

# Claremont-UC Undergraduate Research Conference on the European Union

---

Volume 2009 *Claremont-UC Undergraduate Research Conference on the European Union*

Article 5

---

March 2012

## The Democratic Deficit in The European Union

Megan Campbell

*University of California, Santa Barbara*

Follow this and additional works at: <http://scholarship.claremont.edu/urceu>



Part of the [European Law Commons](#)

---

### Recommended Citation

Campbell, Megan (2009) "The Democratic Deficit in The European Union," *Claremont-UC Undergraduate Research Conference on the European Union*: Vol. 2009, Article 5. DOI: 10.5642/urceu.200901.05  
Available at: <http://scholarship.claremont.edu/urceu/vol2009/iss1/5>

This Chapter is brought to you for free and open access by the Journals at Claremont at Scholarship @ Claremont. It has been accepted for inclusion in Claremont-UC Undergraduate Research Conference on the European Union by an authorized administrator of Scholarship @ Claremont. For more information, please contact [scholarship@cuc.claremont.edu](mailto:scholarship@cuc.claremont.edu).

## 3

# THE DEMOCRATIC DEFICIT IN THE EUROPEAN UNION

**Megan Campbell**

## 1. INTRODUCTION

Following the creation of what is known as the European Union with the signing of the Treaty on European Union in 1993, debate about the political sphere of the Union has been increasingly concerned with the democratic deficit. The European Union (EU or the Union) is a democracy both by default, as it is a collection of democracies, and through European elections. The EU is a hybrid organization with a unique and continuously evolving structure, found somewhere between diplomacy and politics. This ambiguity poses a challenge for those who consider the EU as suffering from a 'democratic deficit,' meaning that democratic institutions or organizations do not meet what are considered to be the standards of democracy. In the EU, this term usually implies that while more competences are decided at the supranational level, the European Parliament (EP), the only directly elected EU institution and the Union's main source of democratic legitimacy, remains relatively weak. Assuming there is a democratic deficit, against what standard is it to be measured? That is, if the Union is neither a state nor does it have a definable demos, can it be measured against existing versions of 'Liberal Democracies?'

The liberal democratic blueprint is based on the existence of a state and a demos. (Warleigh, 2003) However, there is no unified demos or political culture upon which to rely at the EU level. Nevertheless, the need for the Union to be democratically accountable and transparent persists as "it makes decisions which not only impact the EU citizens, but also shifts their ability to rely upon traditional channels of influence to secure their desired outcomes." (Warleigh, 2003) Therefore, a democratic EU is necessary, but it most often derives its legitimacy from the member states as opposed to the use of elections. Then again, legitimacy and democracy are not interchangeable; the EU could in fact prosper from legitimacy without conforming to the norms of democracy. While "on the one hand, democracy legitimates the authority of those in power... on the other hand, the effectiveness of political authority must rest on a degree of legitimacy." (Laffan, 1999) While it is important that the EU reflect the values of democracy, judging its quality by the standard of the liberal democratic blueprint is constraining in that it does not encourage new and creative solutions

for democracy at the international level. Because the EP remains the main source of the EU's legitimacy, many scholars often cite the need for institutional reform at the EU level in order to further democratize the Union. While much of the Treaty of Lisbon addresses the shortcomings of the Union by facilitating institutional change, this paper will argue that institutional change alone will not erase this deficit.

The discussion thus far on the democratic deficit implies the existence of an 'institutional deficit,' in which the institutional structure of the EU is inadequate for promoting democracy. Suggested solutions to this 'institutional deficit' are often found in the strengthening of the European Parliament, the only democratically elected institution in the EU. Nevertheless, while the 'institutional deficit' may be curable through structural reform of the EU, the democratic deficit is also comprised of a lack of accountability to the EU citizens. Citizens are unhappy with the quality of democracy at the EU level. A 2000 Eurobarometer indicates that only 42 percent of Europeans are satisfied with the way democracy works in the European Union (*How Europeans See Themselves*). When responses are contrasted across the member states, the range of the level of satisfaction varies dramatically. These polls indicate that differences in political cultures and values determine the level to which the EU is perceived to suffer from a democratic deficit. Therefore, it is important to create a euro-demos that can generate a multifaceted standard for democracy that not only seeks legitimacy through traditional notions of democracy such as direct elections, but encourages increased inclusion and deliberation from other sources such as civil society organizations.

The goal of this paper is to unravel the sources of the institutional factors that contribute to the democratic deficit of the European Union, analyze the extent to which current proposals will decrease the deficit, and propose alternative institutional changes that may enhance the creation of a euro-demos, which is essential for democratic inclusion and deliberation. I first examine the European Parliament, its democratic nature, functions, and powers as well as its weaknesses. I then acknowledge the limitations of enhancing the Parliament as a solution to the democratic deficit. Next, I review the newest treaty to amend the Treaty on European Union, the Treaty of Lisbon, in order to determine to what extent certain aspects of the treaty will help decrease the democratic deficit. These proposals include enhancing the EP's powers, the involvement of national parliaments, and the increased involvement of individuals. I then discuss the role of EU citizenship and identity in creating a euro-demos, which is necessary to foster interest in the EU and to create a community that can bring about change at the EU level from the ground-up. This euro-demos can be created by increasing citizens' identification with EU institutions and with each other as co-citizens without fabricating an overarching 'European Identity' but by enhancing interest groups and institutions that embrace diversity. This paper concludes that EU institutions must be designed through the Lisbon Treaty and those treaties to follow in a way that facilitates increased participation by the citizens. Accordingly, deeper EU integration must be decided by European citizens from the bottom-up, which will bring future changes to the European Union democratic legitimacy.

## 2. THE EUROPEAN PARLIAMENT

The discussion surrounding democratization of the EU is largely focused on the role and powers of the European Parliament because it is a widely held belief that the democratic deficit in the EU "stems from the fact that the transfer of national parliamentary responsibilities to the governmentally appointed Commission (in drafting legislative pro-

posals) and the intergovernmental Council (in transforming these proposals into binding legislation) has not been matched by a commensurate increase in the competences of the European Parliament as the only directly elected European institution.” (Chryssoschoou, 1998) A simpler definition of the democratic deficit is that it “results from the fact that powers transferred by national parliaments to the European Community are not being exercised by the democratically-elected representatives of the people in the Community.” (Chryssoschoou, 1998) In other words, while many decisions affecting European citizens are no longer being made in their respective national democratic legislatures, these decisions are not being made democratically at the EU level, which violates the principle of democracy. This development suggests the existence of an ‘institutional deficit,’ defined as an inadequacy of the institutional structure. Consequently, it is necessary to alter the structure or functioning of EU institutions to further democratize the decision-making process.

In regards to altering EU institutions, many turn to the European Parliament as it is most often considered the main source of democratic legitimacy in the Union. Because it is assumed that this ‘institutional deficit’ must be repaired in order to democratize the European Union, no longer can the EU be considered a democracy by default, in which it is democratic because each member state is a democracy. Changes must be made at the EU level to deepen its democracy. This means that the “European Parliament must be made into a real legislative and monitoring body.” (Chryssoschoou, 1998) In order to examine what changes must be made, it is necessary to first examine the democratic nature of the Parliament, the powers it holds at the EU level and the dispute between national Parliaments and the EP.

## **2.1 THE DEMOCRATIC NATURE OF THE EUROPEAN PARLIAMENT**

The European Parliament is the only democratically elected institution in the European Union. It is quite revolutionary in that it is also the only elected international legislative body in the world. It has 785 Members elected from each member state on a five-year term. Despite being elected to legislate at the EU level, most of the political campaigns are characterized by national rhetoric and are run by national political parties “with the result that most voters in EP elections are making their choices on the basis of domestic rather than European issues.” (McConnick, 2008) This focus on domestic policy during the campaign makes it more difficult for the EP to serve as a bridge, connecting European citizens to the functioning of the EU.

Furthermore, voter turnout at these elections is quite low and there is limited knowledge of these elections amongst European citizens. Average participation across the EU during EP elections “is around 10-15 percent lower than for national elections,” which suggests a lower perceived legitimacy of a European-level popular sovereignty. (Beetham, Lord, 1998) It is interesting to note that voter turnout has decreased at every election while the Parliament has gained powers with each treaty. A Special Eurobarometer poll regarding the upcoming 2009 elections reports, “voter turnout in the 2004 elections was 47.63 percent compared with 49.51 percent in 1999 and 62 percent in 1979.” (2009 Election Special Poll EB69) Whilst this poll was taken over a year before the elections were to be held, only 4 percent of respondents could name the month and year of the election, June 2009. A more recent poll shows that by April 2009, still only 16 percent of respondents could name the month and year of the election (2009 Election Special Poll EB71). Moreover, this poll indicates that only 34 percent of respondents intend to vote. Clearly, European citizens are not very aware of or interested in this event. It is important to consider why

this disconnect exists.

Because the Members of Parliament (MEPs) are democratically elected, the EP is meant to connect European citizens to the Union. However, citizens are not aware of its structure or powers. The April 2009 Eurobarometer poll asked EU citizens, "If you do not go to vote in the European elections of 2009, it will be because...." Out of the respondents, 64 percent stated that they "do not sufficiently know the role of the European Parliament." Likewise, 59 percent feel they are not informed enough to vote. In addition to a lack of information causing low voter turnout, many voters feel too distant from the EP. For example, 55 percent stated that the EP does not deal with problems that concern them and in an older 2008 Eurobarometer poll, 53 percent do not feel they are sufficiently represented by their MEPs. This perceived detachment that citizens feel from the EP in conjunction with a lack of information have created a divide between EU citizens and their institutions.

Therefore, despite the democratic nature of the European Parliament serving as the main source of legitimacy for the Union, its democracy could be improved. Furthermore, European citizens do not identify strongly with the institution. In a December 2008 poll, a span of data from the last decade suggests that the level of trust European citizens have in the EP has decreased from 59 percent in 2002 to 51 percent in 2008. However, the recent trend until the fall of 2008 when this tendency was reversed, possibly due to anxiety over the economy, was an increase in "don't know" responses and a decrease in "tend not to trust" responses. Not only are citizens uninformed about its functions and feel detached from the institution, half of voters either don't trust or don't know enough to decide whether or not to trust the EP. This lack of connection coupled with a lack of trust is one of the factors that have led to the low voter turnout, which seems to be a reflection of the low quality of democracy at the European level.

## **2.2 FUNCTIONS AND POWERS OF THE EUROPEAN PARLIAMENT**

While the European Parliament is praised for being democratic, despite the quality, it does not hold the power necessary to bring the Union democratic legitimacy. Standard democratic legislatures usually have power to introduce, amend and adopt new laws; the European Parliament only shares these powers with other EU institutions.

### *Legislative Power*

Even though it is called a legislature, the EP's power over legislation is limited. The Commission, known as the executive branch of the EU, has almost complete power over the development of proposals for new laws. Many executive branches at the nation-state level hold this responsibility as well, but this is generally a communal power held also by the legislature, not exclusive to other actors. This limitation does not mean that the EP doesn't have any influence over the process. The EP is able to send representatives to the Commission's early development meetings. The EP has to wait for the Commission to draft a bill before it can vote or amend it. In the majority of policy areas, the EP uses the co-decision procedure, by which it shares power with the Council of Ministers for rejecting or accepting a proposal. In short, the EP shares powers with both the Commission and the Council in drafting and adopting new laws and cannot initiate legislation. (McCormick, 2008)

### *Budgetary Power*

Review of executive expenditure of public money is the main role of any parliament, and the EP is no different. One of its main roles is to monitor the Commission's spending. The European Parliament does not have complete control over the budget but rather has joint powers with the Council of Ministers in fixing the EU budget. The Commission drafts a budget and the EP and the Council meet biannually to consider it and discuss amendments. Furthermore, under the current EC Treaty the Parliament's right to amend the budget is limited to compulsory expenditures. The EP has the power to ask for changes and with a two-thirds majority, can reject the budget completely. An EU budget can only come into force once it has been signed by the president of the Parliament. (McCormick, 2008) While the EP does not have the ability to amend any part of the budget, it does hold significant powers in the decision making process.

While many argue that the European Parliament is relatively weak compared to the authority of traditional parliaments, the EP has gained significant powers over the years because of its democratic structure. The influence of "direct elections was actually felt at the supranational level rather than at that of the general publics of the member states." (Warleigh, 2003) The EP has been able to leverage its legitimacy as a democratic institution to gain more power at the EU level by being more assertive with the Council, proposing EU reforms, and rejecting budgets. Regarding the EP's role in the EU The European Court of Justice (ECJ) stated: "if the Community is to develop, Parliament must be given a bigger role to play. Indeed, any strengthening of Parliament's position widens the Community's democratic basis." (Chrysochoou, 1998) Therefore, at the supranational level, it is widely regarded as bringing democratic legitimacy to the EU and as a result, many Eurocrats and politicians understand the need to increase its powers and to improve its relations with its constituents.

### *Public Opinion and the Parliament*

In many ways, it is not the lack of substantive power but this disconnect with EU citizens that has kept the EP from gaining the legitimacy necessary to be regarded as a truly democratic institution. While many EU politicians and scholars argue that more power must be granted to the EP in order to start to fix the democratic deficit, EU citizens as a whole may not even be aware of the deficit's existence or the Parliament's role in fixing it. Looking back at older EP polls, it seems that public opinion regarding the Parliament has changed. In a standard Eurobarometer poll taken in the fall of 1990, before the eastern enlargements and the completion of the common market, the majority of citizens (52 percent) were in favor of giving more power to the EP. In conjunction with this data, the majority of respondents (62 percent) had recently "seen or heard, in the papers or on the radio or in the news something about the European Parliament." Of these respondents, 64 percent had a favorable impression. There seems to be a strong correlation between levels of awareness and the impression people have of the Parliament. Since this poll was taken, Parliament has gained substantial powers, reflecting an expression of the will of the people. Voters have seen (or haven't seen) the results of these gains and are now much more skeptical of conceding more power to the supranational level.

This sentiment is reflected in a 2008 poll requested by the EP regarding the 2009 elections, which asked respondents "If you do not go to vote in the European elections of June 2009 it will be because..." Only 26 percent of respondents think that the EP doesn't have enough power. However, as previously cited, 60 percent of respondents don't know the

role of the EP. If the majority of citizens don't understand the EP's role, it is unlikely that they will be motivated to vote in the elections and even more unlikely that they will desire more power to be given to an institution they do not understand. It is reasonable to assume that if citizens were more aware of its functions and powers, there would be greater levels of participation in its elections and more of an agreement between the scholars, Eurocrats and the average citizen on how to fix the democratic deficit.

### 2.3 LIMITATIONS

As previously mentioned, many scholars and specialists argue the need to expand the powers of the EP in order to enhance the legitimacy of the EU. However, any changes made must be done through treaties ratified by member states either through referenda or parliamentary process. In her research, Laffan notes that member states generally fall into one of three categories on the question of the Parliament's power: First, some countries support an enhanced role of the Parliament and see it as a step to federalize the EU. Second, some countries are opposed on the grounds that national parliaments and therefore national democracies are weakened. Third, other countries oppose increased powers of the Parliament because it weakens the power national governments have in the Council. In order to arrive at a solution to the 'institutional deficit' in the EU, it is not only important to increase the powers of the EP but to enhance the relationship between the EP and national parliaments in order to decrease the threat to national democracy.

A discussion of possible solutions to the 'institutional deficit' of the EU is not complete without addressing the role of national parliaments within the legislative system. European citizens "are faced with a trade-off between the need to participate in structures that manage interdependence and the impact of these structures on national democracies." (Laffan, 1999) By deepening the democracy of the Parliament and increasing its competences, the powers of national parliaments will be weakened. If the EP is simply given more power without an increase in voter turnout or public awareness, perhaps the 'democratic deficit' will grow while the problem of the institution may be solved. In response to this dilemma, there have been many suggestions of increased collaboration with national legislatures, which will be discussed later in greater detail.

In short, simply enhancing the power of the EP without increasing voter turnout and transparency while simultaneously diluting the power of national parliaments does not decrease the democratic deficit. As previously noted, changes made at the EU level must be done through treaties, although the courts may also play a role in the integration process. Yet, for the EU to be truly democratic, changes should be made from the bottom-up, not imposed upon passive citizens. The most recent treaty, the Treaty of Lisbon, has addressed some of these issues and is expected to come into force soon. It is necessary to question what the Treaty of Lisbon offers (and what it doesn't) as far as enhancing the quality of democracy in the European Union.

### 3. TREATY OF LISBON

On December 13, 2007, European Union leaders met in the capital of Portugal to sign the Treaty of Lisbon. This treaty came out of years of negotiation for institutional changes and the failed attempt of creating an EU Constitution, rejected by the French and Dutch voters. The Lisbon Treaty has been submitted to all member states' governments, but cannot fully come into force due to its rejection by the Irish in June 2008. The Irish are expected to revote on the referendum in 2009. Ratification by the Czech Republic is

also pending.

If fully ratified, the Treaty of Lisbon will amend the current EU and EC treaties with the goal of completing “the process started by the Treaty of Amsterdam and by the Treaty of Nice with a view to enhancing the efficiency and democratic legitimacy of the Union and to improving the coherence of its action.” (Preamble) The steps taken in this Treaty to enhance the democratic legitimacy of the Union include the strengthening of the EP, the involvement of national parliaments, and further inclusion of individual citizens through the Citizens’ Initiative and the elevation of the Charter of Fundamental Rights to EU law. Each of these provisions are an important acknowledgement of criticism concerning the democratic deficit in the EU; however, while the Lisbon Treaty will resolve some of the concerns, the changes outlined within the treaty are not sufficient to eliminate the Union’s democratic deficit.

### 3.1 STRENGTHENING THE EP

The Parliament has strengthened over time due to previous treaties, the European Court of Justice, and its own power as the sole source of democratic legitimacy within the Union. However, it should have more authority than it currently holds in order to enhance the democracy of the EU. While this opinion is not universal, it is often noted that the EP must be strengthened in numerous ways in order to increase the power of the only directly elected institution of the EU to bring the Union more democratic legitimacy. Changes often suggested include an expansion of the co-decision procedure, the right to initiate legislation, increased budgetary powers, and increased power over other EU institutions such as the Commission and the Council. The EU issued report *The Treaty at a Glance*, highlights the positive changes the Treaty brings such as the “strengthened role of the European Parliament” which will “see important new powers emerge over the EU legislation, the EU budget, and international agreements.” It is necessary to see how the EP will be strengthened and to what degree in each of the aforementioned concerns.

#### *The Co-decision Procedure*

The signatories to the treaty claim that there is an increase of co-decision procedure stipulated within the treaty, which will ensure that the EP “is placed on equal footing with the Council.” The current Treaties allow for the use of the co-decision procedure, in which the EP must approve of legislation before its enactment, or the cooperation procedure in which the EP is merely consulted. The Lisbon treaty eliminates the use of cooperation and makes co-decision the “ordinary legislative procedure.” While this change seems significant, the majority of legislative decisions are already made through the co-decision procedure, thus the elimination of cooperation only applies to a few policy areas. Furthermore, the “Lisbon Treaty contains many provisions relating to non-legislative decisions of the Council in which the Parliament must be consulted but lacks a vote on the matter.” (Siebersson, 2008) Thus, the perceived elimination of cooperation is slightly deceiving in that it is only eliminated strictly for certain legislative issues. Therefore, the increase in the co-decision procedure is only a moderate change in enhancing the power of the Parliament by making it a full co-legislator with other EU institutions. However, its power is still shared and not significantly increased in this area.

#### *Initiation of Legislation*

Unlike standard national legislatures, the European Parliament does not have the right



to initiate legislation, which is one reason why it is considered a weak legislature. The Treaty of Lisbon changes little in respect to this concern. The Treaty will allow Parliament to request the Commission to propose legislation, which is the current practice under the EC Treaty. However, “the Lisbon text adds that the Commission must inform Parliament of its reasons if it does not act on the request.” (Siebersson, 2008) In short, there is no significant change that will increase the EP’s ability to initiate legislation.

### *Budgetary Powers*

The current budgetary process requires the EP’s approval of the EU’s annual budget, but only in areas “relating to expenditure necessarily resulting from this Treaty or from acts adopted in accordance therewith.” (Siebersson, 2008) Thus, the EP can only amend the draft budget for required spending. Under the Treaty of Lisbon, the Parliament approves the budget and is able to propose amendments to any part of it, not limited to compulsory spending. This change is significant as it will expand the EP’s powers and make it a full co-participant with the Council in the budgetary procedure.

### *Power over EU institutions*

The European Parliament currently has very little power over other EU institutions. While national legislatures often entrust the power to the executive branch, dissolving if trust is lost to form a new government and ensuring accountability between various institutions, the EP’s power is limited to the dismissal of the Commission. However, the EP may not dismiss individual members of the Commission nor may it dissolve the Council. Also, the EP is not able to select the 27 Commissioners or the President, who is appointed by the Council and merely approved by Parliament. The Treaty of Lisbon offers no change that would increase accountability of either the Council or the Commission to the Parliament.

### *Changes for the EP*

Therefore, the role of the European Parliament will be slightly enhanced by the Lisbon Treaty. While the Parliament is not offered greater power in creating accountability between the EU institutions and is still unable to initiate legislation, the EP will have slightly increased power over both the budget and legislative decisions. While these changes are not sufficient to eliminate the ‘institutional deficit,’ they demonstrate the consistency of a trend granting more powers to the EP with each treaty, which implies the continued perceived importance of the EP in bringing democratic legitimacy to the Union.

## **3.2 THE INVOLVEMENT OF NATIONAL PARLIAMENTS**

Though it is clear that the powers of the Parliament will increase with the Treaty of Lisbon, granting more power to the EP will certainly dilute the power of national legislatures, often regarded as more democratic as they are bound more strictly by the standards of the liberal democratic blueprint. The Treaty of Lisbon addresses this issue by claiming that with the adoption of the treaty, “national parliaments will have greater opportunities to be involved in the work of the EU, in particular thanks to a new mechanism to monitor that the Union only acts where results can be better attained at EU level (subsidiarity).” (*The Treaty at a Glance*) The Treaty offers a clearer explanation of the competences of the EP by better defining where it should legislate and where it should allow the member states legislative control.

Regarding the involvement of national parliaments, these legislatures will have new

privileges outlined in the Treaty of Lisbon. National parliaments have the right to “review proposed EU legislation with respect to the principles of subsidiarity and proportionality, force further review of proposed legislation, on subsidiarity grounds, and challenge legislation, on subsidiarity grounds, in a case brought before the Court of Justice.” (Siebersson, 2008) It is uncertain how this change will affect participation of national legislatures, but it is certainly an innovative move that allows for more inclusive input from Member States. Despite increased inclusion, no real power is given to the national legislatures regarding initiating, approving or vetoing legislation. Additionally, the ability to contest legislation will be challenging: “if half the 27 national parliaments are unhappy, then a majority of national governments can insist a draft measure be scrapped.” (Economist, 27 Oct 2007) This task will be difficult to achieve but will perhaps serve as enough of a threat to the EU institutions to keep unnecessary or unfavorable legislation in check, thus creating a more inclusive and efficient EU while simultaneously enacting measures to protect democracy at the member state level. This change is an important step in creating a more democratic EU that does not rely solely on the direct elections of MEPs for its democratic legitimacy but seeks a multifaceted approach, enhancing inclusion at many levels, including that of the nation-state. This increased inclusion is further demonstrated by the attempt to involve individual citizens in the functioning of the Union.

### 3.3 INVOLVEMENT OF INDIVIDUAL EU CITIZENS

Besides the direct involvement of EU citizens in the European elections, in which only MEPs are selected, citizens usually play a passive function in the European Union and are most often limited to the role of consumer rather than a producer of its policies. This dilemma is an issue that must be addressed by the Union if it seeks to eliminate the democratic deficit because it keeps citizens from holding their democratically elected institutions accountable. This lack of citizens’ involvement is addressed in the Treaty of Lisbon through both the introduction of the Citizens’ Initiative and the introduction of the Charter of Fundamental Rights as treaty status.

#### *Citizens’ Initiative*

The Citizens’ Initiative is designed to give EU citizens a stronger voice within the Union. Through the Initiative, “one million citizens from a number of Member States will have the possibility to call on the Commission to bring forward new policy proposals.” (*The Treaty at a Glance*) This proposal is an innovative way to increase participation and bring the Union more accountability, thus increasing its democratic legitimacy. The text, however, is a bit ambiguous as “one million citizens from a ‘significant number’ of Member States may ‘invite’ the Commission to submit a particular piece of legislation.” (Siebersson, 2008) The terms ‘invite’ and ‘significant number’ are vague and therefore, the future implications of this proposal cannot be determined. Despite the lack of clarity, the Citizens’ Initiative represents a new attempt to connect the EU to its citizens, hence signaling the EU’s recognition of the lack of citizens’ involvement as one aspect of the democratic deficit.

#### *Charter of Fundamental Rights*

Like the Citizens’ Initiative, the inclusion of the Charter of Fundamental Rights in EU law will enhance the power and rights of individual EU citizens. The elevation of the Charter of Fundamental Rights, which outlines civil, political, economic, and social rights, to treaty status may “provide greater recourse for EU citizens to seek enforcement

of their rights in the courts of the Union.” (Sieberson, 2008) Citizens will be able to use this Charter to ensure their own rights through the ECJ in an unprecedented way. Critics claim that this move is only giving the ECJ an excuse to further intervene in the integration process, which perhaps will be a consequence. Nevertheless, legal and political rights are the basis of citizenship, and with this Charter as treaty status, EU citizens will finally have both, which signifies the importance of creating a meaningful role for the citizen in the Union. In conjunction with the Charter becoming EU law, citizens have access to more open meetings and EU documents. This greater access along with the inclusion of the Charter of Fundamental Rights will cause the EU to become more transparent, which is an important element in addressing low voter turnout and a lack of awareness amongst citizens.

### 3.5 THE LIMITATIONS OF THE TREATY

The Treaty of Lisbon responds to many concerns regarding the EU’s democratic deficit at the EU level, the member state level and at the level of individual citizens. The European Parliament will play a somewhat more significant role as a co-legislator and co-participant in the creation of the EU budget. The national parliaments will be able to retain their powers of subsidiarity and gain additional access to EU documents. Citizens will be able to hold the Union accountable and ensure their rights through the courts or by proposing legislation. These changes are necessary and important steps in addressing different aspects of the democratic deficit because they increase inclusion at multiple levels. They certainly make the European Union more democratic than it is under the current treaty, but the Union cannot be considered fully democratic when measured against the liberal democratic blueprint, which is perhaps a standard that must be abandoned, as a regional political block can never fit that mold.

If the Treaty of Lisbon is ratified, the basic roles of the EU institutions and the division of competences between the EU and the Member States are not significantly altered. Unaddressed suggestions for further institutional changes include: granting the EP full legislative power including initiation of legislation, election by popular vote (or appointment by the EP) of Commissioners, public meetings of the Council and the European Council, and more extensive checks and balances between all of the standard EU institutions. However, more than institutional change is needed at the European Union level to solve the democratic deficit. Citizens need to be able to recognize each other as co-citizens and work together to generate change in the EU. A Treaty can provide the institutional means for achieving this, but further deepening of the integration process should be made by citizens. Fortunately, the Treaty of Lisbon has taken the first step in issuing creative ideas for increasing inclusion and democracy beyond the constraints of the liberal democratic blueprint.

## 4. IDENTITY AND CITIZENSHIP

The Treaty of Lisbon does not limit solutions to the democratic deficit to fixing the institutional deficit of the EU. It responds vaguely to calls to increase the EP’s power, but an increase in the EP’s power will not result in a more democratic EU if citizens continue not to vote. Too great of an emphasis on the institutions undermines the importance of an active political culture that calls for collective solutions to common problems from the bottom-up. The EU must accept that while reforms are needed at the institutional level, these reforms may not bring the EU more democratic legitimacy. In the EB 69 Special Eurobarometer poll regarding the 2009 elections, respondents “who trust the European Union are the most interested in the 2009 elections: 62 percent of respondents who tend

to trust the European Union are interested in the European elections compared with only 31 percent of respondents who tend not to trust the European Union.” Moreover, “a majority of those who do not trust the European Union are not interested in the elections: 67 percent of them declared that they are not interested in the June 2009 elections.” Institutional change alone cannot generate trust. Furthermore, not only is trust lacking in EU institutions but EU citizens must be able to trust each other in order to make collective decisions. Citizens must be able to work together to generate change, which is the only way that a proposal such as the Citizens’ Initiative can work. It relies, in part, on the existence of a demos, ‘the common people,’ often characterized as sharing a common political culture, which is loosely defined as how citizens of a given political system think government should be carried out.

#### **4.1 POLITICAL CULTURE**

This common political culture needed to bring the EU democratic legitimacy is nonexistent. Instead, there is a multiplicity of political cultures represented by each member state. Furthermore, many of the new Eastern European member-states are fairly new democracies and are still struggling to create political cultures of their own. Although this diversity “does not rule out the evolution of common rules and practices, it does indicate that developing an agreement about what democratization should entail will be difficult, because any given strategy of democratic reform will be considered differently in the various member states.” (Warleigh, 2003) In other words, different political cultures will impact the perceived need for democratic reform and the way in which they believe the reform should be carried out.

Solutions for the democratic deficit must go beyond the institutional level and cannot be subject in any tangible way to the democratic standards of the liberal democratic blueprint. This model, which functions effectively at the nation state level, is too constraining and does not “encourage new creative solutions in the global era.” (Warleigh, 2003) This model relies heavily on the existence of a demos, which the European Union is lacking. However, the creation of a euro-demos is important in politicizing Europe and pushing citizens to be active participants in the integration process rather than complacent voyeurs. This obstacle of identity is essential for altering perceptions of the EU among its citizens, which may in turn generate more trust in the system, thus bringing the European Union more legitimacy.

#### **4.2 THE EURO-DEMOS**

The creation of a euro-demos is a difficult process that will encounter many obstacles but is necessary for the creation of a political community in which citizens may disagree on policies, but agree on the system in which the policies are generated, which implies that they must, at least in part, identify with each other and the institutional structure of the EU. The task will be difficult as it takes place amongst the existing demoi of the member states. Therefore, the creation of a demos will have to be civic or political, rather than based on ethno-cultural identities. The demos must focus “on civic inclusion and shared values rather than common traditions, ethnic identities,” cultures, or a shared history. (Warleigh, 2003) A demos is a political entity or ‘the common people,’ but what do EU citizens have in common?

Because there is no overarching hegemonic power, like nationality, imposing a demos over the EU polity, its creation may be either limited or enhanced by the multiplicity of

identities. The identity as ‘European citizen’ is not enough to generate a euro-demos since the role of the citizen in the EU is void of any civic duty or obligation. Furthermore, citizens share common rights, but are not very aware of these rights and often do not take advantage of them. In a Eurobarometer poll, *How Europeans See Themselves*, published in 2000, respondents were asked to answer true or false to a list of EU citizenship rights. The majority of respondents were aware of their right to study and reside in other EU countries; they were, however, often unsure of other rights. Besides a lack of awareness of the rights they share with other citizens, EU citizens do not feel that EU policies concern them. In a 2008 Eurobarometer about the 2009 elections, 57 percent of respondents “believe the European Parliament does not sufficiently deal with problems that concern them.” The EP is supposed to be the citizens’ link to the Union, helping them to identify with the system to bring the governing structure more legitimacy. The EU must offer ways for the citizens to identify politically with each other and the EU institutions to bring the Union democratic legitimacy.

### *European Identity*

The European Union has 27 member states, each with its own language, history, customs and political traditions. European governance is often “based on the common pursuit of solutions to shared problems rather than a sense of shared identity.” (Warleigh, 2003) Identity, not to be confused or substituted for demos, implies a certain value-sharing and is subject to change over time. Then again, identity can be held as an addition to other pre-existing identities. For example, language, religion, and culture do not necessarily exclude a supranational identity of European. Nevertheless, it is more difficult to find shared values at the EU level. To overcome this barrier to integration, the Union boasts “unity in diversity.” This need to integrate the political sphere of the Union “is an ongoing search for equilibrium between integration and cohesion on the one hand, and maintenance of diversity and regional and cultural identity on the other hand, within certain governance structures and institutions.” (Bekeinas, 2005) The debate concerning the concept of identity in Europe is critical to the direction of further integration and the validity of this process. However, the way in which Europeans can identify with each other is limited due to cultural and linguistic differences, among others. European citizens share the institutions and the political process of European integration but are missing the trust and cooperation necessary to participate in and identify with this system of governance.

### *Institutional Success and Civil Society*

In Robert Putnam’s analysis of social capital, civil society, and institutional success in the emergent Italian regional democracy in *Making Democracy Work*, he finds that increased civil society participation and strong civic traditions generate trust and cooperation amongst citizens and lead to a better functioning democracy and good governance. While comparing the quality of democracy and governance at the regional level of Italy is not necessarily applicable to the case of the EU, it is interesting to note the large impact that civil society participation can have on citizens who share the same nationality and regional ties. Perhaps, then, increased civil society participation at the EU level can help citizens of different nationalities identify more strongly with each other and their institutions.

The Commission is not often praised for being democratic, however its need for expertise has led it to be the one institution eager for external consultation. Despite the claims made by many euroskeptics, the Commission is chronically understaffed and often

seeks the participation of interest groups, among which are civil society organizations. The Commission also has many preparatory committees that meet early enough in the legislative process that allow for the participation of civil society organizations. There are now “considerations for increasing inclusion of the European civil society voice– possible by improving accessibility and transparency in the EU’s policy-making processes– and more structured consultation procedures, so that the rationale could complement or even replace the existing informal practices of interest representation.” (Friedrich, 2008) This consideration of civil society implies that it is a way of bringing the Union closer to its citizens by offering alternative forms of identification and inclusion at the EU level. It may not be democratic in the formal sense as defined by the liberal democratic standard, but it allows for increased inclusion from a multiplicity of actors.

Civil society participation at the EU level serves a dual role of informing the public and increasing the number of arguments and political alternatives present during the policy-making process. The Union is often criticized for using technical language and terminology formulated by Eurocrats and experts. As previously mentioned, many citizens do not vote in the EP elections because they do not understand the role of the EP and its policies. Civil society organizations can take the concerns of the citizens to the EU, but more importantly, they can formulate technical issues in accessible terms and inform the wider public. (Steffek, 2008) This function is the most significant role for civil society organizations because accessible information and transparency are essential for creating an informed public debate about policy. While the inclusion of civil society organizations in the EU is not always ‘fair’ in that some groups are favored more over others according to interests, reputations, size, connections, and length of establishment, the creation of formal avenues of participation for these organizations will enhance policy debates and can further democratize the EU. Furthermore, if the increase in participation of civil society in European governance will generate more trust and cooperation amongst citizens, perhaps there is a chance for the creation of a euro-demos in which European citizens see the benefit of cooperation and participation in EU politics.

### 4.3 UNITY IN DIVERSITY

The formation of a euro-demos is essential for creating a democracy at the EU level. Demos creation must be established in order to preserve the diversity within the Union while simultaneously giving citizens and member states the sense of belonging to a greater whole. Allowing citizens to identify with each other as co-citizens who use the same institutions and share the same rights will help to form a euro-demos without creating an oppressive ‘European Identity.’ The goal of “demos-formation in the EU is to find an effective, affective means by which citizens can recognize each other as co-citizens of a common political system, and also to recognize the system itself as legitimate.” (Warleigh, 2003) Citizens must identify with this system for it to gain recognition as a legitimate governing body with democratic avenues for participation and inclusion. The EU institutions already have many of these avenues in place, although their structure should be improved to allow more decision making from the bottom-up. The participation of European civil society organizations gives citizens ways to see their interests and identities represented at the EU level, without having a constructed, overarching ‘European Identity’ forced upon them. In other words, these avenues for communication of interest allow citizens to identify with the institutions while still respecting differences in political cultures at the national level. The expansion of these elements of the EU will bring it more inclusion and therefore

democratic legitimacy, which will characterize the Union as truly 'United in Diversity.'

## 5. CONCLUSION

The democratic deficit stems from structural features of the European Union's decision-making system and from obstacles to participation within this system. Institutions in the EU must be altered to ensure that it is democratic in practice. Changes include strengthening the EP's powers over legislation, the budget, and other EU institutions while enhancing the role of national parliaments in the EU legislative process. Citizens should be more directly involved in initiating policies and in blocking legislation; the former of the two may result from the Citizen's Initiative. Furthermore, civil society participation should be given formal avenues for deliberation. The Treaty of Lisbon has addressed some but not all of these structural changes, which will decrease the 'institutional deficit' that affects the quality of democracy at the EU level. The adoption of these structural alterations can help to enhance accountability and bring the Union more democratic legitimacy.

On the other hand, the Treaty of Lisbon or the implementation of these structural reforms cannot fix the democratic deficit. Decision-making needs to be altered from forced integration from the top-down to a system in which reforms are made from the bottom-up in order to ensure that the Union is viewed as legitimate by its citizens. The EU must go as far as to guarantee that its institutions are designed to accommodate this, though the result may be a weaker governance structure than those found at the member-state level. Alternatively, it could result in a stronger and more democratic governance structure if citizens choose to call for more referenda or direct elections of certain EU posts, such as the President of the Commission. This collective action can only be achieved through the existence of a euro-demos, which must be based on shared rights and political values that recognize the EU institutions and the political process as legitimate. Member states have an obligation to generate trust in the EU by delivering information and increasing transparency at the nation-state level, which will help politicize the process of citizenship building.

The process of democratizing the political sphere of the European Union is a daunting task and may never be complete. It must always be transient to change based on the citizens' desires, but must be stable enough to govern Europe in the age of globalization. Robert Dahl states that the "transformation of political order in the world today may be akin to the shift from city-state democracy in ancient Greece to representative democracy in the nation-state." (Dahl, 1998) He notes the difficulty in creating a large-scale democracy that is responsive to the preferences of its citizens. Perhaps the European Union will never be as democratic as the liberal democracies seen at the member-state level, but the EU is a different entity and should not be judged against this standard. As long as the Union does not infringe upon the member-state democracies (through subsidiarity) and allows for increased inclusion and deliberation at the EU level, the Union has the possibility of gaining democratic legitimacy over time.

## WORKS CITED

- Beetham, David; Lord, Christopher. "Legitimacy and the European Union." Political Theory and the European Union: Legitimacy, constitutional choice, and citizenship. Ed. Albert Weale, Michael Nentwich. London: Routledge, 1998.
- Bekemans, Léonce. "The Idea and practice of Europe in a globalising world: reality and responsibility." Rivista Pace Diritti Umani 1 April 2005: 12.
- Chrysochoou, Dimitris. Democracy in the European Union. UK: I B Taurus & Co Ltd,

- 1998.
- Eurobarometer (1990) *Public Opinion in the European Community*. Commission of the European Communities: June, No. 33 <[http://ec.europa.eu/public\\_opinion/archives/eb/eb33/eb33\\_en.pdf](http://ec.europa.eu/public_opinion/archives/eb/eb33/eb33_en.pdf)>
- Eurobarometer (2000) *How Europeans See Themselves*. European Commission: September. <[http://ec.europa.eu/publications/booklets/eu\\_documentation/05/txt\\_en.pdf](http://ec.europa.eu/publications/booklets/eu_documentation/05/txt_en.pdf)>
- Eurobarometer (2008) *The 2009 European Elections EB 69*, European Parliament: September. <[http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_299\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_299_en.pdf)>
- Eurobarometer (2009) *The European Elections 2009 EB 71*, European Parliament: April.
- Friedrich, Dawid. "Democratic Aspiration Meets Political Reality: Participation of Organized Civil Society in Selected European Policy Processes." Civil Society Participation in European and Global Governance. Comp. Jens Steffek, Claudia Kissling, Patrizia Nanz. New York: Palgrave Macmillan, 2008.
- "Give Europe a say- Give Europe a say; The European Treaty." The Economist 27 Oct 2007: 2.
- Laffan, Brigid. "Democracy and the European Union." Developments in the European Union. Ed. Laura Cram, Desmond Dinan, and Neil Nugent. London: Macmillan, 1999.
- McCormick, John. The European Union: Politics and Policies. 4. Boulder, CO: Westview Press, 2008.
- Putnam, Robert. *Making Democracy Work, Civic Traditions in Modern Italy*. Princeton: Princeton University Press, 1993.
- Siebers, Stephen. "The Treaty of Lisbon and its Impact on the European Union's Democratic Deficit." Columbia Journal of European Law Summer, 2008: 11.
- Steffek, Nanz. "Emergent Patterns of Civil Society Participation in Global and European Governance." Civil Society Participation in European and Global Governance. Comp. Jens Steffek, Claudia Kissling, Patrizia Nanz. New York: Palgrave Macmillan, 2008.
- "The Treaty at a glance." www.europa.eu. European Union. 21 Mar 2009 <[http://europa.eu/lisbon\\_treaty/glance/index\\_en.htm](http://europa.eu/lisbon_treaty/glance/index_en.htm)>.
- "Treaty of Lisbon, Preamble." Official Journal of the European Union C 306, V 5012 Dec 2007 21 Mar 2009 <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0001:0010:EN:PDF>>.
- Warleigh, Alex. Democracy in the European Union. London: Sage Publications Ltd, 2003.



