EU-Society Relations and Interest Intermediation: A contribution to the debate

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Civil society has emerged in recent years as an overarching concept that frames the relations between state institutions and non-state actors. It is both an ideal - a superordinate concept that stands for the increased and broader political participation of citizens - and a descriptive concept, including several entities, such as churches, social movements, think tanks, and NGOs. In policy arenas, shifting the emphasis on the more comprehensive concept of civil society signals a normative turn in regard to the legitimacy of non-state actors addressing the political environment. Several bodies of literature have explored why this concept has emerged so prominently, producing a rich debate. New research has recently been conducted which has shed light on various aspects of the relationship between civil society and EU governance. In this contribution to the debate, I would like to address the papers of Beate Kohler-Koch and Jan van Deth.

The Kohler-Koch paper reflects on the findings of Research Group 4 which examined patterns of EU-society relations, and sets out to examine whether the intentions of increasing the agency of European citizens, which are implicit in the keyword 'participatory democracy' are met by the structures and practices through which participation has been institutionalised at EU level. It discusses the distinctive features of EU-society relations and scrutinises them according to standards of democracy, identifying as distinct characteristics its pluralism, elite system, self-regulation and fragmentation.

The van Deth paper documents the hiatus between the citizenry and the values and expectations of EU institutional actors on the further democratization of the EU and the expected role of citizens in that process. In light of these findings, it is argued that the present consultation system does not live up to the normative standards it set to itself in key policy documents and that the emphasis on civil society is used to foster an integrationist agenda. In commenting these findings, I will discuss the roots of the discursive prominence of civil society at EU level and of the relation between civil society and its component parts as I think that this can contribute to clarify the implicit EU normative standards and the confines of the use of 'civil society,' both as an ideology and as a set of policy practices, and as a consequence clarify the various components of the agenda and practices that are investigated. These comments are meant to be a first step in this direction.

The Kohler-Koch paper argues that in EU discourse and in its policy practices, civil society has become a key element which links two overarching and complementary principles on which the new Lisbon treaty is based: participation and representation. A better inclusion of civil society in policy making is then recurrent in EU political discourse and is meant to address concerns with both principles.

The paper proceeds to address what is meant by participatory democracy and its use in relation to civil society at EU level. It examines why civil society as a discourse has emerged as a favourite term in the EU policy environment and points to a set of functions it performs within the different constituencies of the EU system, its affinity to historically validated institutional practices – such as extended consultations – and its positive resonance with widespread preoccupations about the quality of EU democracy. Looking at all these aspects of the relation between state and non-state actors, the paper utilises and organises a wide body of literature.

Explaining the prominence of the discourse on civil society, it argues that the term that is vague enough to be successfully employed by different constituencies; it resonates with other currently dominant political discourses, such as the widespread aversion against some of the institutions and practices of representative democracy. One could argue that it performs these functions precisely because it is a superordinate concept, whose breadth allows a continuing contests over its actual meaning and accommodation to different world views, as Kohler-Koch duly underlines.

The historical roots of 'civil society' are old but the tree turned green again recently in Europe. The term has an ideological dimension which is connected to its successful role in contemporary Eastern European history of mobilisation against state oppression. However, its appeal has broadened.

The ideological role of civil society is not limited to a political part or to an institutional domain. With Freeden (Freeden 1996) we can identify the various forms the emphasis on civil society takes. Like other 'weak ideologies', its definition is still under way and pliant. Thus, in the EU policy milieu, as in other arenas, it has been employed by a variety of actors. However, one should not necessarily utilise such an ideologically charged concept in order to assess policy practices. Its appropriateness should therefore be reassessed. I propose to use the term only when referring to the more comprehensive concept and not in relation to the component parts (associations, social movements, churches etc.). It can be used to assess the overarching prominence and diffusion of all state-society relations, whilst reference to the features of specific modes and types of organisations should be retained.

In the following, I will therefore put forward a different set of reflections on (1) civil society as an ideology, the reasons for its prominence and the variety of uses, and on (2) civil society as the asserted common denominator of a set of consultative policy practices. Of course, the latter are justified in terms of the former. Policy events are processes whose outcomes are based on narratives rooted in what is considered as legitimate at specific points in time and in specific

environments (Schon and Rein 1994). It is then to be expected that the participation of non-state actors will be justified in terms of the attributes given to civil society as an ideology – such as better and more inclusive representation, and better information provided to the policy process. However, other features of the activities of non-state actors involved in participatory interaction with policy-makers need also to be identified and discussed.

These two concerns – improved representation and the legitimacy that it carries, and improved information and the additional effectiveness of policy making that it could provide – are at the basis of how the literature on civil society in the EU has explained the prominence of civil society at EU level.

Here some reflection of how the concept of representation is utilised in relation to the role of civil society is necessary. Political representation, as the activity of (re) presenting opinions and interests to the policy making process, can take place by representatives holding elected office or by others. Representation can take place in several arenas. Whilst democratic theorists often focus on the activities of office holders in democratic arenas, representation activities of interest groups of different kinds are increasingly the focus of analysis (Plotke 1997; Warren 2001). Their activities are examined in a broad set of arenas - including EU institutions. They present some of the same organizational and political dynamics studied by theorists of democratic representation. The literature on representation in such more varied contexts has grown in recent years, and has often focused on the representative activities of associations, social movements groups and other informal groups. These social formations experience the same tensions that occur in elected institutions, such as tensions between acting as delegates or as trustees. The often examined multiple meanings of the concept of representation, and the related internal tensions, apply to all the various arenas and agencies engaged in representative activities. However, as Pitkin and others have pointed out, the contexts in which the concept of representation is deployed colors which dimensions are more salient . Prevalent political practices make more or less relevant different usages of the concept of representation, and specify its analytical and normative context (Pitkin 1967; Plotke 1997). In this sense, processes such as the growing relevance of supranational integration, and the prevalence of governance structures have broadened what is topical in relation to issues of representation (Warren and Castiglione 2004). At present, non state actors of different kinds, and bureaucracies such as the EU Commission, are important actors and loci of distinctive representation activities. In contexts such as these many activities of representation can be regarded as independent from territorial references (Rehfeld 2005). We can then for instance posit at EU level a role for civil society organizations of non-territorially based representation of social groups, such as for instance ethnic minorities.

With Rehfeld (see p. 6), representation activities can be characterized in terms of the identity of representatives (who have to be members of a qualified set of potential representatives); a selection agent; the functions required from the representative; the decision rules utilised to select a particular representative. In the case of Associations in Brussels, the selection agent – often Commission Officials (or other member of a EU institutional body) – selects whom to consult and therefore

attribute a type of representativeness. They might select business lobbies and NGOs as members of distinct but differently relevant communities of representatives. Within the EU-based communities of civil society organizations, they might select accordingly to a set of decision rules, which ideally include codified values such as 'internal democracy, openness, transparency, accountability, representativeness of the NGOs constituency'. They also selected representatives on the basis of their perceived ability to perform a set of functions. Among the various functions that public and private interest groups could perform, Urbinati points to the functions that the representative performs as an advocate. As Urbinati points out conceiving the representative as an advocate

> helps to highlight the two main political functions of representation, as a means both for expressing political opinions and choices and therefore exercising self-government, and for resisting exclusion and therefore achieving security (Urbinati 2000: 761).

EU institutions such as the Commission, have in several key documents implicitly and explicitly articulated the view that the activities of public interest groups serve the function of redressing the unbalance present in a system of consultation that excludes or limits diffused interests from proper representation. And they have similarly stressed the importance of non-state actors in providing information useful to the policy-making process. Accordingly, the contribution of civil society to European governance is mainly framed through the conceptual lens of input-output legitimacy (Scharpf 1999). It is argued that civil society can enhance European legitimacy by providing, on the one hand, broader and different forms of citizens' representation and, on the other hand, valuable information.

Briefly, then, the issue of the presence of civil society in policy arenas is connected both to issues of policy effectiveness, of legitimacy and of representation. Information can be provided by experts who are not necessarily representative of the citizenry (although they could be) or by grassroots members. One should then differentiate between information that requires belonging and/or an interpretation of the experiential knowledge of particular social groups (as for instance membership of discriminated minorities and is therefore connected to exercising self-government as a type of representation (see Urbinati as cited above) or the representation activities of a member of a conscience constituency (Oberschall 1995: 23), technical information (which only requires technical knowledge but raises important issues of expertise representation, its quality and sources), and as a different category, representation as right of participation which could be unrelated to information but that under certain conditions could also enhance participation outside elected institutions.

In practice, on the basis of these multifarious roles of civil society organizations, political actors formulate and diffuse an implicit and simplified theory of the role of non-state actors in influencing policy processes. This implicit theory merges the different kinds of contributions of civil society actors (including business interests) and technical actors in an often unrefined but usefully comprehensive conceptualisation. We could summarise this view as 'the information-representation theory of civil society'. This theory constitutes a useful way to frame the multifarious role of civil society at EU level, and the connections between EU legitimacy and

concerns with different types of representation deficits. This simplification is at least in part due to the fact that the different categories are difficult to disentangle and often merge into each other, as actors play multiple and overlapping roles.

This theory of the role of civil society as providing a voice for the excluded and information for better policies is the standard that recurs in interviews with EU actors and is echoed in scholarly work. However, I I would like to argue that there are additional ways of framing the interaction between policy-makers and civil society that should not be neglected. I will argue that interpreting the prominence of civil society in the EU only through the conceptual lens of the expertise-representation theory results in a view of EU policy making as too detached from other societal ideologies and practices. It also portrays EU policy making from what I consider to be an excessively realist perspective, whereby EU policy-makers as a whole appear excessively driven by self-serving preoccupations of legitimacy acquisition, which in the EU system is at the basis of the typical bureau shaping and budget maximising strategies of administrative environments (Dunleavy 1991). My contention will be that although important, legitimacy acquisition is only one goal of the set of complex organisations that constitute the EU system of governance - other variables are also relevant. As a relatively indeterminate value and set of practices, 'civil society' is conceptualised best in relation to more than one perspective.

Civil society as an ideology

As the Kohler-Koch paper points out, the ideology of civil society provides legitimacy to the EU because it draws on the anti-state and anti-bureaucratic representation that civil society organisations have acquired in various contexts in recent years. The ideology of civil society posits that associational participation is a very inclusive form of political participation. It includes, for instance, migrants and other minorities that are marginalised by conventional politics. In this respect, the participation of civil society in the policy-making process addresses well known preoccupations within the EU system that some societal groups are marginal and therefore do not have easy access to conventional politics. It also redresses the criticism that the EU Commission is too responsive to vested interests, particularly business interests.

In addition, it could be argued that civil society is useful in providing legitimacy to the EU system of governance because it can be framed as a way of shortening the long chain of representation from communities to the supra-national level. It provides an alternative chain of representation through a parallel system of vertical interconnections of civil society organisations, from grass-root associations to EU umbrella groups. Of course, this potential role is not necessarily actualised. And research conducted in the context of the activities of Research Group 4 show that the chain of delegation in CSO tends to be even longer from the EU CSO platforms/umbrellas to the grass roots associations.

As previously mentioned, these considerations fit well with the emphasis on the dual role of input and output legitimacy, which is often posited for civil society at EU level. The Kohler-Koch paper

notes that if civil society is supposed to first and foremost act as guardian of the political rights of citizens against the encroachments of government, the attention has to focus on the conditions of social mobilisation, inclusiveness and publicity. If, on the other hand, civil society is appreciated as co-producer of public welfare, the capacity to deliver is of far greater importance. However, both concerns are relevant at EU level and can be combined in a single standard that defines the ideal contribution of civil society organizations. Of course, this holds only true in abstract; when it comes to define the conditions and the properties of CSOs, efficient input performance demands other qualities than effective output performance.

Whilst this approach is useful, we need to go beyond the concentration on expertise-representation (and also service-delivery/representation). A concentration on this aspect obscures other important dimensions, such as the alliances between state and non state actors aiming at changing citizens' behaviour, for example. State actors might well enlist civil society to improve the representation of under-represented groups, and in doing so they might pursue a strategy of acquiring reflected legitimacy. But they also need to change citizens' behaviour to implement several policies. For instance, anti-discrimination policy and many areas of environmental policy require changes in citizens' behaviour. If citizens do not recycle waste, a fundamental objective of EU environmental policy is not achieved. Aware of this, EU institutions fund media campaigns and also the work of NGOs in order to reach and influence citizens. This effort cannot simply be framed as an exercise in legitimacy acquisition.

To frame this joint state-associations activity, one has to conceptualise the role of civil society as an ally for social reform, and as part of a redefinition of the relation between institutional politics and society. In this context, a theory of societal guidance seems implicit and needs to be brought out (Etzioni 1967; Etzioni 1968). To subsume activities of joint social guidance under a search for legitimacy seems reductionist. There might well be elements of this strategy at times and in certain contexts and for certain EU actors, but present empirical evidence does not only point in the direction of consistent wilful instrumentality on the part of EU institutional actors. Rather, as the van Deth paper points out, EU elites share the goal of stimulating forms of active citizenship and mobilise ordinary citizens as a useful component of processes of governance, which include social governance.

The van Deth paper points to the manipulatory undertones of key EU documents, such as the White Paper on Communication (Commission 2006), which are seen as an ill conceived attempt to "sell" the European idea, and as an exercise in propaganda instead of communication. But behind it there appears to be more than manipulation; there is a conception of politics in times of European governance. In this conception there is an implicit theory of societal guidance as a response to the crisis of representative institutions and to destructive anti-EU populism. Accordingly, under the direction of EU elites, civil society is recruited as a popularised monitor of lifestyle changes – changes in a direction that is compatible with EU policy goals. The reproach of a manipulatory intent might then still be justified, but it is not simply orientated towards gaining

legitimacy for the EU. Rather, an implicit theory of multi-actor societal steering could be posited, conceptualising the attempt to recruit organised civil society in order to pursue the EU's constitutionalised values.

Such an attempt would be justified by the generalised awareness that political actors have lost some of their credibility as role models. In this sense, EU institutional actors' emphasis on civil society is part of an anti-political reaction to frequent and well publicised episodes of political corruption. However, anti-political sentiments have emerged in several countries and possibly have become relevant at EU level without necessarily being connected to the issue of EU legitimacy (Norris 2002). Also frequently aired but not necessarily connected to EU legitimacy is the concept that civil society constitutes a channel for attributing special relevance to certain issues that are not adequately thematised by conventional politics, despite their relevance for the citizens.

One could then argue that 'civil society' at EU level is an ideology with some self-serving features that are used to shore up a weakening European project, but also has several other elements that are derived from a wide and fragmented set of views of what civil society is and what it should be. In Brussels, all these views find an echo, though different ones will be dominant in different contexts. Thus, the question remains whether civil society is mainly an instrument for inclusion – as the left often argues – or a way of doing politics outside of the state – as the right often prefers to emphasise. Both positions are part of the vocabulary of justification for civil society. The issue of legitimacy of the EU project is yet another aspect, but it should not necessarily be the main concern on which a theory of civil society at EU level should rest. The contributions of Kohler Koch and van Deth are especially useful precisely because they are not limited to these perspectives, but are aware of the wide range of meanings that civil society as an ideal can hold for different actors.

In this line of thought, I would then like to argue that the ideology of civil society finds much political currency in Brussels simply because at the EU level some ideological views that are also present in Member States are echoed. Isomorphic processes of different kinds are likely to emerge between the EU and other organisational environments it interacts with (Powell and DiMaggio 1991; Peters 2000). Associational participation has grown exponentially in recent years for a host of reasons and that fact alone will spark legitimacy and attention within all political and social organisations. Ideologies and practices that prevail in society will also find an echo in Brussels. So, in addition to the views of civil society already indicated, when reading EU documents on civil society one can also find references to the integrative role of civil society organisations – a role identified in the van Deth paper as recurrent among European citizens. Of course, as the van Deth points out, social and political actors endorse the existing visions of civil society in different ways.

The Kohler-Koch paper recognises this plurality of ideologies and mechanisms of inclusion of non-state actors and it provides the conceptual tools to go beyond the expertise-representation theory. The paper notes that over the years, EU-society relations have been governed by quite

different principles. In the early days of economic integration, the overriding principle governing consultations was respect for the Treaties and the efficient transposition of Treaty provisions. With the growth of market regulation and direct interference by the EU in sub-national governance in the 1980s, a new orientation gained ground, acknowledging the political character of EU policies and the need for additional mechanisms for gaining legitimacy. In place of hierarchy, partnership became the new core principle. It put public and private actors on a new footing, but its application to specific policy areas was circumscribed. The far more ambitious principle of participation was introduced with the White Paper on Governance (Commission 2001). It reflected the growing concern that the mechanisms for representative democracy might not adequately support the emerging political system of the EU and, therefore, should be complemented by the direct involvement of civil society in EU governance.

Different regimes are posited as surviving and operating at the same time. In this identification of a variety of coexisting models, the emphasis lies on the ideological fragmentation of the EU – an issue that has been well documented over the years, and relates to a variety of dimensions which cross-cut all institutions and their personnel, such as pro-market/pro-state and pro-integration/anti-integration (Michelmann 1978; Cini 1996; Hooghe 2001). If the overarching principle of a system based on extensive consultation has characterised the EU throughout its existence, the practice of consultation and the organisations that are consulted have changed somewhat over the years. Defining them as civil society is the present way of selecting and drawing attention to certain topics. Consequently, the values of participation, openness, transparency, and accountability are particularly endorsed now. However, this endorsement does not imply that these 'democratic goods' are not self-contradictory in many ways and that an easy reconciliation and a cohesive paradigm is likely to emerge or is even possible in the near future.

Through the lens of the expertise-representation theory, the Kohler-Koch paper is able to effectively point to some of these conflicts. Thus, there are conflicts within civil society organisations on whether NGOs should be representative – a quality emphasised by large organisations – or should privilege the quality of their policy expertise, as think tanks and smaller organisations often do. Interestingly, the Kohler-Koch paper notes that a similar controversy on the scope of participatory democracy is echoed in the new Lisbon treaty and is framed by an underlying, though not very articulate, principled discourse. It is noted that whereas diffused interest groups frame it as a discourse on input legitimacy and consequently put the principle of democratic participation first, other intermediary organisations take output legitimacy as their point of reference and thus give priority to the principle of efficiency in policy-making. The Commission's 'participatory strategy' is then accompanied by a 'strategy of knowledge collection'. Thus, in this case as well and in other cases, the expertise-representation theory provides a useful framing of the role of civil society, but it needs to be integrated with other approaches, such as a theory of societal regulation, which also should allow an identification and possibly a ranking of the diverse contributions of different civil society organisations.

'Civil society' as a set of participatory practices

'Civil society' as an all encompassing term (whose precise confines are often not clear and shared) is useful for describing the entire category of non-state actors. It can be used as a general concept to investigate, for instance, the willingness of state actors to involve non-state actors in consultations. However, this willingness must then be qualified by the specific features, power bases, allies and contributions to policy-making that characterise different types of organisations of civil society. Given the ambiguity of the concept, the fact that policy makers may use the term 'civil society' - or more frequently 'associations' - is not necessarily relevant. Policy practice involves processes in which actors identify and utilise approved key societal views (or frames such as 'civil society') to 'match policy problems and available solutions' and to pursue a wide range of goals (March and Olson 1989). At present, approved perspectives include references to civil society involvement. But analysts must evaluate the extent, and identify the contexts in which such terms retain their analytical value.

We need a classification of the different types of civil society organisations and how they relate to each other in the context of interest group politics. Also necessary is an empirical definition of what all interests have in common in a particular environment. This is a problem that has not been sufficiently addressed by the literature so far. There is a general theoretical literature on civil society and a set of specific literatures on different kinds of organisations. However, we need to examine empirically in specific contexts what is common to all civil society organisations and what pertains only to some of their organisational forms. At EU level such comparisons are still in their infancy.

Different kinds of organisations differ in terms of tactics and strategies. I suggest that a crucial variable that needs to be examined is the action repertoire utilised by different kinds of organisations. Although all organisations engage in activities of deploying influence and persuasion, they do so from different standpoints. For instance, in addition to institutionalised repertoires, social movement organisations and social movement-inspired organisations, such as certain environmental groups or antiracist groups, can engage in non-conventional protest repertoires. They can utilise the potential threat of disruption as a strategy to achieve impact, and subordinate its use to strategies of maximisation of access and influence, but still retain the choice of disruption as a last-resort strategy – or in other cases use contentious and non-contentious repertoires at the same time (Ruzza 2004). This option then differentiates social movement organisations from other types of organisations, such as service delivery organisations whose strength could be based on the threat of interfering with state-approved modalities of service delivery, and affect politically sensitive outcomes. Churches could mobilise their member base through cross-nationally co-ordinated actions, the moralisation of key issues and the use of sympathetic media in order to appeal to conscience constituencies, etc. Participatory practices are therefore oriented towards the power base of different organisations, and thus impacted by the aims of consultations which also vary in different policy fields.

The democratic contribution of each type of association can be assessed from multiple stand points and is likely to be considered differently in relation to its contribution to different 'democratic goods'. They differ for instance in terms of how they can engender democratic attitudes in their participants; in how internally democratic they typically are; in terms of transparency, accountability and openness and the impact this has on specific institutional features such as subsidiarity, mechanisms of cooperation and resistance to governments' justificatory strategies (Warren 2001: 108). For instance social movement organizations often need to be de-facto hierarchical and charismatic as democratic procedures are too time consuming and divisive to allow for effective mobilisation, but they have often been effective at broadening the political space. It has been noted that an important contribution of association has occurred in giving voice to groups that only successively have acquired electoral power (Warren 2001: 81). They then have a role in terms of how effective they are in broadening the political space by moving issues into public communication – an aspect also connected to processes of democratization (Maier 1987). They also differ in the way the can contribute to the EU project of social co-regulation described above.

Similarly, different kinds of organisations enjoy relations with different institutional allies and the impact of their activities of representation depends at least in part on the mix of allies they can mobilise, and therefore their broadening of representation and overall democratic impact will vary. For instance, certain organisations enjoy special relations with certain political parties (such as women's organisations connected to sections of labour parties) or movement-parties (such as the green parties) (Ruzza 2004; Wessel 2004). Likewise, some public interest groups are better able to join efforts in multi-actor coalitions or operate mainly through umbrella groups, which might very well exhibit different traits from single issue area organisations.

I suggest that it will be useful to disentangle the general category of civil society and examine both its functioning as a system and the contribution of its component parts. The different types of civil society formations are subject to different constraints and are often engaging in different practices at EU level in terms of their action repertoires, funding mix, and relations to institutional allies. With Warren (Warren 2001), I think that in assessing the role and impact of organized civil society we should consider the field as composed of a set of different types of organizations which provide different democratic goods, and that the field is then characterised by a distinctive associational ecology that varies in different contexts according to the mix of types of associations and their specific features in specific locations and policy arenas.

These considerations suggest ideas for future research. I think that in the future we should build on the work already conducted and focus more directly on the variables predicting types of associational interconnections across levels of governance, as the distinctive multi-level interaction of associations benefitting from EU funding and advocacy opportunities reflects the distinctive EU architecture. We need to interpret the political opportunities of organized civil society at EU level in relation to their contributions to the legitimacy of the European project, the

resonance with public opinion of different issue domains, types of institutional allies and their resource base. In this light we need to examines mechanisms of organizational selection, institutional channelling, and the role of discursive compliance as predictors of impact, inclusion and resource allocation in EU institutional arenas.

An analysis of the organizational mix and the contribution of each type of organization will help us to give a more articulated answer to the question of whether participatory governance holds its promises.

I have suggested that the 'interest-representation' theory tends to accentuate the depiction of EU actors as single mindedly concerned with legitimacy and to downplay their interest and concerns with societal regulation. It then comes to be easily interpreted as merely criticised as guided by a technocratic and justificatory perspective. While I agree that these motivations are relevant in the strategies of EU actors, I also think that they more generally reflect societal concerns that are relatively unrelated to the project of European construction. We need to look in greater detail into the issue of representation.

For instance, there is at the EU level a (modest) inclusion in policy-shaping roles of representatives of associations of weaker or marginalised social groups, such as migrants and discriminated sexual minorities. With Urbinati (2000) we have argued that this inclusion amounts to these groups 'exercising self-government', and that as such this can be seen as a type of representational activity. This is particularly the case when representatives of these groups are themselves members of a marginalised minority, and their presence in the policy process can also usefully be considered as fulfilling the category of representation as symbolically actualising the presence of minorities in a policy arena and not merely acting on behalf of the minority community (see Rehfeld 2006: 17). However, the legitimacy benefit that the EU would acquire from the inclusion of such minorities would presumably vary according to the popularity of the concerns represented.

Granting an even modest decision-making power to popular groups, such as environmental associations, could well be seen as an attempt to vicariously increase the legitimacy of the EU (as the allied to legitimate actors). One need only remember that environmental groups are generally more popular than green parties and environmental ministries. However, if power is given to marginal and often less popular groups such as antiracist associations (Ruzza 2004), one can no longer necessarily uphold the accusation that the EU is mainly acting on the basis of a desire to acquire legitimacy.

Rather, with Rehfeld (2006: 4), I believe that here we should distinguish representation from legitimacy. The EU might have implicitly decided that some of the spokespeople for these groups are representative of certain social groups, but not that they are legitimated in sociological or normative terms (Rehfeld 2006: 3). EU political actors might well believe that legitimacy is missing (or that is severely limited to some circumscribed functions of the process of representation). But,

as Rehfeld (2006) argues, representation need not be legitimate, equal or fair. The inclusions of these groups can then be motivated not by legitimacy considerations, but by the fact that it seems appropriate, even if not expedient, to have a representative to 'complete' an implicit view of the constituency of reference – i.e. the European people in all its components- and/or by other consideration such as the previously mentioned desire of EU political actors to engage with civil society actors in a process of co-regulation.

On the other hand, to the extent that the EU engages in projects of societal regulation or, as argued, co-regulation with civil society organizations, it expresses a networked view of governance that might well be inspired by a search for new functions and new forms of legitimacy as partners of civil society in a distinctive and broadened vision of participatory democracy.

I would like then to argue that we should theorise more broadly the reasons why references to civil society are so frequent in various arenas, and we should clarify the reasons why in some cases the concept of civil society should be preferred as an analytical tool to its component concepts and their related literatures, and why we should revert to a more nuanced classification and theorization of the types of non-state actors' participation in other cases. In order to do so, we should first examine the literature on the prominence of civil society as an ideology and then articulate the relation between the overarching concept of civil society and other formations. Then we should specify what all non-state actors have in common when interacting with the state and its institutions and what distinguishes each of them.

Conclusions

This commentary has argued that in the context of the European system of governance, civil society has come to play a central and multi-dimensional role. While the current emphasis on civil society is instrumentalised by several actors - including EU political and bureaucratic actors – no single theory can adequately explain its relevance at EU level. The view that civil society is particularly endorsed at EU level because it provides forms of input and output legitimacy is accurate but insufficient. This view can be conceptualised as the dominant theory on the relationship between interest groups and EU institutions, i.e. the 'expertise-representation theory'. It is argued that civil society is also important at EU level for other reasons beyond the acquisition of legitimacy for the EU system of governance.

It is pointed out that the EU system of governance reverberates the values of European polities, for which a thriving civil society is a means to promote active citizenship, and modify citizens preferences in the direction advocated by Member States and the EU. Civil society is also a component of a plan for social regulation of European societies which encompasses the collaborative work of social and political organisations. EU institutions are part of an attempt to promote active citizenship and to enlist citizens and civil society organisations for this purpose. 'Civil society' then indicates an ideal of participatory policy making, to which a variety of social

organisations can contribute on the basis of their differing interactions with state actors and on the basis of their distinctive political and cultural opportunities. Equally important is that EU institutions continue with the recent efforts to consult citizens directly and put in place effective structures to do so, such as internet-based open consultations. This however also requires that the present difficulties with internet-based consultations be resolved (Bozzini 2007). Opportunities for the expression of citizens' opinions need to be better publicised, and the processes of aggregation of opinions needs to be streamlined and made more accountable .

References

Bozzini, E. (2007). The role of civil society organisations in written consultation processes: from the European Monitoring Centre to the European Fundamental Rights Governance and Civil Society: Policy Perspectives. V. D. Sala and C. Ruzza. Manchester, Manchester UP**:** 93-109.

Cini, M. (1996). The European Commission. Manchester, Manchester University Press.

Commission (2006). "White Paper on a European Communication Policy." COM(2006) 35 final, Brussels.

Dunleavy, P. (1991). Democracy Bureaucracy & Public Choice. New York, Harvester.

Etzioni, A. (1967). "Toward a Theory of Societal Guidance." American Journal of Sociology **73**(2): 173- 187.

Etzioni, A. (1968). Active Society. New York, Free Press.

Freeden, M. (1996). Ideologies and Political Theory: a conceptual approach. Oxford, Clarendon Press.

Hooghe, L. (2001). The European Commission and the integration of Europe : images of governance. Cambridge, Cambridge University Press 2001.

Maier, C. (1987). Changing boundaries of the political : essays on the evolving balance between the state and society, public and private in Europe. Cambridge, Cambridge University Press.

March, J. G. and J. P. Olson (1989). Rediscovering Institutions: the organizational basis of politics. New York, Free Press Collier Mac Millan Pub.

Michelmann, H. J. (1978). Organizational effectiveness in a multinational bureaucracy. Farnborough, UK, Saxon House.

Norris, P. (2002). Democratic phoenix : reinventing political activism. Cambridge, Cambridge University Press.

Oberschall, A. (1995). Social Movements: Ideologies, Interests, and Identities. NY, Transaction Publishers.

Peters, G. (2000). Institutional Theory in Political Science: The "New Institutionalism" in Political Science. London, Continuum International - Pinter.

Pitkin, H. (1967). The concept of representation. Berkeley, California University Press.

Plotke, D. (1997). "Representation is Democracy." Constellations **4**(1): 19-34.

Powell, W. W. and P. J. DiMaggio (1991). The New institutionalism in organizational analysis. Chicago ; London, University of Chicago Press.

Rehfeld, A. (2005). The Concept of Constituency: Political Representation, Democratic Legitimacy and Institutional Design. Cambridge, Cambridge University Press.

Ruzza, C. (2004). Europe and Civil Society: Movement Coalitions and European Governance. Manchester, Manchester University Press.

Scharpf, F. W. (1999). Governing in Europe : effective and democratic? Oxford ; New York, Oxford University Press.

Schon, D. and M. Rein (1994). Frame Reflection: Toward the Resolution of Intractable Policy Controversies. New York, Basic Books.

Urbinati, N. (2000). "Representation as Advocacy: a study of democratic deliberation." Political Theory **28**: 758-782.

Warren, M. (2001). Democracy and Association. Princeton ; Oxford, Princeton University Press.

Warren, M. and D. Castiglione (2004). "The Transformation of Democratic Representation." Democracy and Society **2**(1).

Wessel, B. (2004). Contestation potential of interest groups in the EU: emergence, structure and political alliances. European Integration and Political Conflict. G. Marks and M. R. Stenbergen. Cambridge, Cambridge University Press: 195-215.