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Philippe Aldrin, Nicolas Hubé

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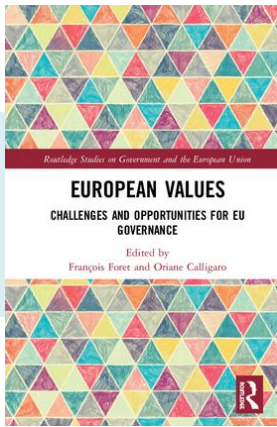
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## **From Democracy by Proxy to a Stakeholder Democracy**

### **The Changing Faces of an EU Founding Value**

Philippe ALDRIN & Nicolas HUBÉ

**C**ontrary to a common presupposition, democracy, as a cardinal political value within contemporary European societies, is not defined clearly in the treaties which created the Community edifice. It was nearly three decades before the legal foundation of the community clarified both the broad principles and the institutional design of 'European democracy'. Moreover, as a common reference point in relations between those governing and those they govern, democracy has remained a contingent universal. Beyond those principles which constitute the idea of democracy and provide its legitimacy, the actual forms taken by democratic government have not been laid down once and for all, in their original and immutable purity. Thus in each of the Member States as well as at Community level, democracy has over the last quarter of a century undergone a series of adjustments in response to calls for more transparent and above all more participatory democracy.

Criticized over and over from the 1970s to the mid-2000s for the 'democratic deficit' of its political regime (Eriksen, Fossum, 2000), the EU has displayed its 'democratic principles' on the frontispiece of its latest treaty (Articles 10 and 11) and has innovated by creating a mechanism to enable direct petitioning by the citizenry - the European Citizens' Initiative (ECI). The turn towards direct participation in European democracy (Saurugger, 2010; Smismans, 2008) had its first official formulation in the 2001 White Paper on European Governance. From this point onwards, alongside the close relationships forged since its origins with 'experts' and representatives of interest groups (Laurens, 2015), the Commission went on to systematize and lay down procedures for its relations with NGOs and spokespersons for civil society (Bovens, 2007; Berny, 2014). Behind the concept of 'European governance' and the forging of a new practical theory of government (Aldrin and Hubé, 2016) whose instigator and ultimately principal beneficiary was the Commission (Kutai, 2014), a veritable redefinition of European democracy was in fact taking place. This went well beyond the never-ending debate on the subject of institutional reform.

Adopting a historical sociology perspective on modes of government in Europe (Cram, 2011), this paper sets out to revisit this paradox of a European democracy which initially functioned as a democracy by proxy before inventing, in fits and starts and by a succession of corrections, its own model. This model draws heavily on the discourse of participatory democracy without managing to completely banish its old demons: the power of unelected bureaucrats and links to interest group representatives and lobbyists. Thus we are observing how ethical values (i.e. the democracy) are reshaped by actors and institutions in order to be efficient for the European

policy process. We hypothesize that the European bureaucratic field inclines towards the formation of 'neutral places' analysed by Bourdieu and Boltanski, those 'working groups at the intersection of the intellectual field and the field of power, that is to say at the place where words become power, in those committees where the enlightened leader meets the enlightening intellectual' (Bourdieu and Boltanski 2008, pages 11-12, our translation).

Hence, the promotion of new European participative democratic values can therefore be seen as a new political technology for managing political demands and interests. The challenge for the European institutions is not mainly that these values are conforming to a normative ideal definition of democracy. But it consists of a controlled opening of the arenas of European decisions to non-State actors, while ensuring the control of the management of these actors and the interests by a *proceduralization* of the participation. By examining the various rationales and categories of actors which, between the start of the 1990s until the consecration of European Citizens' Initiatives (ECI) in 2012, contributed towards the forging of a participatory theory of European democracy, we shall observe how the value "democracy" is promoted by actors in order to constitute and structure a new field of European government reform. At the same time, we attempt to account for the relationships and situational regularities organizing these informal laboratories for the future of political Europe. Between 2005 and 2017, we carried out several series of interviews in Berlin, Brussels, Paris and Strasbourg with various actors in European affairs (officials within the European Parliament and the Commission, journalists, representatives of associations and think tank officials, and European parliamentarians). We were particularly interested in DG COMM (Directorate-General for Communication) officials within the European Parliament and the Commission, some of whom were interviewed several times, thus enabling us to follow changes in their points of view depending on their different configurations, institutions or posts of responsibility. We also carried out direct observations (in particular of two participatory 'events' organized in Brussels in October 2007 and January 2012) together with an analysis of the European Commission in Brussels (ECIB) and of the grey literature (reports, resolutions, white and green papers, etc.) published by European institutions or their agencies. Finally, we studied a selection of publications on the European Union's system of government (on sampling and the method of analysis).

### **Beyond the self-evident: the slow affirmation of a Community conception of democracy.**

From its distant foundations, on emerging from the Second World War, the process of European construction has always borne witness to its anchoring in democratic principles. The official historiography of the Community is at pains to point out that at the time when they began to forge closer links between their markets for steel and then their economies, the founding countries shared the same attachment to democracy as a value and to its principles: equal rights, guarantees for basic freedoms, universal suffrage, the separation of powers, etc. However, this attachment to democracy as a value was at this time akin to a sort of shared implicit statement, a unifying common sense which did not seem to absolutely require naming.

If one takes the time to look again at the founding treaties of the 'Community', the word 'democracy' is totally absent. In the Treaty of Paris establishing the European Coal and Steel Community (1951) as well as in the Treaties of Rome setting up the EEC and Euratom (1957), when reference is made to principles, this is really only in the context of the common and reciprocal objectives which the contracting parties set themselves in terms of 'economic expansion', 'development of employment', or 'improvement of the standard of living'. In the founding treaties signed in the 1950s, the word 'value' is always linked to actual economic meanings, as in the expressions 'total value of coal and steel produced in the Community' (Article 28 of the Treaty establishing the European Coal and Steel Community, 1951), 'value of (...) sales' (Article 64) and 'value of the assets acquired or regrouped' (Article 66). A re-reading the Treaties of Paris and Rome conveys to what extent the world becoming established in Luxembourg and

in Brussels was a world of diplomats and technocrats (Georgakakis, Rowell, 2013). It was one of senior officials, who sixty years later, still held a monopoly over initiating legislation. When the treaties mention the word 'vote', this means (almost exclusively) the votes of States' representatives in the Council of Ministers. Admittedly, the EEC treaty makes reference to the (still vague) project of electing members of the common Assembly by universal suffrage. 'The Assembly shall draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States.' (Article 138). As we know, it was twenty years before this proposal came to fruition.

### ***When democracy starts being a European central value***

It was not until the Single European Act (SEA) signed in 1986 that the words 'democracy' and 'democratic principles' were spelled out in a Community treaty. In the recitals in the preamble to the SEA, the signatory States declare that they are

'determined to work together to promote democracy on the basis of the fundamental rights recognized in the constitutions and laws of the Member States, in the Convention for the Protection of Human Rights and Fundamental Freedoms and the European Social Charter, notably freedom, equality and social justice'. They go on to declare that they will 'display the principles of democracy and compliance with the law and with human rights to which they are attached, so that together they may make their own contribution to the preservation of international peace and security in accordance with the undertaking entered into by them within the framework of the United Nations Charter'. (Single European Act, English text, 1986<sup>1</sup>).

Even if they continued to be modelled on to the great foundational texts of post-war Western Europe, these explicit references to democracy bear witness to a profound change in the political and economic contexts of integration: the accession of two countries having recently emerged from dictatorship (Spain and Portugal), the end of the 'permissive consensus' of member state populations towards Europe, the start of a turn towards a more political Europe (Hooghe, Marks, 2009). The Single European Act, we should perhaps recall, was primarily and above all a major political act which gave impetus to the 'relaunching of integration' and revised the EEC Treaty to take account of the functioning of many aspects of Community institutions. It institutionalized the European Council and strengthened the powers of the Parliament.

Affirmation of democracy as a value would be confirmed by the Treaty of Maastricht in 1992, three years after the fall of the Berlin Wall. From that moment on, in a quest for political legitimacy, the value 'democracy' became a pivotal focus of the language of the treaties and official communication engaged in by European Union institutions. With the Treaty of Maastricht yet to come into effect, the Heads of State and Government assembled at the European Council held in Copenhagen in June 1993 set out the conditions which would allow central and eastern European countries to become candidates for accession. While most of the 'criteria' related to the economic, financial or regulatory sustainability of accession to the Community fold, the first criterion mentioned was expressly an affirmation of the value 'democracy' and its principles:

'Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities'<sup>2</sup>.

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<sup>1</sup> [http://eur-lex.europa.eu/resource.html?uri=cellar:a519205f-924a-4978-96a2-b9af8a598b85.0004.02/DOC\\_1&format=PDF](http://eur-lex.europa.eu/resource.html?uri=cellar:a519205f-924a-4978-96a2-b9af8a598b85.0004.02/DOC_1&format=PDF)

<sup>2</sup> European Council in Copenhagen - Conclusions of the Presidency, 21-22 June 1993, SN 180/93. Brussels: Council of the European Communities, 1993.

While the conditions for accession lent additional weight to references to Human Rights (respecting the European Charter of Fundamental Rights, strengthening the role of the European Court of Human Rights), until the Treaty of Lisbon there was no European democracy, in the sense of a Community-wide conception of democracy, but a reference to the democratic character of Member States and to 'European citizenship' obtained by national rights extended community wide.

### ***Testing out 'European democracy' as a value***

At the turn of the 1990s, at the time when a first properly Community-wide conception of 'democracy' was being asserted which left more room for European civil society (Kohler-Koch, 2012), the European Commission was now more than ever the main locomotive driving the integration project. Personified by the Delors Commission (1985-1995) (Ross, Jenson, 2017), this sequence actually marked a profound change in the integration process and inter-institutional balances but one whose principles and mechanisms seemed to many observers to be poorly adapted. The completion of the Single European Market and the launch of the Economic and Monetary Union took the shape of the transfer of new powers and missions to 'Europe', for which the Commission was the main proxy. The latter, the sole body empowered to initiate new European laws and thus the centrepiece of Community methods, was at that time the supranational institution *par excellence*, distinct from a still-unsettled European Parliament and a European Council torn by diplomatic haggling between member states. The Commission was now the political centre of gravity of the Community's institutional system. It symbolized the empowerment of supranational government with respect to States (which it did not hesitate to bring before the European Court) and to populations (subject to an accelerated harmonization of production norms). Increasingly made up of first-rank political personalities, the College of Commissioners, drawing upon an expanded Brussels administration, impressed contemporary observers as a veritable 'European government'. This increase in the Commission's power did not occur without generating tensions stirred up by various movements on the political stage (MEPs, denigrators of political bureaucracies, sovereignists, etc.) who found it easy to bewail the excesses of a Europe governed by an unelected institution whose leaders were co-opted by Heads of State regardless of the parliamentary majority formed by MEPs in Strasbourg.

Although, since 1986, each of the treaties enshrined a raised threshold of parliamentary government within the Community order, scandals and electoral contests lent arguments to the severest critics. The value 'European democracy' has been tested out as a difficult political reality. Abstention, Euroscepticism (Neumayer *et al.*, 2008), the fall in the number of favourable opinions recorded by the various Eurobarometers, all called for a rethink of 'European democracy' on the eve of the forthcoming enlargements (Peterson and Bomberg, 1996). The Commission's legitimacy as the centre of gravity of the institutional system, but an unelected institution seen as too bureaucratic and increasingly subservient to lobbies, was severely challenged in 1999. March of that year saw the resignation *en masse* of the Santer Commission, suspected of corruption and slammed as never before by MEPs and the international press corps in Brussels, while June saw abstentions for the first time outnumbering votes at the European elections. In spite of the modifications introduced by the Treaties of Nice and Amsterdam, the Santer Commission scandal and resignations (1999) and the failure to ratify the second Treaty of Rome (or Treaty establishing a Constitution for Europe) were translated as a value failure and attributed to a structural 'democratic deficit'. The Commission gradually invented a path towards democratization which preserved its leadership within the European institutional space, by positioning itself at the centre of a political interplay open to civil society and to States. It practised *policy without politics* (Schmidt, 2006).

## Reshaping European Governance: changes in the principles and practices in the democratization of Europe

The idea of testing out other legitimization principles and mechanisms began at this time to be openly defended by integrationist circles. Nonetheless, obviously, there were as many European reform pathways as laboratories at this time. On the Commission's part, it was advisable to proffer guarantees of probity and transparency in its relations with the non-institutional actors which it consulted in the form of 'expert groups' (Coen, Richardson, 2009), special interest group representatives or NGO spokespersons when preparing its initiatives and opinions (Christiansen, Larsson, 2007). Two resolutions adopted by the European Parliament in 1997 and 1999 required these relations to be policed by ethical values.

But ethical values need to be fit into the European policy process mechanisms. In 1999, in agreement with the Parliament and the Council, the new Commission chaired by Romano Prodi made administrative and institutional reform one of its priorities. The first Vice President, the former British Labour Party leader Neil Kinnock, was put in charge of 'administrative reform'. Prodi appointed an inter-institutional working group to draw up a project reforming 'European governance' and launched a series of public consensus-building exercises christened 'Dialogue on Europe: the Challenges of Institutional Reform'. During these consultations, the Economic and Social Committee (EESC) was considered to represent 'European Civil Society' and gradually succeeded in gaining recognition for its monopoly over representing and organizing the EU's 'Organized Civil Society'<sup>3</sup>. The key instruments of European 'participationism' were already being discussed: procedural principles for legitimization through 'consultation', a call for cooperation from various 'stakeholders', mechanisms for 'transparency', promotion of representatives of 'civil society', principles from which the Commission would not deviate over the next decade except to give the appearance of mass participation. There was a need for a striking symbolic institutional act in order to promulgate the principles behind this new spirit of European public action and to prescribe its practical procedures: this would be the White Paper on governance (Georgakakis, de Lassalle, 2012; Bouza Garcia, 2015).

Simultaneously scientific and pragmatic, this new theory of European government aimed to 'renew the Community method by following a less top-down approach and complementing its policy tools more effectively with non-legislative instruments' (European Commission 2001, p 2). The EESC's 'organized civil society' was consecrated by a 'forum', an official contributor to the Constitutional Convention which began work in 2002. This new doctrine for European democracy was put in place through successive moves forward (the 2005 *Plan D for Democracy, Dialogue and Debate*, the 2006 White Paper on a Communication Policy) and to some extent by the European Citizens' Initiative (ECI) set out in the 2007 Lisbon Treaty. Described as the European Union's *participatory turn* (Saurugger, 2010; Smismans, 2008), this change gave rise to intense activity in the form of political debates and learned commentaries. It remains for us to reach a better understanding of the social origins and political mechanisms which engendered this paradigm shift.

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<sup>3</sup> In its 1999 Opinion on 'The role and contribution of civil society organisations in the building of Europe' it defined itself officially as the 'representative body of civil society organizations' playing a mediating role between citizens and the state. Opinion of the Economic and Social Committee on 'The role and contribution of civil society organisations in the building of Europe' (1999/C 329/10). <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:51999IE0851&from=FR> (Consulted 31/1/2018).



### ***The emergence of democracy entrepreneurs***

The world of European agencies organized around the institutions of the European Union is a relational space of multiple alliances and combinations where senior officials and political leaders rub shoulders with and consult on a daily basis representatives of economic interests, activists for the European cause or causes tied in with Community policies and legislation, academic researchers and all sorts of consultants (Robert, 2010). At the outset, the makers or proponents of what was not yet European participationism were merely a segment of this universe, a tiny world of reformers made up of members of the European Commission's Forward Studies Unit, academics from a few research centres and programmes, activists from citizen forums developed by NGOs, and think tank officials specializing in European affairs. Mainly on the initiative of senior Commission officials, who made available to this 'laboratory' various types of institutional support (grants and kitemarking for initiatives and programmes, recognition of expertise and results, incentivizing mechanisms, encounters such as seminars and conferences were organized. Thus grew up 'consensus machines' (Topalov, 1999, p. 19-20) where a common vision of matters was forged, soon followed by a coalition of reformers (Sabatier, Jenkins-Smith, 1993). While their interests remained heterogeneous, the members of this coalition shared a common objective: to recast the European Union's decision-making apparatus. Thinking along participatory lines was not the chief driver of their project, but it was a theme in accordance with the spirit of the times and which cut across various different activities such as politics, research, the media, or activism (Massardier *et al.*, 2012), and for this reason seemed likely to remedy Europe's multiple political maladies.

This brokering of ideas mainly took place within the 'weak field' of European decision making (Mudge, Vauchez, 2012): expert groups from the Commission, circles for political reflection, university research centres and Brussels think tanks, all entrepreneurs of institutional reformism, the correct policies to drive through and the 'best practices' to adopt, all basing their projects on the veracities of governmental science. Convinced that European social dialogue, institutionalized under the presidencies of Jacques Delors, could be extended to 'European civil dialogue', Commission experts and advisers intensified their exchanges about this point with academic researchers. In 2001 for example, a few weeks before the publication of the White Paper, the Forward Studies Unit brought out a volume of more than 300 pages setting out a 'procedural diagnosis' for European decision making (De Schutter *et al.*, 2001).

The reform of Community method outlined in this tome began with a unanimous acknowledgement of a dual value failure: on one hand, the collapse of the old systemic and institutionalist theory which based all of the European Union's legitimacy on a replication of parliamentary democracy, and on the other hand, the suboptimal effectiveness of European policies which limited legitimation of the European Union by its outputs (Scharpf, 1999). According to the contributors, this model had proved ill-suited to a supranational political centre now faced with regulating a group of complex post-industrial societies now subject to globalized economic, social, security and cultural challenges. Since for the most part the European norms being produced were regulatory and not legislative, they advocated adhering more closely to the procedures and practices of consultation (by 'experts' and 'stakeholders' (Dehousse, 2001). The way forward was indicated by the administrative reforms carried out in some member states inspired by new Public Management (Hood, 1998). The defense of the new European democratic values have to be put into technocratic procedure in order to become effective.

This theoretical and normative book presented the 'proceduralization' of participation as the possible and desirable way to move beyond political Europe's democratic deficit, in line with the watchwords of the new art of governing: 'empowerment', 'dialogue', 'transparency' and 'accountability'. This last notion, forged by private-sector management, was imported into the

lexicon of public governance in order to assert decision makers' obligation to shoulder the responsibility and transparency of their action (reports, keeping shareholders and stakeholders informed) and thus to submit themselves to the assessment of results attributable to themselves (Harlow, 2002; Stokes, Manin, 1999).

The impact of the White Paper was not immediate. The Commissioners were divided about the project's viability and even more about the Commission's short-term capacity to impose it on its partners (the Council and Parliament). Nevertheless, for the various integrationist entrepreneurs interested in the restoration of 'Community methods', this analysis and set of proposals placed in their hands a powerful discursive action lever affecting perceptions of the European Union. This created a new and alternative 'order of discourse' to representative democracy, 'at once controlled, selected, organized and redistributed by a certain number of procedures whose role is to ward off its powers and dangers' (Foucault, 1981, p. 52). Governance was presented as a 'depoliticized' decisional principle, a new way of using 'Community methods' where the production of regulation would be steered by 'neutral' and scientifically-proven procedures (Peters, Pierre, 1998; Dufournet, 2014). It has been framed in as been the new European democratic values. It is a cause without opponents (who can be against democracy?). The prospect of a democratization through proceduralization might act as the catalyst for a 'community of promoters' (Bezes, 2012) also recruited from all those circles jealous of their privileged access (expert groups, inter-institutional committees, comitology) where European decision making is negotiated.

## **The European Union's participatory turn: when institutions embrace a new technology of government**

In many respects, the sequence which opened with the electoral defeat of spring 2005 can be analysed as an experimental phase and a window of opportunity for the advocates (European Union institutions, with the Commission foremost amongst them) of new mechanisms for citizen participation and the promotion of participative values. But again, these values have to be analysed as part of a policy process. This period should be seen as a time of experimentation of the ways and means through which citizen consultation could be associated with the governance matrix defined in 2001. While this proposal offered an institutional response to the need to control the 'management of interdependence' (Mayntz, 1996) with experts and representatives of special interests, the failure of the referendum process to ratify the constitutional treaty meant it was necessary to go beyond the neo-corporatist character of governance (Papadopoulos, 1999) through the direct participation of citizens in decision-making processes. Before it was formally incorporated and regulated by the Treaties in accordance with the governing principles of the European Union (as with the ECI in the Treaty of Lisbon), citizen participation went through a testing phase during the second half of the decade beginning in 2000. The multiple experiments initiated or supported by the Commission during this period expressed a - tactical - concern to show Europe listening to its citizens. They also offered a new theorization framework to the laboratories working on reform, opening the way to a gradual integration of citizen participation within the governing principle of stakeholding.

The new record levels of abstention during the 2004 European elections and the setbacks at referendums in the spring of 2005 strengthened the *necessity* for a governance reform. During the European Council in June 2005, the Heads of Member States mandated the Commission to 'think together' with the civil society and to propose a European response to this new 'crisis'. The Commission grasped the opportunity to test out the procedural conception of participation. Margot Wallström, at that time Vice President of the European Commission under José Barroso, responsible for Institutional relations and communication strategy, made efforts to expedite this participatory turn at European level. Previously European Commissioner for the Environment,



Wallström was one of the few Commissioners in favour of the White Paper's proposals and publicly expressed her support for 'governance'. She had, moreover, introduced participatory measures when implementing the European Union's environmental policy, inspired by experiments carried out in Nordic countries since the end of the 1980s (Georgakakis, 2007, p. 191). As part of her second portfolio, she put forward a series of declarations of intention, programmes and action plans intended to promote dialogue and consultation with European citizens. An initial *Action Plan to Improve Communicating Europe by the Commission* [SEC(2005) 985 final] was adopted in July 2005. This became *Plan D for Democracy, Dialogue and Debate* [COM(2005) 494 final] in October 2005 – referring to the argument of a possible 'Plan B' (another Treaty) mentioned by French opponents during the campaign to ratify the Treaty establishing a Constitution for Europe (TCE). The desire to mark a radical break in the Commission's relations with the peoples of Member States was expressed in a new White Paper devoted to European Communication Policy which was coordinated by Margot Wallström and published in 2006. Fully agreeing with the precepts and values of participatory democracy, in the White Paper she defined communication as a 'dialogue' intended to 'close the gap' between European institutions and citizens, a dialogue to be organized by increasing the number of consultation mechanisms.

Because they were simultaneously conceived not only as measures for 'researching the opinion' of ordinary European citizens but also as an opportunity to organize an encounter (whether physical or digitally connected) between European citizens and European leaders, the participatory experiments which punctuated the end of the decade after 2000 (*Tomorrow's Europe, European Citizen's Consultation, the Europolis programme*) functioned as so many liaison points between the various potential entrepreneurs of European participation (Aldrin and Hubé, 2011). These included European Union officials, academics and experts in participatory democracy, participatory engineering consultants, citizens' NGOs, think tanks involved in European and global affairs, representatives of special interest groups whose sector or activity centre is Europeanized (banks, insurance companies, universities, the media, etc). The way forward proposed by Wallström in her 2006 White Paper met with opposition from MEPs, the upholders of a traditional conception of representation. In October 2006, following several months of debate, the European Parliament, bolstered by its status as the 'only elected institution within the European Union' officially aimed a very severe critique at the White Paper. MEPs do not criticized the democratic values of the project but challenged the legal basis of the Commission's mandate to organize a dialogue with citizens<sup>4</sup>. Indeed, MEPs adopted a programme, *Europe for Citizens*, intended to promote 'active European citizenship'<sup>5</sup>. At the same time as they attempted to impose a conception which would preserve their mandate, MEPs were socialized into the new participatory *ethos*. At the end of 2007, the Parliament organized the 'Citizens' Agora'. the first sizeable encounter with associations, who had been invited to debate with MEPs (an experiment repeated in 2008 and 2011). The promoters of parliamentary participationism were mostly drawn from the ranks of the left and from ecologists One might mention the decisive role played in these various initiatives by Isabelle Durant (interviewed by the authors), a Belgian politician (Ecolos party), at that time Vice President of the European Parliament (Greens/European Free Alliance Group). The participatory *ethos* finally achieved its constitutional recognition during negotiations for the new European treaty, at the same time finding its place within the usual methods of the European policy process, working through compromised and with the established civil society (Bouza Garcia, 2015, p. 144-157).

The European Citizens' Initiative (ECI) synthesizes this double constraint: importing new political principles into the previous decision process patterns. Paradoxically, because they were extremely onerous and offered little political viability, these participatory mechanisms based on a sample of the citizenry were gradually abandoned. At the same time, they demonstrated

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<sup>4</sup> Committee on Culture and Education, *Report on the White Paper on a European communication policy*, European Parliament, 17 October 2006 (A6-0365/2006).

<sup>5</sup> European Parliament legislative resolution on the Council common position for adopting a decision of the European Parliament and of the Council establishing for the period 2007-2013 the programme "Europe for Citizens" to promote active European citizenship (9575/1/2006 – C6-0316/2006 – 2005/0041(COD).

empirically the effectiveness of participatory technologies which enabled public policies to be debated unaffected by rifts between activists - *policy without politics* (Schmidt, 2007; Kutay, 2014). Authors interested in deliberative democracy had already proposed this euphemizing (or even denial) of confrontation through the strategic deployment of deliberative engineering (Young, 2006). They plotted the paradoxical invisibilization of pluralism - despite this being constitutive of democracy - in deliberative procedures exclusively slanted towards consensus, where social strife is reduced to the traditional alternative options offered by political liberalism (Fraser, 2001, p. 149; Sunstein, 2003). The experiments tried out by European Union institutions during the 2000s could be used to provide a scientific justification for a reduction in the ideological perimeter occupied by participants. They could also be used to confirm a restriction of institutional participationism to citizens representing organized interests (Bouza Garcia, 2015) or proponents of legitimate questions. The merit of this intensive exploration of arrangements for citizen deliberation has thus been to show their political inanity and their incapacity to compensate for the European Union's democratic deficit. It has also served to test out a particular institutional rhetoric and an instrumentalization of participation by civil society, rather than by the mass citizenry, in the governance of Europe.

By establishing a direct line between the mass citizenry and the European legislator, the ECI has simultaneously constituted a major symbol of the democratization of the European Union's institutional system and also an instrument for the selection and containment of populist or extremist opinions. Thanks to the new theory of European Government which provides it with legal and political justification, the ECI is presented as the citizens' apparatus of government, supposed to dissipate its neo-corporatist basis, at the same time guaranteeing the Commission's prerogative of initiating legislation. In this consecration of the European Union's institutional participationism, the informal laboratories of European reformism yet again played a decisive role in its achievement.

### ***Brokering participationist ideas***

The process of creating and institutionalizing political Europe took place with continued backing from academia in brokering ideas and values (Horn, 2008; Robert, Vauchez, 2010). The participationist reform of the European Union incorporated a very sophisticated theoretical apparatus, constructed around the lexicon of the 'quality of democracy' (empowerment, efficiency, transparency, and participation) whose evaluative, normative and prescriptive designs were in this case adapted to the European Union's 'problems'. Interpenetration of fields of activity was facilitated by the large number of routinized spaces of interaction and sociability where officials from European Union institutions and representatives of the academic world engaged in conversation. Research Programmes (Framework Programmes for Research and Technological Development, FP) and international conferences (especially the Jean Monnet Programmes) funded by the European Union, as well as encounters organized by Brussels think tanks (such as the Centre for European Policy Studies) provided numerous opportunities for this. This was the preferred matrix for forging the new principles of European government - post-State, participative and rationalized to respond to the complexity of modern societies - where intellectuals wishing to leave behind the 'outdated ideas' (*sic*) of representative democracy and constitutionalism (Smismans, 2006), in order to find a way of operationalizing this imperious supranational legitimation (Neyer, 2012). The interdependence of ideas deriving from partially autonomous fields (Smith, 2014) is a complicated subject for sociology and cannot be restricted to mere suspicions of commissioned research living off grants for contracts. Nevertheless, their production on 'new European governance' has contributed, by its visibility and cumulative nature, to this 'materiality' of institutional discourse on the subject (Foucault, 1981, p. 69). Those publications which have conferred academic substance on the need for reforming the European Union's model of government have benefited from European funding, validating through science the normative process of a value based model of government.

Following the theory which appeared through the work of the Forward Studies Unit and developed by these research programmes, it appears that democracy is less value-based than a problem-solving tool. It has to be defined as the management of sectoral, contingent and non-permanent problems which can be resolved by calling on the best experts and 'right representatives' of civil society (Treib et al., 2007; Heritier, Rhodes, 2010). In this perspective, democracy is thought to have 'quality' when it is based on optimal engineering, that is to say 'more deliberation', with stakeholders carefully chosen for their expertise, even when they might turn out to be 'less representative of society as a whole' (Dehousse, Lebessis, 2003, p. 122). Alongside the legacies bequeathed by the 'old European democracies' to the European Union regime, the task was thus to make the most of innovations and the 'promises' of experimental mechanisms (Bovens, 2007, p. 116; Neyer, 2012). In the discursive tidying-up of the European Union's model of governance, social scientists forged the linguistic corpus of a new dominant ideology, or a doctrine 'reified, in order to do things' (Bourdieu and Boltanski, 2008, p. 104). For most of these authors, the participation of European citizens is an 'object of desire' but must operate within a previously-depoliticized space: in other words, excluded for deliberation are any 'populist temptations', understood here as a structured affirmation of social, party-political or ideological conflict (Clarke, 2013).

### **The ECI: a consecration of citizens' representation professionals**

The ECI enshrined the proceduralization of citizen participation by introducing a stakeholders' European democracy. A non-binding representation to the Commission, the European Citizens' Initiative nevertheless entailed explicit as well as other more implicit constraints for those who might wish to use it to advocate their cause to the European Union. Embarking on an ECI requires mastery of technical know-how, the support of an organization and the possession of considerable relational and institutional resources, all of which seems to restrict them to the lobbies and professionalized organizations of European civil society. The defense of these democratic values needs to be enshrined in European policy language and carried by Brussels bubble agencies.

This appears to be shown by the structuring of petitioning activity around platforms (the European Youth Forum, the European Civic Forum, the European Citizen Action Service) which already have a considerable presence within the Brussels participatory landscape (Greenwood, 2012). Initial analyses of the admissibility of European Citizens' Initiatives by the Commission also confirm that it favours petitions which present consensual rather than conflictual positions (Bouza Garcia, 2012, p. 347). Filtered in accordance with the same philosophy of rejecting attempts at recruiting to populist causes, the means of political protest offered to European citizens is also seriously complicated by the barrier of the number of signatures required. The result has been that, since their launch, out of the forty or so ECIs put forward, only three have reached a million signatures. Amongst these, that against the Transatlantic Treaty (StopTTIP) which had achieved three million signatures was judged inadmissible by the Commission. In May 2017, the European legal system invalidated this decision. None of these ECIs has resulted in any legal text. Moreover, their numbers are falling precipitously: practically no ECIs are under way at present. Concerned about this setback, the Commission launched a consultation exercise in May 2017 with European civil society organizations<sup>6</sup>. At best, this reform of the ECI which has been supported by the European Parliament since 2015 will only see the light of day in... 2019.

The official launch of the ECI by the Commission on 26 January 2012 during the *Warming Up for the Citizens' Initiative* event was a perfect illustration of the social enclosure of the world of ECI

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<sup>6</sup> [https://ec.europa.eu/info/consultations/public-consultation-european-citizens-initiative\\_en](https://ec.europa.eu/info/consultations/public-consultation-european-citizens-initiative_en) (consulté le 30 août 2017).

co-producers. On that day Commissioner Šefčovič inaugurated the official ECI site with its slogan *You can set the agenda*. Taking the floor were the main stakeholders in the ECI procedure: pro-European think tanks, information sites on European affairs (EURACTIV), and private providers of online platforms (Facebook, Google, Dailymotion, Twitter, the Gardner Group). Erika Mann, Facebook's Head of European Policy began her intervention in these terms:

'We are already partners. We can help you to defend public values. We do not give money but we have specialized public values services ready to help you.' (Field notes, 26 January 2012).

These remarks call for two levels of interpretation. The first, literal, level was political. An MEP for the SDP from 1994 to 2009, Erika Mann embodied a social-democratic line geared towards citizen participation. The second, a more configurational reading, has to do with the universe of public relations in Brussels. Nicknamed 'Miss America' by her party colleagues, left off SPD lists at the 2009 European elections, long active in the IT field, the Facebook lobbyist was involved in the fight against the EU Directive on the Protection of Personal Data announced the previous day by Commissioner Viviane Reding (*Die Zeit*, 2/10/2013). The influential economic 'partners' who shared the platform with Mann were in no way mere web activists. These representatives of social media companies were all well-connected in the world of European affairs. For Google, Simon Hampton, an Oxford and King's College London graduate, began his career in the UK Foreign Office and passed through the Commission before working in the City of London, for Time Warner, for AOL and for Belgacom as a European lobbyist. Christophe Leclercq was the Head of the *EURACTIV* media network; he had previously worked at the Commission on 'information society' issues. Less directly linked to European circles, the General Secretary of DailyMotion, Giuseppe de Martino had long experience of digital economy issues (as the Legal Director of AOL France and as President of ASIC, the Association of Internet Community Services and in the Legal Directorate of the pan-European TV channel ARTE). The final two actors invited also had political experience. Twitter's Colin Crowell had worked at the US House of Representatives where he was recognized as an expert on laws regulating the digital telecommunications market (*Washington Post*, 19/05/2010). Mark P. McDonald, Vice President of the Gartner Group, a Cloud services company, was for five years a Vice President of the Connecticut National Bank (later Bank of America). During this event, these actors ceaselessly reiterated their civic engagement in favour of European Citizens' Initiatives ... for which their respective platforms offered 'disinterested' tools of 'citizenship'.

An identical event organization a few months later (29 June) in Paris implicitly confirmed the idea that the success of an ECI requires careful integration into the world of European public affairs as well as mastery of a set of techniques in the fields of communication, networking and fundraising as illustrated in the 'toolbox' of a successful ECI presented during the conference (*Toute l'Europe*, 2012, p. 16).

'The competences of the lobbyist represent [...] the basis for launching a successful initiative event if the challenge must also be one of joining with a social movement and/or a shift in public opinion. All this with one's sights on collecting a million signatures in one year. A challenge requiring the mobilization of resources and means which are the province of lobbyists.' (*ibid.*, p. 10)

The paradox of these mechanisms lies in the fact that participants are expected to forget their political anchoring or even their sense of social belonging in order to make way for an ideas-based conception of European civil society. When European Union institutions make reference to 'civil society', it is to an ad-hoc institutional meaning of the term, synonymous of the European Economic and Social Committee (EESC). The 'civil society' mobilized for these events in Brussels and Paris bear witness to this professionalization of stakeholders in European politics. An analysis of the list of the 437 persons present at the ECI launch in Brussels (see Table 1) reveals that the representatives of this 'civil society' made up 44.4% of those present, while members

of European and national institutions represented 39.6% of attenders<sup>7</sup>. Entrepreneurs of the European cause (9.6%) and/or participatory Europe (6.6%) represented nearly one in six of those present. A final group of pressure group entrepreneurs was made up of defenders of ethical causes, not specifically European, such as Oxfam, Greenpeace, an Association combating illiteracy, etc. (13.7 %). University academics were not absent (12.6%). In all, only 15 individuals attended in the capacity of mere 'citizens' (3.4%).

Table 1: Participants in the *Warming Up for the Citizens' Initiative* event, European Commission, 26 January 2012

N=437	N=	%	N=	%
<b>European Institutions</b>				
EC	49	11.2	98	22.4
EP	29	6.6		
EESC	6	1.4		
European Regions	6	1.4		
Others	8	1.8		
<b>Member State Institutions</b>				
	11	2.5	75	17.2
National Parliaments	5	1.1		
Ministry	35	8		
Others	24	5.5		
<b>Stakeholders</b>				
Political parties/trade-unions	10	2.3	194	44.4
European affairs entrepreneurs	42	9.6		
Participatory democracy entrepreneurs	29	6.6		
Other causes entrepreneurs	60	13.7		
Lobbyists	28	6.4		
Private sector	25	5.7		
<b>Others</b>				
Academics	55	12.6	70	16
Individuals	15	3.4		

Among the groups present that day in Brussels, several would go on to be associated with European petitions judged acceptable by the Commission: the ECI *Let Me Vote*, the ECI on *Dairy Cow Welfare*, and the ECI on *High Quality European Education for All*, all registered in 2012. This ECI basically involved member associations of the *Movement for a European Education Trust*. These three examples illustrate the type of participatory management to which the ECI is predisposed: the depoliticized, technicized and sectorized management of 'causes' which are far

<sup>7</sup> Local authorities were mainly represented via the Committee of the Regions (5.5%) Political parties and trade unions were almost completely absent (2.3%) except for minority parties (such as the Pirate Party Germany). Private Economic Interest Groups (e.g. Unilever, Mac, the tobacco industry, Twitter, Facebook, Google) accounted for nearly one in eight participants (12.1 %).

from polemical. Such was the 'civil society' which met in Brussels in January 2012 for the public launch of the European Citizens' Initiative

### **Conclusion: a stakeholder democracy?**

By combining the neo-managerial principles of 'governance' and the legitimizing virtues of citizen participation, the ECI has put the finishing touches to the establishment of the European Union's 'new mode of government', explicitly based on democratic values since the Lisbon Treaty. This variant of a *Public Relations Democracy* (Davis, 2002) tends to redefine the decision-making arenas and at the same time to reduce the democratic link at the outer perimeter of organized and professionalized representation. This movement reshapes the principle of political delegation to the benefit of political professionals (elected representatives and senior officials), officially-recognized experts and the ever-presents of institutionalized civil society.

The undoubted feat of the entrepreneurs behind this reform is to have gradually shifted the paradigm of representation from the traditional contract of democratic representation towards a proceduralized consultation based on stakeholders. This stakeholder democracy has to be *efficient* in the way issues are framed and set on the European agenda. The European policy know-how are expected better than a general polity set of ideas. Finding support in the dictates of managerial pragmatism and government expertise, as well as by the normativity of the new theory of democracy, they have seized the opportunity afforded by crises in the European institutional model and proposed a recasting of the principles legitimizing bureaucratic government (Neyer, 2012). The contribution of non-institutional actors to this process is based on various practices incentivizing adherence to European reformism: by conviction, from self-interest (direct access to decision-making spaces, institutional recognition and certification, allocations of grants and funding). This process of theoretical and political conversion of the European Union to participationism seems to have been constructed by managing to reconcile, once again, the left hand of political Europe (that of a 'Europe of peoples' advocated by parties and organizations defending values like the social dialogue and an ethical and progressivist civil society) and its right hand (that of a pragmatic Europe of the market, turned towards economic actors and special interest groups). By doing so, a civil society 'based on cooperation with institutions much more than on dissent' (Bouza Garcia, 2015, p. 20) has been placed at the heart of the action. From this point of view, the proximity of the European Union's institutional participationism to the semantic and operation register of New Public Management is striking: the new style of European government, behind the justifications and narratives of its official historiography, can easily be analysed as a mechanism for governmentality inspired by neoliberalism (transparency of procedures and competition between interests). Probably the more effective synthesis of values coming from two separate universes.

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