

# Normative Perspectives on European Governance: Technocracy v. Democracy?



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# Overview of the Lecture



- The Nature of the EU and its ‘democratic deficit’
- Democracy, the nation state and EU legitimacy
- The *practice* of democracy within states
- The Institutional Architecture of the EU
- Democratic practice in the EU
- The Role of the European Parliament
- EU Democracy beyond the EP
- EU Legitimacy beyond Democracy: Technocracy
- New perspectives after the Lisbon Treaty
- Lessons from the 2014 EP Elections

# The Nature of the European Union



- **Neither a state...**
  - No sovereign power
  - No control over territory
  - No *demos*
- **... nor an international organisation**
  - Law-making authority
  - Permanent limits to the power of states
  - Citizenship
  - Gradual sense of belonging among EU citizens
- **European integration situated conceptually between diplomacy, democracy and technocracy**
  - Integration goes 'too far' in terms of limits to state sovereignty
  - Integration does not go 'far enough' in terms of supranational democracy
  - Important parts of the European Union still rely on output legitimacy

# The European Union's 'Democratic Deficit'



- Implicit comparison between the EU and... what?
  - Nation-state
  - Ideal type of democratic arrangements
    - ✦ Majoritarian rule by 'the people'
    - ✦ Reliance of established processes (elections, parties, etc)
- These implicit assumptions might be questioned
  - Is the nation-state really the right reference point for analysing the EU?
  - Does democracy really operate as it should be?
- Need to explore both the nature of the EU and the nature of democracy before normative judgements about any 'deficit' can be made
- Important to recognize that EU legitimacy is not purely democratic, but also technocratic

# Democracy, nation-state and EU legitimacy



- Democracy implies the interaction between *demos* (the people) and *kratos* (power)
- (National) identity crucial to the establishment of the nation-state: link between community and government following the French Revolution
- Search for a European identity to replace national identities remains futile
- Critical questions about the capacity of the European Union to be democratic in the absence of a European people
- Attempts to re-conceptualise EU integration outside the traditional of the modern nation-state
  - Constitutional patriotism at the EU level (Habermas)
  - Recognition of a Europe of multiple *demos* – ‘demoicracy’ ?

# Democracy and the Nation-state



- **Unpacking ‘Democracy’ :**
  - Liberal? Constitutional?
  - Majoritarian?
  - Participatory/representative?
  - Deliberative?
- **The Limits of Democracy: checks and balances go beyond electoral politics**
  - Separation of powers
  - Role of (constitutional) courts
  - Multilevel systems
  - Independent agencies (e.g. banks, regulators)

# The *practice* of democracy within states



- Limits to majoritarian democracy are often accepted at the nation-state level
- ‘winner-takes-all’ -type elections can be very divisive
- Limits might become essential in cases where societal stability is seen to be fragile (divided societies)
  - Federalism
  - Consociationalism and other forms of elite rule
  - Reliance on other forms of legitimacy (e.g. charismatic leadership)

# The Institutional Architecture of the EU



# Democratic practice in the EU



- **Representative processes**
  - Multiple forms of representation
  - Citizens are being represented indirectly (Council) and directly (EP)
- **Hybrid nature of representation across the EU institutions**
  - Representation of states as equals in the Commission
  - Representation of states and people in the Council
  - Representation of people in the EP

# The Role of the EP



- Reflex to consider the EP as *the* way of democratising the EU
  - Powers of the EP have continually grown
    - ✦ Co-decision
    - ✦ Budgetary procedure
    - ✦ Commission appointment/election (enhanced post-Lisbon – might lead to genuine political competition for the Commission Presidency through partisan campaigning)
  - EP now in many ways equal of Council, and in some ways stronger than national parliaments
  - However,
    - ✦ Voter turn-out at elections low and declining
    - ✦ Lack of effective scrutiny of politics in the EP
    - ✦ Traditional lack of media attention to EP procedures
    - ✦ Other aspects of EU democracy matter too...

# EU Democracy beyond the EP



- Council is the second chamber of the EU legislature
  - Transparency of Council decision-making
    - ✦ Role of working groups, COREPER, A/B points
    - ✦ Pre-cooking of legislative decision-making by administrators
  - Scrutiny of member state interest representation in the Council at the national level
    - ✦ QMV makes effective scrutiny difficult
    - ✦ Role of national parliaments (e.g. Danish *Folketing*)
- Other ways of legitimating decision-making in the EU
  - EU as a ‘regulatory state’
  - Nature of EU decision-making as problem-solving, efficiency-oriented policy-making
  - Importance of *independence* of EU institutions from majoritarian and electoral politics
  - The value of deliberation in EU committees and other fora
- Accountability and legitimacy are generic concepts are better applied to the EU than traditional nation-state democracy

# EU Legitimacy beyond Democracy: Technocracy



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  - EU as a ‘regulatory state’
  - Nature of EU decision-making as problem-solving, efficiency-oriented policy-making
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# New perspectives after the Lisbon Treaty



- Further extension of the powers of the EP
- Changed majority voting procedures in the Council to take greater account of population size
- Reference in the treaty to both representative and participatory democracy
- Creation of new instruments to bring Europe ‘closer to the citizens’
  - European Citizen Initiative
  - Early Warning System allowing national parliaments to scrutinise EU draft legislation
- New election procedure for Commission President

# Lessons from the 2014 EP Elections



- Major political parties seize the initiative to nominate candidates for Commission presidency
- Series of debates among these leading candidates – *Spitzenkandidaten* in the German terminology – produces greater public awareness of the EU and its institutions
- Inter-institutional tensions after the elections between EP and state leaders in the European Council
- Success of EP in pushing through Jean-Claude Juncker as Commission President opens the door for new politics in the EU:
  - Closer cooperation between Commission and EP
  - Grand coalition between Christian-Democrats, Socialists and Liberals formalised
  - Foundations laid for more party politics and a more parliamentary EU
- Potential for future tensions between traditional technocratic legitimacy and the greater reliance on majoritarian democracy