



Under the direction of Denis Duez and Cecilia Rizcallah

Standing Up for the Voiceless? Exploring the EU's Capacity for Rights Protection

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Standing up for the voiceless? Exploring the EU's capacity for rights protection.

An introduction

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Introduction

The question of political representation and the ability of institutions to amplify marginalized voices has long been central to democratic debates. Within the European Union (EU), this issue takes on particular significance, as the EU not only governs but also positions itself as a supranational entity committed to protecting fundamental rights and freedoms. The concept of *unmuting* – giving a voice to those traditionally excluded or underrepresented – has increasingly shaped EU narratives, policy discourses, and institutional frameworks.

This book is the result of a collaborative academic initiative led by the Jean Monnet Centre of Excellence “Un-Muting Europe” (EUNMUTE) at the Institute for European Studies, UCLouvain Saint-Louis Bruxelles¹. Through this project, the team sought to critically assess the EU's role in fostering political inclusion, examining how effectively it serves as an alternative platform for those who might otherwise go unheard. A

¹ Project number 101047658 – EUNMUTE – ERASMUS-JMO-2021-HEI-TCH-RSCH.

key aspect of this initiative was its strong focus on emerging research and the next generation of scholars. To highlight this, an early-career researcher workshop was organized in Brussels on the 10th and 11th of June 2024, bringing together young international scholars from diverse backgrounds and disciplines. Their fresh perspectives and innovative contributions directly shaped the development of this volume, reinforcing the Centre of Excellence's commitment to amplifying new voices in European studies.

The issue of political inclusion is not new – throughout its history, the EU has launched numerous initiatives to promote participatory governance, from digital platforms and consultation mechanisms to broader advocacy for human rights. However, in the current climate of growing contestation over European integration, these efforts face increasing scrutiny. Critics argue that the EU remains distant from its citizens, reinforcing perceptions of a democratic deficit. Yet, could *Brussels* – often seen as remote – actually function as a platform for the voiceless? In this context, the EUNMUTE project was designed to critically examine the EU's claim of amplifying marginalized voices. To what extent does the EU genuinely provide a space for those who are politically, socially, or legally disenfranchised? How is this ambition reflected in concrete policies and institutional commitments? More broadly, does the EU's self-proclaimed role as a defender of the voiceless reinforce its own legitimacy and authority? These key questions have guided the research presented in this volume.

By addressing these issues, this book seeks more precisely to deepen our understanding of the EU's evolving role as both a protector of rights and an enabler of political voice. Through an interdisciplinary lens, the chapters that follow critically assess whether the EU's rhetoric of inclusion aligns with its institutional practices and whether its frameworks effectively safeguard representation and rights for those historically unheard. In doing so, this volume aims to provide both scholars and practitioners with valuable insights into the EU's capacity – and its limitations – in standing up for the voiceless.

Following an overview of the project's theoretical background, we will briefly introduce the contributions that make up this volume.

1. Standing up for the voiceless: an analytical framework

The concept of the “voiceless” has emerged as a critical area of inquiry in the social sciences and humanities. Often intertwined with discussions of marginalization, disenfranchisement, inequality or social exclusion, the concept refers to individuals, groups or non-human beings who lack the capacity to articulate their concerns, needs, or preferences within the political sphere. Analyzing voicelessness requires a critical examination of how contemporary representative democracy function and its limitations. It also calls for greater attention to the most vulnerable, questioning the legitimacy and inclusivity of political institutions, and envisioning more equitable political mechanisms that genuinely serve the needs of all.

1.1. The classical democratic model and its limitations

Contemporary democratic regimes, whether at the national or EU level, are characterized by a delicate balance – specific to each regime – between the logic of political representation and that of political participation. Both logics presuppose the existence of political actors – citizens – capable of making their voice heard. Democracy may metaphorically be compared to a choir, an organized group of singers.

In the 17th century, Thomas Hobbes broke with Christian cosmology that based the legitimacy of political authority on the divine will. In so doing he became one of the first thinkers to address the modern idea of political representation. At the heart of his political theory lies the question of how a plural and disunited multitude of human beings can become a unified state. To answer this, Hobbes elaborates a theory of representation in his major opus, *Leviathan*, in which the sovereign is seen as a representative (*actor*) of the citizens (*author*)². The *Leviathan* speaks *on behalf* of the citizens.

Hanna Pitkin pointed out that Hobbes’s theory of representation “is both temptingly plausible and peculiarly deficient”³. In other words, Hobbes’s theory may be viewed as anti-democratic or proto-democratic depending

² T. Hobbes, *Leviathan*, T. Richard (ed.) (Cambridge University Press, 1996 [1651]), chapter 16.

³ H. Pitkin, *The Concept of Representation* (University of California Press, 1967), p. 14-37.

on the perspective adopted⁴. Indeed, compared with the standards of contemporary politics, his theory suffers from major flaws. On the one hand, through the concept of “authorization,” Hobbes was the first to associate political representation with a form of “acting for” rather than merely “standing for”. But, on the other hand, Hobbes’s theory of representation lacks an analysis of the accountability of political authorities, and of its relationship to representation.

For centuries, political thinkers – starting with John Locke, Montesquieu and the liberal thinkers of the 18th and 19th centuries – sought to overcome this initial flaw in representation theory. These developments, which cannot be retraced here, led, three centuries after Hobbes’s initial intuitions, to the contemporary model of democracy. This model is based on substantive and formal criteria commonly accepted as constituting the liberal conception of representative democracy. In this conception, the appointment of leaders through electoral processes is regarded as the fundamental common denominator to all democracies. Thus, democracy could be defined as an “institutional arrangement for arriving at political decisions which realizes the common good by making the people itself decide issues through the election of individuals who are to assemble in order to carry out its will”⁵.

In his famous and controversial book, *Capitalism, Socialism, and Democracy*, Joseph Schumpeter takes this procedural approach to democracy even further⁶. He challenges the “classical doctrine of democracy”⁷ which asserts that democratic procedures aim to identify a “common good”. Rather, he argues that identifying common good is unrealistic due to citizens’ limited knowledge and education, as well as the manipulation of public opinions by politicians. Schumpeter therefore advocates a minimalist model of democracy, in which democracy is defined solely by mechanisms organizing competition between leaders. In his view, apart from periodic elections aimed at legitimizing governments and keeping them accountable, the formulation

⁴ D. Runciman, “Hobbes’s theory of representation: anti-democratic or proto-democratic?”, in Shapiro, Stokes, Wood and Kirshner (eds.), *Political Representation* (Cambridge University Press, 2010), p. 15-34.

⁵ J. Schumpeter, *Capitalism, Socialism, and Democracy* (Routledge, 1993 [1943]), p. 250.

⁶ *Ibid.*

⁷ J. Schumpeter, *op. cit.*, p. 250-268.

and implementation of public policies can largely remain insulated from public oversight.

Amid growing dissatisfaction with traditional representative democracy mechanisms, the political assumption that legitimacy through elections remains valid throughout an entire term of office – what Pierre Rosanvallon call “the popular anointment of those in power⁸” – has been increasingly challenged. One of Schumpeter’s main critics, Robert Dahl, argues that Schumpeter’s vision of democracy places too much emphasis on competition and procedures, reducing citizens to mere voters rather than active participants in government⁹. Inspired by a Tocquevillian approach to democracy¹⁰, Dahl opposes Schumpeter’s “elitist” vision of democracy with a “pluralist” one, which conceives democracy as a political system in which citizens, through groups and associations, play a more active and direct role in policymaking.

As the limitations of classical political representation have become more apparent, political participation has reemerged as the new benchmark for measuring democratic legitimacy¹¹.

Efforts to promote and strengthen political participation – whether at the local, national or European level – reflect a broader desire to move beyond a purely procedural understanding of representative democracy. However, participatory democracy does not replace political representation; rather, it complements it by enhancing the quality of democracy. Both models – participatory and representative democracy should work in tandem¹².

Yet, even this hybrid model of democracy remains incomplete. Research in political science, political psychology and sociology consistently shows that limited socioeconomic capital or a weak sense of political

⁸ P. Rosanvallon, *La légitimité démocratique. Impartialité, réflexivité, proximité* (Seuil, 2008), p. 9 (our translation).

⁹ R. Dahl, *Who governs? Democracy and Power in an American City* (Yale University Press, 1961).

¹⁰ R. Dahl, *op. cit.*, p. 1-8.

¹¹ L. Blondiaux, *Le nouvel esprit de la démocratie* (Seuil/La République des idées, 2008), p. 5-11.

¹² D. Duez, “La démocratie participative européenne. Du citoyen à la société civile organisée”, in Chenevière and Duchenne (eds.), *Les modes d'expression de la citoyenneté européenne* (Academia Bruylant, 2011), p. 87-86.

competence¹³ can hinder the political participation of marginalized individuals¹⁴. Moreover, both political representation and participation rest on a citizen-centered premise, which fails to fully account for the complexity of democratic inclusion. What about non-citizens, young people, future generations, or non-human beings who lack the ability to voice their interests or engage in public debates? Who speaks for them, and how can their interests be effectively represented?

1.2. Giving a voice to the voiceless: the rise of the EU unmuting narrative

Whether analyzed through the lens of political representation or political participation, the exercise of democratic rights is inherently tied to the notion of “voice” and its antonyms: voicelessness, silencing, muting, etc. Participating in democratic life, whether through voting or engaging in civil society organizations, fundamentally involves expressing a voice. Being politically active, or simply being recognized as a rights-bearing person or an entity, entails striving to be heard and overcoming social and systemic silencing mechanisms.

Given this relationship between voice and politics, it is unsurprising that many languages use the same word to describe the sound produced by a person larynx and the act of voting – such as *stem* in Dutch, *voix* in French or *stim* in German. While English distinguishes between “vote” (the political act) and “voice” (the ability to speak), “voice” itself is polysemous. According to the Merriam-Webster Dictionary, “voice” refers both to “the sound that comes out of your mouth when you speak or sing” and a “wish, choice, or opinion openly or formally expressed”. In essence, regardless of the language used, politics is fundamentally about expressing divergent political preferences – or at the very least, having one’s voice heard by a given political authority.

As early as in the Greek and Roman assemblies, whose legacy has been crucial in the development of modern democracies, the *viva voce* procedure (“by live voice”) was a voting method in which a group or a person’s vote was taken by acclamation, meaning vocally responding to

¹³ L. Blondiaux, “Faut-il se débarrasser de la notion de compétence politique ? Retour critique sur un concept classique de la science politique”, *Revue française de science politique*, vol. 57, n°6 (2007), p. 759-774.

¹⁴ S. Verba, K. L. Schlozman and H. Brady, *Voice and equality: Civic voluntarism in American politics* (Harvard University Press, 1995).

a question¹⁵. This practice persists today in the parliamentary procedures of many states. In the British House of Commons, for example, MPs are still invited by the Speaker to express their support or opposition to a motion by shouting “Aye” and “No”.

Returning to the EU and to what has been coined as its democratic participatory turn¹⁶, the European Commission somehow echoes the *viva voce* procedure by frequently employing the semantic field of voice. For instance, in 2022, the Commission launched a digital platform supporting the Year of the Youth with a hashtag emphasizing the need to amplify the voice of young people, such as #TimeToUnmute. The rationale for this initiative was explicitly to give a voice to young people, recognizing that their voices are often insufficiently heard at the national level. The news announcement for this initiative made it clear: “Raise your voice and have your say on the new Voice Platform!¹⁷”. Interestingly, the very same expression, “have your say”, was also used to name the single portal for citizens and stakeholders to give their views on the Commission’s initiatives and contribute to the decision-making process. The “Have Your Say” platform has now been replaced by a more neutral “Public Consultations and feedback” platform. It has been previously named the “Your Voice” platform. While the name of the platform has changed multiple times, its purpose remains: to give voice to the public, particularly those traditionally voiceless.

The rise of the unmuting narrative is not limited to the Commission. Since the Maastricht Treaty’s entry into force and the establishment of EU citizenship, any citizen or resident of an EU Member State may submit, individually or in association with others, a petition to the European Parliament. These petitions take the form of complaints or requests

¹⁵ S. Hornblower, A. Spawforth and E. Eidinow (eds.), *The Oxford Companion to Classical Civilization* (Oxford University Press, 2014), p. 267.

¹⁶ S. Saurugger, “The social construction of participatory turn: The emergence of a norm in the European Union”, *European Journal of Political Research*, vol. 49, n°4 (2010), p. 471-495. See also P. Magnette, “Democracy in the EU: Why and how to combine representation and participation?”, in Smisman (ed.), *Civil society and legitimate European governance* (Edward Elgar, 2006); D. Duez, “La démocratie participative européenne. Du citoyen à la société civile organisée”, *op. cit.*

¹⁷ Directorate-General for Communication, “Raise your voice and have your say on the new Voice Platform!”, News announcement, 13 June 2022, URL: https://learning-corner.learning.europa.eu/news-and-competitions/raise-your-voice-and-have-your-say-new-voice-platform-2022-06-13_en (last accessed on 20 March 2025).

on an issue that falls within the European Union's fields of activity¹⁸. The Maastricht Treaty also established the European Ombudsman, tasked with promoting good administration and investigating citizens' complaints regarding the actions of all EU institutions and bodies. Over its thirty years of existence, the European Ombudsman has played a key role in shaping the EU's supranational democracy by giving voice to EU citizens and civil society actors¹⁹.

Finally, since the Lisbon Treaty, the right to submit a European Citizens' Initiative (ECI) is enshrined under Title II of the TEU (provisions on democratic principles). Presented as an ambitious empowerment mechanism for EU citizens, allowing them to suggest legislative proposals at the EU level, the initial promise of ECIs has not yet been held. Since its inception in 2012, only ten ECIs campaigns out of more than a hundred were validly registered after having collected the one million necessary signatures to trigger a response to the Commission²⁰. Yet, none of the successful ECIs was eventually transformed into a legislative proposal fully capturing the campaigns' demands. However, when examined closely, the most successful ECIs are often connected to voicelessness. The issues triggering the launch of an ECI are for instance a call for an EU-wide ban on glyphosate-based herbicides, a campaign to protect life from the point of conception, a ban on animal testing, a ban on cosmetics tests on animals. Plants, animals or embryos are all non-citizens or non-human beings unable to have a voice for themselves.

Parallel to the growing investment of the theme of "giving a voice to" by political institutions, an increasing number of academic studies also focused on the issue of voicelessness. In recent years, researchers coming from different disciplinary backgrounds such as law, political science, political sociology or political philosophy have explored the many dimensions and implications of this phenomenon. These scholars have underlined the need for identifying and understanding its

¹⁸ Articles 20, 24 and 227 of the Treaty on the Functioning of the European Union (TFEU); Article 44 of the Charter of Fundamental Rights of the European Union.

¹⁹ D. Curtin, T. Ehnert, Tanja, A. Morandini and S. Tas (eds.), *The European Ombudsman Investigated. From Old Battles to New Challenges* (Hart, 2025).

²⁰ "Are European Citizens Initiatives worth the effort?", *The Good Lobby*, 10 April 2024, URL: <https://www.thegoodlobby.eu/are-european-citizens-initiatives-worth-the-effort/> (last accessed on 22 March 2025).

manifestations across different social settings, political contexts, and relational dynamics. In a way, this book also aims to meet this need.

1.3. Voicelessness: a new research agenda

We have identified at least four bodies of literature that form the conceptual background of this volume. These four strands do not constitute a unified theoretical framework, but they were discussed with the authors to help them to enrich their analysis on the concepts of voicelessness and unmuting. They served as sources of inspiration.

Firstly, contemporary theories of justice and of democracy highlight how modern democracies have failed to protect the rights of the most vulnerable. Despite their significant differences, the works of Charles Taylor²¹ and Axel Honneth's on recognition²², Joan Tronto's on care²³ or Catherine Colliot-Thélène's on "democracy without *demos*"²⁴ share the same premise: in advanced capitalist societies, justice and democracy cannot be achieved solely through formal equality and procedural representation. Justice and democracy require special attention to the voiceless, whether through recognition practices, care policies, or regimes of rights. The work of Taylor and Honneth on the politics of recognition has generated the most extensive literature, focusing on the relationship between freedom and intersubjectivity. Building on their insight, researchers have developed numerous empirical studies on topics such as multiculturalism, language policies, indigenous rights, LGBTQI+ rights, racism or homelessness²⁵.

Theories of radical democracy and Marxist-inspired critiques of democracy also focus on the "*sans-parts*" – those excluded from political representation – though they reach different conclusions. For Jacques Rancière, the "*sans-parts*" are voiceless not because they are

²¹ C. Taylor, "The politics of recognition", in Gutmann (ed.), *Multiculturalism: Examining the Politics of recognition* (Princeton University Press, 1994), p. 24-73.

²² A. Honneth, *The Struggle for Recognition: The Moral Grammar of Social Conflicts* (MIT Press, 1996).

²³ J. C. Tronto, *Caring Democracy: Markets, Equality, and Justice* (New York University Press, 2013).

²⁴ C. Colliot-Thélène, *La démocratie sans "demos"* (Presses Universitaire de France, 2011).

²⁵ P. Markell, "Recognition and redistribution", in Dryzek, Hong and Philips (eds.), *The Oxford Handbook of Political Theory* (Oxford University Press, 2008), p. 450-469.

incapable of speaking for themselves, but because their voices are rendered inaudible by division between those who are legitimized to express themselves and those whose voice, status, visibility and right to be heard are denied²⁶. However, in Rancière's view, the *sans-parts* are not mere "victims". The "*sans-parts*" are distinct from the "dominated", who are essentially defined by their social and legal status and the existence of their opposite, the dominant. Rather than being the victims of the system, they challenge power relations by rejecting their assigned status. They come to life in their fight for emancipation, in a desire to overturn the rules of redistribution in the name of equality. This raises a crucial question: what are the effective channels for marginalized communities to voice their grievances?

Secondly, in a different perspective, scholars have examined the role of autonomous institutions in defending the rights of the voiceless, the common good, or broader public interests. In *Regulating Europe*, Giandomenico Majone explores why European regulatory mechanisms developed, arguing that Member States delegated regulatory powers to the European Commission to distance themselves from unpopular actions. He also shows that the Commission is seen by market actors as a more credible regulator, being more distant from vested interests than governments²⁷. Similarly, Coen²⁸ or Thatcher and Stone Sweet²⁹ analyze the delegation of powers from governments directly elected by citizens to "non-majoritarian institutions" (NMIs) – bodies neither directly elected nor directly managed by elected politicians. These studies highlight that the delegation to the NMIs is centered on the idea that the outcomes that these unelected bodies are expected to deliver are better than the outcomes to be expected from elected institutions. These outcomes include, for example, providing credible long-term commitments, enhancing the efficiency of policymaking, and better dealing with highly technical areas³⁰.

²⁶ J. Rancière, *Aux bords du politique* (Gallimard, Folio, 2004).

²⁷ G. Majone, *Regulating Europe* (Routledge, 1996).

²⁸ D. Coen, M. Thatcher, "The New Governance of Markets and Non-Majoritarian Regulators", *Governance*, vol. 18, n°3 (2005), p. 329-346.

²⁹ M. Thatcher, A. Stone Sweet, "Theory and Practice of Delegation to Non-Majoritarian Institutions", *West European Politics*, vol. 25, n°1 (2002), p. 1-22.

³⁰ B. Levy, P. T. Spiller, "The Institutional Foundations of Regulatory Commitment: A Comparative Analysis of Telecommunications Regulation", *The Journal of Law, Economics, and Organization*, vol. 10, n°2 (1994), p. 201-246.

Political scientists and lawyers have discussed at length the added value, as well as the limitations, of these regulatory mechanisms and non-majoritarian institutions. Critics, including François and Vachez, warned that the logic of “political independence” can itself become a technology of power, raising concerns about accountability and legitimacy³¹. Numerous single-case studies also analyzed the role of bodies and institutions such as courts³², central banks³³ or independent administrative authorities such as the European Commission or European Agencies³⁴ in safeguarding minority rights³⁵, protecting the environment³⁶ or protecting migrants fundamental rights³⁷. These studies have underlined the potential contribution of the non-majoritarian institutions to protect the voiceless. However, they have also stressed that because NMIs have increasingly taken political decisions with distributive effects creating both winners and losers, there is a necessity to keep them in check. Against this background, Thatcher, Stone Sweet and Rangoni recently showed how “far from having resolved the balance between political control and governing competence or removed certain issues from political debate, NMIs have faced challenges to their legitimacy by

³¹ B. François, A. Vachez (dir.), *Politique de l'indépendance. Formes et usages d'une technologie de gouvernement* (Presse universitaires du Septentrion, 2020) ; A. Vachez, “Statesmen of Independence: The International Fabric of Europe’s Way of Political Legitimacy”, *Contemporary European History*, vol. 27, n°2 (2018), p. 183-201.

³² A. Bickel, *The Least Dangerous Branch* (Yale University Press, 1962).

³³ K. McNamara, “Rational Fictions: Central Bank Independence and the Social Logic of Delegation”, *West European Politics*, vol. 25, n°1 (2002), p. 47-76.

³⁴ M. Thatcher, “Delegation to Independent Regulatory Agencies: Pressures, Functions and Contextual Mediation”, *West European Politics*, vol. 25 n°1 (2002), p. 125-147; M. Egeberg, J. Trondal, “Researching European Union Agencies: What Have We Learnt (and Where Do We Go from Here)?”, *Journal of Common Market Studies*, vol. 55, n°4 (2017), p. 675-690.

³⁵ E. Thielemann, N. Zaun, “Escaping Populism: Safeguarding Minority Rights: Non-majoritarian Dynamics in European Policy-making”, *Journal of Common market Studies*, vol. 56, n°4 (2018), p. 906-922.

³⁶ H. Schoukens, F. Bouquelle (eds.), *The Right to a Healthy Environment in and Beyond the Anthropocene: a European Perspective* (Edward Elgar Publishing, 2024).

³⁷ M. Mouzourakis, C. Costello, “Effective judicial protection of migrants and refugees? The role of Europe’s supranational courts in protecting and generating rights” in Tsourdi and de Bruycker (eds.), *Research Handbook on EU Migration and Asylum Law* (Edward Elgar Publishing, 2022), p. 79-97.

elected officials and sometimes attempts to reverse delegation through ‘de-delegation’³⁸.

Thirdly, the analysis of the EU’s alleged “legitimacy deficit” has been extensively studied in political science, political theory and law over the last thirty years. The scholarship on the legitimacy deficit implicitly raises the question of the place of the voiceless in the European integration process. As in the literature on regulatory powers and NMIs, one can find in this literature a focus on the role of non-directly elected institutions, the lack of a European *demos*, or the “absence of a unified public sphere³⁹” as usual lines of argument that fuel the charge of an “undemocratic” Europe⁴⁰. These critiques have prompted certain scholars to think afresh about the conditions of democratic legitimacy beyond the State. For instance, Habermas, Ferry and Lacroix explored the potential of post-national theories of democracy⁴¹ while others have conceptualized alternative forms of legitimacy not only focused on democratic inputs⁴².

The concept of output legitimacy, developed by Fritz Scharpf in the late nineties, is directly linked to the capacity of the EU to produce public policies which protect the interests of actors who are neglected at other levels of governance⁴³. In *Governing Europe*, Scharpf makes his famous distinction between *output legitimacy*, where political choices are legitimized because they effectively promote the collective well-being of the community (government *for* the people), and *input legitimacy*,

³⁸ M. Thatcher, A. Stone Sweet and B. Rangoni, “Reversing delegation? Politicization, de-delegation, and non-majoritarian institutions”, *Governance*, vol. 36, n°1 (2023), p. 5-22.

³⁹ J. DeBardeleben, A. Hurrelmann, “Introduction” in DeBardeleben and Hurrelmann (eds.), *Democratic Dilemmas of Multilevel Governance: Legitimacy, Representation and Accountability in the European Union* (Palgrave Macmillan, 2007), p. 6.

⁴⁰ S. Hix, *What’s Wrong with the European Union and How to Fix It* (Polity Press, 2008).

⁴¹ J. Habermas, *Après l’État-nation : Une nouvelle constellation politique* (Fayard, 2000) ; J.-M. Ferry, *La question de l’État européen* (Gallimard, 2000) ; J. Lacroix, “For a European Constitutional Patriotism”, *Political Studies*, vol. 50, n°5 (2002), p. 944-958.

⁴² G. Majone, “Europe’s ‘Democratic Deficit’: The Question of Standards”, *European Law Journal*, vol. 4, n°1 (1998), p. 5-28; G.A. Martinez, “Philosophical Considerations and the Use of Narrative in Law”, *Rutgers Law Journal*, vol. 30 (1999), p. 683-706; A. Moravcsik, “In Defence of the ‘Democratic Deficit’: Reassessing Legitimacy in the European Union”, *Journal of Common Market Studies*, vol. 40, n°4 (2002), p. 603-624.

⁴³ F. Scharpf, *Governing in Europe: Effective and Democratic?* (Oxford University Press, 1999).

which assumes that political choices are legitimized because they derive from the “will of the people”, i.e. from preferences expressed by the community through elections (government *by* the people). He shows that while the EU still has limited channels for direct participation and representation of individual citizens, it has better ability to produce policy outcomes that meet the interest of the community. This capacity to provide solutions to common problems is, however, counterbalanced by reduced accountability on the input side. There is a trade-off “in which core values of democratic government are traded for accommodation, consensus, and the purported increased efficiency in governance⁴⁴”.

Fourthly, the issue of the voiceless and their representation has been widely addressed in the literature on mobilization, collective action and social movements. Sociologists generally seek to explain why social mobilization occurs, or the forms under which it manifests. As mentioned above, they analyze the potential social, cultural, political, and economic variables explaining the existence or the absence of social movements, as well as the reasons behind their success or failure. This body of literature is particularly large and presenting it would exceed the perimeter of this introduction. However, narrowing down the focus to EU Studies, one can say that, after a long-lasting eclipse, sociology has finally made a “return” in EU Studies⁴⁵. For more than twenty years now, sociologists have developed new EU-oriented research agendas inspired by different sociological traditions⁴⁶. They have, among other things, focused on the social bases of political integration. Fligstein has notably explored the emergence of a “transnational-European-society” and its relationship to the creation of a European identity. He pointed out that the “Euroclash” – the political conflict around European integration – can be explained by the question ⁴⁷who is and who is not involved in European society.

⁴⁴ G. Peters, H. Pierre, “Multi-level Governance and Democracy: A Faustian Bargain?”, in Bache and Flinders (eds.), *Multi-level Governance* (Oxford University Press, 2004), p. 75-89.

⁴⁵ A. Favell, V. Guiraudon, *Sociology of the European Union* (Palgrave MacMillan, 2011), p. 1-24.

⁴⁶ C. Bonnamy, H. Canihac, “Sociology and the European Union”, in Faure and Lequesne (eds.), *The Elgar Companion to the European Union* (Edward Elgar Publishing, 2023), p. 93-107.

⁴⁷ N. Fligstein, *Euroclash. The EU, European Identity, and the Future of Europe* (Oxford University Press, 2009).

Drawing on sociological literature on social mobilization, other researchers have analyzed the role and place of public interest groups and of NGOs in carrying the voice of the voiceless. This scholarship connects with the one on transnational mobilization capacities of the so-called “weak” actors at the European level⁴⁸. To name a few, Jacquot and Vitale have examined the legal mobilization of transnational interest groups at the European level, focusing on the cases of the European Women’s Lobby (EWL) and the European Roma and Travellers Forum (ERTF)⁴⁹. Kohler-Koch has analyzed how the emergence of a European polity has contributed to the transformation of the interest representation of weak actors in Europe by giving rise to new coalitions between the European Parliament and environmental or human rights groups⁵⁰. Finally, Guiraudon has analyzed transnational mobilization around migration. Often, the question addressed by these studies relates to the impact of the “EU level” on the structure of political opportunities for representatives of voiceless interests.

Adopting a different perspective, other researchers question the singularity of the European level compared with the national or local one. Van Ingelgom points out a widely shared but socially differentiated indifference towards the EU which should be taken seriously⁵¹. For Delmotte, Mercenier and Van Ingelgom, this enduring Euro-indifference or apathy is linked to a weak sense of belonging to the EU on the part of its citizens⁵² and, even more so, to a profound feeling of political powerlessness. Such a feeling is particularly felt regarding the European political level, even by those who could theoretically make their voices

⁴⁸ V. Guiraudon, “Weak Weapons of the Weak? Transnational Mobilization around Migration in the European Union”, in Imig and Tarrow (eds.), *Contentious Europeans* (Rowman & Littlefield, 2001), p. 163-186.

⁴⁹ S. Jacquot, T. Vitale, “Law as weapon of the weak? A comparative analysis of legal mobilization by Roma and women’s groups at the European level”, *Journal of European Public Policy*, vol. 21, n°4 (2004), p. 587-604.

⁵⁰ B. Kohler-Koch, “Organized Interests in the EC and the European Parliament”, *EIoP*, vol. 1, n°9 (1997), URL: <http://eiop.or.at/eiop/texte/1997-009a.htm>.

⁵¹ V. Van Ingelgom, “When Ambivalence Meets Indifference”, in Duchesne, Frazer, Haegel and Van Ingelgom (eds.) *Overlooking Europe. Citizens’ Reactions to European Integration Compared* (Palgrave MacMillan, 2013), p. 96-123.

⁵² F. Delmotte, “La légitimité de l’Union européenne, une affaire de bons sentiments?”, *Revue Internationale de Politique Comparée*, vol. 15, n°4 (2008), p. 541-554.

heard⁵³. One may derive from their analysis that indifference or apathy towards European integration reduces interactions between citizens and European institutions, as well as the inclination or ability of some individuals to voice concerns at the EU level.

These four bodies of relevant literature are just a few conceptual avenues for studying voicelessness. However, these four bodies make up the substantive background of the research undertaken in the framework of the “Un-Muting Europe” Jean Monnet Centre of Excellence.

2. Structure of the book

Structured into four thematic parts, this volume examines various domains where the EU seeks – sometimes successfully, sometimes not – to bring forward voices and interests that have been historically overlooked. These domains range from environmental protection to democracy and the rule of law, human rights in the digital age, and migration and asylum policies.

The first part delves into the unmuting process in environmental matters, featuring four contributions. Norman Vander Putten explores the EU’s ability to unmute environmental concerns and future generations’ interests through the adoption of taxonomy rules that classify economic activities based on their environmental sustainability. While initially designed as a market tool to provide reliable information for financial actors, he argues that the taxonomy unexpectedly influences public authorities’ governance strategies, particularly regarding environmental spending, thereby “unmuting” the environment. Tom Buytaert examines whether the EU’s competition policy can contribute to unmuting environmental concerns by broadening the notion of a “fair share to consumers” under Article 101 TFEU when assessing sustainable cooperation initiatives. Arnaud Gane’s chapter explores the tensions between conservation goals and socio-economic interests in European wildlife policy, using the reclassification of the wolf and the *Vercors Vie Sauvage* rewilding project as case studies. It argues that while rewilding offers a de-anthropocentric approach, it risks marginalizing the voice of rural communities, calling for more inclusive policies that

⁵³ F. Delmotte, H. Mercenier, V. Van Ingelgom, “Belonging and Indifference to Europe: A Study of Young People in Brussels”, *Historical Social Research*, vol.42 (2017), p. 227-249.

balance ecological restoration with traditional agriculture. Amanda Kron focuses on the protection of environmental defenders, analyzing how this issue is addressed by UN and EU human rights mechanisms and the potential conflicts that may arise with the European Green Deal. She specifically questions whether the Taxonomy Regulation and the Corporate Sustainability Due Diligence Directive can play a role in unmuting power dynamics and strengthening environmental defenders' rights within the EU framework.

The second part addresses the protection of the EU's foundational values, particularly democracy and the rule of law, in the face of rising autocratic tendencies in Europe. Anita Kovacs investigates electoral distortions in Hungary, where Hungarian nationals living abroad can acquire citizenship without residency or proof of descent – an approach reminiscent of the Maltese “golden passport” cases. She argues that this strategy, “unmuting” Hungarians beyond the borders, actually reinforces the Fidesz party's electorate. However, the EU's ability to counteract this distortion is constrained, as citizenship policies fall under the exclusive competence of individual Member States. Timothée Ceurremans and Elisabeth Davis further explore the EU's capacity to safeguard democracy within its Member States, focusing on Article 10(3) TEU. They analyze whether strategic legal mobilization and transformative constitutionalism can help citizens reinforce their democratic rights and uphold the EU's core values.

The third part shifts the focus to inclusion, human rights protection, and the fight against discrimination in the digital era. Tiphaine Maloigne examines patients' digital rights in the European e-health space, particularly in the context of sensitive health data. She shows how the European patient is gradually regaining a voice, influencing digital health policies and securing stronger protection of their rights in the digital environment. Valentina Golunova explores the phenomenon of gendered disinformation in Europe, questioning whether the EU's emerging anti-disinformation framework adequately addresses gender-based threats. She argues that explicitly recognizing gendered disinformation and implementing targeted countermeasures are essential steps toward unmuting the voices of those affected and reinforcing the EU's commitment to democracy and fair public discourse. Stevie Kitsou's chapter examines the EU's regulatory framework on hate speech, assessing its effectiveness in protecting marginalized groups

while upholding fundamental values like human dignity, democracy, and equality. It explores the alignment of EU measures with broader European human rights standards and considers potential improvements for more comprehensive and equal protection.

The final part of this book is dedicated to migration and asylum policies, featuring two chapters. Zoé Briard examines planned relocation in the context of climate change and natural disasters. As these relocations become more frequent, she highlights that affected individuals often remain “muted” in the decision-making process. She questions whether EU law provides solutions to ensure their voices are heard, concluding that while EU human rights law may not be the most effective tool, the Water Framework Directive and the European Flood Directive offer promising perspectives. Caroline Leclercq, in turn, focuses on resettlement as a key solution proposed by the New Pact on Migration and Asylum. Resettlement involves transferring refugees from a host country – where they have been granted asylum but remain in precarious conditions – to another country offering permanent residency. She critically assesses whether the new regulatory framework improves refugees’ ability to voice their concerns during the selection process and enhances the protection of their fundamental rights, particularly through the EU Charter of Fundamental Rights.

By bringing together these diverse and emerging voices, this book sheds light on the multiple ways in which the EU attempts to unmute voiceless actors. Whether in environmental policy, democratic governance, digital rights, or migration, it examines the successes, limitations, and challenges of making all voices heard and accounted for in the European legal and political landscape.