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Electing the President of the European Commission?

This is a think piece. It draws on a wide range of research perspectives. But it is not another addition to the research literature. Instead, it attempts to draw some wider conclusions based on what we know about the politics of the European Union and its problems. They may be provocative – as a matter of fact, I think they are. Of course, they may be wrong. In any case, I hope they will stimulate discussion.

The problems

What is our point of departure? The European Union is in crisis. The crisis is financial but its repercussions are decidedly political: the nature of EU politics has shifted back towards a stronger intergovernmental logic; the Eurozone is increasingly becoming detached from the EU proper; there seems to be a substantial erosion of support for the EU; and, above all, there seems to be a revival of nationalistic feelings in several EU member states. The last two points relate to the legitimacy of the European Union. Let us briefly review the evidence. The picture that emerges from the regular surveys monitoring support for the EU is not entirely unambiguous. As always, academics like to discuss whether the glass is half full or half empty. Essentially, it is always difficult to know how much of the movement in the data is simply due to random fluctuation and how much of it represents significant decline in generalized support for the EU.

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Having said this, the overall image seems to indicate decline. Furthermore, there are some hard behavioural indicators that give us reason to worry.

Take turnout in European Parliament (EP) elections. It has reached record lows in several countries.¹ Furthermore, it has declined considerably in those countries where the “permissive consensus” has traditionally been particularly permissive – like in Germany. There have been mass demonstrations with a fairly outspoken anti-EU slant in several EU member states over the past years. Anti-EU rhetoric has entered national party political debates also in countries where it had thus far been largely absent. Above all, the crisis has highlighted the institutional weaknesses of the EU. In other words, the crisis is political. In the democratic world, this means that it is (also) a crisis of democracy. The core question is democracy. It is also the core problem. This paper will now briefly review our knowledge on the nature of EU democracy and its shortcomings before it will turn its attention to potential remedies. Here, we will focus on the role of the President of the European Commission.

Democratic linkage in the European Union

The European Parliament Voting in the European Parliament is characterized by a remarkably high degree of voting along party lines. There is abundant research on voting patterns, mainly based on roll call analysis.² However, the truth may be hiding behind these figures. We do not know whether these unified voting patterns are the result of any substantial linkage to the European electorates.³ In other words, if we find that a substantial proportion of the vote in the EP follows, broadly speaking, a left-right pattern, and if we also know that the EP groups, again broadly speaking, tend to vote together, how much do we really know about the quality of the linkage between the Members of the European Parliament (MEP) and their constituen-

cies? Or between EP national party delegations and their national electorates? Or, even more optimistically, between EP groups and the European electorate? After all, nobody denies the tendency of national delegations to close ranks and cast a “national” rather than a “party” vote whenever crucial national interests are at stake. We know from empirical research that the national parties do rather poorly when it comes to connecting national and EU politics.⁴ Furthermore, European integration has shifted the internal balance of power in national political parties towards the elites, particularly when parties are in government. This means that the quality of the linkage, as far as it exists, has shifted to a top-down rather than a bottom-up mode.⁵

The European Council and the Council of Ministers There can be little doubt that the Council of Ministers and, in particular, the European Council have gained considerable weight in the wake of the sovereign debt crisis. Yet, when it comes to providing a party political linkage to the European people proper, these bodies are ill suited. By and large, national politics dominate and the party political arenas are little more than convenient opportunity structures which are used in case national and party political interests coincide. In other words, the European Council (and also the Council of Ministers) follows an inter-governmental logic which is mainly geared to national interests. Party political aspects are of secondary importance.⁶ This may well be desirable. However, it is structurally unlikely that further integration will be promoted by these institutions.

Towards a direct election of the President of the European Commission?

The debate about a direct election of the Commission President has been an important element of the discussion about the democratic deficit of the European Union for quite some time. How-

ever, as has been indicated by the brief review of the elements of the current crisis, the context has changed considerably over the past few years. Hence, while little new can be said about the pros and cons of certain institutional arrangements, these pros and cons need to be considered now in the light of the specific circumstances of the current crisis. Above all, they also need to be looked at from the perspective of political feasibility.

When discussing a direct election of the President of the European Commission, two fundamentally different institutional arrangements get sometimes mixed up, namely a truly direct election and the election of the leading candidate of a Europarty or an alliance of Europarties by the European Parliament following the EP elections. While the former would move the EU closer to a presidential system of government, the latter would make it more parliamentary in its internal logic. Clearly, they should be kept separate and I will briefly review the relevant core features in the following paragraphs.

Essentially, the demand for a direct election of the Commission President is motivated by the desire to link the most important European executive office to a vote by the European people. Even without any further institutional change this would furnish the Commission President with a considerably enhanced legitimacy and therefore greatly strengthen the weight of this position vis-à-vis the national governments represented in the Council and the European Council.

The presidential strategy In a strict sense, a direct election of the Commission President by the European people would mean a shift towards a presidential logic but it would, of course, not turn the EU into a truly presidential system. Hence, the terminology of a “presidential strategy”. Above all, it would entail the introduction of another chain of accountability.⁷ It would create a strong linkage between the European people (or peoples!) and one of the centres of power on the European level. But does it

mean a substantive linkage? Or will it mean a mainly symbolic linkage?

What is the substance of this distinction? Substantive linkage means that the election of the Commission President is connected to an identifiable political mandate and, equally important, the power to implement at least considerable parts of it. Symbolic linkage, on the contrary, centres on the selection of the “best person for the job” while the policy mandate may remain unclear.

What is the likely outcome of a presidential strategy? The introduction of a direct election of the Commission President would induce a need for the large European party families (which are organized in the Europarties) to nominate their candidate for the election. Depending on their strength and on the electoral system there would also be a strong incentive to form pre-electoral coalitions. Under a two-round system, alliance building would most likely take place after the first round. This would also be the most likely choice of an electoral system, because in European multi-party politics a simple plurality system would not create sufficient legitimacy. After all, there would be a considerable likelihood that a candidate remaining below the 50% level would get elected, and this would violate the predominant institutional logic of the EU which tends to require surplus majorities.

There would also be a need to unite the party (or an alliance of parties) behind a common platform. But, as we know too well from other presidential systems, there is a real danger that these platforms would consist of little more than a smallest common denominator. Furthermore, a truly presidential contest might also invite populist contenders to seek a direct mandate from the European people which would be unmediated by political parties. To be sure, we have seen such candidates in several European countries in the past, and a truly direct election might provide a formidable opportunity for a candidate who is capable

of raising sufficient resources without the help of an established Europarty.

Above all, and disregarding the spectre of populism for now, there would be no need for disciplined parties after the election because the majority in Parliament does not need to keep the executive in office.⁸ In essence, this means that a directly elected President of the European Commission would lack the power resources necessary to get his or her agenda implemented. A brief recapitulation of Barack Obama's first term in office underlines this point, even though a US President has many more power resources at his or her disposal than a Commission President could ever expect to control. Think of the power of patronage, the size of the state machinery and, not least, the access to the national media and hence the power to influence the public agenda.

To conclude, a direct election of the President of the European Commission would significantly enhance the political weight of this position. It would also heighten the political awareness of European mass publics and hence strengthen a European public sphere by creating a truly European electoral contest for the highest elected office in Europe. However, it would complicate further the already complex arrangement of European institutions by introducing a new chain of accountability. And, as we have seen above, this new linkage would be mainly symbolic while adding little in terms of a substantive policy linkage. Finally, yet not unimportantly, a presidential strategy requires a revision of the Treaties, and it is hard to see this happening in the present political climate in Europe.

The parliamentary strategy In a less strict sense, a direct election of the Commission President could be understood as a strategy which would tie the election of this position directly to the electoral process for the European Parliament. In other words, the President of the Commission would emerge from the ma-

jority of the European Parliament, and the Commission would need to be her or his team rather than an assembly of national governments' delegates. In order to generate a true electoral connection, the relevant Europarties and their EP groups would need to nominate their respective candidates before the European election. Clearly, this would not turn the EU into a truly parliamentary system, which is why the term "parliamentary strategy" is used.

Under the current conditions of European multi-party politics, a clear commitment of the Europarties and the EP groups to push for a parliamentary prerogative in the election of the Commission President would create a strong incentive to form pre-electoral alliances, maybe even with a common platform, in order to reach the necessary majority of seats in the EP.

In order words, it would substantially strengthen *ex ante* mechanisms of accountability because European voters would be able to identify who they vote for and what political package this person stands for. To be sure, this would not mean an end to complex and more detailed inter-party policy negotiations after the Commission President and his or her Commission have assumed office. Yet, just like in a parliamentary system of government, a common platform (or even diverse platforms of the alliance partners) would provide a point of reference for the political actions to be taken by the Commission President (and the Commission) and the supporting parliamentary majority. The decisive mechanism is already in place: the Commission is collectively responsible to Parliament and has to resign if the EP passes a vote of no confidence (article 17.8 of the Treaty on European Union). So far, this instrument has not been used for party political reasons, but there is no reason why it should not. To be sure, the initiative is in the hands of the European parties. However, it is well known that their prime focus is on national politics and they have few incentives to strengthen their European layer at the expense of their national party organiza-

tion.⁹ Yet, this may be a political battle worth fighting and the sovereign debt crisis has put institutional issues fervently back on the agenda of EU politics.

What are the advantages of a parliamentary strategy? Such a strengthening of the party linkage would inject a certain degree of policy substance into the European electoral process, which has so far been confined to the sorry fate of a large number of simultaneous second order national elections. It would connect the competition for office to a policy mandate. To be sure, a wider process of presidentialization of modern democracies has meant that the importance of the policy mandate is eroding to the benefit of the office component in many European democracies.¹⁰ Hence, the expectations vis-à-vis such a European policy mandate must be modest. Yet, it is still preferable to divorcing office and policy institutionally, as would be the result of a truly direct election of the President of the European Commission.

The result would almost certainly be a shift back from growing intergovernmentalism towards supranationalism. In a nutshell, strengthening the political weight of the President of the European Commission would create a counterweight to the growing tendency to rule Europe from national capital cities. This could, in turn, reinforce the legitimacy of, arguably inevitable, further redistributive policies in the European Union. Last but not least, it does not require a revision of the Treaties.

Conclusions

An ironic result of the crisis has been a substantial Europeanization of the public sphere in Europe. Many Germans may not like the pictures of Angela Merkel paraded through the streets of Athens or Madrid. However, they indicate the growing awareness across European publics that national policies, and hence national welfare, are increasingly influenced by politicians

who are not national politicians – and that the decision-making arenas that count are increasing supranational and, in most cases, European.

Also, the inevitable outcome of years of Euro crisis management is that European citizens can no longer escape the knowledge that European Union politics is also about redistribution across national borders. To be sure, the German government in particular has been working hard to avoid this simple truth from becoming apparent. The slogan is that “Europe must be no transfer union”. This claim has finally become unsustainable when the November 2012 EU summit, devoted to the Greek crisis, decided that real money is going to be paid instead of the provision of loans and guarantees. It may take a while before this “sinks in” in the broader public. And the government parties will continue to work hard to slow down this process. There are, of course, similar discourses in other EU member states. Yet, there is any reason to believe that the current crisis creates the public awareness necessary for further steps towards a truly integrated Europe.

There is an important caveat, however. What has been pointed out above may simply be too optimistic, because it is rather mechanistic. You may also call it rational. In other words, we like to think that, because the crisis has accelerated *de facto* integration (even if by ways of intergovernmentalism), the institutional reaction must be a strengthening of integration and supranationalism. And that the European public will follow this reasoning. Yet, politics in crises is often irrational. So are mass publics. And we must not forget that the gains and losses are highly unevenly distributed – between countries and within countries. This applies equally to stronger and weaker Euro countries.

We know from experience that the probability of getting major institutional changes ratified by European mass publics is very low. This is an obvious constraint. Incidentally, it is called de-

mocracy. We may bemoan the increasingly undemocratic and elitist way major decisions are being made right now. But we should not complain that European publics may simply not be prepared to go a major step in the other direction. This effectively excludes a truly direct election of the Commission President. There is also another problem connected to such a radical solution: what if direct elections of the Commission President were introduced but the parties would fail to meet the challenge? The result might be severe institutional stalemate if a President of the Commission would be juxtaposed against the majority of the European Parliament. True, the EP could pass a vote of no confidence, but this would be a risky operation as it were then directed against a directly elected President of the Commission. There can be little doubt that such a scenario would further erode the legitimacy of the European Union.

Hence, the solution may lie – typically European – in the middle. It may not amount to a silent revolution but it would certainly be a major silent reform. Above all, as has been pointed out above, it would not require a revision of the Treaties. It will only work if the actors who have the power to make it work will successfully meet the challenge. In case of success, this might significantly strengthen the legitimacy of the European Union. If they fail, at least there will be no further threat to the currently precarious situation within the EU.

NOTES

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² See, for example, S. Hix, A. G. Noury, G. Roland, *Democratic Politics in the European Parliament*, Cambridge University Press, Cambridge 2007.

³ T. Poguntke, *Parties without Firm Social Roots? Party Organisational Linkage*, in K. R. Luther, F. Müller-Rommel (eds.), *Political Parties in the New Europe: Political and Analytical Challenges*, Oxford University Press, Oxford 2005 (revised paperback edition), pp. 43-62.

⁴ R. Ladrech, *National Political Parties and European Governance: The Consequences of “Missing in Action”*, in “West European Politics”, 5/2007, pp. 945-60; T. Poguntke, N. Aylott, E. Carter, R. Ladrech, K. R. Luther (eds.), *The Europeanization of National Political Parties: Power and Organizational Adaptation*, Routledge, London/New York 2007.

⁵ E. Carter, T. Poguntke, *How European Integration Changes National Political Parties: Evidence from a 15-Country Study*, in “West European Politics”, 2/2010, pp. 297-324.

⁶ S. van Hecke, K. M. Johansson, *Gipfelpolitik politischer Parteien auf europäischer Ebene: eine vergleichende Analyse*, in T. Poguntke, M. Morlok, H. Merten (eds.), *Auf dem Wege zu einer europäischen Parteiendemokratie?*, Nomos, Baden-Baden 2013; S. Hix, C. Lord, *Political Parties in the European Union*, St. Martin’s Press, New York 1997; J. Tallberg, K. M. Johansson, *Party Politics in the European Council*, in “Journal of European Public Policy”, 15/2008.

⁷ K. Strøm, *Delegation and Accountability in Parliamentary Democracies*, in “European Journal of Political Research”, 3/2000, pp. 261-89.

⁸ A. Lijphart, *Introduction*, in A. Lijphart (ed.), *Parliamentary versus Presidential Government*, Oxford University Press, Oxford 1992, pp. 1-27; G. Sartori, *Comparative Constitutional Engineering: An Inquiry into Structures, Incentives, and Outcomes*, Macmillan, Basingtoke 1994.

⁹ L. Bardi, *Parties and Party Systems in the European Union. National and Supranational Dimensions*, in K. R. Luther, F. Müller-Rommel (eds.), *op. cit.*, pp. 293-321; T. Poguntke, C. Pütz, *Parteien in der*

