1960s, from the "new left" and from newly established political science. The idea of "fundamental democratization" implied also a critique of all forms of social power. The Socialist Party under the leadership of Bruno Kreisky picked up some of these ideas and created the slogan of the "democratization of all areas of life" ("Demokratisierung aller Lebensbereiche"). Democratic forms of legitimation and participation should be extended to the economy, the enterprises, education and the media (Schaller 1998a, C 20).

The main bulk of democratic reform proposals, nevertheless, focussed on the political system in the narrow sense: on the reform of parliament and the electoral system and the role of parties and interest associations within the constitutional framework. The limited democratic quality within the parties and the big interest associations was addressed and a bigger role for direct democracy claimed. Demands for the democratization of the bureaucracy and a better system of individual rights and rights protection were also of importance. While a number of reform proposals were inspired by an understanding of democracy that emphasized the role of "representation" others preferred an understanding of democracy that took the identification of rulers and ruled as a point of reference.

3.3.3. The quest for participation

The period from 1975 to 1997 is characterized by the emergence of "new social movements". They took shape through conflicts with the established power structures and stood in opposition to the parties and/or the big interest associations. Accordingly, they criticized the exclusionary structures of the "party- and associational state" ("Parteien- und Verbändestaat") and asked for the extension of participatory democratic structures beyond the instruments of direct democracy. They picked up the unredeemed promise to extend democracy into all areas of life; they demanded more individual rights for the citizens, and a more inclusive democracy that respects the rights of minorities and foreign citizens living in Austria. The new social movements developed the vision of "grass-roots democracy" ("Basisdemokratie") that should guarantee autonomy and participation in all areas of life as a basis for a multi-voiced and plural civil society (Schaller 2002a, 80-1).

3.3.4. The plebiscitary and presidential temptation

Partly in parallel to the above mentioned debate and also as a kind of antidote to it, concepts of fundamental reform of the Austrian democratic system were developed by proponents of the People's Party and later on also by the Freedom Party in the period from 1985 to 1997. Under the label of the "third republic" proposals were tabled that aimed at a departure from the representative and parliamentary type of democracy dominated by a network of parties and interest associations.

Common to all concepts of a "third republic" was the old critique of the dominant role of parties and interest associations, a revaluation of instruments of direct democracy, a personalized electoral system, and the strengthening of the directly elected president.

More radical proposals were developed by the Freedom Party between 1993 and 1997. The concept of the "third republic" aims at the destruction of the "dictatorship of the apparatus" of parties and interest associations, and the empowerment of citizens through the general retreat of the state, the abolition of obligatory membership in chambers, the extension of direct democratic instruments, direct elections of the executive including mayors and governors, the strengthening of communities and provinces, and the strengthening of the instruments of control oriented towards maintaining and promoting the rule of law (Schaller 1998b, E 34-49).

It is interesting to note that in parallel to the debate about the "third republic" and in the wake of the presidential elections in 1986 that should become associated with the "Waldheim affair"(15), a debate started that focused on the position of the Austrian president in the constitution. Those who want the president to play a bigger role in politics started from the assumption that an active and strong president would and could counterbalance the parties in the parliamentary arena and that he or she should aim at integrating Austrian society. In this context, some commentators – situated mainly in the People's Party - argued for the introduction of a presidential system in Austria but with little effect. The dominant opinion in this respect was and still is, that a presidential system would either promote populist and anti-democratic tendencies or would result in political impasse given the dual character of the executive (Schaller 1998b, E 68-90).

3.3.5. Democratizing democracy: Enhancing the quality of Austrian democracy

In the second half of the 1990s academic initiatives were undertaken to give the democratic discourse a scientific foundation. Inspired by the 'Democratic Audit' in the UK (Beetham 1993; 1994) several studies were undertaken that tried to assess the quality of the functioning of Austrian democracy on the basis of theoretically founded standards of democracy and to formulate (subjective) reform proposals (Campbell, Liebhart, Martinsen et al. 1996; Campbell and Schaller 2002). The studies focused on the publicity, accessibility, and control of state institutions (Gerlich 1996); the interplay of the presidential and parliamentary elements of the Austrian political system (Welan 1996); the electoral system and the choice it offers between candidates and/or parties (Neisser 1996); the input and output legitimacy of the system of interest associations and social partnership (Tálos 1996); the democratic quality of the political systems at the provincial level (Dachs 1996); and the political rights of migrants (Riegler 1996). In a second step, the assessment was extended to cover the question of party pluralism and competition, fundamental rights, and the system of "checks and balances" (Campbell 2002); the role and performance of the Austrian parliament (Sickinger 2002); the practice of political participation by citizens (Schaller 2002b); the democratic quality of decision-making at EU-level (Neuhold 2002); the question of gender equality in Austria (Liebhart 2002); and the system of adult education (Leuthold 2002). In a third step, the discussion of Austria's democratic quality was systematized and a comparative dimension was added by contrasting the results of the Austrian with the UK audit (Beck and Schaller 2003). Possibly as a consequence of the conceptual framework, the "quality-discourse" tends to focus on deficiencies in the functioning of the institutional arrangements that are in place and on ways of how to improve on what is given, rather than on institutional alternatives or a comparison of different forms of democracy and their implications.

A more radical perspective was introduced into Austrian democratic discourse by feminist political thinking. While the topic of gender (in)equality in politics is an established theme in academic and political discourse in Austria (Rosenberger 1996) combining feminist and democratic thinking is a more recent phenomenon (Hardmeier 2004; Holland-Cunz 1998; 2004). The critique focuses not only on the unequal representation of women in the democratic institutions (Steininger 2000) and their social and cultural underpinnings but emphasizes the role of alternative forms of political participation in civil society and direct and discursive democratic means to promote gender equality in democratic politics (Sauer 2001; 2002). These and similar academic efforts (Poier 2001; Reinalter 2002) had no direct effect on the political practice of the government and on the ongoing debate in the Austrian Constitutional Convention. Nevertheless, it resonates with a renewed public interest in the democratic quality of the political institutions following the formation of a coalition government between the People's Party and the Freedom Party in 2000 along with its international repercussions (Karlhofer, Melchior and Sickinger 2001).

3.3.6. Understandings of democracy in Austria: a résumé

First, Austrian democracy did not result from an internal struggle over political participation from below but from external challenges and changes in the geo-political environment. The main actors were the two big political groupings of the left and the right and the regional entities ("Länder"). The so called "Lager mentality" provided the opportunity for the parties and their affiliated interest associations to dominate not only the political arena in the narrow sense, but also to channel political activity through their auxiliary associations. Only slowly the "permissive consensus" eroded that was the foundation of a rather closed system of cooperation by elites. This system in tandem with the tradition of an oversized and paternalistic bureaucracy inherited from the Habsburg empire accounts for the delayed development of an active civil society and a rather apolitical understanding of citizenship and national identity in Austria.

Second, democracy, even at the national level, is a dynamic concept. The understanding and practice of democracy change over time. Since 1955 the dominant understanding of the established form of democracy in Austria was that of a "democracy of parties and interest associations" ("Parteien- und Verbändedemokratie"). Since then, Austria became a more liberal and pluralist variant of a parliamentary democracy that only to a certain extent resembles a "consensus democracy" in Lijphart's sense.(16)

Third, Democratic theory is used in two ways: either to make sense of and to legitimate given practices, or to criticize them depending on the role and position of the speaker within the political field. Visions of democratic reform were mainly inspired a) by theories of the rule of law with the intention to constitutionalize those practices not foreseen in the constitution, to curb the power of the parties to the advantage of parliament, and to strengthen the authority of the highest courts; b) by theories of majoritarian democracy in order to strengthen the influence of the voters on government formation, to confront the voters with clear alternatives, to enhance the role of the opposition in parliament, and to weaken the influence of populist parties; c) by theories of direct and participatory democracy that emanated from the new social movements; and d) by theories of presidentialism, which were inspired either by right-wing visions of the identity of rulers and ruled or by the hope that a strong president would curb the power of the parties and play an integrative role.

Forth, there exists no single understanding of democracy but a plurality of interpretations that very often mix elements of various ideal typical concepts. A survey was undertaken in 1997 that studied the understanding of democracy among the Austrian population. A cautious reading of the results allows us to identify several groups of respondents who lean to one or another understanding of democracy: 23% tend to identify with the model of "social democracy" that is characterized by the orientation on social justice, equality, and local political participation in parties and the work place; 19% tend to identify with a "pluralistic-representative" understanding of democracy that is characterized by the primacy of parliamentary elections, the representative role of parties and the free mandate of the members of parliament; 16% tend to identify with a "consociational" understanding of democracy that is characterized by a positive attitude to the given role of the parties, a positive evaluation of the institution of "social partnership", and an appreciation of consensual decision-making in politics in general; 15% tend to identify with the mainly rightwing interpretation of democracy as the identity between rulers and ruled, which is characterized by a preference for a "strong leader", the wish of stronger control of representatives, more use of referendums and other forms of direct democracy instead of decisions by parliament; 13% tend to identify with a conception of "participatory democracy" that is characterized by the wish to make more use of direct democratic means and other forms of direct political activity by citizens but not to the detriment of parliament, and by rejecting the idea of a "strong leader"; and 8% tend to identify with an understanding of democracy that focuses on "competitive elitism" that is characterized by the importance of mechanisms of control of political representatives, regular changes of power holders, a more important role for government and an exclusive focus on traditional forms of political participation like general elections (Delpos and Haller 2001, 109-110; Ogris 2001).

Fifth, democratic reforms that have been implemented since the 1960s consisted of the introduction and expansion of rather weak direct democratic instruments at national and at regional level; electoral reforms that made it easier for small parties to win seats in parliament but which only slightly enhanced the influence of voters on who represents him or her in parliament; parliamentary reforms that gave the opposition slightly more rights of control; the introduction of an ombudsman who helps to solve conflicts between citizens and the bureaucracy; and the expansion of rights of citizens to stand as a party in proceedings concerning major public works with environmental implications, to name just the most important ones. Nevertheless, the reforms introduced were very moderate and did not change the overall character of Austrian democracy. On the other hand, reforms that have been implemented since the 1970s and which aimed at the "democratization" of public institutions and enterprises have been reversed like the obligatory participation of students and scientific staff in the decision-making structures of universities or the influence of works committees in the newly privatized industries. This exemplifies that democratization is not a one way street but an achievement that may fall victim to changes in ideological orientation and political constellations at the national level and beyond.

4. Thinking about the future of European democracy on the basis of the Austrian experience

The following discussion of the implications of the Austrian understanding of democracy for the development of the European Union aims at 1) drawing some lessons from the development of Austrian democracy for the EU; 2) exploring structural similarities and differences between the workings of Austrian democracy and the European Union and their likely repercussions; 3) improving our understanding of the "democratic deficit" at both levels and 4) assessing the impact of the Austrian understanding of democracy on Austria's position in the last intergovernmental

conferences.

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4.1. The role of democratic frames: some lessons for the future of European democracy

a) As we have seen in the beginning, Austrian politics has long been characterized by a rather instrumental use of constitutional law for the purpose of common party interests. In the second republic the constitution has been modified in particular points more than 80 times. The difference between ordinary and constitutional law had nearly been eliminated and until recently the two big parties could be regarded as the "masters of the constitution". As a consequence, the normative quality of the constitution was undermined and the Austrian constitution had almost completely lost its function to regulate and limit the political process. In defence of the constitution, the constitutional court and Austrian jurisprudence developed the doctrine that a core of "constitutional principles" exists that is out of reach of the constitutional legislator. When these principles are altered in a way that is classified as a "comprehensive change" ("Gesamtänderung") of the constitution a referendum has to be held. Besides this limitation, Austrian jurisprudence has accepted the primacy of European law without reservation.

Two conclusions can be derived from these observations for the development of the European constitution: first, it is very likely that from the perspective of Austrian governmental actors it makes little difference whether the future framework for European cooperation is couched in treaty or constitutional terms as long as it fulfils its political purpose and as long as the Member States remain its "masters", and secondly, that the Austrian constitution does not limit the development of the European constitution in any substantive sense. The only limit – in contrast, for instance, to Germany – is given by the fact that fundamental changes of the Austrian constitution that might accrue from European developments have to be legitimated by a referendum.

Another lesson can also be drawn from the Austrian experience: that one does not need a lean and short constitution in order to integrate a segmented society. On the contrary: the constitution became long, complex, and confusing by the attempt to fix politically negotiated compromises between rival interests. Therefore, it seems unjustified and unrealistic to expect that any new European constitution will differ in this respect, which is due to the EU's multi-national and (con)federal political nature. In fact, the proposed European constitution confirms this view. It consolidates and simplifies the basic rules, procedures and norms and it fixes substantive policy deals and the complex and differentiated distribution of competences between the national level and the EU in Part III of the constitutional treaty irrespective of a more systematic ordering of competences in Part I (Paul Craig 2003). The need to safeguard political compromises has made the Austrian constitution long and complex and the same holds true for the European Union. This seems to be the price for stabilizing a political system within a multi-national society organized by nation-states.

b) Austria, along with several other countries in the EU, is a federation. It has one of the most stringent systems in place – taking the German design as a model and guaranteed by the constitution - that shall ensure that the "Länder" can make their voices heard on topics of European and national regulation. In general, Europeanization has intensified cooperation between the sub-national and the national level. This cooperation is characterized by a high degree of informality and the dominance of the executive.(17)

The Austrian experience of federalism seems to imply the following: first, that national governments need not fear the "f-word" in the European context because integration so far has worked rather to increase than to decrease the political relevance of the national level in Austria: internally, the provinces depend to a large extent on the national government if they want to act effectively at the European level, and the Europeanization of competences also seems to lead to the centralization of the respective competences at the national level in order to facilitate implementation. Externally, the government shares the conviction with most of the Member States – irrespective of whether they are integrationists or not - that the EU shall not develop into a centralized "superstate" but should respect and guarantee the existence of the Member States and their pivotal role in decision-making.

Secondly, Austrian federalism and European integration both have worked to increase the power of the executive at the expense of parliaments. Austrian federalism is an outstanding example of executive dominance in a parliamentary context and could serve as a warning for those who tend to identify federalization and democratization without qualifications. It is not federalism per se that brings the Union closer to the citizens but it depends on the quality of democracy that is implemented at all levels and on the design of the linkages between the different levels of government.

The lesson that can be learned for democracy at the EU level is that one of the most pressing challenges is to enhance democratic control over and accountability of the executive branches of governance, notably the Council and the Commission. Little can be learned from the Austrian example of how this should be accomplished because regional parliaments in Austria are rather weak and intra-federal relations operate on an informal and rather opaque basis.

c) It has often been argued that democracy can not develop unless there is a strong feeling of national identity. The Austrian case may help to qualify this presupposition in three respects: First, Austria is a very late nation. Austria became a democracy before the feeling of national identity took hold. Citizens did learn to identify with the Austrian nation only after being forced to stay independent after two World Wars, common authoritarian experiences, and years of foreign occupation. While the lack of national identity in the first republic may have contributed to the breakdown of democracy, it was not the prime reason. The conditions for the successful development of Austrian identity were the firm political will of the Austrian elite to accept the status quo and to work together in the future; the establishment of a consociational type of democracy that helped to integrate the rival socio-cultural and socio-economic segments of society; and the challenge of economic recovery and the building of a welfare state that helped to formulate a common, national project. Until today, Austrian identity is still more determined by a common fate, then by common memories of the past.

It seems that the EU is in a similar situation concerning the lack of a common European identity. The Austrian experience suggests that this does not prohibit any further democratization of the EU but that it will have to comprise strong consociational elements of consensus seeking and consensus building. The Austrian experience also suggests that elite driven politics only works on the basis of a broad political consensus and strong organizational ties between the leadership and its followers. Lacking such resources more open forms of political contestation and participation have to be developed in order to avoid a withdrawal of legitimacy and support. The EU is another example of a political system operated by elites that suffers from the erosion of the "permissive consensus" that results in increasing dissatisfaction with the workings of the EU and declining voter turn-out in the elections to the European Parliament. While, in the meantime, the EU has acknowledged this problem little has been done to remedy the situation.

The relevance of a common political project for the development of loyalty towards the European political institutions and – in the long run – of a common identity is widely endorsed by political actors at the national and the European level as well. The problem seems to be that there are a number of political projects at the European level that aim at enhancing the EU's out-put legitimacy (like the aim to become the most competitive region in the world; or enlargement of the Union) but it is doubtful whether these targets (like in the case of enlargement) or the means to achieve them (like in the case of market-liberalisation and the reform of the welfare state) really have the support of large majorities of citizens of the Member States.

Secondly, the Austrian example illustrates that supposedly "thick" ties of a common language and religion may not suffice for national identification to evolve. Three quarters of Austrians believe that a nation is constituted by the identification with the state in which one lives. Those who believe that a nation is characterized by a community of language tend also to reject the idea that Austria is a nation (Frölich-Steffen 2003, 108-9).The Austrian example shows that it is most important whether and how socio-cultural patterns are articulated politically and how they interact with a given constellation of political opportunities and interests. In the first republic socio-economic and ideological cleavages on the one hand, and an alternative offer for national identification, namely the German republic, on the other hand, prevented the consolidation of an Austrian national consciousness in the first place. Even in the second republic the lack of common political symbols and a common understanding of the past hindered the development of an open and integrated public space for some time. Instead, this void has been filled with new objects of identification like sport champions, the landscape or economic and social achievements. These elements have become associated with the Austrian state which functions as a frame of reference and projection rather than a particular constitutional or historical entity.

The implication for the further development of the European Union is that its further democratization may not be prohibited by the lack of a "thick" common European identity as it is supposed in some accounts of the European "democratic deficit" (Kielmannsegg 1996). There is no universally valid law that links nationhood with statehood and with democracy in a particular sequence. Given the determination of the Member States to protect their national identities, any attempt to create a European identity on a cultural basis is doomed to failure. Instead, similar to the Austrian case, it seems possible that the European Union becomes a frame of reference for its citizens to the extent that it succeeds in delivering (material and immaterial) goods and results with which the citizens can identify and be proud of.

Thirdly, Austrians have learned to live with a multilayered identity. After World War I identification with the region was so dominant that some "Länder" even wanted to secede from Austria. Even by the end of the 1980s more people in the western and southern provinces (Vorarlberg, Tyrol, Carinthia, and Styria) had a feeling of belonging to their province rather than to the national level (Bruckmüller 1996, 67-8). Nevertheless, Austrians tend to think of themselves as inhabitants of a city or village, of one of the provinces, and of the Austrian nation at the same time, albeit with different intensities and for different reasons. Adding a fourth, European layer of identification seems to fit a given pattern. One should not expect that one layer of identification replaces the other and that successful integration depends on such displacement.(18)

Over all, the Austrian experience of state- and nation-building may offer some hope for the European Union. It seems possible to start building democracy and identity at the same time if one is determined to do so, if one is able to define a convincing project why it makes sense to do so, and if

the type of democracy implemented secures that the interests of all are respected.

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4.2. Comparing national and European structures of democratic governance

In the following chapter we will take a brief look at consonant and dissonant structures of democratic governance at the national and the European level. "Consonance" refers to elements that fit together rather easily while dissonant structures may cause higher adaptation costs either in terms of changes in the institutional setup (at national or European level or both) or in terms of "policy learning" and cognitive adaptation of actors. Our contention is that in cases in which consonant conceptions and practices of governance are given we do not expect conflicts to emerge that either may lead to adaptational pressures or a legitimacy gap at European level. In cases in which dissonant structures dominate we expect conflicts to emerge should the Austrian practices be undermined by European developments. In addition, dissonant structures make it more difficult to explain the workings of European institutions to citizens thus giving rise to false perceptions and the risk of a withdrawal of support. The empirical evidence presented above largely is in line with these expectations. Diagram 5 highlights the most important governance structures that we have dealt with.

Figure 5

The left hand side characterizes basic features of the Austrian understanding of democracy and the right hand side represents the European level. The green colour refers to democratic frames and the blue colour to democratic practices.(19) Boxes that stretch continuously from left to right signify consonant structures at the national and the European level and boxes that are split in the middle refer to dissonant elements.

The term "flexible constitutionalism" as a common feature of the national and the European level refers primarily to the pragmatic approach and instrumental value of the constitution at both levels and our expectation that both can assimilate each other without much hassle.(20) The same can be said of the understanding and practice of federalism that is dominated by the executive branch of government at both levels. At EU level, the Member States' representatives dominate decision-making in the Council and the European Council. At the national level the inter-governmental relations are dominated by informal interactions of representatives of the executive while the provincial parliaments and the federal council ("Bundesrat") are weak. Although joining the EU had and still has an impact on federalism in Austria it reinforces tendencies of centralization and executive dominance that are familiar phenomena in Austria without threatening the existence and enduring relevance of regional identities. We also expect rather minor adaptation costs concerning policies that aim at enhancing output legitimacy although a lack thereof would cause political disenchantment rather soon. Weak instruments of direct democracy are part of the Austrian democratic experience. Their implementation also at European level would be positively received in Austria.

More dissonances may become visible if the Union would promote a European political identity along the lines of "constitutional patriotism" (Habermas), which is a rather unfamiliar concept that only partially reflects the development of Austrian national identity. On the other hand, Austrian's are familiar with a multi-layered concept of identity that allows for feeling attached to several territorial units at the same time. Democracy in Austria is identified with parliamentary democracy which makes it rather difficult for Austrians to understand and appreciate the peculiar role of the EP and of the relationship between the legislature and the executive at EU level. Similarly, Austrians have some difficulties to adapt to the decision-making processes at EU level which is less dominated by party politics and political interventions at central level than by networking and coalition-

building.

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4.3. The workings of Austrian and European governance: Putting the "democratic deficit" in perspective

The discussion of the EU's democratic shortcomings is often based on an idealized model of democracy at the national level. Moravscik, for instance, argues that, compared with the real workings of democracy at the national level and the limited powers and functions of the EU, it is sufficiently democratic (Moravcsik 2002b). Indeed, if one takes a closer look at democracy at the nation state level we find a number of "deficiencies" that tend to be overlooked in the discourse of democracy in the EU. In contrast to Moravscik's conclusion that we should adjust our standards of democracy accordingly, we hold that normative standards should not be lowered as a result of these insights. Instead, we should deepen our knowledge of "democratic deficits" in order confront them at both levels.

Austrian democracy is far-off any ideal-type of democracy. It mixes elements of representative and direct democracy, of parliamentary and presidential models of democracy, and elements of consensus and competition. Nevertheless, there is a clear ranking of these elements: the representative, parliamentary, and consensual elements dominate their respective counterparts, although adversarial politics is on the rise since the coalition government of ÖVP and FPÖ took power in 2000. The two outstanding features of Austrian democracy, the dominance of two big parties and the related system of "Proporz" together with the privileged position of the social partners have long been at the centre of critique of Austrian democracy and have given way to more standard forms of western style party politics only recently (Bischof 2003). If we compare the Austrian case with corresponding structures and practices at European level several conclusions spring to mind:

a) Austria's democratic imagination is centred on parliamentary forms of democracy. Democratization of the EU, from such a perspective, should focus on a reform of the relationship between the European parliament and the Commission making the latter more directly dependent on the former. Such a conception is clearly at odds with the workings of the European system that is based on two parallel, but separated channels of legitimation by citizens and states. The European commission functions as a more or less neutral mediator between the two – and very deliberately so. Recent institutional reforms that bind the Commission closer to the EP can hardly be interpreted as moving into the direction of parliamentary democracy as long as the independence of the Commission in its day-to-day practice is constitutionally guaranteed. In addition, the functioning of a parliamentary democracy is conditioned not only by institutional arrangements but by particular orientations of political actors that would allow the voters to make meaningful choices between European parties, programmes, and personalities. Yet, these conditions are hardly met at the European level (Hix 2003, 152-154). These factors constitute the core of the "democratic deficit" of the EU, seen from the Austrian understanding of democracy.

b) It is even harder to imagine that the role played by political parties in Austria could be transferred to the European level, and one may wonder, if such a development would be desirable. For decades, the Austrian parties and the related interest associations had almost monopolized the political arena. Although their pervasive presence diminished over the years it is very difficult for an autonomous civil society to develop in Austria for several reasons: public finance is available for parties, but not for autonomous general interest groups, which depend primarily on membership fees and donations, and the system of chambers with obligatory membership constitutes a kind of monopoly of representation of broad categories of the population.(21)

Furthermore, there is relatively little room for NGOs to be heard in public because of a highly centralized and oligopolistic media system that entertains close relationships with the political establishment. As a consequence, the democratic institutions, particularly parliament, had completely lost its autonomy and became an instrument of the governing parties.

At the European level, the situation is rather different: There is no European party system, but only a weak system of horizontally linked parties that are, not only financially, dependent on their national counterparts, although some public finance for European parties will be available in the future. There exists neither a European media system that could provide the infrastructure for a genuine public space. This opens the opportunity for the formal representative institutions like the European parliament partly to fill the void. It has continually increased its power and influence in European decision-making, but it hardly was able to establish itself as the much needed transmission belt between the European citizens and the European Union. In addition, a dense and plural network of interest groups has developed at the European level, but none of them has the strength of a veto-player or of occupying a central position neither in representing particular interests nor in the decision-making process (Greenwood 2003).

The democratic credentials of these practices, at both the national and the European level, are highly questionable. While in Austria the weakness of parliament is the result of the parties being "too powerful", it is the weakness of the party system that seems to undermine the legitimacy of the European parliament and it's functioning as a transmission belt between the interests of the citizens and the European institutions.

c) If one looks beyond the policy fields which were dominated by "social partnership" one finds a dense network of interests groups and governmental agencies and departments which cooperate in the phase of policy formulation in Austria. This network is differentiated according to the number of actors and the modes of interaction (Tálos and Kittel 2001, 74-7, 227-239). The importance of this arena together with the relatively high rate of unanimously adopted laws in the parliamentary arena indicates a rather inclusive style of policy-making that takes the interests of those affected by a certain measure into account. Laws often result from negotiated compromises between governmental departments and affected interests in the pre-parliamentary phase of decision-making and between the parties in the parliamentary arena. Until recently, the consensual character of Austrian politics was rooted in these inclusive strategies as much as it was the result of "grand bargains" between the two largest parties, of constitutional arrangements at provincial level that oblige all parties represented in parliament to cooperate in government, and the practice of "constitutional partnership" ("Verfassungspartnerschaft"). Austria is an example of a "negotiating democracy" ("Verhandlungsdemokratie") (Czada 2003a; b). The same is true for the European Union albeit the institutional configuration and political context of European negotiation systems and of "network governance" differ significantly (Kohler-Koch 1999; Tömmel 2003, 272-277).

It has been argued that "network governance" contributes to the legitimacy of the EU by including "functional interests" in the representative mechanisms that guarantee that the interests of those affected by a law are taken into account (Eising and Kohler-Koch 1999, 270). The problem with these mechanisms is that they tend to exclude certain interests that are difficult to organize and that lack the resources to make their voices heard, thus introducing a bias in favour of business interests at the expense of organizations of labour and of producer interests at the expense of consumer interests. Furthermore, the representative and democratic character of these organizations often do not live up to minimal standards, which is true for the European arena and corporatist arrangements in Austria as well (Tálos 1996; Warleigh 2001). From a democratic point of view improvements are necessary at both levels that ensure that "membership and participation are open and inclusive, rather

than closed and exclusive, and that decision-making processes are transparent and open to public scrutiny" (Börzel and Risse 2000, 59).

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d) One striking parallel between the functioning of Austrian democracy and the EU is that both were rather successful in providing output legitimacy. The poor democratic quality of the organization of Austrian parties and interest organizations had always been justified by their effectiveness in providing wealth and social security. Citizens were ready to trade the closed and non-transparent system of pre-parliamentary negotiations and decision-making for welfare and social peace, but they are less and less inclined to do so. In a similar manner, European integration was until the 1980s based on a "permissive consensus", which presupposed that everybody would benefit from economic integration. Even after the breakdown of the "permissive consensus" the Member States are primarily concerned with enhancing output legitimacy. The slogan of "bringing the citizens closer to the EU", which guided the reform process that led to the Amsterdam treaty, was clearly inspired by the search for output legitimacy (Melchior 1999).(22) While at the national level output legitimacy is based on and informed by input legitimacy the latter is underdeveloped at the European level.

e) The Austrian constitutions (at national and provincial level) provide a number of instruments of direct democracy. Direct democratic practice in Austria suggests that the stronger the instrument the less often it is used and the tighter is the control over its application by the majority within the representative institutions. The instrument that has been used most often is the legislative initiative that does not lead to a decision by the citizens but, at best, permits to influence the political agenda. It has been argued that such an instrument may also be appropriate at the European level together with the stronger instrument of the optional referendum that allows protecting minority interests in a segmented and multi-dimensional polity (Abromeit 2002, 184-187, 203). Since Austria is a small country that fears to find itself ever more often in a minority position in the future such a broadening of direct democratic means at the European level may seem desirable.

4.4. Austria's integration policy and European democracy – the experience so far

The objective of becoming a member of the European Union was one of the unifying elements of the grand coalition (1987-1999) of the Social Democratic Party (SPÖ) and the conservative party (ÖVP) in the 1990s. Austria adopted an integrationist strategy after the broad approval of membership (nearly 66 per cent voted in favour) in the 1994 referendum. As part of a reorientation of foreign policy Austria decided to be in the forefront of deepening European integration with the exception of the common foreign and security policy. In this field of policy the coalition was split with the conservative party being willing to abandon neutrality and to join NATO whereas the Social Democrats were not (Melchior 2002). With the formation of the coalition of ÖVP and FPÖ in 2000 a party entered the governmental arena that had never believed in Austria's neutrality but belongs to the camp of the Eurosceptics. The People's Party was eager to secure that the government keeps its integrationist course by writing it down in the governmental agreement and by keeping the most important posts and ministries that deal with fundamental questions of European integration within its sphere of influence. One may doubt how tenable this strategy is, in particular, if one considers the cooling down of European enthusiasm within the People's Party and the widening gap between an integrationist elite and a rather sceptic population (Pelinka 2003, 23, 34-35).

However, if we look at the basic positions of the government on European institutional reform we find a relatively stable pattern since Austria participates in intergovernmental conferences – that is since 1996. It is characterized by a positive attitude concerning the communitarization of the second and third pillars, more qualified majority voting in the Council, an enhanced role for the European Parliament, the extension of the co-decision procedure, the strengthening of the Commission and of the European Court of Justice. On the other hand, Austria insisted from the very beginning on particular exceptions to the qualified majority rule on sensitive issues and on those institutional arrangements that guarantee the influence of small countries like the right of each Member state to nominate one commissioner, equal treatment of all Member States and balanced voting rights concerning the presidency of the council.(23) Most of these positions were not primarily justified by the need to democratize the European Union but to improve its efficiency and effectiveness. A direct connection between institutional reform and democracy is drawn in regard of the role of the EP and the principle that the EP should have the right of co-decision whenever the Council decides by qualified majority. In addition to that, only during the IGC 1996 the government actively pushed for reforms that aimed at improving the democratic quality of the EU system. As a move to upgrade Union citizenship it made the proposal to allow 10% of the population of at least three member states to formulate a petition that must lead to a legal act. Furthermore, the Austrian government – on the initiative of the legal advisors within the Federal Chancellery and the Ministry for Foreign Affairs - emphasized the need to enhance the protection of citizen's rights by including in the treaty a comprehensive non-discrimination clause and by opening the possibility for the EU to join the European Convention on Human Rights (Melchior 1998, 371-375). In a similar vein, Austria welcomed the development of the Charter on Fundamental Rights of the European Union and its inclusion in the Constitutional Treaty.

If we fit the pieces together a divided picture emerges. On the one hand, Austria's integration policy favoured all moves that enhanced the role of the EP, the democratic content of citizenship of the Union, the extension of human rights protection in the Union and the representative quality of decisions. The institutional development of the EU could easily be interpreted as proceeding in accordance with basic principles of liberal representative democracy: securing individual fundamental rights and freedoms, the rule of law, and a certain degree of participation through representative institutions. On the other hand, the Austrian government is keen to defend the Member States' rights, the power of the representatives of government and in particular the privileged position of the small countries within the European institutions. The powers of the representatives of government mark the limits for the empowerment of any directly elected representative institution at the European level. This example illustrates that, until now, a possible loss of influence in the intergovernmental arena of European politics restricts the Austrian choice of reform options to a much larger degree than possible frictions because of competing understandings of democracy.

5. Conclusion

Our aim was first, to learn some lessons concerning the interaction of state-, nation-, and democracy-building and what may follow from the Austrian understanding of democracy for the further development of the EU; second, to gain a more realistic and critical picture of the workings of democracy in Austria; and thirdly, to identify "cognitive dissonances" that may arise from different understandings of democracy in Austria and the EU. Such dissonances may not hinder the introduction of novel democratic arrangements at European level nor do we expect that Austrians (the political élite and the citizens alike) would resist any adaptation of national practices.(24) This is due also to the rather vague and plural conceptions of democracy held by Austrian citizens.

Change occurs most often in conjunction with major shifts in the balance of power as exemplified by the move from consensus to conflict democracy referred to above. Adaptational pressures on national institutions from the European level are mostly of an indirect nature and its impact is dependent on and mediated by the strategies of political actors at the national level.(25) We have shown that the Austrian understanding of democracy is dynamic and multi-faceted, but the institutional manifestations and core values are rather stable and resistant to change. The constitutional empowerment of the national parliament and the regions in relation to the representatives of government in the Council or concerning European law-making - as it is foreseen in the new Constitutional Treaty –(26) does not necessarily change given routines and practices at national level, they may even reinforce them.

The Austrian understanding of democracy is centred on a predominantly parliamentary model that for long had been impeded in its functioning by two dominating, but competing parties; closely connected, privileged organizations representing functional interests, and a consensual style of decision-making dominated by elites. This system eroded during the past twenty years giving way to a more open, plural and adversarial style of political contestation that goes together with more pronounced shifts in policy output creating clearly identifiable winners and losers. Nevertheless, the tradition of consensus-seeking, coalition-building and negotiation of political compromises in and outside of parliamentary arenas is still appreciated, particularly by the social partners.

Such an understanding of democracy may be contrasted with the northern and western European countries ranging from Sweden, Denmark, Great Britain and France to Spain and Portugal, which have quite different political traditions and democratic trajectories. The search for overlapping and contrasting understandings of democracy that go beyond formal and institutional analysis among European nation-states is up to future research. Such research should also include aspects of democratic understandings that have been neglected in this study, namely the role of citizenship and deeply held values like (political and social) equality, solidarity, and political responsibility.

No clear-cut prescriptions for the democratization of the EU follow from the analysis of national understandings. Yet, it enriches the debate about European democracy mainly in two respects: first, it contributes to a more realistic and critical picture of how democracy works at the national level thus providing a more sober yardstick for the assessment of the workings of the EU than ideal-typical conceptions of democracy; second, it challenges over-simplified assumptions about the conditions which are conducive to democratic development. The variety of institutional configurations and democratic practices liberates the debate of how and under which conditions the EU might be democratized from one-sided and schematic schemes. Such an approach is inspired by the conviction that the debate about the democratization of the EU has not yet fully exploited the lessons that can be learned from the comparative study of democracy.

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Endnotes

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(1) Our focus here is on political actors and their democratic imagination. We do not put forward propositions about how the public at large would react to certain projects of democratization at European level. Indeed, we provide evidence in chapter 3.3.6 concerning the fluid, diverse and rather vague conceptions of democracy among the Austrian population that leads us to believe that public opinion in Austria does not pose severe problems for the legitimation of any particular route of democratization at EU level.

(2) This is the title of an often cited book about the development of the Austrian state in the first half of the 20th century (Andics 1968).

(3) The first amendment of the constitution in 1925 broadened the competences of the national level together with a streamlining of the administrative structures. In 1929 the role of the president was enhanced, but only recently the “Bundesrat” was granted the right to consent to a redistribution of competences between the federal and the provincial level (Öhlinger 2003, 41).

(4) A recent collection of Austrian constitutional law consists of nearly 900 pages (w.A. 2003).

(5) Among them are the prohibition of any Nazi propaganda, the obligation to defend nationally and internationally its democratic order, the principle of perpetual neutrality, the doctrine of “comprehensive national defence” (“umfassende Landesverteidigung”), the plurality of political parties, the principle of non-discrimination of handicapped people, the principle of equal treatment of men and women and of comprehensive environmental protection, the commitment to renounce the use of atomic power and to protect linguistic and cultural diversity.

(6) A typical example is Austria's policy on the organization of schooling. Unable to compromise on how elementary education should be organized the matter was left out from the constitutional bargain in 1920. Only in 1962 under the grand coalition government of ÖVP and SPÖ a compromise was reached and given constitutional status. The status quo survived even 13 years of Socialist government between 1970 and 1983.

(7) It has become frequent practice that the political opposition that commands more than one third of the mandates in parliament asks the constitutional court to examine the constitutionality of laws with which they disagree. In recent years these litigations have been quite successful and some of the intended reforms proposed by government had been (partly) rejected.

(8) Reports, protocols, and documents of the Austrian convention are available online at http://www.konvent.gv.at.

(9) The proposals including an introduction by the president and the constitutional text are available at the homepage of the Convention at http://www.konvent.gv.at.

(10) Nevertheless, the federal government has to agree to the conclusion of state treaties of the provinces.

(11) This term in itself is contested and mainly used by the left in Austria while the right prefers to talk about the "Ständestaat" ("the state of the estates") or the Christian state.

(12) In 2000 for instance, president Klestil rejected two ministers from the FPÖ who were then replaced by other nominees from the same party. On the other hand, he could not prevent that the People's Party formed a coalition with the Freedom Party against the preferences of the president.

(13) The following presentation is based on an in-depth study of the debate about the reform of Austrian democracy and the constitution covering the period of 1918 to 1997 (Schaller 1998a;1998b).

(14) A political crisis occurred in 1963 after the highest administrative court who controls the legality of administrative acts had declared invalid a decree of the government that did not allow Otto Habsburg to enter Austrian territory although he had declared his abdication (Mommsen-Reindl 1976).

(15) Mr. Waldheim, candidate for president, was accused of hiding details about his role in the military under Nazi occupation. Although no evidence could be presented that he had been involved in war crimes a major controversy about Austria's role during the Second World War and its relationship to the past started, that led to a change in the official position acknowledging a certain degree of responsibility for what happened during that time.

(16) In contrast to the consensus model broad coalition governments were in place only roughly half of the time since 1945; the executive outweighs parliament to a larger extent; the party system is still one of only modest pluralism; there is only a weak bicameral system in place; and the constitution is highly flexible; in contrast to the characteristic features of the model of consensus democracy (Lijphart 1999, 31-47).

(17) A typical example for the importance of the principle of informality and disrespect for the constitution is that the body that is authorized by the constitution to represent regional interests and to formulate binding mandates for national representatives at EU level – the "integration conference of the regions" ("Integrationskonferenz der Länder") in which governors and presidents of regional parliaments would have made the decisions together – is not operational. It is passed over by the "conference of governors" ("Landeshauptmännerkonferen") that has taken over its function (Fallend

2002, 211-214).

(18) Classic neo-functionalism seems to think of collective identity as a zero-sum game and as a hierarchical order by implying that successful integration would lead to a shift in loyalty from the national to the supranational level.

(19) The dimension of "democratic discourse" at European level is left out in the comparison because of limitations of space and resources. Analysing the discourse about democratic reform of the European Union in any detail would require a study of its own and would lead us beyond the scope of this exploratory study.

(20) This stands in contrast to other countries like Germany where the compatibility of the European "constitution" with the national constitution has stirred heated debate time and again.

(21) It is not by chance that the most visible and active NGO that has the capacity also to play an oppositional role in certain areas like social and migration policy is "Caritas", an autonomous organization of the Austrian catholic church.

(22) The strategy that was chosen to reach the aim of developing a "citizen friendly" Europe focused on more efficient policies and the provision of certain public goods and services that were perceived as most important to the European citizens.

(23) The scope of issues, which should be excepted from majority decisions has increased since 2001. For an analysis of the Austrian position during the IGC that prepared the Amsterdam Treaty (see Melchior 1998). The official position for the negotiations leading to the Nice Treaty is documented in CONFER 4712/00 from 15th February 2000, and the position of the Austrian government in the IGC 2003 is summarized in Puntscher Riekmann 2003.

(24) There is ambivalent evidence in Austria concerning the relationship between satisfaction with the working of democracy at the national and the European level. Normally, one finds an inverse relationship between the two issues (C. J. Anderson 1998; Gabel 2003). Recent Eurobarometer results show that Austrians are very dissatisfied with the working of the European institutions reaching an all time low in early 2004, but they were neither satisfied with the working of the democratic institutions at the national level (Eurobarometer 61 – Austria July 2004; Plasser and Ulram 2004). Yet, this changed in late 2004 opening a growing gap between rising, but still low satisfaction with European democracy and quickly rising satisfaction with national democracy (Eurobarometer 62 – Austria Autumn 2004, 18-19).

(25) Examples for such interaction are the different reactions of the highest national courts towards the question of the "Kompetenz-Kompetenz" or efforts to control the behaviour of national representatives in the Council by national parliaments.

(26) Democratic reform in the EU since the 1980s had been characterized by a steady increase in the powers of the EP; the co-decision procedure has now been accepted as a principle of decision-making, individual and human rights have been strengthened; and transparency and openness in the workings of the EU institutions have been enhanced gradually. Citizen participation and democratic accountability of the EU's executive bodies are still underdeveloped. What is new in the Constitutional Treaty is the role attributed to the national parliaments in keeping an eye on subsidiarity, better information of the national parliaments about European political and legislative initiatives, and the introduction of a weak form of popular initiative at European level.

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Figure 1

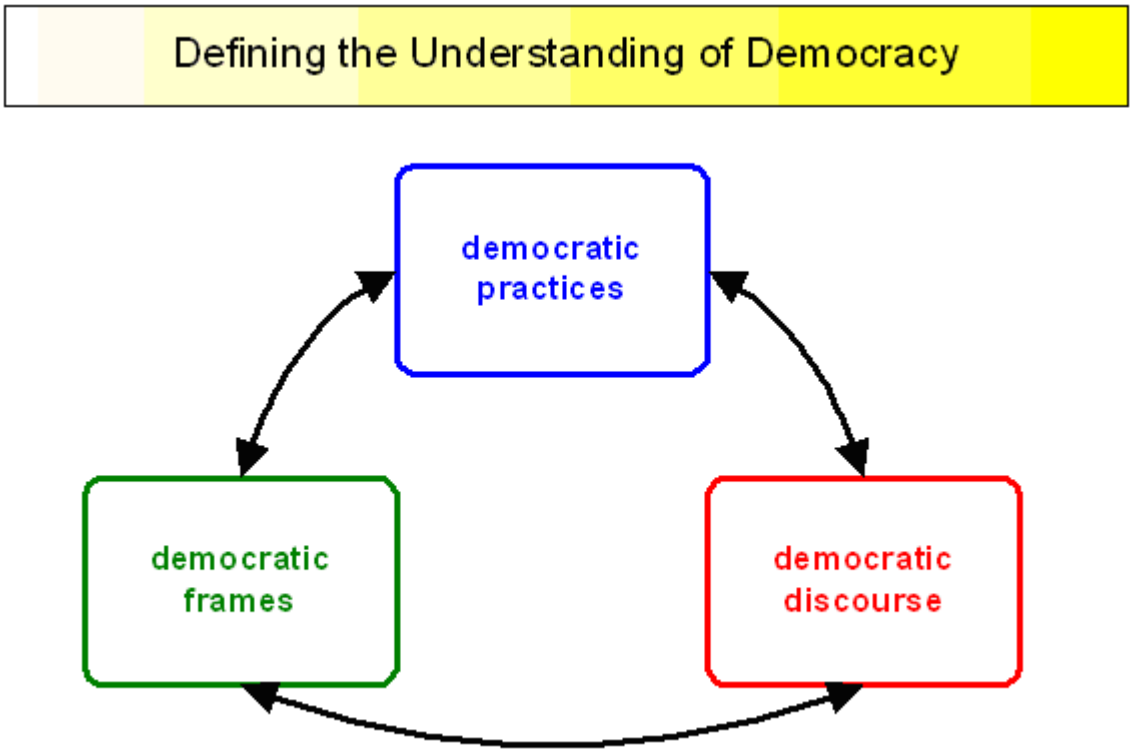

Defining the Understanding of Democracy
democratic practices
democratic frames
democratic discourse

Figure 2

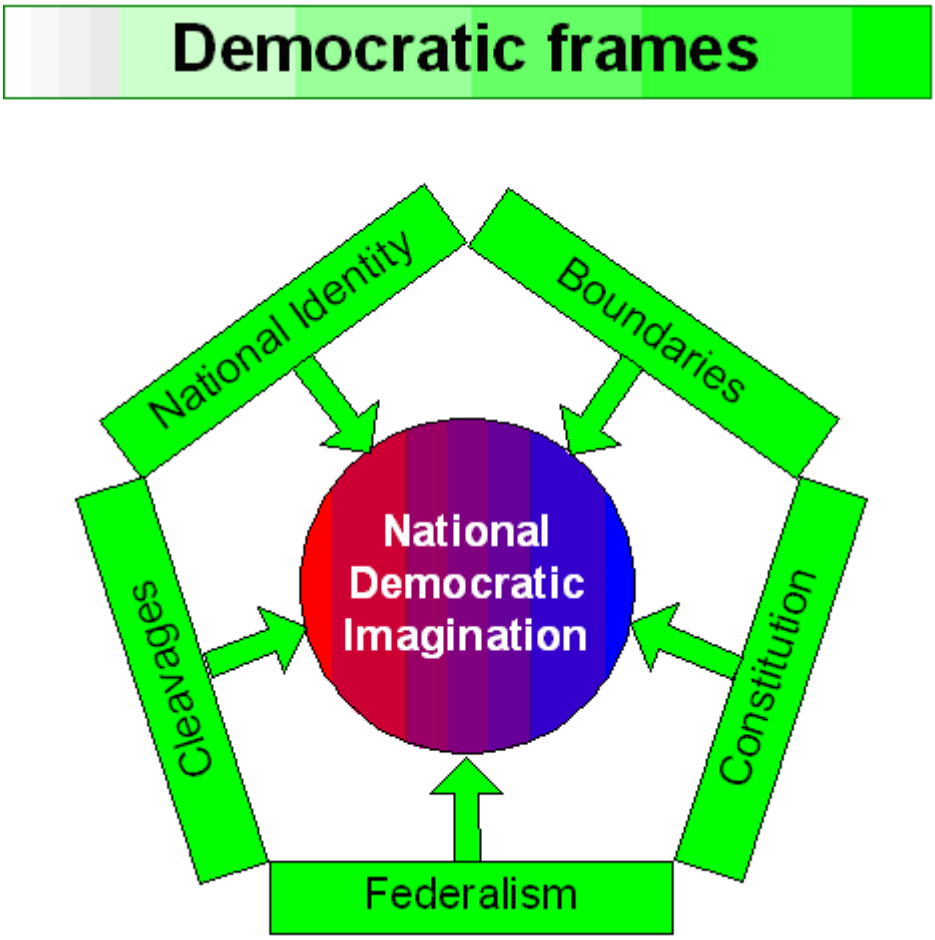


Figure 3

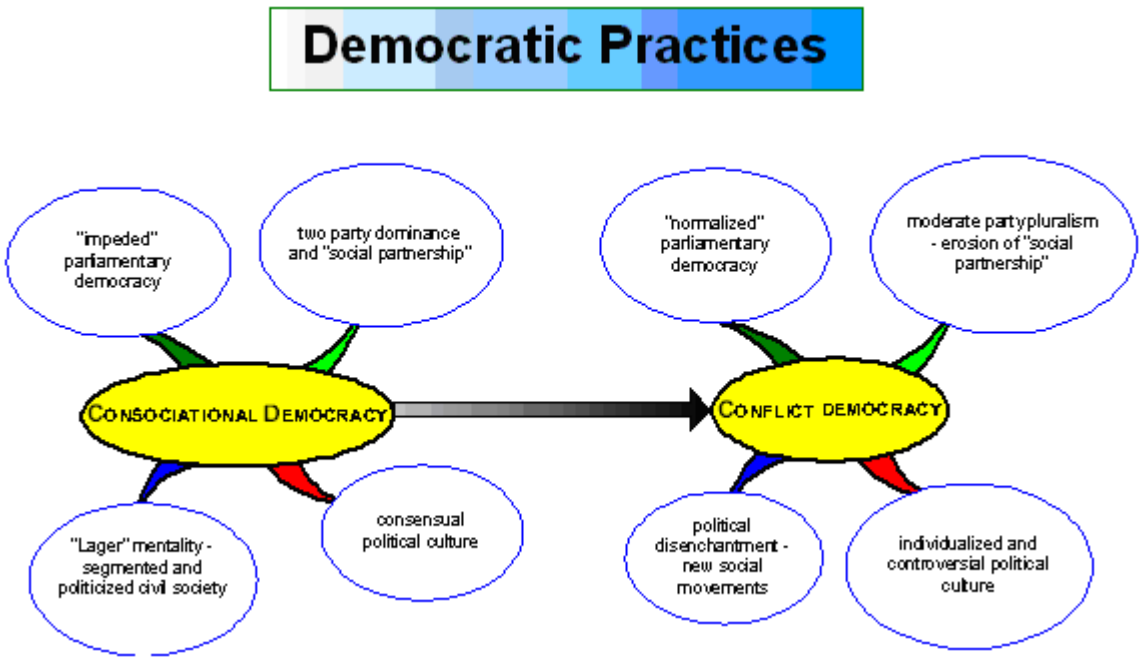


Figure 4

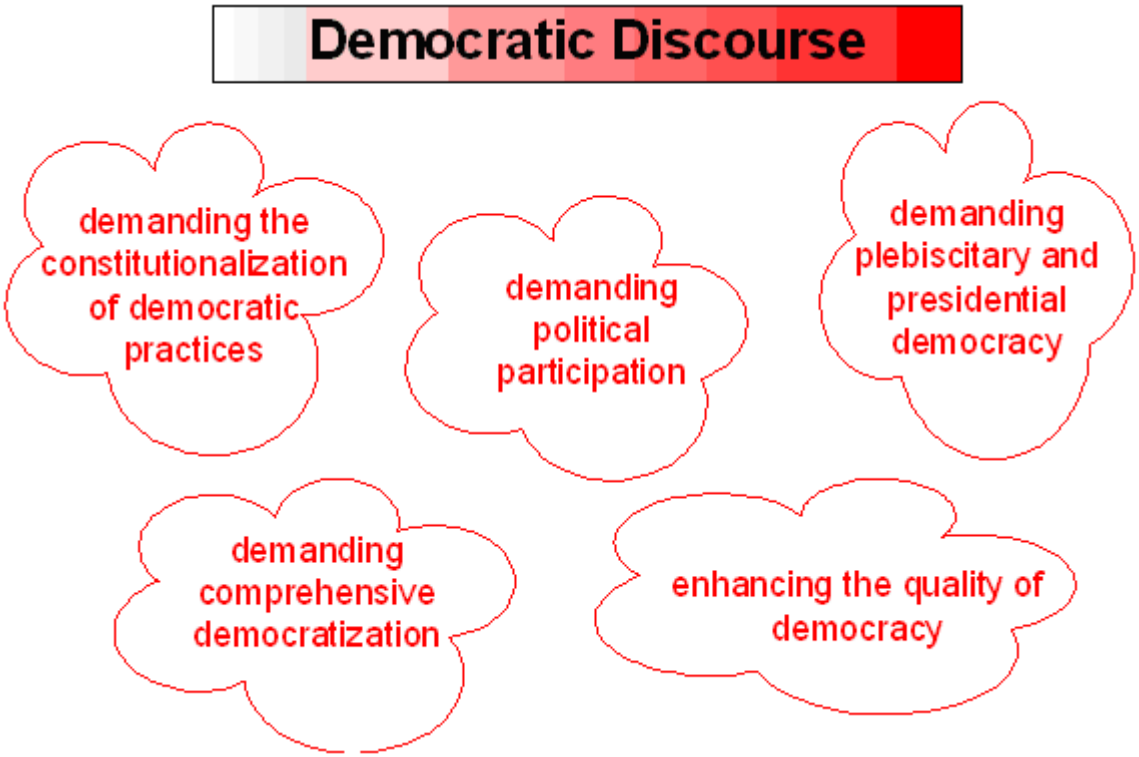
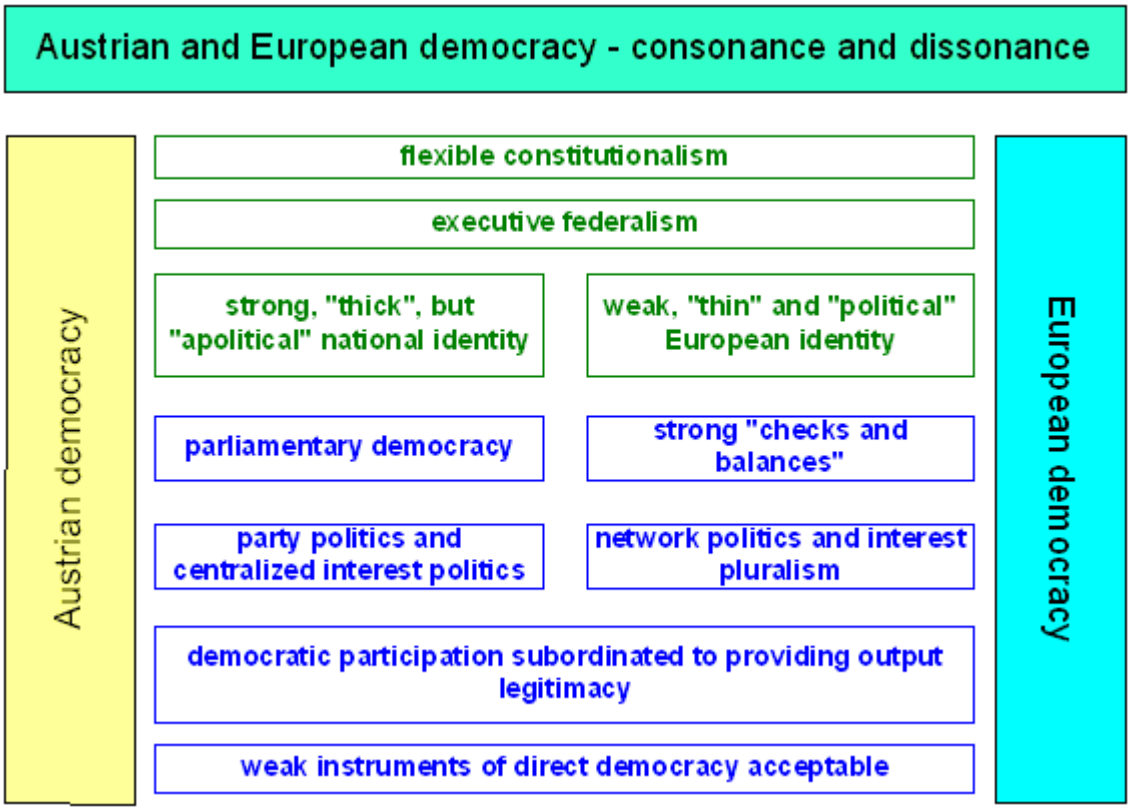


Figure 5



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