



The theory of democratic integration

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Abstract

The outcome of the 2024 European Parliament elections highlights the need for the EU to underpin its functioning as a European democracy with a proper political theory. This article introduces the theory of democratic integration as a political philosophy of the EU. It aims to provide the EU with a philosophical foundation by analysing its evolution as a deviation from the Westphalian system of international relations and its doctrine of absolute sovereignty. The article finds that the EU is succeeding in creating a new democratic home for its citizens and its member states. In times of increasing support for parties which promote national sovereignty as the recipe for the future and which consequently call for the dismantling of the European Parliament and the deconstruction of EU democracy, the theory will empower the Union to defend its constitutional achievements and prevent it from backsliding into an undemocratic organisation of illiberal states.

Keywords

Democratic theory, Transnational democracy, Westphalian system of international relations, Constitutional backsliding, Global governance

Introduction: the essence of the EU

The essence of the EU is that both its member states and the Union are democracies. Article 2 of the 2007 Lisbon Treaty codifies the values of the EU, notably human rights, democracy and the rule of law. The member states have committed themselves to guaranteeing respect for these values, while the EU and its institutions are bound to do so as well. So, the member states can be characterised as national democracies, while the EU works as a transnational democracy.

The transnational democracy of the EU differs from the national democracies of its member states in many respects. The most salient distinction is that the EU is not a

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state and, in its present form, does not want to be a state either. Rather, the Union is composed of citizens and member states. However, as the signatories to the Lisbon Treaty were required to meet stringent demands regarding democracy and the rule of law, they wanted the organisation on which they conferred competences in ever wider fields to be democratic too. This goal has been realised through the institutional set-up of the EU by virtue of which the citizens are represented in the European Parliament, while the member states have their say in the European Council. The daily running of the Union is entrusted to the Commission, and the Court of Justice ensures that in the interpretation and application of the treaties the law is observed. To bolster its system of governance, the polity has established institutions such as the European Central Bank, as well as its own foreign service, the European External Action Service.

Ideological prejudices

The construction of the present-day EU is not only unprecedented: it used to be unimaginable too. While the founding fathers were prudent enough to formulate the aim of the European experiment in the preamble to the 1957 Treaty of Rome in terms of ‘laying the foundations for an ever closer union among the peoples of Europe’, post-war theorists and politicians immediately engaged in a fundamental debate about the end goal or *finalité politique* of the then Communities. Should the experiment of sharing the exercise of sovereignty result in the creation of a federal state or was the old continent destined to transform itself into an association of states? According to the traditional Westphalian template, other options were not available for the emerging polity.

Later generations may wonder why it took the theorists and politicians of the early EU almost 80 (!) years to realise that their polity had abandoned the Westphalian paradigm from the start and that each subsequent step on the road to ever closer union had moved the Union further away from that outdated ideology. The long-standing debate about the so-called democratic deficit of the polity may serve to illustrate the counterproductivity of the conceptual struggle between the federalists and the intergovernmentalists. On the assumption that the EU ought to be a European state analogous to the United States of America, radical federalists argue that ‘the original sin’ of the Union is that it started as an initiative of its member states and that this sin is epitomised by its current democratic deficit (Alemanno 2018). Their opponents, the intergovernmentalists or sovereigntists, posit that there is too much democracy at the EU level, that European democracy creates a democratic deficit at the level of the member states and that the constituent states should ‘take back control’ by dismantling the present system of EU governance (Bellamy 2020). Thus, according to the influential theorists of the first quarter of the twenty-first century, the EU continues to be faced with the perennial dilemma of being either a federal state or a confederal association of states.

Addressing the democratic deficit

Although what would become the EU was initiated in the post-war period with a revolutionary break from the prevailing paradigm by introducing the concept of the pooling of

sovereignty and has further abandoned the Westphalian system since, the two leading schools of thought in the study of European integration persisted in studying the object of their investigation through the lens of that outdated template. As a result of their mutually shared prejudices, they were unable to observe and acknowledge that the Union and its precursors were creating a new kind of polity based on the shared exercise of sovereignty. As an astute observer remarked as early as 1964, the question was not whether the polity would become a state or an association of states, but how the exercise of the sovereignty conferred on the Communities could be democratically controlled (Kapteijn 1964). This question acquired instant urgency when the, by then, nine member states of the European Communities presented themselves in 1973 to the outer world as a union of democratic states. Thus, while the proponents of the two competing schools of thought based on Westphalian principles indulged in their ideological battle, the member states were actually crafting their own path towards a democratic destination.

Fifty years on, the time has come to realise that the intention to create an ever closer union among the peoples of Europe and the practice of pooling sovereignty were both clear indications that scholars should have abandoned the traditional template. As the member states emphasised the democratic character of their common endeavour, scholars should have replaced the Westphalian paradigm of states and diplomats in the study of the EU with the constitutional perspective of democracy and the rule of law. Substituting an obsolete paradigm for a contemporary one would have enabled them to observe that the member states were determined to establish an ever closer union by addressing and overcoming the democratic deficit in their Union.

Building the European house

After the publication of the 1973 Declaration on European Identity, the quintessential question was raised of whether an ever closer union of distinct democratic peoples can be democratically legitimate (Nicolaidis 2012). While theorists from the two opposing schools insisted that the answer had to be negative, the stakeholders in the process of European integration proved the opposite in practice. They started to democratise the emerging polity by providing it with a directly elected Parliament. In 1979 the citizens of the member states were invited to choose national representatives for their country in the European Parliament. Although the powers of the new representative body were initially rather limited, its members took the initiative to present a blueprint for a more complete and substantially more democratic European Union in 1984.¹ The member states were encouraged to take further imaginative steps on the road to a democratic Union by Commission President Jacques Delors, who launched his Europe 1992 vision shortly after his appointment in 1985 (Delors 1985). The conceptual novelty of the Treaty of Maastricht, by virtue of which the EU was founded in 1992, was the introduction of citizenship of the Union. EU citizenship was not meant to replace national citizenship but rather to enable the citizens of the member states to function as citizens of the Union too. At present, dual citizenship constitutes the core of the EU's system of dual democracy. For this to happen, however, the Union first had to upgrade the status of its citizens through the proclamation, in 2000, of the Charter of Fundamental Rights of the EU. In addition, the introduction of the values of the Union by virtue of the

1997 Treaty of Amsterdam contributed to the desired transformation of the EU from a more or less traditional association of states to a transnational polity of states and citizens. Despite the rejection of the poorly named Constitution for Europe by the electorates of France and the Netherlands in 2005, the construction of the EU as a dual democracy was corroborated by the 2007 Treaty of Lisbon. In its subsequent case law, the European Court of Justice clarified the meaning and scope of EU citizenship, while also establishing the autonomous character of the Union's democracy. As the EU has addressed its democratic deficit in this manner, the European house, which generations of committed politicians have built over the decades, can be identified as a democratic Union of democratic states. In terms of global governance, the unprecedented character of the EU as an organisation of states and citizens with democratic aspirations of its own can be accounted for by describing it by the new term, 'a democratic international organisation'.

The theory of democratic integration

The main reason why traditional theorists are unable to devise a political philosophy of the EU is that they fail to account for the EU's practice of shared sovereignty and its correlated system of dual democracy. Consequently, they are also incapable of realising that the practice of sharing the exercise of sovereignty is only feasible between democratic states. In short, they overlook the principles and values on which the EU is founded.

In contrast, the theory of democratic integration which will be outlined hereunder takes as its starting point the treaties of the Union. Article 1 of the Treaty on European Union proclaims that the participating states establish amongst themselves a European Union, on which they confer competences to attain common objectives. The opening article testifies that the European states have learned the hard way that absolute power destroys absolutely and that they have voluntarily reined in their absolute sovereignty. It is then underlined in Article 4, paragraph 2 of the Treaty that the Union has to respect the member states' national identities and essential state functions; the member states also put beyond doubt that they do not wish to give up their entire sovereignty in favour of an overarching European state. So, then, it is clear that the states did not and do not intend to cross the Rubicon towards a federal state, but rather wish to underline that they remain the masters of the treaties.

From the outset, the initiators of the process of European integration realised that, as the states of Europe were capable of destroying each other, they had to invent a new approach to govern the old continent. Their foundational mission was to rebuild Europe from the ruins of war, in both the material and the spiritual senses of the word. The founding states broke the eternal circle of war by replacing the Westphalian concepts of mistrust and suspicion in international relations with confidence and mutual trust. On the condition that the participating states function as representative democracies, they introduced the concept of democratic integration. In this approach, the relations between the member states are no longer a zero-sum game, in which the gains of one participant imply a loss for the other(s). Instead, the process of democratic integration is based on mutual trust between these states and on the ensuing willingness to pool sovereignty. As a corresponding political philosophy, the theory of democratic integration holds that, if

two or more democratic states agree to share the exercise of sovereignty in ever wider fields with a view to attaining common goals, their organisation has to be democratic too.

A democratic union of democratic states

Determined to lay the foundations for an ever closer union among the peoples of Europe, the participating states opened themselves up to each other and developed their own version of bottom-up federalism in practice. As each of the participating states had to be a constitutional democracy, the process of cooperation was conducted along the lines of democratic diplomacy. The participants' own constitutions prevented them from sacrificing democratic principles for the sake of integration.² Consequently, the member states had to ensure that the citizens of their constituencies gave their consent to major steps forward in the integration process through parliamentary ratification or referendums. By identifying the common values of the member states and subsequently applying them to their emerging polity, the stakeholders in the process of European integration succeeded in transforming the erstwhile union of democratic states into 'a union of democratic states which also constitutes a democracy of its own' (Hoeksma 2023, 42)

This observation can be substantiated from the theoretical perspective with the academic conclusion that a democratic union of democratic states constitutes a new model of democracy. The aim of the construction is to ensure that the exercise of sovereignty is democratically controlled at all levels. National parliaments will hold the governments of their own countries to account, while the European Parliament is tasked with controlling the Commission. By reinforcing each other, the parliaments of the polity ensure its democratic functioning at all levels. Since the Lisbon Treaty constructed the first-ever specimen of this new form of organisation, the EU in its current form is certainly not perfect. At the same time, it must be realised that the potential of the drive towards ever closer union is far from exhausted. The Union has the capacity to develop further in this direction. Bearing in mind that each treaty marks a new stage in the process, the theory of democratic integration puts beyond doubt the idea that, for the EU to function as a transnational polity of states and citizens, it has to take the form of a democratic union of democratic states.

The challenge of an undemocratic organisation of illiberal states

An unforeseen effect of the academic failure to underpin the EU's experimental system of governance with a sound political philosophy is that the Union has proved unable to defend itself against allegations that it has become some kind of 'super state'. In academic circles, the EU has been depicted as a contemporary 'Golem of Prague', the monster which destroyed its creators, or as a neo-medieval empire (Weiler 2012; Zielonka 2006). Brexiteers even accused the EU of being the reincarnation of the worst tyranny in European history while their leader Boris Johnson loathed it as 'the Fourth Reich' (Mason 2016).

The fall of the pound after Brexit and the decline in the rule of law illustrate that the pooling of sovereignty is not about undermining the member states, but rather about strengthening them. Separately, the countries of Europe are unable to address transnational problems or face global economic and military challenges. While the original impetus for pooling sovereignty was to prevent the renewed outbreak of war, the member states realised during the process that they also needed a concept for the creation of an internal market and, later on, for a European democracy. Despite the absence of a blueprint for their endeavour, they learned by doing and constructed a democratic system of governance geared to meet the needs of both its citizens and its member states.

After Brexit, like-minded Eurosceptic politicians in other member states quickly realised the consequences of the British defection. Proponents of Frexit and Nexit changed their tune, proclaiming instead that they intend to change the EU from within. Hungarian Prime Minister Viktor Orbán invented the idea of ‘illiberal democracy’ and argues that ‘Brussels’ should refrain from meddling in the internal affairs of its sovereign member states. Indeed, the 2024 European Parliament elections saw considerable gains for those parties that wish to reform the EU and/or dismantle European democracy. The aim of the newly formed ‘Patriots for Europe’ group is to transform the EU into an undemocratic organisation of illiberal states.

Conclusion

The chain of events in the run-up to the formation of the second von der Leyen Commission warrants the conclusion that the EU has entered a new stage in its long and winding road towards ever closer union. The aim is no longer to form either a federal state or a confederal association of states but to consolidate and strengthen the constitutional achievements of the EU as a democratic union of democratic states.

The European Parliament has already acknowledged the need to defend the EU against ‘the enemy from within’ (Wind 2024) by forming a pro-constitutional coalition to prevent illiberal politicians from taking up influential positions in the European Parliament. The next step for this spontaneous coalition is to combine increased respect for the rule of law with the upcoming enlargement of the Union. Moreover, the Parliament should devise a strategy for obtaining a greater role in the defence of the EU’s values in the next Treaty on European Union.

While the Commission will be required to use increased skill to deal with the unprecedented attack from within, the member states must also come to terms with the political reality that they can no longer regard the gatherings of the European Council and the Council of the EU as meetings of an association of states. As EU institutions, they are bound by the values of the Union. Like the European Parliament, they should have taken a stance in the defence of EU values instead of entrusting the Presidency of the Council to its main internal foe. They should have realised that a democratic union of democratic states cannot be led by a disloyal autocrat. In view of Orbán’s dangerous abuse of his position of trust, they should cease to enable him by ending his presidency prematurely.

Notes

1. In the Draft Treaty Establishing the European Union, adopted on 14 February 1984, known as the Spinelli draft.
2. As highlighted by the Solange jurisprudence of the German Constitutional Court (Germany, Federal Constitutional Court 1986).

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Author biography



Jaap Hoeksma studied philosophy of public law at the Free University of Amsterdam. He worked with the UN High Commissioner for Refugees (1976–90) and founded his company Euroknow in 1991. He is creator of the board game Eurocracy and author of *European Democracy* (2019) and *The Democratisation of the European Union* (2023).