

Notre Europe

ETUDES & RECHERCHES

Policy paper N°17

---

# Democratising European democracy

---

Options for a quality inclusive and transnational deliberation

Stephen Boucher

## Stephen Boucher

Stephen was a consultant in the energy policy field before joining Notre Europe. He was previously adviser on European and international affairs for the Belgian Deputy-Prime Minister and Minister for transport. He has also worked as a lobbying consultant in Brussels and London. He has taught lobbying in Europe as Adjunct Professor at Sciences Po in Paris.

He is French and American, and holds a Mid-career Master in Public Administration from Harvard University and a post-graduate degree in comparative politics from Sciences Po. He is also a graduate from Sciences Po.

He will publish two books in 2006 : *La révolution de l'hydrogène – Vers une énergie propre et performante ?* and *Les thinks tanks dans la guerre des idées*.

## Notre Europe

*Notre Europe* is an independent study and research group dedicated to European unity. The association was founded by Jacques Delors in the autumn of 1996 and consists of a small group of researchers from various countries. As a think tank on European construction, the association seeks to make a contribution to the current debates through its objective analysis and the relevance of its proposals.

*Notre Europe* participates in public debate in two ways: by publishing its own studies and by using the services of external researchers to contribute to reflection on European issues. These documents are intended for a small number of decision-makers, academics and journalists in the different countries of the European Union. They are also systematically placed on the website. In addition the association organises meetings and seminars, sometimes in collaboration with other institutions or press organisations.

*Notre Europe* also takes a position on matters that are deemed to be of prime importance for the future of the European Union, through the voice of its President or its Board of Directors, which, aside from managing the association, is also in charge of its general direction and provides the impetus for its work. An international committee comprising high-level European personalities meets once or twice a year to discuss a specific important European issue.

# Summary

Deliberation between citizens is essential to the democratic process, whether through representation, or by means of more “direct” or “participative” approaches. When it comes to the European Union, a formula for cross-border deliberation has yet to be evolved. With this in mind, new approaches to “civic dialogue” have been developed. However, even these innovative approaches do not offer any guarantee as to the quality of public debate. Does it, on the basis of accessible and balanced information, enable the broadest and most diverse cross-section of citizens to form and express a personal opinion?

Paying particular attention to the debates surrounding the 29 May 2005 French referendum on the EU Constitutional Treaty, this paper proposes

- To identify the short-comings of traditional as well as innovative approaches to debating,
- To outline the features which would make for improved public debate, and
- To signpost lines of enquiries regarding research and action in this field.

# Table of contents

“The right to be heard (or read) for all stakeholders”... Yes indeed, but how?	p.1
1 Conditions for a quality civic debate	p.4
<hr/>	
1.1 Definition, objectives and constraints of collective deliberation	p.4
1.2 the 2005 French referendum campaign: an eye-opener on the short-comings of contemporary collective deliberation	p.10
1.3 Innovative approaches to deliberation: there is room for improvement	p.13
2 procedural imagination to the rescue of deliberative democracy – some lines of enquiry	p.18
<hr/>	
Interim conclusion: an uncharted territory	p.20
ANNEX	p.21

## “The right to be heard (or read) for all”... Yes indeed, but how?

*It is June 2005. In a sun-drenched street, a smiling girl student wordlessly hands out to me the substantial questionnaire by means of which Monsieur Jean François-Poncet, President of the Comité de Bassin Adour-Garonne<sup>1</sup> invites my views on “the priorities and means to ensure the good environmental conditions of all water resources as set down by French and European law, as well as on the ‘work schedule’ in view of the revision of the S.D.A.G.E. (see last page)”. Fortunately, I have the next “six months to scan the documents made available in local administration offices (Prefectures, Sous-prefectures) and Agence de l’Eau outlets as well as the Internet”. In compliance with directive 2000/60/EC establishing a framework for Community action in the field of water, which should enable me to form an opinion on the option, among others, to “include the cost of the anti-pollution works in the price of the water paid by and the products sold to the consumer”, thus making it possible for the Committee to establish how “to address the works necessary [to the improvement of river water quality]”...*

**“The aim should be to create a cross-border ‘arena’ where nationals from different countries may discuss what they see as key challenges for the Union”**

### **The European Commission**

Our understanding of the voting public’s role in politics has changed a great deal since Montesquieu wrote in *The Spirit of Laws* that “The people are extremely well qualified for choosing those whom they are to entrust with part of their authority, [but they] are incapable of conducting the administration themselves”<sup>2</sup>. Yet, as Robert A. Dahl has

shown, representation evolved for a long time without the benefit of civic involvement in public policy drafting or decision-making<sup>3</sup>. More than forty years ago now, Général de Gaulle declared that Europe would only truly be born when its diverse peoples were directly associated to the decision-making process<sup>4</sup> by way of referenda organised on the same day in the whole Community. The laying down of ground rules for a “direct” and “participative” democracy throughout the EU is ongoing. Today, the still remote possibility to organise coinciding pan-European referenda and to allow for a right to popular initiative at community level belong to a hazy future. Many people still see direct democracy and participative democracy as a challenge to representative democracy (ideas developed in [Appendix 1](#)).

Yet, the necessity to involve the voting public in the shaping of public policies and in decision-making becomes more apparent from one day to the next, for the purpose of government efficiency, and for moral reasons tied in with the legitimacy of power. Commonly held

---

<sup>1</sup> Department of a French water utility

<sup>2</sup> Translated by Thomas Nugent, revised by J. V. Prichard, Based on a public domain edition published in 1914 by G. Bell & Sons Ltd., London. Rendered into HTML and text by Jon Roland of the Constitution Society

<sup>3</sup> Robert A. Dahl, *On Democracy*, Yale University Press, New Haven & London, 1998, p.39

<sup>4</sup> Reference taken from the *Guidebook to Direct Democracy in Switzerland and Beyond*, Initiative & Referendum Institute Europe, Amsterdam, 2005, p.108

confusions between representative, direct and participative democracy show that one thing is consistently overlooked: democracy, whatever its shape, is inconceivable without healthy and rich prior discussion and deliberation, between the voters, and between the voters and their representatives. It is through discussion that opinions emerge, through public debate that “members of a collective body communicate between themselves in order to reach a joint decision”<sup>5</sup>. To conceive of direct, representative and participative forms of democracy as at times incompatibles, or competing with each other only shows how little attention is paid to deliberation, the underpinning of democracy and the unifying principle of its assorted versions.

Deliberation is sadly lacking between citizens of the Union’s Member States. Political debate has hitherto been confined within national borders and the “European arena” struggles to materialise. Yet public debate is not the preserve of its regions or nation states, it is utterly applicable at community level. The Commission has acknowledged the fact on numerous occasions: “the aim should be to create a cross-border ‘arena’ where nationals from different countries may discuss what they see as key challenges for the Union”. Meanwhile, the words “civic dialogue” seem to mean little more than exchanges among the civil society organisations present in Brussels; or the availability of a channel of information for the citizens to keep themselves informed, possibly to voice an opinion. Inviting or structuring the debate between and with them is not included, especially not across borders<sup>6</sup>. Participation and deliberation are undoubtedly complex community issues – made even more complicated by linguistic and geographic obstacles. The fact is that a formula for public European debate has yet to emerge.

Now, in both the personal anecdote recounted earlier and the May 2005 French referendum on the Constitutional Treaty, “direct” and “participative” democracy formulae flag one of the crucial issues at stake in debating: our rulers and relevant authorities must endeavour to create conditions for a true

**“The problem is not whether you are for or against the referendum. decisive will be the quality of the attendant debate”**

**Pierre Rosanvallon, 2 June 2004**

debate, that is, in Pierre Rosanvallon’s words, an “open and intensified”<sup>7</sup> one. This calls for an undeniable cultural shift with regards to a strictly representative conception of public affairs. For the opportunity for the citizens to discuss an issue, to keep themselves informed or voice

---

<sup>5</sup> Bernard Manin, *op. cit.*

<sup>6</sup> COM (2001)428 Final, “European Governance, A White Paper”, 25.7.2001. It is worth noting that “participation” (p.10) and maximal implication of third party players (p.11) focus essentially on the formula of public information and do not propose any deliberately inclusive formulae from the European authorities. “Providing more information and more effective communication are a pre-condition for generating a sense of belonging to Europe. The aim should be to create a transnational ‘space’ where citizens from different countries can discuss what they perceive as being the important challenges for the Union. This should help policy makers to stay in touch with European public opinion and could guide them to identifying European projects which mobilise public support.” It is also observable in COM(2002)277 final, “Towards a reinforced culture of consultation and dialogue” that the word “citizens”, is actually understood as “interested parties” or “stakeholders” and “reaching out to citizens through regional and local democracy”.

<sup>7</sup> Pierre Rosanvallon, *Le Monde*, “Vices et vertus du référendum (Vices and Virtues of the Referendum)”, 2 June 2004

an opinion is simply not enough, especially on such complex questions. This is what Rosanvallon had to say when, in June 2004, he heard floated the possibility of a French referendum: "The problem is not whether you are for or against the referendum. Decisive will be the quality of the attendant debate".

A "deliberative democracy" – far from being the tautology it first appears to be – is particularly demanding of its elected representatives: it forces them out of party political strife to keep in check any drifting of the matter in hand. They also have to ensure that the information provided is impartial and that the largest possible number of citizens has the possibility to form – and inform – their opinion. Theoretically, it demands of them in turn to fulfil a legislating role as advocates of the public interest, and to ensure the meeting of all necessary conditions enabling the voting public to discuss their common future between themselves. In the event, this second role is rarely taken seriously, even when the stated object, as in the case of the *Comité de Bassin Adour-Garonne*, is "the right, for the first time with regards to water issues, to be heard (or read) for all".

For, in the name of democratic ideals, certain practices have now arisen which are more or less conducive to quality civic deliberation. Stakeholders association have come up with well thought out practices for decision-making and the drafting of official policies which aim to "democratise democracy". However, the thinking and praxis in view of a debate mindful of the voting public, that is whereby they are in a position to speak up without being exposed to attempts at manipulation, remain fairly limited. The rhetoric is symbolically loaded, but still woolly, as is the implementation. Beyond the kudos they can draw from it, few elected representatives have taken on board the advent of participative democracy. Admittedly, the analyses that could support their action are lacking.

The pioneers of humanitarian action had to defend a clear and rigorous definition of its ideals and activities in order to fend off any high jacking likely to undermine its legitimacy: in the same way the political actors – designers, organisers, users and, hopefully, the citizens themselves – must participate in the formulation of the exacting standards which will enable public deliberation fully to play its part. Failing which frustration and cynicism will prevail.

We wish to join in this endeavour. **In the relative dearth of methodology for public debating, we will first attempt to identify the conditions necessary to a quality deliberation. On the strength of our analysis we will signpost research areas which would in due course make it possible to develop a debating methodology for the attention of European rulers, at national and community levels.**

# I – Conditions for a Quality Civic Debate

Whether “Representative”, “direct” or “participative”, there is no such thing as a perfect democracy any more than perfect citizens or ideal deliberation. Laying no claims to perfection should not detract from perfectibility. In order to contribute to the improvement of public debating practices, we must pay particular attention to the conditions for improved collective deliberation, analyse current failures when we can remedy them, and assess the more advanced forms of deliberation.

## 1.1. DEFINITION, OBJECTIVES AND CONSTRAINTS OF COLLECTIVE DELIBERATION

First of all, **what is democratic collective deliberation** and which criteria should it meet? “*Deliberative democracy theoreticians, says Professor Loïc Blondiaux (Lille II), have narrowed this down to three principles*<sup>8</sup>:

- A principle of argumentation: *democratic debate should essentially consist in an exchange of reasoning (...)*<sup>9</sup>. *This calls for processes calculated to elicit the best arguments and disinclined to an exclusively aggregative conception of legitimacy;*
- A principle of inclusion: *the discussion must be open to the largest number, ideally to all those likely to be affected by the decision (...) as far as possible, the conditions for an egalitarian, free, non violent and open discussion must be sought;*
- A principle of publicity or transparency: *which sets this deliberation apart from other, less democratic and open forms of deliberation.”*

It follows from these principles that a “quality” democratic deliberation should meet the **objectives** below:

- Enable as broad and diverse a cross-section of citizens to form and express their opinion, on the strength of accessible and even-handed information;
- Give a voice to minority views, draw out unspoken, indeed subconscious opinions, and ensure they are taken into account;
- Further a discussion truly focused on the questions in hand and limit, not the politicisation, but the over-simplifying and slanting of the debate<sup>10</sup>;
- Generally encourage the independent participation of the stakeholders to their countries’ political life;

---

<sup>8</sup> Loïc Blondiaux, “Démocratie délibérative et démocratie participative : une lecture critique (Deliberative Democracy and PARTICIPATIVE DEMOCRACY: a Critical Reading)”, in *Démocratie participative et gestion de proximité (Participative Democracy and Closest Point of Delivery Management)*, Paris: La Découverte, 2004

<sup>9</sup> Elsewhere, Bernard Manin states: “A collective body is said to be debating if the information shared prior to a decision is made up of arguments understood minimally speaking as a proposition designed to persuade the members of the deliberative community.”

<sup>10</sup> The priority, according to P.Rosanvallon is to avoid “the use of a vote to express an opposition essentially external to its object thus nullifying its specific content”, *ibidem*.



- Thus promote a more effective government model: bringing up alternative solutions to the problems under scrutiny, facilitate the implementation of the resulting policies, etc.

It is easy to see how these aspirations clash with the sometimes self-centred interest politicians take in the organisation of public debate. Consider here the French *Parti Socialiste's* comments on regional participative democracy: the *PS* sees in it the opportunity "to raise the profile of regional administration", to "remedy the over-technocratic and managerial image" generated by its regional policies, and to flaunt "a government style different" from its opponents on the Right<sup>11</sup>.

It remains that a number of **constraints** specific to collective deliberation make the more ambitious objectives that may be assigned to it more difficult to implement. They should be thoroughly researched. For the time being, we have short listed:

- A surfeit of information: the general public's attention capacity is quite rightly limited to current political debates. The less observant among them pick up bits of information – all too often inaccurate or devoid of context – from television, magazines, and hear-say. Experience has shown that the public at large hears for the first time about an issue when the crisis is upon them. For instance, in the United States, 69% of American citizens quoted energy as their country's major problem during the 1979 energy crisis. By the beginning of the eighties, the rate had fallen to zero, where it remained for the following ten years<sup>12</sup>.
- Social psychology has shown that the capacity to listen to and take in information contrary to one's own opinion is restricted by two factors: "confirmatory bias" and "group polarisation". In Bernard Manin's terms: "in the absence of dispositions specifically formulated to make people take on board information and positions contrary to their own views, the discussion is more than likely to reinforce their original opinion." Manin concludes from such analyses that "the presence of a range of opinion in a discussion does not guarantee a confrontation of ideas". Accordingly, "the deliberation must be purposely structured to allow for the presence of contradiction and, in the instance of actual deliberation, the proper weighing by the deliberating body of the pros and cons of the actions under discussion. (...) Within a deliberating

---

<sup>11</sup> Quoted by Le Monde, "The Regions at the Forefront of Participative Democracy", 5 July 2005.

<sup>12</sup> Ann Stouffer, Mark Richards, "Constructive Public Involvement in Decision-Making for Long-Term Sustainable Systems", Bisconti Research Inc, Washington DC,

assembly, the practice of contradiction must be established, not just expected<sup>13</sup>."

- Two other phenomena familiar to psychologists and sociologists are those of selective exposition and social fragmentation: as a result of their social progress and environment, the stakeholders are not naturally exposed to different viewpoints.
- The complexity pertaining to any social debate: in the event of a complex debate, say the discussion of the Constitutional Treaty, some consider that institutional matters just cannot be subjected to popular scrutiny, for they are liable to being over-simplified and high jacked. Others, along with us, consider that any public debate is of necessity complex and that the voting public must become able to access straightforward information and to formulate their interrogation by means of an educational approach, aiming to give all stakeholders a voice (what is known as "empowerment").
- Elites dominated debate: elected representatives, technocrats, media, lobbies, and other experts have a manifest and essential part to play in defining the terms of debate. They identify civic preoccupations and frame them in plain language; they take part, more or less successfully, in the formulation of alternatives. The power of these actors is derived to a large extent from their position of control over the terms of debate. Great therefore is the temptation for them to impose an agenda rather than to tune into citizens' needs. The truth is that party policy makers are often locked in tactical considerations and run the debate over their voter's heads. The situation is further complicated by the fact that, as a rule, the public authorities concerned are put in charge of participative democracy initiatives.
- Socio-economically lead inequality of access to deliberation: the problem is not new. Classic and Marxist democracy theories alike have delved in the different social classes' access to power, and to the deliberation table. However, though the analysis is old, the practical implications for a truly inclusive deliberation remain current: the victims of a

---

<sup>13</sup> Cass Sunstein explains in *Why Societies Need Dissent*, Harvard University Press, Cambridge, MA, 2003, and more specifically in chapter 6: "The Law of Group Polarization": "*informational and reputational influences in producing conformity and cascades (...) provide the background for an examination of group polarization (...). A deliberative group ends up taking a more extreme position than its median member took before deliberation began.*" Bernard Manin has based his examination of the implications for democratic deliberation on these studies: "*The desirability for deliberating groups systematically to radicalise their positions in the direction of their external leanings is not justifiable*" (*ibidem*). He goes on to analyse the reasons of a possible unbalance in the deliberations: superficial participant diversity; biased nature of the practical arguments presented by a group sharing the same objective, especially when motivated by the same emotions. Manin describes diverse theoretical situations where the group may appear to have had an excellent deliberation, "*with 'lots of ideas'*", but where "*the very quest for ideas and arguments could be biased*" and the deliberation in effect "*insufficient, or at any rate, biased*". "*A deliberating assembly, however diverse, does not necessarily ponder the pros and cons of the actions it proposes*". He discusses the Devil's advocacy technique (accusation en illegalite), a "*second reading*" of the decisions taken by the Athens Assembly "*before the courts the decision was examined in a necessarily adversarial manner, after both party had been given time to prepare their case (...) a deliberately imposed institutional construction.*" Experience shows that it is more effective to bring the stakeholders to consider diverging views indirectly. "Whatever the case, in an action-directed deliberation, the exposition of diverse views cannot be expected automatically to yield a confrontation of the arguments *pro* and *contra*, nor a balanced consideration thereof".

given social order are not likely to be in a position to steer collective deliberation towards questioning that order<sup>14</sup>. Finally let us not overlook the glaring evidence that, as a result of their level of education all citizens do not have the same ability to absorb information and join in the debate. Appropriate support is requisite if all stakeholders are to own the debate.

- The discrepancy in interest for European issues: the relative public disinterest for European issues compounds these trends. Elvire Letourneur-Fabry, then research fellow at the Fondation Robert Schuman and author of a thesis on European citizenship offers the following analysis: *"The equation to solve bears on the apparent contradiction between the desire expressed in the polls to be better informed on community policies and the lack of 'consumption' of such information. Sustained education and communication efforts have furthered the increase in the citizens' alertness to the specificity of European issues. But whilst it can be encouraged, civic involvement only makes sense from the bottom up."* From this lack of interest in the construction of Europe, Andrew Moravcsik draws a harsh conclusion: *"Engaging European citizens will not necessarily create rational (let alone supportive) debate, because those with intense preferences about the EU tend to be its opponents. Average citizens and political parties keep only a few issues—usually those involving heavy tax and spending—in their mind at any one time, and thus respond only to highly salient ideals and issues. The pull of Europe remains weak, while the bread and butter policies citizens care about most, including the welfare and identity issues that dominated referendum debates, remain almost exclusively in national hands. The failure of European elections to generate high turnouts or focus on EU issues over the years suggests that citizens fail to participate in EU politics not because they are blocked from doing so, but because they have insufficient incentive. (...)"*<sup>15</sup>. When Moravcsik concludes that the voting public will only take an interest in national issues, we choose to think that it is not enough to create occasions to debate Europe, but that the subject and the conditions of the debate must be finely judged to overcome these natural reservations.

---

<sup>14</sup> John Gaventa, *Power and powerlessness: Quiescence and Rebellion in an Appalachian Valley*, University of Illinois: 1980

<sup>15</sup> Andrew Moravcsik, *Europe without Illusions: A Category Error*, *Prospect*, London, Issue 112 / July 2005

- The relative absence of a European public sphere: the European 'democratic deficit' justifies a sustained effort to prop up European democratic praxis. Of the three pillars of democratic power we know as institutions and procedures, accountability, and public space, Pascal Lamy notes that the third is assuredly the most problematic at Community level<sup>16</sup>. It "*consists in a public space for the confrontation, debate, discussion of major issues and the political definition of their solution*". This is indeed the most difficult feature to develop in our richly diverse union of distinct peoples. As Kalypso Nicolaidis explains, the Union has a logic of its own which calls for the adjustment of ordinary conditions of democratic life: "*The EU is neither a union of democracies nor a union as democracy; it is a union of states and of peoples—a 'demoicracy'—in the making. It appeals to a political philosophy of its own — transnational pluralism— rather than some extended notion of the nation-state*"<sup>17</sup>. Collective deliberation between the citizens of different Member States is therefore not only as important as at national level but also a lot more complicated. A hybrid creation, the EU cannot be content with the discussion and deliberation techniques developed for the purpose of nation states. To start with, it requires a European *demos*, not indeed in the sense of an illusory fusion of identities as dreamed of by a few federalists, but in the sense of the promotion of a common political sphere. This, according to Thomas Risse, comprises of four elements: [1] the discussion of common political issues, [2] at the same time in all the Member States, [3] in the mutual respect of the participants, [4] on community issues<sup>18</sup>. There can be no European *demos* without debate. "*It is of the essence, Rosanvallon concludes, for there is no people without a forum*". And there can be no European debate without a European *demos*. There is no need to delve deeper into the matter: collective European deliberation is in its infancy. It must at the very least deal with community issues of concern to the stakeholders, bringing citizens of the different Member States together to debate them at the same time.

---

<sup>16</sup> Pascal Lamy, *La démocratie-monde, pour une autre gouvernance* (World Democracy, for an Other Governance), La République des idées, Le Seuil, Paris, 2004. (1) "*Elements of legitimacy steeped in institutions and procedures*"; at this level we can confidently say that there does not, properly speaking, exist any European "democratic deficit". Current community institutions, procedures and practices guarantee the Union's democratic character. (2) "*Any democratic power is thereafter founded on its efficiency, (...): It must not just rest on a majority, it must also answer for its actions.*" In this respect, voiced criticisms have brought about important efforts towards good governance: transparency, access to information, quick response to external requests, and other good practices place European institutions at a level of openness which could benefit a number of national authorities. Notable among recent advances, is the self-assurance assumed by the European Parliament in the nomination procedure for the college of Commissioners. The Constitutional Treaty provides for further improvements. The citizens enjoy a direct representation in the European Parliament, though it remains remote at executive level. Increased role for the European Parliament, election of the President of the Commission by the same Parliament, publicity of the sessions of the council of ministers. The importance of dialogue and of participative democracy are recognised in article 46 and Instituted through the Right to Popular Initiative (article 47-2).

<sup>17</sup> Kalypso Nicolaidis, "We the Peoples of Europe...", in *Foreign Affairs*, Nov./Dec.2004, p.101

<sup>18</sup> Thomas Risse, "How Do We Know a European Public Sphere When We See One? Theoretical Clarifications and Empirical Indicators", *European University Institute workshop*, Feb.20-21, 2002

- Practical constraints: bringing groups of citizens together for days on end can only be complicated and costly, particularly at transnational level. Jean-Marc Ferry, director of the Centre for Political Theory at the Université Libre, Brussels recommends that *“every important decision, every new stage in European integration must henceforward be aired in a public arena where the pros and cons can be voiced”*. Such an ambition is not readily achievable in practice given the desire to break free from the limits on current deliberations<sup>19</sup>. It could be worth choosing key deliberation moments, in tune with genuine public expectation, and running them in the best possible way. The more so since at European level inclusive and transnational deliberation implies numerous constraints to do with languages, practicalities (bringing people face to face), cultures (access to information, etc.).
- The cultural factor is particularly problematic: a French national is unlikely to approach debating in the same way as a Scandinavian or a Spaniard. To which extent will a method of structured deliberation transfer from one context to the other? And, trickier still, how should these cultural differences be handled in a deliberation between nationals from different countries? To the best of our knowledge these questions have not, on the face of it, been addressed.

Finally, because of its place at the core of political strife, the voting public's participation, hence their collective deliberation suffer from a range of **limitations**, notably the many possible forms of gimmickry (to political marketing ends) and of appropriation<sup>20</sup>. As we observed in our introduction, collective deliberation, presented as God's gift to democracy, can in practice serve aims quite remote from those being debated, such as:

- Delaying tactics;
- Splitting public opinion, indeed splintering the vox populi<sup>21</sup>;
- The repression of opposing voices in the spurious pursuit of an all-important consensus – which has the added advantage of silencing the opposition in the process;
- The cosmetic implementation of a sought dialogue whilst making the economy of the range of opinions in presence;
- Deflection of criticism against an unsatisfactory tenure on the participants.

**The debates leading to the May 2005 French referendum, fertile though they were, bear out these issues.**

---

<sup>19</sup> *Le Monde*, 17 June 2005.

<sup>20</sup> See on this subject the evaluation by the UK Parliamentary Office of Science and Technology, November 2002, N° 189, p.3, <[www.parliament.co.uk/post/home.htm](http://www.parliament.co.uk/post/home.htm)>.

<sup>21</sup> If umbrella organisations such as political parties, associations, trade unions et al. have lost some of their credit in the eyes of critical voters, they no less play an essential role as intermediaries between them and their representatives. Under cover of direct “dialogue” between the government and the governed, the former could be tempted to by-pass these umbrella organisations, turning the latter into easy preys even as they feel valued.

## 1.2. THE 2005 FRENCH REFERENDUM CAMPAIGN: AN EYE-OPENER ON THE SHORT-COMINGS OF MODERN COLLECTIVE DELIBERATION

All too often, exercises in democracy, be it representative (elections), direct (referendums), or even so-called “participative” (e.g. the “Great National Debate on Energy” organised by the French government in 2003<sup>22</sup>), ushered with a surfeit of information and debates, are devoid of the deliberation which would meet their objectives and overcome the difficulties itemised above. Opportunities of dialogue are fostered in the hope to offer the best conditions for deliberation. In the event, far from enjoying the means to form a personal opinion, the stakeholders rely on scraps of information.

For all its intensity, the French referendum campaign did not escape these limitations. The mistake here would be to think that the quality of a debate is in proportion to the activity it generates or the success or failure of one position. In the first hypothesis, the French debate was an unqualified success. The director of the polling organisation *CSA Opinion*, Stéphane Rozès asserts: “*It is long since France had engaged in a debate of such intensity and quality, which was continued right inside the homes. It is long since a debate had thus shown us for what we are*”<sup>1</sup>. Yet he goes on to acknowledge that “*politicians proved unable to address the country’s deepest concerns, indulging instead in party political games*”.

Over the first semester of 2005, France was mostly treated to the standard information and discussion formats, including the omnipresent formal **television or radio debates** in which some – so called – experts from opposite sides outline their opinion before being quizzed by members of the audience. This is an information tool rather than a method designed to involve the public. From that angle, the shortcomings most commonly found in open deliberation as practiced in this type of debate are many:

- The public had few opportunities to sort out conflicting data, as a result of the information overload and because of media-led constraints. Some speakers do come over better under time restrictions as they can drive their point home most effectively in a tight time slot. The participants are left facing an array of simplistic catch phrases and hard-hitting facts, whilst denied the necessary critical distance. TV debates also favour, sometimes artificially, confrontations which do not so much allow for an assessment of the positions, than simply a reinforcement of prejudices.
- The debate frequently “drifted” towards subjects peripheral to the real issue. The discussion remained essentially nationally focused, with the occasional nod at non-French viewpoints. The major reasons for their vote as expressed by the voters in exit polls had to do with national politics. Finally, rather than seeking to find out the public’s genuine concerns, the object seems to have been to manufacture them, call them “Turkey”, “Bolkestein”, “Delocalisation”, “Raffarin”, “plan B” or “renegotiation”.

---

<sup>22</sup> <http://www.debat-energie.gouv.fr/site/index.php>

- Top down information was privileged. This is patent in the traditional conception of public debates: first the “experts”, politicians, physically set apart from the public, are invited to speak, only then is the audience given the opportunity to ask questions. As a rule, they emanate from the same types of participant, the more confident and informed, with considerable implications as to the origin and representative value of the enquiries.
- Inward looking debates: the openings for foreign participants to figure on debating panels were few and far between. When present, they were frequently criticised for interfering in the campaign. Rarer still were the chances of debating encounters between French and other Member States citizens.

Other frequently used debating format – setting aside information tools relying on the initiative of the parties concerned, such as websites, helplines, specialised publications, etc. –: the **hustings**. It is probably the most common and visible channel of public information. There was no shortage of them during the 2005 referendum campaign in France, thousands of discussions, conferences and meetings took place between the announcement of the referendum in July 2004 and the event itself at the end of May 2005. Even though time constraints play a lesser part, this type of exercise combines flaws similar to those above. Furthermore:

- The views presented are rarely balanced: meetings for the “yes” or the “no” are organised by supporters of either persuasion. With a line up of speakers mostly defending the same position, many of these meetings do not allow for an even comparison of the points of view: instead, they draw together partisans of the same one. We are left relying on the aptitude of enlightened citizens to attend a representative cross-section of meetings...
- Selection of participants: this type of meeting is only attended by people already involved<sup>23</sup> or with time on their hands<sup>24</sup>. This is compounded by the segmentation of the information channels (cable TV, Internet, etc.) and by social segregation dictated by geographic, socio cultural or other factors and resulting in “*numerous nuclei or*

---

<sup>23</sup> Andrew Moravcsik, *ibidem*, reminds us of what happened in the Convention experiment: “Enthused by the prospect of a re-enactment of Philadelphia 1787, millions of web-savvy Europeans were supposed to deliberate the meaning of Europe. (...) Of course, the constitutional deliberation did not mobilise Europeans. Few citizens were aware of the 200 conventionnels’ deliberations. When testimony from civil society was requested, professors turned up. When a youth conference was called, would-be Eurocrats attended.”

<sup>24</sup> In this respect, Loïc Blondiaux calls for greater attention to schedules: “*Elected representatives never think about the time they set meetings for: set them at 7 p.m. and you have written off young mums’ attendance*”. and also, “*nobody has ever taken steps to arrange translation facilities for foreign attendees*”. Interview, *Le Monde*, 5 July 2005.

*network of people sharing an opinion or other common features”, and likely to generate “reinforcement and polarisation trends”<sup>25</sup>.*

Finally, the campaign was to herald the advent of **supposedly innovative debating formulae**, viz. the televised encounter between the President of the Republic and a panel claiming to be representative of French youth, on 14 April 2005. *“Even if I had managed to get to a mike, they controlled the transmission. We came to participate, we did no more than spectate”<sup>26</sup>*. Thus Emmanuel, summing up the operation to which he had been invited. Some of his companions were less fluent: some were not happy to *“have been the glove-puppets in a farce”*. Others tried to be reasonable: *“Anyway, we couldn’t all have had our say”*. This, imagined by the President’s Office at the Elysée and the French first television channel TF1, was a discussion venture which proposed to be a moment of collective deliberation, thought through, exemplary for the rest of the campaign.

To its credit, this experiment sought to gather a mixed group of stakeholders who may not have otherwise had the opportunity to debate the Constitutional Treaty. It allowed them some time to prepare their encounter with Jacques Chirac<sup>27</sup>. The comments passed on by the participants no less highlight the extent to which, given a commitment to the stakeholders that they will have their say, it becomes necessary to secure for them the means of a true exchange. In this respect, the 14 April experiment was found wanting in that:

- Several of the questions were too closely related to the personal experience of the participants;
- Other questions were on the contrary very broad, reaching far beyond the Constitution framework, indeed the very concept of the European Union;
- In the absence of any contradiction to the only “expert” proposing answers, the participants were naturally enough left with the feeling that, rather than improving their understanding, they had served as props in a lesson to the Nation.
- This exercise highlights how much forethought must go into the organisation of that particular format, if only to afford the citizens more time to familiarise themselves with the subject and frame relevant, finely-honed questions.

---

<sup>25</sup> Manin, *ibidem*.

<sup>26</sup> *Le Monde*, 16 April 2005

<sup>27</sup> TF1 had arranged for the participants to meet in the morning in order to prepare their questions with the help of journalists.



**“Even if I had managed to get to a mike, they controlled the transmission. We came to participate, we did no more than spectate”**

**Emmanuel, participant in the 14 April 2005 debate with Jacques Chirac**

Over and above this, the multiplication, as the campaign progressed, of local meetings, the interest the general media took in European questions, the multiples *blogs* and other online fora (e.g. *Telerama's*) are to be welcome. Yet, in as much as democracy matters, the campaign leading to the referendum on the Constitutional Treaty also showed up both the inadequacies of our current approaches to deliberation and the general public's earnest expectation in this domain. It does not follow from the proliferation of debates that the debating is fertile. The great intensity of the campaign provides ample evidence of the citizens' thirst for discussion, including on European matters whilst the serious questioning of traditional representational systems conveyed in their attitude will have escaped no serious observer. Representative democracy seems, more than ever before, "*in crisis*"<sup>28</sup>. The campaign magnified enlightened representative democracy's loss of currency: "*The paradox of this vote, is how difficult it has proved for opinion leaders to see that the debate was slipping from their hands. The voters did not decide along the lines leaders had believed decisive*", observed Stéphane Rozès, director of the polling organisation *CSA Opinion*. In the words of essayist Laurent Cohen-Tanguy, "*the citizens no longer hear their political or spiritual leaders*"<sup>29</sup>.

To a broadly sceptical voting public trapped in its national political arena and for the most part on the lookout for new forms of participation, the 2005 campaign did not provide any solid answer to the question of new forms of deliberation. They came up elsewhere and are themselves perfectible.

### **1.3. THE PRACTICE OF INNOVATIVE DELIBERATION: THERE IS ROOM FOR IMPROVEMENT**

On the strength of these findings, numerous initiatives to create new forms of participative democracy aiming to achieve quality collective deliberation and to overcome the obstacles which hinder it have sprung up over the last few years. They come mostly from the United States and Denmark. They are novel and constitute one step forward. They are listed in [Appendix 2](#).

These diverse techniques share a fair number of common features, formulated and realised to a greater or lesser extent, which make them interesting and different from exercises in local democracy such as neighbourhood associations, community projects, and other collectives "*which aim to establish participation or deliberation in connection with a territory*

---

<sup>28</sup> According to the participants to a seminar organised by the *Sénat* (the French Upper House) on the French referendum, Patrick Roger, *Le Monde*, "Questions to the *Sénat* on Representative Democracy", 13 June 2005

<sup>29</sup> Patrick Roger, *ibidem*

(neighbourhood councils, design statements working groups...), a public service or a set of commodities (on the provision of water or public services ...)"<sup>30</sup>.

These features aim to meet expectations and overcome the hurdles outlined above. Namely:

- Allow time for reflection, allowing at least two days and up to several weeks for the process to take place.
- Ensure that the participants can access the available expertise in a balanced and accessible manner. In preparation to some debates, for instance in deliberative polling, the stakeholders receive, several weeks prior to the final meeting, some short, even-handed information, designed (under the supervision of a scientific committee, itself deemed impartial) to be easily digested so that they can involve family and friends in their preparation. A number of those techniques call for the formation of a "scientific committee" whose job it is to ensure the impartiality of the information provided (citizens conferences and deliberative polls for instance).
- Let everybody have their say, ensure a "*multiplicity of perspectives*"<sup>31</sup>, by inviting a broad spectrum of people and applying a purposely inclusive methodology. As a rule, professional moderators will for instance ensure that all participants can intervene in the course of the debate. These methods are not to be confused with, for instance, "*Stakeholder dialogues*" which only call on those who feel concerned by an issue<sup>32</sup>.
- Empower the citizens and acknowledge their contribution, sometimes by means of recommendations, which the authorities pledge to include more or less directly in their normative documentation.
- Be exemplary: by means of a representative cross-section and promotion echoed in the media, the publication of polls (in deliberative polling) with a view to broaden the debate and to encourage other stakeholders to be more discriminating when forming an opinion;
- Channel the attention of political analysts and political actors towards the citizens' preoccupations, in Pascal Perrineau's words: "*direct collective deliberation at facts not fiction*"<sup>33</sup>.

---

<sup>30</sup> Loïc Blondiaux, "L'idée de démocratie participative, enjeux, impensés et questions récurrentes (The Idea of Participative Democracy, Issues, Unthought and Recurring Questions)", Lecture given at the University of Quebec in Montreal Thursday 11 November 2004

<sup>31</sup> Cass Sunstein, *ibidem*

<sup>32</sup> See on this subject the 3<sup>rd</sup> report of the House of Lords Select Committee on Science and Technology, "Science and Society", 2000, <[www.parliament.the-stationery-office.co.uk](http://www.parliament.the-stationery-office.co.uk)>.

<sup>33</sup> Interestingly, a Deliberation Day aims at bringing out the voting public's questions early in the campaign. "*That would put paid to pre-planned campaigns (...) and would enable commentators and candidates to concentrate on the issues at stake and the questions raised in assemblies during polling preparations.*"

It is a fact that, without idealising limited and perfectible practices, *"deliberation delivers a result more worthy of respect"* in all cases, concludes Bruce Ackerman, drawing from the twenty odd deliberative polls organised to date around the world<sup>34</sup>. These deliberative techniques allow, according to Pascal Perrineau, *"a more mundane but more consistent democracy"*<sup>35</sup>. Deliberative polls show, for instance, the various evolution of participants' opinion, an increased interest in politics, the recognition of their ignorance and need for information<sup>36</sup>. The terms of decision regarding complex technological questions (GMO, nuclear, etc.) *"have shown, particularly in the context of controversial sociotechnology, that the prospect of a democratisation of scientific choices showed signs of feasibility"*<sup>37</sup>.

In due course, as the campaign leading to the May 2005 French referendum has shown, **citizens will be seeking better-devised deliberations formulae**. Yet how does one ensure that supposedly thought out deliberations do not manipulate the citizens, threatening the very essence of democracy? For it is easy to mislead the public by dint of gratifying terms such as *"deliberation"* and *"participation"*. These techniques, thought out though they be, have **limitations** too, as shown in the experiment run by Notre Europe on 21 May 2005, and detailed in Henri Monceau's study<sup>38</sup>:

- Beyond techniques such as using a moderator, deferring to a scientific committee, there is not much protection against "remotely controlled" debates. The research into the available techniques towards the emergence of a genuinely independent expression of all the citizens is in progress, but much has yet to be done: how should pre-debate training be set up? How long will the debate require, and depending on which methodology? How are debate moderators' professional techniques to be adapted to the specific needs of politically centred collective deliberation? How the conditions that will bring out what was left unsaid created? How the hidden aspects of a social issue explored?
- How representative and for which debate? These exercises have the merit to assemble a representative societal cross-section. This proactive approach is a welcome improvement on current discussion formats which only concern a politically and socially active segment of the population. It no less raises three questions: what type of representation is being sought (sociological or political)? How do we ensure, whilst reproducing a microcosm of society that we do not transfer to the debate the very

---

<sup>34</sup> Ackerman, *ibidem*, p.65

<sup>35</sup> Perrineau, *ibidem*.

<sup>36</sup> Nonna Mayer, "Le sondage délibératif au secours de la démocratie (Deliberative Polling to the Rescue of Democracy)", *Le Débat*, 96, September-October 1997, pp.67-72

<sup>37</sup> Loïc Blondiaux, *ibidem*

<sup>38</sup> Henri Monceau, "Une expérience de démocratie participative : l'organisation de *focus groups* délibératifs dans le cadre de la campagne référendaire française sur le Traité constitutionnel européen « European Constitution and Deliberation: the example of deliberative focus groups ahead the French referendum of 29 May 2005 », Notre Europe, Etudes & Recherches, n°45, december 2005.

strictures inherent to that society? Which debating techniques need building in and which variations in the composition of panels would overcome this drawback<sup>39</sup>? Some formats (consensus conferences, citizens juries) are too small to allow for a meaningful representation.

- Which experts will answer the participants' questions? Practice at this level varies enormously. Not all public speakers are equally suited to addressing the demands of public deliberation. It has become apparent that elected representatives are often invited to contribute, even when the electoral implications are of direct import to them. There are also instances when there is a broad range of opinion but not enough contradiction between contributors. Experience suggests a number of practices worth investigating. Bernard Manin recently listed some of them<sup>40</sup>.
- Practices differ vastly as to the way the authorities treat the exercise's outcome, diversely seen as advice or recommendations, as mere discussion tool or as a more or less mandatory element of the decision making process. Practice shows that what matters before all is a clear statement of what the expectations are<sup>41</sup>.
- Methods of control and external evaluation must be reinforced, taking particular account of Loic Blondiaux' exposition<sup>42</sup>. He itemises six crucial dilemmas specific to exercises in local participative democracy, which, he suggests, can also serve for the evaluation of collective deliberation in general:
  1. The representation dilemma: statistical/sociological or political?
  2. The equality dilemma: an instrument for political integration or political exclusion?
  3. The scale dilemma or at what level should stakeholders be involved: local community or gradual progress to broader issues?
  4. The competence Dilemma: how to even out the dissimilarities in competence?
  5. The conflict dilemma: what is the desired outcome, consensus or controversy?
  6. The decision dilemma: is the sharing of political power and decision-making truly desired?

---

<sup>39</sup> A subject like GMOs, which was the discussion focus in several consensus conferences, does not bring out this type of questioning. It remains no less valid. A good illustration of the significance of that point, if something of a caricature, would be the organisation today of a public debate on the place of women in society in Afghanistan: it would require that these three issues be addressed with the greatest care.

<sup>40</sup> Bernard Manin, "Deliberation Across the Aisle", Judith Shklar Memorial Lecture, Dec. 2, 2004, Harvard University

<sup>41</sup> An example of good practice in this respect can be found in the UK's 1994 Consensus Conference on biotechnologies; for more information consult the Biotechnology and Biology Sciences Research Council's site: [www.bbsrc.ac.uk](http://www.bbsrc.ac.uk)

<sup>42</sup> Blondiaux, *ibidem*

Much as these processes of local consultation suffer from a “*great variability and instability in the processes*”, he explains, these practices are not codified; the actors take them on board more or less readily. So, what sort of evaluation, of sharing of good practice<sup>43</sup>?

The study of crucial aspects of opinion forming and of the conditions liable to avert such phenomena as group polarisation has only just begun. Meanwhile, two political scientists have shown, in their analysis of a citizens jury run in Australia in 2000 that the participants’ change

**Though not lured by the dream of perfect democracy, we do not have to settle for the hope that healthy popular deliberation will come into being unaided.**

in attitude occurred essentially during the opening information phase, much more so than during the subsequent discussion phase. This calls for an overall review of the factors linked to deliberation rather than a fixation on the formal debate<sup>44</sup>.

No innovative experiment has hitherto run the gauntlet of multicultural, transnational deliberation<sup>45</sup>. Which can be partly explained by the costs involved: the more inclusive and advanced the techniques and the more expensive they are. The two attempts to organise deliberative pan European polls to date have hit those buffers. The study Notre Europe publishes alongside this article gives its account<sup>46</sup>.

These techniques show that, though not lured by the dream of perfect democracy, we do not have to settle for the hope that healthy popular deliberation will come into being unaided. It remains that these new techniques can be improved. This will demand a genuine commitment on the part of the designers of those exercises, of their organisers, and of their “users”.

---

<sup>43</sup> The Danish Board of Technology is studying these questions in depth. Bernard Manin proposes the creation of an academics association, “The Friends of Deliberation”, *ibidem*, 2 Dec. 04

<sup>44</sup> Information provided by Manin, 2 Dec. 04, *ibidem*.

<sup>45</sup> In spite of two recent attempts to organise a deliberative consultation during the Convention (G.Amato) and in advance of the French referendum (by the authors on behalf of Notre *Europe*).

<sup>46</sup> Henri Monceau, *ibidem*

## 2 – Procedural Imagination To the Rescue of Deliberative Democracy – Some Lines of Enquiry

The considerations above were not intended to set forth ready-made methods for the running of “quality” collective’s deliberations, but to show that there is ample room for research aimed at inventing new procedures and improving those which already exist. The following lines of enquiry can already be considered:

An in-depth evaluation of the **conditions necessary to a genuine public involvement**. It would be particularly beneficial to **understand how to**:

- **Figure out the criteria** enabling the actors to evaluate a collective deliberation.
- Ensure that exercises in structured deliberation, which usually involve a limited group of citizens, remain as much as possible **connected with the outside world** and of benefit to the **population as a whole**.
- **Maximise the benefits whilst reducing the financial costs** of the deliberation.
- *The evaluation of innovative collective deliberation methods with regards to identified objectives and constraints is equally crucial<sup>47</sup>, it would entail among other things to:*
  - Exhaustively **itemise** and **analyse** participative democracy techniques available around the European Union and the world over.
  - Find out **which deliberation formats are best suited to which type of subjects**: would, say, a classification based on technicality levels be pertinent?
  - Identify the **factors most conducive to the formation of an independent opinion** and establish the **criteria for a “successful” collective deliberation**<sup>48</sup>.

And a better understanding of opinion forming mechanisms would not be a luxury:

- The object is to promote an in-depth debate, focused on the voting public’s concerns. For **where** indeed **have the questions raised by the stakeholders sprung from** in a politically driven debate? How **can a breeding ground for questions owned by those who ask them be nurtured?**

---

<sup>47</sup> G.Rowe, L. Frewer, “Public Participation Methods: A Framework for Evaluation”, *Science, Technology and Human values*, 25(1), 2000

<sup>48</sup> Robert C.Luskin, James S.Fishkin, and Roger Jowell, “Considered Opinions: Deliberative Polling in Britain”, *British Journal of Political Science*, 32 (July, 2002): “Another question is how the information gains and changes in policy preferences came from the briefing materials, versus talking, reading and thinking about the issues in the gestation period between recruitment and deliberation, versus the small group discussions, versus the large group sessions with policy experts, versus the large group sessions with politicians, etc.”

- Are such proposals as a Deliberative Day the right vehicle to **focus debates** on the real issues, and to eliminate the tactical and electioneering considerations which prevent a true confrontation of ideas (in the case of a referendum, on the question in hand)?

How can the conditions for an adequate deliberation be fostered in the future?

- Is it possible – or relevant to develop **labels, recognised methodologies**? It is of no small interest that Professor James Fishkin has copyrighted the concept of “Deliberative Polling”. Contrary to what could be seen as an attempt at intellectual confiscation of the process, or at commercial protection, the object is to ensure that his method is not abused. Given the high-handed way in which “consensus conferences” are today organised, such steps are to be applauded
- Though pre-referendum campaigns are generally framed by rules securing a fair apportionment of airtime, a clear definition of the government’s role, and parties’ financial accountability, no rules govern the operations of participative democracy. This is justified by their non decisional nature. Is it realistic and useful to develop **rules for collective deliberation and participative democracy**?
- What **media-specific methodological recommendations** could be evolved to guide their association to structured collective deliberation formulae?

## Interim Conclusion: An Uncharted Territory

Collective deliberation is essential at every level of democracy. At European and national level, “referendum” and “confrontation of opinions” are not interchangeable. Neither should a proliferation of debates be seen as a pinnacle. Collective deliberation’s innovative techniques need not rest on laurels earned by good intentions and sustained methodology.

As the principle of citizens’ involvement in the policy design process and in public decisions is acquired, **time has come to scrutinise the mechanisms best suited to the advancement of inclusive deliberation**, putting the broadest and most varied possible spectrum of citizens in a position to take part. There is plenty of opportunity for progress, but it will call for rigorous analysis and praxis.

With regards to civic deliberation beyond national borders, we have but **skimmed the surface** of its possibilities. Most of the groundwork has yet to be done. Notre Europe has done its bit with the organisation on **21 May 2005** of the ‘deliberative’ *focus groups*, the teachings of which are described elsewhere, and which give a very realistic idea of the benefits and limits of that kind of effort<sup>49</sup>. Beyond this isolated exercise, Notre Europe will from **2005 to 2007** research these questions in depth. Between now and 2007, the DIDACT - *Deliberation in Democracy: towards Active Citizenship Training* – programme will develop an analytical grid laying bare the mechanisms through which deliberations enable the voting public to form an opinion, will work out practical recommendations towards the organisation of innovative deliberations, and will continue to disseminate these methods by training more trainers.

---

<sup>49</sup> Henri Monceau, *op. cit.*



# APPENDIX 1 – Direct, representative and participative democracy made clear

The concepts of direct, representative and participative democracy should need no introduction. Outwardly distinct but complementary, their boundaries have however been fudged by diverse philosophical orientations and bring into light the different conceptions of the citizens' role in democracy.

The think-tank specialising in questions of direct democracy in Europe, *Initiative & Referendum Institute – Europe*, defines direct democracy as the form of government in which “sovereign power is held by the People, i.e. national sovereignty belongs directly to the People. The People also exercise their sovereignty directly, for example by means of popular legislation (the People propose and approve the laws)”. The essential characteristic of direct democracy is the unmediated association of the citizens to public decision (Glossary “Direct Democracy Handbook”, IRI Europe, Brussels, coming out end 2005).

As for representative democracy, it became in the 19<sup>th</sup> century the undisputed form of government in modern States. In its principle, if not in its practice, its legitimacy as a preferred form of government for large social groups is not in question among democrats. In an extended society, Robert Dahl explains, it is “the only, albeit deeply flawed, practicable option” which meets all the democratic criteria: effective participation of the citizens; individual votes of equal weight; scope to comprehend the political issues at stake; room to ensure that nobody constrains the political agenda but that everybody can submit subjects to debate; and guaranteed equal rights to all the adult population (Robert A. Dahl, *ibidem*, p.39). This system makes it possible “for the citizens to elect their representatives and reasonably to hold them to account by somehow reminding them of the next elections”, he indicates (*ibidem*, p.93).

Participative democracy has in turn gradually come to complement the two concepts above in the second half of the 20<sup>th</sup> century. Its object is to enable the stakeholders to take an active part in the process of public policy design. Their involvement can take very varied forms: informal consultation (for instance on websites, where anybody can voice an opinion) or organised consultation (on the basis of sophisticated methodologies, explained further, designed to enhance the quality of opinion in targeted groups); consultation aimed at drawing out the voting public's interrogations, expectations, priorities. For the sake of clarity, we shall restrict its scope to the design of public policies, leaving out, contrary to standard practice, the decision making process. Still, whilst the decision falls to the elected representatives, it is taken as read that citizens' “involvement” presupposes that the citizens views are heard and taken into account by their elected representatives.

To simplify, in a direct democracy, the People decide. In the representative system, the People chose, endorse their leaders, and hand their sovereignty over to them that they may act for the common good. With participative democracy, the People take part in the public policy design process, they debate, are informed, but the decision rests with their elected representatives.

## APPENDIX 2 – Examples of innovative deliberation techniques

Drawn from a wealth of original inclusive deliberation techniques, here are some examples:

### A) PARTICIPATIVES METHODES FOR THE EVALUATION OF COMPLEX TECHNICAL QUESTIONS

1. Consensus conferences: among the diverse instruments of civic consultation, consensus conferences have come to play a major role, particularly in Denmark, where they originated, in the UK and the Netherlands. The Danish Board of Technology defines them thus: “A *consensus conference* may be described as a public enquiry within which 10 to 16 citizens have been assigned the mission to evaluate a socially contentious issue regarding science or technology. These lay people, put their questions and express their concerns to a panel of experts, evaluate their responses before negotiating a conclusion. The result is a consensual declaration made public in the shape of a report written at the end of the conference.”<sup>50</sup> The citizens meet over several week-ends, the whole process takes about 6 months.
2. Scenario Workshops and Awareness Workshops are, like consensus conferences, “participatory technology assessment methods”. They call on lay people and experts to improve public dialogue through the exploration of diverse scenarios and the sharing of ideas and opinions on a specific question<sup>51</sup>. This methodology was also piloted by the Danish Board of Technology in the early nineties.<sup>52</sup>

Other examples can be accessed on the Danish Board Site: [www.tekno.dk](http://www.tekno.dk).

### B) TECHNIQUES NOT ORIGINALLY RESTRICTED TO A SPECIFIC USE

3. Citizen advisory group (CAG): a consultative group of stakeholders usually brings together a minimum of 12 persons representative of a specific population sample – backed up by a specialised outfit, such as a polling organisation – meet at regular intervals over quite a long period of time, about a year, to scrutinise the available information on a given subject before coming up with its recommendations.

---

<sup>50</sup> Simon Joss and John Durant, ed., *Public Participation in Science, The Role of Consensus Conferences in Europe*, Science Museum with the support of the European Commission Directorate General XII, 1995, p.9

<sup>51</sup> According to the Loka Institute, “*scenario workshops use several competing scenario narratives -- each describing the role of alternative infrastructural technologies and institutions in advancing an important social objective (such as environmental sustainability) - as the starting point for a participatory process. Diverse groups of stakeholder participants: (1) critique and revise each scenario; (2) use the refashioned scenarios as a starting point for developing preferred future visions for their own community or society; (3) identify barriers (e.g., cultural, institutional, technical, economic, and legal) to realizing their preferred visions; and (4) craft action plans for overcoming these barriers.*”

<[http://www.loka.org/pages/scenario\\_workshop\\_project.htm](http://www.loka.org/pages/scenario_workshop_project.htm)>

<sup>52</sup> In France a recent example is a workshop organised on 12 and 13 March 2003 on the theme “Precautionary Expertise for Genetically Modified Crops” in Paris. In Germany, the Ministry for Research spearheaded a few months ago a new exercise in scientific futurology involving, besides scientific big names, young experts and representatives of the civil society: <<http://www.futur.de/en/6371.htm>>.

4. Collaborative information development: the process is similar to CAG, but the aim is to assist citizens' information through fighting information overload. A group, comparable in size and composition to a CAG, prepares a "source book" in which they have sorted out the areas of agreement and disagreement on the facts the public is to address.
5. Deliberative Polling<sup>53</sup>: as developed by Professor James Fishkin of Stanford University, it presupposes a representative sample of citizens, consulted "cold" before enjoying access to data designed to be informative and balanced covering the range of competing positions. They have the opportunity to take part in a debating week-end during which they can discuss the question between themselves and ask questions from a – likewise balanced – panel of experts and political leaders. The participants are interviewed again at the end of the process. This throws into light what the opinion of a representative group which has been given access to information and the opportunity to reflect and debate in peace can be, whilst the general public far beyond the participants' circle is alerted and educated through television programs and significant media activity<sup>53</sup>.
6. Deliberative Day: James Fishkin developed this concept with Bruce Ackerman, professor at Yale Law School, who describes thus: "*Citizens are invited to gather in local assemblies of 500 people, subdivided in groups of around fifteen, for a full day's discussion. A Deliberation Day opens with a 90 minutes televised debate between those for and against. After the debate, the citizens discuss within their small groups of 15, then in larger assemblies. The small groups pick up the discussion where the televised debate left off. Each group spends an hour sorting out the questions the national candidates have not answered. Everyone then meets in plenary to hear the answers supplied by the local representatives of both positions to the questions which came out of the small groups*"<sup>54</sup>. The process starts again in the afternoon and "*the discussions begun on this National Deliberation Day will be pursued until referendum day, and will bring millions of other people into a dialogue steadily growing to national scale*".
7. Citizens' juries: in citizens' jury, "*a representative sample of citizens meets over 4 or 5 days to scrutinise an important public matter. The citizens' jury, usually made up of 18 persons, acts as a microcosm of the public at large. Jurors are compensated. They listen to diverse experts' opinions and may discuss it between themselves. On the last day of these professionally moderated discussions, the jury members present their recommendations to the public.*"<sup>55</sup>
8. Focus groups: This is a qualitative method frequently used in marketing analysis. As a rule, a group of ten, roughly representative of the whole population, is invited to discuss a given question for about two hours, usually under the guidance of a professional facilitator. The group does not have to reach conclusions: it is the contents of the discussions which are analysed for whatever useful information they may reveal.
9. Thanks to technological advances, e-consultations and other electronic consensus building systems have appeared which have improved the quality and efficiency of public

---

<sup>53</sup> The websites of the Center for Deliberative Polling and of Stanford Center for Deliberative Democracy provide more information on this technique: <<http://www.la.utexas.edu/research/delpol/>> and <<http://cdd.stanford.edu>>

<sup>54</sup> Interview published in *La vie des idées*, ed. La République des Idées, Paris, May 2005, n°2, pp.59-66.

<sup>55</sup> As defined by the Jefferson Center. For more information on this technique: <[http://www.jefferson-center.org/citizens\\_jury.htm#what%20is%20a%20CJ](http://www.jefferson-center.org/citizens_jury.htm#what%20is%20a%20CJ)>

administrations<sup>56</sup>. The electronic town halls' idea is to use television to broadcast informal discussions between stakeholders of different backgrounds with a view to encourage a debate between citizens.

---

<sup>56</sup> E-consultations have, for several years been profitably used in the Netherlands for instance.

# PREVIOUSLY PUBLISHED “POLICY PAPERS”

Available on Notre Europe's Website

- Interparliamentary Co-operation in the European Union: Time for a New Start?  
Morgan Larhant – Available in French (August 2005)
- Social Europe in the Throes of Enlargement  
Marjorie Jouen and Catherine Palpant – Available in French and English (June 2005)
- The First Dutch Referendum: a Pre-ballot Assessment  
Arjen Nijeboer – Available in English (May 2005).
- Securing a ‘Yes’: From Nice I to Nice II  
Brigid Laffan and Adrian Langan – Available in French and English (May 2005).
- The Lisbon Strategy and the Open Method of Co-ordination: 12 recommendations for an Effective Multi-level Strategy.  
Stefan Collignon, Renaud Dehousse, Jean Gabolde, Marjorie Jouen, Philippe Pochet, Robert Salais, Rolf-Ulrich Sprenger and Hugo Zsolt de Sousa – Available in French and English (February 2005).
- The Enlarged European Commission  
John Peterson – Available in English (February 2005).
- Turkey at the gates of Europe  
Jean Marcou – Available in French (October 2004).
- The Future of Stability and Growth Pact as a Tool for Economic Policy Co-ordination  
Hugo Zsolt de Sousa – Available in English (April 2004).
- The World is a Stage: A Global Security Strategy for the European Union  
Sven Biscop and Rik Coolsaet – Available in English (December 2003).
- Saint Malo plus Five: An Interim Assessment of ESDP  
Jolyon Howorth – Available in English (November 2003).
- EU's Enlargement: A Blind Rush?  
Daniel Vaughan-Whitehead – Available in French (September 2003).
- 9/11 and the Europeanisation of the Anti-terrorism Policy: A Critical Assessment  
Monci Den Boer – Available in English (September 2003).

- Looking After the Neighbourhood: Responsibilities for EU 25  
William Wallace – Available in English (July 2003).
- The ECB and Monetary Policy  
Hugo Zsolt de Sousa – Available in English (June 2003).
- Is a European Referendum Possible and How?  
Yannis Papadopoulos – Available in French (November 2002).
- The European Security Connundrums: Prospects for ESDP After September 9, 2001  
Jolyon Howorth – Available in English (March 2002).

Study available in French and English on the Website <http://www.notre-europe.asso.fr>



Education and culture

With the support of the European Commission : support to active entities at European level in the field of active European citizenship.

Neither the European Commission nor *Notre Europe* is to be held responsible for the manner in which the information in this text may be used.

This may be reproduced if the source is cited.

© Notre Europe, December 2005