

EU - DO YOU HEAR ME?
**The role of civil society organisations in the democratisation
of the European Union**

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ABSTRACT

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The purpose of this thesis is to analyse the role of civil society organisations in enhancing the democracy of the European Union. The question is studied within the framework of discursive democracy, which draws its inspiration from the theory of communicative action by Jürgen Habermas. The research material is consisted of communication policy initiatives of the European Commission and statements of a European network of civil society organisations, the Active citizenship network. I elaborated the question through the concepts of public sphere, horizontal subsidiarity, and a political role of the civil society organisations. Also the contradiction found between citizens' direct participation and the intermediary role of the civil society organisations (hereafter CSOs), turned out to be a central dimension for the study.

The analysis shows that the aspirations of the Commission and the Active citizenship network (hereafter ACN) diverge considerably considering the premises and goals of CSOs' participation within the EU polity. The Commission wants to form partnerships with them, to enhance the quality of its policy-output, and to reach out for its citizens. The ACN, on the other hand, sees organisations as key actors in policy-making, and seeks a strong role for them. However, both parties favor representative democracy. Consequently, neither of them introduce direct participation channels for citizens nor pay due attention to the communicative aspect of democracy.

To conclude, I end up suggesting that in order to bring the citizens back in politics without putting their autonomy in danger, and to ensure the political influence of both CSOs and citizens, autonomous public spheres and the guidelines provided by the horizontal subsidiarity should be combined. This way the democratic practices based on unrestricted communication of citizens would cover the whole policy-circle, from the policy-formulation to the evaluation of policies.

Keywords: Civil society organisation, the European Union, discursive democracy, deliberative democracy, public sphere, horizontal subsidiarity

CONTENTS

1. INTRODUCTION	2
2. INTRODUCTION TO THE RESEARCH MATERIAL	5
2.1. The documents of the Active Citizenship Network	5
2.2. The documents of the Commission	10
3. THEORETICAL BACKGROUND	12
3.1. Jürgen Habermas' communicative action.....	12
3.2. Discourse and participation	14
3.3. The role of civil society organisations in the process of democratisation	22
3.4 The public sphere as a place for democratisation.....	29
4. THE DEMOCRATIC LEGITIMACY OF THE EUROPEAN UNION.....	35
4.1. A regulatory organ or a participative polity?.....	35
4.2. Civil society organisations in the EU polity	40
4.3. The European public sphere	48
5. ANALYSIS	50
5.1. Analytical framework	50
5.2. The Documents of the Active Citizenship Network.....	54
5.2.1. From a civil dialogue to the horizontal subsidiarity	56
5.2.2. The horizontal subsidiarity and its implications to democracy	66
5.2.3. Is there a European public sphere?.....	73
5.3. The Documents of the Commission	78
5.3.1. Citizens in the EU polity - subjects, voters or participators	79
5.3.2. The partnership approach, the role of civil society organisations	85
5.3.3. Constructing the European public sphere	90
5.4. Synthesis	97
6. CONCLUSIONS.....	102
REFERENCES	106

1. INTRODUCTION

Civil society organisations have quite some time now offered to me a dear and inspiring working environment. Lately, I have also become interested in different models of democracy, particularly in the ones stressing participation and communication. This setting led me to ponder the role that civil society organisations (hereafter CSOs) could play in building and strengthening democracies, and in promoting democratic practices. Academic world has produced unnumbered amount of studies and articles considering the issue. What draw my attention, was that some researchers have stated the role of CSOs becomes emphasised at the transnational level. Disconnecting the ties between the nation-states and democracy seemed interesting, and soon I found myself devouring studies about the European Union.

The European Union is both challenging and intriguing polity for studying the role of CSOs, for it is struggling with its democratic legitimacy, and with the evident gap lying between the Union and its citizens: The Eurobarometer survey 2005 revealed that 53% of European citizens considered that their voice does not count in the European Union, as opposed to only 38% taking the opposite view. After the Constitution was knocked down by "no" of the French and the Dutch, political participation and participative practices rose in the rhetoric of the EU. Thus, the boom of deliberative democracy experienced in the academic world, and the reality (or the phrasebook) of the EU met. Especially the Commission has seized the new terminology, in order to narrow down the information and communication gap between the citizens and the EU.

In the following paragraphs is shed some light on the central concepts used in this thesis, and conceptualising civil society organisations seems a proper topic to start with. First of all, there is a clear distinction between the state, economy and civil society. Secondly, a civil society organisation has to strive for common good, which rules out for instance commercial and particularistic interest. By using the phrase "to strive for common good", I want to point out that a CSO has to have some aspirations and views on how to enhance societal conditions. In addition, when ever I use the term civil society actors, instead of civil society organisations, citizens are then comprised in the definition. For the purposes of this thesis, more important than to try to pinpoint the exact character of civil society organisation, is notwithstanding the aspect that this definition most likely covers the

conceptualisations of John S. Dryzek, Benjamin Barber, and partially also the one of Jean Cohen and Andrew Arato. Therefore, the definition is intentionally broad.

The corner stone of the theoretical framework of this thesis is the theory of communicative action developed by Jürgen Habermas. The participatory approach draws also from the work of Barber and Dryzek, who have been reshaping and redefining the theory of discursive and participatory democracy. They share a conviction that politics is a common action of individuals, who become citizens along the process. For them, the democratic decision-making is, by a definition, a discursive process, for the political preferences of individuals transform reasonable and justified after they have gone through a reflective interaction with the preferences of the others. The autonomy of an individual is not a precondition for democracy, but democracy is a precondition for the realisation of the autonomy¹. Furthermore, I will also use the theory of Jean Cohen and Andrew Arato, who employ a habermasian framework for their analysis on the role of civil society in politics. While sharing some thoughts and values with Barber and Dryzek, they nonetheless elaborate the theme of civil society in politics to another direction, and offer counter-arguments worth scrutinising.

The public sphere is one of the central concepts in the thesis, for it is related to debates on both civil society and democracy. Well-functioning and autonomous public sphere is also regularly described as a prerequisite for further democratisation of the EU. Moreover, it is a realm of CSOs, where they are considered to have at least equal standings with the public authorities. However, in my thesis, the public sphere is regarded to be dominated by civil society actors. For Dryzek, for example, the existence of an autonomous public sphere built on communicative action and rationality is a precondition for the realisation of discursive democracy. The public sphere serves also as a channel for connecting discourses to collective binding decision-making.

CSOs' participation in policy-making is usually justified by the CSOs' special knowledge of grass-root problems and of challenges faced by different minorities, whose voice might not be heard by administrators without an advocacy of CSOs. This argument leads us to the other crucial concept of the thesis, to the horizontal subsidiarity. Generally speaking, a subsidiarity principle sets guidelines determining how the administrative competence in the

¹ Barber 1984, xv

EU hierarchy is divided between different levels of authorities, whereas its horizontal dimension can help us to define the mandate, responsibilities and rights of CSOs' in the EU polity.

On the grounds of the above described train of thought, I have formulated my research questions as follows:

1. To what extent do the views of the European Commission and the Active Citizenship Network follow the premises of discursive theory on democracy, when specifying the characteristics of desirable public sphere and legitimising the CSOs' participation in the democratisation of the Union?
2. What kind of a role is indicated to civil society organisations in the democratisation process of the European Union according to the Commission, and what kind of role for them is sought by the ACN?
3. Are there any common aspects or aspirations regarding issues described above in the documents of the Commission and the ACN?

2. INTRODUCTION TO THE RESEARCH MATERIAL

I will look into the questions presented above with the help of the European Commission's communication policy initiatives and documents by the Active Citizenship Network, a European network of CSOs. The initiatives of the Commission contribute to "the period of reflection" introduced by the Heads of the States in 2005 after the Constitutional treaty was rejected. During the period the EU institutions were meant to deepen the dialogue with citizens and thus narrow down the gap between the EU and its citizens. ACN documents, on the other hand, aim at the recognition and formalisation of the role of CSOs in the EU polity. They seek to establish the responsibilities and rights of both CSOs and public institutions.

These documents are studied within the analytical framework derived from the theories presented in the next chapter. The statements, conclusions and rhetorical choices of the Commission and the ACN are reflected to the paradigms, definitions and contradictions found from theories. A more detailed description on methods and analytical tools is provided in the chapter 5.1, after reviewing relevant models of democracy and necessary concepts. My purpose is not to sum up the various conceptualisations and come up with a single definition of civil society and public sphere, but to identify from the theoretical background different dimensions of, for example, the role of civil society actors in democratisation and status of public sphere in order to study the questions. In my opinion, the theories used move between different ends of the same normative axis, so this kind of approach seems to be suitable for my purposes.

Moreover, I find it more interesting to try to find out how the ACN and the Commission see the public sphere; what are their prerequisites for a democratic polity, should the EU be further democratised, and what does the democratisation actually mean; than to formulate new definitions and concepts for the analysis.

2.1. The documents of the Active Citizenship Network

The Active Citizenship Network (ACN) officially appeared on the playground of international CSOs in November 2001. It is closely related to the Italian citizens' movement CittadinanzAttiva, which is a non-profit organisation founded in 1978. CittadinanzAttiva has 92 000 members, including individuals, associations, groups and

networks. It is politically independent and is not in any way connected to the interests of business or trade unions. It states the promotion of civic participation and the protection of citizens' rights in Italy and in Europe as its main goals.²

Similarly, the ACN promotes the empowerment of European citizens and supports the construction of active citizenship in Europe. It seeks to bring in the point of view of European citizens to all public policies areas, with focus on patients' rights, consumers' rights, corporate citizenship and EU active citizenship. Especially the efforts it has made in supporting active citizenship in Europe caught my attention. Its actions and studies are based on civic information provided by national and European level civil society actors, which can ensure that its views and statements reflect the opinions of a reasonably wide constituency. The ACN is mainly funded by the European Commission, the European Economic and Social Committee, Italian representations in the Commission and in the Parliament, international organisations such as UNDP and World Bank, and national and regional governments. ACN projects are also supported by private foundations and companies through the creation of partnerships complying the guidelines set in the Cittadinanzattiva's CSR strategy.³

I chose ACN primarily for its mission and operational procedures, which I feel are in accordance with its statements and activities. Unfortunately I have been somewhat unlucky with the network. In spring 2008 in its web-pages in "about us" was said that "ACN requires the horizontal dimension of the subsidiarity to be normatively implemented in the EU legislation in order to push institutions favour free initiatives of citizens and CSOs when they are carrying out activities directed to the common interest."⁴ The emphasis put on the principle of horizontal subsidiarity was the factor which led me to the ACN. Moreover, the principle is one of the key concepts of this thesis. However, now in summer 2009 the above mentioned text is gone, as well as all other references to the horizontal subsidiarity. Even the document "Rethinking the Principle of Subsidiarity. Towards a new framework for citizen participation in European policy-making" that I have used in this research material is gone. It might be that ACN has turned its back on the principle, but I still intend to study it as a possible framework for promoting participation of CSOs in the

² Cittadinanzattiva: Cittadinanzattiva presentation

³ Active Citizenship Network: About us and Funding

⁴ http://www.activecitizenship.net/about_us.htm in Spring 2008

EU policy-making.

I consider the ACN as an interesting case, for it is an illustrative example about why it is difficult to validate CSOs based on criteria like representativeness and accountability. First of all, the ACN is based on partnership rather than membership. Some 80 citizens' organisations from 30 EU and candidate countries have participated in the ACN projects as partners, and over 300 organisations have taken part in at least one of the ACN's initiatives. The network is "open to all civic organisations that defend citizens' rights and/or public goods in Europe and that are willing to contribute to its strategy."⁵ In spite of these partnerships, the Commission might ask, who does the ACN represent, since it does not have a single member. Also, the traditional interpretation of accountability forms a problem in this case, since the leaders of the organisation cannot be chosen nor dismissed by members. The democratic strength of ACN lies both in its ways of working; it is open to many, transparent, widely inclusive, discursive, and has small barriers for participation; and in the outputs it produces. Presumably, an individual citizen cannot take part in its activities though, at least previously the partners have been organisations.

I also see the ACN as an organisation that contributes to the emergence of European public spheres. I will elaborate this point further in the analysis. While reading ACN documents, it is important to keep in mind that the outcomes they present are formed by versatile inputs of different kinds of CSOs all around Europe. It would be misleading to interpret the documents solely as achievements or opinions of ACN. It is obvious, though, that in accepting them, the ACN has approved all the positions adopted in the documents. The documents will be introduced in the following paragraphs.

Rethinking of the principle of subsidiarity. Towards a new framework for citizen participation in European policy-making. "Rethinking of the principle of subsidiarity" was a project along which ACN defined the principle of horizontal subsidiarity, in order to build the relationship between the EU and CSOs on the concept. The driving force behind this project was the notion that the principle of subsidiarity should not be limited to the division of power and competence between different levels of administration, but it should also apply to the relationship between citizens and public institutions, because the current European framework for citizens' participation was considered to be inadequate. The first

⁵ Active Citizenship Network: About us

goal was to discuss the concept with European CSOs, in order to find out how it could enhance the collaboration between citizens and European public institutions. Another goal was to introduce this new dimension of subsidiarity in the work of the Convention and thus in the European Constitution and the system of EU governance in general.⁶

The project started in 2002, when the first seminar was held in Brussels. From there the 16 collaborating national CSOs took the debate to national level, organising discussions and seminars. The final report was then drafted based on the outcomes produced in national seminars.⁷ Thus the report presents the main results of the project gathered at national, as well as at EU level. One of the concrete actions of the project was to propose the following amendment to the European constitution concerning the rights of European citizens: "the right to carry out autonomous activities directed to the general interest with the cooperation of the Union and the Member States, on the basis of the subsidiarity principle". Despite the active lobbying and the support of the European Economic and Social Council, the amendment was not included in the draft constitution.⁸

An important point in this thesis is that, as we can see, the formulation of the concept was a discursive and reflective process. Based on the ACN's notion that national seminars taught the participants that the principle can be useful to interpret many of the activities carried out by CSO and to enhance the collaboration with public institutions; the project apparently initiated a learning process among CSOs. The process involved more than 500 people, members of CSOs, the European Convention, representatives from the EU, trade unions, scholars and journalists.⁹ Consequently, it is also an example of how the public sphere is able to connect actors from different sectors and levels.

Lastly, as a technical point it must be clarified that this report consist of three parts; the final report of the project written in November 2003; the report on the Brussels seminar written in December 2002 and finally, professor Giuseppe Cotturri's description of the background of horizontal subsidiarity. I will use the final report and the report on Brussels seminar as my research material.

European Charter of Active Citizenship.

⁶ Roffiaen 2003, 3

⁷ Roffiaen 2003, 3-4

⁸ Roffiaen 2003, 6

⁹ Roffiaen 2003, 3-4

"The Charter contributes to the building and development of the European democratic space through the collective exercise of citizens' rights, already guaranteed as recognised fundamental rights, by ACOs".^{10 11}

The need to draw up the European Charter of Active Citizenship derives from the observation that even though the role of citizens and CSOs as actors of public policies has been constantly growing in Europe in the past 30 years, neither the European Constitution nor the legal systems of national states recognise participation in policy making as a fundamental right of citizens. Therefore, the ACN together with Fondaca, started to promote the drafting of a charter, which would specify the rights and duties of citizens' organisations participating in policy making.¹² Thus the Charter contributes partly to the same problems than the Commission's Plan-D, namely the distance between the Union and its citizens, as well as the democracy deficit of the Union.

The Charter draws its inspiration, among others, from the Charter of Fundamental Rights of the European Union. ACN states that therefore the 20 articles of the Charter are an embodiment of fundamental rights, and as such they exist and must be respected. Annexed to the Charter is a summary of national examples of good practices gathered from 10 European countries. They prove that the rights and practises suggested are attainable, and should be considered as an integral part of the Charter.¹³

ACN and Fondaca had partners from 11 European countries, with whom the main activities were carried through: the collection of 50 best practices regarding civic participation in 10 countries, an on-line database, drafting of the Charter's text in collaboration with the project partners, and the presentation and discussion of the Charter in a European conference. In March 2006 ACN and Fondaca launched an open web-based consultation process containing direct e-mail consultation and online consultation.¹⁴ Based on 22 answers and feedback given along the consultation process they drafted a report of consultations. For the drafting of the actual Charter they analysed some 140 documents from civic organisations, public institutions, think-tanks and researchers. The project was

¹⁰ ACN and Fondaca 2006a, 2

¹¹ In the Charter CSOs are called Autonomous citizens' organisations ACOs. I will deal with ACN's choice of wording in the analysis chapter, but for now I will simply assume that the term ACOs refers same group of actors than I with the term CSO.

¹² Active Citizenship Network: European Charter of Active Citizenship

¹³ ACN and Fondaca 2006a, 2

¹⁴ Active Citizenship Network: European Charter of Active Citizenship and Consultation of the Charter

sponsored by the European Commission DG Education and Culture and Unicredito.¹⁵

Besides the final version of the Charter I will include the Report of consultation results as a part of my research material. The report is useful because it provides answers to some of the questions that I raise, and demonstrates that there are a variety of opinions among the European CSOs on the issues dealt with in the Charter.

2.2. The documents of the Commission

Second part of my research material consists of recent communication policy initiatives by the Commission: "Plan-D for democracy, dialogue and debate" and its follow-up reports "Citizens' agenda - delivering results for Europe" and "Communication on the period of reflection and Plan-D", "White paper on European Communication policy" along with its follow-up report "Communicating Europe in partnership". It seems that by these documents the Commission is trying to pick up the pieces after the Constitution fell, and close the gap between the EU and its citizens, which suddenly became more visible than ever before.

"The Commission's communication activities aim at creating and nurturing exchanges, debates and understanding between European institutions, the general public, organised civil society and specialised audiences at European, national, regional and local levels."¹⁶

The EU's communication policy can be seen as a reflection of its strive for more democratic policies. It is especially suitable, however, as a starting point in trying to get grip on the European public sphere (EPS). Michael Brüggemann explains that communication policy is about giving or denying information, it defines whether the Union responds to citizens' demands re- or pro-actively, it sets the tone in which the policies are explained, justified or informed to the citizens. The communication policy is a field of policy which provides political solutions to how the government and the administration should inform the citizens. Hence it is comprised of transparency, professional public relations and political rhetoric.¹⁷ These policies are all the more relevant as the citizens

¹⁵ ACN and Fondaca 2006b, 1

¹⁶ COM(2007) final 568, 4

¹⁷ Brüggemann 2005, 62-63

refuse to participate in the European democracy¹⁸, especially if the lack of participation derives from lack of information and knowledge about the EU.

The Commission is a central actor in policy-making and producing initiatives within the EU. It has been active in forming and leading the Communication Policy of the EU. Moreover, it has been evaluated as the most open and accessible EU institution for CSOs' contributions, and it easily commits itself in dialogue with them. This is partly due to the EU's current framework of civil dialogue and consultation, which is Commission-founded¹⁹. Part of the Commission's legitimacy derives from formal civil dialogue, whereas the other two corners of the EU's institutional triangle, the European Parliament and the European Council, derive their legitimacy from the elections. The Commission needs the expertise that CSOs can provide, and it also wants to test policy proposals to ensure a certain degree of consensus.²⁰

At the end of the European Council on June 2005, the Heads of State and Government adopted a declaration that called for a period of reflection following the rejection of the European Constitution. Plan-D is the Commission's contribution to the period of reflection, and it stresses that the future of Europe needs to build on a clear view on citizen's needs and expectations.²¹ Its follow-up documents, "Citizens' agenda" and "Communication on period of reflection and Plan D", sum up conclusions from debates, consultations, and civil society organisations' projects set up by Plan D. The follow-ups concentrate on specifying policy areas that citizens consider crucial, and on citizens' future prospects. In a nutshell, these documents can be described as a listening exercise, giving the citizens a voice.

The starting point of "The White Paper on European Communication policy" is the observation that while the EU has taken a wide range of tasks affecting people's lives, Europe's communication with its citizens has not kept in pace. "Communication is essential to a healthy democracy."²² With this initiative the Commission wants to involve all levels of government and organisations in the Member States in enhancing communication policies, thus a partnership approach is an essential feature of the White paper and its follow-up document.

¹⁸ Turnout at the European Parliament elections in 2004 was 45%. Brüggemann 2005, 59

¹⁹ Fazi and Smith 2006, 25 and 35

²⁰ Fazi and Smith 2006, 35-36

²¹ COM(2005) 494 final, 2

²² COM(2006) 35 final, 2

3. THEORETICAL BACKGROUND

3.1. Jürgen Habermas' communicative action

The political theories I'm going to use as an analytical framework in the thesis owe much to the theory of communicative action and the dualistic social theory of the system- and lifeworld developed by Jürgen Habermas. The theoretical framework applied to the research material, is strongly influenced by habermasian concepts of communicative action, public sphere and dualism. I study these concepts from the perspective of Benjamin Barber and John S. Dryzek, who have been redefining and modernising participatory and deliberative models of democracy. Partially for analytical purposes, I will also present ideas developed by Jean Cohen and Andrew Arato, who lean on the thoughts of Habermas, but end up a slightly different conclusions than Barber and Dryzek. First, however, I feel bound to shed some light on the premises of Habermas.

Critique on teleological, non-communicative and instrumental rationality characteristic for modern times, formulates the basis of Habermas' theory. Consequently, Habermas evolved an idea of communicative action and the concept of public sphere, which form a starting point for the current theories of deliberative democracy. Communicative rationality is founded on Aristotle's logos, and it implicates unconstrained argumentative speech, which enables participants to overcome their own interests and to seek common good.²³ Communicative action is the key to habermasian comprehension on democracy, for it makes reaching mutual understanding on common interests possible, and hence leads to rationalisation of the lifeworld.

Communicative rationality can be reached in an ideal speech situation, which sets various prerequisites for the discussion; it should deal only with rational, justifiable value statements; participants and topics of the discussion are restrained only in the sense, that the topics should concern exclusively on the testing of the value statement at hand, and that the participants should not have other motives besides the ones related to an aspiration to find common truth; the best argument has the only authority. When a consensus is reached in an ideal speech situation where all the participants are at equal stand, a common interest,

²³ Habermas 1984, 10

rational will, has been found.²⁴ For communicative action it is also essential that individuals try to avoid situations where the reaching consensus is unlikely²⁵.

Habermas emphasises the significance of subjectivity for argumentation. Statements do not so much refer to the facts than to a shared social reality and personal experiences or feelings. The aim is to reach, maintain and renew consensus based on a common recognition and interpretation on individual values.²⁶ Consequently, habermasian communication is rather a process that enables change, than a situation or a discussion where participants share existing information or interests. Communication is also a prerequisite for the emergence of public spheres. According to Habermas, the importance of public sphere lies in its ability to produce social integration and to function as a channel for political participation and opinion forming²⁷. He thus sees, that democracy cannot be weighed by using only quantitative parameters. A suitable criterion for making any assessments is self-determinacy, which is realised through a collective control of political, social and economical conditions of the people. In this sense, many modern states that have included historically marginalised groups in their politics by applying the universal suffrage, haven't necessarily been able to enhance their democracy in the process.²⁸ The democratic potential of, for example, referendums and opinion surveys is minimal, because neither of them do not as such provide a possibility for the discursive will-forming²⁹.

Habermas remarks that in the modern states the legitimacy of a political decision-making is, in practise, built on as broadly-based instrumental participation as possible, in other words on mass loyalty. As a consequence, decreasing participation can lead to a legitimation crisis, which Habermas calls an identity crisis of the state. In this situation, participation might be promoted top down, which in turn spreads organisational rationality into the communicative area of the lifeworld, and thus diminishes its space. However, it is impossible to create legitimating structures necessary to justify the whole system by administrative actions alone.³⁰ This kind of process, or line of actions, is illustrated by the deterioration of public spheres described by Habermas, which is worth keeping in mind

²⁴ Habermas 1976, 107

²⁵ Habermas 1987, 127

²⁶ Habermas 1984, 15-18.

²⁷ Calhoun 1992, 6

²⁸ Postone 1992, 165

²⁹ Calhoun 1992, 28-29

³⁰ Habermas 1976, 46-48

while studying the documents of the Commission.

Since his earliest writings, Habermas has had a change of heart. Although the discursive opinion- and will-formation still have a central position in the book "Between facts and norms", it is notwithstanding the constitution that is relied to provide an answer to the question "how can the communicative opinion- and will-formation be institutionalised". The networks of public spheres play a mere indicative role, whereas the power lies in administration that is based on and regulated by laws. The success of deliberative politics does not depend anymore on citizens acting collectively, but on how the deliberative procedures are institutionalised, and on how the opinions formed in these institutions and in unofficial realms are arbitrated and reconciled. Communicative action alone is not enough to guarantee that social integration is realised. Channels for democratic opinion-forming tied to a constitutional framework are needed as well.³¹ This is a change that has aroused critique from John Dryzek, but which according to my understanding, has in turn inspired Cohen and Arato.

3.2. Discourse and participation

The theoretical cornerstone of this thesis is a democratic theory that is a member of the family of theories on deliberative democracy. The roots of those theories are in the ideas of Jürgen Habermas and John Rawls, and although the deliberative theory is nowadays quite divided, there are certain features that all of its proponents can agree upon: It is considered important that citizens and their groups are able to discuss public matters, and that discussions have impact on laws, public policies, attitudes or cultural practises. Communication between citizens plays an important role in the systems of representative democracy as well, because this is how political disputes and principles can be scrutinised in a manner that reflects different values and interests in society. However, the premise, according to which the political interests, preferences and opinions are formed and reformed through discussions, is distinctive to the deliberative democracy.³²

John S. Dryzek contributed to the turn experienced in political sciences towards the theory of deliberative democracy that took place in the 1990's. Until the beginning of the 2000s Dryzek called his theory a discursive democracy in order to differentiate it from certain

³¹ Habermas 1997, 296-302

³² Gastil ja Levine 2005, 3

tendencies within deliberative theories. According to him, discursive processes are inevitably social and communicative in nature, unlike deliberative ones. Furthermore, his theory allows all kinds of non-violent communication, containing for instance rhetorical and strained expression. Dryzek also denies, that the deliberative democracy could be put into action within the framework of constitutional institutions, like some theorists argue. Instead, it presupposes an autonomous public sphere as its arena.³³ For now, I will use the term deliberative democracy also when making reference to Dryzek, regardless of the risk of confusion.

The foundation of Dryzek's theory is based on the concept of communicative rationality, a communicative action free from deception, individual maximisation or an intention to dominate with the exercise of power. "Reflective" is without a doubt one of the most important attributes of communication for Dryzek: The communicative rationality aims at "a reflective understanding of competent actors". Furthermore, a decision-making process that builds on the reflective communication enables the formation and re-formation of individual preferences and a political learning process. Another crucial feature of the theory, which the communicative rationality actually implicates, is the collective nature of deliberation. In this Dryzek follows Aristotle's thoughts stating that the practical reasoning can be reached only in collective life: "rationality is a product of collective interaction".³⁴

Although there are recognisable habermasian elements in Dryzek's theory, there are important differences as well. In Dryzek's opinion, the communicative rationality does not implicate a need to find any ultimate values or the objective truth. He points out, it would actually be highly unlikely in our complex world. Striving for consensus is the weak spot in the other theories, stressing the importance of communications.³⁵ According to Dryzek, in the modern, divided societies a discursive decision-making is possible only by committing ourselves in situation-specific, and practically-oriented communicative acts³⁶. The overall idea behind the communicative rationality and every institutional form it might take, is that the procedures, actions or solutions reached following its principles, are ad hoc in nature, and not intended to formulate any universal values or preferences. It is also problem-centred in the way that if there is nothing to be fixed, there is no need to set up

³³ Dryzek 2000, i-iv

³⁴ Dryzek 1990. 9-16

³⁵ Dryzek 1990, 16

³⁶ see for example Dryzek 2005

discursive designs or actions.

There is a similar concept to communicative rationality in Benjamin Barber's theory. Barber stresses the significance of political talk, which he places at the heart of strong democracy. By talk he refers to all linguistic interaction, which comprises also the listening as an integral part of communication. Barber points out, that too often listening is left aside, although it is crucial for the reaching of common understanding. Similarly to Habermas and Dryzek, Barber thinks that besides being based on knowledge talk is also based on emotions, thus it is able to intermediate compassion and caring alongside interests and individual identities. Moreover, the political talk is also action. While talking (politically), we are considering alternative futures, building competing visions on it and thus creating common ends. The importance of talk is the reason why Barber opposes secret ballots, which won't force decision-makers to publicly justify their choices or to listen to the arguments of others.³⁷ It is easy to draw an equality sign between Barber's political talk and Dryzek's discourse. However, Barber does not tell us anything about the settings of political talk.

In Dryzek's deliberative democracy the central place is reserved for the contestation of discourses. A discourse is a set of commonly shared presuppositions and possibilities expressed in lingual form that helps participants of the discourse to collect fragments of information from it, and along the process build up a coherent whole from those fragments. In order for different views, interests, status etc. to be widely represented, there has to be a free access to the arena of contestations. Like Jürgen Habermas, also Dryzek sees discourses as a linking channel between the personal experiences and social context. Because discourses connect individual interests, emotions and values to a commonly shared cultural context, they are able to act as sources of order coordinating and regulating behaviour of the people who accept them.³⁸ Dryzek, however, has a slightly different definition of cultural context than Habermas. According to him, discourses are not formed in a certain community characterised by a shared livelihood, but rather the community is formed *around* discourses. This has important implications for both the desirable model of democracy and the public sphere.

As stated before, according to Dryzek communicative rationality can not take place in

³⁷ Barber 1984, 173-177

³⁸ Dryzek 2000, 121-122

institutions constructed to serve the representative democracy based on interests aggregation. A suitable place for it, and in fact a prerequisite for any practical applications of the theory, is the public sphere, a political dimension of civil society. The public sphere provides a forum for the unconstrained speech situation and a space where citizens feel safe to confront the state, if needed. The idea is that the participants of discussions are citizens who only represent themselves and that they should not act as representatives of associations, citizen's groups, administrative bodies or any other quarter.³⁹ Being forums for political action, public spheres serve presumably also as sites for discursive designs, which are Dryzek's answer to the question on how to organise or institutionalise deliberative democracy.

A point worth noticing is that communicatively rational policy that is oriented to the public sphere rather than the state is capable of working also in transnational context. Indeed, the lack of coercive and centralised power of the state, might be an advantage for discursive designs of participatory democracy.⁴⁰ This is one of the points based on which I think that the theory is applicable in the EU polity as well. Another feature supporting this conclusion is that the fundamental purpose of the theory is to find procedures and solutions which are context and problem specific. These features enable the framework they characterise to function in societies with deep moral divisions, as well as in polities expanding over nation-states.⁴¹

Another theoretical input to the framework of this thesis is the strong democracy, a conception developed by Benjamin Barber. Barber defines his model of democracy as a modern form of participative democracy. Its foundation lies in the self-governing community, consisted of citizens who are interconnected through civic education and institutions of participation. Barber does not presuppose that they would have common interests *a priori*, or that they would be altruistic and driven by a good will. The strong democracy depends on the political conflicts, pluralism and separation of private and public sphere.⁴² An intriguing epistemic feature of the theory is that Barber, much like Dryzek, emphasises the information is produced in processes where truth is a product made in communities, instead of it being a foundation for models behind communities and

³⁹ Dryzek 1990, 37-43

⁴⁰ Dryzek 1990, 23

⁴¹ Dryzek 2005

⁴² Barber 1984, 117-119

individual lives. Citizenship, that is created and renewed in the institutions of participation, is the source of shared values - there must be citizens before there can be a common truth.⁴³

Although an individual becomes citizen through the communal action, Barber does not specify the roles or differences of the different kinds of communities or groupings. For Barber, actors are always individuals - or rather citizens - whose possibilities to participate in a policy-making he is concerned about. A strong democracy is the politics of amateurs, where everyone has to face one another without intermediators⁴⁴. Dryzek is not as worried over individual citizens as Barber. According to Dryzek, CSOs have a distinctive role for example in the constituting of public sphere. This divergence of opinion between the two theorists creates one of the tensions at the focus of this thesis. Barber also seeks to build the strong democracy inside the state by extending the communal participation of citizens. Dryzek, however, is in search of a counterbalance for the state. This counterbalance, the autonomous public sphere, is most likely formed by social movements, which have already adopted discursive and de-centred decision-making procedures.

Barber thinks the strong democracy based on participation is superior to any other model in adapting to a situation, where individuals participating in political decision-making do not share any prior values or interests. Within the strong democracy, the public and the common ends are formulated in the process of communal participation. Along the process, private interests are reformulated in order to be adapted to the social context. The key feature of this process is that it turns individuals into citizens by offering individuals an environment that enables a political learning. The strong democracy seems to be able to overcome the limitations of representative systems, and to avoid the questionable presupposition of shared values expressively through a learning process.⁴⁵

Thus, the basis of the strong democracy is built on civic education, which Barber divides into three different models: formal pedagogy, activity in the private sphere and participatory political practises. The first serves unitarism best, but is least useful for the strong democracy, for the knowledge and the thirst for it seem rather to follow than to precede political activism and commitment. Local public or small scale private activity

⁴³ Barber 1984, 65

⁴⁴ Barber 1984, 152

⁴⁵ Barber 1984, 151-152

seems to be quite essential for all forms of modern democracy. It develops emotional relations necessary to unitarism and common reasoning useful in representative systems. Common reasoning on the other hand creates models for communal public thinking, which are precondition for strong democracy. Direct political participation is nonetheless the most crucial model of civic education for strong democracies. Citizens must have power to make decisions, otherwise the participation is a game that cannot be expected to motivate anyone.⁴⁶

Barber's analysis on the activity in the private sphere is interesting, when searching a place for CSOs. According to my understanding, Barber acknowledges the significance of associations and other formations, but, by referring to unitarism he indicates that the private and particularistic interests of those groups can also enfeeble democracy, since they do not automatically create contacts with others, but might in fact isolate from it. Apart from associations, the channels for direct participation are needed. The role of CSOs might be of a facilitator or a promoter for the learning process. Sufficiently pluralistic associations and movements can serve as schools of public argumentation and community forming.

Dryzek and Barber share a conviction of politics as an action of self-determinant and autonomous individuals, who are trying to find common solutions for the certain context-specific problems. Solutions are to be reached through a reflective interaction, in which everyone can freely take part. Thus, the democratic decision-making process is, by definition, a discursive one, for the political preferences of individuals transform reasonable and justified ones only after they have gone through the test of publicity; reflective interaction with the preferences of the others. This process is actually the one that makes individuals citizens. Barber adds that since democratic policies make cooperation and agreements possible in situations and places where they do not naturally exist, it renders the possibility of forming a realm of mutuality and getting over men's worst features⁴⁷.

When reflecting upon previously said, it is hardly surprising that the proponents of participative democracy are accusing the realistic model of democracy of having stripped democracy off its essence. If the ideas of self-determination, political equality, the

⁴⁶ Barber 1984, 233-236

⁴⁷ Barber 1984, 117-119

discursive process of opinion forming and the influence of autonomous public opinion to a decision-making are taken out of democracy, what is really left from it? A participative democracy is not unproblematic though. There are many who oppose the participatory models of democracy, and it would be equally easy to find theorists, who deny political participation of organised civil society within the framework of representative institutions. Nevertheless, I will concentrate on the critique posed by Jean Cohen and Andrew Arato, because they start off with habermasian starting points, and more importantly, because they have elaborated the role of civil society in politics. The battle of different theories of democracy and the debate about the role of CSOs in EU polity are described in the ensuing chapters.

Cohen and Arato state that the common weakness in the models of participative democracy is related to their institutionalisation. If all societal actors are treated in the same way, put in the same line, it undermines the plurality typical for the modern times⁴⁸, and jeopardise the modernisation of civil society, which in turn depends on civil society's separation from the state and economy. The state and economy form the systemworld, whose steering mechanisms must be preserved in order it to act efficiently. By neglecting to take notice of a social differentiation, the participative democracy fights against its own purposes. Cohen and Arato conclude, if the democracy is to be based on the solidarity and extension of the communicative processes beyond the lifeworld, it can lead to democratic fundamentalism that suppresses the plurality of society.⁴⁹

With the help of discourse ethics the existing forms of democracy can be complemented, further democratised and extended, but, nonetheless, not replaced. According to Cohen and Arato, the tripartition of the state's power, its monopoly to violence, and the requirements of efficient bureaucracy, prevent the applying of direct or participative democracy. Instead, parties, parliamentary scrutiny, publicity, and political society are suitable channels for citizens to participate in politics. Consequently, Cohen and Arato prefer pluralistic version of the elite democracy, because only representative democracy can offer an access to the processes of democratic opinion-forming for a wide range of people. Plural and dynamic civil society is the most affluent within the parliamentary system, whose task is to enable the reaching of common understanding on the basic rules. On the other hand, a parliament

⁴⁸ Cohen and Arato 1994, 6-7

⁴⁹ Cohen and Arato 1994, 451-454

can only work if interests and conflicts are discussed in the social sphere⁵⁰. Therefore, pluralism indicates that without citizens' active participation in egalitarian institutions, associations and politically oriented organisations, a democracy can not survive⁵¹.

Regardless of the emphasis that Cohen and Arato put on the pluralism and social differentiation, they defend the concepts of universality and autonomy, usually related to the liberalistic ethos. The authors point out though, that these concepts do not necessarily implicate neutrality and individualism. While using the framework of discourse ethics developed by Jürgen Habermas, universality cannot be equated with a neutrality towards different values and forms of life. Instead, it refers to the metanorm of reciprocity applied to the discursive processes, and to the norms and principles, which can be approved by all. Individualism and autonomy should hence be understood as an interaction between subjects.⁵² Cohen and Arato evade the problem related to the universality claims by reminding us that discourses differ from everyday communication. The task of a discourse is to generalise, abstract and stretch the situation-specific arguments to apply on a wider group of people than on a certain community and its particularistic interests. In the discourse ethics the solidarity means an ability to identify with others. Moreover, it makes the reciprocal recognition of opinions possible.⁵³

Cohen and Arato use the discourse ethics as an ethical theory of politics, democratic legitimacy and basic rights. It creates a standard for testing political and social legitimacy. The democratic principles that can be justified with the discourse ethics are not determined a priori, but they are results from a renewable, communicative process. The theory can thus be applied to institutional and social relations, to a legal and political system as a whole and to laws and rights. Secondly, in order to protect the autonomous space of individual judgement, it provides tools for the building of fences between the individual judgement and justice.⁵⁴ Cohen and Arato differentiate themselves from liberals noting that the rights not only guarantee negative freedom, but an autonomous communication between individuals both in the private and public spheres as well⁵⁵.

⁵⁰ Cohen and Arato 1994, 412-416

⁵¹ Cohen and Arato 1994, 18-20

⁵² Cohen and Arato 1994, 21-22

⁵³ Cohen and Arato 1994, 382-384

⁵⁴ Cohen and Arato 1994, 351-356

⁵⁵ Cohen and Arato 1994, 22

The discourse ethics has further requirements though. It does not satisfy with the defending of existing democracy, it also contributes to a further democratisation. The complex and fragmented nature of modern civil society requires a democratisation of a wide range of processes and models.⁵⁶ Since the state and economy can not be democratised, the constructing of new democratic institutions and the searching of new democratic realms necessarily focus on civil society. Democratisation is thus realised through reinforcing the impact that citizens have on political and economical society, which intermediate between civil society and the state, and civil society and economy.⁵⁷ The re-orientation of civil and political society moves the place of democratisation from the state to the society. Such being the case, the ability of the political society to act as an intermediary must be enhanced by recreating the parties and public forums for the places of a public debate.⁵⁸

The political society is needed, because for Cohen and Arato the civil society is a part of social sphere, instead of being a political actor. The role of civil society actors, the lifeworld, does not relate with power and control, or with struggling over them, but rather with exercising an influence through social interaction in the cultural public spheres and in the democratic associations within these spheres. From the viewpoint of political decision-making, then, the role of civil society actors is inefficient and de-centred. Therefore an intermediary, a political society, is needed.⁵⁹

3.3. The role of civil society organisations in the process of democratisation

The political role of CSOs is widely debated and extensively studied. Nonetheless, I will approach the topic by using the previously presented theories. One specific concept to lean on is the principle of horizontal subsidiarity, which will be presented in the end of this chapter.

Cohen and Arato conceptualise civil society from a right-based approach describing it as an institutional framework of the lifeworld, stabilised by the modern basic rights. According to them, civil society consist of three different types of rights: the cultural rights

⁵⁶ Cohen and Arato 1994, 414-415

⁵⁷ Cohen and Arato 1994, 15-16

⁵⁸ Cohen and Arato 1994, 39

⁵⁹ Cohen and Arato 1994, ix-x

that guarantee the renewal of cultural sphere, the rights ensuring socialisation and accumulation of personal competence, and the rights promoting social integration and social relations. In addition, there are two set of rights intermediating between civil society and economy (proprietary rights and labour rights, among others) and between civil society and state (for instance civil and political rights). Internal relationships of these blocks determine which kind of a civil society we are dealing with⁶⁰.

Civil society is also the source of rights. For example the legislation should be seen as a reflection of moral principles of a community. Public opinion communicates these principles to legislators, who have to take the expressed opinion into account, so that it has an impact on the legislation. Therefore, there is a dimension in laws, containing pieces of a political culture and communal identity formulated and interpreted in civil society.⁶¹ Although the rights have to be protected by laws, they should not be derived from laws. A law only secures and stabilises what have been accomplished in the communicative processes of civil society.⁶²

In the theory of Cohen and Arato, the influence that civil society exercises on a political decision-making is channelled somewhat complex way. Although civil society is understood as a source of democratic legitimacy and rights, its contribution to politics is nonetheless given indirectly, through the political society.⁶³ To be more specific, there are two channels, whose role is crucial in this process: social movements and civil disobedience. Cohen and Arato state that social movements are one of the most important institutionalisations of the modern civil society, for they politicise new issues and bring them into a political agenda⁶⁴. Movements have two political functions: They intermediate the influence of the public, associations and organisations into the political society. Secondly, they institutionalise the achievements made in politics into the lifeworld⁶⁵. Thus Cohen and Arato seem to imply, that social movements, in fact, form the second level of intermediation. The political society is considered to act between civil society and the state, whereas social movements intermediate between the political society and civil society.

⁶⁰ Cohen and Arato 1994, 440-441

⁶¹ Cohen and Arato 1994, 589

⁶² Cohen and Arato 1994, 413-414

⁶³ Cohen and Arato 1994, 564

⁶⁴ Cohen and Arato 1994, 19

⁶⁵ Cohen and Arato 1994, 555

It might be, that my interpretation does not do justice to the authors' theory. Earlier they remarked that the political role of civil society is, in general, quite inefficient. Perhaps Cohen and Arato see social movements as an exception to this, and thus want to accentuate their role. Nevertheless, I would like to call their conception of the movements into a question on the grounds that they do have political functions, as is clearly said by the authors themselves. Moreover, social movements (as opposed to, for example, neighbours' associations, recreational or cultural clubs etc.) are inevitably manifestations of shared, communicatively formed public opinion on a certain societal issue important enough to give birth to a movement. Although re-framing and specifying the message, the public opinion, is always more or less work in progress, a movement that "goes in public" is in itself an expression of already formulated and framed common problem. Thus in my opinion, most, if not all, social movements can be counted as a part of political society.

Nonetheless, social movements also provide a shield for the lifeworld. Protecting the re-definition of cultural norms, individual and communal identities, social roles and ways to interpret them, as well as forms and contents of discourses taking place in the lifeworld, is crucial. It isn't important only for the lifeworld itself, but also for the democracy. In addition, movements create sensors, so that inadequate or imprecise control of money and power do not lead to a colonisation of the lifeworld⁶⁶ Based on the writings of Cohen and Arato, then, social movements could also be described as capacitors or guardians of civil society, who coordinate and protect its functions and steering mechanisms.

Direct political action in the form of civil disobedience for its part, keeps alive the utopia of democratic and just civil society. The civil disobedience is a perfect example about self-limiting radicalism: By opening up new forms of participation and starting the learning process it extends the limits of legitimate civic action. On the other hand, it sets up the outermost frontiers for radical politics, for it approves the basic principles of constitutional government.⁶⁷ It thus puts both democracy and liberalism on test, because on the one hand, it reveals political dimension of civil society, but on the other, it respects the basic rights and moral standing points, which are beyond the reach of any democratic consensus⁶⁸.

Dryzek is ready to grant the civil society much bigger, or at least a more straightforward

⁶⁶ Cohen and Arato 1994, 526

⁶⁷ Cohen and Arato 1994, 565-567

⁶⁸ Cohen and Arato 1994, 602-604

role in the construction of democracy. When compared with the representative democracy, the political action within civil society does not so easily regress to a simple action of voting, which makes it harder to transform politics as a playground of private interests. Dryzek brings forward Martin Jänicke's definition of civil society, according to which, it appears as an actor who patches the failures of government and economy. Thus, the civil society can serve as a source of solutions and decisions, without a danger to be included in the state or to be dominated by state's imperatives.⁶⁹ I will come back to this definition, since beside being quite interesting, it also provides a new perspective for studying the relationship between civil society and the state.

In Dryzek's opinion, the state imperatives pose a threat to a civil society. Political actors and CSOs sometimes face the choice whether to act inside the state or in the public sphere. He states that when facing such a choice, there are two questions to be asked: Does the objective of the group or actor assimilate with the state imperatives - in other words, is it realistic to hope that the aims can be pursued within state? Does the increase of democracy in the form of more democratic state outweigh the loss experienced by the civil society, which has now lost one actor? The answer is context-specific, because the state imperatives and their relative weight varies. In the most situations Dryzek, nonetheless, does not recommend inclusion.⁷⁰ For example, supporting the inclusion of the oppressed groups in a decision-making, will never comply with state imperatives⁷¹. He points out, though, that it is important to make a difference between inclusion in politics and inclusion in state⁷².

Dryzek thinks, that CSOs can use power over state in four ways. Civil society can change the dominating discourses and thus affect public politics. Political protests can alter the political culture bringing up new legitimate forms of action. Civic action can also create new politically oriented discursive forums, like the World social forum. Societal protests waves may also frighten the state to make political concessions in order to calm the situation. Whereas trying to get a share of the state's power is not very rational solution, because avoiding situations where the state imperatives set limits to civil society is the

⁶⁹ Dryzek 2000, 101-103

⁷⁰ Dryzek 2000, 82-84

⁷¹ Dryzek 2000, 93-99

⁷² Dryzek 2000, 37

whole idea of working in civil society.⁷³

Civil society is not bound by the frontiers of nation-state, though. According to Dryzek, it can exercise significant power in an international context by leaning on communicative procedures; on questioning, criticising and publishing. The official decision-making entities are always affected by the dominating discourses, so by altering the balance of competing discourses, it is possible to bring about significant changes. Transnational civil society is not bound by state imperatives, figures of diplomacy nor the fear of getting investors angry. Thus, civil society actors have more space to move at the international than at the national level.⁷⁴

Cohen and Arato disagree with Dryzek, they are concerned over civil society's integrity, and defend it against what they call "over-politicisation". If the political society was reduced to civil society, it would mean posing civil society straight against the state. Without an intermediating political dimension the independence of civil society on the state cannot be secured, on the contrary, this would be a first step towards a state-centred model of society. If, on the other hand, the political dimension were understood to be the only one, and the structures of civil society were politicised, it would lead to the utopia of over-politicised self-administration. After Cohen and Arato, it is highly questionable that self-organisations of political society could survive without the apolitical forms of solidarity, interaction and communal life.⁷⁵

When fitting CSOs into the theories of democracy, Barber seems to offer the hardest nut to crack. Nevertheless, he states that the strong democracy creates a public, who is capable of debating and making collectively binding decisions. Community, common good and citizenship eventually form three independent fragments of the circle of democracy, whose course describes the true public.⁷⁶ Based on this thought, then, can (some) civil society organisations be described as communities created through common action, as a fragment needed for the circle? In order these communities to be in accordance with Barber's theory, it is essential that within a community there are various voices, and that there are more things separating the members than connecting them. In my opinion, these preconditions force the members of a community to face each others and their respective preferences, an

⁷³ Dryzek 2000, 101-102

⁷⁴ Dryzek 2000, 131

⁷⁵ Cohen and Arato 1994, 38

⁷⁶ Barber 1984, 133-134

aspect highlighted by Barber.

Another, more practical argument for the CSOs' participation in a policy-making is their special knowledge of the problems at the grassroots level and of the challenges faced by different minorities. This argument leads us to the concept of horizontal subsidiarity. Subsidiarity is, by and large, seen as a principle that set the guidelines determining how the administrative competence is divided between different levels of authorities. Nonetheless, it is also a concept, with which the mandate, responsibilities and rights of CSOs' in different polities can be defined. Currently, only the vertical dimension of subsidiarity has been specified by the EU, whereas the horizontal aspect is left out from its legislation. The Active Citizenship Network has actively promoted the applying of the principle within the European Union:

"We, on the contrary, consider that this principle (subsidiarity) should also apply to the relationship between citizens and public institutions, when the former carries out activities directed to the general interest. This is called "horizontal" subsidiarity, because it relates to entities which have equivalent positions, opposed to vertical subsidiarity, which refers to a hierarchical conception of institutions." ⁷⁷

The principle of subsidiarity has its roots in Roman Catholic thought, in democratic socialism of Proudhon, in the liberal thought of, for example, Locke and Mill, and in federalist ideas of local autonomy. All these lines of thought seek to limit the strong centralised state preferring a local autonomy. Although these ideas faded during the era of building strong nation states, the concept started to gain more visibility when the project of European Community started. The Maastricht Treaty (art. G) in 1992 introduced the concept formally in to the power structures of the EU.⁷⁸ Within the EU's legal context, the concept is defined in detail in protocol attached to the Treaty of Amsterdam. This protocol sets various preconditions and procedures which must be taken in account, in order the Community to have the legitimation to act over the state. Even after these conditions are met, the supranational authority is to be exercised through providing a support to the lower levels of administration and employing the concertation method. Giuseppe Cotturri concludes that with the adoption of the subsidiarity in the EU framework, the authoritarian

⁷⁷ Roffiaen 2003, 13

⁷⁸ Cotturri 2002, 25

style of state intervention was withered away.⁷⁹

In the context of the EU the concept is used almost exclusively in its vertical sense, horizontal subsidiarity is not present in the EU law nor in the glossaries. Maciej Zukowski points out, that its absence does not indicate that the implications of the concept would be new. Issues such as relationship between market and state, are frequently dealt with.⁸⁰ Zukowski has put Alberto Curzio's typology on subsidiarity in a form of table:

<i>Dimensions of subsidiarity</i>	Vertical subsidiarity	Horizontal subsidiarity
<i>Subject</i>	Distribution of powers among different levels of government and sovereignty: the EU, national states, regions and municipalities	Responsibility and freedom of human beings as well as social and economic powers (relations between state, society and market)
Negative subsidiarity	The central government (or an international organization like the EU) should not take action unless the government at a lower level (or a member state) cannot solve the problem or it is more effective to do it at the higher level.	The state should not violate freedom and individual responsibility (in both society and the economic sphere), which must be respected in a maximum degree.
Positive subsidiarity	The government at a higher level should support the government at a lower level in fulfilling its functions.	Support must be given by a "superior power" whenever freedom and individual responsibility do not suffice for the achievement of ends necessary for the dignity of human beings

Reference: Zukowski 2005, 4

As stated before, the vertical subsidiarity deals with the distribution of powers among different levels of government and sovereignty, whereas horizontal subsidiarity regulates the relations between state, society and market. Curzio adds, that both dimensions or directions can be interpreted to have positive and negative dimension.⁸¹ According to my understanding, the words positive and negative indicate in this case liberal (negative

⁷⁹ Cotturri 2002, 25-26

⁸⁰ Zukowski 2005,6

⁸¹ Curzio 2003, 1-2

dimension), and more human rights-oriented (positive) dimension of the subsidiarity. In the positive axis of the concept, the administration is expected to have active attitude, whereas the negative dimension of both horizontal and vertical subsidiarity, has obvious liberalist flavour in it. State is quite passive actor, its duty is not to *violate* freedom, which rarely requires an active approach.

According to Cotturri, introducing the horizontal subsidiarity formally into the EU system, would be utterly important. He argues that everything cannot be left for the public administration to handle. The public opinion, for example, should be formulated by the self-determined individuals, who are entitled to communicate freely with each other, and to pose critical arguments towards prevailing policies.⁸² With this view Cotturri comes very near to Habermas's opinions, and seems to share his worries over modern world.

Subsidiarity has its challenges, though. Especially when dealing with the horizontal dimension of it, the problem is the one of autonomous areas. Society and market might have their own rights and sovereignty, which are not granted by the state.⁸³ Although the sovereignty and autonomy of CSOs would be respected by the EU, definition of their rights cause contradictions, however. This implicates that most of the problems will probably appear in the positive side of horizontal subsidiarity.

At this point, I want to return to Jänicke's functional definition of civil society, because it has clear resemblance with the horizontal subsidiarity. According to the horizontal subsidiarity formulated by the ACN, CSOs have right to autonomously initiate projects and procedures promoting public benefit. Authorities are obliged to support and facilitate these actions, and to use their administrative powers to promote the goals defined by CSOs or citizens. As a result, the practices and / or policies of the public actors should change, because the overall idea behind the principle is that the best practices and procedures found by the project, are implemented in the functions of the public sector. This way CSOs extend the sphere of welfare by patching the holes left by state and market. However, I will leave this theme for now, in order to come back to it during the analysis.

⁸² Cotturri 2002, 26

⁸³ Curzio 2003, 1-2

3.4 The public sphere as a place for democratisation

The concept of public sphere is essential for all branches of democracy theory, but for proponents of discursive democracy it is a concept of special importance. Habermas defines public sphere as an autonomous space located in the private realm, in the lifeworld, as opposed to the public realm of the state and state-related institutions, which form a part of the systemworld⁸⁴. Constitutive to the public sphere, and the lifeworld in general, is communicative action. In the public sphere the experiences and opinions of private actors are moulded through communicative processes into a public opinion, which is articulated to administration through official political channels⁸⁵. Communication also coordinates life, and helps to reach consensus, guaranteeing thus the rationality of the lifeworld. The systemworld on the other hand, is steered non-communicatively by means like money and power.⁸⁶

The dichotomy between private and public realm, the lifeworld and systemworld, is central in Habermas' theory for better and for worse. Thus the public sphere could perhaps be described as an outer defence of the lifeworld against the invasion of purposive-rational logic of the systemworld. This conclusion is supported by the purpose of the public sphere, declared by Habermas as follows: "The aim is to make citizens, a publicity, a source of reasoned consensus formation rather than subjects of political propaganda or passive voters."⁸⁷

This ideal is based on the bourgeois public spheres found in Great Britain and Central Europe in the 18th and 19th centuries, when educated, property-owning class in Great Britain, France and Germany started to pay attention to the fact, that they had common interests as property-owners and mercantilists, and that their interests were in contradiction with the values and regulations of the state. The members of bourgeois class gathered first together as culture clubs, but the nature of some clubs transformed, when the participants started to critically evaluate topics of general interest and problems that were yet unproblematised publicly. Debates were open to all, social-economic status of the participants was left behind the doorstep, and the best argument had the authority. Thus

⁸⁴ Habermas 1989, 2

⁸⁵ Kohler-Koch and Rittberger 2007, 14-16

⁸⁶ Habermas 1984, 342

⁸⁷ Habermas 1989, 236

politics came to be a public property.⁸⁸

Also Dryzek mentions the bourgeois public spheres as an example of the contents of the concept. His definition is as follows "Public sphere is consisted on self-governing political associations, which are oriented to form relationship with state without seeking to share its power." Public spheres are characterised by procedures honouring equal participation and discursive interaction,⁸⁹ which follows the guidelines of communicative rationality. The public sphere is an arena where individuals can meet, challenge and oppose the state without a fear of punishment. It guarantees that different actors with their own distinctive values and views can participate to discourses as citizens, not as representatives of state, CSO or any other quarter.⁹⁰

Centrality of the public sphere in Dryzek's theory becomes understandable when bearing in mind his statement on what really counts for the quality of democracy, is the amount and variety of discourses competing in public sphere. Contestations taking place in the unrestricted public spheres are preferred over trusting that this kind of deliberation would be possible in state-related institutions. the authenticity of democracy requires also that the discursively formulated preferences affect collectively binding decisions. Consequently, as long as the state dominates it, actors in the public sphere have to orientate to the state, in order the public opinion to be transferred into the decision-making.⁹¹

For Dryzek, the constitutive forces of the public space are the new social movements, because he thinks that they seek to challenge the state power, instead of trying to share it, and thus find alternative ways of action. They are also both radical and modern in character, and organised on discursive basis, so that no leader can dictate what some member should do or think.⁹² This is, however, a slightly contradictory view. On the one hand, Dryzek states several times that social movements (or political movements as he would like to call them) are the most suitable actors for constituting public sphere, but on the other, the participants of discourses should be individual citizen representing only themselves. So, should the members of social movements play a double-role, in order to be able to represent themselves as individuals, while taking part in a certain movement.

⁸⁸ Habermas 1989, 136-137

⁸⁹ Dryzek 2000, 100-101

⁹⁰ Dryzek 1990, 37-43. See also Dryzek 2000.

⁹¹ Dryzek 2000, 162

⁹² Dryzek 1990, 49-50

Dryzek provides criteria, with which the potential associations for constituting public sphere can be assessed. First of all, their political orientation towards the state must be non-violent in nature, and secondly, they should simultaneously promote progressive values, and have non-hierarchic structures. Based on the first criterion, the violent guerilla movements who try to destroy the state, can be excluded from the public sphere. A group can thus be part of civil society, although it is not an actor in the public sphere. The other two preconditions are bit harder. Dryzek brings up anti-abortion movement Open Rescue and Greenpeace. When the aim is to change state imperatives to a more democratic direction, the argument that a group has conservative value-base (Open Rescue), or that it is hierarchical (Greenpeace), is not enough to exclude it from the public sphere. If, however, a group is both conservative and hierarchical, like Open Rescue for example, it is hard to justify its inclusion to public sphere.⁹³

Also for Habermas, as well as for Cohen and Arato, it is CSOs who constitute the public spheres. Habermas states that social organisations, political associations and media are potential institutions for constructing the sphere, because they are centres of social power and connected to state. However, in order to be able to constitute public sphere, they have to be internally re-organised, comply with the principles of transparentness and openness, and to allow an internal rational-critical debate.⁹⁴ Surprisingly, Cohen and Arato seek to bring the public spheres to the systemworld. The public spheres located in the systemworld create a continuum with societal networks of communication by enabling discussions defining political and economical preferences, while bearing in mind the needs expressed in the social and cultural spheres. They comment that it is concern of politics to solve how the public spheres can be brought to the state and the institutions of economy without endangering the dynamics of the systemworld.⁹⁵ In my opinion this setting is comparable with the decolonisation of the lifeworld described by Habermas.

For Cohen and Arato public sphere is also central in shielding the lifeworld. Small public spheres inside the voluntary associations enable direct participation and transparent use of power and money, which maintains and protects the working logic of the lifeworld.⁹⁶ Civil society also develops censors controlling power and money, because it consist of

⁹³ Dryzek 2000, 100-101

⁹⁴ Habermas 1989, 208-210

⁹⁵ Cohen and Arato 1994, 480

⁹⁶ Cohen and Arato 1994, 472

both horizontal and vertical linkages. The vertical linkages, the political and economical society, guarantee that in the systemworld exist spaces for communicative action. This way civil society has watching eye in the state and economy without putting their dynamic in danger.⁹⁷

Looking into the theory of Benjamin Barber, the meaning and definition of public sphere can be understood by studying his definition of politics: "a necessity for public action, and thus for reasonable public choice, in the presence of conflict and in the absence of private or independent grounds for judgement." For the public sphere, the essential features are public action and public choice, for they implicate common action and choice made together. So, the aspect of a community is strongly present. His definition of public action is also intriguing - especially when he draws equality sign between it and political action. Political action means a deed, which with world is changed (or consciously left unchanged) in some material way. The aim is to solve existing conflict or problem in a sufficiently fair way to all. Thus thinking or speaking are not politics without ensuing actions. Even actions are not automatically political, they have to be deliberate and public as well. Publicity of an action presupposes that either the action is commonly taken, in which case it is public in definition, or it has public consequences. Barber admits, though, that defining what is public is far from clear, and that drawing the line between the public and private is in itself a political matter.⁹⁸ To conclude, if starting point is that the public sphere is a place for exercising a political influence, the communicative interaction within that sphere has to lead to deliberate actions, which provide solution to a commonly defined problem. Supposedly, even one person can form a public sphere, if he or she is, for instance, politicising an issue previously considered as a part of the private realm.

When analysing the importance of public sphere for the democratisation, it is worth mentioning that according to Dryzek, a democratisation means extending at least one of the three dimensions of democracy. These dimensions are: The franchise, in other words, the amount of people who can effectively take part in common decision-making. The scope of issues brought under democratic control, and lastly the authenticity of the democratic control.⁹⁹ According to Dryzek's analysis, the most important contribution that public

⁹⁷ Cohen and Arato 1994, 478-479

⁹⁸ Barber 1984, 120-124

⁹⁹ Dryzek 2000, 28-30

sphere can give to democracy, is usually involved with the authenticity of the participation, although it can, in some cases, extend the franchise and / or the scope as well.¹⁰⁰ In my mind, the stressing of authenticity is related to Dryzek's distrust towards the state inclusion of CSOs. An authentic control, as opposed to a symbolic one, requires the existence of autonomous civic actors. Thus this might be a key to differentiate the state inclusion and inclusion in politics. Moreover, I suppose that without authentic control the other two dimensions are in danger to become invalid.

Elodie Fazi and Jeremy Smith, however, argue in their study, that the public sphere can help to extend the other two aspects of democracy as well. They think that it can strengthen the alternative forms of participation by, for instance, overcoming obstacles that minorities and women face in representative systems (franchise). According to them, active civic participation also increases responsiveness of governments (scope). They also mention the protest waves in the USA in the 60's, participatory budgeting used in some cities, street protest of Genoa, and internet forums during the French referendum on Constitutional Treaty, as example of this. Participatory practises, such as these, complement representative democracy, and thus reinforce their legitimacy through enhanced political knowledge and public debate.¹⁰¹

For all these theorists, the public spheres are essential part of well-functioning democracy. They enable non-coercive and self-directed interaction between citizens, and serve as channels connecting communicatively formulated public opinion to collectively binding decision-making. However, at this point it seems, that the concept of public sphere is quite tricky. It is too easy to see the public sphere everywhere where civil society actors seek to have an influence on public institutions or policies. If that is the case, we can kiss good bye to the explanatory power of the concept, though. I hope, that the research material will bring something more to this concept by shedding light on what the public sphere is really needed for.

¹⁰⁰ Dryzek 1996, 52

¹⁰¹ Fazi and Smith 2006, 14-15

4. THE DEMOCRATIC LEGITIMACY OF THE EUROPEAN UNION

The democratic legitimacy of the European Union is an extensively debated, argued and researched topic. Consequently, I was by no means in short of literature, when planning this chapter. The real challenge was to put together the relevant perspectives of the EU's democratic stance, and of the challenges faced by CSOs working in the EU environment. I will begin this overview by presenting the main arguments of academic debate relating to the democratic quality and potential of the Union. Next, I will elaborate different premises, aspects and challenges regarding the role of CSOs in the EU polity. The purpose of that chapter is to paint a picture of the EU polity as an working environment of CSOs, and to construct a basis for the actual analysis. Finally, I will review the highly controversial theme of European public sphere (EPS).

4.1. A regulatory organ or a participative polity?

The legitimacy of the EU is based on mixture of representation channels, which all link citizens to the polity in a slightly different way. The variety of representation channels is reflected in the EU's institutional triangle: Technocracy, the founding principle of the Commission, is derived from the need to develop technical knowledge, and to plan over perceived short-term political interests. Intergovernmentalism is based on governments' interests that are presented by the democratically elected members of the Council of Ministers and the European Council. Parliamentarism, on the other hand, is built on the direct representation of the European people through the European Parliament. The significance of these mechanisms has varied over time, which makes it difficult to get grasp on "European democracy". The picture gets even more blurred, when taking account that the EU's policy-making process has been progressively completed by mechanisms such as social dialogue.¹⁰² As a consequence, CSOs have currently been taking over some of the task previously thought as states' responsibilities: delivering services, providing information and getting involved in decision-making. This trend has been evident both at the national and at the European level.¹⁰³

¹⁰² Fazi and Smith 2006, 13

¹⁰³ Della Sala and Ruzza 2007, 4

Quick glance at the literature on the EU reveals that the complexity of the decision-making structures and practises leaves a lot of room for even contradictory interpretations. This observation is confirmed by Beate Kohler-Koch, who states that the EU is currently a playground of different normative views on democracy. Theorists argue on whether the EU is democratic or not, whether it can be democratised and whether democratisation is a plausible goal at all. Giandomenico Majone, for instance, conceptualises the EU as a mere regulatory state, whose primary function is to take regulatory decisions. In order those decisions to be effective and efficient, they must be excluded from the adversarial power of parliament, in other words, from the realm of majoritarian politics. Otherwise the EU's output legitimacy would suffer. Andrew Moravcsik shares Majone's views, and adds, that policy areas such as taxation, social welfare and education are still firmly in the hands of the nation-states. Thus, the decisions important from the point of view of citizens are taken in a democratic fashion.¹⁰⁴

One proponent of a regulatory Union is Fritz Scharpf, who prefers output-oriented legitimacy. He criticises starkly theorists, who stress the deliberative democracy, and states that if the political agendas are formed in public discussions, individuals are tempted to act collectively, which is half-way to dictatorship of the majority. Scharpf suggests, that the legitimacy of a polity should be evaluated based on the quality of its outputs. If the well-being of citizens is enhanced by a certain political decision, the positive outcome of the policy legitimises the action in question.¹⁰⁵ Accordingly, he judges both parliamentarism and participative democracy as unsuitable models for the decision making of the EU by appealing to the Union's *sui generis* characteristics. Currently the legitimacy of the European decisions require broad-based consensus within the Union's institutional triangle, which in turn means that legitimate decisions can not be reached in contradictory issues or in the ones requiring zero-sum type of allocation of funds.¹⁰⁶

According to Scharpf, an input-oriented democracy works only in environments where the people or their representatives can interact face to face, because it is based on the rhetoric of participation and consensus. When distance between stakeholders grows and the majority adopts decisions for all, the advantages of the model are immediately

¹⁰⁴ Kohler-Koch and Rittberger 2007, 4-5

¹⁰⁵ Scharpf 1999, 6-9

¹⁰⁶ Scharpf 1999, 21-25

compromised. If the participants do not share a common cultural and ethnical background, the necessary "weness" and confidence on others' goodwill cannot be guaranteed.¹⁰⁷ As a counter-argument for Scharpf, Benjamin Barber comments that the size of politics is rather an ordinal than a cardinal number. A problem of scale is actually a problem of communication - when the latter is dealt with, the former disappears as well. Distances produces alienation, but at the same time overcoming of the alienation means overcoming geographic distances.¹⁰⁸ Dryzek agrees with Barber, and remarks that the size of democracy equals with the range of discourses, and an area affected by their contestation.

What further complicates the debate, is that the camp of scholars who think the EU does have a democracy deficit is divided between those, who argue that because of the peculiar nature of the EU, nothing can be done to democratise it, and those, who claim that its problems can be resolved.¹⁰⁹ For example, Justin Greenwood states that the EU suffers from a structural inability to achieve the input legitimacy. There are no really effective ways for citizens to exercise influence on the EU. Also the absence of an EU-wide media and an understandable decision-making system hinder citizens participation. Such being the case, he suggests that the EU should concentrate on enhancing its policy-outputs by following the guidelines provided by the pareto-efficiency. Greenwood has observed, that the situation has led the EU to seek the input legitimacy through elite groups organised at the European level. This choice of the "second best-strategy", as he calls it, can be perceived for instance from the White Paper on Governance.¹¹⁰

Scholar-activist Donatella della Porta comments that in practice the arguments promoting the output-oriented legitimacy in the EU context are weak, since the reality faced by citizens is worsening. For example, the unemployment figures are rising, and income gap widening throughout the Europe. She stresses that social movements were the first to put they thumb on these problems, and to make the link between them and the European polity marked by undemocratic practices and neo-liberal politics.¹¹¹ Also democracy theorist Michael Greven says that governments have to base their legitimacy on political principles, for it takes more than a good performance to assure that its regulations and laws are

¹⁰⁷ Scharpf 1999, 7-10

¹⁰⁸ Barber 1984, 245-248

¹⁰⁹ Kohler-Koch and Rittberger 2007, 6-7

¹¹⁰ Greenwood 2007, 31-32

¹¹¹ Della Porta 2007, 205-206

followed voluntarily¹¹².

According to Kohler-Koch, the boom of deliberative democracy research has increased and intensified the debate on democracy in the EU. The transfer of a state-centred model of majoritarian decision-making does not look promising given the structural specificity of the EU, which has given space to models offering more participation than the representative democracy.¹¹³ Thus, in the debate on European interest intermediation, the focus is no longer at the influence of interest groups on public policy-making, but at the democratic potential of a closer public-private cooperation¹¹⁴. Although participative democracy is much used phrase in the EU, it is easy to note that the term is used to refer to various, even competitive, set of concepts and goals. Kohler-Koch suspects that the ambivalence is by no means a coincident. For the EU it is convenient, since the term is hence open to divergent interpretations. Consequently, she criticises the debate within the EU saying it is steered to serve the interests of the institutions.¹¹⁵ Michael Greven shares Kohler-Koch's view and adds, that the current debate on the participative policy-making is started and steered by organs like the World bank and the Commission, who only seek to legitimise their actions without any deeper commitments to the values behind the participation.¹¹⁶

Della Porta sees Europeanisation of the protests as a way to increase transparency of the European administration and through that its public accountability. Protests can be Europeanised in two ways. Either the mobilisation realises in national level, in which case its purpose is to get the national decision-makers to act in the EU in a certain way, or the protest can be targeted to an EU institution, which is pressured to exercise an influence on a Member State(s). Both ways can lead to social mobilisation and to the emergence of public sphere, for they create new ways to participate and to frame problems.¹¹⁷ Europeanised protest are gradually forming an European social movement, their common demands are related to social justice and to the democratisation of the EU. They also challenge the manner the European integration is proceeded.¹¹⁸

¹¹² Greven 2007, 234

¹¹³ Kohler-Koch 2007, 261

¹¹⁴ Kohler-Koch 2007, 255

¹¹⁵ Kohler-Koch 2007, 255-257

¹¹⁶ Greven 2007, 245

¹¹⁷ Della Porta 2007, 192-193

¹¹⁸ Della Porta 2007, 200

Della Porta continues to explore the role of civil society, and argues that the mechanisms of functional interest representation, such as consultation or civil dialogue, are not sufficient, because they treat different organisations in a very unequal manner. European social movement, on the other hand, can produce common identity and integrate citizens into political life, just like the national movements have already done. Thus, the central challenge for the EU institutions, is to construct a solid foundation for civil-, political- and social rights, which would serve as a building block for international citizenship.¹¹⁹

Another point of view is represented by Kohler-Koch, who despite of recognising the significance of CSOs, wouldn't want to see the EU governance to be transferred to decentralised processes of decision-making in the deliberative arenas. Instead, she tries to pinpoint the conditions, on which new consultation mechanisms could provide an impetus for enhancing deliberative processes. After her it is possible to meet the goal by employing the impact assessment and by developing a European wide public sphere. This sphere would be constituted on consultations, which should be connected with substantially important processes and be iterative in nature, in order the deliberation to work. Another Kohler-Koch's requirement is an introduction of procedures for assessing the consequences of a proposed legislation, which, according to her, would lead to a process of decision-making that identifies affected actors, who then could be approached with a specific consultation.¹²⁰

Considering the political role of civil society, Michael Greven is worried over political equality. Outputs of politics affect citizens, so for the legitimacy of the system they have to accept the decisions and act according to them. It is for this reason, why it is important everyone to have an equal possibility to participate and have an impact on the process. In democracies, officials are also citizens, who have same duties and obligations than the others. They are only elected for a certain period of time. These rules do not apply on civil society based on voluntarism.¹²¹

4.2. Civil society organisations in the EU polity

The EU context is in many ways quite demanding for civil society organisations. Vincent

¹¹⁹ Della Porta 2007, 205-206

¹²⁰ Kohler-Koch 2007, 261-262

¹²¹ Greven 2007, 244

Della Sala and Carlo Ruzza start the introduction of their book on the governance and civil society in the EU by writing: "Much has been laid at the doorstep of civil society in the last decade." Civil society has been seen as a source of both the input and output legitimacy. It is expected to enhance the quality of democracy and to contribute to more efficient policy-making by facilitating citizens participation, and by giving its expertise. Especially this is true in the case of the EU. Della Sala and Ruzza link these expectations to a shift from governing to governance, for governance usually implicates that the civil society's role in policy-making is emphasised.¹²²

When looking at the "Opinion on the representativeness of European civil society organisations in civil dialogue" by the European Economic and Social Committee (ESC), it appears that Della Sala and Ruzza are on the right track. The ESC states that over the last ten to fifteen years the EU institutions have recognised, that there cannot be good policies without listening the public and giving them a chance to participate. Without these elements, citizens are more likely to reject the EU policies. A dialogue with civil society, and in particular with the civil organised at European level, is crucial. Citizens are hence given a channel to engage in managing public affairs through organised civil society. The ECS argues that participatory democracy enhances representative democracy, and thus strengthen the democratic legitimacy of the European Union.¹²³

Concentrating on the Commission, Justin Greenwood assesses that it has historically seen CSOs as mediators who can help to alleviate the remoteness of the EU from its citizens.¹²⁴ For this reason the Commission has been active in supporting the EU level interest groups by funding them and by resisting the setting up of any kind of accreditation system, which could limit participants. Greenwood describes the situation saying that "interest groups are the lifeblood of the Commission".¹²⁵ Carlo Ruzza ends up similar conclusions than Greenwood. He estimates that, by and large, the MEPs and the officials of the Commission tend to be supranationalists, which means they render CSOs a significant role within the EU¹²⁶. However, officially the EU emphasises consultative and information-providing role of CSOs. There is some evidence of willingness to include CSOs in the debates on

¹²² Della Sala and Ruzza 2007, 1-2

¹²³ The European Economic and Social Committee 2006, preamble

¹²⁴ see also Ruzza 2004, 11

¹²⁵ Greenwood 2007, 33

¹²⁶ Ruzza 2007, 49

legislation and to have more thoroughgoing interaction with them, but what comes to a decision-making, there seems to be no role set up for CSOs.¹²⁷

From his empirical studies Ruzza has derived a typology illustrating the EU's vision on the suitable roles for CSOs. He discovered, that in most cases a role granted for CSOs is to support the high quality of EU policies. This role implies various tasks: addressing information deficit, contributing to formulation of efficient and widely accepted policies, implementing and monitoring those policies, and facilitating policy learning, to name few. The second role relates to the he complex set of phenomena, conceptualised as globalisation, which has diminished states' control over growing range of issues. Consequently, the involvement of civil society becomes necessary, for there are policy areas and parts in policy processes that states are not able to handle. The third role given to CSOs, is to act for the enhancement of the democratic quality of the EU. Ruzza agrees with Kohler-Koch, and stats that the boom of deliberative democracy has had an effect; democracy is now seen also in terms of deliberation, than just as an interest aggregation and constitutional rights. From this perspective CSOs are seen as an intermediating civic sphere, connecting the Europeans to the EU. The fourth role is reserved for the building of an European demos through constructing a European public sphere.¹²⁸

Given the great expectations towards CSOs, why not to give them a more decisive role also in a policy-forming. Ruzza comments, that from the Commission's point of view consulting CSOs, let alone implementing their contributions to the decision-making process, is somewhat problematic. The Commission itself is struggling with its legitimacy. Often the representativeness, accountability and operating procedures of CSOs are considered insufficiently transparent to warrant them the strong impact on policy process that they seek.¹²⁹ CSOs, on the other hand, feel the Commission's requirements of representativeness and accountability produce a bias to the cooperation between CSOs and Commission. Neither the amount of members, the financial standings nor the possibility to send EU level lobbyists to Brussels tell much about organisation's capability to produce substantial policy-inputs, let alone help to evaluate the importance of the interests it

¹²⁷ Ruzza 2007, 57-58

¹²⁸ Ruzza 2007, 58-59

¹²⁹ Ruzza 2004, 2

represents.¹³⁰

Representativeness and accountability are both ambiguous concepts especially in the EU context, because the representativeness and accountability of its institutional triangle is ambiguous. If CSOs are wanted to be internally democratic, to intermediate and to represent the views and interests of their members and constituencies, it would cause changes to the Commissions' practises. For example, the eight weeks time reserved for consultations (the time is set in the General principles and minimum standards for consultation of interested parties) would obviously be too short. Considering accountability, the question is: accountability to whom? Ruzza remarks, there are two different kinds of accountability, political and social, which are potentially contradictory. Political accountability is something that a CSO rarely has. According to Ruzza, the Commission is, however, happy to employ CSOs as channels to reach the grassroots, and thus use CSOs to gain the social accountability, which it lacks.¹³¹

The ESC has drawn up criteria for representativeness for the use of all EU institutions. It states, that without such objective preconditions it is clear that the representativeness of European civil society organisations is often called into question. "The voluntary field" is regularly seen representing individual interests of their members and lacking transparency.¹³² "Only clearly established representativeness can give civil society players the right to participate effectively in the process of shaping policies and preparing decisions." It is important to note, the ESC differentiates participation from consultation. The latter one is a process that aims to hear all point of views, and collect the expertise of civil society players. Whereas participation refers to an opportunity to intervene formally and actively in the collective decision-making process. Hence, the representativeness is necessarily a precondition for participation, for it requires legitimacy.¹³³

In order to be considered as a representative, a CSO must meet nine criteria¹³⁴, which quite effectively rule out national CSOs, for example by stating that an organisation has to have members in most of the Member States. Also the demand of independence, "not being bound by instructions from outside bodies", is somewhat paradoxical, when bearing in

¹³⁰ Ruzza 2004, 43

¹³¹ Ruzza 2007, 64-65

¹³² The European Economic and Social Committee 2006, preamble

¹³³ The European Economic and Social Committee 2006, chapter 3 The requirement of representativeness

¹³⁴ The European Economic and Social Committee 2006, chapter 3 The requirement of representativeness

mind that especially the Commission employs CSOs to implement the EU policies. In my opinion, it is questionable whether any organisation belonging to "the voluntary sector" meets these criteria.

Fazi and Smith suggest that legitimacy of CSOs should be built on authority, participation and expertise. Authority derives from the fact that non-governmental organisations (NGOs) speak as, with, for, and/or about specific segments of the population or issues of general interest. Legitimacy can also stem from performance, trust and reputation of a CSO.¹³⁵ As a solution to the dilemma of representativeness Ruzza proposes formation of closer co-operation between local authorities and CSOs, which would bring the organisations to the sphere of influence of the multi-level governance¹³⁶. According to his studies, this solution is supported by the EU, because the role of CSOs is seen to be linked expressively to the grassroots level, to "bringing the EU vision to the local level"¹³⁷. In my mind his suggestion has similar features with the horizontal subsidiarity, where institutions and organisations within same policy sector and -level collaborate.

Fazi and Smith seem to be inclined to think that the Commission has tried to solve the problem of representativeness, as well as the one of the efficiency of consultations, by favouring large umbrella organisations. They say there are few effective participation channels open to a wide number of participants. Moreover, civil dialogue is *de facto* selective in nature, only limited number of networks can afford to get involved in the European matters. This has resulted a birth of European umbrella organisations and broad coalitions, which seem to suit the Commission, who, according to Fazi and Smitg, seeks to rationalise its relations with civil society and to get coherent input. The EU level civil dialogue thus seems to be characterised by a semi-corporatist approach.¹³⁸

Fazi and Smith are not the only ones describing the Commission's approach on civil society as a corporatist. Carlo Ruzza adds, that the Commission justifies its preference of large umbrella-organisations by appealing to the criterion of representativeness. Ruzza criticises the Commission for using this precondition in an instrumental way; European networks are easier to control than other civil society actors, not least for their dependance on the Commission's funding. This choice "indicates a preference for a centralised, neo-

¹³⁵ Fazi and Smith 2006, 20-21. They use the term NGO, but according to their definition of it,

¹³⁶ Ruzza 2004, 43

¹³⁷ Ruzza 2007, 56. Quote is Ruzza's, it is from the Commissions' 1998 antiracism action plan

¹³⁸ Fazi and Smith 2006, 44-45

corporatist approach model of state-civil relations", states Ruzza.¹³⁹ Also Justin Greenwood acknowledges the elitist character of interest representation in the EU level. For him, the elitism is illustrated by the fact that almost all EU interest organisations are large umbrella organisations, who do not accept individual citizens as their members. In fact, there are several organisations that could be called confederation of umbrellas, which cast certain doubt on their ability to intermediate the grassroots' interests to the EU system.¹⁴⁰ Are these confederations really any closer to the citizens than the EU institutions?

Nonetheless, Greenwood puts in question Fazi and Smith's conclusion that the Commission would prefer to deal only with large CSO coalitions. Greenwood even argues, that the Commission not only tries to improve the capacity of organised interest groups, but to seek direct input from citizens, as well¹⁴¹. He illustrates this notion by saying that many of the "outsiders in terms of familiarity with the system ... find themselves pushing at an open door." Probably the tactic of open doors is more about giving organisations or individuals a chance to see complexity of the policy-making, and thus to give them an impetus to moderate their demands, than about seeking additional input.¹⁴²

Ruzza warns, that the eagerness of the EU institutions to increase their support and inclusion, is a double-edged sword for CSOs. While advertising inclusive policy-processes, they are expressing a concern over the performance of CSOs basing their worry on criteria of participation, openness, accountability, effectiveness and coherence. Ruzza is worried that this can lead to at least a partial co-optation and institutionalisation of the civil society sector. I suppose, he means that by using the above mentioned criteria, the EU can set conditions for the participation of CSOs, and thus control them. In addition, the Commission in particular dangles carrots in front of the CSOs by funding civil society actors. Some CSOs are willing to work for EU's objectives in change for its support. Ruzza asses the situation by saying: "the EU straddles the line between including NGOs as competent allies and including them as critical voices that contribute to a democratisation of the system." The choice both CSOs and institutional actors have to make reflects the divide between a pluralist approach and a neo-corporatist one. The latter one facilitates

¹³⁹ Ruzza 2007, 64

¹⁴⁰ Greenwood 2007, 34-35

¹⁴¹ Greenwood 2007, 41

¹⁴² Greenwood 2007, 36

political control of civil society.¹⁴³

Now, I will move on to the CSOs' side of the story. There are two principal methods with which the EU, and especially the Commission, interacts with CSOs: consultation mechanism and co-funding of the CSOs projects. Considering consultations, the following grievances occur often; initiative for a consultation is made by institution, it only regards the phase of decision-making, it usually involves a limited number of Brussels-based umbrella organisations. What comes to co-funding, CSOs can not make the project initiatives freely, but the funding is tied to the goals of a certain Community action program. Also low co-funding rate, regular delays in payments and stringent administrative rules counts easily small associations out. Co-operation is lacking substance and depth, because it is reduced to the funding. Most of the times there is not, for example, an evaluation of the results.¹⁴⁴

Lack of feedback is seen as a big problem, because it lowers motivation to participate in civil dialogue, for the actors do not have guarantee that participation in time-consuming processes is worthwhile in reality. It would be crucial to report on why certain proposals were discarded. Feedback would also help NGOs to improve their input, but most of all to be sure that the consultations do matter. "Even when institutions are bound to consult, they are never bound to listen".¹⁴⁵ Also the fragmented and unpredictable nature of policy processes makes it hard for CSOs to play their role effectively. In many cases they are being heard, when the major part of the proposal is already drafted.¹⁴⁶

Another downside is that there is still great disparity between the resources of different actors, which obviously creates a bias to interests represented in EU level. Imbalance is illustrated figures presented by both Fazi and Smith and Greenwood, they show that there are about 1500 interest groups, who form the main mass of interest representation in the EU¹⁴⁷. Greenwood also informs that two-thirds of these groups represent business' interests, one-fifth citizens' interests, the rest consist of representatives of trade unions and of public sector organisations. All these groups are included in the EU's definition of civil

¹⁴³ Ruzza 2007, 60

¹⁴⁴ Roffiaen 2003, 4-5

¹⁴⁵ Fazi and Smith 2006, 48

¹⁴⁶ Fazi and Smith 2006, 48

¹⁴⁷ Fazi and Smith 2006, 19

society. 148

Undoubtedly, CSOs have their internal problems as well, so the civil dialogue does not automatically bring citizens back into the policy process. Thus, it is only fair to leave the EU institutions aside for a moment, and focus on the internal challenges faced by CSOs. Civil society organisations are not automatically the heaven of democracy. In the context of the EU, especially the umbrella organisations, vast coalitions of CSOs, arouse suspicions. It is reasonable to doubt that, in some cases, they are nearly as remote for their members in local level, as the EU is for its citizens. An interesting piece of information related to this, is provided by Greenwood. I have used the study made by Fazi and Smith as a source material in my thesis. However, it is commissioned by the Civil Society Contact Group, which according to Greenwood, is one of the most confederated level of organisation. It is a coalition of large platforms such as Social Platform, Concord and the Green 10 to name few.¹⁴⁹ Thus, it can definitely be counted as a part of Brussels' elite. It also seems that Fazi and Smith have interviewed mainly big CSO actors working in European level¹⁵⁰, which might explain a part of the given critique. At the very east, it less likely that they would, for example, notice the Commission's openness to "outsiders" and to smaller associations.

According to Fazi and Smith, the problem with the umbrella organisations is that they both consciously and unconsciously filter information provided to national NGOs. National NGOs encounter difficulties to understand and prioritise for EU debates. Similarly, their European secretariats may only partly understand the complexities of the environment in each Member State. All this may cause some Brussels-based offices to operate more on their own right than as a representative of the grassroots interests. Thus, one of the keys on how to improve the internal democracy of CSOs is to evaluate, and if needed, to expand the structures linking central offices ongoing bases to the views and interests of their members. It is also important to ensure that the members are able to hold them to account. After all, the European offices and networks rely on expertise and mobilisation of the national level, while the national CSOs in turn rely on their European partners to enable

¹⁴⁸ Greenwood 2007, 33

¹⁴⁹ Greenwood 2007, 35

¹⁵⁰ see Fazi and Smith 2006, Annex I List of responders

their participation in the EU level processes.¹⁵¹

Kohler-Koch's criticises CSOs from different standing points. Public awareness is often the product of deliberate action. However, according to her, only few interest organisation see the creation of a public sphere, in order to promote discursive debates and good governance, as a goal in itself. Public relations activities of CSOs normally aim at the mobilisation of a societal support to achieve specific policy goals.¹⁵² Referring to her empirical evidence, Kohler-Koch states that general interest groups are minority at the European level, and that they have structural difficulties to serve as schools of democracy. The majority of those groups are composed of national associations, and not of EU citizens, which sets limits to their democratic potential, for they are dependent on the relations to these national associations. In addition, the funding from the EU puts their independence and efficiency in question.¹⁵³

I would like to pose some further questions based on Kohler-Koch's statements. Does the public sphere have to be a result of conscious actions aimed precisely at the creation of such a sphere? To me it does not seem very likely. Democratic potential of a CSO cannot be estimated according to its sector of action, nor based on whether it spells out that constituting public sphere is its mission. Instead, what do make the difference are the procedures and internal structures that connect concerned citizens to its advocacy and interest representation. These are the features emphasised also by John Dryzek. Nonetheless, Kohler-Koch does have a point. In the study of Fazi and Smith, most of the CSOs interviewed focus on policy issues, rather than on governance, which after the researchers is, by and large, a result from a lack of awareness considering the framework of participatory democracy¹⁵⁴.

To conclude, I want to say that although a wide range of roles for CSOs' participation in the EU's policy making have been identified and conceptualised by both the EU institutions, researchers and CSOs themselves, the overall picture is surprisingly biased towards output-efficiency. Even when a wide-based participation is sought for the plurality of input it provides, a closer look on the actual functions or on their justifications reveals somewhat instrumental undertone. Concepts such as self-determinacy, positive political

¹⁵¹ Fazi and Smith 2006, 47

¹⁵² Kohler-Koch 2007, 267-268

¹⁵³ Kohler-Koch 2007, 265

¹⁵⁴ Fazi and Smith 2006, 39

rights and political learning, are almost totally absent. In this sense, the theoretical framework does not speak same language with the empirical studies presented in this thesis.

4.3. The European public sphere

The significance of public sphere is accepted without loud objections, and the creation of a European wide knowledge of what are the competencies of the EU, what kind of decision it takes, as well as facilitating the birth of public sphere, are minimum requisites of democracy even for the liberalists¹⁵⁵. To provide an answer for the question "what kind of sphere is plausible for the democratisation of the EU", is nevertheless hard nut to crack. Public sphere is connected to both civil society and democracy debate, and quite naturally, the various conceptualisations of public sphere and of its role in EU polity, vary considerably.

Dryzek states, that even though it is possible to quarrel an eternity about the proper definition of public sphere, not much is lost if the transnational public sphere is said to cover the same area as transnational civil society. Within the national context the public sphere was considered to be constituted by the section of civil society engaged to political action, and the same definition can be extended to apply in international context as well.¹⁵⁶ Dryzek illustrates the relationship between administrative structures and the discourses in public sphere by comparing institutions and decision-making structures with a hardware, which usefulness is in the end dependent on how good and versatile the software, he discourses, is. This analogy ties in to the EU polity, because according to Dryzek, in international context where the hardware is quite weak, the software becomes all the more important. Thus the democracy of a decision-making is guaranteed by the contestation of discourses taking place in the public sphere.¹⁵⁷

Interesting insight is provided by Michael Brüggemann, who has analysed the influence that the Commission's communication policy has had on the European public sphere (EPS). Brüggemann applies the definition formulated by Jürgen Gerhards, and equates the

¹⁵⁵ Kohler-Koch 2007, 266

¹⁵⁶ Dryzek 2000, 103

¹⁵⁷ Dryzek 2000, 121-122

EPS with a network of Europeanised public spheres connected by information flows.¹⁵⁸ I would say that this is in accordance with Dryzek's view on transnational public sphere, since the communal and discursive political action necessarily involves information flows. What makes this definition really interesting, is the fact that it does not rule out the definition of Cohen and Arato either, since it does not seal the role or the place of public spheres.

Brüggemann offers an overview to the Commission's policies, and informs that the era of arcane information policies lasted until the beginning of the 90's, and led the EU to a vicious circle of non-communication. The European integration, for example, was dealt in such a technocratic manner, that the public, the media and the politicians were caught in self-enforcing circle of lack of interest to read, write and talk about EU matters. Brüggemann argues that this ignorance is a reason why the public opinion has tolerated the transfer of more and more competence to the European level, while turnouts of the EP elections have been declining. Priority Information Programs for the Citizens of Europe (Prince) moved the EU's communicating policies in more pro-active direction in the late 90's.¹⁵⁹

Also Fazi and Smith describe the change from consultation committees consisted of experts to a multilevel governance reflected by the emergence of civil dialogue. Considering the EPS, the civil dialogue is an interesting case, because it is the only formally established framework for citizens and CSOs participation in the EU. Despite the fact that European institutions have been working with a wide range of consultative committees comprising also NGOs¹⁶⁰, it wasn't until the White Paper on Governance was published in 2001, when more comprehensive approach to consultation and dialogue was developed. It marked a change of paradigm for the EU. In the White Paper was expressed that the EU policy process is a result of various influences and mechanisms of dialogue and participation, which reach beyond the institutional triangle. Citizens would, however, need a channel for participation. Providing this channel was appointed to a task of civil society, who was supposed to be "giving voice to the concerns of citizens and delivering

¹⁵⁸ Brüggemann 2005, 58-59

¹⁵⁹ First deliberative citizens' forum "Citizen's Europe" about Europe's future was organised in 2007.

¹⁶⁰ Fazi and Smith give example about the amount of expert groups and consultative committees, which Directorate-Generals set up in March 2006: DG Employment, Social Affairs and Equal Opportunities: 55 groups, DG Environment: 116, DG Education and Culture: 85, DG Development: 28, DG Health and Consumer Protection: 84, DG Justice, Freedom and Security: 43. Fazi and Smith 2006, 28

services that meet people's needs".¹⁶¹

The next attempts to define the framework for dialogue, were the impact assessment, which refers to consultation of stakeholders affected by a certain decision, and "The General principles and minimum standards for consultation of interested parties.", a document published in 2002. Both standards or guidelines, nevertheless, failed to set framework for structured, coherent and comprehensive dialogue.¹⁶² The Minimum Standards is not widely known nor understood document, and, sadly enough, it is also inconsistent with the guidelines of impact assessment¹⁶³.

Brüggemann thinks that the attention has been shifting towards the EPS because of the EU's long prevailing lack of democratic legitimacy. The EPS is seen as a crucial, missing link between the EU and its citizens. This viewpoint is supported by the fact that the EU suffers not only a democracy deficit, but a communication deficit as well. The public sphere constituted of free discourses of citizens, could be a remedy for these complaints.¹⁶⁴ Also Fazi and Smith state, that with all its flaws the civil dialogue, and the formalised setting of discourse it offers, helps CSOs to identify common interests and to develop cooperation. By reinforcing the legitimacy of the civil society actors, it also builds up trust between institutions and civil society, and thus pave the way for interaction through less informal channels.¹⁶⁵ I will leave more detailed study on the European public sphere for the analysis of the research material.

5. ANALYSIS

5.1. Analytical framework

Before moving on to the analysis, I want to present a summary on how the theoretical framework will be used. It brought up many issues to consider, as did the the chapter clarifying the EU context. In order to be able to outline analytical framework of the thesis, I will identify both differences and similarities of the theories presented, while bearing the research questions in mind. The tensions of the theories help me to carve analytical tools,

¹⁶¹ Fazi and Smith 2006, 24-25

¹⁶² Fazi and Smith 2006, 25

¹⁶³ Fazi and Smith 2006, 42

¹⁶⁴ Brüggemann 2005, 58

¹⁶⁵ Fazi and Smith 2006, 49

whereas the similarities enable me to build up a sufficiently coherent framework, so that there is a relevant reference point for the analysis.

There are several features connecting these theories. First of all, both Cohen and Arato, Dryzek and Barber start with criticising the instrumental rationality distinctive for liberal democrats. According to them, the participation should be valued for its own sake, and be justified with the need to preserve and protect the autonomy, integrity and self-determination of individuals and their communities. Related to this, they all require political systems to honour the pluralism in society. In my opinion, this applies to the thinking of Dryzek and Barber as well, although Cohen and Arato accuse them of undermining the plurality and social differentiation prevailing in societies. An essential mean to transfer the societal plurality to common actions, is communication. They all have a slightly different prerequisites for the discourse aiming at the common opinion-forming, but whether it is called discourse, political talk or communicative action, it nevertheless implicates reflectiveness, reciprocity and mutuality - getting over men's worst features. The centrality of the communication is, in fact, the reason why I formulated the second research question using the term "discursive theory on democracy". A suitable arena for the communication is public sphere, in particular, when the goal is to formulate a common statement about political issues or politicise new ones.

These shared features now form a reference point for studying the first research question:

1. To what extent do the views of the European Commission and Active Citizenship Network follow the premises of discursive theory on democracy when specifying the characteristics of desirable public sphere and legitimising the CSOs' participation in democratisation of the Union?

However, more tools are needed, in order to tell something about the public sphere and the participation of CSOs. Legitimation of the CSO's participation in politics is related, on the one hand, to a division between the input and output-oriented legitimacy, and on the other, to the required qualities of CSOs participating in the EU policy-making; representativeness, accountability, authority, participation, expertise etc. In this respect, the first and the second research question overlap.

Considering how the practises and policies of the Commission can affect the EPS, it is useful to look at the figure presented by Brüggemann. He has defined seven strategies of information policy, which differ on two dimensions: First one must evaluate does the

information policy rather open up an access to the information, or does it pro-actively reach out to people, in order to supply them a political message? This dimension is placed on vertical axis. Horizontal axis describes how symmetrical the communicative relationship and the division of communicative power between the government and the people is.¹⁶⁶

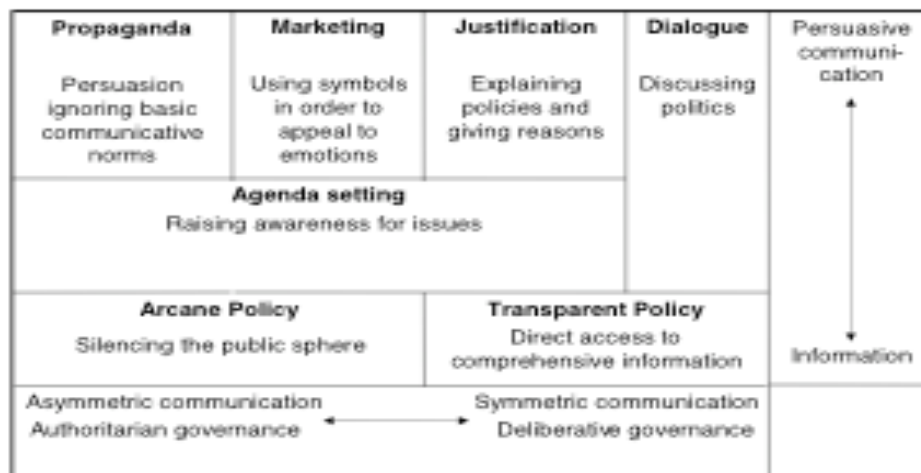


FIGURE 2

Source: Brüggemann 2005, 64

The figure helps both to understand according to which elements the democratic quality of an information policy varies and to recognise different starting points and objectives that information policy can have. As I understand it, all theories employed in this paper would implicate policies moving around the bottom-right corner, where symmetric communication meets the access to information. Moving away from transparent policy would restrain the autonomy of citizens, and change the EPS something else than stipulated in the theories. Admittedly, fitting the theory of Cohen and Arato there can be contested, since they do not favour deliberative governance at the expense of the power of elected politicians. However, the table does not tell us anything about the existence or the role of intermediating channels between the EU and civil society. Moreover, the arcane information policy would most likely pose a threat to the autonomy and importance of the lifeworld.

There are some issues in Brüggemann's figure, I would like to clarify. The description of

¹⁶⁶ Brüggemann 2005, 63

political justification bothered me at first, because as I see it, explaining policies is not automatically a step towards more arcane information policy. Is it really a sign of asymmetric communication, if the administration tells what were the arguments, justifications and conflicting points of views when a certain policy was formulated, and what were the aims set for that policy to meet? Presumably though, Brüggemann counts this kind of behaviour as transparent policies, therefore justification is something that is more authority-driven than a dialogue, but the arguments posed are still rational, as opposed to the emotionally appealing arguments used in political marketing. Justification could hence refer to vindicating of already made policies, to actively supplying citizens with reasons why this specific policy is good and worth obeying.

In terms of the public sphere, the section of pro-active policies is interesting, because that by implementing pro-active policies, the authorities seek to create, or take over, suitable places in order to supply the message. In the case of propaganda, the political messages might be rolled in schools and working places, where people can be reached living their daily lives, and where they are bound to behave according certain social norms (I must say, though, that schools can provide an environment also for a dialogue). Political marketing brings in mind for example celebration days, concerts and cultural events, whereas political justification and dialogue require more official, tailored space in order to give people chance to pose counter-arguments.

Now, coming to the second research question:

2. What kind of a role is indicated to civil society organisations in the democratisation process of the European Union according to the Commission, and what kind of role for them is sought by ACN?

The most relevant antithesis found in the theoretical framework relates to the political role of CSOs. Do they have such a role in the first place, and if so, what is it like, and how it is justified? I expect, it is worthwhile to keep in mind Ruzza's classification of the roles that the Commission considers suitable for CSOs, and to study whether all of these roles appear in the Commission's documents and whether there are more to be found. Regarding ACN, it is particularly interesting to see does it try to expand the selection of roles. As a reminder, Ruzza's typology describing how the civil society can be utilised by EU institutions:

- to improve output legitimacy
- to address the globalisation-driven relocation of ambits of power
- to construct European citizen (deliberative democracy)
- to construct a European public sphere.¹⁶⁷

Another aspect related to the role of CSOs is the role of citizens in democracies. The theories and studies about the position of the Commission, diverge from another according to the significance that they place on the direct participation of citizens. This topic can be scrutinised from the point of view of ACN; does it see CSOs as a facilitators of citizens participation or as a channel between the EU and citizens. The latter view could imply that direct participation of individual citizens is not encouraged.

The final research question is quite straightforward, and it will be dealt with in the synthesis, after completing the first part of the analysis.

3. Are there any common aspects or aspirations regarding issues described above in the documents of the Commission and ACN?

5.2. The Documents of the Active Citizenship Network

First some points about the ACN. As already mentioned, there are two main reasons why I chose ACN's documents as a part of my research material. The network seized on the momentum created by the drafting process of the European Constitution, and opened up a discussion on the concept of horizontal subsidiarity with European CSOs. The aim was twofold, first to introduce an amendment to the Constitution, and secondly, to verify how the concept could be used and implemented in the EU structure. The project developed around the European Charter of Active Citizenship had similar aspirations. It was a push to establish the role of civil society actors in the EU's official framework, but it also dealt with the same issues than the Commission's Plan-D: democracy deficit of the Union and the Union's distance with its citizens.

I have two, more practical, remarks to make before moving on to the analysis. I found it useful to employ the study commissioned by the Civil Society Contact Group (CSCG) as a commentary at some points. The interviews of the EU level civil society actors done within the study, provide a wider perspective on the opinions of the ACN, and thus indicate

¹⁶⁷ Ruzza 2007, 59

whether they are commonly shared opinions among the CSOs working with the EU related issues. In addition, the study offers useful background information of the relations between CSOs and the EU. The study is made by Elodie Fazi and Jeremy Smith, and it consists of five case studies in a major EU policy area, interviews, questionnaires and desk research. Both national and EU level actors were interviewed, 42 people in Brussels and 59 in the six focus countries (Czech Republic, Italy, Latvia, The Netherlands, Poland and the United Kingdom). CSCG was established to "function as a facilitator and sounding board for DG Trade. Its task is to contribute to transparency in both direction, and to help with the circulation of information to the wider group of their constituencies". It has representatives from NGOs, consumers' organisations, trade unions and employers' organisations, Chamber of Commerce and other groups and sectors of civil society and from the ESC.¹⁶⁸

What comes to the terminology, within this part of the research material there is a wide range of names, all referring to civil society actors. In the Charter, the ACN uses term Autonomous Citizens' Organization, ACO, and in Rethinking the principle of subsidiarity mainly citizens' organisation, but some cases also NGO. In the first case the choice is consciously made, by using the name ACO the ACN wanted to avoid economical, ethical and philosophical discussions burdening the concepts like civil society organisation, third sector organisation or non-profit organisation¹⁶⁹. Although political aspect of these different types of organisations is not dealt with, given the contents of the Charter I'm inclined to think that ACOs are considered to be political actors.

"ACO's are created and managed by citizens. They achieve civic participation contributing to the protection of the fundamental rights and to the enhancement of the democratic life. They work for the protection of citizens' rights and / or the preservation of common goods through advocacy activities, delivery of services and the empowerment of citizens. They operate in the general interest through democratic structures, without seeking for profit."¹⁷⁰

Fazi and Smith use the term NGO equally consciously, in order to differentiate these organisations from the fuzzy concept of civil society. NGOs are organisations that share most of the following features: they are non-state actors and independent from governments, non-profit making, democratic, they act in the public interest, rely on

¹⁶⁸ Fazi and Smith 2006, 68

¹⁶⁹ ACN and Fondaca 2006b, 1

¹⁷⁰ ACN and Fondaca 2006b, 3

volunteers and have mandate from their constituency. NGO's two traditional and complementary ways of working are service provision and political advocacy. The authors shed more light on this, when identifying differences between sometimes overlapping concepts of NGO and interest groups. NGOs, unlike interest groups, are driven by values rather than profits, they act in the public interest, represent issues, citizens or stake-holders rather than shareholders and clients, and aim not only at representing interests but also at engaging citizens in the public sphere.¹⁷¹

Despite the varying terms I intend to stick with the name civil society organisation, and to use it in my own statements and conclusions. It is possible, that all of those groups, which I count as CSOs, cannot be classified as ACOs or NGOs, however, based on the above description, the relation nevertheless applies to the other way around: all ACOs and NGOs are CSOs.

5.2.1. From a civil dialogue to the horizontal subsidiarity

Non-governmental sector can play an important role in bridging the gap between citizens and the EU. In order to be effective, the EU policy must encourage and support CSOs to give their input, and take their opinion in account. If consultations with CSOs are efficient and effective, the study of Fazi and Smith promises that the EU policies will be of higher quality, better understood by citizens and more likely to reflect citizens' interests.¹⁷² In fact, Fazi and Smith call NGOs as "unavoidable actors" of contemporary political debate in the EU¹⁷³. In last decades, NGOs abilities to produce innovations and added value, have been recognised also by the EU, and as a result were developed fairly structured practices of dialogue between the institutions at the national, EU and international level and civil society organisations. These practices are often referred as civil dialogue.¹⁷⁴

The development of civil dialogue resulted from a more open political opportunity structure, and from the increased involvement of CSOs in public issues. However, civil dialogue created new challenges that are not properly tackled with. For instance, the necessary change of culture within the institutions themselves, which would able them to engage in a real dialogue, is yet to happen. Also setting up new participatory structures

¹⁷¹ Fazi and Smith 2006, 16-18

¹⁷² Fazi and Smith 2006, 10

¹⁷³ Fazi and Smith 2006, 15

¹⁷⁴ Fazi and Smith 2006, 21

causes difficulties, as will be seen when dealing with the consultation mechanisms. In addition, there are lot of open questions considering CSOs' legitimacy, transparency and representativeness and other such criteria that they must meet, in order to justify the increased participation.¹⁷⁵

Definition of the civil dialogue provided by Fazi and Smith.

- Civil dialogue involves interaction between public institutions and NGOs, rather than unilateral relationship. It thus goes beyond mere information and communication, and is based on mutual recognition and responsiveness.
- Civil dialogue covers various degrees of formalisation, raging from informal to legally recognised practices, and from an ad hoc to a permanent structures.
- Civil dialogue also covers different degrees of involvement from NGOs, ranging from information to consultation and active participation.
- Civil dialogue takes place alongside the whole policy-making process which includes the following phases: Agenda setting, policy definition/decision-making, implementation, evaluation and feedback
- It involves NGOs acting in the public interest.¹⁷⁶

Civil dialogue seems to offer a flexible and loose framework for collaboration of the EU institutions and CSOs. As will be shown, particularly the flexibility, comparatively moderate demands for the authorities, and somewhat passive role of CSOs, distinguish civil dialogue from horizontal subsidiarity.

According to the ACN, the overall problem in the relations between the EU and CSOs is that although much is required from CSOs, their role hasn't been formalised neither in the European constitution nor in the legislation of the European countries¹⁷⁷. Fazi and Smith have recognised the same problem, and describe the lack of common definition and theorisation of civil dialogue striking, considering its increasing role in the EU polity¹⁷⁸. CSOs are asked to contribute closing the democratic gap of the EU, but at the same time they are often mistrusted by the very same institutions. The ACN links this mistrust to the lack of formalisation of their rights by stating, that while the EU documents often refer to CSOs activities in public arena, there are no legally binding texts, which would define the

¹⁷⁵ Fazi and Smith 2006, 22

¹⁷⁶ Fazi and Smith 2006, 22

¹⁷⁷ ACN and Fondaca 2006b, 1

¹⁷⁸ Fazi and Smith 2006, 22

roles, rights and responsibilities of the CSOs in relation to the public institutions. Also responsibilities of public institutions in respect to CSOs are yet to define.¹⁷⁹

One concrete example highlighting these discrepancies is consultation mechanism of the Commission. It is the most commonly used (and criticised) mean of civil dialogue. Even after the launching of "the General principles and minimum standards for consultation of interested parties" there seems to be lot to complain in it. The scope of processes where dialogue should apply is still inadequately defined, and also the selection of CSOs to participate is opaque.¹⁸⁰ In the study of Fazi and Smith, most of the interviewees were not aware the selection of criteria used¹⁸¹. In other words, the Commission seems to be at the helms of civil dialogue, which clearly undermines mutuality, responsiveness, and other such attributes given to the civil dialogue.

However, judging by the Report on consultation results of the Charter, the consultation mechanism is important for the CSOs. The article considering consultation was mentioned as the most important article in the Charter¹⁸², and its proper formulation aroused many comments. One proposition was that the article should say: "ACOs MUST be consulted in public consultations."¹⁸³ Thus, it is no wonder that in the Charter the enhancement of the quality and the effectiveness of consultation procedures is stressed, in order to guarantee substantially important and equal participation of CSOs. Moreover, the ACN points out that consultations only regard decision-making phase, and not the implementation and evaluation of the policies. Fazi and Smith confirm that the involvement of the NGOs is mainly focused on the proposal phase, when the Commission is already drafting a proposal to other institutions.¹⁸⁴

The article 7. Right to Consultation also gives an idea how time-consuming process we are talking about.

"The appropriateness and design of consultation shall be decided in a participatory manner."¹⁸⁵

So, before being able to start the actual consultation, there should be an discussion about

¹⁷⁹ ACN and Fondaca 2006b, 1-2

¹⁸⁰ Fazi and Smith 2006, 25

¹⁸¹ Fazi and Smith 2006, 45

¹⁸² ACN and Fondaca 2006a, 2

¹⁸³ ACN and Fondaca 2006a, 5-6

¹⁸⁴ Roffiaen 2003, 5 and Fazi and Smith 2006, 27

¹⁸⁵ ACN and Fondaca 2006b, 4-5

its objectives and the procedures followed. The remedy might come in the form of iterative processes promoted by Kohler-Koch. If the whole circle of policy-making were more participatory, for example the impact assessment were to be employed and consultations seen as a part of self-correcting policy-process, the time required for one consultation round might be considerably reduced.

The ACN's documents go beyond consultations, though. For example in the article 2. Right to Participation is said:

"ACOs shall have the opportunity to directly participate in the entire policy-making process; meaning that they shall be considered as one of the key players when setting the public agenda, when implementing the policy and when evaluating it. Furthermore, they shall contribute to the decisions right from the beginning of the decision-making process, and not when the decisions have already been taken."¹⁸⁶

Stressing the whole circle of policy-making is a key feature in the ACN's documents. According to it, also the evaluation method should be participatory, transparent, and clearly defined.¹⁸⁷

"ACOs have the right to publicly communicate their evaluation of public and private actors' activities concerning the fulfilment of the common good and/or interest, as well as to the respect of citizens' rights."¹⁸⁸

As a best practise of evaluation, is presented an example from Germany, where Secretaries of State for social and economic affairs asked CSOs to report on possible shortcomings in new social law, as well as to give recommendations to address them¹⁸⁹. Evaluation in the EU level does not seem to work this well, according to Fazi and Smith, NGOs role as whistle-blowers is compromised due to the limited channels for involvement in the feedback process¹⁹⁰.

Noteworthy aspect within these quotes is, that they illustrate more active approach than the definition of civil dialogue presented earlier. The ACN argues that CSOs are one of the key players in policy-making, whereas the strongest expression describing civil dialogue was that it covers "different degrees of involvement from NGOs, ranging from information to consultation and active participation." The ACN's statements have a clear resemblance

¹⁸⁶ ACN and Fondaca 2006b, 3

¹⁸⁷ ACN and Fondaca 2006b, 5

¹⁸⁸ ACN and Fondaca 2006b, 5

¹⁸⁹ ACN and Fondaca 2006b, 12

¹⁹⁰ Fazi and Smith 2006, 30

with the principles of participatory democracy, there are also moments, when the premises of discursive democracy comes in mind. The ACN values the developing of common rules through discursive processes highly. It, for example, points out that the Charter should be understood as an ongoing process of deliberation and discussion between CSOs and public institutions¹⁹¹. Although the discursiveness is undoubtedly in accordance with the theories, the strong role that ACN seeks for CSOs in every stage of the policy-making process, might cause concern in Dryzek's and Cohen and Arato's mind. The balance between participation and autonomy of CSOs should be considered carefully, in order to avoid the domination of the EU's imperatives, and to protect civil society and the lifeworld.

Although the ACN complains that CSOs can only take part in the EU politics in the decision-making phase, CSOs do, in fact, play a role in implementation of the EU policies. Fazi and Smith state that along with the development of cohesion policies and the increase of EU funded programmes, the service providing NGOs have gained major part in implementation. Particularly in the fields of development, public health and gender equality.¹⁹² It is important to distinguish between the types of EU financial support, though. Major part of the funding is allocated to the implementation of specific policies such as humanitarian aid. The second biggest share is given to support projects that are part of a specific EU programme dedicated to promote its policies. An example of the latter case are the projects funded within the framework of Plan-D. Much smaller amount is given to support the advocacy activity of certain European networks delivering EU policies.¹⁹³

Dryzek would probably frown to this situation; as long as citizens and their associations do not have say to policies behind these programmes, the support given to CSOs have a clear resemblance with state inclusion. Also Fazi and Smith recognise the risks related to the financial support. First of all, dependency on the EU funds can lead to a competition between organisations, and more importantly, NGOs can feel bound to the EU's agenda. However, the authors present evidence proving that the second fear does not necessarily come true, but, on the other hand, given their own position, they are almost bound to do so. They also justify the public funding saying that it can guarantee NGOs independence from private interests.¹⁹⁴ Seemingly they are choosing the lesser of two evils. The influence that

¹⁹¹ ACN and Fondaca 2006b, 1-2

¹⁹² Fazi and Smith 2006, 18

¹⁹³ Fazi and Smith 2006, 19-20

¹⁹⁴ Fazi and Smith 2006, 20

CSOs have in the implementation is further diminished by the importance of the comitology procedure, which is particularly closed to NGOs as well as to the wider public¹⁹⁵.

How can the substantially important participation be reached, then? An important part in ensuring the efficient participation throughout the policy process is open information and communication policy, stressed and studied by Michael Brüggmann. The need to be informed is taken into account by the ACN as well, in eight¹⁹⁶ out of 20 articles of the Charter, can be found phrases such as open access to information, transparent communication practices, dialogue shall remain a completely open process, and so on, which, in my opinion, indicate to open information and communication policy.

Another highlighted aspect in the Charter is the need to develop common understanding on each actor's respective roles, and the ACN has evidently paid attention to setting limits for public institutions. Besides providing description of the role of public institutions, there is also a set of articles grouped under the title "Obligations of public institutions". This section includes articles 11. Respect of Time and Obligation to give feedback, 12. Trust and Equal Dignity, and 13. Facilitation and Support Measures. On the top of that there are many articles posing demands to public institutions. For instance, for the efficient implementation of the Charter:

"Public institutions shall not deal with CSOs in a fragmented manner instead they have to set up horizontal departments and ad hoc structures for coordination the interaction between CSOs and public institutions."¹⁹⁷

In my opinion, most of the requirements for public institutions aim at creating a smooth working environment for CSOs, whereas the ones protecting autonomy of CSOs or citizens by stating that they should have a space of their own, are clearly in minority. Now, if we compare this situation to the theory of Cohen and Arato, according to which the protecting of the lifeworld is a as crucial task for social movements as is the exercising of political influence, there is a clear imbalance. Some statements of course serve both ends, for example in the article 12. is said:

"Public institutions shall formally recognize the autonomy and equal dignity of ACOs,

¹⁹⁵ Fazi and Smith 2006, 30

¹⁹⁶ in articles 3, 7, 8, 9, 11, 12, 13 and 18

¹⁹⁷ ACN and Fondaca 2006b, 7

as well as the importance of their role"¹⁹⁸

Completely different matter is that Cohen and Arato wouldn't probably approve setting these kind of responsibilities on the public institutions in the first place, let alone accept that CSOs should have a possibility for direct participation in entire policy-making process. If, instead, the demands of the ACN are reflected on Dryzek's thoughts, I would say that ACN strives for symbolical autonomy. As I understand it, the autonomy of civil society actors cannot be secured by setting limitations and obligations to the state actors nor by establishing rights of participation for CSOs in the state's processes, since the dominance of state imperatives cannot be resolved this way.

Along with passages and articles establishing the responsibilities and rights of each actor, the principle of horizontal subsidiarity begin to take shape. In the article 3. Role of Public Institutions is stated:

"Public institutions value and encourage ACOs' activities aimed at protecting rights, preserving and / or enhancing the common good and / or general interest ... Public institutions shall integrate the lessons learned from the best practises in their work standards"¹⁹⁹

Thus, in the Charter there are many features pointing at the horizontal subsidiarity: Right to participate throughout the whole policy process, and implementation of the best practices by the public institutions, among others. Also previously discussed intention to ensure the working space, and a sort of active political autonomy of CSOs within the EU polity, characterise this concept.

In "the Rethinking of the horizontal subsidiarity" the ACN offers practical examples of collaboration between CSOs and public institutions along the circle of policy-process. In Romania, two CSOs and 25 local authorities worked with project called "Promoting the Participatory Democracy in Romania", in order to develop consultation practices at local level. Citizens were consulted on priorities identified by the public authorities, and the result was that in some communities the priorities of public authorities were different from the priorities of the citizens. The ACN grants Romanian case as a typical example of horizontal subsidiarity, because citizens and institutions worked in partnership to improve

¹⁹⁸ ACN and Fondaca 2006b, 6

¹⁹⁹ ACN and Fondaca 2006b, 3

their cooperation.²⁰⁰ It seems to me, though, that in Romanian case the public authority acted as an agenda-setter.

Another example comes from Portugal, where a bunch of national CSOs were working to create "Code of good practice", which should be accepted and applied by CSOs, public administrations and public institutions nationally and locally. The driving force behind this project was a notion that Portugal is an underdeveloped country in terms of horizontal subsidiarity. The ACN names this as a perfect example of horizontal subsidiarity, provided the code is actually implemented.²⁰¹ Based on these and many other examples the ACN says that horizontal subsidiarity is a formalisation of practices already followed by many Member States and even by some European institutions. In fact, the ACN argues that the EU implements the horizontal subsidiarity especially through the promotion and the support of projects carried out by CSOs.²⁰²

It remains unclear, to what the ACN refers with the promotion and the support of projects. As noted earlier, there is lot of criticism towards the EU's project funding, and based on the earlier presented assessments, it does not seem to meet the criteria of horizontal subsidiarity. After all, the principle implicates that all CSO activities addressed to general interest, are to be favoured by public institutions.

"autonomous initiative especially when general interest can be better pursued with the collaboration between citizens' organizations and public institutions, because it requires the specific knowledge, know-how, experience and resources, is not or not satisfactorily pursued by public institutions yet, has not been clearly identified as general interest. Citizens do not replace the authorities but to act problem-solver and indicators." ²⁰³

The wording of this quote brings in mind Jänicke's functional definition of civil society. There are elements, where citizens' organisations are presented as complements of public institutions, as actors who patch the holes left by the authorities. Earlier I pointed out that judging from the passages of the ACN, the autonomy of CSOs appears to be somewhat symbolical from time to time. However, the above quote is delightful in the sense that it mentions the politicising of yet undefined general interests as one of the tasks for citizen's

²⁰⁰ Roffiaen 2003, 10

²⁰¹ Roffiaen 2003, 10

²⁰² Roffiaen 2003, 20

²⁰³ Roffiaen 2003, 14

organisation. This is also one of the rare occasions, where ACN mentions citizens as actors, and in addition states that they act problem-solvers and indicators. Although the role is narrow, it nonetheless contains duties important for the protecting of the lifeworld. And this is something that Cohen and Arato strive for.

Italy and Poland are the two European countries which have implemented the principle of horizontal subsidiarity in their constitution. In the constitution of Italy, the fourth section of Article 118 states:

"states, regions, cities, provinces and municipalities favor the autonomous initiative of citizens, as individuals and associations, in the exercise of activities of general interest, on the basis of the subsidiarity principle".²⁰⁴

There are two crucial aspects in this definition: the autonomy of citizens in pursuing the general interest and the obligation of public institutions to favour citizens' activities directed to general interest. To the ACN the principle of autonomy means "the right to carry out activities directed to the general interest, with out asking public authorities for any authorization or permit", and it is especially important when an activity can promote general interest, when a factual general interest either is not defined as being such or it is not pursued effectively enough by the public authorities.²⁰⁵ Favouring, on the other hand, signifies that authorities can not prohibit or obstruct the citizens' activities. On the contrary, they should create favourable conditions for them. As favourable conditions the ACN includes, for example, an access to free meeting places, reimbursement of expenses, financing, and informing associations on the actions they can undertake.²⁰⁶

The requisite about providing information is oddly formulated, though. To me it implies that public institutions have certain policies that *they* believe CSOs could execute. However, elsewhere in its writings the ACN positions itself starkly against this interpretation. Sometimes I, nonetheless, do have a feeling that the ACN hasn't been able to make its mind on the desirable scope of autonomy and rights of CSOs in relation to public institutions. The disagreement between ACN's statements can be illustrated whit the following quotes:

"CSOs are not entitled to replace the state but to act "as problem-solver and as

²⁰⁴ Roffiaen 2003, 6

²⁰⁵ Roffiaen 2003, 14

²⁰⁶ Roffiaen 2003, 11 and 15

independent indicators of neglected general interests."²⁰⁷

"ACOs shall have the opportunity to directly participate in the entire policy-making process; meaning that they shall be considered as one of the key players when setting the public agenda, when implementing the policy and when evaluating it."²⁰⁸

Consequently, it is difficult to pinpoint the model of democracy that ACN actually strives for. It must be recognised, though, that a part of this contradiction might be due to the different nature and purpose of the documents.

In Poland the horizontal subsidiarity is quoted in the constitution and in national laws. The preamble of the constitution from the year 1997 states:

"We, the Polish Nation (...) hereby establish this Constitution of the Republic of Poland as the basic law for the State, based on respect for freedom and justice, cooperation between the public powers, social dialogue as well as on the principle of aiding in strengthening the powers of citizens and their communities."²⁰⁹

According to the ACN, "aiding" does refer to the principle of subsidiarity in Polish, official translation of the constitution in English failed to take notice the context of the term²¹⁰. The constitution pursues to strengthen the citizens and communities, following, among others, the guidelines of subsidiarity. Whether the subsidiarity is understood by its horizontal, vertical or by both dimensions, the emphasis should be placed on supporting the actions nearest to the grassroots. However, a word autonomy or self-determination is not mentioned, thus, the practical meaning of this preamble depends, in the end, on interpretation of subsidiarity. If it is conceptualised as being strictly vertical, strengthening might turn out to be from top to down addressed empowerment of citizens, the actor being public powers.

The application of horizontal subsidiarity has been recently clarified in a law on Public Benefit Activity and Volunteerism adopted in 2003. It regulates the implementation of public benefit activities by NGOs. The ACN sees it interesting in five perspectives:

- 1) It defines a public activity as "an activity that is socially useful and is performed by non-governmental organisations in the fields of public tasks mentioned in the Law".
- 2) It lists 24 fields, within which these activities can be carried out. The list can be

²⁰⁷ Roffiaen 2003, 14

²⁰⁸ ACN and Fondaca 2006b, 3

²⁰⁹ Roffiaen 2003, 7

²¹⁰ Roffiaen 2003, 7

extended by a decree of the Council of Ministers.

3) It lists possible forms of cooperation between the public administration and NGOs carrying out public benefit activities: NGOs can take an initiative in public tasks and have a partial or total funding after call for tender from the public administration, a consultation of NGOs regarding legislative projects, a creation of teams composed of representatives of NGOs and of relevant public administration bodies, to name few.

4) It specifies that the above-mentioned cooperation is to be implemented on the basis of the principles of subsidiarity, in other words, honouring an independence of each party, partnership, effectiveness, fair competition and transparency.

5) It provides that the local governments adopt an annual program of cooperation with NGOs.²¹¹

The second point causes concern, for based on the earlier mentioned examples and definitions, the right to extend or modify the list should be granted also to CSOs. I find it surprising that the ACN does not bring this up, since the list restricts the applicability of the first point. The third point does not seem too convincing either, because such an ambivalent method as consultation is mentioned as a potential, not a compulsory form of cooperation. Nonetheless, the ACN assesses this law as a positive one, because it defined the principle of horizontal subsidiarity in detail, which gives concrete measures for its application. The negative aspect of this law is, that contrary to the constitution, it does not address the initiatives of individual citizens.²¹²

The research by Fazi and Smith shows that the reality of CSOs is not very rosy neither in Italy nor in Poland. In Italy the government is not interested to hear the opinion of civil society. Personal relations count the most, and there are certain organisations who along the years have developed close relations with authorities, and are therefore consulted even on issues that they are not specialists on.²¹³ Poland is a very tricky country for CSOs. The interviewees say that Polish government "has no habit or tradition of working with NGOs". Funding is available only for service provision and it is mostly project-based. Such being the case, they have very limited resources and unfriendly environment.²¹⁴

To conclude, I want to point out that although the horizontal subsidiarity in many ways

²¹¹ Roffiaen 2003, 7-8

²¹² Roffiaen 2003, 7-8

²¹³ Fazi and Smith 2006, 75

²¹⁴ Fazi and Smith 2006, 80-81

goes beyond civil dialogue, they also share some features. Both participation channels, or frameworks, seek to offer civil society more than information and communication. The relationship between civil society actors and public institution should be based on mutual recognition and responsiveness. They pay attention to whole policy-making process, and stress CSOs acting in the public interest. In the ensuing chapters, I will, nonetheless, concentrate on conceptualising the horizontal subsidiarity based on the ACN's documents.

5.2.2. The horizontal subsidiarity and its implications to democracy

Subsidiarity principle is a central concept in EU framework. As stated before, in most of the cases the concept refers only to vertical subsidiarity, which sets guidelines determining how the administrative competence in the EU hierarchy is divided between different levels of authorities. The government closest to citizens is entitled to be preferred, since they are the most familiar with the citizens' needs and problems. What comes to the exercising of supranational authority, it is to be used through providing support and using the concertation method only on issues that craves for supranational coordination. This picture, notwithstanding, excludes citizens and their groupings from the planning, decision-making, implementation and evaluation of the European public policies.²¹⁵

Both the vertical and horizontal subsidiarity rely on the application of the cooperation principle, and favour initiatives of lower governments and / or citizens' organisations. These principles should be applied simultaneously to maximise the benefits of common actions, because the wider the collaboration is, the more efficiently the policy objectives can be reached.²¹⁶ During the drafting of the Rethinking of the principle of subsidiarity, many participants suggested that the horizontal subsidiarity could be called as governance, participatory democracy or civil dialogue. Governance is, however, too ambivalent term, and participatory democracy does not express clearly enough that citizens not only need to be consulted by institutions, but that they are entitled to take autonomous initiatives as well.²¹⁷ The problems related to civil dialogue are already discussed, and in fact, they appear to be similar with the ones of governance and participatory democracy.

²¹⁵ Roffiaen 2003, 13

²¹⁶ Roffiaen 2003, 21

²¹⁷ Roffiaen 2003, 23

The emphasis put on participation throughout the whole policy-process led the ACN to recommend that the principle should actually be called *circular* subsidiarity. The relationship between citizens and institutions must be permanent, and the initiatives of the former has to induce the activities of the latter party, creating a virtuous circle of democratic policy-process. The efficient use of resources, knowledge and competence of each partner is essential for the optimal realisation of the public interest.²¹⁸ Despite of the descriptiveness of the name circular subsidiarity, it can be misleading as well. When the term is compared with the horizontal and vertical dimensions, it might bring in mind that circular subsidiarity is something connecting these two terms. I would rather say that circularity is one of the attributes of horizontal subsidiarity. Thus, the word horizontal expresses the circular nature of this concept.

Whatever one might think about the choice of words or terms, the circularity of the horizontal subsidiarity is, nonetheless, a really interesting feature, which actually got me interested in this principle at the first place. Implementing the lessons learned from the projects initiated by CSOs in regulations and / or legislation, is the most innovative part of the concept. At its best, it can ensure CSOs' impact on politics in terms of policy inclusion, as opposed to the state inclusion. Obviously, the circularity alone cannot protect CSOs from the state inclusion, but the prerequisite of autonomy must be added to it. Moreover the horizontal subsidiarity has awaken me to wonder whether democracy theorists concentrate too much on decision-making at the expense of the rest of the policy-process.

One illustrative example of circular subsidiarity comes from Sweden, where a CSO called Kvinnoforum cooperated with some 50 different public actors and authorities to develop methods, to increase the opportunities for women from marginalised groups to enter the labour market. One goal was to disseminate the experiences, approaches and methods found along the project, and to give recommendations to the government. Therefore, the cooperation with a wide range of different public actors was in essential role in the project, in order to ensure the implementation of the results within welfare systems. The project turned out to be a success in terms of both the amount of employed women and the practices and methods developed that the public institutions started to use. The funding pattern was interesting as well. Kvinnoforum was the one who initiated the project and carried the responsibility of realising it, whereas the Ministry of Industry provided the

²¹⁸ Roffiaen 2003, 15

overall funding, whilst running of each individual project was financed by the partners, who were to implement the project's results.²¹⁹

Thus, from the beginning the public institutions at different levels were committed to the project, but more importantly, based on the given information it seems that the autonomous initiative of a CSO had significant impact on policies of public institution without submitting itself to state imperatives.

Quite naturally, there are also problems related to the concept, and to its application. The problems and their possible solutions were discussed in the seminars, that took place both in national and EU level along the Rethinking of the subsidiarity -project. The principal concerns of the participants dealt with the definition of general interest, ensuring an equal relationship between public institutions and CSOs. The equal relationship seems, in practice, to mean avoiding the risk that public institutions might try to use CSOs as their policy-implementation tools, or transfer their duties to the shoulders of CSOs. Both problems can be approached from the perspective of democracy, or rather, of the role of CSOs in democracy.

Identification of the general interest was considered as one of the most controversial, and, at the same time, the most innovative issue related to the horizontal subsidiarity. The ACN points out that usually public institutions are considered to be entitled to define general interest based on the authority gained in elections, whereas citizens and CSOs are sometimes considered to pursue their own interests, and therefore to be unrepresentative. However, legitimacy does not exclusively result from direct elections, especially when political participation is decreasing. The legitimacy of CSOs derives, for instance, from their power to produce meaningful information and interpretations for and about the needs and problems of the people, their capacity to solve problems, and to create new tools of analysis and evaluation.²²⁰

The ACN reminds that the horizontal subsidiarity does not give citizens right to brake law, although it stipulates that individuals by themselves can define the general interest they want to promote. In the case of disagreement, the ACN relies on judges and on national and international law, especially fundamental laws, to identify general interests. Laws and

²¹⁹ Roffiaen 2003, 17-18

²²⁰ Roffiaen 2003, 18-19

regulations also limit the citizens' autonomy, so the power of citizens will mainly reside in their right and ability to interpret the constitution's principles and to decide the actions necessary to implement them.²²¹ It is interesting that the ACN does not in any phase ponder the source or origins of laws. I feel that in some respects the ACN has same kind of views than Cohen and Arato. It, for example, states that "in the case of conflict, the public institutions and the courts will have to decide which of the general interests at stake should be privileged"²²². However, unlike Cohen and Arato, the ACN seems to take laws as given.

As to the risk that CSOs are used by public authorities as instruments to implement their policies and aspirations, the ACN uses the risk to highlight the fact that the funding of CSOs is not an essential aspect or aim of the horizontal subsidiarity. The autonomous initiative of CSOs and the pursuing of general interest imply that public authorities cannot justify the transfer of their services or responsibilities to the CSOs with the principle of horizontal subsidiarity. This would be in stark contradiction with the philosophy of the principle built on the cooperation between citizens and public institutions.²²³ The article 12. Trust and Equal Dignity in the Charter deals with this. It moreover lays down the non-discrimination principle, which tackles with the selectiveness practised by public institutions.²²⁴

When looking at the horizontal subsidiarity from the perspective of democracy, one problem is that the ACN does not define its use of the word democracy. What does it mean by mentioning democratic life and democratic structures. Its contradictory statements about the rights and limitations of CSOs in politics were elaborated in the previous chapter. I have come to think that fundamentally the ACN does honour the limits of representative system - if not quite to the same extent than Cohen and Arato, for example. On the whole, the Rethinking of the principle of subsidiarity is by no means radical in its statements about democracy, and although most before mentioned discrepancies appear in the Charter, in its preamble the ACN nonetheless states that the imposed role of CSOs does not compromise the role of the public institutions or democratic representation in the EU.

"The activity of Autonomous Citizens' Organizations is rather meant to integrate

²²¹ Roffiaen 2003, 18-19

²²² Roffiaen 2003, 11

²²³ Roffiaen 2003, 21-22

²²⁴ ACN and Fondaca 2006b, 6

European institutions' actions and to enrich democratic life with new energy"²²⁵

Thus the ACN does not put the democracy of the EU in question, instead, it wants to provide new energy to already existing political structures.

While analysing ACN's utterances, I have tried to reflect them to the thoughts of Dryzek. One way to look at this is to recall the negative and positive dimensions of horizontal subsidiarity (see the page 27). The ACN's views represent the positive dimension, which means that "superior power" must support actions aimed at achieving "ends necessary for the dignity of human beings". Positive dimension implicates active public institutions and a possibility of cooperation to promote general interest or dignity of human beings. Negative subsidiarity, on the other hand, is described as follows: "The state should not violate freedom and individual responsibility ... , which must be respected in a maximum degree." I believe that this sentence follows better Dryzek's line of thinking. However, that is not to say that Dryzek would be a liberal democrat, although I earlier argued negative subsidiarity to be distinctive to them.

I would imagine that for Dryzek preferring the negative dimension would rather be an expression of a concern over the autonomy of civil society actors, than of an obsession over negative freedom and pre-defined basic rights of individuals. After all, Dryzek prefers states exercising a passive exclusion of civil society actors due to the fact that civil society and the public sphere must remain realms independent from the state. In my opinion, the horizontal subsidiarity notwithstanding has some features that link the concept to inclusion in politics. The case from Sweden showed that a CSO can have a significant impact on politics, while acting autonomously within civil society. It is, nonetheless, hard to make well-justified judgement between these two types of inclusion, because I haven't found good explanation from Dryzek's writings clarifying the difference between inclusion in politics and in state.

There is still at least one interesting topic to be found in the documents of the ACN, namely the question of the relationship between the CSOs and citizens - in other words, the issue of intermediation. The Charter provides a base for a relationship between public authorities and CSOs, but it also take a stance on the role of citizens, the central theme in Barber's theory.

²²⁵ ACN and Fondaca 2006b, 2

"Each individual has the right to actively participate, through Autonomous Citizens' Organizations (ACOs), in public life."²²⁶

"ACOs shall promote the interests and aspirations of citizens, conveying them to local, national and EU policy-makers ---. ACOs shall provide citizens with concrete opportunities to work together and participate in the construction of the EU through European national and local projects."²²⁷

First quote is from the Right to Participation, and the latter from the Responsibilities of Autonomous Citizens Organizations.

So, does the ACN want to give monopoly to politics to CSOs? What makes this question all the more interesting is that in the Report on consultation results of the Charter, there are many remarks made about the non-existence of citizens as independent actors.²²⁸ There is, for example, one general comment pointing out the fact that

"ACOs should avoid the auto-referentiality, meaning that they should always bear in mind that their objective is to help citizens not themselves as organisations."²²⁹

and another commenting the quote with reference number 226 as follows:

"Individuals should have the right to participate in public life, whether or not through organisations."²³⁰

Moreover, according to CSOs' feedback, the Charter is welcomed, because it will be a guide for CSOs and public institutions to help respecting citizens' right, and because it creates an open access to policy making²³¹. Thus, citizens are not forgotten.

However, the issues of citizens' participation is not without controversies. One respondent asked, why CSOs should have a responsibility to promote a greater European awareness²³², and another suggested that the amount of participating actors should be limited and a priority given to umbrella organisation for the sake of efficiency. To the latter notion the ACN answered that the political participation is always an intrinsic right of citizens²³³. This is quite telling point of view, although it seems to be in contradiction with the contents of the Charter. To be frank, in the beginning of the Charter it is stated that it only deals

²²⁶ ACN and Fondaca 2006b, 3

²²⁷ ACN and Fondaca 2006b, 4

²²⁸ It is worth keeping in mind that the comments and quotes taken from the Report on consultation results of the Charter, are made by other CSOs than the ACN, if not otherwise specified.

²²⁹ ACN and Fondaca 2006a, 4

²³⁰ ACN and Fondaca 2006a, 5

²³¹ ACN and Fondaca 2006a, 2

²³² ACN and Fondaca 2006a, 5

²³³ ACN and Fondaca 2006a, 3

with CSOs and not with citizens. Nonetheless, I cannot help feeling that ACN sees CSOs as intermediating channel between the EU and its citizens. It does not mean that citizens wouldn't be allowed to participate directly, but at least direct participation is not encouraged.

ACN's conception of the role of CSOs imposes heavy responsibilities on them, in particular when bearing in mind Justin Greenwood's experiences on big, confederated umbrella organisations, which in some cases have lost contact with the grassroots level. The democratic quality of CSOs is put into question already, and if the horizontal subsidiarity should become as a practise, CSOs would probably have a double-burden in trying prove themselves to the authorities. The ACN does not speak much about the legitimacy of CSOs, instead, it has defined their responsibilities in the Charter as follows:

- CSOs have the responsibility to contribute to the promotion of a greater European awareness among citizens and to increasing people's participation in the Union's democratic right.
- Accountability towards their members and their constituency at large.
- Transparency, especially on financial matters and when beneficiary of public funds and/or citizens' contributions.
- Independence from other actors (such as trade unions, political parties and the institutions themselves) whose role they shall not take on.
- Democracy in their structure and procedures.²³⁴

In addition, the ACN states that ACOs shall adopt Code of Conduct, and according to the minimum standards of transparency publish all the imaginable facts about their structures and actions.

The ACN has also drawn up criteria for involving CSOs in policy-making processes. The purpose of these guidelines is to help public institutions to identify CSOs with which they should collaborate. However, the set of criteria is flexible and context-specific, thus the selection has to be realised through open consultation process, in which CSOs can take part.²³⁵ The ACN argues that since all activities promoting general interest are entitled to be favoured, the choice of partners should be made based on evaluation of the effectiveness of the activities carried out. According to the ACN, this would enhance

²³⁴ ACN and Fondaca 2006b, 3

²³⁵ ACN and Fondaca 2006b, 7-8

equality among CSOs, who are participating in the implementation of the public policies. In fact, it suggests that effectiveness of implementation could be used as a criterion of representativeness of a CSO.²³⁶

Fazi and Smith raise important issue, when casting a doubt over CSOs capability to live up the horizontal dialogue they seek. They suspect that if dialogue would increase in cross-cutting issues, organisations would probably face numerous obstacles, while trying to take part in all relevant processes. More participation does not necessarily mean better participation.²³⁷ I have the feeling that ACN does not problematise enough the role of CSOs, nor does it pay sufficient attention to the relationship between citizens and CSOs. Benjamin Baber could very well ask that if CSOs are meant to mediate between citizen and the EU, what prevents citizens to become as mere objects once again?

5.2.3. Is there a European public sphere?

One of my aspirations is to find out how the Commission and the ACN conceptualise the public sphere - what is the function of it, and who are the actors in the sphere. As stated in the end of the chapter concerning the public sphere, the concept is many ways theoretically intractable. I hence hope that along the analysis I will be able to pinpoint some features and functions that are considered to be essential for the European public sphere. In the case of the ACN, studying its conception on the public sphere might also help to reach deeper understanding on the autonomy of CSOs in relation to public authorities, and on the position of citizens in politics. I will also look into whether the horizontal subsidiarity and the public sphere converge at some point.

The first challenge is to find a public sphere from ACN's statements, for the term is never spelled out in the documents. However, the ACN do use expressions such as European democratic space and public life, which, depending on the context, can be interpreted as a public sphere. Moreover, it will be interesting to look into the linkages between the horizontal subsidiarity and the public sphere. Below is, nonetheless, presented examples of passages pointing to a public sphere.

"The Charter contributes to the building and development of the European democratic space through the collective exercise of citizens' rights, already

²³⁶ Roffiaen 2003, 11-12

²³⁷ Fazi and Smith 2006, 43

guaranteed as recognised fundamental rights, by ACOs".²³⁸

"public life refers to situations and places where issues of general interest are dealt with, including the fields of action addressed by Public institutions."²³⁹

The concept of public life seems to include also the public sphere, although it also refers to a polity as a whole, and thus to all institutions involved in policy-process. The quote is from the article 2. Right to Participation, in which is stated that citizens has right to participate in public life through ACOs. The quote in question gives an interesting perspective to the public sphere, it seems that citizens are not independent actors either in there. Public life is so broadly defined, though, that it might be impossible to draw valid conclusions about the public sphere from it.

Some statements, for instance the very first one in this chapter, indicate that the ACN sees CSOs playing a part in the creation of the public sphere. An interesting example illustrating this, is the article 8. Right to Access, which stipulates that CSOs are entitled not only to an access to information and documentation, but also

"to the spaces where citizens' rights, common goods and general interests are at stake, in order to verify their respect and actual fulfilment".²⁴⁰

The quote quite clearly refers to a public sphere, where CSOs are central actors, but it also reveals something about the functions of it. Verifying respect and fulfilment of citizens' rights, bear a close resemblance to the duties related to protecting the lifeworld and creating censors for it. Both are actions, which Cohen and Arato describe as the central functions of the public sphere. According to them, public spheres are needed both within civil society and in the systemworld, so the lifeworld can be protected and the systemworld watched over.

Another function of the public sphere is to keep citizens informed. For instance, if the article 4. Responsibilities of Autonomous Citizens Organisations was put in practise, it would presumably mean a setting up European public sphere, for

"ACOs have the responsibility to contribute to the promotion of a greater European awareness among citizens and to increasing people's participation in the Union's democratic life."²⁴¹

²³⁸ ACN and Fondaca 2006b, 2

²³⁹ ACN and Fondaca 2006b, 3

²⁴⁰ ACN and Fondaca 2006b, 5

²⁴¹ ACN and Fondaca 2006b, 3

While trying to reach these goals, CSOs almost inevitably contribute to the European public sphere. Awareness-raising activities can include, for example, advertising campaigns, public debates, setting up information points and internet forums, blogging etc. Moreover, since the purpose is to increase participation of individual citizens, the means and methods used would at least to some extent be interactive, which enables citizens to become as subjects. Perhaps I'm painting too rosy picture, but I find Barber's statement that citizens must be granted a possibility to make decisions in order to motivate them, intuitively appealing. I realise that Barber was referring to channels for direct participation in politics, but there is no reason why the same logic wouldn't apply to actions of CSOs as well.

The statements of ACN fits also to Dryzek's definition of the public sphere. CSOs, as ACN sees them, are definitely both civil society actors and political actors, and thus by definition, a part of the public sphere. There is also a clear orientation towards the EU, and willingness to promote progressive values, as Dryzek puts it. However, as said earlier, there are few things, which Dryzek would have hard time swallowing. In my opinion, they can be summed up as problems concerning the authenticity of participation. After Dryzek, increasing the authenticity of participation is the dimension of democratisation, to which the public sphere can contribute the most. However, the above mentioned protection of the lifeworld probably does promote this aspect. By providing a shield, and by acting as a watch-dog, it is possible to create conditions for citizens autonomous and effective participation.

Broadly speaking, the whole Charter can be seen as ACN's contribution to the construction of a European public sphere. The ACN describes the Charter by saying that the strength of the document lays in its implementation, and that the Charter must be understood as an ongoing process of deliberation and discussion between a variety of actors²⁴². Likewise, the formulation of horizontal subsidiarity was a discursive and participatory process, connecting a wide range of actors. The following description implies that the Rethinking of horizontal subsidiarity -project succeeded to politicise the concept, for the process involved more than 500 people, members of CSOs, European Convention, representatives from EU, trade unions, scholars and journalists, and it was supported by the Secretariat General of the European Commission²⁴³.

²⁴² ACN and Fondaca 2006b, 2

²⁴³ Roffiaen 2003, 3-4

"These seminars have been an occasion for the participants to become aware of the fact that even in the countries where horizontal subsidiarity does not exist, which are the majority, this principle could be useful to interpret many of the activities carried out by citizens' organizations and to enhance the collaboration with public institutions."²⁴⁴

Going back to the practical examples of the horizontal subsidiarity might tell us something about linkages between the horizontal subsidiarity and public sphere. It is regrettable, though, that there is quite little information provided about those examples. I'd like to choose, again, the project run by Kvinnoforum, add some imagined elements to it, and then interpret it from the perspective of public sphere. This is not as far fetched as it may sound, because the hypothetical part, the methods used, is based on my own experiences about ways which (some) CSOs in the social sector run projects. Undoubtedly, with the project was created spaces for previously marginalised groups of women, these spaces being the local projects, which all had the same fundamental objective. Now begins the purely hypothetical part: these projects were carried through in participative manner, so that the local women were encouraged to bring their own experiences and opinions to the public discussions. The groups deliberated on, for instance, what would help them to get employed. Also some public officials and entrepreneurs were engaged in discussions. Back to the reality: Kvinnoforum managed to convey the lessons learned along the projects in the official welfare-system, and thus the hypothetical input of the women had an impact on political level. Moreover, the project evidently promoted the social integration of depressed groups, which is an aspect stressed by Habermas.

The example shows us that in order to the horizontal subsidiarity to work ideally, CSOs need to get in contact with the grassroots level, and ask what the people feel, think and want. Otherwise they cannot identify new general interests, nor come up with the projects and initiatives responding to those interests. The circular nature of horizontal subsidiarity brings in mind the public sphere and its role in democratisation. Protecting the lifeworld requires, among others, monitoring and evaluating of the politics, in which phases the ACN wants CSOs to play part. An evaluation of a good quality provides that CSOs get in contact with their possible member organisations, and in the end with individual citizens, in order to verify whether this or that policy has worked in practise. If something needs to

²⁴⁴ Roffiaen 2003, 4

be rectified or adjusted, discussions with the affected and negotiations with the officials must take place. Even though a citizen wouldn't meet representatives of public institutions face to face, there is communicatively formed linkage between them.

Thus, there are features in the horizontal subsidiarity that enable the emergence of public sphere. The horizontal subsidiarity has potential to increase discussion on societal issues, and to involve individual citizens as part of the process. It also seems especially suitable for extending the scope of issues brought under democratic control, because one of the ACN's aims is to facilitate politicising of yet undefined general interests. The aspect missing from the horizontal subsidiarity, as already stated many times, is the power of individual citizens to directly participate in politics. After all, both Barber and Dryzek want citizens to represent themselves. Cohen and Arato in their part emphasise plurality, which I think is best secured, when citizens are provided with channels for political self-expression. In fact, I feel that in order to legitimise the political impact that the ACN is seeking for CSOs, one of its aims has to be the constructing of public spheres. Where else the practical experiences are formulated into political preferences, and public opinion grounded on the social reality.

However, according to Dryzek, procedures like the horizontal subsidiarity face the risk that discourses formed in the public sphere are considered contradictory to the state imperatives. Hence, if the aim is to collaborate with the state and run projects or initiatives together, the risk of getting overrun by the state is considerable. Dryzek seems to be a bit vexed that even the participatory democrats like Benjamin Barber take it for granted that the state is the target of their concerns. On the contrary, he thinks that the imperatives of capitalist state, and the structures they create, make it almost impossible to achieve a democratisation of the state. States must keep civil order, compete internationally, induce investments, compensate the side effects of the market economy by acting as welfare states and thus secure the finance of the welfare.²⁴⁵ Although the political orientation of the actors in public sphere must be towards the state (since at the moment it is the instance making collectively binding decision), there is no point seeking to share its power. Against this picture, it is easier to understand why Dryzek fears that CSOs become swallowed by state.

²⁴⁵ Dryzek 1996, 36-46

Earlier I complained that based solely on Dryzek's writings, it is hard to make a difference between the state inclusion and inclusion in politics. This division can, notwithstanding, be studied by combining the horizontal subsidiarity and the public sphere. At its best, the horizontal subsidiarity is an efficient way for civil society actors to influence on politics throughout the whole policy-process, whereas the existence of an autonomous public sphere can act as a safeguard guaranteeing the policy inclusion does not turn into a state inclusion. In order to be realised, this vision provides that CSOs intermediating between public institutions and citizens are, on the one hand, strong enough to supervise the former, and on the other, transparent enough to convince the citizens that they are acting in accordance with the public opinion formulated in the public sphere. Moreover, there should be channels for direct participation of citizens to complement the structure of double-representation.

Using Dryzek's terminology, the horizontal subsidiarity can be considered as a discursive design, whose purpose is to mediate the public opinion formed communicatively in public sphere, to the system making the collectively binding decision. Although the horizontal subsidiarity is far more formalised framework than discursive designs, which are little more than aside in Dryzek's texts, the ACN's conceptualisation leaves room for context-specific procedures and practises.

5.3. The Documents of the Commission

Before going into the Commission's documents, I'd like to remind that the Commission includes also the representatives of business interests in civil society. Thus, the terms civil society, civil society actor etc. appearing in the Commission's quotes differ contents-wise from the previously used concepts. I will, nonetheless, use these terms coherently throughout the whole thesis.

I will briefly present the chronology of the Commission's communication policy initiatives:
October 2005 - "The Commission's contribution to the period of reflection and beyond. Plan-D for democracy, dialogue and debate"

Plan-D was formulated to create a long-term political framework for listening the European citizens and giving them a voice. Any vision of the future of the Europe needs to build on a clear view on citizen's needs and expectations.

February 2006: "White paper on a European Communication policy"

The purpose of White Paper is to implement a partnership approach to the EU's communication policy. It identifies five key areas for the improvement of the EU's communication policy: defining common principles, empowering citizens, working with the media and new technologies, understanding European public opinion, and doing the job together.

May 2006: "Citizens' agenda - delivering results for Europe"

Citizens' agenda presents concrete policy proposal derived from debates and conferences initiated by Plan-D.

May 2006: "Communication on the period of reflection and Plan-D"

The follow-up document of Plan-D provides the synthesis derived from the national debates held during the period of reflection, with particular reference to the lessons learnt from Plan-D.

October 2007: "Communicating Europe in partnership"

This document uses the results produced in the processes launched by Plan-D and White paper to consolidate the current activities of the EU institutions, and to formulate a set of concrete proposals.

5.3.1. Citizens in the EU polity - subjects, voters or participators

In order to find out how seriously the Commission pursues to increase the citizens' role in the EU decision-making, it is vital to find out whether the public sphere and citizens' participation are linked to the democratic quality of the EU in its statements. The first question to be asked is thus: Where does the Commission stand when it speaks about democratisation of the EU, promoting citizens participation, or about forming partnerships to diminish the democracy deficit of the Union?

"Faced with declining confidence in political systems, the Commission believes that it is important to ensure that representative democracy continues to maintain the trust and involvement of Europe's citizens."²⁴⁶

"Communication is essential to a healthy democracy. It is a two-way street. Democracy can flourish only if citizens know what is going on, and are able to

²⁴⁶ COM(2005) 494 final, 5

participate fully".²⁴⁷

As was to be expected, the Commission supports representative democracy. However, the issue of citizens' participation must be taken into closer scrutiny. Also the question, what does the "full" participation of the citizens mean within the representative framework, needs to be sorted out. It is useful to recall Michael Brüggemann's figure, which suggests that the symmetric communication, open information policy and a dialogue are the premises of deliberative policies, and to evaluate the Commission's statements against that background.

"Ultimately, Plan-D is a listening exercise so that the EU can act on the concerns expressed by its citizens. The objective of the Commission is to stimulate this debate and seek recognition for the added value that the EU can provide. The democratic renewal process means that EU citizens must have right to have their voices heard."²⁴⁸

The above mentioned quote brings up one of the prerequisites of any democratic system; listening to citizens, hearing their voice. When listening citizens is mentioned as a renewal, though, it does not exactly flatter the current model of democracy. I'm also bit concerned about the message that the quote is sending by placing citizens' debate about their political concerns and the Commission's aim to get recognition for the EU policies in the same sentence. It gets me wondering, whether the Commission has an intention to act as an agenda-setter in debates, although they should deal explicitly with citizens' concerns. In my opinion, these debates are illustrative example of an information strategy based on justification, and occasionally on marketing as well. In particular, expressions such as "seek recognition for the added value that the EU can provide" caught my attention.

"The European citizen is entitled to expect efficient, open and service-minded public institution. The Commission therefore supports increased transparency at all levels in the European institutions. ... This ensures presentation of the main proposals and opening to the public of votes an explanation of votes."²⁴⁹

"[communication] has focused largely on telling people what the EU does: less attention has been paid to listening to people's views. Though consultation mechanisms have become standard practice, these are limited to specific policy initiatives and citizens often have the impression that the channels through which they

²⁴⁷ COM(2006) 35 final, 2

²⁴⁸ COM(2005) 494 final, 4

²⁴⁹ COM(2005) 494 final, 9

can take part in the debate are limited or inaccessible."²⁵⁰

On the account of these quotes, it seems that the Commission has understood the significance of an open information policy. Accessibility of documentation is emphasised in various contexts, and even the need to publicly justify the decisions taken and the votes given within the EU policy-making systems is mentioned. The Commission has also recognised some of the problems related to the consultations mechanisms. For instance, in the White Paper it admits that the Minimum standards for Consultation should be reviewed to ensure the balance between interest groups, and to increase more responsive follow-up²⁵¹.

Real catch-word of these documents is notwithstanding a dialogue. The Commission does not just want to open its archives and enhance the consultations, but to commit itself in dialogues and debates. Nonetheless, as Brüggemann states, as an instrument of information policy, a dialogue can mean anything from being interactive tool of political marketing to forming an element of deliberative democracy²⁵². The Commission understands this as well, and in many occasions it emphasises "genuine" dialogue, or put it as follows:

"The European Commission is therefore proposing a fundamentally new approach - a decisive move away from one-way communication to reinforced dialogue, from an institution-centered to a citizen-centered communication."²⁵³

This statement should please also CSOs, who have argued that the lack of information is possibly even more severe than the lack of democratic legitimacy. For example, Fazi and Smith demand that the Commission should set up awareness-raising activities and communication channels, which really meet the needs of target audiences. They suggest that single web-based access point of information would be a good way to start with. The already existing web-page "Your Voice in Europe" is a step to this direction, but according to Fazi and Smith, it remains largely unknown, and top of that, open consultations are not always shown in the front page.²⁵⁴

Another much used word in these documents is debating, whose aim in most of the cases is to inspire citizens to become politically active and / or to inform them on European issues.

²⁵⁰ COM(2006) 35 final, 4

²⁵¹ COM(2006) 35 final, 8

²⁵² Brüggemann (2005), 64

²⁵³ COM(2006) 35 final, 4

²⁵⁴ Fazi and Smith 2006, 40

In order to achieve these goals, the Commission wants to engage all European political authorities in the debates with citizens.

"The initiative of the Commission seeks to inspire EU citizens to become politically active in the debate on the future of Europe; to publicize the added value that the EU brings; and to encourage government, political parties and opinion formers to place the issue of Europe at the forefront of public consciousness"²⁵⁵

Taking part in debates should not be the only participation channel for citizens. The theories presented in the third chapter suggest that one essential function of the debates and discussions of citizens is to form a public opinion. However, the above shown passage implies that authorities; government, political parties and some undefined opinion formers; should play a part in the process. This reminds me of the observation made by Jürgen Habermas, who found that the reason, for which the bourgeois public spheres were dissolved was, among others, commercial interest and political propaganda taking over the public opinion.²⁵⁶ Thus, if the aim of the Commission is to listen to the public opinion and to move to the citizen-centred communication, the citizens should be able to define contents and topics they want to elaborate. The Commission, however, cannot resist the temptation to bring up some topics for the national debates taking place within the framework of Plan-D. It hence tries to act as an agenda-setter, as presumed earlier.

"The national debates ... should focus on how Europe is addressing issues such as jobs, the economy, transport, the fight against terrorism, the environment, oil prices, natural disaster or poverty reduction in Africa and elsewhere. The results of these debates should help European institution to better define its priorities"²⁵⁷

The top-down approach apparent in the last two quotes can be found elsewhere as well. Although much is said about listening the citizens, and even about creating them a sense of ownership over the EU's policies, in practice the goal seems to be to increase or to maintain their trust on, and involvement in the representative democracy. No complementary models to the representative democracy is offered. For instance, in the White paper there is a chapter titled "Empowering citizens" (named as one of the five key areas in which different political actors should work in cooperation), within which the Commission specifies three activities; civic education, connecting citizens with each other

²⁵⁵ COM(2005) 494 final, 7

²⁵⁶ Habermas 1989, 175-177

²⁵⁷ COM(2005) 494 final, 5

and connecting citizens with institutions; in order to to achieve the goal.²⁵⁸

Although civic education is one way to promote active citizenship, nowhere in the Commission's documents is brought up a possibility to establish direct channels for citizens to impact on policy-outcomes. Benjamin Barber has stated that the practices of participative democracy are integral part of civic education serving strong democracy. The other two dimensions of civic education, formal pedagogy and activity in the private sphere, are best utilised when people already have power to make decisions. According to Barber, the thirst for knowledge, and a capability to the public communal thinking seem rather to follow, than to cause political activity and commitment.²⁵⁹ Based on Barber's view on civic education, one might ask for what are the citizens empowered, if they do not have any political power to contribute to the substantially important issues.

While studying the Commission's views on empowering the citizens, invigorating dialogue, enhancing communication and so forth, I sometimes get the feeling that the real aspiration is to get citizens to support a structure or project already defined for them, instead of allowing citizens to participate in constructing of a more democratic and participatory Union. I find the next quote telling - should the aim really be creating new consensus on the European project, or rather creating new European project on the consensus?

”The current crisis can be overcome only by creating a new consensus on the European project, anchored in citizen's expectations.”²⁶⁰

”In order to deal with the perceived lack of legitimacy and involvement of European citizens in the political systems there is a need to further enhance their sense of participation and involvement in the European ideal at all levels”²⁶¹

These quotes demonstrates an interesting choice of wording apparent throughout the documents. The Commission carefully avoid using terms like European policies or European polity when speaking about citizens' participation. Instead, it uses ambiguous concepts such as European project or European ideal.²⁶² Can the citizens' act as the source of public opinion, let alone be a part of decision making, if they are allowed to pose their

²⁵⁸ COM(2006) 35 final, 7

²⁵⁹ Barber (1984), 233-236

²⁶⁰ COM(2005) 494 final, 3

²⁶¹ COM(2005) 494 final, 9

²⁶² These terms were mentioned ten times in the research material.

demands only on some undetermined European project? When going back to Brüggemanns' figure, using these labels or symbols could be called political marketing.

Consequently, it is easy to see why Beate Kohler-Koch is inclined to pessimism, while evaluating the possibilities for widening of civic participation in the EU. She states that participative democracy appearing in the Commission's documents and statements has features of steered discourse. The Commission has very often a patronising attitude towards citizens and CSOs, and it also exaggerates the capacity of its procedures and initiatives to promote democracy.²⁶³

However, more positive insight to citizens' participation is offered by "Communicating on the period of reflection and Plan-D", which ties together lessons learned from the processes started by the Plan-D, and offers concrete proposals to develop communication policy.

"There is still need for seeing these initiatives as more of a permanent function in developing European affairs ... for allowing a continuous feedback from the citizens. It is particularly important to involve young people, as they are clearly determined to play a bigger part in the development of the EU and thus develop their active European citizenship."²⁶⁴

"The Commission will play a special role ... to ensure that the feedback process is taken seriously, and that listening is followed up by concrete action. The Commission will consider how to respond to this feed-back and to initiatives coming from citizens, in the process of policy formulation."²⁶⁵

The strive to enhance the interactive communication tools might derive from the fact that also the Commission sees the communication policy as a way to promote active citizenship and the European public sphere.

"For its part, the Commission will reinforce its communication activities by providing information and engaging in debate and discussion with citizens in national, regional and local context, thus promoting active European citizenship and contributing to the development of a European public sphere."²⁶⁶

The linkages between the communication policy, active citizenship and the public sphere are thus spelled out. The quote also illustrates the Commission's willingness to adopt more active role in the promotion of European citizenship and in the emergence of a EPS. It is an

²⁶³ Kohler-Koch 2007, 268

²⁶⁴ COM(2006) 212 final, 7

²⁶⁵ COM(2006) 212 final, 7

²⁶⁶ COM(2007) 568 final, 4

empirical question to find out on what grounds and in whose terms the promotion of the citizenship is in the end realised, since the text material gives somewhat contradictory view on the issue. There are moments where the Commission stresses an open information policy, and urges all EU institutions as well as Member States to commit themselves in listening citizens, providing them information, and even to get them open up their decision-making. On the other hand, there are signs of persuasive communication, for example, using symbols and explaining policies, which refer to political marketing and justification.

5.3.2. The partnership approach, the role of civil society organisations

The role of CSOs in the democratisation of the EU seems to be linked to the Commission's partnership approach. In the previous chapter, there were no indications that CSOs would be considered as mediators between the EU and its citizens. Since their intermediary role was stressed in the documents of the ACN, it will be interesting to see, whether it is mentioned in the Commission's documents at all. Also comparisons with the theory of Cohen and Arato should be fruitful, because intuitively judging, it is the theory closest to the Commission's views. After all, Cohen and Arato do not seek direct political participation of the civil society actors.

The driving force behind the promotion of the partnership approach is, first and foremost, related to the efficient implementation of EU policies and programmes, and to informing citizens about the EU issues. For instance, the Commission states that its initiatives

"will only succeed if many more forces are brought into play. A partnership approach is essential."²⁶⁷

This applies also to CSOs, and as we shall see later, the specific task or role appointed to them is associated with awareness-rising and informing activities among the citizens. Thus, the question is, who defines what they should inform citizens about. As we remember, also the ACN named the awareness-raising on European issues as one of the responsibilities of CSOs. On the other hand, it also stressed CSOs' independence, which without a doubt implicates a free choice of the topics of their information activities.

From the CSOs' perspective, a fundamental problem regarding the partnership approach is that in most cases there seems to be a separate paragraph or row for describing their role in fairly general terms. As far as other partners (the Member States, other EU institutions, regional governments, and media, among others) are concerned, their roles are further elaborated. Therefore, the Commission's intention to develop interlinking partnerships does not seem very well established, especially if the fundamental purpose of these initiatives really is to give a voice to the people, develop common ownership of EU policies, and moreover, to do all this in cooperation with all the relevant actors.

²⁶⁷ COM(2006) 35 final, 2

I found one exception to the previously said. There is a passage, where the Commission describes its plans concerning a partnership with civil society organisations, and expresses its interest to promote relations with them.

"The Commission promotes relations with civil society organisations and their transnational networks through its programmes and policies, with the support of an internal network of civil society contacts to share good practise, to reflect common problems and to develop a coherent approach between Commission units responsible for relations with civil society. The Commission will increase civil society organisations' access to the Commission by naming a specific civil society contact point in each of its departments."²⁶⁸

I would imagine that especially the latter suggestion, and also the willingness to develop a coherent approach between the Commission's units, are welcomed by CSOs. However, there are no indications in this quote that the Commission would regard CSOs as representatives of citizens. On the one hand, citizens are objects of EU policies, but on the other, they should, through participation in debates, consultations and dialogues, have some degree of ownership over them. CSOs do play a role in this picture, but the role is not a representative one.

The White Paper presents a list of partners and their duties: Member States are responsible for informing people about the European issues and current topics, local and regional authorities execute European policies and programs, political parties shape public opinion on European affairs, and civil society organisations raise public awareness and encourage people to take a part in debates.²⁶⁹ In How the partnership work? -box are elaborated the cooperation between the national and European levels and among EU institutions, and the role of political parties and civil society organisations. About CSOs is stated: 1) the ESC and the Committee of Regions already encourage regional and local discussion of European issues, involving civil society, and 2) CSOs have an important part to play in the European debate. Their role could be strengthened through targeted cooperation projects in the fields of public communication.²⁷⁰ The views on the CSOs' role are somewhat instrumentalistic, nowhere is implied that they could influence on policy-making or evaluate policies. In a way, CSOs are considered to act between the EU and citizens, but

²⁶⁸ COM(2007) 568 final, 9

²⁶⁹ COM(2006) 35 final, 11

²⁷⁰ COM(2006) 35 final, 12-13

the above presented descriptions give an impression that it is more for the EU's than for the citizens' account.

Another problem faced by CSOs is that although civil society actors or organisations are present in most of the lists specifying who are the key actors within the EU, nowhere in the documents in question is specified what is meant with this ambivalent term. As said earlier, though, many authors argue that the Commission includes also business interests in civil society. Fazi and Smith, for example, inform that the Commission mainly uses the definition provided by the ESC, comprising social partners, socio-economic actors, NGOs, community-based organisations and the religious community.²⁷¹

There are two concrete participation channels for CSOs mentioned in these documents, the consultation mechanism and a project funding. In "Communication Europe in Partnership" the project funding is also seen as a way to empower citizens. The Commission funds CSOs' projects, which in their part promote active European citizenship through debates, conferences, common actions, information campaigns, and so forth. The following quote tells something about the nature, aims and ownership of these projects.

"the Commission is developing appropriate structures, means and skills to fulfil its obligation to ensure adequate information and to involve citizens in dialogue and debate. The first six transnational Plan D civil society projects were launched in 2006. In 2007, a second set of projects was supported, this time locally, targeting primarily youth and women. A third group of civil society projects will be launched by 2008-09, including supporting initiatives to increase the turnout in the next European elections."²⁷²

Undoubtedly, there are among these projects good and inspiring examples of enhancing active citizenship, but nevertheless, they are quite far away from being autonomous initiatives of civil society.

The consultations in their current form have some drawbacks as well, especially when estimating their participatory quality. Beate Kohler-Koch, for instance, demands more qualified consultation and dialogue practices, which could provide an impetus for enhancing deliberative processes. After her, it is possible to meet this goal by employing an impact assessment and by developing a European-wide public sphere. The EPS would be constituted mainly on consultations, which should be connected with substantially

²⁷¹ Fazi and Smith 2006, 26

²⁷² COM(2007) 568 final, 6

important processes and be iterative in nature. The iteration and impact assessment would keep the deliberation working.²⁷³

The Commission's approach has slightly different tone though.

"Consultation is a necessary and useful reality check for proposals. But it will only be effective if sufficiently broad and inclusive."²⁷⁴

"The consultation process on the White Paper has confirmed strong demand from civil society actors to closer involvement in the European process."²⁷⁵

"Communication Europe in Partnership", the document with special emphasis on partnerships, treats consultations as a reality check, and in the White Paper is used a term European process instead of, say, European policy-making. Curiously enough, I have the impression that in these documents, the Commission understands consultations primarily as a participation channel for citizens. In fact this impression is supported by observations made by Justin Greenwood. Nowhere in the Commission's documents is expressed a worry over guaranteeing sufficient participation of CSOs, nor is their frustration over inefficient and imbalanced consultation mechanisms recognised. To give an example, while analysing the need to enhance inclusiveness of the policies, the Commission deals only with the inclusion of citizens²⁷⁶. In the chapter of the democratic legitimacy of the EU, and especially in the documents of the ACN, consultations were, on the contrary, seen as mechanisms enabling expressly the CSOs' participation.

One concrete example about the contradictions relating to consultation is the consultation round on the contents of the White Paper²⁷⁷. The consultation lasted six months resulting altogether 313 opinions and commentaries from both citizens and CSOs. At least European Citizen Action Service (ECAS), EU Civil Society Contact Group and the ACN criticised the emphasis put on dialogue, which without concrete deeds is not much. The EU should be able to demonstrate that the dialogue leads to some concrete actions. Both ACN and ECAS also pointed out that instead of concentrating on *how* to inform or communicate, the EU should pay attention on the contents of its messages. Currently, the EU's information policy is run based on the needs of the EU without paying an attention to what the citizens

²⁷³ Kohler-Koch 2007, 261-262

²⁷⁴ COM(2007) 568 final, 13

²⁷⁵ COM(2007) 568 final, 8

²⁷⁶ COM(2006) 35 final, 6

²⁷⁷ All contributions can be found from the database of the CIRCA - Communication & Information Resource Centre Administrator

would want to know.

"we would like to recall that such civil dialogue is not about mere communication: it is about participation and should lead to concrete outcomes."²⁷⁸

"In sum, the White Paper concentrates too much on looking at what it calls the "communication gap" rather than the fundamental "information gap." It is time that the Commission itself took a big step forward in ensuring that people are as fully informed as they wish to be about the EU: this should be the key objective of the Commission's information and communication policy."²⁷⁹

A curiosity linked to the White Paper on Communication is that the Commission used specific dissemination channels in order to inform and consult on its contents, instead of using already existing and established tools²⁸⁰. This observation illustrates the lack of common standards and procedures, which can easily hinder participation.

One of the concrete proposals presented in the White Paper touches the subject; how the common principles guiding EU's information and communication policy should be defined. The Commission suggests that all common norms and principles should be written down in a framework document, to which all actors should commit themselves on voluntary basis²⁸¹. One of the purposes of the above mentioned consultation round was to seek views on the desirability, purpose and contents of such a document. CSOs demanded again a more concrete, participatory and binding document than what was offered by the Commission.

"collection of good and bad practices among all the stakeholders mentioned in the document, and not only the creation of a web-based citizens' forum and the organization of meetings, which could only help to collect opinions (which is very different from effective experiences)."²⁸²

"the Commission's proposed Charter or Code of Conduct on Communication - aimed primarily at securing better partnership with member states - does not address the urgent need to overcome the information gap, quite apart from being unenforceable. A better approach is to implement the citizen's right to be informed about the EU through a new Treaty article (using the power available under Article 308), thereby

²⁷⁸ EU Civil Society Contact Group 2006, 1

²⁷⁹ European Citizens Action Service 2006, 7

²⁸⁰ Fazi and Smith 2006, 41

²⁸¹ COM(2006) 35 final, 6

²⁸² ACN 2006, 2

binding the institutions to overcoming the information deficit."²⁸³

After drawing conclusions from the consultations, the Commission stated that it will seek to strengthen the partnerships at all levels around commonly selected EU communication priorities, and to provide an appropriate framework for better cooperation on the EU communication process. This is done by proposing an inter-institutional agreement (IIA) with the European Parliament and the Council.

"The aim of such an inter-institutional agreement is to achieve a convergence of views on the main communication priorities of the European Union as a whole; to identify the added value of an EU approach to communication on specific priority issues; to develop synergies concerning the resources used by each institution; to carry out activities related to these priorities; and to encourage Member States to cooperate."²⁸⁴

There are no statements made about involving CSOs or citizens, nor is there paid any attention to listening to the citizens' views on the communication priorities or on the identifying of the added value. The chapter in question is titled as "Reinforcing the partnership approach", and there is no single reference to CSOs or to citizens.

In order to summarise the message that the Commission is sending when elaborating its partnership approach, I would say that it has no intention to give CSOs further possibilities to influence on a policy-making. As far as implementing policies and informing citizens is concerned, it is an empirical question to find out how independently CSOs can carry out these activities. The setting, nonetheless, brings in mind Beate Kohler-Koch's argument that there are features of steered discourse in the Commission's documents. The following quote does not give a good impression on the participative quality of the EU's policies, nor does it provide much hope for the future, either.

"In the light of the good experience with communication on the reform of the wine sector, EU policy initiatives could be presented by policy specialists to interested parties and the general public on the day of their adoption"²⁸⁵

5.3.3. Constructing the European public sphere

In the White paper is stated that one of the reasons for the gap between the EU and its

²⁸³ European Citizens Action Service 2006, 8

²⁸⁴ COM(2007) 568 final, 15

²⁸⁵ COM(2007) 568 final, 8

citizens is inadequate European public sphere, for which the citizens feel that they have little opportunity to make their voices heard on European issues, and no forum where to discuss them. Together the Action plan on communicating Europe, Plan-D and White paper on European communication are meant to

”set out a long-term plan to reinvigorate European democracy and help the emergence of a European public sphere, where citizens are given the information and the tools to actively participate in the decision making process and gain ownership of the European project.”²⁸⁶

There are several interesting points in this statement. Firstly, the European public sphere is seen as an arena, where citizens are provided, for example, with information, but by whom? The key to authentic participation is citizens' autonomous actions, and since the public sphere is an arena for those actions, it is not in place that authorities supply them information, "tools", subjects of discussions, and so forth. It is true that an open information policy, by and large, benefits the public sphere, but as Brüggemann's figure demonstrates, there is a fine line between being open, and offering information based on the institutions' needs.

Another problem demonstrated by the statement above is the Commission's consistent failure to define what is meant with the participation, and what exactly is the European project, over which citizens have ownership? Participation can mean many things from voting to making collectively binding decisions. In the end, enabling substantially significant participation is the only way to ensure that citizens have the much touted ownership of European policy-making.

The quote below is from the chapter of the White paper titled "Enhanced Debate and Dialogue - A European public sphere". It implies that administrators not only can, but in fact should, set up forums, which bear clear resemblance to public spheres.

"It is the responsibility of government, at national, regional and local level, to consult and inform citizens about public policy - including European policies and their impact on people's daily lives - and to put in place the forums to give this debate life."²⁸⁷

"A working European "public sphere" cannot be shaped in Brussels. it can only emerge if the objective is backed by all key actors and taken forward at every

²⁸⁶ COM(2005) 494 final, 2-3

²⁸⁷ COM(2005) 35 final, 5

level."²⁸⁸

The Commission apparently recognises that it can not give birth to the European public sphere. Nevertheless, too often the actor who sets up forums for debates about public policies is a public authority. I'm not saying the Commission's interest towards the public sphere is all negative, it can be considered as a step forward as well. Unfortunately, the top-down approach conveying from these documents threatens to water down good intentions. If the Commission wants to maintain the status quo of power shares, while involving the citizens in the "European project", it contradicts with the kind of public spheres pursued by Dryzek and Barber. Perhaps the Commission could move to the direction marked by Cohen and Arato. In other words, it could stimulate political parties, party-related associations and political press to serve as a link between the public spheres of social realm and collectively binding decision-making.

However, contrary to this, in the quote with reference number 287, the organ emphasised is government. Why a government should take a heavier responsibility for constituting public spheres, than representative organs organised by party-interests, which are more likely to reflect plurality of the society? Highlighting national and regional actors is, notwithstanding, understandable, since in the eyes of the Commission, the problem seems to be that the public sphere within which political life takes place in Europe, is largely a national one. In the White paper is estimated that to the extent that European issues appear on the political agenda of the Member states at all, they are seen mostly from the national perspective.²⁸⁹ In addition, Brüggemann has observed that the Commission stresses it is mainly the task of Member states to explain European policies to the citizens, and to widen the perspective from the national to the European one.²⁹⁰

I suppose that the national level is emphasised, because at many points the Commission speaks about the significance of the education. People learn about political issues primarily through their national education systems and via their national, regional and local media²⁹¹, so that European issues must first be introduced to the agenda of national public authorities. To achieve this end, the Commission has adopted a strategy called "going local".

²⁸⁸ COM(2006) 35 final, 11

²⁸⁹ COM(2006) 35 final, 4-5

²⁹⁰ Brüggemann 2005, 69

²⁹¹ COM(2006) 35 final, 4

"Europe also need to find its place in the existing national, regional and local "public spheres" and the public discussion across Member States must be deepened. This is first and foremost the responsibility of the public authorities in the Member States."²⁹²

For what the EPS is needed then? While comparing White paper and Plan D with their follow-ups, I observed a change on the Commission's rhetoric towards more output-oriented or instrumental approach. The aims and logic of Plan-D are described in "Communication on the period of reflection and Plan D" as follows

"[Plan D is] a starting point for a long term democratic reform process. The political thrust is to create a citizens' ownership of EU policies. -- This process will --- require a genuine commitment primarily by the Member States, but also by the EU institutions. The success will ultimately be measured by the EU's capacity and willingness to listen, to process the feedback, and to subsequently deliver policy results." ²⁹³

In the Plan-D the emphasis was nevertheless on big words and ideas about listening citizens, promoting active citizenship, creating partnerships, enhancing citizens' ownership of the EU policies, and on involving them in the European project. Although the idea of ownership is still present, the line of action starts from EU's willingness to listen and ends up to the delivery of policy results, which is far more output-oriented view than the one stressing the importance of enhancing the knowledge and participation of the citizens. In the document in question, the need to deliver efficient policies is mentioned several times. I feel that the Citizen's agenda goes even further, in it effective institutions are described as an essential factor of the functioning of the EU, and as an embodiment of the political nature of the European project.²⁹⁴ Partnerships described in Citizens' agenda appears to be referring first and foremost to the partnerships between EU institutions and the Member States²⁹⁵. I find this a bit ironic considering the title of the document.

The communication policy is harnessed to serve output-efficiency as well.

"Communication can never be divorced from what is being communicated. ... It is therefore essential to any communication policy that the EU should deliver an effective policy programme."²⁹⁶

²⁹² COM(2006) 35 final, 5

²⁹³ COM(2006) 212 final, 3

²⁹⁴ COM(2006) 211 final, 3

²⁹⁵ Look for instance chapter "A Partnership Europe: subsidiarity, better regulation, openness." pp. 8-9

²⁹⁶ COM(2006) 35 final, 2

The observed output-orientation is supported by Carlo Ruzza's study, showing that the most common role imposed on CSOs by the EU is to support the high quality of EU policies²⁹⁷. In his study also CSOs pay attention to effectiveness of the EU policies, though. In fact, he states that it is their "frequent concern." Furthermore, CSOs sometimes legitimise their presence in the EU polity by referring to support that they give in achieving better policy results.²⁹⁸ These arguments are not altogether absent from the ACN's documents either, but they are still in minority. Civil society organisations also criticise this ethos. For example, in the study of Fazi and Smith NGO activists reported on dialogue being too often needs-driven. Consultations are regularly conducted when institutions have natural interest to consult with them, or when they are lacking expertise. As a consequence, a dialogue on the most controversial issues seem to be avoided.²⁹⁹

The reason for the importance of providing good policy-outputs can be found, for example, from the "Communication on the period of reflection and Plan D", where the Commission observes that demands for the EU have been growing during the last years. It faces a double-challenge: the union has to try to enhance the level of its legitimacy, and do it within an environment growing more and more complex.

"Union needs to go further, through a policy driven agenda which addresses the expectations of EU citizens and reinvigorates their support to the European project."

³⁰⁰

"In this new environment a more sophisticated way of working is required, one that heavily relies on a partnership between different actors across European society to deliver results that matter to European citizens and are adequately debated with them."³⁰¹

The latter quote shows, the Commission has recognised that in order to manage the complexity, the EU has to gain support for its decisions from a vast group of stakeholders. There is a risk, though, that looking through the lenses of output efficiency, the European public sphere is seen chiefly as a way to form more popular policies.

"Policies which are seen to match the expectations of citizens ... and which are based on widespread consultation exercises are the best way of demonstrating the relevance

²⁹⁷ Ruzza 2007, 58

²⁹⁸ Ruzza 2007, 55

²⁹⁹ Fazi and Smith 2006, 42

³⁰⁰ COM(2006) 211 final, 3

³⁰¹ COM(2007) 568 final, 3

of the EU to its citizens." ³⁰²

I would like to find out whether there really is a demand for more effective policies by the citizens, no matter how they are formed. Could there be some kind of misunderstanding about what might be compromised in order to increase the efficiency of the policies, if the efficiency means, for example, enshrining the participation and speeding up the schedule. After all, there are statements implying that citizens also want to participate in policy-formulating.

"in many countries, critical comments focused both on the democratic deficit and the lack of transparency of European institutions. There were many calls for a greater involvement by citizens in the decision making process." ³⁰³

"Citizens ... wish to be more involved in Community decision-making." ³⁰⁴

At this point, the Dryzek's premise according to which the autonomous public sphere needs to be formed outside the state's systems for it to be free from state's imperatives and priorities, becomes easier to understand. In the end of the "Communicating in partnership", the flagship of the partnership approach, is listed altogether ten actions in order to achieve effective and integrated communication. Three of them consider either the European public sphere or partnerships with civil society actors. The Commission is proposing: 1) development of the network of European Public Spaces in its national representations, 2) adopting a new internet strategy to support civil society networks and private or public sector web-sites with an EU focus, which promote contact with or between European citizens, 3) launching a follow-up communication to Plan D, as well as a new set of Plan D civil society projects, with the overall objective of supporting the ratification process for the Reform Treaty and increasing participation in the 2009 European Parliament elections.³⁰⁵ Especially the last point spells it right out.

The civil society projects, as well as the public sphere, are thus linked with the EP elections. The Commission begins the chapter titled "Developing a European public sphere" with arguing that the low turnout at the elections is an illustrative case of the challenges related to the creation of an EPS. Subsequently, it presents the three dimensions of a European public sphere: Political dimension is considered to consist of communication

³⁰² COM(2007) 568 final, 9

³⁰³ COM(2006) 212 final, 5

³⁰⁴ COM(2006) 212 final, 6

³⁰⁵ COM(2007) 568 final, 16

between the Commission and national parliaments, the second dimension is the media and information services, and the third understanding European public opinion.³⁰⁶ As means to achieve the latter are offered surveys used in strategically relevant phases such as during policy formulation, impact assessment, and design and evaluation of communication activities³⁰⁷.

Apart from employing surveys and impact assessments, are there any other concrete actions suggested to create a European public sphere? I think that especially Plan-D contributed to this by initiating a series of national debates, involving a variety of actors, and by launching civil society projects. Another effort was to set in place European Round Table for Democracy, with which

”The Commission intends to reach out to citizens, particularly young people, interested in European affairs. The objective is to explore ways for enhance cross-border debate, promote active citizenship as well as raising awareness of the process of European integration.”³⁰⁸

In the White Paper, in the box titled How to reach out to the citizen?, is listed various actions, which can be assumed to promote also the emergence of public sphere: Transforming libraries into digitally connected European libraries that could work as information and learning centres, setting up virtual meeting place in EU web-sites, renewing consultation standards to ensure more balanced representation of interest groups and a more responsive follow-up. In addition, the Member states should in cooperation establish new meeting places for Europeans.³⁰⁹ Neither of these are named as intentions to set up or to facilitate a European public sphere, but they are steps towards more open information policy and more symmetrical communication. There is always a possibility that, for example, the virtual meeting place is used for political marketing, but as such, these means give citizens a possibility for free interaction.

The common pilot project of the Commission and the European Parliament is something else, though. It was launched in 2007-2008, in order to create European Public Spaces to host a wide range of European activities. The spaces were designed to be meeting places for citizens, NGOs, political actors and the media, containing cultural activities, lectures

³⁰⁶ COM(2007) 568 final, 9-13

³⁰⁷ COM(2007) 568 final, 12

³⁰⁸ COM(2005) 494 final, 8

³⁰⁹ COM(2006) 35 final, 8

and discussions.

"They will make a concrete contribution to implementing the "European agenda for culture in a globalising world."³¹⁰

Since these spaces are planned for the implementation of a certain programme and bearing in mind the interests of media, they cannot be considered as public spheres in the sense that the term is used in this thesis.

Such being the case, the Commission seems to strive for the kind of EPS, which would serve as a place for political education of citizens by enabling discussions, information dissemination and explaining policies. Both public authorities at the European, national and local level, media, citizens and CSOs are relevant actors in these public spheres, and they all have their own roles in them. Citizens seem to be rather objects than subjects, for the EPS is something created for them, not by them.

To conclude the analysis of the Commission's documents, I would like to pose a question "how these documents really work in creating the European public sphere and promoting participation of civil society actors in policy-making?" Not too well, I'm afraid. Concepts such as partnership, citizens' ownership over the EU policies (or rather over the European project), active citizenship, dialogue, and so forth, are brought up frequently. However, there seems to be no concrete efforts made to increase direct channels for citizens' participation. Instead, some mediating actors are mentioned; CSOs' projects, Member States, political parties and parliaments, among others; whose responsibility it is to communicate on the European issues at the local and national level, and help the EU to pursue the above mentioned concepts.

These concepts are quite ambiguous, and if the power shares remain intact, they are likely to be reduced to mere instruments of political marketing - as sale speeches. As Brüggemann puts it, whether an information policy follows the model of propaganda or of dialogue obviously matters for a democratic public sphere. The type of interaction useful for the autonomous public spheres does only arise if citizens are heard before the major decisions are taken.³¹¹

³¹⁰ COM(2007) 568 final, 7-8

³¹¹ Brüggemann 2005, 64-68

5.4. Synthesis

In this chapter I will answer my third and last research question: Are there any common aspects or aspirations regarding issues described above in the documents of the Commission and the ACN? "Issues described above" refer to discursive democracy, the role of CSOs in democratisation of the European Union, and the public sphere. Thus, I intend to specify both differences and similarities from the statements of these two parties by using the three above mentioned aspects.

To refresh the memory, I list the features characterising discursive democracy as it is conceptualised in this thesis: The participation should have an intrinsic value, and be justified with the need to preserve and to protect the autonomy, integrity and self-determination of individuals and their communities. A political system must honour the pluralism in society. An essential mean to transfer the plurality in common actions is communication, which implicates reflectiveness, reciprocity and mutuality. A suitable arena for communication aiming at formulation of public opinion or at politicising new societal issues is public sphere.

What can be said about the ACN's and the Commission's stance on democratic quality of the EU against this background then. Both the ACN and the Commission support representative democracy as a suitable model for the EU, they do not seek to revolutionise it. The Commission is more strict about this view and chooses its words with considerable precaution when speaking about participation of citizens. It clearly avoids a possibility that someone might draw analogies between the participation it promotes and the means of direct democracy. The ACN, on the other hand, sees CSOs as key actors in policy-making, promoting thoroughgoing collaboration between civil society actors and public authorities, and thus stretching the limits of representative system. It notwithstanding states that the task of CSOs is not to replace public authorities, but "to enrich democratic life with new energy".

Another aspect revealing their diverging views on participation, is the concept of circular subsidiarity developed by the ACN. With this principle it wants to illustrate that the democratic participation should be extended to cover the whole policy-process, instead of the mere policy-formulating phase. According to the ACN, implementing, monitoring and evaluating policies should be placed under democratic scrutiny as well, whereas in the

Commission's documents nothing indicates to this direction. Seemingly, it wants to limit citizens' political participation in policy-making phase. Although the Commission stresses efficient delivering of policies, which comprise collaboration with the Member States, regional and local authorities and CSOs etc. in implementing its policies, the logic behind the Commission's output-orientation is very different from the idea of circular subsidiarity. For the ACN participation has an intrinsic value, whereas the Commission wants to ensure its policies are well-received, efficiently produced and implemented - even when stressing the partnership approach. The partners are there to help the EU get where it wants to get, rather than to change its direction.

There are two, intertwined themes emphasised in the background theories, that nonetheless, are left without much attention in the research material: plurality and communication. The requisite of plurality is typically covered with mentioning the participation of marginalised or under-represented groups. The ACN, for example, values Kvinnoforum's project, because it was targeted to benefit a marginalised group. Similarly, the Commission points out that the marginalised groups should be taken account while designing communication policies. Considering communication, especially the Commission uses the words dialogue, discussion and debate frequently. Occasionally these terms are specified by using attributes such as citizen-centred, political, genuine, and interactive, pointing to the kind of communication preferred in discursive models of democracy.

In spite of that, I feel that the terms are left without proper substance in the Commission's documents. This is due to the fact that while the Commission beats around the bush with the issue of citizens' participation, it does not elaborate the free communication between citizens either. The ACN, on the other hand, seems to be bit fed up with the Commission's choice of words. Therefore, instead of dialogue and debating, it demands proofs that the input of CSOs actually matter. The ACN's attitude is no wonder, when bearing in mind that civil dialogue has been for two decades a part of the framework designed to promote the participation of civil society actors in the EU, but the concrete results have been few. Such being the case, the essence of the background theories remains undiscovered both by the ACN and the Commission. Only the Commission, time to time, connects political discussions of the citizens with political learning, which undoubtedly is a step to the right direction.

So, what does the democratisation of the European Union mean for the ACN and the Commission. Using Dryzek's terms, the Commission seeks primarily to extend the franchise within already existing representative setting. Thus, the key is to rise turnout in the EP elections, and through that to recover the democratic legitimacy of the EU. In order to succeed in this, the EU has to be able to deliver policies responding to citizens' expectation and needs. The partnership approach is essential, because the Commission sees that the EU cannot meet this goal alone. Consequently, although involving citizens in the EU's policy-formulation by more inclusive consultations, national debates etc. is seen important, what is vital, is to get the actors who are involved in implementing EU policies and influencing on public opinion at the national level to collaborate.

The ACN's aspirations considering the democratisation of the EU are tightly connected to the formalisation of the role of civil society organisations. Although it promotes democratisation along all three dimensions, it does so primarily from the perspective of CSOs. The principle of Horizontal subsidiarity and the European Charter of Active Citizenship are pushes to formalise the rights and responsibilities of CSOs, and to establish clearly defined relationship between public authorities and CSOs. According to my understanding, the ACN thinks that by these actions the authenticity of participation can be guaranteed. CSOs' right to autonomous initiatives, stipulated by horizontal subsidiarity, extends in turn the scope of democracy - as does the extension of the participation to cover implementation and evaluation of policies. In addition, the ACN promotes a wide-based franchise for CSOs by seeking to redefine the criteria for assessing their legitimation to participate in politics.

It thus seems that either the ACN does not worry over political participation of citizens or it presumes CSOs are democratic enough to be able to guarantee citizens' political participation through them. In fact, the ACN does name ensuring "democracy in their structure and procedures" as one of the responsibilities of CSOs. Strictly speaking, it does not actively undermine political significance of individual citizens. What I want to say, is that the ACN should recognise it is promoting a system, which, from the citizens point of view, can look like being based on double-representation. In the worst case, there is soon a need to add a new dimension to subsidiarity, in order to formalise relations between CSOs and citizens.

The Commission holds almost contradictory view on CSOs. Although it states that CSOs play an important role in increasing public awareness of European issues and in encouraging the people to take part in policy debates, the Commission does not see them as representatives of citizens or as channels for their participation. CSOs significance for the EU is fairly instrumental. They, for example, help the EU to get in touch with its citizens, to implement its policies among citizens, and as said above, to encourage citizens to take part in whatever the EU allows them to take part in. In the Commission's documents CSOs *do*, in fact, act between the EU and citizens, but exactly to the opposite direction than the ACN would like them to.

When the Commission's conception on CSOs, conveying from the documents, is compared to Carlo Ruzza's typology, they seem to be parallel. Ruzza argued that the EU needs CSOs in order to improve its output legitimacy, to address the globalisation-driven relocation of ambits of power, to construct European citizen (deliberative democracy), and to construct a European public sphere³¹². The last issue is yet to be touched, but the other roles are definitely apparent in the research material. The Commission's instrumental position on CSOs is not so difficult to understand, in the end. At some point Ruzza remarked that it is very difficult for the Commission to approve the role that CSOs seek, as long as it has to constantly fight for its own legitimacy.

The question of public sphere is perhaps the hardest nut to crack due to the various hopes and requisites placed upon it in both the theories and the research material. After analysing both parts of the research material, I doubt whether neither the ACN nor the Commission promote the kind of public sphere where the best argument has the only authority, and where autonomous citizens would be the sources of the competing arguments. This doubt derives from their somewhat unsatisfactorily elaborated views on communication, for the public sphere and communication are inevitably intertwined - at least when reflecting them on the theoretical background.

In the case of the Commission, the EPS seems to be a continuum for its partnership approach, hence it can not be considered as an autonomous sphere of politically active citizens. At best, the EPS is presented as a place where citizens can discuss politics, enlarge their knowledge on European issues, and where public authorities must listen to

³¹² Ruzza 2007, 59

their views. Nevertheless, more often the Commission paints a picture of a sphere where politicians meet with citizens and debate on the European issues, providing them information on the EU policies and the competence of the EU. The latter kind of sphere is comparable with an information centre, which without a doubt has its place in the EU polity as well, but which certainly is not a public sphere.

While analysing the ACN's conception on EPS, I presented a theory that the public sphere and horizontal subsidiarity might complement each other in a way which would protect the autonomy of civil society actors, while enabling efficient political action of CSOs. Although it is my own elaboration on the theme, it is not too far from the ACN's statements, as I see them. Presumably, the ACN conceptualises the public sphere as a space, where issues of general interest are dealt with, and in which CSOs play a crucial role by verifying the respect and fulfilment of citizens' rights. Thus, ACN seems to follow Cohen and Arato's line of thinking, because based on its writings, public spheres are needed to protect the lifeworld and to watch over the systemworld. In this case, a public sphere is a realm of civil society actors, who need CSOs to convey their political opinions into the systemworld. In other words, CSOs have become a part of the political society. To conclude, there is not a point of convergence worth mentioning between the views of the ACN and the Commission.

Nevertheless, it is vital to remember that interpreting the Commission's information policy, or even studying ACN's statements, is not enough to find out whether there really are European public spheres, let alone to define their characteristics. It is, after all, questionable how much any public authority can and should affect on the public sphere.

6. CONCLUSIONS

Quite a few conclusions have been already drawn along the analysis and the synthesis of the research material. In this chapter, I'm nevertheless going to point my attention to linking the theories with the experiences derived from the analysis. Consequently, when I set forth my views on the public sphere or democracy, they are influenced by the premises of the theoretical background.

It seems plausible to continue with the concept of public sphere, which throughout the thesis has caused me more trouble than any other individual issue or concept. Yet it seems to be in the centre of the kind of democracy I have traced in this study. I'm inclined to see the public sphere as a realm for civil society actors, functioning much like described by John Dryzek and Cohen and Arato. In practise, CSOs would probably constitute the public sphere, or give an impetus for it, but in the end, the actors interacting in it should be citizens. If there are public authorities, or indeed determined CSOs, interfering the discussions, the space cannot be considered as an autonomous public sphere anymore. If citizens are not free to directly interact with each other, or to be more specific, to express and modify their opinions, interests and identities by reflecting them on the ones of other people, I do not see the point of calling such a space as a public sphere.

Although I just mentioned Cohen and Arato, I however do not share their fear of politics. According to them, within the public sphere citizens reflect their views and opinions on public issues, put in question existing social norms and consensus, take part in social movements, formulate public opinion behind the legislation, and interact with state-officials in the spheres set up in the systemworld. In my opinion, these actions taking place in the public sphere *are* political in the truest sense of the word, whether Cohen and Arato call them such or not.

Such being the case, the public sphere is about giving political visibility and power to citizens, instead of supplying them topics of discussions, or information on already made decisions. This aspect is carefully elaborated by Benjamin Barber, and consequently, the promotion of citizens' right to participate and to deliver substantially important input, can be justified on the grounds of his theory. According to Barber, the only really efficient way to motivate people to take interest in politics, and to "teach" them the necessary skills, is to give them political power. Barber's apology of a citizen is at the heart of tensions

prevailing between the theories and the conclusions drawn particularly from the ACN's documents.

Now, coming back to more concrete level, I'm going to argue that even with all their merits, the theories are missing something: they do not pay attention to the democratic quality of the policy-process as a whole, nor study this process phase by phase. When the democracy of a polity is placed under scrutiny, the policy-circle is for some reason enshrined to the agenda-setting, decision-making and sometimes to monitoring of politicians. In fact, I would have expected Dryzek to deal with the issue of policy-circle, because he tries to free democracy from its linkages to nation-state. In the international setting, the implementation and evaluating policies become even more crucial, and at the same time harder to assess.

Presumably, Cohen and Arato have paid a thought or two to this point, for they express the need to create censors for protecting the lifeworld. Setting up the shields would probably include revising the implementation of policies, among others. However, they do not go further than that either. It seems as if the academic debate on democracy had get stuck on the quarrel over input and output-legitimacy. These two orientations are constantly seen as rivalries, although there are common aspects or viewpoints from where to study, and even to connect them. The converging points are brought up by authors working whit or within CSOs.

The situation, or rather the ideal, for what to strive, can be described with Dryzek's three dimensions of democratisation. Dryzek does not thoroughly explain what he means by "the scope of issues brought under democratic control". Perhaps this dimension can be understood to cover not only the range of politicised or controlled issues, but the different phases of policy-circle as well. Another way to approach this issue would be to study those three dimensions in different phases of policy-circle, in order to see how is the participation realised in implementation or evaluation of policies, and so forth.

Regarding the efficiency of policies, the thought about extending democracy is demanding, but at this point the principle of horizontal subsidiarity could play a role. It could provide a formalised setting, within which the rolling of the virtuous circle of collaboration could be given a push. The aim of collaboration is not to fix everything within a year, but to continuously improve the performance of the polity, and to accumulate the experience

which makes the meeting of the requirements set by discursive democracy possible. At its best, communicatively set guidelines, formalising the rights and responsibilities of each party and the relationship between them, can, with time, speed up the rolling of the policy-circle.

In order to combine the discussed concepts and topics, I need to revert to the issue of political participation of citizens. During the analysis, I complained that the ACN has forgot to include citizens in its concept of horizontal subsidiarity. Soon after expressing that grievance, I however started to evolve an argument, according to which the concept can actually be considered to cover also the participation of citizens. As I see it, in order CSOs to play their role efficiently and according to the requisites of the ACN, it is necessary for them to give an impetus for public spheres. Connecting public sphere and horizontal subsidiarity helps both to imagine the policy-circle and, in particular, to bring citizens back into politics. The public sphere would thus be the place where autonomous initiatives of the civil society actors are communicatively formulated, and the process of their realisation scrutinised and evaluated by the citizens, whereas horizontal subsidiarity would set the guidelines, according to which those initiatives are to be promoted in collaboration with the public authorities.

From the point of view of citizens, this might be not enough, though. When starting to prepare the thesis, I had quite idealistic view on CSOs. While pondering the choice of name for the organisations I intended to deal with, civil society organisation seemed to be a good compromise, for it expresses that an organisation has tight relations with citizens and a comprehension of the reality at the grassroots level. It is an organisation founded by citizens, and thus speak for common interests and values of a certain group. It draws its expertise mostly from the experiences of citizens; how have the policies implemented worked, who has been neglected, are there rights violated or altogether missed to be recognised, and so on.

The reality at the EU level appears to be quite different, though. I do believe it is possible for the influential and confederated CSOs to promote possibilities for citizens' participation, but the reality of Brussels, described, for example, by Fazi and Smith, Ruzza and Greenwood, might lessen their possibilities (or willingness) to do so. It cannot be taken for granted that they are the most efficient or even a plausible channel for citizens

participation. Instead, more attention should be paid on democratic potential of CSOs, especially if they are seen to be intermediary actors. At the EU level, citizens may find themselves in a situation where they are represented directly by elected politicians in the EP, indirectly by the Council, and finally by CSOs, whose mandate is more or less ambivalent. To me, it is undeniably positive aspect that there are many CSOs who want to take responsibility for enhancing the democracy of the EU, but as undeniable is the requirement that first they need to take a good look on their capabilities to play that role.

I would like to bring back in mind Carlo Ruzza's solution to the dilemma of representativeness. He suggested that there should be built a closer co-operation between local authorities and CSOs, in order to bring the organisations to the sphere of influence of the multi-level governance. In my opinion, this is a step to the right direction, to a close democracy realised in the spirit of horizontal subsidiarity. I do not want to use the term close-range democracy here, because it bears resemblance with local democracy. Local democracy is, in many cases, justified by saying it is useful, for it enables citizens' political learning and motivates them to participate. Supposedly, observing and understanding the impacts of one's political action is easier in a local context. Often the local democracy is seen as some kind of a playground or a rehearsal version of democracy, and at the worst case it is enshrined to allowing people to decide whether they want composts or not, and to where the swings should be located. However, giving citizens a possibility to influence on their neighbourhood is not necessarily enough to motivate them. More importantly though, it is not just.

Many things close to citizens' everyday lives and to their interests are decided somewhere else than in neighbourhood associations or local councils. Therefore, I prefer to use the term close democracy. By "close", I refer to issues close to people's hearts and well-being, not only to the issues next to them. Issues and policies close to them are also the ones, whose formulation, implementation and evaluation they have an incentive and, indeed, a right, to participate in. Close democracy comprises complex and highly technical issues as well, which must not be a reason for denying citizens an access. Not everyone have the necessary knowledge to deal with such a policies, some nonetheless do, and in many cases individual citizen is the one living with the consequences of a specific policy-outcome, no matter how technical and complex the policy itself might be.

From the perspective of close democracy, the European Union is a crucial actor. Disconnecting ties between democracy and nation-states, and bringing the close democracy to a moral starting point for individuals' political participation opens up new dimensions and viewpoints, from where to study questions posed by democracy theorists.

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