The European Union as Regional State

Vivien A. Schmidt

in Democracy in Europe: The EU and National Polities

This chapter argues that it would do better to conceive of the EU as a regional state in the making, and as such as a regional union of nation-states in which the creative tension between the Union and its member-states ensures both ever-increasing regional integration and ever-continuing national differentiation. It considers the EU’s move to regional sovereignty, the variability of the EU’s regional boundaries, the composite character of EU identity, the compound framework, and the fragmented nature of the EU’s democracy. It ends with a discussion of the real sources of the democratic deficit in the EU, linked to the lack of ideas and discourse about national democracy, and how this affects simple and compound national polities.

Debating democracy in the EU

Mette Elise Jolly

in The European Union and the People

This chapter opens with a review of the literature on democracy in the European Union. The most commonly raised ‘deficits’ are discussed, including the argument that the EU lacks accountability, the notion that qualified majority voting can be viewed as undemocratic, the alleged problems caused by extensive lobbying, the social critique, and the socio-psychological argument. It is argued that the socio-psychological question is the most fundamental as this underlies all other discussions about the future of the EU and the EU institutions.
Parliamentary Institutions in International Polities: What are the Conditions?
Berthold Rittberger

in Building Europe's Parliament: Democratic Representation Beyond the Nation State
Published in print: 2005 Published Online: July 2005
Item type: chapter

Develops a three-staged theory to explain why national governments have created and successively empowered the European Parliament. In a first step, it is argued that attempts by national governments to transfer sovereignty to the EU-level in order to improve the problem-solving capacity of their domestic polities threaten to undermine domestic channels of interest representation and accountability. These challenges are commonly perceived by political elites in the member states as a ‘democratic legitimacy deficit’. In a second step, it is argued that the proposals political elites in different member states advance to alleviate the ‘democratic legitimacy deficit’ vary across and even within member states. In the final step, the chapter inquires how the different concerns about the ‘democratic legitimacy deficit’ affect the interaction among national governments during Treaty amending intergovernmental conferences. For each stage in the development of the theory, the chapter develops a set of hypotheses and observable implications. The hypotheses are subjected to empirical scrutiny in the ensuing chapters.

Integration and Democracy: the Big Trade-off
Giandomenico Majone

in Dilemmas of European Integration: The Ambiguities and Pitfalls of Integration by Stealth
Published in print: 2005 Published Online: February 2006
Item type: chapter

Democracy is an essential condition of membership in the EU, yet the EU itself is said to suffer from a serious democratic deficit. The paradox is more apparent than real — one cannot safely extrapolate democratic norms from the national to the supranational level. The members of the EU are not individuals but corporate bodies, and democratic principles do not directly apply to such a polity. Arguments about Europe’s democratic deficit implicitly assume that the EU must eventually become a full-
fledged federal state, but this is not what the majority of European voters apparently want. At best, federation is only one of several possible outcomes of the integration process. In reality, the democratic deficit is the price we pay for attempting to pursue political objectives by non-political means.

Democratic Legitimacy and the European Parliament
Oskar Niedermayer and Richard Sinnott

in Public Opinion and Internationalized Governance

This chapter addresses the issue of democratic representation and legitimacy in the context of the European Community, with particular reference to one sector of its institutional structure: the European Parliament. The evidence shows that the existence of a democratic deficit in the EC is widely recognized, not only by political elites and commentators but also by mass public opinion. The evidence also suggests that the institution which ought to be doing most to repair that deficit – the European Parliament – is not succeeding in the task. Only something between a quarter and one-third of EC citizens have even a minimal understanding of its role, and tend to project on to it their conceptions of their own national legislatures. This factor, together with the persistently low levels of electoral turn-out in European Parliament elections, indicates that the Parliament is not playing as large a role as it might in assisting the institutionalization of legitimacy.

The Legitimacy of the Euro-Zone: The Problems of Social Justice, Consent, and Identity
Kenneth Dyson

From the viewpoint of stability, the Eurozone needs to be established and maintained within a normative political consensus that provides strong moral grounds for compliance with its directives. This makes it less dependent on specific non-normative mechanisms, such as the Growth and Stability Pact, and minimizes the ‘Hobbesian’ threat to its
stability arising from the political or economic disaffection that attends a ‘democratic deficit’. The consensus also serves to maximize the Lockean and Kantian pro-integrative pressures based on political trust and morality.

Dilemmas of European Integration
Giandomenico Majone

The Community method is the traditional approach to European integration. However, the method is becoming obsolete, being too rigid to permit institutional and policy innovations, or to apply to politically sensitive areas. For these reasons, the member states of the EU are increasingly willing to commit themselves to common tasks, but wish to act outside the traditional framework. In a Union where national institutions and priorities are much more varied than in the past, it is impossible to force the integration process into a single pattern. The Community method was inspired by a federalist vision, but a federal superstate would be unable to provide the public goods which Europeans take for granted. Lacking legitimacy, the federation would be unable to act decisively even in areas where close cooperation is needed. A confederation built on the solid foundation of market integration offers the only viable model for a EU capable of playing a significant role on the international scene.

The Legitimacy of the International Legal System
Allen Buchanan

in Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law

Completes the second part of the book, and relies on the conception of political legitimacy delineated in Ch. 5 to advance a justice-based, rather than a consent-based, account of system legitimacy: a set of criteria that the international legal system would have to meet in order to be legitimate. Building on groundwork already laid in Chs 1 and 5, it is shown why, contrary to the dominant view among international lawyers, the consent of states cannot confer legitimacy on the international
legal system. In addition, it is argued that it is a mistake to assume that political equality among states is a necessary condition for system legitimacy, and that the international legal system, like any system for the exercise of political power, ought to be democratic. It is also shown that the idea of democratizing the international legal system is an ambiguous one and should not be equated with increasing state majoritarianism in the workings of the system; the charge that the international legal system has a “democratic deficit” is valid, but it is a mistake to assume that the remedy is to make the system conform more closely to the ideal of democracy as state majoritarianism. The eight sections of the chapter are: I. The Question of System Legitimacy; II. The Case for Having an International Legal System; III. A Justice-Based Conception of System Legitimacy; IV. The Consent Theory of System Legitimacy; I. Moral Minimalism and the Consent Theory of System Legitimacy. VI. The Instrumental Argument for State Consent as a Necessary Condition for System Legitimacy; VII. Is Democracy a Necessary Condition of System Legitimacy?; and VIII. The Pursuit of Justice in an Imperfect System.

Democratic Legitimacy Under Conditions of Regulatory Competition: Why Europe Differs from the United States

Fritz W. Scharpf

in The Federal Vision: Legitimacy and Levels of Governance in the United States and the European Union

Published in print: 2001 Published Online: November 2003
DOI: 10.1093/0199245002.003.0014
Item type: chapter

Addresses concern over the so-called ‘democratic deficit’ in the EU in comparison with the USA. The author deduces that there are two reasons for the political salience of this alleged deficit: the pragmatic reason that the EU's institutions are inadequate for a union with fifteen members and an expanded range of competencies (and will become unworkable when it is enlarged by the joining of the Eastern European countries); and the trilemma of the democratic welfare state. This is that EU member states cannot want to shed their welfare-state obligations without jeopardizing the bases of their democratic legitimacy, they cannot want to reverse the process of economic integration, which exposes national welfare states to regulatory competition, and they cannot want to avoid regulatory competition by shifting welfare-state responsibilities upward to the European level. The chapter focuses primarily on the third part of this European trilemma. It begins with a brief theoretical discussion of the preconditions of democratic legitimacy, then it explores how these are
affected by European integration; it concludes with an examination of European policies that could strengthen national efforts to cope with the constraints of regulatory competition.

A State-less Government
Erik O. Eriksen

in The Unfinished Democratization of Europe

What form of democracy is needed in the post-national configuration? The EU is not a state and its power is limited. However, although the member states hold the means of legitimate violence in reserve, the EU has achieved competences and capabilities similar to authoritative government. The point of government is not state in its collectivistic, nationalistic reading, but democratic institutions. A non-state entity can amount to government in so far as it performs the functions of authorized jurisdictions. In line with this, the Union can be considered as a state-less government that finds part of its justification as a regional subset of a larger cosmopolitan order. The legitimacy requirement of such a governmental order must be different from that of a fully authorized power-wielding polity. Nevertheless, due to the democratic deficit, it is not possible to establish the conditions under which a process of public justification is deemed legitimate.

Representation, the Locus of Democratic Legitimation and the Role of the National Parliaments in the European Union
Richard S. Katz

in The European Parliament, National Parliaments, and European Integration

The democratic legitimation of national governments involves conformity to two generally accepted principles: that legitimation takes place with reference to a national demos, and that both governors and government policy derive transparently from direct elections among coherent political parties. The manifest failure of the EU to satisfy these principles has given rise to the idea of a ‘democratic deficit’. This chapter discusses alternatives to direct legitimation through top-tier institutions.
of party government, in particular, through focusing on the role of national parliaments in European governance and on liberal models of democracy. The differences and the more important similarities between the attitudes of survey respondents from national parliaments and the EP are explored in this context.

**The Quest for Democratization**

Erik O. Eriksen

in *The Unfinished Democratization of Europe*

Published in print: 2009 Published Online: February 2010


Item type: chapter

Publisher: Oxford University Press

DOI: 10.1093/acprof:oso/9780199572519.003.0002

This chapter first briefly addresses the legitimation problems of the Union and the concept of legitimacy. What does it mean and what are the implications for the political theory of the Union? On the basis of the contention that citizens must be offered justification for the exercise of political power that has convincing force in light of standards that are accessible to them, a distinction is made between democracy as a legitimation principle and as an organizational principle. The first gives rise to a deliberative concept of democracy, while the latter points us to some institutional prerequisites that constitute the yardstick for addressing the actual democratic deficits of the Union.

**Public Opinion and Internationalized Governance**

Oskar Niedermayer and Richard Sinnott (eds)

Published in print: 1998 Published Online: November 2003


Item type: book

The way in which the citizens of Western Europe are governed is no longer decided on a purely national level. This book is the second in the ‘Beliefs in government’ series, and systematically explores the attitudes of European publics to this internationalization of governance, and examines trends and sources of support for European integration. Are positive attitudes due to hand-outs from Brussels, or the economic benefits of the single market? What are the roles of class, education, and leadership? Does a European identity and a basic level of intra-European trust exist? How do problems of subsidiarity and of democratic deficit affect legitimacy, and how do all of these issues relate to the nation state? As well as these other issues, the book also looks at EU enlargement, EFTA, Central and Eastern Europe, and attitudes to NATO.
both before and after the events of 1989. The problems are examined from the different perspectives of integration theory, international relations, and comparative politics. A final chapter spells out the implications for the future of European governance.

What Lies Beyond a Confederal Europe?
Christopher Ansell and Rebecca Chen

Published in print: 2005 Published Online: February 2006
Item type: chapter

The institutional frictions between the Parliament and the Commission during the ‘mad cow’ crisis are emblematic of the dynamic, unfinished nature of the federal project for Europe. The EU still retains many of the qualities of an international organization, but has also developed a government-like institutional structure. This government is conventionally described as confederal because it is dominated by its member states, but in some respects, the EU is more federal than confederal. As the complexity of EU food safety regulation illustrates, this amalgam of intergovernmental, confederal, and federal features gives the EU its distinctive character.

Political Representation and Legitimacy in the European Union
Hermann Schmitt and Jacques Thomassen (eds)

Published in print: 1999 Published Online: November 2003
Item type: book

How severe a problem is what many call the ‘democratic deficit’ of the EU? Despite a voluminous theoretical literature dealing with this question, there is hardly any systematic empirical investigation of the effectiveness of the system of political representation in the EU, and of the legitimacy beliefs of EU citizens that spring from it. This book elaborates a conceptual framework for the empirical analysis of the alleged democratic deficit. Four dimensions of legitimacy beliefs are identified and analysed: the European political community; the scope of EU government; the institutions and processes of EU government; and EU policies. Based upon large-scale representative surveys (the ‘European Representation Study’) among the mass publics, and different strata of the political elite of the EU and its member-states, the book examines the
conditions of political representation in the EU. The results demonstrate, by and large, that legitimacy beliefs of EU citizens are the more positive the less specific the object of identification and evaluations is, and that the process of political representation works pretty well as long as issues other than EU issues are concerned. These findings are finally discussed in view of familiar strategies for institutional reform of the EU. The book is arranged in two main parts: I. Legitimacy (4 Chs) and II. Representation (6 Chs); it also has an introduction, a conclusion, and an appendix giving details of the European Representation Study. The book is one of two companion volumes that report on the results of this study. The other is The European Parliament, the National Parliaments, and European Integration (edited by Richard S. Katz and Bernhard Wessels), and is also published by OUP.

From the European Convention to the Lisbon Agreement and Beyond: A Veto Player Analysis

George Tsebelis

in Reforming the European Union: Realizing the Impossible

Published in print: 2012 Published Online: October 2017

Publisher: Princeton University Press DOI: 10.23943/princeton/9780691153926.003.0002

This chapter compares the policy and political outcomes that followed from the institutional structures generated by the European Convention, the Treaty of Lisbon, and the default outcome of a failure of negotiations during the process of European integration, the Treaty of Nice. The institutions produced under these different arrangements empowered different actors to create the policies of the EU. The comparison is based on the theory of veto players and is aimed at demonstrating the potential differences in policy outcomes for the EU had future policies been made in each of these institutional settings. In particular, it focuses on the effects of different institutional arrangements on the democratic deficit and the extent to which they strengthen the capacity of the judiciary powers and the bureaucracy to create policies independently from electorally accountable actors.

Democratic Deficit and the WTO

Sarah Joseph

in Blame it on the WTO?: A Human Rights Critique

Published in print: 2011 Published Online: September 2011

Publisher: Oxford University Press DOI: 10.1093/acprof:oso/9780199565894.003.0004
This chapter analyses arguments that the WTO suffers from a 'democratic deficit', which would cast doubt on the legitimacy and perhaps the desirability of the WTO's rules. The first section outlines the claim that WTO internal processes, such as negotiation and dispute settlement, undermine the capacities of States to act in accordance with the wishes of their populations. A related argument is that those same processes act to the disadvantage of particular constituencies, namely developing States and social justice interests. The second section explains the relevance to these issues of international human rights law, particularly the right of political participation in Article 25 of the International Covenant on Civil and Political Rights 1966 (ICCPR). Many of the alleged democratic deficits of and within the WTO afflict other international regimes. In this regard, the third section compares the WTO regime and the international human rights regime in order to identify whether democratic deficiencies within the WTO are of greater concern than the general democratic deficiencies that exist at the international level of governance. The fourth section briefly addresses arguments regarding the effect on democratic practices of the WTO. It considers the substantive question of whether the WTO in fact helps to foster democracy in nations, regardless of any lack of internal democratic legitimacy. The fifth section addresses the proposition that the WTO enhances the power of developing States, regardless of internal procedural flaws, due to its multilateral nature, while the sixth section concludes.

Political Representation in the European Union: A Common Whole, Various Wholes, or Just a Hole?

Karlheinz Neunreither

in European Integration After Amsterdam: Institutional Dynamics and Prospects for Democracy

Published in print: 2000 Published Online: November 2003

Examines the peculiarities of political representation in the EU. Who represents whom in the European Union? Member States are represented via their governments in the Council, the peoples of the same Member States are represented in the directly elected European Parliament, the regions in the Committee of the Regions, and finally various economic and social groups in the Economic and Social Committee. But is there a political representation of the EU as a whole? The article argues that this is not just a purely theoretical question, but has important practical
effects, among others in differentiated integration including the Eurozone arrangements. The European Parliament is directly affected by this situation in which several scenarios are possible. A forward EP strategy would consist in defending its right to represent the whole of the EU, not just its composing parts. This would be close to a federal option. Other scenarios include a strengthening of national parliaments, or—in the worst case—a weakening of political representation both in the Member States and the EU with possible substantial damages for the existing democratic systems.

Supranational Delegation and National Parliamentary Scrutiny since the 1970s

Peter L. Lindseth

in Power and Legitimacy: Reconciling Europe and the Nation-State

This chapter describes the final element of the convergence of European public law around the legitimating structures and normative principles of the postwar constitutional settlement: national parliamentary scrutiny of European policy making. The chapter begins by describing the pivotal change in European public law—the vast expansion of supranational regulatory power with the Single European Act (SEA) of 1986—as well as the failure of the European Court of Justice (ECJ) to police that expansion through the subsidiarity principle in the 1990s. This policing function thus fell to the Member States themselves, and it is in that regard that national parliamentary scrutiny took on greater importance. European scrutiny mechanisms had existed in certain countries (notably Denmark and the United Kingdom) as early as the 1970s. Nevertheless, it was not until after the vast expansion of supranational regulatory power in 1986, continuing through the effort to reform the democratic foundations of integration into the 2000s, that national parliamentary scrutiny became a significant element of integration law and politics. In the 2000s, moreover, attention to the national parliamentary role translated into significant changes in supranational law. The so-called ‘subsidiarity early-warning mechanism’ of the now-defunct Constitutional Treaty, carried over to the Treaty of Lisbon, built directly on the national developments of the prior two decades. The chapter concludes that national parliamentary scrutiny reflects both the importance of mediated legitimacy in European governance as well as its ‘polycentric’ constitutional character.
The “democratic deficit view” of global political justice holds that the existing structure of world political order is insufficiently democratic. Institutions should be reformed or restructured so that individuals whose interests are substantially affected by political decisions are provided with procedural means of exerting leverage over the mechanisms by which these decisions are made. This view rests on the precept that people whose interests are put at risk by the decisions of others should have a share of control over these decisions. But it is a mistake to extract this precept from its place within a broader theory of democracy and to rely on it as if it were a stand-alone principle. In its exclusive focus on the formal relationship between those affected by political decisions and the mechanisms through which these decisions are reached, the democratic deficit view conveys an excessively simple idea of the deficiencies of the existing structure and focuses attention on strategies for reform that do not realistically address the deficiencies. Once we grasp the complexity of these reasons we can see that the range of institutional remedies is broader and perhaps more achievable than it may have appeared.