

Creating participatory expert bodies. How the targeted selection of policy advisers can bridge the epistemic-democratic divide

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Abstract: This study explores the room for reconciliation between democratic and epistemic claims to modern policy-making. The key institutional design question it deals with is how to compose arenas of policy advice and consultation in such a way that they are able to generate both reliable, knowledge-based policy solutions and represent the perspectives of those affected – without becoming dysfunctional. After an inclusive re-conceptualisation of ‘participation’ and ‘expertise’, the study compares different group selection mechanisms in terms of their epistemic and democratic merits and makes the case for the ‘targeted selection’ of policy advisors in the phase of policy development. It delineates conditions of creating ‘participatory expert bodies’ that are primarily made up of societal stakeholders from intermediary organisations, who can assume the double role of expert and civil society representative and are supported by researchers, civil servants and lay citizens.

Keywords: expertise, participation, targeted selection, institutional design, deliberative democracy, arenas of policy advice and consultation

Introduction

In ‘the age of expertise’ (Fischer, 2009, p. 1), modern governance is confronted with a growing public need to base governance on expert knowledge in order to assure ‘evidence-based’ and ‘well-informed’ solutions (Fischer, 2009, pp. 2-3; Jasanoff, 2011, p.

622; Maasen & Weingart, 2005, p. 5).¹ It is particularly the complexity of modern societies that has been offered as an explanation for the growing dependency on expertise in policy-making (Holst & Molander, 2017; Urbinati & Warren, 2008, p. 390). At the same time, there is growing demand for more extensive citizen participation² as a means to increase the legitimacy of public policies, to contain controversy and generate self-determined, genuinely democratic and broadly accepted decisions as well as more target-oriented and enforceable regulations (Fung, 2006; Hansen & Allansdottir, 2011, p. 609; Jasanoff, 2011, p. 621; Maasen & Weingart, 2005, p. 5; Papadopoulos & Warrin, 2007, pp. 446-450). Across Europe and the US, policy-makers have strongly reacted to this public demand since the 1990s by setting up a growing number of participatory programs (Hagendijk & Irwin, 2006, p. 167; Irvin & Stansbury, 2004, p. 56; Lengwiler, 2008, p. 194; Webler & Tuler, 2000, p. 566). As an answer to the crisis of representative democracy's key institutions and procedures, emphasis has been on direct, issue-specific forms of exercising voice, for instance through petitions and referenda on single issues, as well as on so-called 'mini-publics' such as 'focus groups' or 'citizen conferences', where a selected group of 'ordinary citizens' deliberates on policy issues (Fung, 2003; Urbinati & Warren, 2008).

There are considerable tensions between these two normative demands, which raise doubts about their compatibility: The principle of inclusion and equality that underlies

1. *Expert* here refers to the status attributed to someone who is considered more knowledgeable in a certain domain than others. *Expertise* refers to specialised knowledge that has an advisory, guiding function. See section 1 for more thorough conceptualisations.

2. *Public* or *citizen participation* refers to the involvement of those affected by policies into policy-making through referenda, party membership, elections, demonstrations, citizen assemblies etc. *Democratic* participation qualifies this involvement according to certain criteria of democratic worth (see section 1).

democratic participation raises serious epistemic questions as to the abilities of 'ordinary citizens' in dealing with complex matters, for which specialisation is necessary. The dependency on experts constitutes a democratic challenge, since expertise builds on specialisation and is thus elitist by nature. Experts can be very influential, but they are neither always neutral and objective, nor are there usually formal sanctioning channels in place for holding experts accountable (see Fischer, 2009; Jasanoff, 2011; Mansbridge, Bohman, Chambers, Christiano, Fung, Parkinson, Thompson, & Warren, 2012). Besides, 'science' or 'academia' as society's main knowledge provider and 'the public' as the prime source of citizen participation represent two traditionally unrelated realms of society (Jasanoff, 2003, p. 235). Indeed, there is often a 'noticeable tension between what scientists and technologists consider feasible and what the broader public finds acceptable or desirable' (Hansen & Allansdottir, 2011, p. 609). When lay people collaborate with experts on the formulation of policies, the quality of policies might suffer because 'people may not possess enough specialised knowledge and material resources' (Jasanoff, 2003, p. 237) and may lack both the habitus and terminology of expert discourses (Young, 2000, p. 53). This applies in particular to complicated problems that call for complex analyses and may strain the capacities of lay people to interpret the information they receive, to know their preferences vis-à-vis these issues, and act accordingly (Dahl, 1994, p. 31; Hauptman, 2001, p. 401; Urbinati & Warren, 2008, p. 390). The need for efficient and effective decision-making can further rule out extensive consultation, public participation, and democratic audits of expertise, which tend to be time-consuming and demanding (Maasen & Weingart, 2005, p. 10).

Does this mean we have to choose between elitist rule of the knowing few and democratic rule of the ignorant masses? How can these two distinct perspectives – the perspective of the expert and that of the citizen – be integrated in the process of policy-making? Which

institutions have the potential to *moderate the epistemic-democratic tension* and possibly reconcile these conflicting demands?

Within the deliberative universe, some interesting institutional answers to the relationship between experts and citizens have been suggested. In Christiano's (2012) *phase model*, for instance, experts and citizens take centre stage in different phases of the policy cycle. Citizens are described as being 'in the driver's seat' of democracy because they choose the aims of society, evaluate and control for aim achievement and help to set the agenda of experts. Yet, the approach is not very specific in institutional terms and it emphasises a division of labour between experts and citizens that can reinforce the problematic dichotomy between epistemic and democratic standards. Other approaches have focused on individual *mini-publics* such as citizen juries or consensus conferences, where experts explain complicated issues to the decision-making 'lay people' (see Fung, 2003; Parkinson, 2006). In these contexts, citizens bring in marginalised voices and fresh perspectives on policy problems. It is likely that the involved individuals learn from these experiments and strengthen their political efficacy. The interaction between experts and citizens in these mini-publics can also promote mutual learning. Yet, these institutions are, at best, descriptively representative in terms of a few demographic variables (see section 2) and they can be too disconnected from the legislative process to be taken seriously and develop political influence (see e.g. Chambers, 2009, p. 331). What is more, the relationships of the selected lay participants with experts can suffer from a pronounced epistemic asymmetry that can undermine meaningful deliberation and weaken the problem adequateness or feasibility of the developed policy solutions.

The model that this study suggests differs from the above described. In contrast to the phase model, it can be termed a *concomitance model* as it zooms in on one particular phase of the policy cycle and one particular kind of institution, i.e. arenas of policy consultation,

advice, coordination and deliberation in the phase of policy development.³ In contrast to mini-publics, the advisory institutions detailed here do not build on citizen participation, but on *representative participation* to bridge the epistemic-democratic divide. In contrast to the phase model and the deliberative systems approach more generally, the concomitance model eases the sharp distinction between experts and citizens by pointing out that these are social roles that can converge and be held by the same individual at the same time: Stakeholders often have considerable expertise in their field, which can qualify them for the *double role of expert and citizen representative* (see Krick 2015). Besides, scientists are also citizens, and citizens who are consulted as ‘experts by experience’, for instance, constantly bridge these two roles.

The key institutional design question that this study deals with is how to select participants of policy advisory arenas in such a way that they represent both the affected citizens’ viewpoints and the necessary expertise. In section 1, it calls attention to the fact that reliable, policy-related expertise can emanate from all kinds of sources and that in most instances, meaningful participation relies on delegation to stakeholders and the careful selection of participants. In section 2, different selection mechanisms that can be applied for assembling arenas of policy consultation, advice, coordination and deliberation in the phase of policy development are compared in terms of their epistemic and democratic merits. Section 3 proposes conditions under which the method of *targeted*

3. The study speaks of *arenas* or *institutions of policy advice, consultation, deliberation and coordination* to cover a broad range of institutions in the phase of policy formulation that are *external* to public administration (i.e. not exclusively staffed with civil servants) and *advisory* in that they have not been given public authority. In real life politics and depending on composition, political context and purpose, such institutions can carry such variegated names as ‘expert body’, ‘citizen assembly’, ‘civil society panel’, ‘inquiry commission’, ‘advisory council’, ‘stakeholder board’, ‘state committee’, ‘public agency’ etc.

selection can produce 'participatory expert bodies' that represent both the relevant expertise as well as the affected citizens' perspectives.

1. An encompassing notion of expertise and a representative notion of participation

When one thinks of expert knowledge, the immediate image that comes to one's mind will probably be that of an academic or scientist whereas 'participation' is likely to invoke the idea of an 'ordinary citizen' participating directly in political decision-making. In the following, based on expertise-related debates within the sociology of knowledge as well as input-related democratic theory and participatory governance research, the usefulness and validity of these images will be assessed. At the same time, more realistic and normatively convincing notions of 'reliable expertise' and of 'democratic participation' in the context of policy advice and consultation will be suggested. In the course of this conceptualisation, expertise and participation will move closer together and the epistemic-democratic tension will be somewhat moderated.

1.1. Reliable expertise

While academics certainly are an important type of expert and although science is characterised by particularly systematic analytical approaches, expertise that is of use in the policy-context is not just provided by scientists. What is more, science has repeatedly disappointed the expectation of generating 'neutral' knowledge because of personal biases, dependencies and more general limits of knowing the truth (Holst & Molander, 2017, p. 237ff; Jasanoff, 1987, 2005). 'Purity notions' of scientific knowledge and the idea of 'science speaking truth to power' have been questioned from democratic and epistemic standpoints and instead calls for a 'democratisation' of expertise that includes various

kinds of knowledge from different backgrounds have been raised particularly clearly within the sociology of knowledge and science. Within the field, expertise has been defined as that kind of knowledge that 'belongs neither to science nor to politics but is a hybrid that contains scientific as well as "other" components' (Maasen & Weingart, 2005, p. 14; cf. also Straßheim, 2008, p. 289). The notion of expertise links the policy realm to the realm of knowledge and science since it is 'expertise, not science, that translates knowledge (or non-knowledge) into decisions' (Jasanoff, 2011, p. 33). Experts as the holders of expertise are not 'truth-tellers with unmediated access to ascertained facts' (Jasanoff, 2005, p. 211), but individuals who are considered to have better analytical skills, more knowledge or more practical experience in a certain field than others (ibid.; Nowotny, Scott, & Gibbons, 2001; Straßheim, 2008, p. 292). From this perspective, the status of an expert can apply to scientists and other knowledgeable professionals within intermediary organisations, the public administration etc.

It has further been pointed out by expertise-scholars from different fields that policy-related expertise – whether provided by scientists or other experts – needs to answer to different quality standards than 'scientific knowledge' that is generated for and within academia. It cannot simply be subjected to the science's sophisticated internal mechanisms of quality control, such as its peer review-based publication system and the restricted processes of entry (see e.g. Jasanoff, 1987; Turner, 2014, p. 282ff.). Even the science's distinctive methods of analysis and modes of conduct have limited value when we look at empirical settings that collectively agree on policy advice by applying procedures of deliberation and bargaining, and that are thus subject to the logics of social choice and group dynamics (Krick, 2016).

In the policy context, good, reliable expertise needs to be relevant, applicable and useful to the political audience to develop any kind of impact. This is particularly likely when it is 'socially embedded' or 'socially robust', i.e. a product of struggles for political and epistemic authority and tested for validity by a broad range of societal agents and scientists in real world contexts (Beck, 2012, p. 11; Haas, 2004, p. 573; Straßheim, 2008; Nowotny et al., 2001). It should be generated by agents who are considered competent and knowledgeable vis-à-vis the issue in question but can have a variety of backgrounds and professions. Another indicator of reliable expertise in this context is *consensual closure* on its validity (Haas, 2004, p. 573, Mansbridge et al., 2012, p. 18) – and this is quite different from the scientific realm, for instance, where originality above all is positively sanctioned in the peer review process.

1.2. Democratic participation

Input-oriented democratic theory with a focus on deliberation, participation and representation as well as participatory governance research have described the conditions of meaningful and essentially democratic participation under real-world conditions and pointed to internal inconsistencies of the idea of citizen participation. In the field it has been emphasised, first, that communicative decision-making is burdened with high transaction costs (Bächtiger, Spörndli, Steenbergen, & Steiner, 2005, p. 236; Irvin & Stansbury, 2004, p. 58; Papadopoulos & Warrin, 2007, p. 456; Rowe & Frewer, 2000, p. 13) and that a tension between 'levels of inclusion' and 'levels of civility' characterises group decision-making (Mansbridge et al., 2012, p. 19). The quality of deliberation is likely to rise with face-to-face communication, mutual recognition and understanding, responding and listening to other group members, careful arguing and reasoning and persuading and convincing others. Therefore, such processes work better in relatively

small collectives (Bächtiger et al., 2005, p. 236; Goodin, 2004; Papadopoulos & Warrin, 2007, p. 451; Ryfe, 2005, p. 51).⁴ Notwithstanding the practical obstacles of organising such a large decision-making event and of motivating every single affected individual to participate actively, even if we managed to assemble all those affected by decisions, fair, respectful, reason-based deliberation would be very difficult.

Second, participatory governance research has pointed to a certain tendency in modern political thought to romanticise the 'lay citizen' as representative of a more authentic or more justified political perspective (Hennen, 2012, p. 36, see also Biegelbauer & Hansen, 2011, p. 590) and to assume that the involvement of citizens makes decision-making more democratic per se (see for examples Irvin & Stansbury, 2004, p. 55; Lengwiler, 2008, p. 197). Yet, there is no reason to believe that the lay person (or somebody with citizen status) has purer motives than the more politically involved or that there exists such a thing as a unified public will that could be expressed by a random, self-appointed speaker of the people. A 'citizen' does not have a mandate to act for others and is not less likely to be led by self-interest than a stakeholder. The 'sacrosanct role' of citizen participation (Day, 1997, p. 422) in modern European and US political culture stands in a certain contrast to the distorting effects of many of the more deliberative participatory endeavours (Fung, 2003, p. 342; Lijphart, 1997, pp. 1-2; see section 2.1).

Third, in mass democracies 'no person can be present at all decisions or in all decision-making bodies whose actions affect her life' (Young, 2000, p. 124) and the idea of direct participation in all these decisions thus seems fanciful (Dahl, 1994, p. 32; see also Fung, 2006, p. 66; Warren, 2002, p. 686). People can only directly participate in some decisions

4. This is not to say that the mass public level could be ignored in democracies or that large entities such as the public sphere is devoid of deliberative qualities (see Chambers, 2009).

on certain selected issues, while in all other cases ‘stakeholder’ or ‘delegated participation’ (Warren, 2002, p. 686; cf. also Ansell & Gash, 2007), i.e. indirect participation through representatives, needs to be the rule if we want to abide by fundamental democratic principles.

Democratic participation is understood as the effective involvement of those affected into collective decision-making, whether directly or through representatives. In addition to an equality dimension, this definition highlights an effectiveness or impact dimension because participatory endeavours need to be embedded into the political system and have at least a chance of resonating in the political sphere if they are to be more than ‘pseudo’- or ‘token participation’ (see also Fung, 2006, p. 66; Krick, 2014; Marien, Hooghe, & Quintelier, 2010, p. 140; Rowe & Frewer, 2000, p. 12, 14; Warren, 2002, p. 693, Young, 2000, p. 24).

2. Selection mechanisms for participatory expert bodies

Defining participation and expertise in such an encompassing way does not have to be seen as a sell-out or a rotten compromise. Indeed it can be argued that through a ‘careful selection of a representative group of stakeholders’ (Irvin & Stansbury, 2004, p. 60) good, delegated participation, but also knowledgeable, well-informed policy advice can be achieved (see also Ansell & Gash, 2007, p. 556; Christiano, 2012; Warren, 2002, p. 689).

The question then is: what does such a careful or wise selection that spans both norms look like with regard to deliberative, policy advisory fora? Who should take part in which roles? How do we select participants of deliberative, policy advisory fora with the rationale of generating a both democratically and epistemically valuable round, i.e. a ‘participatory expert body’?

To be clear, this contribution is concerned with the reconcilability of expert knowledge and citizens' perspectives in policy development. Therefore, the focus is on the phase of policy formulation and on arenas of policy advice and consultation and the selection modes will be evaluated from that perspective.⁵ Of course, institutions of policy advice and consultation are part of a complex political system and their legitimacy needs to be considered within the system as a whole; such institutions should not make binding decisions and they need to be embedded into the electoral system with its more direct accountability relations that can compensate for the elitist and closed nature of policy formulation processes (for a deliberative systems perspective cf. e.g. Christiano, 2012; Mansbridge et al., 2012).

Based on theories of democracy and collective choice, our analysis focuses on those selection methods that are most commonly discussed and applied when assembling arenas of policy advice and consultation: open access, random selection and targeted selection (see Fung, 2006; Ryfe, 2005).⁶ All selection procedures have democratic but also epistemic merits and shortcomings and their suitability depends very much on context.

2.1. Open access

At the core of the deliberative idea lies the notion of *open* and equal *access* to public deliberations. "The deliberation should, ideally, be open to all those affected by the

5. Yet, with adjustments, this analysis can be transferable to similar institutions in other phases of the policy cycle, where both epistemic and democratic input is useful, e.g. collective bargaining committees in the shadow of the law or regulatory and norm-setting committees in the implementation phase.

6. The selection method of voting is thus not considered systematically in this analysis, yet its underlying logic is given some thought in section 3 as a complement to targeted selection.

decision' (Mansbridge, Bohman, Chambers, Estlund, Føllesdal, Fung, Lafont, Manin, & Martí, 2010, p. 65; see also Knight & Johnson, 1994). Following from the democratic norm of self-determination, it runs through both classic and modern approaches of deliberative democracy (Ansell & Gash, 2007; Papadopoulos & Warrin, 2007) and is the typical selection method for mini-publics (Fung, 2003, p. 342). The lack of a threshold appears to allow equality of access, prevent political interference and indicate an openness to different levels of individual commitment. At first sight, the principle of open access does not look like a selection mechanism at all; yet, de facto, participants self-select when you allow open access to deliberative arenas and this produces highly biased results in empirical reality. Democracy studies have emphasised the 'class bias' that comes with the 'unconventional', more deliberative forms of citizen involvement in particular and that systematically disadvantages the less well-to-do citizens (see also Fung, 2006, p. 67; Irvin & Stansbury, 2004, p. 59; Lijphart, 1997, pp. 1-2; Papadopoulos & Warrin, 2007, p. 455; Urbinati & Warren, 2008, p. 405; Young, 2000, p. 34). While participation in political parties and general elections has traditionally been more balanced, 'there is no equivalent equality of influence or voice in the non-electoral domain, where the advantages of education, income, and other unequally distributed resources are more likely to translate into patterns of over- and underrepresentation' (Urbinati & Warren, 2008, p. 405; see also Ryfe, 2005, p. 52). The 'democratic dilemma of unequal participation' (Lijphart, 1997, p. 2) lends additional weight to already privileged voices and it 'will leave most decisions to an activist few who will, ironically, make decisions based on the authority they derive from a participatory process' (Hauptman, 2001, p. 401). This is of course highly problematic from a democratic standpoint.

A combination of this selection method with quotas, affirmative action (e.g. promotion of participatory events in less-well-to do neighbourhoods) or monetary or rights-related

incentives can encourage disenfranchised individuals to participate and moderate this shortcoming (see e.g. Cohen & Rogers, 1992; Hirst, 1996; Young, 2000, p. 149). Yet, it can be quite costly and is often not effective (Ryfe, 2005). From a purely epistemic perspective it might seem beneficial at first that the less informed and less interested tend to exclude themselves, as Swiss data shows (Kriesi, 2008). Yet, the homogeneity that follows from self-selection also has serious epistemic drawbacks. The diversity of ideas and the inclusion of a large variety of standpoints, backgrounds and experiences makes for the learning effects of deliberative processes, allows open and encompassing discussions about conflicts, adds to the epistemic value and problem adequacy of policy solutions and is likely to increase commitment and compliance in the implementation process (Beck, 2012, p. 5; Christiano, 2012; Goldman, 2001, p. 105; Holst & Molander, 2017; Jasanoff, 2003, p. 161, 2005, p. 220; Mansbridge et al., 2012, p. 17; Ryfe, 2005, p. 52).

2.2. Random selection

One of the most discussed alternatives to self-selection, *random selection* (or 'sortition') chooses individuals by lot from a larger body. This mechanism was used for choosing political personnel in Athenian democracy and in Renaissance Florence and it is still applied for selecting participants of mini publics (deliberative polling e.g.) or constituting juries in Anglo-American judicial systems, for instance (see Manin, 1997). It has been described as the 'best way to achieve descriptive or mirror representation' (Fung, 2006, p. 68; see also Stone, 2009, p. 390) or 'good representativeness' (Rowe & Frewer, 2000, p. 13; cf. also Urbinati & Warren, 2008, p. 407). It can be a particularly fair mechanism for the allocation of scarce resources (Goodwin, 1992). When a sufficiently large sample can be drawn and only a handful of characteristics are supposed to be fairly represented, deviations from the population are minor. Yet, random selection quickly reaches its limits

when the selected group needs to be relatively small. Besides, the principle is based on an identity notion of representation that can obscure differences within groups and reduce people to very few, usually demographic characteristics (Young, 2000, p. 125, 142). As random choice theorists concede, it also 'risks elevating unqualified citizens to public office' (Manin, 1997, p. 10; see also Stone, 2009, p. 388) as it does not take into account the importance of competences and experiences. When you choose randomly, you will certainly not have chosen those with the relevant expertise and experience in an issue or those with the necessary analytical and debating skills (Manin, 1997). Yet, for participating meaningfully in a deliberative forum and for making epistemically valuable, potentially problem-solving collective decisions, participants need to possess the information and competence to make good judgments (Fung, 2006, p. 67) and there are obvious limits to 'educating' participants during the deliberative endeavour. A random choice of participants can further be difficult to enforce since incentives can be expensive. It is widely considered illegitimate in liberal democracies to force the chosen ones to participate (Ryfe, 2005, p. 53), although institutions such as compulsory suffrage or the American jury system could serve as examples for questioning this wide-held belief. Yet, as long as randomly selected participants of policy advice arenas are allowed to refuse, this can again distort the representativeness of the picture and infringe on the democratic quality of this method. Random selection can also sidestep existing equilibria in policy networks and thus, for instance, undermine established NGOs in a certain sector (Mansbridge et al., 2012, p. 17). This can be problematic from an epistemic point of view, because you lose the often valuable insight and expertise that NGOs and interest groups acquire within a policy field.

2.3. Targeted selection

For the development of policy proposals within small advisory collectives, this contribution makes the case for a method that builds on the *targeted selection* of participants. Targeted selection is based on a reason-based, purposeful decision (in contrast to random selection), that is taken by an appointing authority, not the participants themselves (as under open access). Its main advantage is that rational, merit-based selection is possible.

Yet, it is a selection method that is vulnerable to biased choices. The appointing authority will have blind spots as to the population it chooses from and it is possible that it assembles a group that leans to one side and reflects the appointing authority's preferences. It is also likely to be a conservative selection mechanism that privileges established interest groups over the inclusion of evolving interest groups and social movements. Turning the logic of random selection on its head, one has to ensure that the decision is made on the grounds of 'good reasons' (Stone, 2009). The following section discusses what such a good choice could look like – taking into account practical constraints (such as the limited size of workable, deliberating units or the logics of collective decision-making) as well as democratic and epistemic normative standards.

3. The use of targeted selection for creating participatory expert bodies

When assembling participatory expert bodies, a range of tensions become apparent, in particular between the auspicious norms of diversity and inclusiveness on the one hand and several more pragmatic but not less important standards on the other, such as a workable group size, the level of civility, respect and mutual understanding in deliberations, the scientific quality and independence of expertise and the need for

aggregation or integration of viewpoints in political decision-making. The following suggestions do not ignore these tensions but try to address them with reference to associative and deliberative democratic theory and strike a balance between them – with the natural effect of certain moderations of individual standards.

3.1. A leading role for intermediary organisations and societal stakeholders

Decision-makers that make up an advisory and consultative institution need to mainly be agents that can fulfil the double role of expert and citizen representative. This applies particularly to intermediary organisations that can be summarised as societal stakeholders (Ansell & Gash, 2007, p. 555). They bring political experience to the process, provide information on their members' preferences and on the impact and implementation challenges of proposed policies. At the same time, they stand for affected interests and can level material disadvantages by pooling individual resources through organisation (Cohen & Rogers, 1992, p. 424). They comprise 'NGOs', 'advocacy groups', 'charities', 'civil society organisations', 'pressure groups' and 'interest associations' of both special and collective interests.⁷ Representatives of political parties are another type of intermediary organisation (or societal stakeholder). They also stand for segments of society, and they can additionally act as bridges that feed valuable policy-related expertise into the advisory process *and* transmit the policy advice into the legislative process.

Intermediary organisations explicitly and professionally represent the interests and viewpoints of groups in certain policy fields, are usually organised as membership

7. The line between these types of organisations and these types of interests is in fact difficult to draw and the terminology used very often reflects political or moral considerations of the speaker. Yet, from a pluralist democratic standpoint, the pursuit of all interests is legitimate, within constitutional limits.

organisations and are in principle open to every interested or affected individual. They can be targeted and issue-specific, flexible and responsive to emerging problems; they can even respond to non-territorial constituencies and thus function across borders and address transnational problems (Urbinati & Warren, 2008, p. 403).

Leaning on societal stakeholders as policy advisors to such an extent presupposes democratic systems with developed civil societies, in which about all societal interests are organised. While economic interests are usually much more resourceful, better organised and thus more powerful, even many of the 'weaker', diffuse, non-economic and public interests (such as environmental concerns or immigrants' perspectives) have their advocates in most established democracies. By inviting these organisations to policy advisory rounds, the status of these institutions is recognised and strengthened. Yet, as has been shown for the European Union's 'expert groups', public interest groups very often simply do not have the resources to accept invitations to policy advisory committees (Corporate Europe Observatory (CEO) 2014; see also Young 2000). Counterweights to power imbalances in the world of organised interests can lie in the numerical limitation of stronger stakeholders or the restriction of their decision-making powers (non-permanent seats, limited voting rights etc., see CEO 2014). Another option are empowerment measures for weaker interests, such as financial incentives and organisational help by public authorities. Such a 'positive discrimination' approach is advocated within associative democratic theories (Cohen & Rogers, 1992; Hirst, 1996; Schmitter, 1992) and has been pursued by the European Commission, for instance, which promotes the formal and informal participation of civil society organisations and directly funds them (Mahoney & Beckstrand, 2011). It also underlies the principle of mandatory membership in professional chambers that in many European countries applies to certain professions (e.g. lawyers, medical practitioners, journalists, craftsmen and even students)

and in rarer cases also to employees of a certain constituency (e.g. the chambers of labour in Austria and some German constituent states). Compulsory membership in professional chambers strengthens the bargaining power of these interests and, together with the fact that these organisations' leadership is usually elected by their members, it establishes close accountability relations.

The allocation of public funding for empowerment means does not have to be left to bureaucratic logics and government preferences. A reasonably inclusive, flexible and manageable allocation system could follow a crowd-funding logic, be based on public trust and feed on tax money. NGOs would apply for public funding by publishing letters of application online that state their aims and qualifications, disclose finances and demonstrate a democratic internal organisation. Every citizen could get involved in the distribution system by choosing a handful of NGOs that he or she considers worthy of public funding and of a more influential political role (cf. the voucher system proposed by Schmitter, 1992). This could be organised within a system of online preference voting that allows for voice delegation to others who are considered more interested, capable or informed.⁸ Of course, even if weaker interests get balanced access to policy development arenas, they can again get marginalised during the processes of deliberation due to their relatively lower bargaining assets or a lack of experience in comparison to highly professional and strategic representatives of economic interests. Yet, access to resources will allow them to professionalise in the medium run and thus participate on a par. Surely, one can also question the representative status of intermediary organisations, since their leaderships are not always officially authorised by their members and they can then not

⁸ For more elaborate thoughts on the role of interest associations in policy development and in socio-economic reforms, and more detailed institutional solutions, see associative democracy theory (Cohen & Rogers, 1992; Hirst, 1996; Schmitter, 1992).

be held accountable through formal, electoral channels. Yet, for one thing, many intermediary organisations are in fact democratically institutionalised, elect their leadership and build on members who lend them their names and do not exit the organisation (Urbinati & Warren, 2008, p. 404). These characteristics make them more authorised to exercise voice on behalf of a societal group than the random citizen on whom so many democratic hopes rest (see also Fung, 2003, p. 346; Parkinson, 2006). For another, when judging the accountability of organisations that do not build on members, we should look beyond formal and direct channels of accountability: Agents such as political entrepreneurs, charities, foundations or donation-based organisations (e.g. Greenpeace) may not be authorised directly. Yet, within a range of accountability forums, such self-authorised representatives ‘may be held to account indirectly through ‘horizontal’ policing by other groups, by boards, or by the media, often through comparisons between the group’s representative claims (e.g., in its mission statement) and its actions’ (Urbinati & Warren, 2008, p. 405), as well as through devices such as performance indicators, audits and surveys.

3.2. Principles for selecting stakeholders

The procedure of selecting societal stakeholders for policy advisory bodies is challenging and there will have to be pragmatic trade-offs. One of the guiding principles should be to build a ‘microcosm of the potentially interested segment of society’ (Jasanoff, 2005, p. 220; see also Beck, 2012) or ‘a broad enough spectrum to mirror the problem’ (Ansell & Gash, 2007, p. 556). Yet, there are no general or universal criteria that can be applied when hand-picking stakeholders. It requires intimate knowledge of the policy field to judge who is affected by the problem and who legitimately claims to represent which interests in a certain case of policy development. Establishing the status of affectedness is

of course quite difficult (see Fung, 2013, p. 247; Goodin, 2007, p. 52, 68). It depends on the substance of the deliberation (Fung, 2013, p. 247), which can change somewhat during the process (Goodin, 2007, p. 52) and it has to be determined afresh for every decision-making situation. That means that every advisory and consultative round needs to be assembled anew in accordance with the respective policy issue it deals with for a limited amount of time and that it needs to be open to minimal re-arrangements during the process. This corresponds to a 'dynamic understanding of the principle of affected interests, in which the definition of those who ought to be included in influencing any particular organization's decisions changes over time as the consequences of that organization's actions fall on different individuals' (Fung, 2013, p. 250f.). The number of participants can be kept in check if the round of those included is limited to advocates of those who are seriously and regularly affected by a matter. When considering group size and composition, it seems as first sight reasonable to assemble the same number of representatives for every legitimate interest and thus attain a fair balance. Such a balance can, however, be distorted by the unequal distribution of individual rhetorical skills, authority and other resources.

When the set-up of policy advisory rounds is at the discretion of a government department, the targeted selection of participants is usually exercised by civil servants. If these are 'expert' civil servants in lower, non-political ranks, they are likely to have the necessary knowledge of the policy field and network to make an informed choice. To confine politicised choices as far as possible, these civil servants need to be transparent about their decisions and provide publicly accessible participant lists and informative CVs of every single participant in order to allow public scrutiny of these choices. When open calls are published beforehand, civil society organisations have a chance to suggest themselves as members and this can counteract a certain conservatism in the selection of

participants that would usually favour existing relationships between established interest groups and government departments. Finally, the selection of participants can link up to the aggregative logic and its epistemic and democratic merits to some extent, if a small number of MPs (as representatives of political parties) are included that mirror the composition of parliament in the respective political system.

3.3. The roles and rights of the other participants

For ensuring that the developed policy advice of participatory expert bodies builds on the scientific state of the art, it can be advisable to complement stakeholders of affected interests with a handful of academic experts in the respective field who bring in particularly independent and specialised research-based knowledge and, at best, cover the whole range of academic viewpoints on the matter. In addition to membership, academic assessments can be brought in through hearings and reports. To be sure, choosing the right, qualified experts and providing for a variety of viewpoints among them, is notoriously difficult for non-experts. As an answer, Christiano (2012, p. 41) proposes to let stakeholders choose ‘their own’ experts to ensure a balance of academic views and mutual control. While this may be part of the solution, it still seems important to ensure academic credentials and maximum political and financial independence, two criteria that senior academics from not-for-profit, non-advocacy research institutions are most likely to fulfil.

Stakeholders and academics can be supplemented by civil servants who contribute valuable administrative expertise and the perspective of the state and government. Their involvement embeds the institution into the policy process and can ensure more responsiveness and smoother implementation of its policy advice – and thus effective participation. If such state agents are involved in the role of observers instead of full

members, this can protect the deliberating round to some extent from government interference and render its advice more independent.

The involvement of lay people can further broaden the horizon of the deliberating group and bring in fresh perspectives. 'Ordinary citizens' have repeatedly shown the ability to engage meaningfully in policy debates without necessarily being driven by emotional assessments and crises of the day, even if such deliberations deal with complex and technical details. Aspects in disfavour of lay persons' inclusion into the closest circle of policy advisors are, again, the limited size of workable deliberative units, the lack of representativeness of such scattered private agents (irrespective of the selection mechanism) and, quite pragmatically, an expectable information asymmetry that frustrates meaningful interaction and that, to be remedied, would require costly 'education' of lay individuals on the subject matter. Instead, to ensure equality and representativeness of the advisory arenas, we need to expect the chosen NGOs and advocacy groups to gather lay people's perspectives among their clientele, integrate them and feed them into the deliberation process. In addition, citizens' voices on specific issues and particularly on explicit questions of belief or conscience can be gathered through polls, Q-methodology or mini-publics, and inform, guide and frame policy deliberations, without binding the group's judgments. Yet, policy-makers should be careful about opening too many parallel channels of citizen input because of the risk of receiving a range of non-aggregated, inconsistent messages. Furthermore, inviting people's voices and then not responding to them adequately can waste the trust and energy of those citizens that get involved into these processes and is likely to be considered pure window-dressing and 'token participation'.

Conclusion

This study has argued that the tension between epistemic and democratic standards in policy-making softens considerably when we acknowledge that policy-relevant, reliable expertise can come from various sources and that democratic participation is not equivalent to the direct inclusion of every citizen into each political decision but can often best be realised through delegated participation. Against this background, an institutional solution to the epistemic-democratic tension has been developed that builds on the targeted, hand-picked selection of policy advisors in the phase of policy development. The approach links up to associative democracy in that intermediary organisations take centre stage in ‘participatory expert bodies’. This runs somewhat counter to contemporary governance trends. In the ‘age of expertise’ – and apparently also of citizen participation – interest representation has largely been discredited and the authority of representative democracy’s flagship institutions (general elections, political parties and organised interest groups) have been on the retreat, as reflected by growing voter apathy and the decline of party membership and societal organisation.

Yet, despite modern enthusiasm for citizen participation and the authority of ‘evidence-based’ policy-making, there are, for one thing, many problems linked to the realisation of encompassing, direct citizen participation, of which the heavy ‘class bias’ is just one. For another thing, claims to knowledge are typically contested in the political realm and ‘socially embedded’ knowledge that is co-produced by different societal agents is particularly reliable and useful in the policy realm. It is important to remember that a diversity of societal interests is a welcome fact of open multi-faceted societies and that societal stakeholders fulfil important and irreplaceable democratic functions. In fact, the principle of interest representation in political decision-making deserves rehabilitation

for both epistemic and democratic reasons. The partial perspective that each societal stakeholder is likely to hold in arenas of policy advice and consultation is not an argument against such an assembly, when the joint policy solutions are generated under deliberative procedures in pluralistic groups. As long as open dispute is encouraged and consensus as a goal is not overemphasised, the deliberative procedure has both democratic and epistemic merits. It is comparatively inclusive and integrative as a decision-making mode and promotes group commitment, mutual learning and joint preference development of those involved.

In European neo-corporatist consensus democracies, the creation of participatory expert bodies that widen the knowledge base and link up policy-making to public appraisal can build on an existing auxiliary governance structure. Hybrid and ad hoc policy advisory commissions (such as 'Official Norwegian Reports' or the EU Commission's 'expert groups'), which assemble interest groups, academics and civil servants as their main participants have for decades been key components of these systems' coordinated governance approaches and they have lately often been complemented by additional lay input (gathered in open conferences, online debate forums or polls).

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