Democratic 'Misfit'? Conceptions of Civil Society Participation in France and the European Union

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The European Union's attempts to improve its democratic character increasingly often lead to debates about how to include civil society organizations in its decision-making processes. However, this interpretation of participatory democracy seems at odds with democratic traditions in a number of member states. Among those, France is said to be at the diametrically opposite end of the EU democratization debate spectrum. French democratic thought is based on government through electoral representation. The aim of this article is to analyze both theoretically and empirically the discourse and participatory processes in both the EU and France. While normative approaches to democratic patterns in the EU and French political debate show important differences, empirical evidence suggests that the misfit between the European and French conception of democracy is less developed than one might believe.

One of the main issues in democratic thought is the debate about the role citizen participation should play in politics. Should citizens participate directly in the policy-making process, through elected or appointed representatives, or through associations and social movements? Until recently, this debate seemed confined to the national realm. At the beginning of the 1990s, however, it also began to attract interest at the international and, in particular, at the European Union (EU) level. Confronted with criticism regarding its democratic deficit, the European Union has started a reflection process on how to link citizens and so-called 'organized civil society'[1] more closely to its decision-making processes.

The current article aims to analyze how this EU-level development fits with the national democratic structures of its member states. Does the EU's concept of democracy, portrayed in speeches, discussion papers and the constitutional treaty, conflict or comply with the national democratic traditions of its member states? While the traditional democratic thoughts of northern countries, such as Sweden or Denmark, or neo-corporatist states such as The Netherlands, Austria and Germany seem to fit with the EU's communications on citizens' and organized civil society's participation, other member states – generally portrayed as statist or 'contentious' structures – such as Spain, Italy or France, seem to be at odds with these democratization developments. Among these countries, France is said to be at the opposite end of the EU democratization debate spectrum.[2] French democratic thought is based on government through electoral representation. Principles of pluralist democracy require the French state to protect the general

interest over the egoistic interests of groups and individuals. It is generally said that the only link between groups and the state lies in France's tradition of conflict and head–to–head confrontation.

With reference to the institutionalist approach of the Europeanization debate (Börzel and Risse, 2000; Risse *et al.*, 2001; Schmidt, 2004b), one could claim a severe 'misfit'[3] between the EU's position on democracy and that of the French. While EU institutions openly call for civil society participation in decision-making and policy implementation to strengthen the political system's democratic character, the French government regularly emphasizes its refusal to 'talk with the street' or to negotiate with civil society groups, demonstrated again recently with the debate on the *Contrat Première Embauche* (CPE [First Employment Contract]), where, after two months of strikes, the government was forced to change the law. Differences in institutional 'fit' between the EU and its member states make for differences in the relative ease or difficulty of adapting national institutions and, in consequence, for differences in the concomitant challenges to ideas about national democracy. Vivien Schmidt argues that for more 'simple' polities such as France, where governing has traditionally been channeled through a single authority, adaptation requires more change, and therefore greater potential challenges to ideas about the organizing principles of democracy, than for more compound polities such as Germany and Italy, where governing has long been dispersed through multiple authorities (Schmidt, 2004a). In this context, European norms and collective understanding of democracy exert adaptational pressures on French political processes because they do not resonate well with domestic norms and collective acceptance. The aim of this article is to question this argument empirically.

Instead of concluding *a priori* that the French tradition of democratic thought rejects the European form of participatory democracy as undemocratic, the article proposes to take a closer look at two angles: normative communications and empirical data at the EU and French levels. A comparison between the national and European levels is necessary to understand the pressure, or the absence of it, that the nation state level has to withstand through a seemingly deviant definition of democracy at the EU level, and this article will compare the EU and French interpretations of democratic thought both theoretically and empirically. While normative approaches to democratic patterns in the EU and French political debate show important differences, empirical evidence suggests that the misfit between the European and French interpretation of democracy is less developed than one might believe.

I argue that contrary to common perceptions of French democratic structures, there is no clear 'misfit'. Rather, in certain aspects the French position represents a model for the EU. This small case comparison does not seek to elaborate a new theoretical framework of Europeanization studies centred on the influences of EU democratic norms at the national level.

Instead, my main argument is that careful analysis and process tracing is needed in framing such studies (Haverland, 2005; Saurugger, 2005).

The article begins by examining different conceptual understandings of representative democracy, which have greatly influenced the debate at the European Union level and in France. On the basis of three benchmarks developed by 'democratic innovations', the second part compares empirical evidence regarding state–society – and in particular organized civil society – relationships in the EU and France. In France, organized civil society is growing and demanding access to decision-making processes. In the European Union, civil society participation encounters a number of obstacles that question the applicability of the ideals of participatory and associative democracy found in the European discourse.

Contradictory Democratic Thoughts: Participatory vs. Representative Democracy?

Views on citizen participation in politics are diverse. Aware of the danger of over-simplification, the article distinguishes between two interpretations of democracy, which in practice partly overlap, but are different in theory. Whereas the understanding of elective representative democracy defends the view that direct citizen participation in policy-making processes is not essential to democracy and should be limited to voting for leaders and thus producing a government, in particular in the Schumpeterian view (Schumpeter, 1942), theorists of participatory democracy see participation as more than voting in elections. Participatory democracy theory views democracy first and foremost as the people's business, where citizens are the central agents (Pateman, 1970). Participation is therefore a way of ensuring good government. Whereas the latter understanding of democracy can be found particularly in the EU's debate on how to democratize the system, elective representative democracy is clearly the basis of French democracy. The primary preoccupation of this part of the article rests in articulating the conceptual basis that accounts for civil society's role in the European and French democratic systems.

Participatory Democracy as an Answer to the EU's Democratic Deficit?

Scholarly and political literature criticizes the European Union for its democratic deficit.[4] Despite numerous attempts at reform undertaken by the European institutions, the main reproach is linked to the absence of a properly functioning political representational system at the European level.

Political representation interpreted in terms of elective representation[5] seems problematic in the European context for at least two reasons. On the one hand, if representation is only linked to the notion of elective representation, the analysis is restricted to two or three objects: the European Parliament, because its members are elected representatives and possess the right to represent citizens

directly, the Council of the EU and the European Council and, finally, the Committee of Regions (CoR) and the Economic and Social Committee (ECOSOC), which are characterized by an indirect representation of the EU member states' citizens. The central role that the European Commission plays in the decision-making process compared to the European Parliament[6] has raised numerous criticisms suggesting this democratic deficit in the system.[7] On the other hand, studies on public opinion (Cautrès, 2001; Cautrès and Reynié, 2001) show that even institutions endowed with the right of direct representation of citizens – in particular the European Parliament – are hardly able to create feelings of identification in European citizens. Especially since at the European Union level political parties are still only European federations of national parties.

Faltering Criticism and Conceptual Innovation.   However, this perception of the EU's democratic deficit is starting to falter. The debate on the democratic structure of the EU now increasingly concentrates on questions of accountability, diffuse control (Abromeit, 1998; Costa *et al.*, 2001; Magnette, 2003b; Warleigh, 2004) and output legitimacy (Scharpf, 1999) or characterizes the EU strictly as a post-parliamentary democracy (Andersen and Burns, 1996). Andrew Moravcsik calls the European democratic deficit a myth, as it is judged against prevailing standards in existing advanced industrial democracies, rather than those of an ideal plebiscitary or parliamentary democracy (Moravscik, 2003; see also Lord, 2001; Warleigh, 2003). Schmidt (2004a) goes further, showing that the European Union has difficulties providing European citizens with government *by* and *of* the people, that is, with political representation and citizen representation, but assures government *for* and *with* the people, that is, effective government and consultation. It is in particular the latter interpretation of government – *with* the people – in opening decision-making up to citizens *qua* organized interests as opposed to *qua* voters that can be found in debates at the EU level, either collectively, through the 'organized civil society', or individually, through referenda (Papadopoulos, 2005).

But it is not only academic approaches towards EU democracy that have changed. The European Union itself has reacted and called increasingly often upon European civil society in its institutional reform projects (European Commission, 1992; 1997; 2001; 2002) and in particular in the constitutional treaty. Linking civil society to the European decision-making process reflects a new understanding of representation. Not only is territorial representation considered to be the basis of a democratic European political system, but new forms of representation based on elements stemming from participatory democracy, be it through the consultation and participation of organized civil society or the organization of referenda at the national level, are making their way into institutional and even constitutional debate in the EU (Magnette, 2003a).

One remedy for the crisis of representation is to promote forms of participatory democracy. Official EU documents proposing solutions to rectify its democratic deficit are very much based on the arguments developed by scholars in this field. According to these conceptions, a real public space, designed according to criteria

of publicity and public discourse, would allow the establishment of the conditions of a complex participative democracy, where dialogue is continuously taking place between political authorities and 'organized civil society', between scientific expertise and political decision-making (Papadopoulos, 1998).

A specific sub-form of participatory democracy, associative democracy, assumes that organized civil society can be at the same time an instrument to improve policy-making efficiency and secure citizen participation (Cohen and Rogers, 1995; Grande, 2000; Hirst, 1994; Schmalz-Bruns, 1995; Schmitter, 1994). In situations where political parties do not supply adequate access to citizens, allowing them to participate in the decision-making process, organized civil society can offer opportunities for such participation. The inclusion of organized civil society in decision-making designed to democratize the process is justified on the basis of two arguments: firstly, on the precept that organized civil society is the product of the right of free association. Defenders of these forms of democracy portray these groups primarily as bottom-up, citizen-initiated phenomena, part of the voluntary process of people's coming together to govern themselves. The second, and most important justification for interest group participation is that they provide lawmakers with important information otherwise not available (Mansbridge, 1992, p. 35).

At the European Union level, it is the first of the two arguments that is particularly stressed when attempting to justify organized civil society participation in the policy-making process: while the interest groups' role as expertise provider has existed since the establishment of the European Community, grassroots participation was generally lacking. In line with Joshua Cohen and Joel Rogers' conception of associative democracy (1995), it is assumed at the European level that associations can and should be constructed deliberately, depending less on natural interests than on certain normative criteria. Associations should be large and relatively encompassing with accountable leaders and significant means of sanctioning their members. Based on the normative framework of macro theories on associative democracy, such as pluralist and corporatist approaches, as opposed to micro theories of thrust and civic virtue which emphasize the individual socio-psychological effects of associability (Rossteutscher, 2000, p. 172), three indicators can be singled out: access regulation, financial and social resources, and grass-roots civil society participation. The first indicator – access regulation – must be provided by the state, or, in this case, a supranational organization, to allow all representative groups access to decision-making procedures based on transparency. Thus, institutions and rules are crucial factors as far as associative democratic innovation is concerned. Once these structures are in place, the state must offer financial as well as social resources to organized civil society to allow for equal possibilities to influence the debate, and provide services, in particular in the field of welfare (Hirst, 1994). Finally, civil society organizations must be representative, i.e. they must cover a wide scope of people's concerns and allow for broad grass-roots civil

society participation. The French idea of citizen participation seems to be at odds compared with this understanding of democracy.

Democratic Thought in France: An Elective Representative Democracy?

In France, the principles of representative democracy give the state the mission of safeguarding the general interest ahead of that of individuals and groups. In this 'Rousseauan' interpretation, the increased involvement of societal groups in decision-making appears to make governing more democratic, but in reality it is seen as the appropriation of public power for the benefit of limited segments of society rather than for any more generalized public good (Peters, 2004). There are numerous constitutional and legislative steps that can be taken to assure this ideal is respected. Thus, elected representatives stand for all citizens and not only the interests of a limited territory or specific group, as it is forbidden for MPs to constitute interest groups or to become their advocates in the assembly. Furthermore, access to the civil service in France is organized through competitive examination, and successful candidates gain the official status of a '*titulaire*' to exclude the interference of private interests in the service. Finally, the *Conseil d'Etat* has evolved strict jurisprudence which defines practically every governmental decision as general interest, and excludes, sometimes deliberately, all forms of contestation in defining them as private interests (Mény, 1986, p. 102). This conception of democracy is based on historical developments, very often transformed into a certain republican ideology.

A Historical Heritage. France has, for a long time, been considered a 'civic desert', compared with the vibrant community life of Anglo-Saxon and Scandinavian countries (Barthélémy, 2000; Laville *et al.*, 2001). The legal recognition of civil society came later than in the United States or other European countries. The spirit of the French Revolution was to suppress all intermediary bodies between the citizens and the state, fearing the reconstitution of the *ancien régime's* guilds and the development of factions distorting the general will. In this sense, the double heritage of the revolution, firstly, liberal – inasmuch as the individual must not be influenced by the corporations – and secondly, democratic, which means giving the citizen the right to participate, through voting, in political life, seems contradictory. Thus, the 1789 declaration of rights does not proclaim the right to associate freely. On the contrary, the Le Chapelier law of 1791 forbids the founding of corporations. The decree of 18 August 1792 abolishes religious congregations (Huard, 1996). For more than a century, all governments were to see them as a threat to social and political order and repressed their development, the right afraid that these popular societies would strengthen the rising power of the working classes, and the republicans anxious to counter the influence of the Catholic Church. The unions were forced underground until the Waldeck-Rousseau law of 1884, and all associative life was subject to official authorizations, successive liberalization and repression and thus political arbitration. State individualism and the obsession of maintaining order

are the foundation of democratic life in France. The Le Chapelier law symbolizes the originality and the ambiguity of the French republican tradition. In order to justify the non-recognition of the right to associate, the liberals use the ideological argument *à la* Jean-Jacques Rousseau: public opinion essentially comprises the majority of individual opinions. Therefore, it would be harmful to create a distinction among citizens in authorizing the establishment of private societies and in particular those of political societies, qualified as 'political corporations' (Barthélémy, 2000, p. 41).

The legal recognition for associations was only to arrive in 1901, after some 40 unfruitful attempts (Rosanvallon, 2004). The law of 1901, still in force, is very liberal. It defines associations broadly as the contract by which two or more people put together their knowledge or their activity, for 'another purpose than profit'. It allowed the development of the many associations which had appeared at the turn of the century. But the legitimating of associations does not proceed bottom-up, according to the subsidiarity principle, but top-down. The criteria allowing recognition, according to the republican interpretation, is the educational character of the association: the 'good' association being a 'school for democracy', therefore mirroring the general interest (Kaplan and Minard, 2004).

An Ambiguous Relationship.   Despite this solid ideological and legal construction, the French state has never stopped establishing ambiguous relations with civil society associations. On the one hand, associations are rejected as we have shown above, because they are considered to be contradictory with the general interest. On the other hand, however, the state establishes very strong and dense relationships with a number of associations, which makes it sometimes difficult to differentiate between public and private interests.

Three attitudes regarding the refusal of organized civil society consultation, defined in the broadest sense, need to be differentiated. The first type of attitude is to disqualify groups that use the repertoire of collective action[8] of protest, be it pacifistic or violent: one does not discuss with the street. This strategy of ignoring or refusal is based on republican values: the exclusion of violence from the political sphere and the need to be representative. The peaceful attitude is often mentioned by groups that look for access to the policy-making arena in France.[9] The second type of attitude is based on the term 'disinterested activities'. According to the administration, only those groups that already participate in the general interest that the French administration is thought to represent can be granted access to the policy-making processes. This vision makes it easy to exclude 'troublemakers' from participation. The attitude of the French state seems to be ambivalent: hostile towards those groups that show their disagreement too clearly, and potentially colonizing towards the others. The only acceptable repertoire of collective action is that of consultation – again, protestation or the mobilization of citizens is rejected. The third criterion whereby access to an association can be refused is linked to its 'non-representativeness', decided on

the basis of the government's interpretation and not on legal grounds (Grossman and Saurugger, 2006).

With regard to the EU's specific interpretation of democracy, based on collective participation of organized civil society, the French understanding of democracy thus raises a number of questions. As we have seen, French civil society participation takes two forms: either established and controlled by the state ('statist') or a protesting and anti-establishment attitude ('anti-establishment romanticism'). The 'misfit' problem is therefore a dual one. On the one hand, there seems to be a discrepancy between French doctrine and the liberal corporatism of the EU. On the other, a contradiction exists between the French anti-establishment social movements since the seventeenth century (Tilly, 1986; 2004) and the EU discourse on linking grass-roots movements to its decision-making processes through consultation. A closer look at the empirical evidence shows, however, that while the French interpretation of democracy might contradict the realization of a European Union participatory and associative democracy, French civil society is extremely active in participating in public debates.

Government *With* the People?

When looking empirically at civil society participation in both the European and French political systems, a number of elements make the democratic 'misfit' between the EU and France less obvious. This article suggests comparing the three elements developed by the normative and theoretical debate on participatory democracy presented above: regulation of civil society's access to political institutions, financial and social resources as well as grass-roots civil society mobilization. The regulation of civil society's access is one of the central arguments stressed by the theorists of participatory and associative democracy. Contrary to pluralist assumptions, public intervention is necessary to guarantee equal representation of civil society's claims. The second element – financial and social resources – refers to the capacities civil society organizations must possess in order to intervene in the public, political, but also private, debate. Here also, according to theorists of participatory democracy, the lawmaker can or should actively enhance resources. Finally, the grass-roots civil society mobilization variable is elementary to measuring the degree to which citizens can participate in the decision-making process.

Access Regulation

Access regulation has a long history in the European Union. Confronted with an increasing number of interest groups, institutions have tried to establish a more stable and less complex environment for the development of their policies. Whereas the Economic and Social Committee of the European Union (ECOSOC) considers itself to be the main access for miscellaneous interest groups[10] (Smismans, 2003), both the European Parliament and the Commission

aim to clarify, stabilize and legitimize their relations with interest groups.[11] According to the EU institutions, the legitimacy of civil society participation flows from the fact that the decision takes into account the views of all stakeholders, and that information gathered prior to the adoption of the decision is impartial as it represents all interests as well as all knowledge. The central element of linking civil society to decision-making processes is the increasing legitimacy of the institutional position itself: when the Parliament or the Commission argue that their position is based on a broad consultation of civil society, they gain in bargaining power compared to the Council. The existing procedures at the European level are of a voluntary nature.

The European institutions were aware of both the difficulty and the necessity of regulating the access of interest groups to the Union, and at the same time the possibility of using interest groups as allies to strengthen the position of the European institutions in power struggles with the member states. Kenneth Armstrong (2002) argues that during the preparation of the Commission's White Paper of 2001, the role played by European civil society must be seen as a support to representative democracy through the European Parliament, rather than an alternative.[12] These arguments can be found again in the constitutional treaty of the EU. Title VI takes up the distinction between representative democracy, linked to the European Parliament and the Council, and participatory democracy as outlined in article 47. The aim of article 47 is to guarantee citizens and representative associations the opportunity to make known and publicly exchange their views in all areas of Union action through 'an open and transparent dialogue' and 'broad consultations'. In its paragraph 4 it also offers the possibility of participation of individual citizens, as opposed to that of intermediary associations. It stipulates that a petition with at least one million signatures obtained from a number of member states may be sent to the Commission inviting it to table a legislative initiative, provided that the latter is compatible with the institutions (see also Papadopoulos, 2005).

However, a number of specific problems must be underlined in this context. First, there is the problem of definition. According to the ECOSOC, in a definition adopted by the Commission's White Paper on European Governance (European Commission, 2001) and the constitutional treaty, 'civil society organizations' include the social partners; organizations representing social and economic players that are not social partners in the strict sense of the term; non-governmental organizations (NGOs) that bring people together for a common cause, such as environmental organizations, charitable organizations, etc.; community-based organizations, i.e. organizations set up within a society at the grass-roots level to pursue member-oriented objectives (e.g. youth organizations); and religious communities (Economic and Social Council, 1999). This extremely broad definition of civil society seems to be framed by the use of the term 'representative associations'. While all those groups must be included in the decision-making process, there remains, however, a substantial difference in social and financial

resources between business or professional organizations and civic associations. Without affirmative action, non-economic interest groups will never have parity with economic interest groups of access to EU decision-makers, given the multi-level and therefore multiple access-point nature of the EU. The term of representativeness is equally problematic. As representativeness is defined only in the context of social dialogue,[13] issues of representativeness and accountability of organized civil society are a source of tension between the Commission and civil society organizations. Is the central argument the number of members, the inclusiveness (associations of all member states) or their recognition as representative associations at the national level? This situation of non-regulation and informal governance (Christiansen *et al.*, 2004) leaves the door wide open for a much-criticized opacity of decision-making processes. In the absence of access regulations for organized civil society, the repertoires of collective action and strategies providing for efficient interests representation at the European level remain the key elements for exercising influence at this level. This absence of regulation seems to reinforce a situation in which groups possessing financial and social resources are privileged whereas small associations, be they civic or small business groups, are not heard in the consultation process. It is therefore again only a part of organized civil society which takes part in the policy-making process.

Regarding the French political system, as at the EU level, there is no access regulation for organized civil society. Whereas the French Economic and Social Council is generally considered to be the institutionalized representative of organized civil society, the Socialist government established in 1983 the *Conseil national de la vie associative* (CNVA [National Council of Associative Life]), reporting to the prime minister. Its task is to develop a number of proposals in order to increase associational activities in France, and it grants French civil society a larger institutional legitimacy. It does not, however, regulate organized civil society's access to political institutions. This access is still based on the notion of representativeness. However, just as at the European level, representativeness is not defined by the French administration. Representativeness is generally based on the comparison of influence between different groups that are active in a more or less homogeneous sector. The central elements are either membership density or voting, although no precise rules on how this representativeness should be acquired are proffered. The French government also initiated a number of laws to consult citizens on large projects to improve infrastructure at the beginning of the 1990s. It set up the national public debate commission (CNDP), which was granted the status of an independent agency in 2002, and increased the domains in which citizens must be consulted in two successive laws, at the beginning of 1990 and again at the end of the decade (Rui, 2004). Within this framework, the government invites associations of concerned citizens to discuss planned infrastructure projects, such as the construction of a TGV to Marseilles, or, more recently, that of the new nuclear power plant European Pressurized Water Reactor (EPR) in Normandy. Thus, the French state does not generally reject the inclu-

sion of associations in policy-making as long as they are defined as representative, as we can see in the particular case of the management of the welfare state. In France, the representative unions and business associations administer the employment agencies ASSEDIC and UNEDIC. At the same time, there is no social dialogue whatsoever that could be compared to that existing at the EU level: the government decides and then discusses eventually with representative social partners.

Financial and Social Resources

Associative democracy calls upon the state to provide for equal access for all groups regardless of their financial and social resources, i.e. their personal and professional networks.[14] When confronted with inequality, the lawmaker has to ensure affirmative actions *vis-à-vis* less resourceful groups. Within the European Union, economic interests are particularly privileged. Based initially on economic integration, most of the European associations are economic interest groups, i.e. trade associations or firms, even though strengthened social regulations have resulted in growth of associations representing 'diverse' interests. The Commission lists more than 80 per cent of associations as belonging to professional employers or trade organizations (Eising, 2004; Greenwood, 2003). Even if one can observe considerable differences among the various economic interest groups, they do not only differ by number from groups representing civil interests. Their strong presence shows that they possess a greater organizational potential. Generally, they are financially stronger, employ more staff and have more access points to the Commission than to the European Parliament. A final and important characteristic is their strong economic legitimacy. As the member companies of the European associations perform critical functions in the EU market economy, European institutions must take into account possible fatal effects on companies stemming from European regulation. However, as required by Cohen and Rogers' model of associative democracy, European institutions – and the European Commission in particular – strengthen the capacities of civic associations by co-financing a certain number of European associations, as does the French government (Barthélémy, 2000), while offering them privileged access to the public arena, i.e. consultative committees (Christiansen and Kirchner, 2000; Zürn, 1996). Associations such as the European Environmental Bureau (EEB) or the European Movement are partly financed by the European Commission. Funding is mostly indirect in the sense that only workshops, conference or travel costs are reimbursed. Despite this attitude, empirical evidence still shows that economic interest groups have a more important capacity to intervene in the EU decision-making process (Balme and Chabanet, 2002). This, however, seems problematic with regard to the requirements of associative democracy.

In France, as at the European Union level, the state contributes largely to the financial resources of organized civil society, as proposed by theorists of associative democracy approaches. In particular, the post-war years and the period of the

trente glorieuses, the 30-year period of strong economic development, have led to an increasingly strong dependency of associations on the state. As suggested by Paul Hirst's normative approach (1994), the French state used associations to implement social policies – in particular in the field of family welfare policies. These associations became increasingly dependent and one observes a decrease in voluntary work and an increase in paid employment within these associations. Thus, at the beginning of the 1980s some 8,000 individuals were employed essentially by associations for more than 500,000 elderly and 15,000 disabled people (Laville and Sainsaulieu, 1997, p. 271). This time period allows a certain group of civil society associations to play the role of service providers, leading up to their participation in the preparation of public policies. With the 1982 Decentralization Act, associations gained more influence at the local level. Lastly, the economic recession and the emergence of the 'new poor' often led them to replace the state in the welfare and health sectors. However, at the end of the 1990s, the state started to disengage financially as well as politically (Levy, 1999).

Nowadays, some 70,000 associations are declared every year, three times more than in the 1960s and ten times more than at the beginning of the century (CNVA, 2000, pp. 53–5).[15] Of course, many will not last, and their disappearance is not registered. The non-profit sector in France today is comparable with that of Europe in general, with a little over 20 million members, the equivalent of a million full-time salaried employees and almost as many volunteer workers. Its operating expenditure represents 3.7 per cent of gross domestic product (GDP) (Archambault, 1999). Nonna Mayer's survey data confirm these global trends (Mayer, forthcoming). According to the periodic surveys conducted since 1979 on national representative samples of membership in six types of voluntary associations, 43 per cent of the adult population living in France belonged to at least one association in 1997, compared with one third in 1967 (Hatchuel and Loisel, 1999).

As at EU level, associations are extremely heterogeneous in terms of organizational forms and their will to become involved in policies as well as in politics. It is important to note that close relations between the government and organized civil society – whereby the government remains the initiator – is but one of the resources for civil society groups to gain access to the decision-making process. Media and citizen mobilization through street protest is still a very efficient resource for French organized civil society. Empirically, we find a clear differentiation between 'colonialized' civil society and 'romantic and ideologically driven'[16] protest movements which the state does not support financially, an attitude which is necessary to create equal chances of access according to associative democracy approaches. The differentiation between insider and outsider groups – those who have access and those to whom access is denied (and one of the most problematic areas of associative democracy) – holds for France as it does for other political systems, but is not based solely on the repertoires of collective action used.

Grass-Roots Civil Society Mobilization

The third benchmark arguing in favor of a large and representative participation of civil society in decision-making processes can be analyzed under two specific headings. One way to look at this issue is to measure the degree of civil society participation. This refers to street protests, marches or sit-ins, to name just a few. It is particularly here where the access strategy of voice (Beyers, 2004) is particularly well developed in the French case, whereas contentious Europeans are fewer in numbers (Imig and Tarrow, 2001).

The second approach underlines, on the contrary, the need to measure both representativeness and the efficiency of political professionalization: the inability of the masses to manage their own interests makes the existence of professionals necessary. In the context of organized civil society, is professionalization only one step further towards efficient policy-making? A number of studies on 'new social movements'[17] have addressed this question. They underline that professionalization and institutionalization may be changing the major vehicle of contentious claims – the social movement – into an instrument within the realm of conventional politics (McCarthy and Zald, 1987; Meyer and Tarrow, 1998). Rather than putting forward utopian visions as demands or calling for comprehensive reforms in the ways political decisions are made, these professionalized movements are interested in exercising greater influence within institutional politics. This concept can be applied to a variety of actors, such as highly institutionalized interest groups as well.

With regard to the first understanding of grass-roots civil society participation, one observes at the European level little efficient grass-roots input, despite the fact that many actors, like workers, anti-GM food activists, the very influential European Women's Lobby or migrant groups (Guiraudon, 2001) increasingly direct their protests at the European Union. Doug Imig and Sidney Tarrow (2001) found little evidence of a major shift from nationally to transnationally based contention – Europeans do not seem to have learned to cooperate contentiously across Europe's internal boundaries. While business associations have found it relatively easy to influence European decision-making in Brussels, weaker social actors continue to face imposing transaction costs when they attempt to organize across borders. With regard to the claim of European institutions that they allow grass-roots movements to participate in the EU decision-making process as part of the democratization of the European political system, recent research shows that social movements are unable to act as catalysts for the participation of citizens, as they cannot count on major mobilization, as Didier Chabanet has shown (Balme and Chabanet, 2001) with regard to the European marches of the unemployed.

In France, despite the hostile ideological and legal background, the situation changed in the 1970s. A number of associations confronted the Jacobinic interpretation of the state and the anti-establishment tradition of French social

movements once again awoke. In the wake of the 'new social movements', feminist, environmental, anti-nuclear and humanitarian networks were the first to grow. With the Socialist victory of 1981, because foreigners recovered the right to associate after losing it in 1939, there came a wave of movements defending the rights of immigrants and their children. In certain areas, these movements were initiated more or less directly by public authorities. For instance, public authorities had previously set up a round table in 1951 with different structures concerned with consumer protection, creating the *Union fédérale des consommateurs*, with the status of official consulting body and exclusive competence in this area (Neveu, 2002, p. 112). On the environment, a similar change occurred, with movements being invited into governmental committees to enhance the legitimacy of certain policy objectives (Ollitrault, 2001). At the same time, a certain number of movements emerged without any government input: the '*sans*' (the withouts) (Mouchard, 2002; Sommier, 2003) include, in particular, the *sans-emploi* (without jobs) (Péchu, 2001), the *sans-logis* (without homes) or the *sans-papiers* (without papers) (Siméant, 1998), who materialize into associations such as *Droits devant!!*, created in 1994 or, last but not least, *ATTAC* (*Association pour une taxation des transactions financières pour l'aide aux citoyens*), the major French anti-globalization group. They are active not only nationally, but regionally and locally too (Le Galès, 2002), and have taken an active role in the anti- or alter-globalization movements in Seattle, Nice, Geneva and Florence. Their objective is no longer the rejection of a political system as a whole, but to influence very restricted social or economic issues, such as the regularization of the *sans-papiers* or medical consultation rates.

With regard to the second understanding of grass-roots civil society participation, it seems that representation could be most efficiently realized by professional actors, decreasing at the same time, however, the democratic character of their internal structure (Warleigh, 2001). At the EU level, Gary Marks and Doug McAdam (1996) reason that when civil society encounters the institutions of the European Union, it models its behavior around techniques of interest representation that are accepted by European officials instead of engaging in more contentious behavior. A close link between administrations and professionalized groups and movements can be found in the connections which tie up the mobilized groups with 'new' ministries, or, at the European level, Directorate-Generals (DGs) for the environment or consumers. Because these ministries and DGs often suffer domination in political and administrative structures, not having 'old boys' ties', nor budgets nor wealthy external departments, they look for the support of movements which intervene in a specific policy field. The more representative these movements are, the more they control their members and act on a mandate. Even more so, the more efficient they are in representing their interests in a constructive, precise and coherent way, the more influence they exert. These activities, however, require major expertise on the group's and movement's side which contributes to modeling

the style of militancy and leads to greater internal professionalization. Thus, the organizational structures of civil society have reformed to match better the perceived access structure of the European political system. Research on groups representing farmers' and electricity producers' interests has shown a similar phenomenon (Saurugger, 2002). In the majority of European interest groups working in these areas, fewer grass-roots staff coming from a national back-ground with training in either agronomics or engineering are recruited, whereas more communications and law professionals (e.g. from the Collège de Bruges or European management schools) can be found in strategic expert functions. Thus, all staff members of the EU's *Comité des organizations profesion-nelles agricoles* (COPA) responsible for lobbying the EU have a university degree. They have never worked for any of the national farmers' unions or indeed worked in the farming sector (Hrabanski, 2004).

The replacement of activists by communications professionals can also be found in other policy areas. The example of the European Women's Lobby shows, after the gradual retreat of the founding mothers, the emergence of a frontier between elected representatives and staff members. This frontier results from the emergence of a meritocratic recruitment procedure. Associational 'civil servants' seem to emerge (Cavaille, 2004, p. 13).

We observe the same professionalization trend in France. The above-mentioned social movements, the '*sans*' (withouts), have reinforced their organizational structure and become institutionalized. Research on social movements against drug abuse have shown that grass-roots activists whose participation in the movement was based on their intimate knowledge of the particular world of drug users adopted new and non-radical forms of intervention in policy-making processes. Their position became one of expertise needed to conduct public policies in this particular policy field (Le Naour, 2005). Non-profit social workers in city areas suffering social unrest have also become more and more professional in the way they organize activities and represent demands before policy-makers (Tissot, 2005).

Thus, grass-roots civil society participation accounting for the more democratic nature of decision-making processes can be problematic. Organized civil society – organized as groups or social movements – has a tendency to become increasingly professionalized to represent the interests of their constituency in an efficient way.

In this respect, the difference between the European and French political systems is rather less significant. However, despite this movement towards institutionalization, we still find a much bigger tendency in France for organized civil society to protest and bring together individual citizens to represent their interests directly. This attitude is less developed at the European level and tends to remain secondary.

Conclusion

This article has looked at the nature of constitutional and institutional arrangements that influence the inclusion of additional civil society participants in decision-making procedures in France and at the EU level. It has shown that the much-maligned 'misfit' between EU and French democratic thought is relative both from a conceptual and an empirical perspective. The notion of 'fit' or 'misfit' must be treated with much caution. 'Fit' and 'misfit' concern not only political structures but also discourses and ideas existing at both the national and European levels. It is possible, as was the case here, that ideas on democracy differ from the political structures and modes of government and governance we observe empirically. To characterize France as a statist political system and the EU as pluralist without more in-depth analysis has caused this 'misfit' argument to emerge. On the contrary, detailed empirical studies are necessary when working on the democracy debate at EU and national levels.

At the European level, the participation of citizens in the decision-making processes is still linked to the mastery of European forms of interest representation, which are strongly influenced by the EU institutions' need for expertise and legitimating, and less by the idea of creating new forms of political representation at the EU level. These participatory mechanisms merely constitute extensions of existing practices, and are still underpinned by an elitist and functional tradition.

On the other hand, however, we have seen that the hostility of the French democratic interpretation of organized civil society must be analyzed as a complex relationship in which the state has played a colonizing role. Since the 1970s, France's organized civil society has become more diverse and numerous. This increase in numbers was also followed by a new self-understanding and the greater influence of non-state actors in France. Regarding the civic component of French civil society, one observes that by speaking out in a rather anarchical way, contentious movements disturb the established institutions – public administrations as well as traditional interest groups such as business organizations and trade unions. They are even more disturbing as they claim to conduct politics outside the established context, and therefore threaten traditional ways of thinking about governing. While the EU's newly developed democratic system insists openly on the inclusion of 'organized civil society' and thus argues for 'government *with* the people', in France, democratic thought presents the system clearly as ruled '*by* the people', that is through electoral representation. However, empirical analysis of civil society's access, resources and grass-roots participation at EU and French levels has shown that the situation is rather similar. Thus, it seems that we rather observe a *de facto* convergence of French and European practices, despite the fact that they are characterized in such different ways – one a statist country, the other a pluralist political system offering constitutional guarantees for civil society's access to decision-making.

This similarity might be based on the fact that the increasing presence of governance goes along with a transformation of democracy (Dahl, 1989) – be it at the national or at the European level. At the national, European and international levels, governance arenas are not primarily conceived in terms of their potential to democratize policy-making, but are meant to be solutions to functional problems, such as the management of interdependence between various collective actors and the acceptance of policy choices by their audience (Benz and Papadopoulos, 2006, p. 7).

Although the comparison in this article is based on only two political systems – France and the European Union – some findings are of a more general nature. It seems, paradoxically, that while practices change, due to the emergence of new and increasingly inclusive governance structures, discourses and dominant democratic thoughts change rather slowly. This is also visible in other countries, in particular those with neo-corporatist frameworks. Whereas negotiation practices have changed dramatically in some cases (Heinisch, 2000), communications still insist on the benefits of large tripartite negotiations.

Thus, despite important differences in theory, an increasingly important process of adaptation to the general mode of governance – the plurality of decision-making centres, no clear hierarchical structures and the importance of negotiation procedures – clearly lead to the inclusion of collective, mostly non-state actors in policy-making structures. The democratic 'misfit' is thus clearly destined to disappear, without, of course, bringing about a uniform democratic system.

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Notes

1 The aim of the article is not to enter into a debate on the problematic definition of civil society or democracy which is done with great care by, among others, Armstrong (2002). The article concentrates rather on the very claim that is made for civil society, organized collectively as opposed to the individual citizen in the legitimation process of both government and governance. The definition of civil society is therefore linked to the use made by EU and French lawmakers.

2 Among others Mény (1986), Schmidt (2002) and Wilson (1983).

3 Which should rather read 'mismatch', but as the term of misfit has made its way through the political science literature, we will stick to it.

4 Among others, Dahl (1994).

5 As underlined by Manin (1995).

6 Compared to indirect political representation provided through the Council of the European Union.

7 Bellamy and Warleigh (2001) show that the citizen remains on the periphery of the decision-making process of the EU despite the symbolic legitimacy for, and new political opportunity structures in, the Union.

8 Which are defined as instruments developed by groups to defend their interests (Tilly, 1986).

9 However, this refusal becomes problematic when we look at the groups considered to be representative such as the French farmers' union FNSEA, which, despite its somewhat violent attitude, is always granted access to the political arena.

10 This attempt is, however, strongly challenged by organised civil society itself; author's interviews conducted between February and November 2004.

11 For an in-depth description see Greenwood (2003).

12 Among others see Göhring (2002) and Sloat (2004).

13 Article 138 TCE and COM 93(600) final.

14 Understood in a more descriptive sense than Putnam's idea of 'social capital' (Putnam, 1995).

15 The trend is just starting to slow down: in metropolitan France the peak was reached in 1996 with 64,918 creations, compared with 67,778 in 1995 and 62,897 in 1997 (CNVA, 2000, p. 53).

16 Thanks to Paul Magnette for this expression.

17 Social movements can be defined as collective challenges to existing arrangements of power and distribution by people with common purposes and solidarity in sustained interaction with elites, opponents and authorities.

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