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Single-issue Ratifiers or Political Deliberators ?

**The strategic interpretation and application of the
participatory norm and the creation of publics by the
European Commission (1992-2009)**

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Abstract

This paper examines how the European Commission interprets and applies the participatory norm in practice according to constructed strategic contexts. By taking a historical comparative approach and focusing on two examples it shows how, following the Maastricht 'crisis' (1992-1998), the participatory norm in the form of debate and dialogue referred simply to a restricted discussion of Single Market rights (DD1). This was a rather limited, one-phased technical discussion on a single issue with an attendant conception of the public as single-issue ratifiers of already existing policies. In contrast, the aftermath of the Constitutional 'crisis' (2005-09) led to a conception of debate and dialogue as 'open-ended' (DD2); that is, a reflexive wide-ranging amorphous discussion on various and almost randomly chosen topics. DD2 assumed a public of able political discussants, of reflexive and skilful deliberators. What DD1, DD2 and their respective publics show is that when the participatory norm is applied, neither the form of debate and dialogue nor the publics are necessarily defined through universal democratic principles of political involvement and entitlements but rather in terms of expediency and contingent abilities to meet the needs of the European Commission's strategic agenda at any one time.

Keywords

public debate, dialogue, European Commission, general public, single market, democratic deliberation, public communication, Maastricht crisis, constitutional crisis, publics

Introduction

Since the early 1990s the EU has sought to improve its democratic legitimacy by drawing on the traditions of deliberative and participatory democracy (Pukallus 2016, Parker 2018) in response to accusations that it suffers from a democratic deficit. It has put measures in place to increase institutional transparency, accompanied by a wide range of proposals on how to involve the European public more directly in EU decision-making. These proposals had the overall aim of making the EU look much more like a 'deliberative' democracy in which civil associations and individual citizens would collaboratively develop policies that would then be acted upon by the European Commission (henceforth Commission). In practice, however, the ideals and mechanisms of participatory and deliberative democracy have proved very challenging to implement (Papadopoulos 2003). Studies have criticised the Commission for being too technocratic and failing to involve broad swathes of stakeholders across the Union including the general public.

What these studies have not done, though, is to delve into how the Commission itself understands and interprets participatory and deliberative democracy and how it thereby tries to engage the European general public. This article does just this, by analysing how the Commission strategically interprets the participatory norm according to the exigencies of circumstances rather than as a democratic normative ideal that has an invariant specific set of features. Based on comparative historical case studies, this article shows that the Commission interprets the participatory norm according to its own strategic understanding of what is required to redress particular problems in particular circumstances. Therefore, each application of the participatory norm calls for a different conception of the participatory public. More specifically, I argue that between 1992 and 2009 the Commission conceived of the participatory norm as debate and dialogue in two ways: following the 'Maastricht crisis' it engaged in debate and dialogue 'as a restricted discussion of Single Market rights' (DD1, 1992-98) and conceived of the European public as one of single-issue ratifiers. This changed in the aftermath of the failure of the Constitutional Treaty to an understanding of debate and dialogue 'as open-ended political deliberation' (DD2, 2005-09) addressing a European public conceived of as able political deliberators. What this comparison shows is that a call for public participation in the form of debate and dialogue cannot be taken as *prima facie* evidence of any consistent or systematic attachment to the political principles of publicity, discussion and reasoning. Whilst it might exemplify certain aspects, it can also be seen to be a form of democratic rhetoric deployed to disguise expedient and strategic purposes.

The argument proceeds in four steps: first, it reviews existing approaches to EU public participation as well as the Commission's own discourse on the need to engage the European public more directly in decision-making processes. Following on from this, the article develops a theoretical framework based on the works of Tully, Dewey and Lippmann in order to analyse the Commission's different understandings of the participatory norm. The main distinction made is between a *restricted democratic approach* and an *open-ended democratic approach* to the participatory norm, each accompanied by a distinct understanding of the participatory public. In a third step, this article uses this normative framework to understand and analyse the way in which the Commission interpreted the participatory norm following two specific events: first, the difficult ratification of the Maastricht Treaty in 1992, and second, the rejection of the Constitutional Treaty in 2005. By doing so it shows the Commission's two different conceptions of the participatory norm and by extension of the general European public – DD1 and DD2 – and that its application of the norm was pragmatic and differed according to the fabricated strate-

gic contexts. In a fourth step, the implications of the argument for understanding the Commission's approach to deliberative and participatory democracy are discussed.

EU public participation

Since the 1990s the EU's deficits - its democratic deficit (Schmitter 2000; Moravscik 2002; Follesdal and Hix 2006; Lord and Harris 2006), its communication deficit (Meyer 1999; Anderson and McLeod 2004) and its legitimacy deficit (Lodge 1994, Scharpf 1999, Follesdal 2006; Ehin 2008 and Schmidt 2013) - have been the subject of much academic scrutiny. More specifically, academics have discussed how these deficits could be redressed. Despite a consensus that greater citizen participation was necessary in EU policy-making processes (Bellamy and Castiglione 2003; Hix 2008), particularly during a perceived 'crisis' (Schmidt 2008, 2014), there have been different foci on how this could best be done. Some of the literature has focused on the EU's potential as a deliberative democracy and on deliberation as the primary means of increasing EU democracy (Eriksen and Fossum, eds., 2000; Fossum and Menéndez 2005; Papadopolous and Warin, 2007; Abels, 2009). In addition to the usual limitations of any deliberative approach, Magnette (2003, p. 153) argues that especially nationally-organised deliberations on EU issues come with one main challenge:

(...) [D]eliberation in the EU takes place in such a large number of different places, at so many different moments of the policy process, and between so many different actors, that it is widely dispersed, and very difficult to understand (...) the complexity of the machinery appears as such, without being translated into common-sense words by the performance of personalised political actors.

Magnette's assessment points to two things: first, that national deliberations need to somehow be brought together and mediated at a pan-European national level, and second, that there exists a particular challenge to genuinely involving the general public. Accordingly, the EU has often focused on providing participatory opportunities for 'organised' civil society (Smismans 2003, 2008; Moravscik, 2005; Friedrich, 2007; Garcia 2015) but has nevertheless also attempted to engage a European general public (see below).

In parallel, the Commission itself felt that a greater involvement of the European public would result in an increase of public confidence (Commission, 1992b) and secure public support for upcoming projects (Commission, 1995a). In fact, with the Maastricht debacle, 'forging and maintaining the support of the citizenry for the European project had become truly pressing' (Van Bijsterveld 2004, p. 4). The EP (1998, p. 13) argued that better communication with the European public was a 'conditio sine qua non' for obtaining the support of most European citizens for the integration process'. The most well-known statement on greater participation was made in the 2001 White Paper (Commission 2001, p. 11): The EU's 'legitimacy today depends on involvement and participation. This means that the linear model of dispensing policies from above must be replaced by a virtuous circle, based on feedback, networks and involvement from policy creation to implementation at all levels', to which it added that 'democracy depends on people being able to take part in public debate' (ibid.). According to the Commission it was necessary 'to ensure that representative democracy continues to maintain the trust and involvement of Europe's citizens' (Commission 2005b, p. 2) and that 'citizens are given the information and the tools to actively participate in the decision making process' (ibid.). Overall, it was believed that 'Public support for the EU can only be built through lively and open debate and by getting citizens actively involved in European affairs' (Commission 2008, p. 11). In short, the public communication policy papers from 1992 evidence the EU's turn to participation-as-norm.

Defining what participation-as-norm entailing debate and dialogue means for the EU in practice has, however, been more problematic. As Saurugger (2010, p. 488) pointed out, the norm has only ever been vaguely defined and ‘not been homogenously implemented [thereby remaining] subject to differential interpretations’. Some scholars have focused on analysing specific participation exercises such as a series of Citizens’ Consultations (Abels 2009) or made broad comments on who attended (Moravcsik 2005) but without focusing on what these exercises actually mean in terms of the various interpretations and applications of the participatory norm and who these appealed to. The lack of a systematic approach to understanding how the EU views, interprets and applies the participatory norm has made it difficult to evaluate reliably whether greater public involvement has occurred at all in the EU – whether ‘successfully’ or ‘instrumentally’ (Abels 2009), and whether participation is a ‘myth’ (Smismans 2008) or simply ‘rhetoric’ (Friedrich 2007). In sum, opinions on whether the EU actually seriously believes in debate and dialogue and information as the basis for democratic legitimacy (Michailidou 2008) are divided. What the analysis below will show is that the application of the participatory norm as debate and dialogue has been all of these things – technical, democratic, rhetorical and instrumental (expedient and strategic). Specifically, what this paper contributes is a detailed framework which can be used to gain a deeper understanding of the EU’s application of the participatory norm by addressing the following questions:

- What does the application of the EU participatory norm look like in practice?
- What does the Commission actually mean when it calls for more ‘debate and dialogue’ with European citizens and how does its understanding differ in different strategic contexts?
- How does the Commission construct its participating public(s) and who is asked to become a participant and why?

Theoretical framework

In order to answer these questions, it is necessary to construct a theoretical framework that allows for the understanding of different conceptions of debate and dialogue. Tully (2008) provides a helpful approach with his work on democratic approaches to integration. Tully (2008, p. 226) defines democratic integration as the idea that ‘the individual and collective members who are integrated into the EU must have an effective democratic say over the norms of integration to which they are subject’. More specifically, he distinguishes between two democratic approaches: a ‘restricted’ democratic approach and an ‘open-ended’ democratic approach. The former limits democratic integration on four accounts: it takes place only (1) in ‘what we might call the official institutions of the public sphere’ (ibid., p. 228); (2) it occurs ‘within a set of pre-established procedures, and having a say within them usually consists in saying YES or NO to a proposed norm developed elsewhere’ (ibid.); (3) the ‘negotiation takes place within a set of pre-established procedures, and having a say within them usually consists in saying YES or NO to a proposed norm developed elsewhere’ (ibid.) and follows some grand narrative; and (4) it is confined to ‘one phase in the development of acceptable and final norms of integration’ (ibid., p. 229). The latter, the open-ended approach, ‘opposes the restricted model on all four limits’ (ibid.) and essentially ‘takes place (...) wherever individuals, groups, nations or civilisations in the EU come up against a norm of integration they find unjust and a site of disputation emerges’ (ibid.). In short, the ‘*multilogues* of negotiating the terms of integration are not some discrete step towards a final end point. They are on-going, open-ended and non-final constituents of a democratic way of life’ (ibid., p. 230).

As will be shown below, the two democratic approaches can be used to capture the differences

between the Commission's two applications of the participatory norm in the form of 'debate and dialogue', 1992-2009. More specifically, DD1 (1992-1998) can be understood as a 'restricted' form of debate and dialogue and DD2 (2005-09) as an 'open-ended' approach to debate and dialogue. The characteristics of each are summarised in the following table:

Restricted democratic approach	Open-ended democratic approach
Technical	Democratic
Issue-restricted/single issue	Wide-ranging issues
Pre-established institutional procedures	Flexible format (institutional or not institutional)
Out-come oriented (outcome sometimes already decided)	No end-point/no expected outcome
Pre-existing grand narrative	Creation of a collective narrative
Limitation to one phase of policy process	On-going/throughout policy-process

Whereas Tully's two conceptions help explain the nature of DD1 and DD2, they need further development in order to capture what kind of publics each of them requires and is attached to.

The characteristics of these publics can in part be drawn from the tables above and be complemented by some of the insights into the understanding of publics given by Lippmann and Dewey. Lippmann (1993 [1927], p. 29), for example, rejected the idea of 'the omnipotent, sovereign citizen' as a 'false ideal'. He argued that 'a public is inexpert in its curiosity, (...) that it discerns only gross distinctions' and that 'it personalizes whatever it considers...' (ibid., p. 55). Accordingly, 'general opinions lead only to some sort of expression, such as voting, and do not result in executive acts' (ibid., p. 37). In other words, 'people can say yes or no to something which has been done (...) but they cannot create, administer and actually perform the act they have in mind...' (ibid., p. 42). Such a conception accords naturally with DD1 and Tully's more restricted approach to democratic integration. Dewey (2007 [1927], p. 158), in contrast, believed in the intellectual ability of publics because they are 'competent to frame policies, to judge their results; competent to know in all situations demanding political action what is for his own good, and competent enough to enforce his idea of good and the will to effect it against arbitrary forces'. For Dewey, who believed in communicative democracy, the only way to generate a feeling of 'Community' was 'the perfecting of the means and ways of communication of meanings so that genuinely shared interest in the consequences of interdependent activities may form desire and effort and thereby direct action' (ibid., p. 155). Accordingly, 'in its deepest and richest sense a community must always remain a matter of face-to-face intercourse' (ibid., 211), but of course, where not possible it is through the channels of mass communication that dispersed and inchoate publics can be brought together so that they can recognise themselves as a common public.

Accordingly, and schematically, the publics for each democratic approach can be summarised as follows:

Conception of the public in restricted democratic approach	Conception of the public in open-ended democratic approach
Public composed of individuals	Public as a collective actor
Specific experience-based opinions on a single issue	Deliberative ability/Communicative public
Issue-specific public	Able to discuss wide-range of issues (reminiscent of omnipotent and knowledgeable citizen)
Exclusive	Inclusive
Ratifying role i.e. say 'yes' or 'no'	Collective purpose beyond single issue

This framework will be used to analyse and explain the Commission's two different approaches to debate and dialogue and the European public and to illustrate its understanding of public participation.

Empirical analysis

This paper aims to answer the research questions outlined above by taking a case-centric comparative historical approach. DD1 and DD2 are revealed through a qualitative content analysis of the Commission's public communication policy¹. It is in its public communication policy papers and outputs that the Commission² names debate and dialogue to be a communicative institutional priority and describes its rationale for using it. It is also here that it defines what debate and dialogue actually means at different times, what it should like, what conceptions of debate and dialogue were put into practice and what kind of participants the given form of debate and dialogue necessitated. Accordingly, it was necessary to trace how the understanding of debate and dialogue changed over the years and what was actually meant when the Commission talked of engaging the general European public. This was done by analysing terms and expressions used to describe debate and dialogue, how it was to be applied and how the participating public was conceived of - supporting this analysis is the extensive and deliberate use of quotations below. The rationale for the choice of the two case studies was that on both occasions the Commission declared that it was necessary to engage the general European public in debate and dialogue rather than addressing itself at an expert public as it was the case with the Euro Campaign (which was also run under the PRINCE programme but was exclusively addressed at the European financial and economic sector between 1996 and 1998) or the EMU crisis which led to debate and dialogue between the Commission and experts from the financial and monetary sectors.

My case-centric approach 'relies on fine-grained historical analysis [and] draws on a wide range of sources of evidence (...)' (Vanhala 2017, p. 93; also George and Bennett, 2005), namely the following material. For the period 1992-1998 I analysed the five public communication policy

1 – Also Pukallus (2016).

2 – I focus on the Commission as it communicates on behalf of the EU but I occasionally reference European Parliament (EP) documents.

papers that were produced by both the European Commission as well as the European Parliament and undertook archival research to find more information on the PRINCE (Priority Information for the Citizens of Europe) programme. The material that was obtained at the European Commission Historical Archives (ECHA) in Brussels consisted of reports and press releases on the Citizens First campaign. In total, over 300 pages relating to the PRINCE programme were examined. Added to this was an analysis of a dozen brochures entitled ‘Single Market News’ as well as various General Reports. The document-based findings regarding 1992-1998 were supported by a 45 minutes semi-structured interview with Jacques Santer, who was President of the European Commission 1995-1999 and therefore important in orienting the Commission public communication policy as well as in defining the application of the participatory norm. For the period 2005-09, I relied mainly on the public communication policy papers produced during that period, speeches by and a semi-structured 90-minute interview with Margot Wallström, Commissioner for Communication, Interinstitutional Relations and Constitutional Affairs 2004-09, as well as six semi-structured interviews of 60-90 minutes with senior DG COMM officials (all of these were undertaken in 2011; dates and names cannot be given for reasons of confidentiality).³

This methodological approach revealed two strategic contexts, two conceptions of debate and dialogue and of the attendant public appealed to. It is these that I now turn to.

Findings

1. DD1 – Debate and dialogue ‘as a restricted discussion of Single Market rights’ and a public of single-issue ratifiers (1992-1998)

1.1. The strategic context for DD1: the difficult ratification of the Maastricht Treaty

Leading up to the referenda on the Maastricht Treaty the European Community had been full of confidence about its ratification prospects. Then recent Eurobarometer surveys had shown a ‘strong backing’ for it.⁴ A full 75 % of the respondents ‘believe it to be “important” or even “very important” and 54 % thought it would have “a positive effect for their country”’⁵. Overall, support for the Community ‘both in principle and in the details of its work’⁶ was seen as remaining high⁷. Accordingly, the rejection of the Maastricht Treaty by the Danish referendum in June 1992 and its marginal acceptance by the French referendum a few months later came as a shock. For the European institutions the referenda results pointed to a crisis consisting of the fact that European citizens were becoming ‘increasingly alienated from the idea of the European Community’ (Lodge, 1994, p. 330). The EP referred to a ‘growing perplexity amongst citizens’ which ‘seems to highlight, for the first time, a break in the traditional support of European citizens for the cause of European integration’ (EP, 1993a, preface). The Commission (1993, p. 2) noted that the ‘public has become more vigilant, even suspicious, towards public authorities, including the European institutions’, and that European ‘public opinion no longer accepts the Community without question’ (ibid., p. 3). Accordingly, at the Birmingham Council (1992) the Heads of States and Governments agreed that it was necessary to ‘ensure a better informed public debate on [the Community’s] activities’⁸ to ensure support for and legitimacy of European policies. Correspondingly, the Community institutions attempted to

3 – See also Pukallus (2016).

4 – Commission (1991, p. i).

5 – Commission (1992a, p. i).

6 – Commission (1991, p. i).

7 – Commission (1992a).

develop an ‘on-going dialogue’ (Commission, 1993), a ‘direct dialogue’ (EP 1998, p. 4) with a broad public which ‘should continue through the policy cycle’ (EP, 1993b, p. 15). Overall, the Commission was seen to have ‘a responsibility to better inform the Community’s citizens about its policies and to engage in an on-going dialogue with them’ and realised that ‘in order to inform and communicate successfully it must listen to what the public has to say’ (Commission 1993a, p. 3). The participatory norm as ‘debate’ and ‘dialogue’ was to be applied via the PRINCE programme launched in 1995 with the aim to inspire trust amongst the general public (Commission, 1997b), strengthen the general public’s identification with the EU by emphasising the concrete benefits of integration (Commission, 1997b) and win public support for major forthcoming developments (Ibid., Commission, 1995a; EP 1998; Jacques Santer, interview, 1 February 2012).

1.2. DD1

A technical discussion on a single issue: Single Market Rights

Each of the campaigns run within the PRINCE programme focused on a single technical issue, for example the Treaty of Amsterdam and the Euro. This was also the case for one of the first campaigns⁹ that the Commission launched as part of the PRINCE programme: ‘Citizens First’ (henceforth CF, 1996-1998), which focused on Single Market rights. CF was not conceived of as a ‘normal information exercise [but rather as] a process of dialogue’ (Commission, 1995e, p. 13) between the Commission and the European public (Commission, 1995b). It offered ‘hard up-to-date facts and advice on a broad range of Single Market rights’ (Commission, 1997c, p. 1, also: 1997e, 1997f, 1997g, 1998b), thereby informing the European public of the rights they enjoy in the Single Market (Commission, 1997a, 1997c, 1998a) and enabling the European public to comment, suggest and ask for practical advice (Commission, 1996, 1997e, 1997f, 1997g, 1997h, 1998b). In other words, it was a public debate about citizens’ experiences in exercising their Single Market rights (Ibid., Commission, 1997d, 1997g, 1997h, 1998b, 1998d) – a topic that was deemed of interest to the public (Commission, 1997e) by the Commission.

More specifically, CF adopted a two-step approach to public debate: the first step consisted of providing information and raising awareness (Commission, 1995c, 1997c, 1997e, 1997f, 1998b), and the second was a feedback mechanism. The former was supported by a range of communication tools which included fact sheets, thematic guides and brochures on Single Market rights which members of the public could download from the Commission website free of charge and which were supposedly written in ‘a sober, accessible and objective tone’ (Commission, 1996, p. 9). However, they also included lively testimonials of people using their rights (Commission, 1996), thereby showing ‘real people benefitting from real rights’ (ibid, p. 15). This first step of informing was organised in two phases: a) November 1996 - November 1997 when information campaigns focused on the rights to work, live and study in another EU country and the Commission published brochures on these subjects which would also cover consumer issues linked to these four rights as well as social aspects; and b): November 1997 - December 1998, when the thematic focus was placed on buying goods and services, equal opportunities in the workplace, and travelling and health provisions. In parallel to CF, the Commission became increasingly concerned with the European public’s access to European documents and information on European issues per se and with the concomitant need to increase institutional transparency. During the second step, the feedback mechanism (Commission,

8 – Conclusions of the Birmingham European Council (16 October 1992).

9 – All the other campaigns launched within the PRINCE programme equally focused on a single technical issue each time.

1997a, 1997g), the European public would share its practical experiences with their Single Market rights with the Commission (Commission, 1995c, 1997g, 1998b, 1998d), help identify the obstacles it encounters when exercising these rights and voice its opinions about them (Commission, 1995e, 1997b, 1998b, 1998d). This feedback mechanism was further supported by Signpost, a citizens' service devised to offer the European public informal advice on specific practical problems. Once an enquiry was placed, an expert would call people back within three days (Commission, 2000) and offer them 'customised information' (Commission, 1996, 1997h, 1998c) in response. The feedback mechanism was meant to enable the Commission to draw up a working programme that set out areas of improvement (Commission 1995f) and to find solutions for the problems voiced by the European public regarding their rights in the first step (Commission, 1995e, 1997c, 1998d).

DD1 within pre-established institutional procedures and limited to one phase

The pre-established institutional procedures that were applied to CF were two-fold: first, the Commission organised the debate as a two-step approach consisting of an information and a feedback phase. As such, it decided about how the feedback mechanism would look and what kind of information the European public needed. Second, the Commission had full agenda-setting power regarding the single issue to be discussed. It did not make any attempt to let the European public decide about what issues were of salience for it. Instead, the issue to be 'debated' derived from the strategic context; that is, the difficult ratification of the Maastricht Treaty, which apparently symbolised for the Commission public disapproval of the Single Market and which thus needed to be addressed and rectified. Further, the Commission also decided to limit DD1 to a post-implementation rather than to the pre-implementation phase where the European public could actually have debated and discussed anything that could still be changed according to their preferences. Accordingly, what was ingeniously described as public involvement that started in the 'preparatory stages' and 'continue[d] throughout the policy cycle' (EP 1993b, pp. 7 and 15) was actually viewed by the Commission as a matter of collecting citizens' opinions and personal experiences post-decision.

Steering towards the desired and accepted outcome: educating citizens into approving the Single Market

The analysis of the CF campaign also reveals that the Commission saw debate and dialogue as an opportunity to educate the European public about its rights. It felt this was necessary as the Eurobarometer showed a rather high level of public ignorance about Single Market rights: 80 % of the EU population did not consider themselves well informed about their rights and 55 % wrongly believed that it was necessary to have a permit to work in another EU country (Commission, 1997f). This was taken as evidence by the Commission that the European public was far too uninformed and that providing information about the Single Market and its attendant benefits was necessary and essential. However, the purpose of informing the European public was to encourage approval rather than discussion as the Commission believed that a higher level of information would mean that the European public would understand that 'Europe is simply a good thing'. Alternatively expressed, information was seen as a remedy to the lack of popular support for the European project, the European public's perceived apathy as well as its reticence towards the aims and objectives of European integration. As the EP (1998, Section I) noted, 'large sections of the population, and in particular the least favoured, are either poorly or inadequately informed about the action and the establishment of the Union'. Accordingly, these sections 'should be a priority target group in any new communications policy' because it is those that have 'negative feelings about Europe' (ibid.). Subsequently, the Commission set

itself the unusual task of developing for itself a teaching role, the purpose of which was nothing less than to get the European public's approval for the Single Market and attendant rights. By restricting debate and dialogue to the issue of Single Market rights it further attempted to manage public dissent. It did so by not allowing for a form of debate and dialogue that addressed the European public's disagreement with the federalising tendencies of the EU and its reasons for its resistance to the Maastricht Treaty. It managed, in Tully's (2008, cf. p. 230) words, to displace rather than face the urgent conflicts over integration. Accordingly, DD1 needs to be understood as an attempt to conduct a discussion that was devoid of the features usually associated with debate: contestation and disagreement. As such, the Commission was more engaged in 'perception management than democratic legitimation' (Michailidou 2008, p. 360) and the idea of debate and dialogue was couched in a positive affirmative message on the importance and value of the Single Market – an approval of what Tully called a 'grand narrative'.

1.3. The European public as single-issue ratifiers

Three things define the conception of the European public associated with DD1: first, it is seen as a public that has (through personal experience) the capacity to approve of the Single Market and its attendant rights. Second, it is regarded as an exclusive European public and third, it is understood to be a self-interested consumer public. Each is taken in turn below:

Learned expertise: approval of the Single Market

CF was intended, as noted above, to inform the European public about its Single Market rights. However, and in combination with the feedback mechanism of CF, the Commission can actually be seen to be consulting the European public rather than merely gathering its opinions. Borrowing Lippmann's (1993 [1927]) terms, the Commission asked the European public for 'specific opinions' (p. 36) and treated the European public as having 'insider knowledge' stemming from their own experience with Single Market rights. At this point, the European public became a public of expert ratifiers on a single issue: Single Market rights. However, this did not mean that it was advising the Commission in any genuine sense on Single Market rights but rather that they were seen to be capable single-issue approvers for two reasons: first, they were 'users' of the Single Market and, as such, had personal experience with it, and second, they were understood as 'consumers' and were therefore more likely to be concerned with the functioning of the Single Market for their own personal benefit.

An exclusive public: Single Market users

The conception of the European public that accompanied DD1 was exclusive to Single Market rights users, a relatively small proportion of the EU population. In fact, although figures are not conclusive the number of the members of the European public who had actually used their Single Market rights and decided to live, study or work (amongst other things) in another EU Member State was rather low. Eurostats¹⁰ claimed that the Commission did not have any conclusive figures about migration prior to 2002, and that in 2002 there were only about four million EU citizens (fewer than 1 % of the EU population) living, studying or working in a different EU Member State. In Single Market News, the Commission (1997e) had, however, the following figures: 5.5 million EU citizens lived in a different EU Member State, each year another 250,000 migrated and about 2 million worked in another EU Member State than the one they lived in. This was a concrete and tangible conception of the European public (even if it was

10 – Personal communication August 2014.

an exclusive conception) which echoed Lippmann's (1993 [1927], p. 6) claim that 'nothing like the whole people takes part in public affairs' and that the membership of the public is 'not fixed but rather (...) changes with the issue' (*ibid.*, p. 100). In other words, the Commission chose which public it wanted to address and considered critical for the obtainment of higher levels of support and legitimacy for its actions regarding European integration.

A public composed of individual consumers

The CF campaign was predominantly a collaboration of DG X Information, Communication, Culture and Audiovisual Media and DG XV Internal Market and Financial Services. Accordingly, CF featured regularly in the newsletter 'Single Market News' and in speeches given by officials of DG Internal Market such as the then Commissioner for the Single Market Mario Monti. In these speeches and articles, the European public was addressed/spoken of as consumers of the Single Market (Commission, 1997e, 1997f, 1997g, 1997h) and the consumer awareness campaign that was initially planned by DG XV was fully integrated into the CF campaign (Commission, 1995d, 1997g). Accordingly, it is fair to argue that the Commission conceived of the European public as consumers and that its task was to 'sell the Single Market' by showing what it has done for the people and by helping the public realise the value of their Single Market rights and benefits (Commission, 1995f, 1997e). Hence, the Commission needed to prove to the European consumer public that it was 'at its service', 'working for it' and 'cared' about its 'needs' as regards the Single Market, and therefore collected the European public's experiences and opinions as consumers of the Single Market. These 'customer complaints' would then be used to improve the Commission's consumer policy (Commission, 1996, 1997g, 1998d). Each consumer could, independently of any other members of the public, participate in debate and dialogue and focus on his/her individual concerns. The Commission hoped that the consumers would participate in DD1 as they had some self-interest in a functioning Single Market.

2. DD2 – Debate and dialogue 'as open-ended political deliberation' and a public of able political deliberators (2005-09)

2.1. Strategic context for DD2: Rejection of the Constitutional Treaty

When it came to the referenda on the Constitutional Treaty, the EU was more realistic in its assessment of public support than it had been prior to the Maastricht Treaty. Whereas it was aware that the majority of the EU population was in favour of a Constitution¹¹, it equally acknowledged that this should not be confused with voting intentions or approval based on an assessment of the text of the proposed Constitutional Treaty, but rather a general endorsement of the possibility of a Constitution.¹² The Constitutional Treaty was rejected by the French and Dutch referenda in 2005. The failure of the EU to provide the European people with a Constitution that they believed to be relevant and worth signing up to led to a situation in which EU institutions were at a loss regarding the question what people wanted and what they expected, what they would endorse and what concrete expectations of European integration they had. At the same time, trust in the EU was steadily decreasing. Feeling the pressure to reply to public opinion and to leave the 'dead-end' situation of European integration, the Commission decided once again to call for debate and dialogue. This time, it believed that a new consensus, a 'new deal', between the Member States and the European public on the European project had to be created (Commission, 2005b). Such a consensus could only emerge if the Commission succeeded in stimulating 'a wider debate between the EU's democratic institutions and citizens'

11 – Commission (2004).

12 – Commission (2005a).

(ibid., p. 2) and to ‘enhance the European public’s sense of participation and involvement in the European ideal at all levels’ (ibid., 9). Only then, so the Commission (2005b, 2006, 2008) believed, could it understand the European public’s expectations regarding the EU and its future and meet these. Margot Wallström shared this belief and applied it in her interpretation of the participatory norm as DD2.

2.2. DD2

A democratic approach without an expected outcome

Wallström (2009) argued that ‘public support for the EU will not be increased by conducting negotiations behind closed doors. Public support will come only through a lively and open [public] debate, and by getting [the European public] actively involved in designing the European project’ (p. 3). Alternatively expressed, ‘the future course of European integration must be decided democratically’ (Wallström 2007a, p. 5) and will only be a success if ‘the people are involved in writing the script’ (Wallström 2006a, p. 4). Such engagement in public debate, she (2004) hoped, would help the Commission make progress towards ‘a Union of true participatory democracy’ (p. 9). For Wallström (2005a), public debate was a tool that had the potential to increase European democracy and the Commission’s public legitimacy and to ameliorate its relationship with the European public. She (2004, 2005b, 2007a) believed that public debate would help to find a common consensus on the future of Europe¹³ while simultaneously helping to ‘rebuild a climate of confidence and trust’ (Wallström 2006b, p. 3). Wallström’s understanding of European integration paralleled Tully’s (2008, p. 231) open-ended approach to integration, which accords with the idea that ‘integration will be effective and legitimate only if it is internally related to and shaped by popular practices of integration, rather than running roughshod over them’.

An institution-independent format without a pre-set agenda

DD2 was a democratic approach to debate and dialogue in which the role of the EU institutions and particularly the Commission was restricted to helping to organise debate and dialogue as well as providing financial support for those civil society associations that decided to organise debate and dialogue sessions with members of the public. The reason for this was that the Commission, notably Wallström, thought it was necessary to show that the European public’s opinion had an impact upon the decision-making processes and that ownership of the European project lay with the European public (Wallström, 2005c; Commission, 2005b). Therefore, the Commission decided to financially support civil society organisations to run pan-European public debates but not to intervene in their organisation and agenda-setting. Accordingly, and within the framework of Plan-D, the Commission (co-)financed over sixty civil society projects with a budget of € 6.6 million, and its follow-up programme Debate Europe allocated € 3 million to 47 projects (See Euréval, 2009, pp. 10 and 15; Commission, 2008).

The fact that the Commission retained a sponsoring role and handed control and responsibility over to civil associations was significant in three ways:

- (A) The agenda-setting capacity remained with the civil society organisations and the European public. This meant that these organisations could decide for themselves which topics they considered most salient and in need of debating. As the Commission (2005b, p. 6) announced in Plan-D ‘the range of topics will in no way be limited’ because ‘the EU agenda must reflect what people want’ (Wallström, 2008, p. 5). What this shows is that

13 – Also Margot Wallström, interview, 19 January 2012.

the Commission, contra DD1, adopted an open-ended approach by rejecting a framing narrative and, concomitantly, the idea that public debate is directed towards a certain outcome.

- (B) The civil associations' projects and their different ways of approaching public debate added an experimental character in terms of form and public communication tools to DD2. With regard to the first, the Commission (2008) supported the idea of testing 'innovative consultation methods' and enabling 'people from the different national public spheres to connect with each other as European citizens and debate the future of the EU' (p. 3). These innovative consultation methods included virtual and face-to-face communication, deliberative consultation and polling as well as country-level, cross-border and pan-European consultations. More specifically, the civil organisations tested, amongst other things – and it is worth quoting this at length especially to show the contrast between DD1 and DD2 in terms of the range of activities – 'a European debating web site connected to a network of national debating sub-sites, combined with local, national and European debating events'; 'a multilingual, highly interactive web site, the content of which was determined by focus groups in different EU countries and adapted according to feedback from target audience workshops'; and 'national consultations on the same issues in all Member States, taking place more or less at the same time, leading to a European synthesis', as well as 'local debating events in several Member States combined with polls and video recording of citizens' views' (ibid., p. 4). These events used a variety of public communication tools in order to stimulate lively public debate. Euréval (2009, p. 17) summarised these as follows: '[i]nformation and dialogue tools' such as 'seminars, information campaigns, Q&A sessions', '[o]nline activities' which included websites, 'forums, online polls or games [and] question boxes'; '[p]articipative tools' as well as 'surveys, contests (...), artistic contests (...), exhibitions [and] radio or TV programmes'. This array of communication tools can be seen as echoing another feature of Tully's open-ended approach: the multiplicity of public spheres to which, in principle, every member of the public has access to.
- (C) The way the Commission approached DD2 provided the European public with a possibility to form an opinion on the topics debated that was autonomous and independent of EU institutions. This independence and autonomy of the European public in DD2 enabled the Commission to organise 'feedback loops' in order to ensure that 'public debate finds its way into the European decision and policy-making process' (Wallström, 2005c, p. 3) and that public 'debates would have a direct impact on the policy agenda of the European Union' (Euréval, 2009, p. 10).

One of the projects that the Commission (co-)financed illustrates these three points: the 'European Citizens Consultations' (ECC)¹⁴. The ECC was organised by a consortium of over 40 European organisations in three phases. In phase one, an agenda setting event took place in Brussels, which involved the participation of 200 randomly selected European citizens from the EU-27. Phase two consisted of six weeks of deliberation on the selected topics across the EU Member States. During the third phase, 27 citizens' representatives, one from each Member State, went to Brussels in order to synthesise the results of the deliberations held in the Member States into a European perspective. During this phase, a round-table with Wallström, EU policy-makers and experts and members of the European public took place.

14 – A second round of the ECC was organised in 2009

2.3. The European public as political deliberators on a wide-range of issues

With DD2 the Commission had to ‘invent’ a public that was keen to deliberate on a myriad of issues and that would accord to the Commission’s understanding of what the participatory norm needed to look like in practice. It was a public that was ultimately defined by its inclusivity, its ability to politically deliberate and make policy-recommendations as well as by its communicative character. To take each in turn:

An inclusive European public

The Commission ‘imagined’ an inclusive European public membership which was acquired by virtue of living in Europe. The Commission expressed concern to give ‘people from all walks of life [the opportunity] to have their say in shaping EU policies’ (Wallström, 2007a, p. 5), that ‘teachers, students, trade unionists, young people and bus drivers can come together to debate the future of Europe’ (Wallström 2004, p. 4). Specifically, and for example, it attempted to engage a wide European public by sponsoring appropriate civil society projects such as ‘Tomorrow’s Europe’. This project was funded with € 849,500 and was the first EU-wide deliberative poll organised by the civil society organisation ‘Notre Europe’, in collaboration with the founders of Deliberative Polling (DP) James Fishkin and Robert Luskin, both of Stanford University. ‘Tomorrow’s Europe’ was organised as follows: 3,550 members of the European public were polled on ‘the future of the EU’. Of these 3,550 people a random sample of 362 people from each of the then 25 EU countries was invited to Brussels. Some of the people had never spoken to anyone outside their home country and did not have any particular interest in the EU and its policies. They nevertheless agreed to participate as part of a European micro-public in a three-day ‘microcosmic political deliberation’ (deliberation on a human scale) on immigration and climate change in the European Parliament plenary chamber. All of these 362 participants filled in a questionnaire at the beginning and at the end in order to evaluate how their opinions on the debated topics had changed (see Fishkin, 2009). This characteristic of inclusivity is directly linked to the European public’s ability to politically deliberate and to its communicative nature.

A public of able political deliberators

The European public was trusted to act as political deliberators and seen as having the ability to grasp complex political issues and to make policy recommendations that would influence the future of European integration. In fact, it is a Deweyan conception of the public that informed Wallström’s understanding of the European public and its political potential. Wallström believed that without trust in the political-deliberative abilities of the members of the public to be involved in the shaping of European policies, public support was impossible. In short, Wallström believed in, to borrow Tully’s (2008, p. 242) term, the ‘practical wisdom’ of the members of the European public. She accordingly pursued an ‘open-ended approach’ to political deliberation that featured feedback loops enabling the European public, policy makers and institutions ‘to work together and learn from each other without the subordination inherent in the restricted model’ (ibid., p. 240).

A communicative public with a collective purpose

The Commission emphasised the importance of the European-wide factual mass media. Specifically, it attempted to connect Europeans through what I call a ‘Europe of Agorai’. In 21st century Europe, Wallström understood these ‘agorai’ as ‘democratic infrastructures’ or, in other words, as political places where ‘citizens can come together and meet’ (Wallström, 2004, p. 4; 2006a, 2007a, 2007b) in order to debate on European affairs ‘face-to-face’ (Wallström, 2007b, p. 4). These meeting places would take the form of physical and permanent spaces such as Eu-

ropa Houses and European Public Spaces which would offer a range of facilities such as conference centres, information offices, exhibition and reading areas (Commission, 2007b). Besides physical spaces, the modern 'Europe of Agorai' also used virtual spaces which included the Internet and European-wide factual mass media. The Internet was seen as having the potential to reach a wide European public and to stimulate public debate (Commission, 2005b, 2007a) as it 'created new outlets for people to express their opinions and to feed into the democratic process' (Commission, 2007a, p. 3). It would also 'help EU institutions to understand public opinion by supporting a genuinely European public debate, with common themes, discussed openly and in real time by people from different countries who recognise each other as [part of the European public] with a legitimate stake in the debate' (ibid.). European-wide factual mass media were considered of primary importance as they could host interactive television programmes (Wallström, 2006a) and generally increase awareness and stimulate further European debate by bringing the town squares directly into people's living rooms.

Wallström's understanding of the potential of the media echoes Perrin (2014), who argues that the media have the ability to carry the public's views 'side-to-side to allow [members of the public] to speak to one another' (p. 45). In order for the media to have such an effect, the Commission (2008) emphasised the need to 'increase coverage of EU affairs and thus help people to engage in a properly informed and democratic debate on EU policies' (p. 11) through the development of partnerships with national, regional and local radio and TV stations. Overall, the building of a modern Europe of Agorai equally resonated with Dewey's argument that it was through the channels of mass communication that dispersed and inchoate publics can be brought together so that they can recognise themselves as a common public. Specifically, the Commission (2005b, p. 7) noted that the aim of testing innovative forms of public debate was to 'inspire' the European public 'to become politically active in the debate on the future of Europe'. For the Commission, participating in a European public debate simultaneously with other Europeans across Europe allowed all the participants to imagine themselves as members of the European public and of the EU.

Discussion and conclusion

This paper has shown that the participatory norm as debate and dialogue is what anthropologists and moral philosophers often refer to as a 'thin idea'. It is a desideratum; that is, a political good that is simultaneously desired but left vague and ill-defined. As a statement of intention, it is subject to disagreement over what it means in application. DD1 and DD2 provide two very different examples of how the Commission applied the participatory norm and to what extent the application of the norm accorded with democratic principles. It is fair to say that DD1 was a technical discussion. It was organised and completely controlled by the Commission in order to ensure that the outcome of DD1 was approval not dissent. It is this form of public participation that is criticised by Follesdal and Hix (2006, p. 534) who argue that 'a democratic polity requires contestation for political leadership and argument over the direction of the policy agenda' with contestation being an aspect of 'even the "thinnest" theories of democracy, [which is] yet (...) conspicuously absent in the EU'. They (ibid., p. 545) further point out that the legitimacy of institutions relies on both acceptable present and future outcomes', but that 'without effective contestation over what constitutes, and for whom, 'more acceptable', we are left with the problem of 'benevolent but non-accountable rulers' whose 'subjects have no institutionalized mechanisms that make them trustworthy'. As noted above, the Commission managed dissent by managing the agenda of the debate as well as the organisation of it thereby falling short of democratic standards however vaguely defined. The aim was not to increase

legitimacy through democratic contestation but rather legitimacy seems to have been equated with a straightforward approval the general European public could be educated into.

DD2, in contrast, subscribed to a more pan-European deliberative approach to debate and dialogue that was inclusive, concerned with the 'man on the street' and was keen to let the European public decide on what kind of European integration they desired and what issues were of salience to them. Evidently, this was a more democratic approach that was based on the premise that ownership of the European project lay with the people and that the European institutions' task was to make happen what the people want – within reason. What Wallström 'tried to stipulate was (...) much more open and (...) the ownership for the debate was meant to be much more with citizens and their organisations. The price for that was a certain vagueness' (interview 1). It was an approach that some Commission officials judged too theoretical and not sufficiently practically oriented: 'Wallström had a (...) broad theoretical approach. It was fine because it [established] (...) the theoretical bases [for public communication and deliberation] but it had to be implemented' (interview 2). In other words, such a deliberative approach takes time, requires an investment in terms of both human and financial resources and adjustment of institutional structure, but it will not be a quick fix solution to any perceived crisis – all points which Wallström (2005d, 2006c) herself conceded. Accordingly, and since 2009, the Commission has returned to a form of debate and dialogue more similar to DD1 than DD2. The economic crisis necessitated a change in communication (interview 3), as did the entry into force of the Lisbon Treaty: 'The time for institutional introspection was over and we needed to focus on policy delivery and results' (interview 4), to be 'pragmatic' and more concerned with 'efficiency' (interview 5). Alternatively expressed, the Barroso II Commission was advised to 'focus on giving concrete meaning to EU citizenship (...) to EU citizens' rights' (interview 6, see also Pukallus 2016).

In sum, the participatory norm as debate and dialogue was subject to pragmatic application in accordance with what the Commission felt was necessary to be debated and what form the debate needed to take to achieve a certain desired outcome. Perhaps there is no other way of dealing with a political principle. What I have shown though is that any application of the participatory norms requires a consideration of who and what 'the public' represents. In other words, it is possible to extrapolate from the above the idea that the application of democratic principles requires diverse conceptions of the public. The conception of the public is chosen to accord with whatever the political circumstances of the day are and what the application of the norm needs to achieve. By this I mean that political circumstances determine how the principle is applied (as noted above, political circumstances become a strategic context) and what the principle requires (following the Maastricht crisis, ratification and approval; following the Constitutional crisis, a wide-ranging discussion and possibly the achievement of consensus) in terms of a certain and particular type of participatory public. In short, a circle can be delineated between the nature of the political circumstances transformed into a strategic context, the application of the principle and the participatory nature of the 'imagined' public.

Of course, this study is limited in that it only looks at two historical occasions on which the EU has interpreted and applied the participatory norm according to what it regards as constituting participative and deliberative democratic norms. It is also limited in that it has focused on two examples where the Commission intended to address the general European public and, as such, has not used examples of debate and dialogue between the Commission and the non-general public, i.e. expert publics, and not looked at how the Commission would choose such experts and with what kind of rationale. It may be argued that a sceptical political realism teaches us

that any ‘real world’ application of these norms will always result in publics being conceived of differently depending on which problems need to be addressed. These two objections are justified but only in so far as they lay the challenge down on what is now required of future research and that is to explore how extensive the circular relationship between ‘political circumstance - the application of a norm - the conception of a particular kind of public’ (including an ‘expert’ public) is. More research focusing on this circular relationship will enable us to start assessing whether it is an endemic feature of democracy and, if so, what this entails for our understanding of publics and their role in democracies thought of as needing to be both participative and deliberative.

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