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**“The Problem of the Democratic Deficit in Europe - a  
Parliamentary debate analysis, from the Maastricht to the  
Lisbon Treaties ”**

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## ABSTRACT

In the change regimes that followed Berlin's wall fall, the world mutated out. If it is true that life is movement and that movement is change, human beings moved so quickly during the end of the millennia, that fundamental changes took place. The Soviet Union fell, clearly contributing to a different world. Germany unified again under a new reality, circa 45 years later having been a divided State. Italian politics collapsed inexorably under the heavy weight of corruption. "Tangentopoli" and "Mani Pulite" declared the end of the established political class that ruled in Italy since the conclusion of the dictatorship, even if Tommaso di Lampedusa could argue it differently<sup>1</sup>. Europe was changing its assets, from the eastern enlargements to its treaty bases, creating a Union strengthened by a cohesive economy, common law, and common objectives. Unfortunately, not all projects are easy to achieve. If the internal market appeared to be functional, as the common currency idea and the internal market freedoms tried to demonstrate, the democratic deficit of the EU started to appear an evident obstacle to the survival of the Union itself. The Parliaments, the fulcrum of Democracy, inevitably discussed the effects that the EU was having on its member states, influencing them on security, economy, and justice affairs. Italy and Germany, examples of the triumph of democracy after the dictatorship, but also leading members of the European Union, harshly discussed the democratic deficit of the EU, from Maastricht to Lisbon Treaties. Indeed, there was and there is still today the impression that the European Union project has gradually reduced the democratic means that stay at the base of its member states, making the EU a set of institutions scarcely legitimized. This thesis, about the historical contextualization for the years that go from the Maastricht to the Lisbon Treaty, evaluates the evolution of the democratic deficit perception through the parliamentary debates of Italy and Germany. Furthermore, it will try to demonstrate that the democratic deficit, instead of increasing, has reduced during those years. Through the codification of different democratic definitions, this thesis will observe the parliamentary debates in the selected cases and will track the predominant understandings of democracy. Then, utilizing the lens of the democratic cone model, it will verify which trend has democracy assumed during its evolution from Maastricht to Lisbon, and if democracy strengthened or not.

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<sup>1</sup> According to an analogy coming from the book "Il Gattopardo" written by Tommaso di Lampedusa, a political class that substitutes a previous one, would act in the same ways as the previous, but under a different surface, a kind of surface that will protect them from the public opinion's considerations. This eventually confers a transformist quality to the change of regimes, as explicable in the Gattopardo, but I would bet that the corruption case in Italy did not emarginate corruption in Italy just changing politicians at the head of the government.

## INTRODUCTION

The European Union represents a benchmark for civil society's evolution, whereas civil rights and equal objectives for a fairer community have been implemented and guaranteed through fundamental charters. Fruit of tragic events, the old continent has become one of the most modern regions of the globe, especially in terms of social improvement. Great merits for the positive increment of European countries have been given by the recognized tolerance offered by the democratic idea. Democracy is based on the possibility to freely expose the proper thoughts, but also on the possibility to participate the political life, whereas the majority of the whole group of citizens represent the best solution for everyone. Democracy has surely gained much consensus since the government of a few, or the dictatorship of one has demonstrated the possibility of tremendous risks emerging. Hence, it is not a case that the national constitutions, of those EU countries that have been reformed after the second world war, include the democratic principle as a fundamental piece of their nation. Italy and Germany are two examples of countries that from a dictatorship model, became a symbolic example of democraticity. But the European Community project also is a very important example: created by those countries that were at the geographic heart of the second world war<sup>2</sup>, the European community could not be built against the democratic principle, but upon it. However, notwithstanding the easy way to talk about the importance and value of democracy, it is instead more difficult to modulate a common application and understanding of it. Indeed, democracy can assume various interpretations, and if it is true within a State, then it is especially true within an international organization that includes millions of citizens. The EU has indeed been the fruit of agreements firstly taken by intergovernmental conferences, instead of the democratic representative channels that would have expressed the common will of the citizens. Indeed, from the Treaty of Rome until the Nice Treaty, the political agreement inherent in the European community has generally been taken by the heads of participating governments during intergovernmental conferences. Furthermore, the evolution of the community toward a Union, thanks to the signature of the Maastricht Treaty, which brought European citizens belonging to different cultures to share a common currency, common rules, and common future goals, is surely a representation of how difficult is to talk of democracy about an international organization, like the EU. The European Union was originally intended from a federal point of view, as affirmed in Ventotene's manifesto by Altiero Spinelli, whereas the dream of a free, democratic, and reciprocal supportive Europe would have been possible through a federal Union. Such an attempt at political unification is still present, even if it the faraway from being complete. However, after the European Single Act was signed in 1987, led by Commission President Jacque Delors, the European member states undertook a process that was going to strengthen reciprocal integration, mainly from

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<sup>2</sup> Italy, West Germany, France, Belgium, Netherlands, Luxembourg

an economic point of view. It is in this light of legal unification, where the law worked functionally in the respect of the common market but also for the control of economic policies, as the convergence criteria were imposed, that the sentiment of democratic deficit began to manifest itself more actively. A greater unification also meant a greater concentration of powers, whose reason d'être cannot be regardless of democracy in the case of the EU. Hence, because the European Union effectively developed into a supranational organization, endowed with powers and institutions able to directly influence its member states and consequently their citizens, a democratic configuration had to be implemented at the bases of the Union. However, it happened that, differently from national democracies, the European Parliament did not have legislative powers or capacity for approval, but a subordinate role that was limited to expressing opinions only. Thus, the weak capacity of the European Parliament, plus the concentration of powers to organs not directly entitled by popular will, contributed to the democratic deficit perception. As supra cited, the EU is considered an ongoing project, which has to be improved. However, a such implementation that happened so far with few treaty revisions after the Maastricht Treaty, demonstrates how the orientation is truly directed toward a greater democratic apparatus, but at the same time shows that democratic improvements run very slowly. Thus, seeing and considering such elements of democratic deficit within the EU, the goal of the research is to analyze the development of the democratic perception that occurred within the Italian and German Parliaments, during the years of EU formation, to verify the EU democratic deficit trend.

*The method* of analysis that will be used consists of deductive research of the Parliamentary debates in Italy and Germany, inherent to the most significant passages of the EU evolution, which are the Treaties from Maastricht to Lisbon. Because both Germany and Italy have a bicameral Parliamentary system, I will focus on the debates of one chamber only for each Parliament, seeing and considering the massive quantity of speeches and debates that both the chambers of both Parliaments have gathered, even if specific about selected events, e.g. the Maastricht Treaty. Thus, I have decided to study the debates of the Senate, respect to Italy, and the debates of the Bundestag, regarding Germany. There are several speeches that, from different points of view, expose their doubts, concerns, or even approvals inherently to the analyzed treaties. The debates have indeed been taken from parliamentary debates about the Maastricht, Amsterdam, Nice, and Lisbon Treaties, and all these events have had a determinant effect on the democratic development of the Union. Hence, the deductive process, which means codifying the analyzed speeches, will be based on a pre-determined set of democratic definitions. Then, once the speeches will be codified, it will be possible first to determine what type of democracy the parliamentarians interpreted during their speeches, and second to underline which critics have been mainly addressed to the EU democracy, so identifying the democratic deficit.

Furthermore, after the codification, the utilization of a cone model will configure a lens for the analysis of the democratic debate that will emerge from the parliamentary speeches and will be useful to evaluate the democratic deficit development, according to the democratic interpretations defended by the speakers. This lens consists of a cone, defined as a democratic cone, that puts in relation to the citizen's involvement with the democratic definitions utilized to analyze the speeches. The configuration of democratic definitions, which will be exposed in the first chapter together with the democratic cone, will be based on the utilization of different sources: starting with a dictionary approach, from which a first clarification and definition of the different types of democracy will take place, then a further integration will be made with the contribution of existing literature, to offer a deeper understanding of the intended democracy type. Thus, after the configuration of the democratic definitions, it will be possible to discern, for each definition, specific elements for each type of democracy. Then, these elements would be useful for a codification of the debates, which will make possible the association between the type of democracy intended within the parliamentary speeches, with the definition of democracy previously defined in the indicators. Then, the democratic cone model would keep track of the EU democratic deficit, following the parliamentarians' debates.

*Hence, within this research*, through a deductive process that operationalizes the democratic parliamentary debates with indicators defining democracy itself, will be analyzed how German and Italian parliamentarians perceived democracy and how they observed democracy within the EU evolution. Besides, according to the utilization of the democratic cone, it will be possible to evaluate, for each Treaty analyzed, the democratic level of the EU democracy as perceived by the parliamentarians, whereas such level would be translatable to the inclusion of citizens' opinions into the European politics, or in the democratic institution's enforcements, being the representative democracy the one utilized in Europe. Furthermore, for a clearer understanding of the reasons that led the debates, to participate in the explanation of why the debate developed in that direction within the selected cases, this research will contribute to a historical contextualization of Italy, Germany, and the international panorama where necessary. Such a historical overview will also help to understand the different approaches, which happen to be different, that existed between the speeches of the German and Italian Parliaments.

# CHAPTER I - DIFFERENT TYPES OF DEMOCRACY

In order to operationalize the democratic debate within the German and Italian parliaments, it is necessary to implement a set of definitions of democracy. Such a set of definitions will make it possible to associate the democratic conception of politicians intervening in parliamentary debates, with the objectively and theoretically recognized types of democracy, described in this chapter on the basis of existing literature and dictionary definitions. Indeed, in this section, the different types of democracy will be explained, with an attempt to clarify the concepts according to a dictionary approach, which will offer a general but shared understanding. Subsequently, this general definition will be supplemented with further contributions to better explain the type of democracy that is meant. This will support deductive elaboration that will allow the different types of democracy to be classified according to specific elements. These elements will relate to social issues, being related to democracy, and will consider the position citizens have vis-à-vis the institutions of government. It is the role of citizens that particularly characterizes the essence of one type of democracy respect to another. Democracy can be direct, representative, hybrid, and in any case can take on various nuances. Therefore, since the aim of the research is to assess the evolution of democratic debate within the Italian and German parliaments, in order to study a development of the European Union accused of democratic deficit, this first chapter will introduce some useful conceptions to outline the interpretation of democracy within parliamentary debates.

## **DELIBERATIVE DEMOCRACY**

Deliberative democracy is defined as a critical response to traditional models of democracy<sup>3</sup>. Its critical position stands in opposition to democratic models that follow an elitist vision of the society, and it is, more in general, against group aggregations. Indeed, to be deliberative, democracy should include input from all the participants, which should include the inclusion of the broadest number of citizens. This idea aims to make political decisions acceptable to all stakeholders involved. A unitarian explanation of this theory has usually been hard to realize, seen and considered different points of view. Indeed, According D. Mutz, because deliberative theory includes many concepts of “tremendous interest”, such as reason-giving and equal participation, it may be possible to affirm that “there are as many definitions of deliberation as

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<sup>3</sup> Oxford Reference Dictionary – overview of deliberative democracy.  
<https://www.oxfordreference.com/view/10.1093/oi/authority.20110803095708535>

there are theorists”.<sup>4</sup> However, a plausible definition of deliberative Democracy could be found in the following terminology, as formulated by J. Cohen:

“the notion of a deliberate democracy is rooted in the intuitive ideal of democratic association in which the justification of the terms and conditions of through public argument and reasoning among equal citizens. Citizens in such an order share a commitment to the resolution of problems of collective choice through public reasoning and regard their basic institutions as legitimate insofar as they establish the framework for free public deliberation.”<sup>5</sup>

However, several authors have found a common point about interpreting and defining deliberative democracy. This congruence of understanding includes the involvement of the citizens in the decision process, whereas the utilization of reason, and not of self-interest purposes, legitimates the final decision. The consequence is an enforcement of the democratic process<sup>6</sup>. In accordance with Oquendo<sup>7</sup>, which made a comparative study between Habermas and Nino inherently to deliberative democracy<sup>8</sup>, a very important consideration for deliberative democracy understanding relates to the co-existence, and not the subordination, between human rights and democratic process. This idea about respecting human rights, such as equality and non-discrimination, relates to the definition of “consensus democracy”<sup>9,10</sup>, in accordance with Lewis, whereas “all who are affected by a decision should have the chance to participate in the decision-making process”. According to these definitions, it would seem easier, in order to satisfy the deliberative vision, to implement a system endowed with direct democracy. However, if the will of deliberative democracy is to involve the broadest number of citizens within the political decision-making process, it does not mean that all the citizens should vote for every needed decision. Furthermore, active participation does not merely mean direct democracy, but could include a representative scheme that actively listens to the citizens’ demands. Hence, it is not required persistent participation of the citizens through voting processes, so to decide about laws and other political decisions. A direct type of democracy is not the only way to accomplish deliberative purposes, and probably not even the most preferred. Indeed, to extend the citizens’ participation within the political decision-process it would be necessary first of all an active

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<sup>4</sup> Mutz, D. C. (2008). Is Deliberative Democracy a Falsifiable Theory – “page 7”

<sup>5</sup> Joshua Cohen, “Deliberative Democracy” Essays on Reason and Politics. Edited by James Bohman and William Rehg. The MIT press, Cambridge Massachusetts, London England, 1997, page 103

<sup>6</sup> Britannica Encyclopedia | Political theory | deliberative democracy

<sup>7</sup> Deliberative Democracy in Habermas and Nino Author(s): Ángel R. Oquendo Source: Oxford Journal of Legal Studies, Summer, 2002, Vol. 22, No. 2 (Summer, 2002), pp. 189-226 Published by: Oxford University Press

<sup>8</sup> Deliberative Democracy in Habermas and Nino Author(s): Ángel R. Oquendo Source: Oxford Journal of Legal Studies, Summer, 2002, Vol. 22, No. 2 (Summer, 2002), pp. 189-226 Published by: Oxford University Press

<sup>9</sup> Democracies: Patterns of Majoritarian and Consensus Government in Twenty-One Countries, by AREND LIJPHART Copyright Date: 1984, chapter 3 - Twenty-Two Democratic Regimes (pp. 37-45)

<sup>10</sup> The definition given in the text of Lijphart, is affirmed to be in accordance with the definition given by W. Arthur Lewis



participation of the citizens themselves, whose application could legitimize the deliberative democracy intentions. Then, their active participation should clearly find a voice that would link them to the governing institutions, but this linkage is possible also through a representative scheme. A strengthening of the communication channels from the local to the State institutions, could surely make possible a deliberative system, if endowed with checks on the effectiveness of the citizens' representation. Thus, in order to recognize the deliberative democracy in the parliamentary debates analyzed in the next chapters, I will classify as indispensable elements of deliberative democracy, the following:

- Extension of citizen's participation within political decisions
- Strengthening democratic communication channels between citizens and parliamentarians
- Principle of equality, against personal and individual interests
- Active participation of the citizens
- Representative Democracy

## **LIBERAL DEMOCRACY**

Liberal democracy is defined as a democracy based on the recognition of individual rights and freedoms<sup>11</sup>. This type of democracy is based upon the liberal principles, that could be summarized in the followings<sup>12</sup>: rule of law, judicial independence or review, property rights, religious tolerance, media independence, respect of minority rights, civil liberty. The liberalism ideology, that, according to Benedetto Croce, spurred the trend of changes, expansion of rights and mutation of the relations between rulers and ruled, moved under a unique, often idealized concept: the concept of liberty<sup>13</sup>. However, due to its basic concept of liberty for the individuals, or better the citizens, the liberal democracy is distant from the view of direct democracy whereas the people, as in the deliberative process, directly participates to the political decision process. Not even in the ancient "polis" of Greece all the citizens were directly involved in the ultimate voting process, whereas slaves, the so called "meteci", and even women, had not the voting right. According to Ludwig Von Mises, one of the main promoters of liberalism, the exercise of government functions will be always carried on by a smaller number of the population, so as the shoe manufacturers

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<sup>11</sup> Collins English Dictionary - <https://www.collinsdictionary.com/it/dizionario/inglese/liberal-democracy>

<sup>12</sup> T.F. Rhoden (2015) The liberal in liberal democracy, *Democratization*, 22:3, 560-578, page 565

<sup>13</sup> Benedetto Croce in "Storia d'Europa nel Secolo Decimonono" Chapter 1 "Le Ragioni della Libertà" or "The Reasons of Liberty" from page 7 to 21

will always be lower than the shoe consumers. Indeed, Von Mises affirms that if the rulers at the head of the government are not appreciated enough from the governed, the latter could, in any case, contrast and legitimate any opposition to the government, even in extreme cases, as the French revolution demonstrated. It is under this logic of people's final capacity to determine, or better legitimate the leaders at the head of government, that democracy represents the constitutional political form that makes possible the adaption of the government to the will of the people, without violent fights.<sup>14</sup> It is through the Parliamentarism mechanism, the elections, that a change of an unwilled government could be peacefully modified. A liberal democracy, thus, is the democratic form of government that, under the assumption of protection of citizens' rights and through a system of checks of powers, coming from the Montesquieu theory of separation of powers as well as from the concepts of rule of law and judicial review, would let the citizens to live separately from the state. In the liberal point of view, citizens would be free to develop their personal, economic ambitions, because covered from the liberal principles. However, the Parliamentary system offers a further tutelage for the citizens, that, as supra argued, would be able to defend their rights, whereas needed, against bad governments. Thus, under the liberal democracy conception, the citizens should be kept separated from the State apparatus, so that a guarantor State would let the freedom of the citizens to enjoy a life free from state constraints, as well as the enjoyment of the free market. Hence, I will classify as indispensable elements of liberal democracy, the following:

- Separation of the citizens from the political life
- Low interference from the State into the citizens life
- Economic liberty for the privates
- Low activity of Positive State

Liberalism is also evolved during its ongoing experience within the society, and if it had been characterized by a view that included a low intervention of the State within the citizen's life, it has however developed a conception of liberal state that still participates within the social life, being the guarantor of fundamental aspects of the society itself: for example, interventions on job, hence employment, social services like cleaning of the streets, public transports, so more in general the public welfare. This type of State, even if let citizens living a free choice regarding the economic choice they want to pursue, still pretends from them a social participation that keeps linkages within the citizen's life with the State's life, for example with the taxation. Hence, this

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<sup>14</sup> "Liberalism", by Ludwig Von Mises. "Biblioteca Austriaca" Rubbettino 1997. Page 74-75-76 under chapter "The Democracy" or in the cited italian book's version "La Democrazia"

type of State has both characteristics of a liberal and of a social State. This type of Democracy could be defined as Social-Liberalism. A social-liberal democracy would have the following characteristics:

- Representative democracy
- Medium interference from the State into the citizens life
- Economy liberty for the privates, but limited from high State bureaucracy
- Medium participation of the citizens

### **NEOLIBERAL and ELITIST DEMOCRACY**

In accordance to define a neoliberal democracy, it is important to first describe the adjective ante posed to democracy. A neoliberal society should have a robust liberal and capitalist set of political and economic institutions, whereas a modest welfare state and a constitutionally limited democracy should act as supplement<sup>15</sup>. The idea of neoliberalism finds its first roots in the period where liberalism has suffered its main critic points. Thomas Biebricher<sup>16</sup> has reassumed the neoliberal project in the following nutshell: “reviving some elements of the liberal agenda while abandoning others”. Neoliberalism has been also defined as an ideology, or policy model, that through a “laissez faire” approach, emphasizes the value of the free market<sup>17</sup>. An important consideration on how neoliberalism ideology could relate, or affect democracy, comes from the idea that technocracy, which is the government of the experts, appears as the best solution for achieving the common good in regard of few reasonings: because the masses, according also to the ordoliberal narrative, tend to be irrational and to be easy subjects for the demagogues<sup>18</sup>, they should be guided by a group of experts, so that greater and collectively good objectives could be achieved. Consequently, the idea of letting the people, or the masses, to apply for decisions that are not able to take in full consciousness, because missing information or social capital, would not result in the best outcome for the collective benefit. Hence, even if hanging on democratic procedures, the funding idea of neoliberal democracy lays on the prevailing of experts’ advices<sup>19</sup>. Thus, a neoliberal democracy would be summarized under the following characteristics:

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<sup>15</sup> Stanford Encyclopedia of Philosophy - <https://plato.stanford.edu/entries/neoliberalism/#:~:text=Neoliberalism%20holds%20that%20a%20society's,freedom%20and%20promote%20economic%20prosperity.>

<sup>16</sup> Neoliberalism and Democracy Thomas Biebricher, page 1-2

<sup>17</sup> Britannica | Neoliberalism | <https://www.britannica.com/topic/neoliberalism>

<sup>18</sup> It relates in accordance to the psychological observations of the masses carried on by Ortega y Gasset

<sup>19</sup> Neoliberalism and Democracy Thomas Biebricher, page 4

- No intervention of the State within economic affairs
- Low or absent social welfare
- Technocratic governance
- Low Participation of the citizens

These assumptions make the neoliberal democracy similar to the concept of elitist democracy, which has been defined as a “model in which a small number of people, usually the aristocracy, influence the political decision making”<sup>20</sup>. The idea that only a small group of people, that better enclose the virtuous and the finest qualities, govern or highly influence the society, derive from ancient times and has been studied during the passing of centuries. Plato and Machiavelli, for example, pursued the idea that at the head of State government should be those that better embody the qualities useful for the society as a whole. For the elitist point of view, affirming that “everyone ought to have a voice”, is a totally different statement than “everyone should have an equal voice”<sup>21</sup>. This reasoning follows the logical syllogism whereas the one person superior to the other in knowledge, intelligence, virtues, is worth more than that of the inferior. Is then, the elitist democracy, a government of the best, whereas the power of the people consists in the power of the best people, as aristocracy was intended to be.

## **SOCIAL DEMOCRACY**

Social democracy is the idea that assumes the democratic form of government as the best way to achieve social results. These social objectives, for example, aim for goals like full employment, or the achievement of fair possibilities for all the members of the society, without economic or social class discriminations<sup>22,23</sup>. Historically, social democrats have tried to contrast the deregulation of the market, which have had provoked the creation of social inequalities, and whereas they already existed, the enforcement of them, because the unfair economic conditions spread within the groups into the society<sup>24</sup>. There is indeed a temporal contraposition from social democracy with liberal democracy, whereas the latter aimed for a greater independence of the citizens from the State life, while socialism saw a greater need for integration of workers into the State apparatus, as argued by P. Corduener<sup>25</sup>. However, because the social nature of social democracy, it has been possible to see its evolution

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<sup>20</sup> Kahn Academy: Types of Democracy <https://www.khanacademy.org/humanities/us-government-and-civics/us-gov-foundations/us-gov-types-of-democracy/a/types-of-democracy>

<sup>21</sup> Page 3 of "The Elitist Theory of Democracy" Author(s): Robert A. Dahl Source: The American Political Science Review, June 1966, Vol. 60, No. 2 (June 1966), pp. 296-30

<sup>22</sup> Social Democracy | Britannica encyclopedia | <https://www.britannica.com/topic/social-democracy>

<sup>23</sup> "Social Democracy and full employment", by Glyn, Andrew, 1995, WZB Discussion Paper No. FS I 95-302 <https://www.econstor.eu/handle/10419/44095>

<sup>24</sup> The Oxford Handbook of Political Ideologies", page 348, chapter "Social Democracy", by Ben Jackson

<sup>25</sup> See Page 27 of "The Problem of Democracy in Postwar Europe" by P. Corduener

during the time, as the society moved on and developed quickly. Indeed, also on the market sphere, socialism had been historically contraposed to capitalism, but due to the predominance of the latter in Europe, during the second half of the XX century, social democracy being transformed more by capitalism than capitalism being transformed by social democracy<sup>26</sup>, as Gerassimos Moschonas argued. Social democracy is indeed a type of democracy that, for its social characteristics, cannot go against the benefits and improvements brought on by other forces too. If liberalization has spurred an economic growth without precedents in the human history, it would be deeply difficult to contrast liberal ideas at all. This is, as exposed before under the liberal democracy paragraph, a reason why it was also possible a conglomeration between liberalism and socialism, which created a liberal socialism. Social democracy has seen an evolution that went on parallelly with the society evolution, trying to adapt to the problems that society carried on. However, notwithstanding evolutions of society and socialism to follow, social democracy remains steadfast on the achievement of social objectives, through democratic form of government. Hence, it would be possible to categorize social liberalism under the following elements:

- High social welfare
- Principle of equality and equality
- Medium participation of the citizens
- Representative democracy

### **PROGRESSIVE DEMOCRACY**

The idea of progressive democracy enables the concept of State as being at the service of the people. The masses demand action from their governments about social, economic problems, whereas the State could assume predation qualities, as argued by R.G. Holcombe<sup>27</sup>, in the cases in which it finds legitimization to impose costs on some, for the benefit of others. The idea of progressivism aims to strength the national government so to make it more capable of addressing to the political, social, and economic demands of the people<sup>28</sup>. For this reason, a progressive democracy is bound to an efficient administration and into a reformation, or reconstruction of the legislation.<sup>29</sup> Hence, under the logic of progressive construction of a State, that is able to formulate adequate answers to all the citizens, following a representative democratic scheme, it will be employed a “progressive” beneficial

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<sup>26</sup> “In the Name of Social Democracy: The great Transformation, 1945 to the present” by Gerassimos Moschonas. Page 2, introduction – Semper vetus, semper novus?

<sup>27</sup> Progressive Democracy: the ideology of the modern predatory state Randall G. Holcombe, chapter 4- page 5

<sup>28</sup> Britannica | Goals of Progressivism | <https://www.britannica.com/topic/progressivism>

<sup>29</sup> “Progressivism and Progressive Democracy, by Edward A. Stettner, Page 85, 1993

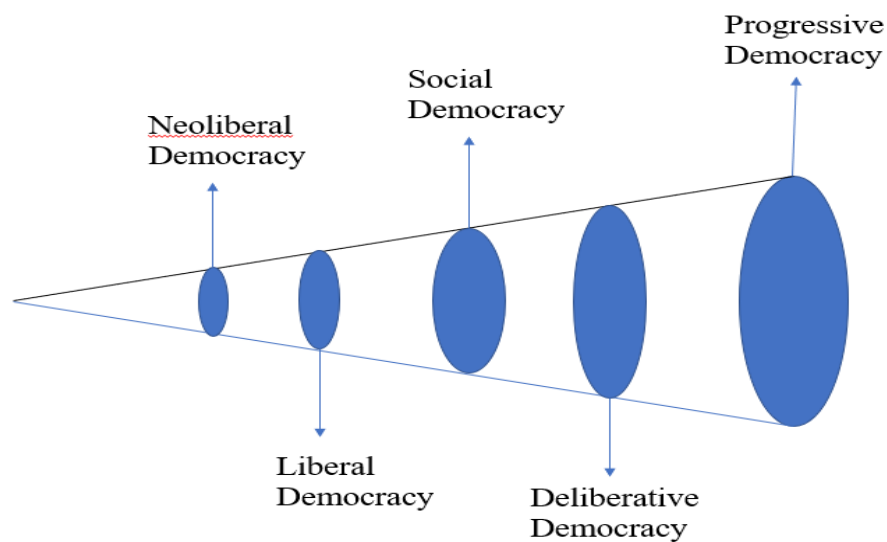
transformation of the existing structure, mainly legislation, between the various members of the society, in order to guarantee to everyone the needs required. Progressive democracy could then be intended to be in accordance with an enforcement of representative democracy, whereas the population claims would be heard through an effective mean of the Parliament members. Furthermore, even if there are compatibilities with the objectives that stem from the social democracy's view, the progressive one focuses more on the citizens claims, assuming a greater popular points of view, instead that a directed one. Hence, progressive democracy could be assumed to aim at social goals that start form down to up, from the citizens to the government, instead of a vice versa oriented direction, that would be more plausible to address at the social democratic point of view. Hence, the progressive democracy could be conceptualized under the following elements:

- Representative Democracy
- Active participation of the citizens
- Progressivism equalization between the citizens
- Reformist, but always in respect of the citizens will
- Populist

### **THE DEMOCRATIC CONE**

The representative scheme seems to be the most appreciated, if not for the simple reason that it is the most practical solution according to a system composed of numerous citizens. However, this representation varies in respect of the citizens participation, according to an image that could be described as a cone, whereas the diameter represents the citizens opinions' involvement, and the size of such diameter increases or reduces in regard to the different interpretations of democracy. Neoliberal democracy would stay at the smaller base of the cone, involving the expert's opinion instead of the citizens considerations. It would follow the liberal democracy perception, then social democracy, and finally the deliberative and the progressive types. This classification follows the definitions supra reported, and even if all of them care about citizens well-being, they owe different levels of participation. The minimum state idea that stays at the base of liberal understanding simply aims at leaving more freedom to the citizens, leaving them aside from the political life thanks to a wise but low intervention of the state in their life. Social democracy instead reveals a direct focus on the political class into the citizens life and it is from the citizens that their activity develops. However, it remains anchored to a tradition that puts work, human rights, and social services at the first place, even if citizens may demand other things. Indeed, in a deliberative democracy, there is the will to extend the contact of political representatives to the citizens at the highest possible grade, because

they hold the rain of power legitimation. Then, there is not the need to set an agenda that stems from traditions and values as the social democracy does, because the citizens will be the direct proposers of the needed reforms, to be enforce with a local system and subsidiarity scheme. Then, deliberative democracy concludes the circle, because it is based on the idea that the citizens should pretend their will and desires through a direct democratic mean. Thus, according to this cone, that I would denominate the democratic cone, it is possible to relate the citizens involvement into politics, according to different visions of democracy. This democratic cone would function as a model to analyze the different types of democracy during different periods of time, or better during different Treaty amendments, to observe how the citizens' involvement into the European Union, translatable in the enforcement of the democratic institutions or the respect of citizens 'opinion, has been perceived by the parliamentarians of Italy and Germany.



## CONCLUSIONS

Within all the possible nuances that democracy could assume, in this chapter 5 main typology of democracy have been described. The operationalization and description of the types of democracy has been conducted through the deepening of the existing literature and through a dictionary approach, so that a categorization of each type of democracy has been possible. For each definition, a series of elements have been reassumed, in the attempt of proposing a synthesis of those main elements that characterize the analyzed type of democracy. Thus, deliberative democracy has been addressed as being very sensitive to the active participation of the citizens, whose participation within political decisions should be enforced. An enforcement of the citizens participation can happen in

two ways mainly, under a democratic State: through the direct participation, or within a representative scheme. However, representation for a deliberative democracy should be proportional, so that the idea of all the citizens would be respected and the interest of few avoided. Then liberal democracy, whose main characteristics consist in the individual liberties of the citizens, technically foresees a low participation of citizens within the public life, and consequently a low participation of the State in the citizens Life. This generates a low social welfare. Such liberty should correspond with a low intervention of the State within the citizen's life, whose freedom should be guaranteed by basic principles however guarded by the public institutions. Liberal democracy can nonetheless develop within the society, and this happened together with another analyzed ideology, that is socialism. Both socialism and liberalism evolved and found a common agreement in the idea of liberal socialism, which comprehends a medium participation of the citizens in the State, and vice versa, as a medium level of social welfare, in the optic of free economic choice for the citizens. It thus results into a compromise between the two. Social democracy indeed, is characterized by a high level of social welfare, enforce by the principles of equality and equality. Social democracy could operate better through a majoritarian electoral system, whereas their leadership could permit the achievement of their social objectives. A starker ideology is represented by neoliberal democracy, which is instead characterized by low levels of social welfare, higher freedom for the citizens, but also a low or even absent participation of them within the political life. Neoliberal democracy would better function by a majoritarian electoral system, whereas the leading neoliberal party could govern without many opposing obstacles. The option of a not-proportional electoral system would facilitate the legitimation of technocrats at the head of ministers. Indeed, a neoliberal democracy would assume a reactionary opposition to all those promoters of social State, because it is based on the ordoliberal idea that only a group of experts would be able to decide for the best interest of the masses, which instead are not able to make proper or beneficial decisions. An opposite vision is instead proposed by deliberative Democracy, which follows progressive ideas inherently to the political and economic institutions. In both the subjects, a progressive democracy aims to implement the will of the people, whose demands should be heard and promoted. This form of democracy would better function with Parliamentary proportionality, so that all the voices could find legitimation. However, a government leaded by a progressive democratic party, could easily be accused of populism too, whereas the idea of progressivism is related to the concept of equality. Hence, letting many voices to pretend what they demand, would be useful to row toward a more equal society, but at the same time would create decompensations in the already existing system, that would react plunging the accuse of populism.



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## **CHAPTER II – THE MAASTRICHT TREATY IN ITALY AND GERMANY**

### **HISTORICAL CONTEXTUALIZATION**

This chapter is going to introduce firstly an historical contextualization about Italy and Germany, during the years that anticipated and permeated the Maastricht Treaty signature. Subsequently, the democratic debate within the Italian Senate and the German Bundestag will be analyzed in accordance with definitions stemming from the first chapter. The historical perspective of the selected countries will be useful for explaining the surrounding scenario of the creation of the EU. Indeed, Germany and Italy have been principal players for the EU development, and to understand the criticism that these two nations were experiencing, will help the research to understand the impact that the EU have had on the internal political panorama, which consequently influenced the political parties and their members, that are the same persons that participated at the debate.

### **HISTORICAL CONTEXTUALIZATION IN ITALY**

The years preceding the Italian Parliamentary approval of the Maastricht Treaty, named after the city in which the Treaty has been signed, represented a composite mixture of contradictions within the socio-political and economical panorama. In the 80s Italy have been addressed as being precarious, whereas contradictions on economic development and social successes started to tremble under an increasing volume of public spending, that from the 40% at the beginning of the 70s, reached the 120% in 1995.<sup>3031</sup> An economic success derived from the resurgence after the 70s crisis, after the defeat of terrorism<sup>3233</sup>, the low price of oil, so that this period has been defined, in co-relation with the 60s, as a “new economic miracle”.<sup>34</sup> However, the ending of the decade started to stress out some structural inefficiencies within the Italian State apparat, whose crisis begun to rise also into the political dimension: three different cabinets felt in the period that go from 1987 to 1989, a failure that could be addressed also to the growing rivalries in the five-party coalition<sup>35</sup>. The Italian difficulties started to emerge together with the enhancement of the European integration process, that since 1987,

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<sup>30</sup> Government spending and its components in Italy, 1862-2009: drivers and policy implications Barbara Pistoresi\*, Alberto Rinaldi\*, Francesco Salsano\*.

<sup>31</sup> I criteri del Trattato di Maastricht, l'Europa e l'euro: debito pubblico in Italia e crescita. By Daniele Schilirò, Università degli studi di Messina. MPRA Paper No. 36333, posted 1. February 2012 14:39 UTC

<sup>32</sup> “Brigate Rosse” kidnapped and killed the ex-Italian Prime Minister Aldo Moro, leader of the Christian Democratic Party.

<sup>33</sup> But not of mafia

<sup>34</sup> Britannica | the economy in the 1980s | Italy

<sup>35</sup> Five-party coalitions is foreseen for Italy, June 20, 1983 – New York Times

led by the European Commission President Jacques Delors, implemented a structured plan for the realization of the European Union, intended as a political but also, or mainly, as economic union. The process for European integration was surely not easy, but through the two intergovernmental conferences (IGCs)<sup>36</sup>, on EMU and political union, economic criteria, and institutional bases for moves towards a single currency had been agreed upon. More specifically, the Maastricht Treaty subordinated the participation to the EMU only when a series of converging parameters were met from that applicant country. Such criteria claimed indeed a convergence within all the member states of the Community, about<sup>37</sup>:

- i) Nominal interest rates: it was obtained considering the nominal interest rate average of the three countries with the lower inflation, then the average shall be increased by 200 hundred tolerance points foreseen within the Treaty.
- ii) Inflation Rates: the benchmark was inherent to the performance of the three most virtuous countries, which virtuous refers to the lowest levels of inflation. The country should have not exceeded the 1,5% of these three Member States whose performance in terms of price stability would have been the most virtuous.
- iii) Exchange rate stability: it foresaw that the exchange rate should not be subject to fluctuations higher to those set in the European Monetary System (EMS), for at least two years.
- iv) Dimensions of public debt regarding the GDP: should not exceed 60% of the GDP
- v) Dimensions of the balance sheet regarding the GDP: should not exceed 3% of GDP.

Hence, the emergence of such economic stringent criteria for access to the incoming project of the EMU, embodied by the Maastricht Treaty signature, spurred the Italian governments, especially that under Andreotti Giulio leadership, to find compromises for internal reform. In 1989, Andreotti formed his 6<sup>th</sup> cabinet, again in a five-coalition scheme and in accordance with the Socialist Party led by Bettino Craxi. It was in that event that Gianni De Michelis, an important member of the Socialist Party, became Foreign Minister. De Michelis advocated for the institutionalization of rules that would have legitimated a central role that the EP would have to play in the future Community structure. However, the need for economic reforms was spurring an internal evolution of the economic policies, while, at the same time, the public deficit was constraining the Italian prestigious, addressing its political incapacity as the primary source for the insolvency, and incapacity to reform and adapt the

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<sup>36</sup> On 9 and 10 December 1991, the Heads of State or Government of the Twelve meet as the European Council in Maastricht in order to seek agreement on the Treaty on European Union.

<sup>37</sup> I criteri del Trattato di Maastricht, l'Europa e l'euro: debito pubblico in Italia e crescita. By Daniele Schilirò, Università degli studi di Messina. Page 3-4

national rules to more fitting ones. Indeed, the emerging project of the European Union as projected and carried on after the Single European Act in 1987, pretended the convergence of the supra cited criteria, required from the EMU project. Internal members of the Italian government were ready and active on the front of economic reforms. The Italian economy Minister Guido Carli, ex-governor of the Bank of Italy, pointed out Italy's need to redress the state budget, to grant a relevant position for Italy on the European board. However, Carli's attempts at pushing the government to actively undertake economic reforms, found an indisposed Parliament, which was used to an easy spending program stemming from the previous years. Nonetheless, Carli has been able to successfully persuade its external opponents, or better those that doubted about the Italian capacity to apply reforms and fit into the EMU criteria. Such persuasion happened, first of all, thanks to the so-called "vincolo esterno", which foresaw the Community's capacity to set stricter rules to those Member States that were rowing out of the harmonized sets of rules of the Union. Furthermore, he was able to focus the interpretation of the convergence criteria under a "dynamic rather than statistic perspective"<sup>38</sup>, which also included the state's commitments to the implementation of these criteria, and the utilization of key economic indicators useful for a better consideration for the overall economic trend of Italy. In 1992 a new government led by Amato was formed, whose destiny was to resist for less than one year. The government undertook a series of austerity measures that aimed to an important cut of public expenditures and to reduce the state-owned sector of industry, under a liberalization process. Such reforms, even if highly contested, passed through the Parliament due to the scarce coalition capacity of its opponents.<sup>39</sup> The fragility of the Italian economic system was however still open, and the lira's exit from the exchange rate mechanism of the EC caused a further increment of pessimism. In its essay about "Italy and the Maastricht Treaty", P. Daniels argues that the events causing the lira's devaluation included the Danish referendum of 2 June 1992, which rejected the Maastricht Treaty, as well as the turmoil caused from the incoming French referendum. Furthermore, the high interests set from the German Republic to protect inflation rates, caused the need, for the currencies applying to the ERM, to keep high interests as well. Speculative attacks to the lira kept increasing and the missed compromise about realignment of currencies interest rates within the ERM caused, on 17 September 1992, the exit of the lira from the ERM.<sup>40</sup> The Italian position during and before the Maastricht Treaty signature had thus been complicated by several factors, the stringent economic criteria being the mains. Moreover, as argued by A. Varsori, the internal rivalries, and the difficulties within the leading parties at the head of the Italian governments during those years, appeared to preoccupy Andreotti's government more than the other impelling necessities required from the incoming signature of the

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<sup>38</sup> The Andreotti Governments and the Maastricht Treaty, by Antonio Varsori, page 37

<sup>39</sup> Italy and the Maastricht Treaty, Page 184. By Philip Daniels

<sup>40</sup> Italy and the Maastricht Treaty, Page 188. By Philip Daniels

Treaty. However, notwithstanding the need to survive among internal petty jealousies and external epochal transformation, led to a process of arrangements that, in some ways, thanks to hindsight, we can affirm succeeded. The position of Italy, which was living a fall of accountability because of its economic problems, was further deteriorated by its loss of importance in the geopolitical scheme of the cold war. Indeed, because of the imminent fall of the Soviet Union, Italy was going to lose importance for the most relevant ally of the whole European board, that is the U.S.A. Since the start of the gulf war, hardly opposed by Italian pacifist movements, as well from the Italian communist party, happened a slowing of the strong relations that had characterized the connections between Italy and the U.S. in the previous decades since the second afterwar<sup>41</sup>. However, those years were going to anticipate further internal crisis in the Italian socio-political panorama that, after the corruption scandals, as “Tangentopoli” reminds us, the Italian Republic passed toward the second phase of its existence. It would be plausible to argue that, due to the problems coming directly from the Treaty, Rome did not raise enthusiastic reactions to the EU project, even if it had always maintained and demonstrated a lively will for further integration<sup>42,43</sup>, as the Ventotene Manifesto by Altiero Spinelli strongly stayed at the basis of the EU project and within the Italian politicians’ thoughts about the European Union.

## **HISTORICAL CONTEXTUALIZATION IN GERMANY**

Germany has been a protagonist of the European Union panorama, since the afterwar period and thus since the first years of the EU Community<sup>44</sup>, surely for its geographical position in the middle of Europe, but also for its successful combination of liberalism, continental statism within a modern social welfare state<sup>45</sup>. The so-called Economic Miracle, or Soziale Marktwirtschaft<sup>46</sup>, became a symbol as well as a model of economic success. Nonetheless, Germany has remained a divided State for almost half a century, and its division, also within the cold-war context, surely affected the identity of the Country and the existence of the European community. Indeed, the historical period preceding the Maastricht Treaty signature has been characterized by relevant events, highly impacting the international panorama and consequently within the identity of the national States. The fall of the Berlin wall in November 1989, which first led to the freedom of circulation between the two halves of Berlin and subsequently spurred the national reunification, could be ranked as one of the most

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<sup>41</sup> The Andreotti Governments and the Maastricht Treaty, by Antonio Varsori , Page 33

<sup>42</sup> The Andreotti Governments and the Maastricht Treaty, by Antonio Varsori, page 24-25

<sup>43</sup> Italy and the Maastrich Treaty, Page 180-181. By Philip Daniels

<sup>44</sup> The emergence of the ‘coastal steelworks’ in the European Coal and Steel Community (ECSC), 1952-1967

<sup>45</sup> “Problem or Model? West Germany in the 80s”, by Peter J. Katzenstein

<sup>46</sup> Adopted in 1959 from the SPD to describe their economic concept

significant events in the European history of the last century, also for the clear signal that the event showed: the irreversible collapse of Communism<sup>47</sup>, or better of the Soviet Union<sup>48</sup>. The German reunification caused a shock for the other European countries, hence finding several obstacles to it. For example, Great Britain led by the “iron lady” Margaret Thatcher, tried to oppose the German reunification, even appealing to the Russian leader Gorbachev<sup>49</sup>, because feared that the equilibrium in Europe could be destabilized by a too strong Germany<sup>50</sup>. The Italian prime Minister Giulio Andreotti instead, a politician grown up in the cold war period, was initially worried about Germany reunification, but after having realized that the German reunification would be achieved quickly, in spite of Thatcher’s opposition, the Italian government thought that it was possible to easily comply with the German reunification if the US preservation in European soil was granted, and if the European political integration, at supranational level, would have been enhanced<sup>51</sup>. Important is also the role of France and the opinions of its president Mitterrand: if on one hand the French president was concerned about a possible reinforcement of its main political and economic rival within the old continent, on the other hand he caught the opportunity to spur a greater integration of Germany into the Community, so that all the unilateral actions undertaken by the German government should have been bound by its participation into the European project, being otherwise against the rules of the Common Market, and subsequently of the EU law<sup>52</sup>. However, the realization of the Maastricht Treaty, even if accorded by the benevolence of the European leaders seeking a major integration, that would have limited the excessive power of Germany, has been possible thanks to the consistent actions of the German chancellor Helmut Kohl. Kohl worked hard for the realization of the European project, through the accomplishment of several solutions that resolved international problems, which hampered a harmonized development of the European Community: not only did he assure good relations with Spain, supporting the socialist President Felipe Gonzalez and the accession of Spain into the EC; not only promoted the creation of European Mediterranean Fund in order to satisfy the Greek’s President requests, which threatened to quit the organization because insufficient economic benefits from being part of the EC; not only he had to handle the British rebate moved on by the iron lady, obtaining a bigger contribution by the French side which was the main beneficiary of the Common Agricultural Policy (CAP)<sup>53</sup>; but he also rowed toward a series of compromises that lead to the not contradictory results of a complementary and mutually reinforcing existence between a

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<sup>47</sup> Communism is actually still widespread, seen and considered countries that even if under different types of Communism, exercise such type of political doctrine, like China and North Korea

<sup>48</sup> The Fall of the Berlin Wall in History, by Tzvetan Todorov. Page 44

<sup>49</sup> “Helmut Kohl and the European Union”, by David Ramiro Troitino, Page 17

<sup>50</sup> The Treaties of Maastricht, Amsterdam and Nice, by Lucia Vallecillo

<sup>51</sup> The Andreotti Governments and the Maastricht Treaty, by Antonio Varsori page 27-28

<sup>52</sup> “Helmut Kohl and the European Union”, by David Ramiro Troitino, Page 19

<sup>53</sup> “Helmut Kohl and the European Union”, by David Ramiro Troitino

reunified Germany and greater European integration<sup>54</sup>. However, the construction of a stricter and more integrated Community necessitated the satisfaction of certain parameters that would have benefited the country instead of compromising it. Kohl, for example, affirmed that the evolution of the single currency, which had been already discussed and proposed since the Single European Act in 1987, had to bring a main element to the monetary union: the independence of the European Central Bank system. Such independence had to be based on the same autonomy scheme that was proper for the Deutsche Bank<sup>55</sup>. Furthermore, another impelling element was given by the need for the introduction of the so-called convergence criteria, which would have guaranteed a harmonized existence, from political and economic points of view, within the borders of the Union. One peculiarity of Chancellor Kohl's initiatives inherently to the EU creation, was also his willingness to urgently institutionalize a political union: in a letter sent from Kohl to Mitterrand on 27 November 1991, the German Chancellor affirmed the necessity to implement a government conference that, within other institutional reforms, should have especially dealt with the strengthening of the European Parliament Position. Indeed, the lower turnout of the European Parliamentary elections in June 1989, had represented for Bonn, the capital of West Germany, an alarming signal. Such worry about EP was inherent to a recognized democratic deficit of the Community, that in accordance with W. Loth had clearly emerged in many areas throughout the realization of the Single European Act<sup>56</sup>. Germany had a pivotal role in the shaping of the final Treaty's draft, having denied several proposals moved on from the participating French exponents, like the Bundesbank President's rejection of the Larosière's demand to establish a European Monetary Fund for the transition phase or the plan for a European Reserve fund<sup>57</sup>. The importance of Germany for the signature of Maastricht, thus for initialization of the European Union, is witnessed also in the words of the Italian foreign affairs minister Gianni De Michelis, which affirmed in an interview that "Europe gives the green light to Germany for rapid reunification, obtaining the Europeanization of the mark as a counterpart". De Michelis also argues that the German reunification would have not been possible without the European consensus, so that the question was not determined only, or mainly, by the Soviet Union and the U.S., whereas the latter didn't even want to conclude the unification so fast. De Michelis argues that the only ones that wanted a quick reunification were the Germans themselves. There has indeed been a parallel evolution in time and structural construction, between the German reunification and the Maastricht Treaty, that gave birth to a new phase of the European project, in concomitance with a new phase of the global panorama.

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<sup>54</sup>The Maastricht Treaty as High Politics: Germany, France, and European Integration Author(s): Michael J. Baun Page 8

<sup>55</sup> Negotiating the Maastricht Treaty, by Wilfried Loth page 68

<sup>56</sup> <sup>56</sup> Negotiating the Maastricht Treaty, by Wilfried Loth page 75

<sup>57</sup> Negotiating the Maastricht Treaty, by Wilfried Loth page 70



## **THE MAASTRICHT TREATY RATIFICATION: DEBATES IN THE ITALIAN SENATE AND GERMAN BUNDESTAG**

In this section, as anticipated in the first paragraph of this research, it will be analyzed the debate undertaken by the Italian Senate parliamentarians and of the German Bundestag “Abgeordneten” that, respectively on the 16<sup>th</sup> September 1992 and 8<sup>th</sup> October 1992, discussed about the ratification and execution of the European Union treaty. The next section will propose the various interventions of the democratic debate, that even if consistently analyzed and observed by the speakers, did not represent the only important piece of the discussion. Several aspects were handled within the ratification of the Maastricht Treaty but, being this thesis inherent to the development of democracy, the discussions will be reported mainly about what the political representatives, within the Parliament, thought of the democratic development. Then, a classification of the types of Democracy utilized, according to the indicators of the first chapter, will be addressed to give shape to the democratic debate and to develop further reflections on the ongoing development of democracy.

### **ITALIAN SENATE SPEAKERS: WHICH DEMOCRACY INTENDED AND HOW DID THEY PERCEIVE THE EU DEMOCRATIC DEFICIT**

The debate in the Italian Senate begun with the intervention of Senator Orsini, speaker of the majority, member of the Demo Christian Party (DC)<sup>58</sup>. Senator Orsini embodied a liberal democratic point of view, according to its critics about democratic deficit within the EU. The senator, after an introductory statement on the complexity of the Treaty, and the necessity to explain it clearly, exposed several reasons for which the Treaty would have been important for the country, but at the same time explained the difficulties that Italy was going to face through the Maastricht treaty signature: the speaker indeed affirmed, for example, that the convergence criteria would represent an excessive burden for the popular classes, so showing an emphatic interest for those citizens which had put their expectations, for a general improvement of their economic conditions, into the Parliamentary representatives. The speaker also reflects about the democratic deficit, due to the series of powers that, from the national Parliaments, are transferred to the Council of Europe or the Commission, without including the European Parliament but partially. This is considered by the Senator Orsini as a democratic deficit because instruments and powers are subtracted to the principal source of democratic representation, to be given to institutions which are not directly invested by the popular mandate. However, the Senator expresses a final positive vote toward Maastricht, considering also the first steps that the Treaty has moved, to some extents, for an enlargement of the EP powers, like

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<sup>58</sup> 42° seduta (antimerid.) Assemblea . Resconto stenografico, 16 September 1992, XI Legislatura, from “I volumi sull’europa”, pag. 140 - 148

the co-decision legislative procedure. Thanks, of this procedure, the EP could pretend from the Council to vote through unanimity, whereas the question required such necessity. Furthermore, the EP could participate to the Commission formation, with a positive or negative opinion. Thus, the observations moved by Senator Orsini, about a greater convergence of powers able to determine supranational powers, progressively more penetrating, reflects a fear of loss of the democratic representative scheme. The problem does not arouse a desire of greater involvement of the citizens within the democratic process, nor solicits a deliberative democratic structure. Moreover, the concerns about centralization of powers, conferred from the national dimension to the supranational one, represent a fear that under a democratic perspective, sees the citizens even more distant from the governing institutions. This latter point, even if could fit well with a deliberative democracy consideration, suffer concerns on the separation of citizens from the public life, whereas liberal democracy relates more about a possible reduction of the citizen's freedom. Because far away from the decision process, a consequent reduction of those principles that stay at the base of a liberal democracy, could naturally generate concerns: without a system of check and balances at the EU level, as addressed by D. Majone too, the EU does not offer guarantees to the individuals, but creates instead the opportunities to influence the citizens life directly, from a dimension that has not been directly legitimized by the citizens. Thus, concerns of greater powers to the EU institutions plus a scarce endowment of powers to the EU, expresses considerations that go in accordance with a liberal democratic point of view.

A following and at some tracts starker point of view about the European Union formation, inherently to democracy, stems from Senator Vinci, speaker of minority group, part of the "Communist Refoundation" party. Vinci affirmed, talking in name of its the whole party, that their dream was to build a democratic, pacifist, inspired by social justice and solidarity toward the third and fourth world Union, but the "Maastricht Treaty", he affirmed, "was rowing toward the opposite direction". The Treaty was going to create an antisocial, antidemocratic, militarist and against the majority Union. He foresaw that economic recession would be improved and that millions of new unemployed would be created, together with a reduction of salaries and standard of livings. The overview of Vinci is highly pessimistic, also regarding the resizing of the social state, in particular for the public sanity and the pensions after retirement. Senator Vinci clearly represents the frustration of a social democracy that even if would believe into the improvement of society, expanding the limits of borders through a Union effectively open and reciprocal supportive, does not find in Maastricht a reliable solution. Through his words, a strong defensive argument is at support of Social Democracy, whereas the needs of workers, from the employment rate to the social benefits of a welfare states, appear to him as being trampled by the EU. Moreover, Senator Vinci also moves claims and critics about the

excessive power of the ECB, whereas a neoliberal and monetary philosophy would crush the European Parliament legitimacy to handle with legislative procedures affecting the citizens, especially within the economic field. Hence, a pure form of social democracy is here represented, inspired by principles of equality and support for the social welfare. The EU would instead represent a threat to the society, negatively impacting on salaries and standards of living.

The opinions of Senator Vinci are then partially shared by Senator Pozzo, speaker of minority of the Social Italian Movement. Senator Pozzo<sup>59</sup> moves on praises to the French President Mitterrand, which has proposed to the French citizens the opportunity to express their preferences about the Treaty ratification, throughout the Referendum. It is indeed around the concept of a missing Referendum for the Italian citizens too, that Senator Pozzo criticizes the government and the ongoing praxis. Also, a simple consultative Referendum would have been worthy. Against this latter possibility, he argues, it was preferred the classic political party way, which “takes decisions upon the skin of the Italians for the next fifty years, bounded by the signature of a Treaty”. The Senator also relates to democratic deficit, underlining how the discussion method, that was going to be voted after a short discussion, did not represent a fair expression of the Parliament procedures. Thus, even if Senator Pozzi subsequently argued that, at the end, the Treaty was not very badly proposed, and also expecting further improvements in the following years, he could nonetheless criticize the democratic deficit, whose only positive note was found by the fact that a future enlargement to other countries, would have let a counterbalance, within the EP, against Germany, which being the most populous and the first economy, could have assumed hegemonic attitudes. The words of Senator Pozzi clearly represent a defense of the idea that democracy needs active participation of citizens to implement important decisions. Hearing the opinion of citizens, even through a simple consultative Referendum, would have meant a greater respect of the will of the people, technically at the base of the constitutive powers. However, there were not legal bounds to hear the citizens. The point of view of Senator Pozzi, could be defined as being a type of deliberative democracy, even if under a deliberative democracy conception people should be an active part of the decision process, not only for important events, like the signature of the Maastricht Treaty, but for all the legislative procedures inherent of the national law’s formulation. Nonetheless, seen and considered the discussion being inherent to the Treaty signature, the opinion of Senator Pozzi could definitely be defined as of deliberative type, criticizing the “classical political party” scheme, hence addressing a critic to the representative democracy, in favor of a greater direct democracy.

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<sup>59</sup> 42° seduta (antimerid.) Assemblea . Resconto stenografico, 16 September 1992, XI Legislatura, from “I volumi sull’europa”, pag. 154 - 163

The critics about a democratic deficit are carried on also by other political forces, without significant reserves from anyone. Senator Roveda<sup>60</sup>, speaker of the Northern League (Lega Nord), underlines how the European Parliament, directly elected with universal suffrage, does not perform important functions, but also stress out the need of a greater importance for the European citizenship, which would be important for a further enforcement of the European identity. Senator Roveda also describes as insufficient, within the lines Maastricht Treaty, the attention conferred upon the regional autonomies, which concurs with the view of Senator Dujani<sup>61</sup>, part of the mix group. Both Roveda and Dujani affirms, thus, the importance of a greater decentralization, whereas the regions can actually act better, faster, and more efficiently, through the participation of politicians democratically elected, and representing exclusively the regions. Dujani further argued that regionalism could bring a supplement to the democracy and humanity, besides apportioning limits to a technocratic excess. Through this regionalism lens, it is possible to observe a hybrid conception of the proposed democratic indicators: indeed, under a first point of view, a strengthening of the region roles into the decision process, means an enforcement of the representative scheme, that being closer to the citizens, would be guarantor of the people's will. However, on the other hand, the strengthening of the regions participation into the democratic scheme would also mean a greater complexity for the final interpretation of the citizens message, because passing through different persons, would ultimately give the possibility to alter initial message after having passed through different levels. Who could give grants that the will of the citizens would be respected, if different levels of decision are implemented without elevating the citizens but creating further subjects within the citizens themselves and the ultimate decision makers? Hence, it seems that Senator Roveda and Dujani utilized the strong basic aspects of a direct democracy, that would legitimate the enforcement of their democratic plans, but at the same time aimed to create a further complexity within the whole scheme. Such elements converge with the idea of progressive democracy, whereas

Subsequently, senator Visentini, part of the Republican group, expressed himself about the Parliamentary powers' deficit, describing the European Parliament as a beautiful club, friendly, interesting for the smart things and a beautiful formation experience. But it doesn't have decisional power, and it is also very difficult that it would get it". Senator Visentini carries on the critic about the EP affirming that it is formed by parties that, even if have similar names, are very different for several aspects depending on the countries to whom the party representatives belong. Hence, Senator Visentini recognizes that the EP is not mature at that time, hence would not be able to assume

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<sup>60</sup> 43° seduta (pomer.) Assemblea . Resconto stenografico, 16 September 1992, XI Legislatura, from "I volumi sull'europa", pag. 185 - 188

<sup>61</sup> 43° seduta (pomer.) Assemblea . Resconto stenografico, 16 September 1992, XI Legislatura, from "I volumi sull'europa", pag. 209 - 211

decisional powers that, however, are not sufficiently recognized into the Maastricht Treaty. The critics about the Maastricht Treaty and the negative influence that it would bring upon the democratic dimension, related also about the privileges that had been given to the banks. Senator Molinari, part of the “federation of the Greens”, affirmed that Maastricht was a monetary Treaty and that extra-institutional organs not directly elected from the citizens, like the banks are, could decide the economic policies, and consequently the social policies, which was creating not a democratic deficit, but a paradox. Senator Molinari argues then that democracy means dialogue, debates, Parliament, legislative decisions taken by an assembly. Hence, the fact that national powers are de facto transferred to the European Community but not to the European Parliament, subtracted how they are to the national Parliaments, means that Democracy is heavily put under discussion. Here, Senator Molinari proposes a reflection that argues in defense of Parliamentary democracies and consequently the representative one. Like Senator Orsini, Senator Molinari does not claim a major integration of the citizens within the decision process, neither complains on the negative effects upon the economic situation as done instead by Senator Vinci. However, it could be interpreted as a view of Democracy that even if not against liberal considerations, instead rows against the technocratic dimension that could be related to the neoliberal democracy conception. Such idea of maintaining citizens active within political life, with a strong democratic apparatus that effectively let citizens to see their opinions heard from the representatives, associates well with progressive democracy.

The technocratic dimension and its insertion into the European dimension through Maastricht, is explained by Senator Lopez, member of “Communist refoundation”. He advocates that a lot had been said about democratic deficit, but that the real problem was mainly of political and cultural deficits. He spoke of a missing “European humanism”, that easily let space to technocratic, managerial, or anti-democratic positions. Senator Lopez fears also that such technocratic dimension would much more easily give space to hegemonic attitudes to those countries that could make their technical positions more convincing than others, especially easy for the richest ones, like Germany. There is the need, Lopez argued, to revisit the thoughts of De Gasperi, Monnet, Schumann, Spaak, and Spinelli, to refound the pro-European thought and adequate it to the new reality of Europa and of the world.<sup>62</sup>

## **GERMAN BUNDESTAG SPEAKERS: WHICH DEMOCRACY INTENDED AND HOW DID THEY PERCEIVE THE EU DEMOCRATIC DEFICIT**

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<sup>62</sup> Clearly referring to the notable changing that after the Soviet Union mainly, but not only, were going to set the beginning of new period into the global panorama

In the German low chamber, the debate begun with the introductory prayer of the Foreign Affairs Minister Klaus Kinkel<sup>63</sup>, part of the Freie Demokratische Partei (FDP). Since the beginning of its statement, the minister expresses that the Maastricht treaty, even if not totally satisfying of their desires, it still represent a further development for the European integration, from the signature of the Rome Treaty. Within the dissatisfaction of the Minister, inherently of the Maastricht Treaty, it is possible to find the low implementation of rights and powers to the European Parliament. The issue of a scarce European Parliament consequently links to a strengthening of bureaucracy as well of a centralization of powers that caused fears all over the citizens. However, encouraged by the already programmed steps that will implement Maastricht in the following years, minister Kinkel affirms that the Treaty does not happen because a group of technocrats in Brussels decided that, but because it represents the best way to guarantee the future of all the European citizens. Hence, even if a transfer of powers to Europe without granting an effective democratic control sounds as being out of discussion, minister Kinkel affirmed also that because their Constitution opted for a representative form of Democracy, that had to be respected and a referendum had to be avoided. Thus, clearly in favor of a representative scheme for democracy, minister Kinkel argues against the technocratic astuteness that could be related to a concealed neoliberal interpretation of democracy. Nonetheless, the explicit contraposition to the referendum possibility, even for an important international agreement like the Maastricht was, nourishes a doubt about the types of representation that the minister intended before. Clearly, he laid on the representation scheme, which supported by an electoral procedure that put in places representatives into the Parliament, but the fact that the Maastricht Treaty was the fruit of an intergovernmental process, which included the national Parliaments only for a ratification, makes legit the doubt about the type of representation that the intergovernmental conferences qualified. Wasn't Maastricht the elaboration of a further integration that, including a monetary union, stemmed from reasonings and evaluations that were made possible only by evaluation of experts? If not, the whole project of Maastricht was then created by unexpert people, and such premise would have caused serious concerns within everyone. If yes, the Maastricht Treaty project has been created by a group of experts that other commentators could define as technocrats. Thus, the democratic representation for deciding the Maastricht Treaty has not been the legitimate elaboration of the parliamentarians but has been created by a group of experts that even if acted for the best interest of the collectivity, did not enjoy democratic legitimation. And it is the existence of technocrats taking decisions for the collectivity, outside of the Parliament, that substantiate the interpretation of neoliberal democracy. Hence, notwithstanding the fact that it is never

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<sup>63</sup> Dr. Klaus Kinkel, Bundesminister des Auswärtigen. Seite-Pages 9316 – 9319. 12. Wahlperiode — 110. Sitzung. Bonn, Donnerstag, den 8. Oktober 1992

easy to address a political ideology to anyone that speaks through rhetoric formula, I would assess that minister Kinkel, within its words, concealed the idea of a representative neoliberal democracy.

A further underline of the technocratic nature of the Treaty itself came from the parliamentary Hidemarie Wiczorek-Zeul<sup>64</sup>, part of the Sozialdemokratische Partei (SPD). She affirmed that since the initial phase of the European integration, with the Rome Treaty, only the cooperation of few Statesmen, without including citizens and women, apported the creation of the European Community. However, because Maastricht was going to address central issues of the national constitutions, such negotiations could not be handled without interviewing the citizens, whose trust is fundamental. Because negotiating through closed doors is a clear example of rowing against the citizens' trust, the parliamentary Wiczorek-Zeul, in name of her party, was willing to propose a plebiscite and also a national referendum. However, she resigns on the fact that other parties, CDU/CSU and FDP, avoid the idea of referendum "wie der Teufel das Weihwasser"<sup>65</sup>. The role of the SPD inherently to Maastricht suggested to strength the Bundestag role at European level too, like with the introduction of ratification laws, which would oblige the government to inform on time the Bundestag on EU law, and to respect the Bundestag vote on them. Furthermore, the parliamentary Wiczorek-Zeul condemn the Treaty to be too poor regarding the implementation of the EP powers and rights, and for that reason she claims for an anticipation of the already set date, 1996, for the revision of the Treaty. Because her will to involve the citizens is so strong, she also argued for the need of implementing a European Constitution, close to the citizens, to the social and ecological problems, whose participation of regions and countries is effectively guaranteed. IN the words of parliamentary Hidemarie Wiczorek-Zeul, it is possible to assess a vision of participatory democracy that stress out the role not only of the citizens, but also of regions and national parliaments too. Such type of democratic vision has a social character, because internally worried for wealthiness of the citizens, but has a more pronounced character of deliberative democracy, whereas a greater attention on the citizens opinions and idea is demanded in order to maintain that grade of trust and effective respect of democratic principles, in this case of the deliberative democracy.

The reasonings about the legitimacy, besides the need, of a referendum are argued also by Gregor Gysi<sup>66</sup>, another member of the SPD. His argumentation related to the national constitution, whereas a referendum was foreseen only inherently to a reorganization of the national federal territory, assuming that otherwise referendum and plebiscits are forbidden. But he also affirmed that such

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<sup>64</sup> Abgeordnete Hidemarie Wiczorek-Zeul . Seite-Pages 9326 – 9330 Deutscher Bundestag — 12. Wahlperiode — 110. Sitzung. Bonn, Donnerstag, den 8. Oktober 1992

<sup>65</sup> Like the devil the holywater

<sup>66</sup> Abgeordnete Dr. Gregor Gysi, PDS/Linke Liste. Seite – Pages 9339-9342. Deutscher Bundestag — 12. Wahlperiode — 110. Sitzung. Bonn, Donnerstag, den 8. Oktober 1992

vision was not in concordance with the democratic code. And even if the fundamental law was in favor of representative democracy, the fact that referendum is admitted, for territorial reorganization, means that the fundamental law does not reject the elements of referendum themselves. Furthermore, no explicit bounds are set to the utilization of plebiscitary means in other cases not foreseen to the constitution. The avoidance of a referendum is also a demonstration that the German people would have enjoyed less rights than the Danish and French citizens, which indeed could vote on that.

The need for an unwavering support to democracy at every level, was supported by the President of the Bundestag, Dr. Rita Sussmuth<sup>67</sup>, which relates to the words of parliamentary Wiczorek-Zeul, in affirming that the Europe of governments existing since 1957 was going to end. She rejects the idea that a strong European Parliament will be reality only after 40 years, whereas in the meanwhile the national parliaments only will have few words on the ongoing events of the Union. The national Parliaments need a strong collaboration with national Parliaments. Hence, a regulation that implement an active effort of national and European Parliaments into the European questions is the main and most useful goal that it could be done for democracy. Dr. Rita Sussmuth also argued that an enforcement of democracy will be what will make possible the tutelage of minorities, against racism, religious discrimination and also against criminality. Under these observations, it is possible to observe a clear referment to the social aspects of her interpretation of democracy. A social democracy that takes care of the citizens, minorities and all those who need social assistance, not through an enforcement of the citizens' capacity of taking decisions, but through the enforcement of the representative institutions that would let possible the achievement of such social goals.

## CONCLUSIONS

In the analysis of the parliamentary debates that occurred within Italy and Germany, it seems clear that many politicians run over same lines of considerations. All the analyzed speeches of the respective parliamentary chambers, in Italy and Germany, do express clear contrapositions to the EU democraticity. First of all, there is a shared condemn to the weakness of the European Parliament powers. From the supporters of a liberal, social, or deliberative democracy, the European Parliament is considered as the main and only licit means for ensuring democracy within the EU. Only one exponent of the Italian Republican party expressed the idea that, the European Parliament is not mature yet to embody higher responsibility. Critics toward the EU democratic deficit are strongly exposed by all the different speakers, but some representatives have expressed harsher criticisms,

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<sup>67</sup> Bundestag Präsidentin Rita Sussmuth, Seite – Pages 9330 – 9333 Deutscher Bundestag — 12. Wahlperiode — 110. Sitzung. Bonn, Donnerstag, den 8. Oktober 1992



especially those that represented a deliberative democracy. For them, especially the speakers of Communist Refoundation and the Sozialdemokratische Partei, the EU represent a project of technocrats, whose pathway will lead to a militarist, antidemocratic, antisocial organization, whose only result will be an incrementation of unemployment and salary reductions. However, the understanding of the European democratization converges under common critics, which all affirm the need of greater parliament's participation. The German party SPD proposed, for example, the need to enforce the Bundestag inherently of the future European decisions that will consequently generate burdens within the citizens of the German state. For them indeed, it is of extreme importance that the national Parliament could accept or ratify any further future European decision. Both liberal and social interpretations exposed fears about the excessive concentration of powers within the EU institutions, but it is from two parliamentarians that I have classified under the deliberative democracy, that a proposal of decentralization has been cited. According to Senator Roveda and Dujani, a decentralization would be possible through the enforcement of regional entities whose merit would be to enhance the communication channels between the EU institutions and the local authorities, which means higher contact with the citizens. Such claims that the parliamentarians of Italy and Germany put under the length of discussion, find correspondence with precedent requires of democratic enhancement, as the European Parliament has always pushed for an improvement of responsibilities<sup>68</sup>. The debates focused on the democratic aspect of citizens representation. Even if some speakers did not support the idea of referendum or plebiscites for approving the Treaty, the attention of the democratic debates has been mainly focused on the citizens role. Thus, for example, if within the Parliaments was discussed that a centralization of powers was going to cause an increment of democratic deficit, then S. Smismans<sup>69</sup> affirmed that the increment of EU competences underlined the fact that democracy had become a problem. According to the debates, the European Union was a matter that only experts could design, and the citizens or their representatives instead could have not. This idea relates to an ordoliberal view which assumes the masses' psychology as being too weak for taking important decisions, hence inadequate for the implementation of important plans like the EU. However, senators and abgeordneten moved against these hypotheses and claimed energetically if the will of the people, even if they are not experts, does matter anymore? It is indeed under the logic of the importance of the people's will and the respect of their opinions that some parliamentarians have argued in favor of a greater hearing to the citizens thoughts, so expressing a correlation with the concept of deliberative democracy. In the debate do not miss considerations about

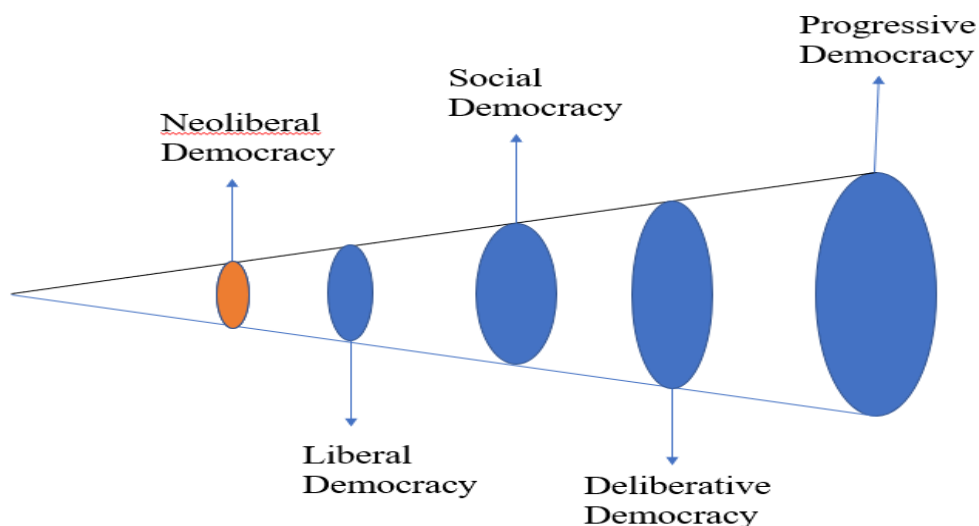
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<sup>68</sup> EMU - 25 Years after Maastricht: Historical Challenges, Economic Ideas, Political Solutions Wilhelm Lehmann, European Parliament and European University Institute Gaby Umbach, European Parliamentary Research Service and European University Institut

<sup>69</sup> DEMOCRACY AND LEGITIMACY IN THE EUROPEAN UNION – BY STIJN SMISMANS

the tutelage of workers and the protection of the minorities, often related to an enforcement of the national and European Parliaments, in order to guarantee to such cited social classes, the due protection. This latter view clearly reflects the social democracy point of view. However, to conclude this chapter, I think interesting to underline the fact that notwithstanding some proposals moved on about the introduction of ratification laws that should have let the national parliaments to have a voice within the accordance of EU law, or the anticipation of the date 1996 to 1994 for the improvement of the Treaty revision, no further ideas of democratic improvements have been proposed. However, the literature proposes other possible solutions. For example, Gian Domenico Majone<sup>70</sup>, underlines the need of enforcing a revision system of the institution's powers, in order to guarantee democratic checks, whereas the dialogue between the EP, Commission and Council was not enough. His idea stem from a comparison with the American model, that through a system of check and balances between the branches of powers, guarantees a control through regulatory organs, also referred as a fourth branch.

*The democratic cone* in this case, could underline how the European democratic level, or better the involvement of the citizens opinions within the EU political chambers, which means the involvement of the EP as well the democratic legitimacy of the EU institutions, clearly underlines a low level. According to this model, democracy in Europe relates more to a neoliberal type, which means to a low level of Parliament empowerment.



<sup>70</sup> THE EUROPEAN COMMUNITY\_ AN INDEPENDENT FOURTH BRANCH OF GOVERNMENT? By Gian Domenico Majone – 1993

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## **CHAPTER III – The Amsterdam Treaty in Italy and Germany**

### **CONTEXTUALIZATION AND ACHIEVEMENTS OF THE AMSTERDAM TREATY**

The Amsterdam Treaty arrived as a programmed revision of the Maastricht Treaty, being decided, since the signature of the latter, the need for an intergovernmental conference between the EU member states, in 1996. As argued in the previous chapter, the Maastricht Treaty created a turning point for the European community, but several aspects had to be adjusted and improved yet. Hence, even if the Union itself was characterized by important economic factors, seen and considered the precedent history of the Community, with the CAP, the EMS, and finally the EMU, Amsterdam aimed to strengthen other aspects beyond the economic sphere. The Amsterdam Treaty is said to have given the EU a more human face<sup>71</sup>, whereas a shortening of distances between citizens and EU institutions was looked for, together with an enhancement of the second and third pillars of security and justice. The security issue was strongly perceived during the 90s, globally speaking with the gulf war recently happened, but also at the European regional level, with the Balkan war. Europe had indeed need of enhancing security cooperation, a decision that was facilitated also by the increasing arrival of refugees at the European borders, like the Albanian and Iraqi refugees who landed at the Italian coasts in 1991. It is in those years that Italy experienced a radical change of its internal politics, whereas the first Republic became the second, as a way to explain the change of the ways to make politics. This change had been mainly directed by the corruption scandal that assumed the name of “Tangentopoli”, the land of bribes, which involved almost all the political class but, most of all, contributed to the fall and consequent division of the Demo Christian party that, through coalitions and non, had led the country since the creation of the Italian Republic. Thus, after the XI legislature, the same that approved the Maastricht Treaty, the XII legislature followed, under the leadership of Silvio Berlusconi. However, the Berlusconi’s government, that consisted in a coalition with the “Lega Nord” and “Alleanza Nazionale”, expressed national reforms that aimed toward two different balances: one, supported by Lega Nord, aimed to federalize Italy, and create greater autonomy for each region; the other, rowed for a constitutional reform that would have led to a presidential form of government. Berlusconi thus found himself surrounded by two fires, and in 1995 he resigned his role of State

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<sup>71</sup> Explaining and Evaluating the Amsterdam Treaty: Some Concluding Remarks Finn Laursen page 642

leader, accusing his allies of betrayal<sup>72</sup>. Hence, the Italian legislature that participated at the Amsterdam Treaty ratification has been the XIII, led by Prodi's government. The internal difficulties of Italy negatively affected its role in the EU that, notwithstanding an active participation and intentions for institutional reforms, as the extension of Europe's policy competences, arrived at the IGC with a relative lack of political weight<sup>73</sup>. Also for Germany the XIII legislature was the one that led the country to ratify the Amsterdam Treaty, still under the leadership of Helmut Kohl, at the head of CDU/CSU-FDP coalition. The German internal politics saw an increasing involvement of the Länder within the German-EU relations, as supported by the "Grundgesetz" or Constitutional reform that legitimated, under art. 23, the Bundesrat to be informed on all the European-affairs at the earliest possible date. The Länder indeed, wanted and obtained that an enhancement of the subsidiarity principle would have been enforced within the Amsterdam Treaty, circumscribing under subsidiarity and proportionality the EU exercise of competences, so to guarantee the autonomy capacity of German federalism<sup>74,75</sup>. The Amsterdam Treaty was also anticipated by the EU membership enlargements, that in 1995 welcomed Austria, Sweden and Finland, former EFTA members, within the EU. The application of Austria for the EU membership stemmed in 1989, after that the Referendum<sup>76</sup> in 1994 saw 66.58% of Austrian population voting in favor of accession<sup>77</sup>. Austria, as Finland and Sweden, joined EU for economic purposes, whereas the internal market prospected notable recompenses<sup>78</sup>. But the access of the Nordic countries to the EU has been also directly influenced by the geopolitical changes that happened after 1989<sup>79</sup>. Indeed, the German reunification and the fall of the Soviet Union, contributed to the cancellation of the neutral roles that foresaw the Scandinavian countries within the cold war, but also feed a fear of isolation within them, politically and economically, which spurred the application of Sweden and Finland in the EU. However, the Treaty of Amsterdam appears to be relevant inherently to this research, according to the preference it included about the increased importance of the legitimacy question of the EU. The Member States that went into the 1996-97 IGC felt such preoccupation. It is indeed the fact that another intergovernmental procedure was going to legitimate the creation of Treaty amendments, that spurred the condemnation of liberal intergovernmentalism as a clear threat to the classical structures of

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<sup>73</sup> Italy in EU, page 3. By Daniels Philip. 1998. Economic and Political Weekly

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<sup>78</sup> The 1995 enlargement of the European Union: The accession of Finland and Sweden - STUDY Historical Archives Unit November 2015 – PE 563.509 European Union History Series – page 14

<sup>79</sup> Explaining and Evaluating the Amsterdam Treaty: Some Concluding Remarks Finn Laursen, page 646

democracy, which include the participation of Parliaments in the legislative initiatives. However, in accordance with Alexander Stubb<sup>80</sup>, all the flexibility articles were drafted by a multitude of actors, which include the Member States, EU institutions, and the Presidency. However, as affirmed by Andreas Maurer, “it seems nearly impossible to measure the concrete influence of the EP in the institutional evolution of the European Union”. Notwithstanding such considerations, the European Parliament expressed its position about the Amsterdam Treaty once concluded, sharing its main concerns as well as approvals. Very interesting about the EP resolution on the Amsterdam Treaty is the overall evaluation, whereas it recommends the Member States to ratify the Treaty but deplores the missing of institutional reforms, which are necessary for the effective functioning of an enlarged and democratic Union. Furthermore, the EP welcomes positively the co-decision procedure that through Amsterdam has been extended to several new sectors, as well as the added right to nomination approval of the Commission president. However, it also exposed some claims. For example, the EP argued that the co-decision procedure shall be expanded to legislative sectors as agriculture, fish, fiscal, and tourism, which are clearly important within the society of the member states. However, the EP also criticizes that the co-decision procedure is related to the unanimity vote of the Council, which in practice represents an impairment of the democratic legitimacy for such procedure. To be clearer, the EP poses 15 institutional questions that should be implemented for enforcement of the democracy, which means a strengthening of the European Parliament, inherently of international agreements, economic budgets, the ECB, social policies, culture, and also the political party system in the European level<sup>81</sup>.

## **ITALIAN SENATE DEBATES ON DEMOCRACY IN EUROPE – THE AMSTERDAM TREATY**

On the 3<sup>rd</sup> June 1998, the Italian senate of the XIII Legislature discussed the ratification and execution of the Amsterdam Treaty, made on Amsterdam the 2 October 1997. On the introduction of the daily topic, a series of points had been introduced by the President of the Senate<sup>82</sup>, such as the missed accomplishment of those instruments useful for an incisive common foreign and security policy, but in particular the missed accomplishment of those institutional reforms needed for a democratic

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<sup>80</sup> Found and cited in the following “Explaining and Evaluating the Amsterdam Treaty: Some Concluding Remarks Finn Laursen page 648”

<sup>81</sup> Official Position of the European Parliament – approved text – Resolution on the Amsterdam Treaty (Conf 4007/97 – C4-0538/97)

<sup>82</sup> **Senate President from** 9 May 1996 to 29 May 2001 [Partito Popolare Italiano](#)



functioning that would have let an effective system, under the incoming enlargements to new member states. In the introductory point, the President also cites the incoming opening to the common currency, which needs a political counterbalance in order to defend stability and credibility. It is under this light that the discussion on the Amsterdam Treaty took place, and the following analysis will underline the different points of view that the Italian Senators had in regard of democracy and the development of the EU under the new Treaty. The discussion begun with the words of the Foreign Affairs Minister under Prodi's government, Lamberto Dini<sup>8384</sup>. The Ministry Dini argued first of all about the sovereignty concept, inherently of the common currency that the Treaty was going to perfectionate, even if already set up since Maastricht. According to Dini, the common currency does not immediately affect those elements that compose the sovereignty of a country, like the foreign affairs, the defense, the institutions, but attempts to bypass those obstacles to which the States are more sensitive. Hence, even if the common currency inevitably invests the sovereignty nucleus, that will happen with time and without shocks for the member states. Ministry Dini welcomes positively the amending Treaty because it completed the citizenship system and located the citizens needs on front line. The democratic deficit under Amsterdam, affirmed the Ministry, suffered a strong jolt, whereas the European Parliament acquired co-decision powers at same level than the Council of Ministers. Besides, the appointment's capacity to nominate the EU Commission, given to the EP, also represents a strengthening of the European Parliament, hence of the democraticity of the EU. The Ministry goes on then praising the Treaty under its ability to anticipate stability and grant grow, so that a reform of the work market under a government that is the less possible managerial, and that let market forces to freely be, would guarantee the solution for unemployment in Europe. The Ministry thus offers a point of view that proposes a victory under the democratic side, whereas the European Parliament has been endowed with same decision-making powers, plus the possibility to appoint the EU Commission President, and also proposes the need of reforms of the market, whereas a lower control from the State and its connected powers represents the best solution for the European societies. Under his words we can surely see a convinced supporter of the European Union, which with ability praises the new treaty to demonstrate the "huge" steps forward for democracy. However, notwithstanding the achievements that the Amsterdam Treaty represented for the European Parliament democratic enforcement at least, it is clear how the democratic deficit is still not resolved at all, and the following speeches will underline how. It would be indeed possible to see, under the lines of its supports for democracy, a superficial vision of what democratic deficit in Europe is. This was also underlined by its economic view of the EU market, which he aimed to make it deregulated,

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<sup>83</sup> **Government Prodi-I: Minister of Foreign Affairs, without wallet for the Italians abroad from 17 May 1996 to 20 October 1998**

<sup>84</sup> 390ª Seduta (antimerid.) Assemblea - Resoconto stenografico 3 Giugno 1998 – page 460-466

so to enhance the employment levels and grant growth as well wealth for the society. However, this point of view that moves and speaks toward social goals, such as economic growth and employment, does not generate a social democratic point of view, but a neoliberal democratic one. Here, Ministry Dini, which praises the democratic achievements of the Amsterdam Treaty not considering the ineffective capacity of the EP on the overall system of the Union, and at the same time spurring a deregulation of the market to achieve economic goals for the society wealthiness, clearly demonstrates how low is his consideration for the democratic control over the society itself. Even if not expressed by the Ministry, what consequences would bring a ruling system that foresees laws not proposed from the directly elected organ but from the executive arm, whose appointment is indirect? Does it involve democracy as being at the base of the society? Does it consider the lower members, the minorities and all those that, under a deregulated market would be obliged to work under unfair conditions? This is why ministry Dini did not speak under a social democratic point of view, but neoliberal.

Subsequently Senator Volcic<sup>8586</sup>, part of the democratic left –“L’ulivo”, speaks and describes the Amsterdam work as a mountain of documents that, during the intergovernmental conference in 1996, the involved experts decided majorly eliminate because nobody would have remembered all of them, hence no wounds would have been reopened. According to Senator Volcic, with the Amsterdam Treaty it had been possible only a classification of problems, leaving their solutions to future times. The problem indeed of democratic deficit remains, so far as a EU citizen cannot easily know from who is he governed, where does reside the decision centre, in which way are the questions made. Another critic moved on by the senator to the EU is the fact that in such union is missing a common vision and a common identity, due to the strong economic centralization and a low political, cultural, social coordination. Hence it is needed to bring both the dimensions in equilibrium. This instability between economy and politics is also represented by the missed enforcement of the security and foreign affairs at European level, whose strengthening is limited by the unanimity vote. Here the ministry Volcic demonstrates how the EU citizen is still left outside of the political dimension at the EU level. Its critics to the Amsterdam Treaty hence reveal the need and desire for a greater involvement of the citizens and consequently to an enforcement of the democratic structure within the EU, even if he doesn’t propose solutions. However, his considerations about a greater

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<sup>85</sup> Elections: **14 dicembre 1997** Proclamation: **16 dicembre 1997** Approval: **28 settembre 1999**

<sup>86</sup> 390ª Seduta (antimerid.) Assemblea - Resoconto stenografico 3 Giugno 1998 – page 466-468

involvement of the citizens, without talking of direct democracy but making implicit the representative one as favorite choice, he is supporting the deliberative type of democracy.

Following Senator Volcic, came Senator D'Onofrio<sup>8788</sup>, part of the Christian Democratic Federation. While beginning with an explicit consensus to the Treaty, D'Onofrio expressed regrets for the missed accomplishment of the expected results. He claimed that since 1989 they are demanding for a strengthening of the EP powers, to give it, through referendum, the endowment of constituent powers and not just generic powers. For this, in Europe is missing an authoritative democracy. According to these considerations he proposes that in the following years such scheme of EP enforcement, through referendum, should be improved. The Amsterdam Treaty represented the accomplishment of few results, but the hearing of the citizens is still missing. He claims that, notwithstanding the missing hearing of the Italian citizens, their consensus to the EU is widely larger to that of the other participating states. Senator D'Onofrio sees the democratic enforcement of the EU as a way to unify religions, culture, and to make more homogenous the European regions. This is also related to the "future" enlargement that the EU was going to experience toward east, which, according to Senator D'Onofrio, needs stronger institutions, stronger democratic controls. His fears also relate to the progressive strengthening of the ECB. Then, the Senator concludes affirming that the normalization process of Europe needs to respect the large number of voices that compose it, including the respect of the socio-economic sphere, the internal institutional apparatus, but also the democratic-parliamentarian sphere. Here, in the considerations moved on by Senator D'Onofrio, is it possible to find out the progressive democracy definition, whereas a progressive equalization between the European states, according to the homogenization process undertaken with the EU, is the most tempting outcome and expected result. The cited normalization process through the democratic process that happens through an enforced European Parliament, plus the demanded referendum to enlarge the powers of the EP itself, support the progressive democracy understanding of Senator D'Onofrio.

Senator Marchetti<sup>89</sup> then intervened, underlining the fact that it was needed a European Union able to convince the citizens to accept a project whose political referent goes supra the single nations. A Europe that is able to demonstrate that the Union is not only a series of economic and fiscal

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<sup>87</sup> Gruppo Federazione Cristiano Democratica - CCD : Elections: **21 aprile 1996** - Proclamation: **27 aprile 1996** - Approval: **6 novembre 1997**

<sup>88</sup> 390ª Seduta (antimerid.) Assemblea - Resoconto stenografico 3 Giugno 1998 – pages 469-472

<sup>89</sup> Incarichi e uffici ricoperti nella Legislatura-Gruppo Rifondazione Comunista - Progressisti : **Membro** dal 9 maggio 1996 al 10 giugno 1996 - **Vicepresidente** dal 10 giugno 1996 al 18 febbraio 1999 (dal 14 ottobre 1998 il Gruppo assume la denominazione Comunista) Gruppo Misto : **Membro** dal 24 febbraio 1999 al 29 maggio 2001 (Comunista)

agreements, but represent a site to express the overall orientation of the European people, so to contribute to the peace and the equilibrium in the world. Such vision reflects a deliberative points of view. And according to him, the Amsterdam Treaty represents a step toward a clearer vision of what the EU project is, in regard of the citizens information about Europe as not only an economic agreement.

Then, Senator Gawronsky<sup>90</sup>, member of Forza Italia of Berlusconi, spoke about the institutional problem within EU. The Senator claims more representative democracy in EU, but also stronger institutions at political level in Europe. This vision is subsequently supported also by Senator Boco, which underlines how an enlargement of the EU members cannot be separated by an enforcement of the political institutions. He refers also to the unanimity vote that, if represented a problem at that time, it would have been amplified since the enlargement to other countries. Hence, he proposed majority vote decision.

Strong critics are then proposed by senator Tabladini<sup>92</sup>, which affirms that the Amsterdam Treaty has been lowly publicized, that it has been approved but not properly discussed with the public opinion. A Treaty that passed, but that nobody really noticed. Senator Tabladini reflects how such international agreement will affect every single citizen, and because it consists of an irreversible Treaty, it had to be posed to the citizens judgement. The speaker, which declares is favor toward a federal form of government, so much that he praised and proposed it for Italy too, still does not see a European asset, because it is related to a technical organism which is not politically responsible: the European Central Bank. The referment is about the capability to determine the political economy character of the continent through the common currency. This, argues Tabladini, is not fair so far that the European economies differ from each other, and to harmonize economic policies for countries that experience different realities in terms of growth or recession, would not create commonwealth but internal rivalries, whose only goal would be to undermine the EU project itself. The fear of the Senator subsequently reveals an opposition to the centralization of powers, which is counteracted by the proposal of a Europe authentically federal, whereas local political institutions shall be mainly empowered, and where it is the market more than the banks to decide the optimal fiscal levels. The vision of Senator Tabladini can relate to the deliberative democracy, whereas rather than in accordance with the subsidiarity principle, he aims for a transferal of power from the State heads to the local communities, which are those that most of all nearer to the citizens.

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<sup>90</sup> Elections: **21 aprile 1996** -Proclamation: **29 aprile 1996** - Approval: **8 luglio 1997 Political group: Forza Italia**

<sup>91</sup> 390ª Seduta (antimerid.) Assemblea - Resoconto stenografico 3 Giugno 1998 – pages 476-477

<sup>92</sup> Elecitons: **21 aprile 1996** Proclamaition: **24 aprile 1996** Approval: **21 settembre 1999 Political Group: Lega Nord**

<sup>93</sup> 390ª Seduta (antimerid.) Assemblea - Resoconto stenografico 3 Giugno 1998 – pages 485-488

However, a general opinion about the Amsterdam Treaty is then exposed by Senator Migone<sup>94</sup>. He affirms that neither the Government nor the Parliament are particularly satisfied by the Treaty of Amsterdam. However, they decided to approve it, because it meant to continue the path toward a greater European unity. He also underlines the need of institutional reforms, especially in regard of the common currency. Because the currency is a central part for the sovereignty of a nation, then institutional reforms have to be granted.

The process of creation of Europe is then generally condemned by Senator Volcic, which says that “we have become citizens of Europe, knowing little about Europe and the world.

### **THE GERMAN BUNDESTAG DEBATES ON DEMOCRACY IN EUROPE – THE AMSTERDAM TREATY**

The democratic debate about the Amsterdam Treaty in the German low chamber, the Bundestag, begun with important considerations from the parliamentary/Abgerodnet Manfred Muller<sup>96</sup>. He affirms that the Amsterdam Treaty, being the consequence of Maastricht. The introduction of the Euro currency together with the Amsterdam Treaty will sign a pathway that is going to have a strong impact on the life style of the European citizens, argued Mr.Muller. However, he also underlined how after Maastricht nothing more had been left for the citizens to choose. Mr. Muller reflects on how the acceptance of the Treaty would represent the transformation of the German Parliament, from an organ of primary importance to one that mirrors the figure of mere statisticians. He sees this condiscence for an incomplete Treaty as well as an incomplete union as a dismantling of the Parliamentary control powers. The fear about a strengthening of the EU reflects on the fear that in future, the role of the German Parliament will be always more limited. The democratic vision of the parliamentary Muller relates well to a deliberative form of government, whereas the critics toward the Amsterdam Treaty condemn the exclusion of the citizens, whose voice has not been listened. There is not a consideration about normalizing or about homogenization of Europe, neither a referment to the direct democracy instead of the representative, which reflcets more a deliberative than a progressive idea of democracy.

Subsequently the parliamentary Gera Pfenning<sup>97</sup>, member of the CDU-CSU coalition intervenes, affirming that the Treaty has to be read under those expectations that themselves had formulated in

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<sup>94</sup> Elections: **21 aprile 1996** - Proclamation: **24 aprile 1996** - Approval: **8 luglio 1997 Political Group Sinistra Democratica - l'Ulivo**

<sup>95</sup> 390ª Seduta (antimerid.) Assemblea - Resoconto stenografico 3 Giugno 1998 – pages 497-499

<sup>96</sup> **Deutscher Bundestag - 13.Wahlperiode - 210. Sitzung. Bonn, Donnerstag, den 11. Dezember 1997 – pages 19124-19125**

<sup>97</sup> **Deutscher Bundestag - 13.Wahlperiode - 210, Sitzung. Bonn, Donnerstag, den II. Dezember 1997 – pages 19127-19128**

the Federal Parliament with the Resolution 7/December/1995. Indeed, the capacity of the Union to act over important issues has been increased, then the enlargement to eastern countries assured, finally progresses particularly important for the citizens, like internal security and parliamentary representation of their interests achieved. It is through such achievements that it would be possible to obtain the citizens consensus for the European integration. She subsequently affirms that the EU is “now” a political union. The EP is finally strong, with the conferral of further decision-making powers, especially in the employment sector, social affairs and research. She then affirms that the 15 national parliaments cannot act anymore without the opinion of the European Parliament. The democratic deficit has been contrasted and significant results have been praised by the EP itself, so that accuses of democratic deficit from other political forces, are like the green party, are totally incomprehensible, she said. Finally, Miss. Penning underlines how the relation between national Parliament and national government has not been undermined, so that she doesn't see any reason to extend the formal rights of the national parliament. In regard indeed of the national relation with the European institutions, she affirms that extending the participation of the Parliament would create nonlinearity and coherence into the political actions of Germany in the EU. At the conclusions of her speech, she also underlines how it would be possible to imagine a future EP with extended powers, even if “right now” many of the national parliaments hardly can imagine of an EP able to decide about legislation inherent to Europol, for example. The vision of Miss. Penning represents a clear voice in defence of the treaty and of the European Project. She affirmed and declared the great successes and achievements of democracy in Europe through the Amsterdam Treaty, and defends the democratic legitimacy as well efficiency of such established democracy. Because she does not move explicit observations about other aspects of the society in general, it would be hard to classify her perception of democracy according to the first chapter's indicators. However, under the light of the EU construction, fruit of intergovernmental conferences, realized without the hearing of the citizens, and assuming that it is the best solution for the citizens of Europe, seems to relate to an ordoliberal view whereas the citizens are yes important, but not needed to be heard for taking solutions. Indeed, the presumption that the EP is finally strong and endowed with enough powers, means to be superficial on the issue. It is under these considerations that the most plausible classification of Miss. Penning is the neoliberal democracy.

Subsequently Christian Sterzing<sup>98</sup>, member of the Bündnis 90/Die Grünen, intervened. He affirmed how the political forces have always more frequently utilized critics to the Union in order to justify their nationalistic or regionalist purposes. For that reason, Amsterdam had to represent and guarantee

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<sup>98</sup> Deutscher Bundestag - 13. Wabiperiode - 210. Sitzung, Bonn, Donnerstag, den 11. Dezember 1997 – pages 19131-19132

a greater acceptance from the citizens, overcoming the democratic deficit of the EU. He continued saying that accepting the progresses took by the Amsterdam Treaty do not reflect his satisfaction. Sterzing said that declaring the EP as a winner of the conference deserves a further analysis, because if the EP received an extension of its competences, the Council received even more. That signifies that the gap between the transferal of competences to EU level and the following right of the EP to control them, did increase. This also increased the democratic deficit. The political self-expropriation of parliaments and creeping de-democratization are certainly on the rise; in fact, cooperation between governments has strengthened and gained considerable importance. This is most evident in the so-called framework decisions on judicial and police cooperation. What was previously subject to a ratification procedure by national parliaments in this area is now regulated without any decisive influence from parliaments. Strengthening intergovernmental cooperation through democratization—this is another wrong path charted by Amsterdam. The speaker of the German greens then accuses the national government to have been too soft in regard of conceding too much to the European institutions, because didn't for social objectives: first of all, he accuses the government to have blocked proposals about employment policies; secondly, he affirms that the government impeded the majority vote instead of unanimity, causing a slowing of the decision process; thirdly, because the governmental opposition against any critic toward Europe and the proclaimed treaties, addressing them as being anti-europeans, does not offer possibilities to discuss important issues, as the social wealthiness and the employment needs. This, he argues, does have the effect to enforce the anti-european sentiment in Germany. Hence, Mr. Sterzing sharpens his considerations against the missing fundamentals of civil rights and binding social policies at European level, which reflects a social democracy perception.

Further critics come from Dr. Gregor Gysi<sup>99</sup>, member of PDS. He claims that those promises made by the Federal Chancellor in 1992, at the Maastricht time, had not been respected. Such promises affirmed that no economic and monetary union in the EU would have been set without a contemporary institutionalization of a political union. Then, because the monetary and economic union has been put in place, being possible to practice it without political instruments, it appears clear how the principal lacuna of the Amsterdam Treaty is the democratic deficit, or the deficit of democratic institutions. The first step toward the democratic deficit consists in the suppression of Montesquieu theory about separation of powers. Such abolition stems from the fact that it is the council of Ministers in the EU that decides which rights shall the European Parliament have. A democratic institution should have an opposite form, which means that it is the European Parliament that should decide which rights

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<sup>99</sup> Deutscher Bundestag - 13. Wahlperiode - 210. Sitzung, Bonn, Donnerstag, den 11. Dezember 1997 – pages 19174-19176

shall the council have. The problem, continues Dr. Gysi, consists in the absence of a European legislator, because the directives are issued by the Council of Ministers, which is the executive arm, and not the Parliament. In the same time that Dr. Gysi was speaking, he was interrupted by a colleague, the parliamentary Heidemarie Wiczorek-Zeul, member of the SPD. With direct referment to Dr. Gysi, she asked him whereas had he read the Amasterdam Treaty, because the text is clear on how the European Parliament assumed full co-decision powers on 75% of the legislative procedures. Both the Parliament and the Council represent the figure of legislators, and without the Parliament no law could be approved. That means that in th 75% of the legislative procedures in the EU, there is a very democratic regulation. After these observations, Dr. Gysi could not go beyond without not answering back, affirming firstly and obviously that he had read the Treaty. Then, he says that if it is true that the EP decision-making powers are enforced, but only through the Council of Ministers approval. Furthermore, if the percentage is 75%, it means that in the remaining part it is only the Council which remains the legislator. They had even proposed the EP has first chamber, and the council as second. Furthermore, Dr. Gysis continues, there has not been a regulation of the citizens rights. No referendum, which represents a big lacuna. But furthermore, no Constitution. The speaker reflects on the fact that being an economic community, but also a community of truth, it is needed a common Constitution to anchor the political unity of the EU. According to him, it is impossible to make monetary policies without being able to manage the employment policies of the single member states, but only few and rare exchanges of information. The employment level is so important to Dr. Gysi that he proposes as accessing criteria something different from those set at Copenhagen, like the idea that only those countries that have an employment rate equal or inferior to 3% could join the union. Furthermore, he critics the fact that it is missing an harmonized fiscality. Thus, Dr. Gysi presents different but related points about the failure of Amsterdam in rendering the EU politically united and even democratic. Many discrepancies in terms of social objectives, plus differences between fiscality and employment capability, do represent tremendous oppositions to the effective function of Europe. However, his social democratic intentions emerge indeed under such preoccupations for the European citizens, that besides having been excluded from the formation process of the EU, will be also subject to uncertain policies that will affect their jobs, their wealthiness and their life.

A social democracy understanding, united with deliberative conceptions, is offered by Rudolph Shcarping<sup>100</sup>, member of the SPD. He affirms that only the integration of citizens into the progress of politics and their just participation will ultimately mean lasting security for democracy and freedom.

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<sup>100</sup> Deutscher Bundestag - 13. Wahlperiode - 222. Sitzung. Bann, Donnerstag, den 5. März 1998 – pages 20263



We have not fought for a new level of government from which to distribute money, but we have fought for a common political commitment of member states and the European Union to promote employment, because we want to prevent high unemployment-in Germany, 5 million people are unemployed, in Europe about 18 million people-if it remains at this level and is not vigorously fought, it poses a threat to freedom, democracy and political stability. the idea of merely strengthening cooperation between governments, for example, is inadequate to the challenges and tasks facing Europe. This means that simply strengthening intergovernmental cooperation will not be enough for us. That is why I expressly welcome the fact that one of the winners of the Amsterdam Treaty is the European Parliament, but I would like to add that the rights of the Commission, respect for the European Court of Justice and, indeed, the possibilities of the European Parliament must be continuously improved. The rights of the Commission, respect for the European Court of Justice, and the possibilities of the European Parliament must be continuously improved, so that Europe is not confused with microcracy, but is identified with democracy.

A further critic to the Treaty comes from Wolfgang Gehrard<sup>101</sup>, member of FDP. He harsly affirms that the previous enthusiasm for European unification turned into alienation, disillusionment, fear and anger over a development we did not want. We did not want a Europe with mass unemployment. We did not want a Europe of the rich. We did not want a Europe of mi-rocracy and we did not want a Europe without democracy. The European Union is in deep crisis. A clear majority of our people do not want this Union in this form. Wolfgang Gehrard clearly expresses his contrast to the neoliberal democracy, citing Jean-Pierre Chevenemnt, which wrote in the Frankfurter Allgemeine that Europe can only be legitimately built if it emerges from a truly democratic debate among citizens. Maastricht's technocratic and liberal conception of Europe runs the risk of turning against the European idea ... Such a community cannot be decreed. It must arise from the inner conviction of the people. We must allow this conviction to mature, instead of imposing pre-packaged solutions from above.

## CONCLUSIONS

The Amsterdam Treaty has surely represented a further step toward a more democratic Union. The capacity of appointing the EU Commission President is a first step in such direction: being the Commission the European organ endowed with legislative initiation, it results extremely important that at residing the presidency is a person whose election represents the majority of the Parliament. It means to give a democratic direction to the executive as well the legislative initiator of the Union, whose character will determine the further development of the EU policies. For this reason, the

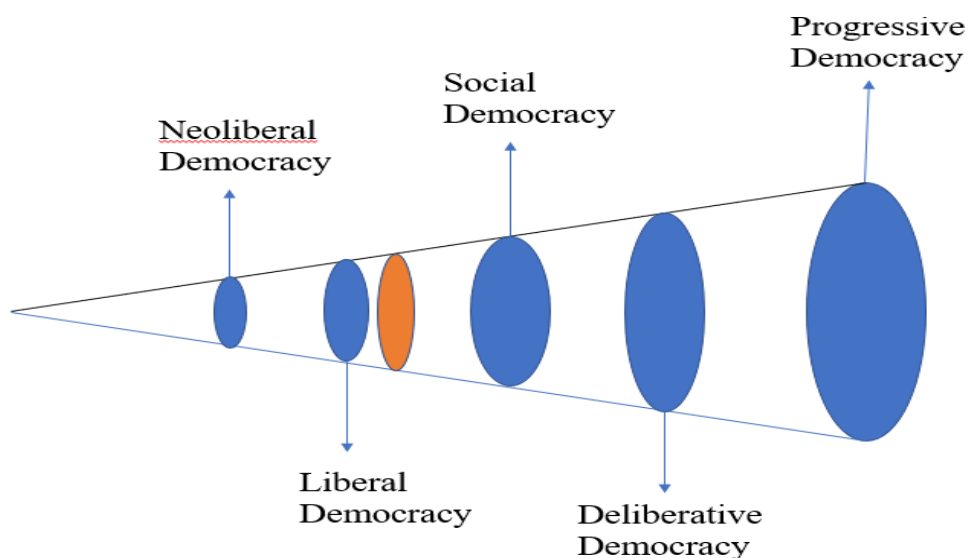
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<sup>101</sup> Deutscher Bundestag - 13. Wahlperiode - 222. Sitzung. Bonn, Donnerstag, den 5. März 1998 – pages 20276-20282

Amsterdam Treaty has already promoted democracy in Europe. Moreover, a significant step is represented by the empowerment of the co-decision-making power conferred to the EP about 75% circa of the EU competences. Clearly this represents a step forward, whereas the EP has been elevated at the same level of the Council in terms of approval capacity of EU law, but the fact that not all the subjects have been included still signifies an uncompleted democratic efficiency within the Union. Critics on the uncomplete democratization of the EU under Amsterdam appeared with harsh considerations. In the German Bundestag some parliamentarians saw a threat from the Amsterdam Treaty, which have been enforced through technocratic methods, which represent a pathway toward the neo-liberalization of the European society, and for them that represent a strong contradiction to democracy. Such speakers indeed underlined under a deliberative conception of democracy, that the citizens have been always more excluded by the European project, creating for instance a system that does not represent the needs of the citizens in many fields, from the employment theme to the citizenship rights. The employment issues, that according to the previous conferences and discussions, including those emerged after the Maastricht Treaty, has generally been condemned by both the national chambers of Italy and Germany. Under a social understanding of democracy, the missing elements within the Amsterdam Treaty are mainly inherent to a non-revised program of social objectives. The fact that a common currency had been established without the enforcement of political instruments able to coordinate fiscal and economic policies, would consequently generate a disharmonized existence of social policies within the countries. Indeed, the different paces of the member states, already divergent before the incoming enlargement to the eastern countries, represented an increasing challenge for the citizens of Europe, mainly because the monetary and economic union has been put in place without a respective political support. Such denied support comes directly from the democratic deficit. Indeed, being the Amsterdam Treaty fruit of an intergovernmental conference, whose goal was to repair the quick and uncomplete point generated from Maastricht, it should not surprise that the results reflect an equal dissatisfaction to that generated after Maastricht. The voice of citizens, claimed Senator D'Onofrio and the Abgeordnete Gregor Gysi, reflects a further departure from the people, at the very base of democratic society, and the governing institutions. Their deliberative vision of democracy stresses out the neoliberal condemnations moved on from other colleagues during the debates. The social democracy and the deliberative democracy are those that emerged more during the debate, together with a strong condemnation of the neoliberal vision of democracy, which has been supported only by few, like the Foreign Affairs Minister of Italy, Lamberto Dini. Such visions of a democracy needed to be social and inclusive of the citizens also reflects the internal policies of the time, whereas, for example in Italy, a defeat of the center-rights of Berlusconi gave free way to the socialist parties to succeed, offering higher approvals to

social perceptions of democracy instead of liberal ones. Furthermore, the progressive idea of democracy also results to be faraway from the debate. This last consideration stems directly from a matter of facts that sees the enforcement of the supranational institutions of the EU as a complete victory against the populist vision of the citizens as being in the central position to demand and obtain answers from the politics. However, such defeat is only apparent, so much that some parliamentarians, like Christian Sterzing, underlined the fact that an emerging position between national politics is trying to demonize the European project in order to support their nationalistic or regional purposes. It is this a first example of the incoming emergence of populist parties, which with the hindsight we can observe being at the direct opposition of the EU project, according to a progressive democracy understanding.

*The democratic cone*, seen and considered the improvements of the democratic elements of the Union, like the extension of the EP co-decision power or the increased legitimation through the appointing of the Commission Presidency by the EP, clearly represents a step forward the involvement of the citizens respect into the Union. However, the clear critics supra presented about the limited capacity of the Parliament, that still finds its co-decision competences limited in number, but also the IGC methodology still applied for the Amsterdam Treaty elaboration, demonstrate how the undertaken progresses are distant from a complete empowerment of democratic institutions in EU. Thus, the democratic cone would appear as in the following image, more distant from a neoliberal democracy interpretation, closer to a social understanding.



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# CHAPTER IV – THE NICE TREATY

## THE SURROUNDING SCENARIO AT THE END AND BEGINNING OF THE MILLENIUM

The Treaty of Nice has been the following step toward more integrated and institutionalized enforcement within the Union. The treaty, signed after the European Council meeting on the 7-9 December 2000, and entered into force on the 1st of February 2003, was characterized by 2 main elements: the entering into force of the euro currency, and the incoming enlargement toward the eastern EU countries. The issue of a unified monetary policy administration under a shared currency was a novelty for the EU countries, which were used to living in a community that cohabited through market agreements, but that at the same time kept their sovereignty in accordance with the logic of the modern State. Romano Prodi, president of the EU Commission from September 1999 until November 2004 affirmed indeed that the common currency represented, through its national sovereignty concession, the creation of an unprecedented economic strength<sup>102</sup>, as had been wished by the founding fathers of the EU, even if the Ventotene Manifesto of Spinelli clearly prefixed political union more than an economic one<sup>103</sup>. However, the unification of the national currencies inevitably took the EU member states to strengthen their political union as well. On the other side, the enlargement of the EU toward its eastern neighbors did represent not only a chance for increasing the EU influence, as well as its economy but also a challenge in terms of institutional reforms and adaptations. The Treaty of Nice indeed, as Amsterdam after Maastricht, had the goal to improve those aspects that had been left unresolved in the previous agreements. At Nice, the intergovernmental conference brought reforms that prepared the future enlargement, for example modifying the Commission composition and the number of European Parliament deputies, with a new voting ponderation within the Council of the EU<sup>104</sup>. Furthermore, the codecision has been extended to other subjects than those foresaw before. The debate clearly excited the parliamentarians of the EU countries, whereas critics of the insufficient concessions to the EP still represented democratic deficit concerns. The democratic deficit also emerged as a criticism under the idea that any proposal of EU reform could not be the fruit of intergovernmental conferences only, but it had to involve the

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<sup>102</sup> "Italia e Europa nell'epoca dell'euro", University of Bologna, Prof. Romano Prodi – video format on the web - Utuni Nettuno

<sup>103</sup> Il Manifesto di Ventotene – Altiero Spinelli – Ernesto Rossi – Edizione del Cinquantenario, pagina 16

<sup>104</sup> Trattato di Nizza che modifica il Trattato sull'Unione Europea, i Trattati che istituiscono le Comunità europee e alcuni atti

Parliaments because they are the true voice of the European citizens. With the Nice Treaty, several modifications had been applied to improve the Community architecture toward a more transparent and democratic functioning: besides the decision on the number of Commissioners for every state, which was 1 each state, it was decided on the number of the EP members too, that depending on a proportion of national population size, divided the totality of seats into a total number of 732. However, the Nice Treaty arrived during a period of deep changes, not only at the EU levels. The repercussion of the Soviet fall was indeed continuing, and the end of the millennia was characterized by an impressive event of global scope. Hence, when the Russian ruble was resurfacing from the 1998 financial crisis<sup>105</sup>, during the same year of the second intifada explosion, the end of the Balkan war, and the terroristic attack on the twin towers, the European Union was trying to achieve an enforced structure that could be able to handle the shakes generated in the international panorama. Thus, while in Italy the D'Alema's government took the reins after that Prodi did not obtain the so-called "Fiducia", the needed trust for the government to maintain its legitimacy at the executive head, and before that Silvio Berlusconi came back at the head of the XIV legislature from 2001 until 2006, the Italian internal politics experienced a period of the stronghold of the center-right predominance. The polarization system of the political elections that had characterized the previous "first Republic" in the second half of the XXth century, became more nuanced, seen, and considered larger coalitions for the composition of the ruling majorities<sup>106</sup>. In Germany instead, the 1998 elections concluded the Helmut Kohl's leadership, after 16 years of government was defeated electorally speaking, by a center-left coalition majority, the first time in German electoral history. The SPD and the Greens, together also with the post communists, together gather 52,7% of the votes. This red-green coalition was led by Chancellor Gehrard Schröder<sup>107</sup>.

## **DEMOCRATIC CONSIDERATIONS WITHIN THE ITALIAN SENATE – DISCUSSION ANALYSIS**

As usual, the debate in the Italian Senate began with the intervention of a first orator, Senator Provera<sup>108</sup>. From the first words, Senator Provera stressed the shaping of a long and ambitious project that through the Nizza conference was finally accomplishing the constitution of political space with continental dimensions. At the base, the democratic principles, pluralism, and a liberal fundament as

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<sup>105</sup> A Case Study of a Currency Crisis: The Russian Default of 1998, by Abbigail J. Chiodo and Michael T. Owyang

<sup>106</sup> Storia della crisi di governo: l'evoluzione del gioco dei partiti, Silvio Ghidini Ottonelli di Cadignano, 2020/21 LUISS Thesis Page 66

<sup>107</sup> Germany and Europe after Johl: between social Democracy and normalization? By Vladimir Hand and Charlie Jeffery

<sup>108</sup> SENATO DELLA REPUBBLICA XIV LEGISLATURA 165ª SEDUTA PUBBLICA RESOCONTO SOMMARIO E STENOGRAFICO MARTEDIÁ 7 MAGGIO 2002 (Antimeridiana) – from pages 6 to 10

a warranty of the inalienable human rights. Senator Provera affirms then how the EU project depends on the popular will, but also, he underlines how it was built by technical-elite decisions more than a conscious choice of the EU people. Furthermore, senator vera criticizes the missed simplification of the EU norms, which are not easy to interpret for the EU citizens' comprehension. He aims for an institutional reformation that would let the citizens greater democratic participation, as well as a possibility to govern. He claims the need in Europe for a stronger definition of the roles and competencies between the EU and its member states, with checking mechanisms granted by the national Parliaments and the jurisdictional organs. These improvements are necessary so far as the citizens are feeling a departure from the EU reality, which does not give an image able to comfort the needs of the citizens. The Irish vote represents a such departure. The problem of such distancing is given by the absence of linkages between the citizen and the EU institutions, that even if they are, step by step, empowered with new and enforced competencies, are missing the fair control of the people through the democratic channels as the Parliaments are. This proposes a misleading picture of the EU because it seems that the political-economic elites are those still at the head of the power, who decide regardless of the citizens' needs. There is a need, in the European Union, to give the full legislative authority to the European Parliament, and consequently, it is needed to enforce the national parliaments to make them able to grant the tutelage of national interests, especially during the formation process of the EU. The accomplishment of the EU rows toward the overcome of the nation-state concept, but according to senator Provera, it is still precocious to aim for the achievement of a functional equilibrium between the continental and the local levels, for clear reasons like the different languages, the political history, the needs of the territory. It is indeed necessary to avoid that, for the accomplishment of political unity, it is then created a centralized super-entity which is based on a centralization of powers that would instead represent a contradictory result of all those struggles that since the XIX century have been fought by the EU populations, in order to free the society from to much concentration of powers. Hence, it is necessary to strengthen the control mechanisms: first, politically and representatively, through national Parliament controls; secondly, through the conferral to the Court of Justice of the authority to become the guardian of the Treaties, after the increased underlining of its impartiality. Senator Provera concludes by affirming as inevitable the approval of the European citizens of the Nice Treaty, through a referendum, which would represent the purest form of democracy.

Here, Senator Provera expresses several points of view about how European democracy should be enforced, thus representing at the same time different interpretations of democracy. Starting with its affirmation of the EU principles as including the liberal one at the very base of the EU, together with the principle of democracy, as being at the bases of the contrast of citizens' alienation from political

life, he subsequently reflects on the need for greater involvement of the citizens. So, whereas the liberal democracy foresees a greater separation between citizens and political life, it is the deliberative democracy that instead seeks greater participation. Affirming that parliamentary controls are necessary for granting the citizens will tutelage, or that enhancing the democratic channels through the enforcement of national parliament linkages in order to connect the citizens with the EU institutions, clearly represent the deliberative democracy interpretation, which aims to maintain a representative democracy, but of an enhanced form, whereas the will of the citizens is respected in its totality. However, a contrast within the senator's wordings emerges also at the end of his speech, whereas a referendum for the approval of the treaty is defined as unavoidable. Thus, from the claim for a major involvement of the EU citizens to grant the respect of their will, until the claims of a referendum for the approval of the Nice Treaty, senator Provera involves in its interpretation of a form of progressive democracy. The question then arises whereas senator Provera would prefer the most possible direct democracy form that would be applicable into a supra national entity like the EU is, that would include the referendums of any treaty or law that has European character, or does it relate the need of the citizens' involvement only for the very base structuring of the EU architecture. The second hypothesis adapts better to reality, which could not work properly with a direct form of democracy within a continental organization. Hence, it would be more proper to associate the democratic view of Senator Provera at a deliberative form of democracy, but only because it is the nature of the EU project that impedes the application of direct democracy.

Senator Martone of the green coalition intervened subsequently. He claimed how the Nice treaty failed to obtain enforcement of the democratic legitimacy for the EU because missed to democratize the community institutions, the equilibrium of powers, and assure the respect of fundamental rights. The problem of missed democratization resides in the failed enhancement of the EP powers. The only success of the treaty is instead based on the tutelage of national interests, forgetting how the EU does have a double constitution, being a union of states and governments from one side, and a union of people and citizens from the other. The Nice treaty represented another time the fruit of intergovernmental processes which excluded the citizens, but more exactly forgot about the needs of the people. The Nice Treaty is represented the missed opportunity to put at the center a model that privileges the dignity and the rights of the citizens, sustainable development, a social justice. The need to establish an equilibrium between political and economic functions, which means to set the political reasons at the center rather than the market reasons, presupposes institutions with high autonomy and responsibility at the local level. It is needed a system open to the citizens and controllable not from a distant bureaucracy but the electors, to let citizens exercise their maximal influence and their role as political actors. For this reason, it is needed a constitution able to guarantee



such roles for the citizens, the senator affirmed. This would be possible only through direct participation of the citizens in the definition of the rules of Europe., so to reply to the citizens' concerns on the issues of poverty, and social exclusion, fight against terrorism, promotion of a social, fair, and ecologically development.

Senator Martone<sup>109</sup> harshly criticizes the technocratic development of the Nice Treaty and consequently of the EU. He affirms that the intergovernmental method has to come to an end and that the citizens have to be respected and even enhanced their participation. Such participation should be obtained through a strengthening of the local authorities, so as to let better the citizens for control of the political decision processes, endowing them with a higher capacity to influence and experience their political role actively. Furthermore, senator Martone signals how it is needed a referendum for the approval of the treaty, a further step toward the conclusion of the intergovernmental system. For his approaches toward the strengthening of the local dimension, his preference for referendums, for his strong underlining of the need to enhance the citizen's political role, senator Martone characterizes his democratic interpretation under the category of progressive democracy.

Opposite considerations come from Senator Dini<sup>110</sup>, of the Mar-DL-U coalition. He starts his speech by considering that, notwithstanding some structural deficits as outcomes of the intergovernmental conference, still the Nice treaty represents a turning point toward a more cohesive and close Union between the citizens. Nice promulgated indeed, according to Senator Dini, the projection of European citizens' rights into the fundamental charter of the EU. He also affirmed how thanks to the Italian delegation, in collaboration with the German one, the intergovernmental system for treaty revisioning has finally come to an end. Indeed, the senator continued his discourse affirming that more Europe means less government, and how it has been made since the creation of the community, through the diminution of barriers, tariffs, prohibitions, and monopolies. He is in favor of a minimum state, which is based on the principle of subsidiarity, which grants the construction of a system against exaggerated participation of the Union which, instead, should limit itself on the superintendence of the division of competencies. Senator Dini goes further proposing a federal system based on an enforced role of the EP and of the ECJ, also with the abolition of the pillar system. Furthermore, according to the previous observations on the minimum state, Dini affirms that it would be necessary to reduce the excessive regulation of the EU, whose solution resides in measures able to guarantee transparency, rationality, and responsibility. Besides, he affirms that it is necessary enforcement of the parliamentary role but through an extension of the codecision scope, including other subjects previously excluded in

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<sup>109</sup> SENATO DELLA REPUBBLICA XIV LEGISLATURA 165ª SEDUTA PUBBLICA RESOCONTO SOMMARIO E STENOGRAFICO MARTEDIÁ 7 MAGGIO 2002 (Antimeridiana) – from page 10 to 13

<sup>110</sup> SENATO DELLA REPUBBLICA XIV LEGISLATURA 165ª SEDUTA PUBBLICA RESOCONTO SOMMARIO E STENOGRAFICO MARTEDIÁ 7 MAGGIO 2002 (Antimeridiana) – from page 19 to 23

Maastricht and Amsterdam. Senator Dini thus expresses a clear idea of liberal democracy, whereas the representative scheme should empower the democratic deficiencies within the union, which, at the same time, should limit its excessive bureaucratic expressions but act only as supervisor of the common law, according to the theory of the minimum state. Hence, here it is reflected the idea of separation between citizens and state, not because the citizens have to be excluded, but because the representation method should suffice for adequate respect of democracy, letting the citizens live the society and enjoy the overcome restrictions that instead do exist in a too much-centralized system. The following analysis came from Senator Magnalbò<sup>111</sup>, a member of “Alleanza Nazionale”. He observed how the obligation to consult the EP from the Council has been extended to important subjects, but the missed unblock of the voting system in the Council took an unsatisfactory result. Such dissatisfaction is especially for the codecision extension, which is generally connected to a qualified majority scheme, thus not extended to those sectors to which it will be maintained the unanimity vote. He also argued how Europe craved from Italy is the one that includes and recognizes the identity of its member states, according to the subsidiarity principle. He and his party are in favor of a sovereignty concession, but only with the guarantee that it does not bring the creation of a supra-national entity distant from the citizens. Alleanza Nazionale wants a simple Europe, characterized by transparent legislation able to contrast financial aridity. Here, senator Magnalbò, represents a liberal democracy point of view, whereas, as in accordance with senator Dini, the principle of subsidiarity should maintain autonomy to the nation-states, which at the same time should be covered by parliamentary enforcements, as the extension of codecision votes to further subjects. Such scheme reflects a liberal formulation so far as the citizens are the base of the political objectives, but at the same time is expected that the democratic institutions, especially the Parliaments, should be those that actively fight for the citizens' respect, and thus the parliamentary enforcement is the needed element for such protection. The subsidiarity element joined with the previous ones, forms a scarce but still alive spark of a liberal democratic perception within the speech of senator Magnalbò.

## **DEMOCRATIC CONSIDERATIONS WITHIN THE GERMAN LOW CHAMBER – DISCUSSION ANALYSIS**

The German discussion in the low chamber, the Bundestag, started to handle the Nice Treaty and democracy with the parliamentarian Gunter Gloser<sup>112</sup>, a member of the SPD. He firstly remarked how

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<sup>111</sup> SENATO DELLA REPUBBLICA XIV LEGISLATURA 165ª SEDUTA PUBBLICA RESOCONTO SOMMARIO E STENOGRAFICO MARTEDIÁ 7 MAGGIO 2002 (Antimeridiana) – from page 34 to 35

<sup>112</sup> Deutscher Bundestag – 14. Wahlperiode – 179. Sitzung. Berlin, Donnerstag, den 28. Juni 2001 – from page 17614 to 17616

the Treaty was at the base of the EU enlargement, whose results are highly appreciated by the applying countries. The Nice Treaty, besides defining the number of Commissioners for each member state, and the number of parliamentarians, also made possible enforcement of the democratic side, especially regarding the antidemocratic legitimation reserved for the Council decision-making process. Generally, he sees the Nice Treaty as a step forward, matter of fact the extension of the qualified majority for the Council toward broader sectors. The adoption of the Charter of fundamental rights also represents the base for the European Union's construction. However, the perception of the citizens about democratic efficiency has reduced. They feel like their vote does not matter. To enforce the democratization of the Union it is necessary to operate a parliamentarization of the European institutions. The EU traits have to become more readable. A greater clarity then needs a clear definition of who is responsible for what. Hence, the division of competencies between the EU and its member states has to become even more defined. These improvements, which are not obtainable in a few steps, will need to be prepared in time, for example during the 2004 intergovernmental conference. Another point that the parliamentarian aimed to was also the enhancement of the Parliament and the Commission nearby the Council, whereas the latter is disproportionately endowed with powers in regard to the previous. Hence, the parliamentary enforcement and the overcoming of intergovernmental conferences for the revision of the European treaties have to be assured under a clear length, that is the predominance of the EU interest in regard to the national ones. Such a scheme of departure from the national interest toward a broader European one surely reveals a trust in the EU project that cannot be separated from a strong belief in the member states' capacity of achieving the project. Indeed, it could not be possible to affirm that the EU should be put first in place over the nations if there is no belief that the member states, which are the base of the union, cannot succeed. The explicit referment to an equilibrium of powers between the EU institutions is affirmed by Mr. Gloser as the best way to guarantee the democratization of the Union, however, affirming that the wordings of the parliamentarian result to be empty praises for an uncritical audience, whereas not connected to the social needs that a democratic representation should guarantee. Indeed, Mr. Gloser did not reveal any specific correlation between his political ideas to the different views that had been set on the democratic index as referred to in the first chapter. If there is not a direct reference on how democracy should work, to which finality and for who, then affirming that the EU needs greater enforcement of the Parliament would limit itself to reflect a representative democracy idea. Subsequently intervened Peter Hintze<sup>113</sup>, a member of the CDU/CSU coalition. He affirmed that the Europe of the governments was distant from the citizens, and it is for that reason necessary to give it

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<sup>113</sup> Deutscher Bundestag – 14. Wahlperiode – 179. Sitzung. Berlin, Donnerstag, den 28. Juni 2001 – from page 17617 to 17618

back to them. This is the main commitment needed for the constitutional process of Europe. There is a willingness of developing Europe so that the citizens could be more involved, letting them have a true and effective right to voting, such as voting for the EU Commission composition. In this regard, the EP should become the main pole for the implementation of important decisions. In this way, the EU would be closer to its citizens. The role of the Parliament is also required for what relates to the preparatory assembly of the Constitutional Treaty of the EU. Here, Mr. Hintze, clearly expresses a vision of deliberative democracy, whereas the needs of the citizens are put in the first place under a logic of politics intended as working in accordance with the citizens' requests. It is not working for the alleged collective interest, but it is working for the real demands of the people, however through a representative model of democracy. This is characterized by the demand, from the parliamentarian, for greater powers for the EP. Hence, this vision of enforcing the representative organ in order to give voice to the citizens' requests, which has to be accomplished with due empowerment, is indeed in congruence with the deliberative democracy interpretation.

Then, Uwe Hixsch<sup>114</sup>, a member of the PDS, intervened, affirming how “today” ’s a form of Europe is only discussed by the governments, and it is not more understandable by the citizens. Central issues, like the employment rate, and the development of social policies, are not at the center anymore and this is not accepted by the citizens, as represented by the Irish case. Mr. Hixsch then accused the national government of Germany to be forgetting the constitutional concerns inherent to the EU and warned that the citizens could undertake a constitutional action against the methods utilized by the actual government regarding the possible breaks toward further integration in Europe. According to him, the Nice Treaty does not represent a success how it is instead painted by the government. However, he also claims for a redirection of the focus toward the civil society, against the mere project of a financial agreement that does not require democratic methods and whereas the parliamentarians do lose an effective voice in regard to economic interests that do relate to an internal market out of control. Here, Mr. Hixsch reflects the idea that social objectives like employment and social development should be put at the center of the political project in the EU. Such an idea relates to a social democracy interpretation, which in accordance with a representative scheme, works and functions inherently to social aims.

Subsequently, Mr. Michael Rot (SPD) affirmed how the European capacity of action depends on the trust given to the institutions, especially in the triangular relation between ECJ, EU Commission, and EP. Greater competencies to the EU are acceptable only with greater democratization at the EU level. He supports the EU project so far as it is the only possibility to address the global challenges, which

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<sup>114</sup> Deutscher Bundestag – 14. Wahlperiode – 179. Sitzung. Berlin, Donnerstag, den 28. Juni 2001 – from page 17622 to 17623

put at risk the social, and ecological standards, as well as the cooperation and social development that should not let the people be forgotten, because they are the nucleus of the society, and their wealthiness should be at the center of the politics. This represents a social interpretation of democracy, that as previously confirmed, puts the social objectives at the center of a representative scheme of democracy.

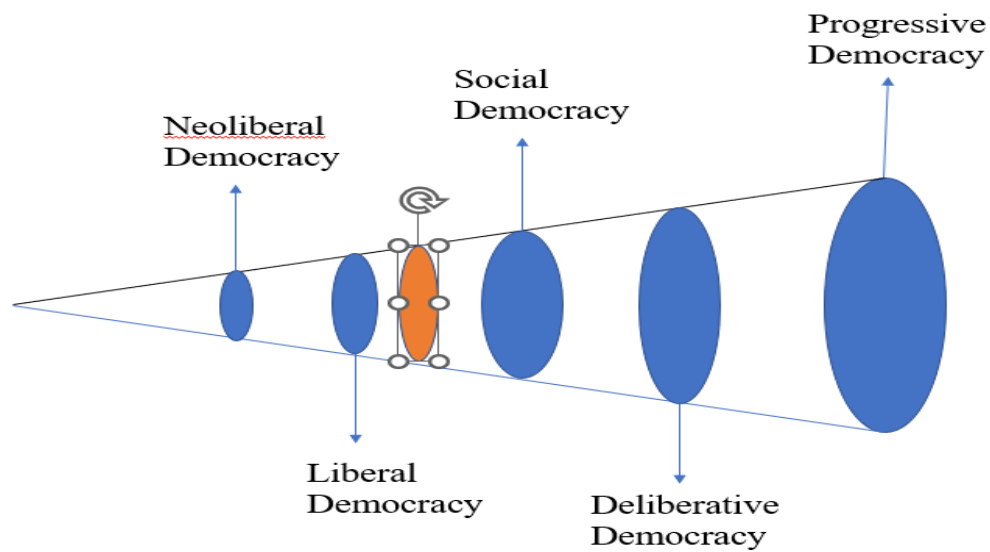
## **CONCLUSIONS**

The debate within the national Parliaments of Italy and Germany, inherently the approval of the Nice Treaty, demonstrates how the European integration process has been hard. In terms of the enlargement of the EU toward the ex-soviet nations, in the eastern part of the continent, many parliamentarians have criticized the insufficient endowment of powers to the democratic institutions of the Union. According to Senator Basile, a member of Forza Italia, the adequation of the European Parliamentary seats to 732, summed to the decision of conferring one Commissioner to each member state, represents a step forward toward a better and more integrated Europe. Thus, there has been a sort of contrast among the speakers, whereas the quasi totality expressed the Nice outcomes as being unsatisfactory, considering the needed progress for a more democratic and functioning Europe, but if some senators and parliamentarians welcomed the Treaty as the natural step, even if short, toward a stronger Union, others criticized heavily the missed results of the Treaty. If the Amsterdam Treaty had left uncomplete the extension of the codecision powers for the EP in concomitance with the Council, the Nice Treaty did not accomplish an extension of the codecision faculty either. Furthermore, the intergovernmental methodology that has brought the elaboration of the Nice Treaty, as a result of the conference held in Nice, has been harshly criticized by almost all the speakers, because it represents a method that contrasts the democratic veins of a healthy institution that regards the will of its citizens. In the debates of the two chambers, the Nice Treaty provoked different reactions in terms of democratic concerns. In the German Bundestag worries about the social objectives of the Union emerged not only through considerations of the European Parliament's role, but also in regard to the general concerns that the intergovernmental outcome had generated in terms of social objectives as the employment, social cohesion, and development, which reflects a social democracy defense. However, in both the Parliaments, the speakers have also carried on the promotion of what can be defined as deliberative democracy. The claims for higher integration and participation of the citizens in the European functioning, through, for example, the endowment for the citizens to vote for the EU Commission members, but also with the faculty of expressing their opinion on the treaty with a referendum, do represent the intention for higher participation of the

citizens, but always with the existing democratic channels granted from a representative type of democracy. It is indeed harsh for a super entity like the EU was becoming and still is today, to let governance with a direct form of democracy, which is even hard on the national realities. However, according to Italian Senator Martone, it would be possible to implement more direct democracy, through the enforcement of local authorities that would guarantee the true reflection of the citizen's concerns, whereas the EU should, in such case, act mainly as a supervisor more than the regulator. The idea of Senator Martone is to contrast the centralization of powers, which could reflect a liberal ideology, but because his purpose is to strengthen the citizens' involvement in political life, letting them be active and direct actors, his interpretation relates more to the idea of progressive democracy. In the debates also emerged interpretations inherent to the liberal democracy, as expressed in the words of Senator Dini. He claimed for a minimum state, which is characterized by the separation of the citizens from the State, but where at the same time the democratic institutions act as guarantors of the citizen's freedom. It is indeed necessary, according to the liberal democracy view and to Senator Dini's aims, that the Parliaments, at the national and European level, are enforced with more powers but, most of all, with higher legislative capacity. It should be at the same level as the Council at least, if not at a higher position. Thus, in the debates did emerge concerns that, democratically speaking, still underline the democratic deficit within the EU institution. The Nice Treaty represented a step forward in terms of integration, having prepared the bases for the eastern enlargement, but at the same time missed the proper empowerment of the democratic channels. If the democratic deficit was an issue already with 12, then with 15 members, as respectively were at the Maastricht and Amsterdam Treaties, a Europe enlarged with 25 members, not sustained with more democratic instruments, slowed by the Council's incapacity to keep its faculty of unanimity votes on fundamental subjects like agriculture, still maintain the perception of a malfunctioning organization. Furthermore, the intergovernmental conference and the alienation of the parliaments through the decision process which brought to the Treaty formulation represented a stressing of the citizens' departure from the EU project, and that has been also hardly condemned in the debates. However, as German Prime Minister Gerard Schroder affirmed, the intergovernmental conference without the involvement of the European and National Parliaments' opinion has come to an end.

*The democratic cone*, seen and considered the supra reported critics, but also the imminent enlargement toward eastern countries, has not improved the democratic institutions of the EU but changed some practical elements, as the number of the EP seats. The fact that more countries would join the Union, does not mean more democratic weight, but just a higher potential of democratic weight. Indeed, without a proper enforcement, the Ep representatives, even if higher in number than

before, could not effectively influence and report their voice in the political dimension of the EU. Hence, because no proper improvements of the democratic elements have been implemented, the democratic level in the cone would not move its position much more from Amsterdam. However, a little movement toward a larger size of the cone would happen, due to the affirmed will of changing the IGC method for the next conference, as well as the effective potential that an improvement of democracy would bring to the EU thanks of the member states enlargement.



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# CHAPTER V – THE LISBON TREATY

## TOWARD THE LAST TREATY – AFTER THE 2004/07 ENLARGEMENTS

The Lisbon Treaty is the direct consequence of a constitutional project that, since the Laeken declaration in 2001, and subsequently the negative outcome of two referenda in May and June 2005 on the constitutional treaty, derived from the consequent two-year period of reflection taken from the European Council. In 2007, on the basis of the Berlin Declaration taken in March, the EU Council in June adopted a detailed intergovernmental conference, under the Portuguese presidency. The IGC works ended in October 2007 and signed on 13 December 2007 at the European Council of Lisbon. The Lisbon Treaty went beyond the Constitutional print that had been desired since Laeken, especially after the 2005 negative response. The missing constitutional referment has an important significance inherently to the national sovereignty of the Union's member states, whereas the supremacy of Union law over national legislation exists, as also enforced by the ECJ sentences, but does not have constitutional hierarchy. The 3 pillars established with the Maastricht Treaty have been unified under one unique body, explained into the renamed text establishing the European Community, the Treaty on the Functioning of the European Union, or TFEU. For the first time since formation, the Lisbon treaties clarify the powers of the Union, distinguishing them in exclusive competence, shared competence, and supporting competence<sup>115</sup>. Such division of powers cannot disregard of the subsidiarity principle, which had been requested with high voice in the previous parliamentary debates. Furthermore, the Treaty endows the European Union with full legal personality, hence it obtains the ability to sign international treaties in the areas of its attributed powers. Indeed, we can see, as an example, that the EU participates to the World Economic Forum as a subject with legal personality. However, the situation for Europe was not facilitated by the ongoing processes of membership enlargement toward east. The Nice Treaty had set the bases for the enlargement of these first countries, but other entrances were in program and the fact to cooperate with 27 members, as Bulgaria and Romania joined in 2007, did not facilitate the unanimous consensus needed for the Lisbon Treaty ratification. This difficulty for improving the Union could be easily associated with the negative integration theory illustrated by Scharpf<sup>116</sup>, whereas the regulation of the existing treaties, law at EU level, will result harder so far as it includes more interests, or different status quo as Steueneberg<sup>117</sup> described them. This was demonstrated by the Irish referendum which,

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<sup>115</sup> Fact Sheets on the European Union – European Parliament – The Treaty of Lisbon

<sup>116</sup> Negative and Positive Integration Fritz Scharpf

<sup>117</sup> How Implementation Affects Revision: EU Decision-Making on Changing the Posting of Workers Directive - BERNARD STEUNENBERG Institute of Public Administration, Leiden University

at first instance, declined the approval of the Lisbon Treaty ratification, generating panic throughout the EU leaders of the other member states. After the constitutional refusal subsequently to the Dutch and French referendum outcomes, the Lisbon Treaty risked being rejected because one country only, amidst other 26 members, did not approve it. In the meanwhile, Germany had welcomed her new leadership under the so-called grand coalition between the CDU-CSU and SPD, whereas Angela Merkel won the charge as German Chancellor<sup>118</sup> The German Chancellor considered the Lisbon Treaty as vital for the EU functioning, especially to be able to act and to include future enlargements, she affirmed<sup>119</sup>, so that Merkel remained confident about the EU implementation of the Lisbon Treaty<sup>120</sup>. In Italy, the leading government during the formulation and sensibilization toward the Lisbon Treaty was the one under Romano Prodi, which had also been European Commission President in 1999. This facilitated the Italian convergence toward the Lisbon Treaty, notwithstanding the previous one, the so called “quinquennio di Berlusconi” had been the criticized but still pro-European government of the Italian right. However, following the 2004 enlargement, which brought the number of the Union to 25, followed in 2007 to a further enlargement to 27<sup>121</sup> member states, the EU was facing a challenge in terms of population, with 75 million people circa joining the EU, but also in expenditures, paying high costs considering the 41 billion euros released for the period 2004-2006, to support the pre-accession expenditures<sup>122</sup>. There was indeed strong tension about the incoming development of the Union and the Lisbon treaty was the further step so much aimed after the previous treaty amendments because more stability, higher peace also for the ex-soviet countries, principles of solidarity and most of all democracy, had to be safeguarded under by a valid legal document. The Treaty of Lisbon, even if does not have constitutional validity, involves, within its rules, those principles that guarantee the populations’ harmony and serenity. However, the democratic concerns emerged in the parliamentary debates previously analyzed demonstrated how an evolution within the Union has remained, but it still relates on a dimension that is hardly manageable under a mere democratic point of view. Indeed, the treaty amendments so far achieved could do little in terms of citizens involvement, but empowering the Parliamentary powers and the institutional legitimacy.

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<sup>118</sup> Chancellorship of Angela Merkel - First two terms and the euro-zone debt crisis  
<https://www.britannica.com/biography/Angela-Merkel/Chancellorship>

<sup>119</sup> Merkel says Lisbon treaty vital for EU to function -By [Gabriela Baczynska](#)

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<sup>120</sup> Merkel Remains Confident EU Will Implement Lisbon Treaty – DW Made For Minds

<sup>121</sup> The UK was still part of the Union, and only in 2013 Croatia will increase the Union’s number at 28

<sup>122</sup> EUR-Lex - The 2004 enlargement: the challenge of 25-member EU

For example, with respect to the 2007 IGC that led to the signature of the Treaty of Lisbon, Parliament for the first time since its creation, sent 3 representatives to the conference that happened under the Portuguese Presidency. But also, the Parliament's legislative powers have been increased through the ordinary legislative procedure, which replaces the former codecision procedure, and apply to more than 40 new policy areas, raising the total number to 73. Furthermore, the new budgetary procedures created a total parity between Parliament and Council approval for the annual budget, whose multiannual financial framework has to be agreed by Parliament.<sup>123</sup> However, the Lisbon Treaty, notwithstanding its general improvement of the Union also in terms of democratic responsiveness, still detained critics from the political expressions analyzed in the following chapters, coming directly from the Italian senators and the German Abgeordneten.

## **DEMOCRATIC DEBATES IN ITALY – THE LISBON TREATY ACHIEVEMENTS**

The Italian debate begins with the Senator Dini<sup>124</sup>, ex-prime minister of the Italian government in 1997, then minister for the foreign affairs in the following legislature. The senator elucidates his audience about the risks that the Lisbon Treaty is taking after the Irish rejection through referendum. The Irish opposition arrived notwithstanding the elimination of the constitutional character within the Treaty's lines, as consequence to the French and Dutch referendums in 1995. However, senator Dini cared to say that, even if he judges the agreement still not sufficient, still it makes the Union able to act and decide about sensitive subjects, like migration, energy, security, and economic growth. That is good so far as Europe has to answer to the global challenges as one, instead of many divided individuals. To handle these issues, the EU has been enforced with more democratic and transparent procedures, especially with an enhancement of the European Parliament powers. The national powers as well are, for the first time in the Union's history, endowed with a specific role described within the Treaty itself. Art. 8C of the Lisbon Treaty affirm that the national Parliaments will have to "actively contribute to the good functioning of the Union. They will also participate to the Treaty revision processes, but also let their opinion available to the Commission, making them conformed to the subsidiarity principle. In this way it will be possible to let the citizens to be better informed. The position of Senator Dini is here clear, as he relates to a guarantee for the citizens through an enforcement of the Parliamentary principle, furthermore, enforced with the application of the subsidiarity principle.

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<sup>123</sup> Fact Sheets on the European Union – European Parliament – The Treaty of Lisbon

<sup>124</sup> 47ª Seduta (pomerid.) Assemblea - Resoconto stenografico 23 luglio 2008 – XVI Legislature, from Page 2 to 7 of the Lisbon Treaty discussion

A following intervention by Senator Boldi<sup>125</sup>, member of the LNP<sup>126</sup>, reflected instead more directly about the democratic deficit. He affirmed how the enhanced role of the National Parliaments thanks to the art. 8c of the TFEU, plus the utilization of the subsidiarity principle concretely built a democratization of the EU institutions. To separate the competences between the EU institutions and its member states, through indeed the consequent application of the subsidiarity principle. However, he reflects on the need to improve the systematic of the examination on the legislative procedures, to improve the EP powers on those subjects not included under the ordinary legislative procedure, hence maintaining the unanimity system under the Council control, and to improve the proportionality on the proposals 'intensity.

Critics came instead from Senator Pedica<sup>127</sup>, member of the IdV<sup>128</sup>. After having premised the will of his party about approving the Treaty, he underlined that the Irish rejection depended mainly to those pro-europeans which have not acted without passion. The unification process, he says, facilitated by liberal stimulations, has been carried on has an elite project which crossed the "citizens' heads", hence without consulting them. His concerns are also about the increasing number of citizens suffering financial crises, due to separation created from the decision-making competences conferred to Brussel and Strasburg and the democratic opportunities of participation in the nation states. There is missing a political grip on the institutional operation proceedings that should be brought at EU level, at practical level besides than theoretical levels. Indeed, too many issues have been let aside, from the privatization of the hydric sources to the missed integration of the Charter of Values, which even if added in a following protocol to the treaty, gives secondary importance to the rights of migrants and minorities which should instead be at first interest. Subsequently, senator Pedica defends the national Parliaments against those that accuse it to distort the true voice of the citizens. According to his vision of Parliamentary primacy, joined with an acute attention to the social problems that the EU and all those involved politicians that worked without passion, his interpretation of Dmeocracy well fits with the social democracy understanding.

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<sup>125</sup> <sup>125</sup> 47ª Seduta (pomerid.) Assemblea - Resoconto stenografico 23 luglio 2008 – XVI Legislature, from Page 7 to 8 of the Lisbon Treaty discussion

<sup>126</sup> Lega Nord Padania

<sup>127</sup> <sup>127</sup> 47ª Seduta (pomerid.) Assemblea - Resoconto stenografico 23 luglio 2008 – XVI Legislature, from Page 8 to 10 of the Lisbon Treaty discussion

<sup>128</sup> Italia dei Valori

An according vision to the social democracy also comes from Senator Bianconi<sup>129</sup>, member of the PdL. He sees the Lisbon Treaty as a possible element that will enact, even if in future, the improving process that will obtain positive results on the working field, social services and also genre parity.

The Democratic Party's Senator Marinaro instead claimed the urgency of the integration process as an impellent need to overcome the national dimension. The following democratic deficit within the EU is a natural consequence of the sovereignty concession that the member states operate in the Union's participation. And it is indeed under this supportive contribution by each member state that democracy can be promoted not only in Europe, but also abroad, as the eastern enlargement witnesses. Europe is then becoming always more participatory, and the citizens inclusion is emerging as a key factor for the transparent and coherent functioning of the Union. This participation is surely demonstrated and underlined by the increasing involvement of the national parliaments, especially through the increased conferral of powers given to the codecision procedure, but also through the recognition of the popular judicial initiative. Furthermore, the citizens identity is confirmed, under a negative and positive liberty, through the commitment of the institutions to respect the individual spaces. These words about the importance of greater involvement of the national Parliaments into the democratization of Europe, symbol of an instrument able to bring democracy even abroad, does fit with the liberal democracy interpretation, especially whereas considered the reflections that, the senator, exposed about positive and negative liberties.

Senator Lannutti<sup>130</sup>, member of IdV<sup>131</sup>, then intervened, taking as example the Irish rejection to stress out the European technocracy as being at the guidance of the Union's development. The Irish case, he continues, demonstrates the umpteenth manifestation of citizens' impatience, toward a European architecture hard to comprehend. The EU is becoming a cryptic system of bureaucratic means able to affect the individual liberties in each member state, without that they know what is going on. The Lisbon Treaty even if distant from the ideal Union, does have the great element of being able to streamline integration and governance. Still, it is needed to involve more the citizens, so to create a Europe of citizens and not a Europe of the banks. The ECB is indeed considered from senator Lannutti as the head of an oligarchic system, whose only interest is to maintain a certain degree of inflation rate, at the expenses of million of workers and retirees. He approves the French President's initiative

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<sup>129</sup> <sup>129</sup> 47ª Seduta (pomerid.) Assemblea - Resoconto stenografico 23 luglio 2008 – XVI Legislature, from Page 11 to 13 of the Lisbon Treaty discussion

<sup>130</sup> <sup>130</sup> 47ª Seduta (pomerid.) Assemblea - Resoconto stenografico 23 luglio 2008 – XVI Legislature, from Page 20 to 22 of the Lisbon Treaty discussion

<sup>131</sup> Italia dei Valori

to make transparent the ECB minutes of their monthly meetings, without that nobody could consider it as an attack to the institution's independency.

Senator Divina<sup>132</sup>, member of LNP, underlined then the large discrepancy that exists in Europe amidst citizens and political elite, whereas the latter manages the European system. The issue is that until the Treaties are approved through parliamentarian or governmental ways, then Europe works, but as soon as a referendum or any other popular consultation is demanded, it is then not approved. The senator continues affirming that there is not a European sentiment, for several reasons: citizens do not see in Europe a solution for their problems, because it is not able to manage the costs and the economic prices, which have increased a lot recently. The problem swells even more considering the substantial political irresponsibility of a technocracy which is bureaucratic, political and judicial. The enlargement toward other member states did not correspond to a substantial renovation of institutions born in the 50 under a membership of only 6 countries. Furthermore, the Treaties have an incomprehensible language for the majority, departing even more citizens from Europe. The vision that Senator Divina formulates is clearly contrasting the neoliberal vision of a technocracy that decides over the citizens future. The fact that such strong accusation of a bureaucratic elite holding the reins of Europe, while the citizens participation is denied and rejected notwithstanding the importance of the citizens themselves, do represent a defense of a progressive type of democracy. Furthermore, considerations about the actual political incapability of granting the solutions for the social problems, evolves easily in abstractions able to depart the actual political representatives in favor of a more autonomous governance, whereas the citizens can make their voice heard.

An important consideration about democratic deficit arrived from Senator Randazzo<sup>133</sup>, member of the PD. He affirmed that the Lisbon Treaty, notwithstanding its ability to make the European decision-making processes easier, defects of a democratic vacuum which is mainly characterized by the missing link between European commission and citizens will. Because the commission components are not elected but designed by governments, without receiving instructions by the European Parliament, the democratic deficit raises to the stars.

## **DEMOCRATIC DEBATES IN GERMANY – THE LISBON TREATY ACHIEVEMENTS**

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<sup>132</sup> <sup>132</sup> 47ª Seduta (pomerid.) Assemblea - Resoconto stenografico 23 luglio 2008 – XVI Legislature, from Page 23 to 23 of the Lisbon Treaty discussion

<sup>133</sup> <sup>133</sup> 47ª Seduta (pomerid.) Assemblea - Resoconto stenografico 23 luglio 2008 – XVI Legislature, from Page 28 to 29 of the Lisbon Treaty discussion

In the German debates, positive words on the Lisbon Treaty came from Markus Löning<sup>134</sup>, member of the FDP. He expressed a partial satisfaction inherently on the Treaty reforms, but the clear thing is that it makes the European Union more democratic, more transparent, and capable of action. The EP will be endowed with broader rights, like the double control that will direct a further step toward a greater democracy in Europe. Subsequently, the parliamentarian introduced the concept of competition, to which he said was eliminated from the objectives. But competition is the means for an ordered free society. This is an issue so far as the social objectives that need the State's intervention have been put in the foreground, while concurrence has been downgraded. Because the EU is characterized by free citizens, it is necessary to pay attention that the EU action will not overcome the individual space. In such evaluations, the Abgeordnete Löning explicitly defends a liberal interpretation of democracy.

Subsequently, Dr. Lothar Bisky<sup>135</sup>, member of Die Linke party, underlines how the Lisbon Treaty is practically impossible to understand without an expert able to translate the dogmatic regulation composing the Treaty. That is a problem for the EU democracy, because without a European public able to reciprocate the EU norms, then democracy cannot exist. However, the introduction of the popular initiative has introduced more direct democracy in Europe, but the fact that the popular will is not heard for the Treaty approval, is a clear act of contempt against the citizens. For that reason, Dr. Bisky claims for referendum. In his vision we can observe traces of progressive and deliberative democracy, whose main distinction reside on the citizens participation within the political process. So, where the first accept a representative scheme, the second claim for a direct. It is in relation to this distinction and the Parliamentary demand for direct democracy that we could relate his vision more to a progressive understanding.

Another member of Die Linke, Alexander Ulrich<sup>136</sup>, expresses critics about the Lisbon Treaty, underlining how the European people won't have a voice in defining the fundamentals of the EU, even if it will change their life and their jobs radically. The Lisbon treaty consolidates the antidemocratic, neoliberal and military development of the EU. According to the reflection period taken by the EU governments after the failed constitutional attempt, a new treaty had to emerge under new configurations, but the Lisbon Treaty represent the 90% of the precedent Constitutional proposal, hence avoiding the critics of constitutional character to the Treaty, but substantially legitimating an

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<sup>134</sup> Deutscher Bundestag – 16. Wahlperiode – 151. Sitzung. Berlin, Donnerstag, den 13. März 2008 from page 15838 to 15839

<sup>135</sup> Deutscher Bundestag – 16. Wahlperiode – 151. Sitzung. Berlin, Donnerstag, den 13. März 2008 from page 15841 to 15843

<sup>136</sup> Deutscher Bundestag – 16. Wahlperiode – 151. Sitzung. Berlin, Donnerstag, den 13. März 2008 from page 15848 to 15849

informal constitution. This generates ignorance within the people. Referendums are avoided because it is feared that public opinion could contrast the economic interests of the governments. The social division within the EU countries is increasing always more and its not a coincidence, but a consequence of the political decisions. The European elite wants to grant its anti-social and neoliberal policies through the Treaty approval. Instead of increasing the minimum salaries, the prohibition of public properties privatization and minimum social standards, the open economy is instead written in the treaty. The vision of the parliamentarian Ulrich takes care of the social objectives that relate to the EU competences, or better to the EU potentialities. The critics on the elites that do not listen the citizens, here can be seen as the low power given to the Parliament, or the absence of communication channels that should relate the citizens concerns to the political class. However, under this representative point of view, it would be possible to address the vision of Dr. Ulrich as being of social democratic print.

However, also positive signals came from the debates, as from the speech of Doctor Angelica Schwall, member of the SPD. She affirmed how the European citizens will gain from the Lisbon Treaty, as well as Parliaments, civil society and national states, plus the regions and Europe itself. The Treaty enforce the European Parliament.

Subsequently, Mr. Henry Nitzsche<sup>137</sup>, a member not subscribed to any party, sank a sharp blow to the actual situation. Germany does not trust his people anymore, he affirmed. Such distrust toward the people is not only in Germany, but also in the other EU countries, whereas the consensus is that the referendum practice has to be overcome, as the French and Dutch cases represent. They voted against the Constitutional attempt in 2005, but for the Lisbon Treaty their opinion has not been heard again, illuding them of great changes, just changing the name into reform treaty, instead constitutional treaty. However, Nitzsche continues, the german people has never be heard, no onty for the Lisbon case, but also for the euro introduction, the Schengen area expansion. He intends that the Lisbon Treaty creates a de facto Constitution, because binding for more than 500 million citizens allover EUopre, that did not have democratic legitimation so far as it has not heard the citizens opinion. It is based on a European population that in reality does not exists. Where is the national Parliament participation? Where is the people sovereignty? He asked. Furthermore, the Parliament seats for Germany, at that time composed of 99, would have been reduced to 96, a number which does not fit to the German population percentage within Europe, that consisting of the 20%, should have granted at least 150 seats for representing Germany. Moreover, the future policies will be substantially decided by the

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<sup>137</sup> Deutscher Bundestag – 16. Wahlperiode – 157. Sitzung. Berlin, Donnerstag, den 24. April 2008 From page 16472 to 16473



compromise of 27 head of states, and this is not compatible with the German Constitutional article 20 (2), which affirms that “all the power of the States comes from the people”.

Micheal Stubgen<sup>138</sup>, member of the CDU/CSU then spoke, affirming that Lisbon made Europe more democratic, efficient and transparent. The EP will finally receive full parliamentary powers. Then, the national Parliaments will have the full rights to be informed, but also to participate to the European policies. Besides, the EP has the faculty to examine legislative projects stemming from the Commission and to express judgements able to make the Commission to formulate the question again. However, to grant all the cited and required elements for a functioning democracy, it is needed that the subsidiarity principle is enforced and respected completely. The subsidiarity principle is indeed not so much utilized from the existing procedures, that should advance the actuation process of the principle.

## CONCLUSIONS

The Lisbon Treaty is the most recent amendment of the international agreement legitimizing the European Union. It was the consequent result of long negotiations that after two years of reflection, stemming from the failed attempt of constitutional revisions, did formulate as final result such Treaty. The debates in Italy and Germany about the Lisbon Treaty, as for all the precedents, does include a series of controversial points of view, weather some supported the reforming innovations carried on in the text, and others still condemned the poor results obtained. Eventually, the intervening speakers within the analyzed debates, do sometimes oppose not just the poor democratic formulation developing in Europe since Maastricht until Lisbon, but condemn the project as a whole because fruit of technocratic elaborations. Dr. Nitzsche directly accuses the poor democratic legitimation of the whole EU project, whereas the intergovernmental conferences just overcame the citizens, assuming decisions that would have direct impact on the citizens life. This theme has generally been shared by all the opposers of the EU project, because evidently there is a missing consultation of the citizens in the EU fundaments creation. However, differently from the previous treaties, Lisbon demonstrated the ability to satisfy several voices, whereas many speakers have praised the enhanced capacity of the Parliament to participate at the extended subjects of the codecision procedure, renominated ordinary legislative procedure. Furthermore, the direct involvement of the citizens with the possibility to propose legislation or other measures to the Commission, if at least one million people from at least seven EU countries<sup>139</sup>. This is one example that demonstrates the really stressed out the improved

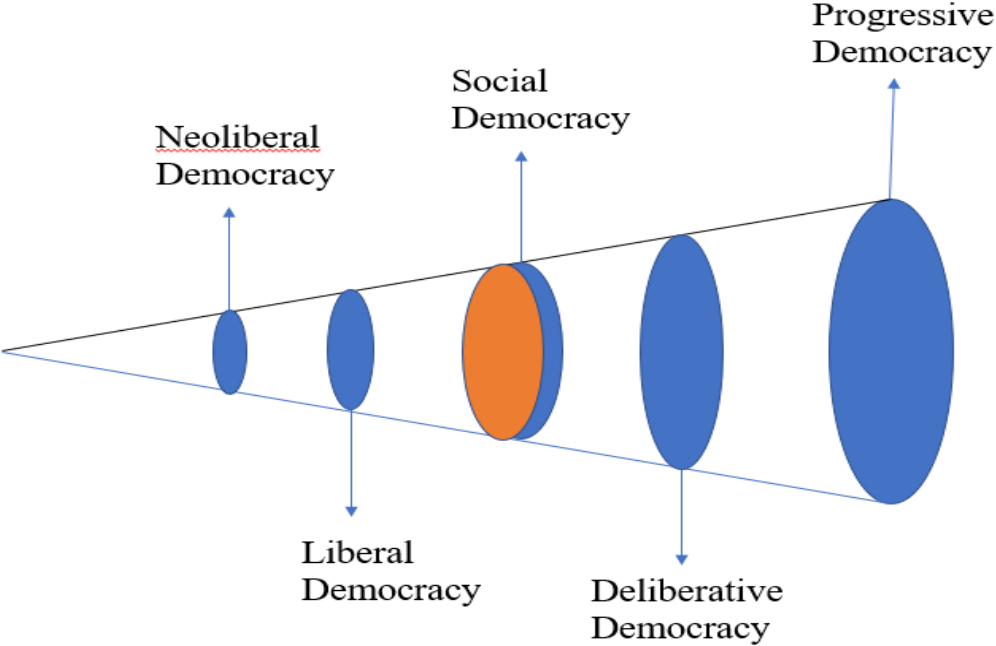
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<sup>138</sup> Deutscher Bundestag – 16. Wahlperiode – 157. Sitzung. Berlin, Donnerstag, den 24. April 2008 from page 16473 to 16474

<sup>139</sup> European citizens' initiatives <https://www.europarl.europa.eu/at-your-service/en/be-heard/citizen-s-initiative#:~:text=European%20citizens'%20initiatives&text=The%20European%20Citizens'%20Initiative%20is,seek%20support%20for%20your%20proposals>.

results for a more direct democracy. However, another impelling problem emerging within the speaker's word is the fear that comes from a too strong centralization of powers, especially within the ECB. The independence of the monetary organ, granted from the wordings of the Treaty itself, with the aim of impeding external influences for the collective interests, has been subject to critics about insufficient transparency. Furthermore, the whole composition of the EU, created in the 50s when only 6 were the participating members, should have been deeply reformed according to the enlargement that, during the years brought 28 member states. Hence, the debates emerged especially on the polarization of two visions, the direct opposers to the whole project, and the supporters which, even if always not entirely satisfied, still appreciate the further steps obtained in the Treaty. However, the issue of a Europe distant from the citizens is a problem repeatedly remarked also in the Lisbon Treaty discussions, whereas the emerging economic crisis was starting to make the workers and all the social challenges always more heard. There is indeed an enforcing sensibility for the social democracy that rises as natural consequence of a strengthening of the global issues, that have repercussions on the citizens. On the other side, harsh critics at neoliberal interpretations of democracy, appear to get stronger but also rarer. The deliberative democracy supporters found a positive step in the Lisbon Treaty, but still not satisfactory, so far as the European Parliament is not elevated to first legislative chamber.

*The democratic cone*, under the achievements reported with the Lisbon Treaty, demonstrated an increased sensibility toward the democratic level within the EU. The extension of codecision powers to the EP, now denominated as ordinary legislative procedure, the institutionalization of the legislative initiative of the citizens, summed to the inclusion of Parliamentarians into the IGC conference of Lisbon, represents a clear step further for democracy in Europe. Hence, the democratic deficit initially extremely criticized, even if still present, has surely reduced its level and the democratic cone would appear as follows. The presence of the special legislative procedure, which excludes the EP about some legislative process of some subjects, still demonstrates that the democratic deficit exists. Furthermore, as reported supra, the incoming problems stemming from an imminent economic crisis, were starting to emerge. Condemns on the European bank organ, the ECB, as being concerned only to price stability without regard of national needs, different between 27 states, created higher suspicious levels within citizens and consequently their representatives. However, an improvement has been registered from Nice to Lisbon, so that the democratic cone could report the democratic level in the EU toward a larger size of the cone's sections.



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# GENERAL CONCLUSIONS

The thesis evaluated a pathway focused on the evolution of the democratic understandings, in the Italian Senate and German Bundestag. The analyzed period goes from the Maastricht Treaty ratification, until the Lisbon Treaty. The involvement of these European Treaties is essential because the democratic development analyses have been made on the developing structure of the EU, and consequently to its alleged democratic deficit. Indeed, the European Union as it has been intended since it developed from Community to Union, meant enforcement of the existing commercial and economic advantages but also prepared the definitive political integration between the member states and the Union itself. The introduction of a common currency followed by the conferral of legislative powers, directly stemming from the concession of sovereignty, inevitably created a series of reflections on the legitimacy that was at the base of these impactful events. Indeed, if national constitutions legitimized partial concessions of national sovereignty, other issues were going to hinder the whole process, especially the issue of democratic legitimation. Because the European Parliament, for example, did not enjoy legislative powers but did represent a mere opinion body, reactions of outrage emerged from those parliamentarians that feared a technocratization of the political dimension in Europe. The European Commission indeed was not directly legitimized by the citizens and even if the basic principles at the very bases of the founding treaties welcomed democracy from its most important values, still it did not appear as an effective principle, being instead set aside. For these reasons, the following treaties always promised an improvement of the democratic deficit that was emerging in the European Union. However, not all the Treaties demonstrated great capacities to resolve the demanded critical issues, inherent to democracy mainly, so from Maastricht to Lisbon new reforms and new discussions emerged on the scene. However, notwithstanding the evolution that has inevitably occurred during the reforms of 3 Treaty amendments, after Maastricht, the problem of democratic deficit still is a critical issue in the EU, especially outlined after the economic crisis of the last decade, whereas Vivian Schmid defined the EU political reactions as being stealth and far away from the Citizens opinion. The problem of democratic deficit is thus a serious concern still today, especially in a period of wars and pandemics, but the EU operationalization does not seem to have included broader participation of the democratic institutions, so far as huge protests have emerged all over the European Member States. Hence, the thesis here reported aims to delineate the democratic pathway that preceded the economic crisis in 2008. The choice of focusing on Italy and Germany depends on various factors: first of all, the European Union consists today of 27 member states, and it wouldn't be appropriate, for one person only, to analyze all their Parliamentary discussions for a period of almost 20 years. Then, even though the British case would have been interesting due to their

exit from the Union, it does not mean that other countries have been devoid of interesting discussions. Furthermore, Italy and Germany do appear as interesting cases, from my point of view at least, because they were both centers of two dictatorships which, on the timeline, did not stand so far away but only 50-60 years. Hence, to analyze the democratic pathway in these two countries, where strong antidemocratic sentiments lived not so much time ago, would mean also to evaluate the consistency of those effects that happened after the war, and which changed the European States under the respect of the democratic principle. Another reason to choose these two countries is their leading positions within the European Union. Both Germany and Italy, or better West Germany and Italy are founding members of the European project and their position within the organization is also of extreme importance. Two main reasons for such importance: are their population size and their economic capacity. Today the first and the third powers of Europe<sup>140</sup>, their impact on the Union is strong enough to influence the overall decisions. Hence, according to such considerations, Italy and Germany did represent good candidates for the study of democratic understanding regarding EU development. The thesis-based its analysis on the definition of five types of democracy. Every definition has been composed through a simple process, simples in terms of linearity and explanation: through a first dictionary approach, every definition has been deepened with existing literature, so to enhance the peculiarities and the substance of that type of democracy. The selected definitions comprehend the liberal and neoliberal democracies, as well as the social, the deliberative, and the progressive democracies. For each of them, the following synthesis in a few bullet points has been presented to achieve an easier way of recognizing them during the debate analysis. It would be indeed easier to verify how the Italian senator intended the democratic deficit under the Amsterdam Treaty if we have a series of defined characteristics able to determine different definitions of democracy. Thus, for example, if social democracy puts first place a representative democracy with strong concerns on social issues, like employment, we could recognize that Mr. Sterzing, during the Amsterdam Treaty ratification, defended a social democracy understanding so far as he concerned himself on the low social protections that the EU institutions were offering. Thus, the implicit missed communication of the social problems of the citizens to the EU institutions, induced Mr. Sterzing to feel a democratic deficit in terms of missed representation within the EU institutions, an issue that relates well to the found characteristics of social democracy. From the analysis of democratic understandings operated in the previous chapters, it is possible to track the evolution of democratic understandings, during those years, especially having regard to the strong impact that Maastricht had on the general perception. The Maastricht Treaty, the precursor of the European Union intended as a political and economic community emerged within the parliamentary debates as the fruit of an intergovernmental

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<sup>140</sup> Before the Brexit Italy was in the fourth position in terms of population and GDP

conference. Hence, whereas the supporters of the EU project claimed the indisputable advantages for the member states in terms of economy and potential signs of progress, its opponents denounced the undemocratic process that excluded parliamentary participation in the Treaty elaboration. It has indeed been a critic strongly exposed from Maastricht until the Nice Treaty. The European Parliament and the national ones obtained the possibility to participate in the intergovernmental conferences, sending few representatives, which means to participate in the Treaty composition, only after the Nice Treaty. It means that this first important step, condemned strongly by quasi all the defenders of democracy, was defeated only after 3 Treaty amendments. Only a few supporters of neoliberal democracy, like Senator Visentini, in the Maastricht Treaty debate, considered the EP as not being ready for an enlargement of responsibilities and powers too. Effectively, a finding of this research is that neoliberal democracy, the one that aims for the best interest of collectivity on the base of experts' suggestions, and not on the citizens' opinions, has been the most demonized one. No clashes between other understandings of democracy have been so harsh as against the neoliberal democracy. However, the fact that critics of neoliberal interpretations of democracy stood up from the Maastricht Treaty to the Lisbon Treaty, demonstrates how neoliberal traces remained part of the EU until the last revision treaty. Condemnations on the IGC method were summed to the common currency project, which represented the concession of monetary policies at the national level, hence the concession of an important piece of national sovereignty. The ECB, which is entitled to the monetary functions of the common currency, has been demonized because accused of thinking only about the inflation rate maintenance, instead of authorizing monetary policies toward social objectives, toward the true needs of the citizens. Another constant in the democratic debate about the EU has been the low power of the European Parliament. The co-decision procedure, introduced since the Maastricht Treaty, represented a partial result so far as it endowed the European Parliament with legislative power only for a restricted number of subjects. Thus, to be compared at an equal level with the Council of Ministers, the other chamber for EU law approvals, there should have been also an equalization in terms of subjects needing the EP approval. Until the Lisbon treaty, every revision has enlarged the number of subjects under EP decision power, but never extended to the total number. With Lisbon, the decision became ordinary legislative procedure, which contraposes the special legislative procedure which, still, relegates the EP to a consultative body while the Council maintains an exclusive faculty. This particular about the European Parliament, as already noted, was represented during the EU treaty development as a reason for the democratic deficit. And it is still today. Some parliamentarians, like Dr. Gysis member of PDS, proposed the European Parliament as the first or even exclusive chamber for legislation procedures, excluding the Council from the process. Such an idea could sound respectful of the citizen's interests, in contrast to neoliberal considerations and

concordance with social, deliberative, and even liberal democracies. But the reality of facts is that the Council holds that primacy, whereas not parity and that it is the Commission to hold the legislative initiative. Even if the Lisbon Treaty introduced the citizen's initiatives to let them propose, after 1 million signatures and the support of at least seven the Member States, a legislative initiative to the Commission, the European Parliament cannot formulate laws. This sounded like an injustice against democratic respect, whereas the only organ directly legitimized by citizens did not have the typical power held by any parliament. However, I would add a personal reflection on this matter. I think that the European Union, even if composed of nation-states, is an organization that goes beyond the national level, indeed it has been defined as a supranational entity. This supranational entity, which does not have a federal organization or a confederal one, being indeed unique in its genre, involves within its territory 500 million citizens circa. Hence, imagining a European Parliament able to legislate on all citizen's needs sounds as paradoxically difficult. The EU acts on several fields with direct impact on the member states, but these actions are: first, always taken after consultations and dialogues, which still represent democratic elements, being absent any form of decision-making stemming from one or a group; second, the decisions taken by the vote of 705 people which have regard to 27 different interests, do not automatically represent the best choice for the Union and the citizens. There is indeed this evident but neglected problem that underlines the possibility of taking unfitting decisions for the EU citizens, even if the Parliament instead of the Council decided which law implementing. It seems true to me, that the democratic problem of the EU is strengthened by the impressive distance that exists from the EU citizens to the EU ruling institutions, because either the elected representatives of the EP as the Commissioners or Ministers of foreign affairs, will express evaluations and take decisions on those citizens that have not entitled them to take. It also follows a problem of identity, because the EU is getting old but still is an organization made of 27 strong different national identities. It is indeed hard for an Italian citizen to elaborate on the fact that the majority of north and east European countries imposed on him/her the application of a law that did not come from the Italian Parliament. But besides these considerations of identities, the co-existence of a bicameral structure within the EU, composed of the Council and the EP does not create a democratic deficit, so far as dialogue, votes, and respect for the law apply. During the discussions emerged ideas stemming from different democratic perceptions, such as the idea of implementing the minimum state, also within the European panorama, or the idea of enforcing local autonomies to guarantee direct participation for the citizens, from the base to the executive institutions. These cited ideas, or whatever else proposal aims to be applied at the European level, again forget the different identities of the EU member states. Why impose a minimum state all over Europe, through the means of respective regulations, if in another country there is a tradition of strong positive state intervention



or strong social welfare assistance? It follows a practical problem inherent to the definition of democratic institutions. It would be impractical or inefficient to enforce local authorities with more powers for the management of the territory if laws and norms give priority to a centralized operational system. Such reasoning would proceed further just by comparing different ideas. It is indeed about the concept of different ideas that much incomprehension appears. It seems as if the different interpretations of democracy could not co-exist with one another, simply because the expression of one does not agree with the other. But such differentiation comes from one unique idea, which is the importance of democracy and the interest in collectivity. Neoliberals, liberals, socialists, and deliberative and progressivism supporters, all of these concepts express the same basic idea, that is the democratic importance and the respect of the citizen's interests. All of them include dialogue and do not prohibit transparency, which in my opinion represent key elements of democracy. The neoliberal interpretation also, the most accused and probably the most present during the EU formation, does not impede dialogue, even if between experts, and does not exclude transparency within its basic idea. Hence the differences just depend on the methodology through which the results are achieved. According to the democratic cone presented in the first chapter, it is possible to observe how the tendency of democratic evolution within the EU, as a result of the democratic forces coming primarily from national Parliaments, went from a low citizens involvement toward a broader consideration of them. This passage is witnessed by the analyzed parliamentary debates, whereas at Maastricht it happened to be criticized for not only an excess of technocratic decisions regarding the Treaty elaboration but also a very scarce endowment of powers to the only elected organ, that is the European Parliament. However, this critic accused of democratic deficit in the EU project had been programmed to be resolved already after Maastricht, when the 1996 IGC had to prepare the Amsterdam Treaty. Even if the governmental decision of the Treaty amendment still excluded the Parliament, already the powers of the latter begun to improve, with an extension of co-decision powers. Subsequently, after another IGC without the participation of the democratic organs, finally, the Lisbon Treaty included the participation of Parliamentary officials. This tendency cannot be considered as being less inclusive of the citizen's needs, because the most the Parliament is involved, which means the most the citizen's representatives are involved, the larger become the size of the cone. Naturally, there has not been a predominant vision concerning the others, but the mere fact that democratic institutions have been enforced during these years has generated a reduction in the distance that existed between EU institutions with the EU citizens. In the hindsight, it is possible to assess that the democratic deficit in the EU has not disappeared. The economic crisis and the stealth policy output applied by the EU government, as formulated by Vivian Schmidt, have contributed to

accentuating the perception of democratic deficit, which demonstrates the still ongoing evolution of the EU.

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