

Democracy is the Key to Renewing the EU's Legitimacy

Article by Edouard Gaudot

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Our understanding of what constitutes democratic process is heavily informed by our social, cultural, and political context. Hitherto this context has been that of the nation-state, which has asserted a monopoly over definitions of democracy within its borders. A fundamental obstacle along the long and winding road to European democracy is that of overcoming these rigid structures and the deep-rooted perceptions they have instilled in the minds of citizens. In this second article in a series on the Future of Europe [read part [1](#) and [3](#)], Edouard Gaudot deconstructs these perceptions and assesses the prospects for the construction of a shared understanding of democracy among Europeans, as a foundation of a genuinely European civil society.

Amid the rumblings that accompany each European election cycle, the upcoming Conference on the Future of Europe, or the debates around revising the European Monetary Union framework, the demand for “more democracy” rings out above the noise as a recurring rallying call. Staunch defenders of European integration as well as its most outspoken opponents, mild federalists and mainstream intergovernmentalists, the European Commission itself, NGOs, media and ordinary European citizens, all seem to agree: “the EU needs to be more democratic”.

This is not new – the tune is an old and enduringly popular hit, that has been covered in each of the official languages of the EU. Coined 40 years ago among the Left of British politics, between the 1977 Young Federalist Manifesto drafted by future MEP Richard Corbett and its 1979 use by David Marquand, a Labour member and Oxford professor of political sciences, the expression of “democratic deficit” has since become a persistent blind spot in the European debate. Regardless of the evolutions of the institutional architecture, the many changes to democratic practices, and the assertion and reinforcement of the EU's only democratically elected assembly, Europe's “democratic deficit” is so tenacious it seems almost reform-proof.

The perception of a “problem with democracy” remains one of the most stubborn thorns in the side of European politics – and a vicious circle when, for successive decades, it came to declining election turnout. Of course, a closer examination of the claim reveals that the EU institutions are indeed, with some qualifications, democratic and respect the separation of powers: the Commission is legally and politically accountable to a democratically elected Parliament who co-legislates with a Council composed of democratically elected governments; and the Court of Justice is independent.

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But whether or not there is an actual democratic deficit in political science terms does not matter. What matters is why the perception remains and why it proves so enduring in the average person's views on the EU. Of course, an organisation of continental scale can only ever seem a distant power for any individual; and in addition, the lack of a historically shaped sentiment of belonging, or "*Schicksalsgemeinschaft*", at European level doesn't help. But it goes deeper: the idea and representation of democracy is inseparable from one's own national political culture. Building on many different political traditions, the EU's institutions and processes belong to all European systems and to none. Ultimately, Europe appears too foreign to be understood and too complex to be liked.

A tale of many cities

Democracy encompasses much more than just institutions and processes. Elections or constitutions alone are not enough to define a democratic regime. If the "rule of law" can in some malevolent regimes become rather a "rule by law", it is precisely because there is more to democracy than just a formal side – as aptly demonstrated by Viktor Orbán since he rose to secure a constitutional majority in the Hungarian Parliament in 2010. Is illiberal democracy undemocratic, as we would label it, because it no longer abides by our universally accepted liberal values? Or is it the domestic strain of democracy corresponding to the time and place of the regime? Fundamentally, practices and "*l'esprit des lois*" (the spirit of the laws) make the difference – all matured in a national and cultural political context. Democracy is first and foremost a social process, the product of history for a political entity that perceives itself as one community. Therefore, anything different and foreign might appear "less democratic" than the homemade brand. But even the pioneering democracies of Britain, the US, and France took over a century to grant their female citizens the same voting rights as men.

Ultimately, everyone has a national (and time-based) definition of what is democratic. In the eyes of German and Scandinavian parliamentary democracies, the French republican presidency looks rather odd. Similarly, which is "more democratic", of the Italian electoral system and its seemingly inherent party squabbles or the first-past-the-post British absolutist variant of parliamentary representation? And for any French citizen born and raised to revere monarchy-style centralised power, the endless coalition negotiations keeping the Kingdom of Belgium without a government for up to two years are incomprehensible. Moreover, some political families, from the German Social Democrats to various European Green parties, consider that their members should have a say on their possible participation in a ruling coalition; while others relieve themselves of such democratic exercises. And yet, they remain democratic parties.

So, is a federation more democratic than a centralised state? Is it more or less democratic to have one rather than two chambers in the Parliament? Or an electoral threshold? Or a two-round system? What is the acceptable level of technocratic involvement in law-making? What specific role should there be, if any, for the representation of private corporate interests through the practice of lobbying? Should we consider referendums as a

democratic tool or a potentially dangerous populist outburst? And are calls for more subsidiarity in the EU blunt demands for the repatriation of national power or genuine pleas for greater local and individual empowerment?

Democratic Europe vs. European democracy

In fact, there is no concrete change that can claim to make the EU truly “democratic” if these changes remain limited by our national definitions and practices of “what is democratic”. So what does “more democracy” then mean at a European level? What would make the EU more democratic? Different institutions, new electoral systems, enhanced ethics, frequent consultations, independent media? First of all, acknowledging the relative crisis of national democratic models in many of the EU member states would be a first step, as it would put an end to the formal and sterile opposition between national and European forms of democracy, and the assumption that only the former is legitimate.

Ivan Krastev's *After Europe* diagnosed the predicament in 2017 as he pointed out the changing nature of our European democracies, whose fading liberal colours were turning increasingly Schmittian: divisive, authoritarian, polarised, and brutal. Unfortunately, the EU's legitimacy and political process is founded on the liberal strain of democracy: far more than just a project for shared peace and prosperity, it is one of converging preoccupations, structures, procedures, and perspectives between countries who have liberal democracy in common.

However, democracy as a tool for the inclusion and protection of the minority is increasingly weakened as “threatened majorities” are making their voices heard and putting the angry men (and women) of this world centre-stage and sometimes into power. In a democracy in which everything becomes politicised and polarised, no idea is legitimate if not held by the elected majority. For instance, the rights of Polish women over their own bodies are no longer fundamental rights but a political opposition between traditional values and liberal ideology. As Krastev underlined with depressing lucidity, the crisis in the EU is the crisis of liberal democracy and vice versa. Consequently, the current undoing of our national democracies and their increasingly loosening cultural and social fabric is an invitation to rethink one of the founding myths of modern politics: the *demos*. This very abstract notion of “the people” is indeed the prime mover of the populist surge. However, its current stiffening amounts to a sort of swan song for this very 19th century definition of “democracy as a national idea”.

*The EU cannot be democratic in the sense of
our national subconscious conception.*

This is why we should bear in mind the *philosophical, practical and political opposition between a democratic Europe and a European democracy*. The EU cannot be democratic in the sense of our national subconscious conception. First and foremost, because it doesn't have a continental *demos* – at least for now, as these social and cultural convergence processes require several generations and a strong centralised state. Secondly, because the 27 *demos* (and even more if one considers the various regionalist narratives) it is composed of are currently struggling with their own legitimacy, in a time of exhausted

common narratives and waning social cohesion. However, the current impossibility of a democratic Europe paves the way towards a European democracy: namely an accountable and legitimate, subsidiarity-driven governing system, geared to comprehensively include individuals and groups whose interests and representations differ, dissent, complete or oppose each other, and whose process of interaction gives birth to a genuine European community and common interest.

Europe's *raison d'être*: "more" democracy

Ultimately, democracy should be understood for what it is fundamentally: one of the possible ways to legitimise the obedience of the many and the power of the few; there are several others, such as tradition, religion, fear, might, money, or manipulation, and all can surreptitiously make their way into the practices of formally democratic institutions, altering the spirit without touching the letter of the democratic social contract. Julia Cagé's investigations into how democratic processes can be captured and subverted by money and private interests, or the oligopolistic structure of private media ownership, are excellent illustrations of how such corruption of democratic processes can take place while the face of the institutions remains intact and impassive.

*Democracy is a political project collectively
defined and shared*

Democracy is political power accepted against the promise of self-empowerment; it is general interest balanced with the respect of individual freedom. Hence, institutional checks and balances, transparent processes, and the accountability of those who accede to public offices make up the core elements that ensure the sustainability of a democratic system. But the root of any truly democratic system lies in its purpose. Democracy is a political project collectively defined and shared: it may be the pursuit of happiness or the realisation of a classless society, what matters to this social contract is its "*raison d'être*", the rationale behind its adoption.

Evidently, institutional changes, treaty reform, and streamlined political processes in the direction of increased transparency, efficiency, inclusiveness, participation, and ethics would all constitute important steps. But following the pattern of reform that has been dominant in the EU over the past decades will not be enough to overcome the deficit. Up until the fall of the Berlin Wall, the first phase of EEC/EU history was about shared peace and prosperity in order to ward off the ghosts of a past riddled with atrocities and the spectre of the Soviet threat. 1989-92 marked the spectacular success of the European endeavour. However, since then, the goals and purpose of the European integration process have never been fully and explicitly defined, shared, or democratically acknowledged – instead they have been merely hinted at in the Treaties, as in the reference to an "ever closer Union". (No wonder one of David Cameron's demands in 2013 focused on erasing this line of text which was not regarded as implicit enough to be hidden from British public debate.)

In a way, the current defiance towards the European idea could be the wake-up call for those who deem the European project a desirable and valuable political adventure. There

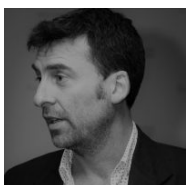
are a few *raisons-d'être* for political integration at European level: size among the global competition, single market for growth, protectionism, etc. But the achievement of a truly continental democracy might be the most compelling reason of all. With fundamental, then civic, and finally, social rights, the building of national democracy has been a – sometimes peaceful, sometimes violent – historical journey of collective conquests and counterbalances to dominant, established powers. The most salient task of the modern state has been to equalise life chances and socialise the risk faced by individual citizens. The next chapter in the history of democracy is to extend these rights beyond their national framework. As Etienne Balibar once succinctly put it, “the EU must be more democratic than the nations it is made of”.

In his essay on “Democracy in Europe”, published at the height of Europe’s federalist fever, also known as the *Convention*, Oxford scholar Larry Siedentop recalled a political truth too often dismissed: that only what is intelligible can be accepted as legitimate. Evidently, the authors of the ill-fated *European Constitution* didn’t ponder for long enough the seriousness of the warning.

Every referendum campaign, since the 1992 Maastricht votes in France and Denmark, has showed only too well the limits and gradual exhaustion afflicting the traditional historical legitimacy of the European endeavor. Today, with the Conference on the Future of Europe and the conversation around the legal framework of the euro, the EU’s constitutional process is slowly regaining momentum. It is high time to address the EU’s ailing legitimacy. Striving toward a truly European democracy should serve this renewed purpose.

But European democracy will not emerge from some institutional changes, major or otherwise, designed by the few for the many. The moment of Europe’s Madisons and Jeffersons is gone. Similarly, our interconnected and unruly times call for an approach that deviates from the usual official “narratives”, institutionally concocted and branded, and then marketed to the public like a new car or a cereal box. Our times demand enhanced political intelligibility. They demand shared projects whose meaning can federate not only states but also individuals into something larger than themselves.

The social and cultural conditions for a deeper democratic process are building. European citizens are no longer willing to passively watch the movie shot in their name – they want to play their part in it. The versatile nature of democracy, which is both a means and an end, can satisfy this demand. Today’s powers are in essence transnational and borderless. So must be their counterbalances. The making of a transnational European civil society is both the outcome of European democracy, and a condition for its emergence. The same is true at a global scale, to which the European project is potentially a prelude.



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