

Civil society participation in EU governance

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Abstract

The debate on the European Union's legitimacy crisis led to the discovery of civil society in EU governance. With the waning of the permissive consensus, politicians, bureaucrats, and academics shifted their attention towards the input-oriented dimension of democratic legitimacy which results from authentic participation and governance 'by the people'. Participatory democracy via civil society involvement came to be considered as a promising supplement to representative democracy and entered EU documents such as the White Paper on European Governance and the draft Constitutional Treaty around the turn of the millennium. However, the origins of the current debate on civil society in EU governance can also be traced back to interest group research which has flourished since the early 1980s and the debate on 'participatory governance' that unfolded in the 1990s. These approaches are more concerned with effective political problem-solving and the output-dimension of democratic legitimacy which can, from this point of view, be improved by stakeholder participation and civil society engagement. In fact, two scholars who refer to 'civil society' do not necessarily mean the same thing and this is even less obvious if journalists, politicians or public officials allude to civil society. In order to enhance the basis of the discussion, we should seek to identify the conceptions they rely on. This will help us to understand where different arguments come from. Hence, this essay seeks to identify the different layers of the current debate on civil society participation in EU governance by unfolding the traditions of thought academic and political advocates of civil society in EU affairs currently draw on. This essay will basically distinguish between output-oriented approaches which explore the contribution of civil society groups to effective governance and problem-solving on the one hand and research that is interested in input-oriented legitimacy and participatory democracy on the other.



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1 Introduction

In view of the ubiquitous reference to ‘civil society’ in current EU research, it might be helpful to take a step back and bring to mind that the concept of civil society entered the debate on EU governance comparatively late. In 1997, German political theorist Emanuel Richter still argued that civil society is not a point of reference either in EU documents and treaties or in European integration research (Richter 1997: 37). At that time, the debate on societal participation in EU policy-making was dominated by the perception of citizens granting a ‘permissive consensus’ resulting from the problem-solving capacities of the EU. Societal participation in EU governance was hence analysed from a functional, output-oriented point of view investigating interest groups’ contribution to effective problem-solving and governance ‘for the people’.¹

Things have rapidly changed since then. The debate on the European Union’s legitimacy crisis led to the discovery of civil society by EU institutions. With the waning of the permissive consensus, politicians, bureaucrats, and academics shifted their attention towards the input-oriented dimension of democratic legitimacy, which results from authentic participation and governance ‘by the people’ (see Scharpf 1999: 1–4). While parliamentarization had long been considered as the most obvious path to enhance the input legitimacy of the EU (see Lord 2007; Rittberger 2005), politicians, EU bureaucrats, and integration researchers have shifted their attention towards civil society participation in EU governance since the end of the 1990s.²

Participatory democracy via civil society involvement was considered as a promising supplement to representative democracy and entered EU documents such as the White Paper on European Governance (EC 2001) and the draft Constitutional Treaty (2004). In this vein, civil society involvement in different policy fields and EU institutions such as the Commission, the European Economic and Social Committee (EESC) or the Constitutional Convention has been studied. At the same time, students of social movement and public space began to orient their research towards the EU political system as an object of contestation and public control.

Among EU institutions, it was the Commission which particularly focused on civil society and participation as a remedy for the perceived legitimacy crisis.³ This trend culminated in the White Paper on European Governance published by the European Commission in 2001. The document assigned a key function to civil society for the implementation of good governance by openness, participation, accountability, effectiveness and coherence (EC 2001: 10). The White Paper, and particularly its focus on participatory democracy and civil society, was widely perceived and intensely debated in academia. Practical steps the Commission has taken since to implement the principles and suggestions of the White Paper have further inspired the scientific debate of civil society involvement in the EU. An intense discussion on civil society and participatory democracy in EU governance has unfolded in the meantime.

In fact, most political and academic advocates of civil society in EU governance share a normative interest in input-oriented legitimacy and government ‘by the people’. But the current debate does not only draw on input-oriented legitimacy, participatory democracy, and civil society. It has also been fertilized by output-oriented, functional approaches investigating the contribution of societal actors to effective governance and problem-solving which thrived before civil society became a point of reference in EU integration research. Hence, functional approaches, which in-

¹Fritz Scharpf neatly explains the output- and input-oriented dimensions of democratic government: “[The democratic] legitimacy of political systems has come to depend [...] on the belief in, and the practice of, democratic self-determination which must assure that government *of the people* must also be government *by the people* and *for the people*” (Scharpf 1999: 1, emphasis added). This led to a distinction of two dimensions of democratic self-determination: input-oriented authenticity (government by the people) and output-oriented effectiveness (government for the people) (Scharpf 1999: 2).

²A retrieval (in April 2007) for “civil society” and “EU” in the Social Science Citation Index results in a list of 45 articles. Only 3 of them were published before 2000.

³The Economic and Social Committee as institutionalised representation of societal interests has also attempted to claim the civil society discourse and its legitimizing connotations (Smismans 2003).

investigate the participation of citizens' associations in EU governance in terms of their contribution to effective problem solving, will be presented in Section 2 of this review.

The governance approach has become an important point of reference for research on EU-society relations. It defines governance as "a process and a state whereby public and private actors engage in the intentional regulation of societal relationships and conflicts" (Kohler-Koch and Rittberger 2006: 28) and thus reevaluates non-state actors in political decision-making. The governance approach was developed by policy researchers in the 1980s and its application to the EU political system contributed considerably to the advancement of the concept (Kohler-Koch and Rittberger 2006). The participation of citizens and their representatives was accentuated by the conception of 'participatory governance' (Section 2.1) which, along with the growing body of literature on interest groups (Section 2.2), inspired the debate on civil society in the EU.

While proponents of participatory governance reflect on how civic participation contributes to effective problem solving, research on interest intermediation and lobbying in the EU has investigated strategies of influence and impact as pursued by different types of societal actors and their mediation by the EU multi-level system. Research on interest groups in the EU has flourished since the mid-1980s and gradually shifted its focus from 'special interests' in market related policies, such as business or agriculture, towards lobbying activities of so-called non-governmental organizations (NGOs) in environment, human rights, women's rights or consumerism. This shift towards 'diffuse interests'⁴ and NGOs in newly integrated policy fields highlights the interface of interest intermediation research and research on civil society in EU governance (see Section 2.2).

While interest group research tends to explore effective problem-solving, advocates of civil society in EU governance generally share an interest in input-oriented legitimacy and participatory democracy. However, advocates of civil society are motivated by different conceptions of civil society, state-society relations, and their respective functions for democratic governance. Some notions of civil society referred to in EU integration research can be traced back to certain schools of political thought while others rather use the conception in an intuitive and/or prescriptive way (Jensen 2006: 39). I will briefly introduce a set of general theoretical conceptions of civil society (Section 3) that may help us to categorize the features addressed by proponents of civil society in EU governance.

Approaches which are, more specifically, concerned with civil society and participatory democracy in EU affairs will be discussed in Section 4. In this context, the academic debate of the European Commission's White Paper on Governance and its focus on civil society and participation will be addressed (Section 4.1), before I seek to categorize research on civil society in European governance according to its underlying model of democracy and the functions assigned to civil society (Section 4.2). The final section of this chapter will discuss the prospectus of a transnational European civil society often considered as a prerequisite of democratic governance at the level of the EU (Section 4.3). The conclusion of this review will summarize the main findings and accomplishments, seek to identify strengths and weaknesses of research approaches (including questions which have not been tackled), and provide an outlook on where we should move.⁵

⁴The distinction between special and diffuse interests points to differences in resource endowment, and mobilization capacity across different types of interests. This is an aspect I will further pursue in Section 2.2. Other authors refer to private and public interests (Ruzza 2002) to categorize different types of societal actors.

⁵Justin Greenwood has recently published an article with a similar thrust in the British Journal of Political Science. He has developed a concept for categorizing the literature on "Organized Civil Society and Democratic Legitimacy in the European Union" which provides a different view on a similar body of literature (Greenwood 2007).

2 Output-oriented Approaches to Citizens' Participation in the EU

2.1 Governance and Participation

Output-oriented approaches to citizen's involvement in EU affairs circulate around the concept of governance which has evolved since the early 1990s and has become a central point of reference for European integration researchers. Beate Kohler-Koch and Berthold Rittberger hence identify a "governance turn in EU studies" in a recent review article (Kohler-Koch and Rittberger 2006).⁶ What distinguishes the conception of governance from *government* and, at the same time, pre-defines its allusion to citizens' participation is the revaluation of non-state actors in policy making: Governance shifts the focus from public actors and hierarchical decision-making to the interaction of public and private actors and non-hierarchical political structures (see Jachtenfuchs and Kohler-Koch 2003; Kooiman 1993).⁷

The European Commission has traditionally sought to involve societal stakeholders as experts in its policy making. These efforts are due to the Commission's exclusive right to initiate European policies, its comparatively narrow base of resources, and the necessity to elicit consensual political solutions (see Christiansen *et al.* 2003: 2–3; Kohler-Koch 1996). The inclusion of citizens' associations in EU policy making was further stimulated by the extension of EU competences in the 1992 Maastricht Treaty. This drew new societal actors to the EU political system and attracted the attention of EU integration researchers. Hence, the European Commission and its informal relations with different types of societal stakeholders became a natural object of research on European governance. These stakeholders range – depending on the changing policy competences of the Commission – from business interests to the social partners, welfare organizations or consumer, women and environmental groups.

The 'participatory governance' approach, which can be associated with this type of research, does not invoke participatory democracy by demanding authentic governance 'by the people'. It rather draws on an output-oriented tradition of investigating citizens' involvement in the EU in terms of its contribution to effective political problem-solving (see Heinelt and Smith 2003; Grote and Gbikpi 2002; Heinelt *et al.* 2002; Van den Hove 2000). 'Participatory governance' reconciles system effectiveness and citizens' participation by invoking Charles Lindblom's 'intelligence of democracy' thesis (Lindblom 1965). Advocates of this approach argue that participation supports system effectiveness because "it can help to overcome problems of implementation by considering motives and by fostering the willingness of policy addressees to comply as well as through the mobilization of the knowledge of those affected" (Gbikpi and Grote 2002: 23). From this functional point of view, civil society participation is a necessary condition of system effectiveness and the democratic legitimacy of a governance system is being gauged in terms of its output (Heinelt 1998).

Drawing on this perception, Phillippe Schmitter suggests that the representatives of 'collectivities' that will be affected by a policy participate in the process of policy preparation and formulation. He introduces the notion of 'holder' to conceptualize citizens' participation in EU governance: Holders are those persons or organizations that possess some quality or resource that entitles them to participate. The appropriate criterion for participation is chosen according to the substance of the problem to be solved (Schmitter 2002: 62–63). This conception defines participation in functional terms which means that citizens' right to participate depends on the resources they introduce in the political process. Proponents of this conception aim at finding out "un-

⁶They point out that the number of articles on EU governance listed in the Social Science Citation Index SSCI has increased from about 10 articles per year in the mid-1990s to 40-50 articles per year in the early 2000s (Kohler-Koch and Rittberger 2006: 27).

⁷For a more detailed account and in depth analysis of different governance approaches see Kohler-Koch and Rittberger (2006); Jachtenfuchs (2001); Pierre and Peters (2000).

der what circumstances participatory governance leads to sustainable and innovative outcomes” (Heinelt *et al.* 2002: 3).

The edited volume of Thomas Christiansen and Simona Piattoni (Christiansen and Piattoni 2003) is another, if less accentuated example of this type of research. Contributions in this volume focus on the European Commission and its informal relations with citizens’ groups in different policy fields such as environment, biotechnology, single market regulation, the EMU, agriculture or nuclear policy. The aim is to give us a “broader picture of the Commission’s relations with interest groups, the role of networks in the EU policy process and the implications these features have had for European governance” (Christiansen *et al.* 2003: 2). Most of the contributions in this volume are interested in the implications of informal governance arrangements for efficiency and effectiveness. They thus focus on the EU Commission’s information requirement and conceptualize interest groups as experts providing a specific kind of knowledge to the EU Commission.

The editors argue that the involvement of interest groups and NGOs “aided the Commission in gauging the likely reception of future EU policies ‘on the ground’ – an important knowledge in a system of decentralized implementation where much of the success of EU policies would depend on voluntary acceptance and compliance rather than enforcement” (Christiansen *et al.* 2003: 2). This statement reflects Lindblom’s intelligence of democracy argument as presented by the proponents of participatory democracy. Aberrations to informal governance and interest group participation such as clientelism and nepotism generating corruption and fraud are first and foremost analyzed in functional terms as obstacles to effective governance (see Warner 2003), although legitimacy problems related to informal governance are also addressed in a discrete contribution (see Warleigh 2003).⁸

The Third Sector Approach

Before I turn to interest group research as another output-oriented approach to citizens’ involvement in EU governance, I will briefly touch upon the third sector and non-profit organization terminology which is also invoked in the current debate on civil society and EU governance (see Zimmer and Freise 2006; Eisele 2005). The concept is closely associated with the modern welfare state which has been delegating welfare tasks to the private sector. It gained momentum in the mid-1980s when voluntary non-profit organizations, in view of governmental cutbacks in the spending of Western welfare states, stepped in to deliver social services formerly provided by the government (Zimmer and Freise 2006: 6–7). Advocates of the third sector approach rely on a distinctly functional conception of societal involvement. They turn our attention to the service function of non-profit organizations and their contribution to the effective implementation of welfare policies, while ‘participatory governance’ investigates the agenda setting and policy formulation phase of the policy cycle. One could hence argue that third sector research investigates the flipside of the coin participatory governance is concerned with. However, since policy implementation is not the main playing field of the EU, third sector research has rarely focused on the EU (see Kendall and Anheier 1999 discussing EU policy initiatives such as the Structural Funds and their implications for third sector research.)

⁸See Greven (2007) for an articulate normative critique of functional approaches to participation.

2.2 New Trends in Interest Group Research

The growing academic interest in societal associations in EU affairs since the mid-1980s (see [Woll 2006](#)) conjoined with the governance debate and generated studies which conceptualized the inclusion of interest groups as a necessary precondition for effective problem-solving.⁹ Interest group research shares an output-oriented conception of participation with studies on participatory or informal governance. But while the latter investigate instruments and governance arrangements from an encompassing, systemic point of view in order to understand the nature of the EU political system ([Kohler-Koch and Eising 1999](#)), interest group research specifically investigates the conditions for successful or failing inclusion of interest groups in EU governance.

This chapter does not intend to give an exhaustive account of research on interest groups in EU affairs,¹⁰ but seeks to highlight two trends in interest group research which are relevant for the current debate on civil society in EU governance because they have generated research questions and/or explanatory frameworks proponents of civil society also pursue:

the impact of EU institutions on the dynamics and structure of interest representation at the different levels of the EU multi-level system, and

the inclusion of new types of actors which has generated comparative research questions and explanatory frameworks tying in with research on civil society.

Although it is usually assumed that EU-society relations are shaped by an interplay of institutional structures and interests and societal actors, scholars tend to focus either on institutional impact or on actors' preferences and strategies (see [Eising and Kohler-Koch 2005](#); [Warntjen and Wonka 2004](#)). For this essay, I am interested in interest group research which takes the governance structures of the European Union as a starting point and looks at the opportunities, constraints, and incentives it provides and how this mitigates the dynamics and structure of interest intermediation in the EU (for an overview see [Kohler-Koch 1994](#)). This strand of research has focused on different aspects of the EU polity and its impact on interest intermediation in the EU.

Rainer Eising, for example, explores the multi-level character of the EU polity and how it affects the strategies of business associations (see [Mazey and Richardson 2002](#)). He argues that multi-level players have greater capacities to gain access and influence in the EU polity than other organizations in his sample ([Eising 2004](#)). Christine Quittkat investigates, more specifically, how the EU has mitigated the structure and strategies of French and German business associations. She contends that although the EU political system's properties lead to specific patterns of interest representation at the EU level, variations persist and can be explained by the national origin of interest groups (for a recent overview see [Sanchez Salgado and Woll 2007](#); [Quittkat 2002](#); [Woll 2001](#)).

Christine Mahoney tapers this institutional point of view and investigates the shaping of interest group participation by interventions of the European Commission. She argues that governmental institutions such as the Commission "have a remarkable and often unrecognized ability to influence the dynamics of the interest groups system. This influence can be brought about through incremental expansion of powers in treaties and escalation of control over specific issues by way of new legislation and regulations, as well as through budgetary allocations and the establishment of programs, agencies, and committees" ([Mahoney 2004](#): 462–463). Thomas Persson specifically investigates the impact of new involvement instruments, such as the Online Consultations introduced by the European Commission, on the structure of EU-level interest representation ([Persson 2007](#)).

These researchers' interest in the ways and means of the EU polity to mitigate patterns and

⁹Earlier research on interest groups at the national level had, in contrast, often been dominated by a rather sceptical view of "pressure groups" and their impact on policy-making. This is particularly true for the German research tradition which has drawn on Theodor Eschenburg's famous study on the power of associations throughout the 1960s and 1970s ([Eschenburg 1955](#)).

¹⁰See a forthcoming *Living Review* on "Interest Groups in EU Policy Making" for this purpose ([Eising](#)).

structure of interest intermediation is shared by proponents of the civil society approach. Many of them are concerned with the emergence of a European civil society, efforts of EU institutions to control these processes, and effects on the dynamics and structure of civil society at the level of the EU and member states (see Section 4.3). This leads to a second trend in interest group research that will be addressed here because it is important for the current debate of civil society in EU governance: Along with the extension of EU competences, interest group research has broadened its view beyond private interests in market related policies, such as competition and agriculture, by taking NGOs with diffuse interests in the field of environment, consumerism or social affairs into consideration (see Balme *et al.* 2002).

This broadened view has generated comparative research questions such as how equally different types of interests are represented at the EU level, what chances they have and which strategies they employ to gain access and influence in EU decision-making. These are questions civil society research may also be interested in as it explores all types of voluntary associations and their engagement in public affairs from the viewpoint of input legitimacy and authentic government ‘by the people’ (see Section 4.2). Questions of representation play an important role from this point of view. However, the inclusion of new types of actors in interest group research has not only generated new research questions circling around the concept of equal representation. It has also opened the view of interest group researchers for explanatory frameworks which tie in with research on civil society.

Thomas Persson’s quantitative analysis of more than 6,000 contributions to the online consultation on EU chemical policy, the so-called REACH system, has shown that two thirds of those submitting proposals to the Commission represent the industry while only six percent represented NGOs and other public interest groups (Persson 2007). Explanations for the unequal representation of different types of interests have been found at the level of interest groups’ material resources (Dür and De Bievre 2007; Bouwen 2004), at the level of membership, and in their cognitive capacities (Fairbrass and Warleigh 2002). Dür and De Bievre study the impact of different types of interests in the field of EU trade policy. They suggest that NGOs with diffuse interests such as developmental, environmental and human rights groups do, in contrast to business interests, “not dispose of resources with which they can threaten or enhance political actors’ chances of re-election or re-appointment”. Hence, they “largely failed to shift policy outcomes in their favour” (Dür and De Bievre 2007: 79).

At the level of interest group membership, problems of collective action have generated deeper insights into why not all interests are able to mobilize and represent their preferences equally (Greenwood 2002; Aspinwall and Greenwood 1997; van Waarden 1991). This framework has been used to explain different degrees of mobilization and effectiveness in EU politics. Diffuse interests such as NGOs in the field of development, human rights, environment or consumerism have been compared to special interests such as business or agriculture from this point of view. According to Mancur Olson’s utilitarian explanation (Olson Jr 1965), the readiness of individuals to organize and engage in collective action presupposes the existence of incentives which diffuse interests cannot adequately provide. This results in NGOs’ lacking the ability to offer resources such as mobilization of voters to political decision-makers and reduces the possibilities for diffuse interests to organize and become effectively involved in EU politics (Dür and De Bievre 2007: 81–83; Jordan and Maloney 2007; Geyer 2001).

This type of interest group research overlaps with research on new social movements which, however, comes to a more optimistic assessment of NGOs’ ability to mobilize and gain influence in EU politics because it takes sociological explanations and cognitive factors into consideration. New social movement research has developed a distinctive framework to explain contentious politics, political mobilization, and political change (see Koopmans 1996; Tarrow 1991; Kriesi 1987; Section 4.2). Carlo Ruzza’s contribution in the edited volume on “Influence and interests in the European Union” (Ruzza 2002) highlights the expansion of interest group research towards socio-

logical explanations.

Ruzza uses the concept of ‘frame-bridging’ to explain the flow of ideas from social movements to EU institutions via interest groups. This, in turn, explains the mobilization and impact of “social movement related public-interest associations” on EU policies in the field of environment, anti-racism and regionalism. Ruzza argues that “the presence and increasing popularity of collegial forms in politics, and the EU’s concern for transparency and the participation of civil society, foster frame-bridging processes” (Ruzza 2002: 114–115). He also points to the importance of communication in consensus-oriented arenas to explain the impact of public interest groups in EU institutions (see Ruzza 2004; compare Pollack 1997), thus highlighting the significance of cognitive capacities to explain influence in the EU system of governance.

These trends have challenged the output-oriented conception of citizens’ involvement on which interest group research traditionally built. They shifted the attention of interest group researchers towards the input-dimension of democratic legitimacy (see Greenwood 2004; Bouwen 2003), and they encouraged the discussion of new explanatory frameworks which take cognitive factors into consideration (see Warleigh and Fairbrass 2002). This has facilitated the consolidation of research on interest groups, social movements, and civil society (see Smismans 2006a; Knodt and Finke 2005; Balme *et al.* 2002). I will argue that most advocates of civil society in EU affairs are concerned with input oriented legitimacy and participatory democracy.

However, before I turn to research on civil society and participatory democracy in EU affairs, I will give a brief overview of theoretical conceptions of civil society and state-society relations in the next chapter. They will serve as a starting point for categorizing the literature on civil society and participatory democracy in EU governance in Section 4 of this essay.

3 Conceptions of Civil Society and State-Society Relations

Theory-oriented political scientists have complained that “civil society is vague [...] and that] most civil society theorists offer intuitive, ostensive, or paradigmatic accounts of it rather than something more rigorous” (Jensen 2006: 39). However, there is an increasing body of literature which seeks to define the concept of civil society (see Jensen 2006; Smismans 2006b; Fung 2003; Klein 2001; Richter 1997). This literature has, among other things, highlighted the practical and theoretical origins of civil society and identified different conceptions according to their perception of state-society relations which, on their part, result in different democratizing functions assigned to civil society.

The concept of civil society dates back to political thinkers such as John Locke (1632–1704), Charles de Montesquieu (1689–1755), Georg Friedrich Hegel (1770–1831) or Alexis de Tocqueville (1805–1859) – just to mention a few. They established different schools of thought which have spawned different conceptions of civil society. Few current authors explicitly refer to classical political thought for their analyses of civil society in EU governance.¹¹ But they invoke the notion of *civility* which crystallized as common denominator of these classical accounts: Civil society had come to be perceived as a well-ordered social arrangement which demarcates civil from ‘uncivil’ society and represents the departure from a state of nature (see Jensen 2006; Richter 1997). Civility as basic ingredient of civil society stimulated the imagination of political philosophers and, later on, political scientists and EU integration researchers.

Current political philosophy explores civil society as a condition of society and seeks to identify the necessary societal infrastructure of participatory democracy. The debate is defined by a communitarian position on the one hand (see Taylor 1985; Barber 1984) and a procedural position as advocated by discursive democracy on the other (see Habermas 1996; Dryzek 1990). The communitarian position highlights the significance of active citizenship and political community as a necessary societal condition for democracy. Many advocates of this position presuppose a historically grown sense of social cohesion and solidarity¹² which cannot easily be transferred to transnational political systems such as the EU (see Section 4.3). The procedural position, on the other hand, highlights the existence of a common legislative framework which enables the individual to associate and communicate in the public sphere. Free association and communication are considered as basic ingredients of civil society which can, in principle, also be transferred to transnational political spaces. This concept has been invoked by a broad range of authors discussing participatory democracy in the EU (see Section 4.2 and 4.3).

The recovery of civil society in academia and political life draws on practical experiences with protest movements which have shaped political life in Western Europe and the United States since the 1960s. A broad range of new public interest groups such as environmental or women’s advocacy groups have evolved from these ‘new’ social movements (as compared to the ‘old’ labour or women’s movements with their 19th century socio-political origins). Many of these actors had travelled from grassroots activism and protest to different forms of cooperation with governmental agencies by the beginning of the 1980s.¹³

However, the academic debate of civil society was also inspired by the peaceful revolutions in Eastern Europe unfolding throughout the 1980s and advancing the collapse of the communist

¹¹There are authors who employ classical accounts of civil society to categorize the involvement of civil society in EU governance (see Knodt 2005; Richter 1997).

¹²In this respect, Benjamin Barber takes a particularly explicit standpoint when looking for the societal conditions of participatory democracy: “Without loyalty, fraternity, patriotism, bonding, tradition, mutual affection, and common belief, participatory democracy is reduced to crass proceduralism” (Barber 1984: 242).

¹³Different forms of cooperation with varying degrees of institutionalization have developed across different Western industrial states. For example, while movement activists such as advocates of environmental or women’s issues have established highly professional lobbying organizations in the United States, these causes have been absorbed by the political party system in France or Germany (see della Porta *et al.* 1999).

block in 1989 (Klein 2001: 19–96). These revolutions were sustained by civic movements which comprised a broad variety of actors ranging from trade unions and churches, to citizens' groups or organizations, and individual intellectuals. They were linked by their opposition to the totalitarian communist state. Both experiences, the Western and that of Eastern transformation states, motivate our current imagination of civil society and its function for democracy. However, we should envision that these experiences may allude to different conceptions of state-society relations which assign different democratizing functions to civil society.

It has, in fact, been argued that an understanding of civil society which refers to the Eastern European civic rights movements represents a Lockean conception of state-society relations. John Locke identified autonomous and distinct spheres of state and civil society, thus locating civil society *opposite* the state (see Knodt 2005: 132–133 and Richter 1997: 40 both invoking Taylor 1991). Very different political thinkers have been associated with this tradition, but they focused on different dimensions of state-society relations: Neo-liberals emphasized the autonomy of the economy from the state, whereas neo-Marxists, critical theorists, and – more recently – advocates of deliberative democracy and contentious politics have focused on the existence of an independent public sphere (Richter 1997: 39). Authors who lean on a dichotomous conception of state-society relations are concerned with popular control of political institutions which, from their point of view, can only be exerted by independent societal actors who stay away from governmental tasks.

Another conception can be traced back to Charles de Montesquieu and was further accentuated by Georg Friedrich Hegel. This conception is characterized by an *integrative* perception of state-society relations. It has since been elaborated and transferred to modern, democratic political systems and welfare states. Current proponents of this viewpoint such as Paul Hirst who advocates 'associative democracy' (Hirst and Bader 2001; Hirst 1994) presume that state and civil society entertain an associative relationship which is constituted by formalized democratic procedures. The *involvement* of civil society in political decision-making assumes a legitimizing and controlling function and contributes to democratic political governance if normative standards such as openness and representativity are being met.

Both conceptions of civil society participation, the dichotomous and the integrative conception, refer to input oriented legitimacy and 'government by the people', but they assign different functions to civil society. However, the practical discourse of civil society in EU affairs, as introduced by the European Commission's White Paper on European Governance (EC 2001), is rather ambiguous in this respect.

4 Civil Society and Participatory Democracy in EU Affairs

4.1 The White Paper on Governance and Its Critics

While theoretically motivated accounts of civil society are concerned with participatory democracy and authentic governance ‘by the people’, this does not always hold for the practical discourse on civil society in EU governance. The civil society discourse of the European Commission, for instance oscillates between output- and input-oriented conceptions of civil society and participation. This lack of determination is illustrated by the White Paper on European Governance (EC 2001) which sought to link effective problem-solving and authentic participation and invoked civil society for this purpose.

The White Paper was intensely discussed by EU integration researchers and scholars of democratic governance – a debate which is worth being presented in more detail as it reflects the political and academic debate on civil society and participatory democracy in the EU in a nutshell (see *Jørges et al. 2001*). At the same time, scholars of EU governance were invited to participate and provide input to the debate on European governance initiated by the Commission (*De Schutter et al. 2001*),¹⁴ thus themselves fertilizing the White Paper on European Governance.

It has been argued that the publication of the White Paper on European Governance was an important component of the new EU consultation policy which had evolved throughout the 1990s: Facing an increasingly critical debate on the EU’s democratic legitimacy after the 1992 Maastricht Treaty, the European Commission started to intensify and extend existing contacts with societal groups. It changed its policy from including interests directly affected by common market policies towards also attracting societal groups in fields such as social policy or migration (*Kohler-Koch and Finke 2007; Smismans 2003*).¹⁵

Stijn Smismans has highlighted the leading role of the Commission Directorate General responsible for social policy (then DG V) in this process. In dealing with issues such as gender, youth, social exclusion, disability and racism, DG V sought to establish contacts with interest groups which played a more important role in these issues than the social partners.¹⁶ At the same time, the civil dialogue was regarded as a means to “foster a sense of solidarity and of citizenship, and provide the essential underpinnings of our democracy” (EC 1997, according to *Smismans 2003: 476*).

This trend was more generally reflected in a set of documents the Commission developed to facilitate the cooperation with different types of interest groups (EC 1992, 1997, 2000). Drawing on a definition of the European Economic and Social Committee (EESC 1999), the Commission came to allude to the whole range of interest groups it involved in its decision-making as ‘civil society organizations’ around the turn of the millennium. This culminated in the 2001 White Paper on European Governance which by then was the most comprehensive reaction to the perceived legitimacy crisis. The White Paper proposed ‘openness’ and ‘participation’ through the involvement of a European ‘civil society’ to enhance both input legitimacy and effective political problem-solving (see *Kohler-Koch and Finke 2007; Kohler-Koch 2001*).¹⁷

The academic assessment of the White Paper’s new focus on civil society is mixed and it naturally depends on the scholars’ research interest and their stance regarding state-society relations and the role of civil society. Scholars who take an analytical view on the White Paper argue that the

¹⁴The contributions document the dialogue between experts and practitioners which was organized by the Forward Studies Unit of the European Commission.

¹⁵The terminology employed by the Commission accordingly shifted from “special interests” towards “voluntary organisations” and “NGOs” throughout the 1990s (EC 1992, 1997, 2000; see also *Kohler-Koch and Finke 2007*).

¹⁶A “Social Dialogue” with the social partners was established as integral part of EU decision-making in social policy by the 1987 Single European Act (see *Smismans 2004: 315–399*).

¹⁷The importance of “civil society” was further underlined by introducing the principle of “Participatory Democracy” in the EU Constitutional Treaty.

Commission is trapped between opposing claims to legitimacy, namely input- and output-oriented legitimacy, which are difficult to reconcile: “One set of claims coming from the Monnet tradition of thought, where the stress is on unity, efficiency, responsibility and impartiality; and a second set of claims coming from the post-Maastricht critique of the Union, which highlight diversity, clarity and democracy” (Tsakatika 2005: 193; see Curtin 2003; Kohler-Koch 2001).

Beate Kohler-Koch argues in a similar vein and contends that while the White Paper proposes strengthening civil society, structural deficiencies of societal representation in EU governance such as problems of collective action, missing yardsticks for representativity, and selectivity in the interaction of EU institutions and interest groups remain unsolved (Kohler-Koch 2001: 157–158). These persisting deficiencies consolidate the European Union’s traditional emphasis on efficiency and effectiveness which reflects an output-oriented conception of civil society involvement in EU governance.

Some authors base their debate on the White Paper reforms on an output-oriented conception of civil society involvement (Schout and Jordan 2005; Schmitter 2001). But the tenor of academic voices who argue from a normative point of view has pointed to the insufficiency of output legitimacy and highlighted the significance of societal autonomy from EU institutions, thus demanding authentic participation and more governance ‘by the people’. Advocates of this viewpoint contend that equal access and popular control are at stake to face the EU’s legitimacy crisis but have not been adequately addressed in the White Paper (Eriksen 2001; Magonette 2001).

Paul Magonette, arguing in favour of governance ‘by the people’, suggests that civil society participation could become a fertile complement of representative forms of democracy and citizenship. This, however, presupposes the mobilization of average citizens and a politicization of EU issues which is unlikely to happen due to the persisting complexity of EU governance structures and the consensus oriented policy style of the Commission which forges compromises before public controversy can take place (Magonette 2001: 31–32). He clearly draws on a dichotomous conception of state-society relations.

Erik O. Eriksen who considers civil society as an arena for voluntary action and for open and free public debate also invokes a dichotomous state-society relationship. He maintains that “the democratic division of labour between state and civil society is endangered when voluntary associations are used as mere instruments to implement policies more smoothly” (Eriksen 2001: 63). Kenneth A. Armstrong takes this argument up and complains that the White Paper conceptualizes civil society as a provider of services rather than as a component of democratic governance (Armstrong 2001: 98–99). However, he leans on an integrative conception of state-society relations when suggesting that the inclusion of civil society “could give strength and vitality to public institutions” (Armstrong 2001: 98–99).

These authors have certain functions in mind they expect civil society to perform for the enhancement of the EU’s input legitimacy. They draw on theories of democracy which, I would argue, should be elaborated to better understand the democratizing functions of civil society as well as its promises and limitations for the democratic legitimacy of European governance.

4.2 Democratizing the EU via Civil Society Participation

The EU refers to ‘participatory democracy’ in the 2004 Constitutional Treaty suggesting that “the institutions shall maintain an open, transparent and regular dialogue with representative associations and civil society” (EU Constitutional Treaty, Article I-47). The concept of participatory democracy surfaced in the 1960s (see Pateman 1970; Bachrach 1967) and has since been discussed as a complement of representative democracy in the light of citizens’ dwindling support of established democratic institutions (for a recent overview see Zittel and Fuchs 2007). However, “participatory democracy”, as used in the debate on democratic European governance, does not represent a coherent theory of democracy but should rather be considered as a generic term

consolidating different conceptions of citizens' participation in political life.¹⁸

Many of the functions scholars of EU affairs have assigned to civil society in EU governance are, in fact, informed by theories of deliberative democracy, sometimes independently of the terminology authors employ. Deliberative democracy explores the link between political decision-making and deliberations in the public sphere.¹⁹ The effectiveness of this link provides for democratic legitimacy because it introduces themes and issues discussed in society to the political system, and it forces political decision-makers to justify their decisions by reference to the common good (Habermas 1996).

A functioning public sphere depends on a specific societal infrastructure which is provided by civil society and safeguarded by the individual's civil rights. Jürgen Habermas, who is one of the most prominent advocates of deliberative democracy, contends that the institutional core of civil society "comprises those non-governmental and non-economic connections and voluntary associations that anchor the communication structures of the public sphere in the society component of the 'lifeworld'. Civil society is composed of those more or less spontaneously emergent associations, organizations, and movements that [...] distil and transmit such reactions in amplified form to the public sphere" (Habermas 1996: 367).

Authors who are concerned with civil society and its contribution to deliberation, transparency, contestation, and the emergence of a European public sphere can be associated with theories of deliberative democracy. Olivier De Schutter, for instance, who addresses the "promise of participatory democracy" in his account of civil society in EU governance, actually invokes deliberative democracy. He maintains that interest groups and citizens' initiatives "participate in public information and communication processes, so helping to create a general perception of the common good" (De Schutter 2002: 202).²⁰

Deirdre Curtin refers to the same concept when assigning civil society the function of establishing a space for the public deliberation of values and policies (Curtin 2003: 55). And Erik O. Eriksen, one of the most articulate proponents of deliberative democracy,²¹ argues that democracy at the level of the EU requires a "single overarching communicative space accessible for all, in which proponents and opponents can voice and justify opinions and claims, and mobilize support in order to sluice them into decision-making units via social movements and political parties" (Eriksen 2005: 355; see Eriksen 2006; Fossum and Trenz 2006).

The 'convention method' which was not only employed for the drafting of the European Charter of Fundamental Rights (2000) but also for the elaboration of the EU Constitutional Treaty (2004) has particularly attracted the attention of proponents of deliberative democracy and civil society involvement in EU governance. Olivier De Schutter argues that the Charter of Fundamental Rights was drafted in a convention of "unprecedented openness" (De Schutter 2002: 199). The charter convention invited outside contributions which were published on a website and involved civil society organizations in public hearings. Both led to "an authentically European-wide debate among the organizations of the civil society" (De Schutter 2002: 199) and lead Olivier De Schutter to characterize the convention as a successful "experiment in deliberative democracy". However, he also maintains that this success is partly due to the simplicity of the issues raised by the drafting of a Charter of Rights (De Schutter 2002: 198–199).²²

John Erik Fossum and Hans-Jörg Trenz (2006) have, more generally, analyzed EU constitution-

¹⁸Article I-47 of the Constitutional Treaty does in fact not only subsume the involvement of civil society under participatory democracy but also elements of direct democracy such as the introduction of a citizens' initiative.

¹⁹See *Living Review* on the emergence of a European public sphere (de Vreese 2007).

²⁰See Dunkerley and Fudge (2004) suggesting "a more discursive engagement with the citizens of Europe" to increase the democratic legitimacy of the EU.

²¹Deliberative democracy is explored from different angles and in different research projects at the ARENA Center of European Studies, University of Oslo by an international team of scholars including Erik O. Eriksen, John Erik Fossum, and Hans-Joerg Trenz (publications at <http://www.arena.uio.no/publications/>).

²²For a critical analysis of the constitutional convention's deliberative quality compare Göler (2006).

making in terms of its contribution to the building of what they call a “social constituency”. They argue that the introduction of participatory procedures into European governance in general and – via conventions and referenda – particularly into constitution-making has opened a space for societal contention which might constrain further institutional choices. The authors maintain that this should draw our attention to the concepts of European public sphere and European civil society “as the intermediary spaces of communication and mobilization which link institutional performance back to popular concerns and expectations” (Fossum and Trenz 2006: 58). The authors thus tie deliberative democracy and questions of democratic legitimacy to research on new social movements and contentious politics (Fossum and Trenz 2006: 60–61) and highlight the need to “conceive of collective actors as constituents of a new polity” (Fossum and Trenz 2006: 64). Authors who draw on deliberative democracy focus on civil society actors’ autonomy and their contribution to the emergence of an independent public sphere.

New Social Movement Research

Research on social movements, which I already addressed in Section 2.2, due to its overlaps with interest group research, also alludes to deliberative democracy. It may hence be not by accident that Erik O. Eriksen (2005: 355) addresses “social movements” in his quote (see above). Social movement research has been concerned with political contestation. Political contestation, for its part, can be considered as an important contribution to the politicization of EU related issues and the emergence of a European public sphere. Research on new social movement was initiated by the rise of citizens’ activism on issues such as environment, abortion, and disarmament in the 1970s. It gained momentum in the 1980s when it was advocated by political theorists with a normative focus on democratic legitimacy (Offe 1985; Eder 1985). Throughout the 1990s, however, new social movement researchers were motivated by an explanatory interest in the conditions of political mobilization (see Koopmans 1996; Tarrow 1991; Kriesi 1987). But when proponents of this approach shifted their attention towards the EU level of politics at the end of the 1990s (della Porta 2007; Imig and Tarrow 2001), new research questions such as the emergence of a European public sphere (Kriesi *et al.* 2007; Koopmans and Erbe 2004) were formulated and opened new social movement research to deliberative concepts of legitimate European governance (see Fossum and Trenz 2006: 60–61).

There is another strand of thought with a different focus on civil society’s functions for democratic governance. This position highlights the educational and socializing function of citizens’ engagement in civil society organizations as a condition of democracy and builds on Alexis de Tocqueville’s famous reflections on 19th century American democracy. Proponents of this perception investigate civil society organizations as ‘schools of democracy’ and discuss the ingredients of civil society at the micro-level of individual citizens’ political and social skills. This position can be associated with the communitarian emphasis on active citizenship and political community (see Section 2). It has inspired the ‘social capital’ thesis which explores the socialization of citizens’ in local associations as a necessary prerequisite of democratic life (Putnam *et al.* 1993; see Adam 2007; van Deth *et al.* 1999).

Due to its focus on local, rather apolitical associations such as sports clubs or neighbourhood groups, the ‘social capital’ approach has rarely been transferred to the EU. Alex Warleigh, however, has adapted this school of thought to EU-level NGOs (Warleigh 2001). He analyzed them as “agents of political socialization” and explored their function as providers of political education

and experience on EU affairs. This function is at the core of what he calls “Europeanizing civil society”. His account of civil society organizations’ ability to assume a socializing function at the level of the EU is, not surprisingly, rather pessimistic. Warleigh states that “although NGOs can score highly on their ability to influence EU policy [...] their internal governance is far too elitist to allow supporters a role in shaping policies, campaigns and strategies” (Warleigh 2001: 635; see Rek 2007; Chrysochoou 2002).

This account raises the question of agency: Who can provide the ability to gain political skills and experiences in EU affairs if EU-level civil society organizations cannot assume this task? (Warleigh 2001: 621). Or, more generally: Can civil society be “Europeanized”? Why do we need a ‘European’ civil society? And can this process be influenced by organizations and institutions at the level of the EU? These questions will be addressed in the next section which will first look at the theoretical debate on the prospectus of a transnational, European civil society, before it presents research tackling the promises and limitations of EU institutions’ efforts to control the Europeanization of civil society.

4.3 Emergence of a European Civil Society?

The search for a European civil society (see Schuppert 2001) has been motivated by the deepening of European integration, the growing competences of EU institutions, and the debate on the European Union’s democratic deficit which unfolded after the 1992 Maastricht Treaty and was recently accentuated by the failure of the Constitutional Treaty. In 1993, this debate gained momentum by a decision of the German Federal Constitutional Court concerning the scope of the Maastricht Treaty. At that time, the German Constitutional Court argued that the absence of a European ‘demos’, defined as a political and social community endowing a government with legitimate political power, precludes the extension of democratic institutions at the EU level.

I would argue that the court decision drew on a communitarian tradition of thought (see Section 3). It invokes a rather substantial understanding of political community which is based on common history, common language, and common identity as a necessary condition of political community and democracy. It has been argued that this type of community thrives in national political spaces where citizens have clear-cut, historically grown political and cultural identities. But it cannot be adequately conferred to transnational political spaces such as the European Union with the persisting political and cultural peculiarities of its member states (see Kielmansegg 2003; Grimm 2001; for a critical account of this perspective see Weiler *et al.* 1995).²³

From a procedural point of view, the societal infrastructure of democracy has two components which can be distinguished for analytical reasons: civil society and the ‘lifeworld’. The sense of community and solidarity, which communitarian approaches highlight, is located in the ‘lifeworld’. Civil society is composed of a plurality of associations, organizations, and movements that are anchored in the ‘lifeworld’ and transmit reactions from the ‘lifeworld’ component of society to the public sphere (Habermas 1996: 367). This approach can, in principle, be transferred to transnational political spaces such as the European Union.²⁴

From a procedural point of view, EU-level democratic institutions and procedures can *induce* the formation and engagement of a European civil society which is composed by organizations and associations (at different levels of the European multi-level system) focusing on EU affairs. Many authors, who explore civil society and EU governance in empirical case studies, share this point of view because they implicitly assume that the existence of a European polity can spawn

²³However, it has been argued that societal conditions in modern nation states would not meet these standards of political community either (see Habermas 1999; Weiler *et al.* 1995).

²⁴This approach has not only been transferred to the EU but has, more generally, been applied to global politics and the emergence of transnational and/or global civil society. This mainly includes authors who highlight transnational communication and/or international law as fundament of an emerging transnational civil society (see Dryzek 1999; Linklater 1990; Luard 1990); (compare Nanz and Steffek 2006; Finke 2005).

the emergence of a European civil society. Depending on the object of investigation and the yardstick employed, empirical findings have led to different assessments concerning the shape and constitution of a ‘European’ civil society.

Alex Warleigh, who can be located in between a communitarian and a procedural understanding of European civil society, has focused on EU-level NGOs and investigated their contribution to the Europeanization of civic skills and competences. He comes to a pessimistic account concerning the socializing functions of civil society organizations (Warleigh 2001). Most case studies, however, rather explore the impact of EU *institutions* on the emergence and shaping of a European civil society. Thus they touch upon the question of agency Warleigh raised in his search for potential *engineers* of a European civil society (Warleigh 2001: 621).

Advocates of deliberative democracy have asked if EU institutions initiated public debates on EU issues via civil society participation. They have highlighted the significance of EU legislation as a common point of reference initiating transnational communication and focusing national discourses on EU issues (Trenz 2007; Neyer 2000). Or they explored if the ‘convention method’ has attracted new civil society organizations to EU-affairs and to what extent it generated a debate among different types of civil society organizations. Proponents of deliberative democracy have come to a more optimistic account of a European civil society when arguing that EU-level constitution-making has opened a space for societal contention and focused the public debate on EU issues (see De Schutter 2002, or Fossum and Trenz 2006 as presented above).

Stijn Smismans analysed the discourse of civil society as constituted by the European Commission and the European Economic and Social Committee (EESC) and its impact on the structure of EU-level civil society. He argues that the civil society discourse shaped by the Commission and the EESC favours a functional, output-oriented conception of civil society involvement. This results, according to Stijn Smismans, in a preference for contacts with Brussels-based confederations of associations and stimulates the emergence of large NGO-networks covering a broad range of issues at the EU-level (Smismans 2003: 491). This specific structure of European civil society explains, among other things, why EU-level NGOs are far too elitist to allow supporters a role in shaping policies and hence fail to assume a Europeanizing function as conceptualized by advocates of active citizenship (Rek 2007; Warleigh 2001).

Others have explored the impact of EU action on the Europeanization of civil society at the level of member states (see Gasior-Niemiec and Glinski 2007; Gray and Statham 2005; Cram 2001). The Europeanization of civil society in Eastern Europe deserves special attention in this respect, as EU institutions particularly focused on civil society during the accession process. And in fact, Anna Gasior-Niemiec and Piotr Glinski, exploring the Europeanization of civil society in Poland, argue that the increasing reference to civil society in the context of European integration is “justified by the fact that Poland’s accession to the European Union has been conducive to institutional strengthening of civil society actors in a triple sense” (Gasior-Niemiec and Glinski 2007: 29). The integration process provided opportunities to civil society organizations to enter EU-supported networks, it opened opportunities for funding resulting from Poland’s access to EU structural and community funds, and it initiated procedures which stimulate the partner role of civil society in many Polish policy arenas (Gasior-Niemiec and Glinski 2007: 29–30). Yet, the authors have doubts if this type of Europeanization results in a “reorientation of civil society actors towards norms and patterns of behaviour classified as European” (Gasior-Niemiec and Glinski 2007: 45).

Laura Cram’s comparative analysis of women’s organizations in Greece, Ireland and the UK provides insights which support doubts concerning the effectiveness of EU-level action on behaviour and attitudes at the national level. Laura Cram investigated the extent to which EU level action succeeds in ‘bringing Europe closer to the people’ in these member states. She argues that the properties of organizations targeted by EU instruments, the domestic political context, and the role of collective beliefs and values mediate the impact of EU-level action on civil society organizations in member states. However, Laura Cram qualifies the impact of EU institutions on the

Europeanization of civil society by highlighting the significance of “banal Europeanism” (Cram 2001; see Trezz 2006). This means, according to Cram, that individuals start to “enhabit” the EU and “forget to remember that the current situation is not how things always were” (Cram 2001: 614). Banal Europeanism is the result of effective services provided by EU institutions and may, as Laura Cram argues, contribute more to the Europeanization of civil society than EU level instruments seeking to create a European civil society (Cram 2001: 614). This, however, is a gradual, long-term process which is levelled by socio-political structures, trends, and events beyond the control of EU institutions.

5 Conclusion: Lessons Learned – Challenges Ahead

This essay had the aim to detect the origins and layers of the current discourse on civil society in European governance. Two scholars who refer to ‘civil society’ do not necessarily mean the same thing and this is even less obvious if journalists, politicians or public officials allude to civil society. In order to enhance the basis of our discussion, we should seek to identify the conceptions they rely on. This will help us to understand where different arguments come from. There are, in fact, different academic discourses which refer to different conceptions of democratic legitimacy: an output-oriented approach seeking to explore the contribution of citizens’ associations to effective problem-solving on the one hand and an approach that is inspired by the quest for input legitimacy and governance ‘by the people’ on the other.

The reference to ‘civil society’ in EU affairs is a rather recent development which gained momentum around the turn of the millennium. However, the current discourse on civil society in European governance is rooted in (1) the debate of ‘participatory governance’ and (2) the exploration of interest groups in European governance which have both thrived in EU integration studies since the 1980s. These approaches have been dominated by an output-oriented conception of societal involvement exploring the contribution of civil society organizations to effective political problem-solving.

Advocates of out-put oriented approaches are interested in the impact of citizens’ groups and organizations on EU policy making. However, ‘participatory governance’ approaches explored the whole range of citizens’ groups, organizations, and associations we have come to refer to as ‘civil society’. They are, in addition, motivated by a normative interest in the contribution of participation to effective political problem-solving or, to put it differently, in the output dimension of democratic European governance. Interest group research, on the other hand, initially focused on ‘special interest groups’ in market related policies and it was dominated by a purely explanatory research interest in the conditions of interest groups’ impact on EU policy making.

Research on interest groups in EU affairs, however, has integrated new research questions and new explanatory frameworks throughout the 1990s which demarcate a considerable overlap with the emerging academic discourse on civil society. Interest group researchers shifted their attention towards public interest groups in fields such as human rights, women’s rights or consumerism. They thus started to incorporate the whole range of societal actors that proponents of the emerging academic discourse on civil society consider as their object of investigation and generated a normatively motivated research interest in equal representation which, I would argue, is motivated by an emerging interest in governance ‘by the people’.

This shift has spawned comparative research exploring strategies and influence of different types of civil society actors in EU affairs. Explanations for unequal representation and varying degrees of influence of different types of interests were found at the level of interest groups’ material resources. But the investigation of public interest groups also supported the incorporation of sociological explanations as advocated by proponents of the new social movement approach. They highlight cognitive capacities to explain the influence of NGOs in the EU system of governance. However, this broadening of the research programme has also revealed the difficulty to define and measure political ‘impact’. Impact can mean different things depending on the research programme. Interest group research traditionally sought to explain why and to what extent the demands and positions of different interest groups had been incorporated in EU policies. Proponents of the new social movement approach would argue that ‘impact’ can also be defined in terms of public mobilization which, however, might be even more difficult to measure.

Interest group research has proved to be particularly open towards the new social movement framework which, due to its focus on popular control via contentious politics, also shows substantial overlaps with the emerging academic discourse on civil society in European governance. This discourse was a reaction to the growing dissatisfaction with output-oriented approaches to

democratic legitimacy and is more concerned with popular control and the authenticity of democratic life than with effective problem-solving. Most proponents of the civil society terminology in EU affairs are in fact motivated by an interest in enhanced governance 'by the people' at the EU level. They usually refer to a model of participatory democracy such as deliberative democracy, associative democracy, or models inspired by the Tocquevillian school of thought, thus assigning certain democratizing functions to civil society.

Deliberative democracy turned out to be a particularly fruitful model for discussing the promises of civil society participation in EU affairs. Advocates of deliberative democracy are concerned with the contribution of civil society to the emergence of European public sphere. From this stance, civil society organizations that focus on EU issues and articulate societal interests in the public sphere link the EU political system to the 'lifeworld' of its citizens. Civil society thus introduces an element of popular control to the EU system of governance which complements existing elements of parliamentary control. However, critical voices have argued that selected empirical case studies, which proponents of deliberative democracy have analyzed to prove the emergence of a European public sphere, are far too optimistic and cannot be generalized. We might, moreover, need additional research on the interaction of parliamentary democracy and deliberative democracy in the compound EU political system to put these case studies into a broader perspective.

It is not surprising that a broad range of authors have applied deliberative democracy to EU affairs because it relies on what I have called a 'procedural' conception of civil society in this *Living Review*: Civil society is composed of voluntary groups, organizations and associations which articulate the variety of societal voices in the EU multi-level system. This conception matches, one could argue, the Brussels landscape of civil society organizations seeking to make their voices heard in EU policy-making. However, authors who invoke a more substantial conception of civil society by highlighting citizens' virtues and skills as basic ingredients of civil society have been less successful in conferring their concept to the EU multi-level system. Civil society organizations should assume a socializing function and build citizens' skills and capacities in EU affairs from this point of view. Research has shown, however, that societal groups which have specialized in lobbying the EU are far too elitist to allow supporters a role in shaping policies, campaigns and strategies.

I would argue that this result is not at all surprising and it might in fact be worth investigating if this does not also hold true for civil society organization engaged in policy making at the national level. To enhance our respective knowledge, research that compares the democratizing functions and performance of civil society organizations in the EU to organizations engaged at the level of national political systems would be necessary. The social capital approach in fact suggests that local, rather apolitical groups such as neighbourhood associations or sports clubs contribute more to the enhancement of active citizenship and democratic life than civil society organizations engaged in national or transnational policy making. However, we might also need more studies that analyze the internal structures, such as internal decision-making and communication, of civil society organizations from this point of view.

This leads us to an ambiguity in the concept of civil society as being introduced to EU affairs: The concept incorporates, in fact, both the involvement of citizens' organizations in policy-making and active citizenship. Since the publication of the White Paper on European Governance, the European Commission has sought to implement both objectives: While the participation of civil society organizations has continuously been valued, the Commission has also introduced the Online Platform 'Your Voice in Europe' which addresses organizational actors and individual citizens inviting them "to play an active role in the European policy-making process" (at <http://ec.europa.eu/yourvoice/index.en.htm>, May 22, 2007). However, it might be worth asking if both objectives can be implemented at the same time or if they rather contradict each other. This question has recently been discussed by Stijn Smismans (2007) and might be a site for further

research.

Many different aspects of civil society in EU governance have been explored since civil society became a research focus in EU studies towards the end of the 1990s, some of them in empirical rich case studies. The European Commission and its relationship with civil society organizations in EU policy-making has become one focus of this research. For studies which are motivated by the quest for enhanced governance ‘by the people’ in the EU deliberative democracy has become an important point of reference. The integration of findings, frameworks, and results is a challenge for future research. We might, for example, ask what implications the involvement of civil society organizations in the European Commission’s policy making has for the compound system of European governance and the institutional balance between Commission, Council, and Parliament. And we could advance our knowledge by further integrating the results of different research strands such as studies on interest groups, new social movements, or third sector organizations.

Finally, I would like to point to the natural limits of this *Living Review* which has sought to reflect on the ‘mainstream’ of current research on civil society in European governance, mostly published in international journals. This selection represents that section of academic research which is being perceived and discussed by an international academic community. However, we should be aware that there are national academic, administrative, and popular discourses on civil society and European governance which have not been incorporated in this ‘mainstream’ academic discourse.²⁵

²⁵A forthcoming volume edited by Bruno Jobert and Beate Kohler-Koch will give us a flavour of the broad range of national discourses on civil society (Jobert and Kohler-Koch 2008).

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