THE EU POLITY AND ITS DISINTEGRATED PUBLIC. CHALLENGES OF PUBLIC COMMUNICATION IN MULTI-LEVEL GOVERNANCE

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Abstract

By being driven largely by its elitist logic and functional integration design, the EU lost the momentum for social construction of Europe-wide publics, beyond the mere technocratic, political and business circles, which proved to be quite exclusive. The integration and enlargement process faced, along with many other hurdles,, created a breeding ground for anti-EU rhetoric and sentiments. It was only after severe anti-EU propaganda appeared that the EU became aware of its public communications gaps which grew larger and larger once many new challenges and threats like refugee and migration crisis came on the agenda as well as discussions for further and deeper integration. Brexit just illustrated many of these concerns, but the post-Brexit public communication lessons do not seem to have been learned yet. Against this background it is crucially important how the EU will handle and approach its various and quite segmented and disintegrated publics. What is needed is definitely not the kind of information activities of One-size-fits-all, but rather targeted, customized and engaging communications that transcend national borders but also create communities of engaged publics at EU level.

Keywords: EU polity, EU publics, public communications and awareness raising

Amid sequences of crises over the last decade, the EU is facing paramount challenges in justifying its own *raison d'ktre* – migrants and refugees, economic slowdown, Brexit, nationalist conservative drawback in several EU member states, anti-EU rhetoric, and above all – the COVID-19 pandemic, which really

closed borders, posed mounting burden on the EU, and multiplied its structural and functional problems.

The multiple-choice EU that Juncker's European Commission (and its Five Scenarios for the Future) offered as a compromise to diverging perspectives and voices in an effort to keep them all in a common space at least, neither provided clear guidance for the future, nor soothed soaring discontent.

Deductively, using the method of social deconstruction we can crosscut the problem of the super-complex social reality of the EU or in which it seems to be at. Whatever view of the EU one may have, the spill-over effects of the integration have turned the Union into an extremely complicated super-structure with many subtle balances within. These balances are mostly between national, inter-governmental and the supranational level of policy-making, which inter-twined various interests, perspectives, discourses and narratives, none of which has any feasible chances of becoming dominant within the whole Union. Why is that? One of the possible answers is because while integration of member states has been conducted for decades, disintegration of member states' publics has occurred, which was overlooked by elites and thus was underestimated until recently, when anti-EU rhetoric began gaining popularity among disenchanted segments of the disintegrated EU public. Fluctuating levels of support for the EU monitored by Eurobarometer show how sensitive European national publics are and existing divergence between different public segments even within a single member state. After years of post-modern societal transformations disintegration of European publics went on unnoticed and it was the shattering shock of Brexit that ended the disrespect and underestimation of disintegrated European public.

The EU as a project and the public support for it has been always taken for granted and it was the most obvious mistake from the perspective of public communications professionals. The fact that it was only during the last 10-15 years that this problem attracted academic research interest also proves that there was even no alarm or early warning about it.

The Concept of EU Polity

A polity is largely considered as an identifiable political entity, comprising any group of people who have a collective identity, who are organised by some form of institutionalised social relations, and have the capacity to mobilise resources.[1]

As the European Union is a unique experiment in post-national integration it can hardly be compared to any other form of political organisation. The nature of the EU's organisation has been troubling many political and social

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[1] Ferguson, Yale; Mansbach, Richard W. (1996). *Polities: Authority, Identities, and Change.* Columbia, South Carolina: University of South Carolina Press.

scientists and practitioners. Depending on how people see the EU, this defines their position on some of the key elements of integration including the division of power between the member states and EU institutions, democracy and the relationship between EU institutions and its citizens, the relationship between EU law and national and international legal orders, or the EU's role in a wider world.

Claudia Wiesner (2019) argues that the EU has been invented as a democratic polity and discusses the deficit of democratic legitimacy. Wiesner claims that the EU is the product of creative and innovative actors and thinkers that conceptualised and gradually realised it. But the concepts, ideas, and utopias of a democratic Europe differ considerably. The processes of inventing and building a democratic EU are marked by conceptual controversies in both public and academic debates. Wiesner focuses on the concepts, actors and controversies related to inventing the EU as a democratic polity.[2]

Massimo Fichera (2018) in his monograph *The Foundations of the EU as a Polity*[3], provides an original account of the European integration as a process. He argues that European constitutionalism has been informed from its earliest stages by a meta-rationale, which is expressed by security and fundamental rights as discourses of power. Employing this descriptive and normative conceptual framework to analyse the development of the EU as a polity, his study covers significant recent events such as the Eurozone crisis, the refugee crisis, the rule of law crisis, Brexit, and the constitutional identity crisis.

In earlier studies, Jo Shaw and Antje Wiener (2000) in their article *The Paradox of „European Polity"*, focus on features of the process of European integration which suggests that the European Union is simultaneously both 'near-state' and antithetical to stateness. The centrepiece of their argument is the paradox of the 'European' polity with particular regard to its 'stateness'. This paradox consists of a parallel development of two dimensions. One dimension is *institutional*, the other is *theoretical*. The institutional dimension can be assessed through studying the process of supra-, trans- and intranational institutionalisation, with contrasting conditions of decision-making and legitimacy attaching to the different levels observed. In turn, the theoretical dimension encompasses a peculiar mismatch between theories and politics of European integration that cannot escape the reference to stateness.[4]

Shaw and Wiener point out that recent social and legal constructivist approaches to European integration have begun to discuss new ways of assessing the 'European' polity. Their specific validity with a view to avoiding stateness,

[2] Wiesner, Claudia, Inventing the EU as a Democratic Polity. Concepts, Actors and Controversies, Palgrave Studies in European Political Sociology, 2019.
[3] Fichera, Massimo; (2018). The Foundations of the EU as a Polity; Edward Elgar Publishing.
[4] Shaw, Jo, Antje Wiener, The Paradox of the „European Polity", https://jeanmonnetprogram.org/archive/papers/99/991002.html#P10_393.

lies in an ontological shift from a focus on the state towards analysing the impact of norms, identities, language and discourse on politics and practices in the 'European' polity. They specifically highlight the important insights gained through analyses of constitutionalism that have begun to set new parameters for the study and characterisation of the 'European' polity. The argument develops from noting the tensions between those formal elements of a 'European' constitution or the constitutional framework which have so far evolved, on the one hand, and the abstract ideas about civilised co-existence within polities which are necessarily implicated by the invocation of the term 'constitutionalism', on the other. While this tension is particularly interesting, thus far it has remained largely under-researched.

A core constructivist insight stresses the importance of communication and intersubjectivity in situations of decision-making and bargaining beyond the borders of nation-states. Actors act within an environment that is structured by the social sphere which contributes, in turn, to shaping the structures of this very environment. The environment or the norms that emerge in this context have an impact on identities. In turn, identities influence interest formations and subsequently behaviour.

Constructivist approaches to European integration contrast with other approaches such as, for example, normative and conceptual approaches to the 'European' constitution, as well as 'integration-focused' approaches. While the latter struggle to escape stateness, for example, by focusing on what must be done to establish a European constitution, or by discussing the final shape of the European polity, respectively, constructivists do not focus on the whole. Instead, they propose referring to meta-theoretical approaches and new ontological perspectives, when studying European integration. Empirically, Shaw and Wiener suggest linking political and legal approaches on the basis of rules and norms that emerge from and structure the day-to-day practices of constitutional politics. They suggest that this approach has great potential for studying the processes and practices without falling into the trap of implicit recurrence to stateness in the 'European' polity, precisely because of its focus on ontology. Thus, constructivists have begun to study the impact of identity, discourse, and norms and their respective impact on explaining and understanding the 'European' polity. The main implications of constructivism lie in the methodological tools that prove helpful for analysing processes of fragmentation, as well as the process of differentiation.

Public communication, discursive opportunities and framing processes in multi-level governance and transnational perspectives

While many important social processes cut across national borders and have transnational institutions to regulate them, democratic participation still occurs almost exclusively within individual nation states. Public information

and debates are essential ingredients of democracy, and their confinement to the individual national public sphere threatens the democratic aspirations and legitimacy of transnational institutions. Therefore, it is often argued that the European Union can only achieve greater legitimacy if there is a Europeanization of national public spheres. Has public discourse in fact Europeanized to any extend in the last decades?[5]

Europeanization of public discourse is quite an ambitious goal, since there are many competing public discourses regarding Europeanization and the EU. Therefore, public communication of the EU polity needs to be reviewed through the lenses of public communication theory.

It was Karl W. Deutsch (1953) who argued essentially that increasing transnational communication and transnational action would lead ultimately to European society and community-building.[6]

Eder and Trenz (2004) point out that in the structures of public communication within such a complex entity as the EU where national, international and supranational levels of governance interact, political representatives have to give reasons for their decisions and the represented citizens have to be able to protest or vote against their representatives if they are not convinced by the decisions or the reasons given for them. The contingency of public communication can severely restrict the governmental scope of action. Most importantly, the newly expanding transnational publics which are seen as an alternative source of legitimacy and are increasingly being recognized as such by other actors within the field (in particularly by the European Commission and the European Parliament). Governments must now stage carefully their policy choices for the increasingly diversified national, sub-national, and transnational publics.[7]

In this new context, the practices of venue shopping[8] in the intergovernmental arenas of cooperation and credit-claiming in front of the electorate become difficult, since other actors make quite different credit claims. The governmental monopoly on defining the policy agenda is increasingly challenged by all kinds of external supra- or transnational actors (such as international

[5] Peters, B., Sifft, S., Wimmel, A., Brüggemann, M., & Kleinen-Von Königslöw, K. (2005). *7 National and transnational public spheres: The Case of the EU.* European Review, *13*(S1), 139-160. doi:10.1017/S1062798705000232

[6] Deutsch, K. (1953), *Nationalism and Social Communication: An Inquiry into the Foundations of Nationality,* New York (NY)

[7] Eder, Klaus, Hans-Jorg Trenz, in: Kohler-Koch, B. (ed.) *Linking EU and National Governance,* Oxford University Press, 2004, pp.111-134.

[8] Theory of venue shopping is laid out in Baumgartner and Jones (1993).
Jones, B., Baumgartner, F., & Talbert, J. (1993). *The Destruction of Issue Monopolies in Congress.* American Political Science Review, 87(3), 657-671. doi:10.2307/2938742
Venue shopping refers to the activities of advocacy groups and policymakers who seek out a decision setting where they can air their grievances with current policy and present alternative policy proposals.

NGOs (INGOs); the European Commission; members of the European Parliament (MEPs); but also, governments of other member states. As for the impartial 'moral voice' of the people, the statements and initiatives of these transnational actors find approval in the media and are frequently used by domestic actors to oppose their governments. Most importantly, the governments which decide to block decision-making now have to account for their choices publicly. They propagate specific justificatory discourses, symbolic means, and claim for legitimacy without knowing in advance how the addressed and non-addressed publics will react to it. These phenomena point to a particular mechanism of integration of multi-level governance: the integrative force of transnational resonance structures. This specific resonance structure has been measured in terms of growing attentiveness as well as concerns and expectations that are directed from the public towards the policy process within the emerging transnational realm.[9]

This novel mode of political integration through transnational resonance enables the recognition of positive-sum links between national and European levels of governance. Such positive-sum links are the simultaneous increase of power on both the national and the European level, the simultaneous increase of identity and loyalty on both levels, and the simultaneous increase in capacities of institutional reform on both levels. The more transnational resonance structures develop, the more positive sum games between the EU and the member states can be expected to develop.

In terms of institutional transformation, it can be expected that increasing transnational resonance will stabilize multi-level governance in Europe. Under conditions of public monitoring, multi-level governance is equipped with a normative power. As such, it is accepted as the standard model of EU governance that all actors within the field have to follow. For governments, this implies the necessity of making intergovernmental negotiation arenas transparent and opening them for participation. For civic actors, this implies the necessity of engaging in networking and of adapting their mobilisation strategies to the logics of the emerging transnational political field. Multi-level governance does not necessarily result in an increase in decision-making. It rather results in an increase in communication, collective action, and participation. It is easy to criticise the importance given to PR and image campaigns as ideology and as a hidden form of power politics. But European institutions become increasingly reflexive on the contingency of their interaction with the public. European institutions learn that the resonance of the public creates resistance and constraints that cannot be handled strategically. They learn that the pursuit of interests is only possible on the basis of arguments and the performance of public debates. It is not simply the participation that counts here. What counts is that European institutions take on the normative premises of the public

9   Eder, Klaus, Hans-Jorg Trenz, in: Kohler-Koch, B. (ed.) Linking EU and National Governance, Oxford University Press, 2004, pp.111-134.

sphere as a framework for collective will formation. From this perspective, the public monitoring of the emerging European field of collective action may have contributed at least to some extent to the development of shared assumptions and expectations about transparency, democracy, and rights to which the institutional structure of EU governance can no longer remain unresponsive.[10]

From the viewpoint of public communications in transnational and multi-level governance structures, framing processes are essential. They are even more relevant on the transnational level, where identities have to be rethought and re-negotiated among different groups with specific aims and historical perspectives. Various concepts can assist in making sense of the framing processes. First, establishing and categorising frames – diagnostic, prognostic and motivational frames, in order to create susceptive interpretative infrastructure. Second, the diffusion of frames amongst groups and into the wider public sphere in order to spread networks of communication processes and diversify communication channels. Third, bridging of frames in transnational environment helps expand the coverage of networks to sustain and raise public awareness and support. Framing is an ongoing process including reactions to new inputs and outside information. In terms of the political opportunities provided by the EU, strong frames can help groups exploit these by contributing to their network density, as well as by allowing them to pool all kinds of resources needed to exploit different opportunities of different institutions.[11]

In order to end on a positive note, illustrating the last point of argument about public communication, framing and transnational resonance in a complicated multi-level polity like the EU, it is worth mentioning the *Conference on the Future of Europe*, which has been initiated as a citizen-led series of debates and discussions that will enable people from across Europe to share their ideas and help shape our common future.[12] The Conference is in line with one of the European Commission 2019-2024 priorities – A New Push for European Democracy. It is the first of its kind: as a major pan-European democratic exercise, with citizen-led debates enabling people from across Europe to share their ideas and help shape their common future. This is done via an innovative Multilingual Digital Platform where any European can share ideas, and both national and European Citizens' Panels. The contributions from the Conference will have influence on the Conference Plenaries. The Conference offers a new public forum for an open, inclusive, and transparent debate with citizens around a number of key priorities and challenges.

As this is an evolving initiative, it is a matter of time to see its foreseeable outcomes and outputs. At least, hope remains that it may improve the quality

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[10] Eder, Klaus, Hans-Jorg Trenz, in: Kohler-Koch, B. (ed.) Linking EU and National Governance, Oxford University Press, 2004, pp.111-134.

[11] Kauppi, N. (ed.), A Political Sociology of Transnational Europe, ECPR Press, 2013.

[12] https://ec.europa.eu/info/strategy/priorities-2019-2024/new-push-european-democracy/conference-future-europe_en

of democracy in the EU polity and raise the levels of public trust in EU institutions and policies.

Conclusion

European institutions become increasingly attentive to their communication and interaction with the public. The lessons learnt during the last decade remind that the resonance of the public creates resistance and constraints that cannot be handled strategically neither at the EU, nor at national level. The pursuit of interests is only possible on the basis of arguments and the performance of public debates. European institutions take on the normative premises of the public sphere as a framework for collective will formation.

The expanding transnational publics are discovered as an alternative source of legitimacy and are increasingly recognized as such especially by the European Commission and the European Parliament. Governments of EU member states should also consider fine-tuning their policy choices reflecting the increasingly diversified national, sub-national, and transnational publics.

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