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Opening EU-Governance to Civil Society

Gains and Challenges

Beate Kohler-Koch, Dirk De Bièvre, William Maloney
(eds.)

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Preface

When CONNEX set out to explore the conditions for “Efficient and Democratic Governance in a Multi-level Europe” it was widely agreed that it will not be sufficient to simply study the institutional architecture of the European Union. Rather, EU-society relations and the societal preconditions for a well functioning democracy should also be at the fore. CONNEX set up two Research Groups; Research Group 4 was dedicated to “*Civil Society and Interest Representation in EU Governance*” and Research Group 5 investigated “*Social Capital as Catalyst of Civic Engagement and Quality of Governance*”.

In each Research Group smaller international teams looked into specific aspects of the overarching research question. The exchange of research findings in these small working groups was the breeding ground for intensive communication between disciplines – mainly political science and sociology – and different theoretical and methodological approaches. Whereas in the first work period research was decentralised, in the following two years cooperation extended beyond the individual “work packages”. Joint workshops were organised to address cross-cutting questions and also to intensify cooperation with practitioners. To make the best out of complementary research in both research clusters, RG4 and RG5, organised a joint “Wrapping-up Conference”. The objective was to bring together the findings and research achievements of both groups and discuss their contribution to the broad questions of efficient and democratic EU governance.

This volume reflects the work of both Research Groups. The introductions give a short overview of the main research questions and findings on “*Interest Politics in EU Governance*” (RG4, Team A), on “*Civil Society Contribution to*

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Democratic Governance” (RG4, Team B), and on “*Social Capital as Catalyst of Civic Engagement and Quality of Governance*” (RG5). The subsequent chapters, with two exceptions, originate from papers written for, and presented at, the joint conference in Piran, Slovenia which was organised by our colleagues from the University of Ljubljana in October 2007 and which is documented in the Conference Report. The annex (below) lists all the publications that emanated from the activities of both Research Groups.

We would like to express our gratitude to all those who have participated in our common endeavour. It was a highly rewarding and intellectually stimulating experience.

The editors: Beate Kohler-Koch, Mannheim / Dirk De Bièvre, Antwerp / William Maloney, Newcastle

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Introductions

I. Assessing Interest Group Politics in EU Governance

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The literature on interest group politics in the European Union has come of age. The last ten years we have seen a remarkable shift from a literature consisting of mainly empirics driven studies that remained detached from sophisticated conceptual reflection, to a firmly theory-informed field of empirical political science. The study of EU interest group politics has become more professionalised, as researchers have moved away from studies that had their merits on their own but often suffered from theoretical grandstanding or idiosyncratic topics and/or sui generis explanations, to studies that link theoretical and conceptual development with sound empirical hypothesis testing.¹ The reason for this transformation is to be sought in changes in the discipline of political science and adjacent disciplines, but certainly just as well in the transformation of European

¹ I remember but too well going to my PhD supervisor Daniel Verdier during my first year of research in 1997, telling him hesitantly that I had failed to spot *The* literature on EU interest representation. Was his reaction: “Of course you didn’t find any! Because there *IS* no such literature!” Fortunately, Daniel’s hyperbolic quip is no longer right.

politics with its decline of electoral party politics and the migration of the 'authoritative allocation of values' into policy networks and negotiation systems in which interest groups and civil society organisations assume prominent positions.

As a result of this development, researchers in the field of interest group politics have found it rewarding to exchange their ideas, draft papers, and/or finished research projects in the framework of the Connex Research Group 'Civil society and interest representation in EU-governance'. In this introduction, I select some of the findings on biased representation and influence, add some reflections coming out of discussions within the research group, and draw out lines for future research. I mostly rely on two special issues of academic journals that came about in the framework of Connex workshops on interest group politics. The first one is small in scope and size but youthfully immodest in ambition: a special issue of *Journal of Public Policy* (JPP) on 'Interest group influence in Europe and the United States' (Dür and De Bièvre 2007). The second one is more encompassing in depth and breadth of issues covered, as well as the product of more seasoned scholars: a special issue of *West European Politics* (WEP) entitled 'Interest group politics in Europe. Lessons from EU Studies and Comparative Politics', edited by Jan Beyers, Rainer Eising, and William Maloney.

Normativity and bias in interest group politics research

A first thought that comes to mind when overviewing the activities of this diverse group of scholars is their unease with the term 'civil society'. Policy practitioners often use the term civil society for NGOs, diffuse or public interests, and social movement organisations in a ameliorative sense, thereby

attributing a pejorative connotation to terms such as business interests, employers organisations, and special interest organisations (for a more thorough discussion, see Beyers, Eising and Maloney, forthcoming). In research however, such a normatively laden word usage reveals itself as inhibiting, rather than stimulating comparative research. For instance, in which box of the dichotomy would we have to place trade unions? Are they civil society organisations in the 'good' sense? Or are they special interest group organisations in as far as in wage negotiations they represent members at the detriment of non-members and the unemployed? Although practitioners engaged in political conflict may well benefit from bracketing their interlocutors in terms of bad and good guys, one of the golden rules of categorisation in research is to avoid a priori value judgements regarding particular categories, but rather to make the attribution of value judgements dependent on the research question at hand. But even if we have adopted a particular working definition and think we have defined concepts like civil society organisations, interest groups, or social movements, words keep their normatively laden touch. Closeness to usage by public actors, however, is likely to make research uncritical and therefore less useful for practitioners and academic observers alike.

Due to the positive connotation that the term civil society conjures up, many scholars have deliberately avoided using it. They have surely not done so in order to remove the question of normativity from the agenda. On the contrary, it remains central to the research endeavour in its importance for the formulation of research questions. One of the most prominent motivations to do research on interest groups is the question of bias – bias in representation, as well as bias in influence on policy outcomes. We ascribe meaning to it by establishing a measuring rod of what we think *unbiased* representation and *unbiased* influence would look like. The trouble is that we

often do not know what such an ideal Platonic polity, and set of policies, would be. In order to escape this essentialist trap, we look for reference points in other political systems. We compare political systems with *more* bias to those with *less* bias. We do not compare a system *with* bias to one *without* bias, as we are bound to view any political system as *some type of* mobilisation of bias (Schattschneider 1960).

The assumption that access and inclusion can be taken as proxies for groups' likely impact on policy outcomes, is not validated in empirical research on European trade policy. In this policy field, NGOs have recently gained access to policy-makers, but have largely failed to shift policy outcomes in their favour. This does not result from an overwhelming presence of focused producer interests or their lack of expert knowledge, but may well be explained by their lack of resources to diminish or enhance the chances of political actors to be re-elected or re-appointed (Dür and De Bièvre 2007b).

With respect to the EU, Beyers, Eising and Maloney point out that even the comparison of relative values of bias is tricky, since some types of interest groups may not feel the need to mobilise on the European level as EU competencies in particular policy fields may be weak or non-existent (Beyers, Eising and Maloney 2008). And as the contribution by William Maloney to this volume shows, we might find some forms of bias actually very desirable in cases where these organisations defend interests of people that out of themselves will hardly mobilise, or in the case of the better informed, because they tend to be more tolerant. In sum, research on bias is likely to stay on the agenda in a prominent way, especially if we try and tackle the tricky issue of sampling the relevant population of individuals, interests, and organisations.

Stages in the policy process and EU – US comparisons

There seems large agreement among the researchers in the Connex workshops that the segmentation of the policy cycle is a very useful antidote to vague and unfalsifiable generalisations about interest group politics. In a remarkable contribution to the WEP special issue, Lowery, Poppelaars and Berkhout discuss the advantages of this approach extensively (Lowery, Poppelaars and Berkhout 2008). They distinguish the following stages in what they call the influence production process: the mobilisation of individual organised interests, their interactions within interest systems, their influence activities, and their consequences for policy. They show how such a segmentation can encourage the development and testing of middle-range theories, be they on conditions for collective action, the development of strategies, the formation of networks or coalitions or the influence on policy outcomes, to name but a few of the dependent variables that research in the special issues has focused on.

While extolling the benefits of splitting the policy cycle into comparable units, Lowery et al. are far less upbeat about the merits and feasibility of EU – US comparisons. Surprisingly so, since they might just as well have concluded in a modestly optimistic way that, given the caveats, they have provided useful strategies to pursue this route in future research. Surprisingly also, since in the same issue the contribution by Baumgartner and Mahoney illustrates a convergence of perspectives on interest-group research in Europe and America (Mahoney and Baumgartner 2008). They discuss how studies have increasingly focussed on the impact of government structures on mobilisation, the locus of advocacy and interest group strategies on both sides of the Atlantic. And in a contribution to the JPP special issue Christine Mahoney

illustrates how such comparisons across different political systems can fulfil their promise of interesting results (Mahoney 2007).

Relevance and feasibility: what should we be studying?

A third striking point has been the difference in opinion about what constitutes the most relevant and feasible object of study in interest group politics. Some are sceptical about studying influence. Is influence not researchable enough and should we study participation and representation instead? Or should we restrict ourselves to interest group strategies for the same reason? Should we focus less on lobbying activities of organisations, since much of what organisations do is not lobbying but management of their organisational maintenance? The participation in consultations may be attractive for gathering information and expertise, for cultivating political networks, and for enhancing public visibility vis-à-vis key constituencies. Still others are sceptical about studying cleavages, since by doing so you risk reducing politics to conflict between rival groups about the allocation of resources, whereas conflict may not be pervasive in many sub-fields of the polity. A simple answer to these controversies would be that all possible strands have their merits and will merrily complement each other, but unfortunately, such a simple answer will not do. To take but one example, the introduction to the JPP special issue (reprinted in this volume) and the contribution of Andreas Dür to the WEP special issue show that there are many impediments to the study of influence, but there are also some ways to get around these in order to design a meaningful study on the impact on policy outcomes. Complementarities in the use of categories and differences in the research questions addressed will remain the key in advancing the literature on interest groups.

The perspective of future networking and collaboration

I believe it is fair to conclude that the numerous workshops within Connex have brought together people that would otherwise not have known each other's ways of thinking and writing about interest group politics. The intensive exchanges and discussions have opened windows and doors to new ways of looking and conceptualising, sharpened insight into enduring riddles, and laid the basis for future collaborative research. Planning is underway to maintain and intensify regular exchange in a more permanent network, and promote comparative and collaborative research on interest group politics in Europe in the near future.

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II. Civil Society Contribution to Democratic Governance: A Critical Assessment

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Civil Society Contribution to Democratic Governance

The deepening of European integration along with globalisation is said to bring about a slow but profound transformation of the European nation state. The nation states are becoming part of a system of multi-level governance which brings a multitude of actors into a diverse system of decision-making arenas. In the emergent polyarchy, state controlled hierarchy is on the decline and with it the legitimisation of political authority by elections and party politics. Citizens, however, do not just withdraw from politics but turn to different forms of political participation. In this changing environment, civil society is attributed a prominent role in legitimising and shaping politics. But what role can we attribute to civil society in the multi-level and multi-national system of the EU? Whereas Research Group 5 set out to explore the chances and conditions for the emergence of a trans-national civil society that adequately reflects the diversity of civil societies in Europe, Research Group

4 focused on the relation between civil society and EU institutions. Researchers and practitioners joined forces to explore the involvement of citizens and civil society organisations in EU governance. They made a systematic inventory of newly established rules and procedures and resulting patterns of interaction. Civil society actors are well represented in the maze of policy networks and negotiation systems, but it is not evident if they also qualify as a political force that sets the political agenda, gives input to policy formulation and is participating in the implementation and evaluation of policies. In 2001, the 'White Paper on European Governance' signalled a new approach which was translated into a more participatory 'consultation regime'. How did the European Commission translate the high principles of good governance – openness, participation, transparency, and accountability – in strategies and instruments? Does it effectively support weak interests and enhance citizens' input to European governance? And does the interaction of EU institutions with civil society organisations live up to the expectations of democratic participation nourished by normative political theories?

Changing images of civil society

Civil society ranks high in academic and political discussions on democracy. It is perceived as a remedy to the legitimacy crisis of national systems and as a promise to turn international governance more democratic. But civil society is an illusive concept and contending conceptual frames govern the normative reflections and political recommendations which give legitimacy to civil society engagement. Therefore, researchers in RG 4 set out to exploit existing research comparing theoretical and methodological approaches intended to justify and measure the democratic value added by civil society participation. Furthermore, they engaged in comparative research to analyse

the rise and metamorphosis of civil society in different parts of the world and compared it with the incantation and uses of civil society in the EU. (Jobert/Kohler-Koch 2008)

The positive image of civil society has many roots: In Europe's collective memory civil society takes a prominent place in the peaceful transformation to democracy in Central and Eastern Europe. In well-established democracies, civil society organisations stand up for weak interests and both at home and abroad they act as advocates of general values and of rights based interests. Civil society conveys the image of grass-roots activism and the voice of the people in global governance. Political discourse and also normative theories of democracy attribute civil society a key role in rejuvenating democracy.

Comparative research scrutinised the use and misuse of civil society concepts.¹ The findings document the varieties of concepts and support the hypothesis that the recourse to civil society is more often than not a response to profound legitimacy crisis while also having an instrumental value. The EU is no exception: The discourse on civil society draws, mostly implicitly, on many divergent concepts and, consequently, promises the cure of all kind of deficiencies. Thus, the involvement of civil society as propagated by EU institutions, above all by the Commission, is meant to foster both, input and output legitimacy. However, institutional factors and the reality of associational life in Europe channel how these ideas are put into practise. (Finke 2007; Kohler-Koch/Finke 2007)

It is widely acknowledged that the diversity of political cultures, languages and national allegiances in Europe are obstacles to the emergence of a trans-

¹ Papers addressing these issues are published in Jobert/Kohler-Koch 2008.

national civil society. Less noticed are the effects of civil society changes at member state level. Even in Scandinavia, which used to be a model of association based democracy, the organisation of civil society has been moving from mass member based associations, which served as transmission belts of collective interests to government, to a more pluralist associational life serving individual interests (Selle 2008). As the Scandinavian model is even in decline in the countries of origin, we can hardly expect its re-invigoration in the EU. Rather, the EU is faced with a pluralist system of highly professional organisations in which value and rights based civil society organisations compete with a wide range of social and economic interests groups.

The Institutional Shaping of EU-Society Relations²

The participatory discourse has clearly raised the awareness for the need of input legitimacy. The huge number of interest groups and the pluralist composition of the intermediary political space surrounding EU-institutions were not considered to be satisfying in terms of democratic input. Rather, the Commission got engaged in ‘participatory engineering’ setting up norms and standards of consultations and designing new instruments and procedures of interaction with citizens and civil society organisations. Thus, a new generation of EU – civil society relations emerged which culminated in the establishment of the principle of ‘participatory democracy’ in the Draft Constitutional Treaty.

The engagement of EU institutions in participatory engineering is not a singular phenomenon. Interventions of political institutions which provide citizens with more opportunities to participate effectively in policy-making

² Papers addressing these issues are published in the Journal of Civil Society 2007 3/3 and in this volume.

have mushroomed in recent years (Zittel 2008). A ‘user workshop’ and an online-forum yielded insights into the variety of approaches, the different uses of instruments and the divergent effects at different levels of government. Since the instruments of participatory engineering are mostly developed for local democracy, the transposition to the EU level is not without risks. It has been argued convincingly that the distance from grass roots levels and the central position of the Commission might undermine the credibility of a top down strategy of ‘giving people a say’.

Systematic research and continuous exchange of experience with practitioners from EU institutions and civil society organisations provided a full picture of the broad range of instruments and procedural reforms aimed at ‘good governance’. The Commission succeeded in widening participation by lowering the threshold of access; it has increased transparency and has lent support to the representation of weak interests. Feed-back mechanisms have increased responsiveness and the readiness of some General Directorates to subject their communication with stakeholders to scrutiny by an external peer review group is a first step towards political accountability. (Quittkat/Finke 2008)

Comparative research explored and assessed the difference between policy areas. When comparing the first with the second pillar of the EU, it is manifest that civil society involvement in foreign and security policies is less in the spot light but it is, nevertheless, very present. Institutions and governance styles in the two pillars make a difference, but variations in policy issues and types of conflicts have a more discernible impact on the manner and degree of civil society involvement. When comparing civil society involvement in the EU and in International Organisations, the EU fares quite well in terms of openness, transparency and inclusiveness. Civil society organisations addressing the EU and IOs face the same problem entailed in a

multi-level system: success depends on the capacity to have continued presence on all levels, on the endowment with financial and human resources, the command of scientific expertise, and the ability to use insider lobbying strategies and to mobilize coherent issue frames.

Assessing the democratic value of civil society involvement

When trying to assess the democratic value of civil society engagement, we have to take into account that normative benchmarks vary with theoretical approaches (Hüller/Kohler-Koch 2008). Theorists of liberal democracy will put equal representation, effective participation and political accountability first. In this perspective civil society involvement will enhance the democratic quality of EU governance when it contributes to give citizens a voice, to redress biased representation and to exert a watchdog function so that citizens can hold decision-makers on account.

Notwithstanding recent efforts to become more open, inclusive and participatory, equal representation has not been achieved, neither in terms of types of interests nor in relation to territorial origin (Persson 2007). Also the representativeness and accountability of civil society organisations is put on trial; the direct link to members and constituencies is truncated by the multi-level character of EU governance and, in addition, suffers from the trend of forging large federations. Civil society organisations are pushed by the Commission to unite in embracing platforms or networks for the sake of reducing transaction costs. But it is also in their interest to join forces when they want to meet increased interest group competition. There are strong tendencies of an elite system of representation in the making. Last, not least,

communication with the average citizen is put under strain with the Commission's recent insistence on evidence based decision-making which gives preference to expert knowledge and puts political, value oriented debates second.

The picture looks different though not brighter when benchmarks relate to theories of deliberative democracy. In recent years, the discourse on EU-civil society relations was heavily influenced by normative theories advocating deliberative democracy for governance beyond the nation state. The benefits of increasing the deliberative input and the potential contribution of civil society organisations to enhance the epistemic quality of decisions are well argued in theory. Rather than expanding the theoretical argument, researchers in RG 4 set out to explore the validity of these assumptions through empirical research. The results, again, are sobering. The recourse to public campaigning, strategic behaviour and elitist professionalisation work to the detriment of deliberation. The plurality of voices which is still present in the stage of agenda setting is disappearing when it comes to later stages of policy formulation and decision-making. The justification of political positions with good arguments is supported by the commitment to evidence based decision-making, but the resonance of arguments across the layers of a multi-level system is evidently missing. Reciprocity and publicity in the policy discourse are the exception rather than the rule.³

³ Papers addressing these issues will be published in an edited volume by Beate Kohler-Koch in 2009.

The promotion and Europeanisation of national civil societies

In line with the pledge 'to bring Europe closer to the people' the Commission has reached out to national civil society organisations and decreed their inclusion in the formulation and implementation of sectoral policies. The way in which the demands and arguments of civic groups are taken into account evolves in the course of this interaction. It is heavily influenced by the regulatory object and by the regulatory public (O'Mahony/Coffey 2007). Furthermore, detailed case studies reveal a two way effect: civil society involvement changes the perception of the responsible General Directorate of its own role in such public participation exercises (ibid) and it contributes to the Europeanisation of involved interest groups. Europeanisation, however, does not result from the 'teaching exercise' of the Commission's communication policy, nor does it follow the functional logic of shifting loyalties; it rather comes about as a 'banal Europeanism' caused by the 'enhabitation' of the EU at an every day level (Cram 2008).

The promotion of 'good governance' and democracy is a prime objective of the EU's foreign policy in neighbouring European countries. The strengthening of civil society is considered both as an end in itself and as a device to bring about political reform. Research Group 4 took a top-down view exploring the strategies and activities of EU institutions, whereas Research Group 5 approached the topic from a grass roots perspective. A comparative investigation of the choice of instruments and partners revealed that the EU was often trapped by the dilemma of having to choose between societal organisations which are closely associated with government and

organisations in opposition to the (authoritarian) government. Apparently, this is a choice between, on the one hand, short term political stability and a possibly long-term transition to democracy and, on the other hand, a more conflict prone process that may bring about change more rapidly. Irrespective of all the differences that accrue from different national situations, democracy promotion through civil society support turned out to be a fly-by-night instrument that was used with ever greater hesitation over time.⁴

⁴ Papers addressing these issues have been published in the edited volume by Knodt/Jünemann 2007

III. Social Capital as Catalyst of Civic Engagement and Quality of Governance

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Social Capital under Scrutiny

Research Group 5 brought together experienced and emerging scholars from Central, East, South and West Europe with a range of experience and various disciplinary and sub-disciplinary backgrounds. The group investigated several interrelated and interdependent topics in the major areas of social capital, civil society, Europeanization and EU governance. For example, the unequal distribution of social capital within and across European societies that leads to differential participation rates between social groups and within European democracies themselves requires a comparative and cross-disciplinary approach. This was conducted under the auspices of Research Group 5. Such a methodology facilitates a more accurate assessment of both, the level of social capital and its contribution towards the empowerment of citizens in the multi-level EU system. A second cross-cutting theme relates to the kind of social capital that is required for building civil society at the local, national

and transnational (EU) levels. Can civil society organisations deliver democracy by promoting citizen involvement/political linkage and also policy-making efficiency in the multi-level system? In other words, to affect policy outcomes do groups need to professionalize their operations to such an extent that the meaningful involvement of members is undermined and political linkage is weakened? Finally, in many EU states associational life is vibrant. However, intra-state social capital has a limited capacity to facilitate and bolster citizen linkage to the European sphere – citizens exhibit greater levels of confidence and trust in local, regional and national political administrations than EU institutions. Can an increase in Europeanisation bridge the gap? Thus, how successful have the attempts at top-down Europeanisation both in shaping member-state civil societies and bolstering the democratic potential of civil society organisations in third countries?

Social Capital

The social capital research conducted within Research Group 5 (and elsewhere) demonstrated that European associational life is vibrant and has relatively robust foundations. Nevertheless, significant variations exist between European (EU) countries and some of these can be accounted for by the use of relatively insensitive tools for measuring the intensity and distribution of social capital. For example, in Poland it is not necessarily the case that social capital is lower – it is likely that it takes a different form from that recorded in other EU democracies. Thus, social capital should be measured not only through indicators such as civic engagement, political involvement and the density and diversity of voluntary associations – it may also be generated in informal participatory settings and unorganized civicness. (Papers addressing these issues are published in, *Social Capital and Governance: Old and New Members of the EU in Comparison*, ed. by F. Adam, [LIT Verlag, Muenster: Berlin, London, 2007].)

Europeanization

One of the major aims of Research Group 5 was to integrate top-down approaches for the study of relationships within the developing EU-multilevel system (i.e. the consequences of Europeanisation for civil society at the local level) and bottom-up approaches (i.e. the consequences of civil society for the process of European integration and democracy in the EU). The combination of various research perspectives and approaches demonstrated that the linkages in the European multi-level system are characterised by national features and developments and that voluntary associations have a very limited capacity to enhance meaningful political linkages between the EU and its citizens. The linkages are heavily influenced by national elites who play a key gatekeeper role to exert top-down control.

Research Group 5 research also demonstrated that the Europeanisation process in terms of civil society actors adapting to the European political space has been somewhat uneven. Engagement with and confidence in the EU (compared to national institutions) is relatively weak exactly among the group of citizens that the social capital model predicts would be highest – members of voluntary associations. (Attitudes towards the Europe and European institutions among activists are not much more positive than those found among the general populations.) Consequently, because support for the EU is weak among citizens active at the local level bottom-up engagement at the EU level is unlikely to emerge. Thus, the social capital being generated in EU democracies is nation-centred: i.e. values and trust are heavily oriented to national societies and political systems. Consequently, there appears to be a deficit in the stock of social capital required that could contribute to ‘good’ EU governance and enhance political legitimation.

In summary, combining various perspectives made clear that linkages in the European multi-level system are: (1) evidently characterised by national features and developments, (2) only, in rather restricted ways, ascertained by voluntary associations, and (3) heavily influenced by national elites who are able to control top-down linkages. (Papers dealing with these topics are published in, *From National toward International Linkages. Civil Society and Multilevel Governance* ed. W. A. Maloney and J. W. van Deth [Edward Elgar: London, 2008].)

Governance

When reflecting on the link between European civil society and EU governance, we are faced with the familiar assertion that business and economic interests are heavily engaged in political lobbying at the EU level and enjoy greater levels of success than civil society associations whose participation is more limited. The research in Research Group 5 emphasised that successful interest representation requires the development of specific attributes: *e.g.* negotiation expertise and skills, a long-term outlook, maintaining a (high) profile, political and technical expertise and a familiarity with EU policy-making routines and procedures etc. The internal structure of organisations and the communication channels also affects representation. Effective interest representation can only take place at the European and national levels if civic associations and political elites can reach a working consensus and attain effective and implementable policy outcomes.

The accession of new (formerly communist) states to the EU brings with it some difficulties with regard to interest representation. In many countries business associations are relatively poorly organised and citizen membership of organisations largely eschewed because under the previous regime associations were controlled by communist party. Turning to interest representation in

Brussels, there is a lack of consensus about their role and activities and a deficit of long-term strategic planning. Finally, there is a lack of human and financial capital to get meaningfully engaged in the EU policy-making process.

Professionalization

The core research question addressed is to what extent are trans-national (EU) civil society organizations operating like elite-type advocacy groups? The growing trend towards the professionalisation of representation is evident in both established and new EU members (akin to Skocpol's findings in the US). For example, research in Poland and Slovenia showed that the NGOs sector exhibited trends towards professionalization with a shift to service provision and with management and expertise increasing in importance leading to a strengthening of the leadership vis-à-vis the membership. If group leaders interact mainly with other political 'elites' then the role of members, and thus democratic participation, may be further atrophied. In this situation crucial questions can be raised regarding legitimacy, internal EU democratisation and civil-society mediation. While the 'power balance' may be tipping towards leaders, there remains a necessity for an active core of members who can be mobilized when required. For some scholars these changes may signal a shift away from democratic aspirations and/or expectations. However, from the group perspective it is a necessary response to trans-nationalisation processes and EU multi-level policy-making system. Professionalization and bureaucratization appear to be inevitable if NGOs are to effectively represent their interests and influence outcomes. These developments may ultimately result in a segmented and hierarchically structured civil society offering decreasing levels of political linkage and

leading to the development of a new political elite. (The discussion of these issues was a recurring topic in joint discussions of RG5 and other CONNEX groups and various research outputs appear in several publications.)

External Democratization by the EU

Research on democratization promotion by the EU challenged the ‘one size fits all’ approach. Different strategies for the promotion of civil society in external states can be observed and the EU akin to other external actors faced significant problems in adequately taking the local contexts into account. There were problems with regard to the funding programmes and democratization instruments. EU funding of civil society tended to privilege a few large and well-connected NGOs and smaller and geographically dispersed organizations became the poorer relatives. The EU also tended to draw on large resource rich NGOs as ‘administrative partners’ and the increasing complexity of policy-making and funding acts as a further barrier to the development of resource poor and smaller NGOs. These developments are likely to lead to greater hierarchy and stratification within civil society. (Papers addressing these issues will be published in a special issue of *Democratization* in 2009, edited by Susan Stewart)

In conclusion, the research in Research Group 5 was relatively wide ranging and demonstrated much interconnectedness – *e.g.* the impact of social capital on Europeanization and EU governance. It tapped into some of the major themes in the areas of social capital, civil society, citizen engagement, political participation, Europeanization, external democratisation, and governance within the European Union and Europe. It has, inevitably, generated additional scientific questions, but it has also provided some light on contemporary problems and issues.

Chapter 1

The Question of Interest Group Influence¹

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Introduction

Interest groups are a major channel through which citizens can express their opinions to decision-makers.² Their participation in policymaking may improve decision-making processes by supporting policies that are in line with citizen preferences and blocking policies that solely reflect the interests of the governing elite. At the same time, however, intense interest group pressures may make it difficult for policy-makers to implement the most efficient policies since such policies often impose costs on parts of the public.

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Competition among interest groups over the distribution of economic gains may also slow down the rate of economic growth (Olson 1982). Finally, if some groups constantly win, interest group politics may undermine the legitimacy of electorally accountable decision making in a democracy.

A normative assessment of the role of interest groups in democracies thus crucially depends upon how much power interest groups have, and how power is distributed among different groups. Moreover, an understanding of the role of interest groups in the policymaking process is essential for explanations of policy outcomes. Finally, analysts trying to advise government on policies also have to be aware of the power of interest groups, as this factor determines the political feasibility of different suggestions. In short, research into variations in influence across groups and political systems is important for a series of reasons. Recognising this fact, political scientists have long engaged in theoretical debates on this issue (Dahl 1961; Mills 1956; Almond 1988).

Over the last few decades, however, political scientists' attention to the question has rather waned, at the same time as the number of interest groups in developed countries has increased (Baumgartner and Leech 2001: 1192). In particular, only very few studies have addressed the question of interest group power and influence for the case of Europe, both at the national and at the European Union (EU) levels (for some exceptions, see Bernhagen and Bräuninger 2005; Henning 2004; Michalowitz 2004; Schneider and Baltz 2004; see also the review of this literature in Dür 2005). Instead, a large part of the field of interest group studies in Europe has been preoccupied with finding out why interest groups use access or voice strategies, why they form coalitions, and whether a specific system of interest representation could be classified as being pluralist, corporatist, or network like (Eising 2004). Others have analysed the determinants of interest groups' access to decision-makers rather than tackling the question of influence head on (Bouwen 2002;

Henning 2004). Although more work on the question of influence has been done for the case of the United States (Fordham and McKeown 2003; Gilligan 1997; Sheingate 2001; Smith 2000), also there the question of influence arguably remains an area of confusion (Baumgartner and Leech 1998: 13; but see the recent attempt at resolving these ambiguities in Hall and Deardorff 2006). Last but not least, the potential for coming to generalisations through comparative research on both the US and the EU political system has been left largely unexploited (for an exception, see Mahoney 2006).

The authors in this special issue are keen on improving on this state of the art by renewing political scientists' attention to the question of interest group power and influence. The special issue is the fruit of two workshops where researchers presented specially commissioned papers using different approaches to interest group influence. We met for the first time as a panel during the General Conference of the European Consortium for Political Research in Budapest in September 2005, and for a second time during a workshop held at the Institute of Advanced Studies in Vienna in June 2006. As a result of the repeated exchanges of ideas, the special issue starts from a common core of questions and concepts.

We view the demise of research on the influence of interest groups mainly as a result of the notorious difficulty to operationalise the concepts of "influence" and "power", to construct reliable indicators, and to measure these empirically, whether qualitatively or quantitatively. Early studies of interest group power in the United States were criticised for their alleged failure to take into account the existence of different "faces of power". Initially, criticisms mainly focused on the neglect of the power that is exercised at the agenda setting stage (Bachrach and Baratz 1962). If certain issues are not even on the political agenda, groups interested in them are thereby deprived of an opportunity to exert influence or power. Later, it was

pointed out that some people may not be aware of their “genuine interests”, an issue problematised in the debate about the “third face of power” (Lukes 1974; Shapiro 2006). Again, the workings of this face of power could lead to certain topics being kept from the political agenda because actors do not even realise that they have a stake in them. With the theoretical literature on power becoming increasingly elaborate as a result of these amendments, it gradually became more difficult to study power empirically without being criticised for violating some aspects of the concept. The response of scholars interested in empirically examining political processes has been to avoid the topic altogether. Rather than give up on this topic, we endorse a pragmatic response. Given the importance of different faces of power, no single analysis necessarily has to (or even can) consider all of them. Studies may concentrate on the possibility of actors not defending their genuine interests or assume stable actor preferences, as long as authors show awareness that their choice limits the generalisability of their findings.

In this special issue we opt for a common approach that understands power as “control over outcomes”, with the other two possible conceptualisations of power being “control over resources” and “control over actors” (Hart 1976). We use the term “influence” to denote control over political outcomes. Our approach regards actors as being powerful if they manage to influence outcomes in a way that brings them closer to their ideal points; thus, we are interested in studying the effect of power rather than in assessing power itself. A political outcome can come in two guises: the official position taken by public authorities or the actual implementation of that policy. Each offers different touchstones for a comparative analysis of actor preferences and political outcomes. This conceptualisation of influence does not attempt to measure an abstract, unobservable object, “power”, but focus on its empirically observable effects in actual public policy, *as if* actors were really powerful (see also De Bièvre 2007). The approach assumes that actors have

clear preferences over outcomes. Of course, actors may not voice or have clear preferences at the onset of the policy process, or may change their preferences as a result of interaction with other actors. Despite these limitations, we consider the control over outcomes approach to be the epistemologically most sound and empirically most pragmatic route towards assessing interest group influence.

Factors shaping the influence of interest groups

The existing literature offers a range of hypotheses on factors that may systematically affect the relative influence of interest groups over political outcomes: institutions, interest group characteristics, and issue-specific factors (Dür 2005; Smith 1995; Van Winden 2003).

Variation in influence across institutional structures

Interest group influence is expected to vary depending on the institutions of government that they interact with (Mahoney, this volume). In particular, a series of authors suggest that institutions influence the domestic balance of interests. In this view, institutions may empower or disenfranchise specific interests. To pick one example, the EU's institutional structure may strengthen concentrated interests to the detriment of diffuse interests (Schneider and Baltz 2004). The idea behind this reasoning is that policymakers can give in to welfare-reducing demands from special interest groups only to the extent that voters do not punish them for doing so. Increasing information asymmetries between voters and their political agents due to higher costs of monitoring, then, encourage shirking by public actors. Consequently, the lack of transparency created by the complex institutional structure of the EU should decrease diffuse interests' control over policy outputs. A similar institutionalist argument has been made for the case of the United States, where the delegation of trade policymaking authority from

Congress to the president – an institutional change – supposedly empowered exporting interests to the detriment of import-competing interests (Gilligan 1997).

In addition, institutions may enhance or lower the access domestic groups enjoy to policymakers. The pluralist interest group system of the United States, according to one view, enhances interest group access to political actors. By allowing different groups to have equal access, however, the institutional structure also ensures that specific concentrated interests cannot monopolise the policymaking process, at least not in the field of agriculture (Sheingate 2001). Others point out that several layers of decision-making open up new channels of influence and make it easier for diffuse interests to influence policy outcomes, a reasoning that has mainly been applied to the EU (Pollack 1997; Smith 2001). The existence of additional venues in the EU even can lead to the break-up of established policy communities at the domestic level, thus allowing previously excluded actors to influence policy outcomes (Richardson 2000). This is so because additional layers of government enhance incentives for venue shopping, as actors can try and shift issues to more favourably disposed parts of government bureaucracies (Baumgartner and Jones 1993). At the same time, additional venues may increase the autonomy of public actors by enabling them to use commitments reached at one level to reject demands voiced by societal actors (Grande 1996; Moravcsik 1994; Pappi and Henning 1999). Following this line of reasoning, the president of the United States may have delegated specific authority to the North American Free Trade Area with the objective of committing the United States to a more liberal trade policy, thus undermining the influence of domestic groups lobbying for import protection (Goldstein 1996). Going beyond these two contradictory positions, one can hypothesise that the impact of additional layers of governance on interest

group influence may vary across different types of actors (Princen, this volume).

Finally, institutions can shape the resource needs of politicians. Whenever institutions make decision-makers rely on interest group resources, interest groups should gain influence over policy outcomes. For example, institutional systems that create electoral competition among politicians may make them dependent on campaign financing and public political support. In the United States, the existence of a presidential system, which weakens parties, in combination with an electoral system that concentrates electoral campaigns for members of the House of Representatives to relatively small districts, may be particularly prone to interest group influence to the detriment of the general electorate. It may well be that this direct electoral accountability raises politicians' reliance on moneyed interests for their re-election (Mahoney, this volume). In contrast, multi-member districts and coalition governments, as they often occur in European political systems, may make political parties stronger and less dependent on organised interests. Interestingly, in the case of the European Commission it may be the *lack* of direct electoral competition, and thus of procedural legitimacy, that increases this actor's eagerness for input from societal groups. In addition, relative to its extensive policy agenda, the European Commission can be understaffed and more dependent on outside input and information than other institutions (McLaughlin, Jordan and Maloney 1993).

Variation in influence across interest groups

Several hypotheses link interest group characteristics to groups' influence over policy outcomes. Groups with more resources should, *ceteris paribus*, have more influence than groups with little resources. Following Dahl (1961: 226), resources can be defined as "anything that can be used to sway the specific choices or the strategies of another individual." Interest groups may have

different types of resources: campaign funding, information on constituency interests, expertise on policy issues, and information on the opinions of other policy makers. As long as politicians depend on resources either for re-election or to achieve their policy aims, interest groups may exchange their resources for influence over outcomes. Domestic groups disposing of private information may thereby gain influence over policy outcomes (Henning 2004; Lohmann 1998). When all interest groups are endowed with the same resources, however, politicians are likely to play out one group against another, making sure that interest groups cannot exchange their resources for influence. Under some circumstances, interest groups may even depend on resources from the state for their organisational survival, making them available for instrumentalisation by public actors.

Influence may also vary according to the type of actor, namely whether or not a group defends diffuse or concentrated interests (Dür and De Bièvre, this volume; Mahoney, this volume). Diffuse interests should find it more difficult to get organised than concentrated interests (Olson 1965). In the extreme case, such interests can influence political outcomes only through elections as they are unable to overcome collective action problems. Interest groups defending diffuse interests may also be disadvantaged to the extent that specific resources, such as money or expertise, are important. The general expectation is for nongovernmental organisations to be less well endowed with these resources than concentrated interests. By contrast, groups defending diffuse interests may have an advantage whenever they can make use of grassroots members and the possession of the “moral high ground”. Business groups, as a specific subtype of concentrated interests, can benefit from firms’ structural power. They can use firms’ threats to relocate investment and employment across borders to gain influence (Frieden and Rogowski 1996; Bernhagen and Bräuninger 2005). Such structural power, however, does not necessarily run counter to diffuse interests, at least if it

leads to the implementation of policies that increase the competitiveness of an economy.

Variation in influence across issues

The most important distinction explaining why interest group influence varies from one issue or policy field to another is that between distributive, regulatory, and redistributive policies (Lowi 1964), since the type of policy should influence the likelihood of the existence of counterlobbies. Opposing groups are most likely with respect to regulatory policies, where often both sides on an issue face either concentrated costs or concentrated benefits from a policy. The existence of heterogeneous interests among major constituencies, in turn, may open the way for state actors to pursue their preferred policies, by compensating opponents and creating coalitions in support of specific policy options. In distributive policies, by contrast, it may be easier for groups to find coalition partners that all support each other in a logroll, as major constituencies have homogenous interests. In such a scenario, interest group influence should be substantial. As redistributive policies produce diffuse costs for many people, but also small benefits for many people, interest group collective action and hence their influence should be rather small in comparison to distributive or regulatory policies.

Interest group influence may also depend on the salience of an issue (Mahoney, this volume). The more attention the public pays to a specific decision, the more difficult it should be for special interest groups to influence outcomes. On such issues, a legislator cannot easily deviate from voters' interests without fearing punishment in the next election. However, salience is an elusive concept. It may be endogenous to the policy process, if actors raise the saliency of an issue in the public's perception for strategic reasons. For NGOs defending diffuse interests, for example, increasing the salience of an issue may be an efficient strategy to enhance their influence.

The “technicality” of an issue may also explain variation in influence across issues, insofar as it determines the resource requirements of politicians (Woll, this volume). As the level of technicality of an issue increases, decision-makers’ need for input from societal actors, such as expert information, should increase as well (Coen and Grant 2005). At the same time, interest groups able to supply the necessary information should gain in influence. Finally, variation across issues in interest group influence may also stem from variation in the strategies chosen by lobbies, as groups do not always pick the most effective strategy to influence policy outcomes.

Overcoming Some Obstacles

Several obstacles make the testing of these rival hypotheses in empirical research difficult. This special issue seeks to show how these obstacles can be overcome. For one, the problems associated with any attempt at establishing preferences (Tsebelis 2005) makes measuring the degree of influence difficult. Often, it may be erroneous to equate voiced positions with preferences. When different actors are engaged in a bargaining game, it makes sense for them to exaggerate their demands in order to get as good a result as possible (Ward 2004). Therefore, a relatively large discrepancy between final policy outcomes and the positions voiced by some interest groups does not necessarily serve as an indication of their weakness. Instead, a specific policy outcome may satisfy a group’s preferences to a large extent, even if it is still far from the group’s previously voiced position. In this special issue, some articles find it easier to deal with preferences than others. Illustratively, it seems less problematic to establish the preferences of the tobacco industry in the antismoking debate (Princen, this volume) than of rather diffuse citizen groups in the case of the access to medicine campaign (Dür and De Bièvre, this volume).

Another obstacle is that a group's lobbying may not be the only force pushing outcomes in one direction. If a group takes a position that is also supported by public opinion, its influence over outcomes may appear larger than it actually is, insofar as public opinion is an independent influence. The opposite case is a situation in which a group's attempts at influence are countered by lobbying efforts of other groups, public opinion and political parties. In such a case of counteractive lobbying (Austen-Smith and Wright 1994), the power of a group is likely to be underestimated. One possibility for how to deal with such countervailing pressures is to use counterfactual reasoning (Lebow 2000), considering what would have happened in the absence of the lobbying of a specific group. In practice, this means that the researcher has to be explicit about the model of decision-making that she uses in order for her to be able to engage in comparative statics. The necessity of spelling out the causal mechanism, however, involves a trade off, as it makes generalisations more difficult at the same time as it increases the validity of the findings. In this special issue, all contributors are aware of the need to deal with countervailing pressures. Doing so proves to be particularly straightforward in studies relying on process-tracing, while for quantitative analyses data requirements make it a very difficult task.

Finally, the existence of several pathways to influence (Dür 2005) poses an obstacle for the measurement of influence. Societal actors may try to influence policy outcomes by (1) seeking direct access to decision-makers, (2) influencing the selection of decision-makers, (3) using voice strategies to shape public opinion, and (4) employing structural coercion power. Access refers to interest groups' direct expression of demands to decision-makers (Beyers 2004; Bouwen 2002; Hansen 1991). Influence may also be wielded before the policy process has really started, at the moment of selecting public actors (Fordham and McKeown 2003; Moe 2006). Another pathway to influence is interest groups' use of "voice" to try to influence public opinion

through manifestations, rallies, petitions, press statements, and campaigning (Beyers 2004; Gerber 1999; Kollman 1998). Finally, economic actors may employ structural power by making their decisions on when and where to allocate their funds dependent on the implementation of specific policies. A threat of exit or promise of entry may induce political actors to implement policies that are in line with the interests of these investors without the latter engaging in actual lobbying. In this special issue, contributors pay attention to different pathways to influence.

The collection of articles in this special issue illustrates the strengths of different approaches in dealing with these obstacles. Quantitative studies drawing on a random sample allow for generalisations across issue areas. Studies using process tracing in specific policy fields can provide more in-depth assessments of actor preferences and a relatively comprehensive survey of countervailing forces. Comparisons of several cases are often a good compromise between the more detailed analysis of process tracing and the greater generalisability resulting from a larger number of cases.

Structure of the special issue

Christine Mahoney undertakes a quantitative analysis of interest group influence in the United States and the EU across 47 policy issues, building on 149 interviews with advocates in Washington, DC, and Brussels. She assesses the relative importance of issue specific and interest group variables, and of institutional factors such as electoral accountability and legislative rules in determining the influence of specific societal actors. While she finds some variation between the EU and the United States, issue-specific factors such as the salience of an event and the degree of conflict over an issue play a more important role.

In a case study of public health policy, Sebastiaan Princen criticises the literature that dealt with the question of the effects of an additional level of governance for conceptualising the state and society as unitary actors. He contends that we should inquire which societal and which state actors gain from the existence of several layers of decision-making. Using the concept of advocacy coalitions, Princen suggests three causal mechanisms through which international activities can impact upon the national level: establishing rules, providing new allies, and supplying information that may affect beliefs and expectations. He also sets out a series of conditions under which the addition of an extra layer of decision-making should impact the domestic balance of interests. Two case studies of anti-smoking and alcoholism policies reveal some significant differences. The effect of the internationalisation of anti-smoking policy on state society relations was more pronounced than the effect of the EU taking up alcoholism as an issue.

In a further contribution, Andreas Dür and Dirk De Bièvre ask whether the inclusion of new societal groups concerned with the environment, labour, and development in EU trade policy making has caused a shift in policy outcomes. We theorize that such diffuse interests should not have gained influence over policy outcomes, as they often cannot provide decision-makers with valuable resources. A survey of these actors, and two case studies of the negotiation of Economic Partnership Agreements with developing countries and of the debates over improved access to medicines in developing countries, largely confirm our reasoning.

In a final contribution, Cornelia Woll contends that two problems often cripple attempts at studying interest group influence. First, it may be difficult to establish the genuine preferences of domestic actors. Economic actors themselves may find it difficult to figure out which policy they should prefer, making preferences unstable. This creates a substantial problem for attempts at

measuring influence as the distance between initial preferences and outcomes. Second, the lack of conflict between actors may make it difficult to establish influence. When actors are dependent on each other, they may be dissuaded from pursuing short-term goals in order to maintain cooperation in pursuit of long-term common goals. After studying exchange relationships between business interests and public authorities in three case studies of transatlantic trade negotiations over financial and telecommunications services and air transport, Woll concludes that in certain cases it may be preferable for research not to tackle the question of influence directly.

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Chapter 2

How Much Influence Do Interest Groups Have in the EU? Some Methodological Considerations

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Introduction

More than half a century ago, James March (1955: 432) stressed the importance of measuring interest group influence when stating: “Influence is to the study of decision-making what force is to the study of motion—a generic explanation for the basic observable phenomena.” Little can be added to this affirmation; an analysis of interest group influence remains of crucial importance to an understanding of political processes. Influence is a major objective of interest groups (if not the only one, see Lowery 2007); the increasing number of groups active in lobbying decision-makers throughout the developed world hence makes understanding interest group influence important for the purpose of both, explaining and normatively evaluating policy-making. The normative implications are particularly important at a

time when governments and international organizations aim to increase political participation by societal groups: does this participatory engineering lead to increased influence by specific domestic groups?

Alas, little can also be added to March's emphasis on the difficulties of measuring influence: "[T]here is lacking not only an immediately obvious unit of measurement, but even a generally feasible means of providing simple rankings" (1955: 434). These difficulties have meant that only few studies have attempted to measure interest group influence. Two recent surveys of the literature on interest groups in the United States hence consider the question of influence as being "exceedingly difficult to answer" (Loomis and Cigler 1995: 25) and an area of "confusion" in the literature (Baumgartner and Leech 1998: 13). For the European Union (EU), a recent review even comes to the conclusion that "there seems to be hardly any research dealing specifically with the policy consequences of interest representation" in that entity (Lowery et al. 2006).

In this research note, I start from this dual insight that measuring interest group influence is both difficult and important. Nevertheless, I also submit that the difficulty of measuring influence should not be exaggerated. Analysing the impact of interest groups on political outcomes is not substantially different from other attempts at establishing causality. When discussing the relatively small number of studies that has tried to measure the influence of interest groups in the EU, I distinguish three basic methods: process-tracing, assessing "attributed influence" (March 1955), and gauging the degree of preference attainment. The aim of this exercise is to provide a discussion of the strengths and weaknesses of different measures used in the literature, to outline ways of improving this literature, and to stimulate further research in this area.

The challenge

Influence is generally understood as an actor's ability to shape a decision in line with her preferences, or, in other words, "a causal relation between the preferences of an actor regarding an outcome and the outcome itself" (Nagel 1975: 29). The measurement of influence is complicated because of at least three distinct problems: the existence of different channels of influence, the occurrence of counteractive lobbying, and the fact that influence can be wielded at different stages of the policy process. First, measuring influence is difficult because it can be exercised through different channels (Dür 2009). Interest groups can shape policy outcomes through direct lobbying of policy-makers (Hansen 1991). They can also engage in outside lobbying (Kollman 1998), aimed at influencing public opinion by way of campaigns and similar activities. Furthermore, they can influence the selection of decision-makers (Fordham and McKeown 2003), for example by getting involved in election campaigns, or by trying to have some bearing on which Directorate General in the European Commission takes the lead on a specific issue. Finally, interest groups may wield structural power, that is, influence decision-makers simply because of the impact on public policy that business decisions on whether to invest in a specific area can have (Lindblom 1977; Bernhagen and Bräuninger 2005). Methods for the measurement of influence mostly neglect the possibility that influence may be exercised through so many different channels. Particularly problematic in that regard are the selection and structural power channels of influence.

Second, the occurrence of counteractive lobbying (Austen-Smith and Wright 1994) makes the measurement of influence tricky. Even if an interest group does not manage to move an outcome into a preferred direction, this does not necessarily mean that the group lacked influence. It may simply be that it had to counter the lobbying effort of another group (other groups) and was

influential in the sense that it avoided an even worse outcome. Related to this is the impact of public opinion on policy outcomes, which has to be controlled for. If a group's position is backed by public opinion, its influence on policy outcomes may be overestimated (Burstein 1998).

Third, influence can be wielded at different stages of the policy process: in the agenda setting phase, when final decisions are taken, or when decisions are implemented. In the "faces of power" debate in the 1960s and 1970s, influence at the agenda-setting stage was called "the second face of power" (Bachrach and Baratz 1962), distinct from the first, namely influence at the stage when decisions are taken. Again, it is difficult for any one project to measure influence at all stages of the policy process. Imagine a reform of the Common Agricultural Policy: the European Commission may propose a reform of this policy that reduces payments to farmers, making them strongly oppose this reform. The researcher observes that the reform is implemented practically unchanged despite this lobbying effort. Should she interpret this as meaning that farmers' groups were ineffective? Not necessarily: influence may have been wielded at the agenda setting stage. It could be that the Commission considered the reaction by the agricultural lobby before drawing up its proposal, and hence designed a proposal that it thought would just about pass. If so, the agricultural lobby was indeed influential, as it determined the limits to the extent of the reform. Although it was unable to block the reform, it was successful in avoiding an even more far-reaching change in policy (and indeed, reforms in the agricultural sector have hardly ever been very far-reaching).

Three methods for measuring influence

Measuring interest group influence, hence, is a difficult task. I will now show how the difficulties outlined affect different methods of measuring influence.

Process-tracing

Process-tracing is the most frequently used approach to measuring interest group influence in the EU (see, for example, Cowles 1995; Warleigh 2000; the contributions in Pedler 2002; Dür and De Bièvre 2007; Michalowitz 2007). As defined by two advocates of process-tracing, this “method attempts to identify the intervening causal process—the causal chain and causal mechanism—between an independent variable (or variables) and the outcome of the dependent variable” (George and Bennett 2005: 206). In other words, scholars using process-tracing try to uncover the steps by which causes affect outcomes. With respect to measuring interest group influence, scholars scrutinise groups’ preferences, influence attempts, groups’ access to decision-makers, decision-makers’ responses to the influence attempts, the degree to which preferences are reflected in outcomes, and groups’ statements of (dis-)satisfaction with the outcome.

Maria Green Cowles’ (1995) study of the impact on the passage of the Single European Act of the European Round Table of Industrialists is a prominent example of how this method can be applied to determine the influence of a specific interest group. Cowles relied on the Round Table’s access to key decision-makers, the reflection of ideas launched by the group in decisions taken, and the temporal coincidence between the activities of the Round Table and the re-launch of the process of European integration in the mid-1980s to back her case for the causal role of this grouping.

If carried out well, studies using process-tracing have several strengths. First, in small-N studies it is likely that researchers will have a reasonably good knowledge of nearly all factors influencing a political decision. This allows them to take into consideration several rival explanations of an outcome, among them the lobbying efforts of different types of actors. They may then be able to determine whether or not the influence exercised by specific interest groups contributed to the outcome. Second, many studies using process-tracing rely on semi-structured interviews. Such interviews can give researchers insights into developments that could not be gained from document analysis and/or surveys. The researcher can also probe the interviewee with challenging questions. Again, this should help researchers achieve a valid estimate of interest group influence.

Process-tracing, however, also faces a series of problems, which often cannot be overcome even in well-designed studies. Five such problems stand out: getting empirical evidence that is precise enough to cover all steps of a causal process, an over-reliance on interviews, the lack of a yardstick to assess what “influential” means, the lack of a clear correlation between the level of interest group activity and influence, and the difficulty of generalising from small-N studies. First, even when using all sources that are available for a specific case – such as documents, press reports, and interviews – it tends to be difficult to fill all the gaps in a causal chain from interest group activities to political outcomes (Loomis 1983: 186). This can lead to an underestimation of the influence if the method is applied too strictly. A researcher may conclude that no influence was exerted because she finds no evidence for one of the links in the causal chain, when actually she is encountering a problem of lack of sources; that is, the absence of proof may be taken as proof of absence. For example, lobbying may have taken place behind closed doors even if no public record remains; the absence of observed lobbying activity

leaves a gap in the causal chain that may lead researchers using process-tracing to deduce a lack of influence.

Second, because of the difficulty of gathering all empirical evidence needed, researchers using this method often heavily rely on claims made in interviews with decision-makers and lobbyists. These claims are not reliable, as interviewees may consciously or unconsciously misrepresent a situation. Interviewees may have reasons to over- or understate the influence of interest groups. As put in a survey of research on interest groups: “The difficulty [of assessing interest group influence] is, in fact, compounded by groups’ claims of impact and decision makers’ equally vociferous claims of freedom from any outside influence” (Loomis and Cigler 1995: 25). Moreover, well-known biases in the recollection of past events (failings of human memory, the imposition of current knowledge on recollections of the past, the imposition of a narrative structure on unconnected events, and so on; see for example Schacter 2001) can lead to unconscious misrepresentations. While in theory all evidence gained from interviews (or any other source) should be checked against other evidence, in practice this tends to be difficult. The problem is further compounded if researchers interview those respondents that are most readily available; in the case of the EU, these are most often officials in the European Commission located in Brussels. The resulting selection bias is not only problematic for the generalisation of findings, but also for the validity of the results obtained for the case at hand.

Third, for studies relying on process-tracing it is difficult to assess the degree of influence, as a yardstick is lacking. It sometimes appears that interest groups have to be completely dominant in order that influence is ascribed to them in these case studies. A case study of the attempts of the Oil Companies International Maritime Forum to influence EU decisions on the maritime

transport of oil illustrates this point (Michalowitz 2007). The forum was successful in avoiding the establishment of a European fund for compensation in the case of oil pollution damage, an issue that it had vehemently opposed. Moreover, the forum managed to push decisions to the international level, again in line with its preferences. Nevertheless, the author of the case study concludes that the group was not particularly influential, as the influence that was exerted “only touched upon technical questions” (Michalowitz 2007: 145). It could be argued, however, that as long as the Forum achieved its aims – that is, managed to bring outcomes in line with its preferences – it should be considered highly influential. This example just illustrates that it is often difficult to ensure the intersubjective verifiability of a qualitative judgment of influence.

Fourth, process-tracing leads to erroneous findings if too much weight is given to the level of interest group activity in making inferences about influence. Even when only little activity is observable, interest groups may have a substantial impact on outcomes. For example, it may be that groups lobby little on a specific issue simply because decision-makers adopted a decision that is in line with the groups’ preferences. They may have done so to pre-empt a situation in which they have to confront powerful interest groups. An example is the Common Agricultural Policy, where the European Commission is likely to anticipate the reaction of farm lobbies to any proposal for reforms. Neither is it correct to argue that a strong lobby effort should necessarily be reflected in policy outcomes if interest groups are influential at all. Groups may engage in lobbying for objectives not directly related to influence, for example to attract new or satisfy existing members (see Dür and De Bièvre 2007; Lowery 2007).

Finally, because of the data requirements involved in process-tracing, this method can only be used in small-N studies. This pushes the issue of

generalisability to the foreground. While sometimes generalisations can be made based on small-N studies, especially if they involve least-likely or most-likely cases, in many instances this is not the case. Not even the meta-analysis of many studies based on process-tracing will lead to convincing generalisations since the population of such studies is likely to be biased in favour of particularly conflictive decisions, which receive more public attention. Moreover, in many studies, no reason for the selection of a specific case is given, making it difficult to judge whether these cases are intended to be representative of a larger population.

The “attributed influence” method

“Attributed influence” (March 1955) is measured by way of surveys. In a survey, a group can be asked to provide a self-assessment of its influence or a peer-assessment of the influence of other groups. In addition, a survey can be directed at (hopefully well-informed) observers who report groups’ reputation for influence. Only few such surveys have been carried out to assess attributed influence in the EU (for exceptions, see Edgell and Thomson 1999; Pappi and Henning 1999; Dür and De Bièvre 2007).

A major advantage of this method is its relative simplicity. Although there are difficulties to designing a questionnaire, and establishing the population from which a sample of respondents is taken, these difficulties are minor when compared to the difficulties that researchers face that use one of the other two methods discussed in this note. Moreover, the method of measuring attributed influence is likely to capture all channels of influence. Respondents who are asked to assess the influence of British interest groups on the Common Agricultural Policy (Edgell and Thomson 1999), for example, are likely to give an estimate that takes into account all four channels of influence distinguished above.

Alas, this method for measuring interest group influence also comes with substantial drawbacks, which slightly vary depending on the type of actors asked. Self-estimations of influence can be biased both, towards an exaggeration of influence and a playing down of influence. The former may result from associations stressing the relevance of their work to their members. The latter may be a strategy to avoid the creation of counter-lobbies, which may spring up to stem the influence of a specific actor. In peer-assessments, respondents may find it difficult to answer a question on the influence of other actors owing to a lack of information and analytic capacity. In addition, the answers that researchers receive may again be strategic: minimising the role of other actors to reduce their importance or inflating it to create a public backlash. An interesting result of these tendencies can be that self and peer-assessments differ substantially. Non-governmental organisations, for example, frequently complain about their relative lack of influence over European trade policy, which they contrast with the major influence they attribute to business (Dür and De Bièvre 2007). Business lobbyists, by contrast, grumble about their lack of influence, as compared to the power of nongovernmental organizations.

The method of asking expert observers to gauge the influence of different groups also has short-comings. When asked to give an assessment of a group's influence across many issues, the assessment may unconsciously be shaped by specific, prominent cases. At other times, experts may simply recap the findings reported in academic studies using one of the other methods discussed here (as their perceptions are likely to be influenced by these studies), and in doing so may simply duplicate the problems inherent with other methods. Expert judgments may also lead to the reification of widely accepted beliefs (e.g., "big companies are powerful"). As a result, few "surprising" results will surface from studies relying on expert assessments.

There are also some problems that are relevant for all variants of the attributed influence approach to measuring interest group influence. Most importantly, this measure assesses perceptions of influence, rather than actual influence (Polsby 1960). In addition, in general surveys do not uncover information on what kind of influence interest groups had (what did they change in the real world?). Furthermore, if the question posed is about generic influence, the respondent is asked to provide an average across many issues, thereby neglecting potential differences from one issue to another. Sometimes, however, such variation may be of particular interest. Finally, problems that affect all surveys are pertinent: deficient respondent recollection, interviewer bias, and respondents' tendency to avoid extreme values when asked to provide a numerical ranking on a pre-given scale are just some of the more prominent potential pitfalls.

Assessing the degree of preference attainment

The third method for measuring interest group influence is to assess groups' degree of preference attainment. In this method, the outcomes of political processes are compared to the ideal points of actors. At its most basic, the idea is that the distance between an outcome and the ideal point of an actor reflects the influence of this actor. In more complex approaches, researchers try to control for other forces moving outcomes closer or further away from an actor's ideal point.

Several studies have applied this method to the study of interest group influence in the EU (Schneider and Baltz 2004; Mahoney 2007; Dür 2008). Schneider and Baltz (2004) analysed a sample of 15 legislative proposals presented by the European Commission. For these proposals in four countries they determined the initial position of the lead ministry, the final national position, and the ideal points of various interest groups. They then calculated

the degree of influence as the difference between two absolute differences: between a group's ideal position and the initial position of the lead ministry in the country, and between a group's ideal position and the final national position. Mahoney (2007) drew a random sample of advocates lobbying the EU institutions. She asked these advocates which issue they had worked on most recently and used the resulting list of 26 issues as her sample of cases. To assess influence, she coded whether or not an outcome reflected the preferences of the groups active on this issue. This allowed her to draw conclusions on which type of actor was more or less likely to be influential. Dür (2008) distinguished 19 aspects of the EU's position in the Doha Development Agenda (2001 onwards), on which interest groups could have had an impact. He then took a coincidence between interest group demands and the EU's position across a large number of these aspects as indicating interest group influence.

Measuring interest group influence by assessing the degree of preference attainment has several advantages. Most importantly, this method can pick up influence even if nothing visible happens, for example because all lobbying is secret or because structural power is at work. Through whatever channel it works (with the exception of selection in some approaches, see below), influence by definition should be visible in the outcomes that can be studied. As a result, this measure is more likely to find influence at work than process-tracing. Moreover, the degree of preference attainment can be assessed for a relatively large number of cases. The resulting large-N studies, if the cases were selected following the appropriate rules, allow for generalisations of the findings. Finally, the degree of preference attainment can be measured quantitatively (Schneider and Baltz 2004), which allows for more precise assessments of the degree of influence. This contrasts with process-tracing,

where researchers are largely limited to stating that a group either did or did not have influence.

Just as the measures of interest group influence discussed above, this one also comes with a few drawbacks. The first problem concerns the determination of preferences (Tsebelis 2005). In some policy fields, establishing the preferences of actors is quite straightforward. In monetary policy, for example, it is relatively uncontroversial to assume that internationally-oriented industries have an interest in exchange rate stabilization, while import-competitors have an interest in devaluations (Frieden 2002). In trade policy, similarly, export-oriented businesses and agricultural producers can be assumed to favour trade liberalization, while import-competitors have a preference for protectionist policies (Dür 2008). In studies dealing with other policy fields, or with many issues across many policy fields, however, the preferences of actors have to be established empirically for each issue that is to be decided (Schneider and Baltz 2004; Mahoney 2007). This is mostly done by way of interviews, with the problem that such interviews are likely to uncover the – possibly strategic – positions of actors rather than the underlying preferences. Even in interviews that take place after the events under investigation have finished, the participating actors are likely to strategically or unconsciously misrepresent their preferences. Neither are experts necessarily a reliable source of preferences (see the discussion in Dorussen et al. 2005). As this measure of interest group influence heavily relies on information on the preferences of actors, this is a critical problem.

A second problem with this measure of influence is that it can be difficult to control for alternative factors explaining a coincidence between preferences and outcomes. Some authors maintain that random selection or a large number of cases should lead to the cancelling out of alternative explanations

(Mahoney 2007: 38; Schneider and Baltz 2004: 131). Others try to examine their hypotheses against alternative explanations, either using qualitative (Dür 2008) or quantitative evidence (Frieden 2002). Nevertheless, excluding all possible rival explanations is difficult whether random selection is used or alternative explanations are tackled head on.

A further problem associated with this measure is the black-boxing of the process through which influence is exercised. While it is an advantage that this method can take into account different channels of influence, it is at the same time problematic that it does not make it clear through which channels influence is exerted. Moreover, some studies using this measure cannot take into account influence that is exerted through the selection channel. If decision-makers share the preferences of societal actors, because voters selected them based on these preferences, measuring influence as the change in decision-makers' positions resulting from lobbying underestimates the extent of influence. Decision-makers may also adopt a strategic position, which already takes into account interest group demands. Selection effects and strategic behaviour may explain why Schneider and Baltz (2004: 135) find that on many of the issues they studied there was little controversy, with no societal actors contesting the position of the lead ministry.

At least two problems also arise at the time of quantifying the degree of influence. For one, there is a problem with multi-dimensional topics, as issues have to be very specific to allow researchers to code whether or not a group was successful. It is plausible to imagine a situation in which a group manages to influence one specific aspect of a legislation that is important to it, but not the rest of the legislation. This calls for a disaggregation of political decisions to very specific issues; however, the greater the disaggregation, the more difficult it is to get data on the preferences of actors. Related to this issue is

the difficulty of controlling for the salience that an issue has for an interest group when using this measure of influence. If a group is successful on 20 percent of the issues and unsuccessful on 80 percent, a simple quantitative analysis would suggest that the group is little influential. It may be, however, that the group is successful on the issues that are highly salient to it (for example, because it invests more resources on those issues), and unsuccessful on those that are not salient to it. In that case, it should be considered quite influential. In the project forming the basis for the study by Schneider and Baltz (2004), an attempt was made to tackle this difficulty by taking salience into account. Nevertheless, in this attempt, salience was estimated by a third actor, and it is questionable whether such a third actor can ever have enough information to make such a judgment.

Where from here?

In short, measuring interest group influence is a tricky business. What recommendations can be given to researchers who want to analyse interest group influence in the EU? I stress the need for a better design of research projects, methodological triangulation, and “method-shopping”.

Research design

For one, already an awareness of the problems inherent in measuring interest group influence outlined above should help in overcoming them. If researchers were more conscious of the biases that possibly result from their approaches to the measurement of influence, they could take them into account when designing their projects. Other problems may persist; but an explicit discussion of these problems arising with the research design of a study, and of the level of uncertainty that the problems introduce in the

findings, would facilitate meta-analyses of many studies with more conclusive results than is currently the case.

Methodological triangulation

Another way forward derives from the previous discussion of strengths and drawbacks of the three methods of measuring interest group influence. If, as has been argued above, process-tracing is likely to underestimate interest group influence and the measurement of preference attainment is likely to overestimate it, combining the two may correct these biases. Methodological triangulation – the combination of different methods in one study – hence may sometimes resolve problems which cannot be tackled in studies that rely only on one method. In fact, several studies have successfully combined different methods to study interest group influence. Arts and Verschuren (1999) suggest a specific combination between the attributed influence method and process-tracing, which they call the “EAR instrument”. This instrument combines the self-perception of the actors themselves (the E, for ego-perception), perceptions from other key players (the A, for alter-perception), and process-tracing (the R, for researcher’s analysis). Dür and De Bièvre (2007) combine a survey of interest groups with process-tracing to assess the influence that non-governmental organisations have on European trade policy.

Nevertheless, methodological triangulation should not be seen as a panacea, either. Some of the problems inherent in individual methods are compounded rather than solved when several methods are integrated in a research project. For example, gathering the necessary evidence for process-tracing will be even more difficult if a researcher also has to invest time in applying other methods. This is likely to lead to a further restriction in the number of cases analysed, which undermines the possibility for

generalisations. Moreover, methodological triangulation brings up the problem of what a researcher should do if different measurements lead to different results. How should competing results be reconciled? Despite these drawbacks, in many occasions methodological triangulation is likely to provide more accurate measures of interest group influence than we currently have.

Method-shopping

Finally, not all methods available to researchers to gauge interest group influence have been applied to the context of the EU. “Method-shopping” could improve the sophistication of the literature on EU interest group influence. One such method available is the method of “paired comparisons” (Verschuren and Arts 2004), which is a variant of the preference attainment approach discussed above. It suggests measuring for each pair of actors which actor’s preference was closer to the final outcome. Expressed as an equation,

$$PR_i = \frac{|P_i - FD|}{|P_i - FD| + |P_j - FD|} \quad (1)$$

where P_i and P_j are the positions of actors A_i and A_j respectively, and FD is the location of the final decision. A_i receives a score of 1 if $|P_i - FD| < |P_j - FD|$, A_i receives a score of 0 if $|P_i - FD| > |P_j - FD|$, and A_i receives a score of $\frac{1}{2}$ if $|P_i - FD| = |P_j - FD|$. In a second step, influence is ascribed to an actor if preference realization is due to influence rather than alternative causes. The scores are then added up for each actor across all pairs, resulting in a set of values that capture the influence of each actor on the outcome.

The method comes with several advantages: even in single case studies, it allows for influence to be assessed at interval level; the way influence is

assessed is made transparent; individual biases may be cancelled out; and it ensures that counteractive lobbying will be taken into account in a systematic manner. While the method is a handy addition to the toolbox available to researchers of interest group influence in the EU, evidently it also comes with some drawbacks. In particular, the data requirements are so high that mostly this method will be applied to single cases only, again leading to the difficulty of generalising beyond the case studied. Even in single cases, the method may not be applicable if many actors are involved since the number of pairs that have to be analysed rises steeply with the number of actors (the number of pairs is $\frac{1}{2}n(n-1)$, where n denotes the number of actors).

Moreover, although the process of measuring influence is made transparent, paired comparisons still rely on a series of qualitative judgments about the impact of external factors and the possibility for band-wagoning on the influence of other actors. Finally, the method disadvantages actors with extreme preferences: what actually would have to be analysed is to what extent an actor was able to move a counter-factual outcome towards his or her own preference (rather than the distance between position and final outcome). This latter drawback may explain why in the example given by Verschuren and Arts (2004), namely the negotiations concerning the Framework Convention on Climate Change (1992), the United States ended up being assigned substantially less influence than the EU and Japan, and only slightly more than the oil-exporting countries.

Conclusion

Is the attempt at measuring interest group influence in the EU necessarily doomed to failure? Is researching interest group influence really like “searching for a black cat in the coal bin at midnight” (as put by a lobbyist,

quoted in Loomis 1983: 184)? Some scholars seem to think that this is the case, and either simply leave aside this issue (Bouwen 2004: 337) or even explicitly advocate that researchers should study other topics (Woll 2007). In my view, neither approach is satisfying; the issue of interest group influence is too important to be neglected. Evidently, there are major difficulties in measuring influence, but some advances have been made over the last decades. Further progress can be made by tackling existing problems head-on, being adamant and not giving up too early.

In particular, what is needed for the case of the EU is a project similar to the one on lobbying and policy advocacy that produced a wealth of empirical information on interest group lobbying in the US (Baumgartner et al. 2001). In the framework of that project, researchers identified the actors lobbying at the federal level on 98 randomly-selected issues, their positions on these issues, their resources, and the coalitions they enter into. If applied to the EU, such a project would enable us to test issue-level and contextual variables, which have to be held constant in studies that are restricted to specific issues or policy fields. A large-N study of randomly selected issues may, for example, show that interest group tactics are driven by the issue context and hence have no independent effect on the degree of influence wielded by groups. The approach of starting with a sample of randomly selected issues would also help us overcome the problem that many existing studies only consider a specific type of actor, such as trade associations or firms. A larger-scale project that gathers data on interest group lobbying across many issues would hence not only provide novel insights, but it would also make future small-N studies more effective by giving researchers some idea of how the cases they pick fit into the larger universe of interest group activity in the EU.

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Chapter 3

The Professionalization of Representation: Biasing Participation

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“It is time to abandon the notion of political participation as part of human nature. It is not; it is an unnatural act ... Contrary to the suggestions of pundits and philosophers, there is nothing wrong with those who participate; rather there is something unusual about those who do. All too often they are the people 'nobody sent'.” (Fiorina, 1999: 415-416)

The question of bias is one of the most enduring and important in interest group research. It has important normative implications for the characterization of European/EU democracy, political legitimacy and European politics generally. The main debates surrounding bias in the group system centre on the argument that some interests find it easier to mobilize than other (e.g. the privileged position of business). And the general argument that in many areas the group system delivers participation that is

skewed towards citizens with higher status, income and educational attainment.

Contemporaneously, groups are seen as contributing to democracy on two main counts (and several other subsidiary but important ways). First, they are perceived as (effective) representative vehicles delivering public policy outcomes that match citizens' preferences. Groups also act as political linkage conduits to elites – transmitting citizens' values, attitudes and expectations; provide authoritative information; place issues on, or push them up, the political agenda; monitor policy areas and implementation processes etc. Second, the internal social capital experiences within groups are seen as democratically crucial – the more vibrant, dense and diverse the organizational universe, the greater the democratic benefit. Groups are perceived as generators of social capital that lubricates the 'proper' functioning of democracies enhancing social and political integration – particularly important in the current climate of an *alleged* 'crisis of participation' (*e.g.* increasing political distrust and low and/or falling electoral turnout). In general, groups are seen as generating the pro-democratic values that bolster democracy and, in the specific EU context, they have the potential to enhance the quality of the political linkage between citizens and decision-makers.

Supply-Side Recruitment

“... a moment's reflection shows that the people initiate little of what we normally call participation ... Acts of participation are stimulated by elites – if not by the government, then by parties, interest groups, agitators, and organizers” (Nagel 1987: 3).

The modern era is characterized by growing professionalization – many groups have mutated into *protest business*-type organizations (Jordan and

Maloney 1997, 2007): *i.e.* – professionalized, bureaucratic, interest groups staffed by lobbyists, scientists, and public relations and supported by sophisticated fund-raising departments and management structures. Many of these groups have sought to influence policy outcomes largely without the active assistance of members – beyond mobilizing their cheque-books. Professionalization has weakened the links between interest groups and grass-roots memberships and has a direct impact on the role of the ‘members’ – it may be somewhat different from that envisioned in the social capital perspective – and participatory bias. Skocpol (1999) noted the ‘shift from membership to management in American civic life’. This shift is not restricted to the US.

Groups have increasingly professionalized their operational activities¹ in the areas of recruitment and maintenance and these practices have further biased participation: skewed recruitment has delivered skewed participation. The fundamental assumption is that it matters who participates! Politicians and policy-makers will respond to the best organized interests that advance the most coherent, compelling and convincing case. Or those who mobilize the most resources or shout the loudest! If some voices are unraised or unheard, the result is likely to be political inequality. The bias in the recruitment of supporters is clearly demonstrated in the environmental sector in the UK. In previous research we found that two-thirds of the environmentally concerned citizens in the UK (*i.e.* individuals holding strong pro-environmental beliefs) were not members of any environmental organization (Jordan and Maloney,

¹ For example, Shaiko (1999: 184) points out that (in the US), ‘an organization could request a list of 10,000 names with the following characteristics: white, female, married with grown children out of the home, Gold Card holder, home owner, registered Democrat, household income over \$100,000, purchases merchandise through catalog mail-ordering, contributes money to political campaigns, wears glasses, reads *Newsweek*, and drives a foreign car’. (More recently, groups have outsourced membership activities to intermediary organizations, this has increased the distance between the member and the group [Fisher, 2006]. Within the past decade face-to-face direct dialogue contact has become widespread throughout Europe and groups have outsourced recruitment to specialists.)

2006). In seeking to account for the differences between participators and nonparticipators we found that the supply of participation by groups was an important factor. For example, we discovered substantial differences in the areas of income, educational attainment and occupation. Table 1 shows that members are comparatively affluent: 53% of members have household incomes over £30,000 per year – the comparable figures for the pure nonmembers and environmental nonmembers are 16% and 29% respectively. Members are also more highly educated and are concentrated in managerial/professional occupations. The socio-demographic differences between members and nonmembers are generally consistent with Verba et al's (1995: 468) notion of *representational distortion* in their work on civic voluntarism. However, the demographic differences between the two sets is highly noteworthy because *the environmental nonmembers* are already members of other (non-environmental) organizations. Why do they not join environmental groups?

Table 1

| HOUSEHOLD INCOME | ENVIRONMENTAL Nonmembers (n=264) | MEMBERS (n=341) ** |
|--|---|---------------------------|
| Under £20k | 50 | 28 |
| £20-£30k | 22 | 20 |
| £30-£40k | 13 | 17 |
| £40-£50k | 8 | 11 |
| +£50k | 8 | 25 |
| HIGHEST EDUCATIONAL QUALIFICATION² | ENVIRONMENTAL Nonmembers (n=119) | MEMBERS** (n=211) |
| Non-University | 73 | 44 |
| University | 27 | 56 |

² Educational qualifications were collapsed into two groups. The University educated group included: Teaching Qualifications; University Diploma; and University or CNAA First Degree.

| OCCUPATION | ENVIRONMENTAL Nonmembers (n=229) | MEMBERS** (n=305) |
|---|-------------------------------------|-------------------|
| Professional/Managerial | 39 | 73 |
| Clerical/Sales | 27 | 18 |
| Skilled manual worker | 18 | 4 |
| Semi-skilled or unskilled manual worker | 14 | 5 |

*p• 0.05; **p• 0.01

Source: Adapted from Jordan and Maloney (2006: 138)

Apart from resources, a second explanation for their nonparticipation could be attitudinal or behavioural: *i.e.* they are not committed environmentalists. However, in general both groups shared comparable levels of environmental concern and claimed to be engaged in activities such as recycling, buying organic food and using public transport. If these are not differentiating dimensions then what explains the significant demographic differences?

The differences between environmental nonmembers and members fit the pattern of *supply-side* recruitment (Bosso, 2003; Johnson, 1997; Jordan and Maloney, 1997, 2006, 2007) – or what Verba *et al* (2000) identified as *rational prospecting*. Many organizations work efficiently (and effectively) at locating and recruiting an attainable membership. Recruitment will be frustrated if the predisposed member cannot afford the subscription. *Thus, groups deliberately market themselves among those best able to afford support.* Members are more affluent and better educated and these qualities are further replicated as a result of groups' recruitment activities. Taking both groups of nonmembers together only 12% of those with household incomes below £20,000 said that they had been asked to join an environmental organization (but refused). The figure for those earning in excess of £20,000 was almost double: 23%. A self-reinforcing process of *segmented mobilization* witnesses groups recruiting on the basis of their existing membership profiles. The leading position of the Royal

Society for the Protection of Birds (RSPB) in the UK and its ten-fold increase in membership in the last 30 years (from 98,000 in 1971 to over 1 million in 2004) reflects the success of efficient recruitment more than a spontaneous increase in the public affection for birds. A widespread collective interest does not itself necessarily generate a group. Bosso (1995: 111) similarly notes that the growth in mass membership environmentalism in the US, 'did not just happen simply because environmental issues became more important. It also was cultivated as part of a conscious effort by many environmental leaders to build member bases'. These professionalized public interest groups are particularly important in the argument about participation because it is such bodies that produce the large numbers of 'members' that appear so impressive in discussions about the decline of party and the creation of alternative modes of participation. In summary, a self-reinforcing process of *segmented mobilization* witnesses groups recruiting on the basis of their existing membership profiles: *skewed recruitment delivers skewed participation*. That the supply-side is crucial has significant democratic implications. Large numbers of participation studies have highlighted that those who stand to gain most from participation tend to be those who are least involved. Our work suggests that non-involvement also results from a lack of asking.³

³ The importance of professionalized recruitment strategies received further confirmation when the routes into membership of 'other' groups by environmental nonmembers, and into environmental group for members are compared. Two profoundly different lists....something missing?? Members of organizations *other* than environmental groups self-starting (37%) and social networks of friends, relatives and colleagues (34%) were the two most common paths. For environmental group members the comparable figures were 31% and 12%. Supply-side features emerged as important for members: 39% responded to at least one group invitation (postal appeal, press advertisement or a magazine insert). The corresponding figure for environmental nonmembers' paths into 'other' groups was 18%. In short, environmental nonmembers appear less open to supply-side recruiting; for them, the social network 'pull' was more decisive in their joining decision.

Participation, Patronage and Policy-Making

“It may be cynical to say so, but what use are ‘members’ when lawyers, scientists, and policy experts are far more valuable in day-to-day policy debates ... The emergence of “virtual membership” via the Internet only reinforces the perspective that members *as such* are little more than organizational wallpaper, a collective backdrop for professional advocacy”. Bosso (2003: 410)

Skocpol (1995) reported that nearly 50 percent of some 3,000 *social welfare* and *public affairs* groups established between the early 1960s and the 1980s, had no members. In a recent UK population survey, Pattie *et al.* (2004: 77-8, 98-9) found that donating money to groups was the most popular participatory activity (62 percent). While Verba *et al.*'s (1995: 67, 518) US survey noted that 69 percent of those who had taken part in political campaigns were wholly checkbook participators. As Wolin (quoted in Shaiko: 1999: 106) observed, ‘The new politics has special conceptions of membership, participation, and civic virtue: a member is anyone who is on a computerized mailing list, participation consists of signing a pledge to contribute money; civic virtue is actually writing the check’. These individuals should be referred to as *supporters* and formally distinguished from *members*. As Crenson and Ginsberg (2002: 2-3, 182-3) highlight, financial contributions

“... to political organizations is the only activity to register an unambiguous gain since the 1950s ... As a result, environmental groups have few members, civil rights groups field more attorneys than protestors, and national political parties engage in activation of the few rather than mobilization of the many”.

Being a *supporter*- as opposed to a *member*-based organization circumvents the problems of internal democracy and policy interference. Thus checkbook participation is widely accepted by many citizens. Groups see it as the most efficient way to mobilize and – more crucially from a civil society perspective – many citizens see such limited involvement as attractive. On the demand-

side, most members/supporters are content to embrace a politically marginal role and contract-out their participation to groups and many do not see membership of groups as a means of being 'active in politics'. Indeed, quite the reverse. Many citizens perceive passive involvement as a 'benefit' and would consider leaving organizations that sought to impose the 'cost' of active involvement in group activities.⁴ A staff member from the Campaign to Protect Rural England (CPRE) said that the organization positively encourages active involvement. However, it has been partly forced into protest business-type behaviour by the reluctance of the many members to move beyond passivity:

“We think we’d lose them if we did that (press for more active membership) because they’re people who want to give money and they don’t want to do anymore than that . . . It’s much easier to recruit people who just want to pay money than recruit individuals into an organizations where they potentially see it as a time-related activity . . . So the whole task has to be geared around saying ‘oh don’t worry, we’re not expecting you to come to meetings and things, we just want your support’.”
(Quoted in Jordan and Maloney 2007: 158-159)

In his study of NGOs in the development policy area, Warleigh (2001: 623) found that these bodies were staff-dominated and made ‘... little or no effort to educate their supporters about the need for engagement with EU decision-makers ... Moreover – and perhaps more worryingly – I found no evidence that supporters are unhappy with this passive role, displaying at best little interest in the EU as a focus of campaigning or locus of political authority’.⁵

⁴ Of course for some active involvement is a benefit of membership.

⁵ Jordan and Maloney (2007: 158-159) also cite similar evidence of staff dominance and the attractiveness of passivity for members of campaign groups in the UK. A representative of the Council for the Protection of Rural England (CPRE) argued that the council positively encourages active involvement, but many members view this as an additional cost (that may lead to exit). The CPRE representative said the organization treads very carefully in trying to activate supporters: ‘We think we’d lose them if we did that (press for more active membership) because they’re people who want to give money and they don’t want to do anymore than that ... My remit has been to develop a supporter base as opposed to a member base. It’s much easier to recruit people who just want to pay money than recruit individuals

Later he notes that several group leaders conceded that a lack of membership ‘... participation was a problem for their credibility’ (Warleigh, 2001: 634). Sudbery (2003: 89) quoted a Senior Policy Officer from the European Platform of Social NGOs as stating that, ‘we do not have direct contact with supporters, but rely on member organisations to bring the issues to our attention’. She (2003: 90) also found that with limited resources, groups preferred ‘effective results’ over raising awareness. A senior representative of the European Environment Bureau (EEB) said that ‘While ideally it would be good to get people involved ... my role is not to encourage the most participatory governance, but to ensure the best results for the environment’. (Sudbery, 2003: 91-92).

In terms of the democratic expectations, one aspect of this professionalized recruitment is that it allows a low cost form of involvement. Here ‘cost’ refers both to cash and time. In other words, the rather ‘light’ participation is not some sort of poor substitute for ‘real’ involvement, but it is what citizens want. Democratic theorists judge participation by the degree of personal involvement. *However, much group participation seems to be chosen because it is undemanding in terms of personal effort.*

Finally, turning to the issue of patronage. In the US, Cigler and Nownes (1995: 82-4) found that 50 percent of the public interest groups they surveyed received 50 percent of their funds from patronage. The figure for membership fees was 36 percent. Kriesi (2006) reported that in six medium-sized European cities on average only 38 per cent of voluntary associations’ income came from membership dues and 10 per cent from donations. Some 12 per cent came from government sources and a further 8 per cent from

into an organizations where they potentially see it as a time-related activity which they don’t have time to do basically ... So the whole task (of recruiting people) has to be geared around saying ‘oh don’t worry, we’re not expecting you to come to meetings and things, we just want your support’.

sales of services. Groups try to ‘solve’ the membership problem by increasing income streams. Organizations that are heavily reliant on patronage may not require a grassroots membership (see above). The EU has provided significant levels of funding to many civil society organizations. At least the Commission could credibly argue that laudable rhetoric has also been matched by significant financial commitment. As Greenwood (2007: 343) notes ‘... the Commission’s role in stimulating the emergence of citizen interest groups, and in funding and nurturing them ... really catches the eye’. It spends approximately 1 percent (1bn) on funding groups and almost the entire (300) citizen interest group universe (excluding Greenpeace) mobilized at the EU level receives some EU funding. Some groups are close to being almost entirely solvent on the basis of EU money (*e.g.* 80–90 percent of the funding of the European Network Against Racism and the European Social Platform comes from EU institutions and Social Platform organizations receive 60–90 percent of their funding from EU sources) (Greenwood 2007: 343–344). Without being mean spirited, this funding is not all aimed at extending participatory democracy and ‘bring citizens in’ and in some respects such patronage can be seen as counterproductive. First, some funding is designed to engender lobbying that will strengthen the bargaining positions of DGs. Greenwood (2007) cites Bauer’s (2002) example of the DG Employment, Social Affairs and Equal Opportunities (DG EMP) and the European Anti-Poverty Network relationship as a ‘lobby sponsorship’. Bauer (2002) presented this as a case of the Commission ‘... creating its own constituencies with the clear intention of raising support for particular policy solutions and, thus, of influencing deliberations and indirectly setting political priorities’ (Bauer, 2002: 389; cited in Greenwood, 2007: 344). Secondly, there is also a negative externality to patronage – it can obviate the need for members.⁶ If

⁶ There is also the ‘danger’ that patronage may affect the tactics and strategies and policy positions of groups. Groups heavily reliant on patronage may not want to engage in activities

institutional sources are prepared to fund organizations to operational levels of 80-90 percent then members become a luxury. Crenson and Ginsberg (2002: 147) argue that in the US the new politics of policy-making advantages expertise and technical knowledge over the mobilization of large numbers of citizens. As they conclude, this new politics is open "... to all those who have ideas and expertise rather than to those who assert interest and preferences". Those admission requirements exclude the great mass of ordinary citizens. Similarly, Chaskin (2003) – who focussed on the attempt at fostering neighbourhood democracy – highlighted the importance of expertise and argued that this was partly driven by the professionalization of public agencies.

Directly at the EU level, Saurugger (2007: 397) more than hints at the tension that exists between being representative, responsive and accountable on the one hand, and acting as an efficient policy-making partner, on the other. The more efficient groups are at:

"... representing their interests in a constructive, precise and coherent manner, the more influence they exert. These activities, however, require major expertise on the group's and movement's side which contributes to modeling the style of militancy and leads to greater internal professionalization. Thus, the organizational structures of civil society have reformed to match better the perceived access structure of the European political system ... Organized civil society – organized as groups or social movements – has a tendency to become increasingly professionalized to represent the interests of their constituency in an efficient way" (Saurugger, 2007: 397-398).⁷

that may be frowned up by their sponsor or occupy policy positions too distant from the major funder's standpoint.

⁷ Grande (2002: 130) makes the point that professionalized representation in the EU could be '... justified for reasons of system effectiveness, but the democratic quality of their activities is dubious from the perspective of both representative and participatory models of democracy' (quoted in Saurugger, 2009).

As Skocpol (2003: 134) acerbically concludes:

All in all, the very model of what counts as effective organization in US politics and civic life has changed very sharply. No longer do most leaders and citizens think of building, or working through, state and nationwide federations that link face-to-face groups into state and national networks. If a new cause arises, entrepreneurs think of opening a national office, raising funds through direct mail and hiring pollsters and media consultants ... Organizational leaders have little time to discuss things with groups of members. *Members are a nonlucrative distraction* (italics added).

Why spend a great deal of organizational resources seeking and servicing members, when patronage permits fully focussed professional lobbying? It appears that the groups have responded to the changing policy-making context. Affecting outcomes now requires less membership muscle and more policy expertise and professionalism.

Responsiveness

The social capital expectation is that groups should be open with transparent decision-making processes and an accountable and responsive leadership in order to promote democracy itself. However, as Berry (1977: 187) notes, the most interesting aspect about many public interest groups is not that they are oligarchic in practice, but that there are not even symbolic concessions to a democratic structure. The leadership is self-selected and democracy is underpinned by *loyalty* or *exit*, but not *voice* (Hirschman 1970). Many of these organizations are engaged in a fierce competition for membership support and loyalty – exit is a real threat. Loyalty is particularly important to these organizations because a large percentage of membership operates on a revolving-door basis. In short, if a group fails to deliver on either action and/or outcomes, then members are free to join a competitor organization. This pressure ensures responsiveness and representation *of* membership

interests in a market-like efficient manner. Group leaders are also limited by members' stated or latent values and expectation. In other words, members may occupy an 'empty seat' in many decision-making forums and there is a process of anticipated reactions: leaders know that members' ultimate recourse is to vote with their feet. Dahl (1961: 89-90) maintains that ". . . the relationship between leaders and citizens in a pluralistic democracy is frequently reciprocal: leaders influence the decisions of constituents, but the decisions of leaders are also determined in part by what they think are, will be, or have been the preferences of their constituents".

Many groups undertake sophisticated market research to gauge members' views on a variety of issues and group direction is steered (to some extent) by supporter/member attitudes. Group intelligence on members' views is highly sophisticated as the 'science' of marketing, recruitment and retention has advanced in recent years. If group leaders perceive that a significant proportion of their members are opposed to a specific policy proposal they may shy away from campaigning on it for fear of provoking a mass exodus. In market driven societies many groups conform to dominant structure and offer involvement on a supplier/customer basis. Citizens are free to buy group membership in the same way that they buy other goods and services. Democracy is, thus, provided by the choice to *participate or not*; or *which* group to support. Of course, within groups there is a sort of power of democratic control via anticipated reactions. Realistically there may have to be a limited expectation of democratic vitality *within* groups, but there may be democracy in the choice between groups.

Participation and Bias: Is it all 'bad'?

Is bias always a negative phenomenon? Beyond the 'negative' aspects of skewed participation can there be 'positive' biases? The alleged pathology of

unrepresentativeness and the arguments about the decline of civic and political involvement require more examination than the headlines suggest. First, as political advocates, some groups perform a surrogate function acting on behalf of constituencies that lack resources. There are logistical and practical reasons why groups may not seek to mobilize their constituencies, most notably where the clientele base is children, or animals or the mentally ill (Crenson and Ginsberg 2002: 151). However, it could be argued that while much of this participation is *by* or *of*, it is not necessarily *for*, a class. These middle class participators are engaged in the advancement of many causes that benefit constituencies and interests beyond their own immediate location. Imig (1994) talks of 'advocacy by proxy' to describe how individuals are mobilized to act on behalf of client groups (*e.g.* Make Poverty History, children, mental health).

Secondly, there may be redistributive or progressive elements to skewed involvement. It should also be emphasized that many socially and politically disadvantaged citizens share several concerns with active resource rich citizens (*e.g.* crime, environment, education, health care, security etc.). In this respect, affluent civic-minded citizens disproportionately patronize many interests of mutual concern. For example, in the environmental survey discussed above many non-joiners reported a lack of disposable income as a major reason for their non-membership and the demographics lend support to these views as being more than *post hoc* justifications. As a form of cross-subsidization, the contribution of their wealthier co-citizens ensures that this interest is represented (almost akin to business travellers subsidising the airfare costs in economy).

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Chapter 4

Civil Society as Discourse: Contending Civil Society Frameworks¹

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Porto Alegre, the beacon city of alter globalization, pioneer in the establishment of a participatory budget, has entered the World Bank's catalogue of good practices designed to increase the influence of the poor. This encounter has consecrated the unexpected alliance between macroeconomic orthodoxy and social radicalism – provided that the latter is confined to local management. It is based on civic discourses in which the civil society theme is both, predominant and entirely ambiguous. This chapter proposes some references for understanding the variety of representations of civil society in civic discourses. After a short introduction in which the key concepts are presented, we propose four ideal types of civil frame.

¹ This chapter is a reprint of: Jobert, Bruno (forthcoming 2008), Contending civil society frameworks: Beyond the tutelary model, in: B. Jobert; B. Kohler-Koch (eds) *Changing Images of Civil Society: From Protest to Governance*, London, Routledge. The author gratefully acknowledges the permission to reprint this chapter granted by Taylor & Francis Books (UK).

Civil frame

Discourse on civil society relates to vast philosophical or ideological controversies, from Locke, Fergusson, Hegel or Tocqueville to the current debate on deliberation, initiated by Habermas. In this respect, research on civil society relates to the conditions of the formation and practice of a political community, based not on tradition but on the free association of individuals. From this point of view, it furthers reflection on the horizontal relations allowing such free association. These relations are based on contracts. The rule of law is not imposed by an outside sovereign, it is produced on the basis of agreement between people. This agreement derives its legitimacy from the fact that it is the outcome of deliberation, free of the constraints and influences of particular interests. Through debates between peers, civil society can produce a vision of the common welfare, grounded in agreement on the principles of justice.

Discourse on civil society aims to transcend an approach to politics focused on the adjustment between interests through negotiation and compromise. The idea is to produce an image of a political community based on rational communication between equals. The utopian nature of this discourse explains why the civil society theme has often been mobilized as opposition discourse. Civil society provides a normative frame that can serve to denounce governmental practices based on unilateral action by policy-makers. It suggests a potential for self-organization by citizens, that is independent of the state and political representations. This supposed ability to transcend existing institutional barriers explains the appeal of civil society rhetoric to various social and political movements.

The return of civil society has been announced and promoted as a key topic by opponents to authoritarian regimes, from Latin America to Eastern Europe

and beyond. The new social movements have also used it extensively in their demands for a space for public debate that is no longer limited to the state's usual partners (Perez Diaz 1993). The civil society theme is particularly attractive in so far as it serves to conceal conflicts and differences between the diverse components of 'civil society'. The mythical unity thus created serves as a powerful tool for criticizing opponents in the struggle to open the public sphere.

However, when it comes to government action, it proves to be far more difficult to maintain. Government action requires trade-offs between the claims of groups and sectors that have been federated for the accession to power. The political rhetoric that prepares the conquest of power, is characterized by ambiguity and *soft* ideas. By contrast, the actual conduct of public policies involves processes of selection and ranking that necessarily undermine some of the ambiguity of political debate. Discourse on civil society is no exception to the rule. On the public scene it is a powerful myth with multiple actions, a symbol of citizens' resistance. In the public policy sphere, mobilization of civil society is embodied in various frames put to the service of opposing global strategies.

The purpose of this chapter is to present several references and hypotheses for the study of these frames of civil involvement. We propose four types of frame, corresponding to separate answers to the three basic questions that pertain to the understanding of contending concepts of civil society:

1. the role of politics in the constitution of civil society
2. the modalities of involvement of civil society organizations in government action
3. the conditions of rehabilitation of civil society when it has been disrupted.

Before considering the four ideal types, a few comments on the questions are called for. Civil society derives its legitimacy from its self-organization. Citizens unite ad hoc to deliberate and put forward their views of the public interest. Yet, even the most symbolic examples of a spontaneous appearance of civil society suggest that its birth cannot be conceived independently of politics and socializing institutions. Can the rise of Solidarnosc be explained without reference to the Catholic church's support? Can the Orange Revolution be explained independently of policies to export democracy that provided protest organizations with resources and know-how?

Political authority has a wide range of instruments to act on the constitution of civil society organizations. Access to public policy forums is often contingent on the organization's recognition, which is also the first step in a process of incorporation into public action. This ranges from subsidies to consultation and, finally, direct involvement in policy implementation. Through a handling of these public policy instruments, the state can influence the selection, reinforcement or weakening of currents running through civil society. The criteria applied to this channelling are a discriminatory element of the typology of frames established below.

Civil involvement policies – the second key question to differentiate the four models of civil society concepts – can be analysed in terms of three dimensions: the policy sector, the relation to knowledge, and the relation to interests. The definition of public policy arenas, which by their nature defy any civil involvement, is a key element in the understanding of these policies. When an independent central bank opens forums to civil society, the idea is certainly more to convey transparency on its functioning to the public, than to open channels of influence on its monetary policy. Likewise, introducing neighbourhood participatory practices may well be combined with the

closure of macroeconomic policy-making arenas. That is why civil involvement policies must be understood in context, or in other words, the significance of individual civil society involvement emerges only when looking at the process as a whole.

The relationship to knowledge is the second dimension of civil involvement policies. Here, the proposition is twofold, either to mobilize the ordinary citizen's wisdom, or to draw on the original experience of the concerned citizen. Citizen's wisdom is systematized by procedures of assisted deliberation, such as citizen juries. In situations in which negotiation between interests leads to stalemate, where controversies are exhausted in mutual misunderstanding, these procedures call on ordinary, non-militant citizens in the hope that, once informed, they will be able to outline some form of agreement. An emblematic example relying on the experience of the concerned citizen are patient organizations. What is at issue in involvement policy is the taking into account of a unique experience that is sometimes difficult to communicate to the ordinary citizen. Moreover, patients' participation is a basic dimension of their cure and of control of epidemics. It implies extensive reshuffling of relations between the medical profession and patients/citizens.

The relationship with organized interests is the third dimension to differentiate between the types of civil involvement policies. The question of civil society involvement generally comes into play when existing forms of mediation – by political representatives or social partners – are weakened or threatened. Depending on the strategy, civil involvement policies will aim either at replacing former modes of mediation or at supporting them by incorporating new partners in the public arena. In the former situation, the promotion of proximity management by NGOs may go hand in hand with

the decline of trade unions. In the latter, an organized civil society embracing churches and non-profit organizations along with the trade unions is mobilized in social dialogue.

The question of reparation or of rehabilitation of a disintegrating civil fabric, is the third question guiding our typology of civil society. It is crucial if we are to understand the emergence of civil frames. A programme is not imposed as a frame simply on the basis of its arguments. First the former frame, undermined by its incapacity to provide the tools and symbols likely to respond to a new situation, has to be delegitimized. We will see that there is a direct link between the proposed diagnosis of the crisis and the civil frames set up. This diagnosis of crisis often refers to dysfunctions in the political realm but it might relate also to failures in the social fabric itself, as elaborated in the social capital literature from Putnam to Van Deth.

As we will show, the neo-conservative model is fed by dysfunctions of the tutelary modernization model. The various Third Ways are themselves answers to the ills spawned by neo-conservatism. The integrative model emerges from transformations to the neo-corporatist/social democratic model.

The tutelary modernization model

Up to a few decades ago, a model of tutelary modernization prevailed in Western Europe, where the government relied on professional elites and bureaucratic corporations for the conduct of policies. This hegemony of professional elites strictly defined the game of civil society. It corresponds to the phase of economic growth and the spread of the welfare state in the post-WWII years.

The wage standard in the constitution of civil society

In the tutelary modernization model, a strong belief in the progress of growth promotes the structuring of civil society around producers. Social democracy, for example, is organized around the protagonists of *wage* relations, which extend to all spheres of social life (Castell 1995). All public resources go into the organization of this wage society: the recognition of representatives of civil society organizations paving the way for a monopoly of representation, and systems of social negotiations and co-management, especially in the field of social welfare systems. This allows the exchange of substantial resources between the social partners. In this model, one of the main functions of civil society organizations is to socialize and recruit the activists to a neo-corporatist system of interest intermediation. In post-WWII France, for example, the Communist and Catholic Action movements both recruited many of the managers of the social negotiation system.

Civil involvement policies

Despite the inclusion of both sides of industry, this wage earner democracy is under the control of the state and the professional elite. The social partners are invited, at best, to find global compromises on the production of national wealth, but more often to participate in the processes of social redistribution. In sectoral policies their role is second to the professional experts. The social partners in the national health systems, for instance, are not supposed to question the quality and organization of healthcare.

The emergence of users' associations is also characteristic. A vast array of organizations pioneered in establishing new services (as described aptly by Pinell and Zafiropoulos 1983, in relation to the care for handicapped children in France). Nevertheless, it is still predominantly the professional elites who

define services and needs. Recipients' demands are legitimate and audible only in so far as they can match these administrative and professional definitions of needs. The knowledge required by social representatives, whether they are partners or recipients, is therefore necessarily limited by the tutelary authority of both the state and the professions.

The question of the representation of interests is a point of differentiation between several versions of the tutelary model. In the pluralistic, elitist version of the model, the incorporation of interests in public political forums is conditioned by a complex process of recognition and institutionalization that transforms these particular interests into social partners. In the neo-corporatist version of the model the starting point is a highly centralized and disciplined representation of both sides of industry. The authority of these social organisations is based on their capacity to represent and discipline their membership, which makes them equal partners to government. This tripartite system constrains autonomous activities of civil society.

Problems and crises of the tutelary model

The tutelary model comes into crisis when it becomes obvious that its performance does not live up to the expectations and violates the very principles on which it is based. Growth does not solve social problems. Poverty is rediscovered in rich countries. Science and technology are no guarantee of continuous progress. Furthermore, neo-corporatism is always in danger of turning into a closed system. This provokes opposition and fuels the emergence of autonomous actions and social movements. The more so, when new issues come up and the variety of concerns is not taken into account. This opposition will be voiced by social movements operating outside the system, who are neither capable nor willing to become incorporated.

The first response to the challenge of underperformance is usually a quest for the completion or the expansion of the welfare state. The ‘new society’ of Chaban-Delmas in France in the early 1970s, for instance, as well as the ‘great society’ of L.B. Johnson in the United States in the late 1960s, were supposed to respond to left-wing protest by further developing the welfare state. The incorporation of socially underprivileged was sought through their mobilization. They were encouraged to voice their demands and to become active in the improvement of their living environment. However, the protests not only concerned social rights but highlighted the absurdities of urban planning and housing policies that were decided by experts behind closed doors.

Challenging professional experts has become even more radical in the struggle against nuclear energy and for the ecological cause in general. The tutelary model is wavering when doubt is rising concerning the universal virtues of productivism and when the large socializing institutions – the church and the parties – lose their aura and their grip on the people.

The neo-conservative model

The neo-conservative model tries to evade the problems of the tutelary model. From a neo-conservative perspective, the state, its representative system and its interest groups are causing the decline of the institutions that form the backbone of society: the family, religion, the fatherland. Under pressure to act in favour of the most underprivileged, the welfare state is said to increase the dependence on welfare, resulting in the demoralizing passivity of the beneficiaries.

In the United States in 1965, the Moynihan report on the Black family was a turning point in the government’s approach to the dynamics of a sustainable

civil society. The report claimed that the crisis of Black ghettos could be associated 'with the breakdown in family structures and the rise of welfare dependency' (Moynihan 1996: 178). This was seen as enforcing social decline which 'among Negro youth had the predictable outcome in a disastrous delinquency and crime rate as well as narcotic offences' (ibid.).

This analysis has often fed the neo-conservatives' argument. To them, the causal relation is obvious: 'If the Irish immigrants in nineteenth century America had something comparable to our present welfare system, there would have been a "welfare explosion" then and a sharp increase in Irish family disorganization too' (Kristol 1999: 49). An additional neo-conservative argument is that the expansion of the welfare state cannot even be attributed to the demands of the beneficiaries themselves: 'This explosion was created by public officials and public employees who were executing public policies as part of the 'war on poverty' (ibid.47). According to Kristol, it was these actors, relayed by non-profit organizations, which weakened the reluctance of the poor to accept welfare.

Civil society under control

This explains why the neo-conservative revolution has adopted a very reserved position regarding policies for the promotion of civil society. Turning the theories of collective action into iron laws, they advocate the withdrawal of the state, as well as the decline of the trade unions and of those non-profit organizations that are clients of the state.

The neo-conservatives often undertake strong efforts to convert the public opinion to their ideas, thus making direct and indirect use of public resources, although they generally denounce the perverse effect of public spending for educating people. The willingness to use public money for civic

education is most pronounced when the aim is to promote the linked cause of market and democracy. It is paradoxical to see the development of active policies of civil society constitution by the same people who denounce its pitfalls.

Neo-conservative involvement policies: Depolitization and client discourse

In the neo-conservative model, the role of civil society is strictly circumscribed. The key strategy consists of breaking up the expansionist coalition formed by the administration, elected officials and interest groups. Rather, three main functions are attributed to civil society in the neo-conservative strategy: the struggle for transparency and against corruption, the controlled management of services, and the promotion of quasi markets in the public sector.

With the agencyfication of public policy, supported by the neo-conservatives, comes the problem of political control. If control is not exercised from above by the government, it must be exerted by stakeholders. An active communication policy is needed to create a public forum. Such fora are not meant to reorient the objectives of the agencies, but rather to ensure administrative accountability. Transparency and publicity are seen as a safeguard against deviant and inefficient behaviour. Shifting the responsibility for the management of certain services to NGOs is often used by neo-conservatives as a means for circumventing public bureaucracies. But these NGO's action capacity is strictly controlled by an elaborate system of evaluation and the strings attached to project and programme funding that limit their leeway, thus facilitating their instrumentalization.

The shift from voice to exit is the third neo-conservative focus of civil society's involvement in public action. Through the establishment of quasi-market mechanisms in the public sector, users are supposed to behave like customers.

Disciplining civil society

The main concern of the conservative revolution is to eradicate the ever growing dependence of individuals on the state because those who are dependent are seen to neglect their duties as citizens and parents. The market fundamentalism (Giddens 1994) developed by neo-conservatives has a moralizing impetus, intending to revive the value of work – ‘you will earn your bread by the sweat of your brow’ – and the honour of the head of the family by restoring his primary role as a breadwinner.

The civil society envisaged by neo-conservatives is a society embedded in traditional institutions. It is supposed to restore the family as the mainstay of social life and to open a wider field to religious organizations than in more secular times. Family and religion are supposed to retain citizens in a state of deference to the authorities which, in turn, will readily use constraint to obtain respect and obedience.

In this frame, those who have difficulties are requested to be responsible and to manage on their own, rather than asking for aid. The neo-conservatives confine civil society to the struggle against corruption and for transparency and promote strong supervision of individuals by traditional authorities.

The transatlantic Third Way

According to the most eminent theoretician of the Third Way, Anthony Giddens, neo-conservatives are prisoners of an insurmountable contradiction.

Through their 'market fundamentalism', they release forces in society that undermine the very same traditional institutions on which they rely to guarantee a viable social order: the nation, religion and the patriarchal family (Giddens 2000). The result is the erosion of civil society by a twofold phenomenon of exit: voluntary exit of the mobile top segment of society who withdraw from a deteriorated public domain, and bottom-up exclusion of those who have neither voice nor exit. In their fight against democracy overload, neo-conservatives are said to produce a large-scale loss of interest in democracy (Pharr and Putnam 2000), which cannot be compensated by a return to paternalism. What is needed is, as Tony Blair put it, 'the construction of a strong civil society in which rights and responsibilities go hand in hand' (in *Le Monde*, 14 November 2002).

Constituting civil society beyond the established social partners

This project to activate civil society is not intended to revive the pillars of the old social democratic order. Tripartite social negotiation is not put on the agenda again. Rather, the aim of activating civil society is to give space to 'social entrepreneurs' who are likely to emerge in societies that are well-endowed with social capital. The Third Way builds its strategy on the potential of civil engagement in post-modern societies. However, there are areas of exclusion in which uncivil behaviour prevails. For these areas, the Third Way claims to create the conditions for the reconstruction of good citizenship. Elsewhere it proposes to channel social movements towards beneficial partnerships.

Activation or instrumentalization of civil society?

The field opened to civil society in the Third Way is broad and narrow at the same time. The field of macro-economic strategies is not the domain of civil involvement. Recognizing the merits of the economic policies of their neo-liberal predecessors, the advocates of the Third Way, especially in Britain, grant no priority to social dialogue and negotiation between social partners. The domain reserved for civil society is rather proximity management and implementation than setting policy objectives. The task assigned to civil society is to mobilize detailed knowledge on the social fabric and thanks to its strong capacity for adaptation to differentiated demands, to boost 'the excluded', to make the community aware of uncivil abuses, and to revive a widened public sphere. Hence, civil society engagement becomes a substitute for the bureaucratic implementation of public action. Civil society and its avatar, the NGOs, are, thus, a tool for circumventing public administrations and their professional bodies. It remains to be established, whether these organizations, so strongly involved in public management, can retain their own mobilizing power and their ability to make an autochthonous message heard – one that is distinct from that of their public tutor.

The Third Way appeals for a reconciliation between social entrepreneurs and economic entrepreneurs and for an activation of society. It has less to say about the role of non-profit organizations in the conduct of policy-making. As to trade unions, its position is one of mistrust, especially in the public sector. The idea of a social pact and negotiated reform among the social partners are not part of the rhetoric in the Third Way's arsenal.

Moral appeal and accountability

In contrast to the downgrading of the social partners, the Third Way puts the empowerment of the disadvantaged to the core of its mission. By doing so, it accentuates a contradiction between insiders and outsiders, between employees who selfishly defend their status and their social welfare, and those who are consequently left with nothing. But the idea of empowerment should not conceal that in this concept rights come with duties. Beneficiaries are made aware that the door is not just open to claims in terms of social rights based on democratic citizenship or in terms of a social debt. Underlying is the suspicion of fraud and moral risk. Beneficiaries of social benefits have to prove that they use them responsibly and serve the community in return (Giddens 2000: 52). Hence, the Third Way introduces a system of constraints obliging the socially dependent to become self-supporting again, to return to work and to become involved in the community. The question here is whether the NGOs that are expected to accomplish this task are not caught in the contradictory injunctions between the moralizing tutelary authority and the call for autonomy.

The Third Way concepts, thus, lead to a particular encounter between the precepts of economic orthodoxy and the assertion of a moral imperative to struggle against poverty, all of which pushes the social partners to the margins.

The integrative model

The main focus of our last model is on civil society's role in shaping public interests, rather than on the direct incorporation of civil society organizations in the policy process or their contribution to public services. The integrative

model aims at changing the overall context of the policy making process through civil society involvement. It envisages two major transformations: The employment of strategies of empowerment in order to foster the inclusion of weak interests, and the embedding of bargaining and decision making processes in broader deliberative settings. To this aim, the integrative model invites new interlocutors to the public debate, beyond the usual lobbying-networks and the established social partners, and it modifies the rules of interactions in the public sphere. The projected result of public debate is not supposed to be a compromise between particularistic interests, but a negotiated agreement on the public good. The introduction of deliberative procedures in an open public sphere is expected to modify power relations by developing a mutual understanding and reciprocity and, thus, facilitating an autonomous civil society that gives expression to the autochthonous voices of citizens, (Habermas 1992, Walzer 1995).

Civil society and the state

The role of the state in relation to civil society comprises two functions: the state intervenes in the constitution of civil society organisations and it ensures that the public sphere is open to weakly institutionalised movements. Regarding the first function, we can distinguish between various ways of state interference. For instance, as has been documented by Henry Milner (2002), the integration of citizens into the public debate necessitates the state to reinforce the civic competences of the people. In that respect, the high level of what Milner calls 'civic literacy' in social democratic Scandinavian countries is associated with a strong public support of state-supported institutions promoting civic competences, e.g. adult education programmes. In other cases, political agents play an eminent role in the empowerment of underprivileged groups.

Regarding the second function, the state's task to keep the public sphere open to the voices of less institutionalized or less consensual groupings and movements, the state has to ensure a balance between interests that are highly focused and easy to organize, and those that are equally important but less pronounced and more diffuse. This implies a particular dilemma for the integrative model. The predicament is that, quite obviously, the quality of deliberation depends on competent and experienced citizens and, therefore, often tends to be put into practice through established organisations. This entails the danger that the public sphere becomes monopolised by the institutionalised partners while the doors remains closed to the bearers of new or different public interests.

Contrasting approaches to the involvement of organized interests in the deliberation process

Proponents of the integrative model have suggested various solutions to resolve the dilemma described above. Some recommend a reform of the deliberation process by incorporating independent voices, which are not bound to entrenched interests, in public debates. This position is adopted by Habermas (1992) who considers the new social movements as major protagonists of the deliberative process.

Other advocates of the integrative model rather stress the importance of the search for new forms of deliberative and bargaining processes. Here we can see some parallels to the social pacts and cooperative governance approach. The integrative model does not share the Third Way model's reluctance toward the social partners, however, and civil dialogue is not thought of as an alternative to social dialogue. The similarity rather applies to procedures and objectives. In procedural terms, there is a shift from a tripartite to a

pluripartite social concertation, in which civil society organisations are incorporated in the socioeconomic strategic debates. An illustrative example of competitive corporatism (Rhodes 1998) is the inclusion of a third pillar consisting of farmers' associations and community and voluntary sector organisations in the Irish concertation (Hardiman 2006), where a balance between economic adjustment goals and social development has been sought. A more radical shift in political preferences is documented in Papadakis' contribution on South Africa in this volume. As he describes, in its first year of government the ANC put priority on 'growth through redistribution' and this was to be achieved by including civil society into government.

Hybrid fora

The broader involvement of social interests is reflected in the diversity of the knowledge that is mobilized in the public debate. The integrative model aims at setting up 'hybrid fora' (Callon, Lascoumes and Barthes 2001: 29 and 59), which gather experts, professionals and the public, the latter consisting of either activists and mobilised citizens, or ordinary citizens. Patients' associations in the field of public health are an example of mobilised citizens' participation. In cases like this, the hybrid forum seeks to include the knowledge accumulated in social movements and through the particular experiences of those concerned (cf. Rabeharisoa and Callon 2002). In contrast, hybrid fora incorporating ordinary citizens aim at fostering an enlightened public by conveying expert knowledge to unconcerned individuals. Citizens juries or consensus conferences, for example, are hybrid fora that do not consist of stakeholders or representatives of social interests, but of individuals of the wider public, the aim being to develop a deliberation that is detached from contending interests and values. In practice, the organisers of these new deliberative procedures try to combine different forms of civil involvement in the public debates, putting the (sometimes

extreme) demands of the activists into perspective by confronting them with the down to earth judgement of ordinary citizens (Brugidou and Jobert 2007).

The transformation of the public sphere

The integrative model intends to improve the policy process by transforming the public sphere, suggesting that the emergence of an informed civil society can influence the orientation of public policies. The definition of public interest is to be derived as the result of deliberative procedures. For theoreticians like Habermas, the deliberative process consists of a debate among equals, in which the well reasoned argument prevails over particularistic interests. Walzer (1995) points to the importance of deliberation processes in reaching a *modus vivendi*, rather than a rational consensus, between different groups by recognising each other's different convictions, understanding differences and searching for an agreement based on the respect of the other's position. The hypothesis here is that a compromise elaborated under the conditions of reciprocity has a different quality from a solution which has been reached through negotiations behind closed doors, where rival particular interests come to an agreement through bargaining.

This promotion of the communicative power in the public sphere (Habermas) is not limited to the policy formulation process, however. From the point of view of the integrative model, civil society organisations should also be involved in the implementation and evaluation process.

Civil and social dialogue

The answer of the integrative model to failures of social mediation, for instance when irreconcilable interests and values lead to a situation of stalemate, is to aim for a better recognition of weaker voices and the establishment of new rules of debates. To that end, countries with a strong social democratic tradition have been the initiators of many experiments with assisted consultations or civil participation. However, cases of civil society organizations becoming incorporated into national social negotiations – as in Ireland – are rare and the results of these experiments are uncertain (see Baccaro 2002). Most often, the relation between the various procedures of deliberation and the bargaining and decision making processes remain unsystematic.

In general, civil society organizations are usually invited to participate in ‘forums’, while organized interests and social partners are invited to negotiations. This imbalance is problematic because the difference in effects on public policy are striking. The question remains whether a model of activation of the social democratic type can limit these tendencies towards ‘dualization’ (Barbier 2004). Above all, the reconstruction of forums of social dialogue which are likely to bring spokespersons of the marginalized segments of the population to the negotiation table appears a matter of urgency.

Conclusion

The literature on the role of ideas and discourses in politics and policy is abundant. This contribution aims at filling a gap by proposing an analytical framework for the study of those representations, images, symbols and strategies that delineate the relation between governments and non political

actors. These civil frames have been defined by four variables: By the role of politics in the constitution of civil society organisations, by its relation to organized interests and to knowledge and, finally, by the field open to these organisations. Based on these four dimensions, we have proposed a typology of civil frames. The key hypothesis was that the emergence of new frames is a tentative answer to problems of legitimacy.

The crisis of a tutelary model explains the emergence of the three other contending frames that have been described. Each of them delineates a particular potential shift in the citizenship regime, understood here as the institutional arrangements, rules and meanings organising the configuration of the public sphere (Jenson and Phillips 1996). It remains open to debate if the four different types are mutually exclusive, or as has been argued by Raul Urzua in his chapter on Chile in this book, if the hypothesis of their coexistence in different sectors of a state holds true.

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Chapter 5

EU –Civil Society Relations: The Impact of the EU on National Movements and National Identity

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The relationship between the EU and civil society has been accorded significant import in recent times. Civil society involvement at EU level has variously been expected, at least by the European Commission, the Economic and Social Committee (ESC) and partner NGOs, to bring Europe ‘closer to the people’, to address the democratic deficit and to deliver ‘good governance’. It was argued that there are a number of problems with the assumptions upon which the Commission’s approach was predicated: (i) the understanding of the relationship between civil society involvement at the EU level and the emergence of ‘participatory democracy’; (ii) the focus upon ‘organised’ or ‘tame’ civil society and (iii) the focus on involvement at the EU level rather than on the real impact of the EU on civil society bodies at national level or beneath and beyond existing national territorial boundaries. This chapter seeks to assess the implications of EU-civil society relations, for

national movements and national identity, and more generally in relation to the process of European integration.¹

The involvement of civil-society at the EU level is not a new phenomenon or method. However, this has been accompanied more recently by the rise and institutionalisation of a new legitimating 'fiction' (cf Morgan 1989; Cram 2006) in the form of the now commonplace mantra propounded by officials, interest groups, and academics, concerning the relationship between civil society involvement at the EU level and the enhancement of 'participatory democracy'. As Smismans (2003: 484) has observed: 'Both the Commission and the ESC use the discourse on civil society and civil dialogue as an element of legitimisation for their activities and institutional position [...] with the introduction of the concept of civil society both the Commission and the ESC have reshaped the political debate on 'EU democracy'. The discourse introduces elements of 'participatory democracy', defined as the possibility for those concerned by the decision to participate in the policy process.

Many commentators have recognised the flawed nature of the understandings of both, civil society and participatory democracy, upon which this fiction is based (cf Armstrong 2002; Smismans 2003). However, as the 'self-evident truth' that civil society involvement at the EU level equates with an increase in participatory democracy is increasingly institutionalised, it has begun to affect the practice and discourse of the actors involved, altering their expectations about their role within the European Union. In this way, the 'fiction' may become a self-fulfilling prophecy. As commentators and practitioners become more and more focussed upon the operational failures or inherent inability of civil society involvement to deliver enhanced

¹ For an extended version of the argument see Cram (forthcoming).

participatory democracy at the EU level, there is a risk of ‘forgetting to remember’ (Renan [1882] 1990; Cram 2001) that whether the EU’s direct democratic credentials need to be improved or not and whether this can or ought to be achieved through the direct participation of civil society actors at the EU level, is not a matter of universal agreement (see Majone 2005, 2006; Moravcsik 2004, 2005). Nevertheless, as more actors feel entitled to demand a greater input into the policy processes of the EU, what is required of the EU institutions before tacit or overt consent is conceded to the functioning of the system, is likely to become ever more complex. These expectations on the behalf of diverse actors have important implications for the way in which the Union, its role and function is ‘imagined’ (cf Andersen 1991) by civil society at large, as well as for the organised interests usually targeted by the EU institutions.

The various ‘imaginings’ of the European Union contribute, in turn, to its capacity to influence the various collective identities of the European people(s). Being part of the European Union has not only allowed a range of diverse identities to flourish, but by altering the relative costs and benefits of particular courses of action may even have encouraged the evolution of some national movements in the particular direction that they have developed. As different understandings of nation come to the fore within member states, or as national interests begin to challenge existing state boundaries, traditional nation-state-centric approaches are faced with a number of challenges.

It has been argued for countries as divergent as Germany, Spain, and the UK that the EU has had a ‘transformative effect’ on national identities, and thereby a facilitating effect on the emergence of a European identity. Risse (2005) argues that given the powerful symbolic motivations of Germans to subjugate national aspirations and to pool efforts at a European level, it is not

surprising to see Germanness and Europeanness as shared or mutually reinforcing identities. Since German re-unification, however, some observers have noticed a more distinctive German position in relation to the European Union. To this extent, a German-European identity may be both, contingent on the costs and benefits of membership, and contextual in relation to domestic and international opportunities and constraints.

In relation to Spain and Europe it has been argued that far from representing a conflict of identities, the turn to Europe has become synonymous with a “modern Spanish identity”: Spain as member of the European Community became associated ‘(...) with the values of modernity, democracy, tolerance and dialogue, this became a key component of the national self-image that helped to heal the polarized oppositions of the past between the “two Spains” that clashed in the Civil War’ (Jauregui and Ruiz-Jimenez 2005:85). Other authors, however, put more emphasis on the upgrading of regional identities in the course of European integration.

The UK’s low levels of identification with Europe have often been interpreted as being the result of a particularly strong nationalism (Risse 2003: 497). However, more nuanced studies of the interplay between national, sub-national and supranational identities note great variety: ‘Those identifying themselves as English, the dominant nationality, in the UK are less supportive of the EU than those identifying with the minority identities. This suggests that the English resist the threat the EU poses to their identity, whereas the Scottish, Welsh and Irish perhaps see the EU as a positive force for the expression of theirs’ (Carey 2002: 406).

This draws attention to the relationship between “stateless nations” such as Scotland, Wales, and Catalonia, and the European Union in identity formation. The EU ‘provides opportunities for multiple identities to develop

and receive expression. In some cases, it may ease the transition to independence, when accommodation within the state proves impossible.’ (Keating 2001: 40) European integration was mostly seen as ‘safeguard for small nations’ and put to instrumental use by regional nationalists. But the understanding of the optimal relationship between Europe and nationalist parties and movements has ebbed and flowed.

Both the Welsh and the Scottish cases demonstrate the contextual nature of the ‘imaginings’ of Europe and the EU, as shifts in domestic and international opportunity structures emerged, national movements adapted their attitude to the European Union accordingly. It is now largely accepted that any calls for ‘independence’ will be made within the context of membership of the European Union.

The relationship between Catalonia and the EU is similarly long and complex (see Llobera 2005). Laitin has argued, for example, that Europe has served a number of purposes in Catalanist ideology. First, a commitment to Europe prevents accusations of the provincialism of the Catalans. Second, recognition of the authority of the EU, as a body which is not a state allows the articulation of demands for a growth in Catalan governmental authority despite the lack of its formal designation as a state. Finally, Europe, conceived of as a multi-national body which transcends defunct ‘nation-state’ boundaries, fits well with the Catalan conception of ‘one region many identities’. (Laitin 2001: 100-103)

With respect to the stateless nations it could be argued that the presence of Europe has now become taken for granted or *banal* within public discourse. This is well evidenced by media analysis (for Catalonia see Laitin 2001: 100). Undoubtedly, the everyday reference to Europe as ‘home news’ is an

important indicator of the extent to which the EU has shifted from 'background' to 'homeland' space (Billig 1995: 43).

The incantation of a wider European identity and of a shared European history and culture is also part of re-defining national identities in the case of extra-territorial nations. Accession to the European Union is seen by Hungarians and other extra-territorial nations in the Balkans as allowing the reinvention of national identity in a non-threatening form. Linked to the symbolic value of 'Europe' it helped to contain political myths of the national past and to subdue ambitions of political reunification.

Thus, the EU rather than encouraging convergence around a single homogeneous European identity, can be seen to be facilitating the flourishing of an identity which does not conform to traditional national-state models.

This diversity, instead of challenging the process of community building in the EU, can provide a vital source of dynamism for the integration process. The role of the EU as facilitator for diverse understandings of collective identities encourages the inhabitation of the EU (Billig 1995:42) at an everyday level and the reinforcement of a sense of banal Europeanism (Cram 2001) which is a crucial aspect of the European integration process.

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Chapter 6

Participatory Engineering: Promises and Pitfalls

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The perceived crisis of national systems of democracy

Political elites in many established democracies perceive their system of government to be in a state of crisis. This concern is voiced in various ways across European democracies. The spectrum ranges from individual public statements to large scale government sponsored inquiries on the state of democracy, particularly in Scandinavian countries such as Denmark, Norway and Sweden.¹ This rhetoric is driven by the all encompassing assumption that downward trends in established forms of political participation indicate that citizens are turning their backs on democracy and that this system of government is in a state of crisis.²

¹ For an overview and further references see a listing at the OECD-website under http://www.oecd.org/document/42/0,2340,en_2649_33707_33617194_1_1_1_1,00.html, accessed January 2008.

² This paper does not aim to discuss actual trends in political participation. It takes the perception and rhetoric of political elites at face value and as a vantage point for its argument.

The rhetoric of crisis is met in many established democracies by actual policy initiatives aimed at finding solutions to stop the downturn of political participation. These initiatives can be understood in systematic ways through the concept of participatory engineering (Zittel and Fuchs 2007). The concept of participatory engineering indicates the *purposive attempt of political elites to positively affect the level of political participation by increasing institutional opportunities to participate*. It can be defined through three characteristic features. It is, firstly, goal directed and purposive. Institutional change can be a by-product of any form of policy change. In the context of participatory engineering, the enactment of new opportunities to participate serves as a policy goal in itself. A second characteristic feature of participatory engineering is its focus on institutional change. Democratic reform can take the form of pilot studies or experiments at an early stage in the process of political change. But such activities eventually imply the enactment of broader and more fundamental changes at the institutional level. A third characteristic feature of participatory engineering is its top-down politics. While moves towards democratic reform are intuitively associated with bottom-up developments and social movements, participatory engineering can be understood as a development primarily rooted in elite politics.

The possible promises and pitfalls of participatory engineering concern two different levels of analysis. The behavioral effects of participatory engineering are one possible area of concern. Theories of participatory democracy emphasize the promises in this respect. Authors such as Carole Pateman

Obviously, students of political participation unveil a more complex situation when it comes to trends in political participation. They argue, for example, that downward trends in electoral participation are far from dramatic if perceived in the long run (Franklin 2002) that the evidence across multiple types of political participation is mixed (Klingemann and Fuchs 1995) and that many downward trends in the area of traditional forms of participation are offset by new forms of political engagement (Skocpol 1999). However, one can hardly disagree with the argument that traditional forms of participation have decreased to significant degrees during the past decades (Stolle and Hooghe 2004) and that public opinion does signal dissatisfaction and

(1970) suggest that participatory engineering could be an effective means to revitalize political engagement and to bring citizens back in (Zittel 2007). But theories of political participation provide a serious note of caution in this regard and rather emphasize the possible pitfalls. Verba and Nie (1972) stressed in this context the socio-economic basis of political participation and, thus, the fact that institutional structures are of little relevance in explaining the level of participation. Jan van Deth (2000) furthermore emphasizes that individuals are only moderately interested in participation due to their busy schedules and other priorities they might have in their lives.

If we subscribe to the sceptics' view on the behavioral effects of participatory institutions, the pitfalls of participatory engineering are quite obvious. Increasing the institutional opportunities to participate would firstly raise a standard which cannot be met at the individual level and which would serve as a source of further frustration with regard to politics. Even more important, we would secondly increase inequality because we would provide the already active ones with new ammunition to foster their own political interests while leaving the inactive ones empty handed and even further behind.

This paper focuses on a second area of concern when it comes to debating the promises and pitfalls of participatory engineering. It asks about the impact of participatory engineering on the *quality of democracy*. The concept of democratic quality stresses the *relationship between the normative core of democracy and its institutional manifestations*. A high quality of democracy presupposes a perfect fit between the normative core values of democracy and the institutional structures of democracy. This paper asks about the promises and pitfalls of participatory engineering at this second level of analysis. It asks

frustration with democratic governments (Pharr and Putnam 2000). The current perception

whether democratic reform is able to foster the fit between the normative and the institutional level of democracy and what kinds of strategies are able to do so.

The paper addresses its core question in three steps. In a first step, it aims to develop a heuristic frame for the evaluation of strategies of participatory engineering by focusing on the concept of the quality of democracy and the role of participation in this debate. This aim implies the following three questions: 1) What are the core values of democracy? 2) Which institutional structures are considered effective in implementing these goals? 3) Which strategy of participatory engineering is able to bring existing institutions closer to the given normative frame? I will, secondly, provide cursory case specific evidence on the direction of democratic reform in selected European democracies. These case studies should be seen as a first attempt to pre-test the initial frame of research and to provide a preliminary empirical answer to the research question. Thirdly, I will close with a conclusion and some remarks regarding further research questions that arise from my cursory empirical analysis.

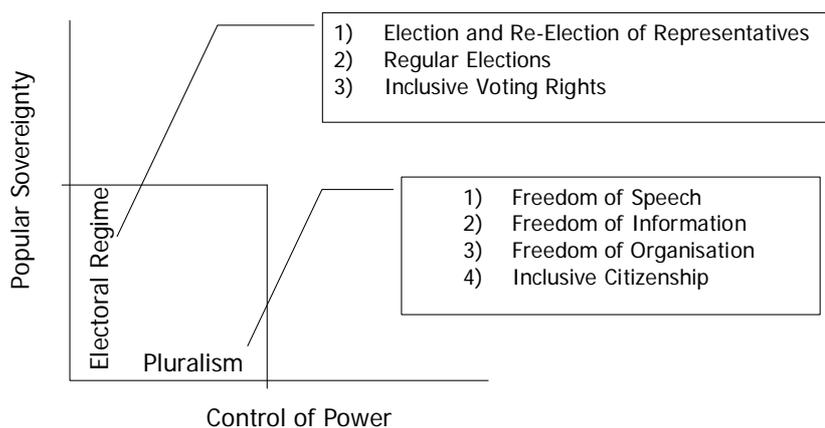
Participatory engineering in Polyarchies: more pitfalls than promises

Robert Dahl's (1971) concept of Polyarchy provides a cornerstone for the debate on democratic quality. To be sure, Dahl does not use this concept himself. He is primarily concerned with the problem of distinguishing democracy from non-democracy and with identifying the prerequisites of democracy. His approach, however, not only provided the groundwork for the proceeding discussion on democratic quality in terms of methodology and research design, but also still represents a crucial reference point for the

among political elites is, thus, not without any empirical basis.

debate on democratic quality in terms of substance. Many endeavors to measure democratic quality draw from Dahl's model while aiming at measuring democracy in more fine grained ways and improving Dahl's original indicators for measurement (Kaiser und Seils 2005). The Polyarchy model is, thus, a useful and relevant framework to discuss the question raised above.

Figure 1: Robert Dahl's model of Polyarchy



According to Dahl, democracy is defined by two dimensions. As Figure 1 suggests, the first dimension stresses public sovereignty as one of the two basic building blocks of democracy. This principle stresses the need for political decisions to be legitimized by the consent of those who are subject to these decisions. The second dimension of democracy emphasizes the need for the control of political power. This notion suggests that in democracies, power needs to be constantly subjected to critical review and questioning. In Dahl's view, the best possible quality of democracy is achieved, when both core values of democracy are balanced at a moderate level through specific institutional structures. Which are these specific structures and how can we measure them?

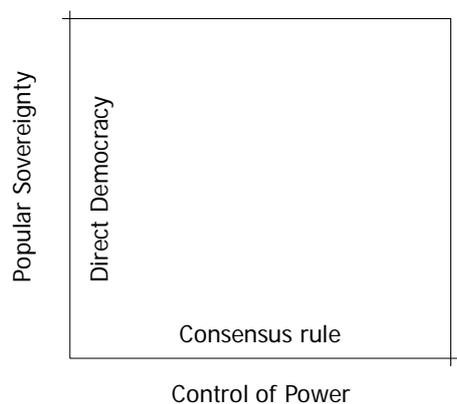
Dahl operationalizes the notion of public sovereignty via an electoral regime defined and measured by three empirical indicators: 1) The election and re-election of public officials; 2) The existence of regular elections; 3) The existence of inclusive voting rights. Dahl's second basic dimension of democracy is operationalized via a pluralist regime. Dahl perceives the competition between political groups as the most effective means to implement the notion of the control of power without affecting the exercise of popular sovereignty in negative ways. This concept is specified and measured through the four following empirical indicators: 1) Freedom of speech; 2) Freedom of information; 3) Freedom of organization; 4) Inclusive citizenship. The configuration of these structures defines in Dahl's view the highest possible quality of democracy, namely Polyarchy.

In regard to our underlying question, Dahl's model of liberal democracy carries one important argument that needs to be highlighted and discussed. It suggests that any form of participatory engineering, which goes beyond marginal forms of optimizing the existing structures of Polyarchy, produces significant risks for democratic government. This is, first and foremost, due to the very fact that Dahl's measures produce little variance across established democracies: 1) Voting rights are widely distributed and highly inclusive; 2) Information rights as well as the freedoms of speech and organization are fully implemented in established democracies (Jagers and Gurr 1995). Dahl secondly suggests that Polyarchy defines the best possible form of democracy and that any shift along the two core dimensions of democracy will put the quality of democracy at a balance. I will elaborate on these risks in the following two thought experiments drawing from models of democratic quality and traditional arguments in normative democratic theory.

In a first thought experiment I am assuming a simultaneous shift along both dimensions of democracy in the direction of the upper right hand corner.

The resulting problems become most obvious when focusing on the most extreme point at the upper right hand corner, as depicted in figure 2. This point defines a situation in which sovereignty and the control of power are pushed to their limits. Under this condition, every member of the community would have the right to participate in the sanctioning of policies with an equal voice. This would presuppose implementing the value of popular sovereignty via a direct democratic regime which allows every member of the community to participate in every binding decision to be taken. Under this condition, decisions would, furthermore, have to be taken under strict consensus rule, in order to maximize the control of power. This means that every member of the community would have the right to reject a decision that he or she sees as an infringement of his or her rights. Such a system can be perceived as a hyperdemocratic regime. The exercise of authority is absent under such conditions, everything depends on the voluntary consent of every single member in the community.

Figure 2: Hyperdemocracy

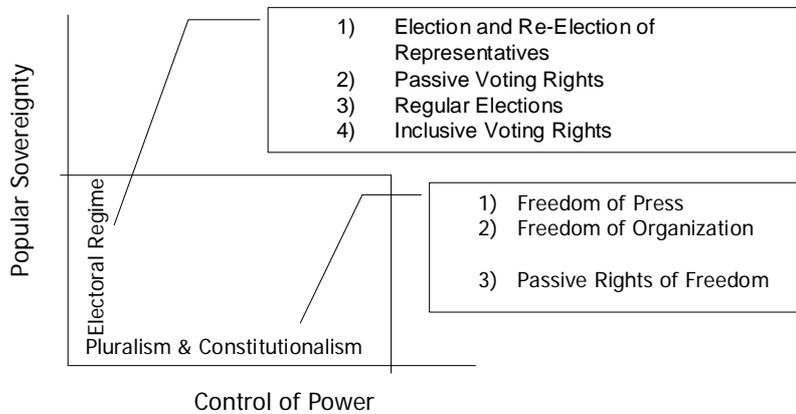


The risks of such a system of hyperdemocracy are obvious. First and foremost, it implies rising decision making costs and, thus, a threat to the

efficiency and problem solving capacity of democratic government. This would be especially true in a complex pluralist society which would be paralyzed under a hyperdemocratic system when it comes to the task of collective decision making and which would produce low output-legitimacy in Fritz Scharpf's (1970) terms. Dahl is, however, more concerned with a quite different matter in his rejection of hyperdemocracy. The tension between input- and output legitimacy does not loom large in his theory. He believes that hyperdemocracy would favor the status quo, enabling tiny minorities to block any kind of innovation and to frustrate emerging new needs and desires (Dahl 1989: 153f.). Dahl remains true to his pluralist creed in his opposition to hyperdemocracy.

A second thought experiment stipulates a one sided shift of the ideal point within Dahl's model. The literature on democratic quality provides examples for the two possible directions this shift might take. Each one of these shifts also carries risks that I shall briefly sketch in the following.

Figure 3: Guardianship democracy



One example of a slightly skewed conception of democratic quality is developed by students of democratic transformation. Authors, such as Guillermo O'Donnell et al. (2004), began to realize differences between their objects of study and established democracies, once the transformation process had come to an end. In an attempt to understand and measure these differences, they do stress Dahl's two dimensions of democracy: popular sovereignty and the control of power. But their vision of democratic quality, nevertheless, results in a skewed shape towards the power-check dimension as figure 3 demonstrates. This skewed shape is due to the emphasis on a constitutional regime as one additional means to implement the value of power control.

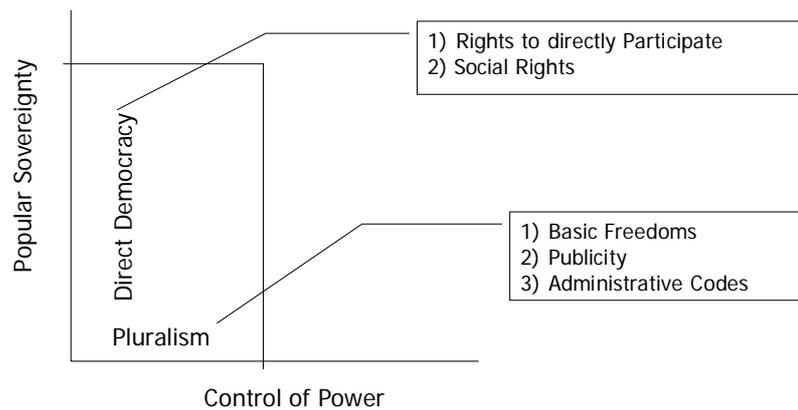
Wolfgang Merkel's (2004) model of an embedded democracy reflects the constitutional and legalistic aspect of democracy entertained by transformation theorists. Merkel's model highlights the ideal of an electoral system that is tightly embedded into a pluralist regime (freedom of information, organization and speech) *and* into a constitutional/legalistic regime at the same time. According to Merkel, the core indicator of legal checks on political power is, firstly, the existence of codified laws to ensure civil liberties and to prevent encroachments by the state. These negative rights of freedom, secondly, need to be implemented and secured by independent courts functioning as "custodians" of the legislature. Merkel classifies any system deviating from this ideal as a defective democracy.

The perspective of transformation theorists disturbs Dahl's ideal point of democracy in significant ways, raising problems for the exercise of popular sovereignty. Under these circumstances, courts might become too influential by restricting by definition the democratic process and the exercise of popular sovereignty. Legalistic frames might increase under these circumstances the

rigidity of the system and might paralyze the political game as defined in terms of the development of majorities in the course of public debates (Dahl 1989: 52f.).

The difference between the transformation literature and their definition of democratic quality on the one hand, and Dahl's argument on the other, can be explained by the particular empirical problems raised in the process of democratic consolidation. Transformation theorists perceived the lack of legal guarantees of rights and due processes of law as the most striking difference between developing and established democracies. They, thus, saw it as *the* crucial element needed for a further increase in the quality of democracy within emerging democracies. The perspective of transformation theorists, furthermore, draws from a second source which can be found in the normative debate on democracy. In this debate, theorists of liberal democracy, such as Giovanni Sartori (1987) or Peter Graf Kielmansegg (1977), stress, in contrast to Dahl's model, constitutional safeguards as a crucial prerequisite for legitimate democratic government.

Some students of democratic quality spoil Dahl's ideal by stressing the value of popular sovereignty. Michael Saward (1994), for example, perceives direct democracy as a crucial criterion for democratic quality and, thus, suggests going beyond the mere implementation of an electoral regime. He simultaneously stresses regulations and laws to ensure a fair administrative process, as well as the negative right to freedom of worship. But this falls short of a full fledged constitutional regime. Saward, thus, clearly suggests a one sided shift of Dahl's definition of democratic quality to the upper part in our two dimensional space.

Figure 4: Populist democracy

Maximizing popular sovereignty via a regime of direct decision making bears risks for the horizontal dimension of democracy. This one-sided shift could endanger the pluralist process in democratic decision making. Institutions of direct democracy leave less room for processes of deliberation (Cohen 1989) and compromising (Sartori 1987), compared to representative institutions. They, thus, endanger the interests of minorities and allow for a more unrestricted and immediate implementation of majority interests. They can be used by elites to bypass stakeholders and to mobilize individuals for personal power gains by means of communication and easy answers to difficult problems. This model of a populist democracy is, thus, not able to strike a balance between the control of power and participation. It is, thus, of a lower quality compared to Dahl's model of Polyarchy.

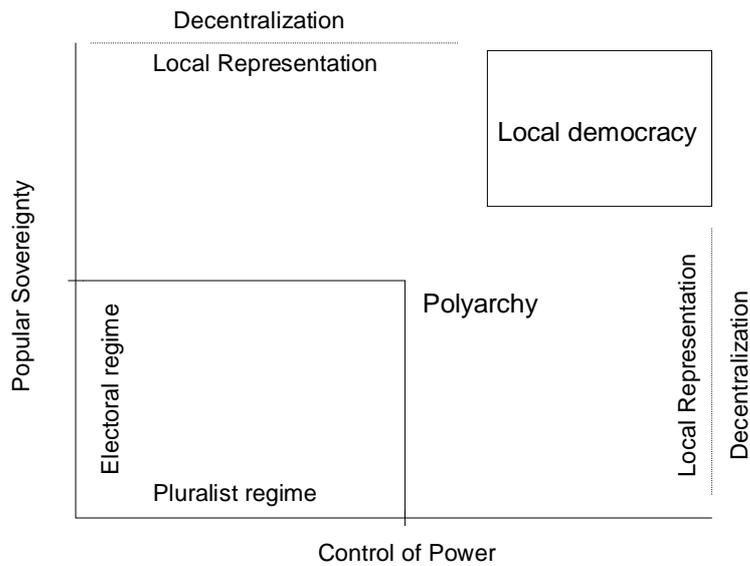
The preceding theoretical analysis suggests in light of Dahl's model of Polyarchy that participatory engineering holds more pitfalls than promises for the quality of democracy. I argue in a next step that participatory theory provides one ray of hope through introducing a third dimension of democracy, namely size. The theory of participatory democracy is, at first, a purely normative project which needs to be developed further at the

institutional level of analysis. Participatory theory suggests that we can solve trade-off problems discussed above by stressing the local level of democracy.

The main focus of participatory theory lies in the critique of the liberal model of democracy for its deficits in implementing the value of political participation. This critique originated in the late 1960s and early 1970s in the midst of a broader cultural quest for more democracy and social equality. Participatory theory envisions a more radical implementation of the idea of popular sovereignty compared to liberal democracy. Its protagonists claim that this vision can be reached by increasing opportunities to participate in micro-democratic settings (Pateman 1970; Macpherson 1977; Bachrach and Botwinick 1992). According to this perspective, more institutional opportunities to participate in micro-democratic settings will have a positive effect on political behavior and will result in higher levels of participation. The institutional restraints impinging on political participation within the frame of liberal democracy were seen, in turn, as *the* crucial factor lessening political engagement and spawning political apathy (Walker 1966).

The model of participatory democracy does not ignore the tension between the exercise of popular sovereignty and the control of power. It aims to circumvent the dangers of an imbalance between the two basic dimensions of democracy by reminding us of a third dimension of democracy, namely space or size. Participatory theory suggests that developing local democratic regimes go beyond Polyarchy by further maximizing simultaneously public sovereignty and the control of power.

Figure 5: Local democracy



In participatory theory the link between local democratic regimes and macro-democracy is constructed primarily through the micro level of analysis. Local democracy is seen as a school of democracy which could help to turn individuals into responsible citizens. A first assumption is that every citizen will acquire cognitive and strategic skills through participating at the local level. A second crucial assumption stresses that citizens accustomed to participating in the local context will acquire a sense of community enabling them to act in view of the common good rather than their own self interest also at higher levels of politics. If both assumptions hold true, the tension between popular sovereignty and the control of power is abrogated through the process of self-transformation; both values, thus, can be maximized rather than optimized.

Participatory theory is not very explicit with regard to the institutional level of analysis which is in the focus of this analysis. The institutional aspect of

local democracy implies two questions or two different levels of analysis. The first level touches upon the type of institutions defining local regimes of democracy. What does a local democratic regime look like in institutional terms and which local regime maximizes the exercise of popular sovereignty at the local level? The specific institutions of local democracy can be seen as mirroring the tool kit that is also available at the national level. The electoral regime can be, first and foremost, made more responsive by increasing the choices of voters through the introduction of particular electoral mechanisms, such as the recall, primaries, personalized voting systems, short election cycles and the direct election of all public officials.

The opening up of the local decision making process through local referendums and local popular initiatives can be seen as the ultimate and most decisive move towards democratization. Because of the small scale of local democracy, the deliberation on policy issues can be made more inclusive in the context of the electoral regime, as well as in the context of direct democracy. The New England Town Meeting is a classical example for deliberative direct democracy. In this scheme, the citizens of a community discuss the issues to be decided in a community assembly and afterwards vote on these issues.

The second institutional problem raised by local democracy concerns the mechanisms that tie local democracy back to national democracy. This is finally the level which is in the focus of any measure of democratic quality. How can we make sense of the institutional linkage between increasing local democracy and increasing the overall democratic quality of a given system? This question is hardly raised in participatory theory. I can think of two plausible lines of arguments with regard to this question. The first line of argument suggests *decentralization* as the magic bullet. This assumes, first and foremost, a transfer of competencies from the national to the local level. This

would allow individual citizens to actually decide important questions in the local context and to, thus, exercise popular sovereignty in a meaningful way. In decentralized systems, sovereign citizens would take a large portion of crucial decisions in their local context.

Not all competencies in a state can be decentralized. Some competencies have to remain at the higher levels of government, which asks for a multilevel system of democracy. Multilevel democracy could be linked in this case via *different means of local interest aggregation*. I can think of three mechanisms, which could be conducive in this context. Local democracies could, firstly, be aggregated via new representative bodies, such as parliaments of regions or localities. Local democracies could, secondly, be aggregated via changing forms of representation within established representative institutions. In this case, the primary focus of representation would shift from parties to localities. Local democracies could, thirdly, voice their concerns at the local level via associations that would lobby national political institutions. This would result in a new system of intergovernmental bargaining and decision making.

Why does local democracy keep the promises of participatory engineering while avoiding the pitfalls? Local democracy, if combined with decentralized governance and institutions to effectively aggregate local interests to the national level, on the one hand increases public sovereignty. More citizens are able to influence more decisions in a more direct way. On the other hand, this shift along the first dimension of democracy does not imply any negative impact along the second dimension of democracy. Moreover, it has a positive impact on a system's ability for the control of political power. The decentralization of government provides a safety valve against any infringements on individual rights and the misuse of power. The violation of rights would concern only a small part of the citizens, rather than the whole

citizenry as such. Decentralization also increases pluralism within a system. The competition between local democracies would, thus, make such violations transparent and would eventually stop the affected community from continuing any kind of policy violating individual rights or the pluralist process as such. The violation of the rights of a small part of citizens would, therefore, only be of a temporary nature.

The analytical framework presented in the preceding remarks can be used to empirically evaluate the actual effect of participatory engineering on the quality of democracy within established democracies. This will be the task of the next section. This section does not aim to be broad, comprehensive and quantitative. It should rather be perceived as a cursory overview to 1) test for the existence of reforms moving into the direction of local democracy; to 2) further specify particular reform measures that fall into this category; and to 3) explore the similarities and differences between national approaches in this regard. This section will focus, for this very purpose, on three established democracies in Western Europe that differ quite significantly in their institutional designs: Germany, the UK, and Sweden.

Participatory engineering in European democracies

The Swedish government established a commission on democracy in 1997, which debated institutional reforms to increase political participation. It submitted a report in 2000, which put a special emphasis on suggestions to strengthen the local basis of democracy. Two years later, in 2002, the government proposed an official democracy policy to the Swedish Parliament. This government bill mainly focused on increasing the responsiveness of representative institutions at the local level. It suggested, among others, *granting ordinary citizens the right to place items on the municipal assembly agenda* and to be *appointed onto standing committees in the assembly*. The

bill also suggested establishing *youth advisory boards*, as well as *citizen panels to aid the municipal assembly in legislative matters* (Jarl 2005).

The Swedish government bill “Democracy for the New Century” was nothing more than a suggestion to the Swedish municipalities. It was neither legally binding, nor did it contain negative or positive incentives to affect institutional policies at the local level. This resulted in a lukewarm reaction on the part of the Swedish municipalities. According to Montin (2007), only 10 out of 290 municipalities implemented a larger number of the measures proposed in the government bill in the context of an overall comprehensive reform strategy. A larger number of communities implemented single measures, such as opening up the municipal assembly agenda to citizen proposals (50%) or introducing different kinds of citizen panels (20%). The Swedish government bill “Democracy for the New Century”, thus, brought a marginal change in the responsiveness of existing representative institutions. Erik Amna (2006) pictures the legacy of the Commission on Democracy as mostly rhetorical and mainly focused on increasing the quality of governmental services at the local level. He stresses that the Commission developed bold reform proposals, such as the comprehensive introduction of local referenda. But according to this author, the government bill largely reiterated the traditional service democracy ideal of Swedish democracy in its response to the Commission’s Report.

The German case is defined by three reform strategies towards strengthening local democracy. Wollmann (2005) firstly emphasizes the direct election of mayors that was legally implemented in all German communities in the 1990s. This development goes together with the adoption of recall options, which allow citizens to unseat mayors. Scarrow (2001), secondly, detects for the same time span an expansion in direct democracy at the local level in Germany. Kost (2006) stresses that local direct democracy did not exist in

Germany before 1990, with the exception of the state of Baden-Württemberg. Since then all of the remaining 15 states adopted the referendum and the initiative as part of their state constitution. This constitutional change resulted in the frequent use of direct decision making at the local level. Until the end of 2003, approximately 2.700 initiatives and almost 1.400 referenda took place in German communities. Bavaria is the front-runner with 500 referendums taking place between 1995 and 2000 (Kost 2006).

A third area of reform concerns the electoral system of the German states. Kersting (2007) shows that many German states introduced cumulative voting and the panache system during the 1990s, in an attempt to increase opportunities for strategic decision making and participation in the act of voting. Both versions allow voters to disregard the party list by voting for individual candidates. Both systems, however, go beyond the mere introduction of personal voting. Cumulative voting includes the possibility to give more than one vote for one single candidate. The panache permits the distribution of votes over different party lists. This includes the possibility to have more than one vote. Mostly, voters have as many votes as there are seats in the elected assembly.

The UK is an interesting third case in our cursory survey on participatory engineering at the local level. Scarrow (2001) demonstrates that the UK actually reduced opportunities for direct decision making at the local level, in sharp contrast to the German situation. This took place at the beginning of the 1970s when reforms in English local government removed most of the rules providing for referenda. The British case is, nevertheless, also characterized by the proliferation of participatory measures in local government. These measures, however, perceive locals largely as consumers, rather than as citizens. The British development is largely defined by the

concept of New Public Management (NPM) (Peters 2001: 160f.). This concept highlights reform instruments which do not sit well with any normative model of democratic quality and which reflect a troublesome tendency among decision makers to invent and market new models of democracy as they see fit.

According to Wilson (1999), conservative governments from 1979 onwards promoted public involvement in service use. The consumer-oriented notion of accountability was exemplified by a Minister for the Public Services at that time, who boldly argued that representative democracy via the ballot box was not necessarily the best way of securing efficient, accountable and responsive public services: the crucial point was 'not whether those who run our public services are elected, but whether they are producer-responsive or consumer responsive' (Wilson 1999: 249). This very idea provides the cornerstone of recent New Public Management policies in the UK, designed to approach citizens as users and to consult and monitor public services in far reaching ways. Pratchett (2002) stresses in this context electronic service delivery, the so called Best Value program, introduced by the Local Government Act 1999, and a large array of consultation mechanisms suggested by various Government White Papers such as the Blair Governments White Paper *Modern Local Government: In Touch with the People* (July 1998).

Bonney (2004) points at *citizens' juries* as one key element in the British consultation policy regime. Such juries enable small numbers of representative citizens to engage in in-depth discussion and debate about major issues affecting their communities. These bodies function as advisory boards to local communities. They are frequently used in the UK but they are purely consultative and lack any legal basis. They deliberate only on issues suggested by the community and are essentially at its disposal. *People's panels*

are large-scale representative samples of citizens who subject themselves to the regular evaluation of local authorities services and policies. They again are used on a consultative ad-hoc basis, lacking a legal and secure basis.

Does participatory engineering improve the quality of democracy?

The previous case studies suggest that decision makers in European democracies are moving into the right direction in the course of participatory engineering. This is because of the strong focus of their activities on local democracy. The previous report on the literature on democratic reform for three countries highlighted a number of specific reform policies focusing on the local level. The previous survey, however, also stresses strikingly different approaches towards local democracy. The German approach towards local democracy appears to be most far reaching compared to the Swedish and the British approach. While Germany emphasizes direct decision making, changes in electoral laws, and the introduction of direct decision making, Swedish authorities implement only marginal changes in the communities' representative structures. British policy makers, in turn, emphasize New Public Management initiatives which are hardly related to the notion of democracy at all.

These findings raise three crucial questions for further research. They, firstly, suggest a more comprehensive comparative analysis on local democracy which would cover a greater number of cases. The crucial question here is whether the German case can be considered an outlier in the European context or whether the three cases represent three equally salient reform strategies among European governments. A second question concerns the politics of participatory engineering which could provide explanations for the observed differences between European nation states. How can we explain

the quite far reaching developments in Germany compared to the more hesitant approaches in Sweden and the UK?

A third question concerns the vertical dimension of local democracy, that is the institutional linkage between local and national democracies. The literature on democratic reform hardly touches upon this subject. It is largely silent on the question how democratization at the local level can be linked with democratic decision making at the systemic level and notions of democratic quality. This is an important issue in the context of the question raised in this analysis. If communities have few competencies and are only loosely aligned with the national level, participation at the local level is hardly meaningful in terms of enhancing the quality of democracy as such.

I shall conclude this analysis by pointing to a third perspective on participatory engineering, which shows a significant overlap with the framework developed in the previous remarks but which, nevertheless, needs to be kept distinct from it. This perspective emphasizes the European level and the problem of a European transnational democracy. Beate Kohler-Koch (2004) has emphasized earlier that European policy makers, especially the European Commission, are quite active in terms of participatory engineering, too. At the European level, a fair amount of attention is given to the goal of “bringing the citizens in” by means of institutional reforms.

Dahl’s model of Polyarchy can be quite useful for evaluating and discussing the efforts to further develop a European transnational democracy. I believe that it conveys three important messages to European policy makers in this regard that I shall conclude with. Firstly, it suggests not to develop expectations for a European democracy, which cannot even be met at the national level. Dahl’s model of Polyarchy, secondly, suggests that the combination of federal structures and democracy, maybe in a new and

innovative way, should be in the focus of European constitution making (Kielmansegg 1996). Dahl, thirdly, suggests to be more cautious about constitutionalism as a means of controlling political power and to rely more on political pluralism. This is an argument which should be taken seriously given Dahl's own life experiences with a compound republic that has managed to survive more than 200 years so far.

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Chapter 7

Assessing the Democratic Value of Civil Society Engagement in the European Union

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In the last decade, various authors as well as the European Commission have ‘rhetorically’ strengthened the idea of fostering democracy and legitimacy by improving civil society involvement (Kohler-Koch/Finke 2007; Smismans 2006). Maybe the involvement of civil society organisations in EU affairs is only one of many options to democratize the European Union (Kohler-Koch/Rittberger 2007) and if this is the case, it is one which can either foster and strengthen European democracy, or favour undisclosed elite negotiations, as it is far from obvious that all kinds of interest groups incorporation automatically have a positive effect on democratic quality.

Since the vigorous critique of the pluralist theory in the 1960s, the scientific discourse about democratic functions of voluntary associations was rather sceptical. This changed only in the face of the political transition of the

Eastern European countries, where strongly normative and affirmative views grew with the concept of civil society (Glenn 2001). Today this democratic optimism is not linked any longer to the upheaval of the people against illegitimate and oppressive government, rather a wide range of functions advancing good democratic governance is attributed to civil society, new social movements and voluntary associations. On the European level this discussion was rather slow on the uptake (see Finke 2007).

Prima facie it might seem puzzling to face such evaluative variance over such a short period of time. But it is the elusive and multifaceted concept both of civil society and democracy which opens up the room for very different understandings. A sound assessment of the (potential) democratic value has to deal with at least three unrelenting basic problems and their specific interrelations. The central problem is the contested notion of the key terms: What do 'democracy', 'civil society', and 'EU' precisely mean? Not enough having to deal with three contested concepts, we have to face three additional inter-relative problems: How can the well-known instruments to measure democratic quality taken from comparative government research be applied to the EU? What are the possible democratic functions or values of civil society engagement and/or involvement? Which functions can be relevant for the EU?

The title indicates an empirical question, but the main problems to solve are of a theoretical nature: Only when this preparatory work is done, we can – with the help of a theoretical model – investigate the democratic quality of civil society engagement in the EU empirically.

So this paper is mostly on 'asking the right questions': First, a normative conception of democracy is outlined, which is in our view appropriate to measure and assess the changing quality of European democratic performance (1). Then the interpretations of civil society and its latent democratic

functions are introduced (2). In a next step, different conceptions of the EU and respective roles of civil society involvement are discussed because the potential democratic function of civil society varies with the conceptions of the EU as polity (3). Based on these deliberations we develop an analytical model of the 'civil society-EU democracy' relation and specify the relevant questions in order to measure its democratic performance (4). Finally, we discuss the implications of our theoretical model for empirical research and try to give some very rough indications concerning the overall democratic performance of the civil society involvement in the European Union (5).

On Democracy

Reviewing the normative conceptions of democracy and the attempts to measure democratic quality empirically, we see many different normative conceptions and analytical designs.¹ In order to capture the differences, it has been suggested to set apart three dimensions of contested values: the relation of the fundamental values of liberty and political equality, the desired extensity and quality of citizen participation, and the normative ideal of will formation.

Along the liberty-equality divide we face roughly three positions: the liberal democratic position, which puts emphasis on personal autonomy by favouring an (iterative) consensus model (Ackerman 1989, Riker 1982), the strong egalitarian position arguing in favour of the position of a median voter or deliberator normally enacted through the application of majority rule (see Dahl 1989 or Waldron 1990 for aggregative views), and the third position

¹ For a historical account on different conceptions of democracy, see Held (1987). For contemporary normative conceptions, see the broad overview by Cunningham (2002), but also the more systematic debates e.g. by Christiano (1996), Dahl (1989), Shapiro (2003) and Weale (2007).

tries specifically to reconcile individual autonomy and political equality as far as possible (Rawls 2001)².

A second divide in democratic theory concerns the direct participation of citizens. Since Rousseau one camp of theorists argues in favour of extensive and/or intensive participation (Bachrach 1967; Barber 1984), others are more sceptical due to normative and/or empirical considerations (Kornhauser 1959; Sartori 1962).

A third divide, which has been re-discovered in the last twenty years, concerns the ideal of will-formation: Is democracy about fairly aggregating existing preferences, is it a power game or should it be a matter of deliberation and convincing arguments (Habermas 1996; Macedo 1999; Shapiro 2003).

The three contested normative dimensions of democracy are also mirrored in the literature, which tries to measure democratic quality empirically.³ It goes without saying that assessing the democratic quality of any political system, including the EU, has to relate to a specific understanding of democracy. To put it differently: What normative kind of democracy provides us with the yardstick for measurement?

Though political theory provides sound reasons for arguing in favour of one or the other normative position, we will not engage in this debate, but rather make a choice from a 'contextualised' point of view. It is 'contextualised' in

² A prominent version of this third approach is the ideal of "non-domination" (Pettit 1997) or "minimizing domination" (Shapiro 2003).

³ To point only at a few differences here: With respect to the first divide, most authors restrict their indicators for measuring political equality in the political process, but see e.g. the Polity IV project by Jagers and Gurr (<http://privatewww.essex.ac.uk/~ksg/polity.html>) who focus in addition on constitutional restrictions. Some authors are strongly opposed to the idea of making actual participation a relevant indicator (Lauth 2004: 338ff.), but others are equally strong in favour of it (Vanhanen 1997). And parallel to the mainstream of conceptions measuring aggregative democracy, there is a rapidly growing literature measuring deliberative democracy (e.g. Steenbergen et al. 2003).

two respects: first, we take account of the system properties of the EU and second, we relate it to our research question which is concerned with the involvement of civil society and, thus, with the process of policy making and not with the constitutionalisation of basic rights.⁴

We argue that in the multi-level system of the EU the liberal democratic idea of augmenting the personal autonomy of the individual citizen is best secured at the national and local, and not at the EU level of decision making.⁵ The iterative consensus model can only contribute to the enhancement of personal autonomy under conditions of an open public space where individual voices can be heard. Again, the multi-level character of the EU, the diversity and size of the European political arenas run contrary to such ambitions. Furthermore, the EU system is by definition a federal system which gives priority to the representation of collective units. Individual equality is under similar constraints. Due to the federal principle, territorial communities have priority and, consequently, individuals do not enjoy equal political weight in EU decision making. The deliberate overrepresentation of small nations is not an issue when observers deplore biased representation in the EU. This relates to the unequal representation of functional or political interest at the inter-individual level. It is the heavy bias towards the representation of economic interests in EU decision-making, which has always been criticised as violating democratic principles.

With respect to the aggregation–deliberation divide we argue in favour of the deliberative approach. The main reason is again the multi-level character of the EU. When the emphasis is on the aggregation of existing preferences, the

⁴ For a discussion why contextualized answers for the democratic question are necessary, see Abromeit (2004). Even if we assume a general ideal of democracy, the conditions of application make important differences at the practical level desirable.

⁵ Human, political and social rights are constitutional rights at member state levels which have been secured for decades by the European Convention for Human Rights. The EU Charta for Human Rights brings little added value. Even more important, to comply with these rights is a pre-condition for becoming a member of the EU, in the first place.

outcome is suboptimal. This can be observed regularly in international, inter-governmental negotiations. We argue that a trans-national discourse will more likely produce a more differentiated view on European problems and a broader range of appropriate and accepted problem-solutions. Irrespective of our preference for the deliberative approach, we intend to measure the participatory quality of civil society involvement both, in relation to interest aggregation and deliberation.

Concerning the participation-representation-divide in democratic theory, we take the view that both extreme positions are rather implausible for empirical as well as normative reasons: There cannot be a proper democracy without a significant degree of citizens' participation, but under conditions of modern societies inclusive and permanent participation is unattainable. But if democracy most basically means 'the people rules', these restrictions cannot abandon the core principle of political equality (see Dahl 2006). So what is needed is a normative conception of political equality for "stand by-citizens" (Amnå 2007), for citizens who sometimes engage more intensively in political affairs, but most of the time and with respect to most issues remain only (and at best) the audience on the gallery. In the stand-by mode they read their newspaper, listen to their friends, neighbours etc. and watch nation-wide TV news, but they normally do not actively participate in politics. To assess if the EU citizens' (can) perform adequately, two issues have to be investigated separately: Firstly, the quality of the information cues via mass media and/or the performance of intermediary institutions, such as political parties, civil society organisations etc.. Since average citizens will not participate directly in the European political process, they have to rely on transmission belts of information in order to learn about relevant political decisions and conflicts. Secondly, the opportunities offered for political participation have to meet the receptiveness and the capacity of citizens. Intermediary institutions have a democratic function in so far as, in the long term perspective, they lower the

activation thresholds and enhance the readiness for active participation and, this way, turn citizens from an ‘off-mode’ to a ‘stand by mode’ in a given situation.

So what is an appropriate *normative notion of democracy* for the EU, which is open for deliberative processes and which respects political equality without assuming full citizens’ participation? Our suggestion is the following: *A political system is democratic if the essential decisions in the system are generated in public and if mechanisms exist which link these decisions in an egalitarian (or: reciprocal) way, effectively to their members.*

A few explications are in place here. A political system is defined as a societal association which makes and implements collectively binding decisions for their members who have no real individual exit-option. And the normative criteria which qualify a system as ‘democratic’ have to be specified further. In our approach we will refer to the principles of reciprocity, publicity, and accountability.⁶

Political Equality as Reciprocity. Democracy necessitates citizens being treated as (political) equals (Dahl 2006, Saward 1998). But what precisely should be treated equally? Empirical preferences, individually enlightened preferences or morally justified preferences? And based on which criteria do we decide on the quality of preferences? An elegant way out is to ask for reciprocity as the core principle in a process of will-formation.

Reciprocity demands an ‘other-regarding’ behaviour and the justification of political claims with ‘good reasons’, which means that they are accepted as being rational and legitimate. The process and output should be “mutually acceptable” (Gutmann/Thompson 1996: 55).

⁶ For a more comprehensive defence of these normative principles and a discussion of alternative normative conceptions of deliberative democracy, see Hüller (2005: chapter 3).

How do we know reciprocity when we see it? First, all relevant political claims must reach the political forum. Second, priority will be given to considerations supported by collectively shared fundamental substantive standards, whereas arguments based on status and power and emotional appeals will be devalued. If there is a moral disagreement, in which several fundamental standards are contested, there should be procedures at place to morally reconcile or accommodate these different norms as far as possible. Conflicts about the validity of empirical statements should be resolved by relying on uncontested methods of producing evidence. The idea behind this principle of reciprocity is to approximate a 'justificatory ideal', where the actors rely on the 'force of sufficiently justifiable arguments' (Gutmann/Thompson 1996: cp. 2; Rawls 1999).

The idea of reciprocity (just as the idea of justice) is inseparably linked to the principle of political equality (see e.g. Dworkin 1978, Gosepath 2004) and it can be equally applied to a representative and a participatory approach. What is necessary is that everybody's (justified) claims and positions are taken into fair consideration. Whether affected citizens should present and defend their claims themselves or not is not a matter of principle, but a matter of pragmatism. It is an open empirical question if representation or direct participation will foster deliberative political equality more successfully – and the answer might change depending on the context.⁷

Political equality (and for deliberative democrats more precisely: reciprocity) is the core normative principle. Publicity and accountability have a more instrumental character since their importance is closely linked to the empirical conditions of modern societies.

⁷ It seems to be fair to expect that both extremes of the participatory and the representative ideal are not attainable in modern societies. Whereas the participatory ideal is (and has always been) naïve from a sociological point of view, the pure representative ideal underestimates the functional need for citizen activities, such as popular instruction and control via elections and referenda, public deliberations, demonstrations etc. (for a prominent diagnosis, see Barber 1984: part I), and it overestimates the good-will of the political elite, or both.

Publicity. When can political actions, policies or politics be regarded as public? In a decision making process we could think of publicity in a weak sense, meaning that political actions, documents and decisions are published and accessible at low costs. If these conditions are met, we speak of publicity in the sense of *transparency*.⁸ A stronger conception of publicity would take transparency as a necessary but not sufficient condition. Here, an action, policy or political process only counts as public if it is an issue in public debate: everybody knows it and everybody knows that everybody knows it (Luban 1996: 170). In that sense, publicity means *common public knowledge*. This kind of publicity we find in various aspects of Rawls' "idea of public use of reason" and "public justification" (Rawls 2001: § 9, §26; 1999).

Now what is the appropriate normative principle for a democratic theory for generally attentive, but with respect to most actual (routine) political processes absent 'stand by-citizens'? Our answer is – very roughly – a combination of both. Without transparency of the political process, even intermediary organisations would not be able to exert a reliable political 'control'.⁹ Transparency is the necessary condition to subject politically contested issues to a wider public debate. The important democratic function of civil society organisations is the monitoring of a basically transparent policy process and in stimulating the awareness of the general public of relevant political issues.

The need for publicity concerns, first of all, what Rawls (1993: Lecture 6, § 5, 2001: § 9) has called "constitutional essentials". Beyond certain substantial rights, fundamental procedural rights and competences are a core element of this idea: If citizens do not know how the political system works, what their

⁸ For a normative conception of "weak publicity", see Christiano (2008 forthcoming: chap. 2)

⁹ Therefore, transparency has been introduced to European politics as an institutional cure for the deficiencies in multi-level accountability. But this does not imply an obligation that every political act and process must be transparent. There are plausible normative as well as pragmatic exemptions from the transparency rule (see Gutmann/Thompson 1996: cp.3, Naurin 2007).

rights are and how to use them, they can not act as ‘stand-by citizen’ but are simply excluded from political decisions.¹⁰ Second, although for good reasons most of the political processes and decisions operate in a ‘routine’ mode and, irrespective of being transparent, pass by unnoticed, they operate in the shadow of publicity. Not the number or the intensity of public debates indicate the democratic quality of a political system, but the institutionalised mechanisms, such as party competition, which contain the risk that routine operations will go public. The system has to remain permeable for public discussions about occurring problems and conflicts (Habermas 1996: cp. VIII).

Transparency is the necessary though not sufficient prerequisite for a functioning democracy. If it is sufficient in routine politics, it is inter alia dependent on well functioning mass media, on convenient administrative culture, and not the least on the norm orientation of the ruling elite and the scrutiny of intermediary associations. The latter ensure a more or less systematic monitoring of normal politics, asking for justification and maintaining the option of a transition to publicity. The respective contributions of civil society organisations are at the core of our research interest.

Accountability. In democratic theory the notions of control, responsiveness, responsibility and accountability all focus on the appropriate relation between the rulers and the ruled, or rather the citizens and their representatives. Neither the term control nor responsiveness can sufficiently grasp the binding

¹⁰ Empirically, political education or civic literacy is unequally distributed and will be so for the time being. The point here is that there have to be certain kinds of personal political capabilities (Sen) to make it possible that citizens can exert their democratic function. Especially “procedural competences” (Buchstein) (i.e. knowing the rules of the political ‘game’) seem to be on average significantly less cultivated on the European level than they are on the national one. To be clear, we do not talk about the intellectual capacities of the European citizens, but about their ability to assess and to take a position in the political processes on the EU level.

of rulers and the ruled. ‘Control’ bears the connotation of someone who supervises the political processes all the way down. But this would make the whole differentiation between citizens and representatives unnecessary. If every political act was accompanied and reviewed by the people, they would not ‘stand by’, but do the entire work themselves. As already mentioned, there are severe empirical restrictions to such an ideal. And there might also be certain cases, policies and polities, where it is not desired, that the people have such a direct hold on policy formulation (see e.g. Pettit 2004).

Mere responsiveness – the mirroring of empirical preferences in political decisions – is also not an appropriate and sufficient standard for the desirable binding of representatives’ actions. Responsiveness may be an inclination or a fact of politics. In both cases it ought to be a characteristic feature of democratic representation. However, it can also occur under patriarchal or populist autocratic rule. Only when rights are institutionalised and institutional mechanisms are in place obliging political representatives to be responsive, the factual responsiveness of political representatives may be rated as an attribute of a democratic system. Even then, representatives’ responsiveness to citizens’ preferences is only a viable indicator of democratic will formation under the assumption of steady and consistent individual and collective preferences. In addition, the democratic quality depends on the requirements of reciprocity.

Expressions like responsibility and accountability are not flawed in that way. Unlike the term control, they give room for representatives to act themselves, and unlike responsiveness, both allow for “deliberative uptakes” (Bohman) within political processes.

According to Marc Bovens, “accountability is a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face

consequences” (Bovens 2007: 450). Thus, accountability is about justification that embraces both ideational and material aspects. Representatives have to justify the appropriateness of their positions with respect to the underlying value judgements and norms. They also have to argue convincingly that they act in the interest of the represented and they have to prove that they have taken into consideration the legitimate claims of everybody affected. They will be held accountable on the grounds of principled belief systems and they will face consequences on the grounds of policy output and policy outcome. Political accountability (as compared to legal or administrative accountability) is a judgement which indicates ‘displeasure’ and not the violation of given standards or deviant behaviour (Bovens 2007: 463).

The three normative principles elaborated above, reciprocity, publicity and accountability, are at the core of a *principle-driven approach* to measure the democratic quality of political institutions. The core assumption is: The more political decision making processes (from setting the political agenda to policy formulation, decision making and implementation) meet these standards, the more democratic is the political system.

On Civil Society and Democracy

The current use of ‘civil society’ (and similar expressions) is as vague and open as the term democracy (Chambers and Kymlicka 2002). Here, civil society is a separate sphere beyond the spheres of private life, the economy and the state and, consequently, operates according to a different logic that is not dominated by emotional attachment, profit seeking, or the subordination to power. Civil society is upheld by associations which are organised to different degrees, and which are active in and take issue with quite diverse fields of cultural, religious, political, social, economic and many other fields of life (Warren 2001).

Parallel to the concepts concerning the virtues of participation (see above), there are at least two major strands of literature expecting democracy related functions of civil society organisations, which we refer to as associative democracy and associational life.¹¹ Here, *associative democracy* refers to all settings where (1) civil society organisations are ‘incorporated’ into the political system, be it that certain authoritative power is *delegated* to collective non-state actors, or to the joint decision making of representative groups of organizations and they (2) should perform certain democratizing functions. Apart from self-regulation, associative democracy attributes civil society actors the role of intermediaries. They are expected to serve as transmission belts, either from the citizen to the state which makes significant use of the expertise, claims, support channelled by civil society actors, or from the realm of politics to the citizens by providing information and knowledge.¹²

The second strand of literature does not focus on the direct and immediate effect of associations on the democratization of a political system, but is interested in the indirect and medium-term formative consequences of *associational life*. The social capital approach, in particular, has triggered an increasing research interest in the effects of active membership in associations on (other) political activities and interests and on the acquisition of political skills and virtues.¹³ This paper is concerned only with the first concept.

Associative democracy differs from the broader concept of democratic participation since not citizens as individuals are participating in the political process, but delegates of civil society organizations. With respect to the democratic question it is most important to be aware of the different

¹¹ It goes without saying that these democratizing functions are contested as well (see Fung 2003).

¹² For overviews about different institutional settings and possible democratic functions, see Cohen/Rogers (1995), Hüller (2005: cp. 10), Warren (2001).

¹³ See e.g. Putnam (1993) or Skocpol (2004) for influential contemporary approaches. For a critical evaluation of this strand, see Theiss-Morse/Hibbing (2005).

intermediary roles which are connected to civil society organisations (Greven 2007). From a normative perspective, the demos (citizens or affected persons) is the only unit of reference, and not associations. If civil society organizations are supposed to have a central function within democratic decision making, we need to make a two-dimensional analysis. One dimension has to focus on the political interaction between the centre of the political system and the civil society organizations and the other dimension on the interaction between the demos (however defined) and the civil society organizations. Quite evidently, in most empirical works the second dimension is at best under-investigated and also underdeveloped theoretically.¹⁴

Two kinds of mechanisms can be differentiated, which might have democratizing functions. In a *'top-down' perspective*, civil society organizations might systematically observe more or less transparent but nevertheless 'veiled' political processes and provide their constituencies or the general public with relevant information, explaining or criticizing what happens 'up there'. Such *associative monitoring* would make political processes more public and, as a consequence, more accountable (see e.g. Fung 2003: 522).

Democratization might also work the other way round, if a more egalitarian chain of input or *'bottom-up'* mechanism was strengthened by intermediary associations. If associations have many members or a wide constituency to whom they are responsive, and if these associations work in very different 'local' contexts, then their representatives might represent hidden, but relevant information as well as different perspectives (Williams 1998; Young 2000). So they might bring expertise and claims and a diversity of views into the decision making process. As a consequence, the knowledge base (about

¹⁴ For an interesting theoretical approach reflecting on this double-step, see Nanz/Steffek (2006) and, of course, Habermas (1990, 1996: cp. VIII). But at least Habermas' model can not simply be applied to the EU, as there is not a properly functioning general public sphere, which serves a prominently role in his view (see below, part 3).

relevant political preferences, claims and possible solutions) for political decisions can be extended and this is a pre-condition for egalitarian deliberations and decisions (see Fung 2003: 523ff.).

The effectiveness of both mechanisms is to a large extent an empirical question. It would be not enough to prove that civil society organizations bring up a variety of issues and claims, but that they are to a certain degree representative for the demos.¹⁵ Furthermore, the input from civil society organizations can only be rated as a democratic added value when it has an impact on the decision making process.¹⁶

The connotations of ‘bottom-up’ and ‘top-down’ mechanisms might be closer to aggregative conceptions of democracy, but some – however mediated and deliberatively enlightened – connection between the demos and the more representative acts of decision making have to be present in deliberative conceptions of associative democracy, as well (for different variants considering this, see Habermas 1996: cp. VIII, Cohen/Rogers 1995, Nanz/Steffek 2006). Even more important, both the top-down and the bottom-up mechanisms have to be visible and significant in the European political practice.

Civil Society, Democracy, and the EU¹⁷

The potential contribution of civil society to EU democracy is underspecified in social science research for different reasons. It is not long ago that the general theoretical debate has started and, consequently, theory guided

¹⁵ There is a long literature on organisational self-interests, the possible democratic malfunctions of group pluralism and neo-corporatism.

¹⁶ To be sure, for deliberative theorists it is very difficult to specify the desired impact. Nanz and Steffek (2005) have argued for ‘responsiveness’. But as the search is for reasonable or generalizable decisions, we either have to assume that all claims from civil society organizations are of such a kind (what is implausible) or we have to qualify the desired responsiveness (see above, part 1).

¹⁷ This part draws on Kohler-Koch (2007).

empirical research is just at its beginnings (Smismans 2006; Finke 2007; Della Sala/Ruzza 2007). We argue that the deficiencies of the present day discourse are not just a question of lacking maturity of research, but have to be attributed to the uncertainties about the nature of the EU. In the literature we are faced with different images of the European polity. We suggest three analytically distinct frames which combine civil society and the EU in specific ways: Three concepts attributing a distinctive role to civil society as carrier of democracy which correspond to three different understandings of the nature of the EU system. We find these frames by digesting the broad literature on civil society, EU governance and democracy and categorize it in view of the theoretical debate of recent decades.¹⁸

Three ideal type conceptions: The nature of the EU is still contested both in its present form and even more so concerning its future development. We distinguish three ideal type images of the EU, which are present in the political and the academic debate. They provide quite distinct frames for the incorporation of civil society and also are usually associated with different understandings of what civil society engagement in the EU is about.

The **first conception** originates from the governance turn in the analysis of the European Union. In this perspective, the EU equals the modern state which has lost its steering capacity and strives to attain problem-solving *effectiveness* by close cooperation with non-state actors. In the EU non-hierarchical forms of decision making are said to be even more pertinent because decision making powers are allocated to different territorial levels and dispersed to functionally segmented arenas. A system of 'network governance' (Kohler-Koch 1999) evolves bringing together the relevant state and societal actors. To induce reluctant actors such as member state administrations,

¹⁸ For a recent review on the literature on civil society see Finke (2007); for a review on governance see Kohler-Koch/Rittberger (2006); on EU democracy see, for example, the edited volumes by Eriksen/Fossum (2000) and Kohler-Koch/Rittberger (2007).

economic actors and interest groups to agree to EU harmonisation, new modes of governance have been introduced such as the ‘open method of coordination’. The trade mark of these new modes of governance is that all actors that are potential target groups or may support or obstruct the success of a regulation are included in the process of defining policy goals and instruments.

Civil society is an underdeveloped concept in this governance approach. It comes under the heading of ‘participatory governance’ and suggests including ‘stakeholders’ in the arrangement of ‘public-private partnerships’. The concept is based on the normative supposition that all those who are affected by a political regulation should have the right to participate in the decision. It is, in addition, supported by the functional belief that those who are affected can also bring relevant knowledge to improve the policy decision. Since regulatory and not redistributive policies are prevalent in the EU, it is suggested that not interest but the capacity to contribute to ‘best solutions’ should be the relevant criterion for participation.¹⁹

In the standard accounts of governance approaches, the democratic question is under-developed, but a systematic incorporation as intended by Schmitter immediately raises a trade-off problem: open and inclusive participation might have constraints on effectiveness. But it was precisely because of the effectiveness of the arrangements why participatory governance was supported in the first place. Since the concepts that portray the EU as a system of governance say little about EU democracy, we will not analyse them any further.

The **second conception** sees the EU in a state of constitutionalisation that is both, a process of polity building and of “social constituency building”

¹⁹ In Philippe C. Schmitter’s concept ‘holders’ are defined more broadly: “they possess some quality or resource that entitles them to participate”, but already rights that are attached to membership is such a quality (Schmitter 2002: 62).

(Fossum/Trenz 2006). The EU is on the verge from a multi-level system of governance that was mainly relying on the legitimacy of its constituent units, i. e. the member states, to a system of authoritative decision making in its own rights. This calls not only for the institutionalisation of procedures of democratic participation and accountability, but also for the emergence of a trans-national European civil society.

Whereas some authors associate a sense of social cohesion and solidarity with civil society (Walzer 1995), the main discourse is inspired by the idea of deliberative democracy in the tradition of Jürgen Habermas. The essential ingredient of democracy is a ‘political public sphere’, “a communication structure rooted in the lifeworld through the associational network of civil society” (Habermas 1996: 359). In this reading, civil society is “composed of those more or less spontaneously emerging associations, organisations, and movements that, attuned to how societal problems resonate in the private life sphere, distil and transmit such reactions in amplified form to the public sphere” (Habermas 1996: 367). Civil society is seen as being distinct from self-interested lobby groups.

This normatively very attractive conception, which was developed by Habermas for national political systems, has at least two kinds of deficiencies: There is empirical evidence and theoretical support that precisely the most autochthonous civil society actors were the least deliberative, other-regarding in public discourses.²⁰

²⁰ Gerhards/Neidhardt/Rucht (1998) have shown this for the civil society contributions to public discourses accompanying a political decision about the abortion law in Germany. There might be at least two reasons for this: First these associations are highly voluntary and homogenous (compared to churches or political parties). Broad other-regarding behaviour has to be paid with a loss in membership and support. Both, in case of homogenous groups and under the conditions of deliberations about generally accepted values, there is a tendency of the radicalization of preferences in the course of deliberation (see Sunstein2000; Warren 2001).

Much more problematic for an empirical oriented research is that the necessary conditions for the functioning of this normative model, such as the democratic constitutionalization, a European wide public sphere, and the spontaneous emergence of civil society have not yet materialised at EU level. It is quite another thing to talk about national public spheres and public discourses than to presuppose a general European public sphere. There are no *European* quality newspapers, no European TV etc. and the Europeanisation of national media is still underdeveloped (see Brüggemann et al. 2007). If a controversial topic spurs a political debate, it may generate issue specific trans-national communications, but the politisation is mostly limited to one policy area and the ensuing segmented public spheres do not add up to a general political public and, therefore, are not a substitute for an open democratic space (Eriksen 2002). Another deficit concerns the state of European civil society. There is ample empirical evidence that – compared to the nation state – civil society organisations on EU level are significantly less independent or autochthonous (Michel 2008). Thus, two core elements of this democratic model, a trans-national political public sphere and an associational network of civil society, are not functioning adequately on the European level. Consequently, we will not consider this conception any further.

The **third conception** attributes to the EU the quality of a political system closely cooperating with civil society organisations. The EU is exerting government functions without having a government. The ruling institutions are autonomous but highly interdependent and in different ways and to different degrees politically responsible. The policy making process is spurred by the Commission and policy output is dependent on the negotiated compromise between all actors entailed. It is a political system on the move, with expanding membership and a constant, though mainly incremental deepening of its competence and, consequently, in need of public support. It

is said to face a legitimacy crisis because democratic accountability is deficient, because it is too distant from the people, and because it is under-performing.

Civil society is perceived as a remedy to the latent legitimacy crisis of the EU.²¹ Though it is a loosely defined concept, consensus has emerged on some core features: Civil society encompasses the wide range of voluntary associations that follow a 'logic of action' that is distinct from that of the state or the market or the private sphere. It encompasses all different kinds of organisations, ranging from solidaristic advocacy groups to member based interest groups. Its function is to present the plurality of interests, values and tastes in the setting of the political agenda and in policy making. By giving citizens a voice and by bringing knowledge to the decision making process, civil society contributes both to the input and output legitimacy of the EU system. Social partners have a privileged position in the system and the European Economic and Social Committee claims to represent organised civil society. This is the conception which will be tested further in our analysis.

The 'Civil Society- EU-Democracy' Relation – an Analytical Model

Above we argued in favour of three normative standards to assess the democratic quality of the civil society involvement in EU affairs, namely reciprocity, transparency/publicity and responsiveness/accountability. Furthermore we suggested taking civil society organisations as intermediaries between citizens and decision-making authorities. Thus, it is not sufficient to assess civil society impact in EU decision making, rather we have to analyse the communication and interaction up from and down to the citizens in

²¹ For a comparative evaluation of civil society as a remedy to perceived crises of legitimacy see Jobert/Kohler-Koch 2008.

order to evaluate the democratic value of civil society involvement. In the following section we will apply the normative standards to the third (above mentioned) conception of the European Union.

Transparency and **publicity** are the most important functional preconditions for accountability. When we focus on the Commission, we can conceptualise two accountability relations. First, a relation of horizontal accountability to other EU institutions to whom the Commission is accountable either on political (European Parliament, Council) or legal (European Court of Justice) grounds. The political control by the EP is well established and has grown over the years. The Council does not have a formal right to hold the Commission on account. However, we argue that it is an issue of facing consequences when the Council is rejecting a Commission proposal. The judicial control of the ECJ is the most visible 'horizontal accountability' (O'Donnell 1994). The second relation concerns vertical accountability which extends directly to civil society organisations and through their intermediary functions to the different constituencies. The functional role attributed to civil society organisations is to make this system of accountability relations work. A necessary prerequisite is the transparency of political decision making from agenda setting, political deliberation and negotiation up to the decision-making and implementation: Are documents and political processes visible to the attentive organisations or not? A second one is that nothing impedes civil society organisations to effectively push publicity.

It is undeniable that much progress has been made in the previous decade with respect to the access to documents, the transparency of the decision making process by publication of legislative roadmaps, or opening comitology

and expert groups (Brandsma/Curtin 2007; Gornitzka/Sverdrup 2008).²² But it is also undeniable that this process is not yet completed, and the success varies from one DG to another.²³

Despite the improvement in the preconditions of accountability, civil society can hold the Commission to account only in a rather soft way. It may ring the fire-bell to promote horizontal accountability. It may pressure the Commission to give account in terms of feed back to civil society organisations in the consultation process (Commission 2007). The Commission up to now is not legally obliged to explain and justify its behaviour and will only have to face the soft consequences of ‘blaming and shaming’. Accordingly, we call it ‘ideational accountability’. The EU civil society organisations on their part have to give account to their members or constituencies and have to face severe consequences, either through the mechanism of elections or regarding donations. This we call ‘material accountability’. Quite obviously, the Commission does not face material accountability and a direct vertical link of accountability to the citizens does not exist at all.

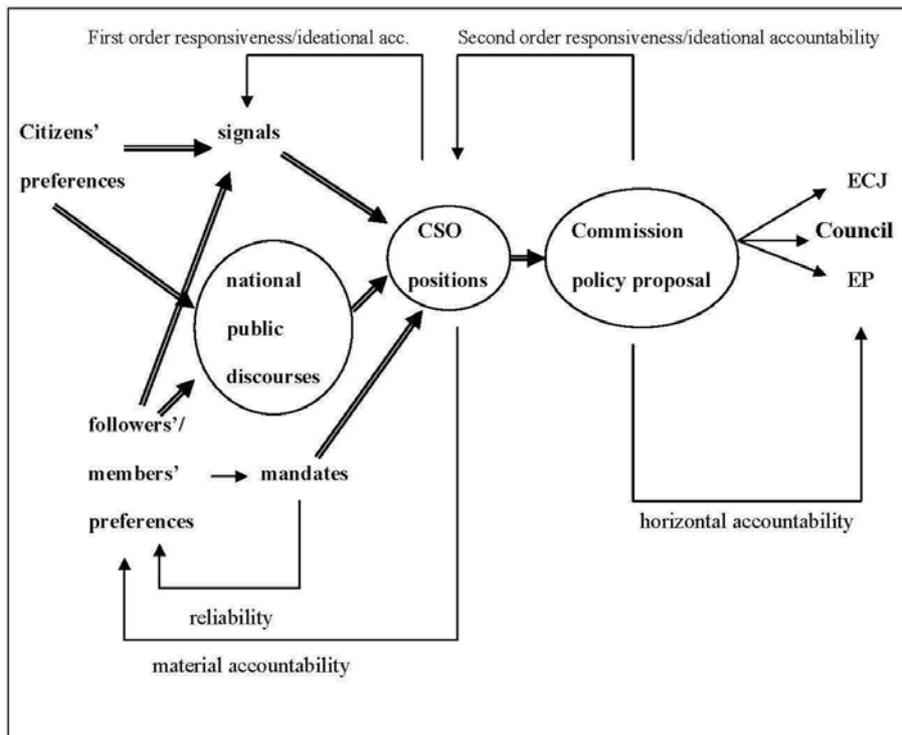
Nevertheless, it is worthwhile to assess the functioning of the soft modes of accountability. Empirical research should focus, first, on the institutionalisation of different mechanisms of soft accountability and how they operate in daily routines. Second, responsiveness may be used as indicator of the effectiveness of these soft modes of accountability.

²² With respect to public access to documents, see EC regulation 1049/2001 and the Commission’s current review process of the regulation. With respect to routine decision making, see the Commission’s website “Your Voice in Europe” as well as the latest Comitology reform (Bradley, forthcoming).

²³ It is rather astonishing, that in some DG there are still undisclosed contributions to public consultations; contributors can demand confidential treatment for their contributions to online-consultations. This practice is supported by EC regulation 1049/2001, which is granting a right to confidentiality.

The analytical model presented in figure one demonstrates a two-layer relation of accountability/responsiveness and also a two-layer system of representation. On the first level, civil society organisations at the EU level may represent citizens' preferences by responding to 'signals' (such as public opinion polls, media coverage of public debates) and/or to demands directly addressed to them either by ordinary citizens or by their members or supporters. 'Electoral representation' is limited to member based organisations where representatives are elected and given a mandate. On the second level, civil society organisations, in turn, will represent the (aggregated) preferences vis à vis the Commission.

Figure 1: Democracy in the EU – a regulatory state with civil society involvement



➡ “double” arrows from left to right indicate the chain of representation

Apart from the horizontal (political and legal) accountability and the indirect and soft mechanisms of vertical accountability, the Commission has a 'functional responsibility' as the 'guardian of the Treaties', as promoter of the 'ever closer Union' and as a strong supporter of the Charter of Fundamental Rights. Without a functioning mechanism of political accountability, this functional responsibility rests with the norm orientation of the Commission.

The model is a heuristic devise for evaluating the contribution of civil society empirically. It draws attention to the distinct layers of representation and accountability relations and the different modes of accountability. Furthermore, responsiveness can be used as a proxy to measure the effectiveness of representation and accountability.

Quite obviously, this model has to be put in perspective. The discourse on EU governance and on the benefits of civil society involvement and the introduction of the 'principle of participatory democracy' in the Draft Constitutional Treaty (art. 47)²⁴ has drawn attention to the Commission's role in enhancing the democratic legitimacy of the EU. But it is quite evident that functional representation addressed to the Commission is only one part of the EU's system of 'composite representation' (Benz 1998). Consequently, the Commission's claim to legitimately "represent the European interest" has to be assessed against the competing claims of the Council and the Parliament. They are based on different normative grounds which reflect specific political philosophies. Parliamentary representation is founded on the equal rights of citizens to partake in political rule; member state representation is founded on the federal principle to give political rights to (national) political entities; the Commission's representation is mainly functional since it is representing citizens as 'stakeholders'. Whereas representation in parliament is based on the idea that politics is about contested decisions and, consequently,

²⁴ The Reform Treaty has retained the contents (art. 8B) but has deleted the heading.

representation has to be organised through competitive elections, the federal principle gives priority to the accommodation of competing interests between established political communities. Functional representation and, above all, the claim to representation based on CSO input has normally a technocratic bias: The argument is that CSOs put across the interest of stakeholders, pass on their expertise, and in a process of deliberation and mutual learning the ‘co-operative state’, represented here by the Commission, will arrive at the best problem-solving strategy. The choice between values and irreconcilable interests is negated or deferred to the ‘political’ decision of the Council and the Parliament.

To put it in a nutshell: When research is addressing the role of civil society organisations in relation to the Commission, we only get part of the picture. In view of the high hopes invested in civil society engagement in EU governance and the political importance of the EU, we consider it worthwhile to concentrate on this segment of the real world.

The ‘aggregative’ path to democracy is not the only theoretically available option. Above we argued that reciprocity is a more appropriate normative standard to achieve democratic equality in the EU. This holds true when we accept the theoretical argument of the ‘virtue of political apathy’ and accept the empirical findings that only a small minority of citizens follow attentively the political process. Then the ‘voice of the people’ is muted and issue-specific preferences relating to day-to-day EU politics are difficult to discern.

The alternative ‘deliberative’ path relies on the inclusion of (all) relevant perspectives and fundamental beliefs, the inclusion of all relevant information irrespective of who is voicing these concerns and a communicative mode of

arguing and public reason giving which supports reciprocity.²⁵ Responsiveness cannot easily be measured since an empirical match with citizens' preferences is not a valid indicator. Rather we have to look for institutional conditions which encourage receptiveness and reasoning. A further hypothesis is that the character of deliberation will vary with the relative political weight of the actors involved. When civil society organisations have 'ownership' in the sense that they have a dominant influence on the agenda and on the institutional setting of the exchange, the nature of deliberation will be more *political*, whereas if the Commission is in control, deliberation will tend to be more *technocratic*.

Assessing the Democratic Value of Civil Society Engagement in the European Union – First Empirical Insights

The previous parts of this paper made clear, our approach to assessing the democratic quality of civil society engagement in the EU argues for a rather complex picture, analysing three normative principles and a variety of possible institutional localizations. The theoretical point is: There can be a democratization of the EU via civil society involvement, but this is or would be a rather thorny road. And if a significant democratization has taken place remains an empirical question. The answer mostly depends on the actual

²⁵ A rather new approach of the Commission is to include citizens directly by promoting certain 'demotic' instruments, as deliberative polls ("Tomorrow's Europe") or "European Citizens' Consultations". These instruments have the status of hypothetical opinion polls: How would the European citizens assess the EU, if they are induced to make an assessment. As these proceedings normally don't get any wider public attention, these instruments can not solve the EU' legitimacy problem: If the European citizens are not aware of it, even strong representative and deliberative efforts can not gain citizens' support and thus legitimacy. But these instruments may have other values which, however, are beyond the scope of this paper.

practice of civil society involvement.²⁶ To be precise, four elements have to be integrated in such a complex, but feasible analysis:

First, with respect to the normative dimension, we have argued that the EU performance has to be assessed in a more integrative way, where a set of normative principles (as political equality, publicity, and accountability) has to be put in a common perspective.

Second, with respect to the democratic quality of institutions and processes of civil society involvement we made clear that to effectively include representatives and/or political claims of civil society organisations is not sufficient in order to democratize any political system. These representatives and claims have also to be connected in appropriate ways to the society, e.g. to public discourses, to processes of political authorization and accountability.

Third, sometimes scholars assess the democratic quality of single institutions of civil society involvement. But there are many formal and informal instruments and channels connecting civil society organisations to EU institutions and a satisfactory assessment would have to aggregate the results from the different instruments.

And fourth, the institutions of civil society involvement have to be integrated into a wider picture of EU democracy, in which European elections, the EP, and democratic national governments share the democratic burdens.

Except for the last aspect mentioned, we currently work on such a more complex analysis in our DEMOCIV project at the MZES. As we detailed empirical results are not available yet, we finally give some hints about the democratic quality of the EU's civil society involvement by putting - very

²⁶ Hopefully next year we can present the findings of the most relevant details of this picture, which we analyse in our DFG- research project. Here we present only some preliminary results.

roughly – the Commission’s instruments in the perspective of our theoretical framework.

Since the White Paper on European Governance, a permanent extension of participatory options has taken place. This has lowered the thresholds for civil society organisations to participate in European affairs. But even this extended involvement is by no means equal – neither with respect to the national origin of the contributors, nor with respect to the representation of political claims (Persson 2007; Quittkat/Finke in this volume).

Though opportunities to participate in EU consultations have increased, a thorough analysis of participation in the different stages of the decision-making process – from agenda setting, deliberation and negotiation, up to the final decision making act – reveals a mixed picture. The Commission holds the agenda setting power; it may use the Treaty based right of initiative in response to member governments or interest groups. Even though in particular instances organisations representing broader civil society interests have an impact on the agenda, it does not amount to open and equal access and, therefore, can hardly be qualified as being ‘democratic’. There is neither a transparency nor an accountability mechanism with respect to the agenda control. When it comes to civil society input in the process of policy formulation and decision-making, the principles of openness and participation apply and instruments have been introduced that have broadened access and voice. But institutionalised accountability is lacking. Though individual General Directorates, such as GD SANCO, have been open to a political commitment to give feed-back in the consultation process and to give reasons for its deviating positions, in practise it is mostly a rather superficial exercise.

When reading the documents, it is difficult to discern any deliberative use of the arguments put forward in the consultation process with civil society.²⁷

Nevertheless, it has to be acknowledged that due to the extended consultation process the policy formulation stage is more open than before and more participatory than in many member states. Information is easily accessible and a diversity of positions may be voiced. The exchange of ideas, however, is channelled by a predominantly technocratic approach: The Commission is inviting expert opinion on optimal problem-solving strategies. Whereas parliamentary decision-making relies on competition over political issues, the Commission shies away from 'politisation'. Thus, open public consultations do not make a market place of political concerns and ideas. Many written consultations read more like an effort to mobilise support than to invite different views. Only a limited range of options, if at all, is presented and a competitive evaluation of different policy proposals is not part of the process. It would be unfair to attribute this practise to a manipulative inclination of the Commission. It is rather the expression of the institutional position of the Commission which has to arrive at a consensual position that will meet the assent of the Council.

To conclude: Involving civil society does not live up to the promises of rendering the EU more democratic. The instruments have enlarged participation in terms of providing access, but hardly in terms of providing citizens with influence on outcome. Information and transparency have been improved, but do not enhance a public discourse. 'Participatory engineering' cannot overcome the structural impediments that keep a trans-national public sphere weak and citizens apathetic.

²⁷ The same holds true for the impact assessments which are obligatory for important legislative processes. On average, a discussion even of the most relevant civil society contributions (esp. critical claims) does not become visible to the reader. At best the overall support for a Commission's proposal is counted. For an empirical assessment of the Commission's responsiveness in the REACH case, see Friedrich (2008: 155ff.).

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Chapter 8

The EU Commission Consultation Regime

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Introduction¹

The European Commission (hereafter European Commission or Commission) has traditionally sought to consult external experts and interest groups to safeguard the support of stakeholders for its legislative initiatives. Yet, consultation strategies have varied over time with the evolvement of different stages of European integration and shifting political objectives.

Changes in the consultation regime of the Commission are well captured in the concept of *generations* because the term underlines the coexistence of change and continuity: Not only is each generation built on the achievements of the former and, nevertheless, adds new components; several generations also live and develop *parallel* to each other; *together* they form a family, though each generation has a distinctive profile. Therefore, the concept of *generations*

¹ We thank our discussant Frank Vibert, as well as Beate Kohler-Koch and Carlo Ruzza for valuable comments.

allows us to point out new nuances in the Commission's complex consultation regime,² which otherwise might easily be overlooked in their novel quality.

From the analysis of Commission documents and from our knowledge of the European Union, we can distinguish two generations of Commission - civil society relations in the past, as well as the emergence of a new, third generation consultation regime (see chapter 2).

The present consultation regime of the European Commission is marked by the role the Commission assigns to non-governmental actors or civil society organisations (CSOs). The Commission's documents on its policy of consultation and cooperation with external non-governmental actors reveal that a reflective approach has emerged during the 1980s, referring to a more elaborate concept of 'good governance'. The gradual extension is most noticeable in the change of terminology, from 'consultation' (1960/70s) to 'partnership' (1980/90s) and 'participation' (1990s/2000). This trend was fostered by the recognition of 'civil society' as addressee of the Commission's consultation policy and potential source of democratic legitimacy. Yet, does today's consultation regime of the European Commission enhance democracy through participation?

Some will argue that the pertinent question is whether participation does improve the working of democracy. We are well aware that different normative models of democracy are more or less demanding with regard to active citizenship and expect different functional effects from participation. In our research project *Democratic Legitimacy via Civil Society Involvement? The*

² We call it a 'regime' because it is a formalized relationship with a specific set of principles, norms, rules and procedures around which actors' expectations converge (see the famous regime definition by Krasner (1982: 69)). For a more extensive elaboration of the regime character of the Commission's consultation policy see Kohler-Koch/Humrich/Finke 2006.

Role of the European Commission (DemoCiv), from which this paper is emanating, we chose to use a *functional* conception of participation and to relate it to the theory of *deliberative democracy*.³ However, criteria in line with this conception of participation are difficult to delineate. They need to grasp processes of high complexity in order to assess the contribution of specific modes of participation to the democratic enhancement of EU politics. From the standpoint of deliberative democracy, participation must be evaluated by investigating the plurality of voices, the quality of communication, and the emergence of a European public space (Kohler-Koch/Finke 2007: 11f).

For the purpose of this chapter, our analysis will be limited to various consultation instruments used by the Commission and to the question whether the Commission's participatory strategy succeeds in bringing into the open a maximum range of (authentic) voices at EU level.⁴ Concerning the question whether the EU Commission's consultation regime enhances participation (and hence democracy), qualitative and quantitative aspects are of interest: With regard to *qualitative* aspects, the core question treated in this chapter is in what way the diverse consultation instruments are used by the European Commission. Are consultation instruments, that address civil society, only oriented towards the mobilisation of input and support, or do they allow for participation in the process of policy making?

Regarding the new instrument of 'online consultation', the question of quality is even more pressing. Online consultations, placed on the Commission's homepage and accessible via the Internet, are an instrument to

³ See Kohler-Koch/Finke 2008 for the distinction between a functional and a principled conception of participation.

⁴ Another pertinent question with regard to deliberative democracy, the DemoCiv project addresses, is the impact of political issues addressed in EU consultation on the public reception. Do participatory procedures actually allow for the spread of issues and arguments (as articulated in EU consultations) into the media at different levels of the EU multi-level system? Unfortunately the data is not available yet.

ask stakeholders and citizens about their opinion and input on specific topics, issues or policies. But how are online consultations applied by the Commission? Are they reduced to simple opinion polls, organised as multiple-choice questionnaires not even leaving a leeway for deviant opinions? Or are they an instrument which allows stakeholders and the wider public to participate in policy formulation?

The question of *quantity* focuses on participation of CSOs in the Commission's consultation regime. How are those instruments which are geared toward the wider public, especially online consultations and conferences, accepted by the addressees, i.e. how many different participants do conferences and online consultations attract? The empirical analysis of this question allows us to make a first assessment about the openness and inclusiveness of the European Commission's consultation regime to European, national and sub-national public actors and to associations of different territorial and functional origin. Only if we find a high diversity of civil society organisations, a precondition for deliberative democracy is met.

The next chapter delineates the evolvement of the three generations of EU-society relations. Chapter three concentrates on the empirical analysis of the present Commission consultation regime, focussing on the variety of consultation instruments used, highlighting the application and participation characteristics of online consultations, and finally presenting data on the pattern of CSO-participation in the Commission's consultation regime. In the last chapter we will summarise our findings and questions arising from our empirical results.

Three Generations of EU-Society Relations

Drawing on the logics of different stages of European integration, on the one hand, and on the emerging debate on legitimacy, on the other hand, we have identified three generations of consultation instruments (see Finke/Jung/Kohler-Koch 2003; compare Bignami 2003). Instruments which have been developed in different stages of the European integration process are guided by different ideas and principles. Yet, they co-exist side by side and establish a time- and policy-specific mix of instruments.

A first generation of instruments was established in the context of European economic integration. It was dominated by ideas of output legitimacy and efficiency and aimed at the involvement of economic experts and powerful business actors whose consent was perceived a necessary prerequisite for the efficient implementation of Community policies. To achieve these objectives, the Commission established close relations with the European federations of associations of trade and industry, of farmers, of the diverse professional interests, of employers and the trade unions.

This type of consultation can be characterized as rather intense, yet informal, irregular and adhoc dialogue addressing a comparatively selective circle of societal actors. Typical consultation instruments of this generation are bilateral contacts, multi-lateral meetings and issue-oriented hearings with experts and stakeholders. There was hardly any dispute concerning the benefits of cooperation, and procedures were mostly informal, allowing the Commission the largest possible degree of discretion in the exchange with societal actors.

The transition to a *second generation* of consultation policy can be traced back to the mid-1980s, when the Commission became more persistent in pursuing the social dialogue and started to promote the principle of 'partnership' in EU

policies. The idea to establish a dialogue with the European social partners was vitalized by the Delors Commission in 1985, when it organised the 'Val Duchesse Meeting' with European social partners to discuss the social dimension of the internal market. One of the results was an official mandate to develop and institutionalize a European Social Dialogue, which was included in the Single European Act in 1987 and officially introduced in the Maastricht Treaty in 1992.

At the same time, consultation instruments were institutionalized and opened to general interests, namely NGOs in the field of human rights and women's rights, environment and consumer's concerns. Facing increasingly critical stances in the member states which became obvious with the failure of the Maastricht Referendum in Denmark, the Commission was no longer exclusively focussing on the factual quality of its policy proposals but became concerned with a broader public acceptance of EU politics in the member states.

This concern was reflected by the opening of the dialogue for general interest representatives and the implementation of funding programmes for NGOs. One of the results was the introduction of a 'Civil Dialogue' in the field of employment and social affairs in 1996. In order to establish representative partners for consultation and to advance transparency, the Commission encouraged networking amongst NGOs and supported the establishment of multi-stakeholder forums such as the *Platform of European Social NGOs* (Social Platform). The Social Platform has become the privileged consultation addressee of the Commission and has organized the *European Social Policy Forum* as a public event every two years since 1996 (see Smismans 2003; Geyer 2001).

This second generation of consultation policy is characterized by the broadening and deepening of societal involvement. Existing instruments such as consultation and funding have been adjusted to new political objectives and extended to new actors. In selected policy fields, a considerable degree of institutionalization has been achieved and a broad range of societal interests beyond both sides of industry have been accepted as ‘partners’ of EU institutions. This trend was escorted by system-wide efforts to increase transparency and access to documents in all stages of the policy process, which has enhanced the general conditions for civic engagement in EU politics (see de Leeuw 2003; Peers 2002).

We would argue that today we witness the emergence of a *third generation* of instruments developing in the context of the Commission’s White Paper on European Governance. The already discernable trend towards more openness and transparency has been given a new momentum: ‘Participatory democracy’ – put into practice through partnership with ‘civil society’ – became a model to enhance the democratic legitimacy of European politics. This trend is associated with the accession of the Prodi Commission in 1999, which had to deal with a general sense of crisis after the resignation of the Santer Commission. This additionally fuelled the debate on the legitimacy deficit of the EU.

The Commission responded by extending the scope and variety of consultation instruments. The newly introduced ‘Online Consultations’ deserve our special attention in this context because they have broadened the range of civil society organizations from the different levels of the EU multi-level polity and included individuals in the consultation process. The importance of ‘civil society’ was further underlined by introducing the ‘Principle of Participatory Democracy’ in the draft of the EU Constitutional

Treaty (Art. 47). Yet, it needs to be pointed out that this upgrading of societal participation falls short of any legally binding provisions which could be judicially enforced by third parties (Bignami 2003: 17). And while third generation consultation instruments, such as the online consultations, may in fact broaden the range of voices *heard* in the EU policy process (see the third part of this chapter), their *impact* on the formulation of EU policies remains to be investigated separately.

The European Commission's consultation regime

Although the European Commission has published a series of documents since the 2001 White Paper on European Governance, which underline the Commission's strive for openness, transparency, inclusiveness and accountability, we cannot be sure these documents flow into a new quality of EU-society relations unless we find empirical evidence. Thus, we will analyse the European Commission's consultation regime with regard to its instruments and its success in broadening participation.

For our empirical analysis, our focus is on DG Employment and Social Affaires (hereafter also DG Employment), assuming this DG to be particularly open to societal actors and, therefore, offering an 'ideal' case of civil society involvement.⁵

Methodological remarks

For our empirical analysis we constructed a database (hereafter DemoCiv database), including all consultation instruments addressing (*inter alia*) CSOs and including all institutional and organisational participants of these

⁵ It should be noted that being well aware of differences between various DGs, the DemoCiv project will extend its analysis to other DGs as soon as data collection is completed.

consultations. For data collection we rely on the information provided by the Commission's homepage. Focussing on instruments directed towards CSOs, we started off with two links at the DGs' homepages: 'events' and 'consultations'. The cut-off date for our database and our empirical analysis is 30th July 2007.⁶ The two www-links 'events' and 'consultations' do not offer any clear picture of *all* consultation instruments used by the European Commission, but they list especially those activities which are geared towards wide participation, like online consultations, conferences or policy forums.

In the case of DG Employment, however, some consultations were excluded from the database. This holds true especially for seminars and conferences organised in the context of the Social Dialogue⁷, in the framework of the

⁶ The oldest event listed on the DG Employment and Social Affairs homepage and included into the DemoCiv data base is the EU Multi-Stakeholder Forum on Corporate Social Responsibility (2002-2004), the oldest conference dates back to May 2004, the first online consultation of DG Employment and Social Affairs ended in December 2001.

⁷ The Social Dialogue stands out from the rest of EU-society relations as the consultation of the social partner organisations at European level is legally obligated: Article 138 of the EC Treaty provides for the – compulsory – consultation of social partner organisations at European level on a range of issues concerning employment and social affairs set out in Article 137 of the Treaty.

With regard to the debate on enhancing democracy at EU-level through CSO-involvement, the Social Dialogue is still of interest as the European social partner organisation's right to be consulted by the Commission is based on the European organisation's representativeness: 'In order to be recognised as European social partners and consulted by the European Commission, the social partner organisations must: - act at a cross-industry level, or relate to specific sectors or categories and be organised at European level; - consist of organisations which are themselves an integral and recognised part of Member States' social partner structures and with the capacity to negotiate agreements, and which are representative of all Member States, as far as possible; - have adequate structures to ensure the effective participation in the consultation process.' (http://ec.europa.eu/employment_social/social_dialogue/represent_en.htm; as at 21.09.2007). Thus, the European Commission has commissioned studies on the representativeness of the European social partner organisations to independent experts (Université catholique de Louvain (1999-2006) and the European Foundation for the Improvement of Living and Working Conditions (from 2006 onwards)), but interestingly underlines: 'The content of the present publications does not necessarily reflect the opinion of the Directorate-General for Employment, Social Affairs and Equal Opportunities of the European Commission. These studies have been carried out by independent experts (...) and their content, in no way, commits the responsibility of the Commission. Nevertheless, the European organisations concerned have had the opportunity to comment on the content of the studies, prior to the drawing up of the definitive versions.' (http://ec.europa.eu/employment_social/social_dialogue/represent_en.htm; as at 21.09.2007).

Open Method of Coordination (OMC), and in the context of international relations, like bilateral meetings of administrative experts from the EU and, for example, China, the USA, or Japan, are excluded from our analysis. These consultations all take place in very specific contexts addressing very specific actors and would, therefore, distort our findings. Overall, 31 consultations of DG Employment and Social Affairs were included into the DemoCiv database.

It should also be noted that while the ‘consultation link’ of the Commission’s DGs usually presents a quite orderly list of online consultations (see below), unfortunately, the ‘event link’ sometimes also includes conferences and seminars which are related to DG’s policy activities but which are organised by other European organisations, like the OECD, or by the country holding the Presidency of the Council, or by (European) non-governmental organisations. As the event list offered by a DG’s homepage by no means can be considered as systematic, it is only used as a starting point for a more thorough analysis of the DGs’ consultation instruments to be found on the homepage.

Our analysis will start with systematising the whole variety of consultation instruments applied by DG Employment. What is of interest is how and in which combination diverse instruments are used. Our second point of analysis will be on online-consultations, as they are an utterly new consultation instrument. How are they applied and what are their characteristics? Finally, the participation in diverse consultation instruments is of interest, as they allow us to assess whether participation is possible for a diverse spectrum of CSOs.

DG Employment and Social Affairs' consultation instruments

Systematising all events from the DG Employment homepage, we find a variety of consultation instruments ranging from the call of exclusive expert groups or expert seminars to the organisation of encompassing conferences and online consultations.

Arranging all consultation instruments organised since the turn of the century and listed on the 'event-list' by DG Employment and Social Affairs, firstly it becomes obvious that four issues are at the centre of the DG's working programme:

- Corporate Social Responsibility (CSR),
- Demography,
- Equality (gender and disability),
- Labour market (including labour law).

Secondly, we see that conferences, online consultations, expert groups, expert seminars, or policy forums are part of the DG Employment and Social Affairs consultation regime. Ordered by date, the examples of the issues *Corporate Social Responsibility (CSR)* and *demography* also show that the DG Employment's consultation regime is marked by a complex, yet structured interplay of various consultation instruments. Once an issue is on the agenda, DG Employment uses online consultations at a rather early phase of policy formulation. The further process of policy formulation is accompanied by conferences on more specific facets of the issue at stake. An important supplement to stakeholder and/or public involvement is expert input through expert seminars or expert groups. In the cases of CSR and demography, the Commission also established a policy forum, but not so for the issues of equality and labour market.

CSR

Online consultation on Green Paper 'Promoting a European Framework for Corporate Social Responsibility' (12/2001)

EU multi-stakeholder *forum* on Corporate Social Responsibility (2002–2004)

Conference 'Responsible Consumption' (09/2005)

Conference 'Responsible Competitiveness' (09/2005)

Conference 'Responsible Sourcing' (11/2005)

Conference 'CSR in Enlarged Europe' (02/2006)

Conference 'Responsible Reporting' (04/2006)

Conference 'Promoting decent work in the world. The contribution of the EU' (12/2006)

Expert Group 'Responsabilité sociale des entreprises' (Composition: NGOs, unions (employer, worker, etc.), national administrations)

Demography

Conference on the green paper 'Confronting demographic change' (07/2005)

Online consultation on green paper 'Confronting demographic change' (10/2005)

Conference 'Informed Choices: Retirement and Savings' (11/2005)

Demographic *expert seminar* (01/2006)

Demographic *expert seminar* (03/2006)

First *Forum* on Europe's Demographic Future (10/2006)

Expert Group 'Démographie et Familles' (Composition: governmental and private experts)

Expert Group 'Observatoire européen de la situation sociale, de la démographie et de la famille (SSO)' (Composition: Academics and scientists)

Looking more closely at the various consultation instruments used by the Commission, we can distinguish between three main groups with regard to the consultation addressees: expert consultation, stakeholder consultation, and public consultation.

Expert consultation

Expert seminars and expert groups

Many consultation instruments of the European Commission are input-oriented and quite a number of instruments are still limited to the consultation of experts. DG Employment and Social Affairs, for instance, in some cases organises seminars attended by the Commissioner himself and a few, often high-ranking collaborators, aiming at retreating expert knowledge on the 'state of the art' of a specific issue. On the DG Employment homepage (as of 30.09.2007) we find two *Demographic Expert Seminars*, which are also referred to as 'Experts' Hearings' and at which Commissioner Spidla attended (11.01.2006: 4 academic experts; 13.03.2006: 5 academic experts). We also find one *Expert Seminar on Flexicurity* which was held in Brussels, where Commissioner Spidla again hosted three academic experts (18.05.2006: 3 academic experts).

Experts are further consulted in the form of *expert groups*. Åse Gornitzka and Ulf Sverdrup have found that a gradual growth of the use of expert groups since the 1970s 'has been replaced by a more rapid and radical increase during the last seven years' (Gornitzka/Sverdrup 2007: 11). Thus, albeit expert groups not being a new consultation instrument, we witness a considerable raise in their use. But from the ongoing research it is not clear yet, why the use of expert groups has increased (Gornitzka/Sverdrup 2007; Coen 2007; Broscheid/Coen 2002). On first sight, one might be inclined to link the increase in expert groups to the Commission's attempts to involve

stakeholders into the process of policy making. DG Employment however applies the term 'expert' in a rather traditional way, limiting its use to expertise attained through academic and professional involvement. Thus, expert groups are directed towards profiting directly from expert knowledge presented by representatives from research/academia and national administrations, and only in few cases from CSOs, which then are dominantly trade unions and business associations.

With regard to the third generation of EU - society relations, we can observe that compared to the late 1990s, *transparency* of expert consultation has increased considerably. Information on expert seminars and their participants is available on the internet and, even more important, a *Register of Expert Groups* has been set up as a result of a commitment made by the Commission President Barroso to the European Parliament in November 2004. The register lists formal and informal advisory bodies established either by Commission decisions or informally by the Commission services, and provides key information on those groups, such as the lead service in the Commission, the group's tasks, as well as the category of participants.

The aim of the Register of Expert Groups to give a transparent overview of the advisory bodies that assist it and its services in preparing legislative proposals and policy initiatives, is to a certain extent achieved. What remains opaque is the *selection* of expert group members. Further, in some cases, missing or belated updating of data in the register itself also reduces transparency. An example is the Stakeholder Involvement - Peer Review Group, set up by DG Health and Consumer Protection (SANCO) to review the DG's experience as regards stakeholder consultation and in identifying best practices and loopholes in the existing consultation system. Although already available on the internet (<http://www.sanco->

stakeholderinvolvement.eu) and although the Expert Groups Register provides for the possibility to include internet links, no information on the results of the group's work can be retrieved directly from the register.

Stakeholder consultation

Forums

An often cited instrument of the European Commission connected to consultation, deliberation and decision making are *forums*. Looking at all those events at the DG Employment's homepage labelled forum, it becomes clear that the term is applied in two very different ways by this DG.

We find quite a number of forums on the DG's homepage which are *workshop-conferences*, focusing on the exchange of analyses and good practices.⁸ Very often being part of the Open Method of Coordination and linked to the Lisbon Strategy, these forums are no genuine EU-level consultation instruments of the European Commission due to the specific role of the Commission in the OMC as a coordinator.

Very different from these 'Lisbon Strategy forums' are those *policy forums* which came into use in the EU in the 1990s. Looking at the policy forums established by DG Employment, we see that these are working groups with an official mandate from the European Commission, as two recent examples show. The *Pension Forum* was mandated through a Commission Decision and may be consulted by the Commission 'about any problems and developments at Community level affecting supplementary pensions. The pension's forum shall assist the Commission in particular in finding solutions to the problems

⁸ Examples are the 'Restructuring Forum', its full name being 'Restructuring and employment - Anticipating and accompanying restructuring in order to develop employment' (June 2005); the 'First Forum on Europe's Demographic Future' (October 2006); or the 'Social Agenda Forum' (announced for 2007 on the website of the new Community Action Programme PROGRESS; 25.09.2007).

and obstacles associated with cross-border mobility of workers in the area of supplementary pensions.’ (Commission Decision 2001/548/EC of 9 July 2001, Article 2.1). The *European Multi-Stakeholder Forum on Corporate Social Responsibility* (CSR EMS Forum) was mandated via the Commission’s CSR Communication (COM(2002)347), adopted on 2 July 2002, and aims at the promotion of CSR through ‘raising the level of understanding of CSR, and fostering a dialogue between the business community, trade unions, civil society organisations and other stakeholders’ (http://circa.europa.eu/irc/empl/csr_eu_multi_stakeholder_forum/info/data/en/CSR%20Forum%20Rules.htm accessed 17.09.2007).

With regard to CSOs, both policy forums are mainly composed of EU-level organisations. In the case of the *Pension Forum*, all organisations represent the social partners or economic interests with the exception of AGE (the European Older People’s Platform). In the case of the *CSR EMS Forum*, the variety of general interests represented is wider. As laid down in Point 5 of the CSR EMS Forum Rules, the Co-ordination Committee which is responsible for the preparation of the Forum meetings and Round Tables, was to include representatives from the Commission and from participating organisations:

- ‘Up to a maximum of two representatives nominated by the European Trade Union Confederation (ETUC) co-ordinating the point of view of trade unions;
- Up to a maximum of two representatives nominated by the Union of Industrial and Employers’ Confederations of Europe (UNICE) co-ordinating the point of view of employers;
- Up to a maximum of two representatives nominated by the European Business Network for Corporate Social Responsibility

- (CSR Europe) co-ordinating the point of view of business networks active in the field of CSR;
- Up to a maximum of two representatives nominated by the Green G8 and the Platform of European Social NGOs co-ordinating the point of view of civil society organisations.’ (http://circa.europa.eu/irc/empl/csr_eu_multi_stakeholder_forum/info/data/en/CSR%20Forum%20Rules.htm; 11.09.2007)

Analysing the appearance of forums on the EU-level, Andreas Broscheid and David Coen looked at the relationship between business and EU institutions in their paper ‘Business Interest Representation and European Commission Fora: A Game Theoretic Investigation’. They argue that the growth of forum politics was the direct consequence of the unprecedented boom in economic and public interest lobbying in the early 1990s:

‘While the increase in European interest representation provided greater legitimacy for the European integration program, it put a strain on the existing open pluralist European business-government relationship. One of the European Commission’s (EC) informal solutions was to create restricted-entry policy fora and select committees, which it hoped would provide fast and reliable decision-making.’ (Broscheid/Coen 2002:1)

From their analysis Broscheid and Coen conclude that in the process of establishing selective-entry forums for interest representation, the European Commission acted not only as policy entrepreneur, but also as a political entrepreneur, fostering collective action:

‘The interesting point is that the Commission influences collective action not only by directly fostering interest associations, but also by manipulating the strategic environment in which these associations, and other direct interest representatives, interact. In other words, the Commission uses institutional engineering in the service of political entrepreneurship.’ (Broscheid/ Coen 2006: MPIfG Working Paper 02/7, July 2002, p. 17)

However, as in the case of expert groups, the problem of policy forums is that – in general – it is by no means transparent *how the process of participant selection* is organised, although we find ample information on the DG Employment's homepage on the forum's composition, events and documents. Thus, from our perspective and regarding the question whether the Commission's consultation regime enhances democracy, the evaluation of policy forums is less straight forward. The use of an instrument which funnels participation of interest groups (or CSOs) without revealing the selection criteria of participants, does not meet the Commission's self imposed requirements of openness, transparency, inclusiveness and accountability.

Structured relations with selected CSOs

An additional consultation instrument of DG Employment and Social Affairs focussing on stakeholders, are regular contacts with selected CSOs other than the social partners. It shows that gradual differences with regard to Commission-CSOs contacts exist between various CSOs and they are certainly worth being analysed more deeply. Although, for the time being, DemoCiv has not focused its research on this point, some first insights can be gained from our data.

The most outstanding and complex role in the relations between DG Employment and CSOs can be attributed to the already mentioned Social Platform (see part 2 of this chapter).⁹ Not only is the financial support for the running costs of the Social Platform provided by the Commission under the Community Action Programme to promote active European citizenship (a yearly amount of 660 000 for the years 2004 and 2005;

⁹ Created in 1995, the Social Platform has 39 member organisations operating in the social sector, representing a wide range of civil society like women, older people, and people with disabilities, people who are unemployed, migrants, people affected by poverty, gays and lesbians, young people, children and families.

http://ec.europa.eu/employment_social/fundamental_rights/civil/civ_en.htm; 20.09.2007). The Social Platform is also listed as a *consultative body* in the CONECCS database. And finally, the anti-discrimination unit of DG Employment organises since 2005 ‘jointly with the European Platform of Social NGOs bi-annual meetings where NGOs are invited to discuss different Community matters. NGOs are given an opportunity to comment on ongoing issues and the Commission also announces new initiatives. The anti-discrimination unit also organises ad hoc meetings as needed.’ (http://ec.europa.eu/employment_social/fundamental_rights/civil/civ_en.htm#struc; 21.09.2007).

The Social Platform is not the only EU-level network of CSOs to have a special position in the DG Employment - civil society relations. Under the *Community Action Programme to combat discrimination*, the Commission funds four European umbrella NGO networks representing and defending the rights of people exposed to discrimination (one per ground of discrimination):

- AGE (The European Older People’s Platform);
- ILGA Europe (International Lesbian and Gay Association – Europe);
- ENAR (European Network Against Racism);
- EDF (European Disability Forum).¹⁰

Similarly, the Action Programme also supports the operating costs of five smaller European-level organisations that represent and defend the rights of disabled people, and which are also listed on the DG Employment’s homepage:

¹⁰ ‘Together these four umbrella organisations are being granted a total of 3 000 000 (out of a Programme’s annual budget of 19 000 000) per year towards their running costs up to the end of April 2007.’ (http://ec.europa.eu/employment_social/fundamental_rights/civil/civ_en.htm; 19.09.2007).

- European Blind Union
- European Union of the Deaf (EUD)
- Inclusion Europe
- Autisme-Europe
- Mental Health Europe.

While Commission funding of CSOs is neither exclusive to these networks and/or CSOs, nor new, the just mentioned organisations are the only ones listed on the DG Employment's homepage. However, they are not systematically more often involved in DG Employment and Social Affairs consultations. From the DemoCiv database, which includes in the case of DG Employment 31 consultations, we know that only the Social Platform (14), the European Disability Forum (11) and the European Older People's Platform AGE (5) show a rather high participation record. The other CSOs listed on the DG Employment's homepage participated only twice (Autisme-Europe and Mental Health Europe), once (European Network Against Racism, International Lesbian and Gay Association – Europe, European Blind Union, Inclusion Europe) or not at all (the European Union of the Deaf) in the DG's consultation instruments.

What remains to be analysed is why some of the above mentioned CSOs seem to limit themselves to bi-lateral contacts with DG Employment, while others are very present in the Commission's consultation regime. It is plausible to assume that the constraints of limited resources are one answer to this question. Yet, the spectrum of interests represented by a CSO and/or the conflict potential of the issue at stake, probably also account for the different degree of consultation involvement.

Consultation of the (wider) public

As regards its addressees, the consultation of the wider public through conferences and online consultations presents a third category of consultation instruments. It is clear from the outset that both these consultation instruments can also have a much narrower focus, addressing only the ‘informed public’, specific stakeholders or specialists (see below). Online consultations were introduced with the intention to attract representatives of different types of interest groups and to lower the threshold for individual citizens to access EU level consultation processes; conferences also aim at the wider public, albeit a well informed public, mostly represented by civil society organisations.

Conferences

With regard to their ‘consultation quality’, it is obvious that conferences are mainly oriented towards the collection of input and support in order to improve the quality of European regulations and the efficient implementation of Community policies. What is worth noting, however, is that DG Employment conferences usually are free of admission charges and open to anybody interested in the subject. Thus, with regard to civil society, they can in principle be attended by interested individuals and – more commonly – by civil society organisations. Resources may of course constrain conference participation due to limited (personnel) capacities and/or a financial budget not allowing for travelling expenses.

Conferences are indeed the most used consultation instrument of DG Employment and Social Affairs. For our empirical analysis we included 24 conferences organised by DG Employment (and listed on the ‘event-list’) in our DemoCiv database. All these conferences are related to one of the four major policy issues of DG Employment – CSR, demography, equality and

labour market. As already shown above, conferences organised by DG Employment are one consultation instrument among others, grouped around a specific issue. Conferences here can be considered as part of a strategy to extract ideas from and exchange ideas with various stakeholders for the policy making process. They allow for the exchange with a well informed, but by no means homogeneous public.

Looking at the participants in these conferences, we find a wide distribution of actors by geographical origin, as well as by institutional background. 705 (public or private) institutional/organisational representatives participated at the whole of the 24 conferences of DG Employment, the largest groups being associations/CSOs (44,00%), companies (29,75%), and public authorities (17,42%). The participants' geographical distribution is extremely wide, representing all regions of the world, although public and private actors from EU member states (61,47%) and from the EU-level (15,58%) constitute the biggest groups.

Looking at the networking-function of conferences, we find that the vast majority of CSOs only participated once (80,65%) and some twice (14,52%) in the 24 conferences of DG Employment,¹¹ while 1,61% participated in three to nine conferences. The European Trade Union Confederation (ETUC) – the sole CSO being this present – participated in eleven DG Employment conferences. Thus, although Commission conferences offer a possibility to exchange ideas and views with a wide range of different actors they do not have a pronounced networking-function for CSOs.

¹¹ It should be kept in mind that these numbers probably underrate multiple participation because for some of the 24 conferences only the list of contributors but not the list of participants is available on the web.

Online Consultations

In contrast to conferences, online consultations present a wholly new kind of consultation instrument, only made possible with the wide spread of new technologies. Online consultations became a more than single event instrument in 2000, when used by DG Environment (1), the Secretariat General (1), DG Agriculture (1) and DG Health and Consumer Protection (6).¹²

Today, online consultations are accessible via the Commission's internet portal *Your Voice in Europe*, which itself is part of the new consultation regime of the European Commission, being set up in the context of the Interactive Policy Making (IPM) initiative. In the Commission's words 'it aims at improving European governance and introducing better regulation' as part of the Commission's minimum standards on consultation. (http://ec.europa.eu/yourvoice/index_en.htm; 05.10.2007).

It should be noted that the 'Minimum Standards'¹³ do not ensure a systematic use of the *Your Voice in Europe* portal, nor is the portal itself very transparent.

12 The website of DG Health and Consumer Protection (Food Safety) lists a 'Consultation on the preliminary opinion on the safety of dicalcium phosphate precipitated from ruminant bones and used as an animal feed additive, Scientific Steering Committee' from Mai 1998; yet it remains unclear whether this was an online consultation, i.e. announced on the web portal and allowing for answers by electronic mail.

¹³ See the communication from the Commission 'Towards a reinforced culture of consultation and dialogue - General principles and minimum standards for consultation of interested parties by the Commission', COM(2002) 704 final from December 2002: C. PUBLICATION
The Commission should ensure adequate awareness-raising publicity and adapt its communication channels to meet the needs of all target audiences. Without excluding other communication tools, open public consultations should be published on the Internet and announced at the 'single access point'.
For addressing the broader public, a single access point for consultation will be established where interested parties should find information and relevant documentation. For this purpose, the Commission will use the 'Your-Voice-in- Europe' webportal.
However, at the same time it might be useful to maintain more traditional alternatives to the Internet (e.g. press releases, mailings). 'Where appropriate and feasible, the Commission should provide consultation documents in alternative formats so as to make them more accessible to the disabled.' (http://eur-lex.europa.eu/LexUriServ/site/en/com/2002/com2002_0704en01.pdf; 9.9.2007)

It offers links to each DG's consultation website, as well as a list of recent public consultations. The latter, however, 'represent only a selection of consultations addressed to the broader public' without mentioning the selection criteria, and including 16 online consultations (31.07.2007) which can not be found via the DGs' consultation websites (http://ec.europa.eu/yourvoice/consultations/index_en.htm; 09.09.2007).

Controlling for this inconsistency and analysing all online consultations to be found either directly on the *Your Voice in Europe* web portal, or – via the link – on the DGs' consultation websites, we can observe an increase of online consultations (see Table 1).

Table 1: Use of Online Consultations by the European Commission

| Year | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 1-6/ 2007 | Total |
|--|------|------|------|------|------|------|------|--------------|-------|
| Number of Online Consultations¹⁴ | 9 | 26 | 41 | 69 | 95 | 100 | 130 | 74 | 544 |

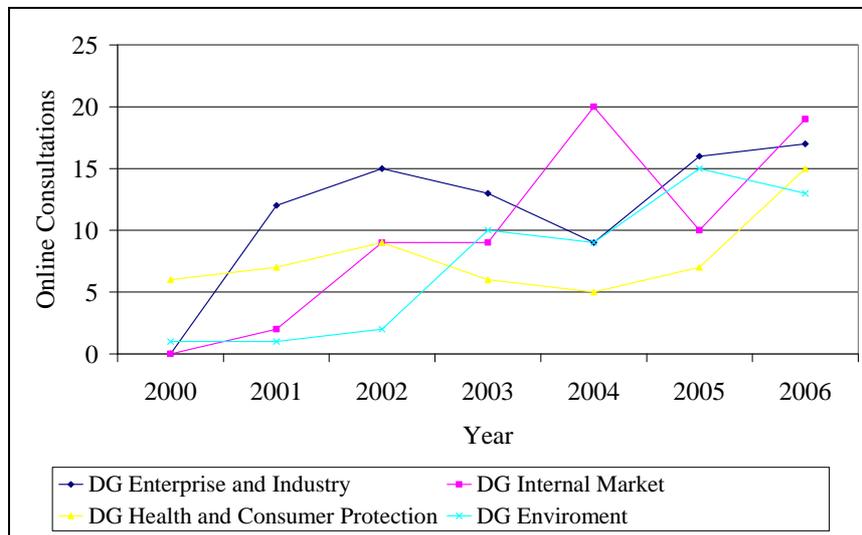
Online consultations have become a regular instrument of consultation, introduced by nearly all DGs. The most active DGs with regard to online consultations are DG Enterprise and Industry (2000–2006: 83), DG Internal Market (2000–2006: 69), DG Health and Consumer Protection (2000–2006: 56) and DG Environment (2000–2006: 51). Although subject to annual fluctuations, the overall picture for these four services shows an upward trend (see Figure 1) which – on a lower scale – holds also true for most of the other DGs.

But we also find Commission services which do not – or very seldom – use online consultations. This is the case for all internal administrative services as

¹⁴ Excluded are those online consultations which do not show a date (9 online consultations) as well as one Consultation from 1998.

well as for financial control (DG Budget (0), DG Economic and Financial Affairs (0)) and for those services related to the sensitive field of diplomacy (DG External Relations (0), DG Enlargement (1)).

Figure 1: The most active DGs with regard to online consultations



With regard to their addressees, three groups of online consultations can be differentiated. (1) The vast majority (ca. 2/3 to 3/4 – quantitative analysis still needs to be done by DemoCiv) of online consultations is oriented towards the wider public and allows also for individuals to participate. Their target group is mainly anybody (feeling) concerned, the target group description usually being ‘public’ or ‘stakeholder’, sometime cumulating various groups, rarely additionally pointing out specific stakeholder groups.¹⁵ (2) The second largest group constitutes online consultations limited to organisations and

¹⁵ Examples of target group definitions applied to a wider public are: * Public, stakeholders; * Interested parties; * Public, experts; * Stakeholders, citizens; * Consumer; * Public, farmers; * Member states, civil society, citizens, NGOs; * Public and private sectors, interested persons; * European, national, regional actors, citizens.

institutions.¹⁶ (3) Finally, a few online consultations are open only to clear-cut, well defined groups. Such online consultations are usually marked by very technical issues treated by DG Taxation and Customs, DG Enterprise and Industry, and in some cases by DG Health and Consumer Protection (DG SANCO) and DG Environment.¹⁷

Albeit these variations, online consultations are the most prominent instrument introduced by the Commission with regard to giving ‘voice to the people’ and, accordingly, opening to a broad involvement of civil society by lowering the thresholds for participation. But do they really attract high participation rates? From the literature, the extreme example of the online consultation on REACH (Registration, Evaluation and Authorisation of Chemicals) with some 6400 contributions, is well known (see for example Persson 2008). Usually, participation is lower but – on first view (empirical data being not yet fully collected by DemoCiv) – several hundred contributions in online consultations open to the wider public, are not rare. Which factors influence online consultation participation: the age of the instrument, its format, and/or the issue treated?¹⁸ Although no general picture

¹⁶ Target groups of the second category would be defined for example as: * Industry participants, retail banking customers, interested parties; * EU institutions, member states, social partners, business, public authorities, NGOs; * Interested organisations.

¹⁷ Examples of target groups of the third category are: * Economic Operators; * Tax and accounting academics as well as professionals, SMEs and industry, tax administrations; * Consumer organisations, industry and enterprise organisations, trade associations, individual enterprises, professional representation organisations, certification industry, accreditors, national authorities; * Stakeholders in civil protection/disaster prevention; * Advisory Group on the Food Chain and Animal and Plant Health, Competent authorities of the member states, consumer organisations and NGOs, 3rd country authorities; * Food business operators who operate in the EU and who label their products.

¹⁸ Another variable which should influence participation rates is the duration of the online consultation itself. It can be assumed that the longer an online consultation is open for answers, the higher the participation rate. Indeed, it is an often repeated demand of CSOs to allow more time for online consultation participation (see for example Fazi/Smith 2006). The original minimum consultation period put forward in Standard D has been prolonged from six to eight weeks as a result of the consultation process establishing the Minimum standards for consultation.

on participation of online consultation is available by now, online consultations from DG Employment offer some insights to this question.

Out of seven online consultations of DG Employment, five provide a list of participants. These five online consultations are directed towards stakeholders and the wider public. The example of DG Employment and Social Affairs shows that although online consultations are inseparable from the arrival of the use of personal computers and the internet, the *age* of this instrument has no clear influence on the number of participants, i.e. participation in online consultations did not increase over time from its first use by DG Employment in 2001 to its latest use in 2007.

This is different concerning the *format* of online consultations: multiple-choice questionnaires, as in the case of the online consultation on the green paper 'Equality and non-discrimination in an enlarged EU' (06-08/2004), seem to have the highest response-rate, especially with regard to individuals (1049). Online consultations with a semi-standardised questionnaire, i.e. providing structured, yet open questions, again end up with considerably more participants than online consultations with a fully open format, most participants using the questionnaire, others – mainly institutional actors or CSOs – only using the questionnaire as a grid to structure their letters. Finally, the group of online consultations asking for opinion in more general and open terms, usually has a rather low but varying participation rate, probably depending on the *issue* of the specific online consultation. In the case of DG Employment, the earliest more general online consultation was on the green paper 'Promoting a European Framework for Corporate Social Responsibility' (12/2001; 15 individuals) which received 253 letters, the latest open format online 'Consultation on action at the EU level to promote the active inclusion of the people furthest from the labour market' (4/2006; 2

individuals) received only 75 letters, while the 2005 online consultation on the green paper 'Confronting demographic change' (10/2005; 64 individuals) received 152 letters. Thus, from the example of DG Employment we can assume that both, question format and issue, are the most relevant intervening variables with regard to participation rates.¹⁹

Participation of CSOs in the DG Employment's consultation regime

In accordance with our initial intention to analyse not only the Commission's consultation regime itself but also the success of the Commission's participatory strategy, we now turn to the analysis of the involvement of associations of different territorial and functional origin into DG Employment consultation regime.

Concerning the methodology, we need to keep in mind that (1) all DG Employment online consultations were addressed towards stakeholders and the wider public, so that we can expect a rather wide range of participants;²⁰ (2) it should also be noted that not all lists of participants from DG Employment conferences are available; thus, in some cases only the paper givers of a conferences were included in the database; (3) finally, it is relevant that for the CSR EMS Forum only the 'core' (29) participants are included into the DemoCiv database, as no other meaningful list is available (yet, it is quite clear that the number of participants in the diverse conferences and round tables of the CSR EMS Forum was much higher). Due to the

¹⁹ Variations in participation rates depending on the online consultations' format raise normative concerns which might need further investigation: Does the Commission use varying formats strategically, depending on its own interests in a specific issue at stake, in order to control the outcome of a given consultation?

²⁰ The analysis of the diversity of participation needs to be complemented with an analysis regarding the question, whether online consultations are a forum in which deliberation takes place; this will be analysed by DemoCiv through a case study.

methodological problems (2) and (3), for our analysis we do not distinguish conferences and policy forums, in order to avoid distorted results (and misled conclusions).

As a starting point it is of interest that five online consultations with 1050 different institutional or organisational participants (and additional private/individual participants) easily outplay the remaining 26 consultations (24 conferences and 2 policy forums) with 741 institutional or organisational participants.²¹

Comparing participation in online consultations with participation in conferences and policy forums, it becomes quite clear that civil society organisations (i.e. associations) profit most from the introduction of this new instrument, whereas public authorities and companies put more emphasis on participating in conferences and policy forums (Table 2).

Table 2: Participation in consultation instruments by type of actor

| | Conferences and policy forums (%) | Online Consultations (%) |
|---------------------|-----------------------------------|--------------------------|
| public authority | 17,41 | 12,55 |
| association | 44,67 | 66,04 |
| company | 28,48 | 17,92 |
| research | 6,75 | 1,32 |
| religious community | 0,00 | 0,85 |
| political party | 0,40 | 0,19 |
| other | 0,13 | 0,28 |
| no information | 2,16 | 0,85 |

²¹ All 31 consultations of DG Employment together arrived at a number of 1549 different institutional or organisational participants.

Table 3: CSO participation in DG Employment consultation regime

| | conferences and policy forums (331 CSOs) | online consultations (700 CSOs) |
|----------------|--|---------------------------------|
| international | 10,88 | 5,43 |
| European | 25,08 | 21,43 |
| national | 55,89 | 57,00 |
| sub-national | 5,14 | 9,43 |
| local | 2,11 | 5,29 |
| no information | 0,91 | 1,43 |

Within the group of CSOs, the success of the online consultations as an instrument to include other than European and national level associations into the European policy making process becomes quite clear. As the European Commission hoped and intended, sub-national as well as local associations find ‘their way to Europe’ through this third generation consultation instrument (Table 3).

Territorial and functional origin

Concerning the functional origin of CSOs participating in DG Employment consultations, the picture is less clear (Table 4). The ratio between the group of associations commonly referred to as NGOs (non-market actors associations) on the one side, and business associations (market-actors associations) on the other side, is 3:1. This shows that the European Union has come a long way since its early days first generation Commission – civil society relations, when business and agricultural groups were its main interlocutors.

Table 4: Involvement of CSOs of different territorial origin into the DG Employment's consultation regime

| | NGOs | Business associations |
|----------------|-------|-----------------------|
| international | 7,58 | 4,72 |
| European | 16,82 | 29,25 |
| national | 60,91 | 50,47 |
| sub-national | 7,58 | 12,74 |
| local | 6,06 | 0,47 |
| no information | 1,06 | 2,36 |

Partly, this new ratio between market- and non-market actors can be attributed to the Commission's funding policy of EU-level associations. However, even if the funding programme of the Commission for EU level non-market actors' associations might have some positive results, the ratio between business and non-business associations is still not balanced: we find that EU-level business associations are much more present in the consultation regime than EU-level NGOs.

The results of our empirical analysis also show that the third generation of Commission-civil society relation is lopsided with regard to the involvement of *local* associations. This can not necessarily be attributed to the Commission's consultation regime itself. The organisation of business in European member-states usually follows a rather strict 'hierarchical model' by territorial level. Interest intermediation is usually assigned to the sub-national (regions, *Länder*, departments, etc.) and national level, while the local level is mostly restricted to service provision, data collection, and organisation of information and networking events (for the example of France and Germany see Quittkat 2006). The organisation of non-market actors and general interests follows a different logic. A strict hierarchical model of organisation is often not compatible with voluntary work, mostly restricted by its internal logic to the local level i.e. local grassroots groups, and scarce resources, which

do not allow for many (and large) higher-level organisations with (paid) personnel.

Excursus: EU funding of CSOs

It is still worthwhile looking at the funding policy of the European Commission. Using (and relying on) the data in the Commission's CONECCS database the funding strategy of the European Commission can well be analysed. Out of 232 European or international associations (173 EU; 59 international) participating at DG Employment and Social Affairs consultation instruments (DemoCiv database), less than half (105: 98 EU; 7 international) can be found in the CONECCS database. 34 associations out of these 105 associations registered in CONECCS do not provide any information on their financial resources in the CONECCS database. Thus, our data is restricted to 71 EU-level associations.

Out of these 71 associations, 42,25% receive EU-funding in various degrees, with the exception of the Association of European Chambers of Commerce and Industry (Eurochambres) all organising non-market actors.²² The two main groups receiving EU-funding are human rights organisations (37,93 %) and welfare organisations (34,48%), whereas environmental and consumer organisations are less often funded (both constitute 3,45 % of the 'funding community'). Thus, the European Commission mainly supports associations representing either the weak or excluded, whereas CSOs representing general interests are less often supported.²³

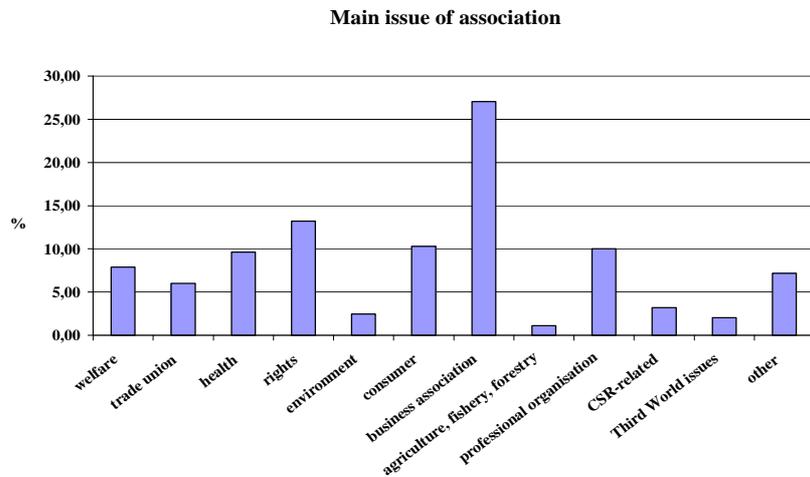
²² The largest group of associations in CONECCS are fully financed by membership fees (45,07%).

²³ It is worth noting that the data does not provide any support for the hypothesis, that there exists a (statistical) correlation between EU-funding and participation in consultation instruments.

Issues represented

Looking at the plurality of voices represented in DG Employment consultations, quantitative analysis only offers a rough picture. Although having assigned all CSOs in the DemoCiv database to rather large issue categories, we can see from figure 2 that next to associations representing business interests (the largest issue group) we also find quite large groups active in the field of human rights, consumer interests or welfare, often in conflict with business associations. In the case of DG Employment, however, the issue of CSR has blurred the conflict lines in some cases between business and, for example, human rights associations. Whether this has led to more deliberation can not be taken for granted, of course, but the formation of CSR-related associations with in some cases a mixed membership of associations representing business, but also of associations representing human rights is certainly worth further investigation.

Figure 2: Diversity of issues presented through CSOs in DG Employment consultations



National origin

Looking at the nationality of CSOs participating in DG Employment and Social Affairs consultations, three main findings can be reported. Firstly, CSOs from the *old and large* EU member countries (France, Germany, Italy, UK) are the most present; this holds true for market-actors associations as well as non-market actors associations. Secondly, the national origin of non-market actors associations is much wider than the geographical distribution of market-actors associations; especially business associations from small and/or new EU member countries participate rarely in DG Employment consultations, probably entrusting Eurogroups with the representation of their interests (none or one business associations: Netherlands, Luxembourg, Portugal, Cyprus, Czech Republic, Estonia, Finland, Latvia, Malta, Romania, Slovakia, and Slovenia; yet all these countries are presented in DG Employment consultations by more than one CSO of the non-market sector). Thirdly, we find the following rule: The longer a country is an EU member, the higher its number of non-market actors associations participating in DG Employment consultations. Obviously, not only (financial) resources are crucial for EU level activities of NGOs; familiarity with the EU itself seems to be another decisive factor for participation in EU policy making. Thus, more efforts to break down the barriers between the Commission (especially its complex institutional setting) and CSOs from new(er) member states are needed.

Conclusion

Our chapter started off with the empirical questions of how the present consultation regime of the European Commission looks like and whether the Commission succeeds in bringing into open a maximum range of voices at EU level through its participatory strategy as lined out in various documents.

Systematising the whole variety of consultation instruments applied by DG Employment and Social Affairs, our exemplary ‘case study’, we distinguished three main groups of consultation instruments with regard to the instruments’ addressees: expert consultation, stakeholder consultation, and public consultation. Interestingly, the third generation of Commission – civil society relations is marked by two somehow contradictory trends. While in the past seven years, online consultations, most of them addressing the wider public or very broadly defined stakeholders, have increased significantly, Gornitzka and Sverdrup also located a rapid and radical increase of expert groups (Gornitzka/Sverdrup 2007) and Broscheid and Coen found an increase in the use of restricted-entry policy forums (Broscheid/Coen 2002). Thus, we witness a broadening (online consultations) and a deepening (policy forums and expert groups) of the Commission’s consultation regime.

However, DG Employment applies this diverse consultation instruments to its main policy issues (CSR, demography, equality and labour market) in a rather structured way. The policy making process starts off with an online consultation and in the course of policy formulation, consultation instruments oriented towards more specialised addressees like conferences, policy forums and expert groups are used. To put it simple: the Commission’s ‘participatory strategy’ is accompanied by a ‘strategy of knowledge collection’.

What remains problematic regarding the use of stakeholder consultations and, even more so, expert consultations, is the question of participant selection. Although transparency has increased considerably and indeed, is a characteristic of third generation EU – civil society relations, no criteria for expert selection, for policy forum participants, or for the selection of CSOs when establishing structured relations have been laid down by DG Employment and Social Affairs.

Looking at the (new instrument of) online consultations applied by the European Commission, with the intention to lower the threshold for participation in consultation processes and to attract representatives of different types of interest groups, our analysis showed that most online consultations seem to be more than simple opinion polls. Yet, their quality as instruments of participatory policy making varies with their format: especially consultations with open, albeit structured questions offer real possibilities of participation, but participation rates are much higher when online consultations are based on (multiple-choice) questionnaires. Here again, similar to the question of participant selection in stakeholder and expert groups, transparency of the policy formulation process remains a considerable problem. As Fazi and Smith have pointed out, further clarification is still needed on which criteria are used to assess how different contributions to online consultations and their representativity are assessed (Fazi/Smith 2006: 29).

The issue of contribution assessment is of high importance because the Commission's efforts to achieve inclusiveness through online consultations have been quite successful. Online consultations have not only attracted representatives of different types of interest groups, they have also lowered the threshold for individual citizens to access EU level consultation processes. Thus, we do not only find high rates of participation; the third generation consultation regime is also characterised by the participation of very diverse civil society organisations, attracting CSOs from various territorial levels and CSOs representing different, conflicting and/or competing interests.

In general, the Commission – civil society relations have indeed changed since the turn of the century, and openness, inclusiveness, and transparency have increased considerably. But it is also clear that these aims are not fully

achieved. The Commission itself undertakes a number of evaluations regarding its consultation processes, as the example of the ‘Stakeholder Involvement - Peer Review Group’ of DG SANCO and the independent evaluation of the Commission’s impact assessment system, launched in early 2006 show.

Besides a number of smaller jigsaw-pieces, what remains on the research agenda is the new and somehow contradictory broadening (online consultations) and deepening (policy forums and expert groups) of the consultation regime. Why is the Commission accompanying its participatory strategy with a ‘strategy of knowledge collection’? From our findings it is questionable that the focus is still merely on reducing transaction costs, as assumed by Broscheid and Coen (2002) with regard to policy forums. From the Commission consultation regime, characterised by a combined and structured use of broad and focused consultation instruments, the orientation towards stakeholder involvement (and the evaluation of involvement procedures) and the attempt to balance the ratio between business interests and NGOs, as well as the involvement of CSOs with different territorial origins, it is plausible to assume that the focus is on the *informed* and, therefore, knowledge based inclusion of multiple and diverse approaches into decision-making.

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Chapter 9

The Promises and Pitfalls of Participation: What Voice for the Regional Advisory Councils?

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Introduction¹

Participation in the decision-making of the European Commission's Directorate General (DG) for fish can be characterised as having moved over the last few decades from 'civic choice' to 'civic voice' to 'civic action' (O'Mahony and Coffey 2007). The 1980s provided limited opportunity to a limited set of social actors to contribute their opinion on matters that, it was often argued, had largely been decided. It was only in the 1990s that the engineering of participation could be said to have begun in earnest. Opportunity for comment and even dialogue on fisheries governance was opened up to a far greater set of 'stakeholders': not only to fishers, but also to environmental and consumer organisations. Additionally, such opportunity

¹ I would like to thank Beate Kohler-Koch, Frank Vibert, and Jim Ottaway for their very helpful comments. This paper develops aspects of O'Mahony and Coffey (2007).

for participation was institutionalised through the allocation of funding to the consultative body: the Advisory Committee on Fisheries and Aquaculture. However, in recent years, the reform of the Common Fisheries Policy has ushered in an entirely new forum for participation by setting up the Regional Advisory Councils (RACs). These bodies are charged with designing and submitting recommendations to the Commission on the operation of the Common Fisheries Policy for the geographical areas they cover. Regional Advisory Councils, therefore, for Commission-sponsored bodies, operate with an unusual degree of autonomy.

RAC membership is composed of national fishing organisations from at least two member states along with non-governmental organisations and, critically, with scientists, who attend as experts.² The Commission has justified the creation of the RACs on two grounds. First, that the RACs will improve the quality of the scientific advice to the Commission: members of the RACs are able to call experts to RAC meetings and work with them to offer advice and guidance tailored to the areas their RACs cover. Second, that allowing local fishers greater participation would improve buy-in to the rules governing fish management. Fishers, the Commission argued

‘(...) have been calling for greater and earlier involvement in the CFP process. Participation means responsibility and there is no doubt that by being more involved in the decision-making process, the fisheries sector should gain a feeling of ownership towards the management rules and a desire to see them implemented.’ (Commission 2005:1)

² For example, the membership of the North Sea Regional Advisory Council is as follows. Following the general framework laid down by the Commission, which stipulates that the executive body of each RAC comprises 24 members, an interim executive committee of the North Sea RAC recommended that membership be composed of a catchers organisation from each North Sea country (in some cases not one but two), hence from Belgium, France (2), Denmark (2), Germany, Netherlands (2), Poland, Spain, Sweden, United Kingdom (2) and of three Green NGOs, a consumer NGO, an Aquaculture producer, a Fisher-recreational group, the North Sea Women's Network, the European Organisation for Fish Traders, the European Association of Fishing Ports and Auctions and the European Transport Worker's Federation, and one other organisation.

The Regional Advisory Councils are marked by a number of distinctive characteristics. The dominant feature is that they be stakeholder-led. Thus, they are not in themselves created by the Commission; rather the Commission, in legislating a general framework, creates the enabling conditions for interested parties to establish an RAC and apply to the Commission for operational recognition and funds. This confers on the bodies a degree of civic legitimacy.

Second, the bases of the Councils are not national territories but geographical and, in one case, biological ones; there are seven RACS covering, respectively: the Baltic, the Mediterranean and the North Sea; the north-western and south-western waters, pelagic stocks and high-seas/long-distance fleets.

Third, despite the adjective 'advisory', it was always envisaged that the regional advisory councils would do more than merely advise. By initiating plans and making recommendations to the Commission on how the Common Fisheries Policy could best work, their role would be closer to one of co-management.

What follows here is a brief consideration of the promises and pitfalls of institutional engineering, and the gains and challenges of this particular instance of the opening of EU governance to civil society.

Why the Engineering?

For long, fishers have complained to the Commission that their views were not taken into account in decisions on the management of fish stocks. In addition, the environmental stakeholders argued that they too should be consulted. The Common Fisheries Policy was seen as top-down and centralised, and where opportunities to participate were extended, they were

regarded as too few and coming too late. In short, there was in DG Fish the usual ingredient of dissent that generally precedes reform of governance structures. However, dissent in itself has never been able to explain the timing of institutional reform nor to explain why new institutions look the way they do. While many of the Directorates have in recent years introduced new opportunities for participation, it is only in DG Fish that a forum such as the RACs exists. I suggest that the varying nature of both the regulatory object and the regulatory public in each DG will play a part in determining how governance reform proceeds. Importantly, in DG Fish there is at least consensus on what the object of regulation is. Scientists, environmentalists, and fishers are all agreed, albeit for very different reasons, that there must be a sustainable level of fish. And this agreement makes it more likely that a body that goes beyond simple dialogue can come into being.

In other DGs, however, reaching a stakeholder agreement on what the regulatory or policy object is has proved far more elusive. For example, in DG Trade the members of the Civil Society Dialogue remain at some ideological odds over what the purpose of trade policy is. And far from being viewed as a dialogue, the predominant experience is that the forum is a platform for the mere exchange of information or the communication of positions, rather than any genuine interaction (Slob and Smaakman, 2007:13). Attempts at influence, to persuade or convince others, run predominantly on vertical lines between individual forum members and the Commission, rather than between the forum members themselves. No doubt the situation is promoted in part by the secrecy which is commonly regarded as 'the nature' of trade. For example, Slob and Smaakman note that most participants in the Civil Society Dialogue "understand that the Commission is not always able to give all information with regard to its position due to the very nature of negotiations" (54). Additionally, some business associations pointed out "that the presence of certain CSOs at the meeting prevented them from discussing

certain issues, which gave away too much strategic information” and another respondent remarking on the lack of trust between the business and NGO representatives added that “perhaps it is because the Commission is there as well, and you do not want to compromise your position in front of the Commission” (Slob and Smaakman: 53).

A further factor supporting the extension of participation opportunities to fishers is the very real (rather than imagined or hoped for) benefits this can bring to policy. Agreeing on fish stock estimates is a critical affair: not getting the calculations correct, not reaching a ‘fair’ estimate can cause great unnecessary hardship to fishers, or alternatively cause great risk to fish. But uncertainties make the science surrounding sustainable fisheries extremely difficult. There is no scientific consensus on how to establish optimum levels of exploitation of fish stocks. A much-cited 1993 article in the journal *Science* is pessimistic about the prospects for achieving such a consensus.

The great difficulty in achieving consensus concerning past event and a fortiori in prediction of future events is that controlled and replicated experiments are impossible to perform in large-scale systems. Therefore there is ample scope for differing interpretations. There are great obstacles to any sort of experimental approach to management because experiments involve reduction in yield (at least for the short term) without any guarantee of increased yields in the future. (Ludwig et al. 1993:17)

A further problem that Ludwig et al highlight is that any experiments that can be conducted would adversely affect the fisheries industries. This problem, they go on to say, is also compounded by difficulties modelling environmental changes such as global warming, where the time scales involved are so long that it is impossible to gather enough observational data (36).

The belief that maximum sustainable yields may in principle be calculated on the basis of experimental evidence has, they claim, perpetuated a dangerous

myth of sustainability: that “science or technology (if lavishly funded) can provide a solution to resource or conservation problems” (36). Once one abandons this belief, it is possible to decide upon appropriate action, involving a precautionary approach to fish stocks management and taking into account the motivations of the fisheries industries. Thus, the gaps in scientific knowledge and the meagre prospects for scientific understanding of the problems of fish stocks management create a need for the involvement of the fishing industries in policy-making: management of the resource gives way to management and self-management of the exploiters of the resource.

The genuine advantages that can accrue to the Commission through deepening the involvement of stakeholders in the case of DG fish may not so clearly exist in other policy areas. Again to turn to DG Trade, though the stated mission of the Civil Society Dialogue is to “develop a confident working relationship between all interested stakeholders in the trade policy field”³ it is unclear to the actors involved what such a working relationship would involve or would look like. More often, the process has been a one-way opportunity for the Commission to educate CSOs as to the complexity of the trade negotiation process. Dür and De Bièvre note that NGO representatives saw the meetings as “briefings rather than of dialogue [and that] business associations...referred to it as a monologue” (2007: 86).

A final contributing factor to the formation of the Regional Advisory Councils is of course geography and proximity. As Kohler-Koch recently pointed out, in the case of the RACs it makes sense to the people involved that the forums exist where they do, and the fact that the issue can be regionalised makes it possible to give ownership to a specific community. There are other activities or industries, for example in areas of agriculture and farming, where stakeholders cannot be split up according to regions. This

³ <http://trade.ec.europa.eu/civilsoc/index.cfm>

makes it difficult to translate the RAC experience across the Commission (Kohler-Koch 2006).

The Regional Advisory Councils: a greater say?

One of the reasons the RACs were set up was to give fishers and other stakeholders a greater say in decision-making. Assessing the success of the RACs, or of similar bodies, in terms of this goal is, of course, an important exercise, but it is an exercise beset with difficulties. Indeed, the history of political sociology and political science is a history of the difficulties in agreeing on what a 'greater say', a 'greater voice', or 'greater influence' might look like or how it might be measured. Bearing in mind the newness of these bodies I suggest a number of ways in which one can give a preliminary 'yes' to the question of whether the RACs gave its stakeholders a greater say.

First, the RACS were initially set up with limited and temporary funding to be allocated on a digressive basis. However, in June 2007 Council amended RAC legislation and had the RACs declared as bodies pursuing an aim of general European interest. This move ensured permanent funding to the RACs of 250,000 each year (Commission of the European Communities 2007). In terms of voice then, this institutionalises a significant degree of independence from the Commission, along with the advantages of stability that permanent funding confers. Stakeholder energy does not have to be devoted to raising new funds, and stakeholders can speak and interact against a background no longer subject to the political vicissitudes of short-termism.

Second, the RACs do not merely respond to advice issued by the Commission, they also take the initiative, issuing their own advice papers and recommendations in critical areas of fishing. Moreover, the Commission is *obliged* to respond to any RAC advice within a time period of three weeks.

This obligation of the Commission to issue a reasoned and written response and the fact that initial advice and responses to such advice are published, therefore allowing internal and external stakeholders and commentators a further 'say', creates a situation of reciprocal accountability. In short, it influences or creates a different way of doing things. As the National Federation of Fishermen's Organisations put it: "If RACs produce well considered, evidence based advice that is subsequently not followed by the Commission, then the Commission will have to provide a very good explanation of why not"⁴.

Third, when the Commission created the conditions for the RACs, it set out to engineer not just participation, but also consensus. RACs were urged that, where possible, recommendations should be issued unanimously, and in doing so that they would find a more willing Commission ear. In short, the RACs ushered in not just 'more voice' but a louder voice, a collective or consensual voice. I suggest that the fact that the Commission insisted that dissent has to be traced and recorded and published makes it less likely to appear: participants have to think before they dissent, and others have to listen intelligently before they disagree.

Fourth, and critically, I suggest the improved 'voice' of the RACs lies also in their discussions and comments on what it means to have a voice, or to 'have a say'. That is, where the Commission has issued an advice paper and asked for a response from a RAC, one often finds not only a response from the RAC to the issue in hand but also a critique on the Commission's timing, or a critique of the Commission's manner of introducing an issue, and suggestions about how the agenda could be better set in future. I suggest that the prospects for a stronger voice are therefore enhanced because of the fact that the agenda itself is frequently a point of contention, that RACs are

⁴ <http://www.nffo.org.uk/rac.html>

sensitive to and willing to comment on ‘the rules of the game’, and that they are clearly aware that the timing and place of voice is at least as important as content.

Fifth, the RACS create conditions not only for voice, but also action. To give just one example: the North Sea Regional Advisory Council came up with a new method of managing fish stocks in the Kattegat (an effort management scheme) as an alternative to the existing and highly contentious techniques of total allowable catches’ and quota systems. The Commission agreed promptly to the trial of the new scheme.

In sum, the RACs create ‘a greater say’ in so far as opportunities for voice are institutionalised, answerable, promote consensus, and offer scope for action and not voice alone. Most critically, the RACs are bodies that are poorly captured by conventional understandings of the notion of influence. In the case of the RACs it is not just about influence in terms of an Actor A trying to influence Actor B. For sure, it is about power, but often a power *to*, rather than power *over*. They are not bodies that are merely attempting to have ‘influence’ over someone else. Instead they try actively to create something new: imaginative ways of managing the populations of fish so central to their way of life.

Nancy Fraser, in a well-known criticism of Habermas’s conception of the public sphere, provided a useful distinction between strong publics and weak publics. “Weak publics”, she argues, were publics “whose deliberative practice consists exclusively in opinion formation and does not also encompass decision making” (Fraser, 1992:134). The distinction has been implicit in discussions on the place of the public within new governance regimes, with many arguing that without decision-making powers participants have reduced incentives towards reaching consensus. I suggest

that RACs resemble the concept of a strong public rather than a weak one. The possibility that dialogue leads to real action and change lends real meaning to opportunities for the exchange of views; this is one of the reasons why consensus is so often present in the advice and recommendations of the RACs. Nevertheless, a comparative glance at the papers issued by the RACs show a good degree of consensus but some variation, with some RACs tending more towards consensus than others, the North Sea RAC being a good example of the former. One reason for this is perhaps the fact that the North Sea RAC was born out of a pre-existing fishers' organisation in the North Sea and that therefore there was already in place experience of dialogue and cooperation.

Regional Advisory Councils - Promises and Pitfalls, Accountability and Representation

Consultation with the public is now commonplace across the General Directorates of the European Commission. Genuine participation is rarer. The RACs at the least have the makings of bodies with the potential to offer real, sustained, repeated opportunities for dialogue, the outcome of which can have an evident impact on what people do. The RACs are new bodies and it is too early to judge whether they will deliver on the myriad of promises they offered to their diverse supporters. For the Commission one of those promises is the hope that the RACs can revive the decline in support for the Common Fisheries Policy. Whether they do will depend in part on the ability of the Commission to translate into action in a timely manner recommendations from the RACs. Indeed, the importance of showing how opportunities for voice are reflected in specific courses of action was returned to frequently in the CONNEX December 2006 Brussels workshop,⁵ where

⁵CONNEX, Research Group 4: The Constitution and Consequences of Representation: Models and Measures of Representation and Evaluation in the DGs, the Advisory Bodies, and

participants argued that it will be difficult to sustain willingness to participate if there is no evidence that participation either has an impact or has definite potential to lead to impact.

In the case of the RACs, however, there are reasons to expect that the Commission both will, and will have to, actively engage with the advice given by the RAC members. First, the fact that the RACs are well equipped with expert knowledge and benefit from expert-input makes them a highly credible stake-holding forum. Importantly, this strengthens the Commission's hand, for it is a credibility that the Commission will be able to appeal to in the face of opposition from national governments. Furthermore, the Commission will, as the National Fishermen's Organisation pointed out be induced to translate good advice into action because a (moderate) level of political accountability has been introduced: the official recognition and role attributed to the RACs give them a degree of publicity and puts them in a 'credible' position to exert pressure through naming and shaming. In short, the main ingredients of Boven's accountability regime are present:

Accountability is a relationship between an actor and a forum, in which the actor has an obligation to explain and to justify his or her conduct, the forum can pose questions and pass judgement, and the actor may face consequences. (Bovens 2007: 450)

Another issue discussed at the CONNEX workshop in Brussels was the related one of legitimacy and representativeness: the argument that participation has to be representative for the process to be acceptable and effective. Traditional representative mechanisms generally produce an 'information shortfall' which government can compensate for through the engineering of participation (Dunleavy and O' Leary, 1987: 292, 312-). Such organised participation is invaluable to decision-makers for the refined

responses (information and elaborated perspectives) it produces on specific issues. And organised participation can also meet democratic expectations that not only actors should be represented in debate but also the full spectrum of positions. However, democratic expectations vary greatly and in consequence feelings generally run high over the whole issue of who and what is being represented; a point illustrated well by the Civil Society Dialogue in DG Trade. There, Slob and Smaakman's evaluation of the process revealed just how thorny an issue representation is:

‘Many DG trade officials stressed that they were formally accountable only to the Member States and to the European Parliament. They are seen to constitute the representative democracy of Europe. [...] In some cases officials openly questioned the representativeness for civil society of the CSOs participating in the dialogue. Many businesses and membership CSOs openly questioned the legitimacy of the NGOs. They argued that where they represented a ‘tangible’ constituency, NGOs often had no such membership base [...] Several of the NGO representatives lamented the fact that certain business representatives were part of the dialogue as they did not see them as representatives of civil society. One respondent argued “[the actual balance of participants] doesn’t matter to me. In a dialogue it is the force of the argument that matters” (2007: 53-54).

This perhaps gives some sense of just why the issue of representation has become of marked importance recently to the Commission. The Commission's response to the problem has been the clear message that “participation comes with responsibility” (cited Kohler-Koch: 2007:18), that is, “the claims put forward by a civil society organisation should be representative of the concerns of their membership or their constituency; CSOs should be responsive and held accountable” (Kohler-Koch, 2007: 18). This is an area where there are potential pitfalls for the RACs. Work remains to be done in terms of openness and transparency, thus improving effectiveness and, in consequence, augmenting legitimacy. For example, a look at the website of one executive member of the North Sea RAC, the Irish Seal Sanctuary, reveals nothing about the governance of this voluntary

organisation. While the website is replete with pictures of seals and requests for volunteers and donations, there is no information about the management of the organisation, about decision-taking, about accountability for donations and funding, about numbers of members, or indeed about its membership of the RAC. It remains to be seen whether this lack of transparency can be offset by the open manner in which elections to RACs executive committees are carried out, or by the fact that as non-voting, consensual bodies, the RACs can be regarded more than the sum of the parts. The danger is however that where the Commission adopts RACs recommendations and those recommendations are seen as contentious, the spotlight may turn on the executive/decision-making bodies of the Regional Advisory Councils, and on how they are constituted.

I conclude by suggesting that future research on the General Directorates needs to look at what the comparative experience is: how participatory 'success' is determined and the extent to which it depends on the particular issue, how regulatory objects and regulatory publics determine the participatory path, and what opportunities there are for cross-DG organisational learning.

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Chapter 10

Is Local Civil Society Conducive to European Participatory Engineering?

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A View from Below

The EU White Paper on Governance (COM [2001] 428 final) outlined the need to stimulate a more engaged and vibrant European civil society.¹ Accordingly, civil society is now at the core of EU thinking on bridging the ‘democratic deficit’.² The European Commission increasingly refers to civil society and social capital in order to promote good governance in terms of democracy, accountability, and efficiency. As Saurugger (2007: 388) reminds us, organized civil society is attractive to policymakers because it a ‘product of the right of free association’ and these bodies are primarily seen ‘... as

¹ The Commission perceives civil society as including: ‘trade unions and employers’ organisations (“social partners”); non-governmental organisations; professional associations; charities; grass-roots organisations; organisations that involve citizens in local and municipal life with a particular contribution from churches and religious communities (COM [2001] 428 final, 25.7.2001; see also OJ C329, 17.11.99: 30).

² It is also worth noting that the notion of a democratic deficit is a relatively recent phenomenon. As Majone (1998: 12) highlights, the prevailing view (i.e. before the Single European Act and the Maastricht Treaty) was that ‘... the integration process derives its legitimation from the democratic character of the (sovereign democratic) Member States’.

bottom-up, citizen-initiated phenomena, part of the voluntary process of people's coming together to govern themselves'. Civil society is seen as comprising a vast amount of associations, such as interest groups, voluntary associations, social movements, social movement organizations, non-governmental organizations (NGOs), clubs, political initiatives, foundations, etcetera. At the EU level, many of these associations are large, more crucially however, they are also 'supposed' to be encompassing and representative with grass-roots involvement and an accountable leadership (Saurugger 2007: 388). The EU believes that such a 'civil society' could and should play a major role in increasing the density, diversity, breadth and depth of the links between citizens and decision-makers in Europe.³ As Warleigh (2001: 620) notes, 'Civil society has been championed by both right and left' as a means to either 'defeat "big government"' or bring citizens back in, and there is a broad consensus among EU policy-makers '... that a greater role for civil society must be a central feature of European governance in the future'.

Accordingly, the EU White Paper on Governance (CEC, 2001) issued a rallying call for a more engaged and vibrant European civil society, not as a desirable add-on, but as an urgent and immediate necessity. In its decision to establish a 'Community action programme to promote active European citizenship (civic participation)', the Council of the European Union stated as one of the most important objectives it seeks to realize '... to bring citizens closer to the European Union and its institutions and to encourage them to engage more frequently with its institutions'. Besides, all kind of 'civil society bodies' are invited to specify their needs for support in order to become actively involved in reaching these goals.⁴ These formulations reflect the more general goals presented in the White Paper. The policymaking process

³ Clearly, the civil society concept is very flexible. For a detailed analysis see Zimmer and Freise (2008).

⁴ Council Decision of 26 January 2004 (2004/100/EC) Art. 1 (b).

is to be made more open, transparent, participatory and it is supposed to involve a wider range of actors, from varying institutional and territorial levels – *i.e.* from Eurogroups to local groups. The Commission believes that the legitimacy of the EU would be greatly enhanced through the encouragement of greater and more meaningful citizen involvement (SEC [2004] 1153, 22.09.2004: 12) – and it has idealistic (strong democracy-type, [Barber 1984]) expectations. Accordingly, civil society associations are expected to play a key role in the various links between the local and national levels, and the trans-national level. In short, the EU has joined the emerging consensus that a revival of patterns of civic engagement and citizenship will compensate for the assumed deficiencies of modern democracies.

The EU White Paper on Governance (CEC, 2001) should also be set in the context of the post-Putnam social capital debate that (re-)emphasised the importance of the internal aspects of associational life for the proper functioning of democracies and societal integration. In the spirit of Alexis de Tocqueville, many authors have stressed the importance of civil society for the proper functioning of democratic political systems. It is now widely accepted that modern democracies are dependent on an active and vibrant civil society and a healthy stock of social capital. Currently (and from the Commission's, perspective), the various groups are seen as contributing to democracy in two main (and several other subsidiary, but important) ways. First, they are perceived as (effective) representative vehicles delivering public policy outcomes that match citizens' preferences. Second, the internal social capital experiences within groups are seen as crucial for democracy. In general, groups are seen as generating the pro-democratic values that bolster democracy and, in the specific EU context, they have the potential to enhance the quality of the political linkage between citizens and decision-makers, and possibly even to increase citizens' attachment to, trust and

confidence in, and identification with, the EU and European institutions across Europe (cf. Noll and Scheuer 2006).

Whereas much of the contemporary focus is on the (alleged) impact of associations on members, there is a paucity of research that actually links the citizen to the association, and of course, the local associations or local activists to the EU. In order to obtain empirically based information to fill this gap, we summarize the results from a comparative study of associational life in Aberdeen (UK) and Mannheim (Germany). The analyses include extensive mapping of all voluntary associations in these two cities, and interviews with selected activists and volunteers,⁵ in order to study the impact of organisational size and levels of membership involvement on attachment to, and interest in, the EU. Drawing on a typology of attachment to various political objects, we demonstrate that German respondents are more pro-European than their British counterparts – which accords with the commonplace notions of the Euro-sceptic British. In addition to this, associational size and levels of involvement appear to be irrelevant for European attitudes, but associational type matters. In Aberdeen, family and general welfare groups are the most committed to Europe; religious, culture, sports and groups-specific welfare the least. The pattern in Mannheim shows some similarity, but not symmetry. Finally, we hypothesise – on the basis of the social capital model – that citizens affiliated to associations should exhibit a greater *attachment* to, a higher level of *political engagement* with, and a higher level of *confidence* in Europe and European institutions. The findings for the civil society activists are compared (in an illustrative way) with the general populations. The tentative conclusion is that, in general, attitudes towards Europe and European institutions among activists are not much more positive

⁵ This study has been developed as part of the international “Citizenship, Involvement, Democracy” project (see www.mzes.uni-mannheim.de/projekte/cid, Maloney and Rossteutscher (2005), and Maloney, van Deth, Rossteutscher (2008) for further information).

than those found among the populations. This result clearly restricts the opportunities for European participatory engineering.

Research Design and Samples

Detailed mapping was undertaken in Aberdeen and Mannheim in an attempt to identify as many voluntary associations as possible and to uncover a wide variety of organizational-types in terms of relevant characteristics (*i.e.* size, internal participation structures, income, source of income, level of institutionalisation, etc.).⁶ A large number of organizations were discovered in these areas: 5,002 in Mannheim and 1,907 in Aberdeen. Once mapping was completed, all organizations received a short questionnaire in order to collect all relevant data about the major organizational features of associations, and to enable the identification of organizations for the membership survey. Following the organizational survey, a sample for the membership survey was drawn. The final organizational samples for the study on activists and volunteers consisted of 272 associations in Aberdeen and 257 in Mannheim. The total numbers of activists and volunteers who were successfully interviewed was 872 and 1,868 in Aberdeen and Mannheim, respectively. It is important to note that the methodology does not follow the regular design of selecting people randomly and asking them about their organizational experiences, but starts by locating individuals within ‘their’ specific associational contexts. While there are many studies of voluntary organizations (usually focused on ‘big players’), and numerous (representative) surveys of members and activists, few, if any, combine these approaches and tailor empirical data on organizations to that on individuals.

⁶ This study has been developed as part of the international “Citizenship, Involvement, Democracy” project (see www.mzes.uni-mannheim.de/projekte/CID and Maloney and Roßteutscher (2005) for further information). The financial support for this research was provided by the Anglo-German Foundation for the Study of Industrial Society. Furthermore, we especially like to thank Sigrid Roßteutscher, Marina Berton, and Linda Stevenson for organizing much of the fieldwork and data coding.

The respondents in both cities are – on average – remarkably similar. People in their early to mid-50s comprise the majority of activists and volunteers, with a clear overrepresentation of women in Aberdeen. In the two cities, citizens with organizational affiliations have almost identical educational attainment levels and comparable incomes, and approximately half of them are employed. Two-thirds of the respondents are married or live with their partner and a large majority consider themselves religious. In both cities the average length of membership or affiliation to the association is about 14 years.⁷ Somewhat more people in Aberdeen are ‘very committed’ to the association than in Mannheim, but in both cities about three quarters consider the actual organization the most important one in their lives. Apparently, the ‘typical’ activist and volunteer is easy to identify.

Attitudes towards Europe

Following the fashionable interpretations of the communitarian or social capital perspectives, we expect to find positive attitudes towards Europe among the citizens with associational affiliations in both cities. Does active involvement in voluntary associations generate positive attitudes towards Europe? The scant empirical evidence points in the opposite direction. For example, Erlach (2005: 199) reported a negative correlation between active involvement in voluntary associations and interest in international political affairs. The findings from our two cities can be summarized as follows:

⁷ The average age of the population in Mannheim is 41.2 years, just over 23 percent are non-religious (and those who are religious are divided between Protestantism and Catholicism), about half of them are employed (unemployment is currently 10 percent) and ethnic minorities comprise some 16 percent of the population (www.mannheim.de). In Aberdeen, the corresponding figures are 38.5 years of age, 42 percent non-religious (and among those who are religious, Protestantism is dominant), 55 percent employed (unemployment is 2 percent) and ethnic minorities are only 2 percent of the population (Registrar General for Scotland 2003).

1. *Attachment:* The levels of attachment to various political objects differ significantly. Generally, the Scottish respondents exhibit high levels of attachments with all of the objects, with the clear exception of Europe. In Mannheim, there is a clear split between city, neighbourhood and Germany on the one hand, and the other items including Europe, on the other. In short, in both cities Europe comes out at, or close to, the bottom (Figure 1). The difference between the level of attachment to Europe of supporters/members/ activists/volunteers in Aberdeen and Mannheim is particularly noteworthy – one full point on an eleven point scale. There are two basic explanations for this. First, geographical location: Aberdeen is very much on the European periphery and the physical distance from the political institutions may depress attachment levels. Secondly, UK citizens have consistently exhibited higher levels of Euro-scepticism than their continental neighbours, including Germany. For example, European Commission data from 2000 found that 58 per cent of Germans were very/fairly attached to the EU, whereas the UK figure was 37 per cent, and Pattie *et al.*'s (2004: 35) 2001 UK population survey reported that the mean attachment score of UK citizens to the EU was 3.96 (on an eleven point scale). However, according to Pattie *et al.* (2004), UK citizens with organizational affiliations exhibited greater levels of attachment to the EU than the general population.

2. *Political Engagement:* Although the levels vary in both cities, the patterns are broadly similar: interest is lowest in EU and international politics and highest in local and national politics. Given that our samples are drawn from the local associational universe, it is not surprising that interest in local (and national) politics is relatively high. To these citizens, local and national policy-making will be more visible and have greater relevance. In Aberdeen interest in EU politics ranked below international politics. (Figure 2)

3. *Political Confidence:* The average levels of political confidence are broadly similar. In both locales, the highest levels of confidence are shown in institutions of the executive branch (police, the courts, and to a somewhat lesser degree the civil service) and the lowest in political institutions, parties, politicians and the European Union. The low position of the European Union is once again quite remarkable and is clearly a major cause for concern for European civil society architects (Figure 3).

Figure 1: Attachments towards Various Objects Among Respondents in Aberdeen and Mannheim (means 1-11)

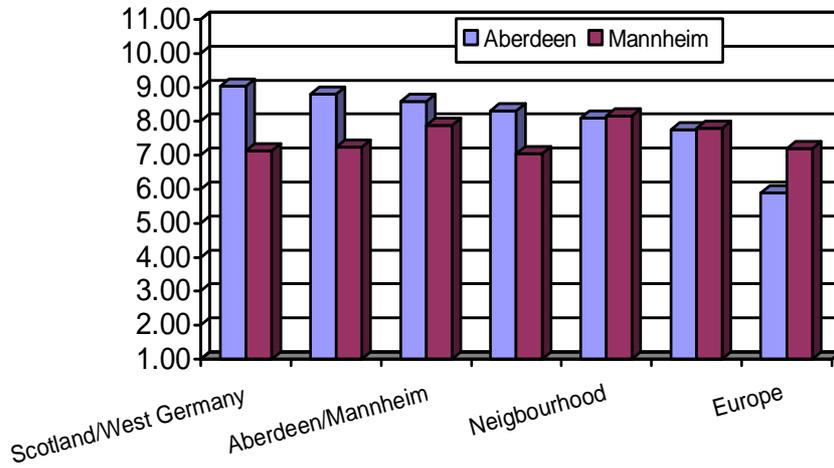


Figure 2: Interest in Politics at various Levels among Respondents in Aberdeen and Mannheim (means 1-4; reversed scales)

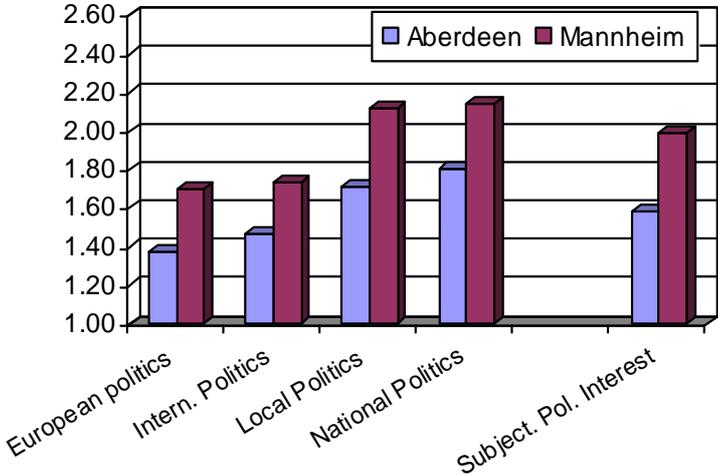
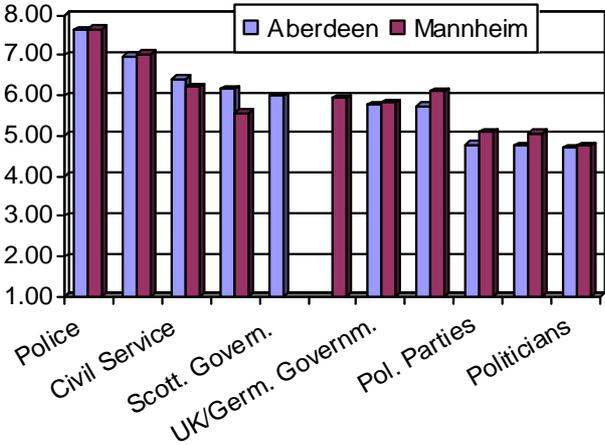


Figure 3: Confidence in political institutions among respondents in Aberdeen and Mannheim (means 1-11)



In fact, the results in Figures 1, 2, and 3 are somewhat disquieting, as attachment, levels of interest and confidence are low. However, there is some comfort in the fact that supporters/members/activists/volunteers display higher levels of confidence than the general population. In addition to this, if one takes a more critical stance in the social capital debate, relatively low levels of confidence in political office holders and parties can be presented as healthy for democracy – citizens should be attentive and critical. Of course, it is important, however, that citizens maintain confidence in fundamental state/political institutions (courts, police, legislatures, the EU etc.).

The three orientations are clearly related to the individual-level in a meaningful way (significant correlations): in both cities, those who are more attached have higher levels of interest and trust, – and *vice versa*. This finding suggests that we do not necessarily have to use all three indicators to characterize the orientations towards Europe. Since confidence is specified for the European Union as a political institution and attachment and interest refers to Europe in general, we construct a typology based on these last two indicators only. This simple four-fold typology categorizes supporters/members/activists/volunteers according to their orientations towards Europe. The most positive respondents, who show both, a high level of attachment and a high level of interest, are labelled *Committed*. The least positive – individuals who are neither attached nor interested in what is going on in Europe – receive the neologism *Aloof*. Those that have a high level of interest in European politics, but have low attachment are labelled *Interested*, and individuals who are more strongly attached to Europe, but have a low interest in European politics, are referred to as *Attached*.

It is of little surprise, given the evidence presented thus far, that the *Committed* are much more prevalent in Mannheim and the *Aloof* is the largest group in Aberdeen (see Table 1). In Mannheim, 43 per cent of the

respondents can be characterized as *Committed*, the corresponding figure is less than half in Aberdeen (21 percent). While the distribution of the *Aloof* moves in the opposite direction: 36 per cent in Aberdeen and 22 per cent in Mannheim. The *Interested* and the *Attached* are roughly the same size in each city.

Table 1: Distribution of Types of European Attachment (percentages)

| | Aberdeen | Mannheim |
|------------|----------|----------|
| Committed | 21 | 43 |
| Attached | 20 | 17 |
| Interested | 24 | 18 |
| Aloof | 36 | 22 |
| N (100%) | 801 | 1732 |

The Impact of Associational Life on Attitudes Towards Europe

Many social capital approaches stress the Tocquevillian interpretation of voluntary associations as ‘schools of democracy’. In this section we focus on the possible impact associational activities have on political orientations. Since all our respondents belong to at least one association, we cannot analyse the impacts of associational activities in general. Instead, we focus on the question whether different associations have different consequences for the attitudes towards Europe among their activists and volunteers.

1. *Different Types of Associations*: Do various associations have a different impact on attachments towards Europe? In summary, the answer is yes. There are clear differences in the patterns between Aberdeen and Mannheim. In Aberdeen ‘family’, ‘general welfare’ and ‘politics’ groups have greater

levels of commitment and 'religious', 'culture', 'sports' and 'group specific welfare' are the most aloof. In Mannheim, 'community concerns', 'politics' and 'general welfare' are heavily committed and 'new politics', 'religious' and 'family' are more aloof. It is interesting that in both cities religious groups are amongst the weakest identifiers with the European project and that there is a similar attitudinal division between 'general welfare' and 'group specific welfare' organizations. Moreover, we might have expected that those groups concerned with politics in both cities would be the most committed Europeans. This is the case in Mannheim, but not in Aberdeen (Table 2). This is slightly surprising for two main reasons: (1) Given the direct political content of much of the activities of these groups, we might expect political interest and attachment to be high; and (2) the European Union has been heavily involved in developing policy in areas, such as the environment and human rights etc., and the Commission has been highly active in harmonizing policy and regulation across Europe. Thus, we might have expected new politics groups to identify more closely with the EU. Of course, it could be the case that the rate of progress is too slow for many new politics groups who would rather see more radical changes, as opposed to negotiated and bargained incremental ones. In addition to this, there may be some anti-system sentiment among 'new politics groups' that would see them distance themselves from all governing institutions.

2. *Different Sizes of Associations:* Do activists and volunteers of small and large associations have different attitudes towards Europe? Are these small and more intimate associations more cosy sites for the generation of positive European attitudes? Or are larger associations that may be more likely to have wider political contacts and links (possibly even to the EU level) the most optimistic Europeans? The results show that organizational size has no impact. There is little variation between groups with no members and the

largest membership organizations. This is the case in both cities, but it is clearest in Mannheim: 47 per cent of those affiliated to small groups and 45 per cent of large groups are committed; and 22 per cent of small groups and 20 per cent of large groups are aloof (Table 3).

3. *Different Levels of Associational Engagement:* Do activists and volunteers that spend a lot of time in their organisations have different attitudes towards Europe? Is greater involvement generating greater levels of commitment? The findings here replicate those above on the associational size dimension. There is little variation between the inactive and the super-active in both cities. Once again, the variations in Mannheim are narrow, but they are not particularly large in Aberdeen either: 47 per cent of those who participate less than one hour per month in organizations in Mannheim are committed; the corresponding figure for the super-active (+20 hours) is 46 per cent. In Aberdeen, 43 per cent of the least active and 37 per cent of the most active are committed (Table 4).

Table 2: Distributions of Different Types among Various Associations in Aberdeen and Mannheim (row percentages)

| <i>Aberdeen</i> | Committed | Attached | Interested | Aloof | N (100%) |
|------------------------|-----------|----------|------------|-------|----------|
| family | 43 | 29 | - | 29 | 7 |
| sports | 22 | 25 | 16 | 37 | 73 |
| culture | 18 | 15 | 27 | 39 | 33 |
| community concerns | - | - | 50 | 50 | 2 |
| politics | 33 | - | 44 | 22 | 9 |
| “new” politics | - | - | - | - | - |
| general welfare | 41 | 26 | 15 | 17 | 46 |
| group specific welfare | 18 | 30 | 16 | 36 | 89 |
| religion | 17 | 19 | 23 | 40 | 192 |
| other concerns | 18 | 16 | 29 | 37 | 200 |
| overall | 20 | 20 | 23 | 36 | 651 |

Chi-Square: 21.148; df: 8; significance: .007 (Kruskal-Wallis Test)

| <i>Mannheim</i> | | | | | |
|------------------------|-----------|----------|------------|-------|----------|
| | Committed | Attached | Interested | Aloof | N (100%) |
| family | 34 | 22 | 14 | 31 | 140 |
| sports | 32 | 20 | 18 | 29 | 139 |
| culture | 41 | 24 | 17 | 18 | 122 |
| community concerns | 53 | 14 | 20 | 13 | 123 |
| politics | 59 | 14 | 16 | 10 | 49 |
| “new” politics | 38 | - | 25 | 38 | 8 |
| general welfare | 53 | 17 | 15 | 15 | 130 |
| group specific welfare | 36 | 14 | 21 | 29 | 151 |
| economic interest | 36 | 14 | 21 | 29 | 48 |
| religion | 32 | 20 | 15 | 33 | 75 |
| other concerns | 45 | 18 | 18 | 19 | 573 |
| overall | 43 | 18 | 18 | 22 | 1558 |

Chi-Square: 44.335; df: 10; significance: .000 (Kruskal-Wallis Test)

Table 3: Distributions of Different Types among Associations of Various Size in Aberdeen and Mannheim (row percentages)

| <i>Aberdeen</i> | | | | | |
|-----------------|-----------|----------|------------|-------|----------|
| | Committed | Attached | Interested | Aloof | N (100%) |
| no members | 17 | 26 | 25 | 32 | 134 |
| small (1-55) | 20 | 24 | 21 | 35 | 149 |
| medium (56-225) | 24 | 14 | 28 | 34 | 148 |
| large (>225) | 17 | 19 | 22 | 42 | 158 |
| overall | 20 | 21 | 24 | 36 | 589 |

Chi-Square: 3.232; df: 3; significance: .357 (Kruskal-Wallis Test)

| <i>Mannheim</i> | | | | | |
|-----------------|-----------|----------|------------|-------|----------|
| | Committed | Attached | Interested | Aloof | N (100%) |
| no members | 44 | 14 | 20 | 22 | 94 |
| small (1-55) | 47 | 14 | 17 | 22 | 430 |
| medium (56-225) | 43 | 17 | 18 | 23 | 471 |
| large (>225) | 45 | 18 | 17 | 20 | 347 |
| overall | 43 | 18 | 18 | 22 | 1342 |

Chi-Square: 1.193; df: 3; significance: .755 (Kruskal-Wallis Test)

Table 4: Distributions of Different Types among Various Levels of Associational Involvement in Aberdeen and Mannheim (row percentages)

| <i>Aberdeen</i> | | | | | |
|--------------------|-----------|----------|------------|-------|----------|
| | Committed | Attached | Interested | Aloof | N (100%) |
| less than 1 hour | 17 | 15 | 24 | 43 | 46 |
| 1-4 hours | 23 | 25 | 21 | 30 | 183 |
| 5-10 hours | 21 | 19 | 21 | 40 | 224 |
| 11-20 hours | 20 | 18 | 30 | 32 | 181 |
| more than 20 hours | 21 | 21 | 21 | 37 | 158 |
| overall | 21 | 20 | 23 | 36 | 792 |

Chi-Square: 5.606; df: 4; significance: .231 (Kruskal-Wallis Test)

| <i>Mannheim</i> | | | | | |
|--------------------|-----------|----------|------------|-------|----------|
| | Committed | Attached | Interested | Aloof | N (100%) |
| less than 1 hour | 47 | 16 | 17 | 20 | 159 |
| 1-4 hours | 44 | 14 | 20 | 22 | 413 |
| 5-10 hours | 41 | 19 | 17 | 23 | 485 |
| 11-20 hours | 41 | 17 | 19 | 23 | 366 |
| more than 20 hours | 46 | 19 | 15 | 19 | 298 |
| Overall | 43 | 17 | 18 | 22 | 1721 |

Chi-Square: 4.289; df: 4; significance: .368 (Kruskal-Wallis Test)

The Prospects for European Participatory Engineering

The empirical findings about local civil society associations in Mannheim and Aberdeen provide a multi-faced and complex picture that makes unequivocal conclusion drawing difficult, if not hazardous. Nevertheless, our research has uncovered two main aspects that are highly relevant with regard to the prospects for European participatory engineering.

First, it is clear that people involved in local voluntary associations establish a rather atypical section of the total population. The ‘typical activist and volunteer’ is about 52-55 years old, married, has a middle-level education and income, and is active in the particular groups for about 14 years. These characteristics deviate clearly from the ‘typical citizen’ in Mannheim and

Aberdeen (see footnote 7). Apparently, being involved in voluntary activities is a matter of a specific category of the population – irrespective of the specific circumstances and traditions in the two cities concerned. The EU is just as likely to face the same problem of skewed participation and representation distortion (Verba *et al.* 1995) as national and regional governments. Widening the participation and involvement of the hitherto uninvolved citizens presents a significant challenge.

1. The mobilization of voluntary associations is likely to result in continued biased representation. Participatory engineering should seek to mobilize citizens that fall outside the ‘usual suspects’ category – i.e. the young and the old, those with low and higher levels of educational attainment and income, etc.

The second part of our analysis assesses the impact of organizational size and levels of membership involvement on attachment to, and interest in, the EU among supporters/members/ activists/volunteers of local voluntary associations. The German respondents appear to be more pro-European than their British counterparts – which accords with the commonplace notion that the British are more Euro-sceptic than many of their European neighbours. Beyond this we examined the impact of associational type, size and involvement levels. The results were clear. Associational size and levels of involvement are irrelevant. This could be seen as slightly surprising. For example, small and more intimate associations could have been seen as potentially more cosy sites for the generation of positive European attitudes. Or alternatively, larger associations – that may be more likely to have wider political contacts and links (possibly even to the EU level) – might have been expected to generate a group of more positive/optimistic Europeans. On the involvement dimension we might have expected activists who spend a lot of time in their organisations to possibly generate more positive attitudes towards various political objects, including Europe. However, it was only

associational type that mattered. In Aberdeen, family and general welfare groups were the most committed, religious, culture, sports and groups specific welfare were the least. The pattern in Mannheim showed some similarity, but not symmetry – community concerns, general welfare and politics groups being the most enthusiastic and new politics and religious groups having the weakest attachments. However, there is not much comfort for EU architects because the levels of attachment and confidence in European institutions are relatively low. This finding is also supported by (population) research by Blondel *et al.* (1998), Cautrès (2001) and Cautrès and Reynié (2001) who show that the directly elected European Parliament fails to promote feelings of European/EU identification among the European citizenry (all cited in Saurugger, forthcoming 2009).

2. Local voluntary associations have a very limited impact on the attitudes towards Europe among their members and activists. Group type matters and participatory engineering appeals should be broadened to draw in a wider range of interests .

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Chapter 11

EU External Democracy Promotion Approaching Governments and Civil Societies¹

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Introduction

The topic of external democracy promotion maintains currently a top priority on both, the political and the scientific agenda. Following the basic assumption that processes of democratization have to grow from within, cooperation on the level of civil society is an essential dimension of external democracy promotion and, therefore, figures high in the scientific discourse.

The EU exports its view of legitimate democratic governance of nation-states to third countries² and acts, therefore, as an external promoter of democracy.

1 This paper is based on our edited book “Externe Demokratieförderung durch die Europäische Union/European External Democracy Promotion” (2007), especially Knodt, Michèle and Annette Jünemann, Introduction: Conceptualizing the EU’s Promotion of Democracy and Knodt, Michèle and Annette Jünemann, Explaining EU-Instruments and Strategies of EU Democracy Promotion. Concluding Remarks.

2 The term “third country” is used here in the sense of the German “Drittstaat” and refers to the country on which the EU is concentrating its democratization policy.

From the point of view of integration theory, it is assumed that the EU can be categorized as a value-driven community, referring to concepts of democracy, human rights, the rule of law and ‘good governance’.³ These values are represented through the EU’s external governance. The EU has used these concepts as a reference since the 1990s. At that time, democracy promotion was handled as a cross-cutting issue which touched upon all divisions of external policy: trade policy, development policy, external cultural policy, as well as foreign, security and defence policy. Since 1995, all bilateral contracts of the EU and third countries contain a reference to democratic values; a development which can be understood as a sort of democracy mainstreaming.

Consequentially, scientific research has only recently begun to focus on the role of the EU’s external governance as a promoter of democracy.⁴ When examining the democracy promotion of the EU, two central topics must be addressed: (1) Which are the main strategies and instruments chosen by the EU? (2) What is the impact within the third countries? This chapter will address the *first* topic. We pose the following questions: Given the development of democracy mainstreaming, why can we still observe differences in the choice of instruments and implementation-strategies? Why did the EU choose sanctions, isolation and the support of dissidents within civil society in some cases, while in others opting for political dialogue, reiteration of the democracy clause and support of civil society organisations that are closely affiliated to the state?

³ For details see Knodt/Jünemann (2007a).

⁴ For an overview on the relevant literature, see Knodt/Jünemann (2007a).

Instruments and strategies of external democracy promotion

Which strategies and instruments the EU applies to promote democracy in third countries? To answer this question, a closer look must be taken at the definition of democracy promotion.

The concept of democracy promotion subsumes all strategies and instruments which are intended to contribute to a process of democratization or democratic consolidation in a third country, regardless of whether the strategies or instruments are carried out by a single state, a supranational/international organization, or by private actors.⁵ In this chapter we categorize the instruments of EU democracy promotion as ‘inducing’ versus ‘enforcing’ instruments, although we are well aware that such a rough categorization and labelling of the categories can be problematic (Burnell 2000: 8). Within this categorization we can distinguish various political-diplomatic and economical instruments.

For the category of ‘inducing’ instruments, the idea of giving incentives is of central importance. Under the category of ‘enforcing’ instruments, the concept of pressure plays a crucial role. ‘Enforcing’ instruments are applied assuming that the third country is not willing to develop in a democratic direction and, thus, an element of force is required. The political-diplomatic instrument can entail diplomatic non-acknowledgement of the state as such, as well as diplomatic isolation. Political-diplomatic pressure could also be administered by any measures which damage the image of the ruling state elites, or which raise the diplomatic costs of their actions (Carothers 1999: 6). The EU can also apply pressure on the state elites by supporting oppositional

⁵ For an overview see Youngs (2006).

civil society organizations, in order to augment an independent civil society. This kind of bottom-up strategy is associated with a specific view of state-society relations.

In this respect, there are two competing perspectives: a 'dichotomous' view and an 'integrative' view. According to the dichotomous concept, civil society is completely independent of the state and its primary function is to control the latter. The relationship between civil society and the state is thus conflictive and polarized, and civil society is legitimately concerned with undermining authoritarian regimes. In contrast, the integrative concept sees civil society as part of a political system, with no definitive divisions existing between the state and civil society. The integrative concept also subscribes to the idea that civil society's function is both, to control the state and to enhance its legitimacy through civic participation. In reality, however, the dividing line between the dichotomous and integrative concept is not as distinct as the theoretical model implies. In most contexts, civil society's relations with the state are, in practice, situated somewhere between the two poles of (dichotomous) anti-system opposition and (integrative) mediation. In turn, civil society actors can fluctuate between these two poles (Jünemann 2005c). As an 'enforcing' instrument, the EU supports representatives from the autonomous and dichotomous spectrum of civil society.

Two prominent economic instruments of 'enforcing' democracy promotion are conditionality and sanctions. Within economic cooperation, trade, technical measurements, financial aid and support, and visa facilities can all be linked to the compliance of democratic standards, human rights and the rule of law (Burnell 2000: 26 sq.). As mentioned above, since 1995, the treaties between the EU and third countries must contain democracy and human rights clauses in concordance with 'democracy mainstreaming'. Nevertheless, there are differences regarding the formulation and implementation of

particular clauses. This allows us to differentiate between various instruments. A first disparity can be found by determining whether the clauses ‘establish obligations per se or whether they merely set out assumptions on which the agreements are predicated’ (Bartels 2005: 2). In addition, it must be considered whether the clauses ‘can be used to preclude a third country from objecting to positive (‘inducing’ J/K) measures for the promotion of respect for human rights and democratic principles taking place in its territory’ (Bartels 2005: 2 sq.). Great deviations also exist within the implementation of the clauses.⁶

An additional instrument used in democracy promotion is democracy assistance (Burnell 2000: 12). ‘Democracy assistance comprises offers of practical, technical, financial and other support in the form of democracy programmes and projects that are invariably grant-supported’ (Burnell 2006: 4). Various programs of EU financial aid within MEDA (Technical assistance for the Mediterranean Partner Countries) and TACIS (Technical assistance for the Commonwealth of Independent States) are explicitly dedicated to the objective of democracy promotion. More than that, all financial and economic co-operations within the framework of MEDA and TACS are politically conditioned.

This conditionality instrument can be applied in two ways: Either as an ‘enforcing’ conditionality tool, binding financial aid and support to democratic reforms, or alternatively as an ‘inducing’ incentive which awards steps towards democratic change with financial resources. Empirically, this distinction is not always easy to draw, however, because the ‘inducing’ use is also linked to a conditionality clause.⁷

⁶ For empirical analyses see Hazelzet (2001) and Hazelzet (2004).

⁷ For this problem see Burnell (2006: 4); empirical evidence in Carothers/Ottaway (2005).

Political/diplomatic ‘inducing’ instruments include the diplomatic recognition of a country, the promotion of multilateral regional cooperation, as well as capacity building, and financial aid and support. A key element of ‘inducing’ democracy promotion is the installation of a political dialogue that focuses on the normative dimension in order to convince the third country of democratic values. In regard to the state–society relationship, the EU pursues the ‘inducing’ strategy within the framework of the integrated concept of civil society to address only civil society organizations close to the state, in order not to put the state elites under too much pressure. In general, the offer of closer links with the EU, such as cooperation treaties or accession, are subsumed under ‘inducing’ instruments as such, but in reality, they always tend to be linked to conditionality.

The use of the diverse instruments within a third country can differ, at times even mixing both, ‘inducing’ and ‘enforcing’ instruments. Therefore, the terms ‘high’ and ‘low’ profile are sometimes more precise when talking about democracy promotion policies. ‘High profile’ in this context means that the EU is determined and persistent to implement the entire set of instruments at hand, ‘enforcing’ instruments included. ‘Low profile’, in contrast, means that the EU is hesitant, remaining either passive or limiting itself to the use of ‘inducing’ instruments, while avoiding the implementation of ‘enforcing’ instruments, such as sanctions or the support of dissidents.

Nevertheless, we can observe that the EU chooses different strategies and instruments in different third countries at different points of time. In practice, the EU policy of democracy promotion is a policy of double standards, as some countries are strictly sanctioned while others remain almost untouched. This has led to a credibility gap which weakens the EU’s room for manoeuvre. However, these varying options of a rather high or rather low profile in the choice of instruments have not been extensively researched yet.

Are there specific conditions under which one or the other instrument (or mix of instruments) is chosen? In what follows we will explore the conditions that explain the EU's choice of instruments for democracy promotion.

The choice of instruments for external democracy promotion

We assume three factors to be relevant in the choice of different instruments and implementations:

- the Multi-Level System of the EU, which is closely related to its potential to act;
- interdependence between the EU and the third country and
- the structure of resonance in third countries

As a *contextual variable*, the international environment is conceptualized according to the changes in the international system.

The Multi-Level System of the EU

(a) Because the promotion of democracy in most cases is connected with external trade policy and bilateral trade agreements, the EU acts within the realm of shared competences. Therefore, Member States play an important role. The ability of the EU to choose from its broad range of instruments depends on the coherence between EU policy and that of the respective Member State. Thus, the multi-level character of the EU is relevant, as Member States could have divergent interests in a third country than the EU. The current bilateral relations are often rooted in the colonial past but can also depend on the economical and/or security interests of Member States. EU policy and the policy of Member States can thus diverge or converge to a great extent, demonstrating different levels of coherency. In this respect, we

have an additional variable; in many cases changes in Member States' government can largely influence the overall democracy promotion within the Member State and within the EU as a whole. Such a change can challenge the theoretical discussion on the process of 'bruesselisation' (Allen 1998), the process of unintentional harmonization through the common perception, and definition and problem-solving strategies used by the actors working together in Brussels.⁸

(b) At the same time, we have to take into account that due to shared competences, the Community has a greater impact in the policy of democracy promotion than in other fields of external governance. This holds true especially for the European Commission which negotiates the agreements with third countries and administrates the relevant budgets, programs, and projects. Here we must look at the learning processes of the Commission's approach to democracy promotion, which will be important for the support of civil society.

The interdependence between the EU and third countries

It is obvious that there is a great economic difference between strong and weak third countries. Thus, the interdependence between the EU and a third country, especially in terms of economical resources, is relevant for the choice of instruments and strategies. But also in the case of a more symmetric interdependence between the EU and a third country – for example China – decisions for or against the use of conditionality instruments, as well as on the cooperation with the state and civil society, will be made in regard to the possible negative economic consequences. Here we can state the rational choice argument that the EU actors will decide according to the cost-benefit-

⁸ For this constructivist explanation of socialization processes in the CFSP, see among others Glarbo (1999: 644); Jørgensen (1999).

calculation of the economic costs for the Community and single Member States.

The second dimension to be considered consists of the possible alternatives for the third country. It must be established whether the respective country can turn to other options in addition to or instead of the EU. Are there competing forces, such as the US or international organizations, which could be used to balance the interdependence between the EU and a third country?

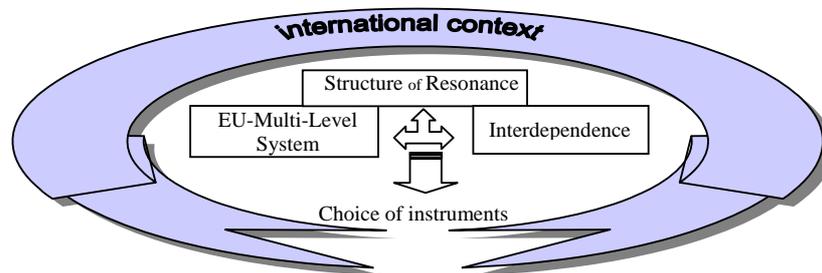
The structure of resonance in third countries

Here we must investigate the structure of the political system of the third country, as well as the responsiveness of the political elite and civil society towards EU cooperation. Are the states to be dealt with fragile, failing, or failed? According to EU's assessment of this question, the instruments and strategies can vary on account of different calculations of the security risks for the EU and/or their Member States. It must further be asked whether the EU is able to identify cooperative contact persons within the state apparatus or civil society with whom it can collaborate. It will be important to look at extreme cases where, due to authoritarian regimes or the absence of state structures, cooperative resonance structures within a third country are lacking.

The international context

As a context variable, the changing international environment and shifting attitude of other external democratizing agents should be taken into account. Examples include the changing situation after 11 September, 2001 or the altering strategies of the US or UN. The latter refers to both the competitive relationship between the EU and other states, as well as the legal involvement

of the EU in international organizations and potential agreements made in the division of labour.



Generating hypothesis

Based on these three factors, we generate five hypotheses:

H1: The more bilateral relations exist between a third country and at least one of the EU Member States, the lesser becomes the EU's potential to act – which means a lack of support for 'enforcing' political instruments.

Regarding the EU's potential to act as a Multi-Level System, our hypothesis is based on the foreign policy literature promoting human rights, which establishes a series of rules designed to help with the analysis of specific cases. There is no doubt that one of the foremost and most basic considerations is the 'foreign policy paradox' (Feliu 2003). This paradox suggests that the closer the relations between two countries, the more possibilities there are of influencing the practice of the other state – but at the same time, the more reluctance and reticence exists in applying the instruments available, owing to the interests at stake. The result is that, in general, other considerations neutralize the promotion of human rights. Inversely, the weaker the links between the two countries are, the more room for manoeuvre and action

exists.⁹ Applied to the multi-level system of the EU, this means that in the case of a strong relationship between third countries and the member-states, the latter will be reluctant to support the EU efforts to work with enforcing political instruments, e.g. supporting the opposition in the third country.

H2: The higher the economic potential of a country is in relation to the EU and the more alternative opportunities exist for this country, the more reluctant the EU will be to choose 'enforcing' instruments.

The choice of instruments is also influenced by the resource-relationship between the EU and the third country. The most striking example is China. Because it is an economically strong partner, the EU does not apply any harsh instruments and only a very weak political dialog has been set up though an exchange of letters. Enforcing instruments, such as political conditionality, have not been inserted into the agreement, either.

H3: The more important the security paradigm is within the relationship to a third country, – especially the neighbourhood – the more the EU tries to insist on its catalogue of values and tends to use enforcing instruments in order to implement its own values.

To complete the first two hypotheses we can also add an assumption about the correlation of measures to save and promote EU values. This points to the dual character of the values of democracy, human rights and rule of law, since these values appear in two contexts: 'Values may be presented both as characteristics of the Union's identity, and as the key to achieving specific Union objectives, especially security and stability within Europe and its neighbourhood. The "external dimension" of values reflects both these constitutive and instrumentalist aspects' (Cremona 2007: 2). They are the key

⁹ See Feliu (2003); Gillespie/Youngs (2002); Jünemann (2005a); Jünemann (2005c).

instrument in order to maintain stability and security for the international environment. The EU tries to export stability to avoid the import of instability.¹⁰

All agreements with neighbouring countries combine the values of democracy, human rights and rule of law with the mechanism of conditionality. At the same time, through involvement in support programs and through capacity building, an attempt is made to convince the other party of these values in the political dialogue. This holds true for both, old and new accession candidates.

The Solana security strategy of 2003 claims, with reference to the theory of democratic peace, that it is in Europe's interest that the countries bordering the EU demonstrate 'good governance'. Neighbours who are involved in violent conflicts, dysfunctional societies, or weak or failed states are causing problems for the EU, therefore, the EU tries to form a 'ring of friends'. The partnership agreements with these new friends are all based on the values of the EU and each one seeks to develop action plans which are specified to the particular country. It is reasonable to assume that in these cases we find stronger conditionality and the application of enforcing instruments (Cremona 2007).

But the choice of instruments can not only be determined geographically, which leads us to the competing hypothesis 4 concerning the resonance structure of a country.

H4: The more insecure a country is, the more the EU is likely to choose 'inducing' political instruments and avoid reform impulses from below which might destabilize the third country.

10 Cremona (2007) referring to William Wallace.

When it comes to the structure of resonance of third countries, we have to keep in mind that (especially in its neighbourhood) the democratization policy of the EU must also be interpreted in terms of security policy. In consequence, the EU is very reluctant to choose enforcing instruments which could destabilize the political system of the third country. In the field literature, this target conflict has been labelled as the ‘democratization-stabilization-dilemma’ (Jünemann 2005a). It is very likely that democratic reforms produce turbulent transformation processes in which destabilization tendencies would be strengthened, at least during the period of political transformation.

H5: If there is a fundamental security paradigm shift at the international level towards the priority of ‘hard’ security, the EU is reducing its ‘enforcing’ democratization policy instruments.

For the international environment, the international security situation is especially important. As an example we should look at the changing policy of the EU for the Mediterranean after September 11, 2001. In the Jünemann book on ‘Euro-Mediterranean Relations after September 11’ (Jünemann 2003), specialists of this region analyze the development of politics in the Mediterranean against the background of a paradigmatically changing international environment. It embarks on the hypothesis that September 11 has resulted in a worrying tendency to securitize international terrorism (Buzan et al. 1998). The concept of securitization legitimizes the fight against a vital threat by recourse to all possible means, including the breaking of existing rules. In consequence, security ranks as a top priority of the EU foreign policy agenda, downgrading the goal of promoting democracy – especially when this conflicts with security aims and therefore, uses ‘inducing’ instruments.

Explaining EU-Instruments and Strategies of EU Democracy Promotion

The Multi-Level System of the EU

As elaborated in our introduction, the promotion of democracy is mostly carried out within the realm of shared competences, allocated among the EU and the Member States. When it comes to choosing the instruments of democracy promotion, the Community's room for manoeuvre is often limited by the influence of Member States which are here characterised as 'interested Member States' (iMS). Instead of using its special bilateral relation to promote democracy, the iMS tends to opt for low profile democracy promotion.

This seemingly paradoxical behaviour of the iMS (also labelled as the 'foreign policy paradox') can be explained by the fear held by states that 'enforcing' instruments, such as support of dissidents or an independent civil society, could have a negative impact on their own economic and/or security interests. In such cases (national) interests dominate over (European) norms. This thesis has been verified in the Southern Mediterranean: Algeria and Morocco have always been protected by France and Spain when facing EU threats to implement 'enforcing' instruments because both 'interested' Member States fear security problems that could get out of control as a result of democratization processes in the South. Trade interests are also at stake, although they are of minor importance in a region that is perceived as crisis ridden. The same pattern – the fear that British national interests might be negatively affected – explains the policy of Great Britain preventing South Africa from EC-sanctions during the times of apartheid.

However, there are also cases in which the opposite effect can be observed. Denmark, for example, with its imperial past in Ghana, pushes the

community to follow a rather high profile of democracy promotion – which includes the use of both ‘inducing’ and ‘enforcing’ instruments. Denmark’s national policy of democracy promotion in this ex-colony is more coherent than that of other EU Member States and the community itself. In the literature we find similar cases, confirming our thesis that, on the one hand, Member States with a colonial past do in fact have a special influence on EU-policies in their ex-colonies. On the other hand, and in contrast to our assumptions, this influence does not necessarily result in low profile democracy promotion,¹¹ and as shown above, it can sometimes even have the opposite effect. How can this be explained?

The Denmark/Ghana case study points to an iMS, the interests of which are not related first and foremost to economic or security issues, but – in difference to other democracy promoters – are normative in character. Using rational choice reasoning, we can argue here that the cost of violating the image of representing an outstanding democracy promoter is higher than the economic advantage in the respective country. Yet, we can also argue using the constructivist approach to role theory, which asks for the dominant role concept within the respective iMS towards a third country. In cases of a colonial context, analysis should pick up the thread of research on the different policy styles of ex-colonial powers in the past.

The diverging results of the various case studies cited above show that the concept of an iMS – introduced in this volume – must be further developed regarding the different kinds of interests or roles of a Member State. The fact that a Member State is interested in a third country is, as such, far too superficial as an explanation. It has become evident that special bilateral relations between an iMS and a third country can be determined by

¹¹ According to Hazelzet, there are many cases, especially with regard to EU policies in the ACP countries, where norms trump interests, see: Hazelzet (2005).

historical, economical, security and normative interests, and that these categories have a different impact on the choice of instruments and strategies.

Changes of Member State governments

Examining decision-making at the EU level, we see in many cases that changes in Member State governments – especially in iMSs – can have a big influence on the overall democracy promotion within the Member State and the EU as a whole. Thus, after a change of government, representatives within the Council and its committees may take completely different decisions from the ones taken by the established actors in Brussels. This mechanism can be blatantly observed in the stance taken by Spain towards Latin-American and the Caribbean states. The change in 2004 from the conservative Aznar-government to the socialist Zapatero-government in Spain, had a noticeable impact on the EU's policy of democracy promotion in these regions. Respectively, it can be assumed that a conservative government uses more 'enforcing' instruments than a socialist government, and vice versa. Thus, the ideological orientation of the third country's government must be taken into account, as it plays a role within the variable of the structure of resonance of the third country (see below). Whereas, for example, the Aznar government pressured the EU to apply 'enforcing' instruments, like inviting the opposition to cocktail-parties in the embassy, in the case of Cuba, the Zapatero government has now changed the strategy to the application of 'inducing' instruments.

The interdependence between the EU and the third country

It is evident that the choice of strategies and instruments depends considerably on the interdependencies between the EU and the third country. Though it is apparent that the EU can easily put pressure on weaker countries, while it is more difficult to influence countries that are stronger,

the impact of interdependencies on the EU's choice of strategies and instruments is more complicated than this observation suggests. Accordingly, the second hypothesis assumes that the higher the economical potential of a country is in relation to the EU and the more alternative opportunities exist for this country, the more reluctant the EU will be to choose 'enforcing' instruments.

When formulating this hypothesis we concentrated on the symmetrical or asymmetrical interdependence of the relation between the EU and a third country. Case studies from different countries show, however, that the role of other international actors or opportunities is much more important than we first assumed. Weaker countries can resist EU-pressure if they have a chance to play the EU off against other international actors. This is the case in Cuba, for example. Since the change of government in Venezuela, Cuba has found a strong partner in the international community, replacing the USSR's protection of the past. It makes little sense for the EU to put more pressure on Cuba, since Cuba can easily ignore it. Another example is Egypt which is sponsored to such an extent by the USA that EU-sanctions would not have any impact. Knowing that 'enforcing' sanctions have no effect on countries with alternative opportunities, the EU refrains from implementing 'enforcing' instruments and, thereby, avoids predictable failure.

Does the EU perform high level policy of democracy promotion in those weak countries that either do not have or do not use 'alternative opportunities'? Not necessarily, as the case of Afghanistan illustrates. Afghanistan is extremely dependent on the foreign aid from various international donors, among them the EU and some of its Member States. Although Afghanistan has various 'alternative opportunities', the government has not yet played one donor off against another. Nevertheless, the EU's profile of democracy promotion remains low, refraining from the use of

‘enforcing’ sanctions to push through its norms and values. The reason for this decision is that the negative side effects would be too high a price. Sanctions would most probably result in further destabilization, and weaken the pro-Western government which was more or less installed by the international community. In economic terms, Afghanistan depends heavily on the EU and other external donors, which in turn depend on the successful stabilization in Afghanistan in political terms. In sum, interdependencies between Europe and Afghanistan are not as one-sided as they seem to be at first glance. This kind of indirect interdependence can be found in the EU’s relations to all failing or failed states.

Not only the interdependency between the EU and the third country itself is relevant. Moreover, the interdependency between the EU and a hegemonic power in the region influences the EU’s choice of strategies and instruments. Due to the asymmetrical relationship between the EU and Russia, for example, the EU takes Russian interests into consideration when dealing with Central Asian countries. The profile of democracy promotion in countries like Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan is rather low because the EU does not want to challenge Russia. Those EU Member States that are highly dependent on Russian energy, like Germany, support this EU-strategy and can, therefore, be categorized as ‘interested’ Member States in the sense of our first hypothesis.

Structure of Resonance

In the literature, the structure of resonance within the third country has been neglected as a variable when it comes to the choice of democracy promotion instruments. Empirical studies show, however, that the assessment of the political system of the third country – especially concerning stability – must be considered as a crucial factor; not to forget the analytical importance of the responsiveness of the political elite and civil society to EU cooperation. The

‘structure of resonance’ variable interacts especially with the security interests of the EU and its Member States. It should make a difference if political elites are pluralistic and show a high willingness to cooperate. New elites, such as the young monarchies in Jordan or Morocco for example, might be more open to outside influence, or – on the contrary – might play the nationalistic card. Countries with a strong and well established civil society, ideally integrated in trans-national networks, offer more options for external democracy promotion than countries with a weak or non-existent civil society. All these factors are important to establish strong relations which might lead to peaceful transformation.

Most instruments of EU democracy promotion have been tailored for the young democracies in Central and Eastern Europe Countries (CEEC) which – after the fall of the Berlin wall – were perceived as a source of security problems because of potential instability. The security dimension of the Eastern enlargement is an aspect that nowadays is often forgotten, perhaps due to the success of the accession process. In all CEEC, the structure of resonance was very positive to start with: Political reform was already under way and strong civil societies were present supporting this process. Consequently, the EU helped to *consolidate* young democracies, rather than *creating* them. In doing so, the EU has been very coherent and in the end successful as all CEEC have become fairly stable democracies within the EU. In the Balkan countries, which are engaged in a process of political reform and also have a perspective on gaining EU-membership, the EU policy of democracy promotion is comparably coherent, as mentioned earlier. The situation with Turkey is similar. EU-policies in these countries verify the third hypothesis and the theory of democratic peace as a ‘leitmotiv’ for EU foreign relations.

Incentives but no membership perspective

However, not all neighbouring countries have such favourable structures of resonance, as was the case in the CEEC. For the new neighbours in the East and the old neighbours in the South, the EU, therefore, adopted the New Neighbourhood Policy (NNP). It is an innovative approach which tries to take into consideration the differences between the countries with regard to their structure of resonance. Democracy promotion is one of the core goals of the NNP which draws on 'inducing' instruments and strong incentives; the partner countries are offered no less than the participation in all EU policy fields. In contrast to the CEEC, however, they have no perspective to join the Union. This creates quite a problem for progressing countries like the Ukraine which must endure the same painful reform process as the CEEC, but without any hope of being rewarded with EU-membership. Until now, there appears to be no other instrument to replace the prospect of accession, which has proved to be the most successful instrument of external democracy promotion. The only way out seems to be a further increase of other incentives. The importance of incentives which could serve as an instrument to replace accession conditionality, can be observed in the case of the Western Balkans. The issue of visa liberalization as a strong incentive has ranked high on the political agenda of the Western Balkans. Thus, instead of offering EU-membership in the near future, the EU was offering the incentive of visa liberalization, but in combination with developments in the policy fields of security, in particular the issues of illegal immigration and organized crime (Trauner 2007).

Democracy-stability dilemma

The promotion of democracy in countries without the perspective of EU-membership is further complicated by what is called the stability-democracy dilemma: The process of democratization normally goes through a very

sensitive phase of transition during which there is a growing risk of civil wars, the failure of a state, or seizure by undemocratic or anti-western regimes. Confronted with such risks, the EU opts for stability rather than democracy. The fourth hypothesis therefore assumes that the more insecure a country is, the more likely it is that the EU will choose 'inducing' instruments and avoid stronger reform impulses which might result in destabilization. In accordance with this pattern, the EU follows a very reluctant, if not prudent, strategy of democracy promotion vis à vis its Mediterranean neighbours, Yemen, Ethiopia, and Central Asia. In these countries 'enforcing' instruments are not implemented and hardly any support is given for agents of political change at civil society level.

The case of Ethiopia highlights an additional factor, already mentioned in the context of 'interdependency', which determines the EU's choice of strategies and instruments: the regional context. Ethiopia has been perceived for decades as a sort of Western bridgehead in a region that is prone to conflict and destabilization. Thus, it is not Ethiopia's stability itself that matters to the EU and its Member States, but rather Ethiopia's role as a stabilizer for the whole region. The same holds true for EU policies regarding Egypt, one of the most influential countries in the Arab world, which in turn has considerable impact on the stabilization of the region and not least, in the context of the Middle East conflict. A country does not necessarily need to have a hegemonic position in the region to be of major importance for the EU; it suffices if the country concerned has a certain influence on an issue or realm within European interest.

The situation is both similar and dissimilar in weak, failing, and failed states – among them many post-conflict states – which from a European perspective are also perceived as 'insecure'. If the EU is confronted with weak, failing, and failed states in which it has strong security interests, it will always choose

inducing instruments in order not to destabilize the country and produce security threats. In failing and failed states the situation is further complicated by the fact that institutions are either absent or not working. However, most of the instruments used by the EU focus on the state and, therefore, find little resonance in these types of countries. If the state is weak, as in Afghanistan, or does not yet exist, as in Palestine, conflict management, state-building and nation-building must all be primary prerequisites for later democratization. Correct timing is a challenge in all post-conflict countries, as can be learned from the situation in the Balkans.

The problem is that these short-term necessities of conflict management and state or nation building can sometimes conflict with the long-term goal of democratization, thus creating another type of stability-democracy dilemma. One of the most important conclusions of all case studies dealing with weak and failing states – and especially with post-conflict states – is that not only the choice of instruments matters, but also, and perhaps more than anything else, the appropriate timing matters. Certainly, further comparative empirical research is necessary to better understand the specifics of EU-democracy promotion in failing and failed states and post-conflict countries.

The EU cannot wait until it finds the necessary structures, which may perhaps never occur. Therefore, it is paramount to develop new strategies that focus on the indigenous structures within the country concerned. As said before, most instruments of EU democracy promotion have been tailored for the young democracies in Central and Eastern Europe where the structures of resonance were already 'European'. In the CEEC, the EU was able to build upon functioning institutions and was supported by civil societies which shared European norms and values. To reach societies that are structured in alternative ways, for example in clans and tribes rather than political parties, the EU will have to exercise increased flexibility.

Institutional learning processes

With regard to the Arab world, EU-institutions have undergone a learning process. In the mid-1990s, when the EU started to support civil society in the framework of the Euro-Mediterranean Partnership, the Commission did not really know whom to address and how to administrate projects at grassroots level. Many mistakes were made during the first years, almost discrediting the entire idea of civil society cooperation. Nevertheless, one can commend the Commission for a certain level of professionalism. Administrative procedures were reformed again and again, trying to increase their speed, transparency and flexibility, thereby also taking into consideration the needs of small NGOs.¹² Furthermore, the Commission carefully opened itself up to ‘moderate’¹³ Islamists, acknowledging that it is not the Western oriented elites who are the decisive actors for change, but rather the religious groups which are deeply rooted in Muslim societies. Although it is extremely difficult to identify ‘moderate’ project partners, the Commission has made a modest move in the attempt to overcome the EU’s often criticized Euro-centrism which hampers political success in non-European countries, particularly when working on the level of civil society. From an institutionalist perspective, one can conclude that the Commission has taken its first steps in an institutional learning process. However, this progression seems stagnate since Barroso’s assumption of the presidency and presently, finds only little support in EU Member States.¹⁴

12 Bureaucratic procedures still provoke much criticism among NGOs and there is obviously still much left to be done. Nevertheless, one can not deny that the Commission has made many efforts to improve its management capabilities.

13 Moderate in this context is a very vague term. The minimum criteria are tolerance and non-violence. Compatibility with democratic ideas is a matter of debate, excluding of course secular models as favoured, for example, by France.

14 Germany is a positive exception. In 2002, the foreign ministry started the project: *Dialog mit der islamischen Welt (Dialogue with the Islamic World)*. People with special knowledge about the

This learning process – regardless of its modesty or paralysis – concerns only the cooperation at the level of civil society; accordingly, it can be understood as an attempt to improve the EU’s bottom-up strategies of external democracy promotion. The problem with failing and failed states is that concepts like ‘bottom-up’ and ‘top-down’ make little sense. In the absence of a state, the division lines between state and society are blurred. Therefore, stimulating reform processes in failing and failed states require new and innovative instruments which must deviate even more from the familiar Western concepts.

Reform resistant countries

For the discussion on unfavourable structures of resonance, we have to consider – last but not least – all those authoritarian regimes which are opposed to *any* kind of political reform. The EU is lacking almost any actual means in order to confront them. This can be observed in Syria, Myanmar, or other extreme authoritarian regimes. Since reform resistant countries can also be categorized as ‘strong’ countries – in the sense of the second hypothesis – one way to challenge them is again through the coupling of different arenas. If the political elites within a third country are not willing to communicate with the EU, the latter tries to put pressure on them through regional organizations. Myanmar is a prime example for the demonstration of this strategy and its limits. Although the EU has used all its ‘enforcing’ instruments to push Myanmar towards political reform, it has not achieved any positive results until the EU put pressure on the ASEAN countries to isolate Myanmar. Although the Military regime did not change its domestic policies, at least it renounced its claim for the ASEAN-presidency, thus

culture and religion of Muslim countries and specific language capabilities were based in different Muslim countries to observe the discourses among Islamists and to identify potential partners for cooperation.

giving way to external pressure. This was a clear signal that even in the pragmatic realm of Euro-Asian relations values only matter to a certain extent. This strategy is also used dealing with Cuba, where the EU works with regional organizations within Latin-America and tries to exert at least some pressure on the regime of Fidel Castro.

Another approach prescribes the support of dissidents in reform resistant countries. The prospects of this approach, however, are also very limited, as extreme authoritarian regimes usually keep their societies very isolated and under tight control, leaving external actors very little room for manoeuvre. In these cases, the EU turns either towards the integrated civil society actors which are collaborating with the state, or must rely on European and international civil society organizations which try to work from abroad.¹⁵ In consequence, we have to acknowledge that the EU has no feasible strategies and instruments available to challenge reform resistant countries.

To overcome the theoretical and practical problems of external democracy promotion in countries with unfavourable structures of resonance, we believe that it is essential to develop clearer categories for the differentiation between specific types of countries. One first and meaningful result that can be drawn from the collection is that it is not the culture but rather the political system of a country which serves as a decisive criterion. As a consequence, we should not categorize countries according to their region (Asia, Africa, Middle East etc.) but instead according to their specific political system. Although we just stated that regions do indeed matter in the context of

15 Within the European Parliament there is a heated discussion about whether the EU should perhaps adopt a much more aggressive strategy, supporting dissidents in a similar way as the American National Endowment for Democracy (NED) did in Eastern Europe and Central America. The idea is to establish an independent European Foundation for Democracy which could work without the restraints that limit governmental institutions. Due to the negative reputation of the NED during the cold war, however, the debate on this project is very controversial.

external democracy promotion, this should not be misunderstood to suggest that the amount of potential for external democracy promotion is necessarily dependent on regions. By examining their political systems, it becomes evident that Syria, Myanmar and Cuba have much more in common than Syria and Morocco, or Myanmar and Thailand. Therefore, further research on external democracy promotion should not assume regions as a starting point, but should instead examine political systems.

A second decisive category is statehood; authoritarian regimes, on the one hand, and failed states, on the other, present the two opposing poles. In between we find various kinds of liberal, weak and failing states. While in authoritarian regimes there is too much state presence, in failed states such structures are absent altogether. In authoritarian states, a mix of top-down and bottom-up strategies makes sense for the EU, as does the use of 'inducing' and 'enforcing' instruments, provided no vital interests stand against the latter. However, the case of failed states is always more complex, as the use of 'enforcing' instruments tends to be counterproductive and the difference between top-down and bottom-up finds no resonance. Hence, and as said before, there is a strong demand for further research in the context of failing, failed and post-conflict countries.

International Context

External democracy promotion is only one foreign policy goal among many. We believe that paradigmatic shifts in the international environment are to be understood as a contextual variable which has an impact on the rank of external democracy promotion within the EU's foreign policy agenda. Only after the end of the zero-sum-game of global bipolarity, external democracy promotion could become a major goal of EU foreign relations, allowing room for new approaches of foreign and security policy. The concept of security was diversified and became an integral part of broader issues, such as

sustainable development and democratization. September 11, however, resulted in another shift of the international security paradigm, prioritizing hard security issues once again. In this context the fifth hypothesis assumes that if there is a fundamental security paradigm shift at the international level towards the priority of 'hard' security, the EU reduces its profile as an external democracy promoter, especially by avoiding 'enforcing' instruments.

As a consequence of 9/11, democracy promotion is losing ground on the political agenda, despite all normative rhetoric. Although there are numerous 'inducing' and 'enforcing' instruments available to propel governments towards democracy, they are not implemented in those countries that are perceived as most important in the fight against international terrorism. In Central Asia, for example, some EU Member States relied on the use of military bases to participate in the operation 'Enduring Freedom' in the fight against the Taliban. Respectively, it is not solely the 'Russia First' policy that spares Central Asian countries from European political interference, but also the impact of 9/11. The situation is similar in the Southern Mediterranean where the EU relies on the authoritarian government's harsh repression of radical Islamism, thereby turning a blind eye on severe human rights violations. Southern Mediterranean partner countries are spared a coherent and persistent policy of democracy promotion because they are perceived as indispensable allies in the fight against terrorism. Another 'ally' in that sense is Ethiopia, a predominantly Christian country that is perceived as a spearhead against the spread of radical Islamism in the region. In conclusion, the balance of the democracy-stability dilemma shifted unmistakably towards stability in the aftermath of 9/11, verifying that the international context must be considered as a contextual variable with strong impact on the EU's assessment of the 'structure of resonance' within a third country.

Final Remarks

In the introduction, the EU was presented as a normative international actor. Values which are valid within the EU are also the basis of the EU's external governance. The EU's claim to be a value-driven international actor is anchored in the EU-treaty and in all treaties with third countries. However, the EU policy of external democracy promotion in many countries is extremely inconsistent and limited to the use of 'inducing' instruments – if action is taken at all. This 'low-profile' approach to external democracy promotion in many parts of the world has resulted in a severe credibility gap. However, it is not only the lack of political will – as many critics of the EU claim – but also the EU's room for manoeuvre which is limited by various factors. Obviously, there is not one *single* factor but many interacting factors that determine the EU decision-making process, especially when it comes to the use of 'enforcing' instruments that may backfire.

This chapter was conceptualized as an initial step towards the systematic research of the question how to explain the choices made by the EU about its strategies and instruments. What have we learned? First of all, the multilevel nature of the EU system had to be emphasized in order to reveal its character as an actor. This allowed us to open up the 'black box' (the EU itself) and take a closer look at the decision-making arena where, due to the shared competences in this policy field, national actors play an important role. Therefore, we introduced the concept of 'interested' Member States (iMS) to illuminate the complexity of European interests and the role these iMSs play in European democracy promotion. It turned out that the interests of the iMSs must be specified in more detail because interest, as such, does not explain the outcome of a different choice of instruments. Historical (in the sense of ex-colonial) and economic interests can satisfactorily explain the prevention of using 'enforcing' instruments within a third country. If the

cost-benefit calculation of the iMS could be affected in a negative way, the iMS pushes at the EU level for soft ‘inducing’ instruments. We also showed that the assessment of the interdependence between the EU/iMS and the third country, if it is more or less symmetrical or asymmetrical to the disadvantage of the EU/iMS, is leading to the use of ‘inducing’ instruments – if the attempt of democracy promotion is made at all. But we cannot conclude in every case that a colonial history results in a strong economic interest. It is also possible that iMSs have normative interests in promoting democratic values, despite their colonial past in the third country – which can lead to the use of ‘enforcing’ instruments.

Security interests in the field of democracy promotion are mostly shared by all Member States and the EU as a whole. They represent a necessary but not sufficient factor in order to explain the use of ‘enforcing’ instruments. In fact, they interact with the EU’s assessment of the current conditions within the third country, which we tried to describe with the structure of resonance. In the case of a strong security interest and a strong stable state, the application of ‘enforcing’ instruments is most probable. However, if such a strong regime is perceived as an irreplaceable ally in the fight against prior security threats, such as international terrorism, it will be spared from too much pressure and the EU will opt for ‘inducing’ rather than ‘enforcing’ sanctions. In the case of a strong security interest and a weak, instable state, most of the times no ‘enforcing’ instruments will be applied.

Where the third country does not show any willingness to cooperate through the state elites, the EU tries to make use of alternative functional or regional arenas to exert pressure. This willingness is dependent upon, among others, the question whether the third country has an alternative to the opportunities offered by the EU. This relates to the factor of resonance within the international context because the situation depends on the strategies of other

countries or international organizations which are promoting democracy, or on a hegemonic country within the region.

The importance of third country assessment in the explanation of democracy promotion is also important regarding the political orientation of the state elites within the third country. If the ideological distance between the EU, or rather the iMS, and the third country is high – and if there is no strong economic interest – it is more probable that the EU will use ‘enforcing’ instruments. This relation reveals how important it is to include the change of government within the iMS as a factor to explain changes in the instruments of EU democracy promotion. The significance of the role changes in government, which also sometimes causes irritations in the relation to other EU bodies, is not yet acknowledged in the literature. However, learning processes within the EU bodies, especially in the European Commission, can also explain instrumental changes.

The international context functions as an intervening variable which can enforce national and EU interests. The paradigm shift in our research affected especially the security interests and strengthened them. In turn, the international context is meaningful in that it determines if a third country is considered to be strategically important – whether for security or economic reasons. If this is the case, then the use of ‘enforcing’ instruments is again unlikely.

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Chapter 12

The European Union as an External Democratizer: EU Contributions to Civil Society Development in Central and Eastern Europe

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Introduction

The focus of this chapter is on EU democracy promotion in Central and Eastern Europe, with a particular emphasis on attempts to foster civil society development within several countries of the region. First, it outlines differences in the instruments used and impacts achieved by the EU in civil society promotion in countries involved in the accession process compared to the so-called potential candidates and to those countries without a membership prospect. Second, it investigates the role of the EU in the “electoral revolutions” in Eastern Europe and compares the instruments selected and the impacts achieved in the field of civil society promotion before and after the “revolutions”. This comparison serves as a test of the ability of external actors to adapt to changing domestic contexts. Adequately

taking local contexts into account has been a significant problem for a wide variety of external actors during their democracy promotion efforts in Eastern Europe since 1989, although learning and modification of behaviour has occurred to a certain degree. The countries focused upon for the purposes of the first comparison are primarily Estonia, Macedonia and Ukraine, while the discussion of democracy promotion before and after the “electoral revolutions” addresses developments in Serbia, Ukraine and Georgia.

Civil society promotion and proximity to the EU accession process

The EU attempts to promote democracy in 1) accession countries as well as in countries 2) with and 3) without a membership prospect. The instruments utilized in the three cases do not differ greatly in Central and Eastern Europe, since the European neighbourhood policy (ENP) was conceived by EU officials with experience in the field of enlargement and this experience was transferred to the ENP. However, the spectrum of instruments used in countries which have been more successful in making the transition to democracy has consistently been broader than in those tending toward authoritarianism. This is unsurprising, as authoritarian regimes impose greater restrictions both on civil society activity within the country and on involvement of external actors. However, the challenge of supporting civil society development in authoritarian contexts has not yet been adequately addressed by the EU or other democracy promoters. The use of political conditionality differs across the categories, since those countries without a membership prospect cannot have conditionality imposed on them to the same extent because the rewards of membership are not available as an incentive. This fact and its implications were neglected in the initial version of the ENP, which overdrew the parallels between the enlargement process and the partial integration of neighbouring countries. Even in the potential

candidate countries the effectiveness of political conditionality is dependent on the credibility of the EU in being able to offer membership within a plausible time frame.

The EU does to some extent support civil society differently in the three categories of country, with a greater emphasis on the *acquis communautaire* in the accession countries, which plays out in more intensive efforts to involve civil society organizations in activities which have relevance for fulfilling the *acquis* (Stewart 2008a, forthcoming). In countries without a membership prospect, this is not the case. Thus civil society organizations (CSOs) are potentially allowed more freedom and the EU is able to support the local agenda to a greater extent rather than its own enlargement agenda. However, in the non-accession countries, and particularly in those with no membership prospect, the state of civil society (and the accompanying political and economic environment) is such that this freedom can seldom be used to its full potential. Furthermore, the extremely bureaucratic nature of the EU and the slowness with which its wheels grind are not conducive to supporting civil society in difficult or even repressive contexts. The EU tends to have expectations of the civil society sphere in these countries which cannot be fulfilled and which lead to disappointment on both sides. A learning process in Ukraine is currently leading to some forms of dialogue which may improve the situation somewhat (Stewart 2008b, forthcoming).

Civil society development can be viewed both in terms of evolution within the sphere itself and in terms of its relationship with other spheres (government, business, etc.). In both cases, the EU has had multiple impacts, both intended and unintended. The EU approach has been to establish intensive contacts with a few established NGOs in the accession countries, especially in order to prepare them for working with the structural funds after accession. This has meant that other NGOs (smaller ones, or those working

outside the capital) have usually been excluded from involvement with the EU. Thus a hierarchy of NGOs has emerged, in which those already privileged have become more so. This development can be found in the Baltic countries and also in Georgia. The NGOs working closely with the EU have needed to devote many resources to this relationship and therefore communication within the NGO sphere has suffered as a result of EU involvement. The EU has attempted to work directly with NGOs in order to bypass government structures and support civil society directly, in particular through the European Initiative for Democracy and Human Rights (EIDHR). This means that on the one hand some NGOs have turned to the EU for funding and have less contact with their national governments as a result. Others, however, which for the reasons named above have little chance of being financed by the EU, have developed contacts to local and national governments more quickly and intensively than might otherwise have been the case in their search for funding (Stewart 2008a, forthcoming).

The problems of transition in countries without an accession prospect have often created environments in which the EU has trouble effectively pursuing its strategy of hooking up with a few prestigious NGOs, since even these did not have the necessary financial stamina and administrative capacity to cooperate efficiently with the EU. Here the EU has been able to have relatively little impact on developments in the NGO sphere. There are efforts underway to alter this situation, in the sense of intensifying dialogue between EU institutions and NGOs in the relevant countries (at least where this is not blocked by the national government), in order to achieve a greater understanding of the problems involved in strengthening civil society in these countries and the ways in which the EU approach would need to be modified in order to provide genuine assistance. In particular such an approach can be observed in Ukraine since the Orange Revolution (Stewart 2008b, forthcoming). However, until these countries have progressed further

toward a consolidated democratic system with more constructive interaction between the state and society, it is unlikely that the role of the EU in civil society development can change significantly.

It can be inferred from the above that the EU has not had much impact on democratization processes in countries without a membership prospect. This is certainly true for the civil society arena, although some small impacts have been achieved, in particular through the EIDHR. At the very least the EU has become more present as a point of reference for democratically oriented actors in these countries over the past several years. Its ability to establish criteria and follow through on its promises in the enlargement process has made it a credible partner, despite the frustration that membership does not appear to be on the agenda for some countries, at least in the short to medium term. However, the abovementioned problems in various areas of transition have made it difficult for the EU to have a consistent constructive impact. Rather, its intervention at certain critical moments (e.g. during the Orange Revolution) has been more visible and arguably more influential than its ongoing attempts at contributing to democratization through programs involving political actors and institutions in the relevant countries, although this may be changing as ENP activities increase. Nonetheless, as the focus of ENP so far has been largely on economic incentives, as well as on certain areas of particular interest to the EU such as nuclear safety and migration concerns, direct influence on democratization processes is likely to remain low.

With regard to civil society, simply by pointing out regularly that participation by civil society actors in policy processes is desirable, the EU has raised the status of civil society in the societies involved. Even if the national governments are not convinced of the need to involve civil society actors in policy processes, they are sometimes required to do so and thereby gain

experience with a new model of dialogue and cooperation. The civil society actors, in turn, become more motivated to increase their level of expertise and capacity for working with the government. The extent to which such new experiences become institutionalized depends on many factors, but the EU has at least contributed to initiating these processes (Stewart 2008a, forthcoming).

Democratization within the civil society sphere, understood as encouraging pluralism and internal democratic structures, has not necessarily been promoted by the EU. While the demands of the *acquis* have led to the fostering of a certain degree of pluralism in accession countries, this has not necessarily been pluralism from below, dictated by the priorities of the given society, but rather pluralism from above, in the interests of efficient EU-country cooperation (Stewart 2008b, forthcoming). In the same vein, internal democratic structures within civil society have not been a priority for the EU, as they can negatively affect the efficiency of decision-making processes and slow down cooperation mechanisms.

Civil society promotion before and after the “electoral revolutions”

EU democracy promotion efforts were only indirectly related to the outbreak of the “electoral revolutions”. There appears to be a somewhat more direct, although not causal, link between these events and certain US democracy promotion efforts, but this was not investigated in depth in the context of our research. However, the “revolutions” were first and foremost homegrown phenomena and were not “imposed” by external actors. Rather, the domestic actors involved drew on certain types of outside support to achieve their goals. This included not only external funding and other types of assistance from western sources, but also expertise gained by previous “electoral

revolutionaries”. There was a clear learning process in which the Georgians profited from the experience of the Serbs and the Ukrainians learned from both. The EU was involved indirectly in that some of its attempts at democracy promotion in the “revolutionary” countries strengthened some aspects of civil society, thus helping certain actors to participate more actively and effectively in the “revolutionary” contexts.

The fact that an “electoral revolution” took place reveals only a limited amount about civil society development in the given country. While it is legitimate to state that without a certain type of development in the civil society realm, allowing for the emergence of a relatively large and organized protest movement, such “revolutions” could not have taken place, their occurrence is a complex development sparked by a certain combination of numerous factors, which cannot be reduced to the evolution of the civil society sphere. On the other hand, the “revolutions” took place in environments which had experienced relative media freedom and lack of repression with regard to the founding and activity of NGOs. However, even this factor indicates that civil society cannot develop significantly without the creation of a more or less conducive environment by the authorities and thereby reinforces the argument that multiple factors must be taken into account.

Important features of the civil society scene in all three “revolutionary” cases studied were the role of young/student leaders, the use of new technologies and the mobilization of broad segments of society. To some extent these features indicate that it was not primarily the NGO-based civil society model as supported by the EU which led to the “revolutions”, although NGOs were certainly involved in the events. The movement-based model is a further indication that the “revolutions” were of a homegrown nature rather than being imposed from abroad, since most western donors had focused the

lion's share of their efforts on building NGO capacity rather than on movements with a broad social base. In fact, it is precisely the connection to the social base which has often suffered as a result of external democracy promotion efforts, as these tend to create an asymmetrical relationship in which the domestic partner focuses on satisfying the external donor in order to keep the funding flowing, often adopting the donor's agenda. This orientation toward the donor leaves little time and opportunity to make and foster contacts with a broader domestic constituency and to develop an agenda through bottom-up methods.

There have not been significant changes in the instruments chosen by the EU in the periods before and after the "electoral revolutions". In some cases there has been an expansion of the variety of instruments (accompanied by more resources) after the "revolutions", although such expansion has been limited as an awareness of the partial nature of the changes brought about by these events set in relatively quickly. With respect to civil society, there have been differing reactions. In part, there was an exaggerated assumption that civil society would now be more incorporated into political processes (especially in Georgia), whereas in fact certain influential civil society actors simply moved to the political realm, rather than institutionalizing deeper relationships between civil society and the state. In other cases (especially Ukraine) there was greater recognition of the need to discover more about conditions in the country for civil society development before proceeding to apply the same instruments as in the past (Stewart 2008b, forthcoming).

The conditions for democracy promotion after the "revolutions" were somewhat more receptive, but in differing and complex ways which were sometimes overshadowed by temporary political problems. In Ukraine difficulties in forming a government made any productive cooperation with the state (by external actors as well as domestic civil society) nearly

impossible. In Georgia, there was a shift toward projects assisting the government, which was now assumed to be democratic, and away from civil society, although this was only temporary. Nonetheless it contributed to a change in the NGO landscape, in which “government-friendly” NGOs were more likely to receive funding and opportunities than those which protested certain aspects of the new style of ruling. With regard to Serbia the perceived opportunity for beginning a process of integration into the EU led to a gradual reduction in US involvement and greater EU involvement, which, however, was primarily concerned with issues such as keeping Serbia and Montenegro together as well as dealing with Kosovo and rarely “descended” to the level of civil society.

In fact, in comparison to the US, EU efforts in most countries came in a distant second. Furthermore, the EU suffered from a lack of visibility, partially due to its complex and multilevel nature. Efforts undertaken by particular countries were not necessarily seen as having anything to do with the EU, and those on the EU level were often not clearly labelled as such. Finally, conditions in the countries themselves made cooperation with the highly bureaucratic and poorly understood EU institutions difficult, and expertise on the EU and its manner of functioning had to be amassed not only in the civil society sphere, but also on the governmental level. Therefore the impact of the EU in the civil society realm and also more broadly in the field of democracy promotion remained quite limited prior to the “revolutions”. Afterwards the situation did not change radically, although in Serbia and Georgia the change in orientation of the government meant that conditions for EU involvement were more favourable. Nonetheless, for several reasons already mentioned above, civil society took a back seat to many other concerns so that impact has remained low overall (see e.g. Stewart 2007). In Ukraine, where the foreign policy orientation was less clear, the EU could not proceed much beyond clarifying the needs and

working environment of CSOs with the aim of further involvement in the future.

In sum, the “electoral revolutions” did not lead to major changes in terms of instruments or impact in EU democracy promotion efforts, although there was some expansion of the spectrum of instruments and some shifting of support from the civil society realm to the new governments. This relative lack of response could be interpreted as a failure of the EU to deal adequately with the new situations created by these events. However, as the changes in the countries themselves were complex and to some extent ambivalent, the cautious approach of the EU would seem to be largely justified. The initiation of mutual learning processes in Ukraine and the awareness of the need to continue assisting civil society development in Georgia are both developments which allow for a certain amount of optimism with regard to future EU efforts.

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In addition, a special issue of the journal *Democratization* dedicated to the topic of external democracy promotion before and after the "electoral revolutions", edited by Susan Stewart, will be published in 2009.

Chapter 13

Civil Society Organisations in a Knowledge Based Society

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Points of departure

There is variety of contrasting opinions among social scientists about the role and meaning of civil society for the revitalisation of democracy. While some analysts are putting this role aside or ignore it, others – on the opposite side of the spectrum – overestimate it. Some other scholars call attention to the problem of internal democracy and legitimacy within civil society organisations ('CSOs') themselves which presumably, are being submerged to the rapid process of increasing professionalism and detachment from their constituency (membership, grass roots). My approach does not underestimate the role of civil society; however, I believe it is time for a radical revision of standpoints according to which civil society is presented as a *panacea* for the plethora of problems linked to (post-) modern societies, as well as the solution to the problem of the democratic deficit on the national level and in the framework of EU governance.

Those who see civil society organisations as an authentic representative of the people's (citizens) voice, appear to forget that these organisations are not elected and do not institute their leadership and programmes through legally binding procedures, but they are based on private initiative and often represent very partial (material or ideological) interests. In this respect, civil society organisations lack the basic (general) legitimacy to 'speak for' the whole of society.

According to empirical analyses, civil society organisations are undergoing the process of rapid professionalisation and transformation into providers of expertise and knowledge (Saurugger, 2006), whereby the importance of membership is decreasing and leadership is becoming ever more autonomous and 'elitist' (Finke, 2007). It must be considered that in a knowledge-based society and in the framework of deliberative democracy, the role of CSOs is changing and facing new challenges. The main theses of this contribution are:

1. Civil society as a (supposed) generator of grass-root mass participation is not a proper (and realistic) answer to the legitimacy problems (or the so-called democratic deficit) of the EU. CSOs at the EU level cannot avoid some sort of elitism, but what they can do is to contribute to more open and pluralist elite composition.
2. The problem of politics is short-termism that reduces democratic and administrative efficiency in policy-making.
3. Deliberative democracy is only viable in a knowledge society and must be seen as a pre-condition for strategic agenda-setting and decision-making.
4. CSOs must be conceived of as enhancing the process of deliberation and contributing to long-term sustainable policies.

5. CSOs are part of elite networks but can play the role of a mediator between politics, business and science and, thus, make these networks more inclusive.

The democratic deficit and civil society

‘Civil society’ is a relatively diffuse and polysemic term. It signifies and extends from radical social movements, such as the anti-globalisation movement, to pragmatic and specialised interest groups, or even lobbyist groups on the national level, or even more in the environment of EU governance institutions. However, in the empirical analysis it is mainly operationalised in the sense of voluntary associations. It is also a term with a very strong normative connotation, being prevalingly characterised as positive and democratic (the Tocqueville-Putnam model), although this does not hold in all cases. Very few authors discuss its negative implications in the form of the rent-seeking that is supposed to be the consequence of strong ‘special interest groups’ (so-called Olson groups). But, in any case, too little attention is paid to the pluralistic and, thus, often controversial nature of civil society.

Referring to debates on the democratisation of decision-making within the EU, civil society plays an important role (for example, in the White Paper on Governance 2001, or in the Green Book 2006). There is no dispute about this; on the contrary, the support given to various CSOs by EU institutions can have positive effects on the quality of their organisational capabilities. It should be pointed out, however, that the expectation that civil society can solve the problem of legitimacy or address the EU democratic deficit by offering an impetus for direct participation and bringing EU citizens closer to EU institutions, are exaggerated.

When summarising discussions about the democratic or legitimacy deficit in the EU that have so far emerged, we can speak of four approaches. The first – some call it technocratic – is based on the thesis that the EU as a transnational organisation has a sufficient amount of in-built mechanisms of mutual control and regulation and claims about the existence of a democratic deficit is a myth (Moravcsik, 2002; Majone, 2005). The second approach considers, by contrast, that the low degree of politicisation and party competition (Follesdal and Hix, 2006) are to be blamed for the democratic deficiencies of EU governance. It is interesting to note that protagonists of the first approach hardly mention civil society and the same goes for the second approach, with the exception of the notion that in the EU a pluralistic system of interest groups prevails, which makes it harder to bring diffuse interests forward while special interest groups are much more influential (even the EU is allegedly supporting the ‘owners of capital’, which sounds very radicalist and probably exaggerated) (Follesdal and Hix, 2006: 8).¹

The third approach sees organised civil society as a lever for a higher degree of participative democracy in the EU (Magnette, 2003; Kohler-Koch, 2007; Friedrich, 2006, Heinelt, 2007). The fourth approach pays less attention to the legitimacy crisis and merely emphasises that CSOs are transforming into professional organisations, having certain expert potential at their disposal and that membership is becoming less important. Consequently, this signifies fewer chances of CSOs playing a role in participative democracy (Saurugger, 2006; Maloney, 2007). While I have some understanding for the first

¹ According to another author – who otherwise represents the view that the EU would be positioned quite high on the scale of democracy indicators – this claim is as wrong as another thesis, namely that business interests are privileged (Richardson, 2007: 276). In this connection, an estimation exists that interest groups in the field of economics/business are more organised and more successful in lobbying; however, these are not only representatives of capital, but other interests as well (labour unions, professional associations etc.), see Saurugger, 2007.

approach – though I am much more inclined toward the evolutionary and dynamic model of thinking – I share the conviction that the latter (fourth) approach is a good starting point for further research. However, here it needs to be considered that professionalisation and expertise are not by default in contradiction with democratic principles, and that expertise in the sense of deliberative democracy – as well as in the framework of the concepts of post-normal science and the Mode 2 production of knowledge (Funtowitz et al., 2000; Gibbons et al., 1994) – presupposes a certain degree of participation.

In spite of a considerable part of organised civil society being embedded in the national and local environments, we face a seemingly unavoidable process of transnationalisation and Europeanisation which appears logical in view of globalisation trends and the (so far not very successful) creation of a European civil society and public.² Undoubtedly, these processes are positive and need to be accelerated. It is, however, problematic when civil society is perceived – at least implicitly – as a homogeneous totality and not as being structurally fragmented and pluralistic. Also questionable is the assumption of civil society being a synonym for direct, mass participatory democracy, as we can consider the notion of civic participation directly influencing decision-making and governance at the EU level as being naive. Far more realistic is the perception of CSOs in the context of EU governance that stresses the importance of its consultative role, since the expert knowledge and specialised information it possesses can really contribute to the quality of political decisions.

² It seems that the number of CSOs involved in international networks ('INGOs') was increasing substantially in the period from 1993 to 2003 (see Adam, Podmenik and Rek, 2008 and texts in Adam, ed., *Elite Networks, NGOs and Governance* (from the CONNEX academic workshop)). It is interesting that we do not have at our disposal statistics and more systematic investigations regarding the number of INGOs active on the EU level. However, it is quite clear that the issue of the specialisation of CSOs emerges here; some are focused on the local and national level while others are more involved in transnational (EU) activities.

Thus, an appropriate theory of the role of civil society based on empirical analysis must be ‘calibrated’ anew; it must take into account both the actual circumstances and the new emerging trends.

The trend of professionalisation: CSOs as expert groups

Despite our limited knowledge of ‘the internal life’ of CSOs, especially the relations between their leadership and members, the available empirical findings do confirm the trend of professionalisation which is appearing in many forms. On the one hand, the leadership of CSOs is taken over by people who, during their studies, had specialised in PR or law. On the other side, for lobbying purposes CSOs engage professional firms (Saurugger, 2006). We are witnessing a similar situation as in the USA, namely the prevalence of so-called advocacy groups (Skocpol and Morris, 1999). These organisations also embrace scientists and other experts or the organisational leadership co-operates with them in common projects. The question arises how to evaluate this trend, respectively what will be (or already are) the implications for membership, participation and inclusion into decision-making processes on the EU level, particularly in relation to DGs and other bodies.

Some scholars regret the emergence of this process or are critical of it (for example, Maignette, 2003; Friedrich, 2007/8), while other authors perceive it as something one has to accept and deal with as a logical consequence of transnationalisation and its inclusion of civil society in a complex consultation process in the EU framework. As one analyst and researcher of associational life put it ‘*Affecting outcomes now requires less membership muscle and more policy expertise and professionalism*’ (Maloney, 2007: 8).

On the local level, membership still plays an important role whereas (already) on the national level, tendencies and pressures towards greater leadership efficiency and an influence on political decision-making are emerging (Finke, 2008). In the context of the EU, this is even more evident and, as the study shows: ‘...the functionary can expect not only “opinions” and “unrealistic wishes”, but also “competent” aid and “technical expertise”’ (Friedrich, 2007/8:17). Empirical analysis of expert groups in the framework of the DGs showed the substantial growth of these organisations – from the analysis we can unfortunately not discern how many NGOs are included in these groups – so it is possible to say that the EU consultation regime is adjusted to them and is forcing them to be the main tool of the consultation regime (Sverdrup and Gornitzka, 2007). Or, as put by another researcher of EU governance institutions ‘...*This means that we have to question the automatic link we draw between civil society representation and democracy...The better informed and organised a group, the greater its chances are to gain access to the European institutions. Expertise and perceived efficiency are central access goods for civil society...However, this may lead to an expertise-representation gap...: the better structured and organised group is, and the more it is therefore able to offer necessary expertise, the less its members feel represented*’ (Saurugger, 2006: 261).

On the basis of these analyses and observations we can conclude that a certain share of CSOs acting on the transnational and EU levels is becoming ‘elitist’ (Finke, 2008: Leconte, 2005), the leaderships of these organisations is ever more present in the networks that connect elite groups on the spectrum ranging from politics to the business world, science and culture.

The knowledge-based society and deliberative democracy

The proliferation of CSOs as bearers and generators of knowledge and expertise should also be viewed in connection with the emerging knowledge-based society or learning society and learning organisation (Schoen, 1983). Only in such an environment is deliberative democracy,³ which brings about new actions and a new understanding on the part of civil society, also possible. There is no doubt that in this frame of reference, a certain type of 'elitism' cannot be avoided. It is quite clear that the deliberative democracy model itself presupposes elitist characteristics, such as articulated knowledge, the ability to enter into public dialogue, and well-informed actors.

Further, 'forcing' CSOs to be actors in decision-making at the EU level actually implies 'cognitive mobilisation' on one side and, on the other, it means the transformation of these organisations into professional advocacy groups in which grass-root participation plays little role. However, this does not necessarily mean a deviation from democratic principles: in given circumstances it can be an effective response to the processes that are characteristic of the global, knowledge-based society.

CSOs can play an important role as a mediator between politics, business and science and the rest of society and, thus, help in the creation of a new developmental discourse and the making of more carefully considered political decisions.⁴ On the other side, new approaches to the sociology of science underline the distinction between 'reliable science' and 'socially

³ For more about this model, see J. Elster, ed. (1998).

⁴ Also see B. Kohler-Koch, who underlines the function of CSOs as agenda-setters and a counterbalance to state and economic actors, in Kohler-Koch, B. and Rittberger B. (2007).

robust science’, meaning a new social contract between science and society with the emphases on wider stakeholders and policy deliberation on the long-term implications concerning the implementation of scientific and technological innovations. CSOs can also play a very important role as a mediator and ‘translator’ between scientific expertise and the broader public. It has to be taken into account that: *‘Since expertise now has to bring together knowledge that is itself distributed, contextualised and heterogeneous, it cannot arise at one specific site, or out of the views of one scientific discipline or group of highly respected researchers. Rather it must emerge from bringing together the many different ‘knowledge dimensions’ involved. Its authority depends on the way in which such a collective group is linked, often in a self-organized way’* (Gibbons, 2000: 6). Put in other words, *‘...results should be expressed not as single discrete values but as an ‘envelope’ showing consequences of assumptions. Appraisal methods should be selected for their suitability for extended peer review, including minority opinions’* (Funtowicz et al., 2000: 334).

For both, the EU (Lisbon agenda) as a whole and its member states, it holds that their aim is to transform themselves into a knowledge-based society and economy (Westlund, 2006; Rodrigues, 2002). This means that information, innovations, and scientific knowledge transfers, as well as ‘knowledge politics’ are becoming the main driving factors of (post)modernisation (see Stehr, 1994; Stehr, 2003). In these terms, long-term strategic decision-making aimed at sustainable development is increasingly important. This sort of decision-making is viable in the model of deliberative democracy; further, this model based on rational discourse and arguments actually only flourishes in a knowledge-based society. Deliberative politics can only function if actors exist who: (1) are competent and have the necessary expertise; (2) are oriented towards long-term aims and willing to transcend short-term interests; and 3) are able to formulate the expertise, i.e. policy proposals

(including policy-related science) in a broadly understandable but not (too) simplified form of collective narratives (Gibbons, 2000; Schoen, 1983). There is no doubt that (some types of) CSOs are acquiring new significance and a new mission in this context.

The problem of politics and representative democracy – and in this specific sense we can talk about an (output) democratic deficit – is that the framework of its political acting and decision-making is narrow, bound by the short-term horizon of one or two electoral mandates. This was quite accurately expressed by one of Europe’s well-known politicians, J.C. Juncker, the President of Luxemburg, when explaining why the EU had not implemented the measures and reforms of the Lisbon agenda: *‘We all know what we need to do, but we don’t know how to win elections after we do it’*.⁵ If politicians have to carry out certain measures and reforms that would have a positive effect in the medium or long term, with no effect evident in the short term, or which would face opposition during the four-year mandate, then politics tends to avoid such measures and reforms. Therefore, a sufficient consensual critical mass of strategic thinking simply does not exist. Proceeding from the ‘trends foresight’, CSOs are called upon to contribute to this critical mass and to enrich political discourse with elements of cognitive complexity, reflection and deliberative decision-making.

CSOs as (possible) protagonists of strategic (long-term) decision-making

Here, certain types of CSOs find their expression. They cannot replace politicians, but they can certainly act as support for aspirations toward the development of strategic and sustainable policies. In this sense, they are a

⁵ Quoted in Westlund (2007).

strong factor of deliberative policy-making based on a private-public-civic partnership.

Post-industrial, knowledge-based societies are complex formations with self-referential and untransparent subsystems. This means that new instruments of mediation and co-ordination, as well as (self-) reflection are needed. Namely, the economy and even science are characterised by short-termism and exclusivist behaviour. In the economy, CSOs should point out social responsibility and the long-term consequences of economic investments or externalities. In science, they should promote alternative expertise and a pluralism of scenarios for technological innovations, especially from the point of view of their broader social and environmental consequences (Gibbons, 2000). Nevertheless, such interventions can only be made in a 'discrete' manner, not from the outside but from the inside, taking into account the autonomy of these subsystems (in the sense of 'contextual steering'). In other words, CSOs should help provide a supportive environment for long-term strategic reforms and be an actor that enhances the diffusion and transfer of knowledge into political decision-making.

In a historical context marked by the knowledge-based society, the need for strategic decision-making, and deliberative democracy, CSOs are gaining new motivations and new challenges on both, the level of nation states and the transnational level of the EU. For these organisations, a new market niche has opened and many of them have already profiled themselves as providers of practical expertise and knowledge (Funtowicz et al., 2000).

The (para-)elitist character of transnational civil society organisations

At the EU level we are encountering the situation of double-sided elitism where, on one side, civil-society leadership is acquiring the role of an elite and, on the other, this 'civil-society elite' is primarily interacting with other – national and transnational – elite sectors and actors. In particular, this involves associations that specialise in the representation of interests at the EU level, i.e., those playing a mediation role between regional and national interests and the EU governance and/or consultation regime.

In the context of societal complexity and the growing demand for expertise and professionalism, CSOs are forced to act as advocacy groups in which managerial, lobbyist, communication and cognitive competencies are more important than grass-root activism and promises of direct democracy. This development is not necessarily a shift away from democratic expectations, but must instead be conceived of as a realistic (and efficient) response to the transnationalisation process and the situation of the EU's multi-level deliberation and decision-making system.

The question is not whether CSOs are involved in elite networks, but rather what is the manner and form of this involvement. It can be hypothesised that the presence of CSOs makes the elite transnational networks more open, pluralist and inclusive. Their representatives are forced to have very diversified contacts and, therefore, are more capable of developing communications skills and cognitive maps that may extend beyond the one-sidedness of the political, business or scientific communication code.

Discussion

In this short chapter I have sought to show the connection between a knowledge-based society, deliberative democracy and civil society in the context of decision-making and governance at the national level and the EU level. I have derived my statements from an awareness of a new role for CSOs that focuses on contributing to long-term strategic decisions. Here, politics is often counter-productive since it is characterised by a time-limited horizon of action.

It should be emphasised here that many CSOs already function in this way. The main aim of this chapter is to move beyond theoretical and normative views of democracy and civil society. This chapter is meant to be a sketch or a draft version of a longer study and, above all, as a call for investigating CSOs as an important pillar of the knowledge-based society and as a partner in drawing up sustainable and long-term policies.

Only from a normativist (moralistic) position can civil society be seen as a factor that can resolve the problem of the so-called democratic deficit of the EU and consequently substantially increase the level and significance of participatory democracy. Instead, CSOs should be conceived of as part of elite networks and their significance could lie in making them more pluralistic and in 'socialising' them. Or, using the words of elite research: these professionalised and already 'elitist' associations might reduce the (self)reproduction of the (classical) elite and enhance its revitalisation and circulation. Seen from this point of view, this would be quite a remarkable contribution to the democratisation of the European polity and society.

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Chapter 14

European Civil Society: The Empirical Reality in the Multi-Level System of the EU

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The Spell of Civil Society

Democracy cannot survive without democrats. Based on this cliché, a strong revival of Tocquevillean approaches can be noticed in the last decade. The obvious limitations and weaknesses of institutionalized, representative democracy – mainly limiting the role of citizens to voters – should be overcome by a much broader idea of democratic decision-making by expanding the way decisions are taken and by including civil society in these newly conceptualized processes. Instead of interest representation, democracy's main emphasis should be on deliberation and involvement. Authors such as Benjamin Barber (1984 and 1995) presented the main arguments for this shift already in the 1980s. Barber firmly rejects liberal “thin democracy” or “politics as zookeeping”. Instead, a “strong democracy” is needed, which “requires unmediated self-government by an engaged citizenry” (Barber 1984: 261). Its main characteristic is “the politics of

amateurs, where every man is compelled to encounter every other man without the intermediary of expertise” (1984: 152). Among others, Stephen Shalom unambiguously has made clear what the arguments behind those claims are:

“We want a political system that doesn’t just produce results that benefit us, but one in which we participate in the decisions that affect our lives. Why? Because self-management makes us more fully human. Politics is not just a means of attaining our ends but is also a means of defining who we are and hence what our ends are.”¹

The advantages of this approach are evident: the conventional fallacies of defining democratic decision-making and participation in status-quo oriented or in institutional terms are avoided. Voluntary associations are presumed to play a major role by providing opportunities for the development of skills, competences and values, on the one hand, and a vehicle for organized involvement and interest articulation, on the other. Especially the civil society concept appears to be very useful in these discussions: civil society “... occupies the middle ground between government and the private sectors” and is characterised as being “... public without being coercive, voluntary without being privatized” (Barber 1995: 281). The concept is closely linked to social capital, but has a different background.²

Recent debates about the problems and prospects of improving the democratic aspects of European decision-making processes are clearly

¹ See <http://www.zmag.org/shalompol.htm> visited on July 30, 2007. See Kohler-Koch (2007) for various concepts of democracy and EU governance.

² “Civil society is primarily the province of political theorists and area comparativists, whose main concerns are normative commitments to democracy and the re-creation of a participatory community after years of authoritarian suppression. Social capital is more the language of rational choice, which is concerned foremost with coordination and cooperation issues as they enhance or detract from equilibrium solutions, in this case voluntary participation in civic organizations and democratic endeavors. Norms and trust are important considerations, but the social capital idea concentrates on personal benefits and strategic calculations” (Bielasiak 2000: 976). For an overview from the perspective of European governance see Smismans (2006a) and the extensive overview by Finke (2007).

influenced by the rise of deliberative concepts of democracy and civil society. Remarkably, these debates were hardly based on demands from grass-root organisations or citizens, but highly stimulated by initiatives from the European Commission to deal with a so-called ‘democratic deficit’.³ As early as 2000, Commissioner Romano Prodi told the European Parliament that in his vision EU decision-making processes “... called for a civic participation in all stages of the policymaking process”.⁴ In its famous White Paper on Governance (COM 2001) the Commission expanded this line of reasoning. Besides, the arguments to strengthen the role of civil society significantly in order to develop a European civil society were explicitly presented. In this view, EU decision-making processes are to be made more open, transparent, and participatory by mobilizing and integrating a wide range of groups at all levels of the rapidly expanding EU multi-level system; that is, by mobilizing civil society. This can be obtained if citizens can be brought “... closer to the European Union and its institutions and to encourage them to engage more frequently with its institutions ... [and] to stimulate initiatives by bodies engaged in the promotion of active and participatory citizenship” (JO C 100, 4.2.2004: 30/7-37/8). As Michalowitz notes, the Commission demands a certain “inner democracy” including the idealistic expectation that civil society organisations “... themselves follow the principles of good governance” (2004: 152).

With its White Paper the Commission evidently stimulated the emerging consensus that civil society will compensate for the assumed deficiencies of democratic decision-making within the EU. In this discussion paper, the empirical evidence for this expectation is briefly examined from the

³ The term “legitimacy deficits” might be more appropriate. See Føllesdal (2006), Mair (2005), or Greenwood (2007), as well as the contributions to Kohler-Koch and Rittberger (2007) for overviews.

⁴ As cited by Sloat (2003: 130). See for a concise overview of the expectations and demands Eising (2000) or more recently Friedrich (2007) and Finke (2007).

perspective of citizens and voluntary associations. Are citizens willing to become more involved in European affairs? Do civil society associations promote the spread and articulation of citizens' demands and expectations and do they stimulate engagement in European affairs? And do these associations provide the 'missing link' between European decision-making processes, on the one hand, and individual citizens in the EU multi-level system, on the other? On the basis of the answers to these questions, the prospects for democratic governance provided by civil society associations will be tentatively assessed.

Citizens and Europe

The attitudes of citizens towards Europe, European unification and the EU have been widely studied in the last decades. Empirical research in this area is concentrated on affective attitudes (support and confidence). In general, support for European integration especially increases with higher levels of education and socio-economic status of citizens (cf. Inglehart et al. 1987). Furthermore, substantive cross-national differences, as well as clear regional differences within member states can be noted (cf. Steenbergen and Jones 2002, Schmidberger 1997 or Eichenberg and Dalton 2007). A rapidly increasing number of analyses attribute these findings to factors such as cost-benefit evaluations, value change, cognitive mobilisation, socio-economic resources, religious orientations, and specific historical and cultural circumstances (cf. Hooghe and Marks 2007). There is no need to add additional confirmation of these finding here. Especially the low and declining levels of electoral turnout for the European Parliament have been documented extensively.⁵ Besides, in the last two decades, European citizens

⁵ See for a general overview of research on European attitudes Niedermayer and Sinnott (1995); for European elections and voting behaviour see van der Eijk, Franklin et al. (1996), Marsh, Mikhaylov, Schmitt (2007), or van der Brug and van der Eijk (2007).

increasingly have rejected the idea that membership of their country in the EU is “a good thing”.⁶ Since we want to compare attitudes towards Europe with similar attitudes towards other objects, different indicators are selected here. Empirical information will be summarised for a few basic political orientations of citizens: political interest, political confidence, political attachment, and political knowledge. Results are taken from the “Citizenship, Involvement, Democracy” project (CID), carried out among the citizenries in several European countries.⁷ The countries selected here are the EU member states Denmark, Germany, Netherlands, Portugal, Slovenia, Spain, and Sweden.

A first indicator of the attitudes of citizens towards Europe is the level of interest or involvement in European politics compared to other political objects. For this attitude a straightforward question with a simple rating scale is used: “How interested are you personally in each of the following areas: local politics, national politics, European politics, and international politics”. Besides, a similar question is used for “politics in general”. A common-sense expectation is that a monotonous relationship exists between people’s interest and the closeness of the political area: the closer the political area, the more relevant it will be for the daily life of citizens, and the higher the level of interest will be. This expectation is corroborated by empirical evidence. As can be seen in Figure 1 the average levels of political interest indeed decline when we move from local to national, and from national to international politics. However, the deviant case is European politics, which is the least

⁶ Straightforward indicators of affective orientations towards the EU are widely used in empirical research in this area. See Eichenberg and Dalton (2007) or Scheuer and van der Brug (2007) for overviews and discussions.

⁷ The network ‘Citizenship, Involvement, Democracy’ (CID) was funded by the European Science Foundation; see: www.mzes.uni-mannheim.de/projekte/cid or van Deth, Montero, Westholm (2007) for further information. Data can be obtained from the Zentral Archiv in Cologne (Study number 4492; <http://info1.za.gesis.org/DBKSearch12/SDesc2.asp?no=4492&search=CID&search2=&db=E>).

interesting area. The average level of interest in European politics is clearly lower than political interest in general and much lower than interest in local or national politics.

Confidence in various political institutions is a second indicator of the attitudes of citizens towards political objects. The respondents are confronted with a list of institutions such as the courts, the cabinet, or civil service, and the question is: "Please tell me how strongly you personally trust each of these institutions". Figure 2 confirms the notion that especially institutions which are not clearly related to party politics (municipal boards and courts) obtain relatively high levels of confidence. Not surprisingly, we find parties and politicians at the lowest end of the list. What is remarkable, however, is the position of the EU between parliament and parties with a rather low level of confidence. Apparently, citizens do not perceive the EU as an institution as trustworthy as the UN, but (dis)trust the EU in the way they trust party-political institutions such as parliaments and parties. Although the general level of confidence in the various institutions mentioned is not very high, the EU even reaches an average score far below the midpoint of the scale offered to the respondents.

A third indicator for the attitudes of citizens towards Europe is the feeling of attachment towards their environment, varying from their neighbourhood or village to Europe or "the world". For this indicator, too, a straightforward question and a rating scale are used. The average levels of attachment are summarized in Figure 3. Apparently, people feel strongly attached to their country, whereas their municipality, neighbourhood, and region all obtain somewhat lower and more or less similar scores. Once again we see that Europe attains a remarkable position at the far end of the scale. On average, people do not feel much attached to Europe – even "the world" attracts higher levels of attachment than Europe does! Besides, it is clear that the

largest ‘attachment gap’ exists between feelings of attachment towards people’s own country and towards Europe.⁸

Finally, a cognitive indicator for citizens’ attitudes towards Europe is used by asking each respondent to mention the number of member states of the EU at the moment of our surveys (1999-2001). The answers to this question vary between one and 97 member states. If we consider only responses provided by at least one percent of the respondents, the range is limited to eight and 20 member states. As can be seen in Figure 4 more than 35 percent of the respondents know the correct answer (15 member states). Apparently, many people still think that the Union consists of 12 members – a constellation which ended with the entry of Austria, Sweden, and Finland in 1995. Substantive numbers of respondents express as their opinion that the EU has 11, 13, 14, or 16 member states, although the Union never had a corresponding membership of that size. Almost exactly half of the respondents estimate that the EU has less than 15 member states. With respect to the intensive public debates about the enlargement of the EU in the 1990s, these figures show a rather low level of cognition of basic aspects of the EU among European citizens.

Together, the results for the four indicators present a rather disappointing picture with low levels of interest, confidence, attachment, and knowledge. The good news, however, is that only a tiny minority of the citizenries is characterized by low scores on each of the four indicators used.⁹ Only three percent of the respondents combine an evident lack of interest in European affairs with very low levels of confidence in the EU and attachment to

⁸ Very similar findings based on analyses of Eurobarometer 62 are presented by Noll und Scheuer (2006)

⁹ Low scores are defined here as follows: political interest: not very + not at all interested; political confidence and political attachment: score lower or equal 4 on scales from 0-10; knowledge: number mentioned not equal to 15.

Europe, and with a lack of basic knowledge about the Union. The not-so-good news is that less than 13 percent of the respondents do not have an exceptional low score on any one of the four indicators used. In other words: almost nine out of ten Europeans show an exceptional low score on at least one of the four crucial attitudes towards Europe.

The simple descriptive results presented here should be considered with caution. Much more sophisticated analyses are required to obtain accurate estimations of the various attitudes towards Europe and the EU. Besides, possible explanations of these results are not even touched upon here. Yet, the general message from these findings is unambiguous: large parts of the European citizenries are not interested in European affairs, have no confidence in the EU, do not feel themselves attached to Europe, and do not have basic information about the EU. It is the relatively unfavourable position that Europe and the EU obtain in comparisons with other political objects that makes these results so worrisome. In an opinion climate like this it will be difficult to attain ambitious goals of more citizen engagement in EU affairs.¹⁰ The Commission's quest to bring citizens "... closer to the European Union" or to stimulate participation in European decision-making processes seems to be very far away from the empirical realities among European citizens.

¹⁰ In addition it is clear that growing divergences between EU policies and policy expectations among citizens strengthen this lack of support for European integration (cf. Eichenberg and Dalton 2007: 145-6).

Figure 1: Interest in politics at various levels (means 1-4, reversed scales)

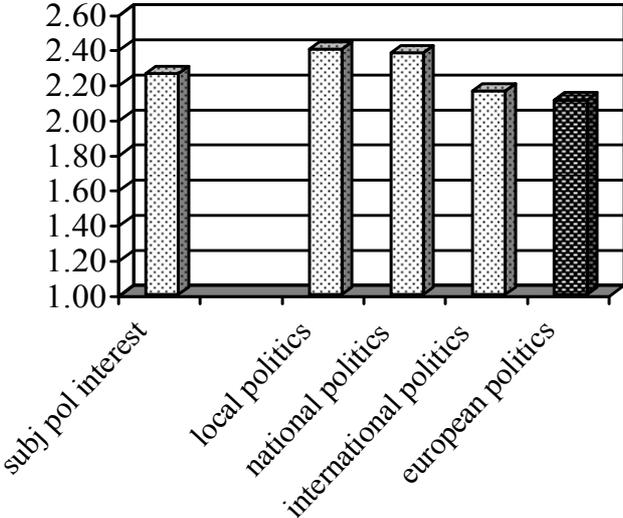


Figure 2: Confidence in political institutions (means 0-10)

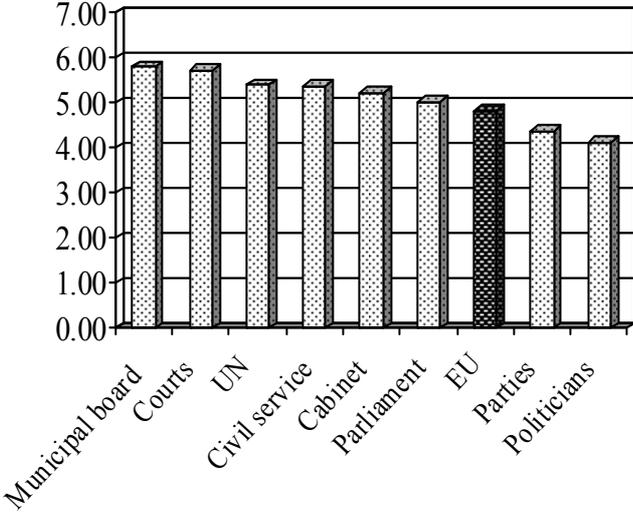


Figure 3: Attachments towards various objects (means 0-10)

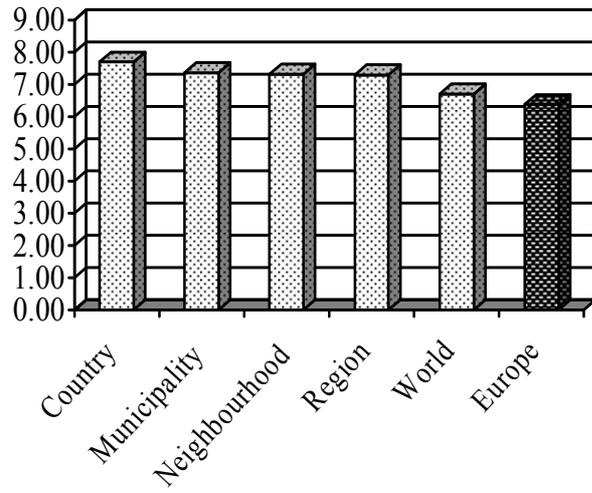
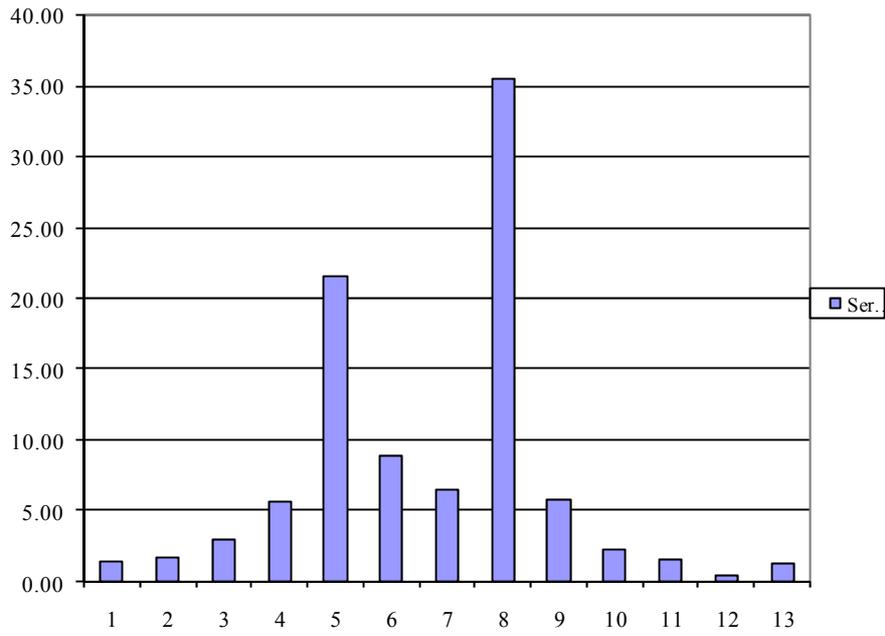


Figure 4: Estimated Number of EU Member States (Frequency Distribution)



The Roles of Civil Society Associations

Schools of Democracy?

The Commission did not rely only on the willingness of citizens to participate in European affairs in order to improve democratic decision-making. From the beginning, civil society organisations were presumed to play an important role in the Commission's approach. Do civil society associations promote the spread and articulation of citizens' demands and expectations and do they stimulate engagement in European affairs? Answers to these questions can be broadly categorized on the basis of role of civil society associations as either being vehicles for the mobilisation of citizens and to develop "active and participatory citizenship", or as being intermediaries or representatives of specific interests in the decision-making process.¹¹ Both roles do not exclude each other and many associations will naturally combine the two.

A bottom-up flow of engagement in European affairs is likely to emerge when people involved in local voluntary associations in general are more positively oriented towards the EU than other citizens are. In that case, mobilizing these grass-root organisations implies an increased level of engagement in EU affairs by a part of the population that is already relatively interested, informed, and attached to Europe. However, if people who are active in local voluntary associations are not characterized by those relatively positive attitudes towards the EU, mobilizing these organisations as part of a 'European civil society' will strengthen Euro-scepticism and the lack of

¹¹ See Finke (2007) for an extensive overview of the various conceptions of the relationships between civil society, society, and the state in research on civil society participation in Europe. Vibert (2007: 138-43) presents a very interesting discussion about "fundamental failures" resulting from an "incompatibility" of existing power-sharing arrangements in the EU and the role of civil society associations.

engagement already typical for many people in Europe. The crucial question, then, is whether members of local voluntary associations differ in their attitudes towards Europe from the population in general.

Empirical information about European attitudes among members of local voluntary associations is rare and especially opportunities to compare the attitudes of these members with those of non-members are exceptional.¹² Most research seems to focus on the various ways associations can be involved in European affairs by gaining a “European dimension” (Sánchez-Salgado 2007). As part of the CID-Project, members of voluntary associations in various European cities were approached with similar questionnaires as used for the population samples.¹³ First analyses of these data for Aberdeen and Mannheim allow for conclusions about the specific characteristics of members of local voluntary associations (cf. van Deth and Maloney 2008a; Maloney, van Deth and Rossteutscher 2007). From these analyses it is clear that attitudes towards Europe are very similar to the findings presented in the previous section; that is, members of local voluntary associations in general are not very interested in European politics, are not very committed to Europe, and do not show much confidence in the EU. In fact, many of these orientations seem to be somewhat less positive towards Europe than can be found among the general population. Only the average level of confidence in the EU appears to be somewhat higher among members of voluntary associations than among non-members. Although the low level of pro-European attitudes among members probably is a consequence of the fact that – almost by definition – people engaged in local associations are especially

¹² Van den Berg (2006) presents a highly original study of the ways Dutch voluntary associations enable their members to (further) develop attitudes towards Europe, but does not focus on local organisations.

¹³ Respondents are not passive members, nor members who enjoy the specific activities of these organisations only, but are selected from the active members; that is, from the members who participate in organisational and managerial tasks of the organisation as volunteers. For convenience, the term ‘member’ is used here for these activists and volunteers.

motivated by local considerations, it is clear that by mobilizing local organisations Euro-scepticism is strengthened. In other words, the invitation of the Commission to participate more in European affairs will not be met with much enthusiasm by members of local civil society organisations. In fact, the proposal seems to underestimate the obvious risk that strengthening the role of civil society associations in European decision-making processes might, consequently, be in vein or might even mobilise opposition and obstruction.

These findings about the attitudes of members of voluntary associations challenge the presumed positive impact of civil society associations for democratic decision-making as presented by (neo-) Tocquevilleans. This conclusion is not restricted to European governance and the exact nature of the impact of civil society on democracy is still disputed (cf. Jordan and Maloney 2007: 171-92). From an extensive overview of the literature Theiss-Morse and Hibbing conclude that “Good citizens need to learn that democracy is messy, inefficient, and conflict-ridden. Voluntary associations do not teach these lessons” (2005: 227). Armony (2004) goes even further by speaking of “The Dubious Link” when referring to the relationship between “Civic engagement and democratization”. Less fundamental criticism has been provided by empirical researchers challenging straightforward Tocquevillean interpretations that do not seem to be relevant for European democracies in particular (cf. Gabriel et al. 2002; van Deth, Montero, Westholm 2007). These findings all undermine the credibility of the basic assumption that civil society associations are ‘schools of democracy’ which contribute to the development of citizenship, engagement, and participation. The specific findings for attitudes towards Europe among members of local voluntary associations seem to corroborate this more general conclusion once again.

Intermediaries and Representatives?

Civil society associations might not have a benevolent impact on the attitudes of their members, but they can, of course, establish the ‘missing link’ between European decision-making processes, on the one hand, and grass-root organisations in the EU multi-level system, on the other. Do they provide “... an intermediary infrastructure” which “support the articulation and bundling of societal interests”? (Kohler-Koch 2007: 265). As part of the CONNEX-project, the activities of Workpackage 1-3 focussed on the role and position of civil society associations within the multi-level system mentioned (cf. Maloney and van Deth 2008). The various contributions deal with empirical analyses of specific decision-making processes and include the attitudes towards Europe among members of local voluntary associations (van Deth and Maloney); the configuration of environmental movements in Belgium and Europe (Hooghe); involvement in discussions about the European Convention in Wales (Cook); the impact of the EU on public accountability in the UK, the Czech Republic, and Romania (Parau and Wittmeier Bains); the claim-making of migrants and the unemployed in Britain, France, Germany, and Switzerland (Chabanet and Giugni); the persistent non-Europeanization of domestic political spaces and the role of party elites (Leconte), outside lobbying strategies and tactics of interest groups (Mahoney), the impact of EU regulations on specific policy domains in seven countries (Adam, Jochum and Kriesi), and the EU’s activities that have affected the development of civil society in the Baltic states (Stewart). These studies provide a wealth of detailed information about actual decision-making processes and their determinants, and it is not easy to summarize the results in a few more general statements. However, two conclusions can be formulated (cf. Maloney and van Deth 2008b).

First, civil society actors in the European multi-level system seem to be firmly integrated in nation-centred structures, acting largely on the basis of their national commitments. It is difficult to uncover any evidence of a massive proliferation of a 'European civil society'. Besides, there is a strong tendency towards professionalized organized interests and an increasing professionalization of existing groups. European civil society as such hardly exists – instead new configurations of nation-specific interest representation and intermediation seem to arise continuously.

A second conclusion refers to the actual role of these professionalized elites in civil society associations. As various empirical analyses show, party elites and association elites play a key gatekeeper role and by doing so sustain the specific interests they represent in the European multi-level system. This conclusion appears to be valid irrespective of whether we deal with political parties, interest groups, lobby groups, or social movements. Although differences between policy areas and different countries can be noted, it is clear that nation-specific interests remain the most important determinants of civil society involvement in European decision-making processes. Even explicit attempts to reach civil society with specific EU-policies appear to have been unsuccessful or have enjoyed limited success only (Maloney and van Deth 2008b).

This depiction of the role and position of civil society associations in Europe is neither new nor unique. For instance, Sudbery (2003: 93–94) presented similar conclusions underlying the fact that people in charge of civil society associations perceive their primary role as influencing policy – involving supporters is seen as “desirable” and frustrated by several barriers.¹⁴ Besides,

¹⁴ Although mainly focussing on British voluntary associations Jordan and Maloney (2007) provide strong evidence for exactly this kind of reasoning among elites of professionalized associations.

the gap between the expected benevolent consequences of deliberation as supported by the Commission and the actual development of civil society seems to be highly problematic. Van den Berg points to the fact that only political parties seem to be functioning as mediums for information about European integration – all other voluntary associations are more or less irrelevant for attitudes about Europe among their members (2006: 108). On the basis of an extensive case study, Smismans speaks about “the participatory myth” and warns that participation by civil society actors in “new modes of governance shows (still) important shortcomings” (2006b: 19). With a nice sense of understatement Friedrich remarks: “It seems as if the participatory infrastructure has not kept up with the pace of the participatory discourse” (2007: 19). Recently, Greenwood summarized the findings about the role and position of civil society associations in Europe as follows:

“Any reality check would show that almost all the EU groups are associations of organizations (in the citizen field almost entirely associations of national or other European associations), and therefore unable to deliver on many of the traditional strengths for interest groups in democratic systems [...] EU groups are political action organizations, not service based organizations, because their members – often national associations, or in the corporate world sometimes large companies – do not need member services” (2007: 347).

In Conclusion

The rapidly expanding European multi-level system of governance should be accompanied by a corresponding expansion of democratic decision-making processes. The Commission strongly urges for a much more prominent role of civil society associations in order to strengthen the ties between citizens and the EU and to improve the articulation of interests and demands at

various levels. Apparently, the lack of democratic legitimacy of the Commission as an “unelected body” (Vibert 2007) is to be rescued by the activities of civil society associations – which are usually not democratically legitimized either. In this way, the ‘distance’ between citizens and decision makers should be reduced considerably, while the process becomes more open, transparent, and participatory. However, a much less rosy picture arises from a “reality check” (Greenwood) of these ambitious goals and expectations.

Survey data provide a rich source to test whether the high hopes in the emergence of a European civil society meet reality. Though the data present a multi-coloured and complex picture, some general trends are easily discernible even from a few straightforward descriptive statistics. In general, citizens are not very interested in European politics, do not have much confidence in the EU, do not feel themselves attached to Europe, and are not very-well informed about the EU. Similar findings about national politics and national political institutions belong to the standard results of empirical research. The remarkable feature of the results for European affairs, then, is not that these attitudes as such are very exceptional – remarkable is the fact that these European attitudes consistently are even less positive than attitudes towards other political objects. This finding might be used to underline the urgent need for actions to improve the attitudes towards the EU among citizens. Yet it is clear that the general opinion climate makes it very difficult to reach the average citizen and to convince him or her to become more involved in European affairs.

Considering this less positive opinion climate among citizenries in Europe, focussing on a specific part of the population in order to improve attitudes towards Europe could be a clever move. From this perspective, the proposal

of the Commission to offer civil society associations a much more prominent role in decision-making processes is certainly justifiable. Empirically, the expectations about the benevolent consequences of these organisations for democratic decision-making are not materialized. A bottom-up flow of engagement is unlikely to emerge because attitudes towards Europe and the EU are relatively weak particularly among those citizens who are active in voluntary associations at the local level. Attempts to involve local civil society groups in EU governance might, consequently, be in vein or might even mobilise opposition and obstruction. These findings are compatible with more general doubts about (neo-) Tocquevillean approaches.

If citizens do not have strong attitudes towards Europe and members in voluntary associations do not deviate from the general population in this sense, the third and last opportunity to rescue the expectation of positive impacts of civil society for democracy is to look at the role and position of these organisations in the European system of multi-level governance. Here, too, the results do not offer much reason for optimistic conclusions. As it turns out, professionalized association elites are playing a key gatekeeper role. Furthermore, the nation-specific character of these associations and their interests is evident.

Measures aiming at more “participatory citizenship” and a much more prominent role of civil society associations seem to be based on a rather unrealistic picture of the political orientations of citizens and the role and position of voluntary associations in democracy. Besides, the deviant position of the EU in the patterns of political attitudes of citizens is not taken into account. Especially the ambitious plans of the Commission appear to be based on a combination of an overestimation of the willingness of citizens to get involved in voluntary associations and politics, on the one hand, and an underestimation of the dynamics of group decision-making processes, on the

other. This combination of false perceptions and presumptions will effectively block attempts to improve attitudes towards Europe among citizens and might even be counterproductive. The empirical reality of the European civil society, then, does not leave much room for optimistic (or idealistic) conclusions about the opportunities to improve democratic decision-making processes by increasing the role of civil society.¹⁵ Much needed is a more critical approach of civil society associations and their elites as well as a “regulated model of participatory governance” (Friedrich 2007: 19).

Disappointing as these conclusions might be, there is certainly no need to condemn civil society associations or to claim that they should not play an important role in democratic decision-making processes. As Kohler-Koch points out: “Though they may not bring about democracy enhancing effects that have been attributed to associations by De Tocqueville, they nevertheless can function as agenda setters and provide a counterbalance to state and economic actors” (2007: 265). Furthermore, empirical analyses of claims presented by associations show more positive attitudes towards European integration than found among activists (Della Porta and Caiani 2007). Associations do not, however, function as ‘schools of democracy’ or intermediaries for citizens in the European multi-level system of governance. Only when that conclusion is accepted, discussions about the proper role and position of civil society associations in democracy can be moved beyond the phase of over-ambitious expectations and ambitions.

¹⁵ That is, of course, not to say that deliberation as such cannot have positive consequences for citizenship and democracy (cf. van Deth 2007). See Searing et al. (2007) for a recent empirical analysis of these relationships and D browska (2007) for a detailed case study. An extensive overview of measures to improve democracy in Europe is provided by Schmitter and Trechsel (2004).

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Conference Report

“Opening EU Governance to Civil Society - Gains and Challenges“

CONNEX Wrapping-up Conference RG 4 and RG 5
October 25-27, 2007 in Piran, Slovenia

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Introduction: Conference on “Opening EU Governance to Civil Society - Gains and Challenges”

On 25th-27th October 2007, after more than three years of CONNEX (‘Connecting Excellence on European Governance’), Research Group 4, working on ‘Civil society and interest representation in EU-Governance’ and Research Group 5, working on ‘Social capital as catalyst of civic engagement and quality of governance’ met in Piran, Slovenia for a Wrapping-up Conference (WUC).

The main aim of the conference was to bring together the state of the art knowledge of both Research Groups. The idea was to present new insights gained during CONNEX, to deduct new research questions for the last

months of CONNEX, as well as for continued research after CONNEX, thus assuring sustainability.

The conference focused on three aspects of civil society and European governance and a number of cross-cutting questions were discussed related to biased representation (Session I), participatory engineering (Session II) and civil society and democracy in the EU (Session III).

Biased Representation?

Session I of the Piran conference, chaired by Stijn Smismans (Cardiff), looked into various facets of biased representation in the EU and made us aware of the very differentiated process of interest representation in Europe. The contributions all made clear that social scientists are willing to challenge conventional wisdom and to re-analyse biased representation. Thus, for example, the question of interest group power and influence is again on the research agenda. But Dirk de Bievre (Antwerp) and Andreas Dür (Dublin) also underlined, that a re-analysis of the power question needs to pay attention to the methodological problems arising when analysing influence – or impact, as Rachel Barlow (ESAE London) would like it to be called. In order to reduce pitfalls for future research, as well as to stimulate further discussion and research in this area, Dür presented the strengths and weaknesses of different measures used in the literature.

A different aspect of biased representation is the participation of individuals in associations. William Maloney (Newcastle) analysed the membership structure of nongovernmental organisations (NGOs) in the environmental sector in the UK. Many environmental groups are characterized by a high rate of ‘check book participators’ and a well educated, high income membership, which they actively ‘recruit’ through sophisticated market

research strategies. Yet, Maloney also pleaded for a re-evaluation of biased representation. He reminded the conference participants that beyond the 'negative' image of 'skewed participation' there might be 'positive' aspects of this kind of bias. Some groups serve a surrogate function acting on behalf of constituencies that lack resources, as for example in the case of children, animals or the mentally ill. But biased participation may also have redistributive or progressive elements. Some concerns are shared between socially and politically disadvantaged citizens and active, resource-rich citizens (*e.g.* crime, environment, education, health care, security etc.), and this way, the latter also take care of the formers' interests. According to Maloney, another possible virtue of biased representation in terms of citizen involvement in groups is a bias towards increased political knowledge and tolerance among participants: The resource-rich tend to be the most active citizens and they are also better informed and more tolerant vis à vis non-mainstream opinions. Thus, while the process exacerbates political inequality, it may enhance the quality of political discourse and democratic governance. This point was taken up by the practitioners participating at the Piran conference. They underlined that the reduced time-span of the co-decision procedure in recent years, as well as the still rising number of interest representatives (ranging from trade associations to member state countries themselves) confront civil society organisations (CSOs) with new challenges which are best met by turning into political entrepreneurs. The normative assessment of the development towards biased participation remained open, but it became clear that the professionalization of member-recruitment raises questions about its effects on the democratic legitimacy of the involvement of civil society organizations in the EU policy making process.

Participatory Engineering and EU Democracy

The second session of the Piran conference took a broad view on the question whether democracy can be 'engineered'. Findings were gathered from various perspectives, theoretical and empirical, on different member states and on the European Commission.

The first part of session II, chaired by Gyorgy Lengyel (Budapest), focussed on participatory engineering and EU democracy. The session touched on cross-cutting questions of the conference, such as the latent trade-off between extended participation and enhanced policy impact, which of course had already been discussed in the above mentioned paper from de Bievre and Dür, and on the re-assessment of participatory instruments and their application in EU member states, as well as on the EU-level. Thomas Zittel's (Mannheim/Munich) presentation on 'Participatory Engineering: promises and pitfalls' raised questions regarding the relationship between normative models of democracy and most recent initiatives in the field of participatory engineering. His findings were that although participatory engineering is enhancing direct involvement and a pluralisation of voices, these moves reflect large differences in kinds and in terms of intensity. Case studies from three EU member countries make clear that three very different models of local democracy have developed: While Germany emphasizes direct decision making and changes in electoral laws, Swedish communities stress changes in the communities' representative structures. British communities, in contrast, emphasize New Public Management initiatives. Zittel underlined that the current literature lacks comparative empirical evidence of the politics of participatory engineering, which could provide explanations for these differences between European nation states. Another question raised by Zittel was how EU activities towards local democracy touch on member-states. He pointed to a dilemma of the EU's attempts of introducing participatory

democracy: While governance moves upwards to the EU-level, participatory engineering moves downwards to the local level – the only level on which it is assumed to have real impact. Yet, the goal to educate citizens in ‘local schools of democracy’ presupposes either a transfer of the newly gained political capacities to a wider context, or that more relevant issues have to be decided at this specific level of government. In order to avoid a gap between local participation and the scope of local decision making, which could spawn cynicism and lead to quite reverse results, Zittel proposed to secure a fit between the EU and the local level through a transfer of competencies and, thus, to increase local autonomy in the course of decentralization. Zittel’s conclusion, therefore, is that a democratisation of the EU via participation needs to be combined with the decentralisation of policy making.

The latent trade-off between extended participation and enhanced policy impact, as lined out by Zittel, is also very present in the Commission’s use of online consultations, as documented in the research presented by Christine Quittkat (Mannheim) and Barbara Finke (Mannheim). Analysing the ‘EU Commission Consultation Regime’, they looked at the consultation instruments used by the European Commission and whether the Commission’s participatory strategy is suitable to bring into open a high and diverse range of voices at EU level, which is a prerequisite for deliberative democracy. The data clearly indicates that especially the new instrument of online consultations, applied by the European Commission with the intention to lower the threshold for participation in consultation processes, indeed attracts representatives of very diverse interests. Yet, the quality of online consultations as instruments of participatory policy making varies with their format: especially consultations with open, albeit structured questions might offer real impact through the presentation of new ideas or problem solutions, but participation rates are much higher when online consultations

are based on (multiple-choice) questionnaires, and these, however, do not allow for new input on policy issues.

Over all, the analysis of Quittkat and Finke proved that Commission - civil society relations have indeed changed since the turn of the century and openness, inclusiveness, and transparency have increased considerably. This became also evident from the case study presentation by Joan O'Mahony (London) on the role of 'the public' (variously conceived) in EU fisheries governance. O'Mahony provided a description of the way in which the taking into account, or consultation, of civic groups in this particular field of policy making has changed over time. She convincingly argued that in DG Fisheries the factors that have been important in promoting the specific pace and place of civil society can be related to both, its regulatory object and its regulatory public. Thus, not only do we find variations in political engineering between EU member-countries as found by Zittel, but civil society may also emerge in different ways in the various DGs with some features of civil society more defined than others.

Generally, we witness a re-assessment of participatory instruments from both sides, i.e. from those consulting and those being consulted. Quittkat and Finke pointed out that the Commission itself undertakes a number of evaluations regarding its consultation processes, as the example of the 'Stakeholder Involvement - Peer Review Group' of DG SANCO and the independent evaluation of the Commission's impact assessment system, launched in early 2006, show. But in her case study on DG Fisheries, O'Mahoney discovered also a new and notable development of self-reflexivity on the part of stakeholders, a consciousness that they are the 'involvees', and an effort to consciously comment explicitly on DG Fisheries' instruments of governance and on the methodologies that DG Fisheries use for taking them into account. She pointed out the example of the most

recent consultation exercise of DG Fisheries on the 'Green Paper: Towards a future Maritime Policy for the Union: a European vision for the oceans and seas' (COM 2006/275 final). Here, the environmental NGOs in their written contributions concentrate much on the level and on the depth of stakeholder involvement, and on the relevance of adopting a holistic approach to maritime issues. Other consultation contributors focus on the methodologies used for 'taking into account' the views and opinions of various interest groups.

The comments by Frank Vibert (European Policy Forum EPF, London), as well as the general discussion made clear that we might be confronted with the issue of 'capture', albeit in two different variations: (1) Regarding the case study on DG Fisheries, Vibert raised the question whether we see a power game dressed up as a voice game. It might be that the Commission is looking for new coalition allies (scientists and environmental CSOs) against opposing parties (member states and fishers). (2) The other issue of capture, of course, is the question 'Who is the political engineer?' The involvement of CSOs into evaluating processes, as well as their 'meta-level' contributions on participation instruments and accountability to what originally is intended as a 'policy consultation' seems to give evidence of a relevant trade off: The gain of legitimacy via civil society involvement might come at a high price for the European Commission, namely the loss of control.

Session two also underlined the difficulty and importance of relating research to political theory, especially normative political theory. From empirical research, CONNEX researchers again turned back to basic questions of political theory because middle range theories, which have already been applied to established political systems like the nation state, do not fit well the new case of the European Union. Thus, confronting empirical findings with

theoretical reflections on the 'Democratic Value of Civil Society Engagement', Thorsten Hüller (Mannheim/Bremen) and Beate Kohler-Koch (Mannheim) outlined a normative conception of democracy in order to measure and assess the changing quality of European democratic performance. Their suggestion of a normative notion of democracy appropriate for the EU is based on three normative principles – (1) political equality as reciprocity, (2) transparency/publicity and (3) accountability – and is defined as follows: 'Democratic is a political order, if the essential decisions in the system are generated in public and mechanisms exist, which link or bind these decisions in a egalitarian (or: reciprocal) way effectively to their members.' Hüller and Kohler-Koch outlined the complex governing system of the EU, which is characterised by diffuse responsibilities in a system of network governance and in which CSOs ideally have 'credible support functions': giving voice, monitoring, publicising, and designing normative frameworks. From their theoretical and empirical analysis they concluded that the actual instruments of civil society involvement have, at best, a very much constrained positive effect on the democratic quality of the EU. And indeed, as the discussant Thomas Zittel (Munich/Bruchsal) as well as comments from the audience made clear, the concepts of publicity and accountability and their relation to the features of a 'European public sphere' or, more generally, a European public, will have to remain on the research agenda, open questions still being manifold: Can CSOs support the claims for publicity and accountability? What is the role of the European Parliament and of the (European) political parties? How or where do various concepts of civil society link with compounded publics and how does the European civil society link with national public discourses?

Europeanization of Civil Society and Democracy?

The second part of session II, chaired by Peggy Schyns (Leiden), confronted the audience with somehow contradictory findings. Laura Cram (Strathclyde) explored the concept of European identity and its significance for European integration by drawing upon insights from theories of nationalism and national identity. She conceptualises European identity as an ongoing contingent and contextual process which generates 'banal Europeanism'. Her central hypothesis is that European integration facilitates the flourishing of diverse national identities, rather than convergence around a single homogeneous European identity.

Cram argues that the nations, states and the nation-state structure upon which the EU is predicated are not static entities but are constantly evolving. Thus, being part of the European Union has not only allowed a range of diverse identities to flourish, but altering the relative costs and benefits of particular courses of action may even have encouraged the evolution of some national movements in the particular direction that they have developed. As different understandings of 'nation' come to the fore within member states, or as national interests begin to challenge existing state boundaries, traditional approaches that centre on the nation-state are faced with a number of challenges. This diversity, far from challenging the process of community building in the EU, provides - so the argument of Cram - a vital source of dynamism for the integration process. The role of the EU as facilitator for diverse understandings of collective identities encourages the *enhabitation* of the EU at an everyday level and the reinforcement of a sense of *banal Europeanism* which is a crucial aspect of the European integration process. Facilitating diversity may, thus, provide a vital source of dynamism for the integration process.

Yet, these findings of Cram on banal Europeanism are somehow in conflict with the findings of William Maloney (Newcastle) and Jan van Deth (Mannheim) that the levels of attachment and confidence in European institutions at the local level are relatively low. With regard to the question whether local civil society is conducive to European participatory engineering, Maloney and van Deth's conclusions from their empirical analysis of local civil society associations in Mannheim (Germany) and Aberdeen (UK) are twofold: 1. The mobilization of voluntary associations is likely to result in continued biased representation. Therefore, participatory engineering should look to mobilize citizens that fall outside the 'usual suspects' category – i.e. the young and the old, those with low and higher levels of educational attainment and income, etc. 2. Local voluntary associations have a very limited impact on the attitudes towards Europe among their members and activists. If anything, local activists are even more sceptical towards the EU than the average citizen, although scepticism varies depending on the group's main issue. Family and general welfare groups are the most committed to Europe, and religious, culture, sports and groups-specific welfare groups the least.

Turning from engineering of participation inside the EU to engineering democracy outside the EU the paper on 'The EU as External Democratizer' by Michèle Knodt (Darmstadt) and Anette Jünemann (Hamburg) made clear that the EU policy of external democracy promotion varies across countries. It is indeed more often than not inconsistent and mainly limited to the use of instruments that are aimed at 'inducing' rather than 'enforcing' a change in political behaviour – if action is taken at all. This 'low-profile' approach to external democracy promotion in many parts of the world has resulted in a severe credibility gap. However, it is not only the lack of political will – as many critics of the EU claim – but also the EU's room to manoeuvre which

is limited by various factors. Obviously, there is not one *single* factor but many interacting factors that determine the EU decision-making process, especially when it comes to the use of 'enforcing' instruments that may backfire. In addition to the international environment which they define as a contextual variable, Knodt and Jünemann have specified three main factors influencing the EU's capacity to act as an external democratizer: (1) the multi-level system of the EU which is closely related to its potential to act; (2) interdependence between the EU and the third country and (3) the structure of resonance in third countries.

A particular focus of Jünemann's presentation was on the instruments used by the EU to support the democratization process in Central and Eastern European. The conditions for external democratization were specific since these countries not only had (emerging) civil society organisations but were also offered the perspective to join the EU. Democratisation instruments for non-democratic countries or for transition-countries without civil society organisations (and no perspective of EU-accession) are much harder to develop. Thus, at the Piran conference, especially the importance of structures of resonance in third countries for the democratisation success of the EU was intensively considered, focussing on the structure of civil society and the (non-)existence of civil society organisations. The discussant Peter Burnell (Warwick) raised the question about what should be done by external democratizers if there are hardly any CSOs in a country, as in the case of Georgia. He underlined that supporting civil society organisations is only one instrument to support democratization from outside; others are seen more critically but might still be successful, for example political pressure and different kind of sanctions. Further, empirical research has shown that democracy has to come from within a country, i.e. democratizing instruments must fall on 'fertile ground', as Knodt and Jünemann pointed

out. Yet, and this might even be a normative question, should the EU support social movements, family based structures of self regulating communities, welfare groups, etc. or are such groups considered to be too 'un-institutionalised' to become a 'democratisation-partner'? Finally, as Burnell made clear, one pertinent question here is how to measure success, i.e. the EU's effect on democratization via civil society support and the sustainability of impact both, in terms of sustaining civil society (organisations) and a democratic polity. As in the case of interest group power and influence (Dür and de Bievre), measuring success of - or impact on - democratisation is a demanding methodological endeavour: How can one attribute success to the EU's external democratisation strategies when so many other factors intervene?

Civil Society and Democracy in the EU

The final session III, chaired by Carlo Ruzza (Trento), focused on a third dimension of 'Civil Society and Democracy in the EU', namely on the relevance of 'framing'. The conceptualisation of civil society is not just an academic exercise but also highly relevant in political life because it has an impact on political reality. As Bruno Jobert (Grenoble) argued in his presentation on 'Civil Society as Discourse' the recourse to civil society mostly is a response to a perceived legitimacy crisis. The concepts vary and are put to different and sometimes contradictory uses, reflecting different world views and strategic interests in different contexts. In order to better grasp the variety of representations of civil society in civic discourses, Jobert suggests introducing three different perspectives (1) the role of politics in the constitution of civil society, (2) the modalities of involvement of civil society organizations in government action, and (3) the conditions of rehabilitation of civil society when it has been disrupted. Against this background, four

models of civil society can be differentiated: (I) the tutelary modernization model; (II) the neo-conservative model; (III) the transatlantic third way; and (IV) the integrative civil society model. All four models attribute different roles to civil society as an agent of democracy and good governance and they can be used as a normative yardstick and as reference to capture the changing realities in Europe and abroad.

Turning to empirical evidence regarding civil society in the multi-level system of the EU, van Deth tested by using survey data, whether the high hopes in the emergence of a European civil society meet reality. Though the data present a multi-coloured and complex picture, some general trends are discernible. A first general conclusion of van Deth is that civil society actors seem to be firmly integrated in nation-centred structures, acting largely on the basis of their national commitments. Furthermore, party elites and association elites are playing a key gatekeeper role and by doing so sustain the multi-level facets of the European space. A bottom-up flow of engagement at the European level is also unlikely to emerge because support for the EU is relatively weak just among those citizens who are active in voluntary associations at the local level. Attempts to involve local civil society groups in EU governance might, consequently, be in vein or might even mobilise opposition and obstruction. Accordingly, so van Deth's credo, a more critical analysis of these actors and their activities is required for assessing to what extent they can or could contribute to good governance in the EU. Arguably this kind of analysis will give a better clue on the potential development of democratic processes in Europe than an appraisal of associational density, diversity and membership levels.

Finally, Frane Adam (Ljubljana) concentrated on the connection between a knowledge-based society, deliberative democracy, and civil society. In his

presentation he 'framed' CSOs as part of elite networks. At EU level, so Adam, we encounter the situation of double-sided elitism where, on the one side, civil-society leadership is acquiring the role of elite and, on the other side, this 'civil-society elite' is interacting mainly with other (national as well trans-national) elite sectors and actors. Concerned are especially those associations which specialised in the representation of interests on the EU level, i.e. which are playing the mediation role between regional/national and EU governance or/and the EU consultation regime. In the context of societal complexity, of growing demand for expertise and professionalization, the civic organisations are forced to act as advocacy groups, where managerial, lobbyist, communication and cognitive competencies are more important than grass-root activism and promises of direct democracy. As a consequence, the role of membership is affected, raising questions of democratic legitimacy and the mediation function of civil-society. But Adam argues that these developments are *not necessarily* a shift away from democratic expectations; rather they can also be conceived as a realistic (and efficient) response to trans-nationalisation processes and to the situation of the EU multi-level deliberation and decision-making system. The presence of CSOs make the elite trans-national networks more open and inclusive and civil society organisations can attain a new role in the EU, contributing to long-term strategic decisions. Thus, the question to be analysed in the future is not whether CSOs are involved in elite networks or not, but rather the manner and form of this involvement. Adam hypothesizes that being part of these elite trans-national networks, CSOs representatives are forced to have very diversified contacts, will develop communication skills and cognitive maps that may go beyond the one-sidedness of the political, business, or scientific communication code.

The third session of the Wrapping-up Conference in Piran gave evidence of the different frames of civil society that people and researchers maintain. This led to the formulation of further key questions for future research, adding to the questions already raised by the papers presented. One question which still remained open at the Piran conference is 'What is civil society and what is its role?' Especially the round table on 'Opening EU Governance to Civil Society: gains and challenges', chaired by Beate Kohler-Koch (Mannheim), which allowed for the exchange between academics, Carlo Ruzza (Trento) and Stijn Smismans (Cardiff), and practitioners, Anne Hoel (The Sociel Platform) and Frank Vibert (The European Policy Forum), underscored some of the topics already raised in the papers and the discussions, such as the contested frames of civil society and how these relate to the image of a European trans-national civil society in support of European integration. It was convincingly argued that more research is needed in order to know in which specific political and social context civil society is emerging as an 'idée directrice' and which specific functions are attributed to civil society organisations.

The discussion also took up the issue of participatory engineering, above all the rationale of supporting the so called 'weak interests', in order that 'value based' and 'rights based' interests are given a voice in EU policy making. The call for more equality in the representation of societal interests takes up a core principle of normative democratic theory. However, 'equal representation' is more than just giving voice to a plurality of interests; it also demands that the interests voiced are representative.

Conclusion

According to the research findings of Research Group 4 and 5, the high hopes put in civil society will not materialise easily. The image of a vibrant European civil society that articulates the needs and aspirations of citizens is caught up by a still segmented national media infrastructure, the multiplicity of languages and political cultures. The concept of associational civil society functioning as a transmission belt for the democratic articulation of EU citizens is not persuasive as long as multi-level representation and accountability are difficult to realise. Thus, the CONNEX Wrapping-up Conference at Piran brought together the broad range of theoretical reflections and empirical findings of both Research Groups and drew attention to new questions to be answered by further research.

Annex:

Research Group Publications

RESEARCH GROUP 4

“Civil Society and Interest Representation in EU Governance”

Coordinator: Beate Kohler-Koch, University of Mannheim

Team leaders: Rainer Eising (University of Bochum), Beate Kohler-Koch (University of Mannheim)

Already Published, in print or accepted

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RESEARCH GROUP 5

“Social capital as catalyst of civic engagement and quality of governance”

Coordinator: Frane Adam, University of Ljubljana

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