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Citizens' deliberations and the EU democratic deficit –

Is there a model for participatory democracy?

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Abstract

There is a longstanding debate on the EU's democratic deficit. Recently, the EU has responded to this by including the idea of participatory democracy in the Lisbon treaty. This corresponds to first experiments with means for citizens' participation that are rooted in the idea of participatory and deliberative democracy and supported by the EU Commission. In contrast to interest group politics, these attempts aim at including 'normal', i.e. non-interested and unorganized citizens into policy-making. Examples of such 'democratic experimentalism' are the citizens' deliberation 'Meeting of Minds' or the European Citizens' Consultations on Europe's future. The objective of the paper is to discuss these models and their specific problems against the background of the general democratic deficit debate. The key questions are: Are these examples 'best practices'? What are their effects? And what can we learn from them for the possibilities of participatory governance in the EU?

1. Introduction

If citizens' participation is the "lifeblood" of democracy, then the European Union suffers from anaemia and is in desperate need for a remedy. For more than a decade there is an active debate over the democratic or legitimacy deficit of the EU. A great number of very diverse ingredients for such a remedy have been proposed by scholars. This debate is clearly no longer purely academic. Stimulated by the scholarly debate "democratic themes have also become a more central part of the EU agenda" (Olsen 2003, 1). Today politicians and EU bureaucrats are concerned about the "legitimate role for Euro-citizens" (ibid.) – meaning, above all, the role of civil society in European governance. In so doing, European policy-makers begin to turn to theories of participatory and deliberative democracy for inspiration. While some authors interpret this development as a rhetorical turn (Friedrich 2007) and as a myth (Smismans 2006), others consider this development as essentially top-down strategy that is built on the idea of "participatory engineering" (Zittel 2008).

A well-known and much debated expression of this participatory engineering approach in EU politics is the Commission 'White Paper on European Governance'. The Commission's intention with the White Paper is to find new means "to connect Europe with its citizens" (European Commission 2001: 3). Yet the concept of participation in the White Paper remains vague; it "oscillates between output- and input-oriented conceptions of civil society and participation" (Finke 2007: 13). Participation is overall perceived in instrumental ways as a means to improve efficiency and effectiveness of European policy-making. A further critique against the White Paper is its strong focus on participation of organized interests and the neglect of unorganized citizens. Whereas the Commission is highly experienced with integrating territorial as well as functional interest groups via a number of means, the "real" challenge is to find direct channels of communication with *individual* citizens.

As a direct response to the negative French and Dutch referenda on the Constitutional Treaty and at a request from the European Council, Margot Wallström, Commission's Vice-President and Commissioner for Communication, launched a new initiative in 2005: Plan D for **D**emocracy, **D**ialogue and **D**ebate (European Commission 2005). Plan D calls for innovative models for citizen's communication and aims at shaping communication as a two-way street. According to Wallström, "Plan D is about debate, dialogue and listening. It is a means of harnessing political ideas to generate change … Plan D aims to inject more democracy into the Union, to stimulate a wide public debate and build a new consensus on the future direction of the European Union." (quoted in: http://www.speakupeurope.eu/plan_d.html; 30-8-2008) The 2006 White Paper on European Communication Policy complements the previous approaches by attempting to further develop tools and initiatives for citizens' involvement (European Commission 2006).

A clear sign of the "winds of change" is the inclusion of the principle of participatory democracy in the 2004 Treaty establishing a Constitution for Europe (Article I-47) and also in the follow-up Lisbon Treaty (Article 11) – however without explicitly mentioning the term "participatory democracy". This article, for example, introduces even an instrument of direct democracy, the popular initiative, into the overall representative structure of the EU. This allows citizens some agenda-setting influence at EU level. Even if the future of the Lisbon Treaty is currently not clear, it is nevertheless most remarkable that "a disputed idea becomes law" (von Bogdandy 2007) within a few years only. Enriching European representative democracy with elements of participatory democracy is now a legal principle – its realization is still a major challenge (see Leinen and Kreutz 2008).

The question is, if and how the EU institutions can breathe life into the idea of EU participatory democracy. Regarding the "if" question, I argue in this paper that there is substantial evidence that "participatory talk" is not simply cheap talk, but that the institutions, above all the European Parliament and the Commission, commence real "democratic experimentalism" (Dorf and Sabel, quoted in Papadopoulos and Warin 2007: 445). Already in the course of the 1990s, "a new EU consultation policy" (Finke 2007: 13) has evolved developing into a new kind of "consultation regime" (Quittkat and Finke 2008); consultation of civil society actors – now called participation – is at the very heart of this new regime, yet other forms of consultation still exist.[1] Workshop-conferences and internet forums are today widely practiced tools for civil society consultation. Yet they have some limitations. One problem is that (besides experts) mainly civil society *organizations* participate in consultations and less so individual citizens. [2] The Commission also aims to reach out to the "wider public", usually meaning then "informed public" (ibid.: 2003). This does still not include the average citizens. But the question is: How to reach out to these *individual* citizens? What tools are suitable in the EU polity?

The European Commission is as much an active as an innovative advocate of participatory engineering.[3] In developing innovative tools, the Commission can profit from the number of research projects funded since the 5th Framework Programme for Research and Development. These projects address the question of new ways in what is called "science governance" and particularly on the role of public participation at the interface of science and society. The contested field of biopolitics has been a prominent example for testing the need and possibilities for a "participatory shift" (Abels 2002). Scholars and practitioners of technology assessment (TA) have been most creative and methodologically advanced with regard to developing a set of tools for public participation, including participation of individual citizens. Consensus or citizens' conferences are one such means; it has been become ubiquitous in Europe and elsewhere in the world. This TA method has become a model for pan-European participatory experiments. So far, the Commission has supported and solicited four citizens' conferences, two of which address socio-technological issues, two focus on general political topics. One of the objectives of these first experiments is to help de-

1 In 2002 the Commission published a communication "Towards reinforced culture of consultation and dialogue – General Principles and minimum standards for consultation of interested parties by the Commission" (COM (2002) 2777 final. Brussels.

2 The European Parliament's Agora project is a good example. It aims at "not just to communicate with citizens, but genuinely to listen to them" (European Parliament 2008). The AGORA project organizes a dialogue between 500 representatives from civil society organizations; it takes place in the Parliament's Brussels-based hemicycle. According to Parliament, it "is the European Union institution best qualified to take up the challenge of keeping open the channels of communication with European Union citizens", because it is directly elected (ibid.). The first Agora forum took place in 2007 on the future of the EU; the second forum was organized in June 2008 on the issue of climate change.

3 One means introduced is, for example, the online platform "Your voice in Europe" that aims to attract also individual citizens. It is part of the new consultation regime and is meant to be "'single access point' to a wide variety of consultations, discussions and other tools which enable you to play an active role in the European policy-making process" (http://ec.europa.eu/yourvoice/index_en.htm; 30-8-2008). The platform is part of a broader Interactive Policy Making (IPM) initiative, which should "allow both Member State administrations and EU institutions to understand the needs of citizens and enterprises better. It is intended to assist policy development by allowing more rapid and targeted responses to emerging issues and problems, improving the assessment of the impact of policies (or the absence of them) and providing greater accountability to citizens." (http://ec.europa.eu/yourvoice/ipm/index_en.htm; 30-8-2008). See in detail Winkler and Kozeluh 2005.

velop method for supranational participatory democracy. Yet it is unclear, if this expectation as to their function has been fulfilled.

The purpose of this paper is to analyze examples of the Commission's democratic experimentalism with regard to the question, if they can serve as models for participatory democracy in the EU. I will turn to two of these four consensus conferences and to their structural features and limitations. The key questions addressed are: What are the features of these participatory projects? How do they reflect the peculiarities of the EU "non-state polity"? Can these examples serve as 'best practices'? What are their effects? And what can we learn from them for the possibilities of participatory governance in the EU? The rest of the paper is organized as follows. Firstly, I will give a very brief overview over the democratic deficit debate and develop my approach and case studies against the gaps identified in the broader debate (section 2). I will then introduce my two cases studies of democratic experimentalism conducted by the European Commission (section 3) followed by an analysis and discussion of the cases with regards to my key questions (section 4). I will draw some conclusion what we can learn from these first empirical cases for the potential to realize participatory democracy at supranational level.

2. The debate over European democracy: an overview

European democracy is today a highly disputed and contested idea. Some scholars deny or diminish the very existence of a democratic deficit of the EU. Most prominent examples are Giandomenico Majone and Andrew Moravcsik. Based on the concept of the EU as a "regulatory state", Majone (1999, 2000) argues that the EU can be sufficiently legitimized in terms of output democracy. For efficient regulatory policy-making, politicization via partisan majoritarian institutions is problematic, whereas independent agencies can secure legitimacy via effective regulation. [4] Moravcsik's argument against the democratic deficit is based on the concept of the EU as an intergovernmental form of co-operation (Moravcsik 2002). Its legitimacy is granted, above all, via the national route, i.e. the strong role of democratically elected national governments in the European decision-making system.

However, the majority of scholars is concerned about a hollowing out of democratic standards by European Integration. Robert Dahl (1994) even speaks of a "fundamental democratic dilemma" between citizen participation and system effectiveness at the European level. While most scholars contribute some proposals on how to diminish the EU democratic deficit (at least in the long run), others argue on principle reasons – above all the lack of a "demos" – that a European democracy cannot be achieved.

Why European democracy is such a contested issue? Beate Kohler-Koch and Berthold Rittberger (2007) identify two reasons: firstly, a dispute among scholars regarding normative democratic concepts and how they relate to the EU as a system *sui generis*, and, secondly, "a broader discussion about democratic challenges faced by advanced industrial democracies" (Kohler-Koch and Rittberger 2007: 10). The authors ask what the core meaning of democracy for different schools of democratic theory is. According to them, "the principle of autonomy is the unalterable essence of the notion of democracy" (ibid.: 14). Based on this argument Kohler-Koch and Rittberger distinguish three different dimensions in the debate (cf. ibid.: 14ff.):

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[4] The crisis over biotechnology and food safety, however, clearly illustrates that expert-based regulatory decisions cannot always secure effectiveness. The participatory governance approach in biotechnology has not automatically led to more public deliberation and an activated citizenry (Dabraowska 2007; see also Abels 2002; Skogstad 2003).

1. *Political institutions vs. civil society*: While some scholars (liberals) emphasize the importance of political institutions and conceive constitutions as mechanism for popular control and rights protection, proponents of participatory and deliberative democracy focus on civil society and the public sphere for bringing about the "enlightened citizen". Yet liberals as well as proponents of deliberative democracy both emphasize political institutions, but assign to them different core functions: securing rights vs. the protection of public sphere.
2. *Voting vs. deliberation*: Whereas liberals highlight voting as *the* key mechanism for translating exogenous public interests into collective decisions, advocates of republicanism and deliberative democracy see will-formation as an endogenous process and attend to the effects of deliberative processes.
3. *Instrumental vs. intrinsic conception of participation*: Political participation is important for all theorists. Yet, liberals adhere to it for instrumental reasons such as the control of authority and discovering the will of the people. Advocates of participatory democracy insist on the intrinsic qualities of participation. Hence, participation is an ends in itself necessary for garanteeing the capacity of citizens for self-determination.

Consequently, proposals differ widely on how to diminish the EU democratic deficit. For dimension 1 the focus is either on the design of democratic political institutions or on means to foster the creation of a public sphere; for dimension 2 either the design of voting systems and the future or parliamentary democracy or of mechanisms to ensure deliberative processes is prominent; and for dimension 3 either to discover the will of the people is attended to or the potential to develop morally responsible and self-determining citizens in order to develop a participatory democracy. These are, of course, analytical distinctions and many contributions to the democratic deficit debate combine the dimensions.

The participatory and civil society perspective is today particularly prominent in the debate over the democratic deficit in European (and also global) governance (see Heinelt 2007). Many scholars think of it as a remedy or "cure for the democratic deficit" (Steffek et al. 2008). It is striking that a great number of scholars work in the deliberative tradition; they emphasize the deliberative aspects of participation and the intrinsic value of participation (see, for example, Eriksen and Fossum 2000). Steffek and Nanz (2008: 2) argue that such authors "emanate from the assumption that legitimate governance can be achieved through the institutionalization of deliberative practices". The challenge is now to empirically prove this strong normative claim. Recently, studies have begun to aim for such empirical testing (cf. contributions in Steffek et al. 2008).

Others emphasize the more functional and governance focus of the participatory turn. Thomas Zittel (2008) argues, for example, that democratization is usually bottom-up driven, in EU politics, however, it is part of elite politics. The Commission approach of "participatory engineering" implies "the purposive attempt of political elites to positively affect the level of political participation by increasing institutional opportunities to participate" (ibid.: 120). Three aspects are characteristic for such approach: "the enactment of new opportunities to participate serves as a policy goal in itself", "its focus (is) on institutional change", and "is its top-down politics" (ibid.). Pilot studies or experiments are means at an early stage, but they "eventually imply the enactment of broader and more fundamental changes at the institutional level" (ibid.).

Whether normatively or functionally motivated is, at this point, not of interest. The question I want to emphasize is the empirical evidence for this development. Most empirically studies are limited in the way they focus on civil society *organizations*. They illustrate a great diversity between different civil society

organizations in a number of ways such as organizational density, forms, resources at hand, strategies etc. Yet *individual* citizens, which are strongly emphasized already in the Commission's White Paper, are still hardly attended to. This paper aims to help closing this research gap. The objective is to examine empirical examples of pan-European participatory-deliberative procedures that build on the inclusion of *individual* citizens rather than organized groups.

3. Citizens' conferences – "democratic experimentalism" at supranational level in practice

Citizens' conferences are a recent trend in EU participatory governance. They are based on the consensus conference method, which is today a classical tool developed in the field of participatory technology assessment. The most important feature of this participatory tool is that it is dominated by lay-citizens. The method has its roots in Danish civil society engagement and the search for the public interest. The method has become widely used in a number of European countries, North America, and increasingly also some Asian countries as well as Australia (Joss and Durant 1995; Andersen and Jæger 1999; Fischer 2000; Joss 2003; Hansen 2006).[5] It has been introduced under different names such as citizens' conference, *Bürgerkonferenz* (Germany), *PubliForum* (Switzerland) or Citizens' panel. Also, the German model of the *planning cell* fits the basic formal structure of this model (cf. in detail Abels and Bora 2004).

In the context of science governance, the development of pan-European technology assessment has been advocated for the first time by Sergio Bellucci et al. (2002). The authors propose two possible routes for such endeavor:

1. Adapted versions of already existing, tried and tested methods (such as the consensus conference model) could be employed to develop pan-European citizens' panels.
2. National participatory activities can take place simultaneously; the results of the parallel event can then either be compared or integrated at the European level.

The two participatory events analyzed in this paper actually combine these two routes, yet in different ways: both operate with simultaneous activities at national level combined with European panels.

Irrespective of the level at which participatory events take place, studies on citizen participation have to scrutinize three basic questions: *who* participates (the question of social groups), *how* do people participate (the question of social roles and procedural rules), and *why* (the question of output and its relation to the institutional and social context of participation). The first two questions concern the form dimension of participatory procedures while the third question addresses the functional dimension. The formal dimension is linked to the functions, i.e. some forms of participation may be better suited to fulfill certain functions than others.

The formal-function relationship holds true also for participatory procedures: different methods (may) serve different functions. Yet, in empirical studies on participatory methods there is often a lack of profound research about real, i.e. empirical functions as opposed to normative expectations. One of the most prominent methods of citizens' participation in the field of technology assessment is the consensus conference. Scrutinizing the formal and functional dimension of this procedure, the first striking aspect is that there are two main groups of participants: a panel consisting of individual citizens (called lay-people)

[5] In addition, a number of further methods have been developed; for a typology see Abels and Bora 2004; for a brief overview see Abels 2007.

and a panel consisting of experts. In addition, organisers and facilitators also participate in the procedure. In contrast to other models of participatory technology assessment, in the consensus or citizens' conference it is the lay-people who are in the driver's seat: supported by a facilitator they set the agenda, they question and cross-examine the experts, and they write up the final citizens' report entailing policy-recommendations. The lay panel is usually a random selection of citizens (in addition, some selection criteria such as sex, age, geography etc. are usually employed). The experts are selected by the lay people based on their area of expertise; expertise is, furthermore, not limited to scientific expertise but can also mean interest groups. The consensus conference is a very time-consuming procedure taking up several weeks of preparing the lay-people for the actual "conference" – a public hearing where experts have to respond to the questions posed by the lay-people.

As for the perceived functions of consensus conferences, the major objective is to induce communication between lay persons and experts that shall allow for mutual social learning and for a normative evaluation of the specific technology under debate. The outcome, the citizen's report, is a typical, yet informed lay person perspective on the debated issue; it shall enlighten the public and political debate and may have an agenda-setting function. Yet there is not sufficient empirical evidence, if consensus conferences do actually fulfill the high expectations associated with this procedure, or under which conditions they may have an impact on their social and political environment. A key problem of participatory procedures – not only in the field of technology assessment – is, if and how they are linked to representative politics and majoritarian political institutions. For many participatory tools this link is practically non-existing or rather relies on an ad-hoc basis rather than on strong institutional linkages. This can be called an "institutional void" (Marten Hajer, quoted in Görsdorf 2006). If they are to have an impact on policy-making, this is essential.

The theoretical foundations of consensus conferences have recently attracted some attention and it is clearly considered to be based on the concept of deliberative democracy (Einsiedel and Eastlick 2000; Smith and Wales 2000). The participatory elements are limited due to the selection of only few citizens for the lay panel (usually 10-30 people). On the one hand the pitfalls associated with self-selection and the socio-economic bias of most means of political participation can be avoided due to the random selection process. On the other hand such a small group can obviously never be representative in a statistical sense. However, this is actually not intended. The lay panel should rather represent a diversity of "social perspectives" (on the issue of representation cf. Brown 2006). In addition, there is only limited access to the citizens' conference for the general public; it has access to the hearing with experts but its role is restricted to an audience. No member of the general public can engage in the deliberation between the select group of lay-people and experts.

In the EU context, the relationship between form and function is of paramount importance given the "sui generis" character of the EU. It requires (a) rethinking the formal dimension since procedures established at national level cannot simply be transferred to a multi-level system, and (b) bearing in mind that classical functions of citizens' participation do not work the same way in a "non-state polity" such as the EU.

Having said this, it is first of all striking that the Commission has supported and solicited several citizens' conferences since 2005. Especially Margot Wallström, Commission Vice-President and Commissioner for communication, is a strong advocate of new forms of "real" dialogue with citizens. Commenting on one of the supported citizens' conference she stated: "My hope is that this will be the beginning of a movement

that will help to revitalise democracy in all of Europe. I promise that the Commission will listen and learn." (http://www.european-citizens-consultations.eu/; 30-8-2008).

These four democratic experiments are based on the classical consensus conference model.[6] Some methodological innovations were introduced due to the specific institutional and thematic context. The conferences are:

1. Citizens' Conference on new regional and urban sustainability approaches in Europe (2005),[7]
2. European Citizens' Panel on rural areas in future Europe (2006/07),[8]
3. Meeting of Minds – European Citizens' Deliberation on Brain Science (2005/06),[9] and
4. European Citizens' Consultation on the future of the EU (2006/07).[10]

Two of these conferences address socio-technological issues (no. 1 and 3). Of these four practical examples, my paper will analyze the last two examples for the following reasons. While the first example on sustainability – conducted as part of the RAISE project – followed the classical format (cf. Boussaguet and Dehousse 2008), the last two projects are much more innovative with regard to adjusting the classical model to a multi-level deliberative context. Project 2 involves citizens from nine different regions; although citizens are selected as individuals, they are assumed to act as "delegate citizens". Project 3 and 4 were both solicited by the same organizer, the Belgium King Baudouin Foundation, and were both co-financed by the European Commission. The Meeting of Minds Deliberation (hereafter referred to as MoM-EDC) was the first pan-European deliberative event. It was followed by the European Citizens' Consultation on the future of the EU (hereafter referred to as ECC-EU); this allowed for learning and methodological improvement in the second project. While MoM-EDC attends to a socio-technological issue and is, thus, located in the classical subject realm of participatory technology assessment, EEC-EU addresses genuine political questions and thereby explores the working of the method in a new subject area. Also, it takes up the problem of representativity of participants, which is a key issue in debates over citizens' involvement.

This is not the end of the participatory story in the EU. A fifth project was supported in fall 2007: the European Deliberative Poll® "Tomorrow's Europe", which involved citizens from all 27 member states and deliberation in 22 languages.[11] Because of the profound differences in methodology (focus on polling) this otherwise very interesting project will not be further attended to in this paper.

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6 With some exceptions there is so far a severe lack of research on these participatory projects; cf. Andersen et al. 2006; Abels and Mölders 2007; Boussaguet and Dehousse 2008. The analysis presented in this paper is not based on primary data, but on a secondary analysis of the documents provided by the organizers such as feasibility study, project documents, citizens' reports, press releases, internal and external evaluation reports etc.

7 See http://www.raise-eu.org/; cf. also Boussaguet and Dehousse 2008.

8 See http://www.citizenspanel.eu/.

9 See http://www.meetingmindseurope.org/; cf. also Andersen et al. 2006; Abels and Mölders 2007.

10 See http://www.european-citizens-consultations.eu/.

11 The first European Deliberative Poll® was financially supported by the Commission in the framework of the "Plan D" (for detailed information see http://www.tomorrowseurope.eu). In addition, the European Parliament has supported this event by hosting it and further support was granted by the European Economic and Social Committee. The project was initiated and coordinated by a pro-integration organization called Notre Europe, which was set up in 1996 under the guidance of Jacques Delors. A total of 21 EU think thanks, organizations and research institutes ranging from the European Council of Foreign Relations, the Centre of European Policy Studies, the EurActiv Foundation, the Council of European Municipalities and Regions to the European University Institute were involved in the organization of the event. The applied deliberative poll methodology uses public opinion research in a new way by combining it with deliberation in small groups; this combination shall ena-

3.1 Case 1: Meeting of Minds – European Citizens' Deliberation on Brain Science[12]

MoM-ECD was launched by the King Baudoin Foundation with support from a partner consortium[13] consisting of bodies for technology assessement, science museums, academic institutions and public foundations from nine EU member states (Denmark, France, Germany, Greece, Hungary, Italy, the Netherlands, UK and Belgium). Financial support came, amongst others, from the European Commission. The subject of this project was the scientific development in brain research and its social and ethical implications. MoM-ECD essentially made use of two well proven methods: national events with a smaller group of people were based on the consensus conference model while at European level with a large group of people elements of the US-American town hall meeting model were introduced (Andersen et al. 2006: 3).

3.1.1 Description of the form and expected function of MoM-ECD

Who participated in the MoM-ECD? For the citizens deliberation a group of 14 people from each of the nine countries was set up. The members of the national citizens' group were randomly selected, yet with some control for diversity regarding age, gender and education. In Belgium, the regional background (Flemish or Walloon) was a further criterion. Citizens with a professional interest in brain research or health care were not allowed to enter into the selection process; yet affected lay-people who may have a family member suffering from a brain disorder could participate. Consisting of a total of 126 lay-people, the European citizens' group was very large for a consensus conference.

ble citizens to conduct informed polling (see in detail: http://www.tomorrowseurope.eu/spip.php?rubrique8). This methodology is a registered trademark and was developed by the US political scientist James S. Fishkin (in collaboration with Robert C. Luskin), who also served as an advisor on the High Level Scientific Committee of EDP-TE. In the EDP-TE "a representative microcosm of 362 citizens from all 27 EU member states" (http://www.tomorrowseurope.eu/spip.php?rubrique1) came to Brussels for a weekend of deliberation. In contrast to the other conferences that followed the consensus conference model – yet with some adaptations – the EDP-TE takes a different approach that aims at a representative and at the same time also deliberative opinion: (1) The lay-panel is "a scientifically representative sample of the European population" (http://www.tomorrowseurope.eu/spip.php?rubrique5), sampling is done at the national level by first polls on the targeted issues (baseline poll with a total of 3,550 participants); (2) deliberation takes place at European level only, there are no national events (there is, however, a breakdown of polling results by country); (3) citizens engage in a direct dialogue with experts and political leaders in which they discuss questions they have previously developed in small group discussions. Obviously, that the Deliberative Poll® methodology shares some formal structural similarities with consensus conferences such as the dominant role of lay-people/citizens, the role of experts, and the deliberative communication style. Yet there are also key differences such as the polling element and the direct dialogue also with political leaders. Particularly this last element could be very helpful for improving the agenda-setting function and the overall impact of such democratic experiments. Furthermore, the EDP-TU took place in parallel to discussion on the future of the EU in the European institutions (Lisbon Treaty). Timing with policy debates is always a major problem for deliberative events. In this case, timing was improved and thereby the common "institutional void" observed in participatory events was – at least potentially – certainly not closed, but narrowed.

12 This section of my paper is based on an analysis conducted together with Marc Mölders and documented in Abels and Mölders 2007.

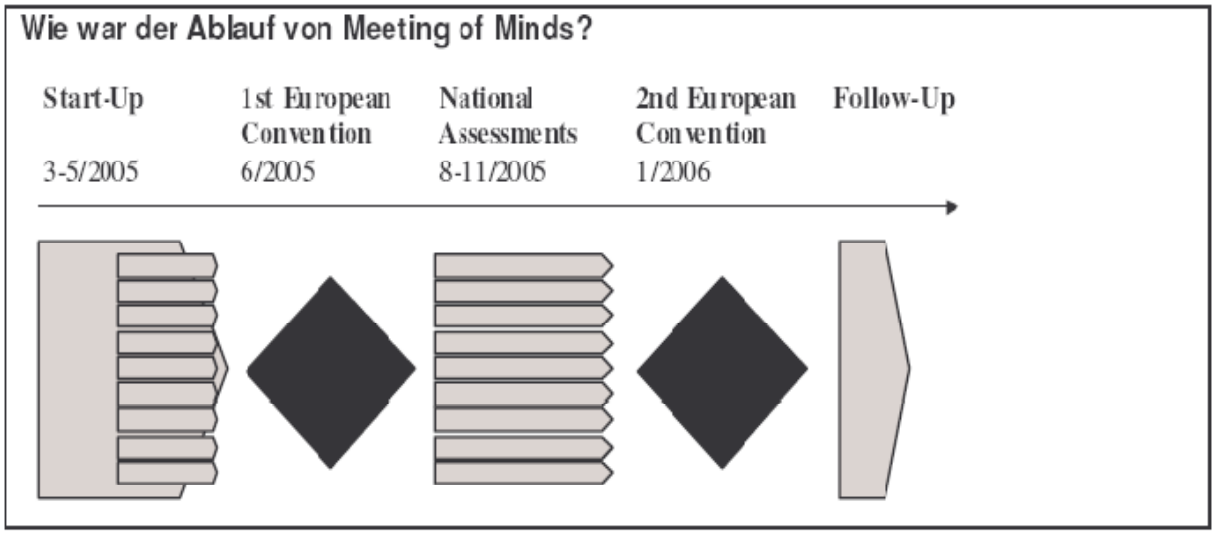
13 Flemish Institute for Science and TA and University of Liège, SPIRAL; University of Westminster; Science Museum London; Danish Board of Technology; Cité des Sciences et de l'Industrie; Stiftung Deutsches Hygiene-Museum; Fondazione IDIS Città della Scienza; Rathenau Institut; University of Debrecen, Medical Science Centre and Eugenides Foundation.

The members of the expert panel were selected by the lay-persons, with some help from the organizers. The experts came from different disciplinary backgrounds. They were brain researchers, bioethicists, science journalists, legal experts, or representatives of self-help groups.

How did deliberation take place? The European Citizens' Deliberation combined deliberation on the national and European level (see graph 1). At the national level, classical consensus conferences were simultaneously conducted in the nine participating countries. These national conferences were combined with two pan-European deliberative events.

The aim of the first *national* meeting (start-up phase) was that (a) the 14 national participants get to know each other and (b) become familiar with the topic of brain research. A major challenge was how to organize deliberation at the *European* level – among the large group of 126 lay-people from nine different countries speaking seven different mother tongues. The methodology at the European convention (1st round) was inspired by the US style of town hall meetings. The aim was to get the people together, to discuss it from different national perspectives and to foster a sense of European identity among the participants. In the European deliberation the participants were split up into smaller groups with mixed nationals. Based on six case studies on brain research 17 general topics were identified. Prioritizing of topics was conducted via electronic voting using keypads.

Graph 1: The MoM-ECD process



Source: MoM 2006: 5.

Priority topics were then deliberated on at *national* level (2nd round) involving national experts. The nine national lay-panels drew up reports containing their observations, opinion and recommendations. These reports were then presented to a national public, to the media, to stakeholders, politicians and members of parliaments. Based on the nine national reports a European synthesis report was written that was then handed over to researchers in the neurosciences in order to get some feedback on the reports from experts.

At the follow-up European convention (2nd round) the final 37 European recommendations and the final report was written. In the deliberation on the report and the recommendations a set of different forms of dialogue were employed: plenary debates, *carousels*, and *European Cafés*. In this meeting the carousel design dominated: For the carousels, the group was split up into three sub-groups of app. 40 citi-

zens with a mixed national background. In each of the three carousels two topics were discussed by the citizens together with two experts. Within the carousels, participants were then split up along national (language) lines; therefore, every participant was able to speak her/his native language. The carousels started with mono-lingual tables with three to seven participants. These were followed by deliberations of delegates from each table; these delegates came together at a linguistically mixed central table. In addition, the different topics were discussed in the plenary. Finally, draft recommendations were written up for all topics. The recommendations from the carousels were then presented in the European Cafés. These are an adoption of the World Café method and particularly suitable for groups. The basic idea is to create a "café ambiance … in which participants discuss a question or issue in small groups around the café tables. At regular intervals the participants move to a new table. One table host remains and summarises the previous conversation to the new table guests. Thus the proceeding conversations are cross-fertilised with the ideas generated in former conversations with other participants." (Elliott et al. 2005: 185) This system of rotation allows for thematic continuity was to be achieved.

The recommendations were constantly replenished and completed. If necessary, they were put to the vote in the plenary. To be accepted, a two-third majority was required. The final report ("European assessment of brain science") was written up with the help of some journalists. The report was published in January 2006 and handed over to official EU representatives and to representatives of European science associations. This event took place in the European Parliament's building in Brussels and was accompanied only by a small number of journalists and members of the general public. In addition, an online expert-survey was conducted on the MoM-ECD and on the results and recommendations. Finally, the European report was widely disseminated at the national level. In the UK, for example, the MoM-ECD was presented in the Houses of Parliament. Reports on the procedures were also presented in a number of parliamentary committees. In Greece two science cafés reporting on MoM-ECD were organized with more than 500 people.

Why did deliberation take place? The organizers had three major normative objectives in mind which relate to the contents of deliberation, the policy-making impact and the participatory methodology:

> "The overall objective of the Meeting of Minds initiative is to *involve European citizens in assessing and publicly discussing* the issue of brain science with relevant research, policy and ethics experts, various stakeholders as well as representatives of European decision-making organizations.
> As such, the initiative aims to give *relevant inputs into European policy-making* and wider public debate on brain science. It will also help set the issue of brain science on the policy and wider political agenda. Meeting of Minds will help *develop new forms of social debate and decision-making processes* at European cross-national level." (Meeting of Minds 2008; emphasis added)

A further goal was to foster the development of a European identity among the participants. The objective of identity formation and standard-setting for transnational public deliberations also in other policy areas is new for a participatory TA tool. The inclusion of these aims on the list of objectives owes to the European context; they were first and foremost included at the instigation of the European Commission who was co-financing the MoM-ECD project.

3.1.2 Analysis of the formal and functional dimension of MoM-ECD

MoM-ECD is a participatory procedure dominated by lay-people. This is typical for most participatory TA. While the national panels were rather small with 14 lay-people per country, the size of the total group at the joint European conventions was large. Consequently, methodological innovations were necessary that would still allow for deliberation to take place (e.g. the carousel and the café format). At the same

time, the procedural rules were very complex; this was a main criticism. This complexity is, first and foremost, a result of the combination between the national and the European level. At the European conventions, participants encountered language problems. Translators were involved in the European meetings; nevertheless there were problems especially at the second European meeting such as incorrect translations into Danish or missing translations into Hungarian. Language difficulties are a major problem since deliberations are built on mutual understanding and good arguments that are comprehensible to all participants. Especially in deliberations among lay-people this can be a problem since they often have to struggle with complex social-technical issues; language then brings about a second layer of communicative problems.

Time-pressure is a regular criticism of such deliberative procedures. This was also a problem in the MoM-ECD even though the procedure stretched over a much longer period of time than usual. The analysis indicates that in the MoM-ECD the social and time dimension dominated over the factual dimension (Sachdimension) involved in TA. It seems that the idea that everybody should contribute something and that the procedure has to stick to the rigid time frame took precedence over a clarification of factual knowledge. Many participants complained about the rigid time frame. Whenever time pressed, the working group focused on producing *at least some* acceptable result for the plenary debate (see Mohr 2006: 22). A pragmatic style of working through the different "work packages" is contained in the specific list of objectives set by the organizers for the European conventions. It states that the key aim of drawing up a common statement on brain sciences is accomplished with the different reports (Goldschmidt and Renn 2006: 25).

In general, the external evaluation report praises the MoM-ECD venture, nevertheless, though it criticizes a tendency for "over-proceduralisation" (Goldschmidt and Renn 2006: 12ff.): too many procedural rules and a lack of transparency. The participating citizens' bewailed that it was not always clear what they had to do, because there was no clear overview over the main features of the procedure. Sometimes even deliberative outcomes became intransparent and distorted again resulting from problems with visualizing conclusions and inadequate summaries of discussions. This is a serious critique since transparency is thought of as one of the crucial principles (besides fairness) of participatory procedures. In addition, there was an "overload" of material. All participants – and not only the lay-people – were physically challenge; as a consequence "this decreased their chances to participate actively in the dialogue" (ibid.). Hence, there was a lack of citizens' inclusion. To some extent citizens' were turned into units in a complex process devoted to delivering certain outputs (ibid.: 20).

Another element of the MoM-ECD is that it included an element of voting: the final recommendations were voted on in the plenary. Combining voting with deliberation is always problematic. In the final analysis deliberation is founded on the idea that there is one best argument, which can prevail in the procedure. Voting, in contrast, builds on the will of the majority which can be completely irrational and does not have to be defended on good reasons but on the power of numbers. Even if decisions require a qualified majority (for example a two-third majority), they still create winners and losers. In participatory methods the inclusion of voting elements can endanger the legitimacy of the procedure: losers may question the results (see Abels and Bora 2004: 82). A consensus conference does usually not involve voting. The inclusion of a final vote was defended on grounds of finding a broad European citizens' consensus – even though a key aim was actually to identify differences and commonalities between citizens from different European national and cultural contexts. Voting put a bigger emphasis on finding commonalities and speaking with "one voice". At the same time, differences were still visible, but were marginalized.

The evaluation of the functional dimensions also illustrates some problems. First of all, there is the question of representation. Even if the limited number of participating citizens can never be representative

– neither at national nor at European level – in a strict statistical sense, the question remains: Who are the citizens speaking for? The selection criteria are classical social indicators, yet still contingent. Due to the specific procedural rules, MoM-ECD was mastered by the idea of allowing "one European citizens' voice" to speak up, whereas diversity of voices was perceive as detrimental. Thereby, a European demos was forced into being by majority voting; the prerequisites of European citizenship were paid no attention to. I argue that there is a procedural inconsistency between constructing the citizens' group based on the criterion of social diversity whereas the deliberative output should be a homogenous "single voice" - if possible.

A second problem concerns the expected agenda-setting and policy-advice function. Quite typical for a consensus conference, the general public can participates in some stage (yet it hardly does), but is limited to a listener role. The European Café is an exception because it allowed for some involvement of the general audience. Only very few people attended the MoM-ECD event. What is remarkable is the lack of media interest in the procedure. Only few journalists came to the (national or European) meetings and there were only few media reports on the citizens' deliberation. Yet, there is a lot of material about MoM-ECD available on the Internet. Nevertheless, given that in mass democracies the public sphere is first of all constructed by the media, this is a serious impediment.

A third problem concerns the impact. If MoM-ECD has had any impact on the agenda of European or national policy-makers or on research associations in the field of brain research is an open question for a number of reasons. To have real impact on policy-making is a regular demand for participatory procedures, but – apart from politician's ritualized praises and kneeling down before the engaged and active citizen – "real" impact is empirically hard to prove.[14] Politicians were involved in MoM-ECD towards the end of the procedure, especially when the European report was presented in the European Parliament and handed over to policy-makers, scientists and the general public. At this meeting, dialogue was unidirectional, i.e. first the citizens presented their results and then the invited policy-makers read out their statements and votes of thanks (Goldschmidt and Renn 2006: 26). This public meeting did not allow for a two-way dialogue over the results and the citizens' recommendations. Policy-makers praise the results, but remain vague about their effects and implementation. This could be interpreted as a lack of accountability and responsiveness towards participatory procedures. I propose a complementary explanation: often citizens' policy-recommendations are rather vague and broad and thus hard to be translated into political catalogues of measures. This sets limits for the policy-advice function of citizens' deliberations.

The real innovation of MoM-ECD is to contribute to the toolbox of transnational participatory TA methods or transnational citizen deliberation in general. At the same time, the tendency for over-proceduralisation and overload illustrates the problems that go along particularly with multi-level deliberation. Strict adherence to the procedural rules was required in order to find out, if the procedure allows for a "true" European citizens' deliberation. The decision to combine simultaneous national consensus conferences with European conventions was, however, an intentional decision taken by the organizers requiring methodological adaptations and innovations. An alternative option would have been to organize a European dialogue only without combining it with national procedures. However, different limitations evolve with more centralized approach.

Finally, the organizers assumed that MoM-ECD would foster the creation of a European identity among the involved citizens. For a participatory TA project, this was a completely new goal. The organizers

[14] For attempts to conceptualize the impact of participatory TA see in detail see Bütschi and Nentwich 2002; Decker and Ladikas 2004.

highlighted that European identity cannot develop at the expense of national identity, but that both identities would complement each other. In the interviews conducted with the participating citizens at the end of the procedure, 87 percent agreed that they had built up a European group identity over time (Mohr 2006: 15). According to the external evaluators,

> [t]he self-perception as being European rather than national panelists can be seen as an *important factor contributing to the overall success* [of MoM-ECD]. *The climate of a European discourse would have been destroyed if the process had turned into bargaining between national players*. At the same time, the national sensitivities and particularities constituted an important component of the discourse that had to be included in a tangible form, such the Synthesis Report. Basically, the interactive design between national and European level turned out to be successful. The interaction of the national with European level will probably enhance the chance that the final results of the ECD-Project will influence the policy level at both the national and the European level." (Goldschmidt and Renn2006: 10; emphasis added)

This is an optimistic reading of the project and its impact. The creation of a group identity is not surprising, but does not tell us anything about the specific European characteristics of this identity and long-term effects. Furthermore, bargaining between national players involves a stage of national interest formation. Usually it is very difficult in national consensus conferences to actually achieve a consensus, but a variety of social perspectives co-exist. Given the lack of hierarchical structures and legitimizing resources in the national lay-panels to create a common national position, national panelists cannot bargain as national player at the European level. Apart from that, all participatory TA models make every effort to "force" participants into a mode of arguing and deliberative interaction – even if interest groups are the sole participants as is the case in some models of TA. Some TA models do entail elements of bargaining, but deliberation clearly dominates (see Abels and Bora 2004; Abels 2007). Finally, the expectation of a multi-level policy-effect resulting from a multi-level procedure overlooks that the EU level does not have a formal jurisdiction in the field of brain research.[15] Legal regulation in the field of ethical and social impacts associated with the brain research remains with the member states. At the European level, the policy recommendations can, at best, have an effect on guidelines proposed for brain research funding with the EU's framework programmes for research and development. This is certainly another major weakness of the MoM-ECD.

3.2 Case 2: European Citizens' Consultations on the future of the EU

The ECC-EU aimed to reach out to average citizens that usually do not take part in EU affairs and consultions. It took place from October 2006 to May 2007. It was initiated and coordinated by the same project organization as the MoM-ECD: the Belgian King Baudouin Foundation; it was co-sponsored by the Commission's Plan D strategy. In contrast to MoM-ECD, this event involved citizens from all 27 member states. The topic was clearly political; the timing was in line with the debate over the future of the EU after the failure of the constitution and the debate over the Lisbon Treaty. A major difference to the MoM-ECD is that this topic, the future of the EU, certainly matters to the EU institutions.[16] The question to be addressed here is,

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[15] This was already in problem in some of the other European consensus conferences supported by the Commission; cf. Boussaguet and Dehousse 2008.

[16] Given the similarity of the topic, it would be highly interesting to compare the ECC-EU with the EDP-TE (see footnote 11). Yet, there is so far a lack of profound research on these two projects, which makes a detailed comparison difficult. The external evaluations reports give some insight into the working of the procedures, but take a very different perspective. Therefore, they are only of limited value for a secondary analysis.

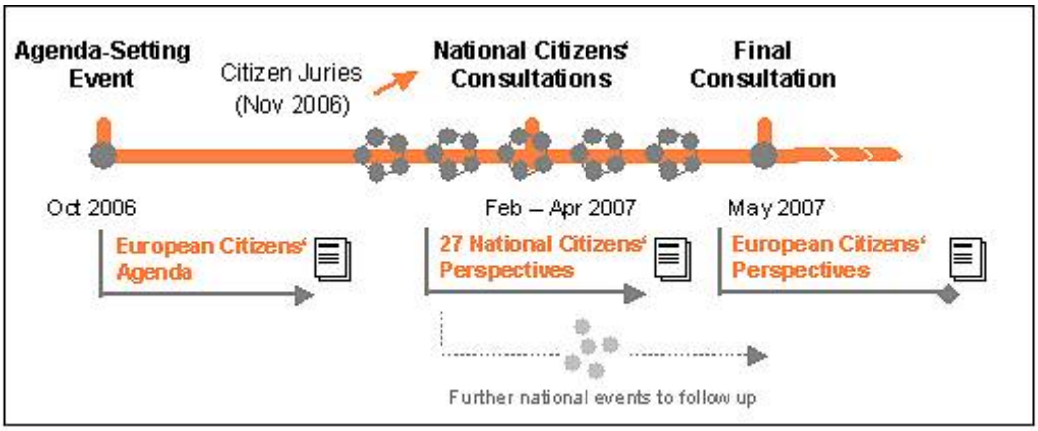
if and what kind of formal and functional improvements and adaptations have been introduced owing (a) to the different topic and (b) to the experience with the MoM-ECD and its weaknesses.

3.2.1 Description of the form and expected function of ECC-EU

Who participated in the ECC-EU? A first difference to the MoM-ECD is that citizens from *all* member states, now a total of 27, were recruited and national events took place in *all* member states. This certainly adds to the size and complexity – above all the language question – of the deliberative project. The process started with an agenda-setting event. For this purpose a small group of citizens (only eight per country) was selected by an opinion research agency using some selection criteria such as sex, age, and socio-economic background. Further criteria were added as appropriate in each country (e.g. regional diversity). In the national events, a total of more than 1,800 citizens participated in the project. Again, participants were selected at random, following the mentioned set of selection criteria.

How did deliberation take place? For ECC-EU a complicated process design integration national and European events was applied (see graph 2). Unlike MoM-ECD a different starting point was chosen: ECC-EU started with a European event, the so-called *Agenda-Setting Event*, which took place on October 7-8, 2006 in Brussels. At this "Kick-off meeting" 200 citizens from all member states discussed the questions: "What Europe do we want?" For this meeting the "World Café" method was adapted. This means that participants were first divided up into smaller groups and started discussing in small table groups – supported by facilitators, interpreters and "resource persons". The next step involved rotation implying that delegates from the small tables came together at large central tables and shared topics were identified. In a next round of discussion, some topics were selected by electronic voting as being the most important ones for the citizens. These topics were then further deliberated on at the second day of the event.

Graph 2: The ECC-EU process



Source: http://www.european-citizens-consultations.eu/3.0.html

The three most important topics identified in the "European Citizens' Agenda" were (1) environment and energy, (2) social welfare and family, and (3) immigration and Europe's role in the world. Yet, before starting subsequent national consultations on these three topics, test groups were set up operating on the "citizen jury" method. Two groups of 40 citizens each met in Berlin (Germany) and in Budapest (Hungary). The purpose of these citizen juries was to "assess which kind of information the participants of the national consultations require to lead a fruitful discussion". One problem encountered in these citizen juries was the

tendency of discussion to become too focused on the national level. According to the facilitators, "[b]efore and during the discussions we [the facilitators] had to remind the citizens that they should think about the European dimension of the problem at hand. Otherwise we might get results, which reflect very well the specific national point of view but are not suitable in the European context."

From January to March 2007 National Citizens' Consultations took place in all member states organized by national project partners. These events were considered to be "at the heart" of the project. In each country 30 to 200 randomly selected citizens discussed the same topics, which were identified in the agenda-setting event. Again, the deliberation was accompanied by a voting element. Whenever (interim) results were achieved, citizens could vote on them using electronic voting pads. Since the member states were grouped together in four groups, at four fixed weekends five to ten events took place at the same time. These simultaneous national events were interlinked. At certain "integration points" citizens exchanged ideas and interim results, thus enabling "a European dialogue across locations". In addition, live impressions from the simultaneous national consultations were transmitted so that "(i)n spite of staying 'at home', citizens could feel that they were part of greater process and a truly European experience" (http://www.european-citizens-consultations.eu/12.0.html, 30-8-2008). The outcome is 27 national citizens' reports called "[national] Citizens' Perspective on the Future of Europe".

Following these national consultations, a final consultation took place at European level again in order to make the outcomes of the national consultations also relevant at EU level. Therefore, national reports had to be synthesized in a single European report. This so-called Synthesis Event took place in Brussels (May 9-10, 2007) in a much smaller group of citizens. Only one delegate per country participated in this event (accompanied by her/his national project partners). At this meeting, the citizens deliberated on the 27 national reports and then substantiated the results. The outcome was a report called "European Citizens' Perspective on the Future of Europe". At the end of this two-day event, a press conference took place in the European Parliament building at which citizens officially presented their report to high-ranking representatives from the Commission and the European Parliament.[17] The audience and journalists had the opportunity to ask citizens questions about the results. Commissioner Wallström also engaged with the citizens in an in-depth debate on the implications of the citizens' findings in a "European Citizens' Roundtable".

Finally, some follow-up events were an integral part of the procedure such as a policy dialogue launched by the European Policy Centre in June 2007. The idea was to allow citizens to directly address their questions about the ECC-EU implications to policy-makers. Thereby, policy-makers could be held directly accountable by citizens and explain about policies already enforced or intended. Experts from the EPC also published commentaries on the citizens' recommendations (EPC 2007). In addition, the Brussels-based European Citizen Action Service set up a debate aiming at showing "ways forward in citizen participation and what the EU can learn from the European Citizens' Consultation project" (http://www.european-citizens-consultations.eu/42.0.html, 30-8-2008). Finally, a number of policy events took place at national level.

Why did deliberation take place? Regarding objectives and timing the EEC-EU was supposed to be closely linked to the official debate on the future of EU after the failed referenda in France and the Netherlands. Fighting against the "crisis of confidence" (IFOK 2006: 3) the intention was to experiment with new

[17] Commissioner Wallström, Jean-Luc Dehaene, MEP and former Vice-Chairman of the Convention on the Future of Europe, and Gérard Onesta, Vice-President of the European Parliament and organizer of the AGORA project.

tools that have the potential to become standard procedures for reconnecting citizens to the EU. The key words inspiring the project were: trust, time, and transformation (ibid.). It is, of course, not surprising that the organizer and its partners are highly optimistic about the ECC-EU project, the way communication worked and about the impacts. They claim:

> "The European Citizens' Consultations and their follow-up go beyond most European communication initiatives. The citizens of Europe are at the *centre of the project*: Reflecting and representing the diversity of the entire EU population, they *engage into an authentic and exciting European dialogue* … Without requiring any special knowledge or language capabilities, they exchange expectations, hopes, and concerns across boundaries and cultures. Innovative dialogue design, modern technology, and simultaneous interpretation into all official languages of the EU *overcome the typical barriers to effective participation – ensuring that each citizen can make his or her voice heard*." (http://www.european-citizens-consultations.eu/3.0.html; emphasis added)

A key intention of the procedure was to "create a truly European discussion, bringing citizens together at European events and linking simultaneous national debates on a shared agenda of ideas set by the citizens themselves" (http://www.european-citizens-consultations.eu/2.0.html, 30-8-2008). In addition, the organizers intended to "establish a model for European citizens' participation on future topics" (ibid.). The objective was to overcome shortcomings of other dialogue initiatives and "to create a robust, adaptable and transferable methodology that works at a pan European level" (http://www.european-citizens-consultations.eu/12.0.html, 30-8-2008). This standard procedure should be an alternative to communication with the usual suspects, i.e. the Brussels-based stakeholders. "What Europe does need, is a renewal in the way its institutions interact with citizens – from explaining themselves towards working with citizens to establish a stronger foundation of shared priorities." (IFOK 2006: 3).

Apart from initiating an authentic dialogue between citizens and improving the participatory methodology, the ECC-EU also follows the third standard aim of citizens' conferences, i.e. advising policy-makers. In this case, it aimed at policy-makers at both the national *and* the European level. The European Citizens Agenda (ECC 2006: 2) reads as follows: "The results aim at inspiring European as well as national institutions as they prepare to take decisions on the next phase of Europe's development."

3.2.2 Analysis of the formal and functional dimension of ECC-EU

The ECC-EU was a carefully prepared and designed multi-level deliberative process. The organizer, the King Baudouin Foundation, commissioned a feasibility study on a possible procedural design, which was carried out by the IFOK institute (IFOK 2006). Based on the experience with previous formats (especially MoM-ECD), IFOK proposed several areas for improvement and some requirements for the ECC-EU. The shortcomings identified (and countermeasures proposed) in the feasibility study pertain to the deliberative process itself but also to the social vacuum in which participatory procedures often (or usually) take place (ibid.: 4f.):

- narrow scope, self-selected participants ⇨ broad scope, randomly selected participants
- little cross-national exchange ⇨ systematic cross-linking and integration of national debates
- participants primarily listeners and receivers of information ⇨ participants at the centre of the dialogue
- little or no follow-up ⇨ accountable and transparent follow-up and active policy integration

Looking for positive examples that could be a source of inspiration in order to balance some of these deficits, the ECC-EU team looked at "two of the most successful formats of citizens' exchange across Eu-

rope: firstly, the European Song Contest and its concept of voting across European countries to express preferences; secondly, the Football Champions League and its idea of simultaneous groups and interlinked events." (http://www.european-citizens-consultations.eu/12.0.html; see also IFOK 2006) For a political scientist it is at least remarkable – if not outright bizarre – that the organizers turn to popular culture but not to political science literature on institutional engineering and democratic theory. In addition, both formats are based on the idea of competition – not a good model for a deliberative undertaking. Also, these events always involve national players but no supranational level.

What was the ECC-EU actually like? It was, first of all, a *citizen-dominated procedure* just like MoM-ECD. Citizens were randomly selected based on certain social criteria and also allowed for additional selection criteria in individual countries (such as representation of linguistic groups). This corresponds with the EU approach of respecting diversity. While the same number of citizens from each member state took part in the European events, the number of participants at events at national level differed widely. Thus, the size of population in each member state was taken into account at national level but not in the European deliberations where in the final conference over the synthesis report only one delegate per country participated. This adheres to a principle of "one country, one voice". The question is as to which extend diversity at national level is reflected in the European-level dialogue and synthesis report. Are minority opinions at national level still represented in the European report or are they "homogenized"? Especially in deliberative procedures it is important to represent the diversity of voices and arguments.

To induce dialogue among the citizens and to give them a voice are key intentions. This is typical also for participatory TA. Yet, the formal procedure of the ECC-EU even is more complicated than for the MoM-ECD and entails the risk of over-proceduralization again. It combined national and supranational deliberation. However, this time a different starting point is adopted: the first round of European deliberation takes place at the beginning of the process (agenda-setting event) with a small group of only eight citizens per country. The agenda for the national events was decided on at the European level. The methods employed at the European level allows for a joint deliberative effort in identifying key issues rather than identifying them at national level and then transferring the debate to the European level. In this way, agenda-setting was very much a co-operative European effort.

The European meeting was then followed by citizen juries to prepare the subsequent and simultaneous national consultations. From the material provided by the organizer and its partner organizations it is not quite clear what the actual effect of the citizen juries was. First of all, it is not clear according to which criteria two countries (Germany and Hungary) were selected. The aim was to get more knowledge of what kind of information citizens need for deliberating on the set of complex issues selected in the agenda-setting event. The fact that citizens tended to have a national bias does already indicate the low level of knowledge about the EU among average citizens and the lack of European identity. I cannot go into a detailed analysis of single national conferences, yet a key questions is if, how, to which extent and to which effects the European dimension as been included in the national deliberations. Differences not just between member states but also within national citizens' panels are of interest here. The "European flavor" to the national debates was induced by interlinking those national events that took place at the same date (there were four waves of national events).

Finally, delegates from the national citizens' panel then represented their member state at the second EU meeting where the national reports are discussed and synthesized into a European report. What is problematic here is that only one person per country has to represent the richness of the national debate without having the chance to get back to members of the national panel. There is no feedback loop. In

principle delegates could run the risk that they "go European" and do not take the national position sufficiently into account. Other members of the national citizens' panel may then feel not well represented in the final European result. However, the European synthesis report leaves room for positions raised in national reports and thus tries to captures the diversity and complexity of positions. In case of conflict or different "national" preferences, all positions were listed in the report and there was voting on how many countries agreed to a certain position – mentioning the country supporting the position, thus making sure that a high level of transparency was guaranteed. On hardly any issue was there a consensus among the citizens from all member states. This can only work in a situation where no authoritative power is vested in the deliberating people and no need to take a decision. In contrast to Council negotiations, there is no need in a citizens' conference to have a final authoritative vote, which is then – when adopted according to the constitutional decision-making rules – binding on everybody. Yet in the real world of policy-making, there is such a need to negotiate and compromise.

In the case of the ECC-EU, we can identify a major deviation from the traditional consensus conference model that is most striking: at the heart of the consensus conference model is usually the two-day public deliberation between citizens and experts. Citizens interrogate a diversity of experts on the topic under debate. The results of this hearing are discussed in another round of intense debate among the citizens. Based on this, citizens then write up their final report including also policy recommendations. In the context of participatory technology assessment the expert hearing is defended on grounds of the high technical complexity of the issue discussed (e.g. brain research), the need for evaluating the ethical and social assumptions involved in expert assessments, and the need to democratize expertise by linking it to people's everyday experience (see in more detail Abels 2007). Against this line of arguments it is noteworthy that this crucial element of the traditional model is missing in the ECC-EU. Experts were involved in the procedure as "resource persons" providing specific knowledge, if called for by the citizens. Yet there was no fixed procedural role for them. Deliberation took place only among citizens' with support from the facilitators and, to some extent, the "resource persons". This terminology impliess a devaluation of the role of experts and expertise. In the ECC-EU context one could argue that the organizers assumed that discussing the future of the EU did not require much specific knowledge and scientific expertise but could be done, more or less, by lay-people as citizens – yet with some knowledge input. In this sense, the social dimension of inducing and designing an "authentic dialogue" between citizens from different member states was obviously the most important concern.[18] Unlike in participatory technology assessment, a clarification of the complexity of the factual dimension (Sachdimension) was obviously considered to be less important.

The outline of the synthesis report is modeled to some extent on the treaty design: There is a preamble starting with the words "We, citizens of Europe". The analogy to the famous wording of the US constitution "We, the people" is certainly not coincidental. The wording reflects that there is not *one* demos in Europe, but many. At the same time, it means that it is "citizens" who claim to "make our voices heard at European level" (ECC 2007b: 1), thereby excluding residents without citizenship. In addition, the wording does not differentiate between Europe and the European Union. It refers to Europe, yet in fact it

[18] In order to decide if this was actually an "authentic dialogue", as the organizers claims, it would be necessary to define what "authentic" means in this context and how to measure it. There seems to be no recording of citizens' deliberation that would allow for scientific analysis of the kind and quality of deliberation. Yet, we have to give credit to the organizers since this is a general problem of most of such dialogue events and is not unique to the ECC-EU. For a scientific evaluation of what is actually happening inside the procedure, how citizens reach conclusions, if they are actual equal and if communication is free of power relations, to have such data at hand for analysis is nonetheless absolutely essential.

was dealing with European Union issues and excluding European countries that are not member states. Therefore, "We, citizens of Europe" is most remarkable because it brings about the question of inclusion and exclusion in participatory procedures and the public sphere. Issues such as immigration are certainly not only of interest to citizens of the member states, but also to residents from third countries living in the EU (if legally or illegally) and certainly also to the "EU neighbourhood". These voices are not included in the diversity of "European Citizens' Perspectives", and they are not explicitly invited (unlike the fellow citizens) to continue the debate started. Finally, just like in "real" EU treaties, the citizens' document is signed by all national delegates – on the symbolic Europe day: May 9th. This is to give it some official and highly symbolic character.

In terms of impact the ECC-EU seems to have had a much better impact than the MoM-EDC. One reasons for this is, so I assume, the more general and highly up-to-date topic. Impact is very difficult to measure and can mean very different things. In the case of ECC-EU a number of follow-up activities such as debates with policy-makers were organized at the European level as well as in a great many member states. In some member states, these events were officially acknowledge and policy-makers decided to integrate some of the European citizens' perspectives in official information material.[19] In addition, some European think tanks and NGOs were actively contributing to the dissemination of results and the discussion of its implications. For example, the European Policy Centre (EPC) in Brussels organized a special policy dialogue event involving policy-makers and a small number of selected citizens. The basic idea was to that citizens could hold European policy-makers accountable by asking them about the implications of their results. Secondly, the Brussels-based European Citizen Action Service (ECAS 2007) set up a debate on "Is the EU really listening to citizens? The ABC of participatory democracy methods", which also included a discussion on various participatory democracy models at European level including ECC-EU (but also the European Parliament's Agora project and the Citizens' Panel on rural areas). In his evaluation of the various democratic experiments the ECAS director stated that "citizens' consultations are now receiving good political support from within the Institutions. High-level officials and national politicians take part in discussions with citizens and welcome the final reports – but this is done only on an ad hoc basis." (Ibid.: 13) In sum, there are some indicators for a higher impact of the ECC-EU, yet an in-depth study would have to conceptualize and research its impact in a more profound way. The high normative expectations that are so often associated with participatory procedures require real empirical evidence based on scientific research.[20] So far there is a lack thereof.

[19] For detail information on follow-up activities at national and European level see http://www.european-citizens-consultations.eu/42.0.html#c634.

[20] For a discussion of this point with regard to the debate on participatory technology assessment see Bora and Hausendorf 2006.

4. Comparision of the MoM-ECD and ECC-EU

The cases discussed here can be conceived as pilot studies in the "participatory engineering" approach analyzed by Zittel (2008). They clearly illustrate that the participatory rhetoric is not just mere lip-service. Both projects were not launched by EU actors, but by a private foundation, and then received support from the European Commission. It is also interesting that both projects involved a partner consortium consisting to a great extent of organizations involved in participatory technology assessment at national level. From this we can conclude that the rich experience with and research on participation in the field of technology assessment can be a fruitful source for designing new procedures and institutional design.

Both participatory events, MoM-ECD and ECC-EU, were carefully designed. They were procedurally complex multi-level events dealing with complex, but very different issues. My analysis illustrates a number of similarities, but also important differences between the two cases of citizens' participation (table 1). Key similarities of the two cases are (1) the random selection of citizens. (2) Citizens dominate the procedure since they define the agenda, they discuss the different topics they have prioritized via a voting element, they write up the national reports as well as the European report (with some help from facilitators and even journalists) and they propose recommendations to national and European policy-makers. (3) The same normative expectations are raised by the organizers. Especially the development of a pan-European participatory methodology was a major objective, whereas in (normal, i.e. national) participatory technology assessment this is usually only a secondary goal, yet here it was a prime concern. (4) The focus in the discussion was on policy areas in which the EU plays a limited role and in which the supranational mandate is limited. This, of course, has implications for the impacts. Yet in both cases impacts were envisioned simultaneously also at national level. (5) The main tools for initiating and conducting deliberation were the same in both cases with some adaption and variation: essentially they combined tools of consensus conferences with the town-hall meeting and added some voting element.

Some of the differences are noteworthy: (1) The number of citizens involved in the national events differs widely between countries (30 to 200 according to size of population). (2) The ECC-EU case agenda-setting takes place at national level and is thus more "top-down". (3) There is much more cross-linking and integration of national debates in the ECC-EU and it seems as if there is more representation of diversity of "national voices". (4) Whereas the MoM-ECD still followed the classical consensus model in the way that expert hearings formed a crucial part of the procedure at national level, there is no such institutionalized role for experts and no expert panel. Experts may be consulted as "resource persons", if it deems useful to the citizens. From the material provided by the organizers we cannot tell how often, where, on which topics etc. this was actually the case. (5) Given that the ECC-EU involved all 27 member states, this added not just more logistic complexity but also linguistic complexity to this procedure as compared to the MoM-ECD. (6) In the ECC-EU case more energy was spend on dissemination and discussion of results in numerous follow-up events both at national and European level, and it seems that this has improved the impact at least in terms of recognition of the procedure and its recommendations by national and European policy-makers. Yet hearing the voice of citizens is, of course, not to be confused with actually taking results and positions into account in decision-making.

ECC-EU is the more sophisticated process. Its advantage lies not only in the integration of all member states and the connection between simultaneous national debates, but also in the better organized follow-up events. However, there is a clear risk of an over-proceduralisation that may lead to intransparency, distorted results, and confused or even dissatisfied citizens. For many of the high normative expectations

there is not sufficient empirical evidence, if they have been achieved. This is not to say that all these expectations can be fulfilled by these democratic experiments (such as, for example, create a European identity), yet the questions remains: Are these two cases best practices? And what follows from these first experiments?

Table 1: Comparison of similarities and differences between MoM-ECD and ECC-EU

Dimension	**MoM-ECD**	**ECC-EU**
Organizer	King Baudouin Foundation with 12 partner organizations	King Baudouin Foundation with 30 partner organisations
Participating countries	9 member states involved	all 27 member states involved
Citizens	Randomly selected using standard socio-demographic criteria; same number of people per country	Randomly selected using standard socio-economic criteria; same number of people per country at European level, but differences in national events
Further participants	facilitators expert panel (resource persons)	facilitators resource persons
Procedural rules	citizens dominate: set agenda, deliberate, write up report and policy recommendations	citizens dominate: set agenda, deliberate, write up national and European reports and policy recommendations
Agenda setting	national level	European level
Deliberative tools	citizen deliberation in small groups and at larger tables European Café Caroussel Voting as means for priorities/setting	citizen deliberation in small groups and at larger tables World Café Integration points between national events Voting as means for setting priorities
Normative expectations	give citizens a voice induce dialogue among citizens foster European identity policy-advise develop participatory methodology	give citizens a voice induce dialogue among citizens foster European identity policy-advise develop participatory methodology
impact	some follow-up events	number of follow-up events both national and at European level discussion with Commissioner
EU mandate in policy area discussed	limited to EU Framework programme for research and development, which may involve ethical guidelines for research funded with EU money	supranational institutions participate in the debate over future of EU; mandate varies with regard to specific policy fields (energy/environment, social welfare/family; immigration and external relations)
Main critique	intransparency of procedure Over-proceduralization Time pressure	complicated procedure risk of over-proceduralization and material overload

I argue that MoM-ECD as well as ECC-EU are remarkable first and if not best but *good practices* of citizens participation in European affairs, which can, however, never be a substitute for channels of representative and majoritarian politics (via the European Parliament and the Council). Participatory procedures can only have a consultative, but not a decision-making role since they are always limited in scale and, in addition, they clearly lack accountability mechanisms, which are essential for democratic politics (Abels

2007). Citizens participating in such new forms are assumed to represent and embody the general public. This may be the case in a deliberative way, i.e. in terms of arguments and voices that are present in the debate, but this is not the case in democratic terms of majoritarian politics. The challenge with best practices is that they are highly context-dependent; thus, the question is to which kinds of context they can be applied and if adaptation to different contexts is possible.

What the examples discussed in this paper clearly illustrate is that it is useful to link the debate over participatory and deliberative democracy in the EU to the so far separate debate over participation in technology assessment. It is in this field where we can find a number of participatory experiments, to some extent a tested and proven toolkit, and a number of social science research. Both experiments have been quite innovative in the way they adapted established participatory tools to a new multi-level policy environment and in combing these with new elements. Particularly the ECC-EU is innovative in the way synchronized national events are connected to each other. Yet, I like to highlight a problem with the way the synthesis report was written up: adding up national positions and voices and putting them together in one report is not a real *deliberation* about national positions at European level. In the European report all national voices are equally represented, but from a deliberative standpoint there may be difference between them with respect to how well they can be substantiated on good arguments. Hence, it seems that the ECC procedure resembles more of a discussion than a fully-developed "real" deliberation in a Habermasian sense. Yet it is Habermas' demanding concept of discourse ethics on which theories of as well as experiments with deliberative democracy are usually founded.

A major problem of both experiments is that a fundamental institutional void remains.[21] It is needless to say that one cannot assume that these democratic experiments are from the very beginning tightly linked to institutions of representative democracy. This is often not even the case at national level and it is much more difficult to establish such close ties in a multi-level polity such as the EU. Yet if one wants to take a great leap forward from experimental design to a permanent participatory structure, the question of institutional linkages and clear procedural rules is crucial. It is evident that a number of problems arise with the transformation of participatory procedures from an ad hoc basis to a permanent and regulated model.

A first paramount question is when and also on which topics citizens' consultations could be conducted. The European Citizens' Deliberation and the Citizens' Consultation are procedurally as well as financially too demanding to be employed as tools in everyday policy-making. This is also certainly not the case at national level;[22] they can only be exceptions – however important ones – to the rule of representative politics. Nonetheless they could take place on a fairly regular basis in order to improve the bond between citizens and "their" national as well as European institutions and to create support. How to do this? There are first of all several options proposed by organizers of participatory events. The ECC-EU feasibility study, for example, proposes annual European Citizens' Summits involving up to 10,000 people (IFOK 2006: 2): "These summits are designed to involve unprecedented numbers of citizens directly in a carefully managed two-way dialogue on the future of Europe … Held annually, they will pioneer a long-term change in the way European institutions communicate with their citizens – not as a form of direct democracy but as the basis for a more vibrant and constructive relationship". I do not consider this a very viable or likely op-

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21 Quittkat and Finke (2008) criticize that even for the much better institutionalized consultation regime it is often not clear, if and how results of consultations are used and what their impact is.

22 Glancing at the field of technology assessment again, participatory procedures are certainly the exception proving the rule of expert-based technology assessment.

tion for a number of reasons; first and foremost it exponentially increases the problem of meaningful deliberation not to speak of language problems. We know from organizational studies that deliberation in much smaller groups of several hundred people is becoming very difficult or even impossible. A summit of 10,000 people runs the risk of turning into an annual European festival rather than a policy-oriented deliberative event. Based on the ECC-EU experience, one of its chief organizers, Gerrit Rauws from the King Baudouin Foundation, puts forward a more realistic and practical option:

> "Citizens' deliberations can be organized as *part of the actual consultation processes* following certain Green Papers as part of impact assessment, when problems are assessed and alternative policy options defined. Citizens' deliberations can be done as part of the consultation processes following White Papers, to discuss the implementation of strategies and action plans or to discuss the priorities of Presidencies. Mr Rauws maintained that he makes *no plea to institutionalize* citizens' consultations. He stated that we *need their ad-hoc, tailormade use but on a regular basis*. For that purpose it would be very useful to *insert a new toolbox of consultation* in the Commission's consultation guidelines, especially since there is already a discussion about how consult non-organised interests. The guidelines of impact assessments also seem compatible with citizens' consultations." (Quoted in: ECAS 2007: 18; emphasis added)

I consider this at least a possible and practical way since White and Green Papers are policy documents that clearly mark a crossroad. They are "regulating screw" with regards to determining the principal path to be taken by the EU, the main aims and norms to be achieved in a particular sector. To have a broader picture than the one presented by the usual suspects of organized civil society could be helpful for improving governance. Such approach builds on the sectoralized structure of the Commission with it Directorates General. But it would be naïve to assume that all DGs are equally open or responsive to introducing such participatory innovations; there are actually substantial differences between DG regarding their engagement in the new consultation regime (Quittkat and Finke 2008: 206ff.). Furthermore, with the "agencification" of EU policies the question arises if new participatory approaches should or could be relevant also for agencies. The lastest generation of EU agencies, which deal sometimes with risk regulation such as the European Food Safety Agency, try to improve their input legitimacy via means of consultation or inclusion of stakeholders in the management structure Regulatory bodies such as agencies depend also on input legitimacy (for EFSA see Skogstad, 2001; Borrás et al. 2007; Millstone 2007). At national level we can observe some trends that agencies begin to experiment with citizens' participation, thus the question is if this approach can be extended to EU agencies.

Furthermore, the relationship between civil society organizations and individual actors has to be considered. At European level there are today more or less well established forms of civil society participation; however, differences between different civil society organizations remain. Especially online consultations are nowadays a widely used tool by most DG not only with regard to policy debates over Commission's Green and White Papers, but also on specific policy initiatives (see Quittkat and Finke 2008). There is, however, a strong bias in these predominantly lobby-like forms of participation. A principal option is to extend such consultations to address also individual citizens. Yet lowering thresholds is not enough, it requires also incentives for participation. I argue that this strategy does not really improve the situation, since the majority of citizens is neither aware nor prepared to participate in consultations (even if participatory thresholds are lowered) because they typically require technical and specialized knowledge. Therefore, only "interested citizens" can be activated by such tools, but not the "idiots" – i.e. those without interests (see Lezaun and Soneryd 2006). A key advantage of deliberative formats is that they provide for such incentives, yet on a small scale for a limited number of people. In addition, they initiate a structured process of learning and discussion, which is a requirement for allowing meaningful and informed citizens' participation. Thereby

citizens can "qualify" for discussing complex issues and they can link these issues to their everyday lay experiences and to assess them based on their own value systems. Any extension of the normal stakeholder-oriented consultation procedure with the intention of including citizens still calls for mechanisms such as a clear set of principles and standards pertaining to, for example, provision of information, follow-up on results etc.

It is often assumed that civil society groups could function as intermediaries for other forms of citizens' participation. This overlooks that civil society groups are not disinterested actors, but stakeholders and this brings along a number of problems. From participatory technology assessment we know that stakeholder participation (or consultation) does not go smoothly hand in hand with citizens' participation. Civil society organizations usually claim to represent public interests and speak up for "the people". There is, however, no clear representational nor accountability chain. In fact, there can be strong tensions between organized civil society and individual citizens' participation since organizations also have to defend their organizational interests and are frequently more interested in bargaining than in deliberative arguing (see Hendriks 2002). In addition, citizens-based models such as consensus conferences are, by definition, "non-partisan forums" (Hendriks et al. 2007); for partisan actors – including civil society organization – this can turn into a problem. Furthermore, in the field of participatory technology assessment some interesting models have recently been developed that combine citizens' with stakeholder participation (see Abels and Bora 2004 for example on the voting conference model). The advantage is that they force stakeholders into a deliberative mode of communication where they have to defend their interests on good reasons; in so doing, such combined or balanced models can help to deal with the accountability problem of civil society organizations.[23]

A further problem concerns the fact that all consultation-bound procedures concentrate on the Commission as a key player and agenda-setter in European policy-making. This is problematic for two reasons. Firstly, if citizens develop ideas about the future of Europe which may not even fall into the realm of the Commission and its sectoralized treaty mandate, then the question is what to get out of the results (see the expert commentaries EPC 2007). In case of the ECC-EU, issues of family and social welfare policy (including health policy and demographic change) had a high priority for the citizens, yet decision-making power lies primarily at the national level. This implies that the citizens recommendation may then in the end not be very helpful for European policy-makers such as the Commission given the legal restriction to take action, or for the sake of effective policies they favor the further transfer of competencies to European level, which brings along a whole set of new problems. Essentially, this problem addresses the question of the quality of citizens' deliberation and the usefulness of their recommendations. In case of the ECC-EU this problem was induced by the procedure itself, because citizens' could chose any topic they considered important for the future of Europe – irrespective of the EU legal order and the principle of subsidiarity. Furthermore, there was no systematic integration of experts in the deliberative process. In the future this could be avoided by linking such citizens' deliberation, for example, to Green or White Paper consultations and thus giving them a stricter thematic focus, and by a more systematic inclusion of expert advice.

A final problem I see is the marginal role of the European Parliament. Given its low profile and decreasing turnout in European elections it is just as important to think about means for combining repre-

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[23] This is, however, the major challenge of such mixed procedures since "partisans make poor deliberators because they have a committed agenda" (Hendriks et al. 2007: 362).

sentative democracy – symbolized, until now insufficiently, by the European Parliament – with more direct forms of political participation in order to strengthen the bond between voters and "their" MEPs. Combining citizens' participations for example with parliamentary hearings could be one such option. Furthermore, the European Parliament's Agora project still awaits evaluation.

5. Conclusions

In the EU we can observe a trend towards "participatory engineering" that essentially originates in the governance turn. Participation becomes a tool for increasing the problem-solving capacity of institutions and their effectiveness. Currently pilot project and experiments are undertaken in order to develop more participatory means for inclusive and effective policy-making. Thus, European policy-makers – above all the Commission – aims to address the democratic deficit by enriching the governance design with elements of participatory democracy that are inspired by deliberative democratic theory. The participatory trend is much better developed as regards participation of organized civil society. In so doing, it is associated with one of the main pitfalls of this approach: they may "provide the already active ones with new ammunition to foster their own political interests while leaving the inactive ones empty handed and even further behind" (Zittel 2008: 121). Due to the random selection process, citizens' deliberations avoid the problem of a socio-economic basis, but only on a very small scale.

If one considers more participatory and deliberative approaches as either normatively desirable or functionally necessary, the question is: Which forms of participatory procedures could work in the complex EU polity, what functions can and should they achieve, and how to make them meaningful? The two cases of the MoM-ECD and ECC-EU are two examples symbolizing the trend towards "participatory engineering" at EU level. The two cases studies illustrate that there are means at hand to create forums for dialogue among a limited number of citizens on European (or other) issues and that take the multi-level structure into account. Citizens' participation aims at activating the usually passive and dis-interested citizen. Especially due to their random sampling approach consensus conference type of procedures can active a limited number of citizens as representatives of a larger public and can avoid the socio-economic bias of lobbying-like and other forms of political participation. Yet this does not automatically lead to a more interested and activated public at large. Such participatory procedures can never substitute, but to some extent complement not only majoritarian, but also stakeholder-based politics. They can essentially only be consultative forums, not decision-making ones. In order to arrive at a model of citizens' participation, more in-depth research on single cases and comparative studies are required. The two cases explored in this paper are *good* practices, but as long as there are only few cases available, we cannot tell if they are actually *best* practices. Furthermore, contexts always necessitate methodological innovations and adaptations. Therefore, a rich and diverse participatory toolbox is required.

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