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How Enlightened is the European Despotism? The Persistence of the Democratic Deficit in the EU

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The optimist proclaims that we live in the best of all possible worlds; and the pessimist fears this is true.

James Branch Cabell, *The Silver Stallion*

Simon Hix (2008) was clear in describing the current state of the European Union (EU) as resembling rather an enlightened despotism than a genuine democratic polity. There is a wide variety of denominators for the EU in addressing its political structures of decision making and its inherent democratic deficit features, and yet there is still room for conceptual innovation. Historically, EU¹ is both curious and controversial: it is hard to explain from a state-centrist view the delegation of sovereignty and the fragile agreement on the gradual extension of EU powers together with externalizations of decision making to a polity that can be described, as Jacques Delors expressed it, as an *unidentified political object*². By interestingly portraying the EU as a neo-medieval empire, Jan Zielonka (2006) starts explicitly from the vagueness of the European construction in which “the European electorate can hardly execute democratic control over EU decision-makers if it does not really know what exact choices are being made by them”³. The democratic problem or the democratic deficit issue was and continues to be one of the main challenges facing the European Union in any terms or from any position is understood or described. The problem of accountability for the decision making inside the EU was there from the beginning and it emerged gradually as more emphatic on the agenda of vivid debates as the powers of the EU have grown after the Maastricht Treaty. This was concomitant with a growing disenchantment of citizens from member states with politics in general, with debates over the democratic deficits inside member states, with enlargement and with a visible and worrying decrease in voters’ turnouts at both national and especially European elections. The optimist supporters of the EU believe in its power to constantly reinvent and reshape while the pessimists see either a persistence of existing problems or a darker scenario that could lead in front of

current problems even to the end of the EU as we know it. This paper surveys some of these current debates and addresses once more the challenges of the EU polity in a context of multiple crises that confronted Europe in recent years. It supports a moderate transformative view that involves balanced weights of optimism and pessimism in a belief that the unfold of current events and the way EU deals with delicate problems will put an increased pressure in the future on matters of accountability and will require some institutional adjustments that address democratic requirements for decision making. However, in its present shape and context, the EU does not look able to deliver soon appropriate answers to democratic demands. In a neo-functionalist slang we can say as an irony that the actual crisis in the EU legitimacy is a ‘spillover’ effect of institutional choices made some time before. To address the EU’s democratic deficit however is not to be a skeptic and ignore the benefits that came with it but to acknowledge the increasing popular dissatisfaction with ‘occult’ office politics and with the way EU tackles daily problems of public concern while the public is more and more affected by decisions taken at European level.

Still, in our view, while looking back at the democratic theory that re-emerged so vivid and articulate in the 20th century political thought it is a topic of serious reflection how the *dissatisfaction* as political attitude is the one that installed within the choices of European citizens and not the expected or prophesized reactive political behavior of civil society against any unaccountable extension of political powers. Such an assertive reactive attitude was to be expected from a democratic theory point of view since in democracy, in Karl Popper’s (1945) classical terms now, the citizens will develop a deep aversion for any extension of political powers and the will to correct through elections the perceived political errors. While democracy is viewed as grounded in the principles of legitimacy and accountability it is, we think, historically very interesting how the contemporary citizens of consolidated democracies got used to and coped with living inside non-democratic political frames and patterns of decision making. In a very strange way the EU tends to resemble a historicist project through the way it sacrificed democracy for pushing historical goals ahead the control over the means for achieving them. Something that would look unconceivable to classical theorists of democracy and should be gradually corrected by the adversity of people for any expansions of political powers became nowadays a regular practice of dealing with or deciding on daily issues of European people’s concern. Whether this is connected solely with the “obscure” and complicated nature of EU and the limited understanding of it by the European people or the results of a general attenuation of democratic practices and a popular disenchantment with democracy itself is not in our power to answer. However, taken seriously, the democratic deficit issue is the sign that some of the expectations formulated within the theory of democracy were not fulfilled while historical

political circumstances in Europe still generated trade-offs between pragmatic and democratic choices. Until what limit the European public will accept to let EU mind its own business without being held accountable remains to be seen. However the democratic deficit is here to stay while the EU by no means will resemble a state. While its efficiency gets contested, we wonder if the Greek crisis is not a sign that even the economic integration has failed. Like the UN in the past, the EU is passing through a crisis that might require to reconsider its goals and effectivity arena and to set eventually some more modest goals.

Giandomenico Majone was clear in showing that inside the EU the “monopoly of legislative and policy initiative granted to a nonelected body represents a violation of fundamental democratic principles that is unique in modern constitutional history, and fairly rare even in ancient history.”⁴ As Majone has argued, the ‘basic dilemma’ within the EU formation is the radical choice made from its beginnings between integration and democracy. In his words, “the Community Method – not the sole method of decision- making in the EU, but the most important one for economic integration – is the classic example of the sacrifice of democracy on the altar of integration”⁵. The founding fathers of the European Economic Community (EEC) – as Majone argues – answered to specific historical circumstance after the Second World War and while facing a trade-off between democracy and integration they have chosen integration. While this made sense at the time, its consequences were not yet so visible since this choice did not involved a wide extension of EEC competencies and powers. EU however turned out to become – under the logic of the *fait accompli* – a different ‘monster’. With the Single European Act (SEA) “what was originally a marginal trade-off – a small sacrifice of democracy for the sake of greater efficiency in limited areas of economic integration – became a surrender of basic principles of representative democracy as the competences of the EU kept growing”⁶. A critical return to the basic operational principles is, for Majone, required since the democratic deficit is a natural consequence of the persistence of an explicit choice for European integration that sacrifices democracy. The expansion of the executive power of the European Commission with its monopoly of legislative initiative, the lack of separation of powers, the role of the European Central Bank that operates in a political vacuum, the lack of authority of national parliaments over monetary policies are all, in Majone’s account, clear indicators of a ‘path dependency’ towards democratic deficit. The messy process of politicization of what was thought largely as an economic project has led to a gradual and dramatic increase of the democratic deficit. By accepting the fact that integration brings both costs and benefits, for Majone, one solution would be a reshaped focus on optimal efficiency of EU institutions in delivering solutions for daily problems and a club based diversified integration. Majone’s emphasis on efficiency draws for

Martin Lipset's classical argument which puts emphasis on legitimacy as a central political problem that can be ensured through the systems' capacity to deliver according to the expectations of a large group of population. In this logic, by focusing on efficiency/legitimacy nexus and not on the democratic deficit issue, the European institutions will extract their legitimacy from delivering optimal benefits to the people inside the EU. Periods of prosperity showed a profound popular trust in European institutions while the periods of crises indicate a dramatic disenchantment with EU's ability to efficiently solve problems. However, we think that the argument of the efficiency – legitimacy link though valuable in exiting the doomed domain of democratic deficit that is linked anyway with the EU's shape and choices, might contain a slightly overambitious promise. While being true that in periods of prosperity the citizens of member states had a positive view on EU, it might be just the natural result of their satisfaction with domestic politics as the only ones they are able to follow, therefore a historical contingency. Yet, in the periods of growth and stability it is rather the domestic legitimacy of governments in power that grows since domestic politicians have the obvious tendency to pack any European success as a domestic accomplishment on their own agenda. The opposite is available as well when national politicians blame the EU for their domestic failures. The moments of growth of trust in the EU institutions might hence be accidental and fragile indicating rather a state of temporary contempt than one of actual legitimacy. It is quite the visible consequence of Majone's inspired analysis of the elitist nature of the EU project and the failure in the Europeanization of the masses. More, in these terms, even a differentiated integration might become itself a generator of problems since in shaping diversified clubs a deeper messy politicization might easily emerge due to the fact that some member states will have to accept in bargaining procedures of the clubs' formation the status of losers or excluded in regard with particular policies. Such a status will require domestic justification that is hard to provide without creating even deeper legitimacy crises for the EU in some particular states. It is also possible that in a club based differentiated integration might emerge a struggle to join particular clubs that will be structurally similar to the already existing efforts of integration yet with higher costs for more demanding clubs and with benefits postponed once more by the prospects of effectively joining particular clubs. Still, the argument remains true in that a poor performance of EU might undermine it as a project and threaten its long term survival. Some sought of output legitimacy should be priority in place while EU is deepening in delivering sub-optimal benefits. Yet democracy and its practices are mostly about the institutional design than about outcomes, and it is here where the EU looks rather like a UPO.

Simon Hix, one of Majone's former students, took yet a quite different path becoming well known for his "call to arms to comparativists" in his belief that the dominant international relations centered approaches to EU "had neglected the *politics* of the EU, as well as its characteristics as a political system"⁷. The democratic deficit could be partially solved, for Hix (2008), by a gradual deepening of an already existing politicization of EU through what he calls 'limited democratic politics'. What he was insisting on already in his latest writings is that "most commentators failed to realize, however, that parties and politics inside the European Parliament had been developing for some time."⁸ In his book that has a provocative title: *What's Wrong with the European Union and How to Fix It*, Hix acknowledges both the merits of EU by avoiding the Euro-skeptic positioning and also the lack of popular legitimacy the EU is facing nowadays which, as he accepts, undermines a Eurofederalist view of the need to extend the powers of EU institutions. Hix insists that by seriously taking into the account the existing EU politics and inserting some changes of practices and procedures and not fundamental institutional alterations, we might see a way out of the current legitimacy crisis. In an inspiring way, Simon Hix makes the things look somehow very simple. With regard to Majone's arguments on the efficiency-legitimacy nexus, Hix argues in a paper written together with Follesdal (2005) that Majone's regulatory approach focused on Pareto-improving outcomes though effective when it's about insulating specific policies from majoritarian politics leaves out other policies that have distributive or redistributive effects.⁹ Hix argues therefore that there is a real democratic deficit issue that comes out of EU policies that require some degree of democratic contestation in order to be more efficient since they involve short and long term winners and losers. Contestation comes as the playground for Hix's call to further politicization of EU politics. Contestation that practically means the existence of opposition with regard to specific policies within EU would lead, in Hix's account, to the emergence of alternative leaders and policy agendas and also to the responsibility of politicians and policy makers towards their proposed agendas. The process of contestation will lead in this logic of arguments to a reorientation of anti-EU feelings towards anti-particular political agendas and thus to a decrease in Euro-skepticism. Contestation would generate, in Hix's view, a vivid political competition, the formation of popular political opinions regarding EU, and the emergence of debates that are essential for strengthening the democratic features of EU politics. The 'limited democratic politics' means, for Hix, admitting the validity of Majone's Pareto-improving arguments but only with regard to policies with no or limited redistributive outcomes. However since the current EU policies have rather large distributive consequences, it is here where the problem of democratic deficit should be frontally addressed and the politicization of the EU should further occur. In order to do that, for Hix, the functioning

of the EU would involve holding an open contest for the post of Commission President, making the Council of the European Union more transparent, and giving the European Parliament more power. An interesting point in Hix's argumentation is his view on the role of public debates for the election of Commission's president. Televised debates would make, in Hix's view, citizens more interested in European politics. It is, we think, a slightly elitist view that a little bit more televised shows with and about European politics will genuinely make the masses to pay more attention and suddenly become more interested in what's going on in Brussels. We think there is no strong evidence for such a trajectory since the overall EU media efforts did not prove to be highly successful in increasing interest and awareness about the EU. It might be again the case of another 'argument by analogy'¹⁰ that were sharply analyzed by Majone (1998), yet this time about the role of media campaigns in shaping popular interest in EU politics in a similar fashion with the way the media shapes interest in domestic elections. Yet, actively and effectively involving the 'European citizens' in EU politics would mean that they recognize and assume the representative nature of European Institutions. Such a fact requires a genealogy rather than being accomplished since most of the issues that are salient for the citizens of member states are of national competencies.

While Majone argued that in democratic terms things are as they are supposed to be or can be as a result of the nature and design of the EU, Andrew Moravcsik (2002) argues even further that it is only an '*impression* that the EU is undemocratic'¹¹. By eliminating the possibility of a European superstate to emerge, Moravcsik sees the constitutional economic prerogatives as remaining the core of the EU while the exceptions are there only to support the formulations of specific policies. As a polity, Moravcsik argues that the EU is under more constraints than any national polity and its democratic features are the result of the control from national governments that are themselves democratic. "In fact, asserts Moravcsik, the EU employs two robust mechanisms: direct accountability via the EP and indirect accountability via elected national officials"¹². EU is therefore, for Moravcsik, as democratic as it can be. The insulation of the EU decision making from democratic deliberative majoritarian politics is exactly what makes it, for Moravcsik, to be more 'representative' in its regulatory functions in connection with a European 'median voter' than national politics. Here again, Follesdal and Hix (2005) argued that a problem might become visible since "both democratic and (enlightened) non-democratic regimes would produce policy outcomes close to the median or otherwise decisive-voter (assuming a single dimension of preferences)"¹³. Jan Zielonka (2007) also argues that the recent enlargements made the task of regulatory bodies even harder to address an increasing diversity in a wider union with one-size-fits-all solutions.

Erik Oddvar Eriksen and John Erik Fossum (2004) are the proponents of what we believe to be a Habermasian elitist-idealist form of legitimacy that might overcome in their opinion the issue of democratic deficit: a rights based union that derives from a communicative rationality as base for cosmopolitan deliberations. Eriksen and Fossum, we think, rather optimistically imagine than describe a European post-national federation based on a cosmopolitan conception of democracy in which deliberation is the source of legitimacy. However, European public deliberation requires yet a European public sphere for whose existence it is hard to provide evidence.

In an interesting fashion it is exactly the absence of a European *demos* that Frank Schimmelfennig (2009) acknowledges in dealing with the democratic deficit issue. Yet his solution is both original and strange to us in the same time. Instead of complaining, Schimmelfennig chooses rather to acknowledge the progress made in the field of democratization in the European Union in the last 50 years and to tackle the particular nature of the European democracy. He sees the European polity as a ‘community of communities’ that “is not a polity of citizens possessing popular sovereignty and direct links of election and accountability to their representatives and government but predominantly a polity of corporate bodies”¹⁴. Schimmelfennig’s reasoning makes us think at the contemporary debate on corporate citizenship and corporate social responsibility that seems to be extrapolated to the EU politics as a community formed rather by institutional citizens than by individuals. The institutional actors are in his view the ones that compensate for the democratic deficit resulted from the absence of a *demos* and hold EU politics accountable. Quoting Schimmelfennig extensively:

“EU democratization results from constitutional conflict among institutional actors about the distribution of political rights and competences in the liberal EU community. This happens under two main conditions: (i) efficiency-driven integration generates a democratic deficit, and (ii) negatively affected but weak institutional actors are able to refer to the EU’s liberal democratic values and norms to undermine the legitimacy of efficiency-driven integration and to strengthen their position in the constitutional conflict.”¹⁵

We think that the merit of Schimmelfennig’s approach is that it addresses directly and frankly the essential role of the elites in compensating for the *demos deficit*. One should ask himself whether the accountability towards elites should not be considered as a sufficient substantive proof for an already existing democracy since the ‘cosmopolite citizen’ repeatedly mentioned by Eriksen and Fossum (2004) has a long way ahead before becoming a deliberative voice. It might be that a knowledge based society will substantiate the role of elites in terms of EU’s democratic control and leave the ‘masses’ under the monopoly of their national communities where they

direct their expectancies anyway. However we find it a daring hypothesis for which we're not strongly informed to neither support nor reject.

Yet, without being radical democrats, we believe that the current state of the EU will strengthen also the popular debates on democratic requirements in the future. Majone sharply expressed that the process of European integration is not majoritarian since the founding fathers “understood more clearly than today’s leaders that economic integration without political integration is feasible only if politics and economics are kept as separate as possible”¹⁶. Even if we accept that the democratic deficit is either justified as Majone argued or just an *impression* as stated by Moravcsik and we doubt the envisaged politicization proposed by Hix we still have in place the increasing dissatisfaction with EU politics visible among member states’ citizens. And the elites need popular support also in order to enter and remain in the political game. We think that the eventual polemic future of the problem of the democratic deficit in the EU might result from the persistent sub-optimal results provided by the ‘enlightened’ birocracy and national elites involved in decision-making processes in Brussels. If the ‘normal’ (in Thomas Kuhn sense) functioning of the EU as a polity might not intrinsically require more democracy, ‘anomalies’ within the EU’s functioning might call for public scrutiny, accountability and responsibility. And it is rather here where the democratic deficit might occur when it is very hard to provide the European public with specific Brussels ‘experts’ assuming blame or responsibility for failed policies. It is the need for a system of corrections rather than normal practices that might lead to a future politicization of EU and will bring the democratic deficit on the table once more. The current global financial crisis and the Greek crises stand, we think, as reasonable examples that the EU is still safe in its relation with the European public that more or less passively watches what’s going on and accepts rather than supports. However, the deepening or the multiplication of such crises would make the public more aware of the way decision about their daily life are taken in Brussels and will push further the requirements for accountability. In a way, we can say that the EU is safe from the democratic deficit issue as long as it persists in a relatively stable environment while instability might bring on the table issues that have been disregarded by the European public at large. Crises usually tend to bring together with a fast speed the economy and the politics in segments of policy-articulation where they are usually functioning better by being kept separate since crises usually push for redistributive policies. The EU’s ability to optimally respond to crises will be, we think, from now on, an emergent issue on the analysts and academics’ agendas. In this respect, we believe that the true question will be now ‘how enlightened is the European despotism?’ or how prepared are the EU decision makers to react to internal and external shocks that require particular skills and political ability? And these in the

circumstances that under the logic of the *fait accompli* the EU transcends one of the essential elements of democratic polities: fallibility.

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NOTES:

¹ For convenience, we have generally used the term European Union (EU) in this study as a generic term also for the periods of previous communities before Maastricht Treaty on which the actual EU was built.

² In his speech to the inaugural session of the Intergovernmental Conference in Luxembourg on 9 September 1985, Delors said: 'For we must face the fact that in 30 or 40 years Europe will constitute a UPO—a sort of unidentified political object—unless we weld it into an entity enabling each of our countries to benefit from the European dimension and to prosper internally as well as hold its own externally.' (*Bulletin EC* 9-1985:8, <http://www.ena.lu/speech-jacques-delors-luxembourg-september-1985-020003381.html>).

³ Jan Zielonka, *Europe as Empire. The Nature of the Enlarged European Union* (Oxford: Oxford University Press, 2006) p. 5.

⁴ Giandomenico Majone, *Europe as the Would-be World Power. The EU at Fifty* (Cambridge: Cambridge University Press, 2009), p. 30.

⁵ *Ibid.*, p. 151.

⁶ *Ibid.*, p. 161.

⁷ Helen Wallace, William Wallace and Mark A. Pollack (eds.), *Policy Making in the European Union*, Fifth Edition, (Oxford: Oxford University Press, 2005), p. 26.

⁸ Simon Hix, Abdul G. Noury and Gerard Roland, *Democratic Politics in the European Parliament*, (Cambridge: Cambridge University Press, 2007), p. 2.

⁹ Follesdal Andreas, and Simon Hix, 'Why There is a Democratic Deficit in the EU: A Response to Majone and Moravcsik', *European Governance Papers (EUROGOV)*, No C-05-02, 2005, <http://www.connex-network.org/eurogov/pdf/egp-connex-C-05-02.pdf>, p. 12.

¹⁰ Giandomenico Majone, 'Europe's 'Democratic Deficit': The Question of Standards', *European Law Journal*, 4(1): 5-28, 1998, pp. 7-8.

¹¹ Andrew Moravcsik, 'In Defense of the 'Democratic Deficit': Reassessing the Legitimacy of the European Union', *Journal of Common Market Studies*, 40 (4): 603-634, 2002, p. 606.

¹² *Ibid.*, p. 611.

¹³ Follesdal and Hix, p. 13.

¹⁴ Frank Schimmelfennig, 'The Normative Origins of Democracy in the European Union: Towards a Transformationalist Theory of Democratization', *Working Paper No.39*, National Center of Competence in Research: Challenges to Democracy in the 21st Century, 2009, <http://www.nccr-democracy.uzh.ch/publications/workingpaper/pdf/WP39.pdf>, p. 9.

¹⁵ Schimmelfennig, p. 11.

¹⁶ Majone, 'Europe's 'Democratic Deficit': The Question of Standards', p. 7.