

NATIONAL REFERENDUMS CHALLENGE EU LEGITIMACY

PROFESSOR RICHARD ROSE FBA

Robert Schuman Centre, EUI & U. of Strathclyde Glasgow

prof_r_rose@yahoo.co.uk

WORKSHOP ON EU CONSEQUENCES OF NATIONAL REFERENDUMS

European University Institute, Florence

26-27 January 2017

DEMOCRACY REQUIRES REPRESENTATION

Democracy requires giving every citizen the right to vote

Every European has two citizenships conferring multiple votes

National institutions of representation:

Parliamentary election: Input to representative government

Referendum: Decide a specific issue; politically binding

Opinion polls register preferences that may, or may not be feasible

European institutions of representation:

European Council represents national governments backed by a coalition of about half the voters

European Parliament represents multi-national Party Groups; black-red cartel

Commission and ECJ represent supra-national values embodied in treaties

European Central Bank represents contested economic principles

INTERDEPENDENCE CREATES GROWING NEED FOR COLLECTIVE ACTION

Intermestic policies combine domestic and international institutions

Economic integration across Single Europe Market and internationally

Movement of people for work and for asylum

Terrorism: independent or state-sponsored

INTERDEPENDENCE CREATES GROWING NEED FOR EU LEGITIMACY

- .Founders of EC&SC & EEC claimed absolute and instrumental legitimacy
- .Democracy has replaced preventing World War III as a primary absolute value
- .Input legitimacy of national democracy not achieved by multi-national institutions created by treaties between states (Scharpf)
- .Throughput legitimacy (V. Schmidt: bargaining within EU institutions) not achieved because EU institutions do not connect with national majorities.
- .Effective outputs, as in the 1960s, may achieve instrumental legitimacy (Scharpf)

*Multi-level governance a recipe for a democratic surplus at the national level and a legitimacy deficit at the EU level

STRUCTURAL OBSTACLES TO EU EFFECTIVENESS

A continental institution facing extra-continental problems

Multiple participants, some elected, some non-elected

Power inequalities without a hegemon

Small administrative staff dependent on indirect administration
by compliant national governments

Technocrats with imperfect technique for output legitimacy and no electoral input for
representative or popular legitimacy

CITIZENS RECOGNISE & ACCEPT INTERDEPENDENCE

Q. DEMOCRATIC: How important do you think it is for democracy in general that politicians take into account the views of other European governments before making decisions? (E16: Replies 0-10 scale)

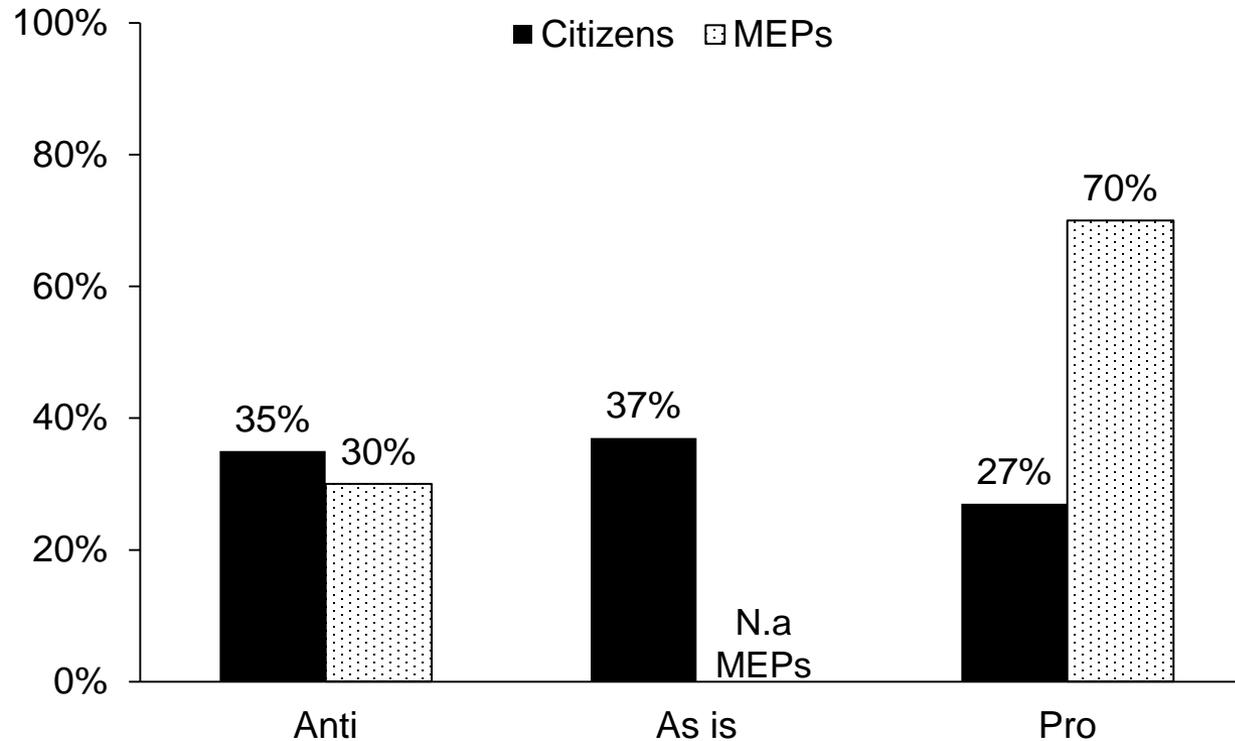
Q. APPLIES: Politicians in this country take into account the views of other European governments before making decisions (Replies 0-10)

| | DEMOCRATIC % | APPLIES % |
|------------|-----------------|--------------|
| High | 53 | 33 |
| Medium | 27 | 28 |
| Low | 11 | 25 |
| Don't know | 9 | 14 |

Source: European Social Survey, 2012. Number of replies: 54,529. High codes: 7-10; medium 4-6; low 0-3. For further details see Monica Ferrin and Hanspeter Kriesi, eds., How Europeans View and Evaluate Democracy (Oxford UP, 2016).

MEPS DO NOT REPRESENT THEIR CITIZENS ON EUROPEAN INTEGRATION

View of European integration



Sources: Citizens, 2014 European Election Study. MEPs, [EUandI](#) data base of programmes of national parties returning MEPS in 2014 as reported in Studies in Public Policy No. 520. *National Party Programmes and European Integration*. Kenneth Stevenson and Richard Rose. Glasgow: U. of Strathclyde.

EU NOT MAJORITY CHOICE TO SOLVE PROBLEMS OF INTERDEPENDENCE
(British survey)

*Q. RISKS: How much do you think Britain is at risk from the following...?
Big risk, fair amount of risk, not much, no risk, don't know.*

Q. ALLIES: Which of the following do you think can best help us look after this problem: United Nations, European Union, United States, Britain must look after itself on its own, don't know?

| Big risk % | Policy | Ourselves alone % | EU % | USA, UN, DK % |
|---------------|-------------|----------------------|---------|------------------|
| 47 | Immigration | 66 | 18 | 16 |
| 22 | Economy | 52 | 19 | 29 |
| 55 | Terrorism | 44 | 16 | 40 |
| 12 | Military | 36 | 10 | 54 |

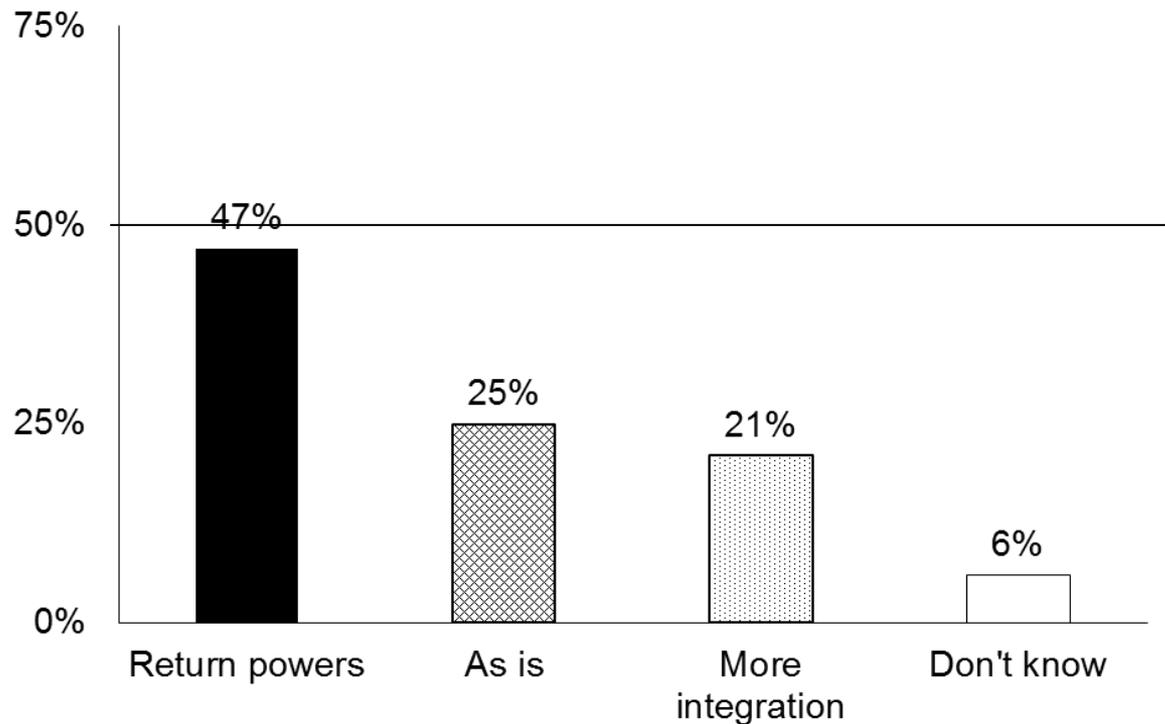
Source: BMG Research, nationwide online survey of 1,518 British respondents, 24-29 March 2016.

NATIONAL CITIZENS APPROVE EU REDUCING ITS POWERS

Q. Which statement best describes your views about the future of the European Union, even if none is exactly right?

- a) National governments should transfer more powers to the EU
- b) The current division of powers between national governments and the EU should remain the same
- c) Some powers should be returned to national governments
- d) Don't know

8-nation average



Source: Pew Global Survey, spring, 2016. Mean for France, Germany, Greece, Italy, Netherlands, Spain, Sweden, UK. See www.pewglobal.org or Google Pew Euroskepticism 2016.

NATIONAL LEADERS FACE GOLDONI PROBLEM PLUS

European Council as Master:

Treaty commitments inherited from distant predecessor

Prime Ministers subject to Council group norms

National electorate as Master:

Each PM accountable to a different electorate

Seven or eight governments face re-election each year

Government colleagues as Master:

Single governing party: UK

Coalition: Greece, Germany

No party colleagues, Monti, Italy

Source: Cf. Carlo Goldoni (1746) *Il Servitore di due Padroni*.

REFERENDUMS LEVERAGE SUPPORT FOR ANTI-EU PROTEST PARTIES

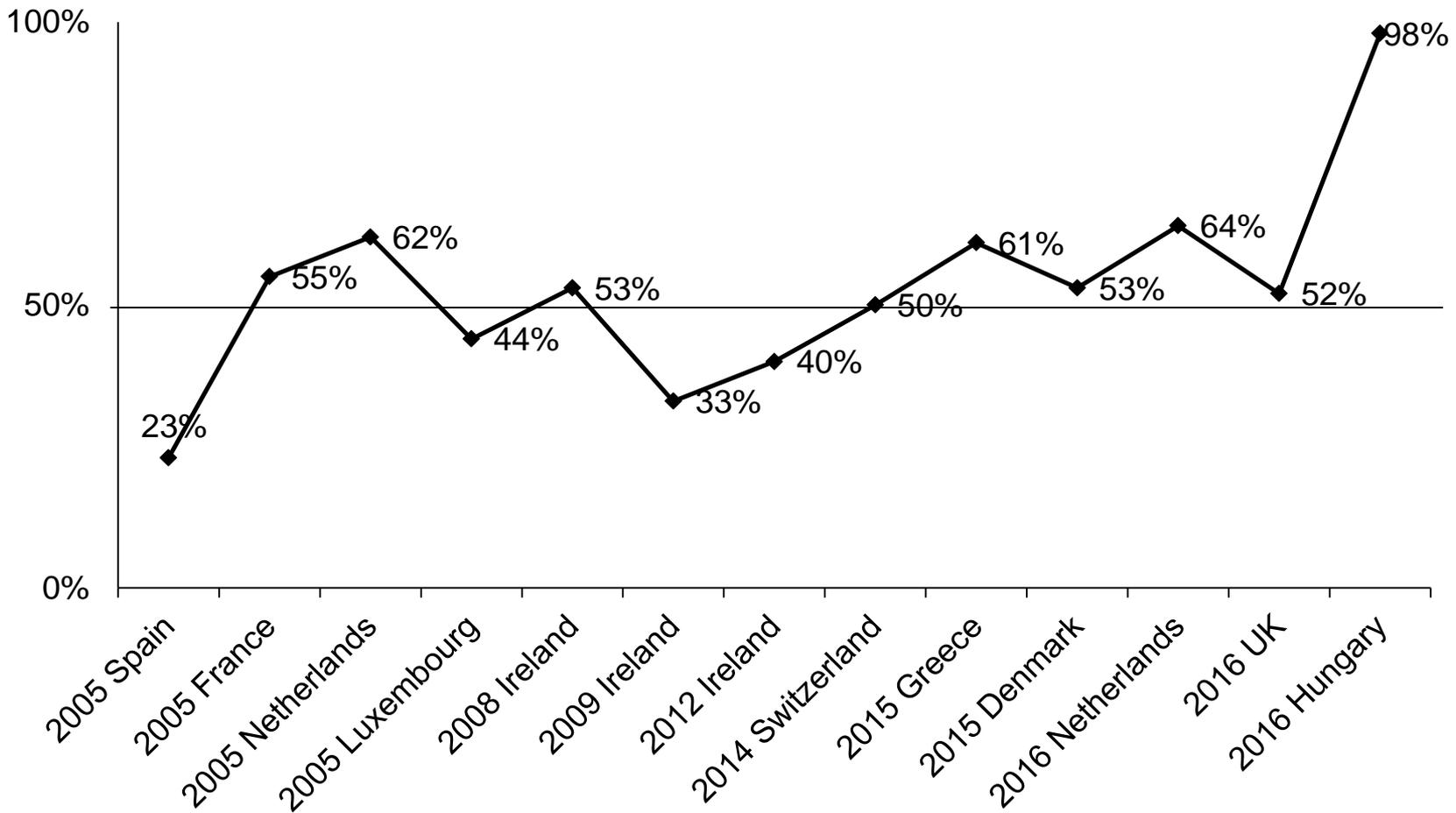
- .Anti-EU parties win seats—but only up to a point
- .In a coalition government participating parties compromise positions

- .A referendum on a protest issue:
 - Enables protest parties to mobilize and expand support on an issue
 - Established parties face defection of minority of supporters who disagree with their EU stance.

- .Outcome decided by division among established parties; size and unity of protest parties; campaign effect on unattached voters.

NATIONAL REFERENDUMS ON ISSUES WITH EU CONSEQUENCES

% anti-EU vote



OPTIONS FOR EU RESPONSE TO NATIONAL REFERENDUM DEFEAT

Ignore as lacks legal rationality: Hungary

Enforce legal rationality: Switzerland

Instrumental rationality of market: Greece

Accept legal rationality under Article 50: Brexit

Accept advice from Dutch government

Cook up a fudge: Denmark

Kick the can back: Ireland

OPTIONS FOR EU MANAGING QUALIFIED LEGITIMACY

- .Accept unanimity as price of Union: Allow veto
- .Assert EU superiority: Legal rationality of Treaty over-rules national referendum
- .Conflict avoidance: French deficit
- .Referendum avoidance: Differentiated integration, coalitions of willing
- .Dynamics of coalitions of willing:
 - Attractive magnet, bicycle theory

 - Multiple circles of multiple sizes and strengths with varying overlap

OPTIONS FOR PRIME MINISTERS DEALING WITH EU

As EU member state:

Venue shopping among multiple institutions

Venue avoidance: Sweden

Venue evasion: Optimistic forecasts for eurozone pact

Venue challenge: Hungary

Legitimate EU by:

Economic benefits: EU grants. Trade

Tradition: Six founder countries

Risk aversion: Greece

Fear of isolation: Baltic states

There is no alternative: Poland

Tradition plus There Is No Alternative

As non-member state:

Transactional, instrumental legitimacy: USA

Partisan mutual adjustment in the market place: Canada

Future vision legitimates: UK Brexiters

There Is No Alternative: cf. Norwegian PM & Theresa May