

Publicness in Transnational Demo(i)cracy: The European Citizens' Initiative and the Interplay between the Subnational, National and Transnational

Maximilian Conrad, University of Iceland

mc@hi.is

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Abstract:

In the absence of a commonly accepted theory of transnational democracy, evaluations of the EU's democratic performance as a transnational non-state polity remain problematic. This observation is highlighted not least by the introduction of the European Citizens' Initiative (ECI) in the Lisbon Treaty. The ECI has been characterized as the world's first transnational citizens' initiative, even though in participatory terms, it is little more than a mere petition. From a deliberative perspective, on the other hand, the ECI's main potential lies in its ability to foster transnational contestation and deliberation, as the cases of the formal Right2Water and the informal Stop TTIP initiatives have demonstrated. Such initiatives do however illustrate the problems that traditional state-centered theories of publics, publicness and the public sphere have in dealing with processes that by their very nature *transcend*, but by no means *replace* existing spatial, cultural and linguistic boundaries across the EU. Because of the ECI's organizational requirements, the success of an initiative requires the interaction of publics as well as an interplay of mobilization and contestation processes at the local, regional, national and transnational levels. The proposed paper reflects on these requirements both as a challenge and as an opportunity for (a) the continued democratization of the EU and (b) the further development of a theory of transnational democracy, in particular with a view to conceptualizing the role and very definition of the publics, publicness and indeed the public sphere within transnational democracy. Particular emphasis within this analysis is placed on the role of digital media as a facilitator in the development of publics that are by definition neither exclusively subnational, national or transnational, but transcend and elude such categorizations. Empirical illustrations are drawn from the formal Right2Water and the informal Stop TTIP campaigns.

Introduction

After the first four years of its existence, the European Citizens' Initiative (ECI) is considered by many observers – academics and activists alike – to have failed to achieve its goal of bringing EU decision-making closer to the citizens. Although three formally registered initiatives have succeeded in collecting the necessary one million signatures and reaching the required quorums in a minimum of one quarter of the union's member states, the instrument has failed to generate any concrete legislative proposals by the European Commission. Due to its exclusive right of legislative initiative, the European Commission has the discretion to disregard even successful initiatives' "invitation" to propose a legislative act following the required public hearing in the European Parliament. This has caused considerable frustration on the part of ECI organizers about what appears to be a "hybrid genre" (Dufrasne 2016), namely a participatory instrument that is highly demanding in terms of formal requirements (and thus resembles a direct-democratic citizens' initiative), but is at the same time strikingly weak in terms of legislative impact, thus more closely resembling a simple petition.

The transformative impact of the ECI can however arguably be found elsewhere, both in relation to the broader development of (a theory of) transnational democracy in the EU *and* in relation to the more specific aspect of the spatial reconfiguration of public contention in EU decision making (Conrad 2011; cf. Bouza García/Greenwood 2012). Particularly the considerable mass-media attention and the significant signature-collection successes of some of the first initiatives organized from 2012 onwards strongly suggest the ECI is indeed a noteworthy *mobilization* tool, as demonstrated forcefully by formal initiatives such as the *Right2Water* and *Stop Vivisection*, but also by the informal/"self-organized" *Stop TTIP* campaign against the proposed EU-US free-trade agreement. But at the same time, these examples also highlight the problems that state-centered democratic theory has in dealing with processes that by their very nature *transcend*, but by no means *replace* existing spatial, cultural and linguistic boundaries across the EU. Because the ECI is designed as a *transnational* citizens' initiative, successful ECIs involve a complex interplay of mobilization, contestation and deliberation processes at various territorial levels: decisions are made at the supranational level, but mobilization and contestation processes tend to occur primarily at the national or regional/local level. Moreover, these mobilization and contestation processes also constitute networked publics, in Castells's sense, that by their nature elude categorizations in terms of territorial, linguistic or cultural boundaries. Traditional state-centered theories of democracy, but also of publics and the public sphere, run into problems in making sense of such processes, especially in a context such as the European Union that is already characterized by significant tensions stemming from the fact that despite the existence of fairly convincing accounts of transnational democracy (e.g. Bohman 2005;

2007), the union's democratic performance is still broadly assessed in relation to the normative yardstick of nation-state democracy.

The purpose of this paper is (1) to demonstrate some of the problems that state-centered democratic theory runs into in assessing the democratic quality of EU decision making; (2) to highlight the ways in which the ECI, designed as it is as a *transnational* citizens' initiative, presents a challenge to state-centered democratic theory, but at the same time illustrates some of the key aspects of a transnational democratic theory focusing on the importance of institutionalized deliberation; (3) to reflect on the ways in which the ECI, due to its design as a transnational citizens' initiative, contributes to the spatial transformation of public contention in EU decision making, and finally (4) to reflect on the role and relevance of social/digital media in such processes. Empirical illustrations are drawn from mainly from three ECIs, namely the formal *Right2Water* and *Stop Vivisection* initiatives as well as the informal *Stop TTIP* initiative, but references are also made to other initiatives that have been launched within the first four years of the ECI's existence.

1. European Integration as a Challenge to State-centered Democratic Theory

European integration tends to present state-centered democratic theory with profound challenges in assessing the democratic quality of EU decision-making. Unsurprisingly, the question has occupied some of the most prominent integration theorists, with authors such as Andrew Moravcsik famously describing the EU democratic deficit as a myth, most importantly because the key decision makers in the EU political system are directly democratically accountable, whether at the European level (in the case of the European Parliament) or at the national level (in the case of the Council of Ministers) (Moravcsik 2008). Others have argued that such a purely intergovernmentalist take on the democratic deficit fails to take into account that both the European Union as a polity *and* the scope of its legislative competences has moved far beyond a mere common market based on intergovernmentalist principles, and that significantly more is therefore needed in terms of democratic legitimation than the current institutional architecture can provide. The communitarian response to such arguments has been that Europeans need to develop a stronger self-awareness as a community of values (Etzioni 2007; cf. Eriksen/Fossum 2007), while others – echoing Habermasian arguments about postnational democracy – have emphasized the necessity of European constitution-making and the promotion of European citizens' individual political rights vis-à-vis the European institutions (Eriksen/Fossum 2007; 2012).

Such arguments suggest that the basic question of the democratic legitimation of European integration is intimately connected to the question of the nature of the EU as a

polity. The discourse on the EU democratic deficit is rife with references to deficits that the EU displays by comparison to the nation state, most importantly in relation to the problem of democratic accountability in a system that emphasizes delegation to supranational institutions, some of which consequently rely on a highly indirect form of democratic legitimation.¹ The normative yardstick commonly applied in assessing the democratic quality of EU decision-making is therefore clearly drawn from *state-centered* democratic theory, that is: the democratic legitimacy of the EU as such *and* its decision-making process are assessed as if the EU were a state (or at least a state in the making), suggesting – implicitly or explicitly – that EU democracy depends on the existence of a single European demos and that EU decision making has to reflect the collective will of a European people and be accountable to this collective will of Europeans. At the same time, European integration has for many years also been described as suffering from a “demos deficit”, that is: the absence of a single European demos has been portrayed as an insurmountable obstacle in the full democratization of the EU (cf. Weiler 1995). The underlying normative ideal is that democracy is to be understood as popular sovereignty, that is: popular self-rule requires the existence and self-identification of a people as such. This assertion has created a peculiar kind of conundrum for the European Union. On the one hand, in times of widespread Euroskepticism, there appears to be a clear aversion to any further strengthening of the union’s supranational institutions. The rejection of the Constitutional Treaty in France and the Netherlands in 2005 was already a strong indication of a reluctance to accept even symbolic references to an increasing sense of EU statehood. But at the same time, there are contradictory claims for increased democratic accountability, for instance regarding the composition and appointment of the European Commission, both as regards its President and the individual members of the College.

In terms of democratic theory, this discrepancy between the nature of the EU as a *polity sui generis* and the principles for assessing its democratic legitimation has resulted in highly relevant discussions about the normative ideal(s) underlying the idea of transnational democracy, in particular between, on the one hand, scholars who promote a reconstitution of democracy beyond the nation state along the lines of nation-state democracy, and on the other hand authors who promote a more fundamental transformation of democracy as such, namely as “democracy across borders” (Bohman 2005; 2007). Indeed, some observers have pointed out that democratic theory has so far failed to generate any convincing and commonly accepted theory of democracy for transnational polities such as the EU, creating a

¹ Supranational institutions such as the European Commission are indirectly legitimated in the sense that national governments choose their respective members of the College, who are then in turn approved by the European Parliament following a public hearing.

situation that requires either a “reconstitution” of Europe along the lines of EU constitution-making and demos construction in order to fit the conceptual categories of existing (state-centered) democratic theory, or a “reconfiguration” of democracy, i.e. the development of a democratic theory that makes sense of and spells out the conditions for democratic governance beyond the nation state (Eriksen/Fossum 2012).

According to the transformationalist argument, Habermasian ideas about merely reconstituting democracy at the European level do not go far enough in that they fail to transform the underlying normative ideal of democracy. Inasmuch as they are based on the fundamental idea of reconstituting democracy by creating a sense of European peoplehood, such ideas are difficult to reconcile with the basic fact that the EU is composed of 28 already democratically constituted nation states, each of which already has an established sense of peoplehood (Bohman 2007). For Bohman, this “demoi problem” constitutes a problem because the construction of sense of European peoplehood/demos creates the risk of a hierarchy of authority, where the interests of particular demoi may be subordinated to the overarching interests of the newly created European demos (ibid.). Consequently, the democratization of the transnational EU polity requires a genuinely transformationalist democratic theory that departs from the state-centered normative ideal of popular sovereignty, and is based instead on the “democratic minimum” of ensuring non-domination through processes of institutionalized deliberation (ibid.).

2. The ECI as a *Transnational Citizens’ Initiative*

Bohman’s emphasis on institutionalized deliberation on perceived injustices is particularly relevant against the backdrop of discussions about the democratizing effect of the European Citizens’ Initiative (ECI). A relatively weak and non-binding participatory tool such as the ECI obviously does not (and cannot) solve even most of the multifaceted problems addressed within the discourse on the democratic deficit. However, in providing the EU with the first transnational citizens’ initiative (Bouza García/Greenwood 2012), at times even described as the first element of transnational *direct* democracy (Kaufmann 2012), the ECI does offer a promising instrument that appears to go around some of the problems connected to the conundrum described above, i.e. that in the absence of a commonly accepted theory of transnational democracy, the EU is expected to comply with standards of democratic accountability derived implicitly or explicitly from a state-based understanding of democracy rooted in the concept of popular sovereignty, but at the same time remain a largely intergovernmental organization.

In this regard, the ECI is promising in a number of respects. Most importantly, the ECI is a *transnational* participatory instrument with regard to its formal organizational

requirements. Initiatives need to be organized by citizens' committees consisting of seven EU citizens residing in seven different member states (regardless of their nationality). In order to result in a public hearing in the European Parliament (and be considered for a legislative proposal by the European Commission), initiatives furthermore need to be supported not only by one million citizens overall, but also reach country-specific quorums (equal to the number of a given state's Members of the European Parliament (MEPs) multiplied by 750) in at least seven different member states. These two conditions are significant in the context of Bohman's twin perspectives on the demoi problem and transnational democracy as non-domination, because they spell out clear conditions that preclude the possibility of initiatives being organized by and supported in only a small number of member states and thus possibly reflecting only the national interest of the given state(s). In that sense, the conditions spelled out in the ECI Regulation from 2011 allow for transnational will formation processes without undermining the relevance of national demoi as a cornerstone of EU transnational democracy (cf. Conrad 2011). In addition, because of the legally non-binding character of the ECI regarding the European Commission's response, it is justified to speak of the ECI as an instrument for channeling deliberation from the public sphere into the institutions of the EU political system (cf. Greenwood/Tuokko 2016; Bouza García/Del Río Villar 2012). In Bohman's account of transnational democracy, it is precisely this institutionalization of deliberation within the political system that creates a link between citizens' deliberation in the public sphere and institutional decision-making (cf. Greenwood 2012). This also reflects the Habermasian perspective that "communicative power" (Habermas 1992: chap. 7) is generated to the extent to which the use of communicative freedom in the public sphere has an impact on institutional decision-making (Bohman 2010).

Despite this, the experience of the first four years of the ECI has shown the ECI to be a considerably weaker participatory instrument than many had hoped at the outset. Its limitations even as a mere agenda-setting tool for citizens, i.e. as a way of channeling deliberation into the EU institutions, are testimony to the continued legacy of intergovernmentalism in European integration. Due to the Commission's exclusive right of legislative initiative, ECIs *cannot* at present be more than mere "invitations" for Commission legislative proposals. Moreover, the difficulties that average citizens have had in successfully concluding their signature-collection campaigns within the prescribed time frame strongly suggests that the ECI is predominantly a tool for resourceful and well-networked civil-society (umbrella) organizations (Conrad/Steingrimsdóttir 2016).

Nevertheless, there have also been notable cases of initiatives successful in mobilizing enough people to collect the required numbers of signatures and in channeling deliberation into the EU's legislative institutions. So far, three initiatives have successfully concluded their signature collections and received a public hearing in the European

Parliament, namely *Right2Water* (in 2014), *One of us* (in 2014) and *Stop Vivisection* (in 2015). This suggests that the ECI can indeed be considered to be a mobilization tool, and as such may or may not generate public deliberation. The interesting aspect to note, at this point, is however that the ECI can even be used as a mobilization tool for campaigns that are not even formally registered by the European Commission as official European Citizens' Initiatives. The campaign against the proposed EU-US free trade agreement (*Stop TTIP*) decided to launch an ECI against the project, but was refused official registration because the Council's decision to negotiate a free trade agreement with the US did not constitute a legislative act, so that an ECI against TTIP was inadmissible. This did not however stop the Stop TTIP campaigners from launching an unofficial, "self-organized European Citizens' Initiative", in the course of which close to 3.3 million (unverified) signatures were collected and subsequently handed over to the European Commission in Brussels in October 2015 and presented to Martin Schulz, then President of the European Parliament, in November 2015. The campaign had a largely symbolic purpose, but was also carried out in order to "quantify" the degree of public opposition to the free-trade deal (interview Michael Efler).

Conclusions about the successes of initiatives such as *Right2Water* and *Stop TTIP* certainly need to be drawn with caution, especially in relation to the relative *lack* of success of initiatives such as *Stop Vivisection* and *One of us*. Nonetheless, these initiatives point towards some highly relevant questions regarding the potential of the ECI both a deliberative *and* as a mobilization tool. After their successful signature-collection campaigns, both *Stop Vivisection* and *One of us* resulted in public hearings in the EP, following which the European Commission – based on a reasoned explanation (available on the Commission's website) – decided not to follow up with any concrete legislative proposals on the demands of the respective initiatives. In addition, neither of the two initiatives sparked any significant public interest or deliberation, especially within the mass media. By comparison, *Right2Water* attracted significant media attention, particularly in Germany, where the initiative also received most of its signatures (Plottka 2016). In terms of impacting the legislative process, the initiative resulted in an explicit exclusion of water services from the Commission's "concessions directive" already months before the conclusion of the signature-collection process (European Commission 2014; European Union 2014). While the impact of the *Stop TTIP* campaign is much more difficult to assess, not least due to the election of Donald Trump as US President, it is clear that the frames employed by the Stop TTIP campaign in making sense of the proposed agreement resonated very well in the public's reception of the agreement, in particular the issue of state-investor dispute settlement courts or the undermining of European standards regarding democracy, sovereignty and environmental and consumer protection. Questions regarding the extent to which the signature collection constituted a necessary condition for the success of the campaign as a whole are difficult to

answer within the scope of this paper. However, it seems clear that the self-organized ECI contributed to raising awareness for and mobilizing against some of the problematic aspects of the proposed agreement, all the more so as it added another (in part) physical manifestation of public protest against the project.

3. The Role of the ECI in the Spatial Transformation of Public Contention in EU Decision-making

The relevant question is however to which extent the introduction of the ECI also leads to an intensification of the spatial transformation of public contention in EU decision-making. This question bears certain similarities to the early 2000s debate on the necessity – and indeed *possibility* – of a shared European public sphere as an “infrastructural requirement” of EU democracy (e.g. Trenz et al. 2009). In this debate, the absence of a European public sphere imagined as a communicative space, integrated around a shared language and media system, was initially considered to pose a fundamental challenge to the possibility of democratic legitimation in EU decision-making. This claim is however squarely rooted within state-centered democratic theory, where democratic decision-making is thought to require a “community of communication” embodied in a singular national public sphere for public opinion and will formation. Such assertions are highly problematic in the context of a transnational non-state polity such as the EU, where public contention and deliberation processes more or less by necessity transcend, but by no means replace existing linguistic, cultural and territorial borders. Consequently, one of the key arguments to emerge from the debate on the possibility of a European public sphere was that the *democratic functions* of the political public sphere in relation to European integration could also be performed by increasingly Europeanized national public spheres, as long as media coverage on EU issues in the different member states is characterized by an increasing extent of “interdiscursivity”, that is: if the same issues are discussed at roughly the same time with the same criteria of relevance (Eder/Kantner 2002). Authors such as Thomas Risse have argued that a European public sphere also requires an element of European self-identification and self-reflection in the ways in which EU issues are framed (Risse 2004). Even if this model of a European public sphere, based on Europeanized national public spheres and their respective media systems, cannot generate the collective will of Europeans as such, it does nonetheless generate the sort of level of public scrutiny that deliberative theories of democracy consider to be a necessary ingredient in democratic politics, most importantly because it makes the public sphere a counterweight that generates communicative power and channels it into the institutions of the political system.

The same argument can be made in relation to the spatial transformation of public contention in EU decision-making. Even though decision-making moves from the national to the supranational level, processes of public opinion and will formation – and thus processes of deliberation and contention – need not necessarily follow suit. Indeed, the simple fact of language diversity makes this similarly unlikely as the emergence of a singular European public sphere based on a uniform media system in which transnational debates can take place. The emerging image of the European public sphere is therefore one of a *segmented* communicative space that is very different from the conventional container model frequently invoked in making sense of the national public sphere. If a European public sphere exists, then it exists as a sphere of publics interacting across multiple territorial levels, that is: a multi-level public sphere in which institutional decision-making at the supranational level is accompanied by processes of public deliberation and contestation at various lower levels, most importantly national, regional and/or local. This applies as much to mass media debates on contentious EU issues as it does to public contention against ongoing EU projects, legislative or otherwise.

To some extent, this mismatch between European-level decision-making and national or subnational deliberation and contestation may be perceived as a challenge to the possibility of transnational democratic legitimation, as is discussed below, but it also appears to be characteristic of the emerging system of transnational democracy in the non-state EU polity composed of 28 democratically constituted nation states. But to what extent is it accurate to speak of a spatial transformation of public contention in EU decision-making, and what role does the ECI play in facilitating such processes? The argument to be made here is that supranational decision-making involving at best indirectly accountable institutions need not create problems of democratic legitimation, as long as such decision-making processes are matched by public deliberation and contestation across various levels, ranging from the supra- and transnational to the national, regional and local. Indeed, contention is considerably more likely to occur at the local or regional level for the simple reason that people are obviously more likely to participate in demonstrations that take place in their vicinity instead of travelling to Brussels or Strasbourg to protest in front of the European Commission or European Parliament. The ECI can be seen as an incentive and opportunity for this kind of multi-level contention and deliberation.

Most fundamentally, ECIs always refer to legislative projects to be pursued at the supranational level, whether in the form of proposing new legislation (such as e.g. more funding for European exchange programs or the introduction of 30 km/h speed limits in European towns) or in the form of repealing existing or opposing planned legislation (such as e.g. existing legislation on animal testing in the case of *Stop Vivisection*, or the EU-US free trade agreement in the case of Stop TTIP). Precisely because it is organized as a

transnational citizens' initiative, the success of any given initiative depends on its ability to mobilize not only campaigners and other supporters, but also signatories in as many of the member states as possible. This also means that campaigns have to resonate with audiences at the national and regional/local level. But the actual success of any initiative depends on bringing the pieces of the puzzle together by generating a coherent narrative that defines the object of contention in unequivocal terms and suggests that citizens all over Europe are contesting the same thing.

The ECI as an expression of a spatial transformation of contentious politics in the EU:

Empirically, the first four years of the ECI's existence have generated a number of highly relevant, albeit fairly case-specific illustrations of the processes summed up here as the spatial transformation of public contention in EU decision-making. These illustrations obviously shouldn't be taken as evidence that ECIs by necessity induce such processes. As a matter of fact, the vast majority do not, as many fail to clear the hurdles for formal registration, while other focus almost exclusively on signature collection (often online) or fall short of producing a convincing overarching narrative of European citizens standing up against ongoing developments at the European level. The initiatives from which the following illustrations are drawn are therefore in and of themselves fairly exceptional, but they nonetheless serve to illustrate the potential of the ECI as a participatory instrument that offers an opportunity and an incentive for processes of public contention and deliberation. Three initiatives stand out in this regard, although only two of them are actually formal ECIs recognized as such (and thus registered) by the European Commission, namely *Stop Vivisection* and *Right2Water*. The third initiative discussed here, namely *Stop TTIP*, was rejected as a formal ECI, but continued its signature collection as part of a "self-organized ECI" and resulted in a total of close to 3.3 million unverified signatures.

The most successful of the formal initiatives so far, *Right2Water*, collected 1.8 million verified signatures. Although it did not result in a direct legislative proposal by the Commission, the explicit exclusion of water and sanitation services from the Commission's "concessions directive" in 2013 makes *Right2Water* the most successful initiative so far also in terms of legislative impact. *Right2Water* has been a highly exceptional initiative, partly because it is rooted in – but needs to be distinguished from – the broader water movement that aims for a global implementation of the human right to water. The extent to which the formal initiative can be considered a genuine citizens' initiative has been questioned with regard to the central organizing/coordinating role played by the European Federation of Public Services Unions (EPSU): Most of the initiative's day-to-day work was done by a professional campaign officer in the EPSU headquarters in Brussels, while the citizens'

committee was composed of heads of national public services unions from seven member states that were not involved in running the initiative. According to the campaign officer, they were chosen for a political purpose, most importantly because they were known individuals, both publicly and within the water movement (interview Sanchez Centellas).

The organizational support of EPSU and its partner/member organizations in the member states was consequently also instrumental in mobilizing support against the Commission's alleged plans for violating the human right to water by aiming for a privatization of water and sanitation services in the member states. As an ECI, *Right2Water* was characterized both by professional knowledge and expertise with regard to the workings of the EU institutions and legislative process, but also by a network of organizations that played a key role in the organization of numerous events at the local and regional levels that helped mobilize opposition against the parts of the concessions directive that touched on water and sanitation services. The manpower available through the EPSU's partner organizations in the member states further allowed the initiative to be present at various local- and regional-level events in order to collect signatures on paper.² Maybe most importantly, the movement and the initiative were highly successful in framing the concessions directive as a move to turn water supplies into a commodity instead of public good, which would have violated the human right to water and sanitation services. This frame resonated very well also in the mainstream media, particularly in Germany, which resulted in a large majority of the initiative's signature coming from Germany (Plottka 2016). Although it is difficult to isolate the effect of the ECI from the efforts of the broader water movement, it is nonetheless plausible to argue that the ECI played an important role because the initiative could be construed as a way of avoiding the otherwise (presumably) inevitable privatization of water services around the EU. In addition, it was also the institutional form of a concrete ECI that triggered public declarations of support for the initiative from a large number of largely leftwing MEPs. But from the perspective of the spatial transformation of public contention, the initiative illustrates well how the ECI presents an incentive and opportunity to stimulate public contention against EU-level projects at the regional and local levels within the member states.

Although not a formal ECI, the *Stop TTIP* initiative can be seen to have been successful in exploiting the same opportunity offered by the ECI. *Stop TTIP* clearly could not draw on a supportive organizational infrastructure of the magnitude of the EPSU, but was (and still is, for that matter) professionally organized and continues to work towards mobilizing public opposition against the EU-US free-trade agreement. Similar to *Right2Water*, it is important to note that the "self-organized ECI" against TTIP (and against

² A list of the events organized by the initiative or in which the initiative participated can be found on the Right2Water website at <http://right2water.eu/events/past> (last accessed 2017-04-01)

the “Comprehensive Economic and Trade Agreement” (CETA) between the EU and Canada) is only one part of a much bigger movement and strategy against such free-trade agreements. As such, it is difficult (if not outright impossible) to separate the ECI from the events organized as well as the social media campaigns pursued by the broader movement. However, similar to *Right2Water*, it is plausible to argue that the self-organized ECI plays a central role in the campaign because it is a way to “quantify”, that is: to put a number on the extent of public opposition against transatlantic free-trade deals such as TTIP and CETA (interview Efler). The ECI therefore played an important role not only as an awareness-raising and mobilization tool, but also because it communicated to potential supporters that signing the initiative would be a way of demonstrating the actual extent of public opposition to TTIP to EU-level decision-makers. The self-organized ECI consequently also played a pivotal role in some of the most visible protests launched at the European level, for instance the public handing over of 3.3 million signatures to the European Commission in October 2015, or the presentation of these signatures to Martin Schulz, then President of the European Parliament, in November 2015. In this sense, the ECI was clearly an important vehicle for framing the meaning and significance of TTIP as a “Trojan horse” undermining European standards as regards democracy, popular sovereignty, food safety, or environmental and consumer protection.³ Thanks to its numerous partner and supporter organizations at the local, regional and national level, *Stop TTIP* was furthermore able to stage decentralized, but nonetheless often synchronized mass demonstrations in various European cities, such as for instance as part of the “Global Day of Action Against TTIP” on 18 April 2015, or the demonstrations in seven major German cities on 17 September 2016. These protests are also illustrative of the broader phenomenon of a spatial transformation of public contention *through the use of the ECI*: Even though these protests were organized as regional events, their synchronicity allowed the organizers to emphasize the notion that citizens all over Europe were protesting against a project pursued at the supranational level. In addition, the initiative (and the movement as such) were also very successful in presenting a coherent framing of the risks associated with TTIP in terms of the standards mentioned above.

As a third example, *Stop Vivisection* could be considered a grassroots initiative in the sense that it did not have the backing of any major overarching umbrella organizations, but instead started out with the support of only a relatively small number of minor animal-rights organizations based predominantly in Italy. However, the number of supporting organizations grew considerably during the one-year signature collection period, and the organizers have viewed the grassroots character of the initiative as one of the recipes for the initiative’s

³ An inflatable Trojan horse was also a standard feature at *Stop TTIP* protests in a variety of locations, symbolizing the understanding that TTIP and/or CETA was only the first step in a process of dismantling European standards.

success, in particular the local knowledge and campaigning expertise of the participating organizations (Varrica 2014). The initiative certainly stands out from the other two discussed here, most of all because until the end of the signature-collection period, it remained a highly decentralized campaign that based its campaigning strategy on traditional street activism and smaller-scale events at the local level, and consequently also collected far fewer signatures than the more professionalized *Stop TTIP* or *Right2Water* campaigns. In Castells's terms, *Stop Vivisection* could therefore be described as a case of a networked public that was successful in mobilizing opposition against laboratory testing of animals by connection to likeminded activists both through the use of personal networks, but importantly also through the use of digital and social media.

The Role and Relevance of Social/Digital Media

It can certainly be said that the three successful campaigns discussed here placed considerable emphasis on the use of social media and arguably, although to varying degrees, also had a clearly discernible strategy in their use of social media. For some, it could even be argued that social media played an important role in overcoming deficits as regards backing by larger and more resourceful civil-society organizations. For instance, *Stop Vivisection* could not draw on any infrastructural support of the kind available to *Right2Water*, but managed to mobilize enough campaigners and supporters through a very active campaign on Facebook and Twitter (Conrad/Steingrimsdóttir 2016). For some of the less successful initiatives (e.g. End Ecocide in Europe), social media even played an important role in recruiting co-organizers/members of the initiative's formal "citizens' committee".

But even for the initiatives that were backed by resourceful organizations, social media played an important campaigning role, most of all in three respects: for one, social media such as Facebook or Twitter were used to disseminate information about the campaigns as such, whether in terms of informing about the campaigns' goals or about past or upcoming events. Second, social media played a key role in framing the issues at stake, often in terms of offering normative justifications for the proposed actions. In the case of *Stop Vivisection*, for instance, social media were frequently used to question not only the scientific value of laboratory testing of live animals, but also to underline the questionable morale behind this practice by showing – often graphic – images of animals' treatment in laboratories. *Stop TTIP*, in turn, used social media in order to advance its interpretation of TTIP and its likely consequences for European environmental, health and consumer protection standards, amongst others (Conrad 2016). Third, social media clearly also played a key role as a motivational tool, both for campaigners to keep gathering signatures *and* to

encourage potential new signatories. This was particularly evident in the case of *Stop Vivisection*, which needed every signature to ultimately reach the required one million signatures. Stop TTIP also used social media for motivational purposes, frequently sending out messages informing about the current state of the signature collection and setting ambitious new goals to be reached by the end of a given week or month.

The spatial transformation of public contention as a challenge and an opportunity

The spatial transformation of public contention can be seen to pose a challenge from the perspective of the democratic legitimation of supranational decision-making. At the same time, it should be emphasized that this challenge at least in part has to do with conceptualizations of democratic legitimation beyond the nation state. In a transnational polity such as the EU, democratic legitimation almost by necessity needs to take a different form than in the nation state. The long physical distance between citizens in the member states and the EU institutions in Brussels and Strasbourg (and Luxembourg, for that matter) is often mentioned as an important part of the EU democratic deficit, as is the indirect chain of accountability between citizens and their representatives in the EU institutions. From a deliberative-democratic angle, one might argue that such shortcomings need to be compensated by increased contestation and deliberation in the public sphere, i.e. by transnational communicative power generation. This can by all means be considered a problem because communicative power generation, then, requires that public contention occurs at and interacts across multiple levels, as described above. As an illustration, one could mention the *One of us* initiative that managed to pass the threshold of one million signatures with relative ease *and* reach the required quorums in a sufficient number of member states; but at the same time, the initiative failed to generate any lively debate in most member states, and collected most of its signatures in a very small number of member states, predominantly Spain, Italy and Poland. Similarly, one could argue that even if protests take place at or around the same time in various locations, they may not generate any significant public attention or carry any significant force in terms of communicative power generation unless they crystallize around a common narrative or shared frame about the issues at stake. For instance, the key difference between highly professional and resourceful campaigns such as *Stop TTIP* or *Right2Water* and highly decentralized and dispersed protests under the banner of *Stop Vivisection* is that the former tended to organize their events as part of closely coordinated action days that consequently also attracted significant public and mass media attention.

On the other hand, this additional burden can also be seen as an opportunity. For one, if processes of public contention and deliberation on specific projects take place

simultaneously at different levels in the union's member states and if ECI organizers manage to present a coherent framing and narrative on the issue at stake, this carries considerable weight in terms of communicative power generation. The role of the ECI in this can certainly be described as a facilitator of the spatial transformation of public contention in the EU, as it presents citizens with a clearly defined framework (including a clearly defined time frame) for mobilizing opposition to existing projects or for mobilizing support for new projects. Successful cases of initiatives such as *Right2Water*, *Stop Vivisection* and *Stop TTIP* may be exceptional at this point (and point to the fact that being successful with an ECI may indeed overburden average citizens), but they do underline that the instrument can in fact work as a vehicle for the sort of multi-level contention described in this paper. Moreover, the ECI also offers a clearly defined path for channeling the claims raised by ECIs into the institutional decision-making process of the EU, even if at this point, the most successful initiatives have not managed to get past the very threshold of the EU legislative process, i.e. the public hearing in the European Parliament.

4. Concluding Discussion: Implications for a theory of transnational democracy

The ECI emerged as an instrument of participatory democracy aimed at bringing citizens closer to the EU legislative decision-making process. As such, the instrument is clearly intended as a means to ameliorate at least part of the oft-cited EU democratic deficit. With regard to the highly complex nature of the EU democratic deficit, rooted as it is in the nature of the transnational polity *and* contention about the meaning and institutional form of transnational democracy, its potential in bridging the gap between citizens and the EU institutions may be considered quite limited. Nevertheless, the relevance of the ECI can and by all means should be discussed in the context of a broader process of the spatial transformation of public contention in EU decision-making. Regardless of the quality of democratic accountability and legitimation in the EU's institutional architecture and decision-making processes, the gradual transfer of policy competences to the supranational level is a process that mechanisms of democratic legitimation need to relate to and catch up with in one way or another. Similar to the debate about the viability of a European public sphere as a single communicative space, congruent with the borders of the EU and integrated around a shared lingua franca and media system, it would however be misleading to assume that public contention in EU decision-making needs to leave the nation state (and indeed subnational levels) behind and occur only (or even predominantly) at the European level. A more viable option seems to be that public contention takes the form of an interplay of mobilization, contestation and deliberation across multiple linguistic, cultural and territorial

borders, all the way up from the local and regional to the national and even transnational level.

This paper has discussed the ECI as an expression of this spatial transformation of public contention, but also reflected on the challenges and opportunities of such processes. One of the main advantages of the ECI – possibly precisely *because* it is a relatively weak and non-binding form of “citizens’ initiative” – is that it goes around cumbersome questions connected to the *demoi* problem identified by Bohman, while nonetheless providing a genuinely transnational participatory instrument gives successful initiatives the power to initiate public deliberation within the institutional structures of EU decision-making. As such, the ECI is clearly the strongest element of participatory democracy in the EU to date. Its success, on the other hand, clearly depends to a large extent on the success of initiatives in staging and amplifying their concerns, to borrow a Habermasian formulation, in such a way that they resonate in the various arenas of the public sphere and generate communicative power to be channeled into the legislative institutions. The experience of some of the more successful initiatives launched since 2012 suggests that this is certainly a very demanding process that tends to depend to a large extent on the infrastructural support of bigger and more resourceful civil-society organizations – not just at the European, but also at the national, regional and local level. As the experience of Stop TTIP and Right2Water indicates, the generation of communicative power in a multi-level process of public contention depends crucially on the ability to generate a convincing narrative that suggests that protests against particular EU projects – or demands for new projects – are indeed a EU-wide, transnational phenomenon.

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