

The Legitimacy Problems of the EU

Summary for
IREU 411

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1. Theories of the Social Bases of Politics

Easton's theory explains how support for institutions change

- **Affective support:** non-material attachment to a political institution – provides a basic level of support independent of results
- **Utilitarian support:** economic or political cost-benefit analysis
- These two types of support are not contradictory but related: Cost-benefit calculations determine whether the underlying level of support goes up or down over time

The Legitimacy Problems of the EU

2. Public Support for the European Union: End of the Permissive Consensus

The permissive consensus in favour of integration disappeared

- In the beginning of the integration process there was a favourable prevailing attitude toward European integration
- Widespread opposition to the EU emerged during ratification process of Maastricht treaty
- Anti-European parties successful in European elections
- Reasons: Deeper integration creates winners and losers, Eastern enlargement, loss of national sovereignty

Between 1991 and 2003 support fell dramatically in the founding MS

- More than 20% Minus in Germany, France, Italy
- Less support in all MS but Sweden
- Huge differences among MS at the start of the integration process

There are plenty motives for the rejection of the CT and LT

- Cost-benefit calculation: Low skilled workers fear competition in the European market
- Political ideology
 - Leftist argument: dissatisfaction with liberalisation
 - Rightist argument: erosion national sovereignty
- Lack of information about content of CT/LT
- Lack of political leadership of governments
 - No clear vision for the future of the EU
 - Lukewarm European commitment
- **Perception of a Democratic Deficit of the EU**

The Legitimacy Problems of the EU

3. Sources and dimensions of legitimate governance

The Legitimacy Problems of the EU

3a. Social-legitimacy

Social legitimacy as precondition of governance

- The principle of popular sovereignty presuppose that the question of who constitutes the people has been settled to mutual agreement
- Majority decision making requires sufficient trust between citizens to accept that being outvoted does not constitute a threat to their essential interests

How much „we-feeling“ is necessary for the EU? (1)

- **Neofunctionalists:** transnational political identities could spill over from one elite to another before embracing a wider public
 - Haas 1958: organised political actors would be gradually persuaded to shift their localities and expectations towards a new centre

How much “we-feeling” is necessary for the EU? (2)

- **Intergovernmentalists:** assume that political identities would and should remain national
 - Moravcsik: preferences continue to be formed at the national level

How much we-feeling is necessary for the EU (3)

- **Federalists:** European identity exists because of common historical stages of society
 - Christianity, Renaissance, Enlightenment, industrialisation
 - Common founding goal of the EU: avoid repetition of war
 - Common enterprise: ever closer union as concept to master the globalisation

Assessment: EU does not need the same strong identity as on nation state level

- non-state political system
 - No monopoly of violence
 - No right to dig deep into the taxpayers pocket
- But „thin“ European identity is needed
 - European public forum of shared communication
 - Acceptance of majority decisions
 - Performance can create stronger common identity

Empirical analysis: Does an European identity exist?

- Many citizens have more than 1 identity
- Multiple identities tend to be cumulative rather than contradictory
- Trust to other nationalities has grown from 1.55 to 1.75 (scale 0-3) between 1976-90, compared to a steady level of 2.25 between members of the same national community (Eurobarometer)
- Existence of European identity differs between the member states

Perception of European identity shapes the proposals for appropriate EU governance

- Strong European identity – far reaching supranational policies possible
- Weak sense of European identity – limited space for supranational policies
 - Solution: combine social legitimacy of national and supranational level

The Legitimacy Problems of the EU

3b. The Input-dimension of legitimacy

Political power should be authorised and accountable

- Solution: election by the people of a political system
- Because of uncertainty about existence of European people dual political leadership: unelected Commission and Council of Ministers accountable to national parliaments and electorates

The legitimisation of governance via Council is problematic

- Meeting in non-transparent manner
- National elections don't deal with European issues
- Problem of QMV: If national governments are not in a position to veto proposals they cannot be held accountability to their national parliament
- Role of the Commission: not a technocratic bureaucracy but quasi-government

Therefore supranational input-legitimacy was strengthened

- Appointment function of the EP strengthened:
New Commission has to be confirmed by the EP
- Legislative function of the EP strengthened
 - QMV linked to co-decision
 - Final say over the annual budget

The empowerment of the EP remains however limited

- No power in important policy areas
- Commission president is not the leader of the winning coalition in the EP-election
- No right to initiate legislation

The empowerment of the EP itself has its limits

- EP-election are still second order in character and dominated by the national agenda
- Lack of European public debates: citizen is not aware of policy options
- Trend to grand coalition inside the EP
- Reluctance of elite and mass level to be governed by simple majoritarian politics

Input legitimacy remains fragile

- Intergovernmental and supranational conceptions have their limits
- Perception of Democratic deficit is one reason for failed referendum about Constitutional Treaty
- Legitimacy via inclusion of organised interests depends on their representativeness

The Legitimacy Problems of the EU

3c. Output-dimension of legitimacy

Output Legitimacy: Better results than at national level are possible

- Utilitarian justification of EU governance: added value in comparison to national governance
- EU doctrine of subsidiarity: The Union should only act where it is better placed than national gvt for reasons of scale or effect (TEU Art. 3b)

EU action justified if added value to national governance

- Many problems cannot be solved at the national level
- Pooling and delegation of sovereignty can increase the power of the national state
- The public has clear views on those policy areas which should be governed at EU
- Problem: Divisions about the right content of policies

Summary: Alternative justifications for legitimate governance of the EU

Sources and Dimensions of EU-governance	European citizen	Nation state
Input	Stronger EP, accountable Commission; majority vote	Council members responsible to NP; unanimous vote
Output	Technocratic governance; non-political Commission	Council as government