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From Neglect to Protection: Attitudes towards Whistleblowers in the European Institutions (1957–2002)

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Abstract

This article analyses how transparency became a buzzword in the European Union (EU) and its predecessors. In order to do so, it examines how the European Parliament (EP), the European Commission, the Court of Justice, and earlier European institutions responded to whistleblowing, between 1957 and 2002. In 2019, the EP agreed to encourage and protect whistleblowers. However, whistleblowing is far from a recent phenomenon. Historical examples include Louis Worms (1957), Stanley Adams (1973), and Paul van Buitenen (1998). Based on policy documents and parliamentary debates, this article studies the attitudes and reactions within European institutions towards whistleblowing. Their responses to unauthorized disclosures show how their views on openness developed from the beginning of European integration. Such cases sparked debate on whether whistleblowers deserved praise for revealing misconduct, or criticism for breaching corporate and political secrecy. In addition, whistleblowing cases urged politicians and officials to discuss how valuable transparency was, and whether the public deserved to be informed. This article adds a historical perspective to the multidisciplinary literature on whistleblowing. Both its focus on the European Coal and Steel Community, European Economic Community, and EU and its focus on changing attitudes towards transparency provide an important contribution to this multidisciplinary field.

Keywords

democracy; EU history; European integration; European institutions; transparency; whistleblowing

Issue

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1. Introduction

In 2019, the European Parliament (EP) and the Council of the European Union adopted minimum standards ‘ensuring that whistleblowers are protected effectively’ in all Member States of the European Union (EU; Directive of the European Parliament and of the Council of 23 October 2019, 2019, p. 17). Several politicians, activists, and scholars regard this as a momentous turning point. Věra Jourová, Commissioner for Values and Transparency, called this Directive ‘a game changer’ (European Commission, 2018). Transparency International EU (2019) spoke of ‘a historic day for those who wish to expose corruption and wrongdoing.’ And according to legal scholar Abazi (2019, p. 93), the EU had

now entered ‘a new era for protection of whistleblowers.’ These reactions raise several questions: Is the current appreciation for whistleblowing really unprecedented? And where does this favourable attitude towards transparency come from?

From the 1990s, scholars of European integration have scrutinized the level of transparency within the EU. Most of them combine an analytical and a normative approach. They analyse how European institutions thought about openness and how they put their views into practice. In addition, these authors offer their own views, discussing whether transparency is a precondition for a healthy democracy, whether the EU is too opaque, and, if so, how this state of affairs should be remedied.

The dominant narrative is that the EU and its predecessors have a poor track record when it comes to open government. Many scholars complain that it took decades before politicians and officials deemed transparency and democracy as sources of legitimacy. In this view, European institutions only opened their doors after the Maastricht Treaty (Sternberg, 2013, pp. 128–152). The appreciation for whistleblowers came even later, in the twenty-first century, according to Abazi (2019, pp. 92–98). In addition to the tardiness of the transparency campaign, critics complain about its ineffectiveness. Curtin and Hillebrandt (2016, pp. 190–191, 201–208) warn that the measures implemented by the EU to improve transparency could be circumvented. For that reason, sceptics question the sincerity of politicians and officials who call for openness (Shore, 2000, pp. 212–219).

Other scholars are less sceptical. They, too, focus on the period from 1992, but stress that the EU has continually done its best to improve its communication. They acknowledge that the measures designed to increase transparency were not perfect, either because they failed to produce full disclosure, or because they were aimed at paternalistically “informing” citizens about the value of European integration. Nevertheless, these scholars applaud the EU for its genuine attempts to open up. Pukallus (2016, p. 153) states that there is ‘little doubting the laudable nature of the ambition of an advanced bureaucracy trying to adopt a policy of debate and dialogue, accompanied by a philosophy of transparency.’

Some historians add that the call for the democratization of the European institutions preceded the EU. They claim that European institutions had already started worrying about their democratic legitimacy in the 1950s, but merely defined democracy differently than present-day scholars. These studies focus on debates about representation (van Zon, 2019, pp. 9–11). The question remains whether the call for transparency also originated in the early days of European integration, and whether it was explicitly linked to democracy. According to Keane (2011), citizens worldwide were already demanding a ‘monitory democracy’ in 1945, claiming the right to scrutinise their governments. However, he has not focused on the European Coal and Steel Community (ECSC), the European Economic Community (EEC), or the EU. Historical research on European transparency is still in its infancy (Engels & Monier, 2020, p. 8). This is even more true of whistleblowing research (Gijzenbergh, 2020, p. 174).

Building on this literature, this article analyses how Members of the EP (MEPs), the European Commission (henceforth the Commission), the Court of Justice (henceforth the Court), and preceding institutions thought about transparency from the start of European integration. In addition, this study examines whether they associated openness with democracy. In order to do so, this article focuses on their responses to whistleblowing. Whistleblowers caused a dilemma: On the one

hand, their disclosures of wrongdoing might serve the public interest, but on the other hand their unauthorized breaches of secrecy could be deemed illegitimate. Like many recent historians, I refrain from a normative point of view. Instead, I examine the attitudes, behaviour, arguments, and discourse of politicians and officials of the ECSC, EEC, and EU. Who applauded and who criticized whistleblowers? Did they take protective or disciplinary measures? Which arguments *pro* and *contra* whistleblowing were used? Did the debates revolve around the scandals, the fate of the whistleblowers, or the value of openness (Horn, 2011, p. 104)? And did politicians and officials claim that *the public* had a ‘right to know’ (Schudson, 2015)? Lastly, when did European institutions adopt the term “whistleblower”? The use of this metaphor, with its positive ‘image of regulation and fairness,’ reflects when whistleblowing was recognized (Gurman & Mistry, 2020, pp. 11–15). Moreover, this conceptual history reveals whether whistleblowers were explicitly celebrated as a ‘democratic icon’ (Olesen, 2018, pp. 516–520). The analysis is based on policy documents and parliamentary sources, including minutes of plenary debates and committee meetings, petitions, reports, and judgements of the Court. Quotes from French, German, and Dutch sources have been translated into English by the author.

Three cases have been selected: Louis Worms (1957), Stanley Adams (1973), and Paul van Buitenen (1998). They fall within the definition of ‘whistleblower’ by Lewis, Brown, and Moberly (2014, p. 4): ‘an organizational or institutional “insider” who reveals wrongdoing within or by that organization or institution, to someone else, with the intention or effect that action should then be taken to address it.’ Each of these cases were related to European institutions, albeit to a different degree. This is especially true of Van Buitenen, a civil servant of the EU who forced the Santer Commission to resign when he disclosed fraud and a cover-up. Scrap dealer Worms blew the whistle on the High Authority (HA) of the ECSC, by revealing that its bureau in charge of regulating the scrap market had turned a blind eye to a scandal. Adams differs somewhat. When he uncovered wrongdoing in a private company, he saw the EEC as an ally, rather than the culprit. Still, Adams is relevant for this article. Similar to the other two cases, he forced MEPs, the Commission, and the Court to discuss whether they should defend whistleblowers and the free flow of information. By spilling secrets, all three whistleblowers compelled European institutions to express what they really felt about openness. These cases are more insightful than the existing literature, which focuses on transparency campaigns that were initiated, controlled, and sometimes circumvented by these institutions (Meijer, 2014, p. 511).

These cases reveal long-term developments in the attitudes towards transparency. Little is known about whistleblowing during the first 50 years of European integration. During the first decades of this period, Worms, Adams, and Van Buitenen seem to be the only

high-profile whistleblowers involved with European institutions. That is a contrast with the twenty-first century. In the first decade after Van Buitenen's disclosure alone, seven whistleblowing EU operatives received widespread attention (Directorate-General for Internal Policies, 2011, p. 27). Nevertheless, whistleblowing does have deeper roots: Americans already coined the concept in the 1970s, and the practice of whistleblowing is probably even older. Earlier cases in the ECSC, EEC, and EU may have escaped scholarly attention, if the people involved were not called "whistleblowers" at the time. This is all the more reason to examine the development of attitudes within the European institutions towards whistleblowing. For the purpose of this article, Worms, Adams, and Van Buitenen suffice. These major cases represent three waves in the call for transparency: the 1950s/1960s, the 1970s, and the 1990s (Schudson, 2015). After discussing these cases in chronological order, the conclusion elaborates on what my historical approach contributes to the multidisciplinary scholarship on transparency and European integration.

2. Louis Worms (1957–1984)

In its early years, the ECSC struggled with a shortage of scrap metal. In order to guarantee a steady supply of this crucial raw material for the steel industry, the HA and steel manufacturers offered importers financial compensation. They established an equalisation fund, which was managed by the Office Commun des Consommateurs de Ferraille (OCCF). The supervision by the HA over this organisation of scrap dealers and consumers remained limited (Díaz-Morlán & Sáez-García, 2020, pp. 1–10). This system proved susceptible to fraud. Several scrap dealers, steel manufacturers, and civil servants passed domestic scrap for imported scrap, pocketing the compensation. In 1957, the Dutch scrap dealer Louis Worms reported the swindlers to the OCCF and the HA. Frustrated by their slow response, he petitioned the European Parliamentary Assembly and its successor, the European Parliament (for brevity's sake, both institutes will be abbreviated as EP, even though the title "European Parliament" was not adopted until 1962). Worms called the HA and the OCCF 'accomplices' of the fraudsters, accusing them of keeping the scandal under the lid with a toothless investigation. He especially blamed Vice-President Dirk Spierenburg for this 'failure of supranational authority' (Worms, 1958, pp. 4–5; Worms, 1966, pp. 2–3, 7).

These allegations forced the HA and the EP to discuss the matter at length. Prominent MEPs felt that the fraud called for a serious investigation. EP-President Hans Furler stressed that 'the scrap affair shows that the Parliament intends to conduct its monitory tasks' ("Debate," 1960b, p. 997). This was confirmed when Spierenburg had a conflict with his fiercest critic, Marinus van der Goes van Naters. When this Social Democratic MEP rumoured that the Vice-President might be com-

plicit in the fraud, Spierenburg refused to attend committee meetings with him. In response, various party groups condemned Spierenburg for avoiding parliamentary control. EP-Vice-President Leopoldo Rubinacci reminded him to respect the 'parliamentary prerogatives' ("Debate," 1961a, p. 82). In his memoirs, Van der Goes van Naters (1980, p. 271) boasted: 'finally there was a real parliamentary debate in the Maison de l'Europe.' This assertive attitude towards the HA was extraordinary, at a time when a culture of consensus demanded a constructive attitude of MEPs (van Zon, 2019, pp. 175–192).

All debates about Worms' disclosures revolved around the way the HA handled the fraud and the scrap market. Most MEPs were not as critical as Worms or Van der Goes van Naters. They believed that Spierenburg was not involved in the affair, and that he had (eventually) done his best to investigate the abuses. However, they were disappointed that the HA had been unaware of the fraud until Worms blew the whistle. Looking back in 1961, they concluded that the HA should have kept the OCCF on a tighter leash. Rapporteur Alain Poher (1961, p. 2) reminded the HA that 'the Common Assembly had already been complaining since 1956 that "laissez-faire" policies were adopted too often.' The rest of the EP concurred and advised the HA to exert more control in future ("Debate," 1961c, p. 173). The HA reached a different conclusion. According to Vice-President Albert Coppé, too much governmental intervention in the economy would only lead to more 'abuse' ("Debate," 1961b, p. 39).

Worms' plight attracted far less attention than the scrap policy of the ECSC. That is remarkable, considering that he suffered dire consequences for signalling the violations. He lost his job as a sales representative for Krupp-Hansa, one of the fraudulent companies. In addition, Worms claimed that his own company was being boycotted by his spiteful peers in the industry. He even feared that he might be liquidated by 'gangsters who wanted to keep me quiet' (Worms, 1980, pp. 20–21).

Nevertheless, Worms did not find many supporters in Brussels and Luxembourg. Both the OCCF and the HA were too affronted to help him. Vice-President Coppé reminded the MEPs of the 'irksome personal character of his accusations,' to explain why 'we did not immediately welcome Mr Worms with open arms' ("Debate," 1961b, p. 60). Spierenburg could not agree more. He never explicitly praised the whistleblower. Instead, he downplayed the importance of his revelations, calling his evidence 'legally inadequate' ("Debate," 1960a, pp. 722–723). Furthermore, he assured the MEPs that 'no evidence whatsoever had been found that Worms had been discriminated against' (Commissie voor de Interne Markt, 1959a, p. 31). According to Van der Goes van Naters (1980, p. 272), Spierenburg even abused his position as Permanent Representative of the Netherlands to the EEC to sabotage Worms' migration to France in 1963. Neither did the Court help Worms. He demanded financial compensation, arguing that the HA should have acted against his boycott.

However, the Court dismissed his claim and forced him to pay the legal fees, exacerbating his debts (*Louis Worms v. High Authority of the European Coal and Steel Community*, 1962).

Therefore, Worms turned to the EP for aid. The MEPs were not deaf to Worms' pleas, but neither did they offer him their full support. His staunchest ally was Van der Goes van Naters, who praised Worms for his 'courageous denunciation' ("Debate," 1961b, p. 54). He was appalled that the whistleblower faced the 'inexorable hatred' of other scrap dealers ("Debate," 1960a, p. 731). He also criticized the HA: 'We deeply regret that the report did not sufficiently recognize the important role that Mr. Worms played in setting in motion and continuing an investigation into the scrap fraud' (van der Goes van Naters, 1961, p. 14). Although Van der Goes van Naters was backed by other Social Democrats, his drive made him a 'loner' in Strasbourg (Mreijen, 2018, p. 230). Most MEPs followed the more moderate line of Poher, leader of the Christian Democrats and rapporteur of two committees on the scrap affair. He acknowledged that the fraud was a serious matter, but refused to 'wallow in sensationalism' ("Debate," 1961a, p. 22). Poher applauded Worms for performing 'a very great service to the Community' (Commissie voor de Interne Markt, 1959b, p. 3) and expressed his 'gratitude' ("Debate," 1961b, p. 31). However, as far as he was concerned, that settled the matter. Poher refused to compensate Worms, because he was not convinced that the scrap dealer had been boycotted. Other MEPs were even less supportive, and left the plenary hall when Worms' fate was being discussed (Worms, 1966, p. 3).

It took over 20 years before the MEPs changed their opinion. Worms' case was put on the agenda again when he sent a new petition to the EP, emboldened by a financial compensation by the Dutch Parliament (Worms, 1980). Social Democratic rapporteur Hellmut Sieglerschmidt (1982, pp. 5–6, 16–18) argued that the EP should follow suit. Considering that Worms had served the Community and had probably been boycotted, he deserved financial redress and a 'moral rehabilitation.' The rest of the MEPs agreed and forced the Commission to compensate Worms, against its express wishes ("Debate," 1983, pp. 294–295, 304–305).

Strikingly, the value of transparency was rarely explicitly invoked. Above all, Worms' supporters applauded him for protecting the economic interests of the duped 'steel manufacturers who contributed to the equalisation fund,' as well as 'the consumers of the Community' (van der Goes van Naters, 1961, p. 1). Poher added another argument in 1959: By reporting the swindlers, Worms had saved 'the Community's reputation' from harm (Sieglerschmidt, 1982, p. 16). Only a few Social Democrats portrayed Worms as a hero of openness. Van der Goes van Naters stressed that 'the public...has the right to be fully informed' ("Debate," 1958, p. 234). For decades, this argument in favour of whistleblowing was rarely used, until Sieglerschmidt repeated it.

He defended compensation for Worms as a means 'to encourage people to report such information in future' ("Debate," 1983, p. 294). All this time, even these MEPs never used the term "whistleblower."

Other politicians and officials discussed how the HA and the EP, rather than whistleblowers, should inform the public. Dutch MEPs organised press conferences 'to consolidate the confidence that the peoples of Europe intend to grant our institutions' ("Debate," 1961b, p. 43). However, this form of communication was contested, especially when scandals were openly discussed. Poher preferred the 'serenity' of the parliamentary arena ("Debate," 1961a, p. 23), while Spierenburg lectured: 'it is in this European Parliamentary Assembly that the case must be dealt with publicly, because the High Authority is only accountable for its actions to your Parliamentary Assembly' ("Debate," 1961b, p. 35).

The discourse and arguments used by the European institutions suggest that transparency was not their prime concern. That is understandable, considering the technocratic nature of the ECSC. According to most politicians and officials, the ECSC derived its legitimacy from its ability to solve economic issues. As a result, decision-making was deemed more important than political deliberation (Sternberg, 2013, pp. 30–39). If politicians and officials discussed the role of the public at all, they talked about workers and consumers with socio-economic rights. They did not yet envision informed citizens who would monitor the European institutions (Pukallus, 2016, pp. 39–92).

3. Stanley Adams (1973–1985)

When Stanley Adams became World Product Manager at the pharmaceutical company Hoffmann-La Roche, he learned that this Swiss multinational was guilty of price-fixing. In 1973, Adams informed the Commission of these malpractices, hoping that it would use its new free trade agreement with Switzerland to stop his employer. His disclosure led to Adams' own ruin, because his contact in Brussels inadvertently revealed the identity of the whistleblower to Hoffmann-La Roche. Promptly, the corporation filed serious charges against its former employee: Under Swiss law, breaching trade secrets to a foreign power amounted to espionage and treason. Adams' wife committed suicide, after the Swiss police detained him and told her that he might face 20 years in jail. In 1976, Adams was sentenced to twelve months' imprisonment, suspended for three years. His attempts to start a new life in Italy were frustrated by right-wing politicians, who were antagonised by his criticism of another scandal surrounding Hoffmann-La Roche, in the Italian town of Seveso. They withdrew subsidies for Adams' farm and accused him of defrauding the government. Adams served two months in prison and became almost bankrupt. Unable to support his daughters, he was forced to send them away. They were not reunited until 1981, when Adams fled to Britain (Adams, 1985).

For ten years, Adams' case was a 'cause célèbre' ("Debate," 1975, p. 21). Various MEPs raised the matter until 1985, when the Court ruled that the Commission should compensate Adams. In marked contrast to the debates about the scrap fraud, the whistleblower himself was now the centre of attention, rather than the scandal he uncovered. Several MEPs emphasised Adams' sacrifices in service of the EEC, and urged the Commission to alleviate his suffering. Like Worms, Adams could rely the most on Social Democrats. John Prescott took the lead. He repeatedly emphasised that 'no one faces the personal consequences that Mr Adams himself has faced.' Moreover, he stressed that Adams 'assisted the Commission considerably in providing information.' Therefore, he concluded: 'The least that we can do is to assist him' ("Debate," 1977, pp. 109–110).

Adams' supporters could also be found outside the Social Democratic ranks. Compared to Worms, he enjoyed more widespread assistance. In a historic show of unity, the EP unanimously adopted a resolution in Adams' favour in 1980. It called upon the Commission to offer him financial compensation, and to negotiate with the Swiss and Italian authorities to clear his name. This Parliament-wide consensus was a first in the history of the institute (Adams, 1985, p. 164). All MEPs followed the conclusion of a committee representing all party groups and countries, led by Liberal rapporteur Georges Donnez (1980, pp. 15–16):

It is clear that the European Community has a particular responsibility to Mr Adams, whose statements enabled practices contrary to the EEC-Switzerland trade agreement and the EEC Treaty to be punished and stopped. Mr Adams has suffered considerable misfortune in his personal and family life as well as substantial financial loss....Therefore the community must act to help Mr Adams.

The Commission, too, showed its gratitude to Adams, but did not go as far as the MEPs. Its Competition Department did, however, eagerly use Adams' information in order to fine Hoffmann-La Roche. Moreover, Vice-President Wilhelm Haferkamp assured the EP 'that we are all aware of the unfortunate and tragic personal side of this case' ("Debate," 1977, p. 111). For that reason, the Commission covered Adams' legal costs, amounting to more than 100,000 Swiss francs. In response to the Donnez report, moreover, the Commission added another 50 million lire. However, it refused to offer a larger financial contribution, and made Adams promise to refrain from further claims. Adams felt forced to accept that stipulation, now that his debts threatened to send him back to prison (Adams, 1985, pp. 167–170). Neither was the Commission willing to ask the Swiss and Italian authorities for amnesty. Vice-President Lorenzo Natali upheld the rule 'not to interfere in the jurisdiction of the judicial authorities of third countries' ("Debate," 1980, pp. 346–347).

Furthermore, the Commission did not relent when MEPs continued to plead for more financial and legal help in the following years.

That changed in 1985, a year after Worms was compensated. The Court held the Commission co-responsible for revealing Adams' name to Hoffmann-La Roche. It also blamed Adams himself, because he had 'failed to inform the Commission that it was possible to infer his identity as the informant' from the documents that he had leaked. Therefore, the Court ruled that the Commission and Adams should both pay one half of the damages suffered by the whistleblower (*Stanley George Adams v. Commission of the European Communities*, 1985, p. 3592).

A marked difference with the debates about Worms, was that the importance of transparency was more explicitly addressed during the debates about Adams. Prescott hoped that 'the right of information in this Community about the actions of multinationals will be upheld in the near future' ("Debate," 1979, p. 82). Support for Adams was meant to achieve that goal. Raymond Forni invited the Commission 'to see to it that justice is done to him so that other citizens will not be discouraged but will continue to provide information on the attitude and behaviour of multinational companies within the European Community' ("Debate," 1979, p. 84). Adams (1985, p. 228) himself also hoped that he could serve as an example to 'all those other potential whistle-blowers.'

However, it would go too far to argue that the European institutions now embraced openness as the pillar of the EEC's legitimacy. Unlike Adams, they did not adopt the concept of 'whistleblowing.' Instead, they used more neutral terms. While the Court spoke of 'the Commission's informant' (*Stanley George Adams v. Commission of the European Communities*, 1985, p. 3558), MEP Bodril Kathrine Boserup referred to 'disclosures of confidential information' (as cited in Adams, 1985, p. 205). More importantly, when MEPs and Commissioners underscored the importance of transparency, they did not talk about the right of citizens to scrutinize the European institutions. Rather, they defended the right of European institutions to monitor multinationals. European institutions needed to be informed about malpractices, in order to enforce the rules in the common market. Under the free trade agreement, those rules also applied to Swiss corporations. However, by convicting Adams, the Swiss court implied that the Swiss legal protection of trade secrets took precedence over the trade agreement. Prescott complained that 'the Commission, which has the responsibility to investigate breaches of the regulations under the Rome Treaty and the competitive clauses, is denied essential information' ("Debate," 1976a, p. 262).

The widespread attention and support for Adams can be partly explained by the strong consumer activism in the 1970s, coupled with a growing unease with the power of multinationals. Hoffmann-La Roche had an

especially bad reputation after the Seveso affair. MEP Ludwig Fellermaier praised Adams for his attempt ‘to combat practices which are contrary to the rules of competition and detrimental to millions of consumers throughout Europe’ (“Debate,” 1976b, p. 69). Both MEPs and Commissioners lent an ear to consumer organisations (van de Grift, 2018). Their willingness to listen to these organisations fits within a trend that existed during the 1970s/1980s. European institutions promised to take the expectations of the peoples of the EEC into consideration, in order to downplay their technocratic image. The attempt to involve the public more actively in the decision-making process was epitomised by the direct elections of MEPs from 1979. Inhabitants of the EEC were now styled as “European citizens” with civil rights. Especially their right to participate in the electoral process was stressed. European institutions also gradually informed citizens about the Community’s affairs, but the public’s right to know did not yet receive as much emphasis as its right to vote (Pukallus, 2016, pp. 93–133; Sternberg, 2013, pp. 46–61, 76–102).

4. Paul van Buitenen (1998–2002)

In the late 1990s, the EU was shaken to its core by a whistleblowing case. Paul van Buitenen, an assistant auditor in the Financial Control Directorate, discovered irregularities in several EU programmes. When his internal reports were ignored, he turned to the Green MEPs in 1998. He accused Commissioner Édith Cresson and other high-ranking officials of fraud and a cover-up. In response, the EP instated a Committee of Wise Men to investigate the matter. This Committee corroborated Van Buitenen’s allegations. The entire Commission felt forced to resign, which had never happened before. Once again, MEPs used a whistleblowing case to test their strength with the executive power. And once again, the whistleblower did not escape unscathed. Before leaving office, the Santer Commission temporarily suspended Van Buitenen with deduction of pay. The Prodi Commission followed this course, by reprimanding the whistleblower for a breach of confidentiality. After his suspension, the Human Resources Department did not allow him to return to his old job, claiming that his relations with his former colleagues had been soured. Van Buitenen was transferred to several other EU agencies, where he could no longer exercise his talents or interest in financial auditing. To Van Buitenen, this felt as an unjustified penalty (van Buitenen, 2000, 2004).

The reactions to Van Buitenen’s disclosure indicate that many EU politicians and officials shared his distaste of the culture of secrecy within the Commission. First, most MEPs were more agitated by the sanctions against Van Buitenen than by the fraud itself. At first, his revelations hardly caused a stir. The real controversy started when the Commission had disciplined Van Buitenen. Magda Aelvoet, leader of the Greens and the first MEP Van Buitenen had informed about the fraud, pointed out:

‘it is not the fact that this case came to light, but the fact that this suspension came to light which called forth a storm of protest’ (“Debate,” 1999a, p. 12). Now that Van Buitenen had become ‘symbolic of the fight against fraud in Europe’ (“Debate,” 1999c), he was revered as a martyr. A wide variety of MEPs repeatedly urged the Commission to rehabilitate the auditor. His most vocal supporters were the Greens, other left-wing party groups, and Eurosceptics, as well as some Liberals and Christian Democrats. According to Johannes Blokland, for example, ‘this whistle-blower deserves the very opposite of a reprimand’ (“Debate,” 1999d). In contrast to Worms and Adams, Van Buitenen was not immediately backed by Social Democrats. They even watered down a resolution that called for his re-instatement, showing their loyalty to the Social Democratic Commissioners. However, they eventually joined the chorus of Van Buitenen’s supporters. Michiel van Hulten declared: ‘He has been called a hero of European democracy, with good reason’ (“Debate,” 2002a).

Second, Van Buitenen’s case gave rise to the first protective measures for whistleblowers in the EU. Triggered by his fate, MEPs of various political affiliations frequently requested these measures. Van Hulten saw ‘rules to protect whistle-blowers’ as ‘the key to restoring the confidence of the people of Europe in our institutions’ (“Debate,” 2000). As new Vice-President in charge of the administrative reform of the EU, Neil Kinnock promised to consider ‘legal protection for “whistle-blowers”’ (European Parliament, 1999). He built upon a recent decision of the Santer Commission, which obligated all officials and servants of the Commission to report illegal activities to their superiors or to the European Anti-Fraud Office (Commission Decision of 2 June 1999, 1999). Kinnock added that external whistleblowing would also be protected, provided that whistleblowers would only turn to the Court of Auditors, the Council of the European Union, the EP, or the European Ombudsman, and would first exhaust all internal reporting channels (Commission of the European Communities, 2000b, p. 47; Commission of the European Communities, 2002).

Third, discursive changes confirm that the value of transparency was increasingly recognized in Brussels and Strasbourg. The term “whistleblowing” was now *en vogue*. Van Buitenen used it frequently in his book *Blowing the whistle* and in his correspondence with MEPs. By calling himself ‘a genuine whistleblower,’ Van Buitenen (2000, p. 177) hoped to gain their sympathy. Various party groups copied this terminology. In their recurring debates about ‘the much-discussed “whistle-blower” question’ (“Debate,” 1999e), MEPs spoke in glowing terms about insiders who disclosed malpractices. Kinnock, too, often referred to ‘the question of whistleblowers’ (“Debate,” 1999c). The Vice-President appreciated whistleblowing, but sounded more ambivalent than most MEPs. Kinnock told them that he sought ‘a fair balance between the right to protection of the whistleblower’ and ‘the right of those accused

of fraudulent behaviour' to a fair trial (Answer given by Mr Kinnock on behalf of the Commission, 2002). Moreover, Kinnock denied that Van Buitenen (2000, pp. 226–228) was a real whistleblower. Nevertheless, this attempt to delegitimize the auditor confirms that the term “whistleblower” had become an honorific.

In addition, references to “transparency” increased. Kinnock used this term (including the term “transparent”) no less than 21 times in his consultative document “Reforming the Commission” (Commission of the European Communities, 2000a). Other Commissioners also assured the EP that ‘Democracy and openness are essential principles which the Commission values and seeks to put into practice’ (“Debate,” 2002b). MEPs also extolled the virtues of transparency. Van Buitenen’s case aggravated them, partly because the Santer Commission had withheld information from the EP. Diemut Theato exclaimed: ‘We have a right to information (“Debate,” 1999b). In addition, MEPs now also underlined that citizens were entitled to information. Olle Schmidt welcomed ‘more open and transparent communication within the Commission, between the various institutions and with the public’ (“Debate,” 1999f). MEPs associated transparency with democratization. Nelly Maes expressed this widespread sentiment: ‘The call for more openness and transparency is closely bound up with the call for more democracy that is ringing out loud and clear across Europe, not least in relation to the institutions of the European Community’ (“Debate,” 1999e).

The appreciation for Van Buitenen and whistleblowing should be understood against the background of a general call for more transparency and democracy within the EU. This trend had started in the early 1990s, in response to growing Euroscepticism. European institutions opened their doors, by simplifying bureaucratic procedures, granting the public access to policy documents, and engaging in dialogue. The hope was that citizens would become more involved, if they were better informed. The new dominant understanding of “European citizenship” entitled citizens to information. In addition to their right to participate in the process of parliamentary scrutiny, citizens also deserved to engage in public deliberation and to hold the authorities to account (Pukallus, 2016, pp. 135–168). European institutions ‘re-imagined democracy in terms of openness and transparency as opposed to, say, popular participation or parliamentary accountability’ (Sternberg, 2013, p. 151). They presented openness ‘as a remedy to the so-called “democratic deficit” that is a legacy of the late 1950s’ (Kratz, 1999, p. 387).

5. Conclusions

A comparison of the reactions by European institutions to Worms, Adams, and Van Buitenen shows that whistleblowing and transparency have been on the agenda since the beginning of European integration, albeit not always prominently. These high-profile cases followed a gen-

eral pattern. All three whistleblowers uncovered scandals and cover-ups involving private companies and/or Community officials, and reported these malpractices to European institutions. They also turned to these institutions for help against their vindictive opponents. In response, the EP, the HA, the Commission, and the Court discussed whether they should support whistleblowers, or reprimand them for their unauthorized disclosures. In addition, whistleblowing raised the question of who deserved to be informed: European institutions and/or the public? This means that the EU Directive of 23 October 2019 on the protection of whistleblowers did not come out of the blue. Rather, it should be seen as a new phase in an ongoing debate about openness, starting in the 1950s. This long-time span shows that the attention for transparency has deeper roots than has been assumed by scholars who limit their analysis to the 1990s or the twenty-first century. My historical study of this rich tradition puts the novelty of current events into a long-term perspective (Kaiser, 2009, p. 27).

Nevertheless, the views on transparency in the ECSC, EEC, and EU have changed significantly. Shifts occurred in the attitudes, behaviour, arguments, and discourse of the European institutions. The differences between the three cases outweigh their similarities. In the 1950s/1960s, the EP and the HA rarely recognized the public’s right to know. Politicians and officials were more interested in the scrap affair itself than in Worms’ predicament, and only a few key MEPs championed his cause. A shift happened in the 1970s/1980s. In this period, European institutions addressed Worms’ case again and became concerned about Adams’ fate. Adams had more supporters than Worms had had, including all MEPs and the Court. MEPs and Commissioners now emphasised the value of transparency more explicitly, although they meant that they deserved information themselves. Adams even introduced the concept of “whistleblower,” although more neutral terms remained common. The call for openness increased in intensity during the 1990s. MEPs of all stripes applauded Van Buitenen for his self-sacrificing disclosure. Furthermore, the Commission set in motion the first whistleblowing protection for EU officials. What’s more, “transparency” and “whistleblowing” became buzzwords. For the first time, these concepts were explicitly linked to democracy, based on the idea that citizens deserved to be informed. Shore (2000, p. 6) is too cynical when he deduces from Van Buitenen’s case that the European institutions were still characterised by a ‘culture of collusion and secrecy.’ In comparison to their predecessors in the 1950s/1960s and 1970s/1980s, both Commissioners and MEPs now defended whistleblowing and the value of openness more vocally.

The increasing appreciation for whistleblowing and transparency can be explained by the changing views on the relationship between the ECSC/EEC/EU and the public. Above all, the institutions of the ECSC valued expertise and efficiency as sources of their output legitimacy.

Political participation mattered less to them, let alone the public's right to know. Openness was more valued in the 1970s/1980s, when European institutions required information to monitor multinationals on behalf of consumers. Looking for a counterweight to their technocratic image, European institutions treated the peoples of the EEC as citizens with the right to be heard (mainly through the parliamentary process). However, citizens' right to be informed still received less emphasis. That changed in the 1990s, because politicians and officials hoped that better-informed citizens would become more involved in the European integration process. They now framed transparency as a panacea against Euroscepticism and the EU's perceived lack of democratic legitimacy (Pukallus, 2016; Sternberg, 2013).

Insight into these long-term developments is important for the future of transparency. We cannot take current attitudes towards openness for granted. The notion that citizens have a "right to know" developed only gradually. If we want to make the EU more accountable, we need to ensure that politicians and officials are convinced of the importance of openness. In order to do that, we have to study which political and organizational culture is conducive to transparent politics. Historical research can help, by showing under which circumstances the call for transparency caught on. This article has offered a modest start. Comparative follow-up studies would be welcome. Historians should join hands with legal scholars and social scientists, who study the impact of culture on attitudes towards whistleblowing from a more theoretical perspective (Vandekerckhove, Uys, Rehg, & Brown, 2014).

Historical research is also valuable for the future of the EU. This article examined how the perceptions of transparency among politicians and officials have shifted over time. That is important, because their attitudes and behaviour have shaped—and continue to shape—European integration. Here, too, there is room for further research. Historians could study the public opinion on whistleblowing. Sources abound: Whistleblowers often received letters of support, media attention, and the assistance of advocacy groups. This source material would put the debates within the European institutions in context, by showing whether they ignored, followed, and/or shaped public sentiment. Moreover, these sources could tell us what citizens expected from the ECSC, EEC, and EU, and whether disclosures of scandals caused Euroscepticism. Again, historians should cooperate with other disciplines, which offer theories about the impact of transparency on distrust (Abazi & Tauschinsky, 2015). In short, the history of whistleblowing provides insight into past developments, current views, and future mentalities.

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Conflict of Interests

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