

From Permissive Consensus to Input Legitimacy?

The Responsiveness of European Union Member State Governments

(draft version, October 2015)

1. Overview

Establishing legitimate forms of decision-making for supranational and international political systems is a major challenge for democratic governance and global politics in the 21st century (Koenig-Archibugi, 2011; Zürn, 2004). In an increasingly interdependent world, decisions affecting the lives of millions of citizens are more and more taken beyond the traditional national sphere of politics, challenging the traditional model of democratic accountability (Keohane, 2003). The imperative for global cooperation to tackle important social, economic and political problems has to be reconciled with the need for legitimate decision-making (Held, 2010). With international decision-making in fora such as the WTO or G7/20 facing public protest (Beyeler & Kriesi, 2005; Green & Griffith, 2002), particularly in times of economic crisis, some international organizations have been reforming themselves to emulate the parliamentary system of national polities with public input and accountability to increase their legitimacy (Falk & Strauss, 2001; Tallberg, Sommerer, Squatrito, & Jönsson, 2013).

The prime example of this development is the European Union, which now routinely makes decisions on a wide range of social, economic and political issues in a bicameral setting with a directly elected parliament (Bellamy, 2011; Habermas, 2006; Scharpf, 2007). In its first half century, European integration proceeded largely outside of the gaze of public scrutiny. Political elites advanced the European project with the general understanding that the core elements of a single market and free movement would bring wide-spread benefits to European citizens (“permissive consensus”) (Checkel & Katzenstein, 2009). Initially, decisions taken by the European Union were highly technical and only of interest to small subsets of the national constituency (Majone, 1998). In terms of democratic theory, this permissive consensus could be justified in terms of output legitimacy (Crombez, 2003; Scharpf, 1999). As long as legislative decisions were taken by unanimity or broad consensus by the representatives of member states governments (Dahl, 1982), they were also backed by the electoral accountability of national governments (Moravcsik, 2002). During the Eurozone crisis, for example, the most important decisions were taken by the heads of governments (Puetter, 2012). However, successive treaty reforms established (qualified) majority voting as the norm in legislative decision-making with the European Parliament as a powerful co-legislator (Hix & Hoyland, 2011). European Union legislation also increasingly touches on highly political questions (Craig, 2011). European member states being outvoted on the issue of the redistribution of refugees, a highly salient topic in the current public discourse, in September 2015 might mark the end of a European “culture of consensus” (Heisenberg, 2005). The Eurozone crisis has put European integration into the mainstream of domestic politics as a publicly highly contested issue with mass protests against European policies. Even before the Eurozone crisis public opinion has become more skeptical of the European project as more and more competences moved to the supranational level (Hooghe & Marks, 2009). The early permissive consensus for finding mutually beneficial solution at the European Union level has given way to more adversarial national politics. This lends more urgency to the issue of

responsiveness: Are European decisions sufficiently supported by input legitimacy after the end of the permissive consensus?

European Citizens often feel disconnected from decisions taken “in Brussels” despite its impact on their daily lives (Hix, 2008; Hix & Follesdal, 2006). So far, the electoral link between European citizens and European legislation via elections of the European Parliament has been weaker than hoped for: voter turnout has reached record lows in 2014 (Farrell & Scully, 2007; Hix, 2008; Lindberg, Rasmussen, & Warntjen, 2008). Voters in European elections still vote with the domestic political arena in mind (Hix & Marsh, 2011; Hobolt & Wittrock, 2011). Furthermore, citizens primarily identify with their nation-state and national institutions rather than having formed strong pan-European identities based on (party political) ideologies (Thomassen & Bäck, 2009). Thus, there still is no European demos which could legitimize democratic decision-making at the supranational level (Moravcsik, 2002; Scharpf, 1999; Warntjen, 2012a). A key ingredient of legitimacy of the European multi-level polity thus is the responsiveness of member state governments in the Council to the political views and priorities of their constituencies.

2. Theory and hypotheses

In representative democracies, like the European Union, legislation is passed not directly by citizens but by their elected representatives. This raises the issue of how responsive the decisions made by the representatives are to the wishes of the citizens (Page & Shapiro, 1983; Soroka & Wlezien, 2010; Stimson, MacKuen, & Erikson, 1995). We can distinguish between two aspects of representativeness. First, legislators have to shift their attention in line with the varying intensity to which the public is concerned with different topics (agenda correspondence). For example, more congressional hearings are held on topics if they are important to the US public (Jones & Baumgartner, 2005). Second, changes in the policy position of a majority of the constituency should be followed by position shifts of its representatives (policy congruence) (Thomassen & Schmitt, 1997). Existing studies have focused on policy congruence, showing a link between public opinion and the position of political parties (Schmitt & Thomassen, 2000) or voting behavior of member state governments (Hagemann & Hoyland, 2008; Hosli, Mattila, & Uriot, 2011). Based on expert interviews, Wratil (2015) shows for 84 legislative proposals, which were discussed between 1999 and 2009, that government positions track public opinion. Because few proposals are formally voted upon in the Council (Hayes-Renshaw, Wallace, & van Aken, 2006), however, these studies are limited to a small subset of legislative deliberations. Similarly, studies based on expert interviews only cover a limited time period and range of issues. Member state interventions in legislative deliberations, in contrast, allow a more nuanced and comprehensive analysis. Member state governments regularly request changes to the content of legislative proposals in the Council, which are publicly available for a broad range of issues and a long time period (Cross, 2012; Warntjen, 2015a). In terms of agenda correspondence, member state governments should be more active in areas that are considered to be important by their domestic public opinion.

H1 (agenda correspondence): The more important a policy field is to national public opinion, the more interventions are put forward by a member state government in that policy field.

Wratil (2015) shows that government positions tracked public opinion on the left-right scale between 1999 and 2009. The left-right position of a government also influenced its voting behavior (Hagemann & Hoyland, 2008; Hosli et al., 2011). If public opinion affects governmental actions, then a shift in public opinion should

be followed by a shift of the governmental position. Member state interventions (just like votes) do not directly represent positional information on a left-right dimension. However, member states usually form proto-coalitions in the Council, making common requests (Warntjen, 2015a). Thus, member states whose public moves, say, to the left, should re-align themselves and increasingly form coalitions with other governments on the left.

H2 (policy congruence, left-right): If there is a shift of public opinion on the left-right dimension, then there is also a corresponding re-alignment of member state proto-coalitions on the left-right dimension.

In the multi-level system of the European Union, we observe a general left-right dimensions as well as a pro/anti-Europe dimension in political debates, capturing whether or not a particular issue should be addressed at the European Union and whether or not European integration should proceed (Hix, 1994; Hooghe, Marks, & Wilson, 2002; Schmitt, 2009). Governments which face a Eurosceptic public are more likely to vote against European legislation in the Council (Hosli et al., 2011; Mattila, 2004, 2008). In legislative deliberations, member states often make requests that limit the scope of European legislation, thus curtailing the powers of the European Union (Warntjen, 2015a). The more Eurosceptic their domestic public opinion, the more governments should strive to limit European legislation.

H3 (policy congruence, pro/Anti-Europe): The more (less) Eurosceptic the national public opinion is, the more (less) likely is it that member state governments put forward requests curtailing the scope of legislative proposals.

The responsiveness of governments at the national level varies with the electoral incentives to track public opinion closely. In general, majoritarian systems where small seat changes can have large effects on government composition should provide a greater incentive to respond to public opinion (Chang, Kayser, & Rogowski, 2008; Farrell, 2011; Hobolt & Klemmensen, 2008) The same should be true at the European Union level (Wrátil, 2015). Thus, the level of responsiveness as just discussed should be greater for governments with majoritarian systems. Similarly, responsiveness should depend on the electoral cycle (Canes-Wrone & Shotts, 2004). Thus, responsiveness should increase as (national) elections approach.

H4 (electoral system): The responsiveness of governments is higher for countries with majoritarian electoral systems.

H5 (electoral cycle): The responsiveness of governments increases towards the end of the electoral cycle.

The link between public opinion and the amount of European legislation has varied over time (Bolstad, 2015; Toshkov, 2011). In the first decades of European integration, decisions on further integration were taken by political elites with little recourse to public opinion (Checkel & Katzenstein, 2009). As the competences of the European Union started to encroach on core areas of national sovereignty, however, the politicization of European politics increased. Since the early 1990s, European integration has faced an increasingly skeptical public, which repeatedly voted against specific treaty reforms (most recently the attempt to establish a European constitution) in referenda (Hooghe & Marks, 2009). Questions of European integration have become a factor in national elections (de Vries, 2010). In addition, media attention to European decisions has increased (Boomgaarden, Vliegenthart, Vreese, & Schuck, 2010), leaving the public more aware of governmental actions

in Brussels. Governments should be more responsive as European integration becomes a topic in national elections and as media attention increases.

H6 (politicization): The responsiveness of governments increases (decreases) as the politicization of European integration increases (decreases).

H7 (media attention): The responsiveness of governments increases (decreases) as media attention to EU decisions increases (decreases).

3. Data sources

Member state interventions can be automatically extracted from the public registry of the Council of the European Union (Cross, 2012) with added information from the official Eurlex database (Warntjen, 2015b). For a subset, the type of request will be coded manually (Warntjen, 2015a). Information on public opinion is available from the Eurobarometer surveys, which includes questions on the most important political issues, attitudes towards the European Union and a self-placement on the left-right dimension (European Commission, 1974-2014). Newspaper coverage of European events can be computed using key word searches of databases such as Lexis-Nexis (Boomgaarden et al., 2010; Gattermann, 2013). Information about the electoral system of EU member states is provided by inter alia Farrell (2011). The politicization of European affairs can be estimated using national election manifestoes (Guinaudeau & Persico, 2013; Warntjen, Hix, & Crombez, 2008). Important control variables will include the complexity and importance of a legislative proposal, which can be estimated via the length and number of recitals of legislative proposals (Warntjen, 2012b). Furthermore, when a country is holding the Council Presidency, putting European politics into the limelight in the national media, its government might change its behavior (Warntjen, 2013; Wratil, 2015).

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