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De-Mystification of
Participatory Democracy
EU Governance and Civil Society

BEATE KOHLER-KOCH & CHRISTINE QUITTKAT

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Beate Kohler-Koch and Christine Quittkat

with

Vanessa Buth and Christina Altides

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Research in the social sciences has become more and more of a joint venture. As such, this book is the result of a research project conceptualized and undertaken together by Beate Kohler-Koch, Thorsten Hüller, and Christine Quittkat. We were equally stimulated by theoretical reflections and political concerns. When we started, sociologically informed normative theories of democracy were en vogue and they all considered an active civil society to be a necessary prerequisite for a well-functioning democracy. They differed, however, as to the form, structure, and precise role of civil society and it was far from clear if and under what conditions involving civil society in EU governance would live up to standards of democracy. As to our political concern, given the growing importance of the EU, we consider it necessary to reduce the democratic deficit. Accordingly, we started a theory-driven empirical investigation on the “Democratic Legitimacy via Civil Society Involvement” (DemoCiv).

During the various phases of the project, important contributions were also made by many other young academics and they fully deserve our gratitude. Barbara Finke and Christoph Humrich provided important impulses for the conception of this project in its initial phase. During the course of the project new questions emerged which were specifically examined by Christina Altides, Vanessa Buth, Andrea Fischer, and Janina Thiem. Aimin Hu and Sandra Kröger were inspired by our research and contributed interesting additions by their own studies. The results of all this work appeared in numerous publications¹ while this book gives a summary version.

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It goes without saying that the authors are responsible for the presentation of facts and any errors found in this book.

Notes

- 1 The list of publications can be found at <<http://www.mzes.uni-mannheim.de/d7/en/projects/democratic-legitimacy-via-civil-society-involvement-the-role-of-the-european-commission-demociv>>.
- 2 Beate Kohler-Koch und Christine Quittkat (2011a), *Die Entzauberung partizipativer Demokratie. Zur Rolle der Zivilgesellschaft bei der Demokratisierung von EU-Governance*, Frankfurt/New York: Campus.

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List of Abbreviations

General

ACFA	<i>Advisory Committee on Fisheries and Aquaculture</i>
CAP	<i>Common Agricultural Policy</i>
CFP	<i>Common Fisheries Policy</i>
CONECCS	<i>The database for Consultation, the European Commission and Civil Society</i>
CoR	<i>Committee of the Regions</i>
CSD	<i>Civil Society Dialogue</i>
CSO	<i>Civil Society Organization</i>
DG	<i>Directorate-General</i>
DG SANCO	<i>Directorate-General for Health and Consumers</i>
ECHO	<i>European Community Humanitarian Office</i>
ECSC	<i>European Coal and Steel Community</i>
EEC	<i>European Economic Community</i>
EECN	<i>European Environmental Communication Networks</i>
EESC	<i>European Economic and Social Committee</i>
ETI	<i>European Transparency Initiative</i>
FPA	<i>Framework Partnership Agreements</i>
IPM	<i>Interactive Policy Making</i>
NGO	<i>Nongovernmental Organization</i>
OC	<i>Online consultation</i>
RAC	<i>Regional Advisory Council</i>
REACH	<i>Registration, Evaluation, Authorisation and Restriction of Chemicals</i>
TEU	<i>Treaty on European Union</i>
UNECE	<i>United Nations Economic Commission for Europe</i>
YViE	<i>Your Voice in Europe</i>

Associations

ACN	<i>Active Citizenship Network</i>
ADA	<i>Associazione Diritti Anziani</i>
AEBR	<i>Association of European Border Regions</i>
AGE	<i>European Older People's Platform</i>
AMCHAM	<i>American Chamber of Commerce</i>
ANEC	<i>European Association for the Co-ordination of Consumer Representation in Standardisation</i>
ANIA	<i>Association Nationale de l'Industrie Alimentaire</i>
ANME	<i>Association of Natural Medicine in Europe</i>
ANTEAS	<i>Associazione Nazionale Terza Età Attiva per la Solidarietà</i>
BAGSO	<i>Bundesarbeitsgemeinschaft der Senioren-Organisationen</i>
BDA	<i>Bundesvereinigung der Deutschen Arbeitgeberverbände</i>
BDI	<i>Bundesverband der deutschen Industrie</i>
BEUC	<i>Bureau Européen des Unions de Consommateurs</i>
BLL	<i>Bund für Lebensmittelrecht und Lebensmittelkunde</i>
BUSINESSEUROPE	<i>see UNICE</i>
CAE	<i>Culture Action Europe</i>
CAN	<i>Climate Action Network</i>
CARE	<i>Christian Action Research & Education</i>
CBI	<i>Confederation of British Industry</i>
CEA	<i>Comité Européen des Assurances</i>
CECED	<i>European Committee of Domestic Appliance Manufacturers</i>
CEEP	<i>European Centre of Enterprises with Public Participation and of Enterprises of General Economic Interest</i>
CEFIC	<i>European Chemical Industry Council</i>
CFDT	<i>Confédération Française Démocratique du Travail</i>
CGIL	<i>Confederazione Generale Italiana del Lavoro</i>
CGT	<i>Confédération Générale du Travail</i>
CIAA	<i>Confederation of Food and Drink Industries of the EEC</i>
CLONG	<i>Liaison Committee of Development Policy NGOs</i>
CNCV	<i>Consommation, Logement et Cadre de Vie</i>
CONCORD	<i>European NGO Confederation for Relief and Development</i>
CSCG	<i>Civil Society Contact Group</i>
CSIL	<i>Confederazione italiana sindacati lavoratori</i>
DEEP	<i>Development Education Exchange in Europe Project</i>
DGB	<i>Deutscher Gewerkschaftsbund</i>
EAHP	<i>European Association of Hospital Pharmacists</i>

List of Abbreviations

EASA	<i>European Advertising Standards Alliance</i>
EASPD	<i>European Association of Service Providers for Persons with Disabilities</i>
ECAS	<i>European Citizen Action Service</i>
ECCE	<i>European Council of Civil Engineers</i>
ECCG	<i>European Consumer Consultative Group</i>
ECEAE	<i>European Coalition to End Animal Experiments</i>
ECPC	<i>European Cancer Patient Coalition</i>
EDF	<i>European Disability Forum</i>
EEB	<i>European Environmental Bureau</i>
EECN	<i>European Environmental Communication Networks</i>
EEPA	<i>European External Policy Advisors</i>
EFAH	<i>European Forum for the Arts and Heritage</i>
EFF	<i>European Feminist Forum</i>
EFFA	<i>European Flavour and Fragrance Association</i>
EFFAT	<i>European Federation of Food Agriculture and Tourism Trade Unions</i>
EFPIA	<i>European Federation of Pharmaceutical Industries and Associations</i>
EHPM	<i>European Federation of Associations of Health Products Manufacturers</i>
EMSA	<i>European Medical Students' Association</i>
ENAR	<i>European Network Against Racism</i>
ENPA	<i>European Newspapers Association</i>
ENSP	<i>European Network for Smoking Prevention</i>
EPF	<i>European Patients' Forum</i>
EPHA	<i>European Public Health Alliance</i>
ESBA	<i>European Small Businesses Alliance</i>
ETUC	<i>European Trade Union Confederation</i>
ETWelfare	<i>European Round Table of Charitable Social Welfare Associations</i>
EUCIS	<i>European Centre for International Security</i>
EUCIS-LLL	<i>European Civil Society Platform on Lifelong Learning</i>
EULAR	<i>European League against Rheumatism</i>
EuroCoop	<i>European Community of Consumer Cooperatives</i>
EUROFEDOP	<i>European Federation of Public Service Employees</i>
EWL	<i>European Women's Lobby</i>
FDF	<i>Food and Drink Federation</i>
FdS-CFDT	<i>Fédération des Services CFDT</i>

FEANTSA	<i>European Federation of National Organisations working with the homeless</i>
FEDERALIMENTARE	<i>Federazione Italiane dell' Industria Alimentare</i>
FEDMA	<i>Federation of European Direct and Interactive Marketing</i>
FERPA	<i>European Federation of Retired and Older People</i>
FILCAMS CGIL	<i>Federazione Italiana dei Lavoratori Commercio, Turismo Servizi</i>
FNAR	<i>Fédération Nationale des Associations de Retraités</i>
FoEE	<i>Friends of the Earth Europe</i>
FVE	<i>Federation of Veterinaries of Europe</i>
GAP	<i>Global Action Plan</i>
GMB	<i>General Municipal Boilermakers and Allied Trade Union</i>
HEAL	<i>Health and Environmental Alliance</i>
HRDN	<i>Human Rights and Democracy Network</i>
IFIEC	<i>International Federation of Industrial Energy Consumers</i>
IFN	<i>International Friends of Nature</i>
ILGA	<i>International Lesbian and Gay Association</i>
KDA	<i>Kuratorium Deutsche Altershilfe</i>
LGA	<i>Local Government Association for England and Wales</i>
MEDEF	<i>Mouvement des entreprises de France</i>
NCA	<i>Age Concern England (National Council on Ageing)</i>
NCC	<i>National Consumer Council</i>
NGG	<i>Gewerkschaft Nahrung-Genuss-Gaststätten</i>
NPC	<i>National Pensioners Convention</i>
OTE	<i>Organisation for Timeshare in Europe</i>
PAN	<i>Pesticide Action Network</i>
PROSAFE	<i>Product Safety Enforcement Forum of Europe</i>
Social Platform	<i>Platform of European Social NGOs</i>
TUC	<i>Trades Union Congress</i>
UEAPME	<i>European Association of Craft and Small and Medium-sized Enterprises</i>
UEHP	<i>European Union of Private Hospitals</i>
UEMS	<i>European Union of Medical Specialists</i>
UFC	<i>Union Française des Retraités</i>
UNICE	<i>Union des Confédérations de l'Industrie et des Employeurs d'Europe (today BUSINESSEUROPE)</i>
VENRO	<i>Verband Entwicklungspolitik deutscher Nichtregierungsorganisationen</i>
VZBV	<i>Verbraucherzentrale Bundesverband</i>

List of Abbreviations

WECF	<i>Women in Europe for a Common Future</i>
WEN	<i>Women's Environmental Network</i>
WIDE	<i>Women in Development Europe</i>
WTO	<i>World Trade Organization</i>
WV	<i>World Vision</i>
WV EULO	<i>World Vision European Union Liaison Office</i>
WWF	<i>World Wide Fund for Nature</i>

1

Civil society and democracy in the EU

High expectations under empirical scrutiny

Beate Kohler-Koch

With the 2004 Treaty establishing a Constitution for Europe, participatory democracy made its official entrance into European politics and civil society was awarded an active role in its formulation. The European Commission's earlier proposal¹ for a new approach to governance had already elevated civil society to the position of key actor in the democratization of the EU. Lofty expectations were defined: Civil societal participation should offset the poor responsiveness of political representatives and strengthen the problem-solving capacity of executives. Critics of contemporary representative democracies claim that elections and party competition link the decision-makers back to the will of the citizens in a very general form and only in an ineffective way because the delegation of decision-making power is not bound to the fulfillment of specific tasks but instead creates a general competence. Since no substantial provisions are made for certain decisions, so the argument goes, additional mechanisms are needed to ensure governance in the interest of the citizens. Participation is promoted in order that those affected by policy are able to directly take part in issue-specific policy processes.

Regarded from this point of view, participation is considered a necessary supplement to representative democracy. This appears to be more urgent for the EU than for the member states because the constitutional structure of the EU imposes considerable limits on democratic representation. The Union has representative and democratically legitimized bodies but decision-making power and accountability do not converge, and while the European Council and the Council of Ministers are pivotal collective actors in European policy, they cannot be held accountable as an institution. Only the individual

government is responsible to its citizens through its national parliament and in some countries also through the directly elected president. The European Parliament (EP), which is directly accountable to the European citizens, has a right of co-determination in the Council's legislation but cannot exercise political control over the Council. This lack of accountability also applies to the Commission, despite its key position in the Community decision-making process. Neither the rules of representative democracy nor those of presidential or direct democracy apply because the Commission cannot be held directly accountable by the European Parliament, by the Council or national governments, and even less by the citizens. The procedure of administrative accountability also does not apply because the chain of responsibility stretching from ministerial administration to government and parliament down to the voter does not function. The EU is a system with only a quasi-government. As such, a main component is missing in the accountability chain.

Precisely because the Commission is such an influential actor in European policy and largely autonomous forces the question of how political control can be strengthened. One way is the further development of the EU into a representative democracy, meaning the expansion of the Commission into a European government which is accountable to the European Parliament. An alternative strategy would leave the Commission with its current status and provide it with its own base of legitimation.

The idea that the Commission as a political administration requires its own democratic legitimation is not unique but rather finds its parallels in the discussion on the reform of public administration in the OECD countries. A new relationship between politics, administration, and society was sought by implementing such concepts as new public management, public-private partnerships, and civil participation in the 1990s (Ansell and Gingrich 2003). A trait they all have in common is that they separate public administration from the confinements of the state and delegate control to either the market mechanism or to civil society (Olsen 2008: 19–21). These concepts have more to do with increasing efficiency than with taming the power of bureaucracy. The core thesis widespread among OECD circles is that governance must keep in step with the development of society, which is only possible through expanded cooperation with social forces (OECD 2001). To the extent that public administration has been removed from political hierarchical control, demands are now being made for it to gain its own democratic legitimacy (Wamsley and Wolf 1996: 5). This would result from interaction with the active citizen and could counteract bureaucratic independence and help orient the definition of public interest along the interests of those concerned (Stivers 1996: 273–4). From this perspective, the participation by those affected by policy is interpreted as “the reconquest of political authority by societal actors” (Andersen and Burns 1996: 228).²

There is no shortage of accounts about the shift towards civil society participation or a lack of lucid theoretical considerations about the role civil society plays in promoting democracy. But it has not been clarified why the idea of participatory democracy found such fertile soil within the EU just at the beginning of the new millennium, and systematic empirical evidence is also missing as to whether the inclusion of civil society actually contributes to the democratic legitimacy of the EU.³ This book fills in these gaps. It analyzes how and why participatory democracy and civil society advanced to central ideas, and how political practice gave the ambiguous term of civil society a very specific profile. Reflections on democratic theory and the empirical results of our research demonstrate the reality of civil society participation in the EU and provide an empirically reliable answer to the question of whether governance with civil society is enough to meet the standards of democracy. Based on our results, we are able to make a statement about the value of civil society participation in the EU which goes beyond the specific research area we have examined.

Democracy, Civil Society, and Participation: Conceptual Clarifications

In order to examine the contribution of civil society to the democratization of European politics, a series of clarifications are imperative. It must be disclosed along which normative theory of democracy we tried to gain a standard for democracy. We also need to make clear which concept of civil society is used and on which grounds we base the assumption that civil society participation can promote democracy.

How Do We Recognize Democracy?

The discussion over the last two decades of how best to redress the democratic deficit of the European Union has triggered a revival of theorizing democracy and at the same time accentuated the marked differences between distinct normative theories of democracy. The fundamental axioms of democracy derived from traditions of liberal and republican political philosophy are in principle incompatible and constitute a diverging understanding of democracy and its essential elements. The diversity of perspectives was further increased by contemporary theories which have flourished in the debate on EU democracy, such as associative democracy (Cohen and Rogers 1992), cosmopolitan democracy (Held 1995), and deliberative democracy (Habermas 1998). Thus, it is impossible to simply construct a consensus definition of democracy from which criteria can be derived for analyzing and evaluating

the democratic added value of civil society participation in EU governance. We decided in favor of a parsimonious model suggested by Robert A. Dahl, in which democracy can be characterized as: “a political system in which the members regard one another as political equals, are collectively sovereign, and possess all the capacities, resources, and institutions they need in order to govern themselves” (Dahl 1989: 1). The definition refers to two important elements of democracy, namely free and equal collective self-determination. It emphasizes that not only appropriate institutions but also certain political and social conditions are essential requirements for a functioning democracy. The broad consensus is that the validity of human rights and the respect of the rule of law, the readiness for peaceful conflict settlement, an efficient public administration committed to the general welfare, a sufficient level of cost-effective services to promote social and political development, a free public sphere, and politically interested and active citizens are imperative.

Faced with the question of whether and to what extent civil society participation in EU governance can further European democracy, we have to realize that some of these conditions are well anchored in Europe. Human rights, the rule of law, civic culture, efficient public administration, and social and economic welfare are safeguarded by the EU member states. In comparison, the mechanisms that make political authorities responsive to the concerns of the people no longer function properly. The institutional conditions for democratic governance have suffered with each deepening of European integration. Consequently, the discussion concentrates on how the sovereignty of the people in terms of collective self-government can be restored. The basic principle of democracy is the political equality of the citizens. The citizen should have an equal chance to influence the political process, but in order to align her or his preferences with their interests and explore alternative courses of action, information is essential. Transparency in the sense of open access to relevant information is only a necessary, not a sufficient, precondition for keeping the citizens informed. In order for citizens to be able to pursue their political interests, they must be aware that their concerns are at stake. Consequently, publicity, not transparency, makes a difference. In addition, as citizens do not live in isolation, a sphere of public communication and deliberation is needed that makes it possible to balance individual interests and find new means to achieve common interests. However, democracy is more than free and responsible opinion-forming by the citizens and the public expression of their preferences. It requires the inclusion of citizen demands in the process of policy formation, so that they have an impact on output. Accountability is generally considered the best way to connect the decisions of those politically responsible to the will of the citizens.

Based on these considerations, we decided equal and effective participation, publicity, and accountability to be the most relevant criteria for measuring

democracy (Hüller and Kohler-Koch 2008). In other words, if we find evidence that civil society participation results in an improvement of these criteria we will conclude that it contributes to EU democratization. Accordingly, in our empirical research we have investigated the inclusiveness and the equality of access to EU decision-making and how citizens are linked to Brussels. We analyzed whether or not participation allows for submitting substantiated views and inspected the deliberative quality of the exchange of views. We also checked whether publicity has been improved and the accountability of EU institutions has been strengthened.

Civil Society: To Whom Does It Apply?

A clear definition of civil society is imperative in order to examine its contribution to EU democratization. This is not easy, since a glimpse into the literature reveals a confusing variety of ideas on the concept of civil society.

Civil society can be understood as a specific “logic of social action” which does not need to materialize in a specific social body (Gosewinkel 2004), as a separate sphere of action apart from the private, political, or economic sphere, or as an actor in the form of societal organizations. Even if we focus our view on civil society organizations, it still leaves room for many different perspectives. It is agreed that CSOs are distinguished from other politically active organizations by six essential features: They are nongovernmental, not-for-profit, and voluntary associations which peacefully and publicly operate for implementation of their goals and do not run for office. This definition reveals nothing about their functional contribution to politics and society and also nothing about the membership and purpose of the organization. However, this marks an exact parting of the ways. In common parlance, civil society organizations conjure up the idea of citizen associations which champion interests of general importance. They function as “schools of democracy” in society and take up the concerns and values of the citizens and feed these into the political process. They do not necessarily have to be associations with an extensive membership but can be groups of citizens who have organized to act as advocate for those who cannot organize themselves.

In the political parlance of the EU and also by many EU scholars, the term “civil society organization” is interpreted more broadly. Their definition does not differentiate between organizations that advocate general rights and values in the interests of third parties and those which mainly look after the interests of their own members. The definition also applies to organizations with natural persons as members, as well as to associations in which legal persons are organized.

When the growing concern about the EU’s democratic deficit turned the interest to civil society, the controversy about the appropriate understanding

of civil society became more pronounced. An important contribution by academic research was to contextualize the notion of civil society.⁴

CONCEPTUALIZING CIVIL SOCIETY: THE LINK TO THEORIES OF DEMOCRACY

Since the publication by Jean L. Cohen and Andrew Arato (1992), it is undisputed that normative theories have set the course for the conceptualization of civil society. Civil society is assigned a different contribution to democracy according to different political philosophies. Unfortunately, most scholars argue in favor of civil society activism to strengthen democracy without disclosing their theoretical position and without explaining how, in their view, normative democratic theory relates to their understanding of civil society's democratic potential.

For the sake of clarity we have pursued an unusual path. We not only enlisted the use of the extensive literature available but also organized an online survey among scholars working on civil society in Europe (Kohler-Koch and Quittkat 2011b). Our goal was to learn more about how theoretical frames affect both the abstract conceptions of civil society and the perception of existing European associations that claim to be part of civil society. From the literature we chose four definitions representing distinct theoretical concepts and asked the survey participants how close each definition comes to their own understanding of civil society. In addition, participants were given a list of EU-level associations and asked to indicate which they consider to belong to civil society. We did not disclose the authors of the citations but it was possible to clearly assign the definitions to certain schools.⁵

One definition reflected the European Commission's position on stakeholder representation, which includes a broad range of social groups belonging to civil society. The second definition was taken from the writings of Jürgen Habermas (1998: 359), attributing civil society a strong role in facilitating the "public discourse." The third definition came close to Jean L. Cohen and Andrew Arato (1992): IX), who accentuate the "self-constitution" dimension of civil society. The fourth definition echoed a communitarian approach to civil society in the tradition of Benjamin R. Barber (1984) and Charles Taylor (1985). The respondents found elements they could agree upon in all the definitions but showed very different theoretical preferences. A more sophisticated statistical analysis revealed a clear division between those who value pluralist diversity in political representation and those who focus on social interaction and see civil society in a functional relation to society.⁶ The clear distinction between what we called a "governance approach" and a "social sphere approach" to civil society became clearly visible when the survey participants were asked which of the listed associations qualify as civil society organizations. When correlating the agreement scores for the four definitions with the evaluation as

to whether a certain organization qualifies as a CSO or not, only respondents who favored a “governance approach” considered all types of associations as members of civil society, irrespective of the interest and purpose they pursue. They included nongovernmental organizations (NGOs) as well as business interests groups, trade unions, and professional organizations. The decisive feature was representativeness, so that some advocate groups among the NGOs did not get full recognition. In contrast to this group of respondents, all those who leaned towards any of the other three definitions tightened the circle of CSOs and outright rejected the idea that business associations, professional associations, or trade unions belong to the CSO family. Thus, the close correlation between the theoretical understanding of politics and society and the definition of civil society was clearly confirmed in our study.

CONCEPTUALIZING CIVIL SOCIETY: THE LINK TO CONSTITUTIONAL MODELS OF THE EU

A further and equally important correlation remains for the most part completely disregarded. It is evident that a certain interpretation of the European constitutional reality is linked to the specific role assigned to European civil society.⁷ Rarely do scholars deal explicitly with alternative views of Europe’s constitutional order,⁸ but when reviewing the literature three different views emerge.

On the one hand, the EU’s political system operates more or less just as any other political system. It is, however, different from national federations because the European peoples have become functionally integrated without developing into a pan-European demos. The European citizenship is a legal status which has not really altered the focus of national citizens on domestic politics. CSOs should step in to create transnational structures of interest aggregation and representation.

A second conception depicts the EU as a complex system of governance. Faced with the challenge of rapidly enlarging competence, the EU strives to attain policy-making efficiency by relying on nonhierarchical forms of decision-making and close cooperation with nonstate actors. Since regulatory decision-making is seen as a problem-solving exercise, what is crucial is not the representation of citizens’ interests but the knowledgeable and critical contributions of stakeholders that will inspire deliberation and mutual learning. CSOs are incorporated when EU institutions expect better law-making from their participation, which comes in useful for the EU’s output legitimacy.

The third conception sees the EU in a process of constitutionalization not just in terms of polity building but also in terms of social constituency building. Europe is on its way towards a more integrated European citizen body and civil society is at the heart of this deep, societal transformation.

These very different assumptions about the European Union lead to very different notions of civil society and how it may contribute to enhance democracy. If the EU is “a multi-level quasi-government,” then CSOs are intermediaries giving citizens a voice and bringing the plurality of interests to the attention of decision-makers. If it is “a system of public-private governance,” the image of Europe’s civil society is that of stakeholders who are affected by EU policies and have the capacity to contribute to joint problem-solving. If the EU is seen as “a more integrated constitutional polity in the making,”⁹ then civil society is constituted by active citizenship and numerous grassroots associations providing a communicative space accessible to all and contributing to the emergence of an EU-wide public sphere.

According to our assessment, the EU is a system of “multi-level quasi-government.” The institutions employ new modes of governance in many different ways to improve their performance, but they do so within the framework of a (truncated) system of representative democracy. Consequently, civil society *organizations* are the focus of our interest. However, this does not answer the difficult question of whether we should only consider citizen associations respectively value and rights based NGOs or all CSOs independent of purpose and membership.

A BROAD UNDERSTANDING OF CIVIL SOCIETY ORGANIZATIONS

We have decided upon a broad term of CSOs for several reasons. A rather practical reason is that it conforms to the prevailing EU parlance and corresponds to political reality, since the opportunities offered by the EU to participate are directed towards all types of organizations and associations. Another reason is that we consider as problematic the widespread view that only associations consisting of citizens who advocate community interests are relevant to EU democratization. The difficulty begins with the attempt to find an exact division between NGOs which focus on the common good and associations which focus on the interests of their own members. This is best demonstrated by looking at actual practice. The *Civil Society Contact Group* (CSCG) claims to represent the “value and rights based NGOs.”¹⁰ This includes the patient associations organized within the platform *European Public Health Alliance* (EPHA) or the Roma and Sinti associations represented in the *Social Platform*. But in these organizations, a certain population group’s self-interests inextricably mingle with the enforcement of such universal rights as the right to health and social equality. Labor unions are not categorized as NGOs in the EU, although the labor movement historically fought mainly for political and social civil rights and equality, and continues to regard the fight for social equality above and beyond the representation of its members’ interests as its chief objective.

Even the criterion of “orientation towards the common good” does not really provide a suitable dividing line between NGOs and trade associations. Trade associations not only fulfill the role of interest representative for those enterprises which are affiliated with them but always defend public policy objectives. Maintaining a functioning market or protecting the social market economy may be interpreted as a specific interest of businesses to safeguard long-term capital maintenance, but at the same time it is also in the interest of the general public.

However, the difficulty in establishing boundaries is not decisive for the application of an extensive term of CSOs. Rather, it is avoiding a reductionist understanding of the relationship between democracy and civil society. The restriction to NGOs implies that the contribution to democracy is closely tied to the “good cause” of an organization and to its function as a spokesman for the “true interests” of citizens. This implicitly suggests a society oriented on universal rights and values to be a counterpart to a state occupied by economic interests. In comparison, if a fundamental openness of the political decision-making process is assumed in which a (majority) consensus on appropriate decisions must be won over and over again, it is democratically relevant whether the range of various social positions is present and whether the chances to effectively represent conflicting positions are well balanced. To that end, *all* organizations and associations must be included in the analysis. A further contribution by civil society to democracy is the generation of public interest and should not be tied one-dimensionally to the NGOs’ work in raising public awareness. Instead, it should be expected that the conflicts which spark the positional differences between CSOs fuel public controversy and lend controversial issues the publicity needed for citizens to become politically active.

The Democratic Values of Participation

After having disclosed our benchmark of democracy and which understanding of civil society we use as a starting point, the following paragraph is dedicated to the correlation between participation and democracy. Again, we are faced with widely differing views about the democratic value of participation.

PARTICIPATION TO WHAT END?

The importance attached to participation is based on the normative postulate of the free and politically autonomous citizen. Participatory democracy is seen as an ideal political order in which citizens act together to regulate their mutual existence (Barber 1984). Direct participation has acquired a positive connotation of serving the self-development of the individual, and of furthering active citizenship. It provides citizens with social capital (Boix and Posner