

HOW TO HANDLE EU'S DEMOCRATIC DEFICIT - TWO DIFFERENT PERSPECTIVES.

by

Annette Zimmer, Westfälische Wilhelms-University, Münster

Comments to an essay by Vladimir Spidla, and an article by Karel Müller, both presented in the Dialogue and Debate section of CINEFOGO Newsletter, issue #6

Introduction The topic addressed by Vladimir Spidla and Karel Müller is closely related to the further integration and thus to the future of the European Union as a unique object to study that fascinates observers, scholars and policy experts alike. In the years to come, how will the EU manage to tackle those problems and difficulties that necessarily come along with processes of territorial growth and policy related expansion? Or to put it differently: How to keep the Europeans on board while the European Union is developing into a “super-power” that in contrast to traditional, nation-state based political entities is not backed by a shared identity and a common history.

Both articles ask the important question of how to increase the legitimacy of the European Union. Furthermore, both articles draw our attention to the nexus between legitimacy and democracy. Due to the notorious “democratic deficit” of the European Union this new and unique institutional arrangement suffers from a lack of legitimacy that increasingly stands in the way of the deepening and further integration of the European Union. Searching for an appropriate remedy to address the “lack of legitimacy”, the articles recommend two very different avenues for getting out of the dilemma. Vladimir Spidla strongly argues in favor of a strengthening of the European Parliament. He opts for a traditional way of tackling the so-called democratic deficit of the European Union, which increasingly seems to undermine the legitimacy of the European project. On the contrary Karel B. Müller puts his hopes in the growing importance of a European civil society that might provide avenues for both participation of European citizens and attuned deliberation of political issues by a European demos. In the following, I firstly will outline Spidla’s central arguments before turning to Müller’s concept of a European civil society of deliberation and participation.

Spidla’s perspective

In accordance with Andrew Moravcsik (2002), Vladimir Spidla argues that we should be careful with respect to our assessment of the so-called democratic deficit of the European Union. Convincingly, he localizes the “democratic deficit” discourse focusing on the European Union against the background of the most recent decades of European history that witnessed the breakdown of numerous authoritarian regimes, which were backed by the

Soviet Union. The crumbling of the Berlin Wall also put an end to a decisive period in European history in which the political project of a European Union was perceived as a major counteracting power against the menace of Soviet totalitarianism. As such the European Union for decades enjoyed a high degree of legitimacy for the countries behind the so-called Iron curtain.

Spidla's article also reminds us - the citizens of West-European countries - that the European project definitely used to be a "matter of the heart" because the European Union came into being right in the aftermath of the most destructive war in world history. Indeed, the first generation of modern Europeans after the Second World War laid the foundation of a European political community because they strongly believed that exclusively a unified Europe would provide an effective way to avoid the atrocities of the past. There was a European spirit and enthusiasm motivating the politicians and the people of Europe alike to embark on to the ambiguous and courageous project of unifying the citizens of the European nations, which had been so often at war with each other in the last centuries. In its very beginnings, Europe was a political project backed by strong beliefs that the European countries will exclusively flourish and prosper on the condition that the people of Europe will have the chance to come closer together, to learn from each other and to develop a spirit of community and European togetherness.

Comparing the European Union of today with the European Union of the decades following the Second World War, there are striking differences with respect to the size of the Union, the responsibilities of the European Institutions, the refinement of the European policy process and the role of the EU in international relations. However, the most obvious difference between the early years of the European Union and today is related to the fact that the enthusiasm of the post-war period has been replaced by a growing skepticism of the Europeans towards the European project. Particularly those European countries, more precisely some of their political leaders that benefited at least in economic terms significantly from the enlargement process of the European Union, developed an utmost critical attitude towards the European Union and its Institutions in Brussels. By referring to the European Union as an imperialistic power trying to hinder the new democracies on their way towards a coherent national identity, these leaders are indeed playing a dangerous game that does not only damage the legitimacy of the European Union but also endangers the further democratization of their home countries. Vladimir Spidla is completely right in questioning the legitimacy of such a populist approach that primarily aims at gaining elections at home.

Searching for an easy excuse for political difficulties, indeed failures at home, many political leaders all over Europe are in the meantime pointing to the deficiencies of the European Union, thus putting the legitimacy of the European project significantly at risk. There is no doubt that a way out of this dilemma by giving the discussion a new twist is closely linked to the topic of identity building. The question of how the Europeans might manage to make

Europe again a matter of their hearts should be high on the political agenda in every country of the Union. But currently we are quite remote from walking in this direction.

Vladimir Spidla refers to a further important factor that downsizes the legitimacy of the European project. From its very beginning, Europe has been a project designed and inaugurated by the elite. For a long time, European integration backed by top-down processes of decision-making and policy implementation was taken for granted by the majority of the Europeans. The French tradition of an enlightened bureaucracy working on behalf of the citizenry served as the blueprint and textbook example for Brussels and its Institutions, particularly for the institution building of the Commission. For sure it is a legitimate question to ask what makes a bureaucracy legitimate? Again for decades the Europeans did not perceive the central role of the Commission, a bureaucracy staffed by the elite of European professionals, threatening the European project. We have to remember that despite many difficulties and setbacks, the European project has been successful in many respects and particularly from an economic point of view. It was the famous “output-legitimacy”, a term designed by Fritz Scharpf (1973, 2007) who for the first time deliberating on democratic theory draw our attention to the fact that modern welfare states are legitimate because they are working for the well-being of their citizens. The output of the system in the sense of guaranteeing economic prosperity, a high quality of life and social benefits provides the legitimacy of modern welfare states and their bureaucracies. Hence it is the social democratic model of democracy (Schmidt 2006) that serves as a point of reference for the legitimacy of the bureaucratic superpower of the European Commission.

And indeed, from the very beginning an approach that combines the logic of the market with the concept of a benevolent state served as the very bedrock of the European integration process. With respect to the European Union there has never been any doubt that the market and thus fair competition provides the best avenue for the allocation of goods and services. At the same time, however, Brussels has always had an eye on avoiding that the market might negatively affect the everyday life of European citizens. What is often perceived as constituting an overload of regulation and bureaucracy, initiated by Brussels sometimes turns out to be a precautionary measure on behalf of the wellbeing of Europeans. There are many examples of EU regulations, put into practice with the aim of first and foremost safeguarding the wellbeing of Europeans. Cases in point are the obligatory introduction of catalytic converters in cars, REACH, the EU-regulation on chemicals and their safe use (see ec.europa.eu/environment) and the gender mainstreaming approach adopted by the EU in the early 2000 (Pollack/Hafner-Burton 2000).

It is true that the EU works on behalf of the European citizens heralding many laws and initiatives, which are innovative in the sense of protecting forthcoming generations. But it is

also true that Brussels constitutes the Mecca for lobbyism with thousands of representatives of companies, law firm and public affairs offices trying to influence the policy process and particularly the bureaucrats of the Commission because they are in charge of keeping the policy process going. Against the background that the majority of lobbyists, active in Brussels are on the pay roll of business enterprises, the scholarly discussions about the concept of a European Social Model are indeed scholarly discussions that stand out for their lack of realism. Doubtlessly the European project was set into motion and further developed by the liberal concept of a common market. The most powerful Directorate General of the Commission is the DG Competition protecting the market driven and hence the liberal model of a European Union. It is the overwhelming power of economic interests that makes us - the citizens of the European Union - uneasy with respect to the further development of Europe. We do not have the power to influence the Commission and its high level staff directly. But economic interests enjoy an easy access to the policy process. For sure, the preponderance of lobbyists and public affairs offices working on behalf of the business community do question the legitimacy of a powerful bureaucracy like the Commission that in Brussels works closely together with those representatives and hence lobbyists of the business world. As Vladimir Spidla rightly points out, it is not a good idea to replace bureaucrats by elected officials and hence to discharge the concept of the Commission. But what is needed in Brussels, according to his judgment, is a functioning system of checks and balances. The Commission needs a democratically legitimized counterweight that works on par with the Commission and the Council. As an aficionado of representative democracy, Vladimir Spidla speaks in favor of a strengthening of the European Parliament. His way-out of the legitimacy crisis is linked to a further parliamentarization of the European Union. Via the European Parliament he aims at improving the accountability of the European Institutions, first and foremost the accountability of the Commission.

The third point addressed by Spidla is related to the every day life of the Commission as a hard working bureaucracy producing numerous documents, recommendations and Green and White Papers. Due to his working experience as a Commissioner he is convinced that the Commission becomes increasingly detached from the real life of the Europeans. This development has much to do with the very special situation in Brussels. Since there is no embeddedness in a nation based political, social or economic environment, political life in Brussels seems to take place on a “planet” that is circling far out in the orbit of Europe. Political Brussels has created a special language, “Euro-talk” which is hard to understand in any of the European languages. Euro-talk is an outcome of Brussels bureaucratic elite that according to Spidla currently runs the risk of becoming increasingly “self-absorbed”. Therefore, he sees an urgent need to make European policy making understandable. According to his comment, the lack of transparency of the European policy process poses the greatest threat to the European integration process. If the Europeans are not able to understand

Europe, there is no way that they acknowledge the legitimacy of the European project and hence the European Union. Spidla's way out of this dilemma constitutes a "premium on openness" that he links to processes of selection and recruitment of personnel. Particularly the Commission should give high priority to the management of diversity. By democratizing the recruitment of the bureaucratic elite in Brussels Spidla aims at significantly improving the representativeness of policy making in Brussels.

Spidla also addresses the difficulties of the Commission to communicate its initiatives properly: European politics and policy are by and large poorly communicated to the local and community level of the European multi-level governance arrangement. Due to the fact that Brussels is primarily in touch with the national governments and bureaucracies there is a missing link of communication with respect to the European citizenry. Specifically this issue is addressed by Karel B. Müller who speaks in favor of the development of a "European civil society" that might be able to serve as a remedy of the democratic deficit and hence the legitimacy dilemma of the European Union.

The comments of Spidla and Müller have in common that they both – at least indirectly – address the need of the development of a European identity in the sense that Europeans are able to identify themselves with the European project. But the two comments address the need for identity building within the European Union from two very different perspectives. Vladimir Spidla develops his argument by referring to an institutional approach that he outlines against his background and day-to-day experience of a European Commissioner. He refers to the institutional set-up of the European Union and its multi-level character of policy-making that gives citizens a difficult time to understand what is going on in Brussels. Highly self-critical he points to the elite of Brussels professionals, the so-called "Eurocrats" and their "Euro-talk" who further add to the difficulty of making European policy and politics understandable.

Müller's perspective

Karel B. Müller, on the contrary, develops his argument against the background of the influential theory of communication, developed by Jürgen Habermas. What Europe needs according to his judgment is a truly European public sphere, which will provide the bedrock of a genuine European identity. Müller outlines that the lack of a European identity and hence legitimacy significantly contributes to the increasing distance between institutionalized Europe in Brussels and Strasbourg and everyday-life in the European countries. The European project suffers from a lack of a feeling of belonging and togetherness. For the majority of the European citizens it is no longer clear for what "Europe" stands. In other words, there is no social cohesion in Europe in the sense of stable patterns of cooperation and social relations which are backed by core sets of collective and thus shared norms and values. Indeed, what

Europe needs are focal points of reference and identification, a European identity serving as a frame of reference to which every citizen of the European countries is able to relate.

Doubtlessly, every European citizen will agree to this statement. But, the way out of the gridlock of a lack of a European identity that Karel B. Müller proposes in his comment is highly complicated, and it is furthermore related to numerous prerequisites. It seems very unrealistic that Müller's suggestions will have an impact by changing the real world of the European Union and its citizens.

What is needed in order to get the process of European integration going again is according to Müller a "European civil society" which strongly builds on a European public sphere that is hold together by a genuine European identity. Müller juxtaposes the European civil society, which still has to be developed with the "real" civil societies in the European countries. The European civil society constitutes a utopia in the sense that today we are just able to discuss the preconditions of the envisaged project as well as the obstacles and pitfalls which might get into the way of its realization. It's a brave new world of a genuine European civil society, presented by Karel B. Müller in his comment which does not address the issue of how and in which language the participants of the European civil society will communicate, which channels of identity building they will use, and first and foremost who might enjoy a privileged access to the European civil society, and who might be forced to stay out of the European civil society.

Comparison

The contrast to the down-to-earth suggestions and considerations put forward by Vladimir Spidla is striking. Müller makes numerous references with respect to what should be achieved and how the European civil society should work and function. From his point of view, the European identity sustained by the European civil society "should be seen as a complex of multiple positive identities, as a new enlightenment project, indeed, which encapsulates and attempts to overcome the biasness of national identities and national consciousness". Karel B. Müller envisages a European civil society without borders and beyond any national civic identity. However, in contrast to the very eloquent description of how we should envisage the European civil society, Müller does not go into detail with respect to the topic of how this brave new civil society will be achieved, what will be the driving forces, and who might be the losers and who the beneficiaries of the utopian project. The European civil society embedded in a European public sphere is conceptualized as a watchdog working "parallel to institutional mechanisms of political will formation". Interestingly enough, Müller allocates the responsibility for fostering the development of a European public sphere in which a European civil society will flourish into the hands of the European Institutions. Like the famous German Baron Münchhausen, who managed escaping from a swamp by pulling himself up by his own hair, Müller recommends that European "policies and politics should

strive to maintain and foster an environment which allows the reflexive and open identity formation.”

Hence Müller envisages a European civil society that is deeply embedded in the hearts of the European citizens and which is constituted by “networks of mobility, and flows and social communication”. However, the process of identity formation and hence the institutionalization of a genuine European civil society which definitely will go beyond the current situation in the European member states should be made possible by a top-down approach in which the European Institutions and hence Brussels will be responsible for setting up the parameters for safeguarding the wellbeing and formation of the European civil society project.

Summing up

Sorry, as a down to earth person I strongly sympathize with the point of view put forward by Vladimir Spidla. Karel B. Müller’s suggestions are far too post-modern and speculative for a political scientist working by and large empirically. Instead of focusing on the utopia of a European civil society it makes much more sense to take a closer look - as we did in CINEFOGO – at the richness of the civil societies in the European member states. Nevertheless, despite the ongoing research on civil society, the specific role and function of civil society organizations within the process of building a European identity has still to be investigated.

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