Democratic Deficit and Departamentarisation?

Europeanisation/German Politics
Outline

Intro
  Revision
  Intro

A democratic deficit?
  Majone and Moravcsik: no democratic deficit
  Follesdal & Hix: democratic deficit reloaded

Bundestag: europeanisation
  Assessment: ‘passive europeanisation’?
  Possible explanations

Summary
  Summary
  Class questions
What is public policy?

- Policy making: what political systems do
- Different types of policies:
  - Who wins, who loses?
  - How concentrated are the gains/losses?
- Circular process that is difficult to control in democracies
- EU policy making . . .
  - Focus on regulation (economy, labour market)
  - Spill-over
  - Complex, many players, many modes
- Important gateway for europeanisation of Germany
Today: German Bundestag & democratic deficit

- Is the EU a state? A confederation? A political system?
- It has state-like qualities
- Democratic structures?
- Implications for member states
  - Quality of democracy in member states reduced?
  - Can/do member state institutions provide democratic input?
Democratic deficit: the standard version

1. Increase in executive power, loss of parliamentary control at national level
2. EP too weak to compensate
3. EP elections are ‘second-order national contests’, not European elections
4. EU too distant from citizens
   - Too different from national systems/politics
   - Institutionally insulated
5. Policy drift
   - National governments can implement policies w/o national majority support
   - ‘Neoliberalism’, de-regulation, austerity
Who?

A. Moravcsik

G. Majone
Majone: EU *should* not be democratic

- EU is all about regulation (of the market)
- Regulation is Pareto-efficient
  - No one is worse off
  - Some are better off
- So EU is about efficiency, not about (re)-distribution
- Limited number of solutions to problem, regulation identifies the correct one
- Like a court, EU institutions should be isolated from political pressure to fulfill their job
Moravcsik: Checks & balances limit policy-drift

(EU largely intergovernmental)

- National governments directly accountable and under national parliamentary/media scrutiny
- Strengthening of EP most significant development since early 1990s
- EU policy making process more transparent than domestic systems
- Commission promotes diffuse interests, thresholds imply the (centre-left) median voter is privileged
Moravcsik: Checks & balances limit policy-drift

(EU largely intergovernmental)
- National governments directly accountable and under national parliamentary/media scrutiny
- Strengthening of EP most significant development since early 1990s
- EU policy making process more transparent than domestic systems
- Commission promotes diffuse interests, thresholds imply the (centre-left) median voter is privileged
- EP elections need not be about Europe
  - Voters care about tax & spending, less relevant at EP level, involvement too costly
  - Political insulation protects minority interests
  - Isolated policy makers can correct bias
Who?

A. Follesdal

S. Hix
Contra Majone

- Even purely regulative policies generate winners and losers (process that brings about regulation targets is political)
- Not all EU are regulative; there is a continuum:
  - Court adjudication, merger control, technical standards . . .
  - Monetary and competition policies
  - Market (de)regulation: globally efficient but generates losers
  - EU expenditure (agriculture, deprived areas . . .)
Contra Majone

- Even purely regulative policies generate winners and losers (process that brings about regulation targets is political)
- Not all EU are regulative; there is a continuum:
  - Court adjudication, merger control, technical standards . . .
  - Monetary and competition policies
  - Market (de)regulation: globally efficient but generates losers
  - EU expenditure (agriculture, deprived areas . . .)
- No good reason to isolate distributive & redistributive policies from majority rule
Contra Moravcsik

- Even if there is a fit between policies and voters’ preferences, democrats want strong safeguards (accountability).
- Voters’ preferences are not fixed; deliberation and party contestation are essential.
- Lack of salience can be a result of a lack of mobilisation.
- Regulators no necessarily less likely to be captured by specific interests.
- Checks and balances privilege the status quo, which is not identical with preference of majority.
Salience of European issues in Germany
Salience of European issues in Germany
Pro ‘Constrained Democracy’

- All theories of democracy agree on competition, deliberation, accountability, meaningful elections
- Even if policies are ok, EU institutions are not democratic
  - No institutionalised opposition
  - No competitive elections
  - No EU-wide public debates, no opinion formation
- EP is becoming more coherent and europeanised . . .
Pro ‘Constrained Democracy’

▶ All theories of democracy agree on competition, deliberation, accountability, meaningful elections
▶ Even if policies are ok, EU institutions are not democratic
  ▶ No institutionalised opposition
  ▶ No competitive elections
  ▶ No EU-wide public debates, no opinion formation
▶ EP is becoming more coherent and europeanised . . . but CoM has legislative competences while not operating like proper parliament
Pro ‘Constrained Democracy’

- All theories of democracy agree on competition, deliberation, accountability, meaningful elections
- Even if policies are ok, EU institutions are not democratic
  - No institutionalised opposition
  - No competitive elections
  - No EU-wide public debates, no opinion formation
- EP is becoming more coherent and europeanised . . . but CoM has legislative competences while not operating like proper parliament
- Commission could be politicised (stripped of its regulative tasks)
Pro ‘Constrained Democracy’

▶ All theories of democracy agree on competition, deliberation, accountability, meaningful elections
▶ Even if policies are ok, EU institutions are not democratic
  ▶ No institutionalised opposition
  ▶ No competitive elections
  ▶ No EU-wide public debates, no opinion formation
▶ EP is becoming more coherent and europeanised . . . but CoM has legislative competences while not operating like proper parliament
▶ Commission could be politicised (stripped of its regulative tasks)
▶ What happens at the national level?
Institutional changes

- At least $\frac{1}{3}$ of all German laws triggered by ‘European impulse’
  - Huge variation across policy domains (agriculture, environment, economic policy)
  - Not included: European regulations, European rules implemented by executive decree, EU rules anticipated by legislators
Institutional changes

- At least $\frac{1}{3}$ of all German laws triggered by ‘European impulse’
  - Huge variation across policy domains (agriculture, environment, economic policy)
  - Not included: European regulations, European rules implemented by executive decree, EU rules anticipated by legislators

- Bundestag took rather long to institutionalise its prerogatives
  - ‘Consultation’ guaranteed by constitution
  - Oversized majority required for any further transfer of sovereignty
  - European Affairs Committee mandated by constitution
Article 45 [Committee on the European Union]
The Bundestag shall appoint a Committee on the Affairs of the European Union. It may authorise the committee to exercise the rights of the Bundestag under Article 23 vis-a-vis the Federal Government. It may also empower it to exercise the rights granted to the Bundestag under the contractual foundations of the European Union.
Political passivity?

But . . .

- Few recommendations, fewer debates in the Bundestag
- During height of Euro-crisis, committee has made only 13 recommendations
- While thousands of European documents hit the Bundestag each year
- Why are the Bundestag and its European Affairs Committee so passive?
Why so little activism?

- Europe is complex; government as gatekeeper
- Lack of Anti-European parties (but now: AfD)
- Overload
- Lack of co-ordination between committees and competition, lack of a ministry for Europe
- Lack of incentives for MPs (low salience)
- Activism dysfunctional for members of majority parties
- Government needs leeway in negotiations, opposition parties do not want to act against national interest
Is there no activity at all?

- Members of majority parties try to affect government policy informally
- Members of opposition parties try to do the same
- Members seek early and independent information
  - MEPs
  - Eurocrats
  - Colleagues (e.g. in Austria)
- Members of opposition parties will also work with Land governments
- The existence of veto rights has effects
Summary

- The EU has statelike qualities but lacks democratic mechanisms
- European integration undermines the role of national parliaments
- The Bundestag is a strong parliament, yet oddly passive
- That impression may or may not be deceptive
Your turn

1. Discuss the arguments for and against the existence of a democratic deficit with your neighbour. Can you think of any others?

2. Can the Bundestag reduce the democratic deficit, and if so, how?
   - Form groups of 5 students
   - Select one person to take notes/minutes
   - Discuss the problem, using arguments from the texts and your work with your neighbour
   - Report back to the plenary

3. Take home questions
   - How has europeanisation affected the work of MPs?
   - Should Germany have a ministry for European Affairs?