

SYMPOSIUM ON GLOBAL DEMOCRACY

Public Accountability and the Public Sphere of International Governance

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After long and awkward negotiations, on November 19, 2009, the heads of state and government of the European Union finally nominated Catherine Ashton as the Union's new High Representative for Foreign Affairs and Security. The next day an Internet user nicknamed "hoeckt" posted the following comment on a popular German news site:

This morning I listened to an interview with [Ashton] on B5 [radio station] and was flabbergasted. She has already understood how they work at the EU level. She wants to do diplomacy the silent way, which to me means that there will be no transparency; nobody will know what she is doing, and how. And hence nobody will be able to judge success or failure of her actions.¹

The remark targets a key feature of the much-lamented "democratic deficit" of internationalized policy-making: the inability of citizens to properly monitor and evaluate institutions and persons in power—institutions and persons that supposedly still act on their behalf.

The Internet user "hoeckt" is not alone in his or her anger over the obscure ways of international governance. Particularly in the European Union, calls for more democracy, legitimacy, and accountability have proliferated since the ratification crisis of the Maastricht Treaty in 1992. One of the symptoms of the democratic deficit that few academic authors fail to address is the problem of *public accountability*. This problem affects traditional forms of multilateral diplomacy and the intergovernmental organizations in which such diplomacy takes place, but it appears especially troubling after the turn from *intergovernmentalism* to new modes of *governance*. "Governance," a term associated with both European

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integration and global institutions and processes, is characterized by a spread of decision-making competence over various levels of policy-making. It often takes place in networks that may include only public officials, but quite often also include representatives of private bodies, thus blurring the boundary between the public and the private realm. At the global level, structures of governance are also notably fragmented, and tend to be much more informal than traditional forms of government.²

International network governance has a pronounced problem of transparency. “Networks,” writes Kal Raustiala, “are based on flexible and functional peer relationships. Their very informality and clubishness, however, invite exclusion and make monitoring and participation by non-state actors and other government officials often difficult.”³ As a consequence, the origins of political choices in transnational governance networks are often unclear, and responsibility for them is hard to establish.⁴ For laypeople, at least, the functioning of internationalized forms of policy-making is extremely hard to comprehend. It would therefore seem logical to argue that at the core of the democratic deficit of international governance is a lack of *accountability toward the wider public*.⁵

Interestingly, however, such a notion of “public accountability” and the normative demands on international organizations and governance networks that may be derived from it seem to be on the retreat. In the recent literature we find public accountability in the guise of accountability to peers within governance networks, to markets, or to ombudsmen and courts.⁶ For a growing number of authors, public accountability is becoming an umbrella term, meant to describe a variety of accountability mechanisms that operate in the realm of public (as opposed to corporate) governance. Only for a minority, it seems, does the term “public accountability” still pertain quite specifically to the opportunity of citizens to critically monitor and debate proceedings of political decision-making.⁷ What we observe here is a definitional contest between traditional notions of democratic accountability and rival accountability concepts that have their origin predominantly in management and public administration. This definitional contest in the international relations literature mirrors debates in public policy research over the accountability of new forms of public management or, indeed, governance, although it rarely refers explicitly to that literature.

The aim of this article is to make a strong case for the “public” in public accountability. The first section maps the definitional struggle over public accountability in the age of international governance. It substantiates the claim

that there is an increasing conceptual creep from economics and management into definitions of public accountability. In particular, it identifies three features of recent discourse that are undermining the traditional view of public accountability as democratic accountability: (1) the turn to the stakeholder concept, (2) the principal-agent framing, and (3) the view of public accountability as an umbrella concept under which manifold instruments or mechanisms can be subsumed. Having mapped the definitional contest over public accountability, I argue in section two that “public accountability” should always mean direct accountability to citizens. Public accountability is exercised in a nongovernmental sphere in which a public debate about the flaws, merits, and performance of governance takes place. I also locate public accountability’s place and importance in any system of governance that wishes to qualify as democratic. I contend that public accountability complements the other central mechanisms of electoral and legal accountability.

Public accountability as understood in this particular sense depends on the existence of a public sphere. With a view to the transnational level, some would claim that such a public sphere does not (yet) exist. In the third section of this article I take issue with this position. I first clarify the notion of a transnational public sphere and two crucial elements of it: first, a functioning media infrastructure; and, second, a transnational civil society. Organized civil society is instrumental in exposing politics to public scrutiny and in detecting and denouncing pathologies of governance; in translating the highly technical and specialized discourses of regulatory policies into a language accessible to laypeople; and in flagging new issues and formulating alternatives to the choices made by policy-makers. In short, I highlight the role of organized civil society as a critical *watchdog*, rather than solely as a representative of citizens’ interests or a supplier of policy-relevant expertise. I stress that such a public sphere of governance is not only desirable from a normative point of view but also functionally important. External pressure that originates from the public sphere is crucial in switching governance arrangements from the routine mode to the “crisis mode”; in the crisis mode decision-makers are pressed to reflect upon policy failures and to search for new strategies, and thus are more amenable to reform and change than in the routine mode. An empirical discussion follows, demonstrating that there already exist structures of an emergent transnational public sphere that allow for some monitoring of governance and, hence, transnational public accountability.

WHAT IS PUBLIC IN “PUBLIC ACCOUNTABILITY”?

This section takes issue with the diffusion of managerial notions of accountability into the public domain, which, in particular in the context of “new modes of governance,” has led to a contest between an established understanding of public accountability as democratic accountability and new conceptualizations inspired by the management literature. The academic disciplines of European studies and international relations thus are joining a discussion long under way among scholars of public policy and public administration about the “publicness” of public accountability and its implications for democracy.⁸

The English term “accountability,” which has no direct equivalent in other European languages,⁹ describes a social relationship that is characterized by “the giving and demanding of reasons for conduct.”¹⁰ Some, especially legal scholars, would add the possibility to sanction misconduct to this definitional core.¹¹ Since the concept of accountability may apply to various types of social relationships, different types of accountability may be distinguished. A central and rather uncontroversial distinction has been made between managerial (or corporate) and public (or political) forms of accountability. In the private economic domain, the emphasis of accountability is put squarely on the substantial output of the firm and the performance of the management in achieving it. Managers are accountable for the results they produce, with the agreed and unambiguous goal of their activity being profit.

The situation is more complicated in the public domain, where authority entails the possibility to make binding decisions over a wide range of issues that affect everyone. Such a concentration of far-ranging competencies, and especially their transfer to bodies above the state, is risky and needs to be kept in check, especially because most citizens do not possess exit options, quite unlike shareholders of a company. The major safeguards against abuses of power by public officeholders are procedural, and consequently accountability in the public domain is as much concerned with due process as it is with substantial outcomes. What is more, the goals of public policy-making are manifold and often contradictory, and the preferences of citizens may change rapidly. Also, in the public domain there is no unequivocal standard measure of performance, such as profit, which could reduce accountability to a fairly technical exercise.

In the conventional understanding, public accountability denotes a relationship in which the public (understood as citizens) is holding its elected representatives

(at all levels) to account. “At its heart,” writes Michael Dowdle, “the idea of public accountability seems to express a belief that persons with public responsibilities should be answerable to ‘the people’ for the performance of their duties.”¹² With its emphasis on citizens, this understanding of public accountability comes very close to conceptions of “political accountability,” or “democratic accountability.” Elections are the key mechanism of democratic accountability, as they provide an incentive for policy-makers to explain their conduct and an opportunity for citizens to sanction them. The touchstone of democratic accountability is the responsiveness of officeholders to citizens’ expectations and concerns. However, citizens not only expect public officials to respond to their interests and concerns but also to respect the law, to treat like cases in like manner, and to spend public funds parsimoniously. These criteria of good conduct may be assessed not primarily via elections but by judicial review, financial auditing, or hierarchical control within public administration. Nevertheless, as Robert Behn has suggested, political performance and responsiveness remain key to any conception of public accountability.¹³

The emphasis on ex-post performance assessment circumscribes the common ground between public and managerial types of accountability. Managerial accountability, in fact, is centrally concerned with performance and results, but much less with input. With regard to “new modes of governance” in the public domain, the orientation toward results and the versatility of the managerial accountability concept seem to be attractive features. Indeed, the term “accountability” appears to be better applicable than “democracy” to new modes of governance within and beyond the state. First, new modes of governance quite obviously escape the traditional conceptions of government and top-down steering associated with democracy. Second, the term “governance” usually refers to functionally limited arrangements whose regulatory scope is quite narrowly circumscribed. Third, in the global context it is not immediately clear who the citizenry or electorate would be that would democratically select and control decision-makers. Therefore, Ruth Grant and Robert O. Keohane argue, we ought to get rid of traditional notions of democratic accountability in this context, because they would mask the fact that “multilateral institutions are, indeed, highly constrained by accountability mechanisms.”¹⁴ Indeed, some empirical studies, such as the Global Accountability Report, have endeavored to measure public and private organizations (international organizations, nongovernmental organizations, multinational corporations) against the very same yardsticks of accountability.¹⁵

There is no room here for extensive reflection on the differences among these types of organizations and the usefulness of cross-sectoral rankings. My point is simply to illustrate that the “public” in public accountability is increasingly becoming redefined in the context of international governance, if not disappearing altogether.

The Turn to Stakeholders

A good indicator of conceptual change is the entry of the *stakeholder* on the scene. In fact, there appears to be a quite pronounced tendency in the governance literature to replace the term “citizens,” or “the citizenry,” with “stakeholders.”¹⁶ The term has its origins in management literature, and refers to a party that has some interest (stake) in a firm, to be distinguished from the shareholders who collectively own the firm. Transferring the stakeholder concept to the public domain means relegating citizens from the status of “owners” of the state to the status of “interested parties.” Stakeholders are consulted by public institutions at their own discretion. To do so is a matter of good governance, but not an expression of popular sovereignty. In the governance literature, the very authority of governance institutions in fact often appears as given and unproblematic. Institutions have an unquestioned and unquestionable right to issue binding decisions, while citizens are expected to demonstrate that they have a stake in a specific policy or decision. This is at odds with the traditional “democratic” understanding that all state authority is rooted in popular sovereignty, but is perfectly in line with the tendency of public policy analysis to see the world through a problem-solving lens.

The discursive turn to stakeholders has practical political consequences. As we have seen, the concept implies that public accountability is not for everyone but only for those affected, and assumes that this class of individuals can be recognized objectively, probably even a priori. To increase accountability toward stakeholders it is often suggested that institutions of public governance should set up consultative forums in which stakeholders can exercise their right to hold decision-makers to account. While one would not object to consultations with interested or affected parties, the (self-)selection of privileged partners poses new risks of exclusion. This has been highlighted with regard to consultative practices in the European Union, as well as in the global setting.¹⁷ New regulatory regimes in the United States that foresee extensive stakeholder consultation have given rise to similar concerns about access and publicity.¹⁸ Thus, the turn from citizens to

stakeholders of governance may lead to manifest processes of social exclusion and put democratic equality at risk.

The Principal-Agent Framing and the Contractual Metaphor

The conceptual move from citizens to stakeholders is complemented by the framing of accountability relations in terms of principal-agent theory. The theory's conceptual roots are not to be found in political science or democratic theory, but in organizational economics.¹⁹ The principal-agent relationship was originally conceived as a *contract* under which one or more social actors (the principal) engage another one (the agent) to perform some limited and well-specified tasks. The theory thus is often described as a contractual approach to analyzing governance and delegation. One of the fundamental problems that principals face is the difficulty in monitoring the conduct of an agent that enjoys considerable leeway and may have a private agenda. Accountability of the agent is, therefore, of paramount importance in principal-agent theory.

The principal-agent framework has become popular in political science and also in the study of international and European governance, in which instances of delegation abound. To be sure, there is nothing wrong with the transfer of analytical concepts from one branch of the social sciences to another, and one may frame the relationship between citizens and their elected representatives in the “principal-agent” sense. We should be alert, however, when the whole issue of public accountability of international governance is couched in terms of the principal-agent logic, as it is in one recent journal issue.²⁰ As states have delegated competencies to international organizations, governments become, by default, their key principals. Therefore, it appears logically compelling that principal-agent accountability of international governance institutions is owed primarily to them, while citizens (or “the public”) are relegated to the status of “external” stakeholders. In a rather subtle and probably unintended way, the principal-agent framing of international governance undermines the idea that all public institutions of governance are “owned” by and should be primarily accountable to citizens. Framing accountability of public governance in terms of a contractual principal-agent relationship facilitates the dissolution of the conceptual nexus between citizens and political decision-making.

There is also empirical evidence to suggest that governments abuse their ascribed privilege as primary principals to prevent external accountability to the wider public. As Miles Kahler argued with regard to the International Monetary

Fund (IMF), proposed advances in external transparency and accountability to a wider public have been blocked by governments.²¹ Of course, principal-agent theorizing is not causing these tendencies; but the conceptual distinction between governmental principals that are in a contractual relationship with international organizations and somewhat secondary stakeholders may be used to defend and justify them. This concern is not completely hypothetical, since principal-agent theory has been demonstrably influential in shaping policies. It guided, for instance, public sector management reform in New Zealand, which in turn has led to major concerns regarding public accountability and responsibility.²² One of the goals of that reform was a neat separation of responsibilities between political principals and their agents in public administration. Pointing to the separation of tasks, elected politicians refused to accept responsibility even for an outrageous case of maladministration in the Department of Conservation that left fourteen young people dead. Critics argued that, contrary to its stated purpose, the reform had actually reduced the accountability of the public sector in New Zealand.²³ Interrupting the link between elected officials, very sensitive to public opinion, and their administrative managers reduced the chances of the citizenry to keep the public sector in check.

Public Accountability as Umbrella Term

One of the key questions with regard to the concept of public accountability is how many dimensions or mechanisms it actually comprises. The traditional notion of public accountability as political or democratic accountability was parsimonious in this respect, as it put the emphasis squarely on elections. However, inspired once again by the management literature, it has become fashionable to use “public accountability” as an umbrella term covering numerous types of accountability relationships in the public domain. In an often-cited article, Mark Bovens argues that “public accountability comes in many guises,” and subsumes five types of accountability under the umbrella: political, legal, administrative, professional (to peers), and social (to societal stakeholders).²⁴ Thorsten Benner and his coauthors offer five types of accountability with regard to global public policy networks, crucially adding accountability to markets.²⁵ Ruth Grant and Robert O. Keohane in their article on accountability in world politics count as many as seven.²⁶ The term “citizen” has completely disappeared from their list, and the public enters as a “diffuse public” that still has to divide its accountability mechanism of “public reputational accountability” with peers. This testifies to

the marginalization of the citizen and the public in recent discourses on the accountability of international governance. The danger associated with the advent of new accountability techniques in the public realm is that the public in the sense of citizenry is lost from sight.²⁷

Some recent work by Carol Harlow and Richard Rawlings on new forms of network accountability in the European Union illustrates this problematic. The authors “take accountability to be essentially a *public* procedure, sited in an open forum or at least accessible to citizens.”²⁸ They move on to consider just two types of such public accountability in the European polity. First, legal accountability through the courts, in particular the European Court of Justice (ECJ) and the Court of First Instance; second, investigations by the European Ombudsman as a softer form of accountability that is more readily accessible to individual citizens. However, the ECJ is concerned with breaches of the law, and the mandate of the ombudsman is restricted to inquiries into cases of maladministration by European institutions, such as capricious decisions, corruption, or inertia. Again, I do not wish to argue against judicial accountability or critical review by an ombudsman. Judicial and administrative mechanisms, however, cannot produce accountability for political agendas, programs, and choices. And even if they are public, technically speaking, they cannot resolve the “government by stealth” problematic—remoteness, invisibility, and lack of public debate. In fact, according to recent surveys, 75 percent of Europeans do not even know that a European Ombudsman exists.²⁹ In the next section I will make the case for public accountability as a specific type of accountability relationship that functions through critical debate in the public sphere.

PUBLIC ACCOUNTABILITY AS ACCOUNTABILITY TO THE PUBLIC

The term “public accountability,” as should now be clear, is often used interchangeably with the terms “political accountability” and “democratic accountability.” I want here, however, to make the case for public accountability as a specific type of accountability relationship that functions through critical debate in the public sphere and contributes to the *broader* task of democratic accountability. The intention is to give the term a very clear and narrow meaning: the accountability of persons or institutions vested with public authority toward criticism, questions, and commentary voiced in public by citizens or organized civil society.³⁰

How does public accountability thus conceived relate to democracy? I understand democracy to be an institutional arrangement that enables citizens to govern themselves, and I side with cosmopolitans in arguing that, in principle, such self-governance is both possible and desirable on a transnational, even global, scale. With regard to the institutions and procedures necessary for self-governance, most theories of democracy place great emphasis on what one might call the “input dimension.” The input dimension focuses on the making of collectively binding rules, and hence on the ex-ante contributions of citizens. In this respect, democracy requires that the concerns of all citizens are heard and adequately considered in the process of political decision-making. There are various mechanisms for realizing self-governance in the input dimension: direct forms of participation, such as citizen assemblies or referenda; and indirect forms of participation, such as election of a representative government. For reasons of space, I cannot discuss here the range of options for organizing democratic input on a global scale. In this article my concern is with a second dimension of democratic governance, which one may call the *contestatory dimension*.³¹ Its emphasis is on the ex-post situation, when political decisions have been made and are being implemented.

The contestatory dimension of democracy refers to the opportunities available to citizens to monitor and challenge political decisions, individually and collectively. It is a necessary complement to the input dimension, and a safeguard against a tyranny of the majority. It also acknowledges openly that all decision-makers, even the democratically legitimated ones, are fallible. Public accountability, as I understand it, is an important contestatory mechanism of democracy, and certainly a mechanism in its own right. In addition, public accountability reinforces two other contestatory mechanisms of democracy: electoral and legal accountability.

Electoral accountability means that power holders are subject to regular approval by their constituency. When their terms in office expire, decision-makers need to face confirmation through competitive elections. Accountability through elections, however, is built on the presumption that citizens have had the chance to form a political will based on information about the conduct and performance of officeholders. As Walter Lippmann famously wrote, “[the] world that we have to deal with politically is out of reach, out of sight, out of mind. It has to be explored, reported, and imagined.”³² For electoral accountability to function there needs to be an intermediate sphere of public communication that allows citizens to review what is happening in government. Observing public debate in turn

also enables officeholders to react to changing expectations of their constituency. The contestatory mechanism of public accountability is more fine-grained than the electoral one. In an election citizens may express a general preference for a political party, a person, or an ideology, but they cannot support or criticize specific decisions (and if they do, politicians will not always realize it). The act of electoral choice is a response to past behavior, but it is also a bet on the future. This is why public accountability through public discourse is so central for the functioning of a democratic polity. Individual policy choices are criticized in public discourse, and less by the ballot.

The third key mechanism of democratic contestation is juridical in nature. Power holders should be accountable not only to voters and parliaments but also to courts. In most democratic political systems constitutional courts have the ability to subject legislative acts of the executive to judicial review, upon a complaint filed by citizens or upon their own initiative. This form of accountability qualifies as democratic because one of its major purposes is to protect the fundamental rights of citizens against decisions of the executive and against majority tyranny. In addition, citizens can challenge administrative decisions that affect them in front of administrative courts. Legal accountability thus complements electoral accountability. The relationship between legal and public accountability is certainly less intense than the one between electoral and public accountability. However, legal action might well be triggered by public reports of misdemeanor. And public opinion may affect the reasoning of judges and arbiters directly. To summarize, the three mechanisms of democratic accountability are:

- Electoral: Accountability directly to citizens or to political bodies elected by citizens. The default sanctioning mechanism is voting.
- Legal: Accountability to nonelected courts that protect the rights of citizens. The default sanctioning mechanism is judicial review.
- Public: Accountability to the public in the sense of the public sphere. The default sanctioning mechanism is a shift in public opinion that leads to a loss of reputation.

The three mechanisms of democratic accountability function synergistically and mutually reinforce one another. In particular, the availability of elections or legal remedies lends power to public accountability because public criticism or shaming cannot enforce changes in behavior in the same way that electoral defeat or a court sentence can; it can only target the reputation of power holders, who may feel an

urge to justify their choices or to clarify or defend their positions. “Policy-makers,” writes Oran Young, “like private individuals, are sensitive to the social opprobrium that accompanies violations of widely accepted behavioral prescriptions. They are, in short, motivated by a desire to avoid the sense of shame or social disgrace that commonly befalls those who break widely accepted rules.”³³ Thus, public challenges to a person’s reputation, identity, and self-esteem may be sufficient to bring about changes in behavior without any threat of “hard” sanctions. But change is more likely when synergy between mechanisms is at work: political officeholders who face upcoming reelection are particularly sensitive to public opinion.

THE TRANSNATIONAL PUBLIC SPHERE

This section confronts the transnational setting where public accountability would need to take place under different or, some would say, radically different circumstances. It first addresses the question of whether a transnational public sphere, or elements of one, already exists. It proceeds to ask whether there is evidence that international governance institutions are becoming more accountable to a transnational public. A conjecture implicit in the previous sections was that public accountability through the public sphere can function in international, even global, politics. Quite clearly, it would be absurd to promote a conception of transnational public accountability as “accountability to a wider public” if there were no such public. Public accountability always presupposes a functioning public sphere of governance. Since this notion of a public sphere is so central, a clarification of this term and its political significance is in order.

In general terms, I follow Jürgen Habermas’s view that the public sphere may be described as a network of communication in which public opinion is formed.³⁴ In the public sphere new political issues and concerns arise, existing policies are criticized, and demands for change are formulated. It should be noted here that a public sphere, whether national or transnational, may come in the plural. Habermas introduced the idea of a network of various public spheres as overlapping discursive arenas that taken together constitute the public sphere of modern societies.³⁵ Hence, an emergent transnational sphere may in the beginning not amount to a unified sphere populated by general-interest media but rather a patchwork of interwoven sectoral publics. Sectoral publics emerge around issues of interest to certain constituencies and, to the extent that these issues are tackled by international governance arrangements, they may become genuinely transnational in character.

To understand the relationship between political decision-making and the public sphere, the distinction between the center and the periphery of a democratic political system may be useful. Situated at the center of the system are institutions of authoritative decision-making and judicial review: parliament, government, and the court system. The periphery of the political system consists of processes of public communication that surround and “besiege” the formal institutions of democratic decision-making. This communicative space, in which opinions on governance are formed and demands articulated, is located in civil society.³⁶ The existence of such a nongovernmental realm is often thought essential to the functioning of a democratic polity. In fact, the public sphere has a systemic place in most variants of democratic theory. “There is a close link,” write Myra Marx Ferree and her colleagues, “between theories of the public sphere and democratic theory more generally. Democratic theory focuses on accountability and responsiveness in the decision-making process; theories of the public sphere focus on the role of communication in facilitating or hindering this process.”³⁷

In the national setting, the existence of a public sphere is usually taken for granted, at least when we have in mind developed countries where freedom of expression and the press are guaranteed. Its existence is much less obvious in the transnational setting. In principle, a public sphere conceptualized as a “communicative space” is not necessarily circumscribed by national boundaries, but rather by the boundaries of communication flows. Those communication flows transcend national borders, even if much communication still takes place within national discursive spaces.³⁸ The key question is not whether there *is* transnational communication but whether *existing* transnational communication flows already amount to a transnational public sphere. Several authors are sanguine about this and already see a transnational public sphere or spheres at work.³⁹

Is this assessment justified? Much will depend on the criteria and empirical indicators used for measuring the existence of a public sphere. Good evidence is available mainly for the EU, whose nascent public sphere has attracted quite a lot of scholarly interest. Most researchers on the European public sphere locate it in the mass media, because this is “what the general public gets to see.”⁴⁰ Their research method of choice, therefore, is comparative content analysis of national media reporting. Still, there is quite some debate among these authors over what a Europeanization of media reporting would actually mean. Some have argued that we would need to find a common European “frame of reference.”⁴¹ Others think that we would need to find an intensified “discursive interaction” among various

countries.⁴² Still others would expect to find “mutual observation” of national public debates reflected in the media.⁴³

I submit that, as a baseline, we should find regular reporting on European policy issues that shows transnational similarities in terms and categories of assessment. A rigorous cross-national study published in 2004 reveals that the “Europeanization” of media communication varies considerably among policy fields.⁴⁴ The researchers argue that media reporting quite accurately reflects the Europeanization of policy-making, with an emphasis on those fields where a significant transfer of competencies to the supranational EU level has taken place, such as agricultural and monetary policies. This suggests that emerging power centers beyond the state are redirecting political attention and debate. Another broad comparative study of newspaper contributions in five member states finds an increase in media reporting and comment on political events at the European level between 1982 and 2003.⁴⁵

Media reporting, however, is not the only place where we might find seeds of an emergent transnational public sphere. In fact, equating the public sphere with the mass media might be too restrictive and even misleading.⁴⁶ Historically, the emergence of the modern public sphere began through discussions in the public spaces provided by salons and coffee shops. Curiously, in the age of personal electronic communication we may be returning to forms of public communication that do not take place within the domain of mass media. Weblogs, for instance, are not just for chatting and ranting but are turning into a locus of serious political criticism and societal debate, and are influencing the works of academics, journalists, and other professionals. Indeed, there is an emerging electronic public sphere that seems to play an increasingly important role in flagging issues of political relevance, which may in turn be taken up by the mass media and thus reach greater numbers of citizens.

Organized Civil Society

The real and virtual spaces of political conversation and contestation are not only inhabited by individuals but also by civil society organizations. In particular, the work of vociferous nongovernmental organizations and transnational social movements seems to be crucial for the emergence of a public sphere in global politics. Transnationally organized civil society was at the core of the debate over many international organizations, such as the World Bank, the World Trade Organization (WTO), and the IMF. Public campaigns have contributed, for instance, to

the failure of the negotiations of the Multilateral Agreement on Investments (MAI) among members of the Organisation for Economic Co-operation and Development in 1998. The empirical evidence suggests that nongovernmental actors play a key role in triggering transnational public debates on global governance.⁴⁷ And whatever one may think about the goals and means of those protesting against international organizations, it is beyond doubt that acts of protest themselves are making global governance more visible and, thus, more accountable.

Civil society organizations are instrumental in creating public accountability in at least three ways: monitoring public governance; translating highly technical discourse; and framing issues and promoting alternatives. How to monitor the conduct of power holders is one of the key problems associated with democratic accountability. Most citizens do not have the time, the capacity, and the specialized knowledge to follow the conduct of policy-makers firsthand. Rather, they typically rely on the mass media to report problematic decisions and denounce misdemeanors of officeholders. Yet the media alone will hardly be sufficient to guarantee effective control over officeholders. A broad variety of actors, including social movements, religious congregations, special interest groups, and public interest NGOs, are all involved in identifying and flagging problematic topics and decisions. These nonstate actors communicate directly to their membership base and/or seek to feed information and critical comment to the mass media, and thereby function as watchdogs that expose power holders, both political and administrative, to wider public scrutiny. The need for such nonstate actors is especially pronounced in the realm of internationalized policy-making, as media coverage in this area is sluggish and many of the issues discussed at the European or global level are of a highly technical character.

Many NGOs go beyond merely briefing members or journalists about events in international politics to publishing their own conference reports or newsletters that expose the proceedings of diplomatic negotiations to wider public scrutiny. In this way these expert NGOs have come to perform a function once relegated to journalists and a few vocal specialists (Rachel Carson on the environment, for example), and today they fill the void of detailed reporting that most professional journalists cannot provide given the limitations of their general-interest publications. Even if these specialized publications do not have a wide readership, they cater to experts all over the world who further disseminate this information through their own publications, seminars, and public addresses.

Transnational NGOs, social movements, and grassroots organizations are an important communicative interface between international institutions and local communities, acting not only as reporters but as *translators* between experts and citizens, conveying important information in language that the public can understand. Civil society is also instrumental in framing issues, and in formulating or highlighting political alternatives. Framing is strategically employed by the campaigning parts of civil society, domestic or transnational, to change public perception of certain issues and to trigger political action. For example, civil society groups have reframed the issue of violence against women as a human rights problem, which has proved to be a powerful method for mobilizing an international constituency.⁴⁸ Thus, framing has proved to be a rather subtle way of exerting political influence that targets predominant cognitive patterns, both among policy-makers and the wider public.

In summary, some key ingredients of a transnational, or even global, public sphere seem to be already in existence. Even if the evidence is limited to the European setting (in the absence of comparable research on other regions), we can conclude that media coverage follows the centers of political decision-making when they migrate. Since the 1990s we have witnessed the rise of an electronic public space that transcends national boundaries. What is more, structures of transnationally organized civil society have developed that can act as watchdogs of international governance. But does this truly mean that public accountability works on the transnational scale? Answering this question requires focusing specifically on the possibilities for the effective monitoring and review of international governance.

TRANSNATIONAL PUBLIC ACCOUNTABILITY

Democratic governance presupposes that citizens are informed about the political agenda that affects them—not just the final decisions, but all the options considered.⁴⁹ Therefore, a first key condition for public accountability to function well is transparency. Recent studies have shown that the external transparency of the most important international organizations has improved in recent years.⁵⁰ However, access to such information alone does not guarantee effective public control over governance arrangements. The ultimate touchstone of accountability would be the responsiveness of institutions to criticism received. In this respect there is some evidence to support the view that public accountability might be

at work transnationally, at least in some cases. Transnational public pressure has been evidently brought to bear in cases of maladministration and abuse of power by officials of international organizations. The resignation of the EU Santer Commission in 1999 and of World Bank president Paul Wolfowitz in 2007 have shown that mechanisms of “scandalization,” which are part and parcel of public accountability, can also function on the transnational level. Alleged nepotism and corruption in the Santer Commission were debated in the media throughout Europe, and moreover were debated cross-nationally in very similar terms.⁵¹ This phenomenon of scandalization was seen in the discussion of EU-level sanctions against Austria over the participation of an extreme right-wing party in its federal government.⁵² Thus, transnational mobilization through the media seems to work even if the public is still segmented along national and functional lines. In critical cases, international governance can be exposed to public scrutiny, and, as such, some form of public accountability does exist, at least as an ex-post review of officeholders’ conduct.

As mentioned above, accountability can also mean drawing public attention to “nonissues”—that is, problems that are neglected by politicians. There is a vast literature on the role of individuals, social movements, and NGOs in world politics that underscores and illustrates precisely this function.⁵³ For example, individual members and organizations of civil society were crucial in triggering transnational concern about and eventually political action against the stockpiling and use of antipersonnel land mines.⁵⁴ Over longer periods of time, transnational activism was equally crucial in the abolition of slavery and the fight against apartheid in South Africa.⁵⁵ The events of the 1990s have also shown that efforts by NGO activists and transnational social movements have been quite successful in bringing the adverse consequences of globalization and global governance into the media and onto the political agenda. The critical reappraisal of global political institutions, and more generally of the neoliberal tendencies underlying global governance and European integration, would have been unthinkable without civil society actors. Indeed, WTO Director-General Pascal Lamy confirmed that, “thanks in large part to the light which civil society drew to this issue, in August 2003 the WTO reached an agreement on the use of compulsory licenses by developing countries without manufacturing capacity, in order to help them access life-sustaining medicines.”⁵⁶

Limitations of Transnational Public Accountability

We now see that key mechanisms of public accountability function transnationally; and I have argued that already there are important elements of a transnational public sphere that can contribute to the public accountability of governance. Admittedly, the empirical evidence that I have provided is anecdotal and illustrative, and needless to say one can easily find examples of transnational public campaigns that did not succeed in their goals, and one could name issues that have never been brought to the limelight. The transnational public sphere does have its limitations, to be sure, both from the functional and the normative point of view. In this context two issues are paramount: unequal access and limited responsiveness.

Compared to an ideal public sphere in which all citizens have equal access to public opinion formation, existent transnational public spheres are clearly deficient. The issue is perfectly familiar from the domestic context.⁵⁷ Not every person and not every topic has the same chance to influence public discourse. Access to traditional mass media is distributed unevenly, and the same is true for the Internet. Lack of education and language skills contribute further to these asymmetries. Clearly, this is even more true in the global context. What is more, organized civil society, whose intermediary function was highlighted in this article, is not yet representing all concerns and all populations globally. Global inequalities in the distribution of skills, resources, and opportunities for societal self-organization are reflected in transnational patterns of civil society development. It is also no secret that professionalized advocacy groups often select their campaign issues with a view to their marketability rather than according to “a meritocracy of suffering, with the worst off groups gaining the most help.”⁵⁸

The second critical issue is limited responsiveness. A persistent lack of responsiveness means that challenges arising from the public sphere cannot effectively urge political institutions to critically review, let alone change, their policies. We may think about this effect in terms of switching the operation of the center of the political system from its “routine mode” into a “crisis mode.”⁵⁹ In the crisis mode, issues and problems that have been sidelined by the mechanics of routine politics, or simply fallen into obscurity, move into the focus. There is no guarantee that such a moment of crisis will bring about political change, but it should at least open up an avenue for it. In the context of international governance, however, responsiveness is particularly hard to achieve. As multilateral bargaining systems work under unanimity rule and include numerous veto players, transforming

public challenges into policy change is more cumbersome here than in national polities. Moreover, in the international setting there is no mechanism of electoral accountability through which the public could force unresponsive power holders out of office. Electoral accountability is available only after a long detour through national political systems, so that synergies between public and electoral accountability are significantly weakened. In summary, both the transnational public sphere and the possibilities for transnational public accountability have limits, and these limits are likely to persist for some while. However, there is nothing to suggest that the emergent global public sphere would need to remain elitist and exclusive in the future, or that its current functional problems are irresolvable.

THE NEXT STEP

The premise of this article has been that the key problem affecting international governance is not a lack of accountability in the managerial sense, but a lack of accountability to the wider public. This *problématique*, it was argued, is obscured by efforts at redefining the “public accountability” of governance as an umbrella term that covers a multitude of accountability mechanisms. The recent increase in managerial notions of accountability and respective instruments tends to relegate the public to the rank of one stakeholder among others. This is a worrying tendency because academic accountability discourse is not just an observation of accountability practice but a potential source of inspiration for such practices. The proliferation of new accountability instruments in governance beyond the state, while increasing control by peers and market participants, does so without enhancing the possibilities of public scrutiny and oversight.

Against this backdrop I am suggesting a reconceptualization. The term “public accountability” should denote the accountability of governance institutions to citizens through the public sphere. Public accountability in this sense implies that the choices of decision-makers should be exposed to public scrutiny and become discussed and criticized in public. It complements and reinforces electoral and legal mechanisms of democratic accountability. I defended the view that public accountability as defined in this article is indispensable for citizens to form an opinion about international or European governance, and that only if this kind of accountability is present can we reasonably speak of “democratic accountability.” Public accountability and a public sphere are therefore a necessary condition for the democratization of global and European governance.

The main objection that might be raised against such a notion of transnational public accountability would be that it is illusory. This, however, is not true. The major weakness of public accountability at the transnational level is not its inability to mobilize criticism and challenge governance institutions, but rather the lack of complementary mechanisms of electoral accountability, or equivalent instruments of robust sanctioning. As electoral democracy beyond the state is not in sight, the challenge for the future is to ingeniously strengthen established instruments of accountability so as to make them more responsive to the demands and criticisms arising from the transnational public.

NOTES

- ¹ Translation by the author. This comment can be found at www.sueddeutsche.de/tt4m1/politik/693/495024/text?page=2#readcomment.
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- ³ Kal Raustiala, "The Architecture of International Cooperation: Transgovernmental Networks and the Future of International Law," *Virginia Journal of International Law* 43, no. 1 (2002), p. 24.
- ⁴ Christopher Lord, *A Democratic Audit of the European Union* (Basingstoke, U.K.: Palgrave Macmillan, 2004), p. 195; and Yannis Papadopoulos, "Problems of Democratic Accountability in Network and Multilevel Governance," *European Law Journal* 13, no. 4 (2007), p. 473.
- ⁵ Navdeep Mathur and Chris Skelcher, "Evaluating Democratic Performance: Methodologies for Assessing the Relationship between Network Governance and Citizens," *Public Administration Review* 67, no. 2 (2007), p. 235.
- ⁶ Thorsten Benner, Wolfgang H. Reinicke, and Jan M. Witte, "Multisectoral Networks in Global Governance: Towards a Pluralistic System of Accountability," *Government and Opposition* 39, no. 2 (2004), pp. 191–210; Ruth Grant and Robert O. Keohane, "Accountability and Abuses of Power in World Politics," *American Political Science Review* 99, no. 1 (2005), pp. 29–43; and Carol Harlow and Richard Rawlings, "Promoting Accountability in Multi-Level Governance: A Network Approach," *European Law Journal* 13, no. 4 (2007), pp. 542–62.
- ⁷ Deirdre M. Curtin, "Betwixt and Between: Democracy and Transparency in the Governance of the European Union," in Jan A Winter et al., eds., *Reforming the Treaty on European Union: The Legal Debate* (The Hague: Kluwer, 1996); Erik O. Eriksen, "An Emerging European Public Sphere," *European Journal of Social Theory* 8, no. 3 (2005), pp. 341–63; and Papadopoulos, "Problems of Democratic Accountability," pp. 469–86.
- ⁸ For various geographical and sectoral perspectives, see Jane Broadbent and Richard Laughlin, "Control and Legitimation in Government Accountability Processes: The Private Finance Initiative in the UK," *Critical Perspectives on Accounting* 14, nos. 1–2 (2003), pp. 23–48; Tero Erkkilä, "Governance and Accountability: A Shift in Conceptualisation," *Public Administration Quarterly* 31, no. 1 (2007), pp. 1–38; M. Shamsul Haque, "The Diminishing Publicness of Public Service Under the Current Mode of Governance," *Public Administration Review* 61, no. 1 (2001), pp. 65–82; Donald F. Kettl, "The Global Revolution in Public Management: Driving Themes, Missing Links," *Journal of Policy Analysis and Management* 16, no. 3 (1997), pp. 446–62; and Paul G. Thomas, "The Changing Nature of Accountability," in B. Guy Peters and Donald Savoie, eds., *Taking Stock: Assessing Public Sector Reforms* (Montreal: McGill-Queen's University Press, 1998).
- ⁹ The use of the English term "accountability" can be traced back to the Middle Ages. While the technical term "accounting" in the financial context is perfectly translatable into other languages, "accountability" is not; see Melvin J. Dubnick, "Situating Accountability: Seeking Salvation for the Core Concept of Modern Governance" (manuscript, University of New Hampshire, 2007); available at mjdubnick.dubnick.net/papers/2007/Situaccto31307.pdf (accessed November 23, 2009). If translation cannot be avoided it normally comes as a version of responsibility (e.g., *responsabilidad* in Spanish, *responsabilité* in French, *Verantwortung* in German). Responsibility is about good individual conduct, with a view to moral or religious duties, or legal obligations. What it does not convey is the idea of a contractual or fiduciary relationship between two social actors, in which an agent is regularly summoned to account by one or several principals.

- ¹⁰ John Roberts and Robert Scapens, "Accounting Systems and Systems of Accountability: Understanding Accounting Practices in Their Organisational Contexts," *Accounting, Organizations and Society* 10, no. 4 (1985), p. 447.
- ¹¹ Richard Mulgan, "'Accountability': An Ever-expanding Concept?" *Public Administration* 78, no. 3 (2000), p. 556.
- ¹² Michael W. Dowdle, "Public Accountability: Conceptual, Historical, and Epistemic Mappings," in Michael W. Dowdle, ed., *Public Accountability: Designs, Dilemmas and Experiences* (Cambridge: Cambridge University Press, 2006), p. 3.
- ¹³ Robert D. Behn, *Rethinking Democratic Accountability* (Washington, D.C.: Brookings Institution, 2001), p. 22.
- ¹⁴ Grant and Keohane, "Accountability and Abuses of Power," p. 37.
- ¹⁵ Monica Blagescu and Robert Lloyd, *Holding Power to Account: The 2006 Accountability Report* (London: One World Trust, 2006), pp. 22–23.
- ¹⁶ David Held and Mathias Koenig-Archibugi, "Introduction," in David Held and Mathias Koenig-Archibugi, eds., *Global Governance and Public Accountability* (Oxford: Blackwell, 2005), pp. 1–7.
- ¹⁷ For the EU, see Justin Greenwood and Darren Halpin, "The European Commission and the Public Governance of Interest Groups in the European Union: Seeking a Niche between Accreditation and Laissez-Faire," *Perspectives on European Politics and Society* 8, no. 2, pp. 189–210; for the global setting, see Marina S. Ottaway, "Corporatism Goes Global," *Global Governance* 7, no. 3 (2001), pp. 265–93.
- ¹⁸ See Christine B. Harrington and Z. Umut Turem, "Accounting for Accountability in Neoliberal Regulatory Regimes," in Dowdle, ed., *Public Accountability*, p. 218.
- ¹⁹ Michael C. Jensen and William H. Meckling, "Theory of the Firm: Managerial Behavior, Agency Costs and Ownership Structure," *Journal of Financial Economics* 3, no. 4 (1976), pp. 305–60; and Jean-Jacques Laffont and David Martimort, *The Theory of Incentives: The Principal-Agent Model* (Princeton, N.J.: Princeton University Press, 2002).
- ²⁰ Arthur Benz, Carol Harlow, and Yannis Papadopoulos, Introduction to "Accountability in EU Multi-level Governance." Special issue, *European Law Journal* 13, no. 4 (2007), p. 443.
- ²¹ Miles Kahler, "Defining Accountability Up: The Global Economic Multilaterals," *Government and Opposition* 39, no. 2 (2004), pp. 145–46.
- ²² Graham Scott, Ian Ball, and Tony Dale, "New Zealand's Public Sector Management Reform: Implications for the United States," *Journal of Policy Analysis and Management* 16, no. 3 (1997), pp. 359–60.
- ²³ Robert Gregory, "A New Zealand Tragedy: Problems of Political Responsibility," *Governance* 11, no. 2 (1998), pp. 231–40.
- ²⁴ Mark Bovens, "Analyzing and Assessing Accountability: A Conceptual Framework," *European Law Journal* 13, no. 4 (2007), pp. 454, 455–57.
- ²⁵ Benner et al., "Multisectoral Networks," pp. 199–200.
- ²⁶ Grant and Keohane, "Accountability and Abuses of Power," p. 36.
- ²⁷ Haque, "The Diminishing Publicness of Public Service Under the Current Mode of Governance," p. 77.
- ²⁸ Harlow and Rawlings, "Promoting Accountability in Multi-Level Governance," p. 545; emphasis in the original.
- ²⁹ *Eurobarometer 68: Public Opinion in the European Union* (May 2008), QA 15; available at ec.europa.eu/public_opinion/archives/eb/eb68/eb68_en.htm (accessed July 16, 2009).
- ³⁰ A similar understanding, though not always explicit, can be detected elsewhere in the literature. See, e.g., Amanda Sinclair, "The Chameleon of Accountability: Forms and Discourses," *Accounting, Organizations and Society* 20, nos. 2–3 (1995), p. 225; and Papadopoulos, "Problems of Democratic Accountability," p. 477.
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- ³⁵ Habermas, *Between Facts and Norms*, p. 373; and Eriksen, "An Emerging European Public Sphere," p. 344.
- ³⁶ James Bohman, "The Globalization of the Public Sphere: Cosmopolitan Publicity and the Problem of Cultural Pluralism," *Philosophy & Social Criticism* 24, nos. 2–3 (1998), pp. 199–216.

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- ³⁹ James Bohman, "International Regimes and Democratic Governance: Political Equality and Influence in Global Institutions," *International Affairs* 75, no. 3 (1999), pp. 499–513; Manuel Castells, "The New Public Sphere: Global Civil Society, Communication Networks, and Global Governance," *Annals of the American Academy of Political and Social Science* 616 (2008), pp. 78–93; and Robyn Eckersley, "A Green Public Sphere in the WTO? The *Amicus Curiae* Interventions in the Transatlantic Biotech Dispute," *European Journal of International Relations* 13, no. 3 (2007), pp. 329–56.
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- ⁴³ Stefanie Siftt et al., "Segmented Europeanization: Exploring the Legitimacy of the European Union from a Public Discourse Perspective," *Journal of Common Market Studies* 45, no. 1 (2007), pp. 127–55.
- ⁴⁴ Ruud Koopmans and Jessica Erbe, "Towards a European Public Sphere?" *Innovation: The European Journal of Social Science Research* 17, no. 2 (2004), pp. 97–118.
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