

## Old myths never die: Framing Europe's future

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The reason for my invitation was my publication on "Framing: the bottleneck of constructing legitimate institutions" (Kohler-Koch 2000). It was written in response to a topic high on the political agenda of the time: the constitutional future of the European Union. Today once more, shaping Europe's future is under discussion though not in terms of constitutional reform. Thus, is it worthwhile reading this text again?

The issues at stake then and now are about the same – how to make the European political order more sustainable – but the political context is quite different: The turn of the century was a time of the deepening and widening of European integration. The EU was about to enlarge its membership from 15 to later 27 and finally 28, it had decided to share a common currency and, last, not least, to transfer more governing powers to EU institutions. To manage all these new challenges institutional reforms seemed to be inevitable; thus, the EU was in the midst of a constitutional debate.

Today, the future of the EU looks far less promising. "Brexit" and the nationalist wave sweeping across Europe undermine the very basis of the European Union. In contrast to the turn of the century, nobody wants to talk about a constitution for Europe even though all responsible politicians know that institutional reform is inevitable.

Despite these differences, both political situations have a lot in common:

- Muddling-through and political incrementalism will not do the job to avoid a protracted crisis of European integration. Rather, we need a road-map to know where we are heading to and what kind of political order is the appropriate setting for living together in Europe. Hence, systemic thinking is needed and the focus is on institutions.
- There is no blue-print for a consensual settlement but rather an abundance of models and ideas.
- Hence, framing will have a strong impact and decide which model will be accepted.

In view of these common features I will examine if the theoretical approach I used in my article still has explanatory power.

In a first step, I will recall my core arguments. Next, I give a critical assessment of their empirical validity asking whether the course of events followed my predictions. Finally, I will put up for discussion my assessment of the present situation including my political worries and my apprehensions concerning

the lack - or at least the dearth - of ideas and the flaws in framing in the present academic debate. My own assessment is that “old myths never die” but some fade into the background and some come to the fore and attract public attention and this has a strong impact concerning the appreciation of competing frames and, consequently, their political relevance.

## 1. Core arguments

I start with a short outline of the main points of my article concerning institution building, the importance of framing, general conditions for success, and the dominant frames of the time.

### 1. Institution building

My first argument is that institution-building is not just done by intentional constitutional design. Constitutional assemblies and intergovernmental conference are key moments in institutional history but they are not the only and often not the most important input. If we examine the living institution of any polity we see that it owes its characteristics both to constitutional design and to a process of continuous political arrangements adapting rules and procedures, be it to functional needs or to shifting power relations.

Many actors are involved in institution building and they mostly pursue both partial interests and what they consider to be the common good. Either way their preferences reflect shared notions of efficient and appropriate governance. A careful reading of constitutional debates and dossiers justifying institutional reform reveals that ‘good reasons’ are given to support the respective claims but they are not based on detailed and systematic reasoning. Rather, short-cuts prevail, alluding to common experience and general knowledge. They all show the imprint of institutional legacies and historical myths. It then is a matter of framing to connect them to new, specific context conditions.

### 2. The importance of framing

Why it is plausible to assume that framing is relevant for institutional politics?

One of the first authors investigating the role of ideas in international decision making, Peter Haas, argued: ‘Before states can agree on whether and how to deal collectively with a specific problem, they must reach consensus about the nature and the scope of the problem’ (Haas 1992: 29). Further, I want to add, they must have some convergent expectations regarding acceptable solutions.

Here framing comes in. Martin Rein and Donald Schön called it ‘a way of selecting, organising, interpreting, and making sense of a complex reality so as to provide guideposts for knowing, analysing, persuading, and acting. A frame is a perspective from which an amorphous, ill-defined problematic situation can be made sense of and acted upon’ (Rein and Schön 1991: 263).

It is important to acknowledge that such a process of framing does not propel an overarching consensus but rather ‘leads to different views of the world and creates multiple social realities’ (Rein and Schön 1991: 264). Thus, framing is a process that ends up in discriminating between various options (Lindenberg 1993; Ligthart and Lindenberg 1994).

From a methodological point of view the concept of ‘framing’ draws our attention to specific characteristics of this political phenomenon:

1. It thrives in a particular situation: Framing prospers in an ambiguous, ill-defined situation and when there is great uncertainty concerning appropriate categories.
2. It is a sequential process: A first situational cue may already entice actors to focus on one particular 'salient' definition of what they are up to. This initial frame helps to interpret an undetermined complex reality and by doing so channels the selection of subsequent frames that may orient the choice for action.
3. It is highly context specific: Working on the assumption that already 'situational cues' trigger the selection process of 'salient frames', the arena where institutional politics takes place deserves our attention. Further, the success of distinct frames is dependent on the particular attributes of the issue at stake.

Framing offers a promising approach to evaluating what kind of conceptual models will prevail and why some gain precedence over others. In addition to my contribution in 2000 I suggest to combine it with John W. Kingdon's (2003) multiple stream concept.

Also for John W. Kingdon, political decisions are not the end point of a rational exchange of arguments starting with a common problem definition, followed by the targeted search for appropriate solutions and a final decision where the preference of the dominant actors will prevail. Rather, he regards problems, proposals concerning solutions, and the political process (in Kingdon's terms 'problems, policies, politics') as distinct elements which develop relatively independent of each other: Problems arise over time and are perceived with varying degrees of urgency; problem solutions vary suggesting alternative courses of action emerging from a broader political and academic discussion; political actors sway in their attention and external political opportunities influence their willingness and capacity to act. Only when shifts in problem recognition and in the debate on reasonable actions lead to compatible views and when, in addition, forceful political actors consider it advantageous to take on the case, a decision will be reached. Thus we ought to pay attention to "(1) the flow of fairly separate streams through the system, and (2) outcomes heavily dependent on the coupling of the streams" (Kingdon 2003: 86).

### 3. General conditions for successful framing

The logical starting point is that there is a **need for framing**. When, at the turn of the century, institutional reform was put on the agenda it was not at all obvious what the problem was and how to tackle it. Thus, political actors had to meet the challenge how to make sense of the issues at stake. They were faced with ambivalence, an ill-defined situation and a confusion concerning relevant categories:

#### (1) Ambivalence

There was a lot of ambivalence whether the EU would have to take just another step in an incremental process of adapting the institutions or whether it would be necessary to lay the foundation for a new, revised constitution.

#### (2) An ill-defined situation

Politicians as well as academics found it difficult to define the nature of the EU. The majority view in the scientific community at the time was that it is a 'sui generis' system of governance.

### (3) 'Sui generis' an empty signifier

Calling the EU something 'special' already indicates that we lack appropriate categories to describe and assess the functioning of this partly supra-national, partly intergovernmental system.

Successful framing, however, does not arise from functional needs. Visibility, matching views, and positive connotations of the frame are necessary **prerequisites to gain support**.

#### (1) Visibility

First, a concept has to be 'present'. A particular conceptual frame will only become a point of reference when actors are aware of it. In addition, to assure presence a concept has to be linked directly to issues on the agenda and made relevant for their solution.

#### (2) Matching views

Frames will not find wider resonance if the message is difficult to understand. It is more promising to present a parsimonious cognitive model than to develop a sophisticated intellectual argument. The complexity of an issue has to be reduced to a clear and simple statement. Even radical innovative ideas find support when they are dressed up in traditional ways of thinking.

#### (3) Positive connotations

Above all, frames will only find acceptance when they meet the concerns and the normative aspirations of the audience. This is implied by the frequent reference to the mutual consent on basic values, shared interests, common identities, and by the recurrent reminder of positive past experience.

An additional asset is the promise of procedural benefits. It is advantageous to convey the belief that the proposition will speed up the course of action.

### 4. Framing Europe's institutional future at the turn of the century

In my contribution I argue that addressing European institutional reform at the turn of the century inevitably called for an exercise in framing. There was a broad consensus that the policy-making capacity and the political legitimacy of the EU were inadequate but it was controversial and unclear how to achieve efficient and democratic governance.

I presented the two competing concepts that succeeded to frame the issue of institutional reform and I gave reasons why both have become accepted frames and focal points in the debate.

#### **The federal model of representative democracy**

The lecture of the then German Minister of Foreign Affairs at the renowned Humboldt University gained high visibility thanks to his political standing, personal celebrity, and the great ambition of the presentation.

He paid tribute to matching views and stressed positive connotations. He framed Europe's new institutional order in a way that was easy to grasp by presenting the unknown future as a copy of the well-known past: a federation combining institutional elements from the United States and the

Federal Republic. The institutional model is well rooted in constitutional thinking and there are good reasons that it may easily be transferred to the European level. Further, at least at that time, both systems of government carried positive connotations.

A competing frame was present in the British debate advocating a Europe of nation states. But even in Britain it was a minority view and the British position was not perceived as a competing frame of reference but rather as an indication of an 'anti-European' attitude.

### **The model of participatory democracy**

Apart from framing the institutional future of the EU in terms of constitutionalizing a federal political system, another concept succeeded in framing the debate. The European Commission in close collaboration with academics and with the support of Civil Society Organizations achieved to frame the institutional future of the EU not in a competing but rather in a complementary way. It also promised to make EU governance more efficient and more democratic but advocated a different strategy. The core idea was that the strengthening of representative democracy ought to be supplemented by introducing participatory democracy.

The Commission could build on a vivid debate in academic circles and among civil society organisations which had widely propagated the concept and lend it high credibility. Though new as an institutional reform concept, participatory democracy is easily sold as a remedy to the deficiencies of EU governance. It is a parsimonious concept as it gives precedence to a simple mechanism, namely participation in governance, and it lives up to high normative aspirations because civic participation is a key value in democracy. The key argument is that participation gives voice to the people, favours collective learning, enhances the quality of policy propositions in decision-making, and improves the responsiveness of the EU institutions.

### **How politics comes in**

According to Kingdon's multiple streams concept compatible views of the problem to be dealt with and a focussed debate on appropriate policies is not sufficient. Rather strong political actors have to step in and push the decision. The negotiations of the Constitutional Treaty provided the impetus to act. For Fischer, junior partner in a coalition government, it was a welcome opportunity to demonstrate leadership and to give evidence that the German position had the full backing of the European Parliament. The European Commission officially endorsed the EP's demand for more parliamentary powers but also saw the risk of tighter parliamentary control. Hence, it was in the interest of the Commission to strengthen its political weight and legitimacy by collaborating with external actors.

## **2. The impact of framing on institutional reforms**

In my article I predicted that two frames, namely the federalist model and the model of participatory governance, would have an impact because they are complementary. I expected that the federalist model would be a guiding post in the constitutional debate. Just because it is a venerable and familiar concept, it was not likely to be contested openly. Rather, it would give justification for the parliamentarisation and federalization of the EU. However, the transfer of more powers to institutions was bound to be limited because of the insistence on national sovereignty in most member states.

Further, I predicted that the concept of participatory democracy would not get much support in the constitutional negotiations. Nevertheless, it would gain prominence thanks to the continuing support by the Commission.

Looking at the outcome of the treaty negotiations, the institutional reforms are further steps on the path to a state-like representative system: The Lisbon Treaty advances the parliamentarisation of the EU and by giving more power to the Commission strengthens supra-nationalism. Still, all these institutional reforms are a far cry from establishing a “federation”. Further, in the course of subsequent events, especially in response to the monetary and fiscal crises a “new intergovernmentalism” (Bickerton et al 2015) has emerged.

The Lisbon Treaty also pays tribute to the concept of ‘participatory democracy’ but only in rather vague terms. Nevertheless, as I expected, the Commission has further elaborated the idea and put it into practice. In the following years the representation of ‘civil society’ has become more prominent because (1) the idea has a strong normative appeal, (2) ‘joint dialogues’ fit the daily routines of the Commission, (3) it does not openly challenge the sovereignty of member-states, and (4) it has the support of the large community of NGOs which the Commission has nourished over the years. The concept’s implementation resulted in a more participatory consultation regime which works to the benefit of the Commission and powerful NGOs but did not link EU institutions to the people. Consequently, over the years ‘participatory democracy’ EU style has lost its normative appeal.

### 3. Framing Europe’s future today

Today, the European Union is in a situation that challenges the institutional foundations. A new constitutional assembly is definitely not on the horizon but the British decision to leave the Union forces to rethink the institutional construction. Unfortunately, and this is deeply worrying, the political debate does not touch the issue of institutional reconstruction and the academic world is caught up in analysing present deficiencies.

When we look around for dominant frames in the making, the prospects are very bleak.

I started my presentation by saying that ‘old myths never die’ but I want to add that political attention is shifting. Some myth recede into the background and some regain public attraction. I dare say that the powerful narrative of the benefits of European integration is worn-out – the myth is no longer working. Today Fischer’s Humboldt lecture would have no public resonance. It is common knowledge that the EU is in a difficult time, there is no need to dramatize the challenges to be met and his blueprint for Europe’s future would just provoke a laugh. The ideas of the founders and other important leaders of European integration do not give legitimacy in our days. The German and the US model would provoke unpleasant associations of hegemonic power. A federation only seems to be acceptable if it is “une fédération plurinationale” as discussed by Arnold Leclerc and others (2015). And last, not least, the reference to functional necessities is suspected to cover up that the whole enterprise is in the interests of the governing elite. And even worse, Tristan Storme has reminded us that ‘les frontières entre ‘état de nécessité’ et ‘état d’exception’ are susceptible ‘de s’avérer extraordinairement poreuses et d’une telle indétermination juridique que nombre d’abus et de dérives deviendraient possibles.’ All in all, there is a widely felt apprehension in society that the normative claims of European integration do not reflect the aspirations and concerns of the men and women in the street.

The competing frame of today is restoring national sovereignty. It is not any longer a minority view at the fringe of the political spectrum but has gained strong support all over Europe. Further, it is no longer supposed to be the expression of an 'anti-European' attitude. It is presented and perceived as the more attractive alternative to an 'ever closer Union'.

If you read the programme of the Front National you find all the pertinent elements of the myth and the promises that make it so attractive.

The programme puts the nation-state centre stage, it is the incarnation of strength and identity. 'L'autorité de l'état' is put first which will be achieved by giving precedence to 'défense' and the 'Etat fort'. The State has to take responsibility for the welfare of the people and thus for the economy. 'Une économie à visage humain' requires 'la nationalisation' of great parts of the economy and extensive state regulation. In relation to the external world the overriding concern is 'la restauration de notre souveraineté nationale', 'retrouver notre influence', 'un réarmement face à une mondialisation débridée' and a relaunch of the 'exception culturelle française': 'Une véritable politique nationale doit relancer l'excellence et l'originalité de la création culturelle française et sa diffusion dans le monde (...)'.

Accordingly, the future of Europe is 'une Europe des nations' ; therefore, 'il convient d'initier une renégociation des traités afin de rompre avec la construction européenne dogmatique en total échec (...)'.

In my reading the whole programme is an incarnation of a long gone past. It evokes the myth of a golden age of the nation state: sovereign, autonomous, and safeguarding the welfare of all. The future of France is dressed up in the clothes of the past, it takes the fear of change and promises a bright future for the ordinary citizens. This frame is powerful because it is a response to mass anxieties. Framing is, as always, elite driven but it resonates among those who got left behind by globalisation or have good reasons to become a loser in the future. It is a large segment of society and it will increase not only in France but also in the other European countries. This explains why this new 'national socialism' has become an attractive frame with a strong band-waggon effect all over Europe.

I'm sorry to say that I do not see the emergence of a competing frame. In academia the rules of the game are such that hardly anybody dares to take up the great issues of the polity. To make a career you have to publish in the top peer-reviewed journals. Your chances for publication are better when you present a theory guided quantitative empirical study covering a limited field than painting an overall picture. Further, academics are trained to analyse and not to draw programmatic designs. And when it comes to analyse the nature of the European Union, the state of the art still reminds me of Donald Puchala's metaphor of the blind men and the elephant: each author sees part of the problem and not the whole picture. Christopher Bickerton, Dermot Hodson, and Uwe Puetter (2015) see a 'new-intergovernmentalism' whereas Frank Schimmelfennig (2015) in his rejoinder insists that the EU has gained in 'supra-nationalism'. Damian Chalmers, Markus Jachtenfuchs, and Christian Joerges (2016) postulate 'the End of the Eurocrats' Dream' but offer only 'tentative deliberations' (Joerges 2016: 323) for future remedies. Jean Marc Ferry's publications convey the same impression. His claim is very convincing when he writes « Face à l'impression d'une « perte de sens », seule la construction d'une Philosophie de l'Europe peut permettre de dépasser les apories nées des difficultés pratiques liées à la gestion de la réalité actuelle du continent. » But, again, I have difficulties to see his contribution as a starting point of a new framing exercise that would give Europe a new momentum.

In general, academics are the least likely group to offer a successful frame for the future of Europe. Even if they exert intellectual leadership in designing a convincing concept, it is not very likely to become a frame of reference because it does not display the necessary characteristics: They do not offer a parsimonious model pinning down principled and causal beliefs and they are hesitant to affirm so-called shared objectives and to mobilize emotions about a glorious past. Further, academics hardly ever manage to make a concept public. They have little impact on the public discourse, only on rare instances social science scholars are in the media or are listened to by functional élites and in Europe 'revolving doors' between academia and politics are the exception. Nevertheless, this sober view should not prevent us from raising our voice.

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