

# UPGRADING THE EU'S UNIQUE DEMOCRACY

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*In her 2023 State of the Union Commission President Von der Leyen has made yet another move in her effort to upgrade the EU's unique democracy. By describing the European Union in its present form as a democracy tout court, she confirmed its transformation from a union of democratic states to a European democracy of its own. So, what is a European democracy?*

unwillingness to face reality or to see things as they are. It does not require expert knowledge to observe that the EU in its present form is not a state. The citizens of the EU do not pay direct taxes for the functioning of their Union, nor does the EU have a Head of State. On the other hand, it is equally evident that the EU is not a traditional organisation of states. It has citizens, a directly elected parliament, a single currency and a diplomatic service. So, why should politicians in the EU stick to such outdated positions as either federal state or confederal union of states?

## The Modern State System

While her observation may have been meant as a statement of fact, President Von der Leyen defied the basic assumptions of political theory. In theory, European democracy presupposes a European State. According to the Modern State System, which has been dominating the debate about democracy and statehood since the 17th century, national states are a precondition for the expression of the will of the people. Ernest Gellner defined nationalism as the political principle which holds that the political and the national unit should be congruent. As a consequence of this ideological presumption, the process of European integration should either result in the establishment of a Europe of Nation-States or in the creation of a federal European state. This binary opposition has influenced the debate about the nature of the EU to such an extent that the recent Conference on the Future of Europe ended in stalemate once more.

From a nonpartisan perspective, the stubbornness of the opposing parties borders on

## Tunnel vision

The answer to this question may well be that the two opposing schools are so entrenched in their ideologies that they are unable to see, acknowledge or appreciate the innovations which they have brought about. Even the European Court of Justice (ECJ) has failed to break down the tunnel vision of the federalists and the intergovernmentalists. In its verdicts of 16 February 2022 on the rule of law, the ECJ has explicitly described how the EU has wilfully deviated from the existing patterns of international organisation. The impetus for cooperation and integration came from the member states. They first agreed on their common values and subsequently applied these values to their organisation. European democracy has not been established overnight but as a result of a long incremental process. Slowly but steadily, the EU has evolved from a Union of democratic States into a 'Union of democratic States which also constitutes a democracy of its own'. In the analysis of the ECJ, the EU is a democratic Union of democratic States.

## Practice what you preach!

Seen against this background, Von der Leyen's State of the Union contains a welcome confirmation by a leading EU politician that the Union has evolved to a full democracy. She has lifted the caveat that the EU should be a federal state before it can be a 'real' democracy and defies the confutation that nation states are the only institutional bastions to guarantee human rights and the rule of law. Instead, she reaches out to a new generation of young citizens who dream of a better future. That future lies not in a return to the past, as the right-wing German AfD envisages, nor in the nightmare of a unitarian European state. The determination of the founding generation to lay the foundations for an ever closer union among the peoples of

Europe is resulting in the creation of an unprecedented democratic Union of democratic States. Consequently, politicians should bury the hatchets of the previous feuds and embrace the innovative model of transnational democracy which the EU has developed. The President should be the first to draw the consequences of her own speech. She should start by adapting the description of the EU on the [Europaserver](#) to her own vision. The present portrayal as 'a unique economic and political union between 27 European states' is entirely outdated as it does neither include the citizens nor the European Parliament. If she wants to lead by example, Ursula von der Leyen should bring the presentation of the EU in line with its construction as a democratic Union of democratic States. Should she want to stand as a Spitzenkandidat in the upcoming elections for the European Parliament, she should do so before the citizens go to the polls in June 2024!

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*Jaap Hoeksma studied law at the Free University of Amsterdam. As from the conclusion of the 1992 Maastricht Treaty he has been campaigning for the democratisation of the EU. He invented and edited the board game Eurocracy with a view to demonstrate that there were no theoretical impediments for the functioning of the EU as a European democracy. In his recent book: 'The Democratisation of the European Union' he describes and analyses the stages through which the evolution of the EU from an organisation of democratic states to a European democracy has actually taken place. In addition, he offers a political theory for the functioning of the EU as a transnational democracy.*

