**Why CoFoE should become a permanent exercise into the EU legislative process**

**An abridged version of this interview was published by Euractiv** [**here**](https://www.euractiv.com/section/future-eu/interview/eleonora-cofoe-should-become-permanent-exercise-into-eu-legislative-process/)**.**

**In an interview with EURACTIV, Professor Kalypso Nicolaïdis said to be positive about the Conference on the Future of Europe (CoFoE): “they did the best they could do”. Nevertheless, she believes that to make this event a permanent exercise within the EU system, there must be a room for constructive criticism.**

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**What is your interest in the CoFoE and how are you taking part in it?**

Unsurprisingly, I am fascinated by what I consider as a crucial democratic experiment as an academic who has been working on transnational democracy in the EU - for three decades. So I was happy to participate in various capacities from the beginning. I was asked to contribute as an expert in the citizens [panel on democracy/values and rights, rule of law and security](https://futureu.europa.eu/assemblies/citizens-panels/f/299/), in two of their sessions, including in the last one which took place at the EUI in Florence at the 10-12 weekend of December. I supported our EUI work as hosts,  which was a crucial moment in the process since the citizens panel finalised their recommendations in Florence.

On the more political side,  I have been chairing the [European University Institute (EUI) Democracy Forum](https://futureu.europa.eu/assemblies/citizens-panels/f/299/) in the last year and a half, co-convening it with Alberto Alemanno and Niccolò Milanese, and under this umbrella we have brought together members from civil society, EU institutions and academia to follow the conference through as ‘critical friends’

**Democracy seems to be experiencing a moment of crisis. How do you assess the European political momentum in which CoFoE is taking place?**

In a way, democracy is by definition in a state of permanent crisis as an impossible equilibrium between the need to aggregate the views of the many, who have to translate their togetherness into single policies and actions, and at the same time the stress on differences and stubborn pluralism.

This tension is even more pronounced at continental level, so it is not surprising that in some ways the EU has been in some version of democratic crisis throughout its history. Democracy needs to reinvent itself all the time to adapt to people's expectations and cultures and to the changing global environment.

But different crises have different flavours. Today’s crisis finds its roots in the EU’s democratic birth defect - the fact that European integration has unfolded not as a process informed by democratic decisions and by democratically elected politicians, granted, but politicians willingly captured by either bureaucratic logics or high politics ones, under the state of exception.

This model has been progressively contested both as the EU has dealt with increasingly sensitive issues that people care about, because they have distributive impact, like money, external policy, external borders, refugees, migrations and the likes. And because people's expectations have changed in the post-world-war period.

As a result, a transcontinental democracy is needed now more than ever anchor the EU level management of our polycrisis (refugee, financial, environmental, and of course, sanitary), in democratic accountability at all levels. In short, the more we bring competences up, the more we need to bring democracy all the way down.

However, in this transnational context people must have more spaces to participate in decisions-making. When  for instance, the European Commission takes the lead in critical decisions on how to allocate resources for the Next Generation Fund, it needs to do it in total transparency, to allow for a genuine [“democratic panopticon”](https://www.noemamag.com/the-democratic-panopticon/)  as I have called it. In an Internet age, this is not only more crucial but beautifully possible. And EU level democratic institutions like the European Parliament and even the European Council must contribute to this process by serving as spaces where this polycentric democratic anchoring also takes place.

Thus, the CoFoE has been convened in part to respond to these crises and see what we can do differently as we consolidate EU level cooperation and coordination in an ever-greater range of domains

**Do you think the CoFoE is originating a new public sphere? With which characteristics?**

There is little doubt that some kind of European public sphere is a prerequisite for a more democratic Europe. Many have spoken about a European public sphere in the past, consisting in, at least, two important pillars. First, and this may appear as tautological, it needs to exist materially. People need to speak to each other, debate, deliberate, and publicly disagree across national and social contexts.

Second, it must exist in our collective imaginary. Modern democracy is this magical moment when a people (defined or not by national boundaries) imagines itself as the author of its own destiny, having stolen this supreme authority from gods and princes. So in a European, the public recognise itself as such, image itself as an existing democratic public, the guardian of something we can call publicness

It is of course a tremendous challenge to encourage the organic growth of a cross border public sphere given our different languages in a broad sense, including our different political and cultural referenda.

Some experts have argued that there will never be a European democracy without a European public sphere where people connect more intensely a across-borders through traditional and social media, but also dramatically more physical interchange including through music festivals and the arts.  I have advocated in the past for a “Woodstock of `European politics.”

In this context the CoFoE can be thought of as a potential critical juncture in the development of a European public sphere that cannot happen overnight. I like to say that as an experiment it should adopt a much enlarged gaze across time but also space as we r[everse our democratic gaze](https://carnegieeurope.eu/2021/11/24/reversing-democratic-gaze-pub-85840) and learn from democratic experiments around the world.

Its digital platform, which draws on Barcelona’s decidim and its transnational citizens’ assemblies, will hopefully trigger crucial EU level developments that will help.  But the key question remains whether citizens will bite.

**In your**[work recently published with Alberto Alemanno,](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4000490) **you said there is the need for a democratic ecosystem for the EU. Can you explain more in detail what it means?**

The ideal of democratic self-determination has expressed itself throughout history in different shapes and ideas. Many political philosophers have spent lifetimes thinking about what this means. It is a much broader concept than periodic elections and requires much more hands-on civil society involvement than we currently have in the EU, even though efforts have been made, of course.

In the last 200 years, democratic participation has been perfected, or at least practised at national and local levels. But how do you “trans-nationalise” this across people who speak different languages, who have different political traditions and different electoral systems?

To state it in a somewhat grandiose way, our idea of a democratic ecosystem for the EU is to crowdsource all of the historical wisdom, experiences and memories and merge that with the proliferation of new democratic practises in democratic societies to create something new at the European level.

This ecosystem will be composed of different ideas and modes of action that can be combined in more adequate ways.

First, the renewed democratic ecosystem can strengthen and provide life blood to traditional representative democracy.

This is not only a story about legitimacy but also about efficiency. There is a growing social science literature showing how collective intelligence, the wisdom of the crowds and the crowdsourcing of expertise, can support processes to make better decisions or to supervise how they are implemented. If we take for instance, the Recovery and Resilience Fund, I would argue that a much more participatory and transparent process on how money is spent would also help maximise return on investment.

More broadly, participatory democracy can take a life of its own through a range of methods, from democratic rights of initiatives to citizens assemblies, from exchange and petition platforms to referenda, in which citizens are asked not for a binary yes/no answer but to rate and rank proposals on a given topic vote upstream of legislative decisions. And in doing so the EU ecosystem must not waste the tremendous democratic resource offered by its network of cities and regions, with more than a million elected officials and a great panoply of democratic experiments including of course virtual communities. It is tiresome to constantly ask whether the EU is “a” democracy. Instead, it must become a master in democratic practises, constantly asking whether there are new  ways to enrich and strengthen democratic credibility. In my view, radical participatory culture is the best way to push back against the crude expressions of populism.

But this ecosystem is not just about formal politics; there are other ways to do democracy through informal activism. Parallel to the representative system, new ways of protesting, influencing, expressing, but also transforming contestatory energies into conformal new ways of getting together, to provide local public goods, such as in care or environmental initiative, to provide services to local communities, or policies from the bottom up.  Here too of course, the virtual and the physical are enmeshed to reconfigure communities of civic action that can more easily connect across borders. In an upcoming EUI - Carnegie foundation report, we argue that while informal activism is a growing part of the ecosystem, we are talking about whether the relationship with traditional democratic institutions and the state is still being negotiated.

These various spheres can interact with one another and evolve organically, without legalistic grand plan, through more ad-hoc, liquid and innovative process. But equally, these which amount to deep change which eventually can be reflected in “Treaty change” per se, but also thought of as a ‘living constitution’ - the Irish citizens’ assembly process can serve as an inspiration here. This is why we refer to this as an ecosystem: the metaphor is less architectural than biological, because it is an evolutionary phenomenon. We cannot have an ex-ante blueprint on how “this is going to look like”.

**At the beginning of January,**[panel 3 on environment, climate change and health](https://futureu.europa.eu/assemblies/citizens-panels/f/300/)**, did not come up with a recommendation on nuclear. They seem to be too polarised on such a topic and they asked experts for help.**

Too polarised for sure for some of the participants. But I would argue that more profoundly a majority might actually have been too ambivalent and not able in such a short period of time to express such ambivalence in a way that could do justice to the complexity of the topic.

In a piece entitled “[In praise of ambivalence](https://kalypsonicolaidis.com/wp-content/uploads/2020/09/Nicolaidis-In-praise-of-ambivalence-another-Brexit-story.pdf)” I argued  that while we tend to frame everything as the result of polarisation these days, the worse pathology of our political era, we need to recognise that such polarisation is more a characteristics of the political class than of ordinary citizens, who get co-opted in warrying political tribes which turn a one-time vote into a social identity, what social scientists refer to as affective polarisation. I call this “Machiavelli trap” whereby the everyday life balanced instincts of citizens get subverted by political and factional politics.

So, it is fair to say on the issue you raise that, as a transition energy, nuclear is good or bad depending on the underlying conditions. It is not a black or white topic. Nuclear has the merit of making net zero emissions targets more credible but might also dampen incentives and resources for even cleaner technologies.

**What is the solution for this from your point of view?**

On this and other issues we need to find ways to tap back into people’s more nuanced beliefs and underlying ambivalent intuitions and present them as valued and wise rather than the negative connotations of indifference or indecisiveness.

This in turn requires more thoughtful and evidence-based deliberation and therefore more self-reflectivity in our politics. All the evidence show that citizens assemblies can be a great contribution to such a democratic culture of productive ambivalence, but provided that, citizens have the time and setting to debate in a spirit of empathy and mutual recognition. Polarised opinions often are diluted in the conversation. And so, a debte on ‘nuclear’ vs ‘renewables’ becomes a search for Aristotelian balance, the best sequencing, the best mix, and the more just distribution of costs and benefits.

**What is the role of the experts here?**

Experts can support the process of deliberation, taking into account many variables and avoiding ideological simplifications or channel their own preferences into the debate. Most importantly, since there is never a single truth of the matter, the floor should be given to different experts with different angles, which can contribute to contradictory debates. Even experts - I hope - are also supposed to lay out different sides.

Of course, the degree of desirable interaction between expert and deliberating citizens can vary tremendously. In fact, one of the ways in which the CoFoE has unfolded as an experiment is that the ‘use’ of experts has varied tremendously throughout the process. When I was in Florence, and contrary to colleagues in the early days, I replied to some questions citizens asked me, but we were not involved in a back-and-forth: citizens were the sole protagonists. My hope is that the kind of input we give can help elevate ambivalence into a virtue and lead to recommendations that are relevant to real world dilemma and difficult choices, as we discussed also in the EUI democracy forum. I believe that this is what the orchestration provided by CoFoE facilitators such as “Mission Publique”, IFOC, Deliberative or the Danish Platform of technology, tends to.

In order to translate the latter into concrete recommendations, experts can help laying out options and constraints, but there has been a more important yet scarcer resource in this process: time.

**You recently moderate a debate organised by the School of Transnational Governance  of the European University Institute (EUI) in Florence, with the title: “**[**For a Permanent EU Citizens' Assembly: Why, When, How?**](https://www.youtube.com/watch?v=juk23Pu93co&t=2619s)**” on whether deliberative democracy can be a permanent exercise in the EU.**

Thank you for highlighting this fantastic debate hosted at EUI, which is only one in a series of contributions we are making on this. As many scholars, activists, and professionals involved in the re-invigorating the practice of deliberative democracy have documented, we have been witnessing a [deliberative wave](https://www.oecd.org/gov/open-government/oecd-deliberative-wave-database-update.pdf), enhanced by digital technologies. Citizens panels or assemblies have proliferated across the world mostly at the local but also national level.

But transnational assemblies are in their infancies.  They have been discussed in relation to the [COP26 Climate Summit in Glasgow](https://globalassembly.org/)  or a global citizens’ assembly on [Genome Editing](https://www.globalca.org/about).  But there is no doubt that the EU is at the forefront and that in the coming months we will be debating how to transform the CoFoE’s four permanent panels into permanent features of the EU, with many variables to be decided, from selection, to process, to bindingness etc.

A crucial question is how to ensure synergies between such deliberative democracy and formal institutions worldwide. The CoFoE opened a temporary space for deliberation, but we still need forcefully to demonstrate the legitimacy of this new transnational democratic pillar along two complementary logics of legitimacy.

The first one has to do with the meaning of ‘representation’ that is explaining how a few hundred citizens chosen randomly ‘by an algorithm” (as some MPs say dismissively) can appear as a legitimate space for deliberation? The core ideal has to do with combining the ancient idea of sortition as rotation (you govern and are governed in turn) with the modern idea of sortition as ‘statistical representation’

The second logic has to do with process and how citizens assemblies can be integrated in the current formal system to supplement elections and the existing institutional system.

These two logics are both present, all being very imperfectly in the current CoFoE process. But citizens need to appropriate them.

**Do you have any recommendations for CoFoE organisers?**

To be honest, I am not in a position to “give lessons” at this stage, for which I will wait for the end of the process. Then, we will need to assess where this will all lead to. This maybe reflects my own ambivalence. As our conversation reflects, I personally strongly support this initiative, but I also feel the acute need for constructive criticism to make it better for the next time. Hopefully, in continuing the building on the efforts and resources put in this process, we will need to be vigilant that this experiment eventually permanently transforms the way the EU operates.