3
Liberal Representative Democracy and EU Legitimacy

Introduction

This chapter is the first of two that discuss the connections between democracy and political legitimacy. The chapter examines the prospects that the liberal representative norm has for legitimating the EU, by adapting its traditional trappings to the supranational context. To do this, it first identifies the accessories and then considers their impact upon EU political legitimacy. The chapter makes the point that, although the application of liberal representative democracy to date has not conclusively achieved political legitimacy for the EU, other ingredients derived from the liberal democratic culture are worth examining. The chapter therefore looks at these possibilities, drawing from the Commission’s White Paper on Governance,¹ and the Constitution for Europe, signed 2004,² and their potential impact upon the EU’s governmental system.

The chapter’s conclusion is that conventional practices and principles of liberal representative democracy are insufficient for EU legitimation. First, they are only partially applied to the EU. Secondly, the limited application reflects the elitist approach taken by the first two Europes. Technocratic Europe saw no need for electoral democracy; State-Centric Europe recognised that, applied EU-wide, it had the potential to diminish the control of nation states’ leaders. Thirdly, national politicians have no incentive to encourage the other trappings of liberal democracy, such as the establishment of an EU-based demos, since the EU’s gain is likely to be the national level’s loss. Finally, the multi-level polity has little use for liberal democracy, since its functioning is determined by direct activity, rather than by direct elections.

Enacting the principles of liberal democracy: the impact of the election in the nation state

Liberal representative democracy has three main principles. The first one, related to liberalism, is the concept of limited power. The second one,
related to representation, is the idea that an individual is able to embody the views/wishes/needs of a group of people. The third one, related to democracy, is the concept of popular power. ‘Liberal representative democracy’ therefore means three things, not one, although it is usual to use the phrase, or to use a combination of its terms (‘liberal representation’, ‘liberal democracy’, ‘representative democracy’) as if it referred to a single concept.

Voting levels are declining on average in nation states as shown in Figure 3.1, which illustrates the electoral turnout in three national elections between 1990 and 2003 in the EU-25 states. For the purposes of analysis, the states have been grouped. Group 1 comprises states using compulsory voting (Belgium, Greece, Luxembourg and Italy). Group 2 is composed of the remaining EU-15 states. Group 3 comprises the new Mediterranean states: Cyprus and Malta. Group 4 contains the new central and eastern European states. In all cases, parliamentary, rather than presidential, elections are used as the basis of comparison. Only Group 3, in which Cyprus uses strictly enforced compulsory voting, shows increased voting levels, and there only between the last two elections.

A number of factors have contributed to the general decline, some of which are explored below, but here we are concerned with the extent to which increasing reluctance to vote has a rational basis – in other words, the significance of the vote in terms of voter control.

**Voters and democracy**

The extent of voter impact depends in part upon the form of election. A single member constituency system coupled with prime ministerial government means that the people have limited power over the eventual emergence of an executive, since they are not empowered to vote for it directly. However, if it is accompanied by a presidential system, collective popular power is enhanced, since individuals’ votes are amassed so that the eventual winner has the support of the majority of electors. On the other hand, a proportional representative system may give people more power over their