

Lund University
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Master of European Affairs: Thesis
Spring Semester 2006
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Why Unpopular?

*An Analysis of the Relative Low Level of
Popularity toward the European Union by
Its Citizens*

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Abstract

While the huge success of the European Union have, without doubt, drawn new attentions to several other exercises in regional integration in other parts of the world, the public popularity toward the European Union by its citizens is, ironically, at a relative low level – the support level of the membership is around 50 per cent with some yearly fluctuation as indicated by the Eurobarometer.

Thus, considered the unpopularity of the EU among its citizens as a ‘huge’ case, this study is aimed to give an answer to the benchmark question - in spite of the fact that the European Union is largely viewed as the most successful regional integration exercise/experiment in the world, why is it unpopular among its citizens? Based on Beetham and Lord’s three irreducible dimensions of legitimacy – performance, democracy, and identity, it is argued that successful performance, by itself, does not guarantee the legitimacy of, and thus the popularity toward, the EU – democracy and identity are, if not more important than, of equal importance.

Keywords: The European Union, Legitimacy, Performance, Democratic Deficit, Identity, Public Sphere

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1. Introduction

1.1 Benchmark question

'In spite of the fact that the European Union is largely viewed as the most successful regional integration exercise/experiment in the world, why is it unpopular among its citizens?'

Since 1950s, the Europeans, who had fought with each other two great wars in the space of the previous 40 years, have built a complex web of economic, political and social ties among themselves. Their huge successes have, beyond doubt, drawn new attentions to several other exercises in regional integration in other parts of the world, such as NAFTA, ASEAN, Mercosur, and the African Union.

However, the fact is, ironically, that the public support toward the European Union (EU) among its citizens does not enjoy a high level. According to Simon Hix and his figure (Hix, 2005: 150-151), as a result of the public interest in the '1992 project' – completing the single market by 1992, the 1980s has seen a steadily rise of public support for the Union, when peaked in the year 1991. However, during the process of ratifying the Maastricht Treaty, in 1992-1993, wide-spread opposition to the EU has emerged, especially manifested by the referendum results in France, Denmark and Ireland.

While in the Standard Eurobarometer of Spring, 2005 (EB 63), it is said that the feeling of European citizens belonging to the European Union has reached, once again, positive levels, with more than half of the people interviewed (54%) declaring that European Union membership is a good thing for their country, a not very high level but still among the most positive recorded over the last 10 years, the newer one (EB 64, see Appendix I) shows that the view that one country's membership to the European Union is a good thing has decreased, again, from 54% to 50%.

This study, therefore, tries to give an answer to the following question: in spite of the fact the European Union is largely viewed as the most successful regional integration exercise/experiment in the world, why is it, somehow even increasingly, unpopular among its citizens?

In an essay talking about the European constitutionalism, some wording by Weiler can,

in part, answer the above question. ‘The constitutional discipline which Europe demands of its constitutional actors...is in most respects indistinguishable from that which you would find in advanced federal states’, but ‘there remains one huge difference: Europe’s constitutional principles...are rooted in a framework which is altogether different’ (Weiler, in Weiler and Wind, eds. 2003: 8).

In federations, ‘the institutions of a federal state are situated in a constitutional framework which presupposes the existence of a constitutional demos, a single *pouvoir constituant* made up of the citizens of the federation in whose sovereignty...and by whose supreme authority the specific constitutional arrangement is rooted’ (ibid: 8). However, the fact of the EU is that while it has achieved ‘a veritably high level of material integration comparable only to that found in fully fledged federations’, it remains ‘at the same time – and in contrast with the experience of all such federations – powerful...member states’ (ibid: 10); that constitutional presupposition does not exist in Europe.

However, what is going to be presented in the following parts of the study as the answer to the benchmark question is from the legitimacy point of view. As explained by Beetham and Lord, there are irreducibly three dimensions to the legitimacy of the state in liberal democratic societies: performance in meeting the needs and values of the citizens; public control over political equality; and a sense of identity without which the legitimacy of the unit would be contested, however impeccable its procedures (Beetham and Lord, 1998; 2001; Beetham, 1991).

Therefore, regarding the question why the anti-Europe bottle has been uncorked while the Union performs successfully in its integration project, it is argued in this study that successful integration performance of the European Union in the performance (effectiveness) dimension could not compensate its relative low score in the procedure (democracy) and identity dimension, and nor does it guarantee and justify the legitimacy, and thus the popularity and/or support toward the Union by itself.

1.2 Plan of the study

The great advantage of the case study is, by Lijphart, that ‘by focusing on a single case, that case can be intensively examined even when the research resources at the investigator’s disposal are relatively limited’ (Lijphart, 1971).

Considering the unpopularity of the European Union among its citizens, on a whole, as a ‘huge’ case, the research project of this study is also within the field of a case-study: trying to give an answer to the study’s benchmark question by applying the existing legitimacy-related theories, especially Beetham and Lord’s three irreducible dimensions of legitimacy – performance, democracy, and identity (Beetham and Lord,

1998; 2001; Beetham, 1991).

1.3 Delimitations of the study

In this study, the relative low level of popularity toward the European Union by its citizens is, mainly, ascribed to its lack of legitimacy. Certainly, Weiler's 'Europe's constitutional *Sonderweg*' (Weiler, in Weiler and Wind, eds. 2003) mentioned in the preceding part, and other thoughts and/or movements, such as the xenophobia and the Euro-skepticism may also constitute, more or less, part of the answer to the benchmark question. However, further argumentation and discussion of them is, nevertheless, beyond the scope of this study.

As a case study in which 'a generalization is applied to a specific case with the aim of throwing light on the case rather than of improving the generalization in any way' (Lijphart, 1971), it is largely focused on analyzing, and therefore trying to give an answer to, the question of 'why' unpopular by applying Beetham and Lord's three dimensional legitimacy model (Beetham and Lord, 1998; 2001; Beetham, 1991), not that of 'how' to increase the popularity.

2. Theories

A preface of theories is suggested here, first, to define related terms and, second, to serve as the theoretical basis for the whole study.

2.1 Legitimacy

In simple words, legitimate means ‘rightful’ (Dobson and Weale, in Bomberg and Stubb, eds. 2003: 160). For Lipset, legitimacy ‘involves the capacity of the system to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society’ (Lipset, 1963: 77). Here, it, first, echoes with Weber’s idea about a ‘belief in legitimacy’ (Beetham, 1991: 8), depicting that a political system, or the relationship between the ruled and the rulers, is legitimate if the ruled perceive it to be so.

However, there also seems to be a difference between Lipset and Weber - while Lipset emphasis the ability of the particular system to uphold the belief of its legitimacy, the focus can also be fixed on the citizens or the ruled. As put by Linz, legitimacy is ‘based on the belief that for that particular country at that particular historical juncture no other type of regime could assure a more successful pursuit of collective goals’ (Linz, 1978: 18). Therefore, what matters is that ‘the institutions are thought to have the authority to make the rules (Dobson and Weale, in Bomberg and Stubb, eds. 2003: 160).

Moreover, regarding the term of ‘belief in legitimacy’, Beetham further argued that ‘a given power relationship is not legitimate because people believe in its legitimacy, but because it can be justified in terms of their beliefs – this may seem a fine distinction, but it is a fundamental one’ (Beetham, 1991: 11).

Or in other words, what is mistaken with that term, it could be said, is ‘to divorce people’s beliefs about legitimacy from their grounds or reasons for holding them; and these are to be found precisely in the actual characteristics of a regime, such as its conformity to their values, its ability to satisfy their interests, and so on’ (ibid: 10).

Thus, for power to be fully legitimate, then, ‘three conditions are required: its conformity to established rules; the justifiability of the rules by reference to shared beliefs; the express consent of the subordinate, or of the most significant among them,

to the particular relations of power’ (ibid: 16-20):

i) The first and most basic level of legitimacy is that of rules – power can be said to be legitimate in the first instance if it is acquired and exercised in accordance with established rules; ii) On its own, legal validity is insufficient to secure legitimacy – this involves the second level of legitimacy: power is legitimate to the extent that the rules of power can be justified in terms of beliefs shared by both dominate and subordinate; iii) The third level of legitimacy refers to the demonstrable expression of consent on the part of the subordinate to the particular power relation in which they are involved, through actions which provide evidence of consent.

Table 2.1 Different levels of legitimacy (*Resource: Beetham, 1991: 20*)

	Criteria of legitimacy	Form of non-legitimate power
i	conformity to rules (legal validity)	illegitimacy (breach of rules)
ii	justifiability of rules in terms of shared beliefs	legitimacy deficit (discrepancy between rules and supporting beliefs, absence of shared beliefs)
iii	legitimation through expressed consent	delegitimation (withdrawal of consent)

2.2 Legitimization

How can the objective of legitimacy be achieved? Generally speaking, presented by Dehousse, five different types of arguments are traditionally used to legitimize bureaucratic process (Dehousse, in Weiler and Wind, eds. 2003: 143-144).

- The ‘legislative mandate’ approach is the most traditional. Parliament is seen as the main repository of legitimacy and the administration must strive to achieve the objectives that are set in governing legislation.
- In the ‘accountability or control’ model, legitimacy is grounded in the fact that the administration is somehow under control, i.e. that it is held accountable for its decisions by a representative body (generally the legislature) or by courts.
- The ‘expertise’ claim stresses that, as a result of their technical character, many decisions cannot be taken by the legislature: expert judgment is needed to judge the respective merits of competing opinions and experts must be granted sufficient discretion.

- The ‘procedural’ approach emphasizes the fairness of decision-making processes. It demands that consideration be given to the interests of persons affected by administrative decisions. Procedures designed to associate such persons with decision-making process are, therefore, viewed as essential, leading to the adoption of rules guaranteeing transparency and participation or consultation rights.
- ‘Efficiency’ is also often claimed as a ground for legitimacy, particularly in recent times as the ability of government structures to deliver results is becoming increasingly important. Two meanings are of particular concern: decision-making efficiency, i.e. the ability to take decisions when needed and substantive efficiency, i.e. the ability to take the ‘right’ decisions.

2.3 Three irreducible categories of legitimacy

For a political system and/or regime to be legitimate, as explained and argued by Beetham and Lord (Beetham and Lord, 1998; 2001; Beetham, 1991), its citizens need to be convinced of three irreducible things: its performance, its democracy, and its identity.

The democratic elements could also be considered ‘input legitimacy’ of the system (Scharpf, 1997), that is, citizens need to be convinced that political authority is properly constituted and exercised. For the representative democracy, elections serve as its central mechanism, allowing voters to choose between rival agendas for public policies, between rival candidates for public offices and, more important, to throw the in-office public parties and/or leaders out as being less competent or less popular than the rivals. It is even argued that democracy only exists if there is a choice between competing policies and politicians, and if there is a reasonable chance of alteration in government (Schumpeter, 1943).

As ‘against those who equate legitimacy with stability or efficiency’, Beetham argued that ‘legitimacy should not be confused with the effects it produces on a system of power through the enhanced obedience of its subordinates’ (Beetham, 1991: 38). Yet, citizens would also expect the political entity and/or its institutions to perform reasonably well. However chosen, an entity will lose its legitimacy if it fails to deliver the basic needs, say, security and stability, for its citizens. By Lipset, ‘a breakdown of effectiveness, repeatedly or for a long period, will endanger even a legitimate system’s stability’ (Lipset, 1963: 80). For Scharpf, this constitutes the ‘output legitimacy’ (Scharpf, 1997). Thus to be legitimate, political entity must strive to satisfy its citizens’ expectations and be sufficiently effective in its performance.

Finally, argued by Beetham, when we seek to assess the legitimacy of a regime, a political system, or some other power relation, one thing we are doing is 'assessing how far it can be justified in terms of people's beliefs, how far it confirms to their values or standards, how far it satisfied the normative expectations they have of it - making an assessment of the degree of congruence, or lack of it, between a given system of power and the beliefs, values and expectations that provide its justification' (Beetham, 1991: 11).

Therefore, from the citizens' point of view, in a liberal democratic polity, they need to be assured not only that the system's institutions are 'right' and 'good', but also that they are 'theirs' – a sense of identity, in short, needs to be fostered if the polity is to be legitimate. This congruent part of legitimacy is 'partly a matter of whether citizens view the common institutions as 'ours', and partly a matter of whether they believe there is an 'us' to be served by the common institutions' (Dobson and Weale, in Bomberg and Stubb, eds. 2003:164-165).

What is followed, then, is a further study regarding the legitimacy, and especially its problems, of the European Union based on the three irreducible categories: the 'output legitimacy' (performance) dimension, the 'input legitimacy' (democracy) dimension, and the 'congruent legitimacy' (identity) dimension.

3. Analysis I ‘Output dimension’: performance and legitimacy

3.1 Performance and legitimacy

Theoretically speaking, written by Lipset, the stability of any given democracy depends ‘not only on economic development but also upon the effectiveness and the legitimacy of its political system’, and effectiveness means ‘actual performance, the extent to which the system satisfies the basic functions of government as most of the population and such powerful groups within it as big business or the armed force see them’ (Lipset, 1963:77).

Regarding the relationship between effectiveness/performance and legitimacy, he continued as ‘a breakdown of effectiveness, repeatedly or for a long period, will endanger even a legitimate system’s stability’ and, on the other hand, ‘prolonged effectiveness over a number of generations may give legitimacy to a political system; in the modern world, such effectiveness means primarily constant economic development’ (ibid: 80-82).

Specific to Europe, Majone had defined a term of ‘regulatory legitimacy’ in close relation to the performance/effectiveness of the EU (Majone, 1996). Though admitted that ‘the most persistent and fundamental criticisms of statutory regulation by independent agencies have been considered less with such technical problems than with normative issues of public accountability and democratic deficit’, the answer, argued by Majone, ultimately ‘depends on the model of democracy one adopts’ (ibid: 284).

According to the majoritarian model, the main if not the only source of legitimacy is accountability to voters or to their elected representatives, and measured by this standard, independent agencies can be seen only as constitutional anomalies which do not fit well into the traditional framework of controls, checks and balances. On the other hand, the non-majoritarian model is particularly concerned with protecting minorities from the ‘tyranny of majority’, and the judicial, the executive and the administrative functions from representative assemblies and from fickle mass opinion. Hence, instead of concentrating power in the hands of majority, it aims to limit and to disperse power among different institutions (ibid: 284-285).

Therefore, the European Union as a 'regulatory state' since it exhibits some of the features of statehood only in the important but limited area of economic and social regulations, and especially the European Commission as the independent regulatory body, belongs to the genus 'non-majoritarian institutions', that is, public institutions which, by design, are not directly accountable either to voters or to elected officials (ibid: 285-286).

To sum up, based on the above theories regarding the relationship between performance and/or effectiveness and legitimacy, the quite good performance and huge success of the European Union in the past 50 years, as it successfully avoided the armed conflict among the Europeans, increased trade and prosperity within the European area, and changed 'the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims' underlined by the Schuman Declaration, could countervail the fact how democratic, or otherwise legitimate, the EU is.

Thus, two interrelated factors referring to the quite good performance and huge success of the EU in the later half of 20th century are going to be suggested in the following section: its highest regional integration level and comprehensive governance.

3.2 Performance I: highest regional integration level of the EU

The creation of the European Union would, largely, go down in history as one of the most remarkable achievements of the twentieth century. After two great wars among themselves in just 40 years, Europeans finally sat down to design a system first aimed to make it unconceivable to ever take up arms against one another in the 1950s. Now, the European Union is the world's largest market and biggest trading bloc, has adopted a single currency, the euro, and is approaching, or at least has planted the seeds of, a political union.

The successful experiment of the regional integration in the Europe has drawn new attentions to several other exercises in regional integration in the other parts of the world, which are listed in the following table. The motives for all have largely been similar or the same - peace through cooperation, security from neighbouring or distant enemies, the creation of greater economic opportunities, shared values, convenience, efficiency, and the self-interests of the elites - but the levels of their success vary (McCormick, 2002: 18).

Table 3.2: *Main regional integration associations (Resource: McCormick, 2002:19)*

Europe	European Union (EU) (1951)
North America	North American Free Trade Agreement (NAFTA) (1994)
Latin America	Southern Core Common Market (Mercosur) (1991)
Asia	Association of Southeast Asian Nations (ASEAN) (1967)
Africa	African Union (2001)
Pacific Rim	Asia Pacific Economic Cooperation (APEC) (1989)
Middle East	Arab League (1945)

Like it or not, it is argued here that the European Union is the most successful regional integration exercise compared to all the others. And the ‘successfulness’, in this study, is, first, defined in terms of the integrative depth.

Highlighted by the classical economic theories regarding the levels of regional integration, it is categorized to: a) Free Trade Area (FTA): goods travel freely among member states, while these states retaining the authority to establish their own external trade policy such as tariffs, quotas, and non-tariff barriers towards third countries - NAFTA, as implied by its name, serves a good example of FTA; b) Custom Union (CU): in addition to ensuring free trade among its members, a CU has a common external tariff and a common commercial policy - the South America’s integration experiment, the Mercosur, established in 1991 by Argentina, Brazil, Paraguay and Uruguay, is at this level; c) Common Market: a further step providing the free movement of services, capital, and labor in addition to the free movement of goods; d) Economic and Monetary Union: a much deeper level with a single currency and the unification of monetary and fiscal policy (cf. *ibid*: 18-27).

The integration process of the Europe has gone through all the steps of the mentioned ‘trajectory’: beginning with the limited experiment of their coal and steel industries, the six founding members quickly agreed a common agricultural policy, a custom union and the beginning of a common market. The ‘1992 project’ or the single market programme, as designed to, propelled the EU to, finally, achieve a true internal market of goods, services, labor and capital. Outlined by the Maastricht Treaty, the EU’s plan to establish an EMU was successfully implemented according to its 3-stage timetable as the final stage launched in January 1999 and the euro banknotes and coins began to circulate in January 2002.

What’s more, underpinned by the evolution in the Common Security and Foreign Policy (CFSP) and European Security and Defence Policy (ESDP) area and the signature of the Constitutional Treaty, the European Union, which is, beyond doubt, at the deepest point of the economic integration level continuum, is now on its way, though, not smoothly, approaching a far more ambitious goal - the political union.

3.3 Performance II: comprehensive governance by the EU

The second indicator of the good performance dimension argued here is the comprehensive governance by the EU: parallel to the history of furthering the integration process by the European Union in the past half century is the continuous expansion of the agenda under the Union's governance.

Governance, in Bomberg and Stubb's words, means that 'established patterns of rule without an overall ruler' (Bomberg and Stubb, in Bomberg and Stubb, eds. 2003: 9). Moreover, 'even though there is no government, the EU undertakes the sort of activity that governments traditionally have done', and 'thus is said to be a system of governance without a government' (ibid).

3.3.1 Macro-level dimension

In the macro-level, the basic institutional quartet of the Union – the Commission, the Council, the European Parliament (EP) and the Court of Justice – produces, in general, five types of policy (Hix, 2005: 8-9):

Regulatory policies: rules on the free movements of goods, services, capital and persons in the single market, involving the harmonization of national production standards, such as environmental and social policies, and common competition policies.

Expenditure policies: policies involving the transfer of resources through the EU budget, including the Common Agriculture Policy (CAP), socio-economic and regional cohesion policies, and research and development policies.

Macroeconomic policies: policies pursued in EMU (Economic and Monetary Union), where the ECB (European Central Bank) manages the money supply and interest rate policy, while the Council pursuing exchange rate policy and the coordination and scrutiny of national tax and employment policies.

Citizen policies: rules to extend and protect the economic, political and social rights of the EU citizens, including cooperation in the field of justice and home affairs, such as common asylum and immigration policies.

Foreign policies: policies aimed at ensuring that the EU speaks with a single voice on the world stage, including trade policies, external economic relations, CFSP

(Common Foreign and Security Policy), and ESDP (European Security and Defence Policy).

Another two factors, based on Majone (1996), are also suggested to indicate the continuous expanding of the Union's governance agenda from quantitative and qualitative view.

First is the 'almost exponential growth of the number of directives and regulations produced by the Brussels authorities, on average, each year'. By the year 1970, the average was twenty-five directives and six hundred regulations per year; by 1975, the figure had risen to fifty and one thousand respectively; between 1985 and the early 1990s, eighty directives and one and a half thousand regulations per year (ibid: 57).

The other is the 'number of specialized Councils of Ministers, which rose from fourteen in 1984 to twenty-one in 1993' and 'of seven important areas current policy development – regional policy, research and technological development, environment, consumer protection, education, cultural and audiovisual policy, and health and safety at work – only the latter was mentioned in the Treaty of Rome' (ibid: 57-58).

With regards to the regulations by the specialized Council in a specific policy area, say, environment, while 'the first directives were for the most part concerned with product regulation, and hence could be justified by the need to prevent that national standards would create non-tariff barriers to the free movement of goods, later directives increasingly stressed process regulation, ... and thus aimed explicitly at environmental rather than free-trade objectives' (ibid: 58).

3.3.2 Practical level dimension

In the practical level, the EU's impact can be felt through several areas, at least, including:

Legislation: according to the doctrine of direct effect and supremacy asserted by the ECJ (European Court of Justice), EU legislations made under the authority of the treaties take precedence over the domestic law of the member states in case of a conflict between the national and EC law, and thus, have 'direct effect', that is, pass directly into the domestic law of the member states – individual citizens have rights under EU law that must be upheld by national courts (Hix, 2005: 121-123). Now, it is, generally, estimated that over 50 per cent of domestic legislation of the member states originates in or is linked to EU legislation (Bomberg and Stubb, in Bomberg and Stubb, eds. 2003: 6).

Currency: with the introduction of the banknotes and coins of the euro on 1 January,

2002, twelve national currencies, some even dating back several hundreds of years, ceased to circulate and were replaced by the single currency. Today, euro banknotes and coins are legal tender in 12 of the 25 EU member states, used by more than 300 million consumers within the euro zone while some other EU members, such as Denmark, Estonia, Latvia, Lithuania, Slovenia and Slovakia are members of the exchange rate mechanism II (ERM II), which means that their currencies are linked to the euro.

Aid: externally, the European Union and its member states are the world's largest donor of the development and humanitarian aids; internally, through, in Sbragia's words, the so-called 'market-correcting' policy, such as the Common Agriculture Policy (CAP) and Cohesion Policy (Sbragia, in Bomberg and Stubb, eds. 2003), the EU attempts to either compensate for the cost to particular groups imposed by the building of the markets, to channel or constrain the market itself, or to limit inequality.

4. Analysis II ‘Input dimension’: democratic deficit

The European Union, as mentioned in the preceding chapter, does score high in the performance and/or ‘output’ dimension, but could this constitute the whole story of ‘legitimacy’? Based on Beetham and Lord’s three irreducible factors - performance, democracy, and identity (Beetham and Lord, 1998; 2001; Beetham, 1991), it is argued here that successful integration and governance performance, by itself, does not guarantee the legitimacy of the EU, and that the Union, first of all, cannot be legitimate without democracy.

4.1 Lipset and Majone: performance and legitimacy rethinking

Although admitting the important role of performance in defining and constituting the legitimacy of a political entity, Lipset (1963), at the same time, argued that ‘in general, even when the political system is reasonably effective, if at any time the status of major conservative group is threatened, or if access to politics is denied to emerging groups at crucial periods, the system’s legitimacy will remain in question’ (Lipset, 1963: 80).

The second type of the loss of legitimacy, which is more related to this study, can also be conceptualized in terms of ‘the ways in which different societies handle the ‘entry into politics’ crisis – the decision as to when new social groups shall obtain access to the political process’ (ibid: 79) – echoing the so-called ‘democratic deficit’ that has long haunted the EU.

For Majone, the problem of a ‘democratic deficit’, based on the term of ‘regulative legitimacy’ (Majone, 1996) as the EU is less a European welfare state than a regulatory one where non-majoritarian rules should be applied, is rather a ‘credibility crisis’ (Majone, 2000). However, there also seems to be some problems with his argument.

The central part, in a more detailed way, of Majone’s ‘regulative legitimacy’ literature is that the EU is essentially a ‘regulatory state’ that does not engage in redistributive

and/or value-allocative policies and that because the regulatory policies are more Pareto-efficiency than distributive and/or redistributive, EU policy-making is, at least to some extent, reasonable to be isolated from the standard process of democratic politics (Majone, 1996). But what is left with the argument as the EU now enjoys the competencies over distributive and/or redistributive dimension of regulating, i.e. the regional cohesion policy, and produces more policies other than the regulatory ones, i.e. foreign and security policy?

4.2 Democratic deficit and the European Parliament

4.2.1 Democratic deficit

The term ‘democratic deficit’ is, undoubtedly, haunted with the EU. From Beetham and Lord’s perspective, it seem to be over-simplified to agree that ‘where the legitimacy of state power is complex and multidimensional (performance, democracy and identity), Union legitimacy is regarded as simple and one-dimensional (efficient production of useful policy outputs)...where the legitimacy of state government is in need of regular renewal, Union legitimacy is thought to be open to deferred gratification, with tricky problems of democratization and identity formation’ (Beetham and Lord, 2001).

As mentioned in the preceding chapter, elections serve as the central mechanism of the liberal/representative democracy, allowing voters to choose between rival agendas for public policies, between rival candidates for public offices and, more important, to throw the public in-officers out as being less competent or less popular than the rivals. For Schumpeter (Schumpeter, 1943), democracy only exists if there is a choice between competing policies and politicians, and if there is a reasonable chance of alteration in government. Argued by Bauman, the goal of liberal democracy is not only ‘a kind of society that allows states to run its business’ but also ‘a kind of society which is capable of seeing to it that the state’s business is run properly’ (Bauman, 1999).

At the domestic level in the Europe, parties and elections operate hand in hand in the competitive democratic government model – competition over public policies and for public offices combined together. At the European level, although European-wide direct elections for the European Parliament (EP) are held every five years, the party groups in the EP, to some extent, serve as a first step of establishing a European party system, and the EP itself has seen dramatic power increase from 1980s vis-à-vis the Commission and the Council, the democratic elements in the EU still remain some way off.

Regarding the emerging groups depicted by Lipset (Lipset, 1963), as the EU institutions have taken on comprehensive powers of governance, there does exist an increasing number of groups attempting to realize their political desires through the EU system, ranging from individual corporations to business associations, trade unions, environment groups and regional/national political organizations. But the question is not only what they do or what they say but also what they are – to what extent they can be called pan-European organized groups based on, and therefore seeking, pan-European interests.

In sum, according to Hix (Hix, 2005: 177-178), the current ‘standard version’ of the democratic deficit of the EU involves five main claims:

- Increased executive power/decreased national parliamentary control: EU decisions are made primarily by executive actors – the Commission and national ministers in the Council, meaning a reduction of the power of national parliaments as governments can either ignore them while making decisions in Brussels or be out-voted by the QMV (Qualified Majority Voting) where it is applied.
- The European Parliament is too weak: power increase of the EP is not enough to compensate the loss of national parliament control and the Council still more or less has the final say on the passing of the EU’s legislation.
- No ‘European’ elections: national elections are fought on domestic rather than European issues while the EP elections, treated as mid-term national contest, are less about Europe either.
- The EU is too distant: citizens cannot understand the EU – the Commission is somehow neither a government nor a bureaucracy while the Council more or less legislates secretly.
- Policy drift: as a result of all these factors, it is of large possibility that EU adopts policies that are not supported by a majority of the citizens.

4.2.2 Power evolutions and remaining questions of the European Parliament

For many commentators concerning the problem of democratic deficit, it is generally argued that the European Parliament (EP) should be given greater powers in the EU legislative process vis-à-vis the Council and the selection of the EU executives. True,

through a series of treaty-based institutional reforms, the EP has seen a dramatic power increase since its first direct elections in 1979.

A general chronology of the power evolution of the European Parliament can be perceived as:

Originally, in the early 1950s when the ECSC (European Coal and Steel Community) was created, the only significant power of the parliamentary body, known as the Common Assembly, was that of supervising the ECSC High Authority, with the right to dismiss the entire body by a two-thirds majority of the votes cast.

By the Treaty of Rome, the Parliament was first given formal power in the legislative process - a consultation procedure under which it was allowed to give a non-binding opinion to the Council before passing a new legislation in certain issue areas such as transport policies, citizenship policies, and amendments to the treaties.

The SEA (Single European Act) introduced a cooperation procedure which gave the Parliament the second reading of proposed legislations being considered by the Council in, notably, those aspects relating to economic and monetary policies.

The Maastricht Treaty extended the rights of the Parliament substantially. It gave the EP the right to vote on the Commission before it took office, extended its formal powers of control by providing for the establishment of committees of inquiry, empowered it to appoint a European Ombudsman, and made formal provision for the Parliament to invite the Commission to present a legislative proposal.

Most importantly, Maastricht created a new and transformational procedure, namely the co-decision procedure, which provides for joint decision-making and direct negotiations between the Parliament and the Council as well as the possibility for the Parliament to reject draft legislation if such negotiations fail. In such context, the EP and Council are literally and legally equal co-legislators.

With the Treaty of Amsterdam coming into force, the power of the EP was increased, again, significantly. The cooperation procedure was abolished on everything except certain issues in relation to the Economic and Monetary Union and the number of areas to which the co-decision procedure is applied increased, now including, among others, public health, the structural funds, transport policies, education, consumer protection, and the environment.

At a first glance, the problem of democratic deficit seems to have been somehow overcome due to this power evolution. However, referring to Bauman's words about democracy mentioned above, a genuine entity of democracy requires more than what the rules or procedures implies; it also requires that what real happens in the system be complied with the democratic elements - some problems are argued as follows.

For the EU citizens, according to the Eurobarometer 63 (EB 63, 2005, see Appendix II), while 53% of respondents are satisfied with the way democracy works in their country, the percentage of respondents satisfied with the way democracy works in the European Union is lower at 49%. Moreover, it should also be noticed that more than one third of respondents declare that they are dissatisfied (35%) and, simultaneously, 17% are undecided, which is at its highest ever recorded level by the graph.

For the European Parliament, at least, the political parties should compete in EP elections over issues in EU policy agendas. But, the question is, as put forward by some scholars (Hix, 2005), that the elections and/or re-elections of an individual MEP are largely not fought on the European issues. Thus, a natural result would be that the election campaigns are by national parties and on national issues, which is largely determined by his or her national party's popularity in the domestic level rather than his or her party group in the EP, calling MEPs catering to the national party's interests, which is inevitably based on national-level not EU as a whole.

What's more, it is even argued, by Dehousse (Dehousse, in Weiler and Wind, 2003: 136-138), that applying the parliamentary control and/or democratic mandate model under which the role of the EP is emphasized is, however, 'problematic' as the model is 'analytically weak and normatively ill-adapted to the specificity of the European Union'.

First, this model, as is used in discussions on the EU's legitimacy, often seems to 'have more to do with eighteenth-century models of democracy than with the governance of complex post-industrial societies'. Second, since 'failing to take account of the many problems this form of government has been confronted with at the national level', it seems to be more problematic in the context of the EU's complex multi-level governance system – the complexity of the EU requires a redefinition of the traditional role of the parliament.

From a normative standpoint, it is also problematic because 'its use often rests on an implicit assumption: if it works at home, it will also work at the European level'. This, however, 'fails to take into consideration the fact that moving from the national to the supranational level entails a change in the level of analysis'. The European Union is, nevertheless, not a state but a hybrid political system of national and supranational governance, and the development of a European-wide democratic debate is, at least, hampered by the absence of a common European language and of a pan-European media.

To be concluded, the integration process does can be credited with, and legitimized by, a number of benefits from the successful performance in the regulative aspects – peace and prosperity usually serving as the core – but due to the fact that now it has been clear that the decisions and legislations adopted at the European level

increasingly influence people's life, legitimization by the output dimension is not enough. As more and more people want a say in various areas of policy choices, especially the ones which affect their destinies, calls for the need of input-based legitimacy has been, naturally, intensified.

The power evolutions of the European Parliament does, at least to some extent, water down the problem of the so-called 'democratic deficit', but, as mentioned above, some practical and normative problems have, somehow, limited its role – the problem remains, more or less, unresolved.

Moreover, by Dehousse (Dehousse, 1995), the lack of a collective European identity makes it difficult to believe that minorities would easily accept that their fate be decided against their will and thus the representative democracy system in which decisions are taken by the majority of people is difficult to conceive – identity seems to be a prerequisite of the democracy in this sense, and the following chapter would have a detailed discussion on identity related issues.

5. Analysis III ‘Congruent factor’: identity

According to Beetham, when we seek to assess the legitimacy of a regime, a political system, or some other power relation, one thing we are doing is ‘assessing how far it can be justified in terms of people’s beliefs, how far it confirms to their values or standards, how far it satisfied the normative expectations they have of it - making an assessment of the degree of congruence, or lack of it, between a given system of power and the beliefs, values and expectations that provide its justification’ (Beetham, 1991: 11).

5.1 Identity as the congruent factor in the EU’s context

Theoretically, by Haas, political integration is ‘the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities toward a new center, whose institutions possess or demand jurisdiction over the pre-existing national states’ (Haas, 1968: 16). And for the ‘loyalties’, he defined as a population is ‘loyal to a set of symbols and institutions when it habitually and predictability over long periods obeys the injunctions of their authority and turns to them for the satisfaction of important expectation’ (ibid: 5).

However, though not dismissing the significance of the role of loyalty and identity in the integration process, it is argued here that it seems to remain as an open question in Haas’s definition that to which extent the loyalties and identities of the actors would shift from the national to the European level.

From Deutsch’s perspective (Deutsch, et al., 1957), integration means the attainment, within a territory, of a sense of community and of institutions and practices strong enough and widespread enough to assure, for a long time, dependable expectations of peaceful change among its population. Meanwhile, Deutsch, and his collaborators as well, also suggests that increasing density of social exchange among individuals over prolonged periods of time would lead to the development of new communities with shared identity, and, ultimately, to the creation of a super-state with centralized institutions.

While agreeing with Deutsch’s integration theory based on the ‘transactionalism’ and his concerns with the formation of communities and identities, as social exchanges across borders drives integration process as well as generates social demands for

supranational rules, it should also be noticed that the process of identity and single-state formation may not seem as 'natural' as Deutsch's theory implies.

As mentioned in the theoretical chapter, the identity dimension of legitimacy is 'partly a matter of whether citizens view the common institutions as 'ours', and partly a matter of whether they believe there is an 'us' to be served by the common institutions' (Dobson and Weale, in Bomberg and Stubb, eds. 2003:164-165).

For the 'institutions', as it has been increasingly clear that the decisions and legislations adopted at the European level influence the daily life of the Europeans in an increasing number of ways, the years of the so-called 'permissive consensus' that provided political leaders and other social elites with considerable latitude in carrying out and promoting the European project (Lindberg and Scheingold, 1970) have passed – more and more people want a say in the policy choices which would affect their destinies.

However, due to the problems of 'democracy', as argued in the preceding section, it seems uneasy for the EU citizens to form a sense of 'ownership' over the policies and thus the institutions. According to the Eurobarometer 63 (EB 63, 2005), a majority of the European citizens (53%) consider that their voice does not count in the European Union, while only 38% take the opposite view, and, moreover, there seems no real difference between the old and new Member States in this respect.

For the 'citizens', though the Maastricht Treaty stated that every citizen of an EU member state a 'citizen of the EU', it seems, from the practical view, to have done little in engendering a greater sense of belonging or identity toward the Union. For instance, while the Article 20 of the EC Treaty reads that 'every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State', the documents to implement this right are, according to the Commission (2001f), still not legally in force because certain Member States have failed to introduce the necessary legislation at national level.

Additionally, argued by Lipset, a major test of legitimacy is 'the extent to which given nations have developed a common 'secular political culture', mainly national rituals and holidays' (Lipset, 1963: 80). Though possessing such European symbols as the European day and the European flag, a somehow more painful fact is that the average Europeans knows little about and even cannot understand the EU. The knowledge deficit, as defined here, is argued to enjoy, if not more important than, equal importance with the democratic deficit in analyzing the legitimacy and thus low public popularity problem.

For many years, the Eurobarometer has in its survey asked European Union citizens to

assess their own level of knowledge of the European Union, its policies and its institutions - respondents are asked to give themselves a score out of 10, with 10 meaning they knew a great deal and 1 meaning they knew little. Indicated by the EB 63 (EB 63, 2005, see Appendix III), a majority of the respondents (51%) position themselves between levels 3 and 5, considering, therefore, that they know relatively little about the European Union, 27% of the respondents rate their knowledge at a level of between 6 and 8, and only 2% consider that they know a great deal about the European Union (scores 9 and 10) while the percentage of interviewees who consider that they know (almost) nothing at all (scores 1 and 2) is 19% - relative stable in recent years.

5.2 European public sphere: fostering identity

Not long ago, European leaders proudly announced the goal of creating an 'ever closer union' and an 'area of freedom, security and justice'. However, the term of 'ever closer union' requires, essentially, a feeling that there is a 'we' of the Union and that the Union belongs to an 'us'. In Eder and Trenz's words, this 'was to be based upon the principles of transparency and democratic control, as well as upon an open dialogue with civil society in order to strengthen the acceptance and support of citizens' (Eder and Trenz, in Kohler-Koch eds. 2003: 113).

Therefore, with the aim to assure interested persons being given the opportunities to express their views and opinions on the items of EU agenda and public hearings being envisaged for matters of particular importance and interests, and thus fostering the identical feeling that 'we' have the ownership of the Union and its institutions that are serving 'us', the European public sphere model is suggested in this study.

Explained by Dalton and Eichenberg (Dalton and Eichenberg, in Sandholtz and Stone Sweet, eds. 1998), public opinion has grown from a relative minor role in the integration process to a principal focus of political and scholarly attentions in the recent years and two factors have, in particular, contributed to the increased awareness of its significance.

First, as the integration process has furthered into a stage that the EU's policies are no longer a policy domain that is distant from the everyday life of the European citizens, this expanded the role of public opinion. Similar to the formation and implementation of domestic policies, the EU policies should involve public debate about the political and policy choices confronted by each member states and its citizens. And, today, 'public opinion (and the positions of other national and transnational actors) is politically relevant in determining the activities of the EU politics of the member states to a degree that violates a simple intergovernmental model of the integration process' (ibid: 251).

Second, public opinion also plays a role in moving the integration process along the continuum from intergovernmentalism to supranationalism since the public's political and policy preference could have a major influence on which policy areas are acceptable, or unacceptable, by the citizens for further integration efforts. 'When there is permissive consensus or positive support, national governments are more able to endorse European action. When the publics of the member states disagree, this is likely to retard further integration' (ibid: 251).

As argued by Eder and Trenz (Eder and Trenz, in Kohler-Koch, eds. 2003), there seems to be a structural basis for engendering and/or evolving a European public space inherent with the differentiated structure of multi-level governance system of the EU itself because:

'The loose coupling between different arenas of policy-making in compounded European polity creates grey zones of partial overlap where the institutional grip of the different levels of decision-making is overdetermined. This is where non-institutionalized social action comes in. A semi-political class and a semi-public emerge, which occupy these spaces. The social relations (or networks) which emerge in these spaces go unnoticed by political institutions until the actors in these spaces go public. Thus, positions for observing institutions can be established (and even institutionalized) that are autonomous from the national as well as from the supra-national (i.e. European) institutional space' (ibid: 117).

Furthermore, Eder and Trenz (ibid: 119-120) have also differentiated four different types, as demonstrated by the following table, of European public spheres based on two factors, which in their words shape the so-called 'transnational resonance', 1) the communicative responsiveness of institutions and 2) the amount of claims making by social actors addressing these institutions.

Table 5.2 Different types of European public spheres (*Resource: Eder and Trenz, in Kohler-Koch, eds. 2003: 119*)

Civic voicing	Institutional responsiveness	
	+	-
+	(a) The 'postclassic modern public sphere' (cooperative games between institutions and civil society)	(b) The 'classic modern public sphere' (beleaguering of institutions by civil society)
-	(c) The 'manipulated public sphere' (civil society becoming the object of symbolic politics)	(d) The 'indifferent public sphere' (the permissive consensus of civil society)

While the type (d) largely reflects the situation in the years of the so-called 'permissive consensus', type (b) and (c) also have their own problems, namely, 'non-responsive' institutional settings and 'negative' civic resonance in their respective. Type (a) is argued to be the ideal-typical one as it, more or less, indicates that there exists a group of transnational citizens who have an equal and widespread level of communicative competence with easy access to the news and policy agenda of the Union while the institutions are of great responsiveness or anticipativeness, providing sufficient background knowledge which would otherwise not let the citizens make sense of the EU's policy options and debates and reason-giving for the final decisions.

Being an interactive, and even competitive, public sphere between the civic voices and institutional responsiveness as underlined by the type (a) of the European public sphere, it is further argued here that a deliberative democracy model should be its prerequisite - an analytical perspective that is particularly conducive to the study of the role and the salience of the public sphere in complex systems of action (Eriksen and Fossum, eds. 2000).

Deliberation, in short, means public discussion. Thus, the national referendum on the European issues can be perceived, at least to some extent, to meet this standard. However, the problem is that from the view of the different stages of legislative or decision process, they are most, if not all, at the ratification stage - no matter on the issue of membership or amendment of a treaty - not at the agenda-setting and/or decision-making phase, just a take-it-or-leave-it choice.

In fact, this is what a strong public and general public, and a genuine deliberative democracy model or not, differentiates - the former referring to a sphere of institutionalized deliberation and decision-making while the latter to a sphere of opinion formation, without the decision-making power (ibid).

For Eder and Trenz, "dramatized" European politics becomes a media event followed by a media public' (Eder and Trenz, in Kohler-Koch, eds. 2003: 120). Therefore, a pan-European media seems to be the first step to establish the deliberative democracy model, and thus engendering the European-wide public sphere and fostering a collective European identity. Argued by Schlesinger and Kevin (Schlesinger and Kevin, in Eriksen and Fossum, eds. 2000), there does exist certain potential space for the creation of collective identity through the pan-European press and media based on English as lingua franca - the poly-lingual TV-channel 'Euronews' operates on a large scale. In addition, *The Financial Times*, *The Economist*, BBC World, Deutsche Welle, and, not least, the Internet create the audio-visual spaces in Europe that are conducive to a European identity.

Though seeming to be an egg-or-chicken question, it is argued by Eriksen and Fossum

(Eriksen and Fossum, eds. 2000) that it is also important to recall that the public sphere at the national level was not developed prior to the establishment of government, but arose in opposition to the state-based authority. It was a consequence of constitutionally actionable entitlements, i.e. citizens were endowed with rights that could be used against absolute power. The public sphere developed around and in opposition to decision-making centers. It is not something prior to such centers. However, no matter what is argued, it still remains true that through the creation of a European-wide public sphere, there would be a distinctive European identity.

Conclusion

As highlighted by the Schuman Declaration to ‘change the destinies of those regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims’, six governments, moved by the hope for enduring peace in a prosperous Europe, established the European Community in 1957 by signing the Treaty of Rome.

Half a century later, the Community/Union has developed into something more than an international pact among nation-state governments. In fact, it is now commonplace to compare the Treaty of Rome to a constitution, and to refer to the Community/Union in terms that imply an analogy with nation-states (Sandholtz and Stone Sweet, eds. 1998).

Having built a complex web of economic, political and social ties among themselves, the huge successes of the Europeans would, largely, go down the history as one of the most remarkable achievements of the twentieth century, and have, beyond doubt, drawn new attentions to several other exercises in regional integration in other parts of the world, such as NAFTA, ASEAN, Mercosur, and the African Union.

However, the public popularity toward the European Union by its citizens is, somehow ironically, at a relative low level. Demonstrated by the standard Eurobarometer (see Appendix I), the level of the respondents who conceive their country’s membership to the European Union is a good thing is relative stable at around 50 per cent with some yearly fluctuation.

Thus, considered the unpopularity of the European Union among its citizens, on a whole, as a ‘huge’ case, the research project of this study can be viewed as belonging to the filed of case-study: trying to give an answer to the study’s benchmark question - in spite of the fact that the European Union is largely viewed as the most successful regional integration exercise/experiment in the world, why is it unpopular among its citizens - by applying the existing legitimacy-related theories, especially Beetham and Lord’s three irreducible dimensions of legitimacy – performance, democracy, and identity (Beetham and Lord, 1998; 2001; Beetham, 1991).

From the performance’s perspective, the European Union does score well. At the highest degree along the continuum of the regional integration process, the integration process of the Europe has gone through all the steps of the main ‘trajectory’: beginning with the limited experiment of their coal and steel industries, the six

founding members quickly agreed a common agricultural policy, a custom union and the beginning of a common market. The '1992 project' or the single market programme, as designed to, propelled the EU to, finally, achieve a true internal market of goods, services, labor and capital. Outlined by the Maastricht Treaty, the EU's plan to establish an EMU was successfully implemented according to its 3-stage timetable as the final stage launched in January 1999 and the euro banknotes and coins began to circulate in January 2002.

Meanwhile, parallel to the history of furthering the integration process by the European Union in the past half century is the continuous expansion of the agenda under the Union's governance, which can be conceived from both macro and practical dimension.

However, although the integration process does can be credited with, and legitimized by, a number of benefits from the successful performance in the regulative aspects – peace and prosperity usually serving as the core – but due to the fact that now it has been clear that the EU's policies are no longer the domain distant from the citizens and that the decisions and legislations adopted at the European level increasingly influence people's life, legitimization by the output dimension is not enough. As more and more people want a say in various areas of policy choices, especially the ones which affect their destinies, calls for the need of input-based legitimacy has been, naturally, intensified.

The term 'democratic deficit' is, undoubtedly, haunted with the European Union. At the domestic level in the Europe, parties and elections operate hand in hand in the competitive democratic government model – competition over public policies and for public offices combined together. At the European level, the democratic elements of the EU still remain some way off. For Hix (Hix, 2005: 177-178), the so-called 'democratic deficit' involves: 1) increased executive power/decreased national parliamentary control; 2) the European Parliament is too weak; 3) no 'European' elections; 4) the EU is too distant; and 5) policy drift.

For many commentators concerning the problem of democratic deficit, it is generally conceived that the European Parliament (EP) is at the core of its solution and that it should be given greater powers in the EU legislative process vis-à-vis the Council and the selection of the EU executives. But, while the power evolutions of the European Parliament does, at least to some extent, water down the problem, some inherently practical and normative problems of the EP - especially, as argued in preceding section, first, its elections are not fought genuinely on European issues, and second, the parliamentary control model in the national level may not transfer mechanically to, or even not fit with, the European level - have, somehow, limited its role. The 'democracy' problem remains, more or less, unresolved.

Furthermore, from the citizens' point of view, for a political regime and/or system to

be legitimate, they need to be assured not only that the system's institutions are 'right' and 'good', but that they are 'theirs' as well – an identical feeling that there is a 'we' processing the ownership of 'our' institutions whose policies are perceived as serving 'us' need to be fostered.

A European-wide public sphere based on the deliberative democracy model is suggested in this study to culture the collective identity. While Eder and Trenz (Eder and Trenz, in Kohler-Koch, eds. 2003) depicts a structural basis for engendering and/or evolving a European public space inherent with the differentiated structure of multi-level governance system of the EU itself, a pan-European press and media, as argued by Schlesinger and Kevin (Schlesinger and Kevin, in Eriksen and Fossum, eds. 2000), is potentially to create the audio-visual spaces in Europe that are conducive to a European identity.

Though, explained by Dobson and Weale (Dobson and Weale, in Bomberg and Stubb, eds. 2003: 165), 'meeting the individual requirements of democracy, performance, and identity can be tricky enough' and 'supranational systems of governance like the EU thus pose a dilemma for their citizens, as gains in substantive (performance) legitimacy may be at the cost of losses in procedural (democratic) legitimacy', yet, it is also true, as argued in this study, successful performance, by itself, does not guarantee the legitimacy of, and thus the popularity toward, the EU – democracy and identity are, if not more important than, of equal importance.

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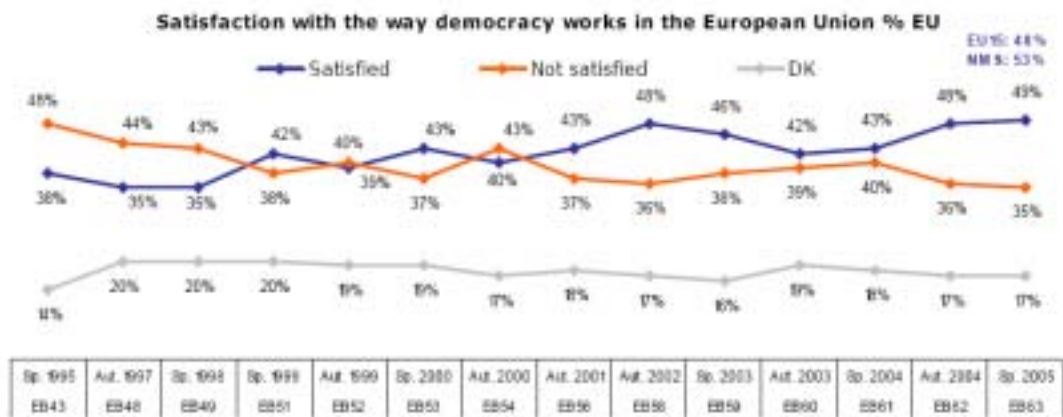
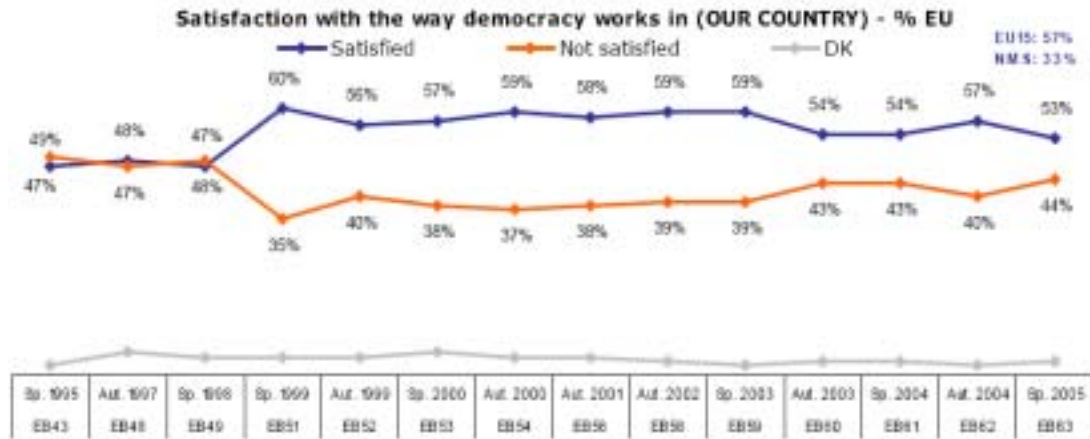
Appendices

Appendix I:



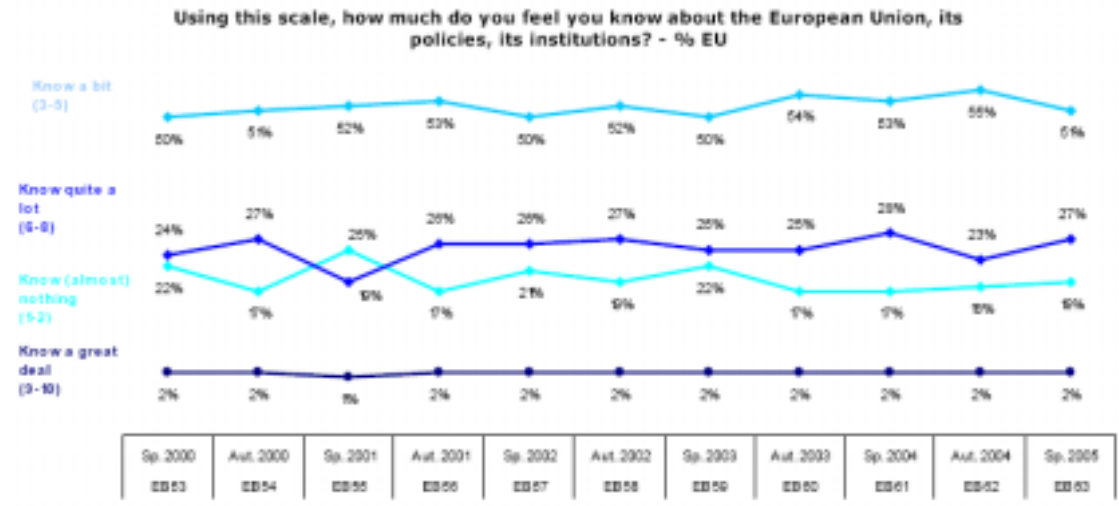
(Resource: EB 64, 2005)

Appendix II:



(Resource: EB 63, 2005)

Appendix III:



(Resource: EB 63, 2005)