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

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EUROPEAN GOVERNANCE AND CIVIC PARTICIPATION: CAN THE EUROPEAN UNION BE POLITICISED?¹

Paul Maignette*

Participation is one of the keywords of the White Paper on European governance. It is defined as one of the five major principles of “good governance”, and appears in the arguments of the White Paper and its preparatory documents as one of its most important principles. Participation is supposed to enhance both the efficiency and the legitimacy of European governance: it is said to respond to “the expectations of the Union’s citizens” (p.35), it should “connect Europe with its citizens” (p.3), help follow “a less top-down approach” (p.4) and make the policy-making “more inclusive and accountable” (p.8). All this, in turn, should enhance “the quality, relevance and effectiveness of EU policies”, “create more confidence in the end-result and in the institutions which deliver policies” (p.10) and generate “a sense of belonging to Europe” (p.11). In other words, efficiency and legitimacy do not simply derive from the output dispensed by the system, they also depend “on involvement and participation” (p.11).

This is an interesting shift in the discourse of the Commission, whose members have long argued that the Union would be legitimate if it produced good policies, and that, “at the end of the day, what interests them (the citizens) is not who solves these problems, but the fact that they are being solved” (Romano Prodi, 21 July 1999).

In spite of these ambitious objectives, the concrete reforms suggested by the White Paper focus on a limited conception of participation: it will probably remain the monopoly of already organised groups, while ordinary citizens will not be encouraged to become more active (Section 1). True, such an élitist conception of citizenship constitutes an important contribution to the democratisation of the European Union: actions undertaken by mobilised minorities can benefit the whole citizenry, and strengthen both administrative and political accountability (Section 2). But the general level of participation should not be forgotten, and, in this respect, too, “there is much that can be done to change the way the Union works under the existing treaties” (p.8) (Section 3).

1. A limited conception of participation

Civic participation is always limited, in all types of democracy and at all levels of decision-making. As already noticed by Benjamin Constant, citizens have many interests in modern societies, and politics is only one of them - and rarely one of the most important at that. The level of civic participation in Western democracies can be seen as a continuum (Barnes *et al.* 1979): at one end of the spectrum, a certain amount of citizens have no interest in politics at all – they do not read newspapers, are not and do not want to be informed about public issues, and they do not vote, petition, or demonstrate...; at the other end, active citizens are informed about and discuss politics,

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vote, get involved in political parties, trade unions, NGOs and civic associations, and use all “forms of contention” (Charles Tilly). Between these two limits, most citizens simply try to understand public issues and participate through conventional electoral events.

The major difference between the EU and national democracies, in this respect, is the fact that the apathetic category is much larger at the supranational level. Eurobarometer polls frequently show that a large part of European citizens do not feel informed about European issues and do not understand its political system;¹ furthermore, turnout in European elections is much lower than in national elections. Alternative forms of participation, such as petition, lobbying, going to court, *etc.*,... are the manifestations of organised interests and groups, which benefit from strong financial and/or conceptual resources (Kohler-Koch 1997).

The suggestions made by the White Paper are not likely to curb this trend. Indeed, they are only designed to stimulate the involvement of active citizens and groups in some precise procedures, and not to enhance the general level of civic consciousness and participation. True, some proposals have been made to encourage the clarification of European issues and the development of the discussions around them, but they generally remain rather vague and long-term prospects, while reforms to facilitate the direct participation of organised groups are clear and can be immediately implemented. Far from breaking with the Community method, these participatory mechanisms constitute extensions of existing practices, and are underpinned by the same philosophy.

First, most of the changes which, under the existing treaties, can be done in the short term are *directed towards sectoral actors*. The rhetoric of “civil society” tries to convince us that these reforms concern all citizens, and not just the classic “interested parties”, but, in the White Paper, there is a constant hesitation between a universalistic, and a functional, conception of participation. On the one hand, the words *citizens, civil society, people, general public, etc.*, are frequently used, but on the other, most concrete proposals concern organised groups. The different techniques of consultation used by the Commission and other institutions are still understood as instruments to involve “stakeholders” and “interested parties” (p.15); co-regulation implies “actors most concerned” (p.21); communications strategies should seek a dialogue “with those affected by European policies” and focus on “key targets” (Commission 2001b, pp.14, 17)... The logic of negotiation between the institutions and some limited groups directly affected by their actions – be they pluralist, lobbying or corporatist practices - remains the core of “participation”. Moreover, the concept of civil society itself is given a very organic definition. It is a set of functional groups with particular ends: trade-unions² and employers, NGOs, professional associations, grass-roots and community-based organisations, charities and religious communities. Yet, general actors who defend a global view, such as political parties, are not mentioned in this checklist - even though they have similarly not been included among the “public authorities” which are considered not to be part of civil society, either.³ The only mention of political parties is a very vague and rhetorical sentence which paraphrases the treaty and states that they “are an important factor in European integration and contribute to European

¹ When asked whether they are satisfied with democracy in the EU, many people answer that they have no opinion, a classic sign of subjective incompetence.

² As all citizens are, actually or virtually, workers in modern societies, trade unions may be seen as universalistic groups.

³ See the distinctions made in the Report of Working Group on Consultation and Participation of Civil Society, Rapporteur: M. Kröger, pp. 9-10.

awareness and voice the concerns of citizens” (p.16). The contrast is striking between the importance given to sectoral groups and interested parties and the ignorance of general actors.

The concept of participation promoted by the White Paper is limited, moreover, to non-decision.⁴ Though the report argues several times that participation should be encouraged “throughout the policy chain” (p.10), concrete proposals actually focus on the consultative, pre-decision stage. Indeed, the Community method, which is at the centre of the paper, makes a crucial distinction between the actual decision, which is reserved to the elected bodies (the Council and the EP), and the rest of the policy process. Upstream, the Commission uses its monopoly of initiative to try and forge compromise; downstream, the same Commission implements these decisions and controls their respect by Member States. Focusing on its own role, in the paper, the Commission suggests developing upstream participation: at the stage of consultation, policy-proposal, policy-shaping, and the direction of the political debate, *etc.* It also suggests the structuring of “channels for feedback, criticism and protest” (p.15) and recalls how “individual complaints about breaches of Community law are important” (p.25) but does not make any concrete proposals to develop participation in the implementation and evaluation of policies. True, the preliminary stage is often the most important one in the shaping of a decision. But while social dialogue and co-regulation might lead to actual decisions being taken by organised groups, other actors are confined to non-binding procedures.

Beyond these sectoral elements, the concept of participation, as defined by the White Paper, is something of a misnomer, as all instruments of participation mentioned are, in actual fact, the reverse side of the *practice of consultation*. In this framework, citizens are not given a real right to be consulted.⁵ Both the initiative of participation and the choice of the consulted groups remain firmly in the hands of the institutions.⁶ True, the paper argues that a code of conduct should be adopted to determine who, how, when and upon what to consult, and even envisages more structured partnership arrangements in some fields.⁷ However, it is not precise and does not specify who will adopt this code, nor does it explain how the openness and representativity of the consulted groups will be guaranteed. Nothing, in these possible reforms, seems to break with the classic methods used by the Commission, or with the philosophy which underpins it - *i.e.*, that participation can only be initiated by the institutions, is limited to non-decision, and mainly directed towards sectoral actors.

2. Élitist citizenship and democracy

Notwithstanding this, can these innovations help to correct the present élitist nature of European citizenship? It should first be recalled that the fact that active citizenship is limited to a very small part of the citizenry - a set of civic groups, lobbies, associations and Brussels-based European umbrella organisations - does not mean that the system is not democratic. Firstly, because active

⁴ With the exception of the “social dialogue” which gives “social partners” the right to produce norms and co-regulation.

⁵ The idea of granting citizens a genuine right to be consulted was supported by a report of the EP on The Participation of Citizens and Social Actors in the EU Institutional System, Rapporteur P. Herzog, adopted on 29 October 1996, Doc. PE A4-0338/96. On this idea, see O. De Schutter (2000).

⁶ In the same spirit, communications strategies supported by the White Paper remain largely top-down: they insist on citizen information by the institutions, on “genuine professional communications” (Commission 2001b: p.5), while bottom-up expression is limited to some new media gadgets.

⁷ The working group which focused on Consultation and Participation of Civil Society was very prudent on the idea of “accreditation schemes” for NGOs, which were seen as “too exclusive and even placing in jeopardy open access to consultation processes”, (p.18).

citizenship is rarely widespread in Western societies. Secondly, because, as Kant noticed two centuries ago, all citizens benefit from the mobilisation and vigilance of the more active citizens among them. When journalists, academics or human-rights activists try to get access to the documents of the institutions, and when they go to court to contest the decisions which deny them access, which thus creates the jurisprudence which enlarges the right of access to documents, they conquer rights which benefit all citizens. And even if only very well informed citizens continue to use this faculty, and despite the fact that they often only do it to protect their own interests, this still contributes to hold institutions accountable for the sake of the whole citizenry.

Thirdly, mechanisms of information, transparency, consultation..., such as those promoted by the White Paper, could contribute to enhance the general level of accountability in the EU. These procedures and principles are sometimes presented as alternatives to the classic instruments of parliamentary scrutiny (Majone 1996, Héritier 1999). A strong analytical distinction between redistributive and regulatory policies is drawn to explain and legitimise the limitation of parliamentary mechanisms in the field of regulatory policies. But two objections can be raised against this argument. First, such a distinction remains difficult to define in practice: several “regulatory” policies imply choices between different values, and have important budgetary consequences. Second, parliamentary and non-parliamentary mechanisms of accountability are, in practice, complementary guarantees (Lord 1998). When institutions become more transparent, when their procedures are more clearly defined, when they improve their information... they not only enhance their vertical accountability to mobilised citizens, they also strengthen their horizontal accountability to the European Parliament.⁸ Moreover, since some institutions, like the Central bank, are not submitted to electoral control and cannot be sanctioned by elected bodies, these mechanisms are the only ones that can be used by MEPs to hold them accountable (Magnette 2000).

Finally, it should not be forgotten that the instruments of participation promoted by the White Paper correspond to a general and long-term evolution of citizenship practices in the Western world. Comparative research initiated in the 1960s has demonstrated that citizens not only want to hold their leaders accountable through elections once every four or five years, but that an increasingly large proportion of them also intends both to scrutinise and to try to influence their leaders during their term of office (Inglehart 1997). “Continuous democracy”, combining electoral rights with new kinds of participatory patterns, is a global evolution that cannot be ignored by European institutions.

This kind of reform can thus give new opportunities to the most active segments of the citizenry, so that they might make European institutions more accountable and more responsive to their requests. But, as one of the working group which prepared the White Paper stated, “Democracies have to create the conditions for an active exercise of citizenship” (Commission 2001b, p.7). Citizens should not only be given the opportunity to participate, they should also be encouraged to do so. As John Stuart Mill expressed it in the foundational period of British democracy, “the most important point of excellence which any form of government can possess is to promote the virtue and intelligence of the people themselves” (Mill 1861: 226). A system which pretends to be democratic but does not contribute to the cognitive mobilisation of its citizens is a contradiction in terms. It remains necessary to ask whether “European governance” fulfils this ambition, and, if not, how it could do so.

⁸ See the Report of the working group on Consultation and Participation of Civil Society.

3. Beyond élitist citizenship: politicising the Union

Why is civic participation so weak in the European Union? This question remains difficult to answer because, so far, political scientists have not been able to identify clearly the incentives and disincentives of participation. Two sets of factors, both related to the cognitive conditions of democracy, seem to play an important role here (Mayer and Perrineau 1992): the institutional structures, and the polarity of the party system. Concerning the former, research has shown that the institutional clarity of a political system encourages participation (Przeworski, Stokes & Manin 1999): the turnout is usually higher in presidential elections, reduced in the last instance to a choice between two men, than in legislative or regional elections. The EU, in contrast, is one of the most complex political systems. It is based on a subtle balance of power within the institutional triangle, which diffuses responsibility, and also includes a large set of channels of representation (Council, EP, CoR, ESC, Cosac), which fragments deliberation.

Secondly, the polarity of the party system also seems to be an important factor of mobilisation: first, because it simplifies the electoral choice; second, because clear ideological conflicts socialise citizens, who understand complex political issues through simplified and normatively coherent discourses. In sharp contrast, the Community method hides political conflicts. The monopoly of initiative conferred upon the Commission produces consensus-oriented decision-making. The Commission consults a large set of actors, including governments and MEPs, before making its initiative public. When it presents its programme or its proposals to the public, it defines it as a subtle compromise, which embodies the “common interest”, and often argues that “there is no other choice”. This is also true for the White Paper itself. The Commission argues that, to stimulate public interest in European affairs and public debate, the clarity and coherence of European policies need to be underlined through long-term objectives. Among these, it mentions “sustainable development, human capital, knowledge and skills; the strengthening of both social cohesion and competitiveness; meeting the environmental challenge ; the supporting of territorial diversity; and contributing to regional peace and stability” (p.28). Who, apart from purely anti-European citizens, could disagree with such a vague and encompassing set of objectives? And if nobody disagrees, why should there be public debate? The Community method, based on a long process of informal negotiation and the elaboration of compromise *before* political discussions take place, is a very powerful disincentive for political deliberation (Magnette 2000). Citizens who do not understand both what the issues at stake, and what the choices that could be made, actually are, and who also fail to see what the impact of their participation could achieve, are not likely to be active.

The political system of the EU is not immune to conflicts. Deliberation 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 problem is acknowledged by national institutions, too. However, the difference is that the complex set of actors, policy networks, institutions, and procedures which make national decisions is, in the eyes of the public, simplified by politics. Citizens understand public issues through the image given by political leaders and the media, not by personal experience.

How could this kind of pedagogic dramatisation of politics be produced in the European Union? It is often argued that a constitutional revolution is the only answer to this question (Habermas 1999). The European Union can only be politicised, and thereby give rise to active citizenship, if it follows the classic European parliamentary model. A coherent executive, derived

from and accountable to a double legislative body, able to lead the policy process and personalised, would be much more understandable than the present Community model. Choosing the leader of this executive would become a crucial issue that would stimulate both the organisation of political parties and the media at European level. Citizens would feel that they were able to select their leaders and to “throw the scoundrels out” (Weiler 1999: 329). Thus, a European public sphere would emerge around the centre of the political system, as it did in the genesis of national public spheres. As the European Union would not suppress national systems, a double level of politics, and increased sense of belonging would form, following the federal model of the United States or the Federal Republic of Germany. This is, in substance, the argument underpinning the present constitutional debate. It can be read between the lines of Mr. Joschka Fischer’s famous speech, or of Mr. Jacques Delors’s proposal to politicise European elections.

It is also one of the implicit arguments of the White Paper itself. The paradox of “European governance” is that, although it pretends to limit itself to “adapt governance under the existing treaties” (p.3), it proves unable to avoid questions that are bound to the reform of the treaties. This shows that the distinction between the “rules of the game” and the way they are used cannot easily be drawn. The Commission has tried to connect the careful discussion on governance to more politically sensitive constitutional issues, and the scenario that it defines is clearly influenced by the federal model. The European Council should focus on “shaping strategic objectives”; the Commission, whose executive missions and responsibility to a double legislative organ should be clarified, should give priority to policy initiation and execution; the Council and Parliament, put on an equal footing, should define the essential elements of policy and control the way in which these policies are executed. One of the preparatory reports even insisted on the necessity to “put a human face on Europe” (Commission 2001b: pp.5, 13, 15, 19). While it argued that this would simply “revitalise the Community model” (p.29), the Commission also acknowledged that this model “follows that of national democracies” (p.34). The old federal argument, according to which the underlying truth of the Community model is a kind of federal state, is clearly restated here.

Two kinds of difficulties are, however, raised by this kind of scenario. First, it is obvious, when one examines the reactions to this model among political leaders - those who collectively form the constitutional power in the EU - that it is still far from being the object of consensus. This does not mean that it is not possible, but that it will certainly require time. Secondly, this scenario might be contradictory. If, for example, the Commission became the central organ of the Union, and its “government” was supported by a clear-cut parliamentary majority, could it remain the “guardian of the treaty”? In other words, could a *politicised* Commission be the *neutral* controller of the other institutions and Member States? There seems to be a political dilemma here: or the Commission remains neutral, and the Union cannot be politicised; or it becomes a kind of European government, in which case its role needs to be fully rethought⁹.

This, however, is a dilemma which is more apparent than real. It is largely due to a widespread, but partly incorrect, analytical distinction. Many scholars and political leaders indeed oppose both a politicised democracy, which can only be majoritarian, and a consensus democracy, which cannot be

⁹ In this prospect, the logic of the delegation of executive tasks to independent agencies, blueprinted by the White Paper, would have to be extended to a large set of new competencies. See Everson & Majone (2000).

politicised. This point was recently recalled by the Commissioner Pascal Lamy and others in *Le Monde*. In order to “personalise and to clarify democratic antagonisms”, they argued:

*“Une Commission ‘reformatée’ devrait être politiquement homogène pour que son action soit claire et comprise et bénéficie d’une opposition elle-même bien visible. Il faudra dépasser, pour assurer à la fois la cohérence de son action et l’intérêt des opinions publiques, le principe d’un exécutif à la manière suisse, où toutes les tendances «raisonnables» sont représentées et, se surveillant sans relâche, se paralysent souvent. Cessons donc de prôner à Bruxelles les effets néfastes que provoque en France notre malencontreuse cohabitation”.*¹⁰

In other words, the majoritarian model would be the only alternative to the consensus style of EU decision-making and the lack of interest that it generates. This argument is often repeated in political and academic discussions and has had a deep influence on institutional reforms in the EU (Dehousse 1995). It is even shared by those who think that, because the EU cannot be politicised, alternative forms of democratisation must be found (Majone 1996; Héritier 1999). However, this does not explain how the Commission could become “politically homogeneous” while being appointed both by the European Parliament and the European Council: the EP itself has never been able to become structured along majoritarian lines; and it is extremely hazardous to suppose that the same majority could be found in the EP and within a European Council composed of fifteen – and soon thirty – governments derived from different national elections. The non-majoritarian nature of the Commission is not just a political choice, it is the consequence of the highly complex nature of the EU. This does not mean that a bi-polar model could not eventually emerge in the EU – it did not really emerge in France before the mid 1960s – but, in the meantime, it remains necessary to wonder if and how the EU could be politicised.

Comparative analysis of European experiences show that the opposition between consensus and politicisation is not so clear-cut. The classic distinction made by Lijphart between majoritarian and consensus democracies is often misunderstood. In several “consociative” countries, governments have often been made up of very large coalitions, associating two or more parties from both the left and the right-wing. This does not mean, however, that these countries have been dominated by consensus, the absence of public deliberation or civic apathy. Strong political parties have indeed been able to discuss their divergences in public, even though they were part of the same “majority”. Within a liberal-socialist government, for example, vivid oppositions on taxation or social policies are frequent and publicly exposed, and citizens do generally understand the issues at stake. Moreover, majoritarian governments, too, are often coalitions of parties who publicly disagree. In other words, a lively deliberation on public issues, opposing clearly distinguished visions, is compatible with a form of government based on compromise. So far, nothing has demonstrated that this kind of politicisation produces less civic interest than the classic majoritarian kind does. When compromises follow a good public process of deliberation, and when their logic is clearly explained, the issues and the responsibilities of the different actors can be understood.

Though this cannot be empirically demonstrated, a majoritarian model, where possible, might be the best solution: alternation limits corruption, offers the clearest political choice and convinces citizens that they can both choose and dismiss their leaders (Przeworski, Stokes and Manin). But given that a bi-polar model does not seem to be adaptable to the complex structure of the European

¹⁰ Pascal Lamy, Jean-Noël Jeanneney, Henri Nallet and Dominique Strauss-Kahn, “Europe: pour aller plus loin” *Le Monde*, 20 June 2001.

polity (Telò 1995), an “alternative” kind of deliberation could be encouraged at EU level, and could be done under the existing treaties. The Commission could remain a large coalition of the major European parties, and thereby preserve its power to initiate and execute policies even when there is no clear majority in the EP or Council. But it would help clarify the issues if it decided, under the existing treaties, to change the style of its actions. When it presents its programme, or a given policy, or even a given decision, it could choose to explain the *different possible options*, and their ideological roots, rather than define a ready-made compromise. In so doing, it would preserve its “neutral” profile: as a collegial organ, its role would be to identify different possible options, based on different ideological assumptions, and to explain them in order to stimulate and structure deliberations. If this were clear, political parties within the EP – and maybe within the Council – would be encouraged to clarify their own positions, and the extent of their disagreement. Thus, European policies would appear not only more coherent, but also more open, and could generate public interest and civic mobilisation.

The suggestions made in the White Paper in order to clarify the framework of EU deliberation would support such a strategy of politicisation. Cross-cutting policy agendas would draw the issues more broadly instead of fragmenting them; key events reducing both the number of occasions and places where deliberation takes place would help to simplify the process of political opposition and compromise. True, this kind of politicisation would not give the EU the majestic simplicity of Westminster, but it could, nevertheless, clarify the issues and the politics of the EU, without requiring a constitutional revolution which is not supported by large political forces today, and which is maybe not adaptable to the subtle diversity of European polity.

4. Conclusions (summary)

The suggestions made by the White Paper to stimulate civic participation in European governance are derived from a liberal conception of democracy. Openness and transparency, proceduralised consultation, better communication, decentralisation, *etc.*, can make institutions more accountable. These techniques are not “substitutes” to representative forms of democracy and citizenship. They could become fertile complements of classic institutional mechanisms: better governance could strengthen the vertical accountability of institutions to citizens, and the horizontal accountability between institutions. But this conception of governance does not *in itself* encourage citizens to become active, because the policy-making process remains highly complex – and is even made more complex by governance practices. In these conditions, citizenship in the European Union is likely to remain an élitist practice, limited to those citizens and groups who benefit from their sufficient intellectual and financial resources to try and influence EU politics and policies. In order to enhance the level of participation, not just of active citizens but of the average citizen, other reforms are necessary.

This is the reason why the White Paper envisages institutional reforms, and implicitly defends a federal constitution for the Union. From a purely theoretical point of view, it is coherent to believe that the centralisation and personalisation of European politics would favour civic consciousness and participation. But given that, and for as long as, this kind of constitutional revolution is not possible, other forms of politicisation could be tried under the existing – or slightly amended - treaties. Politicising the Union, and creating a clear deliberation of European issues, which could generate public interest, is not so much a question of institutions as a problem of political attitudes. As long as

the Commission, which initiates policies, considers itself to be a body designed to bypass political conflicts and forge compromise *before* political deliberation takes place, the politicisation of the EU will remain very difficult. This attitude was certainly justified in the foundational period: like the French *Commissariat du Plan* set up by Monnet in the troubled after-war period, the Commission was supposed to forge compromise in a context of deep conflict. Encouraged by this initial model and its technocratic spirit, the Commission creates the impression that Europe is governed by a consensual political class and deepens the subjective distance between leaders and citizens. If, however, the Commission acknowledged that different policies *were* possible, on different ideological assumptions, it could weaken this widespread impression and encourage both the EP and the Council to spend more time on public deliberation. Without altering the institutional balance, such a cultural change would constitute a major shift in the spirit of European integration. It would mean that the foundation-building time was finished, and that the weakening of conflicts *on the regime* itself renders conflicts *on its policies* possible. It would not be easy to manage, but apart from civic education, political discussion is the only way that democracies have found to promote the intellectual and moral progress which is their *raison d'être*.