

Introduction

MICHAEL DOUGAN, NIAMH NIC SHUIBHNE
AND ELEANOR SPAVENTA

THIS PROJECT SEEKS to analyse how the rhetoric of the ‘fundamental status’ of Union citizenship has been played in actual fact. In particular, the theme of *Empowerment and Disempowerment of the European Citizen* allows an exploration of the consequences of European citizenship far beyond the parameters of Articles 18–25 TFEU (ex 12–13, 17–22 EC) and, additionally, beyond the disciplinary confines of legal analysis alone. The structure of the book reflects four guiding themes: (1) reconfigurations of space and identity within the EU; (2) expectations, rhetoric and reality in the debate about citizenship and constitutional reform in Europe; (3) the role of citizenship discourse in setting the EU’s substantive policy agenda; (4) the extent to which citizens can themselves participate in and thus shape their own Union fate. We thus construe ‘EU citizenship’ in its broadest sense and explore the extent to which the European citizen is, or indeed is *not*, genuinely at the heart of EU law and policy-making. Given the current economic and political climate – thinking especially of the problematic 2009 Parliamentary elections, the ongoing economic crisis and weak political response, and continuing national protectionism unchecked by the Union institutions – are the concerns of European citizens being adopted as the concerns of national and European politicians and judges? Conversely, are the expectations of citizens misplaced given the competence constraints within which the EU must act? What is the purpose and role of this transnational regional regulator, given that citizen concerns seem focused primarily at either the infra-State or global levels?

Within the broad theme of empowerment/disempowerment, we have invited our contributors to reflect on a range of cross-cutting issues in their specific analyses; for example, the extent to which channels of citizen participation (can) inform EU policy-making in a ‘bottom-up’ sense; whether the requirement of cross-border movement remains essential or not in order for EU citizenship rights to be relevant; or whether the EU is a catalyst for the construction of new spaces and new identities.

PART I: THE RECONFIGURATION OF SPACE

The three chapters which make up this part of the book all explore the idea of how, and how far, Union citizenship challenges our inherited assumptions about the essentially national scaling of territory, while also contributing to the emergence of new spatial configurations and identities, which not only incorporate, but also condition and indeed even limit, a novel 'European' dimension to our senses of geography, membership and belonging.

Anastasia Iliopoulou's contribution begins the discussion by analysing four main sets of ECJ case law: on the personal identity (and especially the names) of migrant citizens; on family reunification for migrant citizens; on fundamental rights violations as obstacles to movement; and on the treatment of wholly internal situations. On that basis, she argues that Union citizenship is about protecting and encouraging 'multiple membership', ie the right of individuals to belong to two different societies: that of the host State (based on residence) and that of the home State (based on nationality). On the one hand, Union citizenship supports and indeed provides incentives for migrants to integrate into their host society; while on the other hand and at the same time, Union citizenship offers them the possibility of preserving links with their home State. That understanding has various implications: for example, the right to become a full member of the host society implies also a responsibility upon migrants to respect the core values of that Member State which form its national identity (in turn raising interesting questions about judicial review by the ECJ of what constitutes the core of national identity). Iliopoulou's analysis also suggests that there are inherent limits to the degree to which Union citizenship can provide a strong point of European identity or loyalty towards the EU among the wider population: Union citizenship acts essentially as a bridge between two spaces so as to protect the *particular identity of the migrant*.

The chapter by Siofra O'Leary proceeds to focus on one important aspect of the debate on what it means to be, and benefit from one's status as, a Union citizen when the latter is intimately linked to questions of borders and movement: the treatment of wholly internal situations. O'Leary explores the evolution of the case law on wholly internal situations from its origins in the late 1970s, to the introduction of Union citizenship, and the more recent rulings in *Zambrano* and *McCarthy*. She seeks to defend the Court against accusations that its jurisprudence in this field is inconsistent or arbitrary: closer analysis of the case law shows that, in situations where Union law applies so as to scrutinise national rules, the Court will be sure to link the situation to the scope of application of Union law. She also rejects the argument that Union citizenship mandates the Court to abandon the wholly internal situation rule: the latter is positively required by respect for the principle of conferral (attributed powers) contained in Article 5 TEU. However, that is not to say that the scope of application of Union law or the scrutiny of national rules will always be limited to cases involving a cross-border

element. In fact, the range of circumstances in which individuals can rely on Union law against their own Member State has broadened with each Treaty amendment since Maastricht. That includes developments under the citizenship provisions proper, such as the rulings in *Zambrano* and *McCarthy* on when national action deprives citizens of the substance of their rights. But it also includes, for example, the right not to be discriminated against on grounds of sex, race, disability etc; and also the protection of fundamental rights whenever Member States act within the scope of the Treaties. Indeed, perhaps the real challenge for the Court (particularly since the introduction of the Charter of Fundamental Rights) is to determine the proper scope of EU law (and therefore of the wholly internal rule which is its necessary corollary).

If O'Leary was concerned with Union citizens who find themselves in a situation wholly internal to their own Member State – or rather, to their own national legal system – Charlotte O'Brien examines a group of Union citizens who are often seen as epitomising the Union's commitment to promoting and protecting cross-border movement: frontier workers and other individuals living in border zones. O'Brien is particularly interested in the 'European Groupings of Territorial Cooperation' (EGTCs) as phenomena which offer special opportunities, and create special problems, for European integration and Union citizenship. She argues that such frontier zones have emerged organically as products of localised cross-border integration; the legal dimension represented by EGTCs has then been grafted on, as if in an attempt to allow public infrastructures to catch up with the way people are already living. Moreover, the legal recognition afforded to EGTCs is both tentative and minimal – perhaps reflecting both Member State concerns about relinquishing sovereignty over frontier regions and Union reservations about supporting entities that (far from stressing their 'European' nature) focus on their own local identities. O'Brien argues that this situation creates various problems. For example, both the legal competences and the legal responsibilities of EGTCs are very unclear (with particular difficulties arising from the involvement of multiple actors at different administrative or legislative levels from different Member States) – giving rise to the danger that individual rights remain territorial, while administrative responsibility becomes diffused. Or again, the experience of living in a socially integrated but legally divided frontier zone raises difficult issues about the failure of EGTCs to coordinate sensitive policy areas: frontier zone workers may be subject to very different welfare regimes, with the potential to impact adversely upon persons at risk of social exclusion. Furthermore, in terms of Union law, the frontier *within* the frontier zone still matters very much: it will usually need to be crossed before the rights associated with Union citizenship itself can be triggered, giving rise to further differences in the degree of protection afforded to individuals living and working within one and the same the border region.

PART II: IN THE NAME OF THE CITIZEN?

This section explores the extent to which the rhetoric of citizenship is actually met in the practice of the European institutions: Deidre Curtin focuses on the (lack of) transparency of administrative and law-making processes; whilst Bruno De Witte and Michelle Everson focus on the Court, albeit from completely different perspectives.

Curtin looks at the principle of openness/transparency and its actual functioning in the context of the European Union. As the author remarks, this is particularly important in a system, like the European Union, where representative democracy is not fully developed. After having traced a historical account of the development of the principle of transparency in the EU legal system, Curtin provides a critical analysis of the actual administrative and law-making processes to assess the extent to which transparency works (or does not work) in practice. In this respect, the author identifies four areas as being particularly problematic: comitology; the working of the Commission; the practice of holding ‘trialogue’ meetings, ie ‘informal’ meetings with representatives of the Council and the European Parliament aimed at resolving contentious issues at a very early stage of the legislative process; and the input of Member States in the workings in the Council. The author finds that there is an institutional resistance to proactively making these processes open and transparent; and that the Court’s approach is at best ambiguous, if not altogether unhelpful. For instance, the latter has accepted that data protection rules grant a right to civil servants and others to participate in meetings with the Commission and other EU authorities anonymously, hence reducing greatly the power of scrutiny that can be exercised by citizens. It is for these reasons that the author prefers to talk about translucency rather than transparency: at the present stage some light ‘is allowed to pass through but . . . the persons carrying out public tasks on the opposite side are not always clearly visible’.

De Witte explores the idea that the Court of Justice might be(come) responsive to the interests of European citizens, whilst at the same time remaining independent and performing its assigned constitutional tasks. The author takes as his starting point the factors that might affect the efficiency of the Court, as identified by the Committee of Ministers of the Council of Europe, namely the ‘delivery of quality decisions within a reasonable time following fair consideration of the issues’. He finds that whilst the Court of Justice has made real progress in the ‘quantitative’ elements, ie in the speed with which it reaches its decisions, the situation is less satisfactory in relation to the qualitative elements, ie quality of decisions and fair consideration of the issues raised in the cases. On both counts the Court does not always deliver: thus there are several rulings, *Ruiz Zambrano*, *Mangold* and *Kükükdeveci* to name but a few, where a rather dramatic outcome follows from scant (if existing at all) reasoning. Thus, in ‘many of the Court of Justice’s judgments, there is a sense that the outcome is *inevitable* and the reasoning is, carefully or sometimes not so carefully, built so as to convey that sense of

inevitability'. As a result, all too often there is no acknowledgment of the fact that, in some instances, rulings reflect a (policy) choice between two hermeneutically valid alternatives. The lack of articulation of policy alternatives also means that there might not be fair consideration of competing issues. Furthermore, since rulings cannot be easily reversed by the legislature, 'the Court of Justice is . . . rather uniquely immune from political pressure before it decides a case, and from political retaliation afterwards'. One way of solving these issues is to allow dissenting opinions, since this would oblige the Court to articulate the strengths of different hermeneutic alternatives as well as the reasons behind the majority choice. However, conscious of the fact that this change is unlikely to happen, De Witte suggests that the Court could become more responsive to European citizens by improving the quality of its rulings: thus, in those cases that matter most to the citizens (because of their complexity or because of their subject matter) the Court should take extra care in drafting its rulings 'more carefully and discursively, and, above all, in showing respect for careful political deliberations that may have taken place either at the EU level or in a member state, depending on the case'.

Everson also engages in a critical assessment of the case law on citizenship but this time from a more theoretical perspective. Taking as her starting point writers such as Arendt, Dahrendorf and Ehrlich, Everson notes how the lack of a coherent scheme of legitimation for the Court's case law threatens the normative integrity of European law as a whole. In particular, the author takes issue, on the one hand, with the 'sentimentality' of the Court's approach, legally encapsulated in the proportionality review, which is excessively focused on the personal circumstances of the individual; and, on the other hand, with the fact that citizenship becomes a tool in fostering European integration (or a given vision of European integration). Everson then links the discourse on citizenship to the earlier discourse on the market/consumer citizen to conclude that 'the love of the CJEU for the individual European – the desire that all should be given opportunity – coincides happily with the frontier-busting universalism of neoliberal precepts and is transformed into a legal semantic of economic technology, which isolates and atomises the individual as a *homo economicus*'.

PART III: THE CITIZEN'S POLICY AGENDA?

In part III, our contributors explore four substantive policy areas – monetary union; the fight against climate change; the further development of EU criminal law; and cross-border family law – within which Union action is increasingly justified by recourse to citizen needs and demands. Do these institutional claims translate appropriately into substantive Union practice?

Fabian Amtenbrink's chapter seeks to connect macroeconomic and monetary policy issues with discourse on EU citizenship, especially the elements of the latter that address identification with the Union, a sense of belonging, and also whether that connection in turn generates a cross-State, citizen-driven sense of solidarity.

Amtenbrink also investigates whether there is any sense in which EU citizens connect with monetary policy in terms of policy ‘ownership’. And, more specifically with respect to the current climate of economic crisis, he asks whether economic and monetary union contributes something positive to answering these questions – or quite the contrary: is the current Eurozone crisis actually *undermining* already fragile notions of citizenship and solidarity? He finds that ‘Citizens rarely claim ownership of European policies and decision-making. What is missing is an identification with, commitment to and appreciation of policies and decisions that are supposedly formulated and implemented in the citizen’s best interest.’ But he notes also an increasing trend from disinterest to criticism. Amtenbrink traces both express and implicit references to solidarity in the EU Treaties, but he also notes that rights developed within the framework of EU law tend to be ‘individual rights and privileges, rather than convictions and achievements that all citizens of the EU share among themselves, that tie their fates together and that set them apart from others’. He shifts his analysis instead to the more functional notion of ‘common goods’, testing the hypothesis that if common goods can contribute to some sense of collective experience and ownership, then that effect should be all the more intensive in times of crisis. His work reveals a complex rather than binary picture: citizens both appreciate the common good aspects of EMU and, at the same time, do not agree that EU policies have a positive impact on their lives. Moreover, Amtenbrink is critical of the weakness of the existing legal framework, which cannot properly ‘defend’ this common good in any event. Looking at citizenship and solidarity against the backdrop of the current economic crisis, he finds a mood of self-interest; he does observe ‘a somewhat involuntary, yet inescapable solidarity between Member States and ultimately the (taxpaying) citizens of the Union. Yet, it would be wrong to conclude that this factual economic and financial connectedness brings the citizens of the Union closer to one another.’ He also observes a virulent paradox that shapes political discourse within the EU:

Citizens are left with the impression – often based on public statements by national politicians – that they have to foot the bill for the extravagant lifestyle of other Europeans. What is seldom explained is that this is the natural outcome of a system of economic governance that has been put in place by elected politicians.

More generally, Amtenbrink has explored a thematic question that resonates across the volume: whether we are or are not seeing ‘the emergence of a transnational citizenship beyond the creation and upholding of rights’. Maybe pessimistically but perhaps realistically, he concludes that ‘Overall, this cacophony in times of crisis signifies the extent to which (national) differences prevail despite the existence of common goods.’

Joanne Scott’s chapter is framed by the twin themes of citizen expectation and citizen evaluation. On the first point, EU citizens want and expect the EU to act strongly in the global fight against climate change; but, recalling the second theme, a majority of EU citizens also perceive that the EU is not acting strongly *enough*. Scott’s contribution tests this assertion by tracing recent EU action within the

global arena of climate change policy. Specifically, she demonstrates a ‘recent shift in EU climate change policy in favour of climate unilateralism’ – a position that, ultimately, she finds to be both ‘important yet controversial’. Scott shows through empirical analysis that the perception of EU citizens about the EU’s performance on substantive climate change targets is in fact substantiated; although she also points pragmatically to the limitations on what the EU can actually achieve given that its territory is subsumed into benchmarks set at the global level). The EU cannot succeed, in other words, just by acting alone. Scott thus goes on to assess the EU against evaluative criteria of leadership on the global stage, arguing that ‘the capacity of the EU to shape the direction of climate change mitigation policies beyond its own borders will be key’. Softening charges of unilateralism, especially in the context of the EU’s regulatory penalty default scheme (she outlines four examples in this context, showing how the EU ‘uses (or contemplates using) trade-related environmental measures to secure compliance with EU law on the part of commercial operators who are situated abroad’), Scott presents a more nuanced picture. She characterises the EU approach as one of ‘structural leadership’, arguing that ‘the EU’s ultimate goal is not to enforce compliance with EU rules on the part of operators situated abroad, but it is on the contrary to galvanise or incentivise regulatory engagement elsewhere’. The EU’s internal market is its key incentivising device. Mirroring some of the themes addressed by Amtenbrink, she notes that:

The EU is willing to concede that its climate unilateralism is driven in part by the need to level the competitive playing field for EU businesses which compete with businesses abroad, but a citizenship perspective on climate change reminds us that the EU faces demands for effective climate action not just from the commercial sector but from ordinary citizens as well.

Scott also offers a normative framework that could explain and ground EU unilateral action more appropriately. But she ends on a note of caution, observing that opposition to EU unilateral action is growing, this in itself presenting complex challenges for the EU as it seeks to balance citizen expectations with citizen evaluations.

The EU has explicitly stated that ‘serving and protecting the EU citizen’ lies at the heart of its criminal law agenda; in fact, this objective is part of the subtitle of the Stockholm Programme. Ester Herlin-Karnell’s chapter seeks to evaluate the veracity of that claim. We see here similar themes to those addressed by Stalford – notably, the need to ensure an appropriate balance between policy effectiveness and the protection of fundamental rights. As in the area of family justice, both of these concerns can be attributed to values rooted in the idea of EU citizenship; indeed, as Herlin-Karnell demonstrates, most policy- and law-making initiatives on EU criminal law make express linkages between their rationales and the rights of EU citizens (if not actually the more formal rights attached to *citizen-ship*). The critical question is, however, whether the right balance between the two is actually being struck. Putting this in concrete terms, she argues that ‘the focus on speedy

prosecutions may undermine the values it seeks to protect: namely the guarantee of due process and procedural safeguards for the individual'. Reflecting the new capacity for both enforcement and judicial review, she also comments that the Lisbon Treaty's extension of CJEU jurisdiction over EU criminal law is 'one of the most important constitutional restructurings under the Lisbon Treaty and one of the most crucial changes for the individual'. Herlin-Karnell first outlines the more obvious linkages between citizenship and criminal law, notably in the application of procedural rights. But she then goes further, exploring a broader notion of EU citizenship and its demands – especially with respect to free movement, and to the principles of non-discrimination and proportionality – and assessing the extent to which an imprint of that understanding can be seen in recent EU criminal case law. More than this, she argues strongly that a more intensive focus on the protection of the individual should be the priority for the development of EU criminal law, as an important next step beyond the foundational policy-need to generate trust between the Member States through the current of mutual recognition. Herlin-Karnell reviews the most recent agenda-setting initiative in the field, the Stockholm Programme, to see whether this objective is properly infused into the EU's plan of action. Her assessment is mixed, mainly because the Programme 'contains so many general wishes and statements that, for the individual, it remains unclear to what extent this programme is genuinely driving citizens' rights'. Drawing on the (somewhat ambiguous) values set out in the EU Treaties, she calls for the construction of 'a European common sense of fairness, which genuinely cares for the individual'. In order to demonstrate the work still to be done, however, Herlin-Karnell presents two case studies – on data protection and joint investigation orders – where she argues that concern for the individual does *not* seem to be driving the EU agenda. Ensuring effectiveness and efficiency can, therefore, work against, as well as in, the interests of EU citizens.

In her chapter on the evolution of EU family law, Helen Stalford locates the origins of this policy field in a movement imperative, driven by the 'increasing prevalence of private relationship formation between individuals of different nationalities, itself a product of the progressive "normalisation" of cross-national migration'); and thematically reinforced by 'the need for an effective supranational legal and administrative response' – the 'free movement of decisions' being critical, in other words, to ensure the free movement of persons. But even though this free movement imperative is shared by both family justice and EU citizenship, Stalford notes that academic and judicial work on both domains has proceeded on essentially two parallel tracks. Moreover, and in contrast to EU citizenship law, EU family law principally effects procedural rather than substantive harmonisation: it is about facilitating cross-border life (or even, making it possible), but leaving substantive choices on regulatory content to the Member States. Bearing these similarities and differences both in mind, the purpose of this chapter is to explore further potential convergence between the two regimes – whether it exists to any extent, whether it should exist to a greater extent, and so on. First, Stalford identifies an emerging shared theme: recognition of the rights of

the individual (and especially the right to family life) over and above the internal market rationale attached to free movement. But the Court's concern with establishing the limits of EU protection in this context is also apparent in both strands of case law. Stalford suggests that this concern stems from the Court's awareness of the 'political exigencies of mutual trust'. The emergence of 'export' case law in both spheres also dilutes the formerly central migration condition. The theme of empowerment comes out most strongly with respect to recent changes to the choice of applicable law rules for family disputes, geared towards vesting choice with and thus empowering the individuals involved. Stalford nonetheless links the developments with the notions of autonomy and legal certainty, finding, again, clear parallels here with the values of EU citizenship. Perhaps tellingly, however, only 14 Member States have agreed to be bound by these new rules. Stalford also argues that parties with the best financial resources (and thus the best legal advice) are most likely to benefit – again stirring images of similar charges against the economic conditions attached to the exercise of most citizenship rights and conveying the practical reality of disempowerment. Finally, she raises the question, more broadly, as to whether family justice and citizenship rights should be subsumed within one regime, given that many of the claims, in real terms, do not really fit with the operational dividing line being reinforced in case law at present. She is broadly in favour of greater convergence, principally through 'greater cross-referencing' of essentially the same concepts that are often currently addressed under different judicial formulas, but she points too to relevant limits, including, for example, the still primarily procedure-focused character of EU family justice law, as well as its more horizontal impact on private agreements, compared to the more substantive, vertical profile of EU citizenship.

PART IV: NEW MODES OF CITIZENSHIP PARTICIPATION

The final trio of chapters offers a political science perspective on the Treaty of Lisbon's innovations as regards the possibilities for participatory democracy within a Union whose strong credentials *on paper* as a representative and deliberative democracy have, however, not translated *in practice* into an equally impressive claim to popular legitimacy.

Luis Bouza García considers the participatory democracy provisions now contained in Article 11 TEU: civil dialogue and the new Citizens' Initiative. He argues that Article 11 TEU was not purposely designed to redress democratic legitimacy problems; its contents resulted from the demands of well-established civil society actors converging with the discourse of the Commission on Union governance. However, the changing political context since the European Convention proposals first emerged (not least the negative referenda in France, the Netherlands and Ireland) means that Article 11 TEU now offers a real opportunity for democratisation within the Union – provided that mechanisms designed to improve Union governance (and which thus focus on conflict avoidance) can actually be oriented

towards enhancing its democratic participation (which presupposes a greater degree of political contestation). In that regard, although Article 11 TEU has serious drawbacks in terms of its potential to influence Union policy-making, it may nevertheless provide an important opportunity for the inclusion of new actors and (more broadly) to foster the emergence of a genuine 'European public sphere'. Against that background, García argues that the civil dialogue limb (on the one hand) and the new Citizens' Initiative limb (on the other hand) of Article 11 TEU could be mutually complementary and makes concrete suggestions for their interaction and improved performance. For example, it is argued that participants in civil dialogue should be able to demonstrate their ability to represent causes or constituencies; in that regard, the ability to foster democratic debates could be used as an alternative measure of representativeness, operationalised by considering any given organisation's usage of the Citizens' Initiative to promote its causes. Furthermore, the Commission could voluntarily decide to adopt a policy of presenting proposals for Union action based on *all* successful citizens' initiatives, in order to reward organisations that have succeeded in mobilising citizens, and also to foster pan-European debates of a genuinely democratic (contested/politicised) character, which it becomes the responsibility of the Council and the European Parliament to confront and address.

Graham Smith focuses his attention more specifically upon the new Citizens' Initiative. Having described the evolution of the Citizens' Initiative from its origins at the European Convention, and summarised the main provisions of Regulation 211/2011 on implementation of the Citizens' Initiative, Smith argues that the introduction of the Citizens' Initiative offers a new mechanism for placing issues on the Union's political agenda. But he also suggests that, in terms of both its substantive impact on Union decision-making and its influence on citizens' perceptions of engagement/empowerment, the effects of the Citizens' Initiative are likely to be limited. First, it is more a petition than a right of initiative in the usual sense of the term. Secondly, drawing upon experience in other jurisdictions, Smith argues that the Citizens' Initiative may actually disempower particular groups if it is used to pursue anti-minority issues. Thirdly, organised interests rather than individual citizens are most likely to be significantly empowered through the Citizens' Initiative. The Citizens' Initiative therefore embodies the idea of an empowered European or transnational citizenship; but in practice, this will not be realised to the extent that the rhetoric of its supporters would suggest. Smith further argues that the creation of the Citizens' Initiative might have the unhelpful effect of pushing off the Commission's agenda further experimentation with deliberative democracy at the Union level. That would be particularly disappointing because some of the weaknesses of the Citizens' Initiative could be ameliorated through recourse to complementary deliberative democratic structures: for example, the limitations of the Citizens' Initiative in terms of encouraging dialogue and reflection (as opposed to registering existing preferences), and the difficulties facing the Commission in judging the real extent of public support for any given citizens' initiative, could be helped by empowering a representative

sample of Union citizens to consider any citizens' initiative which was successfully submitted for consideration; or even creating a citizens' assembly bringing together a transnational 'mini-public' to offer a more considered judgement which better represents the diversity of perspectives from across the Union.

The Citizens' Initiative may be new to the European Union – but of course, citizens' initiatives are far from being new to the world of Western democratic theory and practice. Matt Qvortrup explores the national experience of citizens' initiatives across the EU's Member States, with a view to ascertaining what lessons (if any) can be learned about the likely experience of the Union's own Citizens' Initiative in the future. Qvortrup argues that there is evidence from various countries (such as Austria, Italy and Poland) to suggest that citizens' initiatives, although on paper they may appear weak, have nevertheless had a greater impact on the national law-making process than the apparently much stronger instrument of citizen-initiated referendums (such as those used in Hungary, Latvia and Lithuania). In particular, citizens' initiatives which have proposed realistic and constructive (as well as popular) proposals seem to have more success than more radical provisions. Qvortrup argues that, despite scepticism about its real usefulness, there is nothing to suggest that the Union's new Citizens' Initiative will be ineffectual: although they are not a panacea for problems of legitimacy or participation, citizens' initiatives can work in their own modest way, ie by giving citizens a voice where otherwise they would have had none.