Civil society and the reconstitution of democracy in Europe: Introducing a new research field

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Abstract

The article maps new developments in the interdisciplinary research field of European civil society. From the angle of the reconstitution of democracy in the EU, it reviews recent contributions from political science, sociology and law. All share the concern with the pervading empowerment of the institutions of European multi-level governance. But each approaches the question of the democratizing and legitimizing potential of civil society beyond the state from a different vantage point, indicating competing conceptions of European civil society that draw on deliberative, participatory or representative democratic norms. It is argued that the EU-constitutional experience has sharpened the ambivalence between top down activating or “partnership” approaches vs. bottom up mobilizing or “social constituency” approaches to the construction of European civil society. These new tensions in the concept of a European civil society are currently manifested in the upholding of its civic-cosmopolitan promises and a more nuanced view of its contentious role against uncivil practices.

Historically, the Western nation state has provided the institutional harbour for modern representative democracy. Today, this unique territorial, cultural and political arrangement is being challenged and might well be transcended by new global and transnational developments. In the context of Europe, regional integration poses new demanding questions: can democratic forms of political authority be reconstituted beyond the state, and if so, at what level? Which of the alternative options for reconstituting democracy in Europe are normatively defendable and which are also viable in the real world of politics? By which strategies can democratic processes be strengthened and what measures can be proposed for rectifying institutional and constitutional defects in different policy areas? Answers to these questions will be of great relevance for the ongoing process of reforming European and national institutions. In the present context, we will seek to contribute to it by clarifying the role of civil society in the reconstitution of democracy in Europe, hence tackling the issue of whether and how it can contribute to making democracy work in the context of pluralism, diversity and complex multi-level governance.

The relevance of European civil society research derives from the spectacular changes in the European Union over the past two decades: developing from what was still a Western European Community of 12 longstanding democratic member states in 1989 into a 27-member community by 2007, successfully incorporating 10 post-communist states, with their only recently established democratic regimes and market economies. The EU is considered the world’s most advanced regional multi-level polity with effective governance capacities in a broad range of public policy fields that
do not rely on a supranational state. More particularly, we contend that without a normatively reflexive and analytically differentiated understanding of civil society, important dynamics will be missed that have been – and are still – reshaping the reconstitution of the European polity after 1989. Over the past two decades, civil society has played a pivotal role in Europe, from the demise of Communist rule and the third wave of democratisation and economic transformation of half a continent – East Central Europe – to the end of the Cold War, and from the dissolution of the iron curtain that divided Europe for over four decades, to the reunification of Europe followed by the expansion of the single market to the reconstitution of democracy in the enlarged European Union. This introduction approaches the critical question of the democratizing/legitimizing potential of civil society from three different angles, in each case focusing a set of crucial issues in the European civil society debate: these issues include: (1) controversies regarding the participation by civil society as an alternative, more inclusive venue compared to liberal or representative democratic processes; (2) the civic and cosmopolitan promises of transnational civil society vis-à-vis the perceived perils associated with “uncivil society”; (3) the comparison of top down activated vs. bottom up mobilizing types of civil society. Embedded in this larger field, in the final section, we will highlight in more detail what novel insights European civil society research offers. The red line that runs through various of the contributions collected in this issue is the “constructedness” and thus procedural perspective on European civil society (either through bottom up claims-making or through political framing) that evolves in close relation to the transformation of political order. There is hence a close relationship between civil society building and polity building within the legal and institutional framework of the EU that merits further research attention.

1. Reconceptualising civil society: from national to European and global sites

In the social sciences, new concepts of ‘civil society’ have surged to prominence. These redefinitions are derived from the analysis of everything from early industrial bourgeois society to the resurrection of civil society in the aftermath of Communist regimes (Alexander, 2006; Cohen & Arato, 1992), and take in everything from transnational activism (Keck & Sikkink, 1998; Tarrow & della Porta, 2004) to collective action and organised civil society in the European Union (Balme & Chabanet, 2008; Greenwood, 2007a,b; Imig & Tarrow, 2001; Ruzza, 2004; Smismans, 2007). They reflect attempts to understand better and assess different articulations of the evolving social and political spaces in relation to the global economy and the transformations of national states and governments. In the traditional terms of Western liberal democratic nation states, civil society has been conceived as a sphere of interest mediation and aggregation that feeds the democratic political system with citizens’ input in every form from political demands to support. By contrast, in the recent history of East Central Europe, civil society has served as habitat for social opposition against the authoritarian state and has turned into an engine of democratisation. After what has been called “the reunification of Europe”, both of these conceptions have been called into question by the idea of a ‘European civil society’ that claims for itself a prominent position on the conceptual and empirical map of European integration: from a normative point of view, this idea promises better governance, improved legitimacy and citizens’ participation in the relatively distant European polity. In empirical terms, European civil society is conceived in terms of networks of communication and civic participation, social norms and popular sentiments that are perceived as correlates of responsive, legitimate and even democratic governance beyond the national state. Ultimately, normative, conceptual analysis and empirical research on the practices of European civil society aim at assessing its preconditions and the opportunities it offers in the context of the reconstitution of democracy in Europe.

However, recent contributions see European civil society as a “real” test case for exploring the “imagined” potential for citizens’ organisation and involvement beyond the national states. The aim is to reconsider the legitimacy and the viability of the organised civil society vis-à-vis governance in a globalising world. In the case of the EU, this requires the rethinking of the classical self-understanding of civil society as the other side of government. Whereas global civil society adopts the classical script of defying the power of nation states and global capitalism (see Section 2 in this volume), a new script is applied to European civil society as a partner in EU-governance and a constituent of a new kind of political order (see contribution Sections 3, 5 and 7 in this volume). Understanding the scope of transnational practices of interest mediation and participation within the legal and institutional framework of the EU, arguably, shall enable us to assess the role of civil society in the reconstitution of democracy beyond the nation state. As we will seek to demonstrate, attempts to build European civil society have a quasi-experimental aspect that is relevant for social sciences attempts to understand and explain the transnationalising dynamics of policy and society (Beck & Grande, 2005). There is no reason why European civil society should be more salient than global civil society
except that the former ought to be more easily “imagined”, “practiced” and “staged” (Eder), given the smaller scale of operation, the legal-institutional base on which it could draw, and the strong incentives it receives by the EU (Delanty & Rumford, 2005: 169).

2. European civil society as an alternative venue to liberal democratic legitimacy

In debating solutions to the notorious legitimacy deficits of the European Union, recent civil society research explores alternatives to both national as well as European models of liberal, or representative-parliamentary democracy. Here civil society’s contributions to reconstituting democracy in Europe are conceptualised in terms of “participatory democracy”, “associative democracy” and “deliberative democracy”. However, the various academics that allude to civil society in Europe do not necessarily mean the same thing by it. As a matter of fact, current debate on the role of civil society in relation to the democratic legitimacy of the EU has raised very different theoretical and practical questions reflecting the pluralist traditions of European political and normative democratic thought (see, in particular, Section 2 of this issue). Simply put, it is possible to distinguish between two strands of research both of which are reflected in the contributions of this volume: a “governance approach” to civil society which focuses on group participation and partnerships and a “social system approach” to civil society which focuses on collective representation and constituency.

In the first approach civil society is linked to the discussion of new governance designs for the EU that shift the focus from hierarchical and technocratic decision-making to horizontal partnerships between public and private actors, including social and economic groups, stakeholders and experts. The partnership model of civil society is informed by norms of effectiveness and plural interest articulation. In this framework, “organised civil society” is an auxiliary to EU-governance with the potential to improve its output legitimacy in terms of efficient problem solving and its input legitimacy in terms of plural interest representation and intermediation. Civil society in this incarnation has usually been associated with increasing input legitimacy, and is linked to the idea of participatory democracy as an essential ingredient in good governance. Accordingly, the consolidation of European civil society in Brussels and its involvement as a partner in EU-governance have been analysed as alternative venues to democratic legitimacy. The emphasis is on organisational structures, strategies and the resources of European networks and umbrellas as well as their performance and the impact of formal consultations with the EU (Kohler-Koch, 2007; Kröger, 2008; Ruzza, 2004; Smismans, 2007).

The second approach aims for a systemic understanding of the ever-evolving European social space: How is it structured by social norms and by popular sentiment on European integration and governance and how it dynamically unfolds through networks of communication and civic participation. This constituency model of civil society is informed by norms aimed at forming and controlling political authority. The question is whether the building of European civil society corresponds to Euro-polity building on the one hand and European market building on the other hand. European civil society is expected to counterbalance and control political power as well as “socially disembedded” market forces. This reflects a different understanding of civil society as an active element in the development of a European social and political order and in its democratisation. European civil society is thus conceived of as a set of mechanisms promoting social integration amongst an increasingly differentiated and heterogeneous polity. In particular the constitutional process has shifted the focus from civil society as a partner in EU-governance to civil society as a constituent of the emerging EU-polity (Fossum and Trenz, 2006). If EU constitutionalisation can be understood in broad terms as the process of renegotiating the legitimacy of a new kind of social and political order, civil society appears primarily as the structure of voice that is articulated in relation to EU-governance and that claims to represent European citizens. Civil society as “constituency” refers to all kinds of concerns, claims-making and collective actions that are mobilised (or simply articulated) not within, but with reference to, European-governance.

Section 2 of this issue indicates that a similar distinction between an encompassing “governance conception” and a more differentiated “social sphere approach” to civil society is also structuring the normative debate on the image and

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1 The Lisbon Treaty (art. 11.3) stipulates that European institutions shall seek dialogue with the citizens and with “representative associations”. With regard to the enforcement of this principle, the European Commission’s role as a gatekeeper of civil society participation and dialogue is reconfirmed. This reflects a technocratic understanding of civil society as a tool of “good governance”.


3
role description of European civil society. As Kohler-Koch and Quittkat observe, the “partnership” or “governance” conception of civil society is principally promulgated by the European Commission while civil society scholars and experts tend to line up with the “constituency” or “social sphere” approach of civil society. This last observation would further point to the immanent political impact of the kind of conceptual debate promoted in this issue. The particular notion defended by relevant actors and institutions would reflect ongoing distributive and normative struggles within the expanding civil society field with regard to the negotiation of the legitimacy of the emerging EU-polity. The defense of the first “partnership approach” can be interpreted as an attempt to restrict civil society performance to the range and quantity of inputs that increase the representativeness of EU-governance. In the second case, civil society marks, above all, a qualitative difference and its legitimacy depends on its acclaimed distinctiveness to represent the general interest in EU-society relations.

This special issue proposes to explore these conceptual controversies about the “appropriate” localisation and role definition of European civil society as part of the ongoing struggle about the reconstitution of democracy in Europe. In the different contributions, civil society is analysed and assessed in its double role as a partner of effective and inclusive European governance as well as the social constituency of an emerging democratic EU-polity. Thus, we seek to advance the conceptual debate which locates European civil society between the national (local) and the global realm on the one hand, and between the social and the political, on the other hand. This includes the need for multi-disciplinary perspectives on the multi-level character of European civil society (or societies) operating at different territorial levels and closely interacting with European governance. A range of controversial questions need to be tackled when examining the emergence of a European social space, a space which is not only made up by Brussels based NGOs and umbrella organisations but also by transnational networks including national associations and local grassroots. Accordingly, the principal questions raised in the contributions of this special issue relate to the top down ascribed role of European civil society, possible contradictions that emerge from civil society’s own self-understanding and performance, the mechanisms by which civil society actors may fulfil these role prescriptions and, most fundamentally, how social actors that locate themselves in the context of the transformation of political order and democracy in Europe, can be classified as civil society and what traditional or new conceptions of civil society match this phenomenon.

3. The neglected civic and cosmopolitan dimensions of transnational civil society

It would be misleading to introduce European civil society as a new and revolutionary concept that breaks with the nation state-centric tradition in political and normative thinking. Rather than auguring a conceptual revolution, the notion of a European civil society points more to the renaissance of a key term in political and scientific parlance (Richter, 1997; Rumford, 2001). The “neglected global dimension of civil society” (Delanty and Rumford, 2005: 171) refers to the civic elements of collective action, which have a strongly cosmopolitan imprint. Chandhoke (2002: 46) identifies freedom, accessibility and publicness as the core values of civil society, which means that, in principle at least, anyone should be allowed to enter the sphere of civil society and nobody should be barred from it. This idea of cosmopolitan civility presents civil society as world society. Civility is the guiding principle of citizens’ attachments, but civility is also the guiding principle of defining the relations among democratic nation states (the belief in a peaceful world order of democratic nation states).

“European civil society is thus seen as part of the global transformation that supports the emergence of a cosmopolitan society (Anheier, Glasius, & Kaldor, 2002; Beck and Grande, 2005; Held, 1995; Walzer, 1995). Common to contentious movements, NGO’s and the third sector in the old EU as well as to a re-emerging civil society in the new member states is that their organisations and discourses are increasingly shaped by transnationalisation and global networking.

As Rucht (2005) has argued recently it is a misleading way to ask whether civil society can be decoupled from the nation state, because civil society was never strictly conceptually linked to the nation state in the first place. What is usually referred to as civil society can neither be confined to the nation state nor would it make sense analytically to confine it to Europe. In analytical terms there is no civil society as a territorially confined unity, there are only civic elements of collective action. In other words, there are only “civic practices”. The vanishing point of civility is the world. Without this cosmopolitan aspiration, civil society would not be truly “civic”.

With regard to the organisational mechanisms of civil society, normative preference is given to the self-organisation of civil society. The classical assumption is that civil society needs to sustain its autonomy against the state and against the market. As such it can only be self-organised, emerging from the spontaneous action of free and equal citizens.
This reference to societal self-determination against the anonymous forces of globalisation is also identified as the principal mechanism on the basis of which writers such as Held (1995), Anheier et al. (2002) and Beck and Grande (2005) postulate the emergence of global civil society. In building multi-level organisational linkages, contemporary civil society has a strong cosmopolitan imprint. This is reinforced by collective action with regard to global concerns in the local realm ("think globally act locally") (Trenz, 2001). The spontaneity of civic self-organisation points to the emergence of a global civil society, which is activated through the spread of global concerns and multi-level linkages of interaction.

"While the consensus view finds little evidence for the existence of EU civil society, a much stronger case is being made for viewing global civil society as an actually existing entity, leading to an interesting constellation where there appears to be much more global than European civil society" (Delanty and Rumford, 2005: 169). While European civil society can only be meaningful if organised by the Commission, global civil society has a self-organising capacity. "So why is it's that global civil society is on the up-and-up, and has sprung into life without the need for a 'world state' to organise it, while European civil society awaits the 'invisible hand' of the EU to mould it and give it substance?" (Delanty and Rumford, 2005: 170).

4. From top down activated civil society to bottom up mobilising civil society

Trust in the self-organising capacities of civil society is missing when it comes to assessing the prospect of organising civil society at European level. Global civil society apparently has self-organising capacities on which European civil society cannot easily rely. Instead, European civil society is called into existence through particular institutional incentives, through invitations by government and through funding that is meant to sustain the rather unstable associational networks across and above the nation state.

Civil society engineering is the second mode of building civil society by steering and heteronomy rather than spontaneity and autonomy. This is a strange, and for many critical observers, normatively deficient way for European civil society to come into existence, but as Caporaso and Tarrow (2008) have reminded us, it is far from being a novel way. The radical impact and historical significance of European integration should be understood rather as a second great transformation, which in Polanyian terms combines market building with society building. The double movement that characterised nineteenth-century social history and the emergence of the European order of nation states leads us also within the postnational constellation. Again, state actors can be found as supporters of both, market and society building movements, some of which push for market liberalisation while others increasingly advocate also corrective measures of social protection and market regulation. More than an opponent, civil society is seen as a partner of governing institutions at all levels, keeping alive the idea of re-embedding global economic forces. The counter movement is fuelled by the new credo of governance where state actors are the natural allies of civil society fighting for collective self-determination against anonymous market forces (Habermas, 1998). In this sense, civil society and the state become agents of social control against open and unregulated markets.

One could ironically speak of European civil society as an opportunity structure offered by European institutions, awaiting occupation by social actors. The European experience shows that offers for participation quite often exceed the demand. This keeps competition among civil society actors relatively low. The small and relatively closed world of civic and interest associations which has emerged in Brussels over the last two decades is still dominated by experts who are engaged in lobbying and consultation but not in public campaigning and mobilisation. European civil society is not only administered by the Commission, it has also become an integral part of EU administrative activities.

European civil society primarily mobilises its resources of expertise. This is most evident in the emergence of expert committees as the principal type of partnership governance applied by the European Commission. Gornitzka and Sverdrup (2008) have counted over 1200 expert committees established by the European Commission, meaning that there is about one expert group per eight officials in the European Commission (Gornitzka and Sverdrup, 2008: 10). This sheds new light on the Commission, which is more an organisational mechanism to collect expertise and to administer consultants than a self-sufficient regulatory body.

EU-lobbyists and experts, which according to official EU-parlance are categorized as economic, social and recently also civic partners in EU-governance activities, can hardly be described as "civil society" in the traditional sense of the words. Their strength in terms of expertise does not counterbalance their weakness in organisational terms. Expertise also does not rely on public support or the generation of trust within society. It is legitimate to the extent that it ensures efficient governance and regulation. But at the same time it relies on a permissive consensus that is
increasingly put into question by the contentiousness of national and global civil society. We thus encounter the case of an activated civil society that still needs to be turned active. The European case refers to the paradox of a civil society from above, which is supposed to create and to justify a civil society from below (Beck and Grande, 2005).

It becomes clear at this point that the conceptual debate about who qualifies as civil society actor is part of the legitimatory struggle of the EU and begins to affect the very dynamics of European integration. In particular the expansive partnership model is strongly contested. “When any voluntary, not-for-profit and non-state association active at EU level is labelled ‘civil society’ organisation it will provoke opposition” (Kohler-Koch and Quittkat in this issue). Section 2 therefore calls for a differentiated view on EU civil society and its contributions to the promotion of EU democracy. The missing link between civil society and democracy cannot be reduced to a functional relation between organised actors and the decision-making bodies of the EU. Whereas the official governance approach tries to divide the world of participation as the realm of civil society from the world of representation as the realm of the European Commission, the contributions in this special issue point to a more encompassing and systemic relationship of building EU-society relations. Competing views from normative theory of democracy are elaborated in Section 2, which considers civil society (a) as a key component in the process of discursive will formation (the deliberative approach), (b) as a mode of citizen’s self-government and autonomy (the self-constituting approach), or (c) as a mode to preserve social bonds, civic virtues and solidarity (the communitarian approach). Civil society research in Europe is then not meant to re-invent this normative repertoire. The task ahead of us rather consists in conceptualising the reinvigoration of civil society norms, discourses and practices in the reconstitution of the European institutional order, thus illuminating the foundations for a vigorous, locally rooted, transnational civil society on the one hand, and the preconditions for normatively legitimate governance arrangements, on the other.

5. What is new in civil society research in Europe: the contributions to this special issue

This special issue brings together seven contributions aimed at mapping as well as further developing the current state of the art in civil society research in interdisciplinary conceptual, normative, and empirical terms. Putting post-1989 European “real” and discursive developments of civil societies into a historical and global perspective, the contributors to this journal observe general trends but also a range of regional European specificities in political science, law and sociology, the three strands of social science research that are represented here. As regards general trends picked up in European civil society studies, our authors share the concern with the pervading empowerment of the institutions of global and European multi-level governance. Primarily interested in critically exploring – and revising – the alleged role of civil society as a remedy to the legitimacy deficit of governance outside the realm of the democratic nation state, political scientists and legal scholars focus mainly on forms and preconditions for enhancing political participation, defending citizens’ rights or promoting civic engagement in executive institutions (cf. in particular Kohler-Koch, Liebert, Smismans and Ruzza in this issue). From a more sociological perspective, other contributors shed light on the societal sites and social (interactive and discursive) processes by which actors construct – and eventually institutionalise – civil society intermediary links between society, state and the market (see in particular Eder, Trenz).

In line with this general framework, a first group of articles is primarily concerned with grouping and evaluating existing conceptions of civil society as related to the EU. In Section 2, Kohler-Koch and Quittkat reveal that there exist two independent conceptions of civil society, one of which sees civil society as composed of stakeholder organisations articulating and representing the interests of their constituents, the other locates civil society in the sphere of social interaction. These different conceptions as well as preferences for specific definitions of civil society impact on the classification of general interest groups, trade unions, professional organisations and business interest associations as CSO and consequently also on their legitimating role in EU-governance. In his contribution entitled ‘Civil Society: “Imagined”, “Practiced” and “Staged”’, Eder opens the horizon beyond these normative debates on what should count as civil society and who is to be identified as being part of civil society. This is done by relating civil society actors and performances to the social sites where normative claims are produced and multiplied. Thus civil society is reformulated as a process in which the question of who is a legitimate part of civil society is permanently contested by a public that is addressed by these self-acclaimed civil society actors. A similar approach is also defended by Trenz who turns away from “civil society” as a domesticated and organised space for participation and brings in a novel notion of “(civil) society” as a discursive field for making claims of representation and legitimacy. Following his
suggesting, attention is shifted from ‘civil society’ as the intermediary realm of activated citizenship, voice and participation to the “social constituency” as latent structure, image and identity (Fossum and Trenz, 2006).

A second block of articles investigates the potential democratic virtues and roles of civil society in the EU. The EU-style of governance with Civil Society is scrutinized by Kohler-Koch who starts from a principal ambiguity in the use of civil society in the European political discourse. The many and contrasting images of “European civil society” result not only from the strategic use on the part of EU institutions, but also from the open future of the European Union. Having highlighted this volatile use of civil society in the European reform debate, the article presents an analytical model of expanding EU-society relations, which is useful for exploring the scope and merits of participatory governance from the consultation of social partners to an expanded notion of civics. These latter aspects refer to a broader notion of European citizenship, which, as Smismans argues in the following contribution, has quite often been rather introduced as an exclusionary and not complementary concept to civil society. While European citizenship has been conceived in terms of rights and belonging rather than as a participatory status, European civil society has been mainly conceived through organised stakeholders but not through active citizens. Only during the recent constitutional debate, attempts have been made to approach both concepts and the new provisions on democratic principles in the EU Treaty now recognize this broader participatory dimension of citizenship, including the role of European civil society.

A third group of articles link role descriptions of European civil society to unfolding civil or uncivil practices within the wider process of the transformation of European order. In her article entitled “The Contentious Role of Civil Society in Reconstituting Democracy in the European Union” Liebert reverses the top down perspectives of the functionalist and the liberal intergovernmentalist arguments about civil society as a necessary precondition vs. “quantité négligeable” for the EU’s constitutional settlement. Aimed at an account of the contentious role of civil society in the EU’s “would-be democratic” polity, Liebert argues “that contentious civil society within the emerging EU-polity offers an opportunity structure for information and reasoned communication that provides uninformed and disgruntled citizens with alternatives to withdrawal and political leaders with feedback”. Far from being able to provide the systematic empirical evidence that is necessary for proving these claims, the analysis is restricted to developing a framework for testable propositions, with selected illustrations. It is left to subsequent research to show whether the varying roles adopted by civil society actors in EU-polity building effectively depend on the kinds of misfits between EU democratic norms and domestic practices and to what extent which categories of civil society actors would be eager to close these gaps, depending on what ideas of a desirable and viable normative democratic order of Europe they endorse. Nevertheless, if these claims could be confirmed, they would have far-reaching implications for the theory and practice of rebuilding democracy in the EU. In the final contribution, Ruzza analyses the manifestations of ‘uncivil society’ in Europe and the reasons for its emergence.

For that purpose, the concept of ‘uncivil society’ is introduced as a set of associational activities characterised by exclusionist, unconstitutional or violent features. Further classifications are developed through a typology based on their underlying ideology. With particular reference to the extreme right, Ruzza examines the relationship between political systems and civil societies, identifying the factors that have made civil society relevant for political actors and pointing to a relation of mutual dependence. It is argued that the emergence of uncivil society activities is rooted in the contemporary relevance of anti-modern ascriptive conceptions of social and political life. Uncivil society is conceptualised as linking the social and the political spheres of society in ways that allow for a more incisive political impact by extreme right groups which would otherwise have very fragmented political identities and less relevance.

6. Concluding remarks

In the peculiar EU context, European civil society researchers have extensively engaged with both sets of questions, regarding the political role and the sociological roots of civil society, linking the national, transnational and supranational level. As the research survey in this introduction and the contributions to this special issue demonstrate, European civil society studies have new insights to offer, for unravelling the puzzles of civil societies and the dilemmas of institutionalisation they face in the context of globalisation, state transformation and governance beyond the nation state. Summarising our contributions to these debates, we argue that in the enlarged EU, the normative foundations and political functions of civil society have undergone profound changes that have generated new problems and questions, but also driven the search for conceptual and theoretical innovations in three dimensions:
First, analytically sharpened concepts and theoretical models are needed to reallocate civil society in relation to wider processes of the transformation of political order;
Second, in the process of ‘widening’ and ‘deepening’ of European integration new concepts of EU-governance have been coined, experimenting with forms of civil society consultation and participation in the initiation as well as implementation of public policies, but without clarifying the normative and conceptual foundations of different roles assumed by diverse sectors of civil society;
Third, deep tensions and contradictions inflict the current practices of civil society, from the power asymmetries and social inequalities that are the consequences of market driven, socially disembedded processes of globalisation, to the challenges by “contentious” and by “uncivil society” towards democracy and social integration.

A more realistic and normatively reflected theorizing of civil society depends on conceptual innovations to capture the transition from civil society in the context of the democratic nation state (conventionally held in the Western part of the hemisphere) to the realms of non- or semi-democratic, executive governance beyond the state. Therefore, the modest aim of these contributions has been to shed light on and critically discuss some of the traditional assumptions and preconceptions regarding civil society that appear flawed in the changing contexts, among others in the following respects.

First, the widespread belief that civil society is necessarily defined by the territorial scope of the state and bounded by national identities needs to be corrected. By contrast, in the past decades we have witnessed civil society expanding beyond national boundaries to the transnational, regional and global realm, yet not necessarily carrying with it the societal “roots” that are required for developing its legitimation potential.

Then there is the idea that civil society will be synonymous with self-government or responsive, democratic governance and its participation will therefore engender legitimacy. Instead, our explorations find that civil society may bring critical and even delegitimising edges into the political process, thus constraining rather than empowering states and EU leaders and executive agencies and pressing for democratic-democratisation reforms.

Finally, the normative expectation that self-organised civil society is necessarily “good”, that is civic, peaceful, in the public interest and committed to cosmopolitan, including international human rights values appears also out of sync with current practices. On the contrary, the emerging violent, xenophobic or anti-Semitic networks, and varieties of outright particular or even anti-public interest associations can be observed travelling under the white banner of “civil society”—another reminder for not overstretching the concept of civil society.

In conclusion we should note that despite the expansion of research inspired by “civil society”, thus far this concept – as many others in social science research, too – has not necessarily proven a “good” concept. Its improvement – and thus further research progress – seems to hinge on two priorities dictated into our research agendas: on the one hand, for enhancing its internal coherence, we should pledge using the concept of civil society as a cover only for those properties and phenomena that are organised by some core principles and around which they can gather. On the other hand, for improving the external differentiation of the meaning of civil society conceptual boundaries are required, indicating clearly what the concept does—and what it does not. The contributions to this special issue have made a number of modest propositions to meet these two aims.

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