



The democratic deficit of the EU: Breaking the spell of a false analogy

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Abstract

The article contains a critique of the concept of the democratic deficit of the EU. Its logical unsustainability is revealed by demonstrating that it is based on the ‘fallacy of false analogy’. Several of the numerous implications of this assertion are elaborated, with a special emphasis on the ‘no-demos thesis’. The article does not treat the idea of the democratic deficit of the EU merely as an analytical concept that is based on a false analogy and thus logically incorrect. For the concept has been persistently used in political debates as one of the most destructive tools against the EU. The concluding section contains a radical proposal for a counter-offensive in favour of European integration.

Keywords

EU, Democratic deficit, Fallacy of false analogy, Brexit, Input–output legitimacy

Introduction

Brexit has caused a major crisis for the EU; for the first time a member state has withdrawn from the Union. The widespread perception of the ‘democratic deficit of the EU’ (DDEU) was an implicit precondition for the persuasiveness of the major messages of the successful Brexit campaign in June 2016 (Beetz 2018, 339). Within that context, any grievance could easily be transformed into a rejection of the EU as a whole. At the heart of this lasting legitimacy crisis is the powerful image of the allegedly distant, uncontrollable and undemocratic Brussels. The concept of the DDEU was the stepping-stone for the various versions of the ‘taking back control’ slogan that was the most effective message of the Brexit campaign. If the degree to which the EU was deemed a legitimate

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democratic decision-maker had been higher, then the majority would have voted to remain in the EU (Beetz 2018, 340).

The article contains a critique of the DDEU, interpreted as an umbrella concept that covers a wide range of accusations made against the EU that relate to it being not democratic, or insufficiently so. The logical unsustainability of the concept of the DDEU is revealed by demonstrating that it is based on the ‘fallacy of false analogy’. The article elaborates on several of the numerous implications of this assertion, which is connected with the interpretation of the EU as a *sui generis* polity. Special emphasis is placed on the ‘no-demos thesis’ as undermining any argument that the EU is undemocratic. The DDEU is not treated merely as an analytical concept that is based on a false analogy and thus logically incorrect; for it has been persistently used in political debates as one of the most destructive tools against the EU. The concluding section contains a practical proposal for a counter-offensive in favour of European integration.

Defining the concept of a democratic deficit

There is no deficit in the number of publications on the DDEU.¹ Although hard to prove, it is easy to agree that ‘more ink has been spilt in recent years over the issue of the democratic deficit in the EU than just about any other problem’ (Schmidt 2005, 767). The remarkable diversity of the literature on the subject is characterised by deep disagreement. Although there are influential voices stating the opposite, the overwhelming majority of scholars shares the basic intuition that ‘something is rotten’ with the state of democracy in the EU. It is impossible to underestimate the influence of such a widespread perception, since the affirmation of democracy permeates all aspects of European integration. The Copenhagen criteria that define whether a country is eligible to join the EU require that a state has the institutions to preserve democratic governance and human rights. The Lisbon Treaty contains several passages (arts. 2, 10 and 21, among others) underlining the fundamental importance of democracy for the Union. Beyond the normative level, we can discern a pragmatic argumentation: an organisation such as the EU should be democratic in order to exist and survive. Only democratic legitimacy can guarantee efficiency and stability. As a union of democratic states, its citizens would simply not put up with the EU if it was not democratic.

Criticism of the democratic deficit has always accompanied the process of European integration. This criticism first arose with the marginalisation of the national parliaments as a result of the powers attributed to the European Parliament (EP) and to the European Commission, which was viewed as an executive body consisting of technocrats who lacked democratic legitimacy. More recently, this criticism has been focused on the leading role of the Commission and the determining powers assumed within it by the stronger member states. Even more recently still, the European Central Bank has come in for criticism, accused of widening its scope of action in a regime of virtual unaccountability (Amato et al. 2019, 164). Majone, one of the leading scholars on the DDEU, summarises this process by distinguishing two levels in the use of the term: first, the DDEU as ‘an incomplete development of the institutions, policies, and political processes that we take

for granted in a representative democracy' and, second, the DDEU as 'a set of problems that arise whenever important policymaking powers are delegated to politically independent bodies' (Majone 2005, 37). In the second sense he refers to the 'legitimacy problem of nonmajoritarian institutions', that is, institutions exercising important public functions without being directly accountable to the voters or to their elected representatives (Majone 2005, 38). Obviously, the European Central Bank and the European Commission are again the main culprits in this respect.

The fallacy of false analogy

The concept of the DDEU is based on an analogy that likens the EU to a modern democratic state (MDS). This analogy is thought to be a powerful mechanism for the acquisition of new knowledge and conceptual change (Blanchette and Dunbar 2002, 672). Two subjects can be considered analogous if they share a common pattern of relationships among their constituent elements, even if the elements themselves differ across the two subjects. Typically, one analogue, termed the *source*, is older, familiar and better understood than the second, less familiar analogue, termed the *target*. In our case, the process of analogical reasoning starts with the MDS as the source and focuses on the EU as the target.

This difference in initial knowledge provides the basis for analogical transfer, using the source to produce inferences about the target (Holyoak 2012, 117). Analogical reasoning goes beyond the initial information, using systematic connections between the source and the target to formulate plausible inferences about the latter. The main stages involved in analogical reasoning are usually described as encoding, retrieval and mapping. Among those different stages, 'mapping is often considered to be the crux of analogical reasoning' (Blanchette and Dunbar 2002, 672). This is because mapping is 'the stage at which knowledge about the source is carried over to the target' (Blanchette and Dunbar 2002, 673). In the ideal case scenario, by mapping from a source to a target problems can be solved, and well understood cases can provide the basis for understanding processes in new domains.

However, what if the very process of mapping turns out to be the source of confusion and instead of solving real problems creates imaginary unsolvable ones (Tversky and Kahnemann 1983)? I believe this is the case in the analogical reasoning which positions the MDS as a source and the EU as a target. In his work *A System of Logic* (1843), the classic political philosopher J. S. Mill identifies this kind of confusion as the fallacy of false analogy. For Mill, an argument from analogy 'is an inference that what is true in a certain case is true in a case known to be somewhat similar, but not known to be exactly parallel, that is, to be similar in all the material circumstances' (Mill 1882, 968). An object (O1) has the property A; another object (O2) is not known to have that property, but resembles O1 in property B; thus the conclusion to which the analogy points is that O2 has property A also. Resemblance in one point is inferred from resemblance in another point, even though there is not only no evidence to connect the two circumstances by way of causation, but the evidence positively tends to disconnect them. This is 'the Fallacy of False Analogy', concludes Mill (1882, 970).

The main example that Mill chooses for illustration is heavily political; it is ‘that favourite argument in defence of absolute power’, drawn from the analogy of paternal government in a family, which is not and cannot be controlled by the children themselves (Mill 1882, 970). Paternal government, says the argument, works well; therefore, despotic government in a state will also work well. There is no doubt that irresponsibility, that is, a lack of control, is a common circumstance of both governments. However, it is wrong to suppose that the affection of the parent to the children, and the superiority of the parent in wisdom and experience are reproduced automatically in the relations between a political despot and his subjects. ‘When either of these circumstances fails even in the family and the influence of the irresponsibility is allowed to work uncorrected, the result is anything but good government’ (Mill 1882, 970). This, therefore, is a false analogy.

Although much more sophisticated and comprehensive, the DDEU argument is in essence a fallacy of false analogy *à la* Mill. An object (in our case the polity of the MDS) has democratic institutions and procedures providing democratic legitimacy; another object (the more complex polity of the EU) resembles the MDS in numerous respects: both have a territory, flag, hymn and currency; a central bank; executive, legislative and judiciary branches of government; rights and freedoms for citizens, and so on. Therefore, the EU is expected to have democratic institutions and procedures, providing democratic legitimacy.

The use and abuse of the concept of the DDEU

The inevitable conclusion after the rejection of the analogy between the MDS and the EU is to affirm that the latter is a polity *sui generis*. Numerous scholars have developed arguments in this regard.² Although there is no consensus on what is at the core of the EU’s uniqueness, the no-demos thesis seems to be most easily accepted (Weiler 1995). According to it, the European polity lacks a (single) demos, and thus lacks a common public sphere, civic identity and public discourse. Democratic theory treats the existence of a demos as a given; its identity should be partially defined by the boundaries of the MDS itself (Maenent 1997, 92–5). The concept of democracy is meaningless without the claim that the government should be accountable and responsible to a given people, elected and controlled by it, obliged to serve its interests and so on. The DDEU concept requires the presence of a European demos in order to trigger the argument that the polity of the EU fails to represent it. No demos means there is no way to identify a democratic deficit whatever the polity. No European demos therefore means there is no way to prove the existence of the DDEU.

In addition to the no-demos thesis, the *sui generis* school has highlighted numerous differences between the MDS and the EU. Phillippe Schmitter offers an extensive list of the features of the MDS that the EU does *not* possess, starting with a ‘locus of clearly defined, supreme authority’ and ending with the ‘capacity for controlling the movement of goods, services, capital, and persons within its borders’ (Schmitter 2000, 160–1). These fundamental structural differences demonstrate how irrelevant the traditional

yardstick of modern democratic theory is. The new European polity is not based on a community with a common identity that would require a process of self-government by political equals; accountability and representation can be meaningful only if the identity problem is solved (Zürn 2000, 188). The EU is a polycentric multilevel power arrangement that is still in the process of formation. We do not know where the inevitable transformations will lead the EU and its institutions. There is a possibility that the Union may evolve in the direction of a federal state. The closer it gets to that, the more relevant the requirements of traditional democratic theory will be. However, this is just a distant possibility and a very unlikely one. The proponents of the concept of the DDEU extrapolate to the EU characteristics that still do not exist and will probably never come into existence in the future. As a result, they severely criticise the EU as undemocratic as if it is a sovereign state with a parliamentary democracy.

The DDEU argument creates false expectations nurturing false solutions. The principal expectation is the idea that deficits can be reduced, balanced and finally overcome; this presupposes the existence of a standard, a norm or an ideal. The urge to construct such a 'democratic optimum' seems to be irresistible (Decker 2002, 256) and, whether successful or not, is usually followed by ambitious proposals for institutional reforms. A stronger EP and a more transparent European Council are the reforms that have been proposed ad nauseam. Some have even proposed the creation of a pan-European public sphere as the first step to creating a 'euro-demos' (Habermas 2008, 131–8). From this perspective the problem seems to be solvable and transitory; hence the belief that sooner or later the inventiveness of scholars and the goodwill of politicians will result in the end of the DDEU. These false hopes are potentially destructive since the issue is more fundamental and may turn out to be more enduring.

Since its birth in ancient Greece, the idea of democracy has always been connected with a particular polity. The MDS is the latest of these polities and its representative model of mass democracy differs substantially from the limited and direct model of the *polis*. Democracy cannot be detached from the institutions and the socio-cultural and socioeconomic prerequisites that made it possible in a given historical context (Greven 2000). There is no 'pure' or 'essentialist' notion of democracy that can exist independent of its empiric manifestations. At present, political science cannot provide a theory of democracy that is not based on preconditions rooted in the modern nation state. It is fair to hypothesise that it may be impossible to achieve such a level of abstraction. What we know for sure is that a democratic model dissociated from the MDS does not exist and its construction is at best in the initial stages. There is no doubt that in the age of globalisation we desperately need a new theory of democracy for polities without a single demos, fixed territory or unchallenged sovereignty. However, there is no guarantee that such a brave and utterly novel undertaking can be accomplished.

It was Thomas Hobbes who wrote that if it were to be entangled with politics even the doctrine that the three angles of a triangle should be equal to the two angles of a square would have been suppressed (Hobbes 1998, 70). Stepping outside the academic

debates about the DDEU, we can observe a striking contrast between its logical weakness and theoretical vulnerability, on the one hand, and its popularity and widespread application, on the other. Is this asymmetry simply due to an inaccurate scientific argument fading away too slowly? No, it is about politics. If not recognised and dismantled as a fallacy of false analogy, the DDEU argument is transformed into a formidable political weapon. So, to update Hobbes, if there are political interests at stake then it is no surprise that the enemies of the EU adore approaching its numerous problems from the perspective of the democratic deficit. The users and abusers of the DDEU concept will never be concerned with its scientific status. No wonder they are victorious in political debates—there is simply no way to prove that the EU is as democratic as or more democratic than the MDS.

Conclusion

Once accepted as admissible, the comparison between the MDS and the EU in terms of democracy will always end up affirming the existence of the DDEU. Instead of being exposed as a logical fallacy, it becomes a deadly political trap for the supporters of European integration. After surrendering to the assumption that the EU is not democratic enough in comparison with the MDS, they seek consolation in the argument that the DDEU is a temporary predicament that can be overcome through serious institutional reforms. This claim demands concrete proposals for reforms that are open to all kinds of criticism, along with the possibility of simply being rejected by national governments. There is always the hope of a trickle-down effect from the high scientific level to popular understanding that will bring to light the fundamental weaknesses of the concept of the DDEU. However, this may take decades; in the meantime the political advocates of the idea of the DDEU will continue their destructive work.

The proposal that was promised at the beginning of this article addresses the question of what is to be done to neutralise the harmful effects of this deplorable situation. It can be articulated most clearly using the terms of Fritz Scharpf (1997): *input* and *output* legitimacy. For him, democracy is a two-dimensional concept, relating to the inputs and the outputs of the political system at the same time. On the input side, democracy requires that political choices should be derived, directly or indirectly, from the authentic preferences of citizens; on the output side, it implies effective control and achievements. Thus, input-oriented authenticity and output-oriented effectiveness are equally essential elements of democratic self-determination (Scharpf 1997, 19–20). The fundamental weakness of the input structures of the EU is the alpha and omega of any DDEU debate. It has been demonstrated that we still do not possess a normative theory of input legitimacy for the *sui generis* polity of the EU—at best such a theory is in the initial stages of construction.

The essence of this practical proposal is that the advocates of the EU should avoid the minefield of input issues and decisively move in a different direction; their focus should be exclusively on improving and promoting output-oriented effectiveness as a precondition for asserting the output legitimacy of the EU. Input-oriented debates should be

avoided and deconstructed. They lead to battles, the result of which is predetermined by the false analogy between the MDS and the EU that is dominated by the concept of the DDEU. The best outcome that the pro-EU side can achieve is to lose with dignity. The constant stream of proposals for institutional reforms to overcome the DDEU should stop—there are no standards to evaluate them by and no precedents to refer to. If this is the case then we have to admit that in spite of the good intentions behind such proposals, there is a possibility that their realisation could make the EU even less legitimate. By ending this constant stream of proposals, enormous amounts of misdirected financial resources, intellectual efforts and political energy will be saved. It is time to break the spell of the DDEU argument and put an end to the conceptual tyranny of its numerous false dilemmas. The defence of the EU should be built on the much more reliable foundation of output legitimacy by recognising and promoting the unique public goods that only the Union can provide.

Notes

1. As an introduction to the DDEU discussion, see Majone 1998; Føllesdal 2006; Moravcsik 2002; and Zweifel 2002.
2. For additional analyses of the EU as a polity *sui generis*, see Beetham and Lord 1998; Bellamy and Castiglione 1998; Decker 2002; Weiler 1995; and Zürn 2004.

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