



Deliberative Polling

A cure to the democratic deficit of the EU?

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Abstract

In this paper, we confront some commonly held assumptions and objections with regard to the feasibility of deliberation in a transnational and plurilingual setting. To illustrate our argument, we rely on a solid set of both quantitative and qualitative data from EuroPolis, a transnational deliberative experiment that took place one week ahead of the 2009 European Parliamentary elections. The European deliberative poll is an ideal case for testing the viability of deliberative democracy across political cultures because it introduces variation in terms of constituency and group plurality under the controlled conditions of a scientific experiment. On the basis of our measurement of both participants' self-perceptions and changes of opinions through questionnaires and of group dynamics and interactions through qualitative coding of transcribed group deliberations we can draw the following generalised conclusions: 1) The EU polity is generally recognised and taken as a reference point by citizens for exercising communicative power and impact on decision-making, 2) the EuroPolis experiment proves that citizens are in fact able to interact and debate across languages and cultures, thereby turning a heterogeneous group of randomly chosen participants into a constituency of democracy.

Introduction

Ten years ago there was widespread optimism with regard to the possibilities of activating European citizens as members of a constituency of European democracy. The assumption was that the European Union (EU) was in need of more citizens' participation to overcome its democratic deficit and to turn the Europe of elites into a Europe of citizens. In scholarly debates this optimism was reflected in the 'deliberative turn' of EU studies relying on the integrative potential of deliberation and consensus seeking procedures as an alternative path to majoritarian democracy (Eriksen and Fossum 2000: 7). Following this logic, the emergence of a European public sphere was held possible through strong publics as the promoters of democratic reform with the double task of enhancing the reflexivity of governance and constituting the citizenry through a pan-European discourse about the constitutional essentials of the new political entity (Eriksen 2005a; 2005b).

Yet, after the mobilization of popular resistance against the EU constitutional project and the no vote of the people in three referenda in France, the Netherlands and Ireland, the skeptical voices prevailed again with regard to the feasibility of EU democracy grounded in a shared political and identitarian project that unites the Europeans. In the new constellation of an enlarged European Union after 2004, the diversity of national, regional or sectoral interests and identities was enhanced to a degree to make future compromises and agreements among the governments of the member states difficult. The new diversity of the enlarged Europe is seen as a further obstacle to mutual understanding among the peoples of Europe and the activation of European citizenship. Citizens within and across the member states have become sensitive towards the impact of the EU and its policies. Many citizens have also mobilized, some in favor, others against the EU. Public attention and media coverage was at a high level for some time introducing a new contentious phase of European integration (Hooghe and Marks 2009). In many member states, the project of political integration with a delegation of substantial competences and authority to the EU has become the object of fierce resistance.

This new conflictive nature of EU politics raises a number of fundamental questions with regard to the engagement of citizens in relation to the EU (Trenz 2010). If the EU is no longer supported by the permissive consensus of its citizens, we must think of new ways that they can express their views and expectations and how these can be channeled through the political system of the EU. Thus far, citizens mainly participate as uninformed voters, who as the EP elections results of June 2009 have demonstrated, increasingly tend to

support populist candidates and parties. But what do citizens actually think and how do they behave when informed properly about the EU and encouraged to exchange their views and opinions about EU politics? Deliberative Polling provides us with a research tool linked to an experimental design (Fishkin et al. 2000; Fishkin and Luskin 2005) to answer precisely this question with regard to the possibility and the potential impact of engaging citizens vis-à-vis EU institutions.¹

This article discusses possible advances of deliberative democratic theory applied to the EU in light of the experiences of deliberative polling. In the first part, we confront some commonly held assumptions and objections with regard to the feasibility of deliberation in a transnational and pluri-lingual setting. To illustrate our argument, we rely on a solid set of both quantitative and qualitative data from EuroPolis, a transnational deliberative experiment that took place one week ahead of the 2009 European Parliamentary elections.² The European deliberative poll is an ideal case for testing the viability of deliberative democracy across political cultures because it introduces variation in terms of constituency and group plurality under the controlled conditions of a scientific experiment. In the second part of the paper, we use the experience of deliberative polling among European citizens to critically assess the representative status of citizens' deliberations in a transnational setting. In plural and multi-cultural societies, the claim for democratic legitimacy of the citizens' voice is only insufficiently grounded in the statistical representativeness of the sample but needs to be generated through to public authorisation and accountability. The latter refers to the condition of publicity, contestations and debates that cannot be controlled by the deliberative setting but can only be its contingent outcome. The internal validity of deliberations in an experimental setting should therefore not to be equated with the generation of democratic legitimacy. The latter is to be measured not only in the epistemic quality of deliberation in terms of knowledge formation, respect and informed opinion among the participants but in the realization of political equality, which needs to be justified in broader terms as the inclusion of all potentially affected citizens in political will formation.

¹ Deliberative Polling® is a trade mark of James S. Fishkin. For a further specification of research design and method, (Fishkin and Luskin 2005)

² EuroPolis is a project co-funded by the 7th Framework Programme of the European Commission, the King Baudoin Foundation, the Robert Bosch Stiftung, Compagnia di San Paolo, and the Open Society Institute. For an overview see <<http://www.europolis-project.eu/>>.

Deliberative Democracy Under Conditions of Polity Uncertainty and Group Heterogeneity

Deliberative polling has been launched as an alternative to public opinion research to measure the informed opinion of citizens going through a monitored process of public deliberations (Fishkin 1991; 1995). As a democratic experiment, deliberative polls were designed in a way to maximise two principles of democracy, which are usually defined as exclusive: participation and deliberation (Fishkin 2009: 95). Can citizens be engaged in a broader public dialogue that is at the same time driven by rational consideration and arguments? Can a public sphere be created that is inclusive and engaged in high quality deliberation? Through careful experimental design, deliberative polling projects have succeeded to implement the conditions for an inclusive and deliberative public sphere both at the national and at the local level. They have also been applied in different political cultures: in developed Western democracies, in the new democracies of Eastern Europe as well as in an authoritarian regime like China. Deliberative polls have further been tested out with regard to a large variety of issues such as local policy issues, environmental policies, budgetary issues, constitutional design and foreign policy.³

What can we learn from deliberative polling about the scope conditions for applying deliberative democracy? Deliberative polling experiments provide sufficient evidence for the potential of deliberation to empower citizens within contextualised national cultures, when participants share the same language and are familiar with political rules and institutions. Apart from improving the general knowledge and the participants' political engagement, deliberative polls also result in value changes and increased agreement on problem perceptions, expressions of concern and possible solutions (Fishkin et al. 2000; Luskin et al. 2002: 474f.). Deliberative polls have proven successful in achieving consent on policy content, and in fostering citizens' allegiance to their polity. In this sense, the application of the method of deliberative polling has made a substantial contribution to illuminate key questions of both mass politics and democratic theory (ibid.: 487). Deliberation makes a difference in helping people to become aware of balanced information about policy issues; to exchange thoughtful views with other participants; and to reflect and modify their original views in light of exposure to information and discussion. Deliberative polls are thus able to stipulate processes of individual and collective opinion formation that are not available to other democratic

³ For more information on the substantive topics and designs of each deliberative poll, see <<http://cdd.stanford.edu/>>.

procedures. It is in this sense, that (Fishkin and Luskin 2005: 294) can claim that deliberative polls, in gauging what people would think if they thought, knew, and talked more about the issues, has some recommending force – to policy makers and, at least conditionally, also to the public itself.

Deliberative polling is however usually applied within a national, monolingual political culture. While there appears to be agreement on the applicability and normative value of deliberative polling in local and national settings, applying this experiment to a transnational setting poses additional challenges. Here the constituency from which the representative sample is chosen for deliberative polling lacks political recognition. The constituency of democratic politics is neither fully legally recognised⁴ nor is it self-recognising as a politically bounded and culturally distinct community.⁵ Statistical indicators for drawing a representative sample of European citizens can therefore not rely on the background assumption of a relatively homogeneous and monolingual population but must take into account the existence of pluri-ethnic and pluri-lingual fragmented groups as well as shifting minorities and majorities.

This problem of designing deliberative polling is further aggravated by the fact that the contingent constituencies of the EU are situated within a non-finished polity. The polity as the reference point for the sample is not the familiar environment of national or regional government but a complex multi-level governance arrangement. This introduces further uncertainty with regard to the question of which type of administration, legislative procedures and formal government deliberation should exert influence on. Is communicative power expressed through transnational deliberative bodies renationalised in the sense of targeting mainly domestic institutions and decision-making processes or do transnational deliberative bodies pay tribute to the complexity of multi-level governance in the sense of empowering European institutions and supranational authority?

With regard to the feasibility of deliberative democracy in the EU it has often been assumed that there is a correlation between deliberative quality and group homogeneity (Kraus 2008; Offe and Preuss 2007; Offe 1997).

⁴ For the development, potential and limits of European citizenship see (Eder and Giesen 2001a; Eder and Giesen 2001b; Maas 2007; Olsen 2008; Preuss 1998; Wiener and Della Sala 1997).

⁵ For the distinct character of European collective identity and the possibilities of self-identification as a political community see (Delanty 2005; Fossum 2003; Fossum and Trenz 2006a; Kantner 2007; Risse 2005; Trenz 2010).

Accordingly, deliberation has been measured within and not across political cultures. Deliberation would work best, if political culture is contextualised, pluralism of opinions is contained, participants speak the same language, share a common ethical understanding and pay each other respect as co-citizens (Habermas 1998; Wessler 2008).

The EU represents precisely this case, in which the underlying constituency of deliberative democracy is unbounded, multi-dimensional and contested (Abromeit and Schmidt 1998; Fossum and Trenz 2006a; 2006b). The EU constituency is an unidentified object, but not (yet) a political subject that can be addressed and socio-structurally or statistically confined. This variation is a challenge to the validity claims of deliberative democracy in general and, more specifically, to the applicability of deliberative polling to the EU setting.

From the existing body of literature, we can derive only tentative answers with regard to what will happen if deliberative polling is applied to a transnational and pluri-lingual setting. The debate on the EU's democratic deficit has emphasized language diversity as one of the major challenges of democracy beyond the nation state. Given the plurality of languages within the EU, it is sustained that the conditions for the emergence of a public sphere at the transnational level cannot be met (Gerhards 2000; Kraus 2000; Kraus 2008). As a matter of fact, the conditions under which public deliberation can claim validity and generate democratic legitimation are affected by what is recognised as the democratic community of a polity. These conditions for the generation of legitimacy within deliberative democracy have been discussed in terms of epistemic rationality and political equality (Eriksen 2005a; Fishkin and Luskin 2005; Habermas 1996; Peters 2005).⁶ With regard to the epistemic value of deliberation, it has been argued that understanding relies on a common language and basic cultural commonality (Kraus 2003; 2008; Taylor 1985; 1989). Following this line of thinking, a democratic public sphere can only be built where a number of pre-political requisites are found. There is a communal and identitarian base that must pre-exist democracy (Offe and Preuss 2007; Offe 1997). This is further linked to the idea that a common culture and identity are pivotal for deliberation because these create the *trust* and *understanding* that are necessary for citizens to reach sound agreement on political issues (Miller 1995). In an increasingly complex and culturally pluralistic Union of 27 Member States and 23 official languages meaningful and equal deliberation can therefore be seen as an impossible project. The upshot of this is, then, in the final instance that democratization in terms of

⁶ In the second part of the paper we will come back to a critical discussion of these scope conditions for generating democratic legitimacy within a transnational deliberative setting.

engaging citizens and fostering a vibrant public sphere on the transnational level is an impossible task. If cultures demarcate different discursive universes, discourses between cultures must be seen as principally problematic (Leigh 2004). Richard Rorty, for instance, has argued prominently that intercultural discourse could generate a basic understanding of meaning but not a deep understanding of the cultural connotations and intuitive meanings that are contained in language (Kantner 2004; Rorty 1989). This latter deep understanding, however, is seen by many as the necessary ingredient of democracy. Deliberation therefore only makes sense in a shared cultural and identitarian world in this view. Translations can help out in exceptional circumstances, for instance, in the case of professional groups or among experts. But can the epistemic condition of democracy be met in a pluri-lingual random sample of citizens setting?

This argument of the prerequisite of cultural homogeneity further affects the second condition for the generation of legitimacy within deliberative democracy. With regard to political equality, the rule of statistical representativeness in drawing a sample of citizens can, in principle, be applied to a transnational setting. But what if the sample is drawn from different populations that lack basic bonds of trust and recognition? Indeed, it is often argued in the literature that the notion of equality in deliberation is best served by the common origin and shared social and cultural traits of the participants. The *demos* of equal citizens relies on some pre-political bonds: a common language, culture, and history (see e.g. Grimm 1995; Schnapper 1994; Shore 2004). Moreover, in terms of placing the citizen in relation to political authority, this relates to the argument that 'citizenship' belongs firmly to the lexical set of concepts like 'nation', 'state' and 'peoplehood' (Williams 1976). Consequently, the idea of reason and equality in communication is seen to be unrealistic in situations of deep diversity where deliberation cannot draw on a notion of a 'demos of equals' that unifies the citizens. This is allegedly the case in the European Union, which is characterized by unequal living conditions of its populations and which grants only a limited range of political rights to its citizens. The EU has *no demos* (Weiler 1999).

Against the communitarian assumption, others have discussed solutions for reconciling political equality with deep diversity (Fossum 2003; Fraser and Honneth 2004) and the different meanings political equality assumes in multicultural societies (Kymlicka 1995). This is in line with findings from social movement research, which show that contrary to the expectations, pluri-lingualism at the European level does not impair the inclusivity and epistemic quality of deliberative settings such as the European Social Forum as compared to the exchange among movement activists at the national level

(Doerr 2005; 2008; 2009). Finally, in a project on the reconfiguration of EU democracy, different polity options are discussed with regard to what political equality can mean and how it can be consistently applied with regard to the multiple *demoi* of Europe (Eriksen and Fossum 2007).

If language pluralism needs to be defined as one of the basic EU values that should be conserved, protected and even promoted,⁷ the question of whether and how groups can interact and seek understanding across languages gains momentum. The critical issue here is *how transformative* the deliberative poll could be in a transnational setting. To what extent did the gathering of people together in Brussels over a weekend foster a sense of common understanding of the issues at stake? Further, when and under what conditions can this translate into common agreements? EuroPolis offered a setting wherein one can consider this dimension of deliberation's transformative role against the communitarian view that certain pre-political requisites must be in place for deliberative democracy to function effectively.

Last, but not least, deliberative democracy works under the assumption of a unitary public sphere and the existence of the media that can speak to the whole population. But how can public deliberation take place in the segmented media spheres of Europe? And even if equal public attention can be guaranteed, will coverage through different media channels not convey different images and thus still fragment public opinion on the event? The research on media coverage on European integration indicates indeed that the salience of European issues is low and except for a few key events like European summits or referenda, debates remain fragmented and nationalised (Trenz 2004; 2007). A recent comparative analysis of campaign styles in European parliamentary elections confirms these patterns (de Vreese 2009).

Design of the EuroPolis Deliberative Poll

Taking place one week ahead of the 2009 European Parliamentary election, EuroPolis was set up to conduct a *transnational* deliberative experiment that engaged citizens from all EU Member States in debates on issues of shared concern. As such, EuroPolis is a test that helps to clarify both the normative and the empirical concerns pertaining to the application of deliberative democratic theory's core assumptions to the EU. While resting on the crucial

⁷ For that purpose, the first Barroso Commission even appointed a Commissioner of Multilingualism. The language strategy of the EU with the aims to promote language pluralism internally and externally has been established in 2008 (Commission of the European Union 2008).

normative standards of deliberative democratic theory, EuroPolis' main innovation is to probe the conditions for deliberation among citizens in a transnational and multilingual setting through an empirical and comparative experiment. By facilitating and testing the political outcomes of deliberative democratic practices, EuroPolis allows assessment of opinion transformation that is likely to occur as a result of raising political awareness of randomly selected citizens and engaging them in thoughtful argumentation and dialogue.

In other words, whereas the underlying constituency and the polity have thus far been treated as relatively stable variables in the designs of deliberative polling experiments, EuroPolis introduced an additional axis of variation along these lines. For that purpose, the views and preferences of the 348 randomly selected EU citizens taking part in the EuroPolis Deliberative Poll have been assessed against a representative sample of the EU population which was used as a control group. Previous Deliberative Polls at the local and national level have shown to have set the conditions for democratic debate. They enhanced the substance of discussions, motivated citizens to take an active part in local and national politics, and motivated authorities to listen to the citizens. As the EU has been involved in a lengthy process of discussion on its basic principles, policies, and institutions, it is now time to rigorously test whether a deliberative design incorporating the principles of deliberative democracy is capable of producing similar results in a transnational and multilingual setting, bringing together a group of EU citizens in the context of EU elections.

The cross-national citizen dialogue of EuroPolis specifically addressed climate change and immigration, two high-profile issues of recent political debates in Europe. The participants were divided into several groups consisting of two or more languages. Discussions were led by moderators who had the task to raise certain pre-determined issues for debate as well as to manage the workings of the group. In addition, there was a host of translators involved with each group due to their pluri-lingual character. A central assumption in Deliberative Polling is that more informed citizens lead to improved deliberation and opinion transformation. Consequently, participants were provided with extensive, balanced and unbiased information material regarding the topics addressed by EuroPolis. Moreover, experts from civil society organizations as well as decision-makers from the European party groups gave plenary talks and answered questions posed by the different groups that took part in the deliberative poll.

Results from the EuroPolis Deliberative Poll

Against general expectations, EuroPolis has shown that deliberation works in spite of language pluralism and group heterogeneity. In the following, by drawing on the EuroPolis pre- and post-polling interview data we systematically measure the impact of polity (measured in terms of evaluation of the EU and preferences of allocation of competences) and constituency (measured in terms of respect and language barriers) on deliberative outcomes (measured in terms of change of preference and consensus among participants).⁸

The overall findings when comparing pre- and post-deliberation questionnaires with the control group indicate first that the EU polity is in fact recognised and taken as a reference point by citizens for exercising communicative power and impact on decision-making. Second, the EuroPolis experiment proves that citizens are in fact able to interact and debate across languages and cultures, thereby turning a heterogeneous group of randomly chosen participants into a constituency of democracy.

One typical criticism of EU democracy is that it does not provide a public forum for debate and exchange of opinions on its policies and institutions. EuroPolis ventured into such waters by pushing citizens to discuss, not only the substance of the issues, but also questions regarding policy competences and appropriate levels of decision-making in the EU. Citizens do in fact engage with the issue of the EU polity, express strong opinions on European integration, and enter the debate with pre-established preferences on the allocation of political authority. This can be clearly read from the low share of 'don't know' answers on these issues, ranging from 1,4 to 5,2 per cent. While this was a rather extensive component of the three-day event in Brussels, the data do however not indicate strong changes in citizens' opinions on this score. Overall, the results show that citizens took the 'middle ground' on the question of balance between the member state and European levels in EU decision-making defending the status quo but overall remaining reluctant with regard to the question of a deepening of integration and a further transfer of competences to the EU level. This was the case both for the issue of levels as such, and in relation to the question of unanimity or qualified majority voting in the Council of Ministers.

The most striking difference here is between climate change and immigration. On average, EuroPolis participants were in favour of more decision-making

⁸ See <<http://www.europolis-project.eu/>> for the data from the questionnaires.

powers for the supranational level on climate change issues than on immigration. These issues plot differently on the transnational and identity aspects of European politics. Climate change is the proverbial transnational and boundary-crossing issue, while immigration is often linked to identity discourses in nation-states. Not only did the citizens favour more EU competences in climate change than in immigration issues, there were no significant changes after the deliberative event in aggregate terms. Hence, despite the extensive information and structured discussion on these topics, there was little or no opinion transformation.

Any viable polity or political community depends on a modicum of identification from its citizens who are the authors and subjects of laws and political decisions. As highlighted *ad infinitum*, the EU lacks the typical identity signifiers that are held to be constitutive of nation-states. As such, the EU is often portrayed as oriented towards output legitimacy and political processes are, consequently, focused on efficient problem-solving. Interestingly, EuroPolis led to considerable changes regarding identity. The share of participants that perceive themselves as national citizens *only* decreased significantly after participation in the deliberative poll. Hence, when civilized debate and opinion exchange is facilitated, EuroPolis indicates that citizens relate to the broader gamut of identities and polity questions that emerge in a pluri-ethnic, multilingual, and multilevel polity like the EU.

The situating of the deliberative poll prior to the 2009 European parliamentary elections had the added benefit of tapping into the possible decisional implications of deliberation: did citizens change their voting preferences on the basis of a prior process of reasoned deliberation? Indeed, they did. Firstly, the deliberative poll increased the number of participants that intended to vote in the elections. Secondly, there were significant changes in party preferences, most notably a dramatic increase in those intending to vote the Greens after their participation in EuroPolis and a decrease of voting intentions for conservative parties (most likely to defend an exclusive concept of national sovereignty). These results bring up the larger democratic design issue of how to phase in deliberative polling and other deliberative methods in the representative-democratic institutional arrangements that continue to pre-dominate modern political systems.

EuroPolis documents, then, preference change and opinion transformation in its participating citizens. In probing the linkage between deliberation in a transnational setting and the issue of democratic legitimacy, we must however also focus on the deliberative design and quality of discussions at the event. Overall, the results of EuroPolis show that contrary to the communitarian

assumptions, cultural cleavages have no significant impact on deliberative quality and the possibility for citizens from different member states to debate and find agreement on issues of common concern. Participants gave the group discussions a positive evaluation: a majority held that there was equal participation in the groups (62,1 per cent), felt that there was ample opportunities to express own views (88,5 per cent), emphasized the high degree of respect (84,2 per cent), and disagreed that language and translations were an impediment to debate (80,5 per cent).

In light of this empirical evidence, we do not claim that polity uncertainty and group heterogeneity have no impact on deliberative quality. Further qualitative analysis of group discussions is needed to establish how citizens interact across languages. We can however safely assume that providing the technical tools of translation and the stimulating environment for transactions, citizens across member states can be strongly motivated and empowered as constituents of a European polity. How can we account for this finding? In the following we will come up with a tentative explanation that mainly draws on the unstructured observation of the group discussions by the scientific coordinators. We will point out the facilitating role played by a) the setting, b) the translation services, and c) the moderation. Our tentative findings need to be read with caution, and is meant to accompany the more structured qualitative analysis of the discursive quality of the discussions.⁹

The setting of EuroPolis was somewhat different from other deliberative polls in that it required technical equipment, human resources, and specific compositions of the groups in order to tackle the multiple languages involved in the experiment. In evaluating the available structured (questionnaire) and non-structured (observation) data, we observed that this setting possibly had both positive and negative effects on their deliberative quality. Specifically we observed effects on group dynamics and the sequencing of debates.

The evaluation of the event by the participants in the post-polling questionnaire can be used for a preliminary analysis of the feasibility of cross-national deliberation and its conduciveness towards mutual understanding. The large majority of the participants experienced the group discussions in EuroPolis as highly respectful and oriented towards understanding across linguistic and cultural divides. On average, the participants thought the event extremely balanced and considered the quality of the group discussions they took part in to be high. Almost 90 per cent thought that they were given ample

⁹ A microlinguistic discourse analysis of the transcribed discussions is prepared by a research group from the University of Bern and ARENA, University of Oslo.

opportunity to express their views. 84 per cent felt that their fellow participants respected what they had to say, even if they did not necessarily agree. Participants also had no problems in 'understanding' their fellow European citizens. Language was seen by only 12 per cent as a barrier to follow the debate while 87 per cent of the participants recognized the truthfulness of the argumentation of the other. Most importantly, participants from other member states were not seen as hostile players who defended diverging interests but as equals who expressed strong views and provided accessible justifications. The experience of meeting and talking with other people from all across the continent and with different cultural background also had an impact: 81 per cent of the participants thought that they had learnt a lot about people different from themselves, 'about who they are and how they live'.

How can we account for this positive evaluation of the event as an experience of learning and enhanced understanding? One possible explanation can be that pluri-lingual settings are especially conducive towards certain 'habits of listening' (Doerr 2009). Transnational groups might turn out to be more attentive listeners and overcome habits of hearing in familiar national settings. In a discussion among co-nationals we know intuitively whom to listen to and whom to ignore. In a transnational setting, this familiarity is not given. In EuroPolis this was amplified by the technical equipment (simultaneous translations, headphones and microphones) which helped to focus the attention of the participants. The higher listening requirements of the pluri-lingual setting might thus have worked positively for the deliberative quality. Moreover, the translators and moderators became facilitators of listening in this specific setting. The moderator addressed all language groups, made sure that comments from each participant were taken into consideration and made efforts that the same attention was paid to each language group. Participants, in turn, had to await translation, and were seemingly motivated to pay respect and attention to participants from other language groups. They were also aware that there was a normative expectation of entering into dialogue with citizens from other member states and act accordingly. We also observed that most participants sought to make their interventions intelligible for other nationalities, for instance by explaining and 'translating' the local experiences they employed in backing up substantive arguments.

Discussions in pluri-lingual settings tend to run slowly. Slow debates might be less conclusive but are also more balanced and single speech acts are more reflected. Participants know that their statements need to be understandable and grounded to be properly translated and understood by the others. They do therefore speak up less spontaneously and reflect before they take the floor.

There is thus good reason to assume that respect towards other participants and levels of justifications are higher in pluri-lingual than in monolingual settings. On the negative side, we might assume that pluri-linguism raises the hurdle for participants to make their statements. From our observation we noticed that many participants felt at unease or were not used to speak through microphones. Moderators had to give a stronger stimulus to make sure that participants from all language groups could voice their opinion.¹⁰ Added to this, the physical setting of the groups was seemingly important. Same-language participants tended to cluster together at the table, possibly impeding also the more informal encounters with other languages. We moreover observed a tendency in several groups of linguistic dominance imposed either by the majority of speakers or by the language of the moderator leading to relatively long 'strings' of debate in that language before participants of another nationality entered the debate. Hence, while translation could be seen as a facilitator of reasoned debate, it was also to some extent an impediment to the spontaneity of the *cross-cultural* dialogue due to delays and the difficulty for participants to spontaneously enter the debate.

Moderating was crucial in EuroPolis and influential on the quality of deliberation. One reason for a possible accentuation of the moderator's role is that pluri-lingual deliberation tends to be more time consuming than discussions in monolingual settings and that small groups discussions operate under constant pressures of time to be able to cope with the restrictive agenda. In the EuroPolis case, up to 16 group participants had about 90 minutes of free discussion on a topic and about one hour of more structured debate with the aim to formulate questions to the experts on the topic. Since, especially at the beginning, the hurdles for entering the debate were high, the scope for a free exchange of views and opinions was thus limited by the rather controlled setting of the experiment. Many participants only made single statements and moderators had to rush through the process. The gap between active and passive speakers widened at the end of the experiment, when the pressures for attentive listening were lower. The setting was such that some 'high skilled' participants became dominant and collaborated with the moderator in formulating the questions, while other participants became distracted, put off their headphones and turned to informal talks with their fellow nationals.

¹⁰ The experimental design does of course not presuppose that all participants must be given de facto equal voice in small group discussions. The experiment should rather reflect real life situations and account for the inequalities within the group in terms of distribution of knowledge and information, rhetoric skills, education, etc. The question to be raised here is simply whether the 'facilitating tools' that were introduced to deal with the pluri-linguistic situation interfered as an additional hurdle and thereby affected the participatory patterns and the sequencing of the debate.

These findings and observations from EuroPolis can be addressed by the idea of ‘framing effects in deliberative settings’ (Barisone 2010). Framing effects refer to the context of meanings wherein deliberation is constructed and imparted to participants. In EuroPolis this was evident in the strong formalisation of the setting. In addition to the already mentioned timetables, there was also a predetermined set of topics and questions raised in the questionnaire and by the moderators that each group was most likely to focus on in the discussions. In order to achieve these objectives, moderators were trained by the scientific coordinators of the project and held accountable to them. One possible conclusion (not systematically tested out though) would thus be that the transnational group composition puts stronger pressure on the moderators to control the setting. Moderators would more easily tend to take on a disciplining role in steering discussions based on the deliberative ‘codebook’. Group debates would be more streamlined and generally focus on a set of default questions posed by the moderators, who would develop a schoolmasterly attitude to run through the predetermined agenda.

From Internal Validity to Democratic Legitimacy: Equality, Epistemic Condition, Representativity and Publicity

In addition to these empirical and practical issues with regard to the constituency of deliberation and the group dynamics, EuroPolis also crucially reflected the issue of democratic legitimacy and citizens’ involvement in politics ‘beyond the nation-state.’ By critically scrutinizing this deliberative event, we can provide a first take on specifying scope conditions for deliberation, with direct reference to the lessons from the polling experiment; reflection on the methodological problems associated with this undertaking; and finally attempt to discern ways to move from deliberation to will-formation and from specific to general – systemic – legitimacy in the EU setting.

There has been a long discussion on how to assess the discursive quality of deliberative mini publics and the validity claims generated by them (Grönlund et al. 2010; Steiner et al. 2004). The main aspects of discursive quality within a deliberative mini public are based on the following assumptions: discussions should a) pay respect to each participant and offer a fair chance to be heard (equality condition), b) be ruled by the informational and the substantive value of the arguments (epistemic condition). We argue that these two criteria relate to the internal validity of the deliberative setting but are not sufficient to generate democratic legitimacy. In order to turn a private and experimental

deliberative setting into public deliberation with the potential to claim democratic legitimacy, two additional requirements need to be met. We argue that deliberative bodies in order to generate democratic legitimacy need c) to represent the informed opinions of the general public (representativity condition) and d) to address and to potentially include all the citizens that collective decisions apply to (publicity condition).

Equality and Epistemic Condition

The assumptions of deliberative theory are, however, not uncontroversial. First of all, it has been noted that the equality condition and the epistemic condition always rely on some form of trade-off (Eder 1995). The march towards political equality therefore frequently has the unintended consequence of diminishing deliberation, whereas any increase in the epistemic value of deliberation seems to entail a loss in equality (Fishkin and Luskin 2005). The epistemic version of deliberative democracy considers deliberation as a cognitive process – bent on finding just solutions and agreements about the common good. Deliberation's epistemic value rests on the imperative to find the right decision. In contrast, the participatory version of deliberative democracy highlights the active involvement and empowerment of citizens in collective will formation as a necessary condition for the creation of democratic legitimacy. Deliberation has thus primarily a moral value, driven as it is by the imperative to allow for equal participation of all. The question is: How can deliberation be both epistemic and moral at the same time? In other words, how can it be made effective as a way of common problem solving and at the same time be justified through the consent of all that are potentially affected by it? (Eriksen 2007: 302).

These controversies within deliberative theory point to two different readings of political equality. From the epistemic perspective, political equality is understood primarily as equal participation and respect among the participants of a 'closed' deliberative setting. In combination with other standards of epistemic rationality such as level of justification, common good orientation and agreement, these indicators are used to establish the *internal* validity of deliberation (Baechtiger et al. 2010). From the participatory perspective of deliberation, however, political equality needs to be recognized in a broader sense as the inclusion of all potentially affected citizens in political will formation. Only in this latter sense, can political equality also be considered as a sufficient condition to establish the democratic legitimacy of deliberation (Habermas 1996). In modern mass democracies, inclusion defined in these broad terms can only be met by relating group deliberations back to criteria of representativeness and publicity. It is only by embedding

deliberative procedures within the public sphere that agreements based on sound reasoning in deliberative bodies can be linked back to the more diffuse opinions of those citizens that cannot be present in the deliberative rounds. Deliberative settings are then discussed in the literature as ideal situations which must stand the validity test of representativeness and publicity (Bohman 1996; Knuuttila 2004; Manin 1987; Stasavage 2007). Through representation, deliberative bodies can claim *internal* validity and through publicity, these validity claims can also be contested. It needs to be noted however, that a new trade-off enters the scene: the publicity condition is easier to meet in a situation of face to face communication than in a situation of mediated communication. In deliberative democratic theory, this has been addressed as the constraining factor of scope and the necessity of intermediation between strong but small deliberative publics and the general mass public (Peters 1997).

How can deliberative polling in a transnational setting simultaneously maximise the values of deliberation and political equality and spell out procedural guarantees for representation and publicity? From the outset, political equality is defined as 'equal consideration of everyone's preferences', where 'everyone' refers to some relevant population or *demos*, and 'equal consideration' means a process of equal counting so that everyone has the same 'voting power' (Fishkin and Luskin 2005: 285). In turn, 'deliberation' refers to procedures of 'weighing' competing considerations through discussion that is informed, balanced, conscientious, substantive and comprehensive (*ibid.*).

In Europolis, the political equality condition was handled through random sampling and a claim to statistical representativeness. Through random sampling, the organisers of the event could claim to have created a 'scientifically selected European microcosm,'¹¹ that revealed how Europeans would think, had they a better opportunity to be engaged in reasoned opinion and will formation. Statistical (or descriptive) representation is thus seen as one crucial variable for the generation of political legitimacy. It assures that the selected sample mirrors the larger constituency in socio-demographic terms like age, gender, etc. The representative body reproduces the 'higher being' and therefore can legitimately claim to speak for it.¹²

¹¹ See James Fishkin in an interview at:

http://www.opendemocracy.net/blog/deliberation/this_experiment_revealed_euopres_public_sphere_a_conversation_with_james_fishkin.

¹² On the notion of descriptive representation see (Pollak et al. 2009: 11).

Representativity

In terms of representativity of the selected participants, the available data from EuroPolis point in somewhat different directions. On basic background variables like gender, age, and education, EuroPolis participants deviated from non-participants only to a little extent. In terms of age groups there was virtual parity between participants and the control group, while for gender there was a slight over-representation of male citizens taking part in the deliberative poll. There were also a slightly higher percentage of students among the participants, and a somewhat higher level of education.¹³

The picture changes, however, when turning to the issue of class. Here, the sample was clearly less representative. In EuroPolis there was a strong over-representation of so-called 'upper middle class' (38,17 per cent against 24,88 per cent in the control group) and equally strong under-representation of participants from a 'working class' background (23,96 per cent against 38,28 per cent in the control group). This aspect is crucial for our assessment of the deliberative quality of EuroPolis, not the least as it is more difficult to pinpoint the popular constituency of EU democracy than in a national setting. Several studies on popular opinion have indeed highlighted a class and educational divide regarding support for the EU and European integration (Diez Medrano 2003; Eichenberg and Dalton 2007; Gabel 1998; Gabel and Palmer 2006; Petithomme 2008).

As EuroPolis was set up to gauge not only substantive policy issues, but also to prod citizens' views on European institutions and the distribution of competences between the EU and national levels, this deviation in terms of class background may have contributed to biases in the participants' responses. Hence, while EuroPolis can clearly document isolated opinion change due to participation in the deliberative event itself, it is less clear that we can draw sound conclusions regarding the EU polity dimension. EuroPolis participants also had a much higher score in voting intention (82,27 per cent intended to vote, 9,8 per cent not to vote) in the EP elections than the control group (65,18 per cent intended to vote, 20,18 per cent not to vote). This may be an attribute of relatively higher education and the specific class belonging of participants. As such, it seems that self-selection has created a certain bias in EuroPolis towards individuals that on average are more politically engaged; both in terms of choosing to participate in a political event like the deliberative poll and in terms of electoral participation.

¹³ 'Level of education' was measured in terms of 'age of completion'.

While there are some impediments to the deliberative equality in terms of representativity on an individual basis, the distribution across nationalities was clearly more representative. There were no major deviations from the control group, except for a slight under-representation of most of the larger member states. Nationality is important for the representativity of the deliberative poll as the idea of its transnational character was to reflect the diversity of the democratic constituency of the EU. Here, EuroPolis succeeded in giving the different member states more or less the same standing in relative terms. The question remains, however, whether this effort has contributed to a solution regarding the establishment of a transnational constituency for democratic will-formation in the EU. Does upholding the 'unity in diversity' slogan of the EU suffice in order for the representativity condition to having been met? Or are additional criteria needed in order to constitute transnational deliberation in the EU setting?

It should be noted at this point that the claim for scientific authority of deliberative polling is not simply grounded in the statistical representativeness of actors. Random sampling is rather used as a method to arrive at public judgment. The claim here is that the experiment has a revelatory function of what would be the considered judgment of European citizens in European elections. In this last sense, the deliberative microcosm 'represents' public judgment, not actors. The results of deliberative polling reflect what people speak, not what people are (Fishkin 2009). On the basis of deliberative polling, it is therefore not possible to claim that the citizens assembled in the poll represent the people of Europe as a well established democratic constituency. Although the polling experiment relates in a number of ways to the context of European Parliamentary Elections, its participants do not represent the European electorate but rather deviate from it in a number of significant ways. As such, they constitute an 'alternative public', which, in contrast to the actual choices by the electorate, arrives at collectively expressed positions on substantial policy issues, on the EU polity and on European political parties. Most importantly, these positions on European integration are not pre-given but shaped through considered deliberations. They thus take the shape of public opinion and not of individual attitudes (as, for instance, measured by Eurobarometer). In normatively assessing deliberative polling, it has therefore been sustained that the opinions expressed and the choices made by citizens after deliberation have a higher legitimacy than the actual voting results.

The microcosm of European citizens is therefore linked to political representation not simply in terms of actors that constitute it. Random sampling of citizens is rather seen as a guarantee to 'represent' the informed opinion of the Europeans. Through careful experimental design, the

deliberative poll is introduced as a method to combine moral and expert judgment and it is only this combination, which grounds the claim for scientific authority regarding the representative status of the experiment. Democratic legitimacy in terms of inclusion could thus be approached by designing the deliberative poll in such a way so as to ensure that every European citizen had an equal chance to participate and that the sample represented the whole population of Europe in a statistically significant way (ibid.: 287). Democratic legitimacy in terms of epistemic value of deliberation could be achieved through providing unbiased information to the participants and scientific monitoring of the event. In the case of Europolis, balanced briefing materials were used to pre-structure the discussions. During the event, group discussions were accompanied by trained moderators who encouraged plural voices and opinions and ensured that all major proposals and counterproposals were addressed, thus facilitating opinion change and convergence opinion formation (and transformation) was further facilitated by experts and politicians who responded to questions by the participants. Last but not least, deliberative polling also generally aims at pre- and post- event publicity to spread the results and the opinions generated during the event among the population at large and to discuss its validity. Through publicity, the deliberative poll is meant to offer a mirror for citizens, a mirror that permits them to consider themselves as ideal citizens and which serves the important role of indicating the policy choices of an informed citizenry to the politicians. Media broadcasts are therefore seen as a 'helpful adjunct to the design - a way of motivating both the random sample and the policy experts and policy makers to attend, of educating the broader public about the issues, and, perhaps, of nudging public opinion in the direction of the results' (Fishkin and Luskin 2006: 184).

Although deliberative polling is carefully designed scientifically to enhance its role as a representative 'mini-public' it is important to keep in mind that statistical indicators are not innocent, i.e. legitimate per se, but need to be justified. There are many possible reasons for groups (or particular members of the groups) to deviate from equal representation of all as guaranteed by random sampling. Scaled systems of representation are typical for federal systems, in which group rights or territorial representations play a more important role than the equal representation of individual citizens. Deviations from the ideal random distribution of citizens are frequently applied in representative democracy, e.g. through minority rights, quotas for women, etc. In the EU, a multi-level system of political representation through experts, stakeholders, national and European parliaments, governments of the member states and the EU bureaucracy has developed, which is based on a fragile balancing of citizens and group rights as well as social, sectoral and territorial

interests and which cannot easily be subjected to a regime of unitary representation (Benz 2003; Crum and Fossum 2009).

A second, more serious argument, is that the forum of citizens that is selected by random representative sampling is not legitimate per se, but needs to be authorized by the broader constituency (Brown 2006). Authorization comprises several components: the selecting agents, the selection procedure and the results. Not only the participants of public deliberation must be recognized as legitimate speakers, also the selection agents (in this case the scientists) and the deliberative setting must be recognized as appropriate by a broader constituency (Rehfeld 2006: 7). In classical representative theory authorization usually takes place through elections. Participants of citizen forums that stand for public deliberation, could, in principle, also be elected but this would open a selective process that 'distinguishes' elected representatives from the lay public. Random sampling instead is meant precisely as a procedure to avoid the 'distinctiveness' of elective representation. As such, it is usually defended not by an explicit consent of the constituency but as a universally valid procedure authorized by science. Random sampling is not only seen as the more accurate procedure to represent 'lay publics', it also further helps to depoliticize the setting, does not create majorities and minorities and thus guarantees high degrees of acceptance of the citizens. Random sampling also has the additional advantage that it is not limited by social scale. 'It does not make any appreciable statistical difference whether the same size sample is representing a town, a city, a small nation, or the entire European Union' (Fishkin 2009: 96) The claim here is that the randomly sampled citizens have a type of lay authority, they are legitimate precisely because they are not experts or persons distinguished by the preference vote of their fellow citizens (ibid.: 98).

Random sampling does nevertheless not mean that participants of deliberative polling are cut off from political representation. Even if random sampling under the conditions specified by deliberative polling is accepted as an alternative selective mechanism to elections,¹⁴ the experimental setting encourages the participants in numerous ways to take the role as representatives of the larger citizenry. Political representation and accountability in the case of citizen forum comes back in through what Mansbridge calls anticipatory representation (Mansbridge 2003). Accountability in citizens' forums is not meant in the sense that single

¹⁴ Selection by lot is not unprecedented in the history of democracy, and indeed was the preferred mode of Athenian democracy to select representatives from the body of citizens (Manin 1997)

participants are formally hold accountable for their opinion but in the sense of 'giving an account' to the broader public and to the scientists that accompany the event (Brown 2006: 210). The participant must argue in a way that is acceptable to the other participants or, in the case of conflict within the group, position themselves and seek to formulate positions agreeable to others. Experts or like minded politicians, for instance, can be used as a yardstick to measure the representativeness of the opinions expressed by the participants. If sufficient publicity of the deliberative polling event is guaranteed, participants of deliberation also need to contest for the recognition as representatives through *public* justifications that can be accessed and weighed by the broader audience. In public deliberations, participants weight their arguments by anticipating possible acceptance of a broader public. The publicity condition is thus crucial to defend the democratic legitimacy of deliberative polling in relation to political equality and representativity of the opinion expressed.

Publicity

Establishing a tentative European 'public' over a weekend in Brussels can, as we have seen, generate lively debate, respectful dialogue, reasoned deliberation, and opinion change among the participants. Yet, even if the validity of the scientific design of deliberative polling is accepted, some doubts remain with regard to the normative conclusion about the representative status of the polling experiment. The transnational setting has seemingly affected the conditions for meeting the criteria of *public* deliberation, in which the general validity of arguments and opinions has to be defended and political equality has to be justified as the inclusion of all potentially affected citizens in public will formation. To meet these criteria, the mirror that is created through statistical representativeness also needs to 'shine back.' It needs to create public resonances within the wider audience of citizens that 'reflects' about the validity of the propositions made in the democratic experiment.

Putting the scientific validity of the democratic experiment at an equal level with democratic legitimacy can otherwise lead to some serious misreadings about the status of deliberative polling in relation to democracy. If deliberative polling arrives at a more accurate and scientifically grounded representation of the public judgment, one is easily led to the assumption that they should also replace general elections as the more legitimate expression of the collective will of the people. Even more, the claims for the scientific authority of the experiment make it possible to conceive the representative judgment of the microcosm as a substitute of the judgment of the whole. We could then

perfectly imagine deliberative polling as a tool to arrive a public judgment while the whole body of citizens no longer need to bother to deliberate at all (Brown 2006: 216).

If we accept, in turn that the legitimacy of the public judgment expressed through deliberative polling is only insufficiently grounded in statistical representation but needs to be recognized through a broader process of public will formation, the problem emerges how the 'representative opinion' of the microcosm of the experiment can be amplified within the broader public sphere. If citizens' deliberation 'represents' a combination of the best epistemic and moral judgment available, they need to be conceived as a contribution to ongoing societal deliberations. This continuity between citizens' deliberations in the experiment and societal deliberations is more difficult to achieve in a European setting than in local or national politics. One way to approach this aim consists in selecting only the most salient topics during election campaigns. The planners of deliberative polling will however face difficulties to prognosticate what will become topical in future elections and, in addition, have to pay tribute to the varieties of campaigning styles and contents between the member states. In our case, the 'representativeness' of issue selection was safeguarded by three criteria: a) issues had to be object to EU legislation and shared authority between the EU and the member states; b) issues had to be addressed by party manifestos and had to be controversially discussed along a left-right cleavage with the possibility to build cross-national alliances and to arrive at common European problem perceptions and solutions; c) issues had to raise public attention and concern in all member states over a consistent period of time (as documented by Eurobarometer). The two issues selected, immigration and climate change, guarantee high degrees of salience and contention in all member states and can build on a common history of debate that forms the knowledge of European citizens. Although they have not been hot campaigning topics during 2009 election campaigns, both topics were regularly raised in public and media debates and became the object of partisan contestation.

At first look, EuroPolis had ample opportunity to address this *public* aspect of deliberation. The choice to launch the event close to the 2009 European parliamentary elections was taken on purpose to enhance the public relevance and salience of the event. In diffusing its results and informed opinions at the level of mass political communication, the event encountered a couple of additional hurdles that need to be discussed in relation to the specifics of the transnational setting. One problem relates to the character of EP elections as 'second order elections' (Marsh 1998; Reif and Schmitt 1980). The EuroPolis experiment evokes an imaginary EU constituency, for which EP elections

would take a new meaning as first order elections. This is contrasted by the debates held at the level of mass communication with low degrees of contestation, a main focus on national topics and actors and a spread of Euroscepticism in interpreting the relevance of the EU.¹⁵ EuroPolis thus creates an idealised contrast image of a European public sphere, which, following the dominant logics of mass political communication, cannot be simply amplified by the national mass media. The topics addressed by the deliberative poll were obviously of transnational political relevance, but cannot be easily reconnected to the non-substantial and personalised debates that dominated the national debates.

Another problem relates to the fact that EP campaigning is generally not focused around policy issues and solutions but around politics in terms of party competition and the images of candidates. Party cleavages were made less salient in the topics of debate chosen for the polling experiment, which rather required the agreement on global solutions and the expression of consensus that 'something needs to be done'. One component of the experiment consisted precisely in cutting off the participants from the imperfect world of political communication at the level of mass media communication. By blending out parallel lines of conflict, the likelihood to express consensus on single issues is enhanced. At the same time, the issues selected invited for 'soft deliberation', in which self-interests are not part of the process of exploration and clarification.¹⁶ Immigration and climate change were discussed as topics that required collective choices and that invited the single participants to speak as 'we' in defense of collective goods and not of personal interests.¹⁷ It does then come less as a surprise that the discussion of

¹⁵ This is based on findings from a parallel analysis of online media debates at the level of mass communication of the 2009 EP election campaigns in 12 member states (Michailidou and Trenz 2010).

¹⁶ See (Mansbridge et al. 2010) for a general critique of blending off self-interest from deliberation.

¹⁷ Consider the framing of information material around two competing collective good problems (economic growth versus environmental sustainability and free movement versus security respectively). Also in responding to the questionnaire, the participants are not asked what is at stake for them but how they think the topic affects their community of belonging: 'Some people think that immigrants have a lot to offer to [COUNTRY]'s cultural life. Suppose these people are at one end of a 1-7 scale, at point 1. Other people think that immigrants threaten the [NATIONALITY] culture.' 'Some people think we should do everything possible to combat climate change, even if that hurts the economy. Suppose these people are at one end of a 1-to-7 scale, at point 1. Other people think that we should do everything possible to maximize economic growth, even if that hurts efforts to combat climate change.'

green issues turns participants 'greener' with a tendency to change voting preferences for Green parties.

The point to be made here is not to question the validity of the experimental design as such, but rather to emphasize the discrepancy between an idealised 'strong public' and the structural weaknesses and fragmentation of the 'general public' at the level of mass political communication. This fragmented character of a European public and media sphere constitutes the main hurdle for publicizing the event and claiming general legitimacy. Symptomatically, the transnational deliberative poll did not receive substantial public and media attention. On the two press conferences held before and after the event, the Brussels-based media correspondents were difficult to mobilize. Moreover, EU correspondents clearly have limited impact on EP election campaigning, which is mainly reported by domestically based journalists. This latter group was even more difficult to reach, since no systematic media contacts could be built at member states level (e.g. through decentralized press conferences or press releases in several languages). The upshot of this in theoretical terms is that while the internal validity of deliberative settings can more or less be controlled *ex ante* through specified procedures and statistical sampling of participants (in the case of citizen deliberation), the conditions for the *ex post* transmission of its results at the level of mass political communication will remain contingent. The validity of the experiment should therefore not be confounded with democratic legitimacy, which is generated through the *public* deliberation and testing of the generalised validity and representativeness of the results of the polling experiment. For that latter objective to be achieved, publicity needs to be created through the intermediation from the 'strong public' of 348 randomly selected citizens to the general public of some 500 million Europeans.

In this paper, we have thus raised some serious doubts whether the imposition of scientific authority can really justify the gap between deliberative public opinion of the microcosm and non-deliberative opinion of the mass publics. Social sciences can only safeguard the internal validity but not the public legitimacy of deliberative polling. Scientific authority alone is not sufficient to generalize the validity of the results of the experiment and defend them as publicly legitimate. The problem is that statistical representativeness might well be universally applicable but nevertheless be contested in practice. Ruling out such contestations as 'undesired' or 'inappropriate' elements of public deliberations does certainly not resolve the issue. It does also make a huge practical difference whether the microcosm of citizens is recruited from a relatively homogeneous group of local citizens or whether it shall represent the many populations of Europe. One argument frequently brought forward

in the debate on the applicability of European deliberative democracy is precisely that the underlying entity is too heterogeneous and dispersed. The people of Europe cannot be properly identified and described by socio-structural indicators that could form the basis of statistical analysis. Yet, both random selection and authorization rely on a pre-existing constituency. The dynamics of deliberation in the transnational setting are however rather about the constitution of constituencies. The people of a European democracy is invented, imagined and mobilized as part of the ongoing deliberation process about the future shape of democracy in Europe (Fossum and Trenz 2006a). How can deliberative polling deal with such fundamental contestations about the constitution of constituencies? Such contestations will ultimately also challenge the 'scientific choices' taken to demarcate the underlying constituency of deliberative democracy in Europe. To define such resistances against the universal validity of science by default as 'illegitimate' and thus to prevent the scientific design of the setting from being contested by the participants or by a third party does not seem practicable.

Conclusion

This paper has highlighted that communicative barriers to deliberation in a transnational and pluri-lingual setting are, for the most part, practical and not substantial. They can be overcome by careful design of the deliberative setting which facilitates encounters among the participants and generates habits of respect and careful listening. The results of the EuroPolis deliberative experiment demonstrate, therefore, that there are no principled hurdles to the application of deliberative democracy to the EU. As such, the engaging of ordinary citizens through deliberative experiments can be one way to deal with the conundrum of public discontent with EU policies and institutions. By giving citizens the opportunity to discuss and voice opinion in respectful dialogue, deliberative polling raises awareness of the complexities of political decision-making and democratic legitimacy in a polity like the EU. This does, however, not necessarily mean that the 'constraining dissensus' of recent years will be reverted back to another era of 'permissive consensus' in European integration as a result of deliberative experiments. Rather, EuroPolis has provided a microcosmic European 'public', where citizens from highly diverse backgrounds and despite language pluralism have debated and contested each other on issues of principle and policy related to European integration (Fishkin 2010). In this light, deliberative polling serves a purpose as it highlights that legitimacy does not necessarily have to rest on substantive consensus on institutional issues or policy, but rather is ultimately dependent on the public 'saturation' of political will-formation through open and

unfiltered debate. EU politics are increasingly politicized and EuroPolis brings with it evidence that the opportunity to engage in real debate is a more effective means to mobilize political participation than endless media campaigns and public relations exercises courtesy of EU institutions that address the passive, and, for the most part, non-attentive citizens.

At the same time, we have emphasized that there is an undertheorizing of how deliberation of face-to-face publics can be mediated to the general public. Our analysis of the EuroPolis deliberative poll based on group observation and questionnaire data has highlighted that there is no straightforward process from group deliberation to public deliberation. There were relatively high hopes for the media impact of the event and thus widespread dissemination of its purpose, design, and results. The news value of the deliberative experiment was, however, drowned out by the nationalised debates of the European parliamentary elections. In this sense, EuroPolis – despite its merits in bringing citizens together – was not less ‘secretive’ than, say, deliberation in the comitology system of the EU. This is important as publicity through mediation from strong publics to general publics is a general condition for the generation of democratic legitimacy (Fraser 1992; Habermas 1996). To clarify these issues deliberative democratic theory needs to relate back to international comparative media analysis, which has highlighted the cultural and system specificity of public deliberation cultures (Esser and Pfetsch 2004; Hallin and Mancini 2004; Wessler 2008).

We argue that as much as EuroPolis has provided important insights in the possibilities of cross-cultural deliberation in a pluri-lingual setting, it has also highlighted the limits of deliberative ‘mini-publics’ as instruments of democratic reform of the EU. In particular, the European setting requires us to rethink the conditions for fostering general public debate and claiming democratic legitimacy in response to multiple sectoral and territorial constituencies. With increasing dissensus and higher degree of political conflict in contemporary Europe, not the least as a consequence of a more diverse Union after Eastern enlargement, there is little evidence that this state of affairs might change in the immediate future. Public scrutiny and debate on political decision-making – be it on the national, European, or global level – are still national phenomena. For facilitated deliberation in settings like EuroPolis to have political significance for others than participants themselves, then, would require a transformation of political culture and media in Europe. Deliberative mini publics have a limited potential to trigger off such a transformation of political culture, as long as there is now supporting infrastructure for political communication through which European issues would have to be understood and debated as having a European impact as

well as empowering a European representative body with full legislative authority. The upshot of this is that carefully crafted experiments such as Deliberative Polling cannot in and of themselves provide sufficient 'cures' for the democratic deficit of the EU as long as citizens' deliberations are not supported and amplified by a broader communicative infrastructure of the public and media sphere. Last but not least, this missing link between the deliberative mini public and the 'public at large' relates back to the well known deficits of the European Union in terms of consolidated democratic procedures and the identification of the citizenry as a constituent of a European democracy.

References

- Abromeit, H. and Schmidt, T. (1998) 'Grenzprobleme der Demokratie: konzeptionelle Überlegungen', in B. Kohler-Koch (ed.), *Regieren in entgrenzten Räumen*, Opladen: Westdeutscher Verlag.
- Baechtiger, A., Pedrini, S. and Ryser, M. (2010) 'Analyzing Political Process: Deliberative Standards, Discourse Types, and Sequenzialization', paper prepared for the conference *Democracy as Idea and Practice*. Oslo.
- Barisone, M. (2010) 'Framing Deliberative Politics', paper prepared for the Conference *Democracy as Idea and Practice*. Oslo.
- Benz, A. (2003) 'Compound Representation in EU Multi-Level Governance', in B. Kohler-Koch (ed.), *Linking EU and National Governance*, Oxford: Oxford University Press.
- Bohman, J. (1996) *Public Deliberation. Pluralism, Complexity, and Democracy*, Cambridge: MIT Press.
- Brown, M.B. (2006) 'Survey article: Citizen panels and the concept of representation', *The Journal of Political Philosophy*, 14(2): 203-25.
- Commission of the European Union (2008) 'Multilingualism: an asset for Europe and a shared commitment', COM (2008) 566 final.
- Crum, B. and Fossum, J.E. (2009) 'The Multilevel Parliamentary Field: A Framework for Theorising Representative Democracy in the EU', *European Political Science Review*, 1: 249-71.
- de Vreese, C. (2009) 'Second-rate election campaigning? An analysis of campaign styles in European parliamentary elections.', *Journal of Political Marketing*, 8(1): 7-19.
- Delanty, G. (2005) 'The Quest for European Identity', in E. O. Eriksen (ed.), *Making the European Polity: Reflexive Integration in the EU*, London: Routledge.
- Diez Medrano, J. (2003) *Framing Europe: Attitudes to European Integration in Germany, Spain, and the United Kingdom*, Princeton: Princeton University Press.
- Doerr, N. (2005) 'Sprache ist nicht das Problem. Die Sozialforen als Testfall für europäische Öffentlichkeit', *Berliner Debatte Initial*, 4: 93-105.

- (2008) 'Deliberative Discussion, Language, and Efficiency in the World Social Forum Process', *Mobilization*, 13(4): 395-410.
 - (2009) 'Language and democracy 'in movement': multilingualism and the case of the European Social Forum process', *Social Movement Studies* 8(2): 149 - 65
- Eder, K. (1995) 'The Institutionalisation of Environmentalism. Ecological Discourse and the Second transformation of the Public Sphere', in B. Wynne, B. Szerszinski and S. Lash (eds) *Risk, Modernity and the Environment: Towards a New Ecology*. London, London: Sage.
- Eder, K. and Giesen, B. (2001a) 'Citizenship and the Making of a European Society', in K. Eder and B. Giesen (eds) *European Citizenship between National Legacies and Postnational Projects*, Oxford: Oxford University Press.
- (2001b) *European citizenship between National Legacies and Postnational Projects*, Oxford: OUP.
- Eichenberg, R. C. and Dalton, R. J. (2007) 'Post-Maastricht Blues: The Transformation of Citizen Support for European Integration, 1973-2004', *Acta Politica*, 42 (2/3): 128-52.
- Eriksen, E. O. (2005a) 'An Emerging European Public Sphere', *European Journal of Social Theory*, 8(3): 341-63.
- (ed) (2005b) *Making the European polity : reflexive integration in the EU*, London: Routledge.
 - (2007) 'Deliberation und demokratische Legitimität in der EU. Zwischen Konsens und Kompromiss ', in B. Herborth and P. Niesen (eds) *Anarchie der kommunikativen Freiheit. Jürgen Habermas und die Theorie der internationalen Politik*, Frankfurt: Suhrkamp.
- Eriksen, E. O. and Fossum, J. E., (eds) (2000) *Democracy in the European Union – Integration through deliberation?*, London: Routledge.
- (2007) 'Europe in Transformation: How to Reconstitute Democracy?', *RECON Online Working Paper*, 2007/01, ARENA, University of Oslo
- Esser, F. and Pfetsch, B. (2004) *Comparing Political Communication*, Cambridge: Cambridge University Press.

- Fishkin, J. (1991) *Democracy and Deliberation: New Directions for Democratic Reform*, New Haven, Conn.: Yale University Press.
- (1995) *The voice of the people*, New Haven, Conn.: Yale University Press.
- (2009) *When the people speak*, Oxford: Oxford University Press.
- (2010) 'La bella babele democratica', *RESET*, 114 54-5.
- Fishkin, J. and Luskin, R. (2006) 'Broadcasts and Deliberative Polls: Aspirations and Effects', *British Journal of Political Science*, 36(1): 184-88.
- Fishkin, J., Luskin, R. and Jowell, R. (2000) 'Deliberative Polling and Public Consultation', *Parliamentary Affairs* 53(4): 657-66.
- Fishkin, J. S. and Luskin, R. C. (2005) 'Experimenting with a Democratic Ideal: Deliberative Polling and Public Opinion', *Acta Politica*, 40(3): 284-98.
- Fossum, J. E. (2003) 'The European Union In Search of an Identity', *European Journal of Political Theory*, 2(3): 319-40.
- Fossum, J. E. and Trenz, H.-J. (2006a) 'The EU's fledgeling society: From deafening silence to critical voice in European constitution making', *Journal of Civil Society*, 2(1): 57-77.
- (2006b) 'When the People Come In: Constitution-Making and the Belated Politicisation of the European Union', *European Governance Papers*, /No. C-06-03, EUROGOV
- Fraser, N. (1992) 'Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy', in C. Calhoun (ed.), *Habermas and the Public Sphere*, Cambridge, MA: MIT Press.
- Fraser, N. and Honneth, A. (2004) *Redistribution or Recognition? A Political-Philosophical Exchange.*, London: Verso.
- Gabel, M. (1998) 'Public Support for European Integration: An Empirical Test of Five Theories', *The Journal of Politics*, 60(2): 333-54.
- Gabel, M. and Palmer, H. D. (2006) 'Understanding variation in public support for European integration', *European Journal of Political Research*, 27(1): 3-19.
- Gerhards, J. (2000) 'Europäisierung von Ökonomie und Politik und die Trägheit der Entstehung einer europäischen Öffentlichkeit', in M. Bach

- (ed.), *Die Europäisierung nationaler Gesellschaften*, Opladen: Westdeutscher Verlag.
- Grimm, D. (1995) 'Does Europe Need a Constitution?', *European Law Journal* 1282-302.
- Grönlund, K., Setälä, M. and Herne, K. (2010) 'Deliberation and civic virtue: lessons from a citizens deliberation experiment', *European Political Science Review*, 2(1): 95-117.
- Habermas, J. (1996) *Between Facts and Norms*, Cambridge: The MIT Press.
- (1998) *The Inclusion of the Other: Studies in Political Theory*, Cambridge MA: MIT Press.
- Hallin, D. C. and Mancini, P. (2004) *Comparing Media Systems*, Cambridge: Cambridge University Press.
- Hooghe, L. and Marks, G. (2009) 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus', *British Journal of Political Science*, 39(1): 1-23.
- Kantner, C. (2004) *Kein modernes Babel. Kommunikative Voraussetzungen europäischer Öffentlichkeit*, Wiesbaden: Verlag für Sozialwissenschaften.
- (2007) 'Collective Identity as Shared Ethical Self-Understanding. The Case of the Emerging European Identity', *European Journal of Social Theory*, 9(4): 501-23.
- Knuuttila, S. (2004) 'Deliberation as Drama: Publicity and Accountability', in J. Parkinson (ed.), *Deliberating in the Real World*, Oxford: Oxford University Press, pp. 99-124.
- Kraus, P. (2000) 'Political Unity and Linguistic Diversity in Europe', *Archives Européennes de Sociologie*,(41): 138-63.
- (2003) 'Cultural Pluralism and European Polity-Building', *JCMS: Journal of Common Market Studies*, 41(4): 665-86.
- (2008) *A Union of Diversity. Language, identity and Polity Building in the EU*, Cambridge: Cambridge University Press.
- Kymlicka, W. (1995) *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Oxford University Press.

- Leigh, J. (2004) 'Reflections of Babylon: Intercultural Communication and Globalization in the New World Order', *Globalization*, 4(1), available at: <<http://globalization.icaap.org/content/v4.1/leigh.html>>.
- Luskin, R., Fishkin, J. and Jowell, R. (2002) 'Considered Opinions: Deliberative Polling in Britain', *Considered Opinions: Deliberative Polling in Britain*, 32 455-87
- Maas, W. (2007) *Creating European Citizens*, Lanham, MD.: Rowman & Littlefield.
- Manin, B. (1987) 'On Legitimacy and Political Deliberation', *Political Theory*, 15(3): 338-67.
- (1997) *The Principles of Representative Government*, Cambridge: Cambridge University Press.
- Mansbridge, J. (2003) 'Rethinking Representation', *American Political Science Review*, 97(4): 515-28.
- Mansbridge, J., with Bohman, J., Chambers, S., Estlund, D., Føllesdal, A., Fung, A., Lafont, C., Manin, B. and Martí, J.L. (2010) 'The Place of Self-Interest and the Role of Power in Deliberative Democracy', *The Journal of Political Philosophy*, 18(1): 64-100.
- Marsh, D. (1998) 'Testing the second-order election model after four European elections', *British Journal of Political Science*, 28: 591-607.
- Michailidou, A. and Trenz, H.-J. (2010) '2009 European Parliamentary Elections on the Web. A Mediatization Perspective', RECON ONLINE Working Paper 09/10, Oslo: ARENA, University of Oslo.
- Miller, D. (1995) *On Nationality*, Oxford: Clarendon Press.
- Offe, C. and Preuss, U.K. (2007) 'The Problem of Legitimacy in the European Polity; Is Democratization the Answer?', in C. Crouch and W. Streek (eds) *The Diversity of Democracy: Corporatism, Social Order and Political Conflict*, Cheltenham: Edward Elgar.
- Offe, K. (1997) 'Microaspects of Democratic Theory: what makes for the deliberative competence of citizens', in A. Hadenius (ed.), *Democracy's Victory and Crisis.*, Cambridge: Cambridge University Press, pp. 81-104.

- Olsen, E. D. H. (2008) 'The Origins of European Citizenship in the First Two Decades of European Integration', *Journal of European Public Policy*, 15(1): 40-56.
- Peters, B. (1997) 'On Public Deliberation and Public Culture', *InIIS-Arbeitspapier nr. 7/97*.
- (2005) 'Public Discourse, Identity and the Problem of Democratic Legitimacy', in E.O. Eriksen (ed.), *Making the European Polity. Reflexive Integration in the EU*, London: Routledge.
- Petithomme, M. (2008) 'Is there a European Identity? National Attitudes and Social Identification toward the European Union', *Journal of Identity and Migration Studies*, 2(1): 15-36.
- Pollak, J., Batora, J., Mokre, M., Sigalas, E. and Slominski, P. (2009) 'On Political Representation. Myths and Challenges', RECON Online Working Paper 2009/03, ARENA, University of Oslo.
- Preuss, U. (1998) 'Citizenship in the European Union: A Paradigm for Transnational Democracy?', in D. Archibugi, D. Held and M. Köhler (eds) *Re-Imagining Political Community*, Cambridge Polity Press.
- Rehfeld, A. (2006) 'Towards a general theory of political representation', *The Journal of Politics*, 68(1): 1-21.
- Reif, K.-H. and Schmitt, H. (1980) 'Nine Second-Order National Elections: A Conceptual Framework for the Analysis of European Election Results', *European Journal of Political Research*, 8(1): 3-45.
- Risse, T. (2005) 'Neofunctionalism, European Identity, and the Puzzles of European Integration', *Journal of European Public Policy*, 12(2): 291-309.
- Rorty, R. (1989) *Contingency, Irony, and Solidarity*, Cambridge: Cambridge University Press.
- Schnapper, D. (1994) *Community of Citizens. On the Modern Idea of Nationality*, New York: Transaction Publishers.
- Shore, C. (2004) 'Whither European Citizenship?: Eros and Civilization Revisited', *European Journal of Social Theory*, 7(1): 27-44.
- Stasavage, D. (2007) 'Polarization and Publicity: Rethinking the Benefits of Deliberative Democracy', *Journal of Politics* 69: 59-72.

- Steiner, J., Bächtiger, A., Sprnödli, M. and Steenbergen, M. R. (2004) *Deliberative Politics in Action. Analysing Parliamentary Discourse*, Cambridge: Cambridge University Press.
- Taylor, C. (1985) *Human Agency and Language. Philosophical Papers 1.*, Cambridge: Cambridge University Press.
- Taylor, C. (1989) 'Cross-Purposes: The Liberal-Communitarian Debate', in N. Rosenblum (ed.), *Liberalism and the Moral Life*, Cambridge, Mass.: Harvard University Press.
- Trenz, H.-J. (2004) 'Media Coverage on European Governance: Exploring the European Public Sphere in National Quality Newspapers', *European Journal of Communication*, 19(3): 291-313.
- (2007) 'Quo Vadis Europe?' Quality Newspapers Struggling for European Unity', in J.E. Fossum and P. Schlesinger (eds) *The European Union and the Public Sphere. A Communicative Space in the Making?*, Abingdon: Routledge, pp. 89-109.
- (2010) 'In Search of the Popular Subject: Identity Formation, Constitution-making and the Democratic Consolidation of the EU', *European Review* 18(1): 93-115.
- Weiler, J.H.H. (1999) *The Constitution of Europe: Do the New Clothes Have an Emperor? And other Essays on European Integration*, London: Cambridge University Press.
- Wessler, H. (2008) 'Investigating deliberativeness comparatively', *Political Communication*, 25(1): 1-22.
- Wiener, A. and Della Sala, V. (1997) 'Constitution-making and citizenship practice - Bridging the democracy gap in the EU?', *Journal of Common Market Studies*, 35(4): 595-614.
- Williams, R. (1976) *Keywords*, London: Collins.