Whatsapp Europe?

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In April 2021, the *New York Times* reported that the EU's vaccine deal with Pfizer had been negotiated by a series of text messages and calls between Commission President Ursula von der Leyen and the company's chief executive. 'That personal diplomacy played a big role in a deal', said the newspaper. This suggestion of one-to-one negotiation on a high-profile matter raised several eyebrows and prompted calls for the messages to be made public. The Commission refused, saying it kept no records. At the request of the European Ombudsman, Europe's supranational executive is currently reviewing its policies on what material it chooses to retain, while MEPs are suing the Commission in a bid to get it to disclose the vaccine contracts.

Concerns about text-message diplomacy have been around for some time. What the President of the European Council sent EU heads of state was the subject of an unsuccessful access request in 2018. But with the pandemic these concerns gained urgency. The suspension of face-to-face meetings meant much of the business of governing shifted online. Interactions that were previously in-person now found outlet in electronic form, at the very time the EU faced some of the biggest decisions in its history. A context of emergency meant pressure for rapid coordination, while the stakes and sums involved were higher than ever.

Critical discussion of government-by-text has tended to focus on access. Officials, it seems, are creating a string of important messages that the public struggles to get hold of, whether because records are deleted or not even kept. The way to keep something secret, it appears, is to do it on Whatsapp. These concerns about transparency are well taken, highlighting the challenges faced by the wider public in scrutinising who does what and based on what reasoning. They build on long-standing concerns that the important conversations are had in the hallways and over dinner, where no public record is taken. But the questions raised by messaging go beyond this. More than just a matter of later accountability, they are about how key decisions are taken in the moment. As discussions move from physical space to the virtual space of the chat group, they move into a world of heightened informality and strategic inclusion and exclusion.

Consider some features of the technology. Unlike a physical meeting, this is a form of interaction with no set beginning or end. Lacking a defined set of temporal boundaries, conversations begin at the initiative of one party, and the technology is designed to encourage quick responses. A recent case in Spain illustrates the risks. On 24th March 2020, Madrid's mayor José Luis Martínez-Almeida is said to have got agreement for medical-supply contracts in a brief Whatsapp exchange with city representatives sometime after 1am. The deliberation could have been better: the deal involved a relative of the mayor, was pushed through without consideration of alternatives, and was later denounced as a 'scam' at the city's expense.

Even at the best of times, instant messages are short, and so inevitably weak on nuance, detail and complexity. Relative to other written forms of communication, including email (where messages can be flagged for later), they invite accelerated interaction. Participants must keep active to sustain the exchange. Its spontaneous nature also means those involved are often being extracted from another activity – e.g. a parallel conversation – or caught at an informal moment. This is a medium conducive to a state of distraction, also to a less guarded manner.

Clearly the effect of such features depends on how the technology is used. Not everyone is texting in their pyjamas or cooking a meal at the same time. And sometimes these interactions are just a preface to others in a more formal context. But insofar as they shape opinions, foster sympathies, coordinate positions and build asymmetries of knowledge, they are an important

influence on the context in which decisions are taken. The whole point of them is to build a rapport that would otherwise not exist.

Beyond how the medium shapes the interaction are important questions of inclusion and exclusion. Instant messaging serves to separate the office-holder from their institution. To discuss matters by phone is to do so in a personalised way, detached from the supporting officials who might coordinate the line taken. When the exchange takes the form of a group chat, participation may be shaped less by institutional criteria than by the preferences of those who set up the group. Awkward individuals can be left out, and trusted advisors brought in. Those who might be stopped at the door in a physical setting can be 'in the room' in a virtual one, while absences that would be notable in-person may be more easily overlooked.

Instant messaging allows hierarchies to be bypassed, and may sometimes be sought for this reason. It is a technology well suited to separating insiders from outsiders. It is less well suited to the expression of dissent and disagreement – partly for its informal mood, and partly because those likely to disagree can be screened out at the moment the group is formed. Amongst the predictable outcomes are group-think and factional strife. But more generally what these technologies encourage is the blurring of boundaries – between the formal and the informal, between different institutions, and between the business of government and the world beyond it. Who forms part of what network can be quite opaque to those outside, and not always clear to those within.

Government by instant messaging is arguably emblematic of something wider. We tend to think of EU politics as a world of dry institutions and bureaucratic logic, but recent years have seen a tendency towards the informalisation and personalisation of power. In the context of governing emergencies, one sees power concentrated in the hands of key individuals and the networks they form – in particular the presidents of the Brussels institutions and the leaders of member-states. The concentration of power such that decisions are taken by the few (von der Leyen, Lagarde, Michel, national heads); the collaboration of leaders across institutional boundaries, such that ties of trust override the formal definition of roles; and a reliance on personalised authority, such that emphasis falls on personal judgement, expertise and discretion – these are some of the key patterns. Increasing reliance on messaging technology expresses and consolidates these tendencies. And while lockdowns gave a distinctive impetus, the patterns are deeper and likely to outlive the pandemic – emergency rule builds habits that endure.

Whatsapp government is hardly unique to the EU sphere. Ever since Dominic Cummings released messages from British Prime Minister Boris Johnson referring to the health secretary as 'totally fucking hopeless', Britain has been revising its understanding of how the business of government is conducted. The case highlighted another implication of the technology: the potential for whistleblowing, also for blackmail. Meanwhile in Germany, von der Leyen herself had been caught in a scandal to do with the transparency of her mobile-phone use while still a defence minister in Berlin.

But there are certain respects in which multi-level governance looks especially vulnerable to these methods. Complex institutional structures invite moves to bypass long chains of command and establish direct contact between those at the apex. Reliance on consensual decision-making across a large number of actors invites the use of back channels to build agreement. And EU officials' need of output legitimacy – the public consent that comes from tangible results rather than sound procedures – means problem-solving is the name of the game. If instant messages help secure the deal, concerns about the method may not count for much.

One can assume messaging technology is now central to EU crisis response, including the handling of Russia's invasion of Ukraine. The rapid introduction of sanctions over the course of a weekend in late February 2022 bears the hallmarks of this kind of decision-making. But ultimately we know very little. All we can be certain of is that these methods tend to escape public scrutiny and aid a more personalised mode of operation. And while the Ombudsman's pursuit of transparency is welcome, the larger question is how to ensure decisions are democratically made.