The European Commission and Dissensus over Liberal Democracy

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1 Introduction

Discussing the European Commission in the context of dissensus over liberal democracy appears, at first sight, to be a rather redundant task: the European Commission, in its widely accepted role as guardian of the European Union's treaties, appears to be far removed from any semblance of dissensus. From the heights of EU decision-making, ensconced in the proverbial "Brussels Bubble", the Commission remains aloof from the populist upheavals that have spread across the politics of the member states over the past decade. Indeed, not only is the Commission, from this perspective, a stranger to dissensus over liberal democracy—it has indeed often been regarded as a stranger to politics per se, given its traditionally technocratic role in the process of EU decision-making. The Commission, as an administrative body embodying the European

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civil service and tasked with advancing the common European interest, is practically by design an institution allergic to the kind of divisive politics associated with dissensus over liberal democracy.

However, this idea of an apolitical Commission removed from the partisan divisions confronting the European continent is clearly reductive and outdated, if indeed it ever applied. The Commission was initially perhaps designed as something akin to a think tank that would propose policy ideas to national governments. Yet, eventually constituting a growing bureaucracy that would manage the application of an ever-expanding acquis and large-scale budgets, the Commission was never immune to political debate and indeed partisan divisions. One only needs to think of the periodic protests by farmers in the European quarter in Brussels to recognise the manner in which the Commission's handling of the EU's competences has had the potential for political fireworks.

The image of—sometimes violent—farmers' protests in Rue de la Loi exemplifies at least one dimension in which the Commission does matter in the context of an examination of dissensus over liberal democracy in Europe, namely the manner in which the institution interacts with the outside world—with stakeholders, with sectoral interests and political parties, with national governments and indeed with the wider public across Europe. Even a European Commission that might have succeeded in keeping politics and dissensus out "of the house" could not prevent such conflicts ending up at its door.

However, the Commission has, in any case, not managed to keep its internal workings free of political conflict in the more recent phase of European integration. As a matter of fact, the very nature of the European Commission, and indeed its internal processes, have undergone profound changes over the past couple of decades. Notwithstanding continuing claims regarding the reliance on technical expertise in preparing "evidence-based" and "better" regulation, and claims towards objectivity and impartiality in the policy process, the Commission has been transformed into a political and indeed a politicised institution. Even if it is not a partisan "government" reflecting the outcome of majoritarian democratic politics, the Commission has become, by the mid-2020s, deeply embedded in the wider politics, and hence also in the struggles concerning dissensus over liberal democracy, that have been sweeping the European continent.

To some extent, the European Commission has been the object, perhaps even the unwitting "victim", of developments in its environment—a Euro-polity undergoing a process of politicisation and confronting the post-functionalist turn towards identity politics on the continent (and beyond). Given its pivotal role in the EU policy process, and the expanding functions it has had to perform, the Commission's contribution to the European project makes it impossible to resist this wider transformation that EU politics have undergone in the post-Maastricht era. Yet, from another perspective, the politicisation of the Commission's work was also endogenous, resulting from the choices made by successive leaders of the institution. Not least since Jean-Claude Juncker declared himself to be at the helm of a "political Commission", the changing nature of the institution's self-perception has been evident.

Consequently, there are both internal and external dimensions to the relevance of the European Commission with respect to the comprehensive analysis of dissensus over liberal democracy in Europe that this Handbook seeks to provide, and this chapter aims to study the effects of both of these in seeking to illuminate the relationship between the European Commission and dissensus over liberal democracy. First, the following section will discuss the internal dimension, charting the various ways in which the activity of the Commission has become increasingly politicised, and asking whether the institution itself has become exposed to dissensus over liberal democracy within its own boundaries.

Second, the focus then shifts to the examination of the external dimension, looking at the manner in which the Commission has interacted with wider societal processes of dissensus in the EU. In doing so, the chapter offers two case studies which demonstrate the different, even contradictory ways in which the activity of the Commission impacts on dissensus in European politics: on the one hand, the responsibilities the Commission has had in the context of the rule of law crisis, addressing the illiberal practices in a number of member states—arguably an instance in which the Commission could be regarded as part of the solution to the problem of destructive dissensus. On the other hand, the chapter looks at the Commission's role in the management of the sovereign debt crisis in the Eurozone as an instance in which its actions have been seen by some as exacerbating the socio-economic and political divisions in Europe, thereby contributing to dissensus over liberal democracy.

The chapter concludes by drawing these diverse argumentative strands together. It provides a nuanced account of the countervailing tendencies present in the role of the European Commission, recognising the process of *internal* transformation of the institution that nevertheless remains incomplete, and the contradictory images provided by the Commission's *external* influence on dissensus in Europe. With regard to the latter, it needs to be reconciled that the Commission, on the whole, seeks to counteract, however imperfectly, the kind of severe dissensus the continent has witnessed over the past two decades, yet on occasions actually contributes to greater dissensus through its own actions. In view of these observations, what emerges about the Commission's relationship with dissensus over liberal democracy is a mixed picture: an institution that has sought but failed to insulate itself from the wider societal processes sweeping Europe and indeed the globe, and whose response to the various challenges that have presented themselves remains half-hearted or even counter-productive.

2 The European Commission Between Technocracy, Politicisation, and Dissensus

The previous discussion has to be viewed in the context of a long-term evolution of the European Commission, which has undergone numerous shifts with regard to its role in the integration process. From the purposefully modest beginnings of a High Authority to an exuberant and over-confident attitude during the Hallstein era, via a more passive Commission during its "Brezhnev years" in the 1970s, after having had its wings clipped by Charles de Gaulle, to the revolutions, also in institutional terms, introduced by Jacques Delors in the 1980s and the political crisis of the Santer Commission at the end of the 1990s. To a large extent, these ups and downs of the Commission's political fortunes have reflected the swings of the pendulum of European integration more generally. Against this unsteady background, only from the late 1990s onwards did authors observe a degree of "normalisation" and "maturing" with regard to the Commission (Christiansen, 1996; Wille, 2013), in line with assumptions about an emerging "European Constitutional Settlement" (Moravcsik, 2008).

However, as discussed at the outset, EU politics have been anything but settled during the past couple of decades, and the politicisation of European integration has also impacted on the Commission—a development that therefore also justifies a more systematic probing of the institution's relationship with the dissensus over liberal democracy in Europe. In this section, the examination of the Commission's internal exposure to such dissensus proceeds in three steps: first, it reviews some key contributions to earlier debates about the technocratic nature of the Commission, and the normative implications of such a diagnosis; second, the discussion then moves to the recognition of the increasing politicisation of the European Commission, in particular in the period since 2009; and, third, the presentation of the contrasting dynamics at work inside the institution, between the forces seeking to insert dissensus over liberal democracy also into the internal politics of the Commission, and the opposing efforts to suppress internal dissent and maintain the image of a unitary actor.

The Conception of the Commission as a Technocratic Actor

The previous discussion already hinted at the original conception of a European Commission as an apolitical institution, a technocratic body whose intended role it had been to propose policy solutions to the actual decision-makers in the Council. It would draw its legitimacy not from any democratic mandate, but from the quality of its expertise, the comprehensiveness of its consultations with the interests impacted by policies, and its capacity to moderate the bargaining among member states. In this conception of the Commission, the legitimacy of its role was seen to be technocratic rather than democratic, and undue political interference in its internal workings would actually be regarded as problematic because it would have the potential to de-legitimise its work.

Even if this is, as we will argue, a flawed conception of the European Commission today, it has had widespread traction both in academic debates and in the public domain. With regard to the latter, there is a long-standing trope about "unelected Brussels bureaucrats", which is generally aimed at the European Commission, and of course has been utilised in a normative context to create the image of (legitimate) national interest representation subjected to (illegitimate) imposition of political choices from the EU level—a kind of argument frequently advanced in the public debate in the United Kingdom, prior and during the campaign for Brexit. The focus of this "critique" (actually a form of political contestation in itself) is the lack of a democratic mandate, while actually implying that the Commission does act in a political manner.

In terms of academic contributions, the EU regulatory state concept has relied on the role of the Commission as an institution that incorporates or has access to the kind of expertise that is required to design pareto-optimal solutions to common problems (Majone, 1994). The argument is specific to regulatory policy-making, and therefore not to (re-)distributive or constitutive decisions which imply the allocation of norms and hence do require political legitimation. Other authors have gone further, arguing that inter alia the "technical administration … [of} … matters [that are] of low electoral salience" negates the often-voiced concerns about the EU's putative "democratic deficit" (Moravcsik, 2002, p. 603). Also the idea, inherent in the principal–agent approach, that the Commission is merely the executor of the preferences agreed by national governments and/or the EU's legislative institutions, can be seen as minimising the political relevance of the European Commission (Kassim & Menon, 2003).

The Politicisation of the European Commission

However, such accounts need to be juxtaposed with the increasingly politicised role that the European Commission has acquired in the recent era. In particular, the era of successive crises the EU has had to confront since 2009 has forced the Commission into the limelight of political debate, and indeed turned it into a recognisable political force in its own right (Kassim et al., 2013). The Commission's actions in the context of both the Eurozone crisis and the rule of law crisis have been profoundly political, as the discussion of these case studies below will demonstrate. The same arguments can be made about the Commission's role in the response to the COVID-19 pandemic, in the Brexit negotiations with the UK government, or in the confrontation with Russia over its war of aggression against Ukraine. With regard to the latter, the leadership provided by Commission President Ursula von der Leyen or High Representative and Commission Vice-President Kaja Kallas in taking a clear stance against Russia, proposing successive rounds of sanctions packages, and setting the EU on the path towards a greater role in military defence all constitute highly partisan choices in a contested political space. At the same time, the positioning of individual Commissioners in relation to the war in Gaza has laid bare internal disagreements within the College, and potentially exposed wider ideological fault lines within the Commission (Politico, 2023).

But not only have the responses to particular crises been revealing about the political nature of the European Commission, and the divisiveness of its actions. On occasion, the Commission is tasked to weigh in on matters which do require technical expertise, but also have serious ethical implications—the Commission's role in the authorisation of genetically modified organisms in food is a good example here: under the powers delegated to it, and against the background of a divided Council unable to find either a majority in favour or against, the final say on industry applications in this area rests with the Commission, making it the arbiter between favourable scientific assessments and civil society objections on ethical grounds (Christiansen & Polak, 2009).

Even more evident is the political role of the Commission, and its exposure to dissensus, in areas where preferences and parliamentary majorities are shifting. The rise and fall of the European Green Deal (EGD) is a case in point: following the 2019 European election, and the appointment of Frans Timmermans as Executive Vice-President of the Commission, the Commission designed and led this landmark policy initiative. High expectations and support from environmentalists for the EGD were then confronted by protests and disruption from a range of opponents, from the "Yellow Vests" movement in France to farmers in the Netherlands and Italy. The changing nature of political preferences then manifested itself after the 2024 elections, when a newly composed Commission sought to steer the EU into different waters, and arguably the opposite direction. A series of legislative proposals, so-called Omnibus packages, tabled by the Commission, then aimed at undoing some of the regulatory provisions of the EGD, with the entire initiative now labelled as the "Clean Industrial Act"—political moves which in turn generated criticism and opposition among Greens and the Left (Politico, 2025b).

This observation about the impact of elections not just on the political orientation of the European project in general, but more specifically on the composition and internal politics of the European Commission is indicative of a wider shift that has occurred since 2009—the year not only of the beginning of the Global Financial Crisis, but also of the coming into force of the Lisbon Treaty. Among its reforms was a revision of the treaty concerning the appointment of the European Commission, with the new Article 17.7 explicitly referring to the *election* of the President of the European Commission by the European Parliament on a proposal by the European Council. This treaty change had significant and dynamic effects on the politics of the appointment of the Commission President, leading to the emergence of the so-called *Spitzenkandidaten* process (Christiansen, 2016). This would lead to almost all the political parties putting up lead candidates for the position of Commission President, and the relative winner of the European elections—so far always the European People's Party (EPP)—claiming the post for a representative of their party. It was in the context of this logic that first Jean-Claude Juncker, who had been the EPP candidate in 2014, and on the two subsequent occasions Ursula von der Leyen, both having been the *Spitzenkandidat* (in 2024) and not (in 2019), were elected as Commission Presidents.

There has been much criticism of the *Spitzenkandidaten* process, and especially after the 2019 election, when a non-candidate assumed the Commission Presidency, the idea had been declared dead by many observers. Regardless of the merits of the process, what matters in the current context is that the Lisbon reforms and the subsequent emergence of the *Spitzenkandidaten* process not only politicised the office of the Commission President, but indeed instilled a much higher degree of party politics in the institution. Alongside the rivalry among various lead candidates from across the political spectrum, and public competition for the perceived top job in EU politics, the entire institutional arrangement surrounding the Commission has come to be seen in party political terms. The result has been a greater awareness of the party-political affiliation of individual Commissioners, a sense of arithmetic about the relative weight of the different political parties represented inside the College, and a more pronounced attitude towards partisanship in the Commission's decision-making processes (Ceron et al., 2024).

The question in the current context is how this infusion of party politics in the Commission post-2009 has impacted on dissensus about liberal democracy. The answer is that "It depends", specifically on the agency of key actors involved in these political processes. The outcome and aftermath of both the 2014 and 2019 elections confirmed, even reinforced, the so-called "grand coalition" of the centre-left, centre-right, and liberal party families. The informal agreement among these mainstream parties, with some support also of the Greens, cemented the long-standing package deal according to which the top EU jobs were shared among these parties, and also facilitated a degree of legislative stability which permitted the passage of projects such as the EGD. After 2014, Jean-Claude Juncker as Commission President and Martin Schulz as EP President established a cooperative arrangement across the party-political divide, as did Ursula von der Leyen and her deputy Frans Timmermans after 2019. Consequently, these kind of coalition agreements and power-sharing deals contributed to a period of relative stability in EU politics and meant for the Commission itself a low level of internal dissent, or—in the context of the conceptualisation adopted in this volume—only a mild form of dissensus.

However, the outcome of the 2024 elections radically changed this dynamic: while the EPP remained the largest party, confirming Ursula von der Leyen in the job, it led to a shrinking of the mainstream and increased the share of three party groups on the far right of EU politics. The possibility, even if merely theoretical, of the EPP finding majorities on the right of the Parliament, increased the potential for competition between centre-left and centre-right, be it in parliament or in the Commission itself. The parliamentary hearings of designated Commissioners prior to the vote on the entire slate of Commissioners were characterised by party-political considerations (Dinan & Russack, 2025), and from the get-go, the S&D's choice of von der Leyen's deputy, "First Executive Vice-President" Teresa Ribera, developed a fractious relationship with the President. Von der Leyen and Ribera publicly clashed on a number of key issues, from the above-mentioned attempts to backtrack on commitments under the EGD, or the Commission's de-regulation agenda more generally, to accusations of Israel committing genocide in the context of the Gaza War (Politico, 2025a, 2025b)—evidence that prior consensual attitudes or mild forms of dissensus had given way to more severe dissensus after the 2024 election.

This perception is reinforced when other factors relating to the internal processes of the Commission are considered. On Gaza specifically, for example, there had been a remarkable degree (by Commission standards) of public disagreement within the college about the response both to Hamas' 7th October terror attack, and the conduct of the subsequent war by Israel. Contradictory statements emerged from different Commissioners on whether or not EU humanitarian assistance would be withdrawn from the Palestinian Authority or the United Nations Relief and Works Agency for Palestine Refugees (UNRWA) in the wake of the 7 October attacks, whether or not Israel's actions in the Gaza strip amounted to genocide, whether or not sanctions and a suspension of the EU-Israel Association Agreements should be imposed (Politico, 2023)—all indications of a college of Commissioners being divided on one of the most pressing foreign policy issues confronting the EU at the time.

Another example of internal division has been the appointment of Commissioners from representatives of the far-right, in particular that of former Hungarian EU ambassador Olivér Várhelyi as Enlargement Commissioner in 2019, and subsequently as Commissioner for Health and Animal Welfare in 2024. Apart from question-marks about an ally of then Hungarian Prime Minister Viktor Orbán, a source of continuous attacks on the EU institutions and policies, taking up a leading position in the Commission, Várhelyi also courted controversy with derogatory statements about Members of the European Parliament, alleged support for Hungarian intelligence operations inside the European Commission (Politico, 2025c) and above all with his perceived privileging of Serbia's accession prospects over that of other candidate countries (Politico, 2021). With regard to the latter, there had been persistent accusations of downplaying concerns over the rule of law and democratic backsliding in accession countries, matching the performance of the government that had nominated him for the Commissioner position. The case of Várhelyi may be an outlier in a college of Commissioners that is still overwhelmingly committed to the European project and the values of liberal democracy, but it demonstrates the way in which the rise of dissensus present within domestic politics has also entered the European Commission and affects its work—a reminder, if that was needed, that the influence of national governments, links between officials and member state administration and the role of national identity are intimately woven into the fabric of the Commission, notwithstanding its pan-European credentials (Christiansen, 1997; Egeberg, 2006).

Whereas the above examples of disagreements about the European Green Deal and the response to the Gaza War could be categorised as indications of more severe dissensus—a greater degree of heterogeneity in the views on key issues—the controversy about Várhelyi's conduct is better understood as a sign of disruptive dissensus—rather isolated but fundamental disagreement about the commitment to the ideals of liberal democracy. Yet, drawing conclusions about the nature of the European Commission based on these high-profile disputes would be premature without considering the manner in which the institution is set up to manage internal disagreements and is capable to project a generally coherent image of itself as a unitary actor, as discussed in the next section.

The Management of Internal Cohesion in the European Commission

The capacity of the European Commission to achieve a high degree of internal unity and to project an image of coherence externally relies on a number of mechanisms and principles that span both the administrative and the political spheres of the institution. Indeed, it is worth pointing out at this point that the very ability of the Commission to integrate rather seamlessly both the administrative and the political nature of its work is remarkable in itself. Compared to the situation generally present in nation-states where the administration is located in separate ministries, each with a minister at their top, the Commission by contrast portrays the image of a single institution that is *both* European civil service *and* the government of the EU by having everyone—core administration and political leadership—located in a single place, namely in the iconic Berlaymont building which lends itself as a suitable metaphor for "supranational architecture" (Fabbrini, 2020).

Administratively, the Commission manages the reconciliation of different views across its many departments and directorate-generals through an intricate process called Inter-Service Coordination (ISC). This mechanism, nowadays IT-driven, ensures that from the outset of any legislative initiative all relevant parts of the administration are aware of the intentions, have the opportunity to provide input, and can raise objections. It is an elaborate process that occurs repetitively, whenever substantive changes to the dossier occur, in order to involve the various levels of the hierarchy in all stages of the policy process. While somewhat cumbersome and potentially time-consuming, the ISC is deeply ingrained in the functioning of the Commission and is responsible for its capacity to speak with one voice, initially in the legislative process vis-à-vis the other institutions, and subsequently towards the wider public (Christiansen, 2001, 2002).

Not all disagreements are resolved within the administrative domain, which is why it is important to point to a second aspect that ensures internal coherence: the presence of the *cabinets* that constitute the personal staff of each Commissioner. *Cabinets* play a critical role in achieving both vertical and horizontal integration of the Commission: their members are not only the crucial link—critics might say gatekeepers—between the Commissioner and the services under their responsibility, but also fulfil an important function laterally: each member of a *cabinet* has the task to monitor developments within the designated portfolios of other Commissioners. Beyond the ISC, this role of the *cabinets* serves as an "early-warning system" for any potential disagreements that might occur between Commissioners, and regular meetings among the *chefs* and deputy *chefs de cabinets* are designed to discuss and ideally resolve such issues.

It is on the foundations of these elaborate mechanisms that the political level tends to work without much friction. The weekly meetings of the college of Commissioners—the equivalent of a cabinet meeting in the domestic setting—are the arena in which formally all key decisions of the Commission are taken. Proposals are voted on, if necessary, by simple majority, but that actually happens very rarely—precisely because potential conflicts have usually been settled beforehand as dossiers have made their way up the hierarchy through the various coordinating mechanisms.

Two further elements help to explain the internal cohesion and outward image of unity of the Commission: the principle of collegiality and the process of presidentialisation. Collegiality is a foundational aspect of the work of the Commission *as a college*. It requires from each and every Commissioner the defence of the common position, once this has been adopted by the institution. In other words, Commissioners and their staff have every opportunity to object to initiatives by their colleagues, to argue their case, and ultimately vote against proposals they don't agree with *before* the formal Commission decision is adopted. However, *after* that point, they are expected to stand behind the official position, notwithstanding any misgivings they may have about it.

Presidentialisation is a trend that has been observed over the past decade in the Commission, starting under Jean-Claude Juncker's term and accelerating during the Von der Leyen era. It describes the concentration of power at the centre of the Commission, in the Secretariat-General that reports directly to the Commission President and manages the above-mentioned internal coordination processes. Politically, it has elevated the Commission President from that of a *primus inter pares* to an outright leader of the institution, aided by his or her capacity to manage the College of Commissioners, direct the work of key portfolios, and also develop a more pronounced external profile of the Commission President as a representative of the European Union writ large.

To an extent, presidentialisation in the Commission has coincided with, and been reinforced by, the previously discussed process of politicisation. The greater democratic legitimacy and higher degree of independence from national governments that Commission Presidents now have as a result of their election by Parliament also implies greater power vis-à-vis the other Commissioners. The creation of dedicated groups and, as the case may be, inner circles of Commissioners within the College, the assignment of ranks and allocation of (more or less important) portfolios to individual Commissioner candidates, even the rejection of specific names being proposed by national leaders—these are all attributes of the greater power that Commission Presidents have in the post-Lisbon era. This enhanced power means that the Commission President is now recognised as a more elevated political leader, with the capacity to direct the work of the institution and govern over the College. Crucially, for the purposes of this chapter, it also means that he or she has the capacity to suppress internal dissent, counterbalancing somewhat the process of politicisation and the growing trend of party politics discussed.

In some way, the principle of collegiality and the rise of presidentialisation appear to be at odds with one another (Kassim, 2022)—one puts the emphasis on the role of collective leadership at the top of the Commission, whereas the other stresses the exposed role of the singular Commission President. Yet, at the same time, both collegiality and presidentialisation, together with the work of the *cabinets* and the presence of inter-service coordination—on which they both rely—are all factors that account for the achievement of internal cohesion of the Commission.

All in all, the conclusion of this discussion of the Commission's inner working is the observation that it allows for only limited and exceptional instances of dissent among its staff members, senior officials, and political leadership. Occasional disputes do occur among Commissioners, in line with the broader trend of politicisation, and thanks to "spill-overs" from either the domestic politics of the member states or the Commission's geopolitical context, this can also include mild forms of dissensus over liberal democracy. But, as of 2025, such instances appear as exceptions to a rule which remains remarkably solid, namely that the Commission as an institution is not itself divided by any such dissensus.

This conclusion may not be very surprising, given the previous discussion about the Commission's traditional reliance on technocratic legitimacy, its long-standing commitment to scientific expertise, and the presence of a deep-seated *esprit des corps* among its staff to work for European unification. Still, the question remains—indeed it becomes more pertinent in the light of these observations—what impact the Commission may have externally, through its policy choices, on dissensus over liberal democracy more widely. The following section will answer precisely these questions by examining the Commission's role with regard to two of the defining crises that confronted the EU in the past decade.

3 The European Commission and Dissensus over Liberal Democracy: Part of the Solution or Part of the Problem?

Having discussed the degree of dissensus within the Commission, in the context of a gradual shift towards greater politicisation and presidentialisation of the institution, this chapter now turns towards analysing the Commission's response to the broader phenomenon of dissensus over liberal democracy in the European Union. It does so by examining the manner in which the Commission had responded to two major challenges in the post-Lisbon era of European integration: the management of the sovereign debt crisis in the Eurozone and the rule of law crisis engulfing several member states, and by implication, the Union itself. Both began around 2010, the former with the decisions about a Greek bailout to prevent the country's default on its sovereign debt (Schmidt, 2020), and the latter with the radical changes to the Hungarian Constitution, subsequently renamed as Basic (or Fundamental) Law (Grabenwarter et al. 2011). These two crises function here as comparative case studies which serve to explain how the Commission's interventions (or the lack thereof) can impact on dissensus politics, ameliorating or exaggerating the effects of the disruptions to democratic politics that Europe is experiencing.

These two crises have represented distinctive challenges to the Commission, with the sovereign debt crisis constituting extremely high stakes with regard to the material well-being of European society, while the rule of law crisis constitutes a fundamental challenge to European values—notwithstanding the fact that both material and normative issues are closely intertwined in both of these crises. As a matter of fact, the EU's management of both of these crises has exposed the growth of a broader dissensus over liberal democracy (Coman & Brack, 2025), albeit in different ways. In the former case, some elements of the EU policies have arguably compromised liberal democratic principles in the urgent search for ordoliberal economic stability (Notermans & Piattoni, 2025; Schmidt, 2020), engendering political contestation and thereby deepening dissensus over liberal democracy. By contrast, in the pervasive rule of law crisis, the source of deepening dissensus was the actions of particular member state governments to which the EU institutions were obliged to react.

The Commission is a key factor in this regard, not least in view of its monopoly of legislative initiative, making it pivotal in formulating the EU's response to both of these crises. In asking questions about the Commission's external role in processes of dissensus over liberal democracy, these two crises are therefore valuable testing grounds for an examination of the contribution made by the institution. The following sections provide succinct accounts of the Commission's role in these two contexts, facilitating the overall assessment of the relationship between the European Commission and dissensus over liberal democracy in Europe.

The Commission's Role in the Eurozone Sovereign Debt Crisis

The Eurozone sovereign debt crisis has witnessed the rise of the European Commission to a prominent role in macroeconomic governance (Bauer & Becker, 2014). As "guardian of the Treaties" and overseer of the Stability and Growth Pact (SGP), the Commission framed its task primarily as defending the integrity of the Economic and Monetary Union (EMU) and its single currency. In practice, this meant a consistent emphasis on fiscal consolidation and structural reform, conceived as technocratic necessities rather than political choices (Warren, 2018). In so doing, the Commission's instruments and policies during the Eurozone crisis deepened dissensus over liberal democracy by elevating technical expertise over political contestation, technocratic procedures over democratic participation, and executive surveillance over parliamentary deliberation.

The governance of crisis management came to be structured around a set of arrangements—the so-called Troika, the European Stability Mechanism (ESM), and the Fiscal Compact—that operated at arm's length from ordinary EU legislative politics and national democratic procedures. The Commission's place within the Troika alongside the European Central Bank (ECB) and the International Monetary Fund (IMF) exemplified a technocratic mode of governance in which programme design, conditionality and monitoring were negotiated with executives and administered through Memoranda of Understanding (MoU), without any meaningful debate or input from national parliaments or the European Parliament (Tortola & Tarlea, 2021). Within the ESM framework, the Commission was entrusted with negotiating and monitoring the conditionality attached to financial assistance programmes, formally acting on behalf of the ESM but substantively shaping policy content and implementation. This dual role—technically as agent of the intergovernmental ESM, politically as supranational guardian of the Treaties—blurred the boundaries between executive discretion and democratic accountability, reinforcing perceptions of the Commission as an unelected authority imposing fiscal orthodoxy. Similarly, in the context of the intergovernmental Fiscal Compact (Treaty on Stability, Coordination and Governance), the Commission was empowered to assess national budgetary plans, recommend corrective measures, and verify compliance with the balanced-budget rule, thereby turning the SGP's fiscal surveillance into a quasi-constitutional constraint on domestic policymaking. Although justified as an "emergency measure" to preserve the stability of the euro, such an institutional design largely constrained the pluralism and public deliberation that are essential to "mild dissensus" in a liberal democracy. It promoted instead a depoliticised approach that narrowed the space for disagreement to rigid parameters and compliance benchmarks, leading to a widespread perception by citizens in programme countries that decisions were taken by unelected officials in Brussels without their consent (Schmidt, 2020).

Subsequent reforms consolidated this shift. The European Semester, introduced as part of the post-crisis surveillance architecture in 2011, institutionalised permanent external oversight of national budgets and reform agendas. The European Semester's logic is "managerial"—annual reviews, country-specific recommendations, and follow-up on implementation—and reconfigures the relationship between EU-level coordination and domestic democratic politics. By design, it channels distributive or ideological conflicts into a cycle of technical evaluation and compliance, with the Commission acting as both policymaker and enforcer. In operational terms, the Commission's Fiscal Compact surveillance and its coordination with ESM programme reviews ensured a continuous monitoring cycle whereby fiscal targets set under ESM conditionality informed the Semester's recommendations, while non-compliance could trigger sanctions under the Compact's corrective arm. The effect is to largely hollow out the role of national parliaments in macroeconomic decision-making as key choices are pre-structured by European Semester timetables, Commission assessments, and the threat of semi-automatic sanctions, rather than shaped through open partisan contestation at the domestic level.

The Commission's role in the Eurozone crisis also had distributive consequences that amplified this legitimacy problem. In programme countries, fiscal consolidation and structural conditionality were widely perceived to exacerbate social inequality and to cut welfare guarantees, with limited regard for social cohesion objectives. The Commission appeared more committed to restoring market confidence than to safeguarding the social foundations that sustain democratic consent. Even where state-aid controls were relaxed to accommodate crisis responses, the broader policy mix signalled an economic over social priority hierarchy. Citizens and civil society actors thus perceived the Commission as a technocratic enforcer of painful reforms, not as a political institution attentive to rights, representation, and responsiveness. The result was not merely dissatisfaction with particular policies, but a widening dissensus over the very democratic credentials of EU governance in hard times (Scicluna & Auer, 2019). The economisation of crisis governance meant that questions with profound distributive and political implications were treated as technical issues to be solved by surveillance and enforcement. In short, the Commission fought destructive dissensus in one domain—financial stability—while, unintentionally, fostering it in another.

Two procedural features of the Commission's crisis management further fuelled this dissensus. First, decision-making was largely insulated from political contestation. Programme terms were negotiated in inter-executive settings, often under intense time pressure, with limited transparency and restricted opportunities for domestic parliamentary amendment. Second, accountability for outcomes was diffused. National governments could shift responsibility upwards to Brussels, while the Commission could invoke Treaty obligations and market necessities. This mutual buck-passing undermined the clarity of democratic responsibility that is necessary for citizens to attribute responsibility (Heinkelmann-Wild et al., 2024). The very architecture that stabilised the euro thereby destabilised democratic ownership, encouraging a narrative that the EU operates through elite bargaining and expert coordination rather than through accountable democratic politics.

The Commission's defenders might counter that these interventions prevented financial collapse and ultimately returned Europe to stability and growth. Indeed, the restoration of market confidence and the avoidance of a euro break-up won endorsement from several national executives and segments of the public. However, this "output-legitimacy" argument sits uneasily with liberal-democratic standards that value process as much as performance. Liberal democracy is not only a mechanism for delivering efficient outcomes, but also a set of practices that protect pluralism, enable reasoned disagreement, and secure rights even under emergency circumstances. On these grounds, crisis management by the Commission performed poorly as it privileged bureaucratic politics over public contestation. Stability was purchased at the cost of deepened scepticism about democratic control within and over the EU (Carstensen & Schmidt, 2018). This outcome is not solely the product of Commission preferences. Member states, particularly creditor governments, pressed for hard conditionality and tighter surveillance, and the intergovernmental configuration of key instruments constrained what the Commission could propose or accept (Smeets & Beach, 2020).

If dissensus over liberal democracy is best accommodated through inclusive deliberation and responsiveness, the experience of the COVID-19 pandemic suggests that the European Commission has learned from its earlier crisis management during the Eurozone crisis (Capati, 2023; Fabbrini & Capati, 2023). Confronted once again with an unprecedented shock, the Commission adopted a markedly different approach, prioritising public investment, social cohesion, and solidarity over fiscal consolidation. Unlike the ESM and Fiscal Compact, which institutionalised conditionality and fiscal restraint, the NextGenerationEU (NGEU) framework and its core instrument, the Recovery and Resilience Facility (RRF), reflected a shift towards risk-sharing, investment, and transnational solidarity (Capati, 2026). Through NGEU, economic governance was recast to support the green and digital transitions, youth employment, and social inclusion. Rather than imposing uniform adjustment programmes, the Commission encouraged national ownership and policy innovation within a common EU-level strategy (Capati & Christiansen, 2025). This shift from surveillance to support reflected a more balanced understanding of stability as dependent not only on fiscal prudence but also on legitimacy and social resilience.

In sum, the empirical record of the Eurozone crisis shows the Commission acting as an effective stabiliser of the monetary order while inadvertently acting as a destabiliser of democratic consent. Through the troika, the ESM and Fiscal Compact arrangements, as well as the institutionalisation of the European Semester, it prioritised technocratic control and compliance over political contestation and accountability. That approach narrowed political choice, weakened parliamentary voice, and intensified perceptions of elite rule. The euro survived, but at a democratic cost, and that cost took the form of a broader, more enduring dissensus over the meaning and practice of liberal democracy in Europe.

The Commission's Role in the Rule of Law Crisis

Turning to the rule of law crisis, this section examines how both *mild* and *destructive* forms of dissensus shaped the Commission's response. It explores how mild dissensus (institutional disagreements, legal debates, and divergent preferences among EU actors) framed the negotiation and design of new instruments. At the same time, it analyses how destructive dissensus, fuelled by member states openly contesting liberal democratic norms, constrained the Commission's room for manoeuvre. By tracing how these different layers of dissensus interacted and evolved, the section highlights the dual challenge the Commission faced: navigating internal institutional tensions while attempting to counter deliberate norm erosion within certain member states.

After a decade of half-hearted actions and the failure of consultative tools, the Commission proposed to establish the general regime of conditionality in 2018, which is a new financial tool to protect the EU's budget from mismanagement fuelled by Rule of Law violations (Hegedus and Christiansen, 2024). The Commission has been criticised in academic circles for sleep-walking into a full-blown democracy crisis in member states such as Poland and Hungary. Indeed, the Commission can be partially blamed for missed opportunities, such as not initiating Article 7 TEU or the consultative Rule of Law Framework process against Hungary, unlike against Poland, despite the apparent Rule of Law breaches in the former already in 2010 (Kelemen, 2017). However, the Commission cannot be blamed single-handedly. The structural flaws in the voting process of Article 7 TEU, political games, and the too succinct interpretation of legislation all contributed to the EU's inability to step up against destructive dissensus propelled by the Polish and Hungarian governments. The Commission's 2018 proposal, which put forward the establishment of a novel instrument that could bear significant financial consequences for those who disrespect the rule of law, was a turning point, as the proposal carried the prospect of producing a new tool at the EU's disposal that bites not only barks, unlike previous consultative instruments or Article 7 TEU. Accordingly, the paragraphs on the EU's response to the rule of law crisis will elucidate how the Commission navigated mild dissensus between EU institutions, and how the institution tried to step up with existing tools in an entrepreneurial way to tackle destructive dissensus springing from its member states.

The 2018 Commission proposal intended to tackle general deficiencies of the rule of law in a holistic fashion via linking member states' normative performance to financial sanctions (European Commission, 2018). In contrast, the final text was reduced to a "closed list of homogenous elements", focussing mainly on corruption and judiciary freedom. Hence, the final version of the regulation has the potential to counter toxic dissensus much more succinctly, solely in those cases where rule of law breaches affect the EU's budget (Scheppele et al., 2020; Staudinger, 2022). The Council Legal Services opinion on the Commission proposal stated that overlaps between Article 7 TEU and the new rule of law tool must be avoided, and hence, the latter should be firmly anchored in Article 322 TFEU (Council of the European Union, 2018). This opinion was echoed by several scholars, who also found it legally desirable to establish a sufficient and direct link between rule of law violations and the sound financial management of the Union if the new tool is triggered (Baraggia & Bonelli, 2022; von Bogdandy & Łacny, 2020). The original Commission proposal stated that, in case the Commission determines financial sanctions appropriate, unless a qualified majority of members in the Council rejects them (so-called reverse QMV), financial sanctions would be applied. The final version of the general regime of conditionality dropped reverse QMV and opted for simple QMV, as reverse QMV was opposed by several EU member states, such as Poland, Hungary, Bulgaria, Slovakia, and also Italy (Capati et al., 2026). Keeping reverse QMV arrangements would have created an even more robust tool, "since it would have put the burden of proof upon the accused member state" (Kirst, 2021, p. 106). In conclusion, it is not easy for the Commission to be a policy entrepreneur, especially in a contentious policy area that may affect member states' core state powers. Nonetheless, the Commission proposal still signalled a newfound determination from the EU's executive to tackle dissensus.

The above paragraphs discussed the circumstantial factors that limited the Commission's endeavours to act as a policy entrepreneur. However, there have been some instances when the Commission managed to employ existing tools in an entrepreneurial manner. Both Kelemen (2023) and Scheppele (2016) argued that a systematic use of infringement could be a potent tactic to usher rascal states back to a liberal democratic pathway. A year after Hungary's landslide constitutional revamp, the Commission initiated accelerated infringement procedures on three fronts, concerning the independence of Hungary's central bank, possible threats to the country's data protection authorities, and the early retirement of judges (Scheppele, 2014). However, the Hungarian government, in some cases, complied with the Court of Justice of the EU's (CJEU) ruling only on paper. Thanks to shrewd manoeuvring, only a few dozen judges were reinstated to their position after they were forcedly retired, and most of them could not occupy their original position, for instance, if they were at the helm of an institution or sub-unit (Halmai, 2017). Thus, Commission entrepreneurship is not enough in and of itself and must be followed-up by thorough implementation monitoring. Perhaps, the Commission learnt from this mistake and applied a much more rigorous screening when the CJEU in October 2021 decided to punish Poland with a daily 1 million EUR fine for the operations of the unconstitutional Supreme Court's Disciplinary Chamber. The PiS government eventually suspended the chamber, only to substitute it with a new institution under a novel name: Chamber of Professional Responsibility (Scheppele & Morijn, 2025). The Commission was not fooled by this move and decided to withhold 320 million EUR from Poland, since the government was unwilling to pay the fine (Krzysztoszek, 2025).

Besides infringement proceedings, the Commission's monitoring capacities in new instruments, such as the RRF, permitted the institution to be creative and maximise its leverage over member states with dwindling Rule of Law standards. For instance, the endorsement of both the Hungarian and the Polish National Recovery Plans (NRP)—the basis of disbursing the post-COVID Resilience and Recovery Facility—were strategically delayed until the plans reflected the EU's green transition targets, digital innovation benchmarks, and certain country-specific recommendations in the European Semester, which had some novel rule of law elements too. In the 2022 Polish recommendations, the Commission expressed concerns over judiciary independence, whereas in the Hungarian, one safeguards against corruption and reforming the unduly expanded powers of the President of the National Office for the Judiciary were demanded (European Commission, 2022a, 2022b). It was a cunning tactic from the Commission, which compelled the Hungarian and Polish authorities to incorporate rule of law reforms in the super milestones attached to funding disbursement. Unfortunately, both the country-specific recommendations and the general regime of conditionality demonstrate a similar trend, namely a gradual shift towards the economisation of the concept of the rule of law, where an impartial judiciary is important as long as it guarantees a healthy business environment, and fighting corruption becomes the pinnacle of sustaining Rule of Law standards (Fromont, 2024).

At this stage, it is difficult to judge whether the Commission would keep pursuing the economisation narrative, which could be detrimental to the social and human dimensions of fighting dissensus over liberal democracy. Luckily, there is an instrument yet again under the Commission's control, which escaped the media frenzy that surrounded the general regime of conditionality (Regulation 2020/2092), and has the potential to counterbalance the economisation of the Rule of Law (Scheppele & Morijn, 2025). The horizontal enabling conditions in Regulation (EU) 2021/1060, the new common provisions regulation, demand compliance with the EU Charter of Fundamental Rights and the application of the United Nations Convention on Persons with Disabilities before cohesion funds could be disbursed. In fact, when the Commission in December 2022 decided to suspend the financing of Hungary's programmes under the cohesion policy (€22 billion), the institution mentioned not only concerns over judiciary freedom in its justification, but also Hungary's so-called child-protection law that fomented negative stigmas against the LGBTQ community; the restructuring of universities, which could abuse academic freedom; and the curbing of asylum seekers' rights in the country's territory (Hegedus, 2023). Those who see a more political Commission as a prerogative to fight dissensus over liberal democracy could interpret this revelation as a step forward in the right direction, as the justification of freezing cohesion funds was much more complex than listing technocratic benchmarks or making sure the EU's budget is spent in a financially sound manner.

The final paragraph of this section will be dedicated to the unfreezing of blocked funds, which again fuelled criticism in academic circles (Pavone, 2023; Scheppele & Morijn, 2025; Uitz, 2023). Two notable cases should be discussed, one related to Hungary and the other to Poland, where, for the initiation of the Commission, considerable swaths of EU funds were stalemated. In two separate decisions, the Commission together with the Council decided to freeze Hungary's total amount of RRF funds, and a portion of its cohesion funds (the former pursuant to the general regime of conditionality, while the latter to the common provisions regulation). As it has been discussed above, the two conditionality mechanisms are complementary in some ways, but have overlapping elements—such as specific demands to restore the freedom of the judiciary. In December 2023, the Commission announced to unblock 10.2 billion from Hungary's cohesion funds with the justification that the country's government carried out sufficient judiciary reforms (European Commission, 2023). This notwithstanding, in a highly inconsistent manner, the Commission decided not to touch the RRF funds. The Commission's seemingly ad-hoc decision to unfreeze a portion of one financial package, but not the other, despite overlapping conditionality, propelled accusations that the Commission allegedly gave in to Orbán's blackmailing, who threatened to veto a new aid package to Ukraine (Pavone, 2023; Uitz, 2023). The Polish case was similarly complex, but somewhat different. The Commission has never initiated against Poland the general regime of conditionality, but it still withheld a chunk of its RRF fund for failing to comply with important super milestones that regard judiciary independence. Even though the PiS government initiated superficial reforms—as it has been discussed above—, it was not until the government change in 2023 that real changes were implemented. The new Civic Platform-led pro-European coalition government with Donald Tusk at the helm issued a ministerial order "to discontinue unjustified proceedings against judges and a formal commitment to respect the primacy of EU law" (Liboreiro, 2024). These and similar reforms prompted the Commission to claim that Poland fulfilled its super milestones, which led to the unblocking of RRF funds as well as cohesion funds. While it is a fortunate outcome, that dissensus seem to have dissipated in Poland as a consequence of the government change, scholars caution the Commission not to let down its guards, as many reforms cannot be carried out without Presidential consent, a key political position still held by a member of the Law and Justice Party (PiS), Andrzej Duda (Scheppele & Morijn, 2025). In conclusion, provided the Commission has significant powers to tackle rule of law violations thanks to the monitoring and screening prerogatives in a great variety of instruments, rigorous monitoring, implementation, and coordination between these instruments would be desirable to pose a credible threat to those who challenge the founding pillars of liberal democracy from within the EU.

4 Conclusion

The analysis presented in this chapter points to the fundamentally ambivalent position of the European Commission in confronting dissensus over liberal democracy in the EU. In terms of its institutional functioning, the Commission has managed to retain an image of a remarkably cohesive actor (compared, say, with the European Council or the European Parliament) despite operating in an increasingly challenging context domestically and globally. Politicisation has reached, impacted on, and even been embraced by a European Commission that is now unashamedly "political" and even "geopolitical". This development has sidelined past reliance on technocratic legitimacy and neutrality, and instances of mild dissensus now occur on a regular basis as (party-) political debates among Commissioners become more frequent. At the same time, effective administrative procedures for internal coordination, the continuing yet declining relevance of the principle of collegiality, and the rising power of the Commission President have so far worked well in ensuring that such internal dissensus does not become disruptive.

In terms of the Commission's external impact, the evidence from the past decade is, however, more mixed. The analysis of two critical case studies presented here reveals neither an institution wholly equipped to counteract destructive forms of dissensus nor one consistently capable of preventing its own actions from exacerbating political tensions. Instead, what emerges is a mixed picture of an institutional actor whose performance has varied across policy domains and crisis contexts.

During the sovereign debt crisis, the Commission became—even if only in part—an agent of the problem it sought to resolve. Its approach relied heavily on rigid policy prescriptions and a technocratic logic that left limited room to accommodate the political sensitivities and distributive conflicts inherent in large-scale structural adjustment. By enforcing fiscal consolidation and structural reform as if they were technically necessary rather than politically contestable choices, the Commission reinforced perceptions of elite, insulated decision-making. Its prominent role within the Troika alongside the ECB and IMF intensified this view and raised deeper questions about the democratic credentials of EU economic governance. Although acting within constraints largely shaped by member state preferences, the Commission's crisis management nonetheless contributed to destructive dissensus by narrowing democratic deliberation and amplifying social inequalities.

In the context of the rule of law crisis, on the other hand, the Commission has sought to be part of the solution in opposing the emergence of destructive dissensus over liberal democracy at the member state level, yet only made a limited contribution in this regard. In response to its hesitant approach, the Commission has been criticised for doing too little, too late in defending the EU's fundamental values: according to its critics, it could have been more rigorous and consistent in applying conditionality to minimise the potential for democratic backsliding in the member states (Christiansen and

Hegedus, 2022). The Commission could have designed specific objectives and required actions that would then be monitored more efficiently, rather than relying on the declaration of general (and often vague) principles that ultimately facilitated the avoidance of action.

In sum, it is evident that the European Commission as an institution remains committed to the defence of liberal democracy in Europe, both at the supranational and at the national level. Yet, it also emerges from the analysis in this chapter that the Commission has not been able to act consistently and effectively on this commitment. While the Commission's constitutional role implies an active resistance against disruptive and destructive forms of dissensus over liberal democracy, we have seen how other factors—the reliance on technocratic rather than democratic legitimacy, the pursuit of particular economic and fiscal objectives, the avoidance of open conflict with non-compliant member states, the practical demands of managing multiple crises—may obscure this objective. When it comes to dissensus over liberal democracy, the Commission's sustained internal commitment to liberal values is not quite matched by its capacity to project these norms consistently in its policies and relations with the member states.

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