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5.   Demoicratic theory: Bridging positive, critical and normative approaches to European studies

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Demoicratic theory was born from an attempt to show that the framing of the debate on the EU's democratic deficit was misguided, assuming as it did that democratic legitimacy requires a polity binding one single demos. Instead, since its original statement (Nicolaïdis, 2004a; 2004b), this brand of EU theorising has brought together a constellation of scholars who have offered a plethora of alternative approaches to resolve the seminal tension between nationalism and supranationalism in the EU and beyond (Besson, 2006; Bohman, 2005; Müller, 2010; Cheneval and Schimmelfennig, 2013; Cheneval, Lavenex, and Schimmelfennig, 2015; Scherz and Welger, 2015; Strumia, 2016; Lacey, 2017; Beetz, Corrias, and Crum, 2017; Bellamy and Kröger, 2014; Bellamy, 2019; Innerarity, 2018; Přibáň, 2021). By bringing together two components: 'demoi' – from the Greek 'peoples', and 'cratos' – the power to govern, the term 'demoicracy' speaks to the nature of the EU which unlike any intergovernmental organisation is a *cratos* proper, but one that is jointly instantiated by different democratic peoples.

As a result, demoicratic theory is not an alternative to the explanatory 'isms' that compete in EU studies and are reviewed in this handbook (neofunctionalism, intergovernmentalism, constructivism or institutionalism, see Saurugger's and Bulmer's chapters). Instead, it offers a conceptual framework to bridge positive, critical and normative claims in order to both *analyse* EU practices as they have developed over time to manage transnational interdependencies between European peoples *and* provide a critical and normative take by which to *assess* these developments. It draws on the insights of these other theories to the extent that they can inform a theory of democracy beyond the state applied to regional integration. In doing so, demoicratic scholarship has incorporated ideas, concepts and propositions derived from International Relations, European law, comparative Europeanisation, democratic theory and democratisation as well as political science.

The idea of European demoicracy is seductively simple: 'a Union of peoples who govern together, but not as one' (Nicolaïdis, 2013), regulating the joint democratic government of inescapably different yet also inescapably interdependent *demoi* (Ronzon ,2017) (leaving aside for the moment the question of how to define these 'peoples'). Crucially, European demoicracy is not an *in between* (an intergovernmental organisation and a supranational state) as the EU is generally depicted in mainstream EU studies, even if it borrows features from both. Instead, a demoicratic lens opens up a *third way* perspective on European integration, different from conventional views that equate democracy with the existence of a single demos, either national or supranational: the first alternative depicts the European Union (EU) as an association that receives its delegated powers from the democratic member states represented by their governments, while the second alternative conceives of European integration as a process of convergence and homogenisation towards a European supranational state.

A third way lens serves to emphasise two key points: the contradistinction with what the other two have in common (democracy requires a single demos), *and* the *horizontal* quality

of the EU polity, a polity of multiple distinct but interdependent peoples committed to the 'mutual opening' of their respective democracies. 'Transnationalism', as opposed to nationalism and supranationalism, elevates 'horizontality' from a positive concept, describing the nature of international or European cooperation to a normative status to the extent that it can convey the ideal of 'ever closer' mutual commitment short of modern nation-state-building, in keeping with alternative extant conceptions of the link between state and democracy (Tilly, 2007). As we will discuss below, such horizontality cannot be operationalised without deepening the links between European citizens themselves which in turns requires radical democratic innovations.

As a metaphor for such transnational space, we can imagine a Rubicon separating the dreaded land of anarchy from the promised land of unity (Nicolaïdis, 2013). This is a river that Europeans have not and should not cross, resisting the sirens from the shores on either side, in order to navigate its choppy waters instead.

Arguably, the demoicratic third way is more demanding politically and sociologically than either of its alternatives and the most ambitious model of European integration on offer, including that of a federal state, grappling as it does with the uneasy but indispensable entanglement between peoples, and not only states. For as part of a demoicracy, European peoples must not only acknowledge their *economic* interdependence but also their *democratic* interdependence – namely, that they affect the health of each other's democracies, and that this generates societal and not only diplomatic *reciprocal* obligations. No wonder that European demoicracy as an ideal is only ever partially approximated.

The rest of this chapter is structured in four parts. The first two succinctly situate demoicratic theory within first, critical and normative approaches, and second, in relation to other explanatory theories of European integration, specifically liberal intergovernmentalism, as well as functionalism and constructivism. The third asks how demoicratic theories fare in response to its critics. The fourth reviews open questions, contentions and dilemmas regarding European demoicracy and highlights some key questions for future research. The chapter concludes by pointing to the challenges ahead.

CRITICAL THEORY AND NORMATIVE DILEMMA

We start by situating demoicratic theory within its family of 'Critical Social Theory' (CST) both descriptively and normatively (Manners, 2020; see also Balibar, 2017). In short, CST can help confront ideological orthodoxies and disciplinary fences in order to support the EU's self-proclaimed fundamental principles, while breathing fragments of 'another Europe' into its present practices, and in so doing support its on-going transformative potential. Crucially, however, extant agreement among scholars on some fundamentals leaves many spaces open for variants, as follows.

What do we Mean by 'Transformation'?

If CST pays particular attention to the emancipatory promise of social transformation, the idea of demoicracy was meant to free up political energies from teleological tropes bent on describing the EU as a political endgame, by constructively stressing the on-going transformative quality of European integration in keeping with Kant's process cosmopolitanism (Cheneval

2005). If a demoicratic order is about *process* rather than *finalité*, this process has neither been linear nor uncontested, owing in part to the tension between the messianist logic that has prevailed in the EU since its inception (Weiler, 2012) and a more open-ended demoicratic ethos and praxis. Traditionally erected on the two separate pillars of indirect (intergovernmental) and direct (supranational) electoral democratic legitimacy, the EU is evolving into a transnational democratic system relying for its evolving legitimacy on multifaceted representation, deliberation and participation which the label of 'demoicracy,' seeks to capture (Lord and Magnette, 2004; Lord et al., 2022). But demoicrats can differ on the interrelationship between three types of transformative dynamics which shape the novel transnational order on which a demoicratic EU builds: (i) the transformation of the European state *system* away from a classic regional order of sovereign states; (ii) the transformation of *nation states* into *member states*; (iii) the transformation of a diplomatic contract through intergovernmental EU treaties into a *democratic contract* within and between the peoples of Europe. In theory at least, this third transformation is underpinned by the transformation of national societies through processes of horizontal Europeanisation. Such a three-pronged 'transformative' logic unfolds in contrast with the 'mimetic' logic behind endeavours to build a continental state - at least in so far as it remains open-ended.

Is Demoicracy Contingent on the 'No-demos' Thesis?

To be sure, the original formulation emerged as a response to the 'democratic deficit' diagnosis of the early 2000s that triggered calls by the likes of Habermas and Derrida (2003, see also Habermas, 2015) for bringing to life the missing 'demos' through a Europe Constitution. But demoicratic theory is not predicated on the 'no-demos' thesis as originally formulated, e.g., the belief that the EU can never be democratic *as such* (Grimm, 1995). It proposed instead to appropriate and subvert the 'no-demos' thesis in order to claim that the absence of a demos has not been an obstacle to a democratic Europe. Indeed, there is no need to deny the possible or desirable emergence of a *thin* European demos, while at the very same time arguing that what matters is (1) to acknowledge the plurality of peoples involved in managing their democratic interdependence, and (2) the importance of the interplay between a weak EU demos and the various, thicker national demoi (Lacey, 2017; Nicolaïdis, 2015). What matters in this regard is the growing Europeanisation of national public spheres, especially with regard to issue salience, which after all is the precondition for the emergence of a European demos (Risse, 2014). Nevertheless, demoicratic theory does encourage us to resist the recourse to a holistic notion of 'European identity' as the necessary underpinning of the EU polity, as many, if not all, federalists would have it. Importantly, this means that the European project needs not be built around the identification of some 'other,' as most national projects have historically been (Fisher Onar and Nicolaïdis, 2015).

Do the Demoi in Question need to be 'National'?

Mouffe (2013, 51–53) draws on the idea of demoicracy to argue for an 'agonistic model of Europe' with a 'plurality of democratic spaces for the exercise of democracy' recognising the tensions between all levels of authority including the subnational. Echoing Besson's call (2006) to deterritorialise demoicracy, she argues for an EU where there would be a multiplicity of different kinds of demoi not only national ones. Alternatively, Cheneval and Nicolaïdis

(2017) argue that the possibility of popular sovereignty being exercised concurrently by several rather than just one demos must be grounded in demoi which are themselves constituted politically as 'sovereigns', that is self-determined. This does not necessarily mean that popular sovereigns are *national* sovereigns. We can in a demoicratic spirit celebrate a democracy of the multitude in Europe, less *á la* Negri as an exercise in disintermediation which simply aggregates the powers of individual humans, and more in the spirit of the Spinozian original, a demoicracy of intersecting multitudes where institutions structure and channel passions while pushing back against social, economic and geographic hierarchies (Field, 2012). One day such demoi may even transform into cloud communities as prefigured by Estonia's sovereignty on the cloud (Orgad, 2018). And perhaps most importantly, the demoi in question must be expanded to include future generations. Arguably, the demoicratic frame is adequate to encompass various such ontologies.

What Methodology to Encompass the Descriptive and the Normative?

A main methodological concern associated with demoicratic theory has to do with the risk of circularity from being both a *positive* theory which accounts for the EU reality as is, and a *normative* theory offering an ideal used to assess this very same reality. One solution adopted by Cheneval and Schimmelfennig (2013) is to reason from 'first principles' derived *à la* Rawls from a hypothetic original position which allows for a fair balance of all possible conflicting views on what principles the basic structure of a demoicracy ought to follow. Another option (Nicolaïdis, 2013) inspired by the Frankfurt school's *immanent critique* and termed 'inductive normativism' (akin to practice-dependence) starts with the presumption that the essence of European demoicracy can be found as immanent in the EU as it has developed over time, thus allowing for real life approximation of Rawls's 'original position', but only under certain conditions which amount to learning from the bargaining, deliberation, and contestation inherent in EU practice while abstracting from its power asymmetries (ibid). As a non-ideal theory, this approach grounds the EU's normative drive in what the EU has been meant to escape, namely transnational domination and denials of recognition.

Two Normative Benchmarks

Thus, a progressive critical theory of European integration can be grounded in two core normative benchmarks (or 'clusters') of European demoicracy, namely:

(1)   'Transnational non-domination' which stems from the core vocation of the EU as an anti-hegemonic rather than an anti-national project, a project that is bent on curbing the drive for domination by some states and within states by some people, over others. This is the deeper meaning of the Union's peace project which brings to a transnational context the Republican concern for non-domination as democratic freedom by which humans are free from one another's arbitrary power (Pettit, 2012; Bellamy, 2019), with a special concern for small states (Magnette and Nicolaïdis, 2005). To achieve non-domination transnationally requires the balancing of horizontal (between states) and vertical (between the states or their peoples and the federal centre) power asymmetries, since dealing with one threatens to bring about the other, thus alerting us inter alia to the risks of EU institutions providing cover to horizontal domination by big states. Guisan

(2013) argues for non-domination to be theorised through Arendt's work, recasting political power as action in concert.

(2)   'Transnational mutual recognition' that aims at overcoming the deep-seated denials of recognition that – again from non-ideal theory – the original European project sought to escape (Nicolaïdis, 2017a). If the basic constraint of non-domination is meant to keep the European ship away from the two-nation state-centric shores of the Rubicon, political projects also need to catch wind in their sails, some kind of animating force. If Europeans are part of 'a community of others' (as Weiler famously put it, 1999) not brothers, who are somewhat at home anywhere in Europe but are nevertheless from 'somewhere', European demoicracy is predicated on the mutual recognition of their many European identities – not on their merger. Not only does a demoicratic ideal promote respect for their differences, in a classic communitarian sense, it also urges a true commitment to engaging with each other, referring to the entire realm of social interactions: identities and cultures, political traditions, social contracts, historical grievances and memories. In time, multinational politics and perhaps even a new citizenship will emerge from the confrontation, accommodation, and inclusiveness of Europe's varied political cultures. And from this in turn, an enlarged mentality may even emerge, as Kant would have it, of thinking and judging from the point of view of everyone else (Nicolaïdis, 2020b). Demoicracy cannot be reduced to the continued existence and desirability of diversity in an interdependent world threatened by powerful homogenizing forces. There may be enduring demoi but the challenge of demoicracy is for them to engage enough with each other in order to deliver kratos as part of the equation.

HISTORICAL JUNCTURES: BRIDGING DEMOICRATIC THEORY AND EXTANT THEORIES OF INTEGRATION

How then can demoicratic theory be mobilised to *explain* critical historical junctures in the EU? Here we compare and contrast it primarily with liberal intergovernmentalism (LI), as well as secondarily with neofunctionalism, institutionalism and constructivism (see Saurugger's and Bulmer's chapter). We can highlight seven conceptual pathways from a liberal inter-governmentalist understanding of European politics to demoicratic theory (Nicolaïdis, 2018; Ronzoni ,2017; Bellamy, 2019).

First, the idea of demoicracy shares LI's main premise that the EU is a political system grounded in the domestic politics of its member states. But demoicracy goes further than the realisation that cooperation serves mutual benefits and therefore the enlightened self-interest of its members. It is also grounded in the recognition of mutual responsibilities not only between states but between peoples. A demoicratic EU is not only a forum where different state actors come together to bargain but a space where more stringent and binding reciprocal commitments between the peoples themselves come to be entrenched *qua* responsibility over time (Ronzoni, 2017).

Second, in the LI story, national social and economic pressures, transmitted through domestic political institutions, define *state preferences* which in turn can be traded-off one another – that is, the set of overlapping substantive social purposes that motivate EU policies. In so far as the states are democratic, they confer their legitimacy to the decisions adopted in suprana-tional institutions. In the demoicratic story, we ask further where this delegation normatively

takes us. It is this very process of *legitimate* aggregation of preferences, we say, that defines 'European peoples', or demoi, rather than any ethnic and reified sense of 'we'. In civic rather than ethnic terms, the boundaries of a demos are defined by the community where loser's consent obtains. This may or may not be the case at the EU level. Hence, the bargaining over interests between states works differently for different issues. Especially from smaller states' viewpoint, qualified majority voting (QMV) which can potentially overturn majorities in 22 member states is not always acceptable. And if this is true, the demoi must remain *pouvoirs constituants* whether in their ability to enter, withdraw from or shape the EU's primary law (e.g., Treaties) (Cheneval and Schimmelfennig, 2013).

Third, normatively, these considerations imply that the EU's democratic credentials are to be judged first by how integration affects the qualities and pathologies of national democracies before asking what happens at the EU centre, underscoring the relevance of state-society relations when thinking of rights of interference between states. In a critical vein, a demoicratic approach asks under what conditions EU influence on national democracy may shift from democracy-enhancing (Keohane et al., 2009) to democracy-pre-empting, as we saw during the euro crisis (Matthijs and McNamara, 2015). The *raison d'être* of the EU is not merely to foster the *problem-solving* capacity of its member states, but the *democratic* capacity of its peoples. Therefore, the governments of member states should not be taken at face value if they do not suitably channel the voice of the people they represent, while the EU must commit *negatively* to 'do not harm' to national democracy and at the same time *positively* to strengthen the domestic democratic quality of its states.

Fourth, a demoicratic frame augments the traditional assumptions of global liberal politics by emphasising the normative weight to be given to the quality of *horizontal* ties not only between state apparatuses but through transnational networks at all levels (Slaughter, 2017). In other words, demoicratic scholarship shifts the spotlight from the vertical focus on domestic accountability of liberal theories to a horizontal accountability *among* demoi, thus bringing transnationalism *all the way down*. Demoicratic theory therefore relates to some of the functionalist literature in asking how national democratic systems adapt to the imperative of 'other-regardingness' or legal empathy which is at the core of European law (Nicolaïdis, 2017b). As leaders balance their respective democratic mandates, publics must demand cognitive tools for engaging in transnational societal empathy (Sternberg et al., 2018) and establishing a form of joint and equal control over the conditions that allow their reciprocal non-domination through institutional and legal safeguards at the (EU) centre.

Fifth, when LI simply notes *power* asymmetries as reflected in intergovernmental bargains through asymmetric interdependence, demoicratic theory starts with this diagnosis but focuses its normative gaze on the extent to which such power asymmetries are mitigated (or magnified) through prevailing institutions. Since demoicratic theory asks how the cratos, or 'governing together', avoids domination, it asks the analyst to assess whether this balancing act succeeds or fails.

Sixth, like LI, demoicratic theory recognises the crucial importance of *commitment* strategies in allowing for sustained cooperation over time. But it is normatively concerned with the foreclosing of democratic options that such commitments create as the product of intergovernmental collusion which may not reflect societal preferences *over time* and may contribute to the *invisibility* of power in the EU (Chalmers et al., 2016). Considering the joint decision traps which make it almost impossible to reverse gears in the EU, an institutionalist demoicratic lens calls for a much greater resort to mechanisms that are familiar to 'cycles of federalism'

(Nicolaïdis and Howse, 2001). These include appropriate reversions to state competences, sunset clauses as well as the strengthening of domestic institutions meant to endogenise commitments to other countries (Merlo and Fasone, 2021).

Seventh and finally, a constructivist demoicratic lens takes us beyond interests into *ideas,* by suggesting that the constitutional equilibrium we are concerned with also rests on the *social construction* of a polity separate from but connected to popular sovereignties (Lindseth, 2014; Cheneval and Nicolaïdis, 2017). This balance depends in part on the kind of social imaginaries that can only follow from democratic praxis within and among societies (Přibáň, 2021; Nicolaïdis, 2023). An incipient demoicratic EU must accommodate a diverse range of imaginings among its citizens of what it is, might be or should be (Lacroix and Nicolaïdis, 2010; Matthijs and McNamara, 2015). Allowing for the coexistence of these diverse perspectives – contrary to the repeated and unimaginative calls for a *single* European story – has long represented a kind of narrative 'constructive ambiguity' which has helped avoid entrenched teleological struggles among European political actors (Pélabay and Nicolaïdis, 2009). If such narrative open-endedness was lost on pro-Brexit voters in the UK, it is also often lost on the Eurosphere in Brussels (Nicolaïdis, 2017b).

CHALLENGES TO A THIRD-WAY EU

There is no doubt that the series of crises the EU has experienced over the past decade has put this 'demoicratic model' under huge pressure. From the international financial crisis to the refugee crisis to the COVID pandemic, exogenous shocks (sometimes with endogenous multipliers) have tested the fragile equilibrium on which the evolving EU demoicracy was built and which did not withstand public contestation, politicisation, and constraining public dissensus.

To simplify, the EU's demoicratic equilibrium has been threatened through a double centrifugal force: on one hand, 'nationalist sovereignism', e.g., calls for renationalising politics and policies by right-wing populist politicians, sometimes leading to autocratic rule; and on the other hand, executive and expert-centred, 'technocratic supranationalism' e.g., greater bureaucratic centralisation and depolitisation as both a trigger and a reaction to these populist currents. This in turn has made the European demoicratic construct vulnerable either to functionally driven calls for fusion or to the unavoidable backlash into secession. As a result, the demoicratic third way is becoming hostage both to member states that are backsliding towards illiberalism, and to executive governance ungrounded in popular sovereignty – trends which in fact reinforce each other (Caramani, 2017). As a tragic political animal, our demoicracy may very well depend on an unstable and contingent equilibrium.

Real world developments have in turn provoked theoretical challenges regarding the resilience of the EU as demoicracy as concerns us here. Some have criticised demoicratic theory for not adequately accounting for the EU's supranational elements (Patberg, 2020), or conversely for underplaying its grounding in classic international law (Dickson and Eleftheriadis, 2012), or for assuming that its distinctive normative ideal could find an institutional translation (Ronzoni, 2017). In the latter view, the reciprocal non-domination of interdependent people which demoicracy aims to realise will necessarily imply an institutional choice for either a 'thin' federalism or a 'rich' or 'moralised' intergovernmentalism.

In response to these criticisms, demoicrats argue that the demoicratic ideal does have specific institutional implications, but these (a) are debated and contested among demoicrats

themselves, and (b) change over time as new challenges emerge, with many being contingent on learning from past failures and new developments.

Status Quo, Incremental Change and Radical Transformation

The empirical starting point for a demoicratic institutional model is to take the EU *as is* and to eschew nation-state 'mimetic' departures from the existing EU design (e.g., turning the Council into a 'Senate' or the Commission into a 'government'). Moreover, demoicratic theory asks what happens when the foundational equilibrium heralded by Weiler (1999) between judicial supranational empowerment and retaining the national veto, is put into question (Nicolaïdis, 2017c). Arguably, and until the polycrisis, the EU had taken small steps to reinvent this equilibrium in other guise: the generalisation of opt-outs and the 'exit clause' introduced in the Lisbon Treaty; the retaining of elements of formal state equality through the continued rotation for the Councils of Ministers; the collective reassertion of voice on the part of member states in the face of growing EU (including Commission) competences in the financial area; and a management of enlargement that has not meant an abandonment of the consensus-and-compromise method of decision-making. Nevertheless, when demoicratic theory started as a benign defence of an EU accused of democratic deficit, demoicrats have increasingly advocated for more radical democratic transformation.

Demoicratisation as Process to Balance Centralisation

A second line of response has been that this story is not about democracy as a type of regime but about democratic *processes* (in the spirit of Dahl, 1989). EU legitimacy calls for 'demoicratization' which is the process by which the continuous pull for uplifting national competences to EU level, especially core state powers (Genschel and Jachtenfuchs, 2016), is counterbalanced by a parallel commitment to ever greater anchoring of European action in national or local democracies (Cheneval, Lavenex, Schimmelfennig, 2015) In this view, vertical *demoi*-cratization has seen both the empowerment of the European Parliament (EP) and the strengthening of parliamentary oversight at the national level (see Costa's chapter). By contrast, horizontal *demoi*-cratization has been promoted by governments as an alternative to majoritarian and legally binding policy-making in core areas of statehood, and to coercive and redistributive policy-area. This has led to soft, coordinative forms of policy-making aimed at protecting national autonomy (Nicolaïdis, 2017a). Analysts disagree on the extent to which these developments actually meet the normative standards of demoicracy in practice.

Horizontality

Critics tend to miss the core feature of demoicracy, e.g., the necessary mutual opening up of democracies is less the pre-condition than the result of a political-legal order centred around horizontal transfers of sovereignty between demoi and between their representative institutions. Such dynamics are neither inter-governmental (which concerns mostly governments), nor federal (which is a vertical aggregative logic). They occur both institutionally through the close cooperation between all parts of the disaggregated states or in regulatory terms through the managed mutual recognition of national regulation involved with the single market, the Schengen zone or Eurozone regulation. Important political reforms related to transnational

European party lists for EP elections, European citizenship or the establishment of transnational citizens's assemblies, are part of this equation (see Beaudonnet's and Van Ingelgom's chapters).

Polycentricity and Reversibility

Polycentricity and reversibility, as inspired by the work of Margaret Ostrom, are at the core of the demoicratic agenda (Nicolaïdis and van Zeben, 2019). For instance, against a hierarchical understanding of the EU's constitutional order, the EU should embody the idea that peoples in a demoicracy mingle their national democratic orders by choice, a choice for free association that needs to be seen as ultimately reversible and where consent and delegation cannot be assumed as given once and for all (see cycles of federalism above). What is more, such an idea of non-presumed consent calls for tempering with legal hierarchy. Constitutional pluralists (Avbelj and Komárek, 2012; Maduro, 2012) push this idea further and start from the empirical observation that the question of national constitutional authority in the EU remains open in law, in order, ultimately to ground their normative claim that the locus of authority ought to be left open. Polycentricity and 'heterarchy' – defined as the 'networks of elements in which each element shares the same horizontal position of power and authority' – is seen as superior to hierarchy as a normative ideal in circumstances of competing constitutional claims.

National Authorisation by Interconnected Demoi

As part of a demoicracy, participating states must abide by the commitment to make their citizens author the laws that apply to them, thus putting national modes of authorisation of EU decisions and rules at the centre. If the EU is primarily accountable to its demoi, not just to their states, 'when governments make commitments to one another about their future behaviour, they simultaneously need to be responsible and accountable to their domestic populations in order to retain their political legitimacy' (Bellamy and Weale, 2015, 259). If the demoicratic legitimacy of the Union starts with whether the EU polity takes roots in the democratic practices of the member states, the Eurocrisis has exposed the insufficient effort made by national institutions to channel citizens' participation in European affairs and to allow for adequate controls over collective decision-making. EU accountability implies that every national democratic public, and not just their governments have the last word on EU law that matters most (e.g., primary law). In this spirit, many demoicrats further insist on the role of national parliaments (inter alia, Bellamy and Kröger, 2014), and moreover, the connection between national parliaments at the EU level, including but moving beyond COSAC. Others explore the conditions for legitimate, and transnationally connected, national referenda (Cheneval and El-Wakil, 2018).

Demoi Occupying the Centre

Even if European citizens tend to access the EU through national politics, direct EU-level accountability to European citizens is also crucial to a well-functioning demoicracy. Early demoicratic arguments to downplay the EU's democratic deficit were correct when first presented but lost their strength with the combined rise of executive and technocratic dominance in the contemporary EU. The first is part of a wider migration of executive power towards

types of decision making that eschew electoral accountability (Curtin, 2014). The second as part of the rise of non-elected EU agencies which took on disproportionate power over national governments and the EU to become sources of democratic pre-emption has been widely documented and debated (Crum, 2013; Hix, 2014; Sánchez-Cuenca ,2017; Chalmers et al., 2016). Demoicrats insist on the importance of transparency and throughput accountability (Schmidt, 2020), as well as of the European Parliament (Crum and Fossum, 2009), in managing these trends that have combined to make popular democratic control more difficult in the EU.

Residual Unanimity and Exit

In the EU's story, as discussed above, pooled sovereignty in most domains of joint management is necessary for effectively 'governing together'. But some residual unanimity rule (or unanimity minus one) remains crucial on issues that affect the shape and reach of the union itself and therefore the status of demoi as *pouvoir constituant*. If this is the case, while the *right* to leave the union is a crucial part of a demoicratic contract, this *process* should neither be unilateral nor unconditional. A member state cannot just walk away from the network of obligations its people have entered into through the demoicratic contract, especially when its veto can be mobilised to hold hostage crucial decisions in the Union. Demoicrats debate ways of 'taming the veto' for treaty change and the appropriate conditions for exit. An important conversation has to do with 'mixed' constituent power that constituted powers ought not to act as constituent powers (Patberg, 2020).

Balancing Interference and Deference

Like everyone else, demoicrats probe the contours of 'pooled sovereignty' and thus the vexed question of the 'right balance' between mutual deference and interference between states. It is surely not enough to state that the only measure of non-domination is whether a demos can decide for itself. Rules governing the different demoi are there to ensure that they are in a *reciprocal* relations of non-domination. Under the imperative of non-domination, the EU as demoicracy has adopted safeguards at the centre precisely to ensure that each member state: (1) binds itself to retain the kind of democratic channels that ensure authorship of EU rules by its own demoi; (2) and, especially if it is powerful member state, binds itself to ensure it does not dominate others. These rules stem from the mutual expectations underpinning the demoicratic contract in the first place that interference by the centre is best exercised to *empower* local actors to exercise their democratic rights. Conversely, control by the individual government over the conditions of their cooperation inside the EU should end if and when their country stops fulfilling the *preconditions* over the original entry into such contract in the first place (e.g., democracy and rule of law).

CAN A EUROPEAN DEMOICRATIC IDEAL BE SUSTAINED IN PRACTICE?

As the EU will continue to deal with the aftershocks of the financial and Euro-crisis, its deep on-going cleavages around immigration, anti-democratic forces in all and democratic backsliding in some of the member states, political extremism and violent conflicts at its border

alongside the threat of hybrid warfare, demoicrats might be more optimistic than many other analysts regarding the resilience of European demoicracy. While the incompleteness of this project itself should not be seen to constitute an endogenous source of crisis (see Cheneval et al., 2015), and while it is arguable whether the EU should stick to its unique and uniquely stable 'constitutional settlement' (Moravcsik and Nicolaïdis, 1999), demoicrats have noted Europe's democracy trilemma (Nicolaïdis and Youngs ,2014) and the progressive erosion of the socio-economic foundations underlying such a settlement (Nicolaïdis, 2018).

This concluding section reviews some of the most relevant avenues for further research asking under what conditions European demoicracy can live up to its ideal in practice in order to be sustained over time. In this spirit, we critically revisit debates over supra- and transnational constitutional and democratic innovations, including demoicratic reforms of a radical nature that are arguably pivotal for sustaining demoicratic norms in future Europe.

Revisiting Non-domination and Recognition in Practice

Several exogenous crises and endogenous dynamics have severely challenged both fundamental demoicratic foundational norms discussed at the beginning of this chapter, raising the following questions.

On the question of dominance for instance by fiscally strong states, what is the line between the legitimate exercise of disproportionate 'responsible' power in the pursuit of common purposes and illegitimate albeit 'soft' domination? The issue of German power in the EU will continue to test the resilience of the demoicratic contract. But if one way out of the conundrum is to opt for differentiated integration, this path in turn raises new risks of dominance, this time between the ins and the outs of differentiated schemes of cooperation (Bellamy and Kröger, 2017; Faure and Lebrou, 2020; Fossum, 2021, Nicolaïdis, 2021).

And how can the emancipatory potential of mutual recognition be actualised? Some argue that mutual recognition does not suffice in providing the 'ties that bind', or that political mutuality cannot obtain under profound inequality and widespread precarity among young Europeans (Azmanova, 2020). Others seek to clarify the connection between recognition between peoples and recognition between states' laws and regulations (Nicolaïdis, 2017a). And demoicratic theory will need to clarify the line between legitimate and the illegitimate use of recognition with regards to liberal vs. illiberal member states.

Specifically, the issue of backsliding represents a hard case in point for demoicratic tolerance. While in principle tolerance should mean openness to different democratic cultures and democratic practices (Dahl, 1989) sustainable demoicratic integration is also premised on a number of prerequisites, most importantly the rule of law as a *sine qua non* of mutual recognition regimes in the first place. At its best the EU as demoicracy fosters the health of national democracies. But what if the EU is indifferent to or even facilitates and magnifies national political pathologies? What do demoicrats advocate regarding democratic backsliding in countries like Hungary, Poland or Bulgaria? Some scholars doubt the coherence of the demoicratic and constitutional pluralist approach in this realm (Kelemen, 2017; 2019). In response, Kröger and Bellamy (2021) argue that a demoicratic approach to backsliding can allow for withdrawing EU funding and voting rights if and only if this contributes to democratic empowerment within these countries. More radically, as instances of domestic domination, rule of law offenses can be seen as incompatible with a demoicratic ethos, calling for more extensive non-arbitrary interference (Ronzoni, 2017).

Can Federalism be Demoicratic?

A related question is whether Europe's polity is evolving organically or by design, and whether it should, and relatedly whether political leaders have to internalise the demoicratic constitutional grammar for a sustainable mode of European demoicratic integration to obtain. What is the relationship between the way a demoicratic polity comes about, how it develops over time and what political actors believe they are actually doing? Does the demoicratic nature of a polity need to be intentional, both for its founders at the origin and as it is reformed over time, following the path of integration through democracy (Tully, 2007)? Alternatively, instead of the foundational ideal and non-ideal theories discussed in part I, demoicrats could resort to what Hallstein labelled 'creative opportunism', namely a balance that no-one intended to begin with but is the non-intentional consequence of a pragmatic politics that navigates the Rubicon and eschews binaries. European demoicracy may result not only from 'rhetoric entrapment' but also from 'normative entrapment,' as a demoicratic ethos takes precedence over institutional design proper.

But what design, intentional or not, are we talking about? Framed in constitutionalist terms, some will continue to argue that demoicracy is just another way of speaking of 'federal democracy'. This question is underdetermined, especially if one steps back and deconstructs the various strategies of appropriation when it comes to ideals like 'federalism' or 'cosmopolitanism' (Nicolaïdis, 2021). Arguably, the 'real' federal vision (as opposed to the 'federalist' school) long predates its capture by the state in the nineteenth century (Nicolaïdis and Howse, 2001), even if in the public imagination of most (except for Germans), 'federalism' tends to refer to the centralisation of powers (see Foret's chapter). One can attempt to rescue federalism from its *etatist* incarnation by conceptualising EU demoicracy as a federal union not a federal state (Nicolaïdis, 2017c). Or alternatively, is federalism just too tainted by the particular conception of a 'federal state' to serve as background model for the ideal of demoicracy?

Can a Demoicracy become a State?

These broad conceptual questions take us back to the vexed question of 'the state' in the EU – referring both the fate of national state and the nature of their supranational union. Parties in the 2022 German governmental coalition have called for a new convention to institute a 'European federal state'. How should demoicrats react? At which point will a demoicratic union have crossed the Rubicon whereby the EU's legal order will have taken on undeniable statist characteristics? How to take in Tilly's argument that democrats need to cherish rather than factor out state capacity all together, arguing that 'no democracy can work if the state lacks the capacity to supervise democratic decision making and put its results into practice' (2007, 15f.). In this vein, demoicrats need to further explore the preconditions and consequences of alternative forms of networked statehood (e.g., central bank, government, legislative as well as judicial networks) and assess their demoicratic legitimacy in the interconnected new world of European state organisations (Slaughter, 2004).

Specifically, some have argued that the monetary union is not soluble in demoicracy, given the irreversible centralisation of functions and loss of voice induced by a deterministic reading of 'market pressures', which in turn have led to overriding good practices developed by individual European states in the domain of accountability (Kovras, 2021). As discussed above under the label demoicratisation, while some developments in Eurozone reform can be read as

demoicratic too (Chalmers et al., 2016; Merlo and Fasone, 2021), more can be done to sustain the third way spirit of the EU in the face of functional pressure to centralise. Institutional demoicratic innovations have been proposed, most conspicuously a new interparliamentary body tasked with exercising national budgetary powers together but not as one (Hennette, Piketty, Sacriste, Vauchez, 2019).

Demoicratic Public Opinion

Turning to the citizenry at large, can we have demoicracy without demoicrats? How do citizens start to think in demoicratic terms? Or is the ethos of demoicracy pervasive enough in the EU that a critical mass of actors 'do it' and 'get it' without labelling it, as Mr Jourdain spoke prose? Analysts of polarisation in Europe stress that European publics have allowed their political space to be monopolised by two antagonists integrationist and anti-integrationist camps, others highlight the importance of integrating both pro-European and openly Eurosceptic perspectives in order to gauge public opinion's appetite for demoicratic third way (DeVries, 2018; Hurrelmann, 2015). It may be that for European publics to support the EU-as-demoicracy, democratic innovations will be required to tap both in their underlying ambivalence and their desire to make good on their democratic interdependence through greater mutual engagement and deliberation across borders (Nicolaïdis, 2020a).

Demoicratic Citizenship

In short, demoicratic citizenship is grounded on *both* a bottom-up and a horizontal perspective focused on taking transnationalism *all the way down* to the citizens. How is this commitment translated both formally and in practice? Some ask how demoicratic agency is best exercised simultaneously through the dual route of national and EU citizenship (Scherz and Welger, 2015). Others argue that the key to EU demoicracy is to focus on the various channels of democracy from below, empowering both formal and informal civil society to make good on the Lisbon Treaty's provision on participatory democracy (Liebert, Gattig and Evas, 2016; Liebert and Trenz, 2011). This involves enhancing formal mechanisms that allow *demoi* more effectively to borrow from one another and interconnect their different parliamentary, party political and electoral systems. For some, this agenda would best be served by introducing transnational party candidate lists for European elections or greater inclusion of non-nationals candidates in national elections. Others emphasise citizens' shared rights, not only vis-à-vis the EU but also regarding residents from other member states, and their right to participate in all national elections and referendums.

  Across these lines of enquiry, demoicratic scholars need to explore existing and potential mechanisms for mediating political contestation in different political and social fields of action in demoicratic ways, including through political sociological inquiries approach (see Bonnamy and Canihac's chapter in this volume).

Deliberative Demoicracy

However, to counter democratic disaffection and the fragmentation of the European public sphere we also need to move beyond voting and other traditional rights associated with citizenship (Van Reybrouck, 2018). A demoicratic ethos explores a 'right to participate and

deliberate' jointly with citizens from other states, beyond traditional models of representative democracy which cannot achieve direct democratic interaction and debates across national or metropolitan polities and citizens in Europe. A demoicratic research agenda explores new ways of linking representation and participatory processed in the EU context, thus interrogating the meaning of 'representation' itself.

In this regard, the EU's Conference on the Future of Europe (CoFE, May 2021–May 2022) was a greatly valuable demoicratic experiment. Its use of European Citizens' panels demonstrated that transnational deliberative processes can be effective in enhancing the kind of mutual knowledge and entanglement called for by a sustainable demoicracy (Alemanno and Nicolaïdis, 2021). The demoicratic case is strong for democracy-through-sortition (Sintomer, 2023) at the EU level that would lead to substantive powers for transnational citizens assemblies, whose workings would empower citizens and civil society organisations *through* their deliberative, monitory and mobilising functions. More broadly, CoFE has opened a new window of opportunity for reflection on new kinds of political agency and interaction between citizens, political elites and bureaucracies to bring the deliberative wave, which has so far concerned only the local/national (Chwalisz, 2019) to the next level as a crucial way of managing democratic interdependence. Hence, we need to ask how the twin challenges associated with mere changes of scale and with the trans-national character of deliberation can be combined (Vergne, 2013). Accordingly, the EU could offer a new space for citizens' empowerment by refining modes of multilingual and transnational communications for a radically renovated European demoicratic public sphere (Evas, Liebert and Lord, 2012).

Inclusiveness and Boundaries

Turning to the question of membership and inclusion ('who is us'), how does demoicratic theory deal with conflicts over boundaries and migration? A demoicratic view abides by individual rights protection but without eschewing logics of governmental discretion (Bellamy, Lacey and Nicolaïdis, 2018). But while Bellamy and Lacey (2018) argue for the primacy of duties owed to national citizens stemming from the national social contract, Strumia, (2013; 2016) defends a more porous understanding of what a demoicratic ethos entails, as a right to belong across borders, both EU and third-country nationals in the EU. Nicolaïdis and Viehoff (2017) similarly argue that a 'virtuous demoicrat' assigns particular urgency to the rights of the vulnerable and often dominated refugees. If it is true that conflicts surrounding asylum policies are more intense at the domestic than at the EU level we can hope for a transnational politics that might contribute to opening up democracies to each other when it comes to this crucial debate (Kriesi and Oana, 2021).

Generalisability

Finally, is demoicracy bound up with the sui generis nature of the Union or is it applicable globally? It has become something of a commonplace to discuss the EU – understood as some version of the international, cosmopolitan, constitutional, Kantian, or otherwise federal – as an instantiation of more general theories of democracy beyond the state, of global law or global governance. But if there is no reason to exclude a priori the relevance of demoicratic theory to the global, it needs to turn its gaze beyond European confines if it is to be relevant (Nicolaïdis, and Youngs, 2023).

CONCLUSION

Europe's demoicracy in the making may be partial and therefore imperfect but that means it is perfectible. Demoicratic theory was initially inspired by the 2001–03 constitutional convention and its pitfalls, from the tyranny of dichotomies dividing delegates into two opposite camps, to the temptation to define a 'European other' at the time of the Iraq war, and the risk that a kind of 'US envy' would lead to equating ambition for the European dream with a simplistic label: the 'United States of Europe' (Nicolaïdis 2003; 2004). Instead, scholars who adopt this broad and fluid theoretical umbrella harp back to both republican and liberal ideals of democratic equality and self-determination to define the conditions under which the EU can both sustained and improve Europe's demoicracy, resisting the twin temptation of supranational overreach and nationalist retrenchment, and thus offering the best hope of bringing a majority of European citizens under one imaginary roof.

This chapter cannot do justice to what is probably the most recent theory of European integration, a theory still very much in flux, calling for interdisciplinary contributions around a vast range of exciting questions having to do with the fate of democracy within and across states in the 21st century. If EU governance is to represent the most advanced experiment to date in transnational democracy or demoicracy, it may not be sufficient to simply improve its existing playbook, such as strengthening the horizontal links between political parties or between parliamentary institutions across borders. Ultimately, European demoicracy will likely require innovative transformations of the existing liberal democratic representation, embedding elections, political parties and parliaments within a new transnational ecosystem for civil society and citizen participation and deliberation while leveraging the power of the internet to connect citizens in multilingual physical and virtual spaces. Much more research is needed if European demoicratic theory is to learn from the successes and failures that will unfold from these democratic innovations to come, innovations that hopefully can in turn inform European citizens, technocrats, and governments alike on how to continue to improve this precious Union of peoples that amidst all the uncertainties of our age, continue to govern together but not as one.

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