

Causes of the eu democracy and legitimacy crisis



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Discuss the extent to which recent crises might have amplified the EU's problems with democracy and legitimacy.

European integration has always been motivated by the ideals of an “ ever closer union” culminating in the European polity envisioned by its founders, Jean Monnet, Robert Schuman, and Alcide De Gaspari[1]or by the idea of that the union could serve the interests of member states. The Economic Union was established in 1957 with the Treaty of Rome, which gave life to a new era of peace, prosperity and union in the European Continent. According to Bang, The EU can be considered to be an output-oriented system created to generate a collective solution to emerging challenges after the Second World War. In the following essay I will be analysing to what extent to what extent the democratic deficit and a Refuge migration crisis have affected the democratic and legitimate structure of the EU, based on the hypothesis that such crisis only contributed to an already pre-existing democratic deficit, which emerged by the inability of the EU to make the required decisions and gain the justification of its actions from its own people.

The European Economic Community provided a vehicle for economic reconstruction and peace in Western Europe following the Second World War during 1950s and 1960s, as a way to secure prosperity after a decade of Euroclerosis[2]the single European Act of 1986 was introduced. The European Union originally suffered from a legitimacy crisis, however, in an attempt to solve the problem in the treaties of Maastricht and Lisbon the union increased the powers of its parliament. However, the European Union's ability to continue upholding such prosperity is challenged by recent European crisis that have undermined its credibility as a supranational union,

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leading the union to face a democratic and legitimacy crisis. The EU economic crisis can be said to have contributed to the already existing democratic legitimacy crisis as governance processes are based on the principle of 'governing by the rules and ruling by the numbers.'^[3] From 2010 through 2014, the European Central Bank (ECB) slowly moved from the 'one size fits none' rules to 'whatever it takes'. The Euro crisis began in 2009 when some eurozone member states such as Greece, Portugal and Spain failed to repay their government debt, requiring the assistance of the European Central Bank, the International Monetary fund and other Eurozone countries, however, it was also greatly caused by international investors and their lack of confidence in the ability of European Banks to be able to repay their debts. Moreover, the Eurozone had not centralized fiscal capacities as it was dependent on achieving unanimity amongst its member states. The crisis emerges because the European Central Bank suffered from the same profligate lending and borrowing actions that caused the financial crisis in the U. S. and the Global recession in 2008. In search of a solution EU leaders agreed to create a fiscal union parallel to the monetary union by introducing a treaty which included the enforcement of budget restrictions of the Maastricht Treaty. Second, it reassured lenders that the EU would stand behind its members' sovereign debt. Third, it allowed the EU to act as a more integrated union. Prior the Eurozone sovereign debt crisis the democratic legitimacy of the EU was according to Peter A. Hall was reasonably stable and successful; the minimal political input by the electorate was not problematic as the union was producing an affective and beneficial output with economies across the Eurozone growing. However, Vivien A. Schmidt states that one of the most significant consequences of the Eurozone

financial crisis is the reduced popular support that it generated. This is further supported by Katsanidou and Otjes, who analysing crisis-stricken Greece in 2012, found that policy positions on economic issues are closely related to attitudes towards European integration[4]. This suggests that the impact of the crisis may have influenced in a negative way the perception that citizens have of the EU. In fact, this is corroborated by Katsanidou and Otjes in their argument that “ due to European involvement in budgetary decision making in a country that was strongly affected by the crisis, citizens cannot conceive of expansionary budgetary policies without contesting the notion of Eurozone membership”[5]. However, Schmidt’s claims that despite the negative impact that the Eurozone crisis may have caused “ Attitudes to the euro remain positive, but have decreased since the beginning of the crisis along with general attitudes towards the EU”. This suggests the possibility of the rise of electoral apathy, which places the democratic and legitimate structure that the EU has tried to embrace since the beginning in danger, because if there is not an agreement and coherency between the public opinion and possible new policies then member states and consequently the EU become illegitimate due to representation and lack of public consent, which is one of the essential characteristics of a democracy. Schmidt’s argument concords with Hix’s argument of “ fair-weather phenomenon”[6], which highlights the existence of a correlation between public support and economic success, which can be observed through Eurobarometer opinion polls, which shows how during the second oil crisis in the early 1980 and rose in 1993 until 2010 there was some significant decrease in support with figures barely staying above 50%. However, the Eurobarometer also shows that in 1970s 60% of citizens supported EU

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membership[7]reaching a peak in 1991 achieving 70% of support, however, since 1996 there has been a decline barely staying above 50%, which is effectively intensified as a consequence of the sovereign debt crisis in the euro area, however, these figure also show that the European Union has suffered from a democratic-legitimacy crisis since the foundation of the EU, meaning that the Eurozone crisis should be more carefully mentioned during debates regarding the democratic stability of the EU as the Financial crisis can be regarded as having intensified an already existing democratic crisis that endangers its sovereign legitimacy. It is believed by many scholars that the EU suffers from a democratic deficit due to the growing lack of public engagement and political accountability and lack of a public sphere with demos characteristics.

Kriesi have described the West European political space in terms of two dimensions related to and influenced by the process of globalisation, in the form of immigration and EU integration. The immigration crisis that Europe has been facing has become more of a damaging element to the European Union than a solution, there is a resistance in the polities of Europe, where radical right parties opposed to immigration and the policies of the European Union are on the rise.[8]The Refugee crisis has negatively affected and weakened the democratic structure of the European Union as it has brought to light how dysfunctional are the European public policies, primarily migration and asylum policies. Firstly, the American invasion of Iraq and the collapse of the regime and the long-term conflict among politicians and military fractions caused a wave of refugees, this situation and the collapse of Gaddafi's regime, civil war and the disintegration of Libya opened the way

for numerous refugees from Western and Sub-Saharan Africa to head over the Mediterranean towards the EU. According to Piero Malindi because the EU is not a state nor a confederation, executive authority bodies are in charge of executing European public Policies on behalf of their member states, who transferred to the union part of their sovereignty. The EU is founded on the values of freedom, democracy, equality, the rule of law and respecting human rights. Those values inspire the creation of new public policies. However, the arrival of large number of people has brought concerns to the European Union. Historically, the EU has been sceptical towards immigration and this is seen in the introduction of an extensive network of laws and instruments directed at controlling the Union's borders since 1990s as a way of preventing immigration. However, being a supranational community unified on a legislative-regulatory basis since 1999, the EU has been working on forming a Common European Asylum

System (CEAS) however, However, during 2015/16 programs such as the Dublin Resolution, during the 2015/16 were suspended because of the danger of a potential collapse due to large number of migrants. The failure of these programs suggested that the EU asylum and migrant policies were dysfunctional. Their implementation proved to show a clash in the implementation of the EU's fundamental values, which consequently had an effect on the de-legitimation of EU government institutions and the process of political decision-making. Moreover, the most the suspension of the Schengen System indicates the EU's inability to face crisis, but also is an indicator of the lack of solidarity to find a joint solution to solve the crisis. This highlight and contributed to the existing democratic deficit that the

European Union has been facing for decades as Muller suggests that one of the main issues affecting the legitimacy of the European Union is that the decisions carried by the Union concern millions of individuals, however such decisions are not all based on the consent of the public, since citizens cannot control the agenda and programs of the EU it undermines the legitimacy of its decisions. According to Lord, a democracy requires the acknowledgment of the power that citizens have to self-govern themselves directly or through representatives, it also requires certain degree of public control, it also requires political equality in order to ensure and give validity to the principle of "rule by the people" under equal circumstances and laws that ensures that the electorate has an equal access and voice over the political agenda. Lastly, it requires a justification to rule, as "John Stuart Mill argued that a primary purpose of representative government should be to ensure that those "whose opinion is overruled, feel that it is heard, and set aside not by a mere act of will, but for what are thought to be superior reasons"[9]. The EU is responsible for the introduction of 75% of the new laws binding on European citizens, when analysing those laws, Lord suggests that these crucial elements of democracy are absent. Lord suggests that the EU inability to have a deeper engagement with the building of the public sphere, leads to apathy from the electorate, which prevents the Union from advancing in terms of public policies development, therefore, he suggests that the Union should either seek a deeper level of community or it should establish a free trade zone which strictly generates only legal and administrative arrangements between member states. Bang emphasizes the lack of democracy of the EU by contrasting the Lisbon Treaty with the United States Constitution, during his comparison he highlights the essence of the

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American Constitution which is the principle of “ We the people” which is the central theme of the document, he describes it as being “ the American constitution is as ‘ tight’ , ‘ small’ , ‘ strong’ and ‘ crystal clear’ as a democratic constitution can be.”[10]He suggests that it is utopian to think that the EU could embrace such principle with the same depth, describing the Lisbon Treaty as hopeless as it does not begin with ‘ We, the people’ but with ‘ We, the Heads of States’. According to SIMON OTJES The levels of immigration in a country are likely to play a significant role in shaping attitudes towards European integration[11]. Majone suggests that the solution to such “ democratic deficit” is procedural rather than a fundamental change, meaning that more transparency, better system of check and balances, scrutiny by private sectors, for example; the European parliament scrutinizing the European commission Majone consequently holds that, if the EU could increase the credibility of its policy-making by introducing such procedural mechanisms, then the public would or should accept the EU as legitimate and concerns about the democratic deficit would disappear.

To conclude, I would not go as far as Moravcsik as suggest that the democratic deficit is a myth, but perhaps the EU should be run under s system of “ input and output” democracy as suggested by Scharpfs; the model involves input legitimacy, which is responsiveness to citizen concerns as a result of participation by the people, and ‘ output legitimacy’, which is assessed in terms of the effectiveness of the EU’s policy outcomes for the people[12]plus a new approach by Schmidt called “ throughput legitimacy” which is “ another term from systems theory, and is judged in terms of the

efficacy, accountability and transparency of the EU's governance processes along with their inclusiveness and openness to consultation with the people"[13]. This could allow the EU to recover its democracy and legitimacy.

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