

# The Why and How: A Liberal and Democratic Future of the European Union



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ZSOLT  
NAGY

People like to think about the European Union (EU) as a pragmatic, bureaucratic system, which is an institution enabling the member states to cooperate. One could say that the European community is based on economic association, and the biggest problem for the EU is the shape of bananas.<sup>1</sup> Nevertheless, this perception could not be further from the truth.

Politics have been shaping the destiny of this community since the beginning of European cooperation. The founding fathers of the European Union and the leaders of the member states had lively political debates over the terminus of the project. While Altiero Spinelli and Jean Monnet argued for a more united union – even a federal one in the form of the so-called ‘United States of Europe’ – other political leaders, including Charles De Gaulle and Winston Churchill, wanted to give more sovereignty to the member states. The debate has not ended, and the two sides are still fighting for hegemony over the European Union and its future.

Over the decades, the European Economic Community (EEC) transformed into the European Union. As time goes by, more political decisions are being made at the EU level. However, the future of the EU is still unclear. It remains to be seen how the integration will end up, what the primary goal of the cooperation is and how will it be achieved. Nevertheless, the competition of visions is not a problem at all: the history of the integration is based on this cleavage, and there were periods (like the Empty Chair Crisis in 1965) when the sovereignty of the member states won the round, and other times (like

<sup>1</sup> European Parliament, Liaison Office in the United Kingdom (2016) *Bendy Bananas – The Myth to End All Myths*. Available [online]: <https://www.europarl.europa.eu/unitedkingdom/en/news-and-press-releases/euro-myths/bendybananas.HTML>

## ” THE FUTURE OF THE EU IS STILL UNCLEAR

the Delors white book in 1985) when the European integration could be deepened.

The real problem of the debate on the future of the European Union is the lack of innovation and encouragement on the federalist side. The failure of the European Constitution<sup>2</sup> and the series of crises in the past decade<sup>3</sup> discouraged the reformers. Instead of thought-provoking discussions and bold new draft treaties, everyone is talking about failed small-scale reforms without new conceptions<sup>4</sup>, a partial increase of the power of the institutions<sup>5</sup>, and the “Conference on the Future of Europe,” which is just a proposal-collecting series for the decision-makers, without any binding consequences<sup>6</sup>. The European community needs original alternatives and progressive

<sup>2</sup> Podolnjak, R. (2007) “Explaining the Failure of the European Constitution: A Constitution-making Perspective”, [in]: *Collected Papers of Zagreb Law Faculty*, Zagreb Law Faculty, Vol. 57(1).

<sup>3</sup> Riddervold, M., Trondal J., and A. Newsome (2020) *The Palgrave Handbook of EU Crises*, London: Palgrave MacMillan.

<sup>4</sup> De Wilde, P. (2020) “The Fall of the Spitzenkandidaten: Political Parties and Conflict”, [in]: *Assessing the 2019 European Parliament Elections*, pp.37-53.

<sup>5</sup> McGiffen, M. (2011) “Bloodless Coup d’Etat: The European Union’s Response to the Eurozone Crisis”, [in]: *Socialism and Democracy*, Vol. 25(2), pp. 25-43.

<sup>6</sup> Kalas, V. (2021) “How Effective Can Citizens’ Participation Be in the Conference on the Future of Europe?”, [in]: *ludovika.hu*. Available [online]: <https://www.ludovika.hu/en/blogs/the-daily-european/2021/07/06/how-effective-can-citizens-participation-be-in-the-conference-on-the-future-of-europe/>

solutions that will redesign the shape of the EU and our thinking about politics. For this purpose, a federal Europe cannot stand without deep and all-encompassing democratization. Only democratic legitimacy could give enough power and authorization to a federal reform package.

If the European community wants to democratize the European Union, it should no longer operate within the framework of the old, representative shape of democracy. Instead, in the 21<sup>st</sup> century, they could reform how and what they think about democracy in general. With new digital solutions, they could involve citizens more actively, create a transparent environment, be more direct, and use new technologies that they could only dream of in the 1990s and which, right now, are at their disposal.



THE EUROPEAN COMMUNITY NEEDS ORIGINAL ALTERNATIVES AND PROGRESSIVE SOLUTIONS THAT WILL REDESIGN THE SHAPE OF THE EU AND OUR THINKING ABOUT POLITICS

The EU could use this way of thinking and cutting-edge solutions to create a new kind of democracy that would meet its needs. A type of democracy that could be the next significant step in its progression and might serve as a blueprint for all member states and other countries for reforming their own democratic systems as well.

Of course, there is no democracy without *demos*. The main problem with European politics is the question of the existence of its citizens. For the sake of clarity, let us cut the Gordian knot with several paradigmatical presumptions, according to which: 1) right now, there is no European *demos* as a political entity; however, 2) it could be created by means of political institutions that have actual power, because 3) the common political sphere and the raising of direct political questions are able to create political camps and cleavages. This presumption is not a fact, but a rational theory, which shall help us focus on the institutional side of the matter at hand.

### THE EVOLUTION OF THE DEMOCRATIC ELEMENT IN THE LIFE OF THE EUROPEAN COMMUNITY

Although the idea of European unity emerged before the 20<sup>th</sup> century<sup>7</sup>, it was only put seriously on the political table after the end of the Second World War<sup>8</sup>. The system, which was created in the 1950s (initially as the European Coal and Steel Community and the European Atomic Energy Community in 1952, and then the European Economic Community with the Treaty of Rome

<sup>7</sup> Harste, G. (2009) "Kant's Theory of European Integration: Kant's "Toward Perpetual Peace" and Changing Forms of Separated Powers in the Evolution of Military and Politics", [in]: *Jahrbuch Für Recht Und Ethik / Annual Review of Law and Ethics*, Vol. 17, pp. 53–84. Available [online]: <http://www.jstor.org/stable/43593970>

<sup>8</sup> Arotó, K. and B. Koller (2018) *Az Európai egység fejlődéstörténete és az EU jelenkori kihívásai*, Budapest, Gondolat Kiadó. [in Hungarian]

in 1958), was mainly concerned with finding solutions for economic and peacekeeping cooperation between the founding countries. However, political goals and ideas for the creation of a European community had already begun<sup>9</sup>.

Nevertheless, it is essential to note that the Communities did not yet have a democratic concept at the time. The European Economic Community was considered a purely intergovernmental institution, in which the Commission was independent of the states – but there was no democratic concept here either<sup>10</sup>. It is illustrated by the fact that in the 1950s, there was no parliament in the modern sense of the term, only an assembly of representatives from the parliaments of the member states, with consulting rights only. The Council of the European Union (hereinafter referred to as ‘the Council’) had the most significant democratic authority in decision-making – its members were the ministers of the member states, and the actual decision-making power was concentrated in their hands<sup>11</sup>.

Until the new millennium, the most significant factor in the European community’s democratization was the creation and expansion of one particular representative body: the European Parliament (EP). The key milestones in this process were the introduction of direct elections (1976) and their first implementation (1979), the recognition of the name ‘Parliament’ (1983), as opposed to the formerly used ‘Assembly’, and the extension of consultation power from the

<sup>9</sup> Monnet, J. (1994) “A Ferment of Change”, [in]: Nelsen, B.F. and A.C.G. Stubb (eds.) *The European Union*, London: Palgrave.

<sup>10</sup> Moravcsik, A. (2002) “In Defense of the ‘Democratic Deficit’: Reassessing Legitimacy in the European Union”, [in]: *Journal of Common Market Studies*, Vol. 40(4), pp 603–624.

<sup>11</sup> Bóka, J., Gombos, K., and L. Szegedi (2019) *Az Európai Unió Intézményrendszere*, Budapest: Gondolat Campus Kiadó. [in Hungarian]



IN ADDITION TO THE EUROPEAN PARLIAMENT, NATIONAL PARLIAMENTS ALSO STRENGTHEN REPRESENTATIVE DEMOCRACY IN DECISION-MAKING, ALTHOUGH TO AN INCREASINGLY LESSER EXTENT

1970s until the Lisbon Treaty, in which the European Parliament became a co-legislator in the statutory legislative procedure<sup>12</sup>.

In addition to the European Parliament, national parliaments also strengthen representative democracy in decision-making, although to an increasingly lesser extent. Initially, the Parliament – which had only consultative rights – was composed of delegates from the Parliaments of the member states until the 1980s. Nowadays, national parliaments have only limited powers in EU decision-making – the most powerful instrument is the so-called ‘yellow card’

<sup>12</sup> Arotó, K. and B. Koller (2018) *Az Európai egység fejlődéstörténete és az EU jelenkori kihívásai*, Budapest, Gondolat Kiadó. [in Hungarian]

procedure, whereby if one-third of national parliaments (9) consider a proposal to be negative in terms of subsidiarity, the European Commission has to reconsider its proposal<sup>13</sup>. Beyond this, however, national legislatures only have the right to request data.

While analyzing the democratic institutions in the European Union, it is also worth looking at the tools of direct democracy, which, although less prominent, are also a democratic feature in the functioning of the Communities<sup>14</sup>. In the initial stages of the Communities, as an intergovernmental organization, there was no direct contact between the European bodies and citizens. Referendums on various issues connected to European politics – membership, treaties, and policies – were held at the level of member states.

However, they were rather individual initiatives of the member states, as the Communities did not impose them, and the European community was not involved in any way in calling or conducting them<sup>15</sup>. It must be noted that the outcomes of the referendums were always respected<sup>16</sup>, even when they went against the interests of political elites and the European integration.

<sup>13</sup> European Union, Subsidiarity Control Mechanism. Available [online]: [https://ec.europa.eu/info/law/law-making-process/adopting-eu-law/relations-national-parliaments/subsidiarity-control-mechanism\\_hu](https://ec.europa.eu/info/law/law-making-process/adopting-eu-law/relations-national-parliaments/subsidiarity-control-mechanism_hu)

<sup>14</sup> Oross, D. (2020) "Versengő demokrácia felfogások, új részvételi lehetőségek?", [in]: *Politikatudományi Szemle*, Vol. 29(4), pp. 105-120. [in Hungarian]

<sup>15</sup> Chronowski, N. and A. Vincze (2019) "Népszavazások Uniós ügyekben és a magyar gyakorlat", [in]: *Közjogi Szemle*, Vol. XXI(1), pp. 17-24. [in Hungarian]

<sup>16</sup> There were situations when a second referendum took place; after a non-favorable turnout, it did not undermine the democratic automatization. See more: Dinan, D. (2009) "Institutions and Governance: Saving the Lisbon Treaty an Irish Solution to European Problem", [in]: *Journal of Common Market Studies*, Vol. 47(Annual Review), pp. 113-132.



## THE EUROPEAN CITIZENS' INITIATIVE IS A RELATIVELY NEW INSTRUMENT OF DIRECT DEMOCRACY

The failure of the European Constitution<sup>17</sup>, Norwegian accession<sup>18</sup>, or Brexit – even if the latter was attempted to be blocked by political elites on both sides<sup>19</sup>, – are all cases that illustrate how binding the results of referendum in respective member states are for the European project.

The short-lived Spitzenkandidat system would have also allowed the strengthening of democratic empowerment<sup>20</sup>. The essence of the system, which was used only in 2014, was that the presumptive candidate of the political groups of the European Parliament with the most seats would have been nominated and elected for the presidency of the European Commission. In

<sup>17</sup> Podolnjak, R. (2007) "Explaining the Failure of the European Constitution: A Constitution-making Perspective", [in]: *Collected Papers of Zagreb Law Faculty*, Zagreb Law Faculty, Vol. 57(1).

<sup>18</sup> Narud, H. M. and K. Strøm (2000) "Adaptation Without EU Membership: Norway and the European Economic Area", [in]: *The Journal of Legislative Studies*, Vol. 6(1), pp. 125-150.

<sup>19</sup> Macshane, D. (2015) *Brexit: How Britain Left the EU*, London: I.B. Tauris.

<sup>20</sup> De Wilde, P. (2020) "The Fall of the Spitzenkandidaten: Political Parties and Conflict in the 2019 European Elections", [in]: Kritzinger, S. et al. (eds.), *Assessing the 2019 European Parliament Elections*, Chapter 3, Abingdon: Routledge, pp. 37-53.

other words, citizens would have been able to vote on the composition of the Parliament, while at the same time voting for the President of the Commission, thus increasing the legitimacy of the President and their *de facto* 'head of government' status. While in 2014, the European People's Party's top candidate, Jean-Claude Juncker, was successfully elected, in 2019 the system failed, and the EPP's candidate, Manfred Weber, was replaced by Ursula Von der Leyen, the Minister of Defense of Germany, who was also from the EPP party but did not stand for election<sup>21</sup>.

The European Citizens' Initiative is a relatively new instrument of direct democracy<sup>22</sup>. This institution, which has existed since the Lisbon Treaty, aims to give European citizens a direct say in EU affairs. Thanks to the Initiative, if one million signatures are collected by specialized civil society organizations in at least seven countries (considering the minimum number of signatures obtained in each country), the European Commission will put the issue on the agenda<sup>23</sup>.

Of lesser importance, but still a part of the toolbox of direct democracy, the European consultations system should also be mentioned. The aim of online consultations, managed by the European Commission, is to allow as many European citizens as possible to express their views on specific issues before adapting draft legislation. There is no ongoing consultation at the moment,



THE AIM OF ONLINE CONSULTATIONS, MANAGED BY THE EUROPEAN COMMISSION, IS TO ALLOW AS MANY EUROPEAN CITIZENS AS POSSIBLE TO EXPRESS THEIR VIEWS ON SPECIFIC ISSUES BEFORE ADAPTING DRAFT LEGISLATION

but since its launch in 2019, people have been asked their views on various EU issues more than 500 times<sup>24</sup>.

Finally, the ongoing Conference on the Future of Europe initiative<sup>25</sup> aims to involve as many citizens as possible in the reforms that will shape the coming years of the Union. The consultation will help reshape the EU and reveal how it should transform its policies. A series of decentralized debates is underway, culminating in a plenary session

<sup>21</sup>European Commission (2019) *The Von der Leyen Commission: For a Union That Strives for More*. Available [online]: [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_19\\_5542](https://ec.europa.eu/commission/presscorner/detail/en/IP_19_5542)

<sup>22</sup>Tárnok, B. (2020) *Az európai polgári kezdeményezés különös tekintettel a nemzeti kisebbségek jog- és érdekvédelmére*, a PhD dissertation. Available [online]: [https://jak.ppke.hu/uploads/articles/12332/file/Tarnok\\_Balazs\\_dolgozatv\(1\).pdf](https://jak.ppke.hu/uploads/articles/12332/file/Tarnok_Balazs_dolgozatv(1).pdf) [in Hungarian]

<sup>23</sup><https://ec.europa.eu/info/about-european-commission/get-involved/european-citizens-initiative>

<sup>24</sup><https://ec.europa.eu/info/consultations>

<sup>25</sup>The official website of the Conference on the Future of Europe: <https://futureu.europa.eu/>



## ACCORDING TO THE PRINCIPLE OF POPULAR SOVEREIGNTY, ALL POWER DERIVES FROM THE PEOPLE

to draw the lessons learned together. At the end of the process, a report will be produced and sent to the EU institutions – the Council, the Parliament, and the Commission – to consider the points relevant to them.

The abovementioned EU institutions are supposed to help its democratic legitimation. However, there is still some doubt as to whether or not they are useful. Could citizens actually use them to affect the course of the EU? Well, not really. There are several conceptual, theoretical, and pragmatic problems with these institutions, and, therefore, the democratic deficit is still a real problem within the European Union. So, what are these problems?

### THE DEMOCRATIC NATURE OF THE EUROPEAN UNION

To put it bluntly, the institutional system of the European Union is not democratic enough. We can see that there are three main problems in the decision-making process: 1) the lack of the popular sovereignty in theoretical and practical ways; 2) the weakness of the European Parliament as the tool of representative democracy in the European Union; and 3) the weightlessness

of the direct democratic elements, like the consultations.

These elements could provide the democratic legitimacy of the EU; however, right now they are lame ducks in the system, which are the veterinary horses of the European Union. They show that there were ambitious ideas, yet without creativity, which leads to weak practical operations.

### THE LACK OF PRINCIPLE OF POPULAR SOVEREIGNTY

According to the principle of popular sovereignty, all power derives from the people, i.e., they can choose the system they want to live in<sup>26</sup>. This is a basic premise of democracies and one of the most critical cornerstones they have in common, no matter what kind of democracy one is talking about. Its expression has symbolic and practical importance in a constitution, which summarizes the principles of a given community.

Although the European Union does not have a constitution (the draft constitution planned in the 2000s failed to be ratified), the principle of sovereignty of the people was not mentioned even in the draft<sup>27</sup>. Popular sovereignty as one of the foundations of the community is not mentioned in the Treaty of Rome<sup>28</sup>, the Maastricht Treaty<sup>29</sup>, – which formed the basis of the European

<sup>26</sup> Petréttei J. and P. Tilk (2014) *Magyarország alkotmány-jogának alapjai*, Pécs: Kodifikátor Alapítvány. [in Hungarian]

<sup>27</sup> The Constitutional Treaty (2004) Available [online]: [http://publications.europa.eu/resource/ellar/7ae3fd7e-8820-413e-8350-b85f9daaab0c.0011.02/DOC\\_1](http://publications.europa.eu/resource/ellar/7ae3fd7e-8820-413e-8350-b85f9daaab0c.0011.02/DOC_1)

<sup>28</sup> The Treaty of the European Economic Community (1957) Available [online]: <https://eur-lex.europa.eu/legal-content/FR/TXT/PDF/?uri=CELEX:11957E/TXT&from=HU>

<sup>29</sup> Treaty on European Union (1992) Available [online]: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11992M/TXT&from=HU>



# THE EUROPEAN PARLIAMENT – AN INSTITUTION THAT REPRESENTS THE PEOPLE AND DEMOCRACY IN THE EUROPEAN UNION – HAS BEEN STRENGTHENING ITS POWER OVER THE PAST SIXTY YEARS

community – or even the Lisbon Treaty<sup>30</sup>, the most recent document.

Although the Lisbon Treaty states that “*the Union shall be based on representative democracy*”<sup>31</sup>, so people’s sovereignty only partially applies to the EU, based on its structure in which the member states are empowered with the most important powers. Moreover, the treaties begin with a declaration of intent by the leaders of the countries to create the given document and confirm it with their signatures.

<sup>30</sup>The Treaty of Lisbon (2007). Available [online]: <https://eur-lex.europa.eu/legal-content/HU/TXT/PDF/?uri=OJ:C:2007:306:FULL&from=HU>

<sup>31</sup>Treaty of Lisbon: Title II, 8a Article 1.

Moreover, the picture is nuanced by the fact that the adoption of the treaties is approved either by a referendum or a parliamentary decision in each country. This dichotomy is underlined by the now-standard legislative procedure, whereby the European Parliament and the European Council must both approve legislative proposals. If this fails, a joint committee is set up to resolve the dispute, with the Council and the Parliament equally represented.

One could say that an interstate organization does not need any kind of popular sovereignty. However, the EU is not a simple cooperation between independent states, like the United Nations. In 1992, in the Maastricht Treaty, the leader of the community declared that the European Union has citizens, with rights and direct connection with the EU. Therefore, there will have to be an agreement between the EU and its citizens, and the European Union has to adopt popular sovereignty if it really wants to create real citizenship.

## THE WEAKNESS OF THE EUROPEAN PARLIAMENT

The European Parliament – an institution that represents the people and democracy in the European Union – has been strengthening its power over the past sixty years. From being a consultative body, it is now commonly referred to as a ‘co-decision-making body.’ Under the Lisbon Treaty, legislation must, as a primary rule, be accepted by both the Council of the European Union and the EP. Even so, it cannot be considered as a powerful body like the Council of the European Union or the European Commission.

Firstly, although the EP has a co-legislative duty as a general role, this does not cover all areas – some agreements can only be decided by the Council of the European Union, others are in the hands of the European



Commission<sup>32</sup>. In addition, the European Parliament's autonomous powers are mostly limited to political resolutions, which have only a few consequences. Thus, while this body has strong democratic legitimacy, the greatest center of power is not concentrated in the hands of this institution.

Secondly, the positional reinforcements outside the treaties of the European Union are exceedingly difficult to implement, mainly because of the internal division of the institution, as was seen with the failure of the Spitzenkandidat system. With Von der Leyen as the new Commission President, the role of the Parliament has weakened since she was not the top candidate of the EPP in the first round. The fact that the political groups were unable to overcome ideological battles meant that they failed to take advantage of the opportunity to strengthen the European Parliament's role in the institutional structure. While members of the European Commission and the Council are relatively united in their views on strengthening their institutions, paradoxically, the EP also contains MEPs whose political aim is to weaken it and strengthen intergovernmental decision-making<sup>33</sup>.

The electoral mechanism also contributes to the weakness of the European Parliament. Although MEPs are directly elected, which gives the democratic legitimacy to the EP, the democracy of the EU is weakened by the fact that citizens can vote for national parties in the election.

<sup>32</sup> Blom-Hansen, J. (2019) "Studying Power and Influence in the European Union: Exploiting the Complexity of Post-Lisbon Legislation with EUR-Lex", [in]: *European Union Politics*, Vol. 20(4), pp. 692-706.

<sup>33</sup> Euronews with AFP, AP (2021) "Nationalists Vow Joint Votes in European Parliament but Fall Short of Forming New Alliance", [in]: *Euronews*. Available [online]: <https://www.euronews.com/2021/12/04/europe-s-nationalist-leaders-meet-in-warsaw-in-bid-to-change-politics-of-brussels>



## THE EUROPEAN PARLIAMENT'S AUTONOMOUS POWERS ARE MOSTLY LIMITED TO POLITICAL RESOLUTIONS

By not voting for single EU party lists, European politics is taken away from people. EP elections have become mostly secondary national elections<sup>34</sup>. On the one hand, parties are not interested in strengthening their political group, but rather in improving their own position<sup>35</sup>. On the other hand, voters consider them inferior to national elections. The latter phenomenon may explain the lower voter turnout than in national elections and the higher representation of smaller parties<sup>36</sup>. For voters, these elections

<sup>34</sup> Koller, B. (2019) "Európai uniós polgárok mint a politikai rendszer szereplői", [in]: *Arató Krisztina – Koller Boglárka szerk.: Az Európai Unió politika rendszer*, Budapest Dialóg Campus Kiadó, pp. 173-184. [in Hungarian]

<sup>35</sup> A good example for this is the 2019 EP elections in Hungary, where the DK and the MSZP, as well as the Dialogue and the LMP, rivalled each other, even though they were (would have) finally joined the same faction in the EP. See: Pintér, B. (2019) "Mi az az EP-választás? Egy cikkben minden, amit tudnod kell!", [in]: *azonnali.hu*. Available [online]: [https://azonnali.hu/cikk/20190515\\_mi-az-az-ep-valasztas-egy-cikkben-minden-amit-tudnod-kell](https://azonnali.hu/cikk/20190515_mi-az-az-ep-valasztas-egy-cikkben-minden-amit-tudnod-kell) [in Hungarian]

<sup>36</sup> Reif, K. and Schmitt, H. (1980) "Nine Second-Order Elections: A Conceptual Framework for the Analysis of European Election Results", [in]: *European Journal of Political Research*, Vol. 8(1), pp. 3-44.

are mostly about domestic politics, the European policies of the national parties, and the opportunity to support their favorite parties<sup>37</sup>. It is rarely about the policies and the future of the European Union.

It should be added that the 2019 EP elections produced both higher turnout figures at the European level in member states and a much higher profile for the European Union itself during the campaigning, and national politics were less visible<sup>38</sup>. This may signify a stronger European Parliament and a rise in public awareness, but one election does not necessarily give reason to draw such conclusions.

However, it is still true that the European elections are less important for EU citizens than the national elections. The main reason for this is that the European Union is distant from the electorate. There is no large-scale, direct dialogue to help people understand the weight and relevance of the EU to their daily lives. At present, Europeans have little idea of the changes that would result from voting in European elections, and, in most cases, they are not even aware of the powers of the European Parliament<sup>39</sup>.

Finally, the weak cohesion of the political groups is also significant. The fact that MEPs are elected to the European Parliament through their national party, rather than their common European party, means that the latter is only a secondary identity-forming force for politicians. Therefore, the factional discipline in the EP is much weaker

<sup>37</sup> This is why small parties get more votes in EP elections than in national elections.

<sup>38</sup> Braun, D. and Schäfer, C. (2021) "Issues That Mobilise Europe. The Role of Key Policy Issues for Voter Turnout in the 2019 European Parliament Election", [in]: *European Union Politics*, Vol. 23(1), pp. 120-140.

<sup>39</sup> Valchev, B. (2017) "EU Weaknesses and the Debate about Its Future Reforms", [in]: *Trakia Journal of Sciences*, No 4, pp. 367-373.



THE DEMOCRACY  
OF THE EU  
IS WEAKENED  
BY THE FACT  
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CAN VOTE  
FOR NATIONAL  
PARTIES  
IN THE ELECTION.  
BY NOT VOTING  
FOR SINGLE EU  
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EUROPEAN  
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IS TAKEN AWAY  
FROM PEOPLE

than in a national parliament<sup>40</sup>. Without the disciplining power of political groups, MEPs tend to vote based on their national party, which again gives room for the emergence of national politics in the European context.

<sup>40</sup> Bíró-Nagy, A. (2019) "Az Európai Parlament", [in]: *Arató Krisztina – Koller Boglárka szerk.: Az Európai Unió politika rendszer*, Budapest: Dialóg Campus Kiadó, pp. 99-123. [in Hungarian]



## EUROPEANS HAVE LITTLE IDEA OF THE CHANGES THAT WOULD RESULT FROM VOTING IN EUROPEAN ELECTIONS

### THE WEIGHTLESSNESS OF DIRECT DEMOCRATIC ELEMENTS

Since the Maastricht Treaty of 1992, the European Union's objectives have included the direct involvement of citizens in the life of the European community and direct contact between the institutions and the people, thus reducing the democratic deficit and the EU's complexity<sup>41</sup>. A critical step towards this goal could be the introduction of democratic instruments that directly consult European citizens, thus strengthening direct democracy.

At present, there are three major direct democracy-enhancing elements in the EU decision-making system: the European Citizens' Initiative (enshrined in the Lisbon Treaty), the European Consultation system, and the ongoing Conference for the Future of Europe series, which constitute a significant improvement; however, their design is still truncated and weak.

The abovementioned institutions are different in terms of their purpose and implementation. The Citizens' Initiative is a grassroots, proposal-driven process to collect signatures to support an idea. The consultations take place through an online questionnaire survey on a specific policy issue to be discussed, initiated by the European Commission. The Conference, on the other hand, is a series of deliberative debates on the long-term strategy of the European Union in the form of offline workshops and discussions. The main problem with these tools is the institutional weakness, coupled with underutilization and lack of public trust.

Through the European Citizens' Initiative people can present their proposals to the European Commission once they have enough signatures. However, statistics illustrate that the system does not work in practice – the data from 2021 show that only 7.8% of registered initiatives (six projects) have reached the required number of signatures with the country-specific criteria, and only two of these have been partially adopted by the Commission; the other four were rejected<sup>42</sup>. The European Commission is only obliged to examine these documents, and even if it does so, it does not have to propose a legislation.

This fact is fascinating in light of the fact that in the case of some proposals, the Commission does not start drafting legislation or taking other action because *"the existing legal framework provides sufficient rights for the purpose of this initiative"*<sup>43</sup> or

<sup>42</sup> Berg, C. and T. Hieber (2021) "The European Citizens Initiative Is Now at a Crossroads – The Member States Can Show Which Path to Follow in the Future", [in]: *EUI Transnational Democracy Blog*. Available [online]: <https://blogs.eui.eu/transnational-democracy/author/carsten-berg-and-thomas-hieber/>

<sup>43</sup> See the assessment of the Minority Safepack: [https://europa.eu/citizens-initiative/minority-safepack-one-million-signatures-diversity-europe\\_en](https://europa.eu/citizens-initiative/minority-safepack-one-million-signatures-diversity-europe_en)

<sup>41</sup> The Treaty of Lisbon: Title I, Chapter A.



## AT PRESENT, THERE ARE THREE MAJOR DIRECT DEMOCRACY- ENHANCING ELEMENTS IN THE EU DECISION-MAKING SYSTEM

*“there is already adequate legislation on (...)”<sup>44</sup>*, just to mention the two most illogical reasons.

However, these proposals have prior legal control, i.e., they are checked, among other things, for compatibility with EU values and rules before being collected. In other words, it would be possible to modify or filter out initiatives that, from the outset, formulate requests to which the European Commission will have a negative response. Instead, they would be allowed, supported, and – if they fall within the small percentage for which a sufficient number of signatures can be obtained – summarily rejected on similar grounds to those above.

As a result, enthusiasm for initiatives has also waned, with fewer associations submitting their ideas to the Initiative. Thus, an essentially empty institution is being emp-

ty tied even further, which undermines not only the Citizens’ Initiatives, but also the citizens’ faith in direct democracy and its institutions.

The European Commission’s Consultations aim to get suggestions and guidance on the way forward from as many places as possible, including citizens, before drafting legislation. The aim is to make the European Union open to all<sup>45</sup>. In comparison, it seems that people are unaware that such an opportunity exists and, if it does, there is little chance that they will vote<sup>46</sup>. Moreover, people receive little information about what this vote is about, what weight is given to their vote, and what practical implications the completed consultations will have in the future<sup>47</sup>.

The Conference for the Future of Europe series is essentially the next major evolutionary step of the European Union, which aims to assess citizens’ views on a total of ten themes<sup>48</sup>. However, since the project is still ongoing, one can only analyze the conclusions based on the already available information.

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<sup>45</sup> Commission of the European Communities (2002) *Communication from The Commission: Towards a Reinforced Culture of Consultation and Dialogue – General Principles and Minimum Standards for Consultation of Interested Parties by the Commission*. Available [online]: [https://ec.europa.eu/governance/docs/comm\\_standards\\_en.pdf](https://ec.europa.eu/governance/docs/comm_standards_en.pdf)

<sup>46</sup> Røed, M. and V. Wøien Hansen (2018) *Explaining Participation Bias in the European Commission’s Online Consultations: The Struggle for Policy Gain without Too Much Pain*. Available [online]: <https://doi.org/10.1111/jcms.12754>

<sup>47</sup> Hennen, L. (2020) “E-Democracy and the European Public Sphere”, [in]: Hennen, L. et al. (eds.) *European E-Democracy in Practice*, Cham: Springer.

<sup>48</sup> Fabbrini, F. (2021) *The Conference on the Future of Europe: Process and Prospects*. Available [online]: <https://doi.org/10.1111/eulj.12401>

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<sup>44</sup> See the assessment of End Cage Age: [https://europa.eu/citizens-initiative/end-cage-age\\_en](https://europa.eu/citizens-initiative/end-cage-age_en)

The biggest question with the conference series is how it will play out<sup>49</sup>. All we know from the official announcement is that

*"A report on the conference outcome will be submitted to the Joint Presidency. The Parliament, the Council, and the Commission will then examine whether, within their respective competencies and following the EU treaties, they can take what steps to implement the report effectively."*<sup>50</sup>

It is not certain whether there will be any concrete results from the conference series, or at what level the knowledge gained will be applied. For the time being, it can be seen as little more than an experiment in deliberative democracy on a huge scale with a minimal effect<sup>51</sup>.

## EUROPEAN DEMOCRACY: WHY DO WE NEED IT?

After having outlined where the EU's democratization has come from and discussing the shortcomings that makes it impossible today to call the European Union a democracy, the question is raised of why it is worth thinking about this issue. Simply put, why is it important whether the EU is a democracy or not? In this context, it does not seem empirically clear why an officially supranational or intergovernmental organization should be democratic. Meanwhile, this issue is rarely raised concerning NATO, the CIS, the African Union, or the UN.

Against the further democratization of the European Union, one can quote authors such as Giandomenico Majone, who argued that the democratic deficit is not a problem, but rather a solution, since a community of this size must necessarily be run technocratically at a certain level, and democracy can only be an additional element<sup>52</sup>.

Andrew Moravcsik<sup>53</sup> also argues that there is no need to introduce additional democratic elements into the system for several reasons. On the one hand, the present system already curbs the excesses of technocracy, and, on the other hand, the representatives of the member states also have democratic authority, albeit direct in many cases, and thus help to curb the deficit. His main argument is that the legitimacy of the European Union lies in the fact that the member states are based on liberal democracy, so the system they have set up must also be legitimate. Therefore, there is no need for other democratic institutions, as popular sovereignty is already established at the level of the member states.

There are several arguments for further democratizing the European Union. Simon Hix puts forward three main arguments: 1) democracy would allow for a much faster and more direct channeling of citizens' opinions and political and policy preferences; 2) without democratic debate, it is not possible to formulate opinions on complex policies, so democracy would help citizens to become more knowledgeable on more complex issues, which would improve the quality of decision-making; 3) democracy would help to create an identity for European citizenship, just as democ-

<sup>49</sup> Kalas, V. (2021) "How Effective Can Citizens' Participation Be in the Conference on the Future of Europe?", [in]: *ludovika.hu*. Available [online]: <https://www.ludovika.hu/en/blogs/the-daily-european/2021/07/06/how-effective-can-citizens-participation-be-in-the-conference-on-the-future-of-europe/>

<sup>50</sup> See the official website of the Conference on the Future of Europe: <https://futureu.europa.eu/pages/plenary?locale=hu>

<sup>51</sup> At the moment of writing, more than 350,000 citizens participated in the program.

<sup>52</sup> Majone, G. (2005) *Dilemmas of European Integration*, Oxford: Oxford University Press.

<sup>53</sup> Moravcsik, A. (2002) "In Defense of the 'Democratic Deficit': Reassessing Legitimacy in the European Union", [in]: *Journal of Common Market Studies*, Vol. 40(4), pp. 603-624.



IF ONE ACCEPTS  
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THE EUROPEAN  
SYSTEM

ratization has helped in the emergence of states and national identities in the Western world<sup>54</sup>.

Another argument, quite topical today, is put forward in the manifesto of the Civitas Association<sup>55</sup>: the primacy of the European law over national laws. The issue is increas-

ingly being called into question by legal debates in Poland<sup>56</sup> and Romania<sup>57</sup> in 2021. However, if one accepts that EU law is superior, it is also necessary to have democratic control over it, because national democracy is not sufficient for controlling the European system, which leads to the idea of democratization of the European Union.

Finally, a more pragmatic argument of Markus Jachtenfuchs, who argues that democracy is a necessity because ultimately democratization is the best legitimation tool, and it is not possible to govern the Union and implement accurate decisions without the citizens. He believes that citizen involvement is necessary because the European Union is a highly decentralized organization with a weak scope, and without the citizens of the member states, the slightest dissatisfaction, however small, could be fatal to a reform<sup>58</sup>.

#### **ONCE-IN-A-LIFETIME OPPORTUNITY: HOW THE EU COULD USE TECHNOLOGY FOR DEMOCRATIZATION**

The European Union does have certain problems with democracy, and democracy matters even in a *sui generis* organization like the European community. Without democratic legitimation, the EU will not be able to grow, develop, and provide the fundamental rights that constitute its very foundations. So now, the only remaining question is, how should we democratize the European Union?

<sup>54</sup> Hix, S. (2011) *The Political System of the European Union*, London: Bloomsbury Publishing.

<sup>55</sup> Civitas (2016) *Democracy in the EU*. Available [online]: <https://www.civitas.org.uk/content/files/CIT5.-Dem.pdf>

<sup>56</sup> <https://www.theguardian.com/world/2021/oct/07/polish-court-rules-that-eu-laws-incompatible-with-its-constitution>

<sup>57</sup> <https://www.brusselstimes.com/199239/romania-constitutional-court-rejects-primacy-of-european-law>

<sup>58</sup> Jachtenfuchs, M. (1998) "Democracy and Governance in the European Union", [in]: Føllesdal A. and P. Koslowski (eds.), *Democracy and the European Union*, Cham: Springer.

As mentioned above, Moravcsik states that it is impossible to democratize the European Union because of its size as well as ethnic, national, economic, and historical diversities. Indeed, it is a considerable challenge, which could cause as many problems as it would solve – if one thinks in a more traditional way. However, in the 21<sup>st</sup> century, Europeans have the opportunity to use new tools and solutions. Some of the latest ideas could help create more ambitious plans for the future of the European community.



A SYSTEM  
WHERE EVERY  
EUROPEAN  
CITIZEN  
COULD DEBATE  
ON THE ACTUAL  
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OF THE EUROPEAN  
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COULD BE CREATED  
– JUST AS ALREADY  
TAKES PLACE  
ON FACEBOOK  
OR TWITTER

In order to look into the possible future, let us consider the latest book by Jamie Susskind, *Future Politics*<sup>59</sup>, in which the author puts forward five ‘new kinds of democracies.’ These five ways of how to use modern technology to improve democracy are, of course, not viable models in themselves; however, they may offer solutions for the problems of the democratization of the EU.

### DIGITAL-DELIBERATIVE DEMOCRACY

The concept of deliberative democracy is not a new one – the term first occurred in the 1980s in the works of Joseph M. Bessette. Jürgen Habermas has been one of the greatest supporters of the concept, where people come together in small groups, debate the problems, and delegate their conclusions to a bigger group, repeating these circles until a national consensus is reached.

With digital tools, the idea is no longer a utopia. Right now, debates on wars, economics, and health crises happen daily on social media platforms. If one could solve the problem of anonymity and bots<sup>60</sup>, a system where every European citizen could debate on the actual problems of the European Union every day could be created – just as already takes place on Facebook or Twitter. Moreover, since the European Union has many fewer issues to decide on than a state, there would not be as many topics that would have to be tackled, and so the process should not become a burden on the people.

This solution could improve the political life of the citizens, involve them in decision-making, and help them know more about the role of the European Union in

<sup>59</sup> Susskind, J. (2022) *Politika a jövőben*, Budapest: Atheneum Kiadó Kft. [in Hungarian]

<sup>60</sup> A ‘bot’ is an automated software, which could potentially replace humans in general conversations – like a messenger bot on a service page.



## ACCORDING TO THE 'WIKIDEMO- CRACY' CONCEPT, PEOPLE FROM ALL OVER EUROPE COULD CREATE LAW PRO- POSALS

their daily lives. The consultations of the European Commission are a good starting point; however, not many European citizens know about it and its scope is still extremely limited. And if we do not put any power in an institution, it will soon become hollow.

### DIRECT DEMOCRACY

As mentioned before, the European Union does have tools based on the idea of direct democracy. However, they are limited and have only consultative power. Even in Switzerland, where the institution of the referendum is the most widely used, only 676 referendums have been held since the country's foundation in 1848<sup>61</sup>, which means there were 3.8 referendums each year so far. It sounds like a lot, yet, only a very minor percentage of all issues was decided on in this way, considering the complexity of the said state.

<sup>61</sup> See the official site of the Swiss referendums: [https://swissvotes.ch/votes?sort\\_by=date&sort\\_order=descending](https://swissvotes.ch/votes?sort_by=date&sort_order=descending)

Nonetheless, with new technologies – and new political culture based on direct and continuous democratic thinking – Europeans could create an effective system by which citizens would be able to decide directly on many issues. With new mobile applications, people would get the necessary information and would be able to vote even on more complex questions, like the budget, via their smartphones.

This method is much faster than any other direct tool, so the European Union could use it in various ways – not just for tedious, administrative matters. Again, the EU does not have as many issues as a respective member state that would require consultation, so relying on citizens' involvement would be much easier. Moreover, this innovation could help reduce the burdens of a political-bureaucratic system as well.

### WIKIDEMOCRACY

With digital technology, people can participate in the same discussion, vote for the same question, and work together on the same proposal. According to the 'wikidemocracy' concept, people from all over Europe could create law proposals. Although it sounds utopian, there have been a few experiments where citizens created actual laws via an open-source system – just like Wikipedia or the development of Linux – and these proposals became *de facto* laws eventually<sup>62</sup>.

In this system, ordinary citizens could start their projects, and the EU could involve them in creating law proposals and help them see the complexity of the discussed questions. This way, the decision-making would be based on the cooperation of the citizens together with the political elite.

<sup>62</sup> Susskind, J. (2022) *Politika a jövőben*, Budapest: Athenaeum Kiadó Kft, p. 200. [in Hungarian]



In the European Union, this kind of integration could be essential not only because it could involve the citizens in the process, but it would also connect people from different countries and channel people's various points of view. In the end, it is one of the most 'EU-things' that one could imagine: people pulling their knowledge together to create their united future as one.

### **DATADEMOCRACY**

Nowadays, news about how Big Tech companies have stolen their users' data and how they misuse it comes to light on a daily basis. Indeed, data is the most valuable resource; however, it could be used for a greater good, and not merely for targeted advertising.

If we could collect our data from every aspect of our life – just like Facebook does, but with the consent of the citizens – the things we share could then allow us to transfer our 'selves' into the digital world. Our digital selves would have the same worldview and beliefs, because they would be our exact digital doppelgangers. Moreover, these digital selves could represent us anywhere anytime – such avatars could take our place in a 24-hour digital general meeting, where the avatars of all citizens are 'discussing' the ongoing questions and decide on them, based on our own thoughts previously uploaded onto the web.

European citizens already use their mobile phones every day, creating data. With a dedicated application, they could select and share these data (or part of them) with the European Union – thus creating their own avatars. These avatars would represent European citizens in an online field, where the EU makes its decisions, and vote on the questions just as they would had they the time to look through all the questions and read the relevant articles.

In the foreseeable future, politics could use these digital doppelgangers to decide how they shape our future and make their decisions easier. Eventually, it could automatize decision-making to some extent and completely change politics.

Data democracy would be ideal for the European Union, because 447 million people compose quite a large database, which makes the process much easier, and the EU political system would have a robust and direct connection to citizens. Data-democracy could collect and use the opinions of all citizens, allowing European citizens to decide on various issues within minutes, involving everyone.

### **AI-DEMOCRACY**

Athenian democracy could not work in the 21<sup>st</sup> century, because a population of 447 million EU citizens simply cannot gather in one place at the same time. That is why Western politics invented representation. But there remains a question of why we need to be represented by other people.

With the fast development of artificial intelligence (AI), the futurist utopia of a robot-human common society is not so sci-fi anymore. People must deal with the fact that, eventually, they will be able to create machines with the intelligence of a human being. These creations could at some point be part of the society – or even lead it.

Citizens have lost trust in politicians<sup>63</sup> and always want to search for new faces or 'experts' to join the government. The European Union already has an institution full of experts whose main goal is to represent the EU without politics: this would be the European Commission by definition. Moreover,

<sup>63</sup> Enli, G. and L.T. Rosenberg (2018) "Trust in the Age of Social Media: Populist Politicians Seem More Authentic", [in]: *Social Media + Society*. Available [online]: <https://journals.sagepub.com/doi/10.1177/2056305118764430>

who could be a more perfect candidate for this kind of job than a computer?

AI could take over the executive power of the decisions: of course, humans would still be needed for making the actual decisions, but, after that, a computer could deliver the tasks perfectly, without the risk of corruption, political games, or deception. Its only task would be to identify the best way to solve a problem and then carry it out.

AI-democracy could help people to have more trust in the European Union and separate its political and apolitical sides. With the clarification of what politics *is*, and what it is *not*, one could also develop democracy in a more liberal way: artificial intelligence could be used to regulate the power of the political elite and of the majority. 'AI-government' may also help bring more stability into the EU's political system. This, in turn, could bring about a more pluralistic, debate-oriented politics in the European Parliament, which would translate into further developing European democracy.

## CONCLUSIONS

The tools mentioned in this paper are not perfect at all. They face serious problems in terms of privacy, the media literacy of the citizens, the passivity of the people, among many others. However, these are not the solutions but only the tools that we could use to create something new – with due patience and attention. A new institute could solve our problems, but it could create new ones. Moreover, we should remember that these – just like the current democratic institutions – cannot be used on their own: we cannot trust the whole society to an AI, or the hope that people will vote on fifteen topics every week. These tools, however, are conceptual ideas rather than actual ready-to-use mechanisms.

What we should do is to think outside the box – just because we have a concept of democracy in mind right now, it does not mean that it has to be the same in the next decades. And we do not need to accept the current level of democracy in the European Union – as both it and we might change in time.

The current system of the EU is built on national politics, international relations, and bureaucracy, with democracy being only a small part of the overall idea. Even with the strength of the Parliament and with the introduction of new tools, like the consultation or the Conference on the Future of Europe, people do not have the opportunity to communicate their thoughts. Democracy could deepen and strengthen the Union; however, we cannot see a determined politician who would lead this fight in the Communities.

In the 21<sup>st</sup> century, we already have the tools to democratize the system, but this has not been the main problem so far. Creativity is always the second step, right after the political will: politicians and citizens must try to commit themselves to democratizing the communities. Without a clear and strong will, ideas will always stay on the desk, the creative ideas lose their power, and democracy remains as it is now – a dream for the European Union.



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ZSOLT  
NAGY

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