

## I. Introduction

European integration has followed an *ad hoc* and uneven process of development across policy issues.<sup>1</sup> Economic integration has spread over non-economic policy areas, hence transforming the EU into a multilevel form of governance with a distinct entity and a citizenship of its own. Till the Treaty on European Union (TEU), integration had progressed on permissive consensus. With the TEU however, it has become obvious that elite consensus would no longer suffice to promote integration. Public disapproval in effect manifested itself at the occasion of the ratifications of the TEU, and later of the Constitutional Treaty (CT). Unlike the negative result of the referenda for the TEU, the turnout of the referenda for the CT impeded integration by replacing the project of Constitution with a treaty revision. Shortly, after Maastricht, the lack of public approval has become a concern more than ever.

The problem with No votes is that they challenge legitimacy and the future of the integration. After the TEU, EU institutions celebrated on the ways of bringing the EU closer to its citizens, and of building public support. Such attempts in fact have their foundations in the ‘Eurosclerosis’ of the 1970s. After the TEU however, the EU has grown more sensitive to the lack of public approval and the fragility of public support. In reflecting on the various factors that alienated citizens to the Union and on the ways of countering them, the scholars and the EU institutions came to formulate the problem as a problem of ‘democratic deficit’. Democratic deficit refers to “a growing mismatch between the powers exercised in and through EU institutions, fora and procedures, and the channels, structures and sanctions to influence and control the formulation and implementation of policy”.<sup>2</sup> The democratic deficit based viewpoint holds that integration cannot be furthered unless EU institutions are democratised. In the period from the TEU to the CT, the EU considered various measures to fill in the deficit, and to win EU citizens, i.e. the Commission’s White Papers on Governance, institutional reforms at Nice, the process of the Convention. The Convention in particular proves of a EU attempt to implement participative democracy. The turnout

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<sup>1</sup> Knill, C. and Lenschow, A. “Modes of Regulation in the Governance of the European Union: Towards a Comprehensive Evaluation”, *European Integration Online Papers*, 2003, Vol. 7, N° 1.

<sup>2</sup> Maurer, A. “Less Bargaining? More Deliberation. The Convention Method for Enhancing EU Democracy”, *International Politics and Society*, 1, 2003, [http://www.fes.de/ipg/IPG1\\_2003/ARTMAURER.HTM](http://www.fes.de/ipg/IPG1_2003/ARTMAURER.HTM)

of the referenda on the CT however, overshadowed the reliability of such initiatives. The message of the referenda, among others, was the end of the permissive consensus.

Referendum is a method of plebiscitary democracy that aims to increase public involvement in decision-making.<sup>3</sup> Further to this, referendum is a constitutional prerequisite that is designed to get public consent on an important issue. A positive turnout means that citizens approve the terms of the question asked at the referendum; from which decision makers draw support and legitimacy on the issue in question. From this perspective, the turnout in France and the Netherlands delivers two messages: Citizens disapprove the way the integration was designed at the CT; also, the EU level institutional solutions based on the democratic deficit viewpoint have failed to win EU citizens.

This paper elaborates the issue of building public support through democratisation, and discusses the efficiency of this method (applied in the period between the TEU and the CT) with respect to the turnout of the French and Dutch referenda. The positive results of the other referenda can be argued in favour of the democratisation methods. The French and Dutch referenda however, happen to be the control cases to test the object. The underlying assumption is that using the case studying method on negative cases will help perfect the theory in question.<sup>4</sup> Three strains of explanation exist with respect to No votes: The explanations pertaining to the dynamics of integration i.e. euroscepticism (Cuperus: 2005), the democratic deficit argument (EU Commission: 2006, Weiler: 1995, Scharpf: 1997 etc.), and the lack of myths (Hansen and Williams: 1999); the domestic level explanations i.e. no vote as a reaction to national governments (Crum: 2007, Franklin: 2002, Ivaldi: 2006); and the explanations that combine the two levels of polity (Taggart: 2005). This paper agrees with the explanations of the latter kind. It argues that considering the issue of public (dis)approval to integration solely from the angle of democratic deficit was a one sided approach, therefore has proved inefficient. In that, the underlying rationale prioritised the EU level dynamics, meaning the impacts of the integration, without

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<sup>3</sup> Taggart, P. "Keynote Article: Questions of Europe - The Domestic Politics of the 2005 French and Dutch Referendums and their Challenge for the Study of European Integration", *Journal of Common Market Studies*, 2005, Vol. 44, Issue s1, p.10.

<sup>4</sup> Sartori, G. "Comparing, Miscomparing and the Comparative Method," in Dogan, M. and Kazancigil, A. (eds.), *Comparing Nations: Concepts, Strategies, Substance*, Oxford: Blackwell, 1994, p.30.

taking into account domestic contextual factors. This approach neglected that public disapproval encompasses reactions to the current and/or prospective stage of the integration, as well as reactions deriving from the domestic context.<sup>5</sup> In terms of the grand theories of international relations, the reasoning of the paper sits in the current initiated by Moravcsik.

The paper is sectioned in two parts. The empirical part gives a brief account of the major EU attempts at building public support by democratising the EU in the period between the TEU and the CT. It also communicates the main findings on the Dutch and French referenda. In so doing, this section aims to pinpoint the dynamics of the EU and domestic levels, hence paving the road for a two level analysis. The second part is an attempt to give a theoretical account for the facts. Firstly, the democratisation reforms will be evaluated in light of the theories by Schmitter and Moravcsik. It will be argued that it is not possible to democratise the Union in the way a nation state is democratised. Secondly, the paper will try to explain French and Dutch referenda. It will be argued that public disapproval is a function of dissatisfaction with the unpopular impacts of the integration at domestic level, and domestic contextual factors. The paper will conclude that democratisation cannot suffice to win citizens unless domestic elites and decision makers provide support, and shape public opinion in favour of the integration.

## **II. The Background of the Issue**

### ***II. I. The EU Initiatives for a More Democratic Union***

The EU on the official website defines the democratic deficit as a:

“concept invoked principally in the argument that the European Union and its various bodies suffer from a lack of democracy and seem inaccessible to the ordinary citizen because their method of operating is so complex. The view is that the Community institutional set-up is dominated by an institution combining legislative and government

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<sup>5</sup> Taggart, *op.cit.*, p.15.

powers (the Council of the European Union) and an institution that lacks democratic legitimacy (the European Commission)<sup>6</sup>.”

The definition underlines three aspects: The remoteness of the EU because of the complexity of its institutional and legal design, its inaccessibility, and the predominance of non-democratic institutions. It follows from this definition that the issue encompasses both an input and output legitimacy dimensions.

As the problem is democratic deficit the Union took measures for democratisation: On various EU documents, i.e. the Laeken Declaration, the White Paper on Governance of 2001 etc., the goal is set as ‘to increase legitimacy by getting closer to citizens’. Democratisation however, requires some prerequisites. To this end, the EU made institutional and normative reforms, and adopted new modes of governance.

After the TEU, the EU made institutional reforms in two steps. The Treaty of Amsterdam extended the legal base of QMV, the scope of codecision, and the EP’s powers under codecision and launched the enhanced cooperation procedure. The Nice Treaty further expanded the scope of the QMV and codecision, facilitated the enhanced cooperation procedure, made changes concerning national representation in EU institutions, and reweighing of votes in the Council.<sup>7</sup> These reforms strengthened the democratic quality of the Union by enhancing EP powers, and by simplifying the procedures under which the EP acts. Procedure simplification also contributed to output legitimacy.

The Commission’s good governance initiative (White Paper on Governance, July 2001) aims to increase output legitimacy through input legitimacy. The underlying idea is that efficiency and legitimacy are a function of the EU’s performance and participation. The Paper identifies the root of the problem of public disapproval and disinterest as the predominance of top-down approaches.<sup>8</sup> Accordingly, it suggests measures such as ‘better involvement and more openness (meaning keeping citizens

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<sup>6</sup> Democratic Deficit, *Glossary*, the official EU website, [http://www.europa.eu.int/scadplus/glossary/democratic\\_deficit\\_en.htm](http://www.europa.eu.int/scadplus/glossary/democratic_deficit_en.htm)

<sup>7</sup> Nugent, N. *The Government and Politics of the European Union*, Durham: Duke University Press, 2008, p.102.

<sup>8</sup> *White Paper on Governance*, the European Commission Official Website, Brussels, COM (2001) 428, 25.7.2001, [http://ec.europa.eu/governance/white\\_paper/en.pdf](http://ec.europa.eu/governance/white_paper/en.pdf), p.4.

up-to-date about decision making, establishing stronger dialogue between regional and local partners, setting minimum standards for consultation, adopting partnership arrangements, and bringing more flexibility), better policies, regulations and deliverance (The Commission will use looser methods of regulation and create new (less top-down) regulatory agencies) and refocused institutions (The Commission and members states should work closer).<sup>9</sup> The White Paper promotes five principles; namely, participation, openness, accountability, effectiveness and coherence. This initiative was pursued at the White Paper on Governance of 2005 whose details this paper will not go into given the limit of space.

Finally, let us see the democratisation measures proposed by the CT. The CT comprised institutional reforms in areas similar to those made at Amsterdam and Nice: Extension of the EP powers, the scope of the QMV etc. In addition, it clarified the competences of the EU and of the member states, as well as the decision-making procedures that go with these competences. It codified the values and symbols of the EU. In so doing, the CT enhanced collective identity via structural and ideational arrangements. Finally, the process itself encouraged public involvement. Firstly, the establishment of the Convention constitutes an attempt to involve public into constitution making. The Convention aimed to draw up a draft document on the basis of the consultation of non-governmental actors such as academics, civil society representatives etc. The possibility of individuals to have a say on the works of the Convention via Internet complemented the consultation process. The democratic quality was assured by transparency of the sessions, disseminating information etc. The succeeding IGC where the heads of states revised the draft document hampered the democratic advances realised by the Convention. Nevertheless, the Convention matters, because its very spirit lies in public involvement. Secondly, the CT to enter into force requires approbation at national referendum. This constitutional provision too contributes to public involvement.

To sum, the EP related reforms, the new modes of governance, the principles established by the good governance approach, and the reforms on increased public involvement and collective identity correspond to input legitimacy approach. The

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<sup>9</sup> *op.cit.*, pp.4-10.

arrangements concerning the decision-making procedures aim at output legitimacy. The Council related settlements satisfy the intergovernmentalist concerns, and rather fall under the output legitimacy approach. Under the good governance approach, output legitimacy derives from input legitimacy. Two conclusions can be drawn from the recapitulation. EU measures pursue both input and output legitimacy. Looking at their relative weight however, it can be argued that the input side measures outweigh. Input legitimacy approach aims to build normative legitimacy and, in time, social acceptance with it. The major attempt in this respect is the CT. The CT in effect codifies reforms on all dimensions, hence making them self-enforcing/imposing norms. Such being the EU side initiatives for democratisation let us move on to the domestic side of the phenomenon, that is, the relationship between public support and democratisation.

## ***II. II. Elucidating the domestic level: The cases of France and the Netherlands***

Assessing the efficiency of the EU measures requires analysing their impacts in domestic context. That in turn necessitates comprehending the main dynamics of the national context because an outcome that seems similar in effect may generate from different factors in different countries. So, it is necessary to give a brief account of the domestic particularities. In so doing, this paper will use Eurobarometer surveys.

### **II.II.I. France**

France held a referendum on the CT on May, 29th 2005. The turnout was 69.3%. This high rate proves of public interest in the CT. It is noteworthy that this score is close to the turnout for the TEU, 69.9%. The Eurobarometer survey identifies the following results.<sup>10</sup> Most abstainers aged under 40 (74%), came from rural areas (31% vs. 26% living in cities). 51% of the voters who abstained at EP elections voted for the referendum. Of the respondents, 66% abstained because of the complexity of the text, 49% did so because of insufficient information, 29% because of disinterest, 30% because their participation would not change anything, and 14% because they were against European construction. It follows that apathy is a function of the lack of

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<sup>10</sup> *The European Constitution: Post-Referendum Survey in France*, June 2005, [http://ec.europa.eu/public\\_opinion/flash/fl171\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl171_en.pdf), pp.4-15.

information, complexity and disinterest. This finding falls in line with the EU definition of democratic deficit. Also, the average abstainer is young, and comes from rural areas and is either unaware of or disinterested in EU affairs.

Of the rejecters, 63% were aged between 40 and 54. 76% worked for manual jobs. Almost all CP and FN/MNR parties voted against. (94% and 95% respectively). 61% of both the Greens and socialists voted against. 25% of the UMP/UDF voters voted against. It follows that the highest percentage of No voters as to parties located rather on the extremes. As the political stance approached the centre the rate of rejection began dropping. 61% of people living in rural areas objected the CT.<sup>11</sup> It can be inferred that the average yes voter lives in rural areas, is informed about the CT, and adopts a stance towards the centre.

The motivations of No votes are negative impacts of the integration on French economy (31%), the weak state of French economy (31%), too liberal spirit of the CT (including the fear of immigration from new member states) (19%), reaction to national governments (18%) and concerns about social agenda (16%). These findings yield to the following conclusions: The lack of information does not play big role in rejection, which means objection was a deliberate choice on behalf of voters. The factors underlying no votes touch some aspects of the democratic deficit problem and that in its output legitimacy dimension, i.e. economic performance, unemployment and social protection. This means voters are more concerned on the domestic impacts of integration than the dynamics and/or future of Europe; in other words, the domestic level calculations mark voters' perception and rationale. The concern about immigration shows the low level of Europeanness. Let us now see how things turned out to be in the Dutch case.

### **II.II.II. The Netherlands**

The referendum on the CT took place on June, 1<sup>st</sup> 2005. It is worth noting that this referendum constituted the first referendum held in the country. The turnout rate was 62.8%, rather high. This leads to conclude that the Dutch showed great interest in the

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<sup>11</sup> *op.cit.*, pp.16-20.

CT. The referendum resulted in 61.6% of No votes.<sup>12</sup> Eurobarometer identifies that most abstainers were young (54%), worked as either manual workers (46%) or self-employed (43%), and did not vote because they did not know much about the CT (41%). 67% of the respondents affirmed the debate on the CT started rather late.<sup>13</sup> It follows that the lack of information constituted the main reason for abstention. The socio-economic status also is important on abstention.

The analysis of No voters yielded the following results: 74% of those aged between 18 and 24 voted against. 67% had lower level of education. 78% worked as manual workers. 65% felt that they were not sufficiently informed.<sup>14</sup> The motivations for No vote were as follows: The lack of information (32%), loss of sovereignty (19%), reaction to national government/certain political party (14%), and Europe is too expensive (13%).<sup>15</sup> Three conclusions can be drawn: The lack of information mostly inspired rejection. Euroscepticism (as indicated by ‘loss of sovereignty’ and ‘Europe is too expensive’) came second. The third most important factor is a pure domestic level factor. Dutch voters also dwelled upon the domestic impacts of the integration rather than EU project or collective identity and so on.

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A comparative analysis yields to the following results. The lack of information constitutes the essential obstacle before the CT. Euroscepticism also is a concern with considerable impact. Domestic level factors or the domestic impacts of the integration dominate voters’ reasoning. Dissatisfaction with the EU’s performance communicates that the Dutch and French take the EU’s legitimacy more from an output legitimacy angle. These findings point at a mismatch between voters’ expectations and the EU’s normative and institutional measures.

### **III. Theoretical Insights into the Facts**

#### ***III. I. How efficient are the institutional measures?***

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<sup>12</sup> *The European Constitution: Post-Referendum Survey in the Netherlands*, June 2005, [http://ec.europa.eu/public\\_opinion/flash/fl172\\_en.pdf](http://ec.europa.eu/public_opinion/flash/fl172_en.pdf), p.3.

<sup>13</sup> *op.cit.*, pp.9-12.

<sup>14</sup> *op.cit.*, pp.12-14.

<sup>15</sup> *op.cit.*, p.16.



Evaluating the efficiency of the EU initiatives on democratic deficit requires analysing the issue of democratic deficit itself. The democratic deficit complaint takes roots from the delegation of powers to the EU. It concerns the institutions and decision-making processes. The arguments can be regrouped under five categories.

- **The lack of legitimacy** refers to insufficient trust and disinterest on behalf of the citizens. One of the factors underlying disinterest is the technicality of the regulatory activities and institutional reforms.<sup>16</sup> The latter are indeed, not of a nature to engender much change in every-day life unless people have some expertise or sectoral interests.<sup>17</sup> In addition, the long period passed on permissive consensus makes it difficult to gain public interest in the short run.<sup>18</sup> Secondly, a gap lies between citizens' expectations and the EU's competences. In that, people expect policies on areas such as security or unemployment where the EU has little or no competence.<sup>19</sup> Thirdly, national interests drive most public discourse over EU affairs, and member states tend to blame the unpopular policy outcomes on the EU. As such, the EU's image turns grey if not black. Finally, institutional channels remain too weak to make European citizenship a meaningful concept whereby to draw legitimacy.<sup>20</sup> The lack of a European demos also is an important factor underlying distrust and disinterest.
- **The lack of transparency** concerns the EU institutions, the Council of Ministers in particular, and complains about 'behind doors' discussions.<sup>21</sup> The counter argument holds that making the Council more transparent would harm national interests and hamper the decision-making process.

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<sup>16</sup> Moravcsik, A. "In Defense of the Democratic Deficit: Redressing Legitimacy in the European Union", *Journal of Common Market Studies*, Vol.40, No.4, p.613.

<sup>17</sup> In the *Post European Elections 2004 Survey Report*, disinterest ('not interested in politics as such', 'too busy/no time/work', 'vote has no consequence', 'on holiday') outweighs the 'lack of trust'. See *Post European Elections 2004 Survey Report*, EOS Gallup, July 2004, [http://ec.europa.eu/public\\_opinion/flash/FL162en.pdf](http://ec.europa.eu/public_opinion/flash/FL162en.pdf), p.7.

<sup>18</sup> Føllesdal, A. "Legitimacy Theories of the European Union", ARENA WP 15/2004, <http://www.arena.uio.no/publications/working-papers2004/>, p.2.

<sup>19</sup> Public Opinion Survey, [http://www.europa.eu.int/comm/public\\_opinion/archives/eb/eb64/eb64\\_first\\_en.pdf](http://www.europa.eu.int/comm/public_opinion/archives/eb/eb64/eb64_first_en.pdf), p.10.

<sup>20</sup> Weiler, J. "To Be a European Citizen- Eros and Civilisation", *Journal of European Public Policy*, Vol.4, No.4., 1997, p.502.

<sup>21</sup> Dehousse, R. et al. "Europe after 1992: New Regulatory Strategies", *EUI Working Paper*, LAW 92/31, 1992, p.30.

- **The lack of consensus** argument targets the QMV, and argues that QMV creates unfair results for the will of minority. Therefore, it makes the EU functioning rather majoritarian.<sup>22</sup> This argument is countered by the output legitimacy argument. The efficiency of decision-making significantly drops under unanimity procedure. Besides, some member states make a tactical use of the veto power in order to influence decisions, which risks imposing the tyranny of minority.
- **The lack of accountability** concerns the supranational institutions i.e. the Commission, the Court of Justice that are unaccountable. Such bodies reduce the democratic quality of the Union. The EP as the only directly elected body remains too weak to cover up this deficit.<sup>23</sup> The output legitimacy standpoint gainsays this argument on the grounds that autonomous bodies increase efficiency and that their legitimacy begets from expertise.
- **The lack of protection** argues that negative integration by increasing the competitiveness of the states with the lowest level of social policy has pushed the level of social protection down.<sup>24</sup> Moravcsik argues that this argument is exaggerated, and the most important factors behind the rising social spending are domestic.<sup>25</sup> For Majone, trying to legitimate the EU by putting more emphasis on social policy and redistribution risks decreasing the democratic quality of the Union for it requires a rather centralised bureaucracy.<sup>26</sup>

The EU measures concentrate on the first category, while the last one is almost absent. As concluded in the previous section however, voters perceive legitimacy rather from the output legitimacy angle. This constitutes a mismatch. This conclusion is somewhat hasty. Before pronouncing on the democratic deficit debate and the efficiency of the measures, it is necessary to take position on **the nature of the EU**. That is because the viewpoint on the nature of the Union determines the way in which

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<sup>22</sup> Weiler, J. "Problems of Legitimacy in Post-1992 Europe", *Aussenwirtschaft*, 46, 1991, pp.411-37.

<sup>23</sup> Shapiro, M. "The Problems of Independent Agencies in the US and the EU", *Journal of European Public Policy*, Vol.4, No.2. Jun, 1992, pp.276-91.

<sup>24</sup> Scharpf, F. "Economic Integration, Democracy and Welfare State", *Journal of European Public Policy*, Vol.4, No.2, Mar., 1997, pp.219-42.

<sup>25</sup> Moravcsik, *op.cit.*, p.618.

<sup>26</sup> Majone, G. "The Regulatory State and its Legitimacy Problems", Institute fur Hohere Studien, 1998, [http://64.233.183.104/search?q=cache:onnxUSkh8QIJ:www.ihs.ac.at/publications/pol/pw\\_56.pdf+%E2%80%9CThe+Regulatory+State+and+its+Legitimacy+Problems%E2%80%9D%2BInstitute+fur+Hohere+Studien&hl=en&ct=clnk&cd=1&gl=tr&client=firefox-a](http://64.233.183.104/search?q=cache:onnxUSkh8QIJ:www.ihs.ac.at/publications/pol/pw_56.pdf+%E2%80%9CThe+Regulatory+State+and+its+Legitimacy+Problems%E2%80%9D%2BInstitute+fur+Hohere+Studien&hl=en&ct=clnk&cd=1&gl=tr&client=firefox-a), p.20.

one evaluates EU functioning. The opinion on the nature of the EU is divided, except the fact that everyone admits the EU is not a nation state.

The first viewpoint defines the EU as something more than a regime, and similar to but less than a federation. The EU alludes to a parliamentary state given the federalist features it displays. (Weiler: 2001) Democratic deficit definitely is a concern, and needs to be tackled by institutional changes such as the enhancement of the EP, the transformation of the Council into an upper chamber, the accountability of the Commission etc. Secondly, Majone describes the EU as a regulatory state. He takes the problem of legitimacy and trust building from the angle of output legitimacy. He proposes the enhancement of independent and non-participatory bodies. So doing would help build trust on the grounds of effectiveness and the lack of partisanship.<sup>27</sup> In that, independent and non-participatory bodies encourage interest formation hence the EU's popularity amongst interest groups. Also, the efficiency of the functioning and the benefits of the decision outcomes would raise the level of public satisfaction, hence contributing in trust building. He adds that democratic and participatory bodies should control these institutions for normative legitimacy.

The final viewpoint takes the EU as an international organisation, something a bit more than the collection of sovereign states, and much less than a federation.<sup>28</sup> (Majone: 1998, Milward: 1992, Moravcsik: 2001) The establishing treaties have the value and place of an international treaty. Accordingly, the democratic deficit problem does not spring out since the EU is not a nation state or a federation. This paper follows this line of thought. Therefore, it will evaluate EU measures in light of the theories by Moravcsik and Schmitter.

For Moravcsik, the whole debate on “democratic deficit is misplaced, and the EU is democratically legitimate”.<sup>29</sup> His thesis builds on the following arguments: 1. The core of EU activity and its strongest constitutional prerogatives still exist in the areas of trade, exchange rate, monetary policy, consumer and competition policies etc. So, most EU competences pertain to technical issues. And even in the areas in which the

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<sup>27</sup> Majone, G. “The Rise of the Regulatory State in Europe”, *West European Politics*, no: 17, 1994, pp.77-101.

<sup>28</sup> Majone, *op.cit.*, p.7.

<sup>29</sup> Moravcsik, *op.cit.*, p.603.

EU is fully competent, institutional and constitutional checks and balances (such as narrow mandates, fiscal limits, separation of powers, majoritarian voting requirements) constrain EU institutions, not to forget the indirect democratic control via national governments. As such, the EU is subject to more control than domestic institutions. 2. The EP is sufficient enough to ensure that EU decision-making in most cases is transparent, effective and responsive to the demands of citizens, more transparent than national polities. The EU is also subject to indirect accountability via elected national officials. 3. The semi-autonomous bodies i.e. the ECJ, ECB, regulatory agencies etc. respond to the need for specialisation and impartiality. This practice also exists in domestic polities. Moravcsik concludes, considering its multilevel context and the practices of nation states, it can hardly be argued that the EU displays democratic deficit.<sup>30</sup> In line with Moravcsik, Schmitter argues, “scholars and actors tend to presume an isomorphism between the EU and national polities. This leads to the conclusion that the EU suffers from a “democratic deficit.”<sup>31</sup> In effect, none of the domestic systems are flawless.<sup>32</sup> Besides, as Hix puts it, the EU is “a new and complex political system”, hence not a nation state.<sup>33</sup> How is it possible to democratise a non-state?<sup>34</sup>

Input side reforms for Moravcsik, are unlikely to win citizens. The first reason is that the regulatory activities are so technical and remote that “any effort to expand participation is unlikely to overcome apathy”.<sup>35</sup> They are not of a nature to engender much change in every-day life unless people have some expertise or sectoral interests.<sup>36</sup> It follows that institutional reforms on the separation of powers, decision-making and representation are unlikely to get citizens’ attention. The motivations behind abstention in France and The Netherlands affirm this assertion. As for the new modes of regulation, they can get but the attention of interest groups, which only partially attains the goal of public involvement. Moreover, it bears the risk of further

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<sup>30</sup> Moravcsik, *op.cit.*, pp.603-22.

<sup>31</sup> Schmitter, P. “What is there to legitimize in the European Union... and how might this be accomplished?”, <http://www.jeanmonnetprogram.org/papers/01/011401.html>

<sup>32</sup> Moravcsik, *op.cit.*, p.605.

<sup>33</sup> Hix, S. *The Political System of the European Union*, Palgrave, New York, 2005, p.5.

<sup>34</sup> Schmitter, *ibid.*, p.12.

<sup>35</sup> Moravcsik, *op.cit.*, p.615.

<sup>36</sup> In the *Post European Elections 2004 Survey Report*, disinterest (‘not interested in politics as such’, ‘too busy/no time/work’, ‘vote has no consequence’, ‘on holiday’) outweighs the ‘lack of trust’. See *Post European Elections 2004 Survey Report*, EOS Gallup, 21.06.2004-30.06.2004, p.7.

alienating citizens that are not part of an interest group by giving the latter may the impression that the EU creates losers and winners. That most abstainers come from rural areas and work for manual jobs buttresses this assertion. In addition, as Höreth puts it, increased participation risks hampering the functioning and impartiality of semi-autonomous bodies, hence decreasing output legitimacy.<sup>37</sup> Finally, such a long period of permissive consensus makes it difficult to get citizens' interest in the short run.<sup>38</sup> The permissive consensus point is insightful in comprehending the change in the dynamics of integration, and why the EU resorted to input side solutions.

At the beginning, citizens perceived integration as a part of national foreign policy.<sup>39</sup> In addition, the technical nature of market integration “explicitly avoid(ed) political choices, politicisation of issues, and place(d) the policy-making of the European community in the hands of interest groups, high-level civil servants, technocrats and the Commission”.<sup>40</sup> As a result, citizens delegated power and left EU affairs to governments and experts. This attitude that Moravcsik qualified as being rationally ignorant underlay the permissive consensus.<sup>41</sup> Under permissive consensus, public reticence and disinterest signified trust. After the end of the permissive consensus however, they meant discredit. The EU thus tried to draw legitimacy for integration from public approval, which they would obtain through participation.

To the EP related reforms, citizens did not respond by showing greater interest in EU politics and EP elections. The rising level of abstention in EP elections affirmed this assertion.<sup>42</sup> According to Dahl, citizens may find participation less opportune if they believe that their objectives and interests can be better pursued through other ways.<sup>43</sup> In other words, citizens will participate only if political participation brings benefits. The finding that disinterest and little impact on the decision-making process are recurrent motivations of abstainers and rejecters strengthens this thesis. Within the EU

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<sup>37</sup> Höreth, M. “No Way Out for the Beast? The Unresolved Legitimacy Problem of European Governance”, *Journal of European Public Policy*, 6:2, June 1999, pp. 249-68, Føllesdal, *op cit*.

<sup>38</sup> Føllesdal, *op.cit* p.2.

<sup>39</sup> Milward, Alan S., *The European Rescue of the Nation-State*, Routledge, London, 1992, p.17.

<sup>40</sup> Schmitter, P. “Processes of change: Globalization, Europeanization and Democratization”, <http://viadrina.eu.v-frankfurt-o.de/eu-konferenz/schmitter.html>, p11.

<sup>41</sup> Moravcsik, *op.cit.*, p.614.

<sup>42</sup> *Post European Elections 2004 Survey Report*, EOS Gallup, 21.06.2004-30.06.2004, p.7.

<sup>43</sup> Dahl in Olsen, J. “What legitimate role for Euro-citizens?”, ARENA WP 24/2002, <http://www.arena.uio.no/publications/working-papers2002/>

context, the only way of participation that is available to citizens, apart from lobbying, is through the EP. The EP channel offers but poor outcomes. The demographic reason is that the impact of one ballot over the whole EU population is too little to give incentives for participation. The technical reason is the EP is only truly influential under the codecision procedure. Even so, its impact is limited by the Council's say. Consequently, individual participation only has an infinitesimal impact on the decision outcome, and that so, only when the issue falls within the scope of codecision. Moreover, people do not feel themselves truly represented by European political parties. Firstly, it is because EP party groups bring together national parties that belong to a same family but whose stances diverge on various issues. This blurs the internal cohesion, and reduces citizens' interest. Besides, coalition building within the EP is rather remote from citizens. Secondly, EP elections present an add-on to domestic politics<sup>44</sup> and people vote on national issues<sup>45</sup>. Thirdly, the non-majoritarian institutions' predominance in the decision-making reduces the influence of EP party groups, which of course does not make the EP more attractive to citizens<sup>46</sup>. It can be inferred that the enhancement of the EP powers are unlikely to get encourage participation and interest in EU affairs.

By taking the problem of public disapproval and disinterest out of the democratic deficit framework, the EU measures become less meaningful. How is it then possible to win citizens? One suggestion by Majone is to increase output legitimacy. The problem with output legitimacy is that it is hard to achieve and maintain. Firstly, it is difficult to sustain growth when the environmental protection, health and pension system bring high costs to the budget.<sup>47</sup> Also, external factors may reduce EU performance, as was the case with the oil crises of the 1970s. Secondly, distribution and financing cause conflict between net-contributors and net-beneficiaries, i.e. British rebate.<sup>48</sup> In addition, "output legitimacy requires that organisations and member states explore, identify and finally agree to options that benefit them all".<sup>49</sup> Contradictory interests however, trouble goal setting. Accordingly, the decision

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<sup>44</sup> Hix, S. "The Transnational Party Federation", in Gaffney John, *Political Parties and the European Union*, Routledge, New York, 1998, p.317.

<sup>45</sup> Moravcsik, *op.cit.*, p.2.

<sup>46</sup> Mair P. *Party System Change*, Clarendon Press, Oxford, 1997.

<sup>47</sup> Parker, G. "So much to do and so little time", in E!Sharp, March-April 2006, pp.13-14.

<sup>48</sup> Hix, *op.cit.*, p.301.

<sup>49</sup> Jachtenfuchs 1995, Karlsson 2001, p.273 cited in Føllesdal, *op.cit.*, p.10.

making processes engender though bargaining and package deals, hence weakening the feeling of ‘Europeanness’. Thirdly, the complex, multi-actor and lengthy decision making itself challenges systems efficiency. Finally, as Scharpf puts it, politicians’ decisions may not match with citizens’ expectations. This mismatch may further alienate citizens from the EU. It also bears the risk of deepening democratic deficit by giving the impression that due to EU integration, states no longer come to meet people’s demands.<sup>50</sup>

Output legitimacy is necessary but not sufficient. Because it is interest based, it risks ceasing as the underlying interests transform. In that sense, output legitimacy evokes what Easton conceptualises as ‘specific support’. The diffused support defines support to the basic and fundamental aspects of the political system. As such, it enables citizens to overlook unpopular outcomes in the polity hence sustains the system in difficult periods.<sup>51</sup> That is not to say that the EU is squeezed between the two types of legitimacy (input and output) none of which is valid or sufficient to win citizens. This paper follows Moravcsik’s and Schmitter’s point that the EU should not be evaluated in reference to national polity. It argues that output legitimacy should be complemented in two ways: Firstly, the EU and national officials should emphasise the achievements that are tangible and directly beneficial to citizens i.e. the development of individual and social rights and freedoms. Secondly, the EU and national officials should underline its normative legitimacy that derives from treaties. Compliance can, in time, build trust.<sup>52</sup> Many control mechanisms such as the ECJ or comitology ensure compliance. Finally, national officials should stop blame it on the EU. These actors contribute to opinion making; therefore, their approval of the integration would reflect on public opinion.

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In sum, EU reforms for democratisation have failed to win citizens. That is because the EU’s democratisation perspective has heavily leant on the input legitimacy approach that is inadequate to the EU context, because the EU is not a nation state. The EU cannot be democratised as a nation state; the debate is misplaced.

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<sup>50</sup> Scharpf F., *Governing in Europe: Effective and Democratic?* Oxford: Oxford University Press, 1999.

<sup>51</sup> Easton, D. *A Systems Analysis of Political Life*. New York: John Wiley & Sons, 1965, p.437.

<sup>52</sup> Føllesdal, *op.cit.*, p.29.

### **III. II. Explaining No votes**

This part is an attempt to make sense of the Eurobarometer findings in light of the theories. This paper follows Taggart's approach that combined the EU level and domestic level factors. The objective is to comprehend the underlying factors of no votes whereby to conclude on the efficiency of EU measures for democratisation.

#### **III.II.I. France**

The Eurobarometer findings point that domestic issues and the domestic impacts of integration mostly preoccupied the French. Brouard and Tiberj's statistical analysis reaffirms this finding. This study is worth mentioning because the authors studied the social basis of (the lack of) support to the CT across social segments. This study yielded to the following results:<sup>53</sup> No vote has progressed since the referendum on the TEU. Although all social groups polarised more than in 1992, the progress has unevenly touched occupational groups. The most objecting groups were the private sector whose interests were damaged by globalisation and lay-off plans, and public servants given their concern about EU policies on public services and public companies. With regards to the underlying reasons of no vote, the study identified some perception of threat to the social protection by the EU, nationalism and dissatisfaction with the government. Of these reasons, dissatisfaction with the head of the executive played an important role. The authors hold "if Chirac had not been in office, several nationally-threatened rightwing voters would have voted nay."<sup>54</sup>

Taggart argues that No votes in France is a combination of reactions to the impacts of EU integration and domestic contextual factors. The nature of party competition within and between parties affected the timing of the referendum, and the content of the campaign, hence shaping the outcome of the referenda. The supporting argument is that Chirac aimed to profit from the internal division of the socialist party; and therefore, moved the date of the referendum forward to 29 May.<sup>55</sup> Taggart identifies two additional factors influencing the turnout of the referendum:<sup>56</sup> The UK decision of running a referendum put pressure on France; and the common sense that "any

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<sup>53</sup> Brouard, S. and Tiberj, V. "The French Referendum: The Not So Simple Act of Saying Nay", *Political Science & Politics*, Vol.39, pp.262-267.

<sup>54</sup> *op.cit.*, p.266.

<sup>55</sup> Taggart, *op.cit.*, p.15.

<sup>56</sup> *op.cit.*, pp.15-16.



referendum would be won, therefore, would be beneficial to the government proposing it.”<sup>57</sup> The leader of opposition Socialist party Francois Hollande’s statement that “the rejection of this treaty is above all the rejection of the government” reaffirms this assertion.<sup>58</sup>

On the partisan roots of No votes, the authors converge: The CT supportive front encompasses the centre right parties such as the *Union pour un Mouvement Populaire* (UMP) *Union pour la Démocratie Française* (UDF), the centre left (though only officially, internal divisions overshadowed the unity) namely, the socialists, and the Greens that like the Socialists were officially supportive but internally divided over the issue. The opposition front gathered the rightwing i.e. *Front National*, the *Mouvement National Républicain*, de Villiers’ *Mouvement pour la France*, *Rassemblement pour la France*, and on the left the communists, the Trotskyist *Ligue Communiste Révolutionnaire*, *Lutte Ouvrière*, the mainstream *Mouvement Républicain et Citoyen* and the faction led by Laurent Fabius in the socialist party.<sup>59</sup> It follows that on the whole the mainstream parties supported the CT. As a party moved towards the extreme on the left-right spectrum its likelihood of objecting the CT increased. The left emphasised social issues, and to a lesser extent, the perceived nationalistic threat, and finally, and seldom, dissatisfaction with government. The right played on national identity and sovereignty.<sup>60</sup> None of them mentioned input side deficits. To conclude, it can be inferred from the studies that the French care about output legitimacy; the input side deficits are almost invisible in the discourses. The collective identity in the sense of shared values, norms etc. remains at low level.

### III.II.II. The Netherlands

The Netherlands has so far been supportive to integration at both the elite and public levels. The 2004 Eurobarometer surveys confirm this trend.<sup>61</sup> The turnout therefore surprised many. Aarts and van der Kolk argue that the turnout elucidated some already existing gap between the elites and voters. For them, No votes for the CT

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<sup>57</sup> *op.cit.*, p.15.

<sup>58</sup> “French say firm ‘No’ to EU treaty”. *BBC News*, 30.05.2007, <http://news.bbc.co.uk/2/hi/europe/4592243.stm>

<sup>59</sup> Taggart, *op.cit.*, p.15.

<sup>60</sup> Brouard and Tiberj, *op.cit.*, p.268.

<sup>61</sup> Aarts, K. and van der Kolk, H. “Understanding the Dutch “No”: The Euro, the East, and the Elite”, *Political Science & Politics*, Vol.39, p.243.

express public reaction to the impacts of EU integration on domestic polity, namely economic integration and the enlargement, on domestic context.<sup>62</sup> With regards to the enlargement, the public perceives new member states, but especially Turkish membership as a threat to the Dutch economy, Dutch culture, and Dutch power within the EU. Concerning economic integration, voters believe the transition to euro increased the prices, and the single market is not longer beneficial. So, for the authors, voters evaluate integration as too costly and poorly beneficial.

Taggart elaborates the information side of the phenomenon. The Eurobarometer survey had identified the lack of information as the major drawback. Taggart adds that the supportive campaign was slow to get organised because this group was confident that the result would be in their favour. That all mainstream parties gave support to the CT enhanced this conviction. The pro CT side however, made tactical errors such as creating disaster scenarios following the rejection, which alienated voters.<sup>63</sup> The opposing group was sort of a ‘popular front’ (Laclau: 2005) that by nature is heterogeneous (encompassing the extreme left, the populist right, and the protestant parties) but gathering people around the same interest.

So, the result of the Dutch referendum was a function of dissatisfaction with the integration, and the lack of information. Dissatisfaction stemmed from the unpopular impacts of the enlargement and market integration at domestic level. As such, dissatisfaction pertains to the output legitimacy side of the issue. So, the Dutch, like the French, evaluated the CT from the national level. This communicates a collective identity is not strong enough to sustain the regime in time of crises.

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The comparative conclusion yields to the following results: Firstly, the EU remains remote to citizens because of the lack of information, and the mismatch between the EU measures on democratisation and citizens’ expectations. As Moravcsik argues the technicality of the issues and the low benefits of involvement constitute the major factors underlying apathy. It can be concluded that the democratisation reforms have failed to win citizens. That is because the EU emphasised the input side. It figured the problem out solely from the EU level; therefore, missed the contextual domestic

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<sup>62</sup> *op.cit.*, pp.244-246.

<sup>63</sup> Taggart, *op.cit.*, p.18.

factors. In both cases, objection expressed reactions to the unpopular impacts of the integration on domestic polity. That is to say, public support should be considered as an outcome of the interplay between the domestic and supranational levels. Thus, the EU's measures for democratisation have fallen short to build trust.

## **IV. Conclusion**

This paper elaborated the issue of building public support through democratisation in the EU context. The objective was to evaluate the efficiency of the EU's measures. The empirical part presented the facts whereby the major dynamics underlying the issue. The analysis was run at two levels. The first part gave a brief account of the EU reforms and arrangements. It was identified that the EU took the issue of the lack of public support through the democratic deficit angle. Therefore, it carried out democratic reforms. Overall, input side measures dominated the initiatives. Output legitimacy was to stem from input side measures. The second part analysed the results of the referenda on the CT in France and the Netherlands. It was identified that the lack of information and the dissatisfaction with some impacts of the integration at the domestic level constituted the major factors. Voters perceived the CT from the domestic politics angle. Dissatisfaction with the EU's performance tells that voters consider the issue as an output legitimacy problem. Input legitimacy related complaints do not appear. Thus, there is a mismatch between voters' expectations and the EU approach of democratisation.

The second section brought theoretical insights into the facts. The first part evaluated the democratisation reforms in light of the theories by Schmitter and Moravcsik. It was concluded that input legitimacy approach did not sit in well with the multilevel structure of the EU. Because the EU is not a nation state it is not possible to democratise it by democratisation. Output legitimacy on the other hand, is hard to obtain and maintain, and in itself is insufficient. Therefore, it is useful to couple it with normative legitimacy and elite support at national level. The final part examined the Dutch and French contexts so as to conclude on the extent to which the EU measures fit in with citizens' expectations. It was identified that objection stemmed from two factors: The lack of information, and reactions to the unpopular impacts of

the integration on domestic polity. Voters considered the issue rather from the output legitimacy angle. As a result, a gap lies between the EU's approach and citizens' expectations. To recap, the theoretical debates point that this approach does not accord with the multilevel complex nature of the EU. Empirical data provided by the referenda shows the mismatch between policy supply and public demand. So, by undermining the domestic level factors, the EU approach proved incomplete, hence inefficient. In other words, the democratisation reforms have failed to win citizens.

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