

# Reductionism and holism in European Union “value talk”: The case of the Conference on the Future of Europe

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*“Value talk” is gaining increasing traction in European Union politics and law, and is integral to the EU treaty change process. This article examines how EU values are invoked and deliberated by various stakeholders in EU politics, the challenges present in “value talk,” and the implications for their interpretation in EU law and constitutionalism more broadly. We use the European Citizens’ Panel on EU Democracy/Values, Rights, Rule of Law, Security (ECP), held during the Conference on the Future of Europe, as a case study. Utilizing ethnographic methods (via first-hand observations from the ECP) and the official public documents presenting the partial results of the ECP, the analysis of “value talk” explores two competing approaches: (i) value reductionism, which treats values in relative isolation from one another, and (ii) value holism, which considers values as mutually constitutive and requiring a comprehensive discussion of the broader value system. Following the conceptualization of these approaches and an introductory discussion of their implications for constitutionalism, we analyze the approach adopted in the ECP. We find that the design of the deliberations tended to favor a reductionist approach, but participating citizens leaned toward a holistic one. We conclude by exploring the reasons for the prevalence of the reductionist approach and argue that greater value holism is an important next step in the evolution, clarification, and strengthening of (EU) values and their role in constitutionalism. It is also essential for the EU to move beyond its technocratic past and develop greater democratic legitimacy.*

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No [value] is an island entire of itself; every [value] is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as any manner of thy friends or of thine own were.<sup>1</sup>

## 1. Introduction

The third decade of the twenty-first century has seen a continuation of the “crisis of democracy.” Few champions of unconstrained leaders’ powers<sup>2</sup> oppose democracy in principle; rather, they appropriate it and other adjacent concepts (the rule of law or justice) to make them artificially compatible with their personal goals.<sup>3</sup> Several EU member state governments present conceptions of democracy based on unfettered state sovereignty to restrict human rights on their territory, promote exclusionary nationalism,<sup>4</sup> and marginalize minorities and political opposition in decision making. The debate around these controversies has increased “value talk”:<sup>5</sup> references to values in public discourse with contestation over their meaning. This value talk must be developed through deliberative processes that are as holistic as possible if we are to move beyond the crisis of democracy and unpick the challenges posed by illiberal actors.

The Conference on the Future of Europe (CoFoE) is a prime example of value talk. The Joint Declaration on the Conference explicitly focuses on “EU values.” It begins by framing the European Union as a distinct political project aimed at “peace and prosperity,” highlighting the key objective as “strengthening European solidarity,” and then its ambition to “underpin” the European Union’s “democratic legitimacy” and to “uphold the EU citizen support for our common goals and values, by giving them further opportunities to express themselves.” It continues: “the Conference, its governance and events organised in its framework, are also based on the *values of the EU* as enshrined in the EU Treaties and the European Charter of Fundamental Rights.”<sup>6</sup> Values are, furthermore, referred to in the Conference Charter for participants.<sup>7</sup> If the European Union is

<sup>1</sup> ERNEST HEMINGWAY, *FOR WHOM THE BELL TOLLS* (Arrow Books 1994) (1940) (paraphrasing JOHN DONNE, *DEVOTIONS UPON EMERGENT OCCASIONS* (Univ. Mich. Press, 1959) (1624)).

<sup>2</sup> See GIOVANNI SARTORI, *THE THEORY OF DEMOCRACY REVISITED: PART ONE: THE CONTEMPORARY DEBATE* ch. 7 (1987).

<sup>3</sup> Eva Nanopoulos & Fotis Vergis, *The Inherently Undemocratic EU Democracy: Moving beyond the “Democratic Deficit” Debate*, in *THE CRISIS BEHIND THE EUROCISIS: THE EUROCISIS AS A MULTIDIMENSIONAL SYSTEMIC CRISIS OF THE EU* 122 (Eva Nanopoulos & Fotis Vergis eds., 2019).

<sup>4</sup> Arthur Borriello & Nathalie Brack, “I Want My Sovereignty Back!” *A Comparative Analysis of the Populist Discourses of Podemos, the 5 Star Movement, the FN and UKIP during the Economic and Migration Crises*, 41 J. EUR. INTEGRATION 833 (2019).

<sup>5</sup> Tomasz Tadeusz Konciewicz, *Values*, in *OXFORD ENCYCLOPEDIA OF EU LAW* (Sacha Garben & Laurence Gormley eds., 2023), <https://opil.ouplaw.com/display/10.1093/law-oecl/law-oecl-e92>; Rojan Tordhol Ezzati, “United through Our Values”? Expressing Unity through Value-Talk after Terrorism in France and Norway, 9 MIGRATION STUD. 852 (2021) (used as “value-talk” with reference to debate on migration). Another reference defines it more narrowly in the context of critical engagements with law and finance: John Haskell, *Value Talk in Legal Academia*, in *CONSTITUTIONS OF VALUE: LAW, GOVERNANCE, AND POLITICAL ECOLOGY* 309 (Isabel Feichtner & Geoff Gordon eds., 2023).

<sup>6</sup> Joint Declaration of the European Parliament, the Council and the European Commission on the Conference on the Future of Europe: Engaging with Citizens for Democracy—Building a More Resilient Europe, 2021 O.J. (C 91 I) 1 (emphasis in the original).

<sup>7</sup> CONFERENCE ON THE FUTURE OF EUROPE, *CONFERENCE CHARTER* (2021), <https://bit.ly/3IzlgPS>. See also Alberto Alemanno, *Unboxing the Conference on the Future of Europe and Its Democratic Raison d’être*, 26 EUR. L.J. 484, 494 (2020).

to move into a treaty change process, which some expect may happen,<sup>8</sup> this type of value talk will be even more important, and learning from the experience of CoFoE will be essential.

Upon the publication of the Joint Declaration on the Conference in March 2021, views about the significance of CoFoE were mixed. Commentators highlighted the potential of the format to “lay the foundations for a new Europe of the future”<sup>9</sup> and saw the CoFoE as “of direct relevance for bottom-up inclusion and participation and ... discussion on constituent power and mobilization.”<sup>10</sup> Yet, they expressed concerns about the capacity of the format to become a “vehicle for reform,” given the conflicting positions of the EU institutions tasked with coordinating the process, and the uncertain specifications of the outcomes.<sup>11</sup> This was particularly the case where the CoFoE was compared to famous “precedents” in EU history: the Conference of Messina and the Convention on the Future of Europe.<sup>12</sup> Combined with “elements of top-down elite decision-making,” some worried that it would not only fail to deliver on its democratic promises, but might even fuel further support for authoritarian populist sentiments.<sup>13</sup>

Importantly, the Conference carved out explicit spaces for deliberation on EU values. In particular, value talk was encouraged via one of the four European Citizens’ Panels, which were a version of multilingual, structured mini publics,<sup>14</sup> that carried the focus on values within its title: “European democracy/Values and rights, rule of law, security” (ECP 2). This article argues that deliberations on values should take a more holistic approach to their content and process, in striving for the Conference’s aim of increasing democratic legitimacy and “establishing EU citizen support for common goals and values.” That argument is developed through analysis of ECP 2 using original empirical evidence based on one of the co-authors’ membership in ECP 2. This article analyzes both the *content* and the *process* of the deliberations on EU values, the organization of

<sup>8</sup> Legislative Observatory, European Parliament, Proposals of the European Parliament for the Amendment of the Treaties, Procedure File: 2022/2051(INL) (procedure completed), [https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/2051\(INL\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/2051(INL)&l=en) (last visited July 17, 2025); FRANCO-GERMAN WORKING GROUP ON THE EU INSTITUTIONAL REFORM, REPORT: SAILING ON HIGH SEAS: REFORMING AND ENLARGING THE EU FOR THE 21ST CENTURY (Sept. 18, 2023), <https://institutdelors.eu/en/publications/sailing-on-high-seas-reforming-and-enlarging-the-eu-for-the-21st-century-2/>.

<sup>9</sup> Nicoletta Pirozzi, *The Conference on the Future of Europe: Tackling Differentiated Integration*, EUIDEA (Mar. 29, 2021), [www.iai.it/sites/default/files/iaicom2121.pdf](http://www.iai.it/sites/default/files/iaicom2121.pdf).

<sup>10</sup> Paul Blokker, *The Constitutional Deficit, Constituent Activism, and the (Conference on the) Future of Europe*, in IMAGINING EUROPE: TRANSNATIONAL CONTESTATION AND CIVIC POPULISM 303, 332 (Paul Blokker ed., 2021).

<sup>11</sup> Sergio Fabbrini et al., *The Conference on the Future of Europe: Vehicle for Reform Versus Forum for Reflection?*, FUTURE OF EUROPE BLOG (June 15, 2021), <https://futureofeuropa.ideasononeurope.eu/2021/06/15/the-conference-on-the-future-of-europe-vehicle-for-reform-versus-forum-for-reflection/>; Clive Church & David Phinnemore, *Carrying the EU Forward: The Era of Lisbon*, in EUROPEAN UNION POLITICS 29, 47 (Michelle Cini & Nieves Pérez-Solórzano Borragán eds., 7th ed. 2022).

<sup>12</sup> FEDERICO FABBRINI, BREXIT AND THE FUTURE OF THE EUROPEAN UNION: THE CASE FOR CONSTITUTIONAL REFORMS 119–23 (2020).

<sup>13</sup> Federico Fabbrini, *The Conference on the Future of Europe: Process and Prospects*, 26 EUR. L.J. 401, 2 (2020); see also Markus Patberg, *The Conference on the Future of Europe Lacks a Clear Conception of Democratic Authorisation*, THE LOOP, <https://theloop.ecpr.eu/the-conference-on-the-future-of-europe-lacks-a-clear-conception-of-democratic-authorisation/> (last visited July 17, 2025).

<sup>14</sup> For a discussion of mini-publics, see, e.g., DELIBERATIVE MINI-PUBLICS: CORE DESIGN FEATURES (Nicole Curato, David M. Farrell, & Brigitte Geißel eds., 2021).

the ECP 2, and the implications these have for the future participation of EU citizens and peoples in the development and implementation of legally enshrined EU values.

The article begins by reviewing the discussion on EU values that are “at the core—as a means of constructing community—an indispensable foundational block of democracy.”<sup>15</sup> It shows their ambivalent role in EU integration, introduces two approaches—value holism and value reductionism—and probes the potential and limits of a combination of contextual analysis and participant observation for studying them (Section 2). In Section 3, the article scrutinizes how reductionism and holism can be studied empirically with the use of several data sources from the ECP 2, placing the ECP 2 into the broader context of the CoFoE and EU value talk. Section 4 presents the findings demonstrating the capacity of this format to foster a holistic understanding of EU values, where they can coexist in harmony and contribute to the broader public debate on the values underpinning the future of EU integration.

Following this analysis of the extent to which ECP 2 reflects holistic or reductionist tendencies, which supports the argument that deliberative democracy in the European Union should be as holistic as possible, Section 5 explores the causes behind the broader reductionist approach to EU value talk and critiques the absence of greater leanings toward holism. We draw conclusions about the possible causes and implications of the reductionist elements in the value talk. We do not interrogate the intentions of the designers of deliberative events or take a view on how deliberate the tendency toward reductionism might be. Rather, we propose and analyze some of the causes for the limited holistic approach inherent to EU value talk: the European Union’s institutional history, the compartmentalization and lack of clarity of EU values, and an excessive focus on the rule of law at the expense of related values. The article then concludes with discussion of the causes, consequences, and significance of value talk and holistic deliberation for the functioning and democratic nature of the European Union.

Ultimately, this article highlights the place of values in the CoFoE, showing that citizens can engage with these big-ticket issues and instinctively encourage a more holistic engagement with (EU) values that is in the spirit of the foundations of EU constitutionalism. The move toward a more holistic approach to citizens’ panels and similar events involving the European Union’s participatory democracy will strengthen EU democratic legitimacy, facilitate the resolution of tensions between member states relating to values, and will, in itself, be indicative of the European Union’s move away from its technocratic past.

## 2. EU values: Holism and reductionism

The European Union’s determination to be value-based is stated early in the treaties in article 2 TEU:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to

<sup>15</sup> J. H. H. Weiler, *Taking (Europe’s) Values Seriously*, in *LAW BEYOND THE STATE: PASTS AND FUTURES* 93, 100 (Rainer Hofmann & Stefan Kadelbach eds., 2016).

minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.<sup>16</sup>

Although the “common values” necessary for the European Union to develop its democratic legitimacy are now identified as fundamental “calling cards” for belonging to the EU community,<sup>17</sup> this has not been the case since its inception. “Principles,” rather than values were referred to in the Schuman Declaration,<sup>18</sup> and a commitment to “democracy” and several “principles” was part of declarations by the Parliamentary Assembly preceding the European Parliament (EP).<sup>19</sup> Only after the Treaty of Amsterdam and the fall of state socialism in Central Europe in 1989 have references to the values of “democracy” and “human rights” proliferated in the EU integration context.<sup>20</sup> Weiler interprets these as a shift to a “second trilogy” in the EU “value discourse”: from emphasis on “peace, prosperity and supranationalism” to placing “Democracy, Human Rights and Rule of Law” center stage.<sup>21</sup>

This article conceptualizes values through contemporary EU law as a starting point, but invocations of values go well beyond their articulation in legal documents.<sup>22</sup> It also underscores the nature of the CoFoE as “strictly speaking, not a constitutional reform process, but ... a pre-constituent endeavour with broad involvement of citizens.”<sup>23</sup> Such involvement allows value talk by broader constituencies to spread into, and engage with, institutional contexts and officials representing these institutions—something that the latter rarely encounter when not leaving the “ivory towers” of formal negotiation and meeting halls.<sup>24</sup>

<sup>16</sup> Consolidated Version of the Treaty on European Union, art. 2, 2010 O.J. (C 83) 13 [hereinafter TEU].

<sup>17</sup> Alun Gibbs, *Common Values, Europe's Indeterminate Nature and Enduring Sovereignty*, in *THE FUTURE OF EU CONSTITUTIONALISM* 25, 28 (Matej Avbelj ed., 2023).

<sup>18</sup> Robert Schuman, *Declaration of 9 May 1950*, EUR. UNION, [https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950\\_en](https://european-union.europa.eu/principles-countries-history/history-eu/1945-59/schuman-declaration-may-1950_en) (last visited July 17, 2025).

<sup>19</sup> Ramona Coman, *Democracy and the Rule of Law: How Can the EU Uphold Its Common Values?*, in *GOVERNANCE AND POLITICS IN THE POST-CRISIS EUROPEAN UNION* 358, 360–3 (Ramona Coman, Amandine Crespy, & Vivien A. Schmidt eds., 2020).

<sup>20</sup> Treaty of Amsterdam Amending the Treaty on European Union, the Treaties Establishing the European Communities and Certain Related Acts, art. 8, Oct. 2, 1997, 1997 O.J. (C 340) 1 [hereinafter Amsterdam Treaty].

<sup>21</sup> Weiler, *supra* note 15, at 100–1.

<sup>22</sup> See, e.g., François Foret & Jana Vargovčíková, *Value Conflicts and the EU in Crisis: An Introduction to VALUE POLITICS IN THE EUROPEAN UNION* 1 (François Foret & Jana Vargovčíková eds., 2021) (focusing on disputes over values in various policy areas); Joan Miró, *Debating Fiscal Solidarity in the EU: Interests, Values and Identities in the Legitimation of the Next Generation EU Plan*, 44 J. EUR. INTEGRATION 307 (2022) (addressing the interplay between values and interests as referenced during elite negotiations).

<sup>23</sup> Paul Blokker, *Participatory Citizenship, Constitutional Reform, and the Conference on the Future of Europe*, 1 OPINIO JURIS IN COMPARATIONE 46, 49 (2022), [www.opiniojurisincomparatione.org/articles/participatory-citizenship-constitutional-reform-and-the-conference-on-the-future-of-europe/](http://www.opiniojurisincomparatione.org/articles/participatory-citizenship-constitutional-reform-and-the-conference-on-the-future-of-europe/).

<sup>24</sup> cf MICHAEL IGNATIEFF, *THE ORDINARY VIRTUES* (2017).

Today, values are increasingly invoked,<sup>25</sup> but their meaning continues to be contested.<sup>26</sup> Translating the varied approaches to values, such as democracy, from the state level to the European Union's unusual polity and form of dual citizenship that lacks a single demos through which to cultivate common values is challenging<sup>27</sup> but essential for the European Union's constitutional future.<sup>28</sup> Development and discussion of EU values must recognize this need for adaptation to a supranational political level and their multiple political contexts. This challenge is further complicated by the fact that the consistent representation of "values" remains elusive in both academic literature and institutional discourse; by discourse on values being compartmentalized and tending to relate to institutional rather than specific policy questions; and by challenges from illiberal actors. This highlights the scale and importance of the ambitious decision to engage with values explicitly in the CoFoE. This article analyzes the implementation of this decision and unpacks public participation in EU value talk in the CoFoE using a distinction between two ways of thinking about (EU) values: reductionism and holism.<sup>29</sup> In brief, a holistic approach to values sees them as interconnected—as branches of a tree—while a reductionist approach separates them into distinct streams or clusters that do not sufficiently frame or analyze them as related concepts. Thus, reductionism can help facilitate political control and dominance of particular vested interests.

We do not make an ultimate normative judgment that, regardless of context, all potentially reductionist elements—such as the use of voting—are fatally detrimental to the legitimacy of democratic deliberation. We recognize that arguments related to the need for effective governance processes may require deliberations to be targeted and streamlined to some degree and thus reduce how holistic a deliberative process is. However, we do claim that value holism is normatively preferable to reductionism, and that processes to deliberate on, develop, and relate EU values to each other should be as holistic as possible. Practical realities and political and historical contexts inevitably mean that there will be some reductionist tendencies in the design of deliberative events, but they do not necessarily delegitimize the whole process. It is important, though, to recognize the existence of these tendencies and to reduce them as far as possible.

This distinction between reductionism and holism is not without foundation in thinking about values. A cleavage exists in social philosophy between "value monism" and "value pluralism." The former holds a hierarchical perspective of values, in which a

<sup>25</sup> Peter Van Elswege & Femke Gremmelprez, *Protecting the Rule of Law in the EU Legal Order: A Constitutional Role for the Court of Justice*, 16 EUR. CONST. L. REV. 8, 10 (2020).

<sup>26</sup> Giulio Itzcovich, *On the Legal Enforcement of Values. The Importance of the Institutional Context*, in THE ENFORCEMENT OF EU LAW AND VALUES: ENSURING MEMBER STATES' COMPLIANCE 28 (András Jakab & Dimitry Kochenov eds., 2017); Armin von Bogdandy, *Towards a Tyranny of Values?*, in DEFENDING CHECKS AND BALANCES IN EU MEMBER STATES: TAKING STOCK OF EUROPE'S ACTIONS 73 (Armin von Bogdandy et al. eds., 2021).

<sup>27</sup> See, e.g., Paul Craig, *Integration, Democracy and Legitimacy*, in THE EVOLUTION OF EU LAW 12, 30–2 (Paul Craig & Gráinne de Búrca eds., 3d ed. 2021); Gráinne de Búrca, *Developing Democracy beyond the State*, 46 COLUM. J. TRANSNAT'L L. 221 (2007).

<sup>28</sup> Gibbs, *supra* note 17, at 25.

<sup>29</sup> See also Max Steuer, *Roots of the EU Tree*, VERFASSUNGSBLOG (2021), <https://verfassungsblog.de/roots-of-the-eu-tree/>.



“unity of value” can be achieved.<sup>30</sup> A value pluralist position, in contrast, asserts not only that there is “more than one value,” but also that these values sometimes conflict.<sup>31</sup> Monism, in the effort to derive all values from a single foundation, risks absolutizing one value at the expense of others and would therefore imply a more reductionist approach to EU value talk. “Value pluralism,” in accepting that conflicts between values may arise and by not conceiving of them in mutual separation,<sup>32</sup> points more strongly toward a more holistic approach to value deliberation. However, value pluralism may deepen or even artificially create conflicts between individual values and, if accepted, would be damaging to deliberative democracy because, as Cinalli and O’Flynn put it, “if value pluralism were true, conflicts of value could not be rationally arbitrated.”<sup>33</sup> While accepting that more research is required into their relationship with these bases in social philosophy, we suggest that the concepts of reductionism and holism proposed here are more appropriate for an analysis of the deliberative processes that support EU value talk. For one thing, the European Union is a relatively new political environment defined by the need for arbitration between member states’ differing attitudes to the same values, but without a single demos. The emphasis on the need for deliberative processes to be as holistic as possible also specifically focuses attention on the interconnectedness between values and multi-level actors, and on the factors that influence the design and democratic value of deliberative events.

Normatively, this article argues that (EU) values should be seen as interconnected and in search of a harmonious relationship with each other and between the multi-level actors in the European Union. As a result, the approach to deliberation should be as holistic as possible. However, there is a need to recognize that the search for harmony will be ongoing, that tensions between political actors over their reading of values are inevitable, and that the exploration and accommodation of these tensions is an essential element of EU value talk and democratic deliberation. Furthermore, it should be recognized that efforts toward value holism in deliberation may necessarily be tempered by the realities of time and complexity (Section 4.1 below) and by institutional context (discussed in Section 5). This is true to a certain degree for all polities, but is particularly true for a relatively new polity such as the European Union, which lacks the political form and single demos typical of a nation-state, and where contestation over values, democratic legitimization, and political integration are yet to be settled.<sup>34</sup> The concepts

<sup>30</sup> See RONALD DWORKIN, *Justice for Hedgehogs* (2011); Dale Smith, *Law, Justice and the Unity of Value*, 32 OXFORD J. LEGAL STUD. 383 (2012).

<sup>31</sup> Joel Robbins, *Monism, Pluralism, and the Structure of Value Relations: A Dumontian Contribution to the Contemporary Study of Value*, 3 J. ETHNOGRAPHIC THEORY 99 (2013).

<sup>32</sup> As other concepts present in the literature, “atomism” tends to be associated with the possibility of commensurability of values, not centre stage in this article. See Campbell Brown, *Two Kinds of Holism About Values*, 57 PHIL. Q. 456 (2007). Particularism tends to be invoked in constitutional identity-focused debates. See THE JURISPRUDENCE OF PARTICULARISM: NATIONAL IDENTITY CLAIMS IN CENTRAL EUROPE (Kriszta Kovács ed., 2023). A holistic position to EU values is agnostic about the existence of unified EU constitutional identity.

<sup>33</sup> Manlio Cinalli & Ian O’Flynn, *Pluralism and Deliberative Democracy*, in DELIBERATIVE DEMOCRACY: ISSUES AND CASES 82, 90 (Stephen Elstub & Peter McLaverty eds., 2014).

<sup>34</sup> See Kalypso Nicolaidis, *The Idea of European Democracy*, in PHILOSOPHICAL FOUNDATIONS OF EUROPEAN UNION LAW 247, 247 (Julie Dickson & Pavlos Eleftheriadis eds., 2012).

of reductionism and holism therefore underpin the scrutiny of value deliberation in CoFoE ECP 2, which was “dedicated” to values and the one most geared toward engaging with “consideration of macro-level institutional innovation.”<sup>35</sup> Following a note on our analytical approach (Section 3), we discuss elements of reductionism and holism in the ECP 2 both in terms of the process and content.

### 3. Analytical approach

We use publicly available documents and one of the co-authors’ observations as a citizen participant at the ECP on EU values to analyze the value talk therein. Participant observation and ethnography have been used in studies of deliberative formats<sup>36</sup> and have also surfaced in constitutional studies.<sup>37</sup> Ethnography in particular is associated with “an ethical responsibility to identify structures of power and injustice ...”<sup>38</sup> and to “look to the logics of particular contexts as a way of illuminating complex interrelationships among political, legal, historical, social, economic, and cultural elements.”<sup>39</sup> Given the greater personal researcher involvement (most visible with autoethnographic approaches as a form of “self-narration”<sup>40</sup>), we do not claim the observations to be exhaustive of the value talk during the ECP. Furthermore, by not considering other elements of the CoFoE (for which we do not have similar data), we do not claim that these are insignificant, and agree that the value discourse therein needs to be studied as well,<sup>41</sup> from the perspective of reductionism and holism.

Max Steuer was contacted on June 14, 2021, before the Lisbon citizens’ event (June 17), and was one of the first fifty or so citizens who agreed to participate in the European Citizens’ Panels. He has no reason to believe that his selection was not random. The official invitation letter signed by the three Co-Chairs of the CoFoE emphasized it as a “new journey” and repeated its mission statement from the Joint Declaration and the Rules of Procedure (“a citizens-focused, bottom-up exercise for Europeans to have their say on what they expect from the European Union”).<sup>42</sup>

Steuer also had the option to select his preferred panel of the four—something not available to all citizens approached later on. In Sessions 2 and 3, where ECP members

<sup>35</sup> Neil Walker, *Europe’s Constitutional Retrofit*, 13 GLOB. CONSTITUTIONALISM 448, 449 (2024).

<sup>36</sup> John Boswell, *Seeing Like a Citizen: How Being a Participant in a Citizens’ Assembly Changed Everything I Thought I Knew about Deliberative Minipublics*, 17 J. DELIBERATIVE DEMOCRACY 1 (2021).

<sup>37</sup> Kim Lane Scheppele, *Constitutional Ethnography: An Introduction*, 38 LAW & SOC’Y REV. 389 (2004).

<sup>38</sup> Nicole Curato & Nicole Doerr, *Ethnography*, in RESEARCH METHODS IN DELIBERATIVE DEMOCRACY 265, 270 (Selen A. Ercan et al. eds., 2022).

<sup>39</sup> Scheppele, *supra* note 37, at 390, 391.

<sup>40</sup> Jillian A. Tullis, *Self and Others: Ethics in Autoethnographic Research*, in HANDBOOK OF AUTOETHNOGRAPHY 101, 101 (Tony E. Adams, Stacy Linn Holman Jones, & Carolyn Ellis eds., 2d ed. 2021).

<sup>41</sup> Elena García-Gutián & Luis Bouza García, *Discursive Strategies for Citizen Participation in the EU: A Normative Assessment of the Conference on the Future of Europe*, J. CONTEMP. EUR. STUD. (Jan. 19, 2024), <https://doi.org/10.1080/14782804.2023.2301299>.

<sup>42</sup> Invitation to the Lisbon European Citizens’ Event June 17, 2021 (on file with authors). See also Rules of Procedure of the Conference on the Future of Europe, [www.affarieuropei.gov.it/media/5967/sn02700en21.pdf](http://www.affarieuropei.gov.it/media/5967/sn02700en21.pdf) (last visited July 17, 2025).



were divided into thematic working groups, Steuer was working on the right to privacy. He was assured that his academic background did not disqualify him, and that he only represented his own views. While he was still concerned that his closeness to the subject matter might contribute to the (empirical) delegitimization of the ECP,<sup>43</sup> he decided to accept the invitation as a rare opportunity to interact in a transnational deliberative space. The ECP included a few students of social sciences, but university researchers were rare. Steuer did not feel privileged over other ECP members. One specific proposal he raised was not endorsed to be transformed into a recommendation.<sup>44</sup> This confirms that above-average access to information about some EU affairs does not guarantee a stronger voice within the deliberation. The deliberations were overall highly respectful and began with a spirit of encouraging participants to think big, rather than being constrained by a particular policy issue.

This imposes several limitations on the article. First, as Steuer was dedicated to contributing to the output of the ECP, he could not prioritize systematic observation and recordkeeping. Second, his insights are informed only by the conversations he participated in, and they cannot aim for generalizations across the working groups or to other ECPs.<sup>45</sup> These participant observations are combined with the views of James Organ, who followed the developments pertaining to the ECP from a greater distance.

## 4. Value talk in CoFoE ECP 2

The following three dimensions underpin the analysis of holism/reductionism in ECP 2: the “social” dimension (“who deliberates”), the “substantial” dimension (“how deliberation unfolds”), and the “temporal” dimension (“what effects deliberative procedures have on the process of emancipation in time”).<sup>46</sup> A holistic approach would, in an ideal world, require a representative body of participants in an ECP who are able to contribute equally and have sufficient time to understand values’ contested meanings and interconnections. We recognize that the three dimensions are related; for instance, the lack of particular minority voices or gender balance during deliberation reduces the breadth of perspectives included and could impact the recommendations taken forward.<sup>47</sup>

<sup>43</sup> On the distinction between public acceptance as empirical/sociological legitimacy and the adherence to particular values or standards as normative/moral legitimacy, see, e.g., RICHARD H. FALLON JR., *LAW AND LEGITIMACY IN THE SUPREME COURT* 22–4 (2018).

<sup>44</sup> CONFERENCE ON THE FUTURE OF EUROPE, REPORT: PANEL 2, SESSION 3: EUROPEAN CITIZENS’ PANEL 2: EUROPEAN DEMOCRACY/VALUES AND RIGHTS, RULE OF LAW, SECURITY 25 (2021), <https://bit.ly/3ISxIqd>.

<sup>45</sup> For a comprehensive report from all ECPs commissioned by the Commission, see HYWEL JONES ET AL., *STUDY ON THE CITIZENS’ PANELS AS PART OF THE CONFERENCE ON THE FUTURE OF EUROPE: FINAL REPORT, VERSION 2.0* (Nov. 2022), <https://technopolis-group.com/report/study-on-the-citizens-panels-as-part-of-the-conference-on-the-future-of-europe/>.

<sup>46</sup> Andreas Schäfer & Wolfgang Merkel, *Emancipation Against All Odds? The Conservatism Charge to Deliberative Democracy Reconsidered*, 19 J. DELIBERATIVE DEMOCRACY 1, 2 (2023).

<sup>47</sup> Max Steuer, *To End Sleepwalking: The Constitutional Potential of the Conference on the Future of Europe*, in EUROPEAN CONSTITUTIONALISM AND THE VIRUS OF DISTRUST 57, 70 (Filip Horák & Karel Řepa eds., 2022). On the treatment of gender-related issues in the CoFoE, see Victoire Olczak, *Gender Equality and the Future of Europe*, <https://genderfiveplus.org/wp-content/uploads/2023/09/Gender-Equality-and-the-Future-of-Europe-G5-report-by-Victoire-OLCZAK.pdf> (last visited July 17, 2025).

Questions regarding the composition of the deliberative assembly—and its representativeness—become more central the more consequential the assembly is for changing the constitutional rules of the political community.<sup>48</sup> However, this article focuses less on this first dimension, as it is less conducive to evidence from participant observations, and more on what values are deliberated and how.

#### 4.1. Reductionism in the ECP process

To what extent were reductionist elements present in the ECP 2 process? Despite claims of “over-engineering of ECPs by the three EU institutions,”<sup>49</sup> there were multiple missed opportunities for greater involvement of ECP members in decision-making procedures—opportunities that would have decreased value reductionism. For one, the last-minute communication of the ECP schedule and format to participants, combined with limited information on the subject<sup>50</sup> and no provision of a platform for interaction among ECP members between sessions,<sup>51</sup> limited the opportunities to digest the ideas and engage with them and other participants. In particular, the removal of agency from the working groups during the last session—when they were allowed to transform only a limited number of so-called “orientations” into recommendations—was problematic. This funneling of issues due to time constraints and the isolation of participants from one another between sessions may reinforce reductionism.

Reductionist tendencies also appeared in the division of topics through the “stream” structure, which narrowed the scope of topic deliberations.<sup>52</sup> A holistic approach in deliberative formats can result in topics that appear very broad and outputs that seem general or vague.<sup>53</sup> For example, Elstub and colleagues, in the context of the UK Climate Assembly, are critical of overly broad deliberations, especially when they later require the exclusion of some citizens from commenting on all topics.<sup>54</sup> The OECD guidelines argue that “the objective should be outlined as a clear task and linked to a

<sup>48</sup> Oran Doyle & Rachael Walsh, *Constitutional Amendment and Public Will Formation: Deliberative Mini-Publics as a Tool for Consensus Democracy*, 20 INT’L J. CONST. L. 398 (2022).

<sup>49</sup> Alberto Alemanno & Kalypso Nicolaïdis, *Citizen Power Europe*, REVUE EUROPÉENNE DU DROIT 7, 15 (2022).

<sup>50</sup> High-Level Advisory Group, *Conference on the Future of Europe: What Worked, What Now, What Next?* 5 (Feb. 22, 2022), [https://conference-observatory.eu/wp-content/uploads/2022/03/High\\_Level\\_Advisory\\_Group\\_Report.pdf](https://conference-observatory.eu/wp-content/uploads/2022/03/High_Level_Advisory_Group_Report.pdf).

<sup>51</sup> At least those who agreed for their contact details to be shared and made available publicly.

<sup>52</sup> For a detailed, innovative proposal on topic selection, see Gabriele Abels et al., *Next Level Citizen Participation in the EU: Institutionalising European Citizens’ Assemblies*, Bertelsmann Stiftung 23–7 (2022), [www.bertelsmann-stiftung.de/fileadmin/files/Projekte/Demokratie\\_und\\_Partizipation\\_in\\_Europa/\\_Studie\\_Next\\_Level\\_Citizens\\_Participation\\_in\\_the\\_EU/Next\\_Level\\_Citizens\\_Participation\\_in\\_the\\_EU.pdf](http://www.bertelsmann-stiftung.de/fileadmin/files/Projekte/Demokratie_und_Partizipation_in_Europa/_Studie_Next_Level_Citizens_Participation_in_the_EU/Next_Level_Citizens_Participation_in_the_EU.pdf).

<sup>53</sup> See, e.g., the majority of opinions expressed during the discussion in STG Series, *For a Permanent EU Citizens’ Assembly: Why, When, How?*, YOUTUBE (Dec. 21, 2021), [www.youtube.com/watch?v=juk23Pu93co](http://www.youtube.com/watch?v=juk23Pu93co). See also Carsten Berg, *Citizens’ Panels Show the Way Ahead for Transnational Democracy*, BERGGRUEN INST. 12–13 (2022), [www.berggruen.org/work/the-future-of-democracy/citizens-panels-show-the-way-ahead-for-transnational-democracy/](http://www.berggruen.org/work/the-future-of-democracy/citizens-panels-show-the-way-ahead-for-transnational-democracy/); High-Level Advisory Group, *supra* note 50, at 5.

<sup>54</sup> Stephen Elstub et al., *The Scope of Climate Assemblies: Lessons from the Climate Assembly UK*, 13 SUSTAINABILITY 11272 (2021).

defined public problem.”<sup>55</sup> Design decisions that tend toward reductionism—topic streaming, voting, focused expert input—have practical value in addressing such concerns. However, sufficient resources—such as monetary compensation for participants and adequate time for deliberation (especially as the breadth and complexity of the issues increases)—are necessary to foster a holistic approach and avoid the negative effects of reductionism. We recognize the need to balance breadth and specificity and to account for resource demands, but resources for democratic processes should be a priority. Design choices should lean toward a more holistic approach that maximizes the agency of citizen participants. This includes allowing as much time as possible to move from the general to the specific while exploring interconnections. If designed carefully, with specificity and inclusive participation in topic scoping, process management, and outcome formulation, a broad focus can become a democratizing feature that still produces clear outcomes.<sup>56</sup> It is therefore premature to dismiss such broadness as unsuitable.<sup>57</sup>

In addition, translation issues are naturally challenging for the EU polity,<sup>58</sup> and further research is needed on how they affect value talk. On the one hand, in the ECP context, discouraging citizens from speaking English if it was not their mother tongue could be detrimental, as it limited direct engagement among participants—particularly when the mother tongue in question is spoken by few others. On the other hand, the use of English by moderators and facilitators—who were often not native speakers themselves—appeared to promote more robust substantive engagement. At the same time, though, using English extensively can reduce equity in the deliberative process by favoring those with particular educational backgrounds.

Voting was part of the ECPs, on several occasions. Voting is often used to aggregate positions, manage deliberative processes, and link deliberation to decision making, but it also risks fostering reductionism. This risk became apparent early on during Session 3 of the ECP, when participants were expected to narrow down a list of orientations to “mandate” the working groups to transform selected ones into recommendations. In ECP parlance, “orientations”—which narrowed down the issues from Session 1—were developed in Session 2 in all five thematic streams. Some of these orientations were already “clustered” by the organizers, and this limited participants’ ability to select or reject orientations within such a clustered sequence. The only way to influence the discussion on a given orientation further was to be placed—randomly—in the working group addressing it, or to provide feedback to a fellow group—again by random assignment.

<sup>55</sup> Alessandro Bellantoni et al., *Good Practice Principles for Deliberative Processes for Public Decision Making*, ORG. ECON. CO-OPERATION & DEV. (2020), [www.oecd.org/content/dam/oecd/en/topics/policy-issue-focus/innovative-citizen-participation/good-practice-principles-for-deliberative-processes-for-public-decision-making.pdf](http://www.oecd.org/content/dam/oecd/en/topics/policy-issue-focus/innovative-citizen-participation/good-practice-principles-for-deliberative-processes-for-public-decision-making.pdf).

<sup>56</sup> Elstub et al., *supra* note 54.

<sup>57</sup> cf JONES ET AL., *supra* note 45, at 77 (arguing for narrower topics regardless of context).

<sup>58</sup> Philippe Van Parijs, *Review of “The Language(s) of Politics. Multilingual Policy-Making in the European Union” by Nils Ringe*, 2022 ZEITSCHRIFT FÜR EUROPÄISCHE RECHTSLINGUISTIK (ZERL), <https://journals.ub.uni-koeln.de/index.php/zerl/article/view/1422>.

Moreover, the justifications formulated alongside the orientations were not part of the materials that the citizens were expected to review. Even with some background knowledge and an electronic version of the “clustered orientations” in hand, it was a struggle to work through the material within the time allotted. As a result, voting often involved decisions made in split seconds rather than on the basis of informed deliberation. Some well-crafted orientations were excluded from subsequent working group discussions. Additionally, ECP members could not choose their working group assignments for Sessions 2 and 3, even though those sessions were instrumental to the generation of the recommendations. This case underscores that voting without sufficient discussion—while procedurally important—tended toward value reductionism rather than value holism in the ECP 2.

The most prominent instance of voting in the ECP 2 was the final vote on the recommendations, where participants filled in Google Forms to express their support for every recommendation individually.<sup>59</sup> Most of the recommendations were approved. The voting, taking place at the end of a rather long weekend with little time to consult the recommendations, appeared more as a “legitimation device” to avoid critiques that the recommendations developed by individual working groups lacked broader support. In this context, the threshold of 70% set for a recommendation to pass appears arbitrary, and the legitimacy afforded by the voting process was limited. Only three recommendations did not pass,<sup>60</sup> by a narrow margin, and they were hardly extreme. They could have been given due regard via broader public critique and response instead. Such an act of voting embodies an altogether narrower conception of democracy.<sup>61</sup>

Voting is a valid approach to concluding deliberations and addressing the challenge of balancing the need for full, equal, and informed deliberation about wide-ranging and complex issues with the time limits inherent in any participatory process.<sup>62</sup> Some, such as Robert Goodin, describe voting as a necessary part of the “decision procedure”: “first talk, then vote.”<sup>63</sup> However, voting must be carefully utilized to avoid its potentially reductionist tendencies, such as path dependency that reduces the ability to move between topic boundaries and connect values,<sup>64</sup> as seen in ECP 2. If this can be avoided and value holism is given the space for “slow thinking”<sup>65</sup> and to see the “bigger picture,” then voting can be an effective, legitimate and perhaps necessary means of managing and concluding deliberative processes.

<sup>59</sup> There was only a yes or a no option, hence abstentions were merged with those not voting.

<sup>60</sup> CONFERENCE ON THE FUTURE OF EUROPE, *supra* note 44, at 22–3.

<sup>61</sup> Norma Osterberg-Kaufmann, Toralf Stark, & Christoph Mohamad-Klotzbach, *Challenges in Conceptualizing and Measuring Meanings and Understandings of Democracy*, 14 ZEITSCHRIFT FÜR VERGLEICHENDE POLITIKWISSENSCHAFT 299 (2020).

<sup>62</sup> José Luis Martí, *Pluralism and Consensus in Deliberative Democracy*, 20 CRITICAL REV. INT’L SOC. & POL. PHIL. 556 (2017).

<sup>63</sup> ROBERT E. GOODIN, *INNOVATING DEMOCRACY: DEMOCRATIC THEORY AND PRACTICE AFTER THE DELIBERATIVE TURN* 124 (2012).

<sup>64</sup> *Id.* at 108–24.

<sup>65</sup> DANIEL KAHNEMAN, *THINKING, FAST AND SLOW* (2012).

## 4.2. Reductionism in the ECP content

There are at least two ways in which value reductionism was facilitated in the content of ECP 2: the separation of individual EU values under different topical streams, and several forms of injection of expertise into the deliberations.

### a. Topic streaming

The five streams that were generated are an instance of reductionism, especially due to separating “protecting democracy and the rule of law” from “ensuring rights and non-discrimination.” This distinction, which mirrors the gap between the two themes on the digital platform, may encourage perceptions that human rights and non-discrimination are not a concern for protecting democracy and the rule of law, possibly cementing the perception of the remoteness of the rule of law for individual well-being.<sup>66</sup> A particularly troubling concept for reductionism was that of security, due to its potential to sideline considerations for values during the deliberations when understood narrowly as security for EU citizens against “others,” instead of integrally linked to and emanating from the existing catalogue of values.<sup>67</sup>

Some structuring of the discussion was indeed necessary, and avoiding reductionism altogether (e.g., by allowing the discussion and recommendation-generation in the working groups to flow completely freely depending on participants’ concerns) would have been very difficult, especially within the short allotted time. Also, a reductionist approach has the added value of giving specific concepts the “spotlight” for subsequent discussions. For example, one of the discussions, unfinished after the first session of ECP, pertained to merging the substreams on non-discrimination and gender equality. Doing so could encourage the perception of discrimination to only occur on the basis of gender, thus neglecting instances of “intersectional discrimination,” among others,<sup>68</sup> or gender equality being equivalent to merely preventing discrimination, both of which support a reductionist view. The fact that both remained explicitly mentioned among the substreams facilitated targeted discussions on both subjects. The decision whether to merge the substreams was subject to voting between the two sessions. About 100 ECP members voted, with the option of keeping the two substreams separate receiving a majority of only a few votes, proving that the issue was indeed contested. While this contestation has not resurfaced in the final recommendations, neither did explicit references to gender equality. While the symbolic importance of concepts appearing in the substream titles might remain, on their own they do not guarantee the generation of specific recommendations.

Moreover, the recommendations do not neatly resemble the streams, indicating that citizens at times transcended the scope envisioned by the streams after Session 1. For

<sup>66</sup> For initiatives to change this, see, e.g., *Citizenship and The Rule of Law*, BINGHAM CTR. FOR THE RULE OF LAW, <https://binghamcentre.biicl.org/categories/citizenship> (last visited July 17, 2025).

<sup>67</sup> cf Anastassia Tsoukala, *Democracy against Security: The Debates about Counterterrorism in the European Parliament, September 2001–June 2003*, 29 *ALTERNATIVES* 417 (2004).

<sup>68</sup> Gauthier de Beco, *Protecting the Invisible: An Intersectional Approach to International Human Rights Law*, 17 *HUM. RTS. L. REV.* 633, 635 (2017).

example, in Substream “Protecting human rights and the rights of nature and animals,” we find a recommendation supporting “media independence” and the development of “media competences” between recommendations on “animal-friendly agriculture” and “environmentally sustainable and ecological agriculture.” This shows that the members of the respective working group felt a concern associated with the media (otherwise covered by recommendations in the substream on media and disinformation and several substreams on building European identity) that they saw related to protecting human rights, and could transform into a recommendation.

Even if reducing the content into streams was not decisive for the discussion flow, this still leaves the question of *how* the streams were generated.

### **b. Expert input**

The second instance of content-based reductionism pertains to expert input.<sup>69</sup> This occurred in the first two sessions of the ECP via panel or “stream” plenary presentations with (limited) accompanying discussion, via individual visits by experts in the working groups in Session 1, and via “backend” expert input provided upon request to the working groups in the third session. ECP 2 was supported by a relatively diverse pool of experts according to discipline and methodology. However, some expert input reflected reductionism by advancing particular readings of EU values without highlighting the contested character of these readings. Two examples may be listed. The first pertains to the unequivocally negative presentation of the judgment of the German Federal Constitutional Court from 2020<sup>70</sup> by one of the experts during Session 1 (despite the existence of views according to which this judgment is compatible with EU values).<sup>71</sup>

The second was the expert input in a working group Steuer participated in during Session 3. On the ECP members’ request for an overview of the *argumentative contestations* on some of the key issues of EU privacy protection, they received a technical summary of (some) provisions of the General Data Protection Regulation (GDPR) which did not encourage connecting privacy protection to the broader spectrum of EU values. Part of this deficit in the expert input might have been caused by the fact that the request to the expert was submitted by a fact-checker, who physically noted down the request and then went on to the “expert room” to communicate it further.

<sup>69</sup> For discussion of the role of experts in deliberative processes, see, e.g., Mark B. Brown, *Expertise and Deliberative Democracy*, in *DELIBERATIVE DEMOCRACY: ISSUES AND CASES* 50 (Stephen Elstub & Peter McLaverty eds., 2014).

<sup>70</sup> Bundesverfassungsgericht [BVerfG] [Federal Constitutional Court], 2 BvR 859/15, May 5, 2020, 153 ENTSCHEIDUNGEN DES BUNDESVERFASSUNGSGERICHTS [BVERFGE] 74 (Ger.). See further Jürgen Basedow et al., *European Integration: Quo Vadis? A Critical Commentary on the PSPP Judgment of the German Federal Constitutional Court of May 5, 2020*, 19 INT’L J. CONST. L. 188 (2021); Ulrich Haltern, *Revolutions, Real Contradictions, and the Method of Resolving Them: The Relationship between the Court of Justice of the European Union and the German Federal Constitutional Court*, 19 INT’L J. CONST. L. 208 (2021).

<sup>71</sup> *Conference on the Future of Europe—European Citizens Panels*, Ref. No. 20210925-1100-SPECIAL-CONFERENCE (Eur. Parl. Multimedia Ctr., Sept. 25, 2021), [https://multimedia.europarl.europa.eu/en/webstreaming/conference-on-future-of-europe-european-citizens-panels\\_20210925-1100-SPECIAL-CONFERENCE](https://multimedia.europarl.europa.eu/en/webstreaming/conference-on-future-of-europe-european-citizens-panels_20210925-1100-SPECIAL-CONFERENCE).



### 4.3. Holism in the ECP process and content

Despite the strong presence of reductionist tendencies, several procedural elements were conducive to holism. The feedback mechanism after each session pointed to the value of each ECP member’s opinion and underscored the significance of their experiences of the experiment for similar future initiatives. Based on experience with two facilitators in the working groups and informal discussions with fellow ECP members, the efforts made by the facilitators successfully included everyone’s views so that there were limited cases of “present-but-without-a-voice” citizens. The feedback opportunities between working groups, while short, allowed each ECP member to have a say on more topics, to gain an insight into deliberations in the other working group, and to engage in (an at least indirect) dialogue with them by providing suggestions or comments on their work. The social events, while limiting the possibilities to rest before the next day, helped ECP members get to know each other and foster a spirit of mutual trust and listening. Thus, ECP 2 offers some indication of how to foster a holistic, bottom-up approach to public, transnational deliberation about EU values.

Holistic elements were also apparent in the content of ECP 2; most prominently in the course of generating the recommendations. This might be different from other ECPs; compare, for example, the concerns associated with the presentation of migration in connection to security (which also arose, albeit marginally, in ECP 2).<sup>72</sup> Early on in the working group in Session 1, the prompt to generate and illustrate visions of the European Union in 2050 yielded a broad range of ideas. While the exercise required the participants to identify issues in relation to the session’s topic, the holistic start encouraged seeing them connected to other problems. For example, “a common taxation system across the EU with common economic targets”<sup>73</sup> may appear to be more suitable for another ECP, dealing with “A stronger economy, social justice and jobs/Education, culture, youth and sport/Digital transformation.”<sup>74</sup> Yet, it can also be linked to the values of solidarity and justice more broadly, as part of the development toward a more democratic European Union, and translated into concrete strategies and policy proposals.<sup>75</sup> The discussion on a common taxation system was clustered into the substream on closer integration together with two issues calling for a debate on the EU Constitution, which appear much more centrally located within the panel’s scope.

Beyond the initial discussion, later sessions also showed reluctance to present ideas as isolated from multiple EU values. For instance, education in the recommendations comes across not only in the dedicated substream in Stream 4 (“building European

<sup>72</sup> CTOE Expresses Strong Concerns about One-Sided Expert Influence on Citizens’ Panel 4 “Orientations” on EU Border Management, CITIZENS TAKE OVER EUROPE (Feb. 3, 2022), <https://citizenstakeover.eu/blog/ctoe-expresses-strong-concerns/>.

<sup>73</sup> CONFERENCE ON THE FUTURE OF EUROPE, REPORT, PANEL 2, SESSION 1: EUROPEAN CITIZENS’ PANEL 2: EUROPEAN DEMOCRACY/VALUES AND RIGHTS, RULE OF LAW, SECURITY 16 (2021), <http://bit.ly/44ENJJ1>.

<sup>74</sup> *Id.* at 4.

<sup>75</sup> For example, the development of the European Pillar of Social Rights. See Claire Kilpatrick, *The Roaring 20s for Social Europe: The European Pillar of Social Rights and Burgeoning EU Legislation*, 29 TRANSFER: EUR. REV. LABOUR & RSCH. 203 (2023).

**Table 1.** Reductionism and holism in the content and process of ECP 2

Position	Content	Process
Reductionism	<ul style="list-style-type: none"><li>• Migration as related only to security, but not rights</li><li>• Some expert input (e.g., discussion on the German FCC decision)</li><li>• Insistence on speaking in native language if mother tongue not English</li></ul>	<ul style="list-style-type: none"><li>• Shortage of time</li><li>• Reluctance to discuss if the issue appears to fall within the remit of a different working group</li><li>• The five streams</li><li>• The voting on the orientations</li><li>• Top-down rule setting</li><li>• Limited information for the citizens</li></ul>
Holism	<ul style="list-style-type: none"><li>• Citizens' mutual connections</li><li>• Some expert input (e.g., presentation on the connections between citizens and EU democracy)</li></ul>	<ul style="list-style-type: none"><li>• Breadth of the scope</li><li>• Emphasis on a bottom-up perspective</li><li>• Responsiveness to feedback</li><li>• Mutual feedback between working groups</li></ul>

identity”) but also in human rights (data protection education, Recommendation No. 8), or reforming the European Union (closer integration, public investment into education). The “inter-stream” references to education are also interesting because they specifically highlight the need to strengthen this limited EU competence, which makes it harder to dismiss the recommendations as unaware of EU competence limitations. In short, citizens embraced the bottom-up perspective on content generation, and at times they even resisted some of the reductionist tendencies that the deliberation process carried.

Furthermore, some expert input demonstrated a more holistic approach to values. For example, Miguel Maduro, while invited to present on EU democracy, provided a comprehensive talk in the plenary of Session 1, highlighting that there are many ways for citizens to seek connections between issues and many avenues for the Union to act without necessarily transforming itself into a new structure (e.g., a federal state).<sup>76</sup> More such expert input and ongoing engagement with experts during the deliberation (including between individual sessions),<sup>77</sup> rather than only when organizers decide, would help the deliberative process be more holistic.

Table 1 summarizes the key examples of reductionism versus holism presented in the content and the process of the ECP 2. In sum, the ECP 2 in CoFoE provided an opening to practice value holism, but this potential was limited through several design choices prompting value reductionism. The participating citizens pushed back against this, to a limited extent, by expressing their understandings of the relationships between values, and infusing this interactivity into their recommendations as well.

5. Causes and critique of reductionism in EU value talk

In democracies, exchanges of views with others on the conception of values and their development are an empirical fact. This has been the subject of extensive studies beyond

<sup>76</sup> Conference on the Future of Europe—European Citizens Panels, *supra* note 73.  
<sup>77</sup> This was missing in the ECP, as noted also in the report describing the extent of expert involvement: JONES ET AL., *supra* note 45, at 48–9.

the scope of this article.<sup>78</sup> The previous section analyzed elements of holism and reductionism in the ECP 2. Building on the finding of prevailing reductionism with some moments of holism, often facilitated by citizens’ resistance to reductionist tendencies in the design, this section further explores the value talk in the CoFoE, in two respects. It identifies the *reasons* for the inclination toward reductionism, and *critiques* these reasons by presenting the advantages of encouraging more value holism for strengthening the European Union’s democratic legitimacy.<sup>79</sup> These two purposes are combined in individual subsections intentionally, to demonstrate how the limited presence of value holism is both tied to the democracy deficits of the European Union as it stands today, and perpetuates them.

### 5.1. EU institutional history

In the EU context, the commitment to public deliberation on values that impact political decisions<sup>80</sup> stands in contrast to the established view that the ultimate say is that of the EU institutions.<sup>81</sup> Such a position may facilitate a robust defense of EU values against illiberal governmental readings of values, which appropriate the “right to interpretation” to themselves based on (at times not even fair) electoral results in national elections,<sup>82</sup> but this position is not satisfactory from a normative perspective. Not only can illiberal majorities prevail in EU institutions as well, but this focus on institutional control encourages reductionist tendencies that undermine the value of citizen participation in deliberative events and the European Union’s commitment to legitimacy based on a broader reading of democracy reflected in articles 10 and 11 TEU.<sup>83</sup> CoFoE itself, particularly the ECPs, are evidence of this move away from institutional control of values toward a more bottom-up, participatory approach to developing EU values. A more holistic approach to value talk is argued for to continue this direction of travel in terms of EU democratic legitimacy.

The EU institutional tendency toward value reductionism and control over value talk may come from numerous sources. For one, it may link to its technocratic roots and the deep convictions of officials, who have been identified as central to shaping the legal

<sup>78</sup> On multiple “languages of value,” see, e.g., Monica Mookherjee, *Affective Citizenship: Feminism, Postcolonialism and the Politics of Recognition*, 8 *CRITICAL REV. INT’L SOCIAL AND POL. PHIL.* 31, 47 (2005); on citizens thinking and responding to prompts pertaining to “value words,” see Paul R. Brewer, *Value Words and Lizard Brains: Do Citizens Deliberate About Appeals to Their Core Values?*, 22 *POL. PSYCH.* 45 (2001).

<sup>79</sup> Andre Bächtiger et al., *Deliberative Democracy: An Introduction*, in *THE OXFORD HANDBOOK OF DELIBERATIVE DEMOCRACY* 1 (Andre Bächtiger et al. eds., 2018).

<sup>80</sup> Irena Fiket, *Citizens’ Assemblies at Supranational Level: Addressing the EU and Global Democratic Deficit*, in *DE GRUYTER HANDBOOK OF CITIZENS’ ASSEMBLIES* 197 (Min Reuchamps, Julien Vrydagh, & Yanina Welp eds., 2023).

<sup>81</sup> Andrzej Madeja, *European Values and the Rule of Law*, in *RULE OF LAW, COMMON VALUES, AND ILLIBERAL CONSTITUTIONALISM: POLAND AND HUNGARY WITHIN THE EUROPEAN UNION* 45 (Tímea Drinóczi & Agnieszka Bień-Kacala eds., 2020); R. Daniel Kelemen & Laurent Pech, *The Uses and Abuses of Constitutional Pluralism: Undermining the Rule of Law in the Name of Constitutional Identity in Hungary and Poland*, 21 *CAMBRIDGE Y.B. EUR. LEGAL STUD.* 59 (2019).

<sup>82</sup> Heino Nyssönen & Jussi Metsälä, *From Illiberal State to Christian Values: Naming the Current Politics of Hungary*, 17 *CONTRIBUTIONS TO HIST. CONCEPTS* 109 (2022).

<sup>83</sup> Davor Jančić, *The Institutionalisation of Citizens in the EU Citizenship and Democracy*, in *THE CHANGING ROLE OF CITIZENS IN EU DEMOCRATIC GOVERNANCE* 1, 9 (Davor Jančić ed., 2023).

and even constitutional orders of states across several prominent jurisprudential approaches,<sup>84</sup> as well as in sociological accounts of the functioning of the Commission.<sup>85</sup> A less actor-centric source would be the Commission as a whole enshrined in collective imaginations as the “bureaucratic” or “non-political” arm of EU integration.<sup>86</sup> Identifying these reasons influences the strategies that might work to “turn the tide” toward more value holism: should the officials’ perspectives need to change, or is the status quo likely to be unchangeable without a complete institutional overhaul? This important question of the relationship between those who convene deliberative events and the participants needs further research.<sup>87</sup>

With the 2019–24 Commission headed by Ursula von der Leyen having become more assertive in its self-presentation as a “geopolitical Commission,”<sup>88</sup> the “bureaucratic convictions” (if present in the first place) may be changing. However, it is not guaranteed that, with growing political self-awareness, Commission officials would prioritize holistic public participation, through ECPs or similar formats, that might reduce control. Furthermore, while the Commission is implementing “advisory” panels of its own, more holistic forms of public involvement require collaboration from the EP and the Councils.<sup>89</sup> The latter has shown particular reluctance to build on the CoFoE experience, especially through Treaty change.<sup>90</sup>

## 5.2. Value compartmentalization

The CoFoE offers examples of how values are compartmentalized, which reduces the ability to explore the interconnection of values necessary for a holistic approach. First, in the “manual” for citizens’ contributions to the digital platform, democracy encompasses issues tied to (i) elections, (ii) other forms of participation, (iii) representation, and (iv) media freedom and the “right to accurate information.” Such delineation implies a slightly broader understanding of democracy than a minimalist one that

<sup>84</sup> HERBERT L. A. HART, *THE CONCEPT OF LAW* (3d ed. 2012); RONALD DWORKIN, *LAW’S EMPIRE* (1986).

<sup>85</sup> See generally Frédéric Mérand, *The European Commission: The Cabinets and the Services*, in *THE INSTITUTIONS OF THE EUROPEAN UNION* 177 (Dermot Hodson et al. eds., 5th ed. 2021).

<sup>86</sup> Alvaro Oleart, *The Political Construction of the “Citizen Turn” in the EU: Disintermediation and Depoliticisation in the Conference on the Future of Europe*, *J. CONTEMP. EUR. STUD.* (Feb. 14, 2023), <https://doi.org/10.1080/14782804.2023.2177837>.

<sup>87</sup> Walter F. Baber & Robert V. Bartlett, *The Challenge of Slow-Motion Democracy: Synthetic and Progressive Rationalization of Mini-Public Deliberation*, in *CHALLENGES TO DEMOCRATIC PARTICIPATION: ANTIPOLITICS, DELIBERATIVE DEMOCRACY, AND PLURALISM* 79 (Andre Santos Campos & José Gomes André eds., 2014).

<sup>88</sup> Dimitri Lorenzani & Manuel Szapiro, *A “Geopolitical Commission”: Reaching a Point of Inflection?*, in *THE EU POLITICAL SYSTEM AFTER THE 2019 EUROPEAN ELECTIONS* 195 (Olivier Costa & Steven Van Hecke eds., 2023); see also Hussein Kassim, *The von der Leyen Commission: An Early Assessment*, in *THE EU POLITICAL SYSTEM AFTER THE 2019 EUROPEAN ELECTIONS* 169 (Olivier Costa & Steven Van Hecke eds., 2023).

<sup>89</sup> Alberto Alemanno, *EU Citizen Participation “in the Union’s Democratic Life”: A Policy and Legal Analysis*, in *THE EU POLITICAL SYSTEM AFTER THE 2019 EUROPEAN ELECTIONS* 23 (Olivier Costa & Steven Van Hecke eds., 2023).

<sup>90</sup> On the distinction between “democratically legitimate” and “politically viable” solutions, see Ben Crum, *Models of EU Constitutional Reform: What Do We Learn from the Conference on the Future of Europe?*, 13 *GLOB. CONSTITUTIONALISM* 392 (2024).

would tie it to elections only.<sup>91</sup> However, elections are a *right*, not just a *practice*, as is public participation between elections and media freedom. Hence, in the description set out for the separation between the two sets of topics, the (slight) broadening of the notion of democracy that incorporates some human rights, but still not the rule of law,<sup>92</sup> comes at the price of perpetuating a perception that the issues to be addressed under “democracy” are not questions of “rights, values, and the rule of law.”

Second, the title and basic description of the second ECP suggests isolated readings of values:

The Panel “European democracy/Values and rights, rule of law, security” addressed topics related to *democracy*, such as elections, participation outside election periods, perceived distance between people and their elected representatives, media freedom and disinformation. The Panel also addresses issues related to *fundamental rights and values, the rule of law and the fight against all forms of discrimination*. At the same time, the panel dealt with *the internal security of the EU*, such as protection of Europeans from acts of terrorism and other crimes.<sup>93</sup>

Third, there is a greater tendency to invoke values when discussing institutional questions (competences, procedures according to EU law), but less in connection with specific policies. This isolation of policy as opposed to polity debates from values triggers a risk of missing connections between specific policy areas such as health or agriculture, and values.<sup>94</sup>

The above illustrations are hardly surprising when the very wording of article 2 TEU suggests two categories of values; the first sentence lists the “founding values,” which include the “trinity” of democracy, the rule of law, and human rights (“including the rights of persons belonging to minorities”), yet, these are “mixed” with others (human dignity, freedom, and equality). The second sentence declares the “commonality” of these values in the member states with societies “in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.” This confusion reflects the historical evolution of article 2; with democracy coming first (Maastricht Treaty),<sup>95</sup> and human rights and rule of law added later (Amsterdam Treaty).<sup>96</sup> As a whole, the set of values has the objective to form the “homogeneity clause”

<sup>91</sup> Sonia Alonso, John Keane, & Wolfgang Merkel, *Editors’ Introduction: Rethinking the Future of Representative Democracy*, in *THE FUTURE OF REPRESENTATIVE DEMOCRACY 1* (Sonia Alonso, John Keane, & Wolfgang Merkel eds., 2011).

<sup>92</sup> For more robust accounts of democracy, see, e.g., Wolfgang Merkel, *Embedded and Defective Democracies*, 11 *DEMOCRATIZATION* 33 (2004).

<sup>93</sup> *European Citizens’ Panels, at Panel 2*, CONFERENCE ON THE FUTURE OF EUROPE, <https://wayback.archive-it.org/12090/20230418093501/https://futureu.europa.eu/en/assemblies/citizens-panels/f/299/?locale=en> (emphases added) (last visited July 17, 2025).

<sup>94</sup> The distinction between policy and polity changes has been drawn and used as foundation for discussing the future of the European Union. John Erik Fossum, *Europe’s Triangular Challenge: Differentiation, Dominance and Democracy* 5 (2019), <https://papers.ssrn.com/abstract=3505864>.

<sup>95</sup> Treaty on European Union, art. F, 1992 O.J. (C 191) 5 [hereinafter Maastricht Treaty].

<sup>96</sup> See Amsterdam Treaty, *supra* note 20, art. 8. See further Marcus Klamert & Dmitry Kochenov, *Article 2 TEU*, in *THE EU TREATIES AND THE CHARTER OF FUNDAMENTAL RIGHTS: A COMMENTARY* 24 (Manuel Kellerbauer, Marcus Klamert, & Jonathan Tomkin eds., 2019).

of the EU legal structure, showing the uniting element in the European Union.<sup>97</sup> Yet, Claes sees tensions between “the more political values” and more contentious ones, which goes some way toward explaining the wording of article 2 as consisting of two sets of enumerations of values.<sup>98</sup> A similar challenge to designing a coherent and holistic deliberative process comes from Avbelj, who distinguishes between “input, throughput and output values” of EU integration, that is, between values as *preconditions* for the integration process to unfold, values that need to be present *within the integration process* and values that are the ultimate *objectives* of integration.<sup>99</sup> Yet, Avbelj acknowledges that the core values today belong to more than one category, and typically all three. The distinction is, thus, of mainly historical value, because, through treaty revisions, there has been “value deepening”<sup>100</sup> that prevents straightforward separation or the attribution of a narrow set of market-oriented values to the European Union and should strengthen value holism.

### 5.3. Ambiguity regarding what counts as an EU value

The Treaties remain in need of interpretation on what the content of EU values is.<sup>101</sup> This may connect them to more ideas presented as values, but should not deny their core meaning or pit them against each other in the name of “greater goods” that are not verbalized in article 2.

In ECP 2, this creation of oppositions occurred in relation to “security” being mentioned in the title of the panel. The Treaty-based values may be related to others, not explicitly articulated (such as “judicial independence” as a “common value”<sup>102</sup>), but the interpretation of these latter values cannot deny the ones in the Treaty. For example, security needs to be interpreted without denying value to any individual, while recognizing the fundamental rights of non-EU citizens as well.<sup>103</sup> The mention of security, combined with the absence of other article 2 values in the title, may instead prompt

<sup>97</sup> Klamert and Kochenov, *supra* note 96; Stelio Mangiameli, *Article 2 [The Homogeneity Clause]*, in *THE TREATY ON EUROPEAN UNION (TEU): A COMMENTARY* 109 (Hermann-Josef Blanke & Stelio Mangiameli eds., 2013).

<sup>98</sup> Monica Claes, *How Common Are the Values of the European Union?*, 15 CROAT. Y.B. EUR. L. & POL’Y, at vii, vii–viii (2019).

<sup>99</sup> Matej Avbelj, *Values, Constitutionalism and the Viability of European Integration*, in *THE FUTURE OF EU CONSTITUTIONALISM* 35, 37 (Matej Avbelj ed., 2023).

<sup>100</sup> *Id.* at 39.

<sup>101</sup> See, e.g., Werner Schroeder, *The Rule of Law as a Value in the Sense of Article 2 TEU: What Does It Mean and Imply?*, in *DEFENDING CHECKS AND BALANCES IN EU MEMBER STATES: TAKING STOCK OF EUROPE’S ACTIONS* 105 (Armin von Bogdandy et al. eds., 2021).

<sup>102</sup> See Antonia Baraggia & Matteo Bonelli, *Linking Money to Values: The New Rule of Law Conditionality Regulation and Its Constitutional Challenges*, 23 GER. L.J. 131, 147 (2022).

<sup>103</sup> JEF HUYSMANS, *SECURITY UNBOUND: ENACTING DEMOCRATIC LIMITS* (2014); Max Steuer, *Democratic Security*, in *THE PALGRAVE ENCYCLOPEDIA OF GLOBAL SECURITY STUDIES* 270 (Scott Romaniuk, Manish Thapa, & Péter Marton eds., 2023); MASSIMO FICHERA, *THE FOUNDATIONS OF THE EU AS A POLITY* 178–81 (2018) (also pointing to the use of security among “freedom” and “justice” in the EU “Area of Freedom, Security and Justice”). Interestingly, the ordering of these concepts has been reversed at the respective EU website, with justice coming first. *Justice, Freedom and Security*, EUR. UNION, [https://eur-lex.europa.eu/summary/chapter/justice\\_freedom\\_security.html?root\\_default=SUM\\_1\\_CODED%3D23](https://eur-lex.europa.eu/summary/chapter/justice_freedom_security.html?root_default=SUM_1_CODED%3D23) (last visited July 17, 2025).



securitizing narratives, “othering,” and the construction of threats.<sup>104</sup> The organization of the key concepts in the title before the “addition” of security is telling as well. Presumably, it is a combination of two separate topics on the digital platform—one on “European democracy” and one on “Values and rights, rule of law, security”—which were mirrored in the CoFoE plenary working groups as well. But in this distinction, it appears as if “democracy,” “rights,” and “rule of law” were not among the values, as they are mentioned separately from the term. This also indicates the overall lack of consideration of how to relate EU values to each other in key design elements of the CoFoE. With security included this prominently, value conflicts are easier to invoke, since more rights-centered conceptions of security are more novel and less obvious. How problematic the focus on security could be was illustrated by an episode in the final plenary of Session 1, when migration was only referred to in relation to security in the respective stream. That the final recommendations do not reflect this inclination and instead invoke migration in relation to “European values and identity”<sup>105</sup> was by no means obvious after Session 1, and serves as evidence of “the genuine by-product of the transnational experience gained by the conference’s participants,”<sup>106</sup> who succeeded in overcoming the reductionist perspective buttressed by the stream structure.

Dividing lines might be observed in the EU institutions’ invocations of individual values as well. While “human rights” have their more precise articulation in the Charter of Fundamental Rights, and several instruments have been developed for the “protection of the rule of law,” few specific measures focus on “democracy”<sup>107</sup> (which is also sometimes understood in a narrow, technocratic manner, particularly by the Commission in relation to public participation<sup>108</sup> or value protection<sup>109</sup>), let alone the other values. Thus, even though illiberal actors might be at the forefront of pitting EU values against each other, there are signs that institutions promoting EU values do not do so consistently or with internal coherence.

<sup>104</sup> Sarah Léonard & Christian Kaunert, *Refugee Flows and Terrorism in the European Union: Securitization through Association*, 59 INT’L POL. 562 (2022).

<sup>105</sup> Conference on the Future of Europe, *Report on the Final Outcome* 135 (2022), [www.europarl.europa.eu/resources/library/media/20220509RES29121/20220509RES29121.pdf](https://www.europarl.europa.eu/resources/library/media/20220509RES29121/20220509RES29121.pdf) (recommendation 30 on the integration of migrants and awareness-raising of migration).

<sup>106</sup> Alberto Alemanno, *The Future of Europe: Who Holds the Baton?*, SOC. EUROPE (Jan. 27, 2022), <https://social-europe.eu/the-future-of-europe-who-holds-the-baton>. See also Alberto Alemanno, *Future of Europe: It’s Not about Treaty Change, It’s about European Democracy*, (Dec. 18, 2021), <https://revdem.ceu.edu/2021/12/18/future-of-europe-its-not-about-treaty-change-its-about-european-democracy/>.

<sup>107</sup> See, e.g., *European Democracy Action Plan*, EUR. PARL.: LEGISLATIVE TRAIN SCH (Dec. 15, 2024) [www.europarl.europa.eu/legislative-train/theme-a-new-push-for-european-democracy/file-european-democracy-action-plan](https://www.europarl.europa.eu/legislative-train/theme-a-new-push-for-european-democracy/file-european-democracy-action-plan).

<sup>108</sup> James Organ, *EU Citizen Participation, Openness and the European Citizens Initiative: The TTIP Legacy*, 54 COMMON MKT. L. REV. 1713 (2017).

<sup>109</sup> Alvaro Oleart & Tom Theuns, “Democracy without Politics” in the European Commission’s Response to Democratic Backsliding: From Technocratic Legalism to Democratic Pluralism, 61 J. COMMON MKT. STUD. 882 (2023).

#### 5.4. Prioritization of the rule of law and neglect of related values

Reductionism might also come about through an emphasis on one or some EU values at the expense of others. Public value discourse, and even scholarship on EU law and constitutionalism after 1989, tended to prioritize the rule of law.<sup>110</sup> For example, one article discussing the EU conditionality regulation<sup>111</sup> speaks of value protection, but devotes attention almost exclusively to the rule of law. At one point, compliance with “the rule of law and the common values of Article 2 TEU” is mentioned, as if the rule of law were somehow separate to or more prominent than the other article 2 values.<sup>112</sup> Similarly, a special section subtitled “New Actors, Roles and Mechanisms to Protect EU Values” has the rule of law in the title of three of its four articles (with the last one using “autocratic legalism” as a key concept and having the rule of law among the keywords).<sup>113</sup> The overshadowing of other values by the rule of law in EU value talk is even more of a problem if the rule of law is reduced to “the principles of effective application of EU law and effective judicial protection in the fields covered by EU law.”<sup>114</sup> If these exhaust the reading of the rule of law, challenges to EU law instruments—when these instruments fall short of the requirements stipulated by EU values—would become virtually impossible to sustain.

Moreover, values beyond the established trinity of democracy, human rights, and the rule of law are rarely invoked. This isolation of the trinity from the broader set of article 2 TEU values—such as pluralism, non-discrimination, solidarity, and tolerance—is a further ill of EU value talk. For example, a Franco-German report on treaty change, one of the more ambitious ones published in 2023, opens with references to the rule of law, advocating the extension of budgetary conditionality and changes to the article 7 procedure.<sup>115</sup> There is no reference to other values, despite the aim to extend the conditionality requirement to article 2, which enshrines the broad palette of values. “EU-level democracy” comes in Section 3 and encompasses reforms in electoral laws, appointment of the Commission President, public participation, transparency, and the fight against corruption.<sup>116</sup> Another report, while laudably emphasizing the centrality of the value of democracy, also falls short of value holism when it frames a distinction between “political transformation” and “legal transformation,” reducing the latter to treaty change<sup>117</sup>—instead, for instance, of considering the possibilities of a self-induced change by the CJEU as a political institution through its supremacist interpretive practices (see Section 4.2 above). These examples illustrate that “while democracy and the

<sup>110</sup> RAMONA COMAN, *THE POLITICS OF THE RULE OF LAW IN THE EU POLITY: ACTORS, TOOLS AND CHALLENGES* 2 (2022).

<sup>111</sup> Regulation (EU, Euratom) 2020/2092 of Dec. 16, 2020, of the European Parliament and of the Council on a general regime of conditionality for the protection of the Union budget, 2020 O.J. (L 433I) 1.

<sup>112</sup> Baraggia & Bonelli, *supra* note 102, at 144.

<sup>113</sup> Matteo Bonelli et al., *Usual and Unusual Suspect in Protecting EU Values: An Introduction*, 7 EUR. PAPERS: J. ON L. & INTEGRATION 641 (2022).

<sup>114</sup> cf. Elsuwege & Gremmelprez, *supra* note 25, at 31.

<sup>115</sup> FRANCO-GERMAN WORKING GROUP ON THE EU INSTITUTIONAL REFORM, *supra* note 8, at 8.

<sup>116</sup> *Id.* at 8–9.

<sup>117</sup> KALYPSO NICOLAÏDIS, NICOLAI VON ONDARZA, & SOPHIA RUSSACK, *THE RADICALITY OF SUNLIGHT: FIVE PATHWAYS TO A MORE DEMOCRATIC EUROPE. A REPORT OF THE CEPS-SWP HIGH-LEVEL GROUP ON BOLSTERING EU DEMOCRACY* 9 (2023), [www.ceps.eu/ceps-publications/the-radicality-of-sunlight/](http://www.ceps.eu/ceps-publications/the-radicality-of-sunlight/).

rule of law were supposed to advance hand in hand, the essence of democracy is increasingly narrowed down to simple majoritarian politics.”<sup>118</sup> This is a particular problem for the European Union, which—even in its legal foundations—recognizes participatory democracy in addition to representative democracy.<sup>119</sup>

More robust lists of EU values have occasionally been formulated, but they remain in a minority.<sup>120</sup> An interesting exception to a narrow reading is the exploration of the linkages between the rule of law and solidarity, including the need to dissociate the impact of the regulation on individuals and communities within a member state whose government violates values and who are in need of EU support.<sup>121</sup> For the values to be enforceable, legal scholars tend to point out the need to understand them as “principles,” which have legislative articulation.<sup>122</sup> Yet, these concepts are used interchangeably,<sup>123</sup> even along with the concept of “norms.”<sup>124</sup> Indeed, lawyers might find themselves uneasy when talking about “values” due to the “emotional, less ‘curt’ type of rhetoric” that they invoke.<sup>125</sup>

The conceptualization of EU values does not easily allow the whole “bouquet” to be squared into one. For example, the main Commission webpage on the rule of law welcomes visitors with the following elaboration on what the rule of law is: it “guarantees fundamental rights and values, allows the application of EU law, and supports *an investment-friendly business environment*.”<sup>126</sup> The same reference can also be found in the 2024 Rule of Law Report press release.<sup>127</sup> Ensuring equal opportunities and fair competition for businesses is hardly incompatible with democracy, pluralism, or solidarity, yet an “investment-friendly business environment” is a narrower idea that may indeed be in tension with values such as pluralism and solidarity. That is not to deny that values

<sup>118</sup> ADIS MERDZANOVIC & KALYPSO NICOLAÏDIS, A CITIZEN’S GUIDE TO THE RULE OF LAW: WHY WE NEED TO FIGHT FOR THE MOST PRECIOUS HUMAN INVENTION OF ALL TIME 161 (2021).

<sup>119</sup> See TEU arts. 10–11.

<sup>120</sup> Tomasz Tadeusz Konciewicz, “To Ensure That the Common Values and the Law Are Observed”: What to Make of the Value Turn in the Case Law of the Court of Justice?, EUR. L. BLOG (Sept. 20, 2023), [www.europeanlawblog.eu/pub/to-ensure-that-the-common-values-and-the-law-are-observed-what-to-make-of-the-value-turn-in-the-case-law-of-the-court-of-justice/release/1](http://www.europeanlawblog.eu/pub/to-ensure-that-the-common-values-and-the-law-are-observed-what-to-make-of-the-value-turn-in-the-case-law-of-the-court-of-justice/release/1).

<sup>121</sup> Marco Fisicaro, *Rule of Law Conditionality in EU Funds: The Value of Money in the Crisis of European Values*, 4 EUR. PAPERS: J. ON L. & INTEGRATION 695, 718–22 (2019).

<sup>122</sup> On this point, see Dimitry Kochenov, *The Acquis and Its Principles: The Enforcement of the “Law” versus the Enforcement of “Values” in the EU*, in THE ENFORCEMENT OF EU LAW AND VALUES: ENSURING MEMBER STATES’ COMPLIANCE 9 (András Jakab & Dimitry Kochenov eds., 2017).

<sup>123</sup> Laurent Pech, *The Rule of Law as a Well-Established and Well-Defined Principle of EU Law*, 14 HAGUE J. ON RULE L. 107 (2022).

<sup>124</sup> Hanna Tuominen, *In Defence of Common Values: The Finnish EU Council Presidency 2019*, 58 COOPERATION & CONFLICT 23 (2023).

<sup>125</sup> Justine Lacroix, *Does Europe Need Common Values? Habermas vs Habermas*, 8 EUR. J. POL. THEORY 141, 142 (2009).

<sup>126</sup> *Rule of Law*, EUR. COMMISSION, [https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law_en) (emphasis added) (last visited July 17, 2025). See also Max Steuer, *Rule of Law: The Concept*, in ENCYCLOPEDIA OF CONTEMPORARY CONSTITUTIONALISM 1, 3 (Javier Cremades & Cristina Hermda eds., 2023).

<sup>127</sup> Eur. Comm’n, Press Release, *Rule of Law Report 2024: With the 5th Edition, the EU Is Better Equipped to Face Rule of Law Challenges* (July 24, 2024), [https://ec.europa.eu/commission/presscorner/detail/sw/ip\\_24\\_3864](https://ec.europa.eu/commission/presscorner/detail/sw/ip_24_3864).

might not be the basic drivers of value talk itself; instead, (pragmatic) interests might prevail. Nevertheless, if the basic definition of a key value encompasses a reference to an (at face value, arbitrarily chosen) interest, it can fuel value reductionism.<sup>128</sup>

The wide promotion of CoFoE as a *democratic* experiment, rather than as an initiative aimed specifically at strengthening the rule of law, may explain why it displayed this tendency to a slightly lesser extent. Moreover, it points to broader public engagement with the rule of law through notions of the “rule of law from below” or “citizen-centric rule of law”—an approach closer to value holism due to its embeddedness both in democratic participation and in the exercise of individuals’ fundamental rights.<sup>129</sup>

We may observe increased value holism due to growing awareness of the connections between the “holy trinity” of values—democracy, the rule of law, and human rights—but value reductionism continues in relation to other key values not part of this “holy trinity.” Values of human dignity, freedom, and equality (the other values mentioned in the first sentence of article 2 TEU) are inseparable from the concept of human rights in conventional understandings.<sup>130</sup> There might be a shift from the prevailing rule of law focus—which alone supports value reductionism, especially with thin readings of the rule of law—to that of democracy, mirroring broader public discourses.<sup>131</sup> Yet, without more robust readings of democracy beyond majority rule, value reductionism could persist even when institutional attention to democracy increases.

## 6. Conclusion: Value holism and the future of EU (deliberative) democracy

Contemporary illiberal actors are undermining the conventional (they would say “hegemonic”) readings of EU values<sup>132</sup> and fueling fragmentation of the European Union.<sup>133</sup> Holistic value talk is needed to challenge this. The “Eastern enlargement” of the European Union in 2004 had generated an impression that the affinity between fundamental

<sup>128</sup> We thank an anonymous reviewer for encouraging us to recognize this point.

<sup>129</sup> Adis Merdzanovic & Kalypso Nicolaïdis, *Advocacy for a Citizen-Centric Rule of Law Agenda: How Do We Bring the Rule of Law to Life?*, 27 EUR. L.J. 297 (2021).

<sup>130</sup> Susanne Baer, *Dignity, Liberty, Equality: A Fundamental Rights Triangle of Constitutionalism*, 59 U. TORONTO L.J. 417 (2009).

<sup>131</sup> For a historical association, see the discussion of Habermas’s work by Joseph L. Staats, *Habermas and Democratic Theory: The Threat to Democracy of Unchecked Corporate Power*, 57 POL. RSCH Q. 585, 586 (2004) (“Democracy was [in the eighteenth and nineteenth centuries] the subject of frequent and continuing public discourse, the discourse of the coffee houses, and homes, and public meeting places that were the haunts of the bourgeois”).

<sup>132</sup> See, e.g., Kim Lane Scheppele, Dimitry Vladimirovich Kochenov, & Barbara Grabowska-Moroz, *EU Values Are Law, after All: Enforcing EU Values through Systemic Infringement Actions by the European Commission and the Member States of the European Union*, 39 Y.B. EUR. L. 3 (2020) (not engaging with the question of what EU values substantively entail. The authors treat the issue as resolved, relying on the Hartian-type claim of EU law supremacy, as articulated by the CJEU).

<sup>133</sup> Jozef Bátora & John Erik Fossum, *Introduction to TOWARDS A SEGMENTED EUROPEAN POLITICAL ORDER: THE EUROPEAN UNION’S POST-CRISIS CONUNDRUM 1* (Jozef Bátora & John Erik Fossum eds., 2019).

values and democratic regimes is virtually unquestioned in the Union,<sup>134</sup> but this has proven not to be the case.<sup>135</sup> We observe a “competition of and for values indissociable from the competition of interests and powers.”<sup>136</sup> Illiberal actors present their own vision of democracy, which contains a truncated, exclusionary view of human rights<sup>137</sup> and the “right” to determine the content of the “rule of law” only at the national level, borrowing from its thin conceptualizations.<sup>138</sup> These oxymoronic conceptualizations of various “illiberal democracies”<sup>139</sup> are a clear point of value reductionism (not only) in the European Union, making it more difficult to implement a “vision of Europe as a value community” in which “the joint values of the rule of law, democracy, and fundamental rights [are] enforced in every Member State.”<sup>140</sup>

Responding to this effort to hijack key political concepts requires holistic value talk via bottom-up readings of values. Value holism is an antidote to the illiberal value fragmentation. However, for elected representatives and other officials, it is difficult to do this, instead of emphasizing divisions with other actors over (also) the meaning of values.<sup>141</sup> For example, the Court of Justice made some limited forays into a holistic approach,<sup>142</sup> but prioritizes the rule of law and is yet to articulate a holistic reading. Moreover, the Court’s verdicts face difficulties from being seen as top-down pronouncements. In contrast, citizens speaking from their point of view and “living” the values in presenting their ideas about ideal political constellations may remedy this gap. The tangible recommendations from the European Citizens’ Panels of the Conference on the Future of Europe provide an authoritative backbone for value talk that the European Union can build on.

The recognition of the tension between value reductionism and value holism at the core of value talk in the EU context has significant implications not only for participatory institutions that may follow CoFoE aiming to address shortcomings of EU

<sup>134</sup> FROM LISTENING TO ACTION? NEW MEMBER STATES IN THE EUROPEAN UNION (Darina Malová ed., 2010).

<sup>135</sup> See also Bojan Bugarič, *A Crisis of Constitutional Democracy in Post-Communist Europe: “Lands in-between” Democracy and Authoritarianism*, 13 INT’L J. CONST. L. 219 (2015).

<sup>136</sup> François Foret, *Conclusion*, in VALUE POLITICS IN THE EUROPEAN UNION 169, 170 (François Foret & Jana Vargovčíková eds., 2021).

<sup>137</sup> See, e.g., Gábor Halmai & Nóra Chronowski, *The Decline of Human Dignity and Solidarity through the Misuse of Constitutional Identity: The Case of Hungary since 2010*, in HUMAN DIGNITY AND DEMOCRACY IN EUROPE: SYNERGIES, TENSIONS AND CRISES 177 (Bedford Daniel et al. eds., 2022).

<sup>138</sup> Steuer, *supra* note 29.

<sup>139</sup> See János Kis, *The Puzzle of “Illiberal Democracy,”* in RETHINKING OPEN SOCIETY: NEW ADVERSARIES AND NEW OPPORTUNITIES 179 (Michael Ignatieff & Stefan Roch eds., 2018).

<sup>140</sup> Gábor Halmai, *The Alternatives to a Bite or a Bark: After Launching Article 7 TEU Against the Hungarian Government*, in CONSTITUTIONALISM UNDER STRESS 63, 77 (Uładzislau Belavusau & Aleksandra Gliszczynska-Grabias eds., 2020).

<sup>141</sup> See, e.g., MARK TUSHNET & BOJAN BUGARIČ, *POWER TO THE PEOPLE: CONSTITUTIONALISM IN THE AGE OF POPULISM* ch. 1 (2021).

<sup>142</sup> See Case C-156/21, *Hungary v. Eur. Parl. & Council*, ECLI:EU:C:2022:97 (Feb. 16, 2022); Case C-157/21, *Poland v. Eur. Parl. & Council*, ECLI:EU:C:2022:98 (Feb. 16, 2022).

legitimacy<sup>143</sup> but also for the broader challenges to EU democracy.<sup>144</sup> Once the “democratic genie is out of the bottle,”<sup>145</sup> it is difficult to put it back in without appearing as though the “European elite” is drifting even further away from the citizenry. This appears to be the case at the time of writing, when key CoFoE conclusions seem unlikely to be implemented, as underscored by ongoing petitions highlighting the lack of action by the Council and the Commission.<sup>146</sup> Furthermore, if a treaty revision does take place, a closed-door format without public participation seems increasingly unlikely following the CoFoE, as it would risk increased alienation, and undermine the legitimacy of the results and the values it would supposedly be based on. That said, treaty change is still more likely to be processed through a form of intergovernmental conference,<sup>147</sup> and including effective, holistic public participation will be an important challenge. A closed process would be a form of value reductionism that reduces the ability to develop and strengthen EU values. The European Union’s future deliberative fora must be part of a transition toward a more “self-governing, thriving” (EU) democracy,<sup>148</sup> that includes richer—holistic—interpretations of values. Yet, more centrist reports advocating for treaty revision tend to omit the demand for legally binding deliberative fora.<sup>149</sup> To the extent that the European Union is (for better or worse) often seen as a unique globally relevant constitutional experiment that adds to, and even transforms, global constitutional discourses, greater value holism in the European Union may reverberate beyond its confines and be conducive to identifying synergies with, and learning from, more holistic readings of values present in other political communities.<sup>150</sup>

With treaty reform more intensively on the agenda, a holistic approach to EU value talk will help continue the European Union’s move away from its technocratic, elitist past toward a more democratically legitimate EU. The implications of value holism and value reductionism, both for the European Union and for constitutionalism, can and should be explored further. Concerning the former, after the completion of the final CoFoE report in May 2022, the Commission committed to implement a “next generation of citizens’ panels,” following the “praise of citizens” by almost all stakeholders (except the far right) in the aftermath of the CoFoE. Yet, the three “new panels” that took place

<sup>143</sup> See, e.g., Andreas Follesdal & Simon Hix, *Why There Is a Democratic Deficit in the EU: A Response to Majone and Moravcsik*, 44 J. COMMON MKT. STUD. 533 (2006).

<sup>144</sup> Franca Maria Feisel, *Thinking EU Militant Democracy beyond the Challenge of Backsliding Member States*, 18 EUR. CONST. L. REV. 385 (2022); Tom Theuns, *Is the European Union a Militant Democracy? Democratic Backsliding and EU Disintegration*, 13 GLOB. CONSTITUTIONALISM 104 (2024).

<sup>145</sup> Alberto Alemanno, *Releasing Europe’s Democratic Genie*, SOC. EUROPE (2021), <https://socialeurope.eu/releasing-europes-democratic-genie>.

<sup>146</sup> Petition No. 0061/2023 by Laura Maria Cinquini (Italian), on behalf of the association “Citizens and Civil Society Component of the Conference on the Future of Europe,” on the follow-up to the Conference on the Future of Europe, Eur. Parl. Comm. on Petitions, <http://bit.ly/4kXIZUY> (last visited July 17, 2025).

<sup>147</sup> Crum, *supra* note 90.

<sup>148</sup> BRIGITTE GEISSEL, *THE FUTURE OF SELF-GOVERNING, THRIVING DEMOCRACIES: DEMOCRATIC INNOVATIONS BY, WITH AND FOR THE PEOPLE* (2022); Sandra Seubert, *The Conference on the Future of Europe as a Chance for Democratic Catching up? Towards a Citizen-Centred Perspective on Constitutional Renewal in the European Union*, 13 GLOB. CONSTITUTIONALISM 429 (2024).

<sup>149</sup> Abels et al., *supra* note 52; NICOLAÏDIS, VON ONDARZA, & RUSSACK, *supra* note 117.

<sup>150</sup> See, e.g., Kalypso Nicolaïdis, *The Third Democratic Transformation: From European to Planetary Politics*, 62 J. COMMON MKT. STUD. 845 (2024).



in spring 2023 addressed much more specific topics: “food waste, learning mobility, virtual worlds.”<sup>151</sup> The choice for deliberating on narrower topics has not changed with the first panel held in 2024 (on “energy efficiency”). Hence, values were generally not explicit or emphasized through design choices. The panel ongoing at the time of writing (“tackling hatred in society”) might indicate a shift, and needs further scrutiny. Merely increasing the number of deliberative platforms is not a panacea for EU democratization.<sup>152</sup>

Furthermore, the categories of value reductionism/holism might offer a new angle to the studies of constitutional reasoning, particularly on the invocation of values in constitutional discourses.<sup>153</sup> Questions include: to what extent does the spread of value reductionism herald the advent of discourses supportive of minimalist/thin readings of democracy, the rule of law, and other values? Under what conditions are reductionist or holistic interpretations of values conducive to institutions’, such as constitutional courts’, capacity to retain their independence and constrain unchecked power? Is reductionism always detrimental to a progressive human rights agenda, or are there situations in which generating a productive conflict between values may, on the contrary, advance rights protection? Within broader constitutional questions, there are also important deliberative design questions that will need further research if holism is to be strengthened in EU value talk. These include analyzing whether the interaction of decision makers and citizens in deliberative events, such as in the CoFoE plenary, reflects the European Union’s multiple poles of power and legitimacy; how best to manage multi-level deliberation; and whether citizen-focused deliberative processes are effectively integrated into decision-making processes.

While democracy is at the core of the experiment of the CoFoE, this article is agnostic about the conceptual debate on deliberative and participatory democracy. It merely considers a *degree* of informed holistic deliberation as an essential criterion for a more participatory democracy, be it for the capacity of deliberation to “[justify] the coercive power that citizens exercise over one another by trying to convince each other of the reasonableness of the policies to which they are subject,”<sup>154</sup> or for the educative and “activation” effect that the deliberative experience has on the participants. This offers “hope for democracy,”<sup>155</sup> but for deliberation to be that “changemaker,” it will be

<sup>151</sup> Eur. Comm’n, Press Release, *Conference on the Future of Europe Follow-up: Commission Hosts First European Citizens’ Panel on Food Waste Reduction* (Dec. 16, 2022) [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_22\\_7734](https://ec.europa.eu/commission/presscorner/detail/en/ip_22_7734). See also Johannes Greubel, *A New Generation of European Citizens’ Panels*, EUR. POL’Y CTR. (2022), [https://epc-web-s3.s3.amazonaws.com/content/PDF/2022/NewGen\\_DP\\_v2.pdf](https://epc-web-s3.s3.amazonaws.com/content/PDF/2022/NewGen_DP_v2.pdf). See also CITIZENS’ ENGAGEMENT PLATFORM, [https://citizens.ec.europa.eu/index\\_en](https://citizens.ec.europa.eu/index_en) (last visited July 17, 2025).

<sup>152</sup> Markus Patberg, *Farewell to Constituent Power? The Conference on the Future of Europe, Citizens’ Assemblies and the Democratic Minimum*, 13 GLOB. CONSTITUTIONALISM 411 (2024).

<sup>153</sup> András Jakab, Arthur Dyevre, & Giulio Itzcovich, *Conclusion*, in COMPARATIVE CONSTITUTIONAL REASONING 761 (András Jakab, Arthur Dyevre, & Giulio Itzcovich eds., 2017).

<sup>154</sup> CRISTINA LAFONT, *DEMOCRACY WITHOUT SHORTCUTS: A PARTICIPATORY CONCEPTION OF DELIBERATIVE DEMOCRACY* 168 (2020).

<sup>155</sup> JOHN GASTIL & KATHERINE KNOBLOCH, *HOPE FOR DEMOCRACY: HOW CITIZENS CAN BRING REASON BACK INTO POLITICS* (2020); Cristina Lafont, *Which Decision-Making Authority for Citizens’ Assemblies*, in DE GRUYTER HANDBOOK OF CITIZENS’ ASSEMBLIES 47 (Min Reuchamps, Julien Vrydagh, & Yanina Welp eds., 2023).

necessary to combine it with more holistic participatory instruments.<sup>156</sup> A mere reductionist approach to values is detrimental to the very justification of deliberative democracy. Value reductionism is a more natural ally to conceptions of democracy for which occasional and superficial voting suffices,<sup>157</sup> and which need other democratic innovations in place to “counterbalance” the majority will and protect minority rights.

In conclusion, value holism has the capacity to show new ways for developing the political community of the peoples of the European Union. Given the European Union’s lack of state- or demos-based political legitimacy, the deliberation about values gains greater importance.<sup>158</sup> A more holistic approach would help integrate democracy and fundamental rights so they are (at least) equally represented and integrally connected to the rule of law. Identifying the avenues that can foster holistic value talk remains important for advancing public understanding and development of, engagement with, and, ultimately, commitment to (EU) values.

<sup>156</sup> Alberto Alemanno & James Organ, *The Case for Citizen Participation in the European Union: A Theoretical Perspective on EU Participatory Democracy*, in *CITIZEN PARTICIPATION IN DEMOCRATIC EUROPE: WHAT NEXT FOR THE EU?* 1 (James Organ & Alberto Alemanno eds., 2021).

<sup>157</sup> See, e.g., ADAM PRZEWORSKI, *CRISES OF DEMOCRACY* (2019).

<sup>158</sup> Gibbs, *supra* note 17, at 28.