

Chapter 3 Decision-making and democracy in the EU

Context for this chapter

From: campaigns@remainalliance.uk

To: legal@remainalliance.uk

Subject: latest quit.eu campaign video

Hi all,

I'm assuming you've all seen this by now, as it's been on bracketing the six o'clock news and has over 5 million views on YouTube. A short summary all the same:

quit.eu has brought out its latest video aimed at rejecting the settlement that the Prime Minister has come to with the EU, and it has come back to the idea that the EU is not, and will never be, a democratic entity; basically, voters are being told that they cannot vote for real change at the EU level and consequently staying in a close relationship with the EU in any way means that voters are, as quit.eu put it, 'giving up on living in a democracy'. As ever, the material is really vague and so we have no idea to what extent it is accurate: they repeatedly slam the 'powerless' European Parliament that nobody votes for anyway, and allude to secretive decision-making in the EU, before concluding that signing up to the negotiated deal means we will never stop being ruled by foreigners and bureaucrats in Brussels.

We really need to counter this with actual *facts* about how the EU works and what this means for British voters. The EU remains mystifying to most of them, but we've got to tackle this and tackle it hard.

Can you work something up for us? If the quit.eu video is just a bunch of nonsense, we should just point that out with as many facts as we can—but if there is some truth there, we should work up counterarguments to mount a defence of the EU, if possible. Ideally we'd like something snappy and short, but I appreciate that nothing about the EU's setup and functioning *is* simple, so accuracy first. If we can launch a counter-campaign in the next few days, that would be ideal.

Many thanks,
Michael

Michael Jones
Campaign Director for the Remain Alliance
Coordinator for the "Stay" Campaign
michael.jones@remainalliance.uk

Discussing the scenario

Use the material in this chapter to write up a response to Michael Jones in light of what you now know about the EU and the ‘democratic deficit’ debate. Do the claims made in the quit.eu video have any merit?

If not, explain why you think they do not, and why you ultimately think the EU is ‘democratic enough’. If yes, explain why the EU’s efforts to become more democratic have not resolved the EU’s ‘democracy problem’.

Approaching the scenario: taking a position

This scenario may look like a problem question, but in reality invites an essay-style response. The quit.eu video discussed in the email could be summarized as a longer quote, listing the ‘democratic shortcomings’ of the EU—with you, as a student, expected to agree or disagree with their claims.

The instructions thus once again invite you to take a clear **position**, and to then use **evidence** to build the **arguments** that support your **position**. It is not a question to which there is only one ‘correct’ answer; rather, you are expressly invited to either agree or disagree with the quit.eu video’s arguments, meaning both are totally appropriate.

After that, the instructions also invite you to *more broadly* comment on the EU’s democratic qualities. This goes slightly beyond simply agreeing or disagreeing with the quit.eu arguments—but it is not the focus of the question. The conclusion, or a section of the essay shortly before a conclusion, would be an appropriate place to more widely comment on the ‘democratic deficit’ debate. But the bulk of the question invites you to respond to what Michael Jones has set out about the quit.eu video.

Note that it is entirely possible to agree with *some* of the quit.eu arguments, while disagreeing with others. This is why the question asks you to form an overall opinion on the ‘democratic deficit’ debate issue. This permits you to say that *though there are some exceptions*, the EU is democratic enough; or, alternatively, *though there are some exceptions*, the EU is not at all democratic.

Examples of possible positions you could take include, but are not limited to:

Agreeing with the quit.eu video: *‘The issues raised by the quit.eu video are unfortunately all true, and are good examples of why the EU is not and will never be a democratic entity.’*

Disagreeing with the statement: *‘A careful examination of the quit.eu video’s arguments shows that they are all inaccurate, and a closer look at how the EU actually operates demonstrates that it is democratic enough, especially as of the Lisbon Treaty.’*

Mostly agreeing with the statement: *‘Many of the issues raised in the quit.eu video are genuine problems that the EU has, but the lack of power of the European Parliament is overstated. While the EU continues to have democracy problems, they are being improved upon by initiatives such as the greater power for the European Parliament.’*

Mostly disagreeing with the statement: *‘The majority of the quit.eu video’s arguments as presented here are outdated, but it continues to be a concern that there is a significant disconnect between national policy preferences and an ability to influence what the EU does. This particular dimension of the EU’s democratic shortcomings is almost impossible to remedy, however, and improvements to issues of secrecy and power for the Parliament have been significant.’*

Building your argument: evidence

In an exam question, or even in a piece of coursework, you cannot cover the *entirety* of the democratic deficit debate and hope to analyze any bit of it in any detail. What you would end up producing is likely to resemble a list of what Follesdal and Hix argue, with perhaps a brief comment on possible counterarguments. In an essay that asks you to look at *specific issues* in the functioning of the EU, this would be significantly less helpful than a more limited response.

A first step is determining what, specifically, the question *needs* you to discuss. What are the **key issues** that come up in the scenario that you have to engage with in order to actually answer the question?

In this specific scenario, there are a number of **key issues** (in the form of claims made by quit.eu) that must be addressed to answer the question:

- 1) ‘basically, voters are being told that they cannot vote for real change at the EU level and consequently staying in a close relationship with the EU in any way means that voters are, as quit.eu put it, ‘giving up on living in a democracy’’;
- 2) ‘they repeatedly slam the ‘powerless’ European Parliament that nobody votes for anyway’;
- 3) ‘and allude to secretive decision-making in the EU’.

Note that the final element of that particular sentence in Michael Jones’ email—being ruled by foreigners and ‘Brussels bureaucrats’—is not one that I would flag up as a **key issue** in a law essay. That particular statement is a broad, unspecific reference to the idea of the EU being ‘undemocratic’—but not a specific example of ways in which it is undemocratic.

If we translate **key issues** 1–3 into legal terms, we end up with an essay that needs to discuss:

- 1) Whether decision-making at the EU level is unresponsive to democratic pressure;
- 2) Whether the EU suffers from executive dominance and the distance issue when looking at the role of the European Parliament;
- 3) Whether EU law-making is opaque and too complex.

This is a far more manageable list than having to discuss the *entire* democratic deficit!

Now that you know what key issues you need to discuss, you can start thinking about what the best **evidence** is for your position. This will depend on your position. If you agree with the quit.eu video, you will need to demonstrate that all of these criticisms of the EU remain accurate even *despite* Lisbon Treaty changes. This requires considering to what

extent domestic voters can influence how EU policy is made—so a discussion of the EU legislative process, and to what extent it reflects domestic voter preference; considering if the European Parliament has *enough* power as of the Lisbon Treaty; and, finally, if EU law-making is now more accessible than it was. The latter point can be discussed by exploring comitology—but also by considering secrecy in the Council of Ministers, for example.

There is no *right or wrong* answer to what works as the ‘best evidence’. It is a matter of thinking about which of the material covered in Chapter 3 stood out to you most.

For those of you who instinctively disagree with the scenario, you will be raising the same issues, but discussing them from the opposite perspective. In other words, you are likely to argue that the Lisbon Treaty *has* made the European Parliament an important-enough player, and that this is a big help to the EU’s democratic qualities. Likewise, you will point to the changes in Comitology, or the lessened power held exclusively by the Council, so as to make transparency less of a concern.

The ‘**Discussing the scenario**’ boxes throughout the chapter are there to help you in selecting your ‘best evidence’. Having reflected on what they ask you to do, you should already have done work on the following potential pieces of evidence:

- What Article 10(3) TEU promises and how that relates to the ‘democratic deficit’ debate;
- How the scenario’s quit.eu claims map onto the five areas of ‘democratic deficit’ that Follesdal and Hix set out in their work;
- What the counterarguments to Follesdal and Hix are, and to what extent those tackle the claims made by the quit.eu video in the scenario;
- How the Lisbon Treaty addresses (or attempts to address) the ‘democratic deficit’.

Dealing with counterarguments

In building an **argument**, it is important that you are consistent in arguing for the **position** you start your essay with. If you are not, you risk falling into the ‘**fence-sitting**’ trap, whereby you describe a number of different views but do not clearly argue in favour of one.

That said, you cannot ignore the arguments that you disagree with! Doing that would make you far less persuasive to anyone that you are arguing with (including your future markers). For example, ignoring that the EU has some genuine shortcomings (e.g. too little voting for European Parliament elections) does not *help* you prove that it is ‘democratic enough’. Anyone reading your argument would be thinking, ‘But what about...’?. And at that point, you are failing to convince the reader that your **position** is the correct one.

In other words, you must address counterarguments and explain *why* you think they are less persuasive. So, once again, considering low turnout in European Parliament elections, you might observe that turnout is low, but so is turnout in many national elections, and those are not usually accused of illegitimacy for this reason. Or you might

argue that the *option* of participation is what makes a system democratic, and the EU can do very little about forcing people to actually choose to participate. All of this would enable you to acknowledge the lower voter turnout, but still argue the EU is ultimately 'democratic enough'.

This is far more difficult for any reader to disagree with: you have not ignored evidence that is inconvenient for your **position**, but instead you have made it clear why that evidence does not *change* your **position**. This is the most effective way to tackle arguments that you do not agree with, and you should find some room to do this in your response.

Again, in terms of identifying possible counterarguments to your position, having another look at the material you prepared for the '**Discussing the scenario**' boxes should help you identify what the different positions on the EU's democratic qualities are.

Answer the question!

As a final and general note on essay-writing at university, it is imperative that you *conclude* your argumentation by ending on your **position** again. Be sure to explain how what you are discussing *proves* your **position**, and conclude with a firm statement of the position that you have by now proven to be correct. You can follow this up with a short summary of the **evidence** you have discussed, but in general, you need to ensure that the reader comes away from your essay with a clear understanding of your position on the quote.