

## A New Kind of Legitimacy for a New Kind of Parliament - The Evolution of the European Parliament

**Wolfgang Wessels and Udo Diedrichs**

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legitimacy, European Parliament, Treaty on European Union, citizenship, political science

### Abstract

The Treaty on European Union (EU) has on the one hand increased democratic legitimacy of the integration process by conferring new powers to the European Parliament (EP) - legitimacy viewed as an attribute-, while on the other hand acceptance by the citizens - legitimacy conceived as orientation - dropped considerably after Maastricht. This situation hints at a paradox and highlights the need for a more complex approach to the issue of legitimacy of the EU and the role played by the EP.

As a first step, we identify different views on the role of the European Parliament: a federalist and a realist one. Further, they are contrasted with empirical findings about the role and function of the EP after Maastricht, using three main dimensions: policy-making, system-development and interaction with the citizens. Taking into account the results of this inquiry, we present a new perspective on the EP based upon a view of the EU as a new kind of political system characterised by fusion. It is a major feature of this new kind of political system that national, subnational and supranational actors merge their instruments to 'produce' political decisions.

The result is a mixed polity whose legitimacy is neither based on a collective personality called 'the people' nor on the single peoples of the member states only, but on a 'pluralistic citizenship' as a 'unity-in diversity'. Legitimacy as an attribute must be defined in new terms deviant from national experiences, entailing - at least partly - a lack of transparency, increasing complexity and growing differentiation. Is Legitimacy possible despite these apparant drawbacks? This question hints at an ambiguous, but also 'productive' tension within the EU system as a whole and with regard to the role and position of the EP in particular.

### Kurzfassung

Der Vertrag über die Europäische Union (EUV) hat einerseits die demokratische Legitimität des Integrationsprozesses durch die Übertragung neuer Kompetenzen an das Europäische Parlament (EP) - Legitimität verstanden als Attribut (des politischen Systems der EU) - gestärkt, während andererseits die öffentliche Akzeptanz - Legitimität verstanden als Orientierung (der Bürgerinnen und Bürger) - seit Maastricht deutlich nachgelassen hat. Diese Situation deutet auf ein Paradox hin und unterstreicht die Notwendigkeit eines komplexeren Verständnisses des Themas der "Legitimität der EU" und der Rolle des EP.

In einem ersten Schritt identifizieren wir unterschiedliche Konzeptionen der Rolle des EP: eine föderalistisch inspirierte und eine intergouvernemental orientierte Sichtweise. Anschließend werden diesen beiden Konzeptionen die Rolle und Funktionen des EP nach Maastricht gegenübergestellt, wobei drei Haupt-Dimensionen Beachtung finden: die Politikgestaltung, die Systementwicklung und die Interaktion mit den Bürgerinnen und Bürgern. Unter Berücksichtigung der Ergebnisse dieser Untersuchung präsentieren wir eine neue Sichtweise des EP, die auf der Annahme beruht, daß die EU ein neuartiges politisches System darstellt, welches durch den Prozeß der Fusion gekennzeichnet werden kann. Ein wesentliches Kennzeichen dieses Systems besteht darin, daß nationale, supranationale und subnationale Akteure ihre Instrumente zur Herstellung, Durchführung und Kontrolle politischer Entscheidungen "verschmelzen".

Das Ergebnis ist eine gemischte "Politie" (in Anlehnung an Aristoteles), deren Legitimität weder auf einem einzigen Kollektiv, genannt das "Volk", noch auf den einzelnen Völkern der Mitgliedstaaten allein beruht, sondern auf einer "pluralistischen Bürgerschaft", im Sinne einer "Einheit-in-Vielfalt". Legitimität als Attribut des politischen Systems der EU muß in Begriffen definiert werden, die von den nationalen Erfahrungen abstrahieren, wobei - zumindest teilweise - ein Defizit an Transparenz, eine erhöhte Komplexität und eine steigende Differenzierung in Kauf genommen werden müssen. Ist Legitimität trotz dieser offensichtlichen Mängel möglich? Diese Frage offenbart eine mehrdeutige, aber auch produktive Spannung innerhalb des EU-Systems insgesamt und in bezug auf die Rolle und Funktionen des EP im besonderen.

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*Each generation describes what it sees,  
but it uses words transmitted from the past.*  
Walter Bagehot

## I. Starting from a paradox: political and academic relevance

### 1. Increase in political power - decrease in public support

The issue of legitimacy plays a significant role in western political systems; interestingly, it reveals a special importance if related to the European Union (EU), arousing heated debates among politicians and scholars. From a functional or technocratic point of view it could be argued that legitimacy is delivered by the success of problem-solving and does not need further justification. But evidence in the EC/EU shows that this concept does not go far enough. Whereas in other international organizations the question of legitimacy has never seriously been raised - e.g. in NATO - in the EU things are different; it seems that the special case of the EC/EU, where increasingly political decisions on the use of state and state-like instruments are transferred to a supranational level in which the nation-states lose - at least partly - autonomous rights of decision-making, adds a further

dimension to the issue of legitimacy. The importance of decision-making on the European level and the loss of hitherto familiar mechanisms of legitimation in the national context require explanation and justification.

But one should also have other western political systems in mind when touching upon questions of legitimacy, in order to identify similarities or divergencies. Legitimacy crises can be observed in nearly all major western countries, to a certain extent also in the USA. So one question could be: Is the the EU an exceptional case or simply one example of a broader development that affects societies of modern service and welfare states?

In all democratic systems, Parliaments are considered to be strongholds and symbols of legitimacy; as directly elected bodies they represent national citizenship and act on its behalf. In the case of the EU, although partly resorting to the attributes and symbols of its national counterparts, differences are striking. The European Parliament is not a legislative assembly shaped according its sisters and brothers in the member countries of the Union. Nevertheless, and from whatever angle it is approached, it seems to have a symbolic importance as far as legitimacy of the integration process is concerned. Its capacity to fulfil its functions and to deliver a kind of 'European legitimacy' depend to a large extent upon the character of the system of the EU as a whole and the special role it plays within it.

The Treaty on European Union has, without any doubt, strengthened the position and role of the European Parliament within the system of the European Union. Despite this reduction of the democratic deficit, developments after the conclusion of the TEU have led to a loss of public support and made the project of integration more contested than ever within the Member States; the public discourse after Maastricht seems to have weakened the legitimacy of the Union (Telò 1995: 18).

This paradox hints at different perspectives from which legitimacy can be defined. While legitimacy understood as an attribute of the political system of the EU has been strengthened, legitimacy as an orientation among the citizens has decreased. A tension between both dimensions of legitimacy has since Maastricht been one of the characteristics of the development of the integration process.

It also highlights the loss of validity of an equation that for quite a long time dominated the political and academic debate synthesized by the formula: democratization means parliamentarization of the EU. Neither introducing direct election nor enhancing the competencies of the European Parliament as such will strengthen democratic legitimacy. Increasing democracy and legitimacy of the Union requires a multi-dimensional approach that takes the peculiar nature of the EU into account.

## **2. On our approach: How to grasp an institution within an evolutionary system**

As a first step, we identify different views on the role and position of the EP and the EU as a whole. We distinguish roughly between a federal and an interstate (realist) conception of the EP, sketching the outlines of each of them. Further, they are contrasted with empirical findings about the actual role and function of the EP. This empirical analysis is guided by a dynamic approach taking into account the evolutionary character of the EU-system. Finally, and taking into account the results of our enquiry, we will try to present a new perspective on the EP that differs both from the federalist as well as from the interstate (realist) paradigm and is based upon a view of the EU as a new kind of political system (Wessels 1996).

Generally, this study tries to relate the European Parliament to a macro-level concept of legitimacy as

an attribute of the political system of the EU, assessing its capacity to command assent, reducing the democratic deficit and assuming new competencies and powers. One question that can be posed is about the importance of the EP in relation with the legitimacy of the EU as a whole, and the way the nature of the EU system affects this context.

### 3. A revised set of parliamentary functions

The classical pattern of parliamentary functions as originally described by Walter Bagehot and developed by Steffani and others cannot be considered as an adequate analytical framework of our research. Instead, we prefer a set of functions that corresponds to the special features of the EU system.

As a crucial condition we need to pursue a dynamic approach by which the performance of the European Parliament can be measured according to three different functions that reflect the peculiarity of the EC/EU-system and try to adapt parliamentary functions to a moving political context. We take as indicators (Bourguignon-Wittke et al. 1985; Grabitz et al. 1988; Wessels 1995):

- **the policy-making function** of the EP, which means the influence exerted by the EP in the EU-policy cycle in relation with the Council and the Commission, i.e. its ability to participate in the preparation, making and implementation and control of decisions produced by the EC/EU system. It also includes the elective function with regard to the investiture of the Commission;
- **the system-development function**, which refers to its ability to participate at constitutive decisions and at shaping the functional, sectorial and geographical scope of the political system;
- **the interaction function** with the public and the citizens, which touches upon its ability to be perceived, appreciated and supported by the public.

## II. Traditional Dogmas about the European Parliament

We do not claim nor pretend that the schools of thought sketched below are represented or defended in their ideal-type version by anyone, but they can serve as orientation points offering different angles from which the EU and its legitimacy can be approached.

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### 1. The federalist view

In this concept, legitimacy rests first and foremost upon the citizens of Europe or even the European people (Spinelli 1958), which gradually develop a kind of European identity as complementary to their national, regional and local orientations.

By the election of a Parliament they freely express their will and determine in an unfiltered way decision-making in the EU (Schneider 1986); for federalists, the way should go into the direction of a state-like polity, a 'parliamentary Europe' (Duff 1995) or even a 'supranational parliamentary democracy' (Laming 1995: 117). The role of the EP could be shaped in correspondance to the Westminster Model, which means that its functions might in the long run resemble that of national parliaments.

In the field of policy-making, there would be the election and control of the Commission as a

European type of government, full legislative powers shared with the Council as a second chamber representing the member states, as well as representation and articulation of political currents organized through and within European parties (Schneider 1986; Spinelli 1958).

The European Parliament would also, by giving its assent to all important constitutional matters, become one of the motors of system-development in the EU; its interaction with the citizens would step by step replace connections with national parliaments. In a virtuous circle, all these powers and capabilities would reinforce each other.

### Graph 1

The federalist view holds that the interest of the citizens and their support for integration continues to increase, in neo-functional terms labelled as a "shift of loyalties" (Haas 1968). The EP is regarded as the main legitimizing factor of the EU system. Its role in EU policies has to be enhanced, thus attracting people's interest in Parliament and the EU as a whole. The direct elections, introduced in 1979, are considered as an essential step forwards in order to shape the EP according to its national counterparts, and must be followed by an increase in its power and competencies.

### Table 1

According to this perspective, the democratic deficit of the existing EU is caused by an undervalued role of the EP as a directly elected, democratic element of representation. The more the EU is assuming competencies, Parliament should correspondingly be endowed with relevant powers (Naßmacher 1972: 76f.). The democratic deficit of the EU can thus precisely be defined as "the shift in decision-making powers from the national to the EU level, without accompanying strengthening of parliamentary control of executive bodies" (Archer/Butler 1996: 58). In this sense, the lack of control over governments firstly on the national and secondly on the European levels creates a "double democratic deficit" (Lodge 1996: 190f.)

Furthermore, a factor that inhibits citizens from identifying themselves with the Union, is the lacking transparency of the system; in that respect, too, the European Parliament has a fundamental role: "The EC's institutions were not, and are not, tangible and intellegible to voters. The one institution traditionally seen as capable of engendering popular belief in its own and the EC/EU's democratic legitimacy, the European Parliament, suffered from the outset from being a marginal player in the system. The mere fact of it having been directly elected was not and is not enough to generate the democratic consent needed to give EC authority structures legitimacy yet" (Lodge 1996: 189f.).

A European constitution would serve as a fundamental political charter and a focus of identification (Weidenfeld 1996; Läufer 1995); European values and interests will gain force and strengthen the emotional links between the citizens and the EU system. The nation-states will not be removed, but play a minor role in the hierarchy of preferences of the citizens and the political forces.

## **2. A state-centred (realist) view**

The realist view ascribes only a minor role to the European Parliament. As the German Constitutional Court puts it, legitimacy is mainly secured by the peoples of the member states via their nationally elected representative bodies, and only in a supplementary manner by the European Parliament (Bundesverfassungsgericht 1993). The basic assumption is that there is no single European people on which a European statehood could be founded, not even a European public space that would shape the will and opinion of the population. (Lübbe 1994; Kielmansegg 1996, European Constitutional Group 1993). The European Parliament is seen as a marginal player, lacking the quality and attributes of national representative assemblies considered as Parliaments in the 'full' sense of the term (Schröder 1994; Lübbe 1994).

Decision-making rests primarily upon the Council, system-development would be initiated by the European Council which would also ensure the links of interaction between the national and the European levels.

### Table 2

This school of thought describes quite a different kind of democratic dilemma. As the main and essential source of legitimacy is the nation-state via its elected bodies, the EU is getting into a 'legitimacy trap': the more it assumes new competencies and exerts them through supranational structures and procedures of decision-making, the less is it able to be regarded as legitimate, simply because it is moving away from the sources of this legitimacy - the nation-state (Kielmansegg 1996). Citizens will always cling to their used and familiar values and symbols, making nearly impossible to develop a European identity. On the other hand, however, Europeanization might appear attractive for reasons of efficiency. As Rolf Gustavsson puts it, "there is this fundamental dilemma: a choice between a quasi-federalist option which probably provides more efficiency but weaker formal democratic legitimacy and a confederalist option with less efficiency but stronger formal legitimacy" (Gustavsson 1996: 226).

In contrast to the assumptions by the federalist school, this approach supposes a relationship between the different functions of policy-making, system-development and interaction expressed in a vicious circle, i.e. lacking political power, incapability of changing the rules of the game, and little public support reinforce each other in weakening the position of Parliament, reducing it to a marginal player in the European arena.

### Graph 2

## **III. The European Parliament after Maastricht - an Empirical Assessment**

Both models are state-oriented and cling to classical patterns of direct accountability between the electorate and Parliament. The two alternative options seem to be that of either building up a state on the European level or preserving it on the national level. The process of integration, however, cannot be explained and shaped according to those concepts and terms taken from (national) statehood. An innovative concept of the EU and the European Parliament should be used that takes the peculiar nature of this political system into account. An empirical analysis of how the European Parliament works would therefore be a first step to redefine its role and position within the EU-system. In the following, we assess the changes that can be observed in recent years, especially after the coming into force of the Treaty on European Union, according to our set of functions. Generally, the Maastricht Treaty has introduced the following important changes concerning the role and position of the European Parliament (Jacobs/Corbett/Shackelton 1992: 10):

- co-decision procedure (Art. 189b TEC)
- extension of application of assent procedure to a wider range of international agreements (Art. 228 (3) TEC) and other sectors
- approval to the newly elected Commission (Art. 158 (2))
- election of an Ombudsman (Art. 138 e TEC)
- installation of Committees of Inquiry (Art. 138c TEC)

- only minor powers in the Second and Third Pillars (Art. J and K TEU)
  - no competence on Treaty amendments or modifications (Art. N TEU)
- 

## 1. Policy-making

Concerning decision-making in the EU, the EP has increased its role and position considerably, especially with the introduction of the new procedure of Art. 189b TEC (co-decision). Here, the European Parliament has the possibility to finally block any decision by the Council, i.e. it has an nearly equal say at least in vetoing a judicial act, without being able, however, to enforce legislation against resistance by the Council. In case of divergent positions, a conciliation committee composed of members of the Council and the European Parliament tries to find a compromise. As Jacobs, Corbett and Shackelton put it, "the right to say 'no' gives Parliament a bargaining position which it has hitherto lacked regarding Community legislation, and is of fundamental importance to public perception of Parliament's role - it can no longer be accused of lacking teeth" (Jacobs/ Corbett/ Shackelton 1992: 191).

The enhanced role of the EP has not delayed or even paralyzed policy-making, on the contrary - interaction with the Council proved to be rather successful. Since November 1993, i.e. the coming into force of the Treaty on European Union (TEU), until March 1996, there have been 162 proposals by the Commission based upon the co-decision procedure, of which 40 had been finally adopted. In 20 cases the Council requested the Conciliation Committee to be convoked. Only 2 cases were in the end rejected by Parliament (Schmuck 1996).

Further, an increasing use of co-decision (Art. 189b) instead of other legislative procedures within the European Community, can be observed. In 1994, the European Parliament concluded 168 resolutions according to the consultation procedure, 54 based upon the cooperation procedure (Art. 189c TEC) and 60 under co-decision (Art. 189b TEC); in 11 cases it gave its assent. In 1995, the respective figures were 164 (consultation), 38 (cooperation), 61 (co-decision) and 17 (assent). Parliament is thus intensively using its new rights and competencies and is regarded as a reliable and serious partner. The functioning of the co-decision procedure is assessed as satisfactory by the Commission, hinting at the fact that the average duration is at 300 days, i.e. 10 months (Schmuck 1995; 1996).

A first step in the direction of an elective function was done with the assent of the EP to the new Commission according to Art. 158 (2). The overall impression was that the EP's approval cannot be regarded just as a formal act, a kind of 'nihil obstat', but was designed as a genuinely political decision. The EP has set a clear signal that it insists on this right and regards it as an essential part of its competencies. Organizing hearings with the candidates to the Commission, resembles at first sight the procedure of the US Senate to confirm high political officials. Even where the European Parliament did not have the formal right to approve a candidate - as in case of the President-designate of the Commission - but is only consulted, it tries to offer a public forum for discussion and political debate that can hardly be ignored by the member states. The investiture of Jacques Santer in 1995 has given proof of this fact. Parliament is also consulted when appointing the President of the European Monetary Institute and the President, the Vice-Presidents and the other members of the board of the future European Central Bank (Art. 109f, 109l TEC and Art. 50 of the Statute of the European Central Bank). It remains to be seen if the deputies will be able to add a political dimension to these decisions and serve as a controlling authority. Jacobs, Corbett and Shackelton indulge in an optimistic scenario on the influence of the European Parliament: "Although Parliament's role will only be consultative, it is potentially crucial. As for other appointments where Parliament is

consulted, when it comes to a public vote in an elected parliament on an individual, it would be surprising if that individual wished to take office should Parliament reject his or her candidacy... It is therefore likely that the consultation of Parliament will amount, in practice, to a vote of confirmation in which Parliament enjoys a virtual right of veto" (Jacobs/Corbett/Shackelton 1992: 228).

The Single European Act already introduced parliamentary assent to all association agreements, including the subsequent conclusion of financial protocols. The European Parliament used these rights in order to put emphasis on its political preferences. Its hesitation to approve the Customs Union with Turkey can be regarded as an example of this attitude. In recent years the European Parliament blocked the conclusion of financial protocols with Turkey, Israel, Morocco or Syria in order to promote human rights (Ibid.: 197f.).

Furthermore, since Maastricht the assent procedure was extended to all important international agreements establishing a specific institutional framework, or having important implications for the Community budget, or requiring the amendment of Community legislation pursuant to the co-decision procedure (Art. 228 (3) TEC). It also covers other issues such as the creation of a uniform electoral procedure, adaption of provisions under Union Citizenship residency rights or the use of structural funds.

However, increased rights and competencies are true for some policy areas within the European Community, excluding the decision on the coming into force and the shaping of an Economic and Monetary Union, and of course - regarding the Treaty of Maastricht - of the Second and Third Pillars; in these cases, EP's role is rather limited and its impact nearly non-existent. On the other hand, it is in the Second and Third Pillars that Parliament enjoys a judicially fixed right to be informed by the Council, and its decision to set up a foreign and security affairs committee documents the political will of the deputies to tackle those issues seriously and to make their voice heard in the European Union.

The reforms proposed at the IGC 1996 do not seem to change this basic feature; thus, Parliament will remain a very unevenly powerful organ in the future.

## 2. System-development

In the case of system developing decisions, the influence of the EP appears as quite limited. The de facto failure of the Herman Report which should serve as a basis for a European constitution reveals that a such a solution is not on the agenda of the EP itself at the moment, let alone any federalist inspired blueprints for a European polity. The draft report was in early 1994 not taken up by the plenary but referred back to the committee in order to be rediscussed in a broad public debate (Hilf 1994).

But it should also be remembered that the 1984 Draft Treaty on European Union submitted by the European Parliament - the so-called Spinelli-Draft - had finally some influence on the debate at that time; although it was not taken up as a political strategy, it nevertheless inspired the proceedings and preparations leading to the conclusion of the Single European Act (Archer/Butler 1996: 49), and as Derek Urwin remarks, "it reconfirmed the EP's role as the conscience of the original EC ideal, worrying away around the edges of the existing system" (Urwin 1995: 224).

Before, during and after the IGC 1991, Parliament expressed in various resolutions, based upon the Martin and Colombo reports, its opinion on the process of Treaty revision and made clear what kind

of reform it preferred. The impact, however, was limited (Corbett 1992: 17ff.); in neither case was the pressure exerted by Parliament decisive, but it served as a supporting element to those governments - like the German or Belgian - and institutions that wished substantial reforms to be concluded.

In 1995, the situation is different. The reflection group installed in Messina that prepared the ground for the IGC 1996 included two members of Parliament, a Christian Democrat and a Socialist. Based upon reports by Jean-Louis Bourlanges and David Martin, the European Parliament issued a resolution expressing its assessment of the functioning of the TEU and its basic demands for the IGC (European Parliament 1995). Afterwards it accompanied the different stages of negotiations on the revision of Maastricht. Due to French and British pressure, however, no member of Parliament participates at the conference itself, but a close association, especially by information, is to be ensured by the governments. In March 1996, the European Parliament confirmed its fundamental priorities at the IGC (European Parliament 1996). In a clear contrast to the proceedings in 1991, the preparation of the IGC 1996 reveals considerable progress for the European Parliament. It has, at least taken a step closer to full integration into the negotiation framework. If the results can be shaped according to its political intentions, will depend on its bargaining power. Parliament's main demands refer to the decision-making process: a simplification of procedures by reducing them to three types: consultation, co-decision and assent, the second one being the 'normal' decision-making with qualified majority voting in the Council as a general rule (yet subject to specific exceptions). The EP thus wants to be recognized as the co-player of the Council with equal rights and influence.

Two options are available. The EP can either profit from a collaboration strategy with national parliaments, and it can link different important decisions, wrapping them into a package deal. As an example of the first option, some member states parliaments - like the Belgian and the Italian - had in 1991 - before Maastricht - declared that they would not accept the results of the IGC for ratification lest the European Parliament approved it. This puts pressure on the governments to take the view of the assembly into account. We could describe this strategy as a transnational coalition of institutions; regarding the current IGC, the same can be expected. It is not sure at all if the respective national parliaments would really make come true their menace, but what counts is the effects and repercussions it creates. Furthermore, the links between the European and national Parliaments will probably play a more important role in the future (Neunreither 1994).

The second option can be observed at the moment. The European Parliament claims that if the results of the ongoing IGC are unsatisfactory, the deputies will refuse to agree to the future enlargement of the Union (Art. O TEU), thus paralyzing the evolution of the whole system. As any enlargement is subject to the assent procedure, Parliament in this case enjoys enormous influence; given the fact that issues of widening and deepening are in many cases closely linked, especially when it comes to institutional adaptations, Parliament will not have too many problems in convincing the public of its demands. However, the European Parliament has so far not used its possibilities against major reforms or constitutional decisions, but rather showed a constructive attitude (Wessels 1995: 893). It remains to be seen if this is still true with the revision of Maastricht and the following negotiations on southern and eastern enlargement.

### 3. Interaction

Some innovations introduced by the Maastricht Treaty were designed to bridge the gap between the citizens and the European Parliament. So, the ombudsman elected according to Art. 138 e TEC was put in charge of receiving complaints from any citizen or any natural or legal person residing in the

member states concerning instances of maladministration in the activities of the Community institutions or bodies other than the court. He or she has the right to conduct inquiries, except where court cases are under-way (Jacobs/Corbett/ Shackelton 1992: 266). In July 1995, Parliament elected the Finnish politician Jacob Söderman as ombudsman, who in March 1996 presented his first report of activities; he had so far received 537 complaints of which only 81 had been admitted; most citizens were not informed about his exact functions and competencies (Schmuck 1995).

The right to set up a committee of inquiry recently enjoyed widespread public attention in the BSE ('mad cow') case, when former members of the Commission responsible for Agriculture had to face the deputies in order to clarify their personal performance and responsibility in that affair.

As regards interaction with the public, the results give little reason for enthusiasm; popular attention devoted to the EP is low, only rising when elections are held (which, on the other hand, are generally overshadowed by national issues in the member states). Until recently, there was no or little public consciousness for the work of the EP, let alone a clear knowledge about its role and function within the EU (Schmuck 1995).

One might come to the conclusion that interaction of the EP with the citizens has failed to a large extent, but one must be careful with hasty conclusions; one way to assess the situation would be to compare the degree of attention and support shown for the EP with that of respective national institutions; another one would be to put it into the framework of the EU system as a whole. Only if marked deviations appear, the performance of the EP could be judged as a special case.

According to results of Eurobarometer, the European Parliament enjoys the highest awareness levels among the European population. Perception of the European Parliament by the citizens in the media was at 63 % in early 1995, as against 52 % in 1994 and 57 % in 1993. Compared to this, the Commission reached some 59 % in 1995, the Council 47 % and the Court of Justice 45 % (Eurobarometer 1993; 1995).

In 1995, 56% of the requested persons indicated that they considered the European Parliament as important; 49 % wished an enhanced role for the Assembly, which marks a quite low level compared to the last years; the number of those advocating a more important role for Parliament has steadily decreased from 62 % in 1991 to 48 % in 1994, with a slight increase in 1995 (Ibid.).

On the other hand, when it comes to the issue of trust in Parliament and in interest-mediation, the picture gets confused. Only 41% of the citizens declared that they rely on the European Parliament, and only 35% were convinced that it defended their interests. But here also, comparison is important: only 45% held trust in their national parliaments (Ibid.).

Furthermore, 47% described themselves as dissatisfied with the way democracy works in the EU against 41% in favour. But here, the following figure is of interest: More people showed dissatisfaction with the way democracy works in their home country - 55% against 42 % (Ibid.).

Public attitude towards the European Parliaments remains fuzzy and not well defined. There is some kind of lack of orientation that characterizes the results of the opinion polls. On the one hand, generally an enhanced role of Parliament is desired by the citizens, on the other their degree of information and trust is quite limited. But what seems important to say is that this attitude affects more or less to the same extent national institutions. We could see the European Parliament in a broader current of western political systems.

On the other hand, its increased influence makes Parliament more and more interesting for intermediary groups including lobbyies, hitherto an almost exclusive domain of the Commission and national administrations (Wallace 1996: 64; Kohler-Koch 1996). Beate Kohler-Koch and Thomas

Schaber come to the conclusion that " changes in the decision-making system of the EU have consequences for the organisational bundling of interests and the practices of interest groups. The growing competencies of the EP attract more and more lobbyists, especially when it comes to the co-decision procedure" (Kohler-Koch/Schaber : 15)

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#### **4. A mixed balance**

The balance appears generally mixed, hinting at an still existing deficit in the European Union when parliamentary influence is concerned. It cannot be denied, however, that the EP has grown in importance - in some fields considerably (especially in policy-making in the First Pillar of the EU with the exception of the EMU), in others only slightly as constitutive issues or interaction with the citizens have shown. Archer and Butler describe the changes after Maastricht as "the contrast between the 'bicephalous' Community political system of the 1960s, and the emerging outlines of a triumvirate, where power is increasingly shared between Commission, Council and Parliament" (Archer/Butler 1996: 50). To a growing degree Parliament is assuming the role of an agenda-setter, i.e. that it determines the political debate and behaviour of other actors ( governments and EU institutions) to an increasing extent, yet without dominating decision-preparation, making and implementation. One main weapon of the EP at the moment is public debate, which it can offer in the plenary and thus create a political forum, providing a better insight to the citizens than secretive bargaining in the Council or apparently technocratic administration within the Commission. But Parliament is still far from being a main actor in the game, having perhaps the weakest part of the institutional triangle with Council and Commission.

The question furthermore is, how to relate the position of the EP to the question of legitimacy of the evolving EU. Both aspects are not (any longer) as closely connected as it might have appeared some years ago.

### **IV. A new Kind of Parliament for a new Polity - Fusion and Legitimacy**

#### **1. The EU as a new kind of polity**

The EU is often thought to be based upon an dual legitimacy, delivered on the one hand by the nation states and on the other by the directly elected European Parliament. But this distinction does not go far enough, it needs more refinement (Lodge 1996: 190f.). Concerning the EU and especially the EP, several dimensions of legitimacy must be taken into account, suitable to be applied to a new kind of political system. A major force of this system can be characterized as fusion.

It is a major feature of this new kind of political systems in which national, subnational and supranational actors merge their instruments to 'produce' political decisions (Wessels 1992; Risse-Kappen 1996). This fusion implies an evolution towards a European democracy. The result is a 'mixed polity', an 'optimal' form of government, which combines several levels of governance and a wide range of actors, thus creating a complex and highly differentiated entity which can be regarded as a solution to the problems of the western European welfare and service states (Wessels 1996).

Furthermore, a second feature of this polity must be taken into account: its legitimacy is neither based on a collective personality called 'the people' - as federalists might argue, nor on the single peoples of the member states - as in the realist vision - but on a pluralistic 'citizenship'. This

'multinational civitas' is not only a community of the states, but also of the citizens in a 'unity-in diversity' (Schneider 1995; Hassner 1996).

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The principle of representation is increasingly defined in new terms (Andersen/Burns 1996), shifting away from territorial/ parliamentary to functional self-representation. The fact that each actor - including the EP - is constrained and in a certain way controlled by others, and on the other hand limits the room of manoeuvre of the remaining players of the game, can be seen as generating a form of procedural and functional checks and balances, in which democratically elected - be it directly or indirectly - and functional representative institutions and organizations intervene; none of them is able to enforce their own point of view or to dominate the whole process entirely, but is dependent upon support, coalition-building and compromise. In the system of the EU, decision-making takes mainly the shape of decision-negotiation, including elements of convincing others of one's own positions. Helen Wallace remarks: "Part of the reason for the predominance of negotiation at the core of the process had to do with the cartel of élites that dominated the negotiating fora and the interests that lay behind them. That cartel has been 'threatened' by the impact of other forms of policy influence. These include the imposition of policy through the courts, both ECJ and national, and the emergence of a form of parliamentarism at the EC level. Irrespective of whether the EP provides legitimation of European executive decisions, it certainly interferes with the negotiating process. It can, and sometimes does, overturn the results of negotiation in and around the Commission and the Council (Wallace 1996: 33).

## **2. The Role of the EP in the Fusion Process**

The role of the EP in the process of fusion has increased in the fast years. It has, in diverging intensity, gained grown influence in policy-making, and (more slightly) in system-development. Given the characteristics of the fusion process, there is a more flexible, but also a more ambivalent evolution.

Neither the reconstruction of a parliamentary democracy on the supranational level, nor a 'Union of the States' are models for future orientations. It will be a multi-level system of governance (Wallace 1996; Jachtenfuchs/Kohler-Koch 1996) in which a direct representative element in the shape of the EP is having an important say, as part of a European legitimacy complementary to the national and functional one, but in which the sources and dimensions of legitimacy are progressively getting merged, so that it will increasingly difficult to define clearly the accountability of a specific actor.

Neither the mentioned virtuous nor the vicious circle can be expected to work in this context; instead, the development is heading towards a cyclical alternation of both with a general tendency to move ahead and basically improve the role and position of the European Parliament, i.e. that the virtuous elements are in the long run making their way, but perhaps not in the sense the federalists had in mind.

### Table 3

All this is highly deviant from experiences accumulated in national political systems. In paradox terms, it could be labelled as a new kind of legitimacy without (full) transparency. The citizens might have to adapt to this peculiarity and must learn to accept it as an inevitable product of European policy-making not caused by a 'Brussels bureaucracy' but due to the rational interest of modern welfare and service states.

West European states are increasingly merging their instruments in order to cope with the problems of interdependence and cooperation, thus creating a new kind of political system. Fusion means more than only a horizontal 'pooling of sovereignties', it implies a merger of public resources from several state-levels for which the 'outside world', i.e. average citizens, but also many experts cannot trace the accountability, as responsibilities are diffused. In this context the European Parliament has to define its role and position.

Desmond Dinan underlines: "Will the democratic deficit ever be rectified? Certainly not simply by giving more power to the European Parliament, regardless of its failings and foibles...The Community is a unique system with unique institutions; the solution to the democratic deficit will be equally novel and unconventional... Undoubtedly the European Parliament will remain an essential ingredient of political accountability in the European Community. But in an evolving European Community of traditional or transformed nation-states, the democratic deficit will have to be resolved by an imaginative blend of public representation and involvement at the regional, national and Community levels" (Dinan 1994: 292).

As to the EP, the outlook is not as gloomy as it might appear. It should not claim to be the central legitimating factor in the EU, but still a highly important one. Its strength lies in providing a public arena of debate and political discussion, in which different political and social currents and actors can identify their positions and interests. In this sense, Parliament is and will ever more be a kind of symbol of this European polity and of its fragmented legitimacy, which is in a constant process of evolution. Parliaments strive for competencies is a part of this process, where political, constitutional and institutional questions are mixed and appear linked with each other.

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The European Parliament must try to gain a profile of its own without endangering smooth decision-making, which is not an easy task and might end up in a dilemma. Even a trade-off can be described between the political and institutional importance of the EP - which would require a constructive stance in decision-making in cooperation with the other institutions, on the one hand, and a profile of its own as identified by the citizens, which could be blurred by too easily interacting with its counterparts, on the other hand. There is no easy solution at hand, but dealing with this kind of dilemmas is and will be the daily work of Parliament and the whole European Union.

If we were to take the fusion process seriously, the 'spill back' to the national level could be considerable. National Parliaments as traditional channels of legitimation are in a direct and in an indirect way affected by the described developments. It is not only the legitimacy of the EU that is at stake, but also that of its member states. This remark does not lead to a simple reinforcement of traditional - realist and constitutional - claims for "bringing back" national parliaments into EU affairs, but suggests a more radical analysis: The debate on the European Parliament is just an indicator of a broader debate on the optimal size of democracy. If we take the fusion process as a rational strategy of governments to react and to adapt their state apparatus and functions to both economic globalization and social claims by their citizens, then there is no easy way back to the "good old times" of Westminster parliamentarism. We have to think about how to organize a "good governance" on a larger level. It is like in the 19th century when new forms of representative government were developed (as described by Bagehot), going far beyond the territorial borders Aristotle, Montesquieu or Rousseau had considered as appropriate for democracy. We are still in search of a new concept of legitimacy for a new kind of Parliament. Academic and public debate might be far behind reality and needs.

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## **Endnotes**

(\*) Contribution to the volume by Thomas Banchoff and Mitchell Smith (eds.): Legitimacy and the European Union, to be published in 1998.

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## Table I

### A federalist view on the EU

<b>orientation of citizens</b>  support of citizens for integration; EP as the focus point for citizen's appreciation; shift of loyalties	<b>attribute of the EU system</b>  EU as a democratic and parliamentary state-like political system; EP as the main democratic organ
<b>EU policies</b>  growing Europeanization of policies; leading role of the EP in policy-making	<b>EU institutions</b>  EP as the democratic centre of the EU system; truly legislative body
<b>material interests</b>  growing interest of the public; EP as important centre of interest-mediation	<b>symbols, narratives</b>  European constitution; European citizenship; common values and symbols (flag, anthem)

## Table II

### An interstate (realist) view on the EU

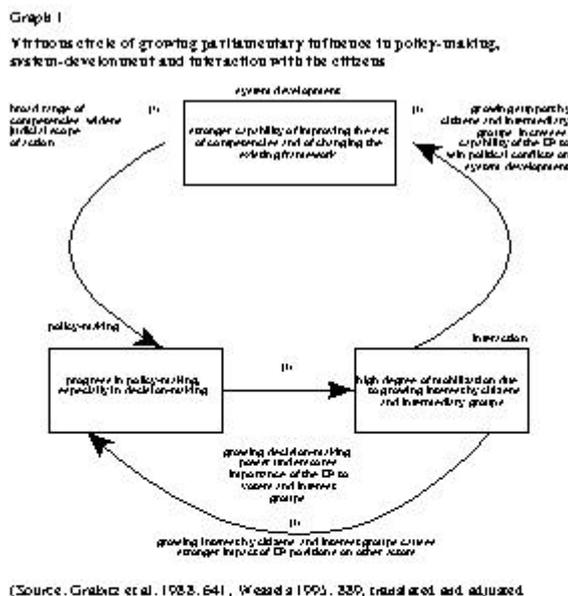
<b>orientation of the citizens</b>  EU perception mediated through national orientations; low support; nation states as main focus of the European peoples	<b>attribute of the EU</b>  union of states; not a european polity; limited capacity to command assent; only supplementary legitimacy by the EP
<b>policies</b>  low politics; unspecific and diffuse perception of EU policies, though with increasing importance	<b>institutions</b>  European institutions are only of limited importance; Council and European Council as centres of decision-making
<b>material interests</b>  directed towards the national polities and their institutions	<b>symbols, narrative</b>  actually non-existent; superseded by national identification

## Table III

### The Fusion Thesis

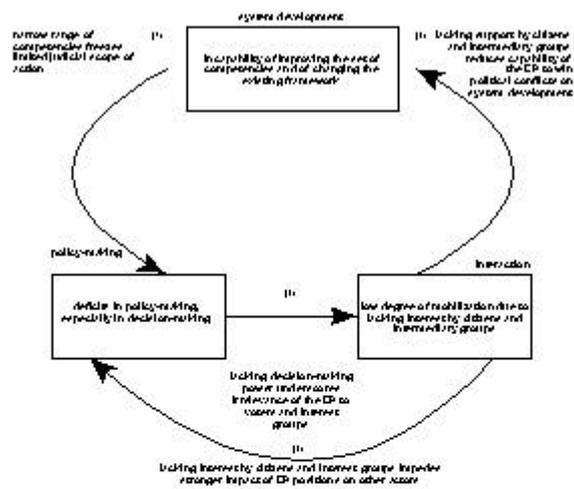
<p><b>orientation of the citizens</b></p> <p>mixed perception; neither strong support nor rejection; low interest with a high range of indifferent tolerance</p>	<p><b>attributes of the EU system</b></p> <p>mixed polity with mixed sources of legitimacy: national and European; complexity</p>
<p><b>EU policies</b></p> <p>Europeanization; growing importance of EU policies accompanied by a certain preservation of national competencies</p>	<p><b>EU institutions</b></p> <p>The EP as one actor among others, however with a special feature: direct democratic election; beneath other organs on different levels; interaction in formal and informal ways</p>
<p><b>material interests</b></p> <p>wide range of European, national, regional, local and functional actors with specific interests and patterns of representation; basically: the rational interest of modern welfare and service states on fusion</p>	<p><b>symbols, narratives</b></p> <p>only slightly developing; not a driving force of a mixed polity, but neither one that will stop or revert the process</p>

# Graph 1



# Graph 2

Graph 2  
 Vicious circle of lacking parliamentary influence to policy-making,  
 system-development and interaction with the citizens



(Source: Grabitz et al. 1983: 641, Wessels 1993: 289, translated, verbatim)

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