

MT Week 8: The EU and democratic deficits

Warm-up

“There is a serious democratic deficit in the EU”. Provide a key argument for or against that statement.

Arguments in favour of the ‘deficit’ thesis	Arguments against the ‘deficit’ thesis

Mini-lecture - outline

- (a) Why care about whether the EU has a democratic deficit?
- For normative reasons/ because democratic governance is a good in itself
 - Because it has consequences for the EU’s legitimacy in the eyes of citizens
- (b) How we conceptualize the EU’s institutional architecture has implications for our analysis of whether there is a democratic deficit and how to fix it.
- (c) The EU as a political system like any other:

- What is the EU?

*“The EU is neither an international organization, like the United Nations or the World Trade Organization, nor a federal state, like the United States of America... Thankfully, there is another category we can use to conceptualize the European Union: as a **political system**...*

*First, the **degree of institutional stability and complexity** in the EU is far greater than in any other international regime...*

*Second, as the EU institutions have taken on **executive, legislative and judicial powers of government**, an increasing number of groups attempt to make demands on the system – ranging from individual corporations and business associations to trade unions, environmental and consumer groups and political parties. At face value, the centrality of the*

EU governments in the system makes the EU seem like other international organizations. However, the governments do not have a monopoly on political demands. **As in all democratic polities, demands in the EU arise from a complex network of public and private groups**, each competing to influence the EU policy process to protect their own interests...

Third, **EU decisions are highly significant** and are felt throughout the EU...

Finally, the political process of the EU political system is a **permanent feature of political life** in Europe. The meetings of the European Council every two months may be the only feature of the system that is covered systematically by national media, and hence noticed by many citizens. This can give the impression that the EU mainly operates through periodic 'summitry', like other international organizations. However, **the real essence of EU politics lies in the constant interactions** within and between the EU institutions in Brussels, between national governments and Brussels, within the various departments in national governments, in bilateral meetings between governments, and between private interests and governmental officials in Brussels and at the national level." [Hix and Høyland 2022, *The Political System of the European Union*, pp. 2-4]

- What is the defining feature of a democratic political system? → **Competitive elections for the top job**, which allow for alternative visions and policy packages to be articulated and debated, and which ensure that policy outputs are responsive to the citizens' evolving preferences.

"...a democratic polity requires **contestation for political leadership** and **argument over the direction of the policy agenda**. This aspect, which is ultimately the difference between a democracy and an enlightened form of benevolent authoritarianism, is an essential element of even the 'thinnest' theories of democracy, yet is conspicuously absent in the EU." [Follesdal and Hix 2006]

- What is the main change needed to make the EU more democratic? → **Overcome the "second-order national election" character of European Parliament elections** so that they yield a winner with a real mandate for the future direction of EU policy. Some (e.g. Follesdal and Hix) believe that this can largely be achieved through **institutional reform** (selecting the Commission President via competitive elections). Others would argue that making the European Parliament elections genuinely European requires the creation of a **European demos**.

"...Democratic contestation, in terms of trans-national alignments and coalitions along left-right lines have started to emerge in both the EU Council and the European Parliament. What is still missing, though, is the connection between these developments and the divisions in the EU's society at large, in terms of the potential winners and losers of potential policy agendas. This may not even require fundamental reform of the EU treaties. **All that may be needed is for the political elites to make a commitment to open the door to more politicization of the EU agenda, for example via a battle for the Commission President, with governments and national and European parties backing different candidates and policy platforms.**" [Follesdal and Hix 2006]

(d) The EU as the outcome of intergovernmental bargaining:

- What is the EU? → A multi-level governance system that was created through **intergovernmental bargaining** by member-states pursuing primarily **commercial interests**. Delegation to supranational institutions took place to **enhance the credibility of the member-states' commitments**, and it was accompanied by effective mechanisms to prevent agency drift.

"The central argument of this book is that European integration can best be explained as **a series of rational choices made by national leaders**. These choices responded to

*constraints and opportunities stemming from the economic interests of powerful domestic constituents, the relative power of each state in the international system, and the role of international institutions in bolstering the credibility of interstate commitments... The integration process did not supersede or circumvent the political will of national leaders; it reflected their will.” [Moravcsik 1998, *The choice for Europe: social purpose and state power from Messina to Maastricht*, pp. 4, 18]*

- What is the defining feature of a democratically legitimate multi-level governance system created via intergovernmental bargaining? → The **democratic accountability of the national governments** making the key decisions within this governance system & mechanisms to ensure that the integration project doesn't stray too far from the member-states' original intentions when signing the treaties.
- How can we enhance democratic participation in the EU and what are the trade-offs? → **Enhance the quality of national democratic control** over the national governments' actions in the EU context. Ensure that supranational institutions act as **effective enforcers of the states' mutual agreements**, while preventing agency drift.

*“The **politicizing of European cooperation** and **greater transparency of decision-making** at the European level would **increase the incentives for governments to behave responsibly** – making the EU more democratic and therefore legitimate – but these measures come at a price. The way governments become more responsive – by standing firm on domestically popular positions and attempting to redistribute policy benefits and costs so that they favor their publics – is likely to cause much more conflict among member governments. At the same time, relaxing the secrecy of the process will make it much harder to reach deals through hidden cooperation. Coupling this with more demanding and inflexible bargaining stances would lead to frequent breakdowns in policy cooperation. This would **decrease the EU's effectiveness in contributing to its citizens' welfare**, which in turn would undermine its legitimacy.” [Schneider 2018]*

*“To transform the EU into an active participatory democracy, it would be necessary to **give Europeans a far greater stake** in creating new political cleavages based on self-interest, as occurred historically in past episodes of democratisation. Amongst the most plausible proposals of this kind is that by Philippe Schmitter of the European University Institute, who proposes that agricultural support and structural funds should be replaced with a guaranteed minimum income for the poorest third of EU citizens, a reform of welfare systems so as not to privilege the elderly, and a shift in power from national citizens to immigrants (Schmitter, 2000). This is a coherent scheme for reinvigorating European democracy targeted at the groups most dissatisfied with European integration today... **Such schemes would surely succeed in 'democratising' the EU, but only at the expense of its further existence.** The impracticality of such schemes demonstrates the lack of a realistic alternative to current, indirect forms of democratic accountability.” [Moravcsik 2008, “The European Constitutional Settlement”, *The World Economy* 31(1)]*

(e) The EU as a democracy:

- What is the EU? → A sui generis political entity; “**a Union of peoples, understood both as states and as citizens, who govern together but not as one.** It represents a third way against two alternatives which both equate democracy with a single demos, whether national or European... **The EU appears sui generis** for it resulted from a unique historical context – for at no other time and place have such deeply entrenched if relatively recent constructs of 'nation-states' been so collectively bent on taming the nationalist beast, and been shielded in doing so, moreover, by a hegemon's security umbrella.” [Nicolaidis 2013]
- What is the defining feature of a democracy? → The constituent peoples retain the autonomy to govern themselves democratically within their nation-states while also

managing the economic and democratic interdependence that stems from their common projects based on the principles of **non-domination** and **mutual recognition**.

- How does a democracy look like? →

- **Member-states retain a privileged position:** True to its anti-hegemonic origins, a democratic EU protects its constituent peoples' ability to govern themselves free from each other's arbitrary exercise of power without relinquishing their autonomy to a federalised centre. Thus, the member-states remain the masters of the treaties, their veto rights are respected during treaty reform (including through opt-outs and differentiated integration if necessary), and they retain the right to exit the union. Moreover, all member-states, and particularly small and medium-sized ones, benefit from institutionalized mechanisms to retain a voice in the union and avoid soft domination. The mechanisms guaranteeing an institutionalized balance of power among member-states are guarded by the supranational institutions.

*"Above all, the lack of a European demos means that European citizens **will not and should not accept to be bound by a majority of Europeans**... The one-person-one vote principle must be mitigated to compensate for population asymmetries so that no national majorities (from big or small states) may be systematically overridden."* [Nicolaidis 2013]

Given that the locus of most democratic debate remains at the national level, European decisions must be **strongly mediated by the national political process** at all stages, from negotiation to implementation, in order to be legitimate.

- **Interdependence is managed, as much as possible, through mutual recognition:** Engaging in ambitious common projects requires sharing sovereignty. To the extent possible, sovereignty must be shared through a horizontal transfer of power among member-states based on the principle of mutual recognition, enabling cooperation while retaining diversity. Common minimum standards must be adopted where necessary but full harmonization (and the associated vertical transfer of power to supranational institutions) must be avoided.

*"Guiding Principle 5 (Equivalence): In a Democracy, Shared Projects (for Example, Single Market, Single Space, Single Money) do not Require Harmonized Standards, but **Minimal Compatibility and Maximal Recognition**: Integration without unity calls for engineering policy compatibility while accommodating non-convergence. The principle of proportionality must pervade the EU political culture and single policy standards shunned to the extent compatible with the pursuit of common projects. (...) The motto of a democracy when it comes to fiscal union could be: as much fiscal harmonization as necessary, as little as possible."* [Nicolaidis 2013]

Mutual recognition is not only a legal principle, but also a normative ideal guiding how the EU's constituent peoples should engage with each other to acquire the **minimum level of trust and sense of common purpose required to accept opening their democracies to each other**. Engagement in each other's national debates and participatory governance are key to creating the transnational ties that underpin democracy.

*"At the outset, **this logic needs no singularly European public space** asking only that citizens have an informed curiosity about the opinions and political lives of their neighbours. **In time, transnational deliberative processes and citizenship will emerge** from the confrontation, accommodation and inclusiveness of Europe's varied political cultures. An enlarged mentality may even emerge, as Kant would have it, of thinking from the point of view of everyone else."* [Nicolaidis 2013]

Class discussion

(a) Which of the above approaches has the most convincing assessment of the current state and best possible improvements to EU-level democracy?

	Strengths	Limitations
EU as a political system like any other		
EU as an intergovernmental organisation		
EU as a democracy		

(b) Strengthening European parties and selecting Commission Presidents who reflect the winning political vision in European elections are commonly viewed as reforms that would help address the EU’s democratic deficit. What are some potential pitfalls of such reforms?

As you reflect on your response, you may consider the different visions about the role of the Commission President expressed in the speeches of European Commission Presidents Romano Prodi (1999) and Jean-Claude Juncker (2015) below, as well as Kelemen’s portrayal of the “EU’s half-baked system of party politics” as a facilitator of the establishment of competitive authoritarianism in Hungary.

*“This new college... provides a fair balance between the political complexion of the national governments and the European Parliament, and I welcome this. **But let us be clear. The Commission does not function along party lines.** The Commission is a College and Commissioners are no more extensions of political groups than they are representatives of national governments.”*

[Excerpt from the speech of the incoming President of the European Commission Romano Prodi at the European Parliament, 21/7/99]

“Mr. President,

Honourable Members of the European Parliament,

Today is the first time during my mandate as President of the European Commission that I have the honour to address this House on the State of our European Union.

I would therefore like to recall the political importance of this very special institutional moment. (...)

I am the first President of the Commission whose nomination and election is the direct result of the outcome of the European Parliament elections in May 2014.

Having campaigned as a lead candidate, as Spitzenkandidat, in the run up to the elections, I had the opportunity to be a more political President.”

[Excerpt from Jean-Claude Juncker’s first State of the Union speech, 9/9/15]

“Ironically, (...) the incentives for Europarties to protect local autocrats increased as reformers sought to address criticisms of the EU’s ‘democratic deficit’ by injecting more partisan contestation into EU politics. Efforts to strengthen EU-level political parties, increase the power of the European Parliament, and increase the salience of European Parliament elections, for instance through the Spitzenkandidaten (lead candidates) process have increased the rewards to Europarties for maximising their size, thus increasing their incentive to tolerate autocratic parties in their groups. However, in the EU’s incomplete system of politicisation, EU level partisan politics and Europarty brand identities have not developed to the point where Europarties are likely to pay a political price for supporting autocrats.” [Kelemen 2020]

(c) Can direct, unmediated citizen participation in the policymaking process meaningfully improve the functioning of the EU's democratic politics?

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(d) To what extent can “output” and “throughput” legitimacy make up for a lack of “input” legitimacy in terms of addressing the EU's democratic deficit?

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(e) Was the EU's policy response to the Greek economic crisis in 2009-2015 indicative of well-functioning or deficient European democratic politics?

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- (f) (i) How has the rise of the far right influenced the quality of the EU's democracy? (ii) From the perspective of each of the approaches that we discussed in the mini-lecture, what is the best way for the EU to respond to the incidence of authoritarian practices in its member-states?

Course evaluation



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