



By Benjamin Martill

The democratic credentials of the European Union (EU) have become a key issue for debate as the referendum on British membership approaches. Often this is manifest in debate over the extent, or existence, of a 'democratic deficit' in the EU. Although some scholars have argued that the limitations on democracy at the European level are necessary for the kind of policymaking (regulatory, not redistributive), a consensus is emerging that the EU must constitute a democratic and representative institution. The term 'democracy' itself comes from the Greek words *demos* (people) and *kratos* (rule), but whilst the basics of the concept – rule by the people – is relatively intuitive, what this means in practice is often far more complex, especially when applied to international modes of governance such as the EU.

One reason the debate over the 'democratic deficit' is so tricky is the complex decision-making structure of EU policymaking, since the membership of the various institutions is appointed in different ways. The Court then enforces implementation of these laws. Commissioners are appointed directly by the member-state governments. The Council membership comprises the heads of government and ministers of the member-states themselves. The Parliament is elected directly by European citizens. In the ordinary legislative procedure – which accounts for most of the EU's output – policies are drafted by the Commission and approved by the Council and the Parliament.

The question of the democratic deficit raises some thorny issues. Where one stands in the debate depends on how one would answer several complex questions: What do we mean by democracy? What is the purpose of the EU? How can democracy be applied between states? Which institutions (or policies) are we most concerned with? There is no easy answer to any of these questions, but engaging with them can help us understand whether there is a democratic deficit in the EU, and if so, what form it takes, and how it might be remedied.



Popular control over legislation

Undemocratic: It is wrong that the Commission is not directly elected. It means there is no democratic control over the introduction of legislation. Although the Parliament can vote on all laws, since it cannot introduce laws, there is no popular process behind the creation of EU law.

Democratic: It is not unusual for legislative initiative to be held by an unelected individual. The appointment of Commissioners by elected governments and their need for support from the directly elected Parliament is sufficient. Moreover, the Parliament is able to significantly amend laws before passed.

Possibility of being 'outvoted'

Undemocratic: Other member-states could, if they wanted to, outvote the UK in the Council (and potentially also the Parliament), leading to legislation being passed that the UK never supported and would not have agreed to. In the worst case scenario, the preferences of the UK may be outvoted on a continual basis.

Democratic: This situation almost never arises, and is mediated by the tendency for the Council to make decisions by consensus. Should this situation arise it would be represent the normal operation of the democratic process, where certain interests will always lose out to others with greater popular support.

Elections to the European Parliament

Undemocratic: European elections do not work as proper elections. The system is overly complex, turnout is very low, and individuals who do vote often do not have European politics in mind when doing so (it is often argued that elections to the European Parliament are "second order national contests" where voters reward or punish their own governments).

Democratic: Elections to the European Parliament are more democratic than most national elections, since the system used to elect MEPs has higher proportionality than alternative systems (such as the one used for Westminster elections). Turnout is low because people do not identify with Europe, but this is not a problem with democracy *per se*.

Existence of a European 'demos'

Undemocratic: There is a lack of transnational solidarity and identification at the pan-European level, such that it does not make sense to talk of a European *demos* (peoples). This means participation in European elections will remain low, that policies and issues will continue to be debated from national perspectives, and that citizens will feel disengaged from European institutions.

Democratic: It is not true that there is no European *demos*; many people identify both with their nation and their region, and the two are not mutually exclusive. It is not clear whether pan-European solidarity and identification is necessary for the EU to function democratically, since it is not a nation-state, nor does it produce much legislation related to questions of national culture or identity.

