

Why the European Parliament Will Not Solve the 'Democratic Deficit'

Written by Caitlin McLean

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CAITLIN MCLEAN, DEC 29 2010

Increasing the Powers of the European Parliament Will Not Solve the 'Democratic Deficit'

Since its creation in the form of the General Assembly in 1951, the European Parliament has seen its powers grow incrementally over the years. The question at hand is: should they be increased even further? Most often this question is framed in terms of a perceived 'democratic deficit' within the European Union. In general, the most oft-cited reason for increasing the EP's powers is that as the European Union's only directly elected institution, the EP is in the best position to bolster democracy and legitimacy within the European Union.

On a superficial level, this argument makes sense. However, although the powers of the European Parliament have been continuously expanded, this has not diminished the 'democratic deficit' or the EU's legitimacy problem. If anything, Euroscepticism has been on the rise, (Scully 2005, 71) along with a 'profound sense of disappointment in the role of the Parliament' (Blondel, Sinnott, and Svenggon 1998, p. 4). It is difficult to see how additional increases in the powers of the EP will solve this problem, and might even serve to further alienate the European populace.

Ultimately, expanding the powers of the European Parliament is nothing more than a pseudo-solution because the democratic deficit is a structural problem which is inherent in the intergovernmental nature of the European Union. Without a structural solution, such as a shift from an intergovernmental to a federal polity, any attempt to 'democratize' the European Union by increasing the powers of supranational institutions will inevitably fail.

The 'Democratic Deficit': What Exactly is the Problem?

Legitimacy, accountability, and democracy are all at the heart of what has been termed the 'democratic deficit' of the EU, or the normative concern that the delegation of national sovereignty to the supranational level has decreased the democratic character of the formerly independent European countries. The structural nature of the 'democratic deficit' implies that it has existed from the beginning of European integration, but the issue has become increasingly politicized due to the increasing 'scope of EU competence,' (Lodge 1996, p. 191). In other words, the 'democratic deficit' has 'always been problematic, but it was accepted... as long as the community's functions were limited and major decisions were still taken at the national level by the parliaments of the member states,' (Grande 2000, p. 118.)

The key issue is the difficulty in implementing democratic elements in a polity 'which is neither federal nor intergovernmental' (Anderson and Eliassen 1996, p. 1). The simple solution seemed to be the creation and empowerment of the European Parliament. A common argument holds that the main legitimacy problem in the EU is the limited powers of the EP and that the 'democratic deficit' can be eliminated through 'simple institutional reforms to expand the European Parliament's competencies,' (Grande 2000, p. 119). This seems to have been the dominant strategy throughout the EP's existence, which has seen steady, incremental increases in its powers since its inception. Nevertheless, this has come without a comparable increase in its popular legitimacy.

This is perhaps why some scholars argue that the 'democratic deficit' can only be adjusted through fundamental

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constitutional reform, such as the creation of a federal state. For some, strengthening the EP necessarily implies a progression toward federation (Anderson and Eliassen 1996, p. 11). But 'few, if any, member countries accept a federal solution,' (Anderson and Eliassen 1996, p. 3). Thus, there is a seeming paradox between the recognition that a 'democratic deficit' exists and should be remedied, and the unwillingness to undertake the necessary structural reforms to remedy it. Perhaps this reluctance to implement fundamental reform explains why there has been a steady, if incremental, increase in the powers of the European Parliament since its foundation.

Why Do Member States Empower the EP?

The role of the European Parliament in successfully pushing for ever greater powers suggests a high degree of institutionalism. Nevertheless, it is important to note that these powers ultimately were granted by consent of the member states, who, through repeated treaty revisions increased 'the legislative power of the Parliament to the point where today the EU looks very much like a traditional national bicameral legislature,' (Garret and Tschelis 2001, p. 373-374). Why would the member states willingly cede such power to this supranational organization?

Many scholars argue that this transfer of power was a direct attempt to mitigate the effects of the 'democratic deficit' and to increase the legitimacy of the EU, (König 2008, p. 168). This is evident from the very start of European integration, in which the General Assembly was originally established to 'lend democratic legitimacy' to the ECSC (Burns 2002, p. 62). This suggests the relative importance of normative factors such as the 'democratic deficit' and parliamentarianism in Europe in the decision-making of elites (König 2008, p. 169). Because the 'democratic deficit' matters to elites, they continue to search for ways in which to remedy it (Rittberger 2003, p. 221).

This explains why, after a series of intergovernmental conferences and treaties which have successively increased the role of the European Parliament, there are still calls for an EP power increase. As long as the 'acquisition of further legislative functions' continues to be 'couched in terms of the legitimacy of the peoples' interests to be effectively represented' such calls will continue (Lodge 1996, p. 70).

These successive power increases have so far not been successful in increasing popular legitimacy, and some claim that this is because the EP is still a weak institution. Hence, increasing its powers is a necessity. However, the EP has over time become a relatively important institution, particularly with the implementation of co-decision, which gave MEPs the 'unconditional right to reject legislation and the right to negotiate face-to-face with members of the Council' (Burns 2002, p. 67). Further, as the powers of the EP have increased, the MEPs have become more confident in using them (Burns 2002, p. 67-68). The scrutiny of the Commission has increased, as the resignation of the Santer Commission would suggest, and 'in the autumn of 2004, the credible threat of a parliamentary veto forced several changes to the Barroso Commission,' (Scully 2005, p. 25). It is clear that the EP is 'no longer a marginal institution' but a 'central, 'mainstream' part of the EU's governing system,' (Scully 2005, p. 24).

Nevertheless, despite an ever-increasing role for parliament, neither the 'democratic deficit' nor the 'legitimacy crisis' has been solved, reinforcing the notion that there are fundamental structural issues which must not be overlooked.

Problems with 'Democratizing the EU'

Because the EP is the only democratically elected institution, its legitimacy is presumed to stem from voters. But, 'despite the significant and growing role of the European Parliament, turnout in European elections has remained low, and even declined to less than half the electorate in the 2004 election' (Corbett, Jacobs, and Shackleton 2005, p. 10). Low voter turnout and the seeming inability of voters to connect with the EP suggest a continuing legitimacy crisis. This disconnect between voters and the EP is both structural and psychological. Structurally, European Parliament elections are held in such a way as to discourage voter participation, but there is a deeper psychological problem in that most Europeans have difficulty identifying at a 'European' level.

EP elections are already at a disadvantage because of their low visibility. They are only held once every five years, MEPs are in most cases not known to the voters, and in general, there is low media coverage (Pedersen 1996, p. 35). Further, EU elections can seem distant and foreign to voters due to dissimilarities between the European

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parliament and national parliaments. For example, no government is directly at stake in the elections as it is in most parliamentary systems.

At the same time, and seemingly contradictorily, EP elections are highly nationalized, which can have a de-legitimizing effect on a supposedly supranational institution. In *Becoming Europeans? Attitudes, Behavior, and Socialization* Roger Scully argues that MEPs remain largely national in their attitudes and loyalties (2005). The fact that the 'Europeanization' of the EP has not been fully achieved is particularly evident in the large role that national interests play in EP elections. European issues are largely presented in relation to a national agenda, so much so that 'European elections are more precisely "national by-elections,"' (Greven 2000, p. 37).

Furthermore, national political parties have a significant role in the concrete operations of EP elections: 'they nominate the candidates, organize and finance the electoral campaigns,' (Pedersen 1996, p. 24). It is, therefore, reasonable to expect MEPs 'to pay a fair degree of attention to the national political scene and to accord a significant priority to maintaining links with their national party,' (Scully 2005, p. 72). In practice, this seems to be the case. A 2000 MEP survey found that 'more than four-fifths [of MEPs] have contacts with national parliamentarians on at least a monthly basis, and over 70% have that degree of regular interaction with figures from the leadership of their national party,' (Scully 2005, p. 73). Also, 'On average, most [MEPs] regard representing the interests of voters in their own country as more important than those of voters across the EU, and they place representing the interests of their particular national party ahead of the interests of their party group,' (Scully 2005, p. 75).

It is clear that MEPs, though part of a supranational institution, are still largely tied to their individual nation-states. This lack of a 'Europeanization' of the political process contributes to the disinterest of voters in participating in European-wide elections. In short, the EU lacks preconditions which cannot be created by political intervention, such as a general EU-wide politicization of issues (Jachtenfuchs 1998, p. 48).

Scholars such as Abdul Noury and Gerard Roland have argued that 'giving the EP more power should encourage European-wide political debates and strengthen cohesion of pan-European party groups' (2002, p. 282). This suggests that increased power for the EP would help foster the sort of political community necessary for democracy at the EU level. Nevertheless, this view ignores the psychological component of the legitimacy crisis. Many Europeans' perceptions of the EP are directly related to their perceptions of the EU as a whole; therefore, if they are already skeptical about too much power at the EU level, an increase in power for the EP may fuel this skepticism and therefore decrease legitimacy.

Perhaps more importantly, if the people of Europe do not feel European, the EP will struggle to establish legitimacy and authority, regardless of its legal powers (Fella 2000, p. 82-83). The argument by Noury and Roland similarly ignores 'the most serious democratic deficit,' or the lack of a 'European polity,' (Anderson and Eliassen 1996, p. 7). This is significant because 'historically, the formation of a polity is a lengthy process and closely linked to a generalized notion of citizenship,' (Anderson and Eliassen 1996, p. 7). Therefore, it is not so simple as increasing the powers of the EP in the hopes of strengthening political discourse. There is an important non-political element that should not be ignored: the fact that there exists no 'consolidated socio-psychological community to underpin the EU,' (Lodge 1996, p. 207).

Without a European people, 'no direct democratic legitimacy can be claimed' by EU institutions (Wessels 1996, p. 62). Thus, 'the transfer of competencies can only be limited and must always be linked to the real sources of legitimacy, namely, national politicians and especially national parliaments,' (Wessels 1996, p. 63).

Conclusion

The 'democratic deficit' necessarily stems from the intergovernmental nature of the EU. This cannot be fixed by 'band-aid' solutions like increasing the powers of the EP. One solution would be to fundamentally shift to a federal polity. As this is politically unacceptable, and likely to increase legitimacy problems due to a lack of a European polity, the only practicable solution is to increase accountability where legitimacy exists: at the state level.

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The transfer of power to the supranational level which caused the 'democratic deficit' has also 'reinforced the powers of government Ministers over their parliaments by allowing them to develop policies at a European level without having to subject them to the same rigors of parliamentary scrutiny' (Fella 2000, p. 82). Therefore, one concrete and relatively uncontroversial way of decreasing the 'democratic deficit' would be to increase oversight by national parliaments (Føllesdal 1998, p. 7). Increased transparency in the Council of Ministers would have a similarly positive effect (Føllesdal 2006, p. 553). Both of these concrete solutions are small, but nevertheless more beneficial steps toward lessening the 'democratic deficit' than the 'pseudo-solution' of granting of powers to the European Parliament.

It is concern about 'creeping federalism' that has prevented member states from solving 'the democratic deficit' definitively, (Lodge 1996, p. 68) and has motivated them instead to give increasing powers to the European Parliament in a failed attempt to mitigate the problem. Beyond simple jealous guarding of national sovereignty, the member states could also rightly be concerned that such structural reform, which may solve the 'democratic deficit,' could still suffer from, or even exacerbate, a 'legitimacy deficit' stemming from the lack of a European 'demos.' By delegating sovereignty to the supranational level, the EU member states created the 'democratic deficit; therefore, 'the first place to look for both [its] cause and remedy should be the member states themselves,' (Coombes 1999, p. 54).

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Written by: Caitlin McLean
Written at: The University of Edinburgh
Written for: Dr. David Howarth
Date written: 6 November 2009

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