

Democracy and Balance of Interests in the EU

Claus Giering, Josef Janning, Wolfgang Merkel, Michael Stabenow: Demokratie und Interessenausgleich in der Europäischen Union, 1st edition, Verlag Bertelsmann Stiftung, Gütersloh, 1999, 87 pp., ISBN 3-89204-844-4.

The project entitled 'System Change in Europe', which has been carried out by the Munich Bertelsmann Scientific Foundation and the Bertelsmann Group for Policy Research for several years, can be considered a truly interesting contribution to analyses of certain up-to-date problems Europe nowadays faces. The project deals mainly with models of governance in the EU and with the question of finality of the European integration process. The beginning of the project can be traced back to the first half of the 1990's and it cannot, therefore, be denied that its authors correctly anticipated the main directions of the academic debate about the future of the EU.

The project, one of its parts being the reviewed publication, can be divided into two separate parts in chronological order: The main topic of the first part is the institutional reform, and its necessity is stressed by the pending Eastern enlargement (that is also why questions of the future up to the middle of the first decade of the twenty-first century are tackled here). The second one turns to the problematics of a more distant future and future course of the European Union.

Yet, the way the academics and politicians perceive the problems of democracy and legitimacy in the European integration process have changed in the course of the years. We can identify three phases of this transformation: first of all, the political debates and theoretical literature concentrated purely on economic effectiveness, and legal and technical questions connected with the existence and activities of the European Communities and the EU; secondly, the key terms were legitimacy and democratic deficit, and thirdly, the phase is characterized by issues of European identity, myths, etc.¹

The reviewed publication reflects exactly these changing perceptions and it is, therefore, a compelling contribution to the European discourse at the turn of the millenium. Its authors quite successfully managed to combine the questions that shift the European heaven and earth with the view that goes beyond the horizon of Eastern enlargement and the institutional change bearing on it.

The Study is divided into three parts, each of which looks at the analyzed topic from a considerably different point of view. This enables the reader to judge the problems from a wider perspective. However, the assumption that their different starting point will finally converge to the same results (many would take that for granted) would be erroneous. This lack of unity can be regarded as one of the biggest weaknesses of the study.

Obviously, many of the recommendations presented by the authors are already—especially after the Nice summit—dead. There remain, nevertheless, quite a lot of proposals that have retained their validity, and the first two parts of the publication gain even more importance today.

Michael Stabenow in his *Strasbourg Conflict as Guidance for Europe*² analyzes the clash of the European Commission and the European Parliament at the beginning of 1999. He points out that one of the most pronounced problems of democracy in the EU is the non-existent (or embryonic) European public. Immaturity and weak potential of the European public affects negatively the EU's democracy because 'democracy and public are mutually conditional'.³

In an astonishingly simple way, Stabenow actually expresses the fundamental question of the current debate: Is there anything like a European demos (In Stabenow's terminology 'European public')? Is this demos a political entity bound to the EU? Or is it possible or useful to create, to 'construct' it? And, according to Stabenow, exactly the conflict between the Commission and the EP convincingly showed that it is at least premature to speak about an established European public.⁴

The author demonstrates how profoundly different was the perception of the conflict between the two institutions in the North (Germany, Scandinavian countries, Benelux, United Kingdom) and in the South (Italy, Spain, Portugal and Greece). While northern media understood the conflict as a side-effect of the EP's power emancipation, that is to say as some unavoidable evil accompanying the gradual elimination of the democratic deficit of the EU, in the South the vote of censure was interpreted as rich countries (above all Germany's) trying to weaken the Commission—a traditional advocate of less-developed and small countries. The final objective was, in the perception of the southern States, the German enforcement in the Council to lower German net payments, which could not be countered by the weakened Commission.

The lack of the European public results, in Stabenow's view, on historical-cultural grounds, lack of common language (here, the author underlines the absence of pan-European media) and also on constitutional reasons (especially the insufficient division of the executive and the legislature).

It is worth noting how strongly accentuated is the fact that there is no real change of 'government' and 'opposition', which is again perceived as limiting the institution's democratic character. If the EP seeks to change or reject the Council's standpoint, it must do so by absolute majority of its members, that is by 314 votes.⁵ Considering the current distribution of seats in the EP, it is clear that gaining absolute majority presupposes cooperation of the two strongest parties—Christian and Social Democrats: Government/opposition dichotomy seems almost irrelevant from this point of view.

In spite of being openly skeptical as to the current stage of democratization of the EU's institutions and the possibility of rapid construction of a European public, he still believes the strengthening of the EP's supervisory power is 'an important milestone of democratization of the Community',⁶ which will gradually lead to fostering the Community's legitimacy and to establishment of a real political union.

This part of the publication is more of a case study, which tries to demonstrate the shift towards greater strengthening of democratic supranational elements. Stabenow himself, however, falls into the trap where he was—as it seems to be—warning against: Due to the absence of the European public and media there is not any single interpretation of the clash he describes, and it is, therefore, very difficult to identify the real motives which lead to the vote of censure. The author himself quite unreflectively accepts the ‘northern’ explanation and comments the ‘southern’ objections that adverted to the issue of financial contributions of the North as a simple ‘tall story about a Strasbourg conspiracy’.⁷

Whereas the author of the first part of the study devotes lots of enthusiasm to the issue of European public, and he does so from a special view-point of a journalist, Wolfgang Merkel meditates about wider context of legitimacy of the EU, and thus moves into the third stage of the European discourse mentioned above.⁸

Merkel identifies the fundamental sources of legitimacy in the EU:

- the identity of European citizens, their belonging to a certain political community and the European demos;
- democratic decision-making procedures (input democracy);
- the ability to carry those decisions through to the satisfaction of citizens (output democracy)

It must be admitted that Merkel takes it further than Stabenow and he passes from the pessimistic analysis of the European public to somewhat more cheerful and at the same time more elaborate considerations about the genesis of such European demos, that would be compatible with the demoi of the individual Member States.⁹ The deliberations about the compatibility of national and other identities are not new in the German debate but their application to the European demos is quite novel: ‘From the processual and teleological point of view the national demos in the EU should not be replaced by a supranational one—quite to the contrary the enduring co-existence of two or even more demoi (supranational, national and regional) should lead to a greater degree of legitimacy, stability and cohesiveness of the Community.’¹⁰

Merkel is convinced that only after a stable European demos has been created, further democratization of the European institutions will be possible because in the aftermath of Maastricht and Amsterdam, the respective public in the individual Member States is extremely sensitive to further transfer of competencies to the Community. Exactly for that reason, the EP’s emancipation or further extension of qualified majority voting is considered a defeat of national interests of those voting against, rather than a consequence of a democratic voting procedure. Unless there is European demos, the situation is not likely to change according to Merkel.

When looking at the Nice Treaty one cannot but wonder how precisely some of Merkel’s moderate proposals correspond with its text. The EC President Romano Prodi and some other leading political figures expressed strong disappointment over small progress in the area of qualified majority voting. The majority voting was furthermore safeguarded against voting defeats in a threefold way, and even Merkel’s ideas about the finality of the EU are continuously gaining more ground.

The author's rejection of some simplified proposals equally confirms his deep insight into the issue of institutional reforms of the EU. Merkel critically assesses the possibility of creating frequent pan-Union referenda as a way of promoting its legitimacy. He also rejects the illusion of fast progress of federalization of Europe. His leitmotiv is the fear of the infamous Tocqueville's tyranny of majority.

In the final summary of his contribution, Merkel joins the ever-larger group of students of the European integration who describe the EU as a multi-level governance system. All sources of legitimacy are closely interconnected and further progress at the highest level is possible only when all remaining levels are affected by integration. This implies that the necessary condition for successful new grand integration projects increasing the interest of the public in the European elections and EU activities in general. This can be attained by greater transparency of the Community or better supervision over its institutions. Only after this has been achieved we can speak about the birth of European demos and further democratization, which may enhance the Community's legitimacy.

One may be amazed again that this part of the study—though it may be insightful—totally ignores the link between legitimacy and EU enlargement. How much will the Eastern enlargement contribute to the construction of European demos or erode the European identity? Merkel does not give any answer to this crucial question even though the reader would expect him to do so.

The third and final part of the study is a summary of reform proposals by Josef Janning and Claus Giering, whose main concern is finding a balance in institutional arrangement and national interests after enlargement.¹¹ Their work reflects great expectations of the Member States after Amsterdam, where the need for institutional reform prior to enlargement was acknowledged.

The authors start with the assumption that those limitations which were agreed upon (as e.g. the limit of the size of the Commission or that of the EP) will be really preserved in the future. They unambiguously defend the extension of qualified majority voting and their decreasingly proportional model of representation in the Council. At the same time, they repeat the proposal to automatically introduce the co-decision procedure wherever the qualified majority voting is applied. As for the Commission, they propose cutting its size and its transformation into a European government, whose President would be elected directly by the EP.

In spite of all three parts of the study being very interesting, the whole seems somewhat disparate. Starting from the first paper that analyzes details of one particular event through the predominantly constructivist deliberations about legitimacy and EU identity to the final quantitative study, relying heavily on power relations among Member States, the reader cannot shake off the impression that, apart from the broadly formulated title of the publication, the three papers have almost nothing in common—neither in terms of methodology nor in terms of the contents.

The resulting consequence of this dissonance is the ambiguity of the presented recommendations. While Merkel takes a gradualist approach, Janning & Giering do not only suggest a profound change in the qualified majority

voting but also the transformation of the Commission into a European government. On the other hand, all four authors see the future of the EU in its federalization process.

Despite the above mentioned deficiencies the publication can be considered a helpful contribution to literature that deals with issues of legitimacy, democracy and identity in the EU and thus fulfills the criteria of the project System Change in Europe.

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ENDNOTES

- ¹ See, for example Weiler, J. H. H., 'Legitimacy and Democracy of Union Governance: The 1996 Intergovernmental Agenda and Beyond', ARENA working paper, 1996/22.
- ² Stabenow, M., 'Der Straßburger Konflikt als Lehrstück für Europa', in: Giering, C., Janning, J., Merkel, W., Stabenow, M., *Demokratie und Interessenausgleich in der Europäischen Union*, Verlag Bertelsmann Stiftung, Gütersloh, 1999, pp. 11–25.
- ³ *Ibid.*, p. 18.
- ⁴ For a similarly resulting analysis of the possibility of creating the European demos see Cederman, L.-E., *Nationalism and Bounded Integration: What it Would Take to Construct a European Demos*, European University Institute, RSC 2000/34, www.iue.it/RSC/WP-Texts/00_34.pdf.
- ⁵ The co-decision procedure can be found in article 251 of TEC, www.europa.eu.int/eur-lex/en/treaties/dat/ec_cons_treaty_en.pdf.
- ⁶ Stabenow, M., 'Der Straßburger Konflikt als Lehrstück für Europa', in: Giering, C., Janning, J., Merkel, W., Stabenow, M., *Demokratie und Interessenausgleich in der Europäischen Union*, Verlag Bertelsmann Stiftung, Gütersloh, 1999, p. 25.
- ⁷ *Ibid.*, p. 23.
- ⁸ Merkel, W., 'Legitimitätsüberlegungen zu einem unionspezifischen Demokratiemodell', in: Giering, C., Janning, J., Merkel, W., Stabenow, M., *Demokratie und Interessenausgleich in der Europäischen Union*, Verlag Bertelsmann Stiftung, Gütersloh, 1999, pp. 27–37.
- ⁹ At approximately the same time, Lykke Friis contemplated an analogous idea—see EU and Legitimacy—the Quest for Compatibility: A Danish Case Study. DUPI Working Paper, 1999/7, www.ciaonet.org/wps/fr104/fr104.pdf.
- ¹⁰ Merkel, W., 'Legitimitätsüberlegungen zu einem unionspezifischen Demokratiemodell', in: Giering, C., Janning, J., Merkel, W., Stabenow, M., *Demokratie und Interessenausgleich in der Europäischen Union*, Verlag Bertelsmann Stiftung, Gütersloh, 1999, p. 29.
- ¹¹ Giering, C., Janning, J., 'Strategien gegen die institutionelle Erosion', in: Giering, C., Janning, J., Merkel, W., Stabenow, M., *Demokratie und Interessenausgleich in der Europäischen Union*, Verlag Bertelsmann Stiftung, Gütersloh, 1999, pp. 39–79.