The European Public Space – Assembling Information that Allows the Monitoring of European Democracy

The EUROPUB Project

Inception Report

EUROPUB Inception Report

The objective of the Inception Report of the EUROPUB project is to specify in detail the research design and work plan of the project against the background of the state-of-the-art. It relies on the findings of the preliminary and exploratory work carried out by the EUROPUB consortium during the first six months of the project.

The EUROPUB consortium is led by *The Interdisciplinary Centre for Comparative Research in the Social Sciences* (ICCR) and involves

- *the Fondation Nationale des Sciences Politiques*
- *the ECOLOGIC Institute for International and European Environmental Policy*
- *the Research Centre for Citizenship and Civil Society of the University of Barcelona*
- *the University of Gothenburg – Inter-European Research*
- *the Queen Mary and Westfield College of the University of London*
- *the Institute of Sociology of the Academy of Sciences of the Czech Republic*
- *the Centre Interdisciplinaire pour la Recherche Comparative en Sciences Sociales*

The Inception Report is structured as follows:

The first chapter summarises the objectives and work content of the project as specified in the Technical Annex.

The second chapter reviews the state-of-the-art in the field under study.

The third chapter details the research design of the project and justifies how this will contribute to meeting the project's objectives and the testing of its various hypotheses.

The fourth and fifth chapters list the deliverables and contact details respectively.

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1 Terms of Reference

EUROPUB is a 36-month project supported by the Key Action 'Improving the Socio-Economic Knowledge Base' of the Fifth Framework Programme. It was launched in 2001 and is scheduled to be completed in 2004.

The project will analyse to what extent current institutional constellations and socio-political practices at the European level provide an effective system of political contestation.

At the *conceptual level*, the project will provide a functioning concept of a European public space that is in line with both the institutional policy realities of the EU and the state-of-the-art thinking in this area. Here the project consortium aims to synthesise and bridge the gap between much of the theoretical and empirical work in the field. This concept will provide a yardstick for measuring the development of the European public space as well as a point of departure for public debate about European democracy.

At the *substantive level*, EUROPUB will provide an in-depth analysis of the institutional opportunity structures for contesting policy-making at the European level in selected policy areas, in light of the modes of organisation of political activity in general. This analysis will provide an insight into the existing system of political contestation at European level and point to reform paths for enhancing and strengthening European democracy. In relation to this, the project will analyse the emergence of a specifically European political class.

Finally at the *empirical policy level*, EUROPUB will devise and test a set of indicators that will monitor the development of a European public space. These indicators will allow the establishment of an observatory for European democracy. This observatory will provide empirical data on the emergent European space and a forum and focus for debate and deliberation on European democracy.

EUROPUB will be implemented through five RTD-specific work packages:

WP1 [A functioning concept of a European Public Space] will critically review the various lines of theoretical and empirical inquiry on the European polity with the objective of drawing out those elements / conclusions that are relevant for the empirical study of the European public space. Such a synthesis is necessary for the development of forward-looking perspectives on European democracy.

WP2 [Institutional opportunity structures for effective contestation of policy-making] will comprise a set of detailed case studies of practices in specific policy arenas – citizenship policy, social policy, regional policy, environmental policy, and cultural policy. The objective of these analyses is to delineate the

boundaries of the European public space. Another set of case studies will analyse the discourse surrounding democratic practices with reference to the debate on the sanctions imposed on Austria due to the entry into government of an extreme right-wing party, as well as that surrounding the establishment of a European Charter on Fundamental Rights.

WP3 [The emergence of a European political class] will explore the extent to which the traditionally fragmented political 'field' of Europe is coalescing under the impact of new career structures, new relations between parties, new modes of media activity, and emerging processes within the policy arena and civil society. The empirical study will focus primarily on Members of the European Parliament and other elected or nominated officials involved in European political activities and influencing the European agenda.

WP4 [Indicators to Monitor the European Public Space] will on the basis of the outputs of WP2 develop and operationalise indicators that can be used to measure and monitor how democratic the European Union is. The existing literature on democracy indices at the national level will provide an additional input to this work package. However, these need to be seriously revised to take into account the complex interfaces between the Union and other levels of decision-making in the context of multi-level governance and co-ordination.

WP5 [Transferability] will test the transferability of democracy indicators to several policy sectors. For this purpose we plan to launch a survey among a wide spectrum of experts and policy analysts across Europe. This is additionally expected to strengthen the user orientation and direct policy relevance of the project.

2 State-of-the-Art

2.1 The problem

The process of European integration has given rise to a new object of study – the European society and the European polity. Several old questions concerning identity, citizenship, democracy, government and institutions must be raised anew, this time at the European level.

These are not just academic issues, but also major political concerns at European and Member State level. There are concerns that transfers of power to European institutions produce a characteristically new and worrying form of democratic 'deficit'. Both the justification of the European project and its viability are at stake. Stated bluntly, we cannot afford to take it for granted that Europe is a 'good thing' independently of its actual institutional dynamics.

Ongoing reforms of European Union institutions represent an important step forward. They promise to render decision processes at European level both more transparent and more accountable. Yet where does this leave participation and the public? Is there a European public space? Does Europe provide opportunity structures for citizens and their representatives to discuss, deliberate and evaluate issues of public relevance?

These are the fundamental questions addressed by the EUROPUB project.

When elaborating a research design that allows us to study and answer these questions at the empirical and applied level, it becomes quickly clear that we are here treading an area which is conceptually blurred, ingrained with normative or theoretical assumptions that are presented as facts or with factual information that is not systematically examined. It is for this reason wise to begin the scientific overview of the project by considering in as analytical way as possible, its key concepts and themes of study.

Following a brief excursion into the notion of democracy, we discuss the concept of the public space and how it relates to the notions of citizenship and democracy and models thereof. Subsequently we address the question of the particular 'European' dimension or relevance of this discourse. In the latter connection we also consider the issue of governance and why this is particularly relevant at present in discussions concerning both democratic input and policy output.

2.2 The notion of democracy

As a value and an idea democracy is important because it delineates "a form of politics and life in which there are fair and just ways of negotiating values and value disputes",[1] i.e. it entails an acceptance and recognition of the legitimacy of variation of beliefs, values, interests, opinions and preferences and considers debate and deliberation as both desirable and possible. As a model of decision-making, democracy is about identifying those procedures that enable but also empower collective ways of problem-solving.

There are a number of tricky claims and/or implications entailed in the above – at first sight simple – democratic formula that are worth briefly considering. Some of these have been solved, either theoretically or historically; others remain till today whimsical and difficult to come to terms with:

- The *justification for democracy* – having collectively internalised the value of democracy as related to justice and as such representing the 'good life', we often tend to forget that democracy has evolved out of often very pragmatic considerations on the part of rulers or governments of earlier times. Recalling the historical circumstances of why and how democracy evolved, when and where it did, cautions against misjudging contemporary calls for more democratisation and the responses to these as necessarily and solely well-meaning.

  Like other major historical or civilisation developments, democratisation is a process which in many respects sets its own rules once in motion: thus the greater the openness of a system and its support for autonomy, the greater the demands for such principles to be either (more) seriously considered or extended to ever greater population segments, often at the detriment of the original power centres. Yet such a development is not always linear nor is it guaranteed, which is why it is important to follow up democracy as a process but also to be cautious about the use made of it as a symbolic resource.

- The *boundaries of the collective* – who is considered a citizen and as such granted the right to participate in collective decision-making processes. The history of democracy is one of gradual openness and extension of citizen status (and rights) from the minority (male and owning property within limited territorial boundaries) to the majority, and ever more abstracted from either economic resources or naturalised and deterministic criteria of descent based on birth or ethnicity. Yet the boundaries of the collective and the meaning of citizenship remain highly contestable still today, especially at

[1] Held, D. (1998), p.297

the nation-state level, as is shown by the extensive discourse on migration and multiculturalism.[2]

- *Citizenship as political capability for deliberation*. Following on from the normative definition of democracy as representing not only the procedures but also the possibility for collective decision-making, citizenship is about active membership in a political community which does not only assume that citizens are interested in politics and in participation but also that they are capable of deliberation. This is an idea central to the republican strand of democratic theory yet a relevant concern of most democratic theorists, past and present. In fact much democratic theory was written less from the perspective of how to ensure that there are opportunities for collective decision-making and participation, and more from the perspective of how to contain self-interest and the possible tyranny of the majority. Much of the contemporary theoretical debate on democracy, the public sphere or the civil society, and, in this connection, the role of the (liberal) state revolves – even if not always explicitly – around this theme.

- *The scale of democracy*. The conventional wisdom is that both direct and representative forms of democratic control and participation are more difficult in larger political communities, this difficulty being a function of size but also of the degree of homogeneity (cultural, linguistic, etc.) of a political community. In larger political communities decision-making processes are more likely to become abstracted from the living conditions of citizens, thus striking a balance between variable or conflicting interests is more difficult to achieve. Yet democratic theorists like Madison and also John Stuart Mill were of the opposite opinion. Large political communities could also be seen positively in terms of democracy in that the plurality they guarantee is more likely to lead to that set of controls and balances which are important for democracy. This however could be said to be true if and when association and representation and more generally political mobilisation works. In any case, alienation remains the most serious enemy of large

[2] There are two ways in which the migration and multiculturalism discourse and political practice have influenced democratic theory. The first concerns the procedures for the extension of rights and the naturalisation of migrants or 'denizens'. There is a vast literature comparing different states' provisions on this and drawing implications on various legal models of integration. Overall this literature is characterised by agreement on the principle of entitlement of migrants and the importance of their inclusion in the political community of their host society. The second – more difficult – aspect of this literature concerns the degree of compatibility of liberal democracy with cultural autonomy (with regard to education, dress, food, etc.) which minorities often demand. Here the views are much more divided. See Barry (2001), Bauböck (1999a, b, 2001) Kymlicka (1995), Parekh (2000), Young (1990, 2000).

political communities.[3] The contemporary debate about how democratic Europe can, or should be, is evocative of this much older discussion.

- *Government vs. governance*. Another issue large political communities are called to deal with is the question of how to govern: with reference to different levels, i.e. subsidiarity and the sharing or division of competencies or responsibilities; with regard to balancing expertocracy with interest representation and stakeholder involvement; and, not least, with regard to the role granted to harmonisation and the regulatory framework and, in that, the role given to the state and its constituent institutions.

2.3 The concept of the public sphere

In discussions on democracy, and drawing in particular from the republican and liberal traditions, the term 'public sphere' or 'public space' is used to refer to the scope of citizen interaction found in real- or ideal democracies. It is, to use Habermas' terminology, the "publicly relevant private sphere" of interaction: here, individuals relate to one another not in terms of market transactions, nor in terms of power relations, but rather as politically equal citizens (subjects) of a polity.

Habermas's approach raises a number of problems that are touched upon in his own recent work. In particular, the idea that the state and the public sphere can be strictly distinguished from one another is not really tenable. The parliamentary arena, for instance, is precisely at the intersection of the two. Similarly, the distinction between the market and the public sphere is to some extent illusory, as the media show.

Rather than dividing society up into spheres, it makes more sense to characterize the public sphere in terms of process-specific features. The public sphere is the area of social space, defined in terms of processes and dynamics rather than of institutions or geographical borders, in which citizens have an incentive to lay aside 'particular' interests and to adopt a 'public interest' perspective.[4]

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[3] For an elaboration of this point in contemporary debates, see the Norwegian Democracy Report.

[4] This is not the only possible conception of the public sphere but the only which is compatible with citizenship as membership of a political community and with our contemporary understanding and experience of (liberal) democracy. If citizens are instead conceived of as a passive audience, then the public space would be best conceived as a theatre. A related metaphor is that of the 'caravan site'. A caravan site, says Bauman (2000), is a place open to everyone with his or her own caravan and

This is not equivalent to saying that citizens do not have particular or private self-interests or that these are not relevant, least that these can or should be entirely abstracted from politics. Indeed, and as we know from both feminism and multiculturalism, the public / private distinction is a problematic and, at the same time, a fluid boundary and, certainly, not the basis for determining what is and what is not political and, in that, the subject of public debate or mobilisation.

The conception of the public space as that in which citizens have an incentive to lay aside particular interests and to adopt a public interest perspective merely states that for collective decision-making processes to work there must exist a will to achieve solutions to common problems – recognised as such – that are not one-sided and (dis)advantageous to the very few.[5]

Where should this incentive arise from? For Habermas this is inherent in the structural features of the public sphere which, in turn, relate to the linguistic dynamics of argument: *sincere* participation in unconstrained discussion pushes participants towards acceptance of the non-coercive force of the best argument. Habermas's arguments on this point have not commanded universal acceptance, even among those who broadly subscribe to his paradigm. A more promising approach is to focus rather on the sociology of public language (as opposed to the transcendental or quasi-transcendental requirements of language itself), in other words on those contextual features of certain linguistic interactions (in the broadest sense) that make certain moves – e.g. the use of threats, lies, etc. – either unimaginable or grossly counter-productive.

What sociological features might then guarantee the emergence and stability of a public sphere structured by a language of political justification based on impartial argument? What are those structural conditions that make participation

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enough money to pay the rent. The visitors expect certain rights and promised services, but otherwise want no more (but no less either) than to be left alone and not interfered with. Here critique – and citizenship – follows the consumer principle. Such a public sphere is not foreign to contemporary liberal democracies, but, nevertheless, one which tends often to be associated with alienation and anomie.

[5] It seems ages since the hopeful programmatic tracts of the late 1960s and early 70s such as Etzioni's (1968) *The Active Society* outlining the dynamic interaction between increasingly self-reliant and self-conscious citizens, which in a way preceded the works by Habermas in the 1980s and 90s. Rawls of 1993 and Habermas of 2001 may be far apart in analytical methods but not in basic approach and conclusions. The whole point in their arguments is that there exists a variety of social groups with varying resources and preconditions and very different conceptions of the meaning of life for whom there must be a set of legal and political arrangements that will allow a mutual respect between holders of divergent comprehensive views. In the same spirit Michael Walzer (1997) speaks for two basic maxims - community pluralism and the inviolability of the individual within the collective. Is such a conception – of the possibility of deliberation despite the existence of (conflicting) self-interests – idealistic? Only if it is blind to the fact that conflict is part of the deliberation process which the above scholars do not deny.

in deliberation a rational political strategy even for actors who are unreasonable in the Rawlsian sense that they are not motivated by a desire for just cooperation?

The first is what Habermas[6] puts at the centre of his analysis: the fact that the public sphere relates politics to law. Law-making involves defining general rules for persons and circumstances unknown, or at least imperfectly known. Indeed democracy is to a great extent about guaranteeing this impartiality of legal application and law is one of its important elements. The question must nevertheless be: is that enough?

The sociology of political participation, of which work inspired by the theories of Pierre Bourdieu is exemplary, is generally regarded as – and to a real extent is self-consciously constituted as – a critique of and alternative to the 'idealism' of Habermas. What Bourdieu calls the 'political field' (*champ politique*) coincides empirically with the 'public sphere' (*Öffentlichkeit*): it is characterized by the mobilization of resources, the expression of interests and the articulation of justificatory language.[7] In Bourdieu's interpretation, however, the political field is also the point where political domination converges, in mutually reinforcing ways, with economic and symbolic domination to arrange and justify unequal participation. It is the place, in other words, where domination dresses up as citizenship.

At first sight, no two things could be more different than a public sphere and a political field. In fact they are, *pace* both Bourdieu and Habermas, mutually reinforcing. What prevents citizenship being simply a sham in the political field is the competitive pressure to which those who attempt to monopolize it – the 'political class' – are subjected. And what prevents *Öffentlichkeit* being merely wishful thinking in the public sphere is *precisely the same competitive pressure*. What develops, in other words, is an uneasy balance between the tendency of public-spiritedness to emerge from cynical politics and the tendency of even the most idealistic politics to close in on itself.

Bourdieu's analysis of the political field reminds us that the public sphere can not (and probably should not) be conceived of as in a power vacuum;[8] also that it is not independent of institutions, including political institutions, like the Parliament, or organised forms of representation. To support the strengthening

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[6] See Habermas, J. (1992a, b).

[7] See Bourdieu, P. (2000).

[8] See also Arendt (1958) on the impossibility of an idealist public sphere, i.e. one devoid of power and merely about harmony and reconciliation. For a critique of both Habermas' and Rawl's 'idealism' see Mouffe (2000).

of the public sphere must thus not be understood as negating the importance of representative democracy. Quite the contrary.[9]

2.4 A 'European' public space?

The gradual emergence of a European polity has given rise to a wide debate on the future of European democracy both on the political and scholarly levels. In the recent years there has probably been more written about what the European polity will or should look like; the existence or not of a European collective identity; the scope, scale and mode of European democracy; the existence of a European public space and the meaning of European citizenship than ever was written about any nation-state democracy in the present time.[10]

Partly because of the influence of Habermas, partly because of the need to develop new ways to think about apparent democratic and identity deficits within a wide range of polities, the idea of a public sphere has become fashionable. It is of particular significance for reflection about Europe because, no doubt, both the identity and democratic deficits are felt here to be particularly severe. It has occasionally been suggested, in Commission discourse, that people might come to 'love' Europe (especially if encouraged at the symbolic level by passports, anthems, single currencies, etc.) or to subscribe to an existing, or prospective, common culture of 'Europeanness'. The sociological basis for such a hypothesis is, to say the least, shaky. It has also been suggested that the EU's ability to promote prosperity might generate legitimacy. Again, such an idea is sociologically implausible, and was exploded quite convincingly by the 'governmental overload' literature of the early to mid-70s,[11] to which Habermas himself made an important contribution. The most striking symptom of current difficulties in facing the 'democratic deficit' is the degree of confusion about the kind of institutional reform (constitutional or not) that might contribute to its reduction.

One possible way of clarifying all of this is to postulate that institutional reform is inadequate in the absence of a European public sphere as well as of a new

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[9] This position which in EUROPUB will be tested as a hypothesis is quite a different one from that found in literature concerned with European or post-national democracy. There it is often assumed that participatory democracy is distinct and indeed stands in contradiction with representative democracy. See, for instance, Gerhards (2002), Eder (2001), Kohler-Koch (1998) as well as the Danish Democracy Report.

[10] A major and representative part of this literature has been reviewed in the course of WP1 of EUROPUB and is reported in D1, *A Functioning Concept of a European Public Space* (forthcoming June 2002). This literature has also informed this *Inception Report*.

[11] Cf. Crozier, Huntington and Watanuki (1975).

form of European collective identity, distinct from but not contradictory to nation-based citizenship. A European public sphere populated with citizens subscribing to a form of European collective identity could possibly overcome both the actual and the perceived democratic deficit. In other words, the democratic deficit is closely related to an identity deficit. However, rather than formulating such an identity at the symbolic level, it is both more theoretically coherent and more practically plausible to relate it to the democratic process itself.[12] This idea that democracy might be self-legitimizing is little more plausible. If people are given procedures that enable them to be genuinely citizens, then they will tend to act as citizens and feel themselves to be truly members of a political community. Intuitively, a public sphere or space is one in which genuine citizenship is possible. Adequate democratic procedures would thus promote a sense of identification, and vice versa, leading to a virtuous cycle of truly European citizenship.

The most striking feature of the European Union, viewed in conjunction with its member states as a composite polity, is that while elements of all the above exist, there is a far greater degree of fragmentation than is typically of democratic political systems at, e.g., the national level. Sociologically, this fragmentation is precisely what the 'democratic deficit' is about. Conversely, the reduction of such fragmentation would be the index of the emergence of a European public sphere.

Fragmentation can obviously occur for many reasons, and we make no attempt here to offer a general theory. What we can do, however, is be more specific about the mechanisms by which fragmentation can be reduced in the ordinary dynamics of a political system.

Following on from the discussion in the previous section on the public sphere at the generic level, three issues seem to be of particular significance:

- First, the legal (constitutional) framework;
- Second, the relations between policy communities and their environment – their openness to external communication as well as the existence of opportunity structures for debate and contestation;

[12] This is the opinion of the majority of scholars writing on European democracy and its prospects. However many scholars are also of the opinion that it would be extremely difficult to consolidate such an identity without a symbolic content that supports a sense of communion in terms of homogeneity and solidarity (see, for instance, Gerhards, 1993, 2002; Herrero de Minón, 1997; Kohler-Koch, 2002; Kučera, 2001; Lehmanová, 2001; Musil, 1990; Petschen 1998; Valcárcel, 2000) and, that it is in this connection, especially, that the mass media have a role to play (Trenz, 2000). The Norwegian Democracy Report goes as far as to suggest that it is not possible to separate political culture from national culture and warns against supra-nationalism that might lead to a stronger ethnification of national identity and of nationalism as counter-reaction.

- Third, the strength of representative democracy both with regard to accountability of political institutions and with regard to mobilisation, hence also the relevance of the political class.

Let us consider each of the above points in turn:

The recent establishment of the European Convention to discuss the future of the European polity in view of enlargement but also, more importantly, in view of the legitimacy and democratic deficit faced by Europe, represents the first step towards what has come to be called the constitutionalisation process of the Union. **Should the EU acquire a constitution?** There is no easy or fast answer to this question, yet there seems to be a gradual growing consensus that a debate on this is necessary. Providing the Union with a constitutional framework will not only help clarify the sharing of responsibilities and competencies between European institutions as well as Europe and the nation-states;[13] it will also provide a framework for European citizenship[14] and for the formalisation of those norms and values as well as legal procedures that form

[13] Much of the European literature on the Europe and the emerging European polity – especially since Maastricht – deals with these questions, even if not always with reference to a possible constitution or a federal state in-the-making. On the European institutions and how power is (or should be) divided among them (or within them insofar as the Council is concerned) see: Areilza Carvajal (1996); Calvo Diaz (1999); Carmona Choussat (1997); Fernández Alles (1999); Jachtenfuchs (2001, 2002); Kielmansegg (1996); Klokočka (1996); Marcuello Moreno (2001); Medina Ortega (1998); Molina del Pozo (1995); Morata (1998); Munoz (1994); Oreja (1996); Ortega (2000); Perez de las Heras (1996); Petschen (1998); Puntscher-Riekmann (2000a, b, c); Ribot (1999). On the sharing of competencies between the Union and the Member States see: Matutes (1996); Vilà Costa (1993). The discussion on the future of the European polity has received new momentum through the upcoming enlargement. On the implications of enlargement for the European Union but also the Accession countries see Baun and Marek (2001); Drulák (2000); Klokočka (1996); Mach (2001a, b); Mayhew (1998); Pecháček (2001); Plecity (1998); Safariková (2001). Among smaller Accession countries – the majority – one emerging principal concern regarding the process of European integration is the future of small states; see Gál (2001) and Mocek (2001). On an interesting critique of the widely held popular view that EU institutional reform is bound to enlargement, see Plechanovová (1999).

[14] On European citizenship, see Blázquez Peinado (1998); Bru (1994); Perez de las Heras (1992); Risse (2000); Valcárcel (2000); Aguirre and Ignacio (1993). It should be added that a great part of the discussion on the meaning and (legal) implications of European citizenship is concerned with (a) contrasting European and national citizenship to establish how these two different status are overlapping or distinct; (b) discussing the treatment of social rights by European citizenship and using this as a starting point to discuss (and mainly criticize) the absence of a distinct European social policy agenda; (c) addressing the status of migrants in the framework of European citizenship. Especially on the latter see Borja and Sunyer (1999), Lucas (2001) and Zapata (1999). Only very few (a notable exception is Pérez-Díaz 1999) discuss explicitly citizenship from the perspective of participation which is the perspective taken in the EUROPUB project.

the basis of the European polity. At least this is what the proponents of a European constitution claim.[15] The last word has yet to be spoken.

Turning to decision-making processes characterising specific policy sectors, **the closure of policy communities** is both an empirically observable phenomenon (with special resonance in 'Brussels') and something that can actually be studied empirically. Students of the European policy process certainly agree that the locus of European policy-making is fragmented into quasi-autonomous, yet not completely closed, policy communities and policy networks.[16] It seems reasonable to assume that political contestation in response to fragmentation can only mean the ability to effectively dissent from and affect decisions emerging from these policy communities. In more colloquial terms, effective political contestation involves rocking the boats that contain policy communities. Understanding whether a European public sphere is emerging involves analysing to what extent institutional structures and practices at EU-level provide opportunities for different types of policy actors (such as politicians, experts, or citizens) to rock policy-community decision-making.

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[15] Some scholars point out that it is wrong to claim that Europe has till now not had any constitutional framework. Indeed the various EU treaties represent a form of constitution, albeit a 'fluid' one (Jachtenfuchs, 2002) as it is not only frequently adapted but also differentially adhered to. See also Bogdandy, von (2001) and Melchior (2001). On the inherent contradiction of a constitutionalisation process in a supra-national framework driven by economic integration, see Somek (2001).

[16] Seminal in this respect has been the work of Richardson (1996). Since that time the study of policy networks at European levels has increased significantly and is especially popular, it would seem, in the Anglo-Saxonian and German environments. With reference especially to the question of the European democratic deficit at the interface with policy-making see Eising (2000); Heritier (2001); Jachtenfuchs (2001, 2002); Rucht (2000); Trenz (2000, 2001, 2002). Studies of policy networks confirm the fragmentation of European policy-making, more specifically that whilst contestation is possible and can be empirically observed for some sectors and for a specific set of actors, this is not the case for all – hence that lobbying (of and for specific stakeholder interests) is stronger than broad interest representation in deliberation. In this connection, the Danish democracy report, following on from Castells (1998), warns against the inherent opacity of network formation and network democracy. Eising talks about 'selective coalition building' whilst Trenz about 'sectoral public spaces' (rather than *a* public space – much in the sense of Habermas *Teilöffentlichkeit*) as representing the routine mode of European policy-making, which only under certain conditions (and through the media) assume a more diffuse attention. Brunkhorst (1998) draws from this the conclusion that modern democracy is 'experimental', possibly more participatory but less representative. Eder (2001) reaches a similar conclusion with regard to post-national democracy, which, as a result, is viewed as different than nation-state democracy. For Jachtenfuchs (2002) this is rather proof that deliberative democracy, as practiced at European level, increases the legitimacy but not necessarily the democratic input of decision-making. Kohler-Koch (2000) as well as Abromeit (1998) instead interpret this as meaning that instruments of direct democracy must increase in significance.

Decision-making in policy communities also depends on the general institutional environment. General changes in the balance of political power, institutional structures, technology or socio-cultural values also affect decision-making in policy communities. These 'external system changes'[17] restructure the institutional opportunities for successfully contesting policy-making.

When examining opportunity structures for contestation, we should also however be careful not to strictly limit our attention to those forms of mobilisation that are organised around top-down established procedures for consultation. Equally important is the more heterogeneous protest movement which also seeks to co-define or influence political content. The political practise carried out in the streets by the heterogeneous groups of disaffected people whether in Nice, Genua, Göteborg, or Barcelona must also be taken into account. [18]

In short we must look for political content and for sources of new ideologies in addition to new analytical tools with which we may be able to define and then put to usage in connection with the public sphere. There must always be space in the sphere for the unexpected which may tilt balances.

Finally, with regard to charting **the strength of representative democracy** at European level, the notion of the political field serves as a convenient theoretical and empirical construct. The existence of a political field, reflecting the power structures of the broader society, does not guarantee the existence of a public sphere. However, a public sphere necessarily corresponds to a political field of a certain kind – one that is structurally open and in which the specialisation of political functions does not entail a monopoly of participation, problem definition and style in the hands of the professionals. Subject to certain conditions, the process of the political field may contribute directly to the emergence of public sphere.

These conditions are *both* conceptual and sociological. First, competition within the political field offers the potential for openness to the extent that, in a democratic system, representativeness is a key resource. Second, attempts by politicians to manipulate 'public opinion' create media representations of the

[17] Sabatier and Jenkins-Smith (1993).

[18] If there exists any ideological base material concerning the latter it is to be found in the widely spread polemical writings by Naomi Klein and Noreena Hertz, two academically brilliant women in their early 30s who have become fed up both with their own roles as whizz-kids sitting on the laps of the male power structure whether in Russia or in the West and with the reductionist transnational market order which dictates politics. Cf. Klein (2000) and Heertz (2001).

latter that offer a focus for societal mobilisation, establishing channels for claims to representativeness to be challenged.[19]

These considerations lead to a straightforward and comparatively unexamined hypothesis: that the reduction of the European democratic deficit – which implies the emergence of a public sphere at the European level – depends on the structuring of a genuinely European political field. A necessary, albeit insufficient, feature of such a field is **a European political class**, i.e. one pursuing strategies at the European level, in the context of European institutions, and in ways that are not simply reducible to an extension or translation of existing national fields.

The EUROPUB project has been designed to examine all three of the above key factors that are relevant for the analysis and monitoring of the European public space. How we propose to do this is outlined in the next chapter. Before this we discuss the context of our analysis, namely that of multi-level governance at European level.

2.5 Multi-level governance

> *"Governance is a method/mechanism for dealing with a broad range of problems/conflicts in which actors regularly arrive at mutually satisfactory and binding decisions by negotiating and deliberating with each other and cooperating in the implementation of these decisions (…) in modern and modernising societies the actors involved in governance are usually non-profit, semi-public and, at least, semi-voluntary organisations with leaders and members; and it is the embeddedness of these organisations into*

[19] In many respects this is also what Habermas has in mind as the following quotation from a recent lecture shows: *"Die wahrgenommene transnationale Überlappung von parallel gelagerten Interessen und Wertorientierungen würde das Entstehen eines europäischen Parteiensystems und grenzüberschreitender Netzwerke befördern. Auf dieser Weise würden die territorialen Formen der Organisation so auf funktionale Prinzipien umgestellt, dass Assoziationsverhältnisse entstehen, die den Kern einer europaweiten Zivilgesellschaft bilden könnten. Das Demokratiedefizit kann freilich nur behoben werden, wenn zugleich eine europäische Öffentlichkeit entsteht, in die der demokratische Prozess eingebettet ist. In komplexen Gesellschaften entsteht demokratische Legitimation aus dem Zusammenspiel der institutionalisierten Beratungs- und Entscheidungsprozesse mit der informellen, über Massenmedien laufenden Meinungsbildung in den Arenen der öffentlichen Kommunikation.*" Hamburg lecture on the 26th of June 2001 entitled *"Warum braucht Europa eine Verfassung? Nur als politisches Gemeinwesen kann der Kontinent seine in Gefahr geratene Kultur und Lebensform verteidigen".*

something approximating a civil society that is crucial for the success of governance."[20]

Governance represents a negotiation mechanism for formulating and implementing policy which seeks actively the involvement of stakeholders and civil society organisations besides government bodies and experts. It is a rational model of decision-making which emphasises consensus and output and which, in theory, is participatory. It is considered as a new form of doing policy at European level and as a way to overcome the legitimacy problems faced by the European Union.

As an extension to government-led top-down decision-making processes based on representation (the so-called aggregative model of democracy), governance promises to open up decision-making processes to more participation (thus strengthening the participatory model of democracy).

However its implementation is more difficult than it seems and perhaps not so unproblematic at the normative level. Thus in the absence of (adequate) corporate interest representations it could lead to elitist democracy or technocracy (as by default those participating in decision-making processes would not represent, or only partly so, collective interests).[21] Problematic is also the way in which governance would appear to ignore the role of representative government institutions like the Parliament.

Therefore as an extension to government – and in particular the executive power – governance must be assessed positively. However it does not, or rather should not, be considered a substitute of representative forms of democracy nor of accountability structures or procedures that are part of the latter.

The challenges for policy and for democracy in multi-level governance contents are recognised in a recent White Paper published by the European Commission on European governance.[22]

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[20] Schmitter, P. (2001), p.8

[21] Cf. Offe, C. (2000).

[22] See European Commission (2001), *White Paper on European Governance*, Brussels, European Commission. The White Paper builds on recommendations advanced by several working groups set up to prepare this White Paper. Each working group has delivered it own report. Worth mentioning are: Report of Working Group on 'Broadening and Enriching the Public Debate on European Matters' (Group 1a); Report of the Working Group 'Democratizing Expertise and Establishing Scientific Reference Systems' (Group 1b); Report of the Working Group 'Consultation and Participation of Civil Society' (Group 2a); Report of the Working Group 'Better Regulation' (Group 2c); Report of Working Group on 'Decentralization, Better Involvement of National, Regional and Local Actors'; (Group 3b); Report of Working Group 'Coherence and Cooperation in a

Making governance the subject of a White Paper is indicative of the difficulties faced by the Union institutions with regard to the way forward on issues of multi-tier government, transparency and accountability as well as the growing alienation of European citizens from Europe.

The problem, states the White Paper, is the lack of legitimacy of the Union which is related to its perceived inability to act when important. The latter is not unrelated, so the White Paper, to the failure of the Member States to communicate well about the Union and the lack of knowledge about Union institutions among European citizens.

The remedy to these problems is what the White Paper calls 'democratic governance', the principles of which are openness, participation, accountability, effectiveness and coherence to reinforce both proportionality and subsidiarity.

The White Paper on Governance makes recommendations in three main areas:

(a) With regard to *participation and openness* it suggests: that the European institutions work on developing a more comprehensive communication strategy; that regional and local governments are involved in decision-making processes; that standards of consultation are established; and that flexibility in the implementation of rules and regulation is built in the decision process.
(b) On the subject of the *coherence and effectiveness of policies* the White Paper recommends the broader use of the open co-ordination method, voluntary agreements and evaluation; the setting-up of autonomous regulatory agencies; the simplification of regulatory acts and the employment of policy-mixes.
(c) Institutionally, the most far-reaching of the proposals of the White Book (in the view of its authors) is the call for clearly *dividing powers between European institutions* so that legislative and executive functions are clearly separated. The White Paper considers that the Commission should concentrate the executive power and that the legislative power is better shared between the Council and the Parliament. With regard to subsidiarity, this should be thus interpreted as to mean that power is shared rather than divided between the EU and the Member States.

There is no explicit mention of a European constitution in the White Paper, yet much of what is said there, especially the call for a clear division of powers between European institutions and for a sharing of legislative power between the Council and the Parliament, represents an implicit recognition of the

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Networked Europe', (Group 4b); Report of Working Group 'An EU Contribution to Better Governance beyond our Borders' (Group 5); Report of Working Group 'Policies for an Enlarged Europe' (Group 6).

importance of a supra-national legal framework that constitutes power and relates this to policy-making.[23]

[23] One highly polemical and critical assessment of the White Paper on European Governance has come from Scharpf (2001). He mainly criticizes the White Paper on two grounds: first, with reference to what it omits; second, with regard to its insistence on clear division of powers which also would mean a greater executive power for the European Commission. With regard to the first criticism, it is indeed true that the White Paper says little about the substance of policies and of the problems of integration / harmonization deriving from enlargement on the one hand, and the asymmetry between market-creating and market correcting measures. However, the White Paper did also not set out to reflect on the contents of policy but rather on the processes and procedures of decision-making. With regard to the second criticism, this taps on an ongoing debate about what the future of the EU polity should or will be. Clearly there are here diverging opinions and Scharpf appears rather in favour of keeping many of the existing procedures which are oriented and supporting the power of the Council. That the Commission is of a different opinion is from the political science perspective understandable and clearly the debate will continue for some time longer. However what should not be underestimated is the Call of White Paper for more powers for the European Parliament.

Otherwise the recommendations of the White Paper on European governance point to a similar direction to that identified in EUROPUB. If governance in Europe is to be democratic, and if a European public space were to be consolidated, then this would necessitate changes in policy-making towards more openness and participation to be balanced by a strengthening of representative democracy through networking and associations, on the one hand,[24] and political institutions like the Parliament, on the other.

Undoubtedly this will not be easy given first, the size of the European polity and second, its diversity. Thus the need for a densely interconnected and coordinated web of multi-tier government supported by active citizenship and strong interest representation – primarily through regional, local and social actors. Decentralisation and flexibility are here important terms.[25] There still remains, however, a tension between efficient and effective policy output on the one hand, and the successful ensuring of democratic input which would need to be resolved in time.

[24] See, in particular, Report of Working Group 'Coherence and Cooperation in a Networked Europe' (Group 4b).

[25] See, in particular, Report of Working Group 'Decentralization and Better Involvement of National, Regional and Local Actors', (Group 3b). Whilst being overall in favour of decentralization, the report also draws attention to the problems entailed in a largely decentralized system, especially with regard to coordination and harmonization. Arenilla Sáez (1999) on the other hand puts forward the interesting opinion that decentralization might be beneficial with regard to policy output but might increase (rather than decrease) the democratic deficit. Similarly on the limits of network-based democracy, see Morata (1999).

3 Research Design

3.1 General

The EUROPUB project has as its main goal to examine whether there is a European public space in-the-making. In line with our theoretical argument outlined in the previous chapter, a positive answer to this question can be provided if we may empirically identify and observe:

1) A process towards the establishment of an operational legal framework that clarifies the sharing of responsibilities and competencies between European institutions as well as between the Union and its Member States but also its relation to its citizens. Such a framework already exists through the Treaties (and the Acquis at the policy level), yet it is still fragmented and rather fluid. To what extent such a framework needs to be more concise, and whether it will form a constitution similar to national constitutions in strict or variable relation to the latter, are still open questions to which answers at present vary. Yet clearly whatever answers are provided or rather, more importantly, agreed upon in this respect will fundamentally determine the type of polity the European Union will become, and, consequently, the scope and scale of the European public space. This is so because a constitution is not alone important for providing a legal basis and an operational framework but also for connecting law to politics and in that has both a moral and a symbolic function.

2) Open policy-making processes. Encouraging participation of citizens in decision-making has two important prerequisites: first, that information on policy content and decision-making procedures is made available through various means and in a format that is accessible and understandable; second, that there exist opportunity structures for consultation, debate and contestation that go beyond paying lip-service to the principle as such of participation. How policy-making communities and procedures deal with protest movements and their claims is also a relevant aspect for empirical analysis.

3) The emergence of a political class and in relation to this the strengthening of representative democracy. The theoretical discussion on democracy reviewed in the previous chapter often sees representative and deliberative democracy (or aggregative and participatory democracy) as representing two distinct and possibly also oppositional models of democratic practice. The perspective we take in EUROPUB is the opposite, in that we hypothesise that deliberative democracy and participatory processes are likely to be strongest where representative forms of democratic decision-

making, including with reference to institutions like the European Parliament, are also strong. The latter are in turn dependent on the existence of a political class – at European level of a European political class.

We are not claiming that the above factors are exhaustive when examining European democracy. Indeed, one important element which we do not address in such depth in EUROPUB is the role of the media. Clearly however the media plays a role with regard to each of the above, as it is mainly through the media that information and debates – whether on the European constitution, policy content or institutions – are transmitted and diffused. Indirectly we will thus be confronted with the influence of the media (or the lack thereof) in our study.[26]

Needless to say our objective is not to establish alone the existence of the above processes, but rather to inquire into their scale and scope. Democracy is, after all, itself a process and as such a matter of degree. Thus our question is less whether Europe entails democratic elements, but rather the scale and scope of the latter. We are also particularly interested to find out whether the process of democratisation of the Union is developing in such a way as to counteract the existing fragmentation (of intentions, procedures and institutional arrangements).

In order to explore democracy in the European Union and test our hypotheses, we will be undertaking two sets of empirical investigations:

- First, we will carry out a set of eight case studies[27] across different policy sectors to inquire into the opportunity structures for contestation that each entail. We are here interested to find out what procedures for ensuring democratic input in policy-making are used (if any), whether these differ across policy fields (if so, why) and how they influence policy output. These case studies are described briefly in the section that follows. Two of the case studies will examine the discourse on European values and the ongoing constitutionalisation process from different perspectives, thus lending input to the first of the elements identified above as important for the formation of the European public space.

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[26] For a study directly dealing with the role of the media for the European public space see Koopmans et al. (2001): The so-called EUROPUB.COM project which is running in parallel with EUROPUB investigates the extent to which national media are undergoing a Europeanisation process (in becoming increasingly concerned with the transmission of European-related debates) and the influence of this on the formation of a European public opinion and the creation of a European public space.

[27] Of these eight case studies, five will be in-depth, three shorter. The shorter case studies comprise those on the Charter of Fundamental Rights; the anti-globalisation movement and the Culture 2000 programme.

- Second, we will investigate the career paths and activities of persons who are involved in European politics – either directly as Members of the European Parliament or indirectly as holders of decision-making positions in the administration or at the Committee level – and compare these to persons who are merely active in national or sub-national level politics. This study will provide us information on the emergence of a European political class and, indirectly, on the strength of representation at European level.

With reference to the work plan of the project, the policy-specific case studies correspond to WP2, the survey of political careers to WP3. Both work packages have commenced and are expected to be finalised towards the middle of 2003.

The conceptual framework of the project outlined in brief in the previous chapter has been informed from an extensive review of the existing literature on the subjects addressed. This has been the subject of work package WP1 which is currently coming to an end and which will result in a comprehensive report to be submitted in the summer of 2002.

The results of the empirical work will be used to design a system comprising measurable indicators that can be used in the future to monitor developments with regard to European democracy and the European public space. The elaboration and testing of the EUROPUB Monitoring System will be the subject of WP4 and WP5 respectively. This work will commence in the middle of 2003 and be completed towards the end of 2004 when the project also comes to an end.

3.2 Case studies

The focus of the case studies is the policy level and the decision-making context, more specifically the extent to which the latter entail opportunity structures for participation and contestation. In other words, the case studies will **analyse the existing decision-making and consultation structures and practices in various policy fields to find out the extent to which they are open to (citizen) participation and contestation**.

The policy sectors for analysis have been selected bearing two general criteria in mind: first, the degree of relevance to citizenship-related practices; second, the degree of complexity of decision-making structures. We are thus focusing on the field of **citizenship**; **environment**; **regional policy**; **social policy** and **cultural policy**. Additionally we will be investigating the discourse on **European values and the future of the European polity**.

The specific case studies within each policy sector were selected so that:

- They are clearly delineated so we can look at them in depth, thus lending themselves also to democratic monitoring;
- There is a mixture of policy debates or issues that are to be found at different stages of the policy cycle, i.e. 'completed' (but within the current EU policy set-up i.e. post-Maastricht) or 'ongoing' (so that we can use ethnographic techniques as well as documentary and interview approaches);
- There is a mixture of issues defined by reference to specific policy outcomes and issues that are more diffuse and more framed in terms of political mobilisation;
- Jointly they include some successes, some failures (either in terms of democratic process and/or policy community objectives).

The case studies will follow common methodological guidelines that are informed from the 'new institutionalism' political science literature and the sociology of action and with reference to specific measurable indicators for monitoring democratic input and policy output.[28]

Below we briefly report on the policy sectors under study and the case studies selected.

3.2.1 European values

The ongoing debate about the desirability, feasibility or eventual form and function of a European constitution shows that this is not alone a debate concerning operational definitions, implementation roadmaps and voting procedures, but fundamentally one about norms and values as well as institutional arrangements, which will, in turn, inform the meaning and functioning of European democracy.

This debate was long in the making, indeed it was for quite some time avoided in the hope that it would either become obsolete or evolve quite naturally and in a frictionless manner.

Yet the crisis of legitimacy the Union has been facing over the last years has tended to increase, becoming 'dangerous' in view of enlargement practically around the corner. The alienation of European citizens from the new polity in-the-making is reflected in high abstention levels in European elections, in anti-European votes in related referenda and, not least, in the increase of power of the extreme right-wing which notoriously is anti-European. These developments have convinced the political class that such a debate is necessary even if its

[28] See 'Guidelines for Case Studies', Internal EUROPUB Document, available upon request.

outcome is difficult to predict at the outset. This decision has in itself been a positive step towards overcoming the democratic and, hence, legitimacy deficit of the Union.

In view of the above and in line with the project's conceptual framework, EUROPUB will critically examine this debate and the various areas of contestations it has brought about. In order to avoid overload and to empirically best focus the analysis, we will concentrate on two major events:

First, the revision of Article 7 of the Treaty on the subject of sanctions, following first, the imposition and thereafter, the lifting of sanctions on Austria following the entry into government of the extreme right-wing FPOE party. Right-wing parties like the FPOE in Austria are not illegal and as such are part of the democratic process, yet their extreme attitudes and beliefs (reflected in speech and, in part, practice) create unease, especially when they achieve entry into government. As such they become a test for democracy, raising anew the question of what democratic values entail and what this implies (or should imply) in terms of democratic procedures. The focus of this case study will be twofold: first, to assess the decision process surrounding the application and subsequent revision of Article 7; second to investigate the perception and symbolic use of this instrument by the civil society, especially with reference to the meaning of European values. The case study will also **contrast the debates on all levels concerning the Austrian elections with those occurring during the Italian election in light of the substance of European values**, focusing on who participated in the debates (*who* was the so-called 'driving force' and *how* the debates on all three cases differed and *why*). A focal point will not only be the circumstances surrounding the imposition of the 'sanctions' themselves, but also the lifting of the measures, and with reference to the Italian case, why sanctions were not imposed on Italy following similar developments upon the institution of the Berlusconi government into power.

Second, we will examine the process of preparation, debate and implications of the **Charter of Fundamental Rights**. The decision to prepare such a Charter was taken by the European Council in 1999. Subsequently, a convention was set up comprising representatives of Heads of State and of Government, the European Commission, the European Parliament as well as national Parliaments, and using explicit rules about how to reach a decision. The Charter was finally completed in 2001 and proclaimed at the Nice Summit. It consists of a preamble and 54 articles around seven themes, namely, dignity, freedom, equality, solidarity, citizenship, justice and general provisions. It remains unclear what the legal implications of the Charter will be, given that it was not incorporated in the Treaties of the European Union. Clearly at this stage it is thought of as a political document for "expressing common values".[29] The study

[29] Salcedo (2001). Cf. also Fonseca Morillo (2001) and Martiny Comerma (1999).

of the process for agreeing to establish such a Charter (yet not to incorporate it in the Treaties) is expected to provide useful insights into the cleavages concerning European values, European citizenship and the future of the European polity. In turn, it will inform our understanding of the activities of the recently established Convention on the Future of the European Union, which we will also be observing in the course of the EUROPUB project.[30]

3.2.2 Citizenship agenda

Citizenship characterises membership in a political community. Following from our conceptual framework about democracy and the public space, it is not formal alone but rather taps on the orientation or disposition appropriate to participation in the public sphere. This implies, however, that the 'citizenship agenda' for our purposes is much broader than the 'citizenship agenda' as it might be defined by, say, the European Commission. It certainly cuts across specific policy areas, and it is far from obvious how, empirically, to locate it.

Besides reviewing the existing literature on European citizenship as a formal status, EUROPUB will investigate in-depth two instances that throw light on citizenship as a disposition towards participation:

First, **the European elections of 1999**. In many respects, and as can be judged by the very low voter turnouts in most countries, the European elections of 1999 could be characterised as a 'failure' in terms of citizenship. The lack of interest and hence of democratic input with regard to the formation of the European Parliament has tended to weaken the symbolic significance of the latter, and to undermine its legitimacy which is the opposite of what is intended by other ongoing activities (including moves to increase the legislative role of the Parliament vis-à-vis the Council and the mandate of the European Convention on the Future of the European Union). This case study is expected to help us understand the reasons for this as well as provide information on the prospects of representative democracy at European level.

Second, **the anti-globalisation movement**. In parallel to the decline of the traditional forms of participation, like voting, we can observe an increase of the significance of alternative forms of participation, including social and protest movements. Furthermore, even if the image of those directly involved in the anti-globalisation movement (and the protests now regularly organised by the latter at European Summits) has tended to suffer from the occasional eruption

[30] In that we will also seek sharing insights of an ongoing project by the Austrian Academy of Sciences (Sonja Puntscher-Riekmann) together with the Trans-European Policy Studies Association (W. Wessels) on 'Constitutionalism and Democratic Representation in the European Union'.

of violence and the negative media reporting, the concerns expressed by the movement are much more real and diffuse, and certainly legitimate. On the margins, the anti-globalisation movement has also been successful in raising awareness on the negative effects of globalisation, especially with regard to the social policy agenda, among the public at large but also among politicians. Besides throwing light on a less traditional or mainstream mode of provision of democratic input – namely protest – this case study will widen our understanding of the perception of the European political content and provide information on the ability of Europe to absorb and deal with opposition.

3.2.3 Environment

In the wake of the 1987 Brundtland Report and the 1992 Rio Earth Summit, the notion of sustainability has become the *leitmotif* of environmental policy at the global, national, local and, also, at the European level. This is demonstrated, among other things, by the 1993 5th Environmental Action Programme 'Towards Sustainability', the proposed 6th Environmental Action Programme and the Commission's recent communication 'A Sustainable Europe for a Better World: A European Union Strategy for Sustainable Development' and by various references in the EU Treaties, in particular Art. 2 TEU which states the aim of "balanced and sustainable development". The case study focuses on how the shift towards the sustainability frame has influenced the political opportunity structures for contestation from above, below and from other sectors at the EU level.

In the context of the EUROPUB project it seems promising to particularly stress what are, arguably, the three main principles developed by the EU to operationalise the concept of sustainability and to look at the way in which these principles have affected the opportunity structure for contestation of selected policies and measures. More specifically, the principle of 'partnership and shared responsibility', the 'precautionary principle', and the principle of 'policy integration' transform the notion of sustainability into a social, a temporal, and a substantive dimension. While still being closely linked to the integrative normative ideal, each of these principles is considerably more specific and contestable than the concept of sustainability itself. The three principles can therefore be used to rhetorically link specific policy discussions and concrete claims to the ideal of sustainability.

The precautionary principle and the principle of policy integration are primarily environmental principles. They can be instruments and objects of contestation at two levels: First, there is the more general definitional level. The precise definitions of the precautionary principle and the principle of policy integration are in fact contested among different actors in the EU. Second, the principles

can serve as instruments or objects of contestation at the level of implementation.

The principle of partnership and shared responsibility is, at least theoretically, more of a horizontal principle associated with a particular mode of European governance than primarily with the environmental sector as such. In the context of a case study of the environmental sector it would therefore not make sense to deal with this principle at the definitional level. Rather, the discussion can be confined to the level of implementation of the principle in the context of particular environmental measures.

Of the many EU environmental measures to which the two principles are relevant, the discussion surrounding the **deliberate release of genetically modified organisms (GMOs)** into the environment appears to be particularly interesting because it has given rise to intense Europe-wide discussions. Also the Commission has made various efforts to involve citizens and civil society actors in the formulation of this policy, thus the case study will provide an opportunity to scrutinise the existing procedures.

3.2.4 Regional policy

During the course of the 1980s it became increasingly evident that the formation of regions across the European Community came into being for varied and specific purposes: to secure and reinforce the particular profile of an historical region; to explore and exploit the regional resources of social capital in order to enhance regional capital formation for regional specific production; or to form alliances of regions into hyper-innovative and productive geo-economic structures.

These tendencies received a sanctioning by the EC which was enough to establish the Assembly of European Regions (ARE) or the Council of Communes and Regions of Europe (CCRE) in the middle of the 1980s. The Single European Act (SEA) had given the signal to start the new regionalism. The SEA brought together several levels – enterprises, regions, and Member states – around one common project, the Single market, and introduced new articles on regional policy such as Article 130, which rendered an additional impetus to the regional question. The next legitimising step in this process came at Maastricht in 1991 with the Committee of the Regions (COR), which was ideologically built on the concepts of subsidiarity and sustainability.

In 2002 the regionalist drive has arrived if not at an impasse then to a plateau for temporary considerations of what next. What is the region out to prove and what is its actual *raison d'être*? For instance, many regions of all proportions are today inclined to seek a common position with their national governments before moving ahead, because such domestically determined structures offer a

more reliable way to exercise influence within the EU than a more chancy lobbying would do.

This should, however, not be interpreted as a revival of the nation-state at the cost of the region. At this stage regionalism is in need of a new object of common focusing to be generated by the EU. In order to facilitate such a process EUROPUB will scrutinise **the state of the regions and the respective movements of regionalism within individual nations** in order that a comparison may crystallise a target of common importance. In this connection we will look into the functioning and openness of the **Committee of Regions**.

What impact does the new role of the regions have on European democracy, and what is the relation to the public sphere? Regions may facilitate subsidiarity and proximity. New administrative structures for deliberation and decision-making may vitalise a public sphere. But a new multi-level democracy may also make policy-making even more opaque than presently. The involvement of partnerships in regional strengthening and development may give new opportunities for citizen participation, but the result may well be that *de facto* decision-making no longer takes place in the publicity of elected assemblies but behind lace curtains in secluded conference rooms. These are some of the questions to be addressed by this EUROPUB case study.

3.2.5 Social policy

The development of the European Union's social agenda has been slow, yet recent developments suggest that there might finally be a shift away from mere social regulation towards positive integration.

Issues of social policy were introduced in the 1957 EEC Treaty in order to avoid distortion of the competition rules. References to the improvement of living conditions and social harmonization were considered only in as much as they supported the objectives of economic integration (see articles 117-128 of 1957 Treaty on co-operation, equal pay and the European Social Fund).[31]

Employment was placed as a high priority in the mid 1980s during the presidency of Jacques Delors and the support of the French government. At this point social policy was linked to the need to strengthen social cohesion and the notion of a social dialogue between workers and employers was revived at European level, giving rise to opportunities for mobilisation at European level of trade unions.

[31] For a review of the European social policy agenda, see Hantrais, 2001.

The social dialogue has been variably successful since then. A Community Charter on the fundamental rights of workers was first included in the Single European Act in 1989. A Protocol on Social Policy including a number of initiatives on how to develop the social dimension was signed by 11 EU Member States in 1992 with the Treaty of Maastricht. The European Commission produced first a green and then a white paper on social policy in 1993 and 1994 respectively providing a fresh reflection on the targets that will be acceptable to member states and social partners as well as policy directions and goals. The creation of jobs was located as the highest priority.

Finally the Treaty of Amsterdam signed on October 1997 incorporated an Agreement on Social Policy into the main body of the Treaty. In this treaty articles 136-50 correspond to social policy questions. Many of them are reformulation of the previous Treaty articles 117-28. It has been pointed out that the most significant change was the introduction of the title VIII on employment (articles 125-30), which present the objectives and responsibilities of member states and the Union with emphasis on co-operation and co-ordination. This line was further develop by the Luxemburg Council meeting on employment in November 1997 and the Council resolutions that followed during the same year.

Particularly relevant is article 128 of the Amsterdam Treaty in which the Council and the Commission are given the tasks of reporting on the employments situation examining the measures taken by national governments as well as their implementation. Following on from this a procedure for reporting on employment targets and initiatives to fight unemployment was launched in 1999 – the so-called National Plans for Employment. In 2001 and under the initiative of the Belgian presidency, this procedure was extended to apply also to anti-poverty strategies – the so-called National Plans for Inclusion.

In EUROPUB we will examine the **role of the social dialogue, in particular with regard to trade-union cooperation, for the formulation and implementation of the National Plans for Employment and Social Inclusion** respectively (and in comparison).

3.2.6 Cultural policy

The European Commission explicitly presents its activities in the cultural sector as an instrument for advancing European integration. It states that “by including provisions for cultural policies in the Treaty of the European Union, the Member States demonstrated their resolve to … deepen the solidarity between their

peoples...and to establish a citizenship common to nationals of their countries…"[32]

The evolving European cultural policy faces two central dilemmas:

The first derives from the view of culture as an instrument – in this case for European integration and the formation of a European collective identity. This view stands in contrast to the widely held view of culture as a social good *per se* or as a "self justifying value"[33]. It may also be inconsistent with another "official" objective of European cultural policy: the preservation and support of cultural diversity in Europe.

The second central dilemma is somewhat more complex. The expansion of government involvement in the arts in the post-war period was largely driven by a long-standing belief in the civilising value of the arts and a consequent desire to democratise access to it. These values came under severe pressure during the late 1960s as many argued that giving people access to a pre-determined set of cultural values, expressions and products was an inadequate response by democratic states. It was seen to reflect a top-down dispensation of elitist cultural values and it was argued that cultural policy should go beyond educating people into appreciation of approved culture and involve them in the fundamental debates about the nature and value of cultural identity and expression. The principle of cultural democracy has subsequently vied for primacy with that of the democratisation of culture.

These are not necessarily mutually exclusive, yet they have tended to polarise political debate around cultural policy in many European countries. The two principles correspond to two different forms of cultural policy-making. While cultural democracy can be associated to a top-down process, the democracy of culture will generally lead to a more bottom-up process. In the former case the arenas of contestation are primarily the formal institutions of government – EU and national Parliaments, European Commission, etc. In the later case, the contestation is carried out via the media, cultural initiatives, associations and NGOs.

The EU policy expresses itself today in the form of programmes, as an answer to the challenge of "how to govern an expanding empire without massively increasing the power of the center"[34]. The **Culture 2000** programme provides support in the fields of cultural production. In EUROPUB we will examine the formulation and implementation of this programme in an attempt to see how

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[32] <http://europa.eu.int/comm/culture/index_en.html>, accessed February 18th 2002.

[33] Cultural Policies Research and Development Unit (1999). Balancing act: 21 strategic dilemmas in cultural policy. Council of Europe Publishing. Strasbourg.

[34] Andrew Barry (1996), p.26.

they manage the conflicting perspectives on cultural policy and cultural policy-making especially with reference to the role of civil society and the meaning and implications of European identity.

3.3 Survey of the emerging European political class

Defining the political class – whether at the national, sub-national or European level – is not an easy task. If defined very broadly then it practically would include all those engaged in some form of political activity, if not all those interested in politics or perceiving themselves as 'political'. Defined narrowly as only comprising elected officials, it might miss out on important stakeholders or administrators who are influential in terms of policy-making. Clearly the difficulty in determining the scope of the political class is not unrelated to the complexities of politics and decision-making in democracy as the latter involve several modes and routes of partaking in influence or participation.

Equally difficult is the definition of what would comprise 'European'. In one sense, 'European' as a label could be restricted to apply to a supra-national level of politics and/or a geographical scale which is beyond the national one. Yet related to citizenship as a membership of a political community, 'European' could also apply to all those members of the political class that mobilise for or against European issues, irrespective of the spatial level of their activity.

For pragmatic reasons related to the scope of the research design, we will focus our empirical work on that sub-set of the political class which holds an official political position (whether by election or nomination) (or who did so in the past or is likely to do so in the future) at the European, national or sub-national levels and whose work relates directly or indirectly to European matters.

Our sample will be drawn from Members of the European Parliament; members of the national governments represented in the Council; political functionaries working at the European Commission; members of the European federations of parties; rapporteurs for European questions in the national Parliaments; members of the Committee of the Regions; members of the permanent delegations of countries or regions in Brussels; members of the Economic and Social Committee; members of the European Trade Union Confederation; NGO activists operating mainly at European level as well as members of the national political classes who are not in any of the above categories yet whose actions or discourses influence the European agenda directly or indirectly.

The empirical study of the European political class, and the assessment of the processes by which it may be tending to emerge, will be informed by the EUROPUB project as a whole. In particular, the empirical analysis of policy processes as in the case studies (see previous section) will provide important

information on the actual participants in European policy dynamics. Besides, systematic empirical data will on career paths will be produced through the use of available information, like political 'who is who' and parliamentary handbooks, a mail survey and face-to-face interviews.

3.4 A monitoring system for European democracy

An important objective of the EUROPUB project is to develop and operationalise *measurable* indicators that can be used to monitor how democratic the European Union is, more specifically for measuring the openness and deficits of political and institutional practices across policy sectors.

The development of these indicators will inform and rely on the outcome of the empirical investigations foreseen by the project. It will also be based on existing literature on democracy monitors or indicators for assessing decision processes.[35]

Existing democracy audits or monitors focus primarily on the national level and display an emphasis on state institutions. They overall tend to be very general in addition to confusing background, input and output (or performance measure) indicators. Generic dimensions addressed by existing audits are: elections; accountability or democratic control; citizenship and inclusiveness; civil rights; information; and participation.

There are two ways in which the EUROPUB monitoring system will differ from existing audits:

- EUROPUB focuses on a multi-lateral decision-making framework, namely the European Union (i.e. it is not about nation-state democracy);
- EUROPUB focuses on the **policy level** and not on general political processes.

It follows from the above that we are less interested in the afore-mentioned dimensions of 'elections' or 'citizenship and inclusiveness' (even though these are subjects that will concern us in theory, with reference to the study of the political class as well as in the case studies). Rather our attention will be primarily directed to the dimensions of accountability, information and participation (and through the latter with reference to civil rights) in the context of democratic legitimacy and democratic input.

[35] See in particular the work of Beetham (1994); Dahl (1979, 1985, 1989); Schmitter (2001).

A preliminary list of broad indicators was elaborated to inform methodologically the case studies described above. This is as follows:

Democratic Legitimacy

- Role of political parties: Did parties politicise policy-making by focussing on the ideological implications of particular issues? Were issues politicised along the left-right and/ or along the integration/ anti-integration dimensions? What is the role of political parties in cross-sectoral interaction and consensus building?
- What was the role of national parliaments in decision-making?
- Have the media informed citizens? Did they politicise issues? If so, in which way (along the left-right and/ or along the integration/ anti-integration dimensions)? Have they contributed to hold decision-makers accountable?
- What was the role of the regions in decision-making?
- Has competition among institutions, for example the Commission, the Council, the EP and Member State governments improved accountability?

Decision-making output

- Characterise decision-making output in terms of efficiency (for instance, speed in decision-making)
- Characterise decision-making output in terms of effective problem-solving.
- Map decision-making output against actors and actors' interests.
- Are there mechanisms for cross-sectoral interaction and consensus building?
- Has decision-making in independent expert committees or by specialised agencies led to more effective and efficient policies?
- Has effective participation of stakeholders, interest groups, citizens (or the lack thereof) influence decision-making output, either with regard to efficiency and/or effectiveness?
- Has plurality of actors in decision-making (or lack thereof) influence decision-making output with regard to efficiency and/or effectiveness?

Effective participation

- Are [Were] there opportunities for *stakeholders* to influence the policy agenda? ('upstream' or 'downstream'). Describe procedures.
- Are [Were] there opportunities for *interest* groups to influence the policy agenda? Describe procedures.
- Are [Were] there opportunities for *citizens* to influence the policy agenda? Describe procedures. Consider existence of 'innovative' methods like voter juries, voter feedback or referenda (including trans-regional or trans-national referenda).
- Are there opportunities for stakeholders to influence the policy as it unveils (formulated, implemented)? Describe procedures.
- Are there opportunities for interest groups to influence the policy as it unveils (formulated, implemented)? Describe procedures.

- Are there opportunities for citizens to influence the policy as it unveils (formulated, implemented)? Describe procedures. Consider existence of 'innovative' methods like voter juries, voter feedback or referenda (including trans-regional or trans-national referenda).
- With whom does decision on change or implementation ultimately rest?
- Has the EP given citizens, interest groups, and stakeholders an opportunity to voice their concerns? Have these concerns been taken up by the EP?
- Do citizens, political parties, interest groups or stakeholders participate in cross-sectoral interaction and consensus building?
- Has the institutional competition among the Commission, the Council, the EP, Member State governments and others improved the opportunities for citizens, interest groups, and stakeholders to participate in decision-making?

Effective communication

- How is information related to the media? To which ones?
- What other methods are used to diffuse information to the general public? (use – passive or interactive – of Internet; organisation of information days or other?)
- Is there an independent role for the media (print, visual, new technologies)?
- Have parts of the EP, the Commission, national governments or other actors tried to mobilise citizens, interest groups and stakeholders on European issues?

Accountability (general)

- With whom do decision ultimately rest?
- Can decisions be scrutinised? If so are [were] they and by whom? What is the role of legislative (European, national) in this connection?
- Have citizens, interest groups, and stakeholders used the EP to hold decision-makers accountable?
- Have citizens, interest groups, and stakeholders been able to appeal to the ECJ to enforce their rights / or hold actors accountable?
- Have consultations be used by citizens, interest groups, and stakeholders to hold decision-makers accountable by forcing explanations and justifications?

Openness (general)

- Do societal actors have access to information about policy processes? Is this conditional? If so, on what?
- Does the ability of societal actors to access policy information vary?
- Can societal actors feed information into the policy process? How? Conditions?
- Does the ability of societal actors to feed information into the policy process vary? According to what factors?
- Did debates in the EP and the involvement of the EP in decision-making (for example negotiations in the conciliation committee under the co-decision

procedure) render policy-making more transparent to citizens, interest groups, and stakeholders?

Openness and accountability of specific consultation procedures
How are consultations (expert or otherwise) chartered? Do there exist routines and are these followed in practice for:[36]

- Specifying mandates (if so, by whom)?
- Specifying time frames?
- Specifying tasks and relation to other consultation procedures? Consider in this respect the issues of co-ordination and subsidiarity.
- Specifying internal rules of deliberation?
- How do consultations (expert or otherwise) decide on the composition of membership? (in theory and in practice)
- Are there specifications about the minimum and maximum number of participants? (in theory and in practice)
- Are participants selected according to their stakes in decision, and if so by whom? (distinguish theory and practice)
- What constituencies do participants represent? Do they represent Europe-wide constituencies? Do they represent other policy sectors? (distinguish theory and practice)
- Are participants selected so that they represent diverse or opposing interests or preferences? (distinguish theory and practice)
- What decision rules govern consultation procedures (expert or otherwise)? (distinguish theory and practice)
- Equal votes or not? (distinguish theory and practice)
- Is there a hierarchy? (distinguish theory and practice)
- Are decisions taken by consensus or majority rule or other? (distinguish theory and practice)
- Can participants withdraw and if so are there sanctions? (distinguish theory and practice)
- If consensus is not possible, are there rules regarding contents that govern decisions? (distinguish theory and practice)
- What external influences are there?
- Are decisions reversible? (in theory and in practice)
- Can decisions be scrutinised? By whom? What is role of legislative?

An autonomous societal public sphere

- Forms of active citizenship related to issue under investigation other than those seeking to influence the policy process as such.
- Perception and coping strategies of state and other actors to these other forms of active citizenship.

[36] The following list of indicators draws heavily on Schmitter (2001).

The above indicators will be refined through the case studies and subsequently be tested with regard to their transferability, through a survey to members of policy communities other than those studied in depth by the EUROPUB project.

Ultimately we expect to develop a system that can be used to monitor policy processes as they emerge thus providing information to citizens, policy-makers and members of the political class about how European democracy functions at the policy level.

4 Deliverables

Inception Report [Deliverable 0], April 2002

A Functional Concept of the European Public Space [Deliverable 1], June 2002

Institutional Opportunity Structures for Effective Contestation of Policy-Making; Case Study Reports [Deliverable 2], June 2003

The Emergence of a European Political Class [Deliverable 3], June 2003

The European Public Space: A Monitoring System [Deliverable 4], December 2003

Transferability of Monitoring System across Policy Sectors [Deliverable 5], June 2004

Final Report [Deliverable 6], August 2004

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