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A Swiss Contribution
to the Debate on Democracy in the EU

Since its foundation, the European Union (EU) has been criticised for its democratic deficit.[*] In response, the Treaty of Lisbon – signed in 2007 and entered into force on 1 December 2009 – contains reforms aiming to improve the democratic legitimacy of EU institutions and decision-making processes at the EU level. These reforms especially strengthened the influence of the European Parliament in the legislative process and committed the EU Council of Ministers to more transparency. But compared to the influence citizens are able to exercise in the EU member states, the potential influence of EU citizens on European institutions and decision-making processes is much less direct and extensive. Accordingly, the European parliamentary elections are perceived as less important, do not result in intense debates and are less controversial in the (mostly non-existent) European public.

Before the outbreak of the financial crisis in 2008, the debate about the EU's democratic deficit was more or less confined to academic circles. This has dramatically changed, however. Public sector support in terms of rescuing and out-financing strategically important banks has jeopardized the financial stability of certain EU member countries and put pressure on the common EU currency. EU bailout packages and definition of stability mechanisms had drastic consequences for these countries. In 2011, the European Central Bank's ultimatum for Italian reforms of financial and economic state policies overthrew the democratically elected Italian government and resulted in the establishment of a non-partisan cabinet of experts for a transitional period of more than one year. Likewise in Greece, the implementation of rigorous austerity measures which were a condition for EU and International Monetary Fund financial support plunged Greece into a severe and continuing political crisis. Greek citizens widely perceived the early elections in 2012 as elections in which they had no real choice. Populist and anti-democratic

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movements were strengthened. At the same time, citizens in the more wealthy EU states started expressing their resentment of repeated commitments of support by EU financial ministers to the financially weak EU states with loans. The EU's democratic deficit has hence manifested itself in daily political life and has become a pressing issue.

However, the scientific debate on the EU's democratic deficit reminds us that the problem is multi-facetted and more complex than it first appears. Especially important in this context is the benchmark set to assess the democratic quality of the European Union. If we understand the EU mainly as an inter-governmental organisation, the democratic control mechanisms within the sovereign EU member states seem sufficient to legitimate decisions made at the EU level. If we, on the other hand, see the EU as an international super-state that makes decision independent from its members, more direct democratic control mechanisms at the EU level are required. An assessment of the EU democratic deficit is hence closely related to its assessment as either an intergovernmental organisation or a supra-national political entity. The problem here is that the EU represents both models at the same time. Even though political integration has continuously advanced since the foundation of the EU, the intergovernmental rationale is still very present, especially in areas like foreign or security policy.

It is the consolidation of EU political integration that calls for the enhancement of democratic control mechanisms. This is obvious from a Swiss perspective. Switzerland is a federation that evolved from a 19th century confederation, and is considered a "Willensnation" – a nation formed through the will of its people. Political integration in Switzerland – that is, its path from a confederation to a federal state – was accompanied with democratic consolidation at the federal level. There are hence parallel developments to observe when comparing the process of political integration of the EU today with the process of political integration in Switzerland since 1848. In this light, a sound assessment of the Swiss nation-building process may provide helpful insights for the discussion about democracy within the EU. This is especially evident for the relationship between political integration and direct democracy, which was introduced in Switzerland in the 19th century, and since then has contributed to the integration and stabilization of the Swiss political system. In addition, regarding today's functionality of direct democratic instruments and problems therewith, the Swiss example may provide – most certainly without seeking to exaggerate this resemblance – a vivid example.

The potential Swiss contribution to the debate on democracy in the EU was discussed during the fifth "Aarauer Demokratietage", organised 22-23 March 2013 by the *Centre for Democracy Studies Aarau (ZDA)*, an academic research institute of the University of

Zurich and the University of Applied Sciences of Northwest Switzerland. This volume presents the proceedings of this conference, based primarily on conference participants' presentations. Content-wise, the proceedings are divided into four parts.

The contributions within the first part take on the question of the EU's democratic deficit and reflect not only on the challenges, but also the opportunities arising from the current crisis.

In his guest contribution, *Günter Verheugen*, former Vice President of the European Commission, states that the EU's further development seeks to square the circle. He claims that a consolidation of political integration is only possible if done simultaneously with an expansion of the EU's democratic character. But this can be successful only if integration-friendly majorities within the member states are strengthened. However, such majorities are currently far beyond reach, not only due to resentment towards European crisis management during the last years, which is clearly connected to democratic deficits. Verheugen is convinced that democracy within the EU can only work as a consensus democracy and ultimately must be based on power-sharing. Creating confidence in Europe also implies strengthening member states further, hence increasingly orient the EU to the principle of subsidiarity. Responses to the financial crisis have been strongly influenced by the intergovernmental logic and arose from the treaties (e.g. the European Stability Mechanism, the Fiscal Compact). But Verheugen also insistently highlights problems; namely that large countries – especially Germany and France – exert greater weight in intergovernmental mechanisms. The supra-national logic in the EU, however, ensures the influence of smaller member states. In the foreseeable future, the EU will continue to depend both on intergovernmental processes, as well as on supranational integration, and thus challenges current normative models of democracy. The EU's characteristics, Verheugen concludes, also require a democracy *sui generis*.

The contribution by *Kostas Chryssogonos* and *Stylianos-Ioannis G. Koutnatzis* introduces a different perspective by illustrating the democratic dilemmas resulting from a reaction to the European debt crisis in one especially affected EU member country: Greece. The implementation of European bailout packages seriously affects the legal system in Greece and, moreover, it is out of reach of domestic control mechanisms of constitutional law: a power shift in favour of the executive, substantial interference with legislation (e.g. regarding pensions and labour protection) as well as restrictions on federal sovereignty exercised by the Troika. On the other hand, the contribution of Chryssogonos and Koutnatzis shows that the present situation in Greece is also due to political-institutional pathologies within the Greek democracy. Clientelism and

patronage have loosened the connection between substantial politics and election results. A major problem identified by the authors is the lack of inner-party democracy resulting in a situation where party leaders have too much influence. This – in combination with institutional (electoral law) and other factors (political party funding as well as polarising media coverage) preferred by the leading parties, PASOK and New Democracy (ND) – has led to the development of a political system which, below the democratic surface, is still characterised by a mix of feudal and absolutistic elements. The debt crisis therefore not only discloses democratic deficits in the EU but also in the member states.

From a theoretical perspective, *Francis Cheneval* takes up the complexity of multi-level democracy in the EU in his essay. He argues that the EU is to be understood neither as a democracy nor as a federation – both are actually, according to Cheneval, "contradictory" concepts – but as a "demoicracy", i.e. a multilateral democracy. This notion takes into consideration the existence of different peoples (*demoi*) instead of a single people (*demos*). Cheneval carries out a thought experiment based on a model of John Rawls – that is, he envisions a hypothetical "original condition" situation in which both the representatives of the peoples and the representatives of the citizens of the particular "basic institution" are gathered. Both types of representatives need to elaborate the basic principles of (European) democracy, which are seen as acceptable behind the "veil of ignorance". Cheneval elaborates seven such principles, including the principle of the non-discrimination of constituent peoples and citizens, as well as two principles of linguistic justice. All of this may sound abstract, but it is a welcome and inventive normative-analytical perspective that allows us to better understand the current events within the EU. Actually, the author analyses some of these events at the end of his essay and connects them to the essays of Verheugen, and Chryssogonos and Koutnatzis. He comes to the conclusion that, "the quality of democracy is a result of national and supranational structures and their interaction", and therefore an analysis limited to supranational institutions is inadequate for assessing democracy in the EU.

The key issue discussed in the second part, which is written in English only, tackles the question whether the Swiss example could possibly serve as a model in the debate about democracy within the EU. While the idea of the Swiss experience as a potential example for European integration is not new, it is still relevant. European integration and political integration in Switzerland do indeed show parallels. Both have faced similar challenges (e.g. how to establish a stable democracy in a multi-lingual context) and their institutional solutions resemble each other (e.g. federalism and power sharing). But where Switzerland managed to build up a common *demos* (not least because of

institutions such as direct democracy), Cheneval argues that Europe has developed more in the direction of a "demoicracy" with different coexisting *demoi.*

In his essay, *Jean Blondel* is convinced that the EU *can* and *should* learn a lot from Switzerland. First, the author focuses on the regulation of the relationship between cantons and the federation in Switzerland, which he retraces to the emergence of the old-age and survivors' insurance (AHV/AVS). Second, Blondel discusses the role of direct democracy, arguing that the EU should draw inspiration from Switzerland (see also the third part of this volume). Finally, Blondel argues that the EU should follow the Swiss policy of neutrality and, thus, not interfere too much (if at all) with the affairs of other countries on other continents.

Frank Schimmelfennig also concentrates on parallels in political integration processes between Switzerland and the EU. However, his analysis does not explore, in a static way, the existing institutional *structures.* Instead, Schimmelfennig's comparative and dynamic approach focuses on the *processes of democratisation* (or *demoi*cratisation) within the EU and Switzerland. After presenting an account of the democratic processes in the EU and in Switzerland, the author highlights two "striking similarities": a favourable international environment as well as the interaction between democratisation and centralisation. The differences should, however, not be overlooked: the economic and cultural diversity (i.e. linguistic, religious, ethnic) in Europe is much higher than in Switzerland. In addition, the Swiss cantons in the mid 19th century were neither fully developed "nations" nor fully independent states, as was the case at the beginning of European integration of sovereign European nation-states. Hence, direct democracy must have had a different impact: in Switzerland, direct democracy has had an integrative effect and reinforced an overarching *demos* whereas in the EU it resulted in a rearticulation of national cleavages and the autonomy of the different *demoi.*

In the last essay of the second part of the volume, *Joseph Lacey* takes a critical look at the theses formulated by Blondel and Schimmelfennig and suggests new research questions for comparing Switzerland and the EU. Firstly, he proposes a focus upon the structure of political parties and the interactions between the parties at the level of EU member states and the respective parties at the level of the EU, as well as between the cantonal and federal parties in Switzerland. Secondly, Lacey thinks that an analysis of the relationship between the Swiss Federal Council and the Federal Assembly could provide an interesting clue in order to better legitimize the role of the EU Commission in relation to the EU Parliament. Finally Lacey locates huge analytical potential in a comparison of "citizenship regimes" in the EU and in Switzerland. Indeed, there are

strong indications that a very special relationship between *demos* and *demoi* is present in both cases (naturalization procedures, for example, are mainly the jurisdiction of individual states or cantons).

The third part discusses the possible future role of direct democracy within the EU. What generally stands out is an ambivalent relationship of the EU towards institutions of direct democracy. On the one hand, the European integration process led to a remarkable development and expansion of the use of direct democratic instruments in EU member states. On the other, the various national referendums on EU accession, consolidation and expansion processes have weakened rather than strengthened the legitimacy of EU institutions. The European Citizens' Initiative introduced by the Lisbon Treaty represents a unique opportunity to strengthen direct democracy all over Europe. The contributions of Fernando Mendez, Nadja Braun Binder and Lorenz Langer intensively analyse the Lisbon Treaty and the implications of the European Citizens' Initiative.

The essay of *Fernando Mendez* provides an overview of the consequences of the Lisbon Treaty with a special focus on the "direct democratic dilemma". The author defines the EU as a federal system (not as a federal state) and refers to several examples in order to show how this federal system has been further strengthened and reformed as a result of the Lisbon Treaty. Although Mendez sees the European Citizens' Initiative as the biggest innovation resulting from the Lisbon Treaty, he claims that it poses a dilemma for the EU. On the one hand, the double unanimity lock limits the possibility of constitutional change. On the other, more and more EU citizens demand direct input for influencing the direction of European integration.

Nadja Braun Binder also deals with the European Citizens' Initiative but from a legal perspective. She starts with locating the European Citizens' Initiative within the EU treaties framework and illustrates its functionality. The author shows that the European Citizens' Initiative is not actually a direct democratic right but rather an agenda-setting instrument. She considers the European Citizens' Initiative as a potential basis for the advancement of direct democracy within the EU institutional arrangements. The introduction of the European Citizens' Initiative proves the general compatibility of direct democratic instruments with the EU institutional arrangements. Moreover, debates resulting from the introduction of the European Citizens' Initiative could strengthen the emergence of a European public sphere. Braun Binders' contribution closes with a description of possible steps to further enhance direct democracy in the EU. A facultative, secondary legislation referendum on the EU level is, in her view, the most promising option.

Lorenz Langer refers to Nadja Braun Binder's assumption and examines whether the European Citizens' Initiative represents a seedling for the enhancement of EU direct democracy or only a participative placebo. Firstly, he shows that the European Citizens' Initiative is in principle supplementing a representative democracy, as was also the case in Switzerland when direct democratic institutions were introduced. The task is basically to assess how much the introduction of the European Citizens' Initiative actually contributes to enhancing direct democracy. Given the formal and material barriers faced by the European Citizens' Initiative, Lorenz Langer is cautious and comes to a more pessimistic conclusion than Nadja Braun Binder. He identifies a "decidedly paternalistic tendency", in which "the European Citizens' Initiative seems more like a foreign body than an inherent part of the EU institutional structure". He furthermore refers to the fact that the European Citizens' Initiative is rarely noticed in the European public. The litmus test remains as to how the EU will deal with successfully established citizens' initiatives. Promising approaches already exist, such as the *Right to Water* initiative, which aims to prevent the exclusion of the water supply from the domestic market.

The last part of this volume is devoted to the issue of citizenship education in the Swiss and European contexts. It should be noted that the "global region of Europe" increasingly unfolds a controlling and unifying force. Decisions like the one concerning the Bologna Reforms redesign the structure and control mechanisms of educational landscapes. Content-oriented educational programs, such as those promoting a peaceful and democratic awareness in European immigration societies, shape the perception of the problem and how it is addressed. They are the product of mutual understanding in the context of or in contact with the EU bodies. Steering-decisions show themselves as powerful political access points to democratic institutions and subjects. The contributions in this part of the volume analyse the internationalisation and Europeanisation of Swiss education policy.

By focusing upon the reform of teacher training and the definition of the new curriculum in German-speaking Switzerland (*Lehrplan 21*), *Vera Sperisen* shows how international trends in education have affected the educational policy-making in Switzerland. "Soft-governance" has served as a transmission belt: opinions given by international organizations like the OECD, scientifically conducted comparisons (PISA), and the formulation of international standards. Sperisen shows that international discourse has been the driver behind the change of policy in Switzerland. Education policy in Switzerland has been europeanised even without formal EU membership. Such developments challenge democratic rules: how to ensure the democratic control of a change of discourse?

The analysis of Sperisen thus relativises the focus on the institutional aspects of the debate on the democratic deficit in the EU.

The last essay, written by *Béatrice Ziegler*, discusses the normative goals of citizenship education at a European level and in Switzerland. Her analysis indicates that the EU no longer sees itself only as a project of economic integration, but is also in search of meaning, to which it finds answers in reference to a European community of values. In Switzerland, citizenship education (*politische Bildung*) does not have a long tradition; it is more about "civic education" (*staatsbürgerliche Erziehung*), with a strong focus upon political history.