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## **How to survive the democratic deficit trap?**

(Diplomamunka)

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<b><u>1. THE ESSENCE OF THE THESIS.....</u></b>	<b>4</b>
1.1. FRAMEWORK OF THE MASTER'S THESIS.....	4
<b><u>2. THE GIVEN PROBLEM IS: DEMOCRATIC DEFICIT .....</u></b>	<b>5</b>
2.1. WHAT IS DEMOCRATIC DEFICIT? .....	5
2.1.1. FIVE CLAIMS OF DEMOCRATIC DEFICIT.....	5
2.1.2. LINKAGES BETWEEN DEMOCRATIC REQUIREMENTS AND DEMOCRATIC DEFICIT .....	9
2.1.3. WHY SCHOLARS SAY THAT DEMOCRATIC DEFICIT DOES NOT EXIST?.....	10
2.1.4. TWOFOLD REASON OF DEMOCRATIC DEFICIT .....	12
2.1.5. THE USE OF TERMINOLOGY IN THE THESIS .....	14
<b>2.2. WHY DOES THE PHENOMENON OF DEMOCRATIC DEFICIT POSE A PROBLEM?.....</b>	<b>15</b>
2.2.6. “THE CONCEPT OF LEGITIMACY” .....	15
2.2.7. THE IMPACT OF A LEGITIMATE GOVERNMENT .....	19
2.2.8. WHY IS THE LACK OF LEGITIMACY CONSIDERED AS A PROBLEM? .....	21
<b><u>3. SOLUTION METHODS OF THE EUROPEAN UNION.....</u></b>	<b>23</b>
3.1.9. “MORE EUROPE”.....	24
3.1.10. CRITICISM OF THE CONCEPT .....	26
<b>3.2. WHY THE EUROPEAN PARLIAMENT CANNOT SOLVE THE PROBLEM OF DEMOCRATIC DEFICIT? .....</b>	<b>28</b>
3.2.11. EUROPEAN, BUT NOT ‘EUROPEAN’ ELECTIONS.....	28
3.2.12. CONSTANTLY DECREASING LEVEL OF TURNOUTS AT THE EP ELECTIONS.....	31
3.2.13. EUROPEAN PUBLIC SPHERE IS LACKING.....	32

3.2.14.	THE MATTER OF PUBLIC CHOICE.....	37
3.2.15.	SUMMARY OF CLAIMS AGAINST THE EUROPEAN PARLIAMENT.....	43
<b>4.</b>	<b><u>A NEW MODEL FOR THE RESOLUTION OF THE DEMOCRATIC DEFICIT PROBLEM .....</u></b>	<b>45</b>
4.1.16.	PLAYERS IN THE MODEL .....	45
4.1.17.	THE IDEA BEHIND THE MODEL .....	46
4.1.18.	THE OPERATION OF THE MODEL .....	48
4.1.19.	OVERVIEW AND REMARKS FOR FURTHER RESEARCH .....	50
<b>5.</b>	<b><u>SUMMARY .....</u></b>	<b>51</b>
<b>6.</b>	<b><u>BIBLIOGRAPHY .....</u></b>	<b>53</b>

## 1. The essence of the thesis

The first question that has to be answered by a master's thesis is what the author's starting point is and to where he would like to arrive at the end of the work. In order to ease the task I will work with only two hypotheses – both of which, however, possess underlying complexity.

### 1.1. Framework of the master's thesis

The first statement is that the problem of *democratic deficit exists in the European Union*. To examine this seemingly simple sentence, I will try to define the concept of “democratic deficit” in the first chapters, moreover, will aim to clarify how I understand and use this phenomenon in my thesis. Subsequently, I will explain why I determine democratic deficit to be an issue and show what negative impact it has. The European Union of course already tried to find solutions for this problem, so in the following chapters I will reflect on this. I will mostly focus on the “more Europe” concept, which brought along the widening power of the European Parliament.

This is the most important point of my thesis, because I state that the *European Parliament cannot solve the problem of democratic deficit*, instead, it only deepens it. Therefore, a different kind of structure is necessary to secure legitimacy for the decisions of the European Union. Thus, here will come the second main part of my thesis, the question of what point I am aiming to make. Here, I will present an own idea considering the solution of the above-mentioned democratic deficit problem. Namely, a model which suggests the reform of the current organizational structure. This, at first, would be a step back to the “union of nation-states” concept (confederation), but in the long-term, it would ensure a considerably more unified co-operation between the Member States (federation). The statement which will be examined and substantiated is that the full involvement of *the Member States’ parliaments in the European level decision making would solve the problem of democratic deficit*. In order to underpin the model’s relevance I will use argumentation from different fields of several social sciences for instance the theories of the *public choice* concept.

## 2. The given problem is: democratic deficit

As it was introduced at the beginning, the core element of this master's thesis is the democratic deficit, for which the model proposed in the final chapter aims to give a solution idea. An important first step is needed in order to deal with this problem, namely, its precise definition and the analysis of why the issue emerged and what resolution may be provided to it.

### 2.1. What is democratic deficit?

In order to define the concept of democratic deficit the basic features of democracy must be enumerated. For that I will use the paper of Christopher Lord<sup>1</sup> and his definition of democracy. According to the paper five elements are needed to “make a polity democratic.”

Firstly, “democracy requires that citizens should be able to *understand themselves as authoring their own laws through representatives.*” Secondly, “democracy requires *public control*” and thirdly, “political equality.” The latter must be implemented by the equality of votes – namely, the one person, one vote approach – and by equality of voice – which means equal access to the political agenda. Fourthly, “democracy entails a right to justification” and finally, as the fifth comes a strongly relevant one, namely that “*democracy requires a people, or, in other words a demos.*”

After a short introduction of democratic requirements, the analysis of the core problem – the democratic deficit – is reasonable.

#### 2.1.1. Five claims of democratic deficit

As Simon Hix, one of the leading political analysts of the European Union writes in his book “there is no single definition of the democratic deficit in the EU.” They depend on nationality, political views and preferred solutions of

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<sup>1</sup> LORD Christopher: Still in Democratic Deficit? *Intereconomics. Review of European Economic Policy*. 43 (6), 2008, pp. 316- 320.

scholars, but it is possible to define common features, so-called “standard claims” about the democratic deficit.<sup>2</sup> In my master's thesis, I will use the same terminology which can be seen in most of Hix’s books, that is, the five main claims of the “‘standard version’ of democratic deficit.”<sup>3</sup>

The first one is the *increased executive power and decreased national parliamentary control* which developed in the course of European integration. This claim tries to examine, which institution is the most important in a representative democracy. At the national level it is the national parliament, where “the executive is held to account by parliamentary scrutiny of government ministers.” By contrast, in the European Union the executive actors are rather dominant, the main problem being, that these executive actors in the Council and in the European Commission carry out their tasks “largely beyond the control of national parliaments.” Therefore, representatives of the Member States’ citizens in the European Union can act without the appropriate control of the directly elected – and so, most democratic – body: the national parliament. This process is often described as the European integration embodying a “decrease in the power of national parliaments, and an increase in the power of executives.”

The second claim, which is a fortiori relevant to my hypothesis, is the *weakness of the European Parliament*. As a solution for democratic deficit problems the idea of increasing the power of the European Parliament emerged in the mid 80s. Indeed, the EP has strengthened in the past years and widened its legislative powers, but the Commission and the European Council – so two institutions with executive actors – are still the agenda-setters. Although the EP's power has increased, in fact it stayed relatively weak in the triad of the EU institutions and could not “sufficiently compensate for the loss

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<sup>2</sup> HIX Simon: *What’s wrong with the EU & How to Fix It?* Cambridge, Polity Press, 2008. 68. (HIX 2008a)

<sup>3</sup> SIEDENTOP, Larry: *Democracy in Europe*, Allen Lane, London, 2000; quoting HIX Simon: *The Political System of the European Union*, Palgrave MacMillan, 2005, 177. pp. (SIEDENTOP)

of national parliamentary control,” because the sittings of the European Parliament may be attended by the Member States' opposition parties, in contrast to the executive branches, namely in the Commission and Council, where this is not the case.. Thus the democratic accountability of these institutions is weakening, although by the implementation of the “yellow card” procedure the role and power of the national parliaments have been enhanced. This process enables that the Member States’ parliaments have the right to scrutinize the Commission’s legislative proposals to give a reasoned opinion on subsidiarity. If one third of the parliaments oppose the draft, the Commission must review it.<sup>4</sup> This process partly compensates the national parliaments for the loss of influence.

The third claim is also given considerable emphasis in my thesis. It entails the *lack of ‘European’ elections*, namely that citizens cannot vote on EU policies, besides, EP elections also deal with domestic issues instead of European contest. To sum up, “the absence of a ‘European’ element in the national and European elections means that citizens’ preferences on issues on the EU policy agenda have only an indirect influence on EU policy outcomes at best.” It can be seen precisely in the case of the 2014 European Parliament elections. Although the European Commission presidential campaign touches on European issues, such as economic or social issues,<sup>5</sup> national interests remain the driving force behind the election campaigns in the Member States.<sup>6</sup> Furthermore, in this campaign the debate goes not on European policy questions, but on the needs of the whole European Union. In this sense national interests plays the most significant role again, because citizens are likely to support the entire EU if their personal political views are closer to the

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<sup>4</sup> HARDACRE Alan: *How the EU Institutions Work and How to Work with the EU Institutions*. London, John Harper Publishing Ltd., 2011, 156. (HARDACRE)

<sup>5</sup> <http://euobserver.com/eu-elections/124157>

<sup>6</sup> <http://euobserver.com/eu-elections/124074>

EU policies, but the contrary may also occur: if they feel like national political views are more favourable, they will oppose the union.<sup>7</sup>

Fourthly, the *distance between citizens and institutions in the EU*. It means that people cannot understand the EU, which stems from the different forms of the European Union's democratic institutions. These are structured and function differently than domestic institutions used to. Until basic features will not change,<sup>8</sup> "*citizens will never be able to assess and regard [the EU] as an accountable system of government, nor to identify with it.*" This claim can be reformulated as the lack of material legitimacy, meaning that European citizens cannot identify themselves with the European Union, and do not feel the EU as their *own*. This results in the constant plunge of election turnout and the strengthening of nationalism.

Finally as a result of the above-mentioned four claims the fifth one may follow: the "*gap between the policies that citizens want and the policies they actually get*". The problem stems from the phenomenon that the EU adopts policies which are not supported by the majority of its citizens. It can be called the lack of output legitimacy, where the latter "refers to the extent to which the effects of political decisions are perceived to be in the interest of the people."<sup>9</sup> In Scharpf's definition it is constructed as "government *for* the people", and it means a government which is oriented to the public interest rather than to the general will.<sup>10</sup>

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<sup>7</sup> HIX (2008a) 64.

<sup>8</sup> HIX (2008a) 71.

<sup>9</sup> BÖRZEL, Tanja: *Project B2. Exporting (Good) Governance: Regional Organizations and Areas of Limited Statehood*, SFB 700 Berlin, 2009. (BÖRZEL 2009)

<sup>10</sup> SCHARF Fritz W.: *Governing in Europe: Effective and Legitimate?* Oxford University Press, 1999. quoted by MORAVCSIK Andrew – SANGIOVANNI Andrea: On Democracy and „Public Interest“ in the European Union. In MAYNTZ Renate – STREECK Wolfgang: *Die Reformierbarkeit der Demokratie: Innovationen und Blockaden*. Frankfurt/Main, Campus, 2003, 123-148. (SCHARF 1999)



### 2.1.2. *Linkages between democratic requirements and democratic deficit*

At the beginning of the chapter I used Lord's terminology about requirements of a democratic polity, regarding which he states that "citizens should be able to *understand themselves as authoring their own laws through representatives.*" As it can be seen in the claims of Hix's definition the directly elected European body is too weak, in contrast to executive actors, namely the Commission which decides proposals, the Council which brings decisions and the European Council – which sets out the basic political framework – are more dominant. "This monopoly of legislative and policy initiative granted to a non-elected body represents a violation of fundamental democratic principles that is unique in modern history."<sup>11</sup> In conclusion, the first requirement from Lord fails because representativeness used to be realized by Members of the Parliament, but in the EU this principle is compromised.

Secondly the requirement of "*public control*" is also lacking as clearly stated in Hix's work. Although the "one person, one vote" approach exists (though it does not mean that these votes would have the same weight<sup>12</sup>) and "equal access to [...] the political agenda" are secured in the EU, but public control still suffers imperfection owing to the lack of national parliamentary verification. In representative democracy public control should be implemented by this elected body.

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<sup>11</sup> MAJONE Giandomenico: Transaction-cost efficiency and the democratic deficit. *Journal of European Public Policy*, 2010/17. 151. (MAJONE 2010)

<sup>12</sup> MAYORAL Juan: *Democratic Improvements in the European Union under the Lisbon Treaty – Institutional changes regarding democratic government in the EU*. Robert Schuman Centre for Advanced Studies, February, 2011, 2. (MAYORAL 2011)

Finally the missing demos in the EU. It has only a small linkage to Hix's theory, but partly connects to the lack of European sense of taste. If it existed then European demos would exist too.<sup>13</sup>

### **2.1.3. Why scholars say that democratic deficit does not exist?**

I will try to summarize these counter arguments briefly, because I would like to concentrate more on one claim which is hard to deny.<sup>14</sup> It is the lack of “democratic contest for control of political authority at the European level.”

Nevertheless, firstly, I am introducing the counter arguments regarding the above-mentioned five claims. Most of them stem from Andrew Moravcsik, famous counterpart of Simon Hix in the field of EU studies.

Firstly he puts forward an argument against the statement which claims the EU integration led to a stronger governmental rather than parliamentary control. On the one hand, in his view, it is false because the statement “national parliaments were once ‘in control’ of national governments” is simply a “myth” and it did not change in the course of the integration process.<sup>15</sup> National governments are those in European democratic systems that have always been in control of and dominated the parliaments. Hungary is an excellent example in that manner, but other EU countries can be mentioned just as Spain, Greece or the Netherlands, where the constitutions imply that the governments are the ones making decisions and steering the state's political scene.<sup>16</sup> The main purpose of national elections selecting the

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<sup>13</sup> SZŰCS Zoltán Gábor - SZABÓ Gabriella: Politika európai térben. Politikatudományi Szemle XXI/4. 94. (SZŰCS – SZABÓ)

<sup>14</sup> HIX (2008a) 76.

<sup>15</sup> HIX (2008a) 72.

<sup>16</sup> DEZSŐ Márta – FÜRÉSZ Klára – KUKORELLI István – PAPP Imre – SÁRI János – SOMODY Bernadette – SZEGVÁRI Péter – TAKÁCS Imre: *Alkotmánytan I. Alapfogalmak, Alkotmányos Intézmények*. Budapest, Osiris, 2007, 423-431.

government and appointing prime minister rather than deciding the make-up of the parliaments.<sup>17</sup>

Another argument – which denies the opacity and distance of the EU institutions – is that one of the best achievements of the EU is transparency. It is a “gold standard” for national governments and international organizations to follow the way how the EU handles the legislation documents and other informative materials.<sup>18</sup> Therefore, citizens have the chance to get information about European issues and follow the activity of their MEPs or national governments with attention. They can also obtain valuable information about the way the EU institutions operate, additionally, they can find the nearest connecting point to the European Union in their own Member State. Only this way could the European Union avoid being too distant from its citizens and even less could we say it is opaque.

Moravcsik also criticizes other claims of democratic deficit, which are not included in Hix’s cited book. One of them is the statement, that the European Union is a powerful superstate. As he argues, it is also false, although in many fields can we meet with EU regulations, but the “overall percentage of national laws originate in Brussels total no more than around 10-20%.”<sup>19</sup> Moreover, these policies play an insignificant role for citizens and thus, they are less interested in influencing and caring about them.<sup>20</sup> In contrast, one claim is difficult to deny, namely, that democratic contest at European level is missing.<sup>21</sup>

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<sup>17</sup> HIX (2008a) 72-73.

<sup>18</sup> Council Conclusions; European Parliament Television; VoteWatch; European Commission – Green Papers, White Papers

<sup>19</sup> MORAVCSIK Andrew: The Myth of Europe’s Democratic Deficit. *Intereconomics: Journal of European Public Policy*, 43(6), 2008, pp. 331-340. (MORAVCSIK 2008)

<sup>20</sup> MORAVCSIK (2008) 333.

<sup>21</sup> HIX (2008a) 76.

#### 2.1.4. *Twofold reason of democratic deficit*

Another good question is, why does democratic deficit exist and from where did it arise? The answer to that question is twofold. On the one hand, it has a structural reason: the prime drive of the people's representation is constituted by the European Council and the Council of Ministers.<sup>22</sup> Both of which consist of the executive branch of the Member States. Nevertheless, the legislation proposals stem from the European Commission, the members of which are chosen by national governments, and so, are – indirectly – representatives of the executive branch as well. Finally, the European Parliament would have the chance to legitimize decisions, should it have any in connection with the given case. The European Parliament is the only institution in the structure which has power granted directly by the citizens<sup>23</sup> and it could mean a higher legitimacy of European decisions. Even so it is not the *European* solution of the democratic deficit. As I will prove, Members of the EP (MEP) indirectly also represent national interests, but at least the interests of citizens and not *only* those of governments.

This problem lead to the other source of the democratic deficit issue, which is the so-called *demos problem*. The cornerstone of the problem is on which level the *demos* – the basis of democracy – is constituted. In a well-functioning federation – or should – but in the EU it should be realized at European level. Instead, it remains present domestically. The above-mentioned European institutions became more powerful and centralized, while "public sphere, collective identities and intermediary political institutions such as parties and associations that together constitute the *demos*, have retained their primarily national foundations."<sup>24</sup> Put it simply; *European democracy*

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<sup>22</sup> GRANT Charles: An ever-deeper democratic deficit. *The Economist*, 26<sup>th</sup> May 2012 23-25. (GRANT)

<sup>23</sup> HARDACRE 85.

<sup>24</sup> CHENEVAL Francis – LAVENEX Sandra – SCHIMMELFENNIG Frank: Demoi-cracy in the European Union: Principles, Institutions, Policies. *Journal of European Public Policy* 2014 2. (CHENEVAL – LAVENEX – SCHIMMELFENNIG)

*cannot exist without European demos*. If it can then it is a *demoi-cracy*, within “separate statespeople enter into a political arrangement and jointly exercise political authority.”<sup>25</sup>

One would also examine democracy in itself and its two sides<sup>26</sup> which are a procedural and a substantive one. Procedural democracy covers the rules of a democratic government. The motto of procedural democracy could be: “government by the people, for the people.”<sup>27</sup> Mainly elections and the equal access to voting stands in its focus, because “government by the people” can be realized by elected representatives of the people. Undoubtedly, the European Union “meets all the procedural requirements to be considered a democratic polity.”

But on the other hand the substantive side of democracy looks somehow problematic. The substantive meaning of democracy is the content of the political process. It would be the essence behind procedural democracy which should be testified in “a battle between political elites for control of political authority.”<sup>28</sup> The problem here is mostly because of the lack of European contest and it manifests itself in the case of the election of the Commission President. He – similarly to national prime ministers – decides about portfolios in the Commission, which body has the monopolistic right to start the legislation process with an initiative.

One could also touch on the EP elections as “second-order national elections.” This is sad, but true. Voters, the media and national parties also treat these elections “as just another set of domestic elections.” Voters punish and reward domestic parties based on their current native activity, and so, use European elections for domestic purposes. Therefore, “European Parliament elections actually have very little to do with ‘Europe’.”

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<sup>25</sup> CHENEVAL – LAVENEX – SCHIMMELFENNIG 1.

<sup>26</sup> HIX (2008a) 76-84.

<sup>27</sup> HIX (2008a) 76.

<sup>28</sup> SCHUMPETER Joseph: *Capiatlism, Socialism and Democracy*. Allen and Unwin, London, 1943. quoted by HIX (2008a)

### 2.1.5. *The use of terminology in the thesis*

I tried to introduce above the democratic deficit problem. My presentation was mainly supported by the claims of Simon Hix,<sup>29</sup> but I also cited counter arguments from Andrew Moravcsik<sup>30</sup> and through their contest tried to summarize this problem. This is the issue of the democratic deficit, which stands as a huge obstacle in the way of an effective European integration. Almost all of the claims, which support the democratic deficit, can be denied easily, except for one, which is still relevant. That is the misuse of the name, European Parliament elections, because it is not *European*. In addition to this, the whole content of European issues or policies does not exist, because exactly *Europe*, that is, its citizens are absent from the whole.

From the above definitions I try to highlight the most relevant features. Firstly, democratic deficit means the multiple representations of the *European people* and it stems from the structure of the European Union. This structural problem is that the representativeness of national executive branches is much more emphasized in the European Union's decision making.

Secondly, the missing demos in the EU, which should be the substantive side of a democracy. There are no proper European parties, European initiatives or at least European public life. As a result, even if the EU could be considered a democratic system in a procedural sense it is far from being deemed a democratic system in a substantive sense.<sup>31</sup> But it is not impossible.

A quotation is reasonable to summarize the problem of democratic deficit. As Majone defines it, democratic deficit is “the absence or incomplete development of the institutions and practices of representative democracy,” besides, the necessary consequence of the elitist nature of the integration

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<sup>29</sup> HIX (2008a) 67-87.

<sup>30</sup> MORAVCSIK (2008)

<sup>31</sup> HIX (2008a) 84.

process – more precisely, of the failure to convert a majority, or even a significant minority – of Europeans to the cause of political integration.<sup>32</sup>

## **2.2. Why does the phenomenon of democratic deficit pose a problem?**

To collect the negative consequences of the democratic deficit, I will turn again to Hix and Moravcsik. I believe it is not a huge mistake to use sources from two of the biggest names in the field of European Union studies and mostly in the field of democratic deficit problems. But unlike them in my understanding the “legitimacy-crisis” is a consequence of democratic deficit and not a part of it. That is, I consider “legitimacy-crisis” the one and biggest negative result of the democratic deficit. First of all, if we want to achieve a well-functioning democracy at the European level, then it cannot lack the legitimacy of decisions. However, in order to move further along this statement, the definition of legitimacy must be clarified.

### **2.2.6. “The concept of legitimacy”**

Answering the question "what makes a government illegitimate" does not only present a challenge for me but did so for famous philosophers such as Plato or Aristotle and social scientists just like Max Weber or Robert Dahl.”<sup>33</sup> To avoid a deep analysis of the definition of legitimacy one has to observe the core element of this phrase. Which is – according to Carl J. Friedrich<sup>34</sup> – the feature that men are ready to subject themselves to a given rulership. Also an important factor can be derived from his definition, namely, that “legitimacy rests in the majority’s opinion.”<sup>35</sup> However, the nature of legitimacy has also changed with time.

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<sup>32</sup> MAJONE 2010. 150.

<sup>33</sup> STILLMAN G. Peter: The Concept of Legitimacy. *Polity*, 1974. Vol. 7. No. 1. pp. 32-56. (STILLMAN 1974)

<sup>34</sup> FRIEDRICH Carl: *Man and His Government: An Empirical Theory of Politics*. New York, McGraw – Hill, 1963. quoted by STILLMAN 1974

<sup>35</sup> STILLMAN 1974. 35.

Any traditional definition of the phrase can be made by the outline which was constructed by Stillman.<sup>36</sup> It defines that a rulership is legitimate if and only if it is based on the beliefs of one or more of the followings: “[...] other nations, states, persons; the people unanimous; a majority of the people; a majority of some portion of the people; the king, dictator etc.; tradition, ancestors, prescriptions, etc; God” and if this rulership has: “possession of a certain quality” and/or “pursuit of a certain value.” In one word two basic elements of legitimacy – according to the traditional definition – are the basis of beliefs whereon legitimacy rests and what kind of quality and/or value the rulership has.

Contrary to the traditional definition in modern times efficiency has to be related to legitimacy.<sup>37</sup> Stillman in his work suggests a definition, which says, that “a government is legitimate if and only if the results of governmental output are (sic!) compatible with the value pattern of the society.”<sup>38</sup> As it can be seen, output legitimacy<sup>39</sup> plays a crucial role in this definition. The output of the government which is not restricted to promulgated laws, “but any action of the government which has any impact on the society.”<sup>40</sup> In other conceptualization the *outcome* of given governmental actions is what matters and not the concrete action. The other important factor is the “value pattern”, which is a hardly problematic element within the European Union. Stillman describes it at some length but really precisely as the followings: “‘The value pattern of the society’ is the *specification, ranking, and ordering of that which the society esteems and seeks*, in a world of scarcity where there are limits and costs to what can be esteemed, sought, and obtained. The value pattern of society is the generalized criteria of desirability, the standards for evaluation, the normative priorities, for the society.”<sup>41</sup> In other argumentation such as

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<sup>36</sup> STILLMAN 1974. 37.

<sup>37</sup> MAJONE 2010. 152.

<sup>38</sup> STILLMAN 1974. 39.

<sup>39</sup> BÖRZEL 2009.

<sup>40</sup> STILLMAN 1974. 40.

<sup>41</sup> STILLMAN 1974. 40.



Suchman's,<sup>42</sup> values and norms accepted by the society also play a crucial role. As he argues "legitimacy is a generalized perception or assumption that the actions of an entity are desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs and definitions." In sum, the value pattern of a society is the character of the given society. It clearly varies among the European Union's Member States and this fact makes it complicated to find solution for the integration's legitimacy problem. How could the output of a European government be compatible with the value pattern(s) of the so different Member States'?

As an answer to this question comes Stillman's expanded version of the definition, wherein the *relevant system* plays a crucial role. In this sense results of governmental output must be compatible with the value patterns in a given system, which system means those wherein the impact of the action is felt.<sup>43</sup> Four levels of this system are the international environment, the society, groups within the society and the individuals within the society. Linked to the implications of this expanded definitions, Stillman clarifies that the full compatibility of the results of every governmental output with the value patterns of all relevant systems is "naive or utopian."<sup>44</sup> Nevertheless, a given level of illegitimacy is "inevitable." As he constructs "legitimacy is a matter of degree." Although, a complete legitimacy within a society cannot be accomplished, it is still possible to imagine one in which legitimacy *could not exist*. Maybe this is the case in the European Union, because the society's value patterns "bifurcated, too chaotic or too contradictory." To a certain extent, "because state nationalism has played such a critical role in history that trying to create a nationalism that includes so many different peoples would be

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<sup>42</sup> SUCHMAN MC.: Managing legitimacy: strategic and institutional approaches. *Academic Management. Review.* 1995/20. pp. 571–610 quoted by TYLER R. Tom: Psychological Perspectives on Legitimacy and Legitimation. *Annual Review of Psychology* 2006/57. 377.

<sup>43</sup> STILLMAN 1974. 42.

<sup>44</sup> STILLMAN 1974. 42.

infeasible.”<sup>45</sup> Additionally, this state nationalism is the product of the centuries-old battles between the current Member States. This is another factor why same value patterns could not exist, Europe is still too divided culturally, ethnically, linguistically, and historically.<sup>46</sup> This diversity derived directly from the essence of the modern nationalism which creates the sense of security for the citizens of the nation state and centralizes the identity of the people, and so, makes them loyal to the state. This way, demos is bounded by the territorial state.<sup>47</sup> The nation states in Europe became so successful and inevitably needed that “to supersede [them] would be to destroy the Community.”<sup>48</sup>

As it is visible in the modern definition of legitimacy, effectiveness and legitimacy are related. To put it simply, one could say that the effectiveness of a given political decision legitimize the given output and so, the government. For a new political system like the EU it is essential to secure the necessary degree of legitimacy, because this way it can ease the loss of transaction-cost efficiency. At the same time, unfortunately, this means that “the sacrifice of democracy on the altar of integration entails also the sacrifice of many formal and informal methods developed by democratic polities in order to reduce transaction costs that arise in the operation of any political system.”<sup>49</sup> The importance of efficiency – which can increase the legitimacy of the EU – was also highlighted by Michael Shackleton, who pointed out rightly “that it is not necessary for the EU to meet the same level of legitimacy as its member

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<sup>45</sup> GLINSKI Ivan: *The Legitimacy and Political Theory of the European Union*. 2011. (<http://www.scribd.com/doc/127649345/The-Legitimacy-and-Political-Theory-of-the-European-Union>) (GLINSKI 2011).

<sup>46</sup> GLINSKI 2011.

<sup>47</sup> SONG Sarah: *The Boundary Problem in Democratic Theory: Why the Demos Should be Bounded by the State?* *International Theory*, Cambridge University Press, 2012, 4/1. 58-60. (SONG)

<sup>48</sup> MILWARD S. Alan: *The European Rescue of the Nation State*, New York, Routledge, 2000. 3. (MILWARD)

<sup>49</sup> MAJONE 2010. 152.

states, as long as it delivers a reasonable level of benefits in terms of efficiency.”<sup>50</sup>

In order to put the legitimacy crisis in another framework it is fitting to cite Scharpf’s argumentation, which states: “legitimacy is reduced when policy areas that were previously the object of authentic and effective political choices in democratically constituted polities are pre-empted either by newly arising necessities or by coming under the control of politically non-accountable authorities.”<sup>51</sup>

### ***2.2.7. The impact of a legitimate government***

Legitimacy means that people accept decisions made by higher authorities. Until now I have only introduced a proper definition about legitimacy, but have not analysed the pivot of why legitimacy is needed for a government. It is required because the government benefits from it. It is widely agreed that “authorities benefit from having legitimacy and find governance easier and more effective when a feeling that they are entitled to rule is widespread within the population.”<sup>52</sup> One would say “by staying within the limits of compatibility with the value patterns of the relevant systems, the government is able to exercise power and allocate values with least cost,” thus, the costs of governing are minimized.<sup>53</sup> As a classic argument of political and social theorists can be cited: “for authorities to perform effectively, those in power must convince everyone else that they ‘deserve’ to rule and make decisions that influence the quality of everyone’s lives.”<sup>54</sup>

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<sup>50</sup> SHACKLETON, M.: ‘Democratic deficit’, in D. Dinan (ed.): *Encyclopedia of the European Union*, Boulder, CO. 1998, pp. 130–4. quoted by MAJONE 2010.

<sup>51</sup> SCHARF 1999.

<sup>52</sup> TYLER R. Tom: Psychological Perspectives on Legitimacy and Legitimation. *Annual Review of Psychology* 2006/57. 377. (TYLER 2006)

<sup>53</sup> STILLMAN 1974. 43.

<sup>54</sup> TYLER 2006. 377.

But this is a win-win game, because not only the government's costs, but also the costs for the society will be decreased. If a legitimate government exists, then the society does not have to "fear" that its values will be contradicted by the higher authority.<sup>55 56</sup> One can say that legitimacy is the guarantee that the government in its actions will respect society's value pattern and this can secure stability within the state. Moreover people can profit from that the government – provided it is legitimate – is more able to use collective resources in order to benefit the long-term interests *of the group* "because the resources are not required for the immediate need to ensure public order."<sup>57</sup>

Legitimacy can be interpreted as an additional form of power. This power enables authorities to "shape the behaviour of others distinct from their control over incentives or sanctions."<sup>58</sup> It is the result of "control by others being replaced by self-control." It means that social norms and values become internalized and part of the individual's own desires concerning how to behave."<sup>59</sup> Thanks to this internalization process "social norms and values become self-regulating, taking on the obligations and responsibilities associated with those norms and values as aspects of their own motivation. One aspect of values — obligation — is a key element in the concept of legitimacy. It leads to voluntary deference to the directives of legitimate authorities and rules."<sup>60</sup>

An important benefit of a legitimate government is that during difficult times it has an alternative basis for support. Furthermore, when the government can

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<sup>55</sup> STILLMAN 1974. 43.

<sup>56</sup> MILWARD 3.

<sup>57</sup> TYLER 2006. 378.

<sup>58</sup> FORD R – JOHNSON C.: The perception of power: dependence and legitimacy in conflict. *Social Psychology Quarterly* 1998/61. pp. 16–32. and FRENCH JRP Jr. – RAVEN BH.: The bases of social power. In CARTWRIGHT D: *Studies in Social Power*, Ann Arbor: University, Michigan Institution for Social Research, pp. 150–67. quoted by TYLER 2006.

<sup>59</sup> HOFFMAN M.: Moral internalization. *Advances in Experimental Social Psychology*. 1977/10. pp. 85–133 quoted by TYLER 2006. (HOFFMAN)

<sup>60</sup> HOFFMAN

call upon the values of the population to encourage a desired behaviour, society has more flexibility regarding how it deploys its resources.<sup>61</sup> Some argumentation describes this type of support as a “reservoir”. “Across all types of organizations, the core argument of the legitimacy theory is that legitimacy provides a ‘reservoir of support’ for institutions and authorities, something besides immediate self-interest, which shapes reactions to their policies. Such a reservoir is of particular value during times of crisis or decline, when it is difficult to influence people by appealing to their immediate self-interest, and when there are risks concerning whether they will receive the long-term gains usually associated with continued loyalty to the group.”<sup>62</sup> The lack of this “reservoir of support” also proves the presence of a legitimacy crisis within the EU, because the union did not possess it during the financial crisis when tried to find solutions for problems.

Positive consequences of legitimacy can be proved by empirical facts, namely research on people’s personal interactions with police officers and judges “indicates that people who view those authorities as legitimate are more likely to accept their decisions, an effect that is distinct from the general finding that people are more likely to accept decisions that are more favourable and/or fairer.”<sup>63</sup>

#### **2.2.8. Why is the lack of legitimacy considered as a problem?**

According to the above introduced theories one could shortly summarize the essential elements of the lack of legitimacy as a reason which increases transaction-costs within a society. A brief return to the concept of transaction costs; they are the “costs of operating an economic, political or social system.”<sup>64</sup> On the one hand, in the sense of political transaction costs they

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<sup>61</sup> TYLER 2006. 377.

<sup>62</sup> WEATHERFORD: Measuring political legitimacy. *American. Political. Science. Review.* 1992/86. pp. 149–66. quoted by TYLER 2006.

<sup>63</sup> TYLER TR – Huo YJ.: *Trust in the Law.* New York, Russell Sage Foundation, 2002.

Quoted by TYLER 2006

<sup>64</sup> MAJONE 2010. 152.

exactly mean “the costs of setting up, maintaining, and changing a system’s formal and informal political organization” and at the other hand “the costs of running a polity.”<sup>65</sup> As it was introduced as a result of lacking legitimacy, these costs will rise and effectiveness will decrease. It was also mentioned that in the case of a new polity just like the European Union it is more important to support legitimacy and thus, reduce transaction costs. If it cannot be implemented, the rising transaction costs would result inconveniences which may block the functioning of the whole political and economical system within the EU.

If European citizens do not accept the decision-makers at European level as a legitimate government or simply a higher authority, then they will not accept the decisions made by them. Moreover, as it can be seen in the newly presented results of the 2014 EP elections,<sup>66</sup> – but already in the Europe-wide preceding events – the lack of legitimacy does not only lead to the unaccepted decisions, but also to the protests against the whole system and to the rising of radical movements throughout Europe. This phenomenon might have unexpected consequences which are surely not consentaneous with the basic ideas of the European project, namely the peace and stability in the continent.<sup>67</sup> In that sense, democratic deficit problems do not only appear in the opinion of the citizens but also in the decisions made in accordance with the Lisbon Treaty by several constitutional courts (German Constitutional and Czech Constitutional Court).<sup>68</sup> The German Constitutional Court in its decision laid down that the European Parliament “suffers from a structural

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<sup>65</sup> FURUBOTN E.G. – RICHTER R.: *Institutions and Economic Theory*, Ann Arbor, University of Michigan Press, 2000. quoted by MAJONE 2010.

<sup>66</sup> <http://www.bbc.com/news/world-europe-27559714>

<sup>67</sup> AUER Stefan: Europe between reckless optimism and reckless despair. *Policy: A Journal of Public Policy and Ideas*. 2012/28. 21-22. (AUER)

<sup>68</sup> KRÄMER U. Rike: Looking through Different Glasses of the Lisbon Treaty: The German Constitutional Court and the Czech Constitutional Court. In: FISCHER-LESKANO Andreas – JOERGES Christian – WONKA Arndt: *The German Constitutional Court’s Lisbon Ruling: Legal and Political Science Perspectives*. Zentrum für Europäische Rechtspolitik, Discussion Paper, 2010.

deficit of democracy; hence primarily responsibility for integration lies in the hands of the national parliaments.”<sup>69</sup>

Additionally, transaction costs counterworks against not only the political, but also against the economical effectiveness, which has been a cornerstone of the EU from the beginning on. If these trends raise difficulties even within the union, then it will be more difficult to participate effectively in a global economy, which is an essential goal of the European Union.

If I try to summarize the first part of my master's thesis I would say; the legitimacy crisis stems from the democratic deficit problem and this crisis must be handled and solved in order to secure the functioning of the European Union, otherwise the integration will fail to reach its objectives, namely the securing of peace and stability on the continent. Furthermore, Europe will not be able to participate as a leading player in the global competition and it would not serve the interest of the Member States either.

### **3. Solution methods of the European Union**

Naturally the European Union has already observed the democratic deficit problem in the early '90s and tried to find a remedy for it. As it can be seen from the above examined situation the root of this problem has been around the European Parliament, in its functioning and election. Therefore, well-known scholars and others thought that ““this deficit informs, animates, and mobilizes the drive to change the powers of the European Parliament (EP)’.”<sup>70</sup> The idea rises from “a fallacious analogy with the institutions of parliamentary democracy at the national level” and tries to solve the legitimacy problem by giving more powers to the EP.<sup>71</sup> But constantly lowering turnout on the EP-elections and the fiasco of the 2005 referenda can prove “that misplaced analogies cannot provide sensible solutions.” In the followings I would like to

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<sup>69</sup> MAJONE 2010. 152.

<sup>70</sup> WEILER, J.H.H.: *The Constitution of Europe*. Cambridge University Press, 1999. quoted by MAJONE 2010

<sup>71</sup> MAJONE 2010 150-175.

introduce shortly the so called “more Europe” concept one element whereof is the strengthening of the EP. However, other measures and instruments in the Lisbon Treaty – after the above-mentioned failures – also try to reduce democratic deficit and improve more democratic elements like for instance the European Citizens’ Initiative. The “more Europe” slogan was also used as an “answer” for the Euro and economic crisis after the Great Recession. Highlighted elements of this political line can be “a united Europe, more solidarity and further integration” which are used as an answer to the crisis that Europe faces today.”<sup>72</sup> Also, the idea of the contest for the President of the European Commission can be fitted in this trend. These measures collectively can be called as the “more Europe” concept, which will be presented and briefly examined in the followings.

### **3.1.9. “More Europe”**

Defining the concept “more Europe” is rather difficult. No exact statement exists, even though most scholars keep using the phrase.<sup>73</sup> I tried to pool some quotes to clarify the meaning of this concept.

One MEP of the ALDE (Alliance of Liberals and Democrats) was really a help for me. In one of her speeches she also tried to translate it: “I would like to see what more Europe could actually mean. For example *through more political leadership to help facilitate smart EU policies and dealing with culture and EU’s external actions*. I would like to see a European University on Tahrir square in Cairo and not just an American university. I would like to see more visas for artists and other professionals to come to work in Europe. I would like to see more content and heritage uploaded on Europeana. I would like to see less bureaucracy for small cultural organisations when they are applying for a grant on the European level. I would like also to see less fragmentation on copyright management of the European Union. And I would

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<sup>72</sup> <http://www.consilium.europa.eu/homepage/showfocus?lang=en&focusID=70012>

<sup>73</sup> HOOGHE Liesbet: Images of Europe: How Commission Officials Conceive Their Institution’s Role. *Journal of Common Market Studies*, 2012/50. (HOOGHE); AUER.



like to see less over-emphasis on the economic value of culture.”<sup>74</sup> This definition tries to clarify the cultural side of the concept.

The concept does also possess an economic and political undertone. It can be best conveyed through a quote from Wolfgang Petritsch, Chairman of the Board European Cultural Foundation and Austrian Ambassador to the OECD, who states: “Europe needs more capacity, visibility, more results in democracy building and strong impact in civil society. We need a joined up vision and strategy matched with some form of European cooperation. That is why we need More Europe in external relations.”<sup>75</sup>

Another scholar, Liesbet Hooghe straightforwardly identifies the “more Europe” concept with “‘in’ or ‘out’ of the EU” question. In addition, she clarifies it by other dichotomies like “strong Commission or strong Member States”, or “federal/supranational versus intergovernmental/state-centric dimension.”<sup>76</sup>

Try to summarize, the best description comes from the Financial Times, which defines “more Europe” as “closer-knit integration.”<sup>77</sup> The basic element of the whole concept is a closer co-operation between the Member States in every aspects; political, economic or cultural. The political “more Europe” concept assumes wider power for European institutions, and so, clearly means a federal approach.

The idea of a directly elected president – an elected executive which would be a popular and recognizable leader of the EU – may be inserted in this political line.<sup>78</sup> As it happens at the time of the 2014 EP elections one can see the candidates running for the president position to debate on television, in order to gain the support of more people. Based on the idea this would also increase

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<sup>74</sup> <http://www.moreeurope.org/?q=quotes>

<sup>75</sup> <http://www.moreeurope.org/?q=quotes&page=2>

<sup>76</sup> HOOGHE 87-111.

<sup>77</sup> PEEL Quentin: Pressure grows for ‘more Europe’. *Financial Times*, 2011. 10.

<sup>78</sup> GLINSKI 2011.

participation in European elections “since there will be a ‘top’ candidate to vote for instead of numerous Parliament members.” Other federal elements can be viewed as a part of “more Europe” idea, for instance that by the direct election of the president of the EC he would become directly accountable to the people and “prevent the stereotype of an insulated Eurocratic bureaucracy.”<sup>79</sup> Education is of paramount importance in this political line too. With it the increasing of information on the EU could be implemented, if schools would include more about the EU in their political education programs and encourage students to vote in European elections just as they would in national ones.

### ***3.1.10. Criticism of the concept***

I am not the only one who believes that this approach is not the most efficient to reach the aforementioned goal, that is, a better co-operation between the Member States. Stefan Auer expressed that “more Europe is a false choice.” As he argues: this concept would result in “destroying European societies both economically, and even more ominously politically.”<sup>80</sup> By facts it can be proved, that the assumption of many intellectuals, namely “that people would be in favour of national sovereignty moving to a European level” is wrong. In this assumption “ the European Parliament ought to become a true legislative body; the European Commission should assume the role of the EU government; and the EU Council representing the member states should act as a senate, overseeing the actions of the other two political bodies.” But Auer rightly asks the question: “How such a vision could ever work in a Europe where more and more people see their national interests on a collision course with Europe at large”<sup>81</sup>

“More Europe” is not a feasible way for a closer co-operation between the EU Member States. On the one hand, it is because of the “lack of identification

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<sup>79</sup> GLINSKI 2011

<sup>80</sup> AUER 19.

<sup>81</sup> AUER 21-22.

between the European citizens and the European Union since their national identity is much stronger than their European identity.”<sup>82</sup> On the other hand, this identity failure cannot be fixed by aggressive Europeanization, because public sphere at European level, which could modify this feature, is still missing.

No cognitive model, that is, a *political space* exists at this level, in which political decision alternatives could be placed. This cognitive model would help to make political decisions by defining the positions of the alternatives among each other.<sup>83</sup> Another necessary element of the European identity was publicity at a European level, which is still missing. Although attempts exist to functioning media Europe-wide, but it is more or less ineffective. Instead national publicity is put into the focus.<sup>84</sup>

Other federal elements of the “more Europe” concept still can be heavily criticized, for instance the idea of the directly elected “European President.” A good observation is, that “many of the qualified past presidents of the EC would most likely not run since most of them had already been executives in their native country’s government, including Jose Barroso, Romano Prodi and Jacques Santer.”<sup>85</sup> In the new direct election system “the EU would not get such qualified presidents, but instead people who have the money to campaign all around the continent.” The more elected officials were in the EU institutions, the lower the level of efficiency and professionalism would be, because instead of highly skilled experts, politicians would run for office.<sup>86</sup> “It would be destroying the shield from politics that the EU has tried to create for such a long time”, moreover “it would in no way increase identification with

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<sup>82</sup> TROITINO David: European identity the European People and the European Union. *Sociology and Anthropology* 2013/1. 136. (TROITINO)

<sup>83</sup> SZÜCS Zoltán Gábor - SZABÓ Gabriella: Politika európai térben. *Politikatudományi Szemle* XXI/4. 87-94. (SZÜCS – SZABÓ)

<sup>84</sup> SZÜCS – SZABÓ 91-95.

<sup>85</sup> GLINSKI 2011

<sup>86</sup> GLINSKI 2011.

EU politicians, just like US citizens have little identification with the US government, even though it's completely elected.”<sup>87</sup>

### **3.2. Why the European Parliament cannot solve the problem of democratic deficit?**

In the followings I will introduce the most commonly argued claims which try to undermine the effectiveness of the European Parliament. These claims are discussed by nearly all scholars who deal with the European democratic deficit issue. At the end of the chapter I also bring argumentation why the current parliamentary system of the European Union cannot work effectively and why it will not solve the problem of the democratic deficit with a European favour.

#### ***3.2.11. European, but not 'European' elections***

Since democratic deficit has been around it is hardly expressed by federalists that strengthening the EP is inevitably needed. This institution is seen as the depository of the European democracy and legitimacy.<sup>88</sup> On the one hand it is true; the European Parliament can secure democratic instruments, but *not with European favour*.

The one who would like to try arguing against the democratic legitimacy of the European Parliament and upholding the democratic deficit phenomenon surely will discuss the lack of European issues from the European elections. As it is stated in most of the academic works “European elections are fought by national political parties and mainly on national issues.”<sup>89</sup> Jacques Thomassen also highlighted the necessary conditions of an effective system of

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<sup>87</sup> GLINSKI 2011.

<sup>88</sup> HIX (2008a) 118.

<sup>89</sup> COSTELLO Rory, THOMASSEN Jacques, ROSEMA Martin: European Parliament Elections and Political Representation: Policy Congruence between Voters and Parties. *West European Politics*, 2012. November 35. 1229. (COSTELLO - THOMASSEN – ROSEMA)

political representation in one of his earlier papers.<sup>90</sup> He mentions in the first place “competitive elections” which is still a lacking element on the European elections. As he put it in a sarcastic, but quite expressive way, “European party groups, as such, do not compete for the votes of European electorate, and voters cannot possibly choose between what is not even offered to them.” Although, this latter, namely the voters’ “awareness of differences between the programmes of different political parties” would be another essential of an effective system of political representation.

In sum, it means that European political parties as such though compete, but not “for the votes of a European electorate” and not “on the basis of ‘European’ issues.”<sup>91</sup>

This leads to another frequently discussed problem: the lack of a basic element in representative democracies – that of the political parties. As such, European parties do not exist in their pure form. Instead, these parties are umbrella organizations which are founded on common ideological roots, but their campaigns usually run in a domestic manner.<sup>92</sup> Issues which are touched in their electoral campaign are mainly national ones and it is fully understandable because “voters making their choices on the basis of their opinion on national issues.”<sup>93</sup> In one word, candidates must offer policies which are important for their voters in order to gather votes. To summarize the non-existence problem of the European parties I quote another cynical statement, which says “to conceive of elections without parties in a European

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<sup>90</sup> THOMASSEN Jacques, SCHMITT Hermann: Policy representation. *European Journal of Political Research*. 1997/32. 165-184. (THOMASSEN 1997)

<sup>91</sup> MAIR Peter – THOMASSEN Jacques: Political representation and government in the European Union. *Journal of European Public Policy*. 2010 January. 17. 21. (MAIR – THOMASSEN)

<sup>92</sup> THOMASSEN 1997. 169.

<sup>93</sup> MAIR – THOMASSEN 21.

context, is to conceive of something of which we have no real-world experience.”<sup>94</sup>

Despite of the above-mentioned problems one could argue, owing to the absence of a party government system the European Parliament may enhance representative democracy at the European level.<sup>95</sup> It means that the EP is “freed to sustain an executive,” and therefore, parties at the European level have a much greater capacity to act as representative. Mair and Thomassen argue in their essay that national parties, unlike European party groups, are “characterized as governing organizations” and so, their representative role became more marginalized and less important. In this sense the European representative system may work more efficiently and there would be no need to transform national parties into European level.<sup>96</sup>

The effective political representation can be proved by another theory too. This theory can also be based on empirical evidences,<sup>97</sup> which show that congruence between parties and their voters exists in a left-right political dimension. Scholars expound this means an effective representation of the European voters through the MEPs, because it can be shown that candidates also vote in the EP according to this left-right dimension. That is, within proper circumstances the “aggregation of national systems of political representations at European level can still prove effective in representing the will of the European people as a ‘true’ European process of political representation.”<sup>98</sup> In one word, MEPs can directly represent the needs of their voters in the European Parliament. The system of the European Union – especially the linkages between the three main institutions – enables to the EP to represent somebody to *somebody else*.<sup>99</sup>

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<sup>94</sup> MAIR – THOMASSEN 24.

<sup>95</sup> MAIR – THOMASSEN 27.

<sup>96</sup> MAIR - THOMASSEN

<sup>97</sup> COSTELLO – THOMASSEN – ROSEMA; MAIR – THOMASSEN; THOMASSEN 1997.

<sup>98</sup> MAIR – THOMASSEN 29.

<sup>99</sup> MAIR – THOMASSEN 30.

### 3.2.12. *Constantly decreasing level of turnouts at the EP elections*

As I am writing this chapter I am in a lucky position, because newly presented results of the 2014 European Parliament elections can be used as evidence to prove the ineffectiveness of the European Parliament. The constantly plunging level of election turnouts is widely the most often used argument in the reasoning against the legitimacy of the EP.<sup>100</sup> In this sense the 2014 elections broke the trends and finally – although minimally – have shown an improvement in terms of participation at the elections.<sup>101</sup> Europe-wide the turnout reached 43.1% according to provisions, but the EU cannot be fully satisfied with this result.

On the one hand, turnout data shows an increase – or name it only stagnation – mainly in Western-Europe and serious drop-back in the “new” Members States (Hungary, the Czech Republic, Slovakia, Slovenia, Cyprus,), in the Baltic countries (Latvia, Estonia) and others (Italy, Denmark).<sup>102</sup> On the other hand, the increase in turnouts in the western countries does neither mean success for the EU. Although, more citizens participated but in the same time it meant more votes *against Europe* and led to the rising of eurosceptic parties.<sup>103</sup> “Right-wing anti-EU parties of various flavours have won in France, Britain and Denmark. The anti-euro (but pro-EU) "Alternative für Deutschland" has broken through in Germany. In Greece, the neo-Nazi Golden Dawn party is set to enter the European Parliament.” The more voters they have, the more radicalism will be present.

The two phenomena at these elections – the lowering participation on the one hand and the increasing but radicalized turnout on the other – drive the attention to the importance of nationalism which can be solved only through a

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<sup>100</sup> Hix Simon: *The Political System of the European Union*. Palgrave Macmillan, London, 2005, 193. (Hix 2005)

<sup>101</sup> <http://www.bbc.com/news/world-europe-27559714>

<sup>102</sup> <http://www.euractiv.com/sections/eu-elections-2014/slightly-higher-election-turnout-averted-big-disaster-302383>; <http://www.eredmenyek-valasztasok2014.eu/hu/turnout.html>

<sup>103</sup> <http://www.economist.com/blogs/charlemagne/2014/05/european-elections-0>

*euromultilateralism*. It means a European Union where national interests are paramount but “interdependence and co-responsibility”<sup>104</sup> are accepted by the Member States at the same time. In this master's thesis I try to find a model living up to these expectations.

### **3.2.13. *European public sphere is lacking***

Questions often emerge regarding the problem of the *European public sphere*, for instance: why do not we have European political parties? Why are the turnouts at the EP elections so low as discussed above? Why does the EP function so differently according to National Parliaments? Why are EP elections handled as second-ordered national elections – as it has been introduced – and why do not know European citizens their representatives in the European Parliament? In one simple “why question” the issue can be formulated like this: why do Europeans ignore the whole European project? And the answer is: because they do not consider themselves European. “There is a lack of identification between the European citizens and the European Union since their national identity is much stronger than their European identity.”<sup>105</sup> Therefore, the true problem of lacking the European public sphere is that national identity has not been changed to a European one or more precisely European identity is not strong enough beside the other. One would raise the question – should it be or rather – could it be changed. The necessity of this transformation can be explained with the primary goals of the European integration, namely, the creation of a European identity above the national ones would integrate people, bring them closer to each other and thus Europe could avoid further conflicts which stemmed from nationalistic feelings.<sup>106</sup> The essential need for a European identity has already been constituted in the Schuman Declaration just at the beginning of the European project. Without the support and identification of European citizens the European integration is

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<sup>104</sup> [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/127849.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/127849.pdf)

<sup>105</sup> TROITINO 136.

<sup>106</sup> TROITINO 137.



a “mission impossible.”<sup>107</sup> It is stated in Lingenbergs argumentation that the European Union becomes unsustainable if it cannot create a European publicity, that is, a European public sphere.<sup>108</sup>

If one mentions public sphere, then it is inevitable to mention one of the best-known philosophers in this topic as well, the famous Jürgen Habermas. In his interpretation the public sphere is a kind of social space, in which individuals can talk in front of an audience, pursue critical and rational debate about their common issues, and also, they can make political actions.<sup>109</sup> Thus, in the public sphere community, communication and politics are interconnected. From the definition arise the inevitable elements of the public sphere. Firstly, it is the existence of a common language in which communication can successfully happen.

The lack of a common European language does not render it impossible – according to Risse – to form a European political and public sphere.<sup>110</sup> The second essential building block is the issue which was already touched upon within this chapter, namely the identity. In Grimm’s argumentation,<sup>111</sup> without

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<sup>107</sup> TROITINO 137.

<sup>108</sup> LINGENBERG Swantje: The European public sphere and its audience. Citizens’ participation in the European Constitutional debate. *Democratic participative en Europe – LERASS*, 2006. November. quoted by SZŰCS – SZABÓ

<sup>109</sup> HABERMAS Jürgen: *A társadalmi nyilvánosság szerkezetváltozása. Vizsgálódások a polgári társadalom egy kategóriájával kapcsolatban*. Budapest, Gondolat, 1971. quoted by SZABÓ Gabriella: Az Európai Nyilvánosság Mibenlétéről. Paradigmák, definíciók, megközelítések és dilemmák egy új kutatási terület kapcsán. *Politikatudományi Szemle*, XIX/2.

<sup>110</sup> RISSE Thomas: An Emerging European Public Sphere? Theoretical Classifications and Empirical Indicators. *Annual Meeting of the European Union Studies Association*, Nashville, March 27-30, 2003. quoted by SZABÓ Gabriella: Az Európai Nyilvánosság Mibenlétéről. Paradigmák, definíciók, megközelítések és dilemmák egy új kutatási terület kapcsán. *Politikatudományi Szemle*, XIX/2.

<sup>111</sup> GRIMM D: Does Europe Need a Constitution? *European Law Journal*, 1/3, 1995, 282-302. quoted by SZABÓ Gabriella: Az Európai Nyilvánosság Mibenlétéről. Paradigmák, definíciók, megközelítések és dilemmák egy új kutatási terület kapcsán. *Politikatudományi Szemle*, XIX/2.

a common identity the European Union is only an agglomeration of economic co-operation, which is bounded by legal grounds and not by the inherence of society. Regarding the lacking European identity Jansen also tries to mitigate the difficulties of the situation and says that multiplied identification can exist just as in the case of the federal states.<sup>112</sup>

As a third element of the European public sphere, the European media can be mentioned, which plays a crucial role in the political debate and hence must be handled as an actor and carrier of the public sphere.<sup>113</sup>

Output legitimacy has already been introduced according to different scholars, for example through the definition of Scharpf, who has constructed "input legitimacy" – the counterpart of output legitimacy. In this definition input legitimacy is translated as "government *by* the people" unlike "government *for* the people", the latter is the motto of output legitimacy.<sup>114</sup> Therefore, the collective decision must reflect the general will and this feature will lead to the situation that the legitimate authority of a given majority will be accepted by the minorities.<sup>115</sup> An emphasized element of the input legitimacy is the need of collective identity. Scharpf also discusses the lack of this identity and suggests "the EU must be legitimized primarily in output terms."<sup>116</sup>

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<sup>112</sup> JANSEN T: *Reflections on European Identity*. Brussels, European Commission, Forward Studies Unit, Working Paper, 1999. quoted by SZABÓ Gabriella: Az Európai Nyilvánosság Mibenlétéről. Paradigmák, definíciók, megközelítések és dilemmák egy új kutatási terület kapcsán. *Politikatudományi Szemle*, XIX/2.

<sup>113</sup> SZABÓ Gabriella: Az Európai Nyilvánosság Mibenlétéről. Paradigmák, definíciók, megközelítések és dilemmák egy új kutatási terület kapcsán. *Politikatudományi Szemle*, XIX/2. 102. (SZABÓ)

<sup>114</sup> SCHARF 1999.

<sup>115</sup> MORAVCSIK Andrew – SANGIOVANNI Andrea: On Democracy and „Public Interest” in the European Union. In MAYNTZ Renate – STREECK Wolfgang: *Die Reformierbarkeit der Demokratie: Innovationen und Blockaden*. Frankfurt/Main, Campus, 2003, 123-148. (MORAVCSIK – SANGIOVANNI)

<sup>116</sup> SCHARF 1999.

Legitimacy crisis and the creation of a European public sphere are also linked by other scholars such as Szabó.<sup>117</sup> As she argues in her thesis – and also cited speeches of EU political leaders – the legitimacy crisis in the EU can be solved by the creation of publicity around the union, that is by the creation of a European public sphere.

In sum, because of the above-mentioned problems some kind of European identification is inevitably needed, otherwise the whole European Union would start to disintegrate, bringing undesirable long-term consequences for all Member States.

But why is this challenge so hard to tackle? Why can a European identity not grow next to the national one or replace it? One reason is naturally the wide array of the spoken languages. More than 200 languages are spoken by the 500 million inhabitants and one of the main cornerstones of a given society, especially that of the public sphere, is the common language. Without a common language the public sphere remains merely an illusion.<sup>118</sup> Another clearly understandable reason is the differences between the national and ethnic groups and their cultures. One would also mention different weather conditions as an influential element.<sup>119</sup>

Although the EU tries to build a European identity it currently failed in most of the cases. It is important to mention that the union does not want to change national identity for a European one. As it is workable in the case of Germany where Bavaria enjoys a strong regional identity but it is not confronted with the national one. The same phenomenon also exists in the case of Andalusia and Spain.<sup>120</sup> This is the aim which would be inevitable and feasible within Europe and so, the EU also tries to find instruments in order to achieve this goal. Some of these measures are similar to those ones which are used by the

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<sup>117</sup> SZABÓ 97.

<sup>118</sup> GRIMM D: Does Europe Need a Constitution? *European Law Journal*, 1/3, 1995, 282-302.

Quoted by SZABÓ

<sup>119</sup> TROITINO 137.

<sup>120</sup> TROITINO 137.

nations to build a national identity. Such an event was the decision on the official anthem of Europe (and not only the EU) or the use of the flag of the European Union, which steps were also constituted in the Lisbon Treaty. European Day is also a copied measure from the Member States who have their own national days in the calendar. But most Europeans simply do not know about these issues and – more sadly – they do not care about them. They do not know at all who Schuman was let alone what he wrote in his declaration. One would say these symbols are still empty and European citizens do not identify themselves with them.<sup>121</sup> It can be understood as part of the missing material legitimacy.

In contrast to the above, the measures in the economic field lead to much higher European identification, namely two instruments of them, the creation of the Euro and that of the Schengen agreement. These are handled as “common symbols of everyday life” and thus, strong identification can be achieved by them. A common currency in itself has really important features which can influence the formation of a European identity positively, as it can be seen in the example of the British Pound.<sup>122</sup> Europe without borders is the other crucial measure which helps to build the community throughout Europe. In most of the cases this is the primary positive effect of the European project and most of the people seize this opportunity in their lives.<sup>123</sup>

In order to sum up the European public sphere and – as a basic element of it – European identity should be worked out somehow, but this identity – as the EU would like to achieve it – must be built *next to the national ones*. It is a difficult challenge according to the above explained features, mainly because of the diversity of Europe, but with the model which will be introduced in the followings I will try to find a solution for this problem by the Europeanization of the national public sphere.

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<sup>121</sup> TROITINO 137.

<sup>122</sup> TROITINO 137.

<sup>123</sup> TROITINO 138-139.

### 3.2.14. *The matter of public choice*

If representation works effectively – as it is proved above – MEPs in the European Parliament will represent national interests, because it is their own interest. To clarify this statement a closer look at the public choice concept and its application for the European Union can be helpful.

As it is shown above, problems rise already at the EP elections, which was introduced earlier, are treated as “second-order national elections” and thus, are less important for voters. This means a constantly lowering level of participation at elections and thus decreasing level of legitimacy.<sup>124</sup> In this sense, the falling level of input legitimacy which “requires political decisions to correspond to the preferences of affected people.” It would mean the translation of the people’s preferences into political decisions.<sup>125</sup>

If elections are done and we have voted our MEPs into the European Parliament problems could still arise. As it is demonstrated by Anthony Downs “governors are led to act by their own selfish motives.”<sup>126</sup> This selfish incentive of a politician is to win elections and get a mandate in the parliament. The cited paper establishes the public choice theory, which is based on the assumption that every player on the political scene is an own utility-maximizer. In order to be a “maximizer you have to have something to maximize.”<sup>127</sup> In the case of politicians this is the votes of citizens. In Downs’ central hypothesis “political parties in a democracy formulate policy strictly as a means of gaining votes.”<sup>128</sup> “Parties formulate policies in order to win elections rather than win elections to formulate policies.”<sup>129</sup> It means that their

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<sup>124</sup> GRANT

<sup>125</sup> BÖRZEL (2009)

<sup>126</sup> DOWNS Anthony: An Economic Theory of Political Action in a Democracy. *The Journal of Political Economy*, 1957, 65./2. pp 135-150. (DOWNS 1957)

<sup>127</sup> MUELLER C. Dennis: *Public Choice III*. Cambridge University Press, New York, 2003, 659. (MUELLER *Public Choice III*.)

<sup>128</sup> DOWNS 1957 137.

<sup>129</sup> DOWNS 1957 quoted by MUELLER *Public Choice III*.

promised policies in an election campaign are instruments of their own selfish, private motive, “which is to attain income, power and prestige of being in office.”

In the case of an MEP his rational behaviour means that he wants to be elected and reelected into the European Parliament, thus “attain income, power and prestige of being in office.” To reach this goal he has to collect enough votes from his voters. In the European Parliament elections citizens of a Member State elect the MEPs of *their country* in a *national contest*.<sup>130</sup> In one word, elections run at a national, rather than European level, between national and not European candidates. Because citizens interested primarily in national issues,<sup>131</sup> and so, the promised “social function (which is to formulate and carry out policies)”<sup>132</sup> of the MEP will be favoured by national interest too. They will sell policies important for their Member States’ citizens and so, national interest remains priority in the European Parliament. In one word, until MEPs are elected through national contests, they will make policies proper for Member States, but not for Europe as a whole.<sup>133</sup>

In the case of the European elections the future form of government (Commission) does only indirectly depend on the result of the ballots and the future line of politics and decisions in given policies are more directly influenced by the European Council and the Council of Ministers. Therefore, MEPs can pass away their responsibility if their promised policies are not implemented. This way, they can offer much more in the EP election campaign than they could fulfil. This phenomenon can weaken further democratic accountability in the European Union.

One could also argue that national parties are responsible for nominating MEPs for elections and it fosters this above-mentioned conflict too. According

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<sup>130</sup> HORVÁTH Zoltán: *Kézikönyv az Európai Unióról*. HVG Orac, Budapest, 2011, 113. (HORVÁTH 2011)

<sup>131</sup> [http://ec.europa.eu/public\\_opinion/archives/eb/eb80/eb80\\_first\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb80/eb80_first_en.pdf)

<sup>132</sup> DOWNS 1957 137.

<sup>133</sup> HIX 2005 176-177.

to a PIRADEU research<sup>134</sup> different party strategies in the nomination of EP election candidates can be described as the followings: 59% of the respondents (EP candidates) declared that they were nominated at the national level and others at the regional or local level. It is more important that more than 45% of the respondents were selected by their (national) party executive board, 14% by appointed party members, 22% by elected party members, 15% by all of the party members and only 2% were directly elected by the voters. Voting versus appointment is another interesting procedure in the selection strategy of an EP election. The composition of an appointed list can be more easily controlled than in the case of a voting system. In the latter it is “much more difficult for the party bodies to command the selection procedures.”<sup>135</sup> According to the mentioned research, 35% of the respondents’ selection procedures did not require any vote, while 18% of them required a certain share of votes, and in the case of 21% a relative majority, whereas in the case of 26% absolute majority was necessary in order to get nominated.<sup>136</sup> Why are these data important with regards to the behaviour of the MEPs? Because if an MEP wants to get on the list of election nominees, he has to fulfil the expectations of those who elect or simply appoint him.<sup>137</sup> These parties are, though united in a European one, primarily managed at the level of the Member States. This feature also exacerbates the problem, that MEPs will follow a pattern of political behaviour, which is favourable for Member States and not for the European Union. The PIRADEU dataset does also underpin this fact: 53% of the interviewed EP candidates think that in a case of opinion divergence, MEPs should vote in the favour of their voters’ opinion; 68% believe that MEPs should vote according to their countries’ interests rather

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<sup>134</sup> ANDRETTA Massimiliano – CHELOTTI Nicola: Investigating candidates selection strategies: the case of 2009 European Parliament elections. in: BANDUCCI Susan – FRANKLIN Mark – GIEBLER Heiko – HOBOLT Sara – MARSH Michael – VAN DER BRUG Wouter – VAN DER EIJK Cees: *An Audit of Democracy in the European Union*. European University Institute, 2012, 3-4. (ANDRETTA – CHELOTTI)

<sup>135</sup> ANDRETTA – CHELOTTI 4.

<sup>136</sup> ANDRETTA – CHELOTTI 4.

<sup>137</sup> HIX 2005 90.

than their party's.<sup>138</sup> Namely empirical evidences also prove the relevance of the public choice theory in the case of the MEPs, that they will follow the interests of those who elect them, thus the interests of the national party and/or the voters, but unequivocally the interest of the Member States rather than that of entire Europe.

Therefore, democratic features in the European Union can be secured through the EP elections but the *outcome will not be European*. Thus, the current system cannot foster a proper European integration, because the body which would be destined for democratization of the European Union – though enhancing democracy – but does not encourage European co-operation. Thereby, the European Parliament becomes a player in this game, which instead of having to revise this situation only worsens it.

Based on the above-mentioned argumentation I believe – and I am not the only one<sup>139</sup> – that the further strengthening of the European Parliament would not present a solution for the democratic deficit problem, but would lead to the further recruitment of national interests within the EU.<sup>140</sup>

Another main element of public choice, namely the concept of "rational voter" can also be applied for European Parliament elections in order to point out why the EP is not the best solution for the democratic deficit problem. The "rational voter" hypothesis was first elaborated by Anthony Downs, then by Tullock, Riker and Ordeshook. In the pivot of the theory stands the assumption, that a citizen brings his decision during an election, that he "envisages the different 'streams of utility' to be derived from the policies promised by each candidate."<sup>141</sup> Naturally, he will choose the candidate which promised the policy bringing the highest utility for him. "One votes to bring about the victory of one's preferred candidate." But it is clearly unlikely that

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<sup>138</sup> ANDRETTA – CHELOTTI 9-10.

<sup>139</sup> AUER 2012.

<sup>140</sup> MAJONE 152.

<sup>141</sup> MUELLER *Public Choice III*. 304.



one vote decides the outcome of an election and here stems the origin of the rational voter concept. Namely, one's vote has an impact on the outcome of the given election *only* when all other votes between the candidates are split; or in the case if one's preferred candidate would lose the election without this one vote. So the probability of one's vote deciding the outcome of an election is as low as the chance "of being run over by a car going to or returning from the polls."<sup>142</sup> In this example – which was firstly constituted by Skinner in 1948<sup>143</sup> – it is much worse to being run over by a car than having one's preferred candidate lose, so "potential cost of voting alone would exceed the potential gain, and no rational self-interested individual would ever vote."<sup>144</sup>

The chance of abstaining at an election is guided by a simple rule: the more people are likely to abstain from voting, the more does a single vote weigh theoretically.<sup>145</sup> In the case of the rational voter more European citizens would have to participate at the elections, because the number of those likely to abstain is higher. It should be a fortiori true in the light of the constantly decreasing level at the elections, but despite of it, participation has been decreasing since the 80's and this can be understood as another kind of "paradox of voting."<sup>146</sup>

Even so, one could argue why this paradox exists. If we accept the statement that "turnout falls as the costs of voting rise"<sup>147</sup> then argumentation can be made to explain the low level of turnout at the EP elections. The information which is necessary to make decision at an election is costly.<sup>148</sup> It is even more costly in the case of the European Union, because news, data or facts about the European political life – or simply about the functioning of the EU – do not dominate national media. If a voter wants to collect these pieces of

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<sup>142</sup> MUELLER *Public Choice III*. 304.

<sup>143</sup> SKINNER B. F.: *Walden Two* Hackett Publishing Company, 1948.

<sup>144</sup> MUELLER *Public Choice III*. 304.

<sup>145</sup> MUELLER *Public Choice III*. 307.

<sup>146</sup> MUELLER *Public Choice III*. 305.

<sup>147</sup> MUELLER *Public Choice III*. 329.

<sup>148</sup> DOWNS 1957. 139.

information, he has to spend more time to search them on the internet or from other sources. The cost of information rises because of the world of “imperfect knowledge” – which has another impact on the election too. Namely, that the political parties want to influence voters through persuaders to win themselves for their own interest, or put it simply, to get their votes. In order to achieve this, the persuaders will sell only those pieces of information about political programmes which are attractive for the group of the given voters.<sup>149</sup> But the parties – in order to recognize the favour of the citizens – have to send out representatives who can discover the preferences of voters on the one hand and who can influence them about the election of the given party.<sup>150</sup> But this action is also costly – and much more costly within the EU. Thus, it leads to decentralization until the point when the marginal vote-gain becomes equal to the marginal vote-loss.<sup>151</sup> It can explain why national parties in the European Union run for the EP mandates rather than European ones, because to uphold and manage parties which can discover citizens preferences and which can effectively influence voters, is much more costly at the European level than within the Member States.

The imperfect information in the European Union can be proved by another widely-known fact too, namely with the strong presence of the lobby activity around the EU institutions. In the past decades Brussels has become “a world centre of lobbying and influence.”<sup>152</sup> Why has this phenomenon any connection to Downs’ economic theory about democracies? Because he argues in his work that lobbying is a clearly rational answer for the lack of perfect knowledge.<sup>153</sup> As a consequence one could argue that imperfect information is a decisive fact within the European Union, and so, the hypothesis of Downs about the functioning of the democracies is strongly adaptable for the European Union.

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<sup>149</sup> DOWNS 1957. 139-140.

<sup>150</sup> DOWNS 1957. 139-140.

<sup>151</sup> DOWNS 1957. 140.

<sup>152</sup> HARDACRE 1.

<sup>153</sup> DOWNS 1957. 141.

Until now I have only cited the rational voter hypothesis from Downs but his theory about rational ignorance also plays an argumentative role against the current system of the European Union. In this theory, the crucial point is that if the information is costly – and within the world of imperfect knowledge it is – then *none of the voters will get all of the information* needed to decide which party he will choose and to decide how he can indirectly influence the governments' political activity. It derives from the fact that the possibility of one's vote decides the election is so low that it is not worth for the voter to get all of the information which is necessary to the voting.<sup>154</sup> In sum, for most of the voters it is irrational to collect political information to his vote. But it should not be seen as an “unpatriotic apathy” but as a “highly rational response to the facts of political life in a *large* democracy.”<sup>155</sup> The reason why I highlighted *large* is, that the European Union is exactly a *large democracy*. As a consequence it is “highly rational” for the citizens to stay uninformed about political issues because they have so limited opportunity to influence decisions that it is not worth for them to spend time and money for necessary information. But this fact leads to a paradox situation and proves again the ineffective answer of the EU for the legitimacy problem, because if citizens – assuming rational behaviour – do not want information about European issues, then their participation in decisions and hence legitimacy of those decisions will not rise.

### ***3.2.15. Summary of claims against the European Parliament***

In this chapter I tried to argue against the current system of the European Union – mainly against the European Parliament – and brought argumentation from different scholars to prove why the present status quo could not solve the problem of democratic deficit and thereby, the legitimacy crisis. Firstly I argued with the widely used fact against the EP namely that European elections are “second-ordered” national elections. EP elections are mainly

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<sup>154</sup> Downs 1957. 145-146.

<sup>155</sup> Downs 1957. 147.

about national issues, and carried out with the participation of national parties. Therefore, the European favour is completely missing from the agenda.

After that I collected the turnout data about the recent 2014 elections, because most of the scholars underpin the European Union's legitimacy crisis with the constantly plummeting participation data of the EP elections. At this time the turnout did not decrease, however, other problems appeared. Namely, the higher number of voters – mainly in Western-Europe – brought along the rising of anti-EU parties and the strengthening of radicalism and nationalism. In the “new” Member States turnout reached historical lows, which can be interpreted as another kind of euroscepticism too. In sum, the recent election brought higher turnout and higher nationalism at the same time.

In the middle of the chapter I introduced the European public sphere, or more precisely the lack of it. I tried to explain what do scholars refer to as public sphere, what kind of essential elements does it need and what does it look like in the European Union. Finally at this stage I also introduced what actions have been taken in the past decades striving for building out any kind of European identity and a European public sphere at the same time – and also examined why they did not succeed.

Finally, at the end of the chapter I used the public choice theory which is an economy-based perspective of political decisions and tried to explain the ineffectiveness of the European Parliament in the challenge against the democratic deficit. By the public choice I introduced why MEPs will not represent European but national interests in the parliament, and also argued with the rational ignorance hypothesis of Downs why the European citizen rationally do not want to get more information about European issues and thus, why the legitimacy crisis will live on .

The presented four different argumentations are strictly interconnected and interdependent. One explains the others but all of them underpin the complete ineffectiveness and incompetence of the European Parliament to tackle the democratic deficit problem in the current organizational and societal status quo. But because of the interests of all Member States the alteration of this

current status quo is inevitably needed, otherwise, the disintegration of the European Union will happen, bringing along unexpected and undesirable consequences.

#### **4. A new model for the resolution of the democratic deficit problem**

In the following, final chapter the pivot of my master's thesis, namely a model which derived from the previously introduced features of the current nature of the European integration will be introduced. This model tries to find solution for the discussed problems and tries to answer the question how could legitimacy be enhanced within a completely diverse society where rational behaviour dictates not to participate in political life. The argumentation of the model stems from different sources and has mainly been based on the public choice theory. Its most important characteristic is trying to accommodate to the given environment, namely to the eurorealistic approach, and striving for a solution within this challenging battlefield.

##### ***4.1.16. Players in the model***

In the followings I will take the hint of a famous economist, Hal R. Varian, who suggests to “keep it simple, [...]”<sup>156</sup> and I try to introduce the model simply as it is possible.

A model is always the simplified representation of reality.<sup>157</sup> Thus, the upcoming model merely tries to grab given elements and institutions from the recent organization structure of the European Union and to construct a reform based on them. It means that this model deals only with the European Parliament, the European Commission and the Council of Ministers, outlines a theoretical reform of their functions which could solve the democratic deficit and the legitimacy crisis simultaneously. Next to these institutions National

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<sup>156</sup> VARIAN R, Hal: How to Build and Economic Model in Your Spare Time? *Passion at Craft: Economists at Work*. Ed.: SZENDBERG Michael, University of Michigan Press, 1994. 4.

<sup>157</sup> VARIAN R. Hal: *Intermediate Microeconomics – A modern approach*. New York, W. W. Norton & Company, 2010, 1.

Parliaments play a significant role in the model and citizens of a Member State also cannot be excluded.

#### ***4.1.17. The idea behind the model***

The basic argument of the model's idea is based on the suggestion of Elinor Ostrom: "collaborative decision making works best when the group is small and homogenous"<sup>158</sup> The constitution of the model starts at this point when the idea came into existence that the complete settlement of the European Parliament and the involvement of the National Parliaments into the decision making could secure a more democratic system of the European Union. After the drafting of the idea other positive consequences appeared. With this reform, through the Europeanization of the national political life, the required European public sphere could be created.

In my point of view the biggest problems with the visions of different scholars or politicians who envisage solution reforms for the recent democratic deficit and legitimacy crisis are twofold. On the one hand these federal ideas<sup>159</sup> do not deal with the European circumstances. They neglect the fact that within the European Union culturally, socially completely different Member States live together which have waged war in 90% of the past centuries. The other neglected fact is – as introduced in the previous chapters –, that European citizens are those who do not care about Europe. They are interested only or mainly in everyday issues such as taxation, healthcare, unemployment or education which are dealt with by national governments and they do not want to assign these issues to the European level.<sup>160</sup> Within these circumstances any aggressive realization of a federal perspective is unfeasible and destructive,

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<sup>158</sup> OSTROM Elinor: *Governing the Commons*. New York, Cambridge University Press, 1994. quoted by IRVIN A. Renée – STANSBURY John: Citizen Participation in Decision Making: Is It Worth the Effort? *Public Administration Review*, 2004/64.

<sup>159</sup> BÖRZEL Tanja – RISSE Thomas: *Who is Afraid of a European Federation? How to Constitutionalise a Multi-Level Governance System?* Cambridge, Harvard Jean Monnet Working Paper, 2000.

<sup>160</sup> MORAVCSIK 2008. 336.

because it will only result – as it is visible in the recent election results - in the strengthening of nationalistic movements.<sup>161</sup> Instead, “if the democratic legitimacy of the EU cannot be enhanced either by the piecemeal measures tried so far, or by appealing to the federalist vision, then the only remaining possibility seems to be to reduce the mismatch between commitments and resources and to [...] give up the hopelessly outdated Monnet strategy,”<sup>162</sup> which strategy means the technocratic way of integration, but it cannot work in the times when the European Union has to face the democratic opinion.<sup>163</sup> In my point of view a step back is needed in the integration in order to achieve a higher level of it in the future.

The reasoning behind this step-back stems from the so-called boundary theory. In its explanation by Sarah Song the demos – in our case the group of citizens with European identity – is bounded by the territorial state.<sup>164</sup> The reasons are that the state is who can secure those substantive conditions which are basically necessary for a democracy and additionally, the state can serve as the primary site of solidarity which is conducive to democratic participation and finally the state can establish those clear links which are inevitably needed between the representatives and their voters.<sup>165</sup> If one accepts Song’s argumentation then it is clearly understandable why a European demos cannot be constructed between the given circumstances.

Currently the Member States are those who can secure the substantive conditions of democracy – the lack of a truly European election system proves that for instance –, or those who establish channels between the MEPs and voters – one can mention the inappropriate election system again. The implementation of a European public sphere within these circumstances is a difficult challenge, but it is not impossible. The Europeanization of the

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<sup>161</sup> AUER 2012.

<sup>162</sup> MAJONE 2010. 173.

<sup>163</sup> MAJONE 2010 159.

<sup>164</sup> SONG 58-60.

<sup>165</sup> SONG 60.

national public sphere exactly starts from this point, namely that citizens are strongly bonding to their own state because of cultural, linguistic and geographical reasons. Even so, through the media, Europeanization could come into existence. The more news appear about European issues in the national media, the stronger the European public sphere is.<sup>166</sup> Although it is questionable whether any kind of a European demos is desirable for the Member States, mainly for the smaller ones, or not. Namely the European Union gives the only chance for the small Member States to exist, because without this international entity they would have disappeared. However, as the members of the EU, they are rescued and can be prosperous, but in exchange they are passing the buck to the union and hold it responsible for the unpopular measures.<sup>167</sup>

To put it simply the idea of the model looks like these: *the elimination of the European Parliament and the assignment of its power to the National Parliaments can secure the necessary democratic accountability and the required legitimacy of European decisions. Furthermore, a European public sphere would come into existence as a side-effect – or call it spill-over effect – as a result of this reform through the Europeanization of the national public sphere. If a European public sphere already exists, then and only then is the effective performance of the European Parliament feasible and a federal leap forward also conceivable.*

#### **4.1.18. The operation of the model**

In the followings I introduce briefly – and concentrate only on the decision making – how the reform which is suggested by the model would operate between the actors, that is, what kind of division of power would be between the European Commission, the Council and the National Parliaments. As the most perverse idea, the European Parliament does not play any role in this structure because until a European public sphere does not exist the existence

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<sup>166</sup> SZABÓ 104-105.

<sup>167</sup> MILWARD



of the EP is completely unnecessary and only deepens democratic deficit problems as it was introduced. Instead of it, Member States and more precisely their National Parliaments would get more power to participate in the decision-making, because currently they are the most accountable democratic institutions in the European democracies.

The right to make proposals would stay by the European Commission, but it is important that this institution must be independent from any Member States and as it is now their, workers should disregard the interest of their national states.<sup>168</sup>

The drafted proposal outlined by the Commission would be sent out for all 28 National Parliaments which would bring reasoned decision. It means that a given Member State's parliament accepts the original form of the Commission's proposal without any observation; or denies it but in the latter case, it has to reason the decision and append the desirable modification to it.

After the decisions of the National Parliaments the amended drafts are submitted to the Council of Ministers where reconciliations between the Member States take place. In these debates ministers from a given Member State must represent the decision of his own parliament and not the interest of the government. It can secure democratic accountability which is currently missing from the EU decision making. Of course unanimity within these circumstances is not feasible, for that very reason it is not expected by the model. But this method – as a spill-over effect – would encourage Member States to co-operate and work out common agreements already at the point when National Parliaments get the Commission proposal and so, would strengthen the appearance of informal channels of reconciliations between the Member States. Nevertheless, the model does not assume that new fields of decisions would get into the Ordinary Legislative Procedure, which are

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<sup>168</sup> TROITINO 2013. 136.

currently there and those do not expect the unanimous voting of the Council, and because of this, it is not necessary in the model either.<sup>169</sup>

After the discussion about the 28 different drafts of the National Parliaments the Council of Ministers should decide about a single own proposal – it is suggested with a qualified majority – and then it would be handed in to the Commission. That would be the last element of the first round or name it – similarly to the current – first reading. An important feature is, that reconciliation in the Council is only possible in this first reading, thus, Member States should be more encouraged to find a common agreement at this point and make use of the instruments of co-operation.

If the draft proposal of the Council returns to the Commission, the latter revises it and prepares a final version which cannot contain new elements according to the Council's proposed one.

Then the final version would be forwarded to the National Parliaments which can only decide with a single yes or no and no more option exists to amend. If qualified majority of the parliaments voted the final proposal then legislation comes into existence and implementation by the Member States has to happen.

#### ***4.1.19. Overview and remarks for further research***

The introduced model naturally raises more and more issues, such as how this reform could be carried out by the Member States in the first place? Do they have enough competences and resources to implement such a reform? Would it be in the interest of the Member States to use this model? Or simply which countries would be in favour and which one against a reform? How could it be carried out within the framework of the Treaties? How would the spillover-effect – namely the Europeanization of the national public spheres, the appearance of informal channels of reconciliation between Member States – appear, if it would at all? Next to these side-effects what kind of negative consequences would emerge with the reform?

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<sup>169</sup> HARDACRE 151-154.

More and more questions, which can be answered only by a deeper research of this issue. In this master's thesis I could only examine the starting point of this model which is specifically the democratic deficit. In future research – which is projected – I will try to find answers for these questions and mostly I would like to answer them with the concept of the public choice theory. I also would like to use empirical evidences for instance in the case of the turnout at the EP elections, but also in connection with the voter-MEP relationship. In this future research I also would like to construct the operation of not only the European Commission, the Council and the National Parliaments, but on a wider spectrum examine how other institutions of the EU could be synchronized with this reform. Moreover, I would like to draft a thorough method in line with the decision making and other responsibilities of the EU. These are already so many questions that only a PhD dissertation would offer adequate frame for the correct correspondence to all of it.

## **5. Summary**

In this master's thesis I tried to create a model which may give an appropriate solution for the present democratic deficit problem within the European Union.

In order to achieve this goal first I had to define what democratic deficit is. According to it I used papers and researches of famous scholars of the given topic, namely the claims of Simon Hix and counter arguments from Andrew Moravcsik.

In the next part of the given chapter I examined why democratic deficit is a problem and what kind of consequences it has. To introduce this, I mostly cited Stillman, Majone and Tyler. With the help of their research I examined, firstly, what legitimacy means, what kind of elements it needs and what kind of impacts it has. Finally, at this part I also tried to define why the lack of legitimacy handled as a problem and why scholars speak about legitimacy crisis within the EU.

In the third chapter, I introduced the solution methods of the European Union, those measures which try to tackle the democratic deficit and legitimacy problems. Here, I examined measures which are often called “more Europe” concept by the scholars. As a part of this concept can be named the strengthening of the European Parliament.

In the next section of the third chapter I examined and tried to prove why the European Parliament and so, the given organizational structure of the EU cannot solve the democratic deficit problem and why does the current status quo serve the interest of the nation-states and strengthen nationalism rather than *europeanism*. To underpin these arguments I used the public choice theory and cited mainly Downs’ hypothesis about the political rationalism within a democracy.

In the final chapter, I introduced the model which tries to find a solution for the detailed problems. This model suggests a reform in the European Union’s organizational structure and based on the assumption that the settlement of the European Parliament and the assignment of its legislative power to the National Parliaments at the same time can secure a higher level of legitimacy and as a spill-over effect can construct a European public sphere which would be inevitably needed for the future operation of the EU.

At the end of this chapter I also defined those questions which emerged beside the model and adumbrate the framework of future research to answer these questions.

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