The dialectical relation between ideas of European values, European identity and European public sphere

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Abstract

A number of authors in the past two decades emphasised that the problem of "democratic deficit" in the European Union could be solved by application of the principles of deliberative democracy. However, the notion of "deliberation" has not become the part of the EU policy and discourse until 2005. The problem of "democratic deficit" is officially recognised by European Commission in 2005, when the Commission supported and funded a number of initiatives for the promotion of active citizenship and deliberative democracy. This paper will analyse European Commission's Plan D for Democracy, Dialogue and Debate. It will explore whether this plan led to deliberation and more inclusive citizenship.

Keywords: Plan D, deliberation, democracy, debate, European, citizenship.

INTRODUCTION

Deliberative democracy can serve as an effective tool for creation of more inclusive European citizenship and European public sphere. It also solves the problem of democratic legitimacy of the Union. From 2005, European commission has organised a number of initiatives and projects to promote deliberative democracy and make it inseparable part of the EU policy and discourse. In the following lines European Commission's Plan D for democracy, dialogue and debate will be examined. The commission proposed the Plan D during the "period of reflection".[1]

The "period of reflection" aimed at enabling broad debates involving civil society, citizens, political parties, national parliaments and so forth. This paper will analyse whether the Plan D led to more inclusive conception of citizenship based on the principles of deliberative democracy.

The purpose of this inquiry is to show the dialectical relation between ideas of European values, European identity and European public sphere. Concepts of "European values", "European identity" and "European public sphere" should not be understood as homogeneous and static. They should be perceived as dynamic and polymorphous, because they are constantly reinterpreted and changed.

The European Union represents a supranational entity which implies heterogeneous understanding of European public sphere. However, it seems that this concept is still perceived as monolithic within the EU legal and political discourse. According to Václav Havel, European values "have obviously metaphysical roots. "[2] He argues that European Union includes a broad range of values which originate from the antiquity, Christianity, the Renaissance, the Enlightenment and liberalism. Those values also originate from legal principles of democracy, tolerance and the rule of law. Havel and many scholars argue that there are two aspects of European values – legal and cultural. However, both aspects are often described as essentialist and metaphysical. Cultural determination of European values is problematic for two reasons.

Firstly, because values are defined as static and

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[1] "At the end of the European Council on 18 June 2005, Heads of State and Government adopted a declaration on 'the ratification of the Treaty establishing a Constitution for Europe', this declaration called for a 'period of reflection' following the negative votes in France and the Netherlands on the European Constitution." (*The Commission's Contribution to the Period of Reflection and Beyond: Plan D for Democracy, Dialogue and Debate*, "Introduction", www.eur-lex.europa.eu/LexUriServ/site/en/...com2005_0494en01.pdf)

[2] From the Speech made by former president of the Czech Republic to the European Parliament in Strasbourg on March 8th, 1994, www.europa-web.de/europa/02wwswww/203chart_gb.htm

homogeneous within this conception, they are reduced to cultural and historical heritage perceived as unified categories. Secondly, because this conception contradicts the legal dimension of those values which implies flux and contingency. Legal aspect of European values includes constant refiguration in accordance with different political and social changes and movements. However, this is often ignored within the EU legal discourse. Both legal and cultural aspect of "European values" are often considered monolithic and fixed, which is flawed.

Legal aspect of "European values" as based on tolerance, democracy, the rule of law and human rights, represents moral universalism. Europe is defined by universal, not European values. On the other hand, the cultural aspect of European values defined by scholars and politicians represents universalism and essentialism of another kind. It is based on rather selective approach to European past which excludes non-European contributors and includes only those segments which affirm the normative idea about united Europe. European integration should not be built on universalist assumptions nor the metaphysical understanding of cultural and historical heritage. It should be built on political relations between different entities. Thus, Europe should exorcise ontological apriorism, because it is a political project, not mythological.

This paper aims at showing that successful deliberation on European level requires clear determination of "European values" and "European public sphere" as heterogeneous, contingent and shifting concepts. The following lines will show that European Commission's Plan D for Democracy, Dialogue and Debate failed, because it employed homogeneous and static concepts of public sphere and European values. In this way it reduced deliberation to a mere debate.

Deliberative democracy as a key to the "Democratic Deficit" in the EU

It is often argued that the democratic deficit "is due to the lack of European political parties, representative accountability and a properly functioning public sphere."[3] The problem of the lack of democratic legitimacy implies that citizens are expected to obey laws that are not authorised by them. Subsequently, the EU is a "Europe of the experts and elite" and not "Europe of citizens". On the other hand, there some authors who argue that the question of democratic deficit is closely tied to the question of the nature of entity the EU is.[4] However, there are also authors who reject the notion of democratic

deficit in the EU. According to Moravcsik, the democratic legitimacy in the EU is guaranteed by the democratically elected national governments, who have a strong role in the decision making process in the EU. Moravcsik perceives the EU as an intergovernmental organization.

Consequently, European democracy is "highly disputed and contested area."[5] In the recent European studies, it is often argued that deliberative democracy can solve the problem of democratic deficit in the EU. Deliberative democracy promotes diversity and pluralism. It is a path towards active and more inclusive citizenship, which is based on participation, inclusion and equal moral worth.[6]

According to Bohman (1998), deliberative democracy begins with the critique of practices of liberal democracy.[7] He argues that in the early formulations of deliberative democracy in the 1980s "deliberation was always opposed to aggregation and to the strategic behavior encouraged by voting and bargaining."[8] Deliberative democracy aims at the agreements of all citizens affected by the decision and rejects the idea of "simple compromise of bargaining equilibrium."[9] The superiority of deliberative democracy is its idea to go beyond liberal democratic ideals and to embody the will of all citizens derived from public reason of all. Deliberative democracy founds legitimate political decisions on the deliberation of all citizens as free and equal individuals.

Aggregative democracy reflects only basic preferences of individuals. On the other hand, deliberative democracy leads to transformation of preferences. Deliberation implies the process of communication in the open discussion, which follows the strength of the better argument. Actors do not agree upon all decisions, but deliberation gives opportunities to all participants to acknowledge different standards and values. The force of better argument influences the decision making process, not the qualified consensus.

Deliberative democracy [10] requires justification of the decisions made by citizens and their representatives. In deliberative democracy, "leaders should therefore give reasons for their decisions, and respond to the reasons that citizens give in return."[11] Those reasons should be accessible to all citizens who are affected by the justified

[3] Eriksen, E, O, "The Question of Deliberative Supranationalism in the EU", ARENA Working Papers WP 99/4, 1999,
www.arena.uio.no/publications/wp99_4.htm
[4] Eriksen, E, O & Fossum, J, E, *Democracy in the European Union:Integration Through Deliberation*, London & New York, Routledge, 2000, p. 2

[5] Abels, G, "Citizens' Deliberations and the EU Democratic Deficit", *TAIF*, No1/2009
[6] Lister, R, "Inclusive Citizenship: Realizing the Potential", *Citizenship Studies* Vol. 11, No. 1, 2007, p. 52
[7] Bohman, J, "Survey Article: The Coming Age of Deliberative Democracy", *Journal of Political Philosophy*, Vol. 6, No. 4, 1998, p. 400
[8] Ibid, p. 401
[9] Ibid, p. 401
[10] There are different models of deliberative democracy. According to McCafee, there are three models: 1) the preference-based model advocated by deliberative authors in the social sciences; 2) "the rational proceduralist model suggested by John Rawls's political philosophy and Jürgen Habermas's discourse ethics"; and 3) "integrative model" which is employed in deliberative forums (McCafee, N, "Three Models of Democratic Deliberation", *Journal ofSpeculative Philosophy*, Vol. 18, No. 1, 2004, p. 44)
[11] Gutmann, A, "What Deliberative Democracy Means?" in Guttman, A & Thompson, D, *Why Deliberative Democracy?*, Princeton, NJ, Princeton University Press, 2004, p. 2

decisions. Deliberative democracy does not produce permanent decisions and it constantly examines its arguments and conclusions. Consequently, it is open to the process of refiguration and change. Thus it perceives citizenship as a dynamic category which is constantly affected by social movements and changes. Guttman (2004) argues that: "Deliberative democrats care as much about what happens after a decision is made as about what happens before."[12] The purpose of deliberative democracy is to encourage public discussions and debates on important political decisions and other issues that affect citizens.

Deliberative democracy includes "informed preferences". Deliberation can succeed only if citizens are well informed, respect opponent opinion and have equal resources.[13]

Applied to the European Union, the starting point for deliberative democracy "could be the look at the notion of public sphere, the role of parliamentary discourse and negotiations in the committee system. "[14] Some authors argue that there is a lack of European collective identity. Consequently, European *demos* does not exist and there is no public sphere in EU.

However, European identity[15] is established by the *Declaration on European Identity* (1973).[16] Definition ofEuropean identity within the framework of this document involves taking into account the dynamic nature of European unification and reviewing the common heritage. Subsequently, there is a collective identity in the EU, which can stimulate the formation of European public sphere. Eriksen (1999) emphasises that the public sphere is not missing in the EU as there are new social movements, identity politics and European audio-visual spaces such as newspapers, television and so forth.[17]

However, public sphere should not be considered as a homogeneous category, which is defined by borders. There are different public spheres in the EU: local, regional, national, European, general and so forth. All of them are not monolithic and they all contain different groups. Eriksen (1999) emphasises that pluralism of public spheres leads to fragmentation, but that, on the other hand, more public spheres lead to more debate, and consequently to more democracy.[18]

Proponents of deliberative democracy argue that civil society can contribute to the development of European public sphere. "Civil society thus introduces an element of popular control to the EU system of governance which complements existing elements of parliamentary control."[19] The concept of "civil society" is ambiguous and includes both active citizenship and involvement of groups and organizations of citizens in the decision making process.[20] According to Finke, there is a problem of implementation of both objectives if they contradict each other. Hurrelmann and Debardeleben (2009) identify three modes of democratic input in the EU: "the European Parliament, national democratic processes influencing the Council of Ministers, and civil society participation in consultation procedures of the European Commission."[21]

The channel for democratic input in the Union is included in the *Treaty Establishing a Constitution forEurope.* Article I-46 (The principle of representativedemocracy) guarantees direct representation of citizens in the European Parliament; the right to citizens to participate in the democratic life of the Union and describes the political parties at European level as representatives of the will of the citizens.[22] Article I-47 (The principle of participatory democracy)[23] establishes the right of citizens and representative associations the opportunity to publicly exchange their views; proposes open, regular and transparent dialogue between EU institutions and representative associations and civil society and supports citizens' initiatives[24].[25] The Article I-50 (Transparency of the proceedings of Union institutions, bodies, offices and agencies) states that the European Parliament and Council shall meet in public. However, the draft Constitution of Europe was rejected by "no" votes of the EU founding Member States[26] in 2005.

THE PLAN D FOR DEMOCRACY, DIALOGUE AND DEBATE

The existence of the democratic deficit in the Union is officially recognised by European Commission in 2005. Subsequently, since 2005 European Commission

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[12] Ibid, p. 6

[13] Ibid, p. 11

[14] Eriksen, E, O, "The Question of Deliberative Supranationalism in the EU", ARENA Working Papers, WP 99/4, 1999, www.arena.uio.no/publications/wp99_4.htm

[15] Although the concept of European identity defined in this document can be criticized, it cannot be denied.

[16] At the Copenhagen Summit of 14 and 15 December 1973, the Heads of State of the nine Member States of the enlarged European Community adopted this document.

[17] Eriksen, E, O, "The Question of Deliberative Supranationalism in the EU", 1999, www.arena.uio.no/publications/wp99_4.htm

[18] Ibid.

[19] Finke, B, "Civil Society Participation in EU Governance", 2007, www.livingreviews.org/ireg-2007-2

[20] Ibid.

[21] Hurrelmann, A and Debardeleben, J, "Democratic Dilemmas in EU Multilevel Governance: Untangling the Gordian Knot", *European PoliticalScience Review*, 2009, p. 229

[22] *Treaty Establishing a Constitution for Europe*, Brussels, 29 October 2004,CIG 87/02/04, Article I-46

[23] Ibid.

[24] The Article I-47 states: "No less than the million citizens who are nationals of a significant number of Member States may take the initiative of inviting the Commission, within the framework of its powers, to submit any appropriate proposal on matters where citizens consider that a legal act of the Union is required for the purpose of implementing the Consititution. European laws shall determine the provisions for the procedures and conditions required for such a citizens' initiative, including the minimum number of Member States from which such citizens must come. "

[25] These principles of representative and participatory democracy are later included in the Article 8A and Article 8B of the *Treaty of Lisbon*.

[26] The Netherlands and France.

organised a number of initiatives and projects[27] in order to generate transnational deliberation of European citizens.[28] European Commission mostly focused on the question of inclusion of civil societies and organised groups of citizens. European Commission Vice-President Margot Wallström presented the Plan D for Democracy, Dialogue and Debate in 2005. This plan was based on the idea on engaging Member States with citizens in a debate on the Europe and its future. This plan was a reaction to the rejection of the European Constitution. It aimed at restoring public confidence in European project. The main purpose of the Plan D for Democracy, Dialogue and Debate was to help Member States to organise national debates on the future of Europe. The Plan D aimed at enabling a broad debate in Member States "involving citizens, civil society, social partners, national parliaments and political parties."[29] Commission Vice-President Margot Wallström belived that these discussions would lead to the creation of 'European public sphere'.

Within the framework of the Plan D 13 initiatives were presented which aimed at stimulating national debates. This plan proposes inclusion of European citizens in the decision making process in the EU.[30] It emphasises the significance of public sphere, civil society and well informed citizens. Therefore, it is argued that this plan represents a shift from the EU as a project made by elite to the EU as a European citizens' project. Consequently, European Commission did not aim at rescuing the *Constitution for Europe*. European Commission createdthe *Plan D* to promote active citizenship.

The Plan D for Democracy, Dialogue and Debate is complemented by the Action Plan on communicating Europe and the White Paper on communication strategy. These documents had a role to develop and strengthen a European public sphere, "where citizens are given the information and the tools to actively participate in the decision making process and gain ownership of the European project."[31] The *Plan D* is introduced as a "listening exercise", which enables European Union to take into account the concerns of its citizens.[32] The Plan D for Democracy Dialogue and Debate states: "There is no standard model for the organisation of debates in the

Member States. In some, there are permanent structures, forms of platforms which seek to hold regular debates on European issues. In others, there is less of an organised system for dialogue and debate. Models such as the National Forum in Ireland or the Platform for Europe in Spain may offer inspiration to Member States."[33] These dialogues are mostly organised and promoted by national, regional and local parliaments.

According to the main characteristics of the Plan D for Democracy, Dialogue and Debate, it seems that it represents a path towards deliberative democracy in the EU. The Commission stated that this plan is based on three principles: "inclusion (all citizens should have equal access to information in the EU); diversity (all actors should have a voice) and participation (all voices should be heard)."[34] These three principles represent basic traits of deliberative democracy. A number of initiatives represented within the framework of the *Plan D* point to its deliberative character.

Partnership with the European institutions and bodies[35]

The Plan D states that the Commission will work with the current and the forthcoming presidents, Council, European Parliament, European Economic and Social Committee and Committee of Regions. The purpose of this collaboration is to stimulate debate at the level of the Union.[36] Consequently, decision making process is founded on the mutual respect between all parties, which is one of the basic conditions for the realisation of deliberative democracy.

Stimulating a wider public debate[37]

This initiative aims at stimulating national and regional debates where the voices and concerns of citizens will be heard. In this way, the Commission would have a more direct contact with citizens.

This initiative also involves the members of the European Parliament who should meet with governments, national parliaments, civil society, business and trade union leaders, regional and local authorities and students.[38] This objective contributes to the formation

[27] Citizens Conference on new Regional and Urban Sustainability Approaches in Europe, 2005; Meeting of Minds – European Citizens' Deliberation on Brain Science 2005/06; European Citizens' Consultation on the Future of the EU 2006/07,European Citizens' Panel on Rural Areas in Future Europe), 2006/07 and so forth.

[28] European Commission supported another project of deliberation in 2007. It supported "Tomorrow's Europe", a European Deliberative Poll, which included 27 Member States and their citizens.

[29] The Commission's Contribution to the Period of Reflection and Beyond: Plan D for Democracy, Dialogue and Debate, "Objectives of Plan D"

[30] "The Commission will work with national governments to help organise and fund of events promoting the debate." [30] (The Commission's Contribution to the Period of Reflection and Beyond: Plan D for Democracy, Dialogue and Debate, "Assisting National Debates"

[31] Ibid, "Objectives of Plan D"

[32] Ibid.

[33] Ibid, "Assisting National Debates"

[34] Boucher, S, "If Citizens Have a Voice, Who's Listening?", EPIN Working Paper, No. 24, June 2009, www.ceps.be

[35] This objective is part of the section four of the Plan D: "4. Initiatives at Community Level" (The Commission's Contribution to the Period of Reflection and Beyond: Plan D for Democracy, Dialogue and Debate)

[36] The Commission's Contribution to the Period of Reflection and Beyond: Plan D for Democracy, Dialogue and Debate, "4. Inititatives at Community Level"

[37] The Commission's Contribution to the Period of Reflection and Beyond: Plan D for Democracy, Dialogue and Debate, "4.1 Stimulating a Wider Public Debate"

[38] Ibid, "4.1.1 Visits by Commissioners to Member States"

of European public sphere. In this way the public spirit of the basic political and other questions that mostly affect citizens is strengthen, which is the core idea of deliberative democracy.

Commissioner's availability to National Parliaments[39]

"National parliaments are the bridge to ensuring effective scrutiny of decisions taken by National Governments on European issues (...). The Commission intends to play an active role in facilitating the debate on European issues and to increase transparency about European policy making in all political fora."[40] Transparency is one of the fundamental requests of deliberative democracy. It is based on the idea that political decision making has to be founded on reasons accessible to all citizens affected by those decisions.

European round table for democracy[41]

European round table for democracy established by the Commission would promote active citizenship. It aims at enhancing cross-border debate on common European issues by gathering civil society actors and citizens from "different horizons" and all Member States. [42] This initiative establishes deliberative democracy where citizens as free and equal individuals discuss political issues and offer arguments and reasons for their decisions. Those decisions are always open to new discussions and examination which imply their change and transformation.

Promoting citizens' participation in the democratic process[43]

European commission proposed program "Citizens for Europe" to promote inclusive and active citizenship. This program establishes a number of citizens' panels at local level[44] in Member States. These panels should examine the results of the current policies. The Commission also proposed to other European institutions to find the ways to increase voter participation in European elections and national referenda on European issues. The proponents of deliberative democracy emphasise that the principle of inclusion represents the key element of the deliberative democracy.

However, the Plan D does not include any references to European identity and European values, which represent the significant part of the idea of European public sphere. Consequently, a substantive deliberative democracy cannot be exercised on European level.

THE CRITIQUE OF THE PLAN D FOR DEMOCRACY, DIALOGUE AND DEBATE: DELIBERATION VS. DEBATE

The Plan D did not fulfill its basic purpose. European Citizens are still excluded from the decision making process in the EU. The Treaty of Lisbon is ratified without open and public debate which is proposed by the *Plan D.* European Commission Vice-President emphasised that the core idea of the Plan D was transformation of the EU in accordance of expectations and concerns of its citizens. The exclusion of European citizens from the creation of the draft of the *Treaty of Lisbon* is contradictory to the conception of citizens as actors of political changes.

Subsequently, the Plan D did not produce deliberation. It reinforced a mere debate. However, debate cannot be equated with deliberation. Debate and dialogue do not always lead to deliberation which is a broader term. There are different definitions of deliberation, but they all emphasise its power to transform preferences that an agent previously had. On the other hand, the term "debate" applies to argumentative exchange governed by rules. The debate does not necessarily lead to transformation of preferences. Consequently, from the normative point of view, the Plan D did not lead to deliberation. Deliberation is based on the idea that what is common has to be decided in public and not prior to it.[45]

The result of different processes of consultation and open dialogue proposed by the Plan D is nothing more than an open letter which contains the list of 27 recommendations. This letter was presented to the European leaders in the December in 2007.[46] It did not make a substantive change of European citizenship and decision making process in the EU, emphasised by the Plan D.[47]

Fishkin argues that EU lacks a deliberative structure: "There is yet no deliberative infrastructure for the EU or, at best, is tentative, frail and sub-optional."[48] The Plan D states that the primary responsibility for responding to the call for open dialogue about common European issues

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[39] This objective is part of the section 4.1 of the *Plan D*.
[40] Ibid, "4.1.2 Commissioner's Availability to National Parliaments "
[41] This objective is part of the section 4.1 of the *Plan D*.
[42] Ibid, „"4.1.5 European Round Table for Democracy"
[43] This section (4. 2) of the *Plan D* includes: "4.2.1 Promoting Citizens' Participation in the Democratic Process"; "4.2.2 Support for European Citizens' Projects"; "4.2.3 Greater Openness"; and "4.2.4 Increased Voter Participation".
[44] They are often involved in decision making process at regional level.

[45] Cohen, J, "Deliberation and Democratic Legitimacy", Hamlin, A & Pettit, P (eds), *The Good* Polity, Oxford, Basil Blackwell Publishing, 1991, p.29
[46] By this date the *Treaty of Lisbon* was already drafted.
[47] Citizen's Projects: Concluding Conference Adopts Open Letter to EU and National Leaders, Parliaments and Political Parties, 2006-2007, http://ec.europa.eu/comission_barroso/wallstrom/communicating/conference/dialogue/index_en.htm
[48] Boucher, S, "if Citizens Have a Voice, Who's Listening?", EPIN Working Paper No. 24, June 2009, www.ceps.be

rests with Member States. According to Bruell (2007), this point of view is utopian: "Why should national governments be interested in promoting balanced arguments and quasi-objective information on EU policies, if they are so successful in using them in their blame-games? This request entirely ignores political strategies and struggle
upon power positions.

Another problem is represented by the concept of "public sphere", employed within the framework of the Plan D. The Plan D states that every public sphere has its unique local, regional and national traits.[49] However, "actors within the public sphere are not restricted to territorial division. This means that the public sphere is not a materialized arena restricted to the national, regional and local level."[50] This perspective is contradictory to the idea of open dialogue which transcends borders and includes all European citizens as free and equal. The public spheres cannot be perceived as monolithic bodies, and different spheres and struggles (such as ethnic, class, religious and so forth) have to be recognised within the framework of different public spheres.[51] Public spheres are heterogeneous and polyphonic categories.

European Commission establishes a very limited concept of the public sphere, which is perceived "as an information providing instrument".[52] The *Plan D* does not provide the opportunity of the realisation of heterogeneous and contradictory projects, which is the basic characteristic of democratic public sphere. Consequently, the public sphere can be "misused as propagandistic organ"[53] .

CONCLUSION

This paper examined the deliberative character of the European Commission's Plan D for Democracy, Dialogue and Debate. In the previous lines it is argued that deliberation leads towards active and more inclusive citizenship. However, deliberation is reduced to a mere debate within the framework of the Plan D. Thus, it does not lead to transformation and change. On the other hand, the notions of "citizenship" and "public sphere" employed within the Plan D are monolithic and homogeneous. Consequently, the Plan D for Democracy,

Dialogue and Debate does not reflect deliberative democracy, although it has some of its basic traits.

The basic problem of this European Commission's document can be identified in the fact that determination of European values is ignored. Consequently, the concept of European values is employed as based on the widely accepted assumptions that it is built on the homogeneous concepts of cultural and historical heritage and liberal theory. European public sphere produced by this point of view is thin and instrumental, i.e. perceived only as a means to an end, and not a good in itself (substantive concept). However, the failure of European Commission's Plan D can serve as a good example for other European initiatives, which should reject homogeneising assumptions and mere instrumental concepts.

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[49] "In seeking to promote a common framework, the Commission fully recognises that each debate has its own local, regional and national characteristics. Different issues will be highlighted and the importance of the European Union will differ according to the country and policy content discussed." (The Commission's Contribution to the Period of Reflection and Beyond: Plan D for Democracy, Dialogue and Debate, "3.2 Content")

[50] Bruell, C, "Debating Europe – Identity and Citizenship in a European Democracy", rad predstavljen u sklopu radionice "The Impacts of National Identities for European Integration as a Focus of Citizenship Education", Septembar, 2007, www.bpb.de/nece

[51] Ibid.

[52] Ibid.

[53] Ibid.