From Citizens' Deliberation to Popular Will Formation?
Generating Democratic Legitimacy Through Transnational Deliberative Polling

Espen D. H. Olsen and Hans-Jörg Trenz

Abstract

In this article, we critically discuss the issues of discursive quality and democratic legitimacy in deliberative experiments taking place in a transnational and pluri-lingual setting. Our main argument is that while deliberative polls through careful scientific design and organisation may enhance equal participation and informed opinion-making of selected citizens, their representative status as part of a broader constituency and as a generator of democratic legitimacy is less clear-cut. This problem is potentially exacerbated in deliberative settings that cut across domestic political cultures and nationalised public spheres. To illustrate our argument, we analyse the results and organisation of 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 analysing the linkage between internal validity of deliberative mini-publics and democratic legitimacy because it introduces variation in terms of constituency and group plurality under the controlled conditions of a scientific experiment. By critically scrutinising this deliberative event, we 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.

Keywords

Introduction

This article discusses how deliberative experiments taking place in a transnational and pluri-lingual setting can claim to generate democratic legitimacy. Such experiments, like citizens' assemblies, citizens' juries, town meetings, and deliberative polls provide a microcosmic snapshot of deliberative practice between lay citizens (Dryzek 2010; Fung 2003). As such, they often rest on an assumption that the mini-public can have a tangible and lasting impact on mass politics (Fishkin 2009). This is grounded on the idea that the representativeness of the bounded deliberative event is secured through some form of random sampling from the relevant population (Fishkin 2009).

The question of how to link the 'micro' of mini-publics with the 'macro' of the larger political system can be examined by focusing on deliberative 'successes' in terms of how they have fostered equal participation and informed opinion-making among the participants (Goodin and Dryzek 2006). This article takes a more critical stance. We take issue with the idea that a statistically representative sample of the relevant population of a mini-public – the claim of internal validity – is by *itself* sufficient for acknowledging its potential macro-consequences. Based on an analysis of the results and organisation of Europolis, a transnational deliberative poll on the EU level, we confront the internal validity of the results of the scientific experiment with the requirements for the generation of democratic legitimacy.

Concretely, we argue that the democratic legitimacy of the collective will expressed by randomly selected citizens also needs to feed back into procedures of public authorisation and accountability. The latter refers to the validation of the legitimacy claims raised by deliberative mini publics through publicity, contestation and debates that mediate between informed opinion-making of selected participants and the collective will of all. To corroborate such assumptions about the democratic legitimacy of deliberative experiments, mini-publics must be scrutinised with regard to the degree to which their concerns, arguments and justifications are disseminated to and resonate with debates of the wider public (see e.g. Parkinson 2006).

The article proceeds as follows: In the first part, we reconstruct the controversies within deliberative theory regarding how to assess the discursive quality of deliberative mini publics and we define the scope conditions for the generation of democratic legitimacy. In the second part, we

take the experience and organisation of deliberative polling among European citizens as a starting point to reflect on the problems of operationalizing and normatively assessing citizens' deliberations in a transnational setting. In two subsequent steps the claim of transnational deliberative polling to constitute a 'microcosm of European citizens' and to represent the collective will of the Europeans is scrutinised. We then draw some conclusions on the potential impact of deliberative mini-publics on the democratic design of transnational (European) politics.

From Internal Validity to Democratic Legitimacy

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 main assumptions: discussions should a) pay respect to each participant and offer a fair chance to be heard (securing political *equality* between participants); and b) be ruled by the informational and the substantive value of the arguments (focused on *epistemic* value).

These normative requirements are however not uncontroversial. First of all, it has been noted that political equality and the epistemic value of deliberation 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. 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 (Fishkin and Lushkin 2005). The question is: How can deliberation be both epistemic and moral at the same time? In other words, the vexing issue is how it can 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).

In addressing this question, this article moves at the interface between what Chambers (2009) has labeled the two branches of deliberative theory: democratic deliberation and deliberative democracy. Democratic deliberation can be defined as non-coercive face-to-face dialogue marked by equality between participants in terms of inclusion in the debate and justificatory practice through arguments and reason-giving (see e.g. Elster 1998: 8; Habermas 1996: 305-306). While deliberation in bounded settings is always in some form dialogical and inter-personal, deliberative democracy on the other hand refers to a general model of legitimacy, public discourse, and mass politics (Chambers 2009: 333; see also habermas 1996).

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 bounded deliberation (Baechtiger et al. 2010). From the participatory perspective of deliberation political equality needs to be recognised 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). Deliberative polling is ambivalent with regard to this double reading of political equality, which is used to confine the scientific validity of the experiment, on the one hand and to generate democratic legitimacy, on the other hand. By extrapolating its findings, deliberative polling turns the internal validity of a bounded scientific experiment into a *generalised validity* claim with regard to the empowerment of the voice of deliberating citizens as the legitimate voice of the people of democracy.

In the following, we want to argue against this epistemic reading of deliberation that puts the internal scientific validity of a deliberative setting at an equal footing with democratic legitimacy. For the purpose of this article, we wish to define democratic legitimacy as the process of justifying the acceptance of a political order through publicly raised claims of generalised validity and inclusion of all affected parties (Habermas 1996: ch. 7; Peters 2005). By emphasising the process character of the generation of democratic legitimacy as the contingent result of public deliberations (Benhabib 1994) we approach the sociological core of legitimation research that is concerned with justification processes and the social (or cultural) embedding of generalised

validity claims (Boltanski and Thévenot 2006). In applying this 'new realism in legitimation research' (Gaus 2011) to deliberative polling we do not want to arrive at a normative reformulation of democratic legitimacy as applied to the EU. We rather spell out the conditions under which a social practice of democratic legitimation can operate and create *substantive* societal resonance (Parkinson 2003: 83). In other words, this definition of democratic legitimacy and deliberation runs counter to the risk of assuming '[...] that the outcomes of actual deliberations instantiate a "sufficiently close" approximation of ideal deliberation' (Rummens 2011: 7). In assessing the democratic impact of deliberation in mini-publics the focus should rather be put on the uptake of micro-deliberation in public deliberation, both in normative and substantive terms.

We therefore argue that equal participation (a) and informed opinion-making (b) relate to the internal scientific 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 contend that deliberative bodies in order to generate democratic legitimacy need to convince c) to represent the informed opinions of the general public (*representation* of public judgment) and d) to address and potentially include all the citizens that collective decisions apply to (creating *publicity* and public accountability).

In modern mass democracies, inclusion defined in these broad terms can only be met by relating group deliberations back to criteria of representation 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 representation and publicity (Bohman 1996; Manin 1987; Stasavage 2007). Through representation, the claims that are raised in small group discussions and the conclusions reached are held to be valid for a broader constituency. Through publicity, the validity of these claims can also be externally contested, further justifications need to be provided and conclusions revised. In the words of Simone Chambers (2009: 344), citizens' forums are 'fully democratic […] only to the extent that they can convince the general public that they have made policy choices worth pursuing.' In the next section we analyse the results of Europolis deliberative polling in light of this double requirement of internal scientific validity of the experiment and democratic legitimacy.

Transnational Deliberative Polling: A Test Case for the Generation of Democratic Legitimacy

Europolis, a transnational deliberative poll that took place one week ahead of the 2009 European Parliamentary (EP) elections[1] is an ideal case for analysing the link between the internal validity and democratic legitimacy of deliberative experiments because it introduced variation in terms of constituency and group plurality under the controlled conditions of a scientific experiment.[2] As the democratic constituency of EU politics clearly is less settled and more contested than in, for instance, local or national settings, a transnational mini-public provides a strong test for the internal scientific validity of experiments in lay citizen deliberation. Europolis is further an interesting critical case from the point of view of EU studies. In the aftermath of the Maastricht Treaty and the debate on the democratic deficit the possibilities of activating European citizens as members of a constituency of European democracy has frequently been addressed. The citizens participating in the bounded deliberative exercise of Europolis might have experienced a sense of 'personal Europeanisation'. From a legitimacy point of view the question would be: Is that enough? This article addresses exactly the vexing issue of the extent to which face-to-face deliberation can be transformed to salient issues for a general European public.

Europolis' main innovation was to probe the conditions for deliberation among citizens in a transnational and multilingual setting through an empirical and comparative experiment. The participants were divided into several groups consisting of two or more languages.[3] The cross-national citizen dialogue specifically addressed climate change and immigration, two high-profile issues of recent political debates in Europe. By facilitating and testing the political outcomes of deliberative practice, Europolis allowed 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 addition to these issues of practice with

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[1] Europolis is a project co-funded by the 7th Framework Program 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/

[2] Deliberative Polling® is a trademark of James S. Fishkin. For a further specification of research design and method, see Fishkin and Luskin (2005)

[3] Discussions were made 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.

regard to the constituency of deliberation and the group dynamics, by addressing questions regarding multilevel decision-making and the division of competences between national and EU institutions Europolis also crucially reflected the vexing issue of democratic legitimacy and citizens' involvement in European politics.

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? As a starting point for deliberative polling, 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 potential '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 requirement of political equality was handled through random sampling and a claim to *statistical* representativeness. Based on the scientific method of random sampling, the organisers of the event could claim to have created a 'scientifically selected European microcosm,'[4] that revealed how Europeans would think, had they a better opportunity to be engaged in processes of reasoned opinion and will formation. Random sampling lends support to this claim by fulfilling a double purpose. On the one hand, it secures the statistical representativeness of the experiment, and on the other hand it empowers citizens by facilitating equal participation.[5] In other words, this method guarantees that every citizen has an equal chance to be selected as a participant and that the selected sample mirrors the larger constituency in socio-demographic terms like age, gender, social class, etc. Political equality is thus equated with equal participation of randomly selected participants and the inclusiveness of the deliberative setting towards contributions from all relevant groups within society. The deliberative mini public mirrors the public at large, but, in contrast to the anonymous mass public it has the potential to empower its members equally to voice their opinions on the issues at stake. In the following, we first critically assess the claim that Europolis formed a 'microcosm' of European citizens by upholding internal scientific criteria of

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[4] See James Fishkin in an interview at:

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

[5] On the notion of descriptive representation, see Pollak et al. (2009: 11).

validity (equal participation and informed opinion-making through statistical representativeness). In a second step, we ask whether the sufficient conditions are met for a microcosm of randomly selected citizens to generate democratic legitimacy (in terms of representing the public judgment and creating publicity for its generalised claims of validity).

A Microcosm of European Citizens?

One frequent argument in the debate on the applicability of European deliberative democracy is that the underlying entity is too heterogeneous and dispersed to form a citizenry that is able to authorise and control political authority (Grimm 1995). In this view, the people of Europe cannot be properly identified and described by socio-structural indicators that could form the basis of statistical analysis. In the organisation of deliberative polls as well, both random selection and authorisation of the participants as a representative 'microcosm' rely on a pre-existing constituency. It therefore makes a significant 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. 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 mobilised as part of the ongoing deliberation process about the future shape of democracy in Europe (Fossum and Trenz 2006). How can deliberative polling deal with such fundamental contestations about the constitution of constituencies? As the constituency of European democracy is less settled compared to well-established nation-states, it is all the more interesting to probe the epistemic value, political equality, and inclusivity of the deliberative microcosm in Europolis.

In deliberative polling, the epistemic value of deliberation is enhanced by 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 the plurality of voices and opinions, and ensured that all major proposals and counterproposals were addressed, thus facilitating opinion change and convergence. Opinion formation was further facilitated by experts and politicians who responded to questions by the participants.

In terms of the political equality and inclusivity of participation measured by the statistical representativeness of the selected participants, the available

data [6] 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 was also a slightly higher percentage of students among the participants, and a somewhat higher level of education.[7]

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% against 24,88% in the control group) and equally strong under-representation of participants from a 'working class' background (23,96% against 38,28% in the control group). This aspect is crucial for our assessment 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; Eichberg 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 deliberative process and in the participants' responses. Hence, while Europolis can clearly document isolated opinion change due to participation in the deliberative event itself, it is less obvious that we can draw sound conclusions regarding the EU polity dimension and thereby the democratic legitimacy of the small-scale deliberation in public terms. Europolis participants also had a much higher score in voting intention (82,27% intended to vote, 9,8% not to vote) in the EP elections than the control group (65,18% intended to vote, 20,18% 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.

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[6] The data from the questionnaires are publicly available on http://www.europolis-project.eu/.

[7] 'Level of education' was measured in terms of 'age of completion'.

While there are some impediments to the political equality in terms of statistical representativeness 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 equality of participation in the Europolis deliberative poll as the idea behind 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 requirement of political equality to having been met? We argue that the democratic status of deliberative polling must go beyond a statistical notion of representativeness. It must also reflect the substantive linkage between bounded citizen deliberation and the informed opinions of the general public.

Representing a European Public Interest?

The claim for the validity of deliberative polling is not simply grounded in the statistical representativeness of actors. Deliberative polling combines a *scientific* validation of political equality and informed opinion-making with a notion of public consequence and *legitimacy* through the representative status of the experiment. Random sampling is thus used as a method to arrive at public judgment. In this understanding the representative mode of deliberative polling has a value of its own. The claim is that the experiment has a revelatory function of what would be the *considered* judgment and opinion of European citizens in European elections (see Luskin et al. 2002). In this last sense, the deliberative microcosm 'represents' public judgment, and not actors. In this view, the results of deliberative polling reflect what people speak, not what people are (Fishkin 2009).

On the basis of deliberative polling, citizens assembled in the poll do not represent the uninformed voters of EP elections but rather constitute an 'ideal 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 assessing deliberative polling, it has therefore been sustained that the opinions

expressed and the choices made by citizens after deliberation can be more reasoned and different from the actual voting results (Fishkin 2009: 137).

The microcosm of European citizens is therefore linked to political representation not simply in terms of the actors that constitute it. Random sampling of citizens is rather seen as a guarantee to 'represent' the informed opinion of the Europeans. Through this careful experimental design based on scientific methods, the deliberative poll is then introduced as a political tool to combine moral and expert judgment. Based on this combination, deliberative pollsters can assert their double claim for scientific authority regarding the representative status of the experiment and the public relevance of its outcomes. In the case of Europolis, the representativeness of the experiment was 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 (see e.g. Fishkin and Luskin 2005: 287).

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. They are not 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. Moreover, deviations from the ideal random distribution of citizens are frequently applied in representative democracy, for instance through minority rights or quotas for women. In the EU, a multilevel system of political representation through experts, stakeholders, national and European parliaments, governments of the member states and the EU bureaucracy has developed. This is based on a fragile balancing of citizens and group rights as well as social, sectorial and territorial interests and 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 authorised by the broader constituency (Brown 2006). Authorisation comprises several components: the selecting agents, the selection procedure and the results. Not only the participants of public deliberation must be recognised as legitimate speakers, also the selection agents (in this case the scientists) and the deliberative setting must be recognised as appropriate by a

broader constituency (Rehfeldt 2006: 7). In classical representative theory authorisation 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 by deliberative pollsters not by way of an explicit consent of the constituency but as a universally valid procedure authorised by science (Parkinson 2006: 134). This method is not only seen as the more accurate procedure to represent 'lay publics', it also further helps to depoliticise the setting, does not create majorities and minorities, and thus guarantees high degrees of acceptance of the citizens. This mode of scientifically securing representativeness of the deliberative poll is also argued to have 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).

Despite random sampling participants of deliberative polling are not cut off from political representation. There is a potential disjuncture between 'representativeness' in the statistical sense and 'representation' seen from a traditional principal-agent perspective (Parkinson 2006: 139). Even if random sampling under the conditions specified by deliberative polling is accepted as an alternative mechanism of selection to elections[8], the experimental setting encourages the participants in numerous ways to take the role as representatives of the larger citizenry. This was clearly the case with Europolis, evident even in the title of the project. The experiment was framed by the scientific conveners as a 'deliberative polity-making project'. Participants were gathered not only to address specific policy issues, but to emerge as a common public with an enhanced European identity. Still, the transnational character of the deliberative poll was also prevalent in this sense. National diversity was equally important to European unity. The nationality of participants was highlighted in the small group discussions. While all

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[8] 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).

viewpoints were encouraged to be 'tabled', it is not unlikely that participants situated themselves first as representatives of their home country, for instance through storytelling. Storytelling is indeed often invoked in lay citizen deliberation as a means to contextualise opinions and 'represent' the participants' concrete backgrounds (Polletta and Lee 2006).

As such, political representation and accountability in the case of citizens' forums comes back in through what Mansbridge calls anticipatory representation (Mansbridge 2003). Accountability in citizens' forums is not meant in the sense that single participants are formally held accountable for their opinion, but rather as a way 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 equal participation and representativeness of the opinion expressed.

The transnational setting has seemingly affected the conditions for meeting the criteria of *public* deliberation. The generalized 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 image of a European citizenry 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 misreading about the status of deliberative polling in relation to democracy. If deliberative polling arrives at a more accurate and scientifically grounded representation of 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. Moreover, 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 at public judgment while the whole body of citizens no longer need to bother to deliberate at all (Brown 2006: 216), thus leading to the potential abandonment of deliberative democracy from mass democracy (Chambers 2009).

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 recognised through a broader process of public will formation, the problem emerges how the 'representative opinion' of the microcosm of the experiment can be disseminated to 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 arguably more difficult to achieve in a European setting than in local or national politics. One way to approach this aim consists in selecting only those topics that are expected to become salient 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 Europolis, 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, could potentially guarantee high degrees of salience and contention in all member states and could further build on a common history of debate that forms the knowledge of European citizens. Although they were not hot campaigning topics during 2009 election campaigns, both topics were regularly raised in public and media debates and became the object of partisan contestation.

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).

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 disseminating 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 politics with low degrees of contestation, a main focus on national topics and actors, and finally the spread of Euroscepticism in interpreting the relevance of the EU.[9] 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 national mass media. The topics addressed by the deliberative poll were obviously of transnational political relevance, but cannot generally be easily reconnected to the wide-ranging and domestically oriented questions that tend to dominate 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 the participants off from the imperfect world of political communication at the level of mass media

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[9] 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).

communication. By blending out parallel lines of conflict, the likelihood to express consensus on single issues is potentially 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.[10] Immigration and climate change were discussed as topics that required collective choices and that invited the single participants to speak as a 'we' in defense of collective goods and not of personal interests.[11] It does then come less as a surprise that the discussion of green issues turned participants 'greener' with a tendency to change voting preferences for Green parties.[12]

The point to be made here is not to question the experimental design as such, but rather to emphasise the discrepancy between an idealised deliberative mini-public and the structural weaknesses and fragmentation of the general public at the level of mass political communication. When the participants of Europolis were convoked in Brussels in May 2009, 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. 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 mobilise. 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

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

[11] 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'.

[12] See http://www.europolis-project.eu/ under the heading 'Experiment Results' for data on voting intentions before and after the deliberative poll.

states level (e.g. through decentralised press conferences or press releases in several languages).

This fragmented character of a European public and media sphere constituted the main hurdle for publicizing the event and claiming general legitimacy. In other words, to clarify these mechanisms of dispersed media attention 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).

Why is public dissemination so essential for the legitimacy enhancing potential of the instrument of deliberative poll and its overall political significance? The vexing issue of all mini-publics is how to link the 'micro' and the 'macro'. As we have seen, advocates of deliberative polling claim to have found the solution to the micro-macro link of deliberation through random sampling which secures representativeness of the so-called considered opinions of the participants. Democratic legitimacy requires, however, a *justificatory* process where arguments, claims and results are addressed to and scrutinised by a general public. This public dissemination can take several forms, but the most prevalent one is through independent news media that give varying interpretations to the results from the mini-public and set the stage for wider public debate.

Yet, it has been argued that the role of the media might not always be beneficial for the public resonance and legitimacy of mini-publics (Parkinson 2006: 179). The results from the deliberative process might be distorted and too much emphasis put on, say, polarisation or conflict rather than the consensus and common ground that developed in a deliberative forum. But this only holds in cases where there was at least a modicum of public and media interest in the process and results from a deliberative experiment. When this is lacking, the accountability problem of micro-deliberation that Parkinson (2006: 100) highlights is in fact exacerbated: '[…] accountability […] is only generated between participants, not between participants and non-participants.' The upshot of this in theoretical terms is that while the internal validity of bounded deliberative settings can more or less be controlled *ex ante* through specified procedures and statistical sampling of participants, the conditions for the *ex post* transmission of its results at the level of mass political communication will remain contingent. The scientific validity of the deliberative experiment should therefore not be confounded with democratic legitimacy, which is generated through the *public* deliberations, which validate

and scrutinise the results of the polling experiment. For that latter objective to be achieved, publicity needs to be created through the intermediation from the mini-public of 348 randomly selected citizens to the general public of some 500 million Europeans.

Conclusion

The Europolis deliberative poll provides important insights into the mechanism and dynamics of generating democratic legitimacy in the EU. As part of the experiment, several hundred lay citizens were deeply engaged in discussions that to a significant degree transformed their opinions on specific policy issues and increased their intention to vote in the subsequent European elections. This was perhaps all the more surprising as Europolis took place under pluri-lingual and multicultural conditions. As the EU is ridden by deficits in many directions – democratic, legitimacy, participation to name some – these results from the bounded deliberative venue of Europolis could lead us to conclude that this is part of a solution to the problem. In this view, the engaging of ordinary citizens through deliberative experiments could be one way to deal with the conundrum of public discontent with EU policies and institutions. EU politics are increasingly politicised and Europolis brings with it evidence that the opportunity to engage in real debate is a more effective means to mobilise political participation than endless media campaigns and public relations exercises courtesy of EU institutions that address passive, and, for the most part, non-attentive citizens. 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 short, it could be argued that Europolis has provided a microcosmic European 'public'.

The exclamation marks in 'public' are, however, not coincidental. We have argued in this article that deliberative polling ultimately depends on the public transmission of its bounded opinion-formation to have an impact on the will-formation of the general public. As such, we have emphasised that there is an under-theorising of how deliberation of face-to-face publics can be mediated to the general public. There is, however, no straightforward process from the 'micro' to the 'macro', from group deliberation to public deliberation. In this article, we have therefore questioned whether scientific authority alone can be sufficient to generalise the validity of the results of the experiment and defend them as publicly legitimate. The deliberative opinion of the microcosm of citizens cannot simply invalidate the non-deliberative opinion of the mass

publics. Social scientific instruments can only to some extent safeguard the internal validity but not the public legitimacy of deliberative polling.

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 sectorial and territorial constituencies. With increasing dissent 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 bounded deliberation in settings like Europolis to have political significance for others than the participants 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 no 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 malaise of democracy in general or the democratic deficit of the EU in particular 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.

In line with Simone Chambers (2009: 331) we can therefore conclude with a note of caution that deliberative mini-publics also in a transnational, pluri-lingual setting cannot replace representative democracy: 'Unless we have a good grasp of how the broader democratic context can be shaped to complement, or at least not undermine, deliberative experiments, then many of the democratic advantages of mini-publics will be lost'. Focusing on the application of the critical yardsticks of representation and publicity, this article has drawn attention to the mechanisms through which the lost link between democratic deliberation and deliberative democracy can be re-established.

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