This is not a Pipe
Rationality and Affect in European Public Debate
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Journal article (Post print version)

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'We need a broad public debate on the EU'; 'citizens must be consulted on the future of Europe'; 'the EU needs to reconnect with its citizens'. There is no end to political invocations of citizens as a main source of the legitimacy of the European Union (EU) and no shortage of official initiatives for public debate aimed at involving said citizens in legitimatory processes. However, political representatives of the EU just as often lament that no public EU-debate exists or that people have not become involved in it. When considering the public concerns that in recent years have found numerous physical and virtual means of expression (protests in the streets, discussions in social media fora), political assertions of citizens' passivity may seem more worrying than worried. How can political representatives of the EU claim that the European citizenry is unengaged in public debate when so many people are patently speaking up in public?

This paper will explore the seeming disconnect between politicians' top-down *invitations* to engage in EU-debate and people's bottom-up *participation* in protests and other manifestations of concern for EU-issues. More specifically, I will argue that official initiatives of and invitations to public EU-debate are couched within a restricted and restrictive interpretation of such debate in which theoretically established deliberative norms provide the basis for a practice that privileges rational facticity over affective sincerity. That is, the norms of public debate, as these are articulated in and through political invitations, serve as disciplining mechanisms of in- and exclusion within a controlled domain of political legitimacy rather than as starting points for engagement with broader processes of social legitimation.

In seeking to unfold the argument, I will first present the background as to why invitations to public debate have become so frequent in the EU. Then I will discuss the specific and, I believe, partially mistaken version of deliberative democracy in the Habermasian vein that undergirds political calls for and assessments of public debate. On this basis I will seek to demonstrate how the currently dominant norms of public debate hinder rather than enhance public debate as a source of legitimation, and I will go on to lay the conceptual grounds for moving beyond this unfortunate situation.

While the argument bears some affinity to the common claim that Habermas' normative theory of deliberative democracy relies too heavily "…on the idea that deliberation is a rational process…" (Crespy, 2014, p. 83), it arrives at this conclusion through a less common route. Summing up the scholarly discussion on the value of deliberative democracy as a means of improving the EU's legitimacy, Amandine Crespy (2014, p. 84) writes that the "…theoretical requirements [of deliberative democracy] have been an easy target for critics to question the practical relevance of deliberative democracy and deplore the gap between theory and praxis." I will suggest that rather than a gap between theory and praxis, the root of the problem is a warped practical application of the theoretical norms. Thus, I will first seek to show the inexpediency of the ways in which theoretical norms and political practices of deliberative democracy are currently entangled. Second, I will seek to disentangle deliberative theory from its present empirical manifestations in order to discuss the extent to which the theory can be 'blamed' for its practical failures. On this basis I will seek to extend the Habermasian (1996) reconciliation 'between facts and norms' so as to also include a rapprochement between rationality and affectivity. Rather than abandoning the ideal that public debate should take the form of deliberation, then, I will seek to reform and strengthen the notion of deliberative public debate. To be

precise, I will argue that *public affectivity*, understood as circulated intensities of feeling towards a certain issue (Chaput, 2010), is a prerequisite to *public opinion formation*, understood as the processes of bundling and synthesizing reasoned viewpoints on the topic at hand (Habermas, 1996, p. 360). That is, I will seek to develop a ground for public debate that does not pit (legitimate) rationality against (illegitimate) affectivity, but instead foregoes this false dichotomy and not only recognizes, but also promotes debate that is legitimate and legitimatory because it is affective *and* rational.

Before entering into the process of disentangling deliberative theory from present practices and then seeking to re-entangle theory and practice in ways that will provide better explanatory and normative grounds for public debate, however, let me introduce the specific case that will serve as an illustration of the argument.

The curious case of the liquorice pipe debacle

While I seek to contribute to the development of deliberative theory, generally, my empirical focus point is the practice of EU-debate, more specifically. There are two interrelated reasons for this focus: first, the EU is arguably the currently existing polity that most explicitly seeks to establish its legitimacy on deliberative grounds. Second, it is quite clearly having a hard time doing so. These two arguments are often combined in the discussion of the EU's so-called democratic deficit in which it is commonly posited that the EU as a polity is not sufficiently legitimate nor are EU policies sufficiently legitimated. As Vivien A. Schmidt (2013, p. 12) points out: "…there are almost no scholars who think that the EU has sufficient input

legitimacy." On the basis of this diagnosis enhanced public involvement in deliberative processes is often presented as the cure (see inter alia Eriksen & Fossum (Eds.), Kohler-Koch & Rittberger (Eds.) 2007, and Steffek, Kissling & Nanz (Eds.) 2007). I will present the general tenets of this argument in more detail below, but the more specific criticism of current practices – and the following reconceptualization of the normative starting point for inviting to and evaluating participation in debate – will be based on an illustrative analysis of a particular public controversy regarding an EU-issue: the Danish 'liquorice pipe' debate – or rather: debacle.

The main events of this case played out in the early fall of 2013 as the allegation that the EU was about to ban a popular type of sweets, so-called liquorice pipes, as part of the adoption of the new tobacco directive was presented to the Danish public. Although official voices – most notably the EU Commission's spokesperson in Denmark – were quick to denounce the rumour, a popular protest of the (inexistent) ban nevertheless arose. More specifically, the story broke in the morning of the 29th of August with headlines like "The EU wants to ban liquorice pipes" (Lange, 29/08 2013; see also Hansen, 30/08 2013) and immediately went viral with more than 65,000 shares, comments, and likes during its first day (Jørgensen, 29/08 2013).[1] Many Danes were upset by the prospect of a ban, which was perceived as (yet another) example of the EU's meddling in issues specific to individual citizens and/or member states. This sentiment was, for instance, expressed in 'save the liquorice pipe' communities on Facebook – communities established for this very purpose and with fast-growing memberships.[2]

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[1] Throughout the paper all quotes from the debate are translated as directly as possible from the original Danish texts.
[2] Several of these communities still exist; today the first to be made has 7,166 followers, whereas the largest has 49,744 followers.

As already indicated, it soon turned out that a ban was actually not imminent. Rather than an actually agreed part of the tobacco directive, it was a proposed amendment that was forwarded by only a few members of the European parliament and stood no chance of being implemented. The representative of the European Commission in Denmark emphasised this point vehemently, calling the story 'silly' and posing the rhetorical question: "Do people really believe that we waste our time on liquorice pipes in the EU?" (Ritzau, 29/08 2013). Nevertheless, the debate was afoot and continued for a while with people insisting on the emotional relevance of the issue and officials dismissing it matter-of-factly.

The Danes' protest against a ban on liquorice pipes, especially a non-existent ban, may seem like a trifling matter, even a somewhat 'silly' incident, as the Commission's spokesperson said. However, the case is representative of an important potential source of legitimation: European publics' actual engagement with the EU's institutionalized processes of decision-making. That is, the case may provide insights into the relationship between strong and general publics of the EU (Eriksen, 2004) and, more specifically, point out an underutilized potential for enhancing 'throughput' legitimacy (Schmidt, 2013). While the case at hand chiefly involved the EU-institutions of the Commission and the Parliament and the citizenry of one member state, the Danish national public, it is indicative of more general tendencies and complexities. In particular, the case points out the difficulties of linking processes of deliberation within the EU's institutional framework with broader processes of public debate, which mean that the legitimatory potential of such linkage is not realised, but to the contrary leads to strong and general publics' mutual disenchantment with each other. Political processes and public debates, the case indicates, are disconnected in at least two respects: first, political actors and citizens tend to disagree on what issues

are actually worthy of debate; they hold different opinions as to the content of public debate. In this regard, political actors tend to invite to public debate on general issues of e.g. the EU's future, the reform of its treaties and the like, whereas people tend to get involved in issues that affect them more directly, like the foreclosure of their mortgages, the additives in their children's toys or, indeed, the defence of their favourite sweets. Second, they tend to substantiate their arguments about the discussed issues differently; their invitations to and participation in public debate take different forms. Here, political actors tend to argue from rational requirement whereas people tend to base their claims on emotional expediency.

The case, then, is illustrative of the main conceptual argument of the paper: that there is a discrepancy between politicians' rational invitations to public debate and people's affectively charged participation. Thus, currently dominant norms of legitimate and legitimatory public debate do not provide the basis for invitations in which people feel incited to become involved, nor do they let politicians recognize citizens' actual engagements with EU-issues. Instead, top-down invitations to and bottom-up participation in debate exist as two detached communicative forms, wherefore public debate remains a scarce and curtailed source of legitimation. Before moving further into this argument, however, let us take a step back and consider why and how political representatives of the EU invoke the legitimatory potential of public debate.

The legitimatory potential of public debate

Beginning with the Nice Treaty's Declaration on the Future of the Union (2001), processes of EU-reform have routinely been accompanied by calls for public debate

on the purpose and make-up of European co-operation. Such public debate is aimed at addressing the perceived gap between the EU and the citizens; in the words of the Laeken Declaration (2001), which initiated the lengthy reform process that eventually resulted in the Treaty of Lisbon (2009):

> Citizens undoubtedly support the Union's broad aims, but they do not always see a connection between those goals and the Union's everyday action. They want the European institutions to be less unwieldy and rigid and, above all, more efficient and open. Many also feel that the Union should involve itself more with their particular concerns, instead of intervening, in every detail, in matters by their nature better left to Member States' and regions' elected representatives. This is even perceived by some as a threat to their identity. More importantly, however, they feel that deals are all too often cut out of their sight and they want better democratic scrutiny.

The concerns raised in this political document are resonant with more conceptually oriented discussions about the EU's so-called democratic deficit.

Scholarly debates on the nature and quality of democracy in the EU are multifarious and unsettled, both because there is no consensus on what type of polity the EU is – and, hence, on what criteria to use when assessing its legitimacy – and because the basic questions of how democratic legitimacy should be theoretically defined and may be empirically generated remains contentious (Kohler-Koch & Rittberger, 2007, p. 2). For present purposes, the discussions concerning the (lack of a) European public sphere and the closely related question of whether or not the EU has a *demos*, a collective European identity, are particularly relevant. The central point of

contestation is the chicken-or-egg type question of whether debate or identity comes first (Grimm, 1997; Habermas, 1997a). Is it possible to create a collective sense of belonging to and identification with the EU, a European people, through public debate? Or is such a collective identity a prerequisite to EU-wide public discussions? While most scholars agree that both *demos* and debate are still lacking at the EU-level, some argue that this is not a problem; since the EU should be understood as an international organization rather than a transnational democracy, it should deliver specific outputs to its members – and it does not need to be democratically legitimized to perform this function (Moravcsik, 2002). The more common position, however, is that the EU has taken on supranational characteristics and competences to such a degree that it needs to enhance both its social legitimacy, the citizens' sense of belonging to a common European *demos*, and its input legitimacy through processes of public opinion formation on and in the EU (Bruter, 2012; Nitoiu, 2012).

Among scholars who share this latter view, the issue of whether debate or identity comes first also involves discussions of how the collective identity of a polity should actually be conceptualized; are we talking about thick cultural and historical bonds that lead to substantial unity or about a much thinner common political identity based on mutual recognition of equal rights and common political procedures (Delanty, 2002)? While it is difficult to see how a public debate could ensue without a certain degree of recognition (however thin or formal) of collective interests or common concerns, it is even more difficult to see how such recognition might arise if not, indeed, through debate.

The resulting argument is that it will certainly be no easy task to generate public debate on and in the EU, but that attempts at doing so nevertheless offer the most

likely starting point for enhancing democratic legitimacy. Hence, the legitimatory potential of public debate, when viewed from the position of those who advocate it as a remedy to the EU's democratic deficit, is to instigate a positive spiral in which participation in debate leads to more identification with the EU and more identification leads to more participation. Moreover, if the citizens of the EU engage in debates on EU-matters, they may come together as a public and their positions on policy issues can be bundled into public opinions that may inform political decisions.[3] Hence, public debate may enhance the EU's social legitimacy broadly speaking, while also providing input legitimacy in the more specific sense (Lindgren & Petersen, 2010). This, in sum, would make the EU more legitimate as a polity and provide the basis for a stronger legitimation of EU-policies (Just, 2005).

Even if this argument is gaining traction, it is still but one position in the on-going debate amongst EU-scholars (see Scharpf, 2015 for a recent overview and contribution). Within the EU's institutional framework, however, the need for increased legitimacy seems to be accepted as a given as e.g. witnessed by the above quote from the Laeken Declaration and recently reiterated in Jean-Claude Juncker's successful bid for the presidency of the European Commission: "The gap between the European Union and its citizens is widening. One has to be really deaf and blind not to see this" (Juncker, 2014). Moreover, public debate is assumed to be an important source of legitimation, and actions aimed at closing the gap include a general upgrade of the communication from and about the EU and its institutions (European Commission, 2005a; DG Communication, 2015) as well as a host of more specific efforts to create occasions for public debate about European matters. For instance,

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[3] There is evidence to suggest that informed public debate does, indeed, have this effect (EuroPolis, 2009). The question, however, remains how such public debate can become a general and ongoing process rather than a narrowly defined and poorly attended short-term event.

invitations to engage in EU-debate have been linked to processes of treaty reform, most clearly in the Laeken Declaration, which heralded a more open mode of reform that, in turn, resulted in the proposal of a Constitutional Treaty for Europe. The so-called Plan D, aimed at redirecting the reform process – and reigniting the debate – in the period of reflection that followed the French and Dutch electorates' rejection of the constitutional treaty (European Commission, 2005b), is another prominent example. Further initiatives aim at broader discussions of the identity and purpose of the EU as exemplified by the 'European year of citizens', during which a dialogue on citizens' rights now and in the future was invited (European Year of Citizens, 2013), and the call for 'a new narrative for Europe' constructed by and for the citizens (A New Narrative for Europe, 2013).

The frequent calls for public involvement in EU-debate, however, are just as frequently accompanied by laments that people did not become sufficiently involved, as aptly summed up in the recognition that the European Convention, the political body that drafted the constitutional treaty, held a 'debate in public' rather than a 'public debate' (*The Economist* 14/06 2003). The failure of the EU institutions' efforts to engage European publics is remarkable given that, if viewed from a different angle, citizens have been very active and outspoken in recent years. Squares have been occupied, slogans chanted and pots banged in the streets, banners flown and voices raised at rallies and in processions – most prominently, of course, in protests of the market forces that caused the financial crisis and the political measures that followed in its wake, but also in direct responses to the question of a common European identity, whether viewed from a nationalist or a globalist perspective. In every specific instance public activism has been complemented by extensive commentary in both 'old' and 'new' media, providing linkages between and

reflections upon the specifically located events so as to potentially join them in processes of common European opinion formation.

The disconnect between politicians' frequent top-down calls for public involvement in debate and citizens' actual involvement in bottom-up demonstrations and discussions is puzzling; how is it that politicians ignore and in some cases even actively silence the very voices that they are simultaneously asking to speak up? Rather than being a simple case of hypocrisy, the answer to this question, I believe, lies in the popularized and partially distorted version of deliberative theory that underwrites official invitations to public debate and serves as the norm against which citizens' engagements with the European polity and its policies are measured.

Rational consensus as deliberative norm

Arguments that present public debate as a key to enhancing the EU's democratic legitimacy are often strongly inspired by Jürgen Habermas' theory of deliberative democracy. While Habermas' position remains hotly contested at the theoretical level, most political calls for EU-debate have a distinctly Habermasian flavour. The following section establishes a conceptual account that is consistent with its practical use; in coming sections I while go on to show the shortcomings of this account and in so doing both recuperate deliberative theory from the simplified practices with which it is currently associated and contribute to its further development as a conceptual framework for evaluating and instigating public debate.

Habermas, a staunch supporter of European integration generally and the establishment of an EU-constitution specifically, believes that:

There will be no remedy for the [EU's] legitimation deficit […] without a

European-wide public sphere – a network that gives citizens of all

member states an equal opportunity to take part in an encompassing

process of focused political communication. […] The function of the

communicational infrastructure of a democratic public sphere is to turn

relevant societal problems into topics of concern, and to allow the general

public to relate, at the same time, to the same topics, by taking an

affirmative or negative stand on news and opinions (Habermas, 2001, pp.

17-18).

This quote neatly summarizes the argument as it has presented so far: the EU needs a

public sphere, understood as a network of and for public debate, which may organize

processes of public opinion formation on policy issues in such a way as to provide the

legitimatory basis of democratic decisions. In broader terms, Habermas

conceptualizes this legitimatory process in and as deliberative democracy, and his

overall project may be interpreted as the establishment of norms of public deliberation

that may serve as the basis of political legitimation (Habermas, 1994). A notion of

rationality as a procedural norm for reaching agreement, the much discussed

'unforced force of the better argument' (Habermas, 1993, p. 163), lies at the heart of

this endeavour, which may also be connected to Habermas' stance on the 'unfinished

project of modernity' (Habermas, 1997b) – the common point being that there is still

much progress to be made in and through rationality.

In the context of deliberative democracy, the idea is that debate (that is, deliberation

in the public sphere) may lead to general agreements or public opinions – however

thin and transient – upon which political action can be based and from which political

systems may derive their legitimacy (Habermas, 1994). While the theory does not say anything about the substance of such public opinions, it provides procedural norms for how to go about creating them. The explicit goal, and normative appeal, of Habermas' theory of deliberative democracy, then, is to enable everyone to participate in deliberation on an equal basis. In order to ensure this, procedural norms are established at both the specific level of the process of debate, understood as communicative exchanges between individual or collective actors (the utterances of which make up public debate), and at the general level of the social order and ordering of the debate (the framework within which communicative exchanges take place).

Roughly speaking, the following normative criteria of deliberation can be established.[4] Specific exchanges are susceptible to three discourse ethical principles, aimed at testing the validity of the exchanges as such: 1) everyone has the right to participate, 2) all claims can be forwarded and problematized, and 3) no one may be hindered from doing so (Habermas, 1990, p. 65). The principles presuppose, at the more general or structural level, that the public sphere, the arena for deliberation, is organised on the ground of four premises: 1) social inequalities are bracketed, 2) arguments are based on the common good, 3) the public sphere is comprehensive and coherent, and 4) it is distinct from the state (Fraser, 1992, pp. 117–118). The overall demand, then, is that everyone who participates in public debate should accept and comply with pre-existing norms of inclusivity, equality, and neutrality (Habermas, 2006) and that all contribution to the debate should be testable according to their

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[4] From the theoretical perspective this account may seem somewhat inadequate. My claim, however, is that it forms the basis of the political norms of practical debate as these are currently established by official representatives of the EU – and imposed on public debate in and of the EU. I will illustrate this point in the following section and then turn to the task of nuancing as well as enhancing the conceptual framework of legitimate and legitimatory deliberation.

truth, rightness, and truthfulness (Habermas, 1987, p. 26). Only if these criteria are fulfilled will the process of public debate hold the potential of establishing the kind of consensus that may reasonably legitimise political communities.

In the context of the practical application of the Habermasian principles as the normative grounds for calls to and evaluations of public debate on and in the EU, one aspect is particularly relevant: the imperative of rationally reached consensus. Or rather, the insistence on "...reason as the source of progress in knowledge and society, as well as the privileged locus of truth and the foundation of systematic knowledge" (Best & Kellner, 1991, p. 2). Thus, one might say that deliberation is a process of building consensus in the form of public opinions as indicated by Habermas' more recent definition of the public sphere:

> The public sphere can best be described as a network for communicating information and points of view (i.e., opinions expressing affirmative or negative attitudes); the streams of communication are, in the process, filtered and synthesized in such a way as to coalesce into bundles of topically specified *public* opinions (Habermas, 1996, p. 360).

What is at stake here, then, is the question of whether and how public opinion might be built – and what might be the right way of doing so. I shall return to the theoretical dimension of this question, but first I will attend to its empirical implications in relation to EU-debate. More precisely, the suspicion is that the norms of deliberation, as currently applied in public encounters between official representatives of the EU and European citizens, are not as open and inclusive and, hence, not as appealing as they profess (and, possibly, believe themselves) to be, but may, instead, serve the purpose of ordering, constraining, even smothering rather than creating room for and

promoting participation. In order to illustrate and, possibly, substantiate this claim let us turn to the curious case of the liquorice pipe debacle.

Facts and feelings about liquorice pipes

I have so far provided illustrations of broad invitations to public debate as forwarded by political actors and representatives of the EU and indicated that while the citizens of the EU remain largely indifferent to these invitations, this does not mean that people do not engage with European 'topics of concern'. This latter point was preliminarily illustrated with reference to the rise of social movements that speak up against the EU's conduct in relation to the Eurozone crisis and/or question the legitimacy of the European project as such. I now turn from these big topics to a very small one in order to show how the disconnect between institutionalised decision-making and public opinion formation also hampers day-to-day legitimation of and in the EU.

As mentioned in the introduction to the case, the liquorice pipe debacle was based on a misunderstanding. Liquorice pipes were never in any real 'danger', but during the legislative debates on the EU's tobacco directive a ban on children's products (sweets and toys) that imitate cigarettes and other forms of tobacco was discussed, and a very small minority of the members of the European Parliament (MEPs) thought that liquorice pipes should be included in this category. Initial reports on the matter, however, were much more ominous to the – as it turned out – liquorice-loving people of Denmark. As the story broke, commentators did not question its validity, but

reacted to the news of an upcoming ban with anger rather than incredulity whereby an 'issue public' was formed (Marres, 2005).[5]

For instance, Morten Messerschmidt, a member of the European Parliament (MEP) representing the (Eurosceptic) Danish People's Party, took the opportunity to position himself on the side of 'the people' and in opposition to 'the system', saying: "this is both an arrogant belittlement of the consumers' intelligence and it shows how the EU mingles in everything from the trivial to the deeply ridiculous" (Lange, 29/08 2013). The MEP's participation seemingly validated the case as a political issue, but most other voices in the media coverage were neither people in political office nor political actors in the traditional sense. For instance, Flemming Østergaard, known to the Danish public as the former president of a football club, FC Copenhagen, but now offering himself as a spokesperson for the 'save the liquorice pipe'-movement said: "I feel that it is completely ridiculous. We used to talk of 'prohibition Sweden'. Now we are talking of 'prohibition Denmark' and 'prohibition Europe'. People can think for themselves. Don't the politicians have anything better to do down there?" (Jensen & Børjesen, 29/08 2013). The experience of an assault on personal freedom and capability of judgement was immediately recognisable to and repeated by a sizable portion of the population as the already mentioned social media activity indicates (see the case introduction). While traditional news media reported on the people's reactions, for instance mentioning how the sales of liquorice pipes had sky-rocketed,[6] citizens' opinions were mostly voiced on the social media. Besides sharing news

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[5] The case may be read as an example of the disconnect between the policy processes of the EU and the national public spheres of the member states, but I believe it is more fruitful to view it as an example of how issue publics arise and are dissolved in the EU. Surely, some of the specifics of the case have to do with the particular national arena in which the issue became contentious. These specifics notwithstanding, it illustrates the general point that people do engage publically with EU-policies and that political actors are unable to leverage this involvement as a legitimation of the process of policy-making.

[6] This increase, it turned out, had long-lasting effects. A year after the debacle, the sales of liquorice pipes was still 53% higher than before the story broke (Pedersen, 29/08/2014).

stories on the case, people posted comments such as "SHUUUT UUUUUP NOOOW – EEUUUUUUU! Shut up!" and "wouldn't it be better to get out of the United States of Europe? The EU is ridiculous."[7] Thus, citizens entered into the debate on the assumption that a ban was imminent and often expressed raw anger and frustration with this situation, as in the first instance, but also echoed the sentiment most often expressed in the news coverage ('the EU is ridiculous') and drawing conclusions from it ('the EU has become too powerful' and/or 'Denmark should leave the EU').

One explanation of the public resonance of the case is that it relates to a popular *topos* of EU-discourse: the EU as a distant political system that at intervals and seemingly without motive engages in detailed regulation of one or the other aspect of citizens' everyday life – be it the shape of cucumbers or the volume of bagpipe music, to name but two prominent examples.[8] This is a *topos* that the EU has actually incorporated in its own calls for debate as witnessed by the quoted passage from the Laeken Declaration. Or rather, the EU has an explicit ambition to amend the situation by only dealing with the most important and truly transnational matters. The reactions to the story of the alleged ban on liquorice pipes, however, show that citizens do not trust this ambition or at least do not believe it has been realised. Instead, they see the EU as ridiculously meddlesome at best and horribly illegitimate at worst. Even if they find a ban on liquorice pipes to be unbelievably stupid, they have no trouble believing that the EU would actually impose such a ban.

Interestingly, the Commission's official reaction to the case was also to ridicule it (Ritzau, 29/08/13). The Commission representative used almost the same phrases as many of the people speaking up against a ban, but with a very different message: it is

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[7] Both quotes are 'sampled' from https://www.facebook.com/bevarlakridspiben.
[8] The European Commission maintains a blog dedicated to debunking such 'Euromyths' (http://blogs.ec.europa.eu/ECintheUK/euromyths-a-z-index/), but seemingly to no avail.

not the EU that is ridiculous; rather, it is ridiculous to believe that there is a ban. In a similar vein, the Danish EU Commissioner (for Climate Action) at the time, Connie Hedegaard, wrote the following update on her Facebook page:

> Is it not, after 40 years of Danish EU-membership, fair to expect that media and journalists can distinguish a single parliamentarian's or group's proposed amendment from an EU-proposition, not to speak of an EU-ban? Is it not just a little embarrassing for you to have to acknowledge that a sizeable portion of the media have gone ballistic over an absolutely wrong story where a minimum of research – or, perhaps, just a bit of common sense – would have killed the story from the start?

While Hedegaard's criticism was directed at the news media, her emphasis on 'correctness' and 'common sense' provides very little room for further discussion of the case and, hence, ignores the commitment of the people who had already been mobilized by the story. Furthermore, it ignores the potential for continued debate, which might arise from this commitment. Thus, official responses showed no recognition of the citizens' sense of anger and frustration, nor did they see any point in continuing the discussion on the broader issues that were raised (e.g. the EU's perceived power and Danish EU-membership). Instead, EU-bureaucrats and -politicians sought to clear matters up and shut the debate down.

The establishment of the fact that the story was based on misinformation, shifted the focus of news media coverage; though journalists were not as repentant as Hedegaard suggested they should be, they dutifully presented 'the facts', then quickly turned their attention elsewhere. However, the debate continued in social media contexts for a while longer. Here, the tone became less terse and more freely humorous, e.g. a

picture turning the 'pipe' on its head to create a 'liquorice shower' ('problem solved' as the accompanying text said) was widely circulated. Again, no one showed any signs of remorse or embarrassment at having believed the story, nor had anyone changed their opinion as to the broader messages of the case. Rather, it was assumed that even if the liquorice pipes were safe, it would only be a matter of time before the EU would meddle in something else.[9] Even if the specific story was untrue, it's underlying *topos* was eminently credible to the citizens as it apparently aligned with their own genuine feelings towards the EU – whether based on specific evidence and concrete experience or not.

In a sense, the process described above resembles that of a legitimate and legitimating public opinion-policy cycle: a proposal is made; the citizens do not support it and/or it does not find a political majority; the proposal is dropped. However, it differed from the ideal of deliberation in two respects; first, although both citizens and EU-representatives were actively engaged in the debate, they did not seem interested in engaging actively with each other. Rather than finding a common ground against, for instance, the journalists who misreported on the case or, perhaps, furthering a broader discussion of when and whether consumer products should be subject to EU-legislation, these parties accused each other of being ridiculous and – directly or indirectly – told each other to shut up. Second, the process did not lead to public consensus about the EU's legitimacy; rather, the participating citizens might agree with the majority of the political actors that the liquorice pipes should not be banned,

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[9] This point was seemingly proven less than half a year later, when it became known to the Danish public that the EU was now considering a ban on cinnamon roles (Ritzau, 24/11/13). Again, the media somewhat overstated the claim, as the new rules involved lowering the maximum amount of cinnamon in the roles rather than an out-and-out ban of them. And, again, people were quick to respond, e.g. with 'save the cinnamon role' Facebook communities. This indicates that a general attitude of wariness towards the EU – possibly, supplemented with a particular love for cakes and candy – is at play in the Danish public sphere.

but they also continued to believe that the EU is 'ridiculous'. Although the participants in the debate in a sense got what they wanted, they were at least as disenchanted and disgruntled with the EU at the end of the debate as they were upon entering into it.

The debate that began with the question of a possible ban on liquorice pipes may have come off to a false start, and it is, of course, important that factual errors or misunderstandings are corrected, but the EU representatives, I believe, made a mistake in attempting to shut down the debate altogether. In this case truth, understood in the restricted and restricting sense of adherence to facts, became an instrument of power; rather than listening to and engaging with people's truthful expressions of their general sentiments, official EU-representatives used 'the truth' to shut people up. The result was not more enlightened people who could participate in the debate on a better basis, but more alienated people who had experienced that their participation was not taken seriously – and, perhaps, not even seriously desired.

Towards affective rationality

The discrepancy between top-down calls for debate and bottom-up participation may lead to two different suggestions: First, one can propose that the existing participation is not good enough; that it does not fulfil the normative requirements of deliberation. This stance would (at least partially) exonerate political actors for not engaging with the liquorice pipe debacle in arguing that people should not always or necessarily be listened to, but must learn to debate correctly as a prerequisite for taking them seriously. Here, only participation that actually fulfils the current norms of

deliberation is legitimate and legitimatory. Second, one can use actually existing

debates as a starting point for revising the understanding of and norms for what

should be considered good debate. I take the second stance: if we nuance and

reconsider the normative implications of the deliberative framework for public debate,

we might not only become better at seeing the qualities of the debates that already

exist, we could also enable politicians to engage with these debates in more fruitful

ways. It is to the examination of – and contribution to – such conceptual recuperation

that I now turn.

A first step in this direction consists in recognizing and emphasizing that the theory of

deliberative democracy does not disqualify emotional contributions to the deliberative

process *a priori*. Indeed, Habermas recognises that "emotion is to practical reason as

sense perception is to scientific reason" (Neblo 2014). That is, he recognizes that

rational debate is always and of necessity emotionally motivated. In the practical

context, however, the norm is that reasoning trumps feeling. In the case of the

liquorice pipe debacle the norm was expressed in the particular form of establishing

truth claims over and above truthfulness. This is not only contrary to the principles of

communicative action, which posits that all three aspects as equally important, but

also in violation of the principles of discourse ethics, which state that no one should

be excluded and that communicative processes should never be shut down. Thus,

deliberative theory is certainly not to blame for the particular vices of this case, but

the general neglect of emotional appeals is a theoretical as well as a practical problem.

The point, then, is not to criticize the theory of deliberative democracy *per se*, but to

tease out the difficulties and problems of its practical implementation – and

reformulate the deliberative norms in a way that may be more conceptually sensitive

to the role of emotions and may facilitate the inclusion of emotional appeals in (the norms of) practice. Thereby, I hope to maintain the critical edge of the Habermasian project by disentangling it from its current (mis-)use and suggesting an elaboration of the undertheorized relationship between emotion and reason. More specifically, I propose two corrections of current practice and one extension of deliberative theory: First, and most specifically, the communicative norm of truthfulness is as valid and important as that of truth; political actors should always take people's sincere expressions of their sentiments seriously. Second, and more generally, rationality is not a matter of fact; expressions of emotion are part and parcel of reasoned processes of opinion formation and must be valued and validated as such; the end of legitimating the EU through public engagement cannot be achieved as long as the recognized form of such engagement is restricted to rational debate. Third, deliberative theory needs to provide a stronger basis for the practical integration of emotions and reasons by relating rationality and affect at the conceptual level.

Many critics of deliberative democracy recommend an ideal of debate that is more explicitly permissive of emotional appeals as a path towards truly democratic – and livelier – discussions. For instance, Chantal Mouffe (1996, p. 255) presents open-ended, agonistic debates marked by continued conflict as an alternative to the deliberative process that is aimed at reaching consensus. In a more specific discussion of the 'future of Europe' – and the Habermasian take on it – Mouffe asserts that "a collective identity, a 'we', is the result of a passionate affective investment that creates a strong identification among the members of a community" (Mouffe, 2013, p. 46). This theoretical claim resonates well with the empirical developments of the liquorice pipe debacle; participants invested affectively in the process of debate and became affectively invested in the topic of discussion, thereby establishing a

communal identity of 'defenders of the liquorice pipe', specifically, and guardians of 'ordinary people' against the 'encroaching system', more generally. While EU-representatives might not agree with the form of this identification, let alone wish for its content, ignoring, denying, and/or rejecting it only made it stronger.

In terms of the relationship between public debate and collective identity as a potential legitimatory dynamic of the EU, what is arguably needed is a stronger theoretical recognition and better practical application of the link between affective investment and public involvement. In theoretical terms, what is at stake here is decidedly not that any and all norms of rationality have to be discarded; to the contrary, we need to perceive rationality and affectivity as thoroughly consubstantial (Malabou, 2012a, p. 22), and we need to consider how norms of affective rationality can be conceptually established and practically promoted.

In order to address this issue, let us first consider what we mean by affect. Affect may be defined as an intensity of feeling that arises through the articulation of affective signs – communication that holds (emotional) value – and increases through the circulation of such signs (Ahmed, 2004, p. 45; Chaput, 2010). This idea translates readily to the case of the liquorice pipes and may explain why the (false) rumour of a ban spurred such heated debate and why it was so difficult to shut the debate down (despite political actors' concerted efforts to do so); 'liquorice pipes' and, especially, the threat of a ban on them simply became (increasingly) affective signs in and through their (increasing) circulation whereby it became (increasingly) difficult to end the circulation. Accepting the constitutive power of affect, then, means that we can better explain the existing dynamics of debate; that we can both see the power of and value in people's actual participation in the public sphere. This does not mean,

however, that we have to give up on any and all normativity; it does not mean that the liquorice pipe debacle must be reassessed as a 'good' debate. But it does mean that we must reassess the norms by which we call to and evaluate public debate.

An important precondition for such reassessment lies in recognizing that affectivity is not the same as the expression of emotion, just as rationality is not the same as the expression of reason. Rather, the two former are the general conditions of the latter and, we can now ad, neither can exist without the other. Thus, being affected is not the same as feeling something specific; rather, affect is a dynamic, an intensity, that may set things in motion, may instigate action. Or put differently, affect is a necessary condition for the actualization of agency (Bennett, 2010, p. 24); people become involved in public debates, if and when they are affected by them, but the unspecified affect needs reasoning in order to take a specific direction. Thus, being affected is not the same as being irrational either; to the contrary, people do not become more rational by not being affected; they become psychopathic (Malabou, 2012b, p. 157). Similarly, public debate does not become more legitimate by relying solely on reasonable language; rather, it becomes disengaging and as such forfeits whatever legtimatory potential it might have by not including the people whose participation is a prerequisite for the release of this potential.

Assuming that processes of public reasoning do not incur without an affective charge, allows us to understand why existing invitations to debate are so futile and it provides the foundation for judging people's passionate contributions more fairly. Also, it enables us to begin thinking about how to bring rationality back in to the processes of debate – and how to reconceptualise it in the process. As noted above, affect is an intensity of feeling that is actualized in and through the articulation of emotions, and

such articulation creates room for reflexivity, for thinking about the reasons for and justifications of whatever affects us. This insight may form the basis of a new deliberative mode, a form of *affective rationality*, in which emotions are not shunted, but where each individual is not left at the mercy of his or her feelings either. Instead, we may conceptualize public debates as truly collaborative processes where reflection upon the affective configuration of a particular debate – of the ways in which affective signs are circulated at any given time – may point the way to continuing and reconfiguring the debate without draining its affective energy.

When affective involvement becomes a precondition of rational opinion formation, "…success derives from a better understanding of differently situated positions and an enhanced ability to engage differently situated people, processes that open dialogue rather than win debate" (Chaput, 2010, p. 19). The foundational norm for legitimate and legitimatory public debate, then, shifts from one of rational consensus-seeking to one of affective openness. In sum, accepting the general interdependence of affectivity and rationality as the theoretical starting point for practical debate, may allow for new and more open dynamics of feeling and reasoning, dynamics that may move public debates forward by continuously linking emotions with reasons rather than cutting public engagements short through the reasoned and reasonable disciplining and silencing of expressions of feeling. That is, we could move from top-down invitations to rational debates in which people do not participate to bottom-up expressions of emotional investments with which politicians could engage.

Conclusion

There is a deep discrepancy between the norms of public debate that pervade official calls for EU-debate and the practices of public debate in which people partake – on the streets and in the social media. Invitations to debate in the (ostensibly) deliberative mode leave the citizens cold, and political actors are unable or unwilling to listen to people's actual participation. As I have argued, representatives of (national and European) political institutions often rely on a simplified version of deliberative democracy that leads them to privilege rationality and reason at the expense of affect and emotion. Thereby, rational norms become an instrument of power, a means of excluding existing modes of participation, while continuing to invite to the 'right' type of debate.

The current situation means that both politicians and citizens become impotent; from the political perspective, no legitimatory potential is realised in and through public debates and, paradoxically, the more debate is invited without any engagement with existing participation, the less likely citizens will be to ever participate in the invited debates. From the people's perspective, the politicians' lack of engagement with their emotional utterances lead to even stronger affectivities and to even more emotional expressions of these[10] – meaning politicians become even less likely to see the legitimatory potential in engaging with them.

What is needed, then, is a reversal of this negative spiral. Conceptually, this implies acknowledging the mutually constitutive relationship between rationality and affect and positing this as a starting point for both explanatory and normative models. In practice, it means that politicians must become better able to listen to and engage with (physical and virtual) arenas and processes of bottom-up engagement. People will not

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[10] As Jasper (2014) observes anger is a particularly strong emotional fuel of protest – and it is a very likely emotional reponse to situations in which people express truthful concerns, but are ignored and ridiculed by the politicians who otherwise profess to be keen to listen.

become enthusiastic about the terse top-down calls for overly rationalistic debate, but if they experience that politicians actually listen to their expressions of concern, anger, and other emotions, a process of mutual engagement and of constructive negotiation of and between feelings and reasons might begin. In this paper I have sought to explain why this is needed by showing the shortcomings of current empirical and theoretical engagements, and I have presented a first sketch of a theoretical alternative that may lay the ground for the exercise and recognition of affective rationality as a form of public debate that may hold legitimatory potential without losing its critical edge.

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