



The Robert Schuman Centre for Advanced Studies
European University Institute, Florence
Jean Monnet Center for International and Regional
Economic Law & Justice
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Jean Monnet Working Paper No. 6/01

**Mountain or Molehill ?:
A Critical Appraisal of the Commission White Paper on Governance**

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BRIDGING THE GAP BETWEEN THE GOVERNED AND THE GOVERNING?

Marlene Wind*

In a comment to the Commission White Paper, President Romano Prodi made a very precise statement about the ongoing paradox of European *and* national governance: “On the one hand, politicians are expected to find solutions to those pressing problems that confront our societies. On the other, there is a growing lack of confidence (or just interest) among ordinary citizens in politics and political institutions.” (Prodi 2001)¹ The lack of trust in politicians and the lack of interest in what goes on in political decision-making circles which seems to accompany it, has been a general phenomena in all Western societies in recent years and is not a problem that saturates the European Union alone. Whether we look at local/regional, national or supranational levels, we find exactly the same pattern of political malaise and decreased electoral turn out (Listhaug & Wiberg 1995).

There is, nevertheless, little doubt that the publication of the Commission White Paper should be interpreted as a response to the specific problems that have confronted the European Union in recent years. What I am thinking of here is not only the low turn out in the most recent European parliamentary election, but also the fall of the Santer Commission, which had a huge negative impact on the image of European institutions in the broader public eye. In all parts of political life, however, citizens have become increasingly sceptical towards their politicians and increasingly turn to non-institutionalised political activity when they want to pursue their interests (Klingeman & Fuchs 1995; Streeck 1987). There is also a clear indication that voters have become more focused on individual needs than on the collective well-being of society as such. Bell and Huntington have even gone so far as to talk about an increase in ‘hedonistic value orientations’ among citizens in modern societies (Bell 1976). According to Huntington, there has been a growing pre-eminence of ‘hedonistic self-actualisation’² where man is loyal to no one but himself. In this reading, the lack of moral or affective attachments makes any electoral choice (and also the choice of not voting at all) a matter of careful calculation of cost and benefits (Klingemann & Fuchs 1995: 15-21).³

Whether there was careful calculation and hedonistic value orientation behind the low turn out at the last European parliamentary election in 1999, where only 49,6% of the eligible voters found it worth participating⁴ - or at the “‘No’ vote’ to the Nice Treaty in Ireland this summer, is hard to say.

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¹ Romano Prodi cited from Berlingske Tidende, a Danish daily newspaper. My translation from Danish.

² Huntington 1974.

³ Klingemann and Fuchs define hedonistically oriented citizens in the following way: “First, they are marked by a lack of political interest and low political participation; or, alternatively, by low political interest along with primarily non-institutionalised participation which happens only occasionally and lacks clear and stable goals”(Klingemann & Fuchs 1995: 21).

⁴ At the first election to the European Parliament in 1979, the EU average electoral turn out was 63,0%. In 1984, it had dropped to 61,0%, in 1989 it was 58,5% and in 1994 56,8%. Source: European Parliament www.europarl.eu.int/presentation/default-da.htm

There is no doubt, however, that the Irish referendum (like the Danish one in 1992) send shockwaves though out Europe, making the European establishment, in particular, extremely uneasy. What do you do with a population where less than 30% find it worth casting their vote in a referendum on the future of Europe, and where they end up rejecting a treaty in which there is no serious alternative to a yes-vote? If democracy is to be taken seriously, it will be very difficult just to ask the electorate to vote on the same treaty again: "Of course, we respect your first vote – but please put your cross in the right box this time. Thanks". Such a strategy would clearly not work. It might very well result in another legitimacy crisis not just in Ireland but in the Union as such.

There does, however, seem to be great haziness – not just about the Nice Treaty, but more generally about what citizens really want when it comes to European integration. On the one hand, we have politicians (and a well-educated élite) whose engagement in further European integration is undisputed. On the other, we have an electorate that seems more and more in doubt not only about the European future, but also about the most important themes on the European agenda. Just to give a few examples - enlargement and the common currency. A recent Eurobarometer analysis shows that Western Europeans have become increasingly sceptical towards Eastern enlargement. Only 44% supports it, and only 26% regards it as a top priority for the Union. The same reluctance characterises the attitude towards the common currency. Had there been referenda on the this issue in the larger EU countries, all estimates show that the project would have been rejected altogether.

In other words, the huge divide between the political élite and the citizens in EU matters is alarming and should be taken seriously. Consequently, arguing that the disinterest in politics is a general phenomena of today's welfare societies, is *not* an attempt to get away from the fact that we are facing grave problems of legitimacy and that the European Union sticks out in this respect. There is little doubt that reforms will be absolutely essential if the Community is to regain its strength and even survive in the longer run. But the picture is not simply black and white, with the nation state as the natural home of both democracy and deliberation, and the Union lacking all these features. What the Union lacks and what the nation states have build up over centuries is – *habitual trust*. It is this habitual trust that the Union must acquire if it wants to have any chance of winning the citizens over on its side. It is in this light that the Commission White Paper should be evaluated in. Is it the right point of departure for the creation of the necessary confidence and does it contribute to the narrowing of the gap between the citizenry and the bureaucrats and politicians in Brussels – between the governing and the governed? The White Paper has been long awaited. Ever since the Santer Commission stepped down and, on his appointment, President Prodi proclaimed the need for fundamental reform of European system of governance. The question, then, is whether the White Paper – despite all its good intentions - is the right medication for the legitimacy problems that Europe faces?

This paper will not go through the White Paper in any detail. Instead, it will try to depict some of the main themes in order to discuss what kind of philosophy lies behind the reform-proposal. I will also try to evaluate whether it contributes to the narrowing (or the widening!) of the gap between the citizenry and the governing élite. Having done this, the paper will briefly address the much more fundamental debate concerning the characterisation of the EU as a polity. Debating institutional reform and the larger engagement of civil society in EU decision-making easily becomes abstract and unfocused if we have no clear vision of the polity with which we are dealing.

The Call for Reform

In his recent and much discussed book, 'Democracy in Europe', Larry Siedentop describes the European Union as a 'Centralised tyranny' based on an unreformed model of the French state (Siedentop 2001:113-121). It is, however, somewhat difficult to recognize this talk about 'bureaucratic despotism' and the constant accumulation of power in Brussels. In reality, the EU bureaucracy does not amount to much. No more people are employed in the Commission than in the administration of a medium sized European city. One of the reasons why the Commission depends so much on the much criticised 'comitology structure',⁵ is precisely because the size of its academic workforce is too small! Pursuing this line of argument, some observers even go so far as to argue that the current debate on the lack of transparency, the democratic deficit and the corruption in the Commission originates in unconstructive myth-making and lack of information. As Andrew Moravcsik has put it:

"Constant scrutiny from 15 different governments...renders the EU more transparent and less corrupt than almost any national government in Europe...Recent scandals, often cited to demonstrate the extent of EU corruption, are exceptions that prove the rule"(Moravcsik 2001: 120).

Whether this is a correct interpretation or not probably depends on the eyes of the beholder. It is also conditioned by whether one regards the European Union as a federation in the making or – as Moravcsik would have it – nothing but ordinary international co-operation between fully sovereign states (Moravcsik 1998). If the latter is the case, there is little doubt that the Union – compared to all other types of international organizations - has a democratic *surplus* – not a deficit.

Siedentop is, however, also wrong in holding that the Commission can *always* be criticised for acting in an extremely bureaucratic manner. As Helen Wallace has pointed out, several examples do, in fact, suggest that the Commission is capable of acting more hastily than the Member States when new common problems surface (Wallace 1996). Unfortunately, it makes only very little difference whether the Commission and the Union as such is much better than its reputation if the media and the general public *perceive* it as both overly bureaucratic and intransparent. If the Commission is regarded as a 'bureaucratic monster' by the majority of Europeans - as Siedentop would have it – then this is the reality that counts and the reality that the Commission (and the heads of state) have to act upon.

After having had a closer look at the White Paper, it becomes clear that we are, indeed, dealing with a document that fights to improve this fading image. The White Paper has ambitions of being much more than pure public relations. When it comes to a closer scrutiny, however, the mission does not seem to be very well accomplished. The White Paper calls for a fundamental reform of European Governance and wants to bring the Union closer to the citizens. However, even at the outset, the turgidity of the wording is hard to miss: "Reforming governance addresses the question of how the EU uses the powers *given by its citizens*". (p 8)⁶ The problem with this kind of rhetoric is, of course, that, in a system based on indirect rule like the European one, the citizenry have *never* been given a chance to hand over power to the EU or its institutions.

⁵ 'Comitology' refers to those 400 (or more) advisory committees working under the Commission. For an in depth analysis of the comitology phenomena, see Joerges & Vos (eds.) 1999.

⁶ My emphasis.

Nevertheless, in its rapport, the Commission wants to make the EU more relevant to the citizens by integrating – more than previously – local and regional levels in the Community decision-making process. Five principles are launched as guidelines for transforming the whole Union structure: More openness, more participation (in particular from below), enhanced accountability, more effectiveness in European Union policies and, finally, better coherence in policies across different levels of governance. The proposal for change also talks about better involvement of regional and local actors in policy-shaping, namely, that the Commission should ‘organize a systematic dialogue with European and national associations of regional and local government, while respecting national constitutional and administrative arrangements’.⁷ The White Paper stresses the need for ‘greater flexibility’ in the implementation of EU policies, and ‘overall policy coherence’ between local, regional and Union level policies. All these suggestions have been heard before and hardly come as a surprise to anyone who has followed the legitimacy-debate – even superficially. Or, as Kenneth Armstrong has put it: “...the White Paper seems like yet another strategy by which the Commission aims to do better but without really contemplating fundamental change – it is like *déjà vu* all over again.”(Armstrong 2001: 6)

Before we go further into some of the concrete proposals, it would be useful to pause just for a second and take a closer look at the term ‘governance’. One of the problems with the governance-term is that it is a very fuzzy concept which has become a new buzzword in the academic literature in recent years. It signals ‘governance beyond the nation state’ and that we are dealing with a political structure or polity that falls short of being a state (Jørgensen 1997). Is it, then, this post-modern condition that the Commission wants to discuss in its White Paper? Not at all. In a speech by Romano Prodi to the European Parliament on the fourth of September 2001, it quickly became clear that the Commission was taking a short cut and saw the governance debate as the equivalent of the well-known democratic deficit-debate: “When we speak of ‘governance’ we are, in fact, discussing democracy. European democracy, how it works, why it does not work better and what its prospects are”.⁸ The puzzling thing is, however, that the Commission *does not* address the legitimacy issue in its White Paper. The Paper is not about democracy and how to combat the democratic deficit, but about better steering tools and managerial instruments.

Staying on the Surface

According to the Commission, solving the legitimacy problem of the Union has to do with finding ways of making the EU decision-making processes more efficient. It also has to do with making citizens better informed about what goes on at Community level: “...the Institutions and the Member States also need to communicate more actively with the general public on European issues”.(p.11) The idea that the legitimacy problem can be solved by just increasing the information-flow is, however, somewhat outdated.

The main thrust of the White Paper is, however, concerned with the invention of new management technologies. While starting out with a sympathetic talk about greater involvement of local and regional actors in EU policy-making, it quickly becomes clear that we are back with the old philosophy in which a more efficient European bureaucracy is believed to make the citizens more

⁷ White Paper p. 13.

⁸ http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=SPEECH/01/365 (2001a)

happy with the Union construct. Clearly, people will respect EU (as well as national) civil servants more if they have a clearer idea of what they do and that it makes a difference. But it is a bit naïve to believe that a better use of new (or old) managerial technology - together with more information - will do the trick when it comes to solving the legitimacy problem in the EU.

Seen in this light, it is worrying that the Commission in its White Paper gives itself such a central role in a reformed EU. It may be that the Commission wants to integrate more actors and levels in the decision-making processes, but when push comes to shove, the main mission of the reform initiative seems to be an underscoring of the centrality of the classical institutional balance with the Commission at the steering wheel. This becomes obvious when the White Paper says that it wants to revive the Community method: "Reforming European governance implies that the Commission must refocus on its core mission".(p.8) "The Community method guarantees both the diversity and effectiveness of the Union. It ensures the fair treatment of all Member States from the largest to the smallest".(p.8) It is difficult to see much 'new thinking' and popular involvement in such a proposal, however. This is further emphasized when the White Paper stresses that: "The open method of co-ordination should be a complement rather than a replacement, for Community action" (p.22). To this is added that the problem-solving approach that embraces most parts of the text brings back memories of a functionalist logic where the focus is on handling specific tasks and leaving out all talk about end goals and values.

That the Commission seeks to reinforce its own central position is also clear in its rather short debate on comitology. It has long been discussed how one could deal with the fact that the Commission has established hundreds of advisory committees outside democratic control (Joerges & Vos 1999). It is quite obvious that these committees have an increasing impact on Community policy-making because more and more political issues call on the technical know-how that such bodies can provide. When committees are involved, it very quickly becomes unclear to the public – not only who decides what, but also when political arguments are covered up in technical prose. Dealing with sensitive political issues in technical terms has become more and more prominent and has the great 'advantage' that it tends to make political argumentation more or less superfluous. The more technical an issue, the less likely it is to become a topic in the public debate – which, in turn, contributes to decreasing democratic control. Or, as Christine Landfried has put it in relation to her study of biotechnology regulation:

"...politicians claim to be dealing with technical rather than political questions since, in such a case, they no longer need to provide detailed reasons why a particular problem may be solved by the executive or administration. The avoidance of complex legislative procedures thus becomes easier"(Landfried 1999: 177).

What the Commission wants to do in order to improve the image of the committee system does not, however, seem to address this problem. The strategy is to reduce the committees to an advisory role and then leave the important decisions – not to the politicians – but to the 'neutral' bureaucrats in the Commission. I am far from sure that this is the right medication for the patient in question, but it does tell us something about how the Commission sees itself as a central mediator between technical experts and the political system. It gives us the impression that not only committees but also agencies are political players, whereas the Commission itself is a purely apolitical body occupied with nothing but efficiency and supervisory considerations.

As regards agencies, the White Paper, on the one hand, wants to increase their role and, on the other, makes sure that they do not disturb ‘the balance of powers between the institutions’ (p.24). Here again, you get the impression that, while the Commission is willing to grant some power to new agencies so that they can take individual decisions, they are more often regarded as advisory bodies to a Brussels bureaucracy which is trying to keep them on a short leash. Again, it may be a very good idea not to let agencies run their own agendas outside legislative control, but it appears a bit odd that the Commission, which itself has been criticised for intransparency and secrecy, should be granted exclusive supervisory responsibility. The fact that the Commission should not feel completely ‘safe’ or in charge when it comes to managing regulatory bodies is emphasised by Christian Joerges in his study of comitology:

“...they (the agencies) are all auxiliary institutions satiating the Commission’s appetite for prepared information. Notwithstanding the success of the Commission’s efforts to curtail and limit the autonomy of European agencies, the Commission may enjoy a false sense of security because it has created a regulatory scenario resembling that of Goethe’s ‘Sorcerer’s Apprentice’”. (Joerges 1999: 8)

Looking at things at a more general level, one of the most striking problems with the White Paper is that it makes only very few specific proposals. It also fails to produce any standards by which any specific reform-initiative can be evaluated. It primarily spells out, in very general terms, which areas have to be reformed in the near future in order to combat the malaise of the ‘reluctant European’. This could be a deliberate strategy, however. In a speech to the Committee of the Regions on the 20th of September 2001, where the White Paper was on the agenda, the Commission President, Romano Prodi, stressed that: “Our strategy is divided into three phases”. The idea is that this three-phase-strategy should reflect the development of the public debate itself. As he notes:

“...the publication of the White Paper launches the first phase, which starts the process of renovating the way our policies are managed and implemented at all levels. The changes will remain even after the basic Treaties are amended; in the second phase, the Commission will shortly be stating its position for the Laeken procedure, ‘on the basis of the principles already set out in the White Paper’; in the third phase, the Commission will put forward the substantive changes to be made to the Treaties, drawing on the reactions to the White Paper”. (Prodi 2001b:3)⁹

Even though it appears sympathetic that the Commission wants to listen to the ‘reactions to the White Paper’, it is still very unclear how the Commission intends to use the responses it gets and on what basis possible criticism will be incorporated into the final suggestion for reform. In more concrete terms, how does the Commission intend to create the line of confidence between itself and the governed? Due to the vagueness of the document you sit back with only a very weak idea of any concrete policy changes. Not until concrete policy-proposals and new procedures are put forward - and a list of those new actors that have to be drawn into the decision-making process is presented - will it be possible to judge whether the implementation of the White Paper will have any impact on the attempt to reduce the democratic deficit.

⁹ http://europa.eu.int/rapid/start/cgi/guesten.ksh?p_action.gettxt=gt&doc=SPEECH/01/398 (2001b).

What kind of Polity?

That the democratisation of the Community is a difficult task and may remain so for many years to come is spelled out by Philippe Schmitter, when he argues that it will take a collapse of the current Member States before a public quest for a true European democracy will appear:

“In the absence of some manifest collapse of the anciens régimes nationaux, as sometimes occurred within the autocracies of Southern Europe and Latin America and even more dramatically in Eastern Europe, it is not clear whether these two generic dilemmas can be sufficiently overcome to allow for any substantial progress toward Euro-democratisation... Mere mal performance and declining policy competence in the Member States are not likely to be sufficient to compel actors to shift their allegiances.” (Schmitter 2000: 13-14).

Such a prediction certainly gives little hope for enhancing the trust and confidence in the European Union among ordinary citizens. The question is, nevertheless, of whether the consequences that one should draw from such an analysis would be to sit back and wait for the collapse of our own nation states before we take any action at all? Such a solution does not seem very satisfying. The nation states should not be seen as an antithesis to a better functioning and more democratic European Union. The strategy is also unsatisfying when considering both the coming expansion of the Union and the fundamental constitutional reform which is expected in the near future. That it would be somewhat risky just to leave things as they are also re-emerges in Schmitter's writings, for instance, when he diagnoses the Community as suffering from “a double democratic deficit”. (Schmitter 2000). On the one hand, we have a European Union which has all the institutions of a modern state, but with no real public legitimacy. And, on the other, we have the century old nation states whose existence as real democracies have been more or less undermined by supranational governance (Wind 2001). This also touches on the basic problems of congruency and accountability as, for instance, Beetham & Lord have emphasised (Beetham & Lord 1998). The point is that there should be some kind of congruence between those affected by decisions and those responsible for taking those very same decisions. This is hardly the situation today independent of whether we look at national or European level.

There is little doubt that the enlargement of the European Union in the years to come will not make this problem any better. Quite the contrary. It will take a magician to turn a Europe of 27 into something that the broader public can relate to and feel truly confident about. It was these insights that prompted the constitutional debate which was started by Joschka Fischer in Berlin last year (Joerges, Mény & Weiler 2000). Successively, several other European leaders have followed suit and launched their own vision for a larger and more capable European Union. From the analysis above, it is clear that the White Paper does not give the answer to all the questions that confront us. However, in spite of all its faults – it is, at least, a beginning. It is, for instance, to the point when the White Paper stresses that not all the responsibility for the malfunctioning of the Union can be put on the shoulders of the Commission and the Community institutions. Only if the Member States themselves take up the challenge and do their part of the job will there be any chance of reconciling the grave differences between the governed and the governing. In other words, there is little doubt that the Member States can (and should) be blamed for their role in turning their citizens into reluctant Europeans – at least, if we focus on the Nordic countries, Britain and perhaps even Ireland (Hansen forthcoming). A lot of popular resentment towards the Union and its institutions can thus be traced to national politicians themselves, who, in recent years, have been extremely busy reassuring the voters

that the EU is not (and never will be) anything but ‘ordinary international politics’ among entirely independent governments. Thus, lack of confidence in the EU has a lot to do with the lack of trust in national politicians, who have handed down promises about the development of the Union which, clearly, could not be kept. Approaching the 2004 intergovernmental conference and the adoption of a formal European constitution with a Charter of basic rights, *etc.*, it is hard to keep up the image of a Union where everything is as it always was (Wessels 1997). What people see when they look out of the window is not business as usual but the merging of 15 different political, social and legal systems into a fuzzy, but still functioning, corpus (Hix 1998; Sefaty 2000).

One should, of course, always take legitimacy problems seriously, but what makes it so urgent in the European case is that we are dealing with a polity that already encapsulates the main features of a state-like polity. In legal terms, the EU has already long had a constitution (Weiler 1999). Community law is superior to national law and citizens can rely on directly effective EC law before their own courts. That this has been accomplished is, in fact, a revolutionary feat that should be attributed to the, otherwise much criticised, European Court of Justice (Wind 2001). In particular, when coming from a field such as international relations, it is sometimes hard to believe that the Community has moved so far away from ordinary international law and politics as, in reality, it has.

This does not mean that there is anything inevitable about the European future, however. Despite what has already been accomplished and despite the fact that there seems to be a determination to go even further with a formal constitution in the coming IGC, many things can still turn this scenario upside down. If further rationalization of the decision-making processes is not accomplished, and if and democratisation of the Union institutions is not taken seriously enough, a Europe of 27 may very well end up as a fragmented system of concentric and overlapping circles, where countries opt in and out of the Community policies that they find appealing. Some Member States (mainly the large ones) may have an interest in seeing this happening, since a Europe *à la carte* would undoubtedly give them more room of manoeuvre. Such a development would, however, hardly be a priority for the small and medium-sized Member States, nor would it be to the advantage of the broader public, who would be forced to live in an even more fuzzy Union in which most decisions were taken behind closed doors.

Conclusion

Many politicians representing the ‘reluctant European’ hail national democracy as being the natural home for political democracy. Before we let such voices take over the debate entirely and before the European citizenry gets convinced that the major problem with the Union is its size and not its current organization, it is also important to remember that national democracy, too, has become increasingly contested in recent years. Despite the fact that many still consider the nation to be the only legitimate basis for democratic deliberation, it is quite clear that national parliaments in the past 20-30 years have lost huge amounts of power and potency to transnational networks, interest groups and big business. It is consequently naïve to believe that returning to a pre-Community situation would fundamentally improve democratic legitimacy even though this is a serious suggestion by several “‘No” campaigners’ in Denmark and other EU-sceptic countries. The European Community and the globalised world that the Union continuously attempts to regulate to the welfare of all, will continue to exist and thus be an indispensable part of our reality no matter whether we are inside or outside the Union. I believe that most Norwegians would agree with me on that point. Because the Community

acquis has to be adopted by everybody – including even countries which choose to have a looser association with the Union, leaving the Union would indeed increase, rather than decrease, the democratic deficit for the individual citizen. Thus, turning to the nation state would not provide an answer to the frustration that many European citizens are experiencing in these years. It is thus because the European Union cannot be avoided that the White Paper and the debate it has already provoked can be seen as a first – though incomplete - step towards reconciling the governing with the governed.