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Towards a more democratic European Union

Mini-publics as a remedy for the democratic deficit in the European Union

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ABSTRACT

Over the years, the European Union has developed from an institution focussed on economy and peace, to the autonomous legal order as we know it today. The European Union is no longer a mere international organisation but has transformed into a supranational institution that influence every aspect of the day-to-day life of its citizens. Democracy is considered as one of the foundations of this European legal and political order. However, the democratic value of the European decision process is heavily debated. For many years, the European Union has been coping with a so called democratic deficit.

After analysing the European decision process, I reach the conclusion that the European Union lacks a political public sphere. Citizens perceive the Union as a faraway, unreachable and bureaucratic institution. If the Union wants to regain the trust of its citizens and find an efficient and long-term solution for its lack of democracy, it will have to find a way to include the European decision process in a structural manner.

I argue that mini-publics are well fitted to institutionalise the participation and representation of citizens into the European Union. Mini-publics are forums constituted by randomly selected citizens who are invited to deliberate on topics of public concern. Through mini-publics, European citizens will be given the opportunity to educate themselves and to be part of the formation of European policies.

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1 INTRODUCTION

1.1 THE EUROPEAN DEMOCRATIC DEFICIT

1. Since its foundation, the European Union has evolved into an autonomous legal system by expanding its competences reform after reform.¹ The European policies influences almost every aspect of our lives.² However, European policies and more specifically the European decision-making process are not free of criticism. The European Union has to deal with a range of short-term issues like the migration crisis, terrorism, Brexit etc, however several authors agree that the Union additionally suffers from more structural problems. Ever since the Maastricht Treaty paved the way for more the political integration, the legitimacy of the European Union's policies has been challenged.³ The vast majority of scholars seem to agree that the European Union suffers from a democratic deficit.⁴
2. Many different authors and academics have been researching a solution for the structural lack of democratic value in the European decision process. Some believe that the Member States should regain power.⁵ Yet international actors have significant influence on national policies, which

¹ Stefan Rummens and Stefan Sottiaux, 'Democratic Legitimacy in the Bund or "Federation of States": The Cases of Belgium and the EU' (2014) 20 European Law Journal 568, 574.

² Erik Oddvar Eriksen, 'The European Union's Democratic Deficit. A Deliberative Perspective' in Michael Saward (ed), *Democratic innovation: deliberation, representation, and association*, Ed. by Michael Saward (Routledge 2000) 53.

³ Svein S Andersen and Kjell A Eliassen (eds), *The European Union: How Democratic Is It?*, (Reprint, Sage 1998) 253; Paul Craig and Gráinne de Búrca, *EU Law: Text, Cases, and Materials* (6th ed., Oxford university press 2015) 149; Koen Lenaerts and others, *European Union Law* (3rd ed., Sweet and Maxwell 2011) 741; Anne Meike Bokhorst, 'Bronnen van legitimiteit: over de zoektocht van de wetgever naar zeggenschap en gezag' (Tilburg university 2014) 60; Dieter Grimm, 'Does Europe Need a Constitution?' (1995) 1 European Law Journal 282, 283; Jan-Baptist Lemaire, 'We the Politicians? A Comparative Analysis of Democratic Constitution-Making in the European Union and Belgium' (Katholieke Universiteit Leuven 2016) 37; Pippa Norris, 'Representation and the Democratic Deficit' (1997) 32 European Journal of Political Research 273, 273; Joseph HH Weiler, Ulrich Haltern and Franz Mayer, *European Democracy and Its Critique: Five Uneasy Pieces* (European university institute Robert Schuman centre 1995) 7–12.

⁴ David Beetham and Christopher Lord, *Legitimacy and the European Union* (Routledge 2014); Simon Hix, *What's Wrong with the European Union and How to Fix It* (Polity 2008); Andreas Føllesdal, 'Survey Article: The Legitimacy Deficits of the European Union' (2006) 14 Journal of Political Philosophy 441; Christopher Lord, *A Democratic Audit of the European Union* (Palgrave Macmillan 2004); Giandomenico Majone, 'Europe's "Democratic Deficit": The Question of Standards' (1998) 4 European Law Journal 5; Andrew Moravcsik, 'Reassessing Legitimacy in the European Union' (2002) 40 JCMS: Journal of Common Market Studies 603; Fritz W Scharpf, *Governing in Europe: Effective and Democratic?* (Oxford university press 1999); Vivien A Schmidt, *Democracy in Europe: The EU and National Politics* (Oxford university press 2006); Shirley Williams, 'Sovereignty and Accountability in the European Community' in Stanley Hoffmann and Robert O Keohane (eds), *The new European Community: decisionmaking and institutional change* (Westview 1991).

⁵ Firat Cengiz, 'Bringing the Citizen Back into EU Democracy: Against the Input-Output Model and Why Deliberative Democracy Might Be the Answer' (2018) 19 European Politics and Society 577, 578; Kalypso Nicolaidis and Richard Youngs, 'Europe's Democracy Trilemma' (2014) 90 International Affairs 1403, 1406–1407.

sometimes leaves the national legislator with little room to manoeuvre.⁶ Others argue that the European legislative procedure should be more similar to the system of representative democracy that is used on the national level. This entails that the Parliament should have more weight in the decision-making process.⁷ However, this argument bypasses the fact that not only the European level but also the nation states are dealing with a crisis of democracy. The crisis of democracy was a reoccurring topic in the run up to the European elections of 2019. For example, the introduction to the Spitzenkandidaten debate on the 2nd May 2018 included the following statement: [...] ‘Open democratic societies depend on accountable and legitimate institutions and participatory processes. Strengthening accountability, legitimacy and participation is fundamental for democratic politics. 51% of the EU population are worried about the state of society. So what type of democracy do we want in the 21st century?’⁸

3. When looking for a the suitable democratic structure, I am of the opinion that the European Union should be bold and add democratic innovations to its existing democratic institutions. Democratic innovations are institutions designed to increase citizens’ participation in the political process.⁹ Mini-publics, more specifically, can be a way of institutionalising more participation and representation of the European citizens. In a first step, participants of a mini-public are given the opportunity to gain knowledge on a topic of public interest. Next, participants will engage in deliberations with each other and in the final step, participations will formulate recommendation on the matter at hand.

⁶ Klaus Armingeon and Kai Guthmann, ‘Democracy in Crisis? The Declining Support for National Democracy in European Countries, 2007-2011: Democracy in Crisis?’ (2014) 53 *European Journal of Political Research* 423, 424.

⁷ Richard Bellamy and Sandra Kröger, ‘Representation Deficits and Surpluses in EU Policy-Making’ (2013) 35 *Journal of European Integration* 477, 479; Cengiz (n 5) 580; Mark Dawson and Floris De Witte, ‘Constitutional Balance in the EU after the Euro-Crisis’ (2013) 76 *The Modern Law Review* 817; Jürgen Habermas, *The Lure of Technocracy* (Polity Press 2015); Kalypso Nicolaïdis, ‘European Democracy and Its Crisis: European Democracy and Its Crisis’ (2013) 51 *JCMS: Journal of Common Market Studies* 351.

⁸ European University Institute, *2 May - Spitzenkandidaten Debate • Sala Del Consiglio | SoU 2019* 2:20 till 2:38 <<https://www.youtube.com/watch?v=3SH2jAEU8Jc&feature=youtu.be>> accessed 3 May 2019.

⁹ Joachim Åström, Magnus E Jonsson and Martin Karlsson, ‘Democratic Innovations: Reinforcing or Changing Perceptions of Trust?’ (2017) 40 *International Journal of Public Administration* 575, 575; John S Dryzek and Robert E Goodin, ‘Deliberative Impacts: The Macro-Political Uptake of Mini-Publics’ (2006) 34 *Politics & Society* 219, 220; Matthew Ryan and Graham Smith, ‘Defining Mini-Publics’ in Kimmo Grönlund, André Bächtiger and Maija Setälä (eds), *Deliberative mini-publics: involving citizens in the democratic process* (ECPR Press 2014) 11; Graham Smith, *Beyond the Ballot: 57 Democratic Innovations from around the World; a Report for the Power Inquiry* (The Power Inquiry 2005) 13; Graham Smith, *Democratic Innovations: Designing Institutions for Citizen Participation* (Cambridge university press 2009) 1; Graham Smith, Robert C Richards and John Gastil, ‘The Potential of Participedia as a Crowdsourcing Tool for Comparative Analysis of Democratic Innovations’ (2015) 7 *Policy & Internet* 243, 243.

Mini-publics have many advantages such as the direct input from citizens in the legislative procedure, as well as their informative function on numerous topics (some falling beyond the specific question of deliberation) from which the population can benefit. The question is how mini-publics can fit in the European institutional framework. National governments are reluctant to institutionalise mini-publics in a structural manner. Additionally, most outcomes of mini-publics are not binding upon the traditional decision-making institutions. The aim of this dissertation will be to offer a way in which mini-publics can be part of the European decision process in light of the current democratic deficit of the European Union.

In order to better understand the roots of the democratic deficit in the European Union, chapter 2 will first focus defining the concepts of legitimacy and democracy. Next, the so-called democratic deficit in the European Union will be analysed based on the three most important institutions in the European decision process: the European Commission, the European Parliament and the Council of the European Union. Chapter 3 will provide a theoretical and practical analysis of mini-publics as a preparation for the last chapter, in which I will delve deeper in how mini-publics can be added to the European decision process.

1.2 RELEVANCE

4. As said before, the European democratic deficit debate is not new. The legitimacy of the European policies has been the topic of discussion ever since the Maastricht Treaty initiated the political integration of the European Union. However, the eurozone crisis seems to have intensified the need for reforms. As Kalypso Nicolaïdis and Richard Youngs formulate it ‘tensions of recent years suggest that interdependence between EU Member States need in the future to be managed in a more democratic fashion’.¹⁰ Additionally, in the last couple of years, the European Union has struggled with euroscepticism, nationalism and populism. Not only the European Union, but also liberal democracies across the world have been dealing with a “crisis in democracy”.¹¹

It is often the fear of the unknown and lack of information that drives people’s extreme voting behaviour. For example, during the Brexit campaign, migrants were used as an argument to leave the European Union. In Portsmouth, a city on the south coast of Britain, many young people

¹⁰ Nicolaidis and Youngs (n 5) 1403.

¹¹ Nicolaidis and Youngs (n 5) 1409; Matthew Taylor, ‘Citizen Deliberation Is the Gateway to a Better Politics’ [2019] *The Economist* <<https://www.economist.com/open-future/2019/03/11/citizen-deliberation-is-the-gateway-to-a-better-politics>> accessed 13 June 2019.

voted in favour of leaving the Union because they felt like Eastern Europeans were taking their jobs. When they were asked why they thought that, they responded that that is what they heard from politicians and media.¹²

Additionally, the most recent European Social Survey reveals that people do not trust politicians and political parties. Citizens across the Europe were asked to indicate how much trust they have in political parties and politicians on a scale from 0 to 10, 0 being no trust at all and 10 complete trust. Based on the data gathered by the European Social Survey, I calculated that, on average, both political parties¹³ and politicians¹⁴ score 3,6 out of 10. With a score of 3,9 out of 10, the trust in the European Parliament¹⁵ is equally as low.

In order to gain the trust of the European citizens, the European Union should strive for more democracy and the effective execution of its democratic values. The only way of truly achieve this goal is by involving the European citizens in the European decision-making process. A democratic system should allow for citizens to steer policies and indicate their preferences. However, this is exactly where things go wrong. When asked whether or not the current political system allows them to influence policies, 72,8% of the interviewed indicate that they can do little to nothing at all. This score is alarmingly low.

5. The involvement of the European citizens in the European decision-making process is quite limited. The European Parliament is the only institution that is directly elected, however these elections are flawed. The European elections are dominated by national themes and remain

¹² 'Politicized Generation' pts 10:00-10:50.

¹³ 'ESS Data - Trust in Political Parties'
<http://nesstar.ess.nsd.uib.no/webview/index.jsp?v=2&submode=variable&study=http%3A%2F%2F129.177.90.83%3A-1%2Fobj%2FfStudy%2FESS8e02.1&gs=undefined&variable=http%3A%2F%2F129.177.90.83%3A80%2Fobj%2Fvariable%2FESS8e02.1_V21&mode=documentation&top=yes> accessed 1 July 2019.

¹⁴ 'ESS Data - Trust in Politicians'
<http://nesstar.ess.nsd.uib.no/webview/index.jsp?v=2&submode=variable&study=http%3A%2F%2F129.177.90.83%3A-1%2Fobj%2FfStudy%2FESS8e02.1&gs=undefined&variable=http%3A%2F%2F129.177.90.83%3A80%2Fobj%2Fvariable%2FESS8e02.1_V20&mode=documentation&top=yes> accessed 1 July 2019.

¹⁵ 'ESS Data - Trust in the European Parliament'
<http://nesstar.ess.nsd.uib.no/webview/index.jsp?v=2&submode=variable&study=http%3A%2F%2F129.177.90.83%3A-1%2Fobj%2FfStudy%2FESS8e02.1&gs=undefined&variable=http%3A%2F%2F129.177.90.83%3A80%2Fobj%2Fvariable%2FESS8e02.1_V23&mode=documentation&top=yes> accessed 1 July 2019.

second-order elections. The European Union could learn from these numbers by actively taking steps to involve citizens in its legislative procedure.

Obviously, the question that arises is how the European Union can involve its citizens. More and more local, regional and national governments across the world are investing in deliberative forms. In Belgium for example, a participatory budget was introduced in some districts of Antwerp, the minister of culture held a citizens' cabinets¹⁶, in Brussels a town hall meeting was called G1000 was organised¹⁷ and just recently the German speaking Community decided to install a permanent citizens' council.¹⁸

Deliberative forms are not only becoming more popular in Belgium. In January 2019, the city of Madrid installed a permanent deliberative body. Randomly selected citizens will deliberate about the municipal action and make recommendations on how it can be improved.¹⁹ When the French president called for a Conference for Europe that would bring together the Member States of the Union to renew the European project, he emphasised 'the need to engage with citizens panels'.²⁰ Another example is Ireland's Constitutional Convention (established in 2012) which had the competence to deliberate about topics such as marriage equality, which led to constitutional changes in 2015.²¹

¹⁶ 'Burgerkabinet' (*Burgerkabinet*) <<https://www.burgerkabinet.be/>> accessed 7 April 2019.

¹⁷ For more information see: Didier Caluwaerts and Min Reuchamps, *The Legitimacy of Citizen-Led Deliberative Democracy: The G1000 in Belgium* (Routledge 2018); Didier Caluwaerts, Min Reuchamps and Kristof Jakobs, *The Malaise of Electoral Democracy and What to Do About It* (Re-bel initiative 2014).

¹⁸ Simon Andries, 'Burgers krijgen de macht in Duitstalig België' *De Standaard* <http://www.standaard.be/cnt/dmf20190225_04206192> accessed 7 April 2019.

¹⁹ Smith, 'Institutionalizing Deliberative Mini-Publics in Madrid City and German Speaking Belgium – the First Steps' (*ConstitutionNet*) <<http://constitutionnet.org/news/institutionalizing-deliberative-mini-publics-madrid-city-and-german-speaking-belgium-first>> accessed 14 June 2019; Taylor (n 11); 'Observatorio de La Ciudad - Ayuntamiento de Madrid' <<https://www.madrid.es/portales/munimadrid/es/Inicio/El-Ayuntamiento/Observatorio-de-la-Ciudad/?vgnnextchannel=38a9dec3c1fe7610VgnVCM2000001f4a900aRCRD&vgnnextoid=38a9dec3c1fe7610VgnVCM2000001f4a900aRCRD>> accessed 14 June 2019.

²⁰ Emmanuel Macron, 'Emmanuel Macron: Dear Europe, Brexit Is a Lesson for All of Us: It's Time for Renewal' *The Guardian* (4 March 2019) <<https://www.theguardian.com/commentisfree/2019/mar/04/europe-brexit-uk>> accessed 18 June 2019; Taylor (n 11).

²¹ Eoin Carolan, 'Ireland's Constitutional Convention: Behind the Hype about Citizen-Led Constitutional Change' (2015) 13 *International Journal of Constitutional Law* 733.

In an attempt to keep up with the boom of deliberative forms and methods over the world, Mark E. Warren and Archon Fung built a data set of the deliberative tools in the form of a website. This project aims at ‘serving as an encyclopaedia of participatory governance and politics.’²²

6. I am not the first one to advocate that the European Union should be adding elements of deliberative democracy in its daily functioning. However, not many scholars have analysed the solutions for democratic deficit of the European Union through a deliberative lens. Even fewer academics have made concrete proposal for the implementation of deliberative democracy in the European Union.²³ I will try to fill up this gap in the literature by proposing a concrete way of implementing deliberation into the European decision-making process.

1.3 METHODOLOGY

7. The general aim of this research is to analyse mini-publics as a possible remedy for the democratic deficit in the European Union. However, this requires to first elaborate on the theoretical framework that will provide the necessary background information. I will analyse the concepts of legitimacy, democracy, the democratic deficit in the European Union, deliberative democracy and mini-publics, built on existing literature.

Concepts such as democracy, legitimacy, deliberative democracy and mini-publics are all heavily debated. All of these terms are essentially contested, meaning that there is no agreement on their definition and scope. This research does not aspire to give an exhaustive list of each contested definition. The definitions I use and deem fitted to this research, are picked out carefully and reflect my view and opinion on each of the concept that will be discussed.

8. In light of this dissertation, I attended the workshop on ‘Deliberation in law making procedures. Enhancing Trust in modern democracies’ organised by the School of Communication of Dublin City University on the 9th of May 2019. This workshop was organised in light of the research of Dr. Jane Suiter and Dr. Anastasia Deligiaouri on Promoting E-Rulemaking in the EU through Deliberative Procedures (PEREDEP). This is an interdisciplinary research project based on

²² Archon Fung and Mark E Warren, ‘The Participedia Project: An Introduction’ (2011) 14 *International Public Management Journal* 341.

²³ Cengiz (n 5) 585.

theories of deliberative democracy and participatory democracy.²⁴ Each time I used the presentations of this workshop, I evidently references the presenter. However, most of these presentations are based on ongoing research and the actual presentations are not published.

9. The biggest obstacle in my research, was writing a comprehensive proposal on how deliberative democracy, and more specifically mini-publics, could be included in the European decision-making process in light of the existing European democratic deficit. I am aware that my proposal starts from an optimistic vision on the European politics and the goodwill of politicians. In writing my proposal I seek to stay true to my beliefs while trying to stay realistic and without setting goals that are impossible to achieve. In any case, even when a reader of this thesis does not agree with my opinions and views on the deliberative future of the European Union, I hope this research will be food for thought and will shine a new light on the heavily debated topic about the European democratic deficit.

²⁴ For more information see: Eileen Culloty, 'Promoting E-Rulemaking in the EU through Deliberative Procedures' (*FuJo*, 25 September 2018) <<https://fujomedia.eu/promoting-e-rulemaking-eu-deliberative-procedures/>> accessed 14 June 2019.

2 UNDERSTANDING THE DEMOCRATIC DEFICIT IN THE EUROPEAN UNION

2.1 DEFINING CORE CONCEPTS

10. In order to fully understand the ongoing debates about the democratic value of the European decisions process, it is important to define the concepts of legitimacy and democracy. Both concepts are frequently used in democratic literature, however there is no consensus on the ‘right definition’. Therefore, I will be focussing on the definitions that are most relevant for this research.

2.1.1 LEGITIMACY

11. At one point or another, those who hold power will seek the consent of those who they govern. The policy of those in power will be justified by the consent of the governed, in other words the policy will be legitimate. An efficient government needs legitimacy.²⁵
12. There is plenty of literature on the ‘right definition’ of the concept of legitimacy. Narrowly defined, legitimacy is the right to exercise power. This definition does not shed light on who can exercise this right nor how you can earn it. Following David Beetham’s more elaborate definition, a policy is legitimate to the extent that ‘it conforms to established rules, the rules can be justified by reference to beliefs shared by both dominant and subordinate and there is evidence of consent by the subordinate to the particular power relation’.²⁶ This definition of legitimacy is often used by scholars²⁷ and will also be applied in this research.
13. Traditionally, a distinction is made between two types of legitimacy: input and output legitimacy. Both concepts as applied to the European Union originate from Fritz Scharpf’s work.²⁸ Input legitimacy refers to the structures that reflect the will of the people during the law making process, for example a parliament and its representatives. Output legitimacy instead concerns the problem

²⁵ David Beetham, *The Legitimation of Power* (2nd Edition., Palgrave Macmillan 2013) xii and 3; Allan Cromartie, ‘Legitimacy’ in Richard Bellamy (ed), *Political concepts, edited by Richard Bellamy and Andrew Mason*. (Manchester University Press : Distributed exclusively in the USA by Palgrave 2003) 93; Eriksen (n 2) 53..

²⁶ Beetham (n 25) 15–16; Bokhorst (n 3) 20; John Parkinson, ‘Legitimacy Problems in Deliberative Democracy’ (2003) 51 *Political Studies* 180, 182–184.

²⁷ Bokhorst (n 3) 20; Parkinson, ‘Legitimacy Problems in Deliberative Democracy’ (n 26) 182.

²⁸ See: Fritz W Scharpf, *Demokratietheorie zwischen Utopie und Anpassung* (Scriptor 1975); Fritz Scharpf, *Games Real Actors Play: Actor-Centered Institutionalism in Policy Research* (Westview 1997); Scharpf, *Governing in Europe* (n 4).

solving quality of a policy.²⁹ It measures to which extent the policy answers to a need of the public. Scharpf himself summarises input legitimacy as government *by* the people and output legitimacy as government *for* the people. These definitions are based on Abraham Lincoln's foundational idea that democracy needs government by the people, of the people and for the people.³⁰ Following Scharpf's idea of input and output legitimacy, both concepts have to be interpreted as communicating vessels. The support of the people will make it easier to legislate and good laws will increase the approval of the people.³¹

When talking about legitimacy, traditionally only input and output legitimacy were considered. However, Vivienne Schmidt was the first to argue that the second part of Lincoln's adagio, government *of* the people, cannot just be ignored. What is missing, is an analysis of the decision process itself, which Schmidt called throughput legitimacy. This form of legitimacy relates to what is happening in-between the input and output, the quality of the decision process.³² Throughput legitimacy concerns the efficiency, accountability, transparency and inclusion of the legislative process.³³

2.1.2 DEMOCRACY

14. When Scharpf analysed the European Union, he concluded that it should focus on the 'problem solving logic of institutional output'³⁴ and that is exactly what the founding Member States decided to do. For a long time, the European Union was perceived as an intergovernmental institution with a main focus on peace and economic integration. It was believed that a technocratic structure could best guarantee these goals. The expert-driven policies of the European Union enjoyed legitimacy because they maximised the economic efficiency of the

²⁹ Joachim Blatter, 'Efficiency and Democracy. Reconstructing the Foundations of a Troubled Relationship' in Ingolfur Blühdorn (ed), *In search of legitimacy: policy making in Europe and the challenge of complexity* (Budrich 2009) 57–62; Vivien A Schmidt, 'Democracy and Legitimacy in the European Union Revisited: Input, Output and "Throughput"' (2013) 61 *Political Studies* 2, 4.

³⁰ Schmidt (n 29) 4.

³¹ Schmidt (n 29) 4; Scharpf, *Governing in Europe* (n 4) 7–21.

³² Bokhorst (n 3) 60; John Boswell and Ingi Iusmen, 'The Dilemmas of Pursuing "Throughput Legitimacy" through Participatory Mechanisms' (2017) 40 *West European Politics* 459, 459; Schmidt (n 29) 5–6.

³³ Blatter (n 29) 57–62; Boswell and Iusmen (n 32) 460; Eriksen (n 2) 54; Scharpf, *Governing in Europe* (n 4); Schmidt (n 29) 5–6.

³⁴ Schmidt (n 29) 4.

Member States. It was considered that there was no need to further legitimise the European policies with citizens participation, *i.e.* input legitimacy.³⁵

As a result of transformative decisions of the European Court of Justice, like *Van Gend & Loos*³⁶ and *Costa v. Enel*³⁷, in addition to ever more comprehensive treaties, the European Union transformed from an international organisation into an autonomous legal order.³⁸ Throughout these changes, it became clear that a technocratic structure focussed on output legitimacy would not safeguard the legitimacy of the Union any longer.³⁹ The Member States decided to steer away from the initial technocratic character of the Union⁴⁰ and to implement democratic changes. Since 1976, the representatives in the European Parliament are directly elected by universal suffrage. In 1992, the Maastricht treaty established European citizenship, allowing citizens to reside and move freely.⁴¹ In article 2 of the Treaty on the European Union (TEU), democracy is enlisted as one of the basic values of the Union⁴² and article 10 TEU explicitly states that the functioning of the European Union is founded on representative democracy⁴³ and participatory democracy.⁴⁴ The Union was shaped into a pluralist legal and political order that coexists with the Member States.⁴⁵

15. When trying to define democracy, the most logical first step is to look at the epistemological definition of democracy. The word democracy itself is composed of the Greek words *demos* and *kratos*, which respectively mean people and to rule. In other words, in a democratic form of

³⁵ Cengiz (n 5) 579; Erik Oddvar Eriksen, *The Unfinished Democratization of Europe* (Oxford university press 2009) 4; Giandomenico Majone and others, *Regulating Europe* (Psychology Press 1996); Rummens and Sottiaux (n 1) 574; Manfred E Streit and Werner Mussler, 'The Economic Constitution of the European Community: From Rome to Maastricht' (1995) 1 *European Law Journal* 5.

³⁶ *Judgement of the 5 of February 1963, Van Gend & Loos, C 26-62 CJEU ECLI:EU:C:1963:1.*

³⁷ *Judgement of the 15 of July 1964, Costa Enal, C-6/64 CJEU ECLI:EU:C:1964:66.*

³⁸ Eriksen (n 35) 4; Rummens and Sottiaux (n 1) 574.

³⁹ Eriksen (n 2) 54.

⁴⁰ Robert Schuman, 'The Schuman Declaration' <https://europa.eu/european-union/about-eu/symbols/europe-day/schuman-declaration_en> accessed 6 June 2019.

⁴¹ Craig and de Búrca (n 3) 14–19; Eriksen (n 35) 4.

⁴² Article 2 Treaty on the European Union.

⁴³ Article 10 (1) Treaty on the European Union.

⁴⁴ Article 10 (3) Treaty on the European Union.

⁴⁵ Eriksen (n 35) 4; Rummens and Sottiaux (n 1) 575.

government, the people rule.⁴⁶ This etymological definition of democracy does not elucidate much.⁴⁷

When looking beyond the literal definition of democracy, there is no consensus on how the concept should be defined. Democracy is an essentially contested concept.⁴⁸ For different people, democracy can have a different meaning. This means that discussions and debates about the right definition of democracy are never ending.⁴⁹ As a result, current literature does not and cannot provide a comprehensive definition of democracy.⁵⁰ Moreover, the rule of law requires that the content of a democracy, is defined by the democratic debate itself.⁵¹ This being said, many scholars agree that a democratic model requires equal participation and representation of citizens and that these elements should be included in the definition of democracy.⁵²

Taking into account the controversy around the definition of democracy, Robert Talisse defines democracy in an understandable yet accurate way. He describes democracy as ‘the proposition that those who are bound by political laws, policies and rules should have an equal say in political decision-making’.⁵³ David Owen provides a more elaborate and maybe more complete definition of democracy as he describes it as ‘a mode of government in which the members of the unit of rule are equal consociates and have collectively an effective capacity to govern, either directly or

⁴⁶ Claude Ake, ‘Dangerous Liaisons: The Interface of Globalization and Democracy’ in Alex Hadenius (ed), *Democracy’s victory and crisis* (Cambridge University Press 1997) 282–283; Robert Alan Dahl, *On Democracy* (Yale university 1998) 3; David Held, *Models of Democracy* (Polity 2006) 1; Giovanni Sartori, *The Theory of Democracy Revisited. 1: The Contemporary Debate* (Chatham House 1987) 1; Amaryllis Verhoeven, *The European Union in Search of a Democratic and Constitutional Theory* (Kluwer law international 2002) 21–25.

⁴⁷ Robert B Talisse, *Engaging Political Philosophy: An Introduction* (2016) 132 <<http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=1067666>> accessed 6 December 2018.

⁴⁸ For more information see: David Collier, Fernando Daniel Hidalgo and Andra Olivia Maciuceanu, ‘Essentially Contested Concepts: Debates and Applications’ (2006) 11 *Journal of Political Ideologies* 211; WB Gallie, ‘Essentially Contested Concepts’ (1955) 56 *Proceedings of the Aristotelian Society* 167.

⁴⁹ David Collier and Steven Levitsky, ‘Democracy with Adjectives: Conceptual Innovation in Comparative Research’ (1997) 49 *World Politics* 430, 433; Frank Cunningham, *Theories of Democracy: A Critical Introduction* (Routledge 2002) 2–3; John S Dryzek, ‘Can There Be a Human Right to an Essentially Contested Concept? The Case of Democracy’ (2016) 78 *The Journal of Politics* 357, 358; Monica Ferrin and Hanspeter Kriesi, *How Europeans View and Evaluate Democracy* (Oxford University Press 2016) 1–2; Todd Landman, *Human Rights and Democracy the Precarious Triumph of Ideals* (Bloomsbury 2014) 25; Verhoeven (n 46) 3.

⁵⁰ David Owen, ‘Democracy’ in Richard Bellamy (ed), *Political concepts, edited by Richard Bellamy and Andrew Mason*. (Manchester University Press : Distributed exclusively in the USA by Palgrave 2003) 105.

⁵¹ Verhoeven (n 46) 3.

⁵² David Beetham, *Defining and Measuring Democracy* (SAGE 1994) 28; Axel Hadenius, *Democracy and Development* (Cambridge University Press 1992) 9; Frank Hendriks, *Vitale Democratie : Theorie van Democratie in Actie* (Amsterdam University Press 2010) 35–36 <<http://www.oapen.org/search?identifier=340127>> accessed 23 February 2018.

⁵³ Talisse (n 47) 132.

via intermediaries, matters of common interest (or concerning the common good) qua membership of this unit of rule [sic].⁵⁴

16. Since there is plenty of discussion about the definition of democracy, consequently there is also no consensus on which conditions have to be fulfilled in order to be considered a democratic entity. One of the leading authors in this matter is Robert Dahl. He argues that a democratic regime should, first and foremost, be inclusive, it should allow effective participation and agenda setting by the citizens, and every vote should be considered equal.⁵⁵

Some authors, like Fritz Scharpf⁵⁶, Dieter Grimm⁵⁷ and Joseph Weiler⁵⁸, believe that a *demos* is a necessary condition to be considered a democracy. Peter A. Kraus and Charles Taylor argue that inclusive deliberations are only possible amongst people with the same basic communalities.⁵⁹ In this sense, *demos* should be defined as a community with a high level of cultural, ethnical and historical coherency. This view on the concept of a *demos* makes it virtually impossible for the European Union to be considered as a democracy, since the Union is a multi-ethnic and multicultural entity.⁶⁰

However, this interpretation of a *demos* is not generally accepted. First Dolf Sternberger and later Jürgen Habermas⁶¹, argued that a *demos* should not be defined by its common ethnocultural

⁵⁴ Held (n 46) 2–3; Owen (n 50) 107.

⁵⁵ Robert Alan Dahl, *Democracy and Its Critics* (Yale university 1989) 221–222; Jean Grugel, *Democratization: A Critical Introduction* (Palgrave Macmillan 2002) 18–19.

⁵⁶ Scharpf, *Governing in Europe* (n 4).

⁵⁷ Grimm (n 3).

⁵⁸ Joseph Weiler, *The Constitution of Europe: 'Do the New Clothes Have an Emperor?' and Other Essays on European Integration* (Cambridge University Press 1999).

⁵⁹ Irena Fiket, Espen DH Olsen and Hans-Jörg Trenz, 'Deliberation under Conditions of Language Pluralism. Insight from the Europolis Deliberative Polling Experiment' [2011] IDEAS Working Paper Series from RePEc; St. Louis 4 <http://search.proquest.com/docview/1698402421?rfr_id=info%3Axri%2Fsid%3Aprimo> accessed 2 June 2019; Peter A Kraus, *A Union of Diversity: Language, Identity and Polity-Building in Europe* (Cambridge university press 2008); Nancy L Rosenblum and Charles Taylor (eds), 'Cross-Purpose: The Liberal-Communitarian Debate', *Liberalism and the moral life* (Harvard university press 1989).

⁶⁰ Stuart A Brown, *The European Commission and Europe's Democratic Process: Why the EU's Executive Faces an Uncertain Future* (Palgrave Macmillan UK 2016) 36; Daniel Innerarity, 'Does Europe Need a Demos to Be Truly Democratic?' [2014] SSRN Electronic Journal 2 <<http://www.ssrn.com/abstract=2461178>> accessed 2 June 2019; Klemen Jaklic, *Constitutional Pluralism in the EU* (Oxford University Press 2014) 2; Miguel Poiars Maduro, 'Europe and the Constitution: What If This Is as Good as It Gets?' [2000] conWEB 7–8 <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1576085> accessed 28 March 2017.

⁶¹ For more information see: Jan-Werner Müller, 'On the Origins of Constitutional Patriotism' (2006) 5 Contemporary Political Theory; London 278.

identity but by its will to form a political community.⁶² In this light, democracy is ‘primarily about the assertion of collective agency over the future — not a reckoning with the past’.⁶³ This view on a *demos* and democracy is called constitutional patriotism. I see this theory as a more realistic and grounded way of interpreting democracy. Constitutional patriotism, does not interpret a *demos* as a necessary condition for democracy. Consequently, this view on a *demos* does not prevent the European Union from being a democracy just because its citizens are not a traditional *demos*.⁶⁴

Lastly, there are some institutional requirements that are often interpreted as essential in a democracy. Robert Dahl distinguishes seven main institutions: the elections of governmental officials, free and fair elections, an inclusive suffrage, the right of all citizens to run for public office, freedom of expression, freedom of association and alternative source information.⁶⁵ How somebody understands the concept of democracy will shape their ideas on how to design democratic institutions in practice. Traditionally, it is presumed that every definition of democracy wants to portray a specific model of democracy, like: deliberative democracy, participatory democracy, consensus democracy etc.⁶⁶ Most of these subtypes themselves are also essentially contested.⁶⁷ Each of these forms of democracy come with their own view on the institutional design of a democracy.

17. The European Union has done efforts to transform from a technocracy to a democracy by not only focussing on output legitimacy, but also giving weight to the input and throughput elements of legitimacy. In other words, throughout its existence, the European Union has evolved from a technocracy to a democracy. Despite its efforts, the legitimacy of the European policies has been the subject of plenty of debate. The vast majority of academics agree that the democratisation of the European decision process has not been as successful as it seems.

⁶² Gal Ariely, ‘Constitutional Patriotism, Liberal Nationalism and Membership in the Nation: An Empirical Assessment’ (2011) 46 *Acta Politica*; London 294, 297–298; Jan-Werner Müller, ‘A General Theory of Constitutional Patriotism’ (2007) 6 *International Journal of Constitutional Law* 72, 77–78; Jan-Werner Müller, *Constitutional Patriotism* (Princeton University Press 2009) 1.

⁶³ Müller, ‘On the Origins of Constitutional Patriotism’ (n 61) 291.

⁶⁴ John Erik Fossum, ‘The European Union: In Search of an Identity’, *European Journal of Political Theory* 2, no. 3 (1 July 2003): 325, <https://doi.org/10.1177/1474885103002003005>; Póitares Maduro, ‘Europe and the Constitution’, 9.

⁶⁵ Robert Alan Dahl, *Polyarchy: Participation and Opposition* (Yale university 1971) 3.

⁶⁶ Collier and Levitsky (n 49) 430; Dryzek, ‘Can There Be a Human Right to an Essentially Contested Concept?’ (n 49) 358; Hendriks (n 52) 38; Landman (n 49) 26; For more information see: Jean-Paul Gagnon, *Evolutionary Basic Democracy: A Critical Overture* (Springer 2013); For more information see: Held (n 46).

⁶⁷ Dryzek, ‘Can There Be a Human Right to an Essentially Contested Concept?’ (n 49) 359.

2.2 DEMOCRATIC DEFICIT IN THE EUROPEAN UNION

18. Ever since the ratification of the Maastricht treaty, the legitimacy and democratic value of the European Union has been questioned.⁶⁸ Many authors from different disciplines have spent time on analysing the democratic deficit and approaching it from different angles.⁶⁹ Some tend to focus more on the input aspect⁷⁰, other are more concerned with the output legitimacy of the Union.⁷¹

I have decided to analyse the democratic deficit by assessing the democratic value of the three most important institutions in the European decision process: the European Parliament, the Council of the European Union and the European Commission. I believe this to be the clearest way of structuring the debate, as the discussions about the European democratic deficit can get very technical and philosophical.

2.2.1 THE EUROPEAN PARLIAMENT

19. As it was discussed before, members of the European Parliament have been directly elected by the European citizens since 1976. By implementing direct election, the Member States wanted to ensure a direct link between the European citizens and the European Parliament. However, these direct elections do not give the European citizens a direct say in the policy of the European Union. Not the European Parliament but the European Commission has the right of legislative initiative. Consequently, any changes in the composition of the European Parliament will only have an indirect influence on the European policy. Moreover, the Council of the European Union is *de facto* the most influential organ within the European decision-making process.⁷²

⁶⁸ Bellamy and Kröger (n 7) 477; Schmidt (n 29) 4.

⁶⁹ Lucia Vesnic-Alujevic and Rodrigo Castro Nacarino, 'The EU and Its Democratic Deficit: Problems and (Possible) Solutions' (2012) 11 *European View* 63, 63–64; Stuart A Brown, 'Critiques of the Commission: From the Rise of Euroscepticism to the Democratic Deficit', *The European Commission and Europe's Democratic Process* (Palgrave Macmillan UK 2016) 24 <http://link.springer.com/chapter/10.1057/978-1-137-50560-6_3> accessed 6 April 2017.

⁷⁰ See for example: Beetham and Lord (n 4).

⁷¹ For example see: James Caporaso and Sidney Tarrow, 'Polanyi in Brussels: European Institutions and the Embedding of Markets in Society' [2008] IDEAS Working Paper Series from RePEc; St. Louis <http://search.proquest.com/docview/1698340444?rfr_id=info%3Axri%2Fsid%3Aprimo> accessed 5 June 2019; Majone (n 4); Anand Menon and John Peet, 'Beyond the European Parliament: Rethinking the EU's Democratic Legitimacy' 10; Moravcsik (n 4).

⁷² Bellamy and Kröger (n 7) 479; Jacques Chevallier, 'L'Union Européenne Comme Espace Démocratique', *L'identité du droit de l'Union européenne. Mélanges en l'honneur de Claude Blumann* (Bruylant 2015) 82–83 <<https://hal.archives-ouvertes.fr/hal-01759949>> accessed 5 March 2019; Craig and de Búrca (n 3) 151–152; Andreas Follesdal and Simon Hix, 'Why There Is a Democratic Deficit in the EU: A Response to Majone and Moravcsik' (2006) 44 *JCMS: Journal of Common Market Studies* 533, 535.

20. The weak powers of the Parliament is not the only reason for the limited effects of the European elections. More generally, the European elections are overshadowed by the elections on the national level. During election periods, national politicians will focus on the national elections concerning the executive power. All other elections are deemed less important, including the European elections. This of course effects the electorate's perception of the European election. The turnout for the European elections are significantly lower than the turnout of the national ones.⁷³

When voting for the European elections voters usually do not have much information on the political agenda of the politicians on European level.⁷⁴ Even if debates about the European Union take place, most of the times very vague visions concerning the future of the European Union are being discussed.⁷⁵ In reality, the Parliament only has advisory powers when revising primary law.⁷⁶ The debate topics during the European campaigns are not in line with the Parliament's legislative power.

The European elections cannot seem to break free from the national elections. National themes dominate the European elections, which is not completely illogical since the key actors in the European elections remain the national parties. The members of European Parliament are

⁷³ Chevallier (n 72) 80–81; Menon and Peet (n 71) 3; Karlheinz Reif, Hermann Schmitt and Pippa Norris, 'Second-Order Elections' (1997) 31 *European Journal of Political Research* 109, 111–113.

⁷⁴ Bellamy and Kröger (n 7) 479; Craig and de Búrca (n 3) 157; Deirdre Curtin, 'Delegation to EU Non-Majoritarian Agencies and Emerging Practices of Public Accountability' in Damien Geradin, Rodolphe Muñoz and Nicolas Petit (eds), *Regulation Through Agencies in the EU: A New Paradigm of European Governance* (Edward Elgar Publishing 2005) 91.

⁷⁵ Craig and de Búrca (n 3) 157; Curtin (n 74) 91.

⁷⁶ Article 48 Treaty on the European Union; Katy Sowery, 'The Nature and Scope of the Primary Law-Making Powers of the European Union: The Member States as the "Masters of the Treaties?"', *European Law Review* 43, no. 2 (2018): 205–223.

primarily actors of the national parties instead of the European parties.⁷⁷ It can be concluded that the European Union is lacking effective European politics⁷⁸ and a European public sphere.⁷⁹

Not only are the European elections largely dependent on national electoral topics, additionally European politics are replete with formal and informal contacts and cooperation between national and European bureaucrats, interest groups, and civil society. These types of discrete and behind the doors contacts hinder the transparency of the European decision-making process and ‘stretch policy outcomes away from the expressed choices of citizens’.⁸⁰

21. Elections alone are not a sufficient condition to establish a democratic system. Participation and representation of citizens and the accountability of representatives are not guaranteed if the elections and the electoral results are not taken seriously. Given the secondary position of the European elections, it is questionable whether the European elections effectively safeguard the participation and representation of the European citizens. In addition, it is almost impossible for the European electorate to have a say over the European political agenda. However, participation and representation, and an effective control over the political agenda are two vital elements of the modern day democratic system. The lack of these two elements harms the input and throughput legitimacy of the European Union.⁸¹

⁷⁷ Craig and de Búrca (n 3) 157; Simon Hix, ‘Parliamentary Behavior with Two Principals: Preferences, Parties, and Voting in the European Parliament’ (2002) 46 *American Journal of Political Science* 688, 691 and 696; Peter Mair, *Ruling the Void: The Hollowing of Western Democracy* (Verso Books 2013) 175–176.

⁷⁸ Jacques Chevallier, ‘L’Union européenne comme espace démocratique’ in Brunessen Bertrand and others (eds), *L’identité du droit de l’Union européenne: Mélanges en l’honneur de Claude Blumann* (Bruylant 2015) 82–83; Simon Hix and Bjørn Høyland, *The Political System of the European Union* (3rd ed., Palgrave Macmillan 2011) 146–147; Lenaerts and others (n 3) 330; Nicolaidis and Youngs (n 5) 1404; Erik Oppenhuis, Cees van der Eijk and Mark N Franklin, ‘The Party Context: Outcomes’ in Cees van der Eijk and Mark N Franklin (eds), *Choosing Europe? The European electorate and national politics in the face of union* (University of Michigan press 1996) 288; Reif, Schmitt and Norris (n 73) 111–113.

⁷⁹ Cengiz (n 5) 579; Deirdre Curtin, Peter Mair and Yannis Papadopoulos, ‘Positioning Accountability in European Governance: An Introduction’ (2010) 33 *West European Politics* 929, 937; Habermas, *The Lure of Technocracy* (n 7) 11; Schmidt (n 4) 33.

⁸⁰ Firat Cengiz, ‘Legitimacy and Multi-Level Governance in European Union Competition Law: A Deliberative Discursive Approach’ (2016) 54 *JCMS: Journal of Common Market Studies* 826; Cengiz (n 5) 579.

⁸¹ Craig and de Búrca (n 3) 157.

2.2.2 THE EUROPEAN COMMISSION

22. The members of the European Commission are elected by the European Parliament and the Council.⁸² The link between the citizens and the Commission is quite stretched out.⁸³ The chain of responsibility between the European citizens and the Commission goes as follows: ‘from voters to parliamentary representatives, from representatives to a government, from the government to the Commission’.⁸⁴ Some authors, notably Andrew Moravcsik, argues that this kind of delegation sufficiently safeguards the democratic functioning of the Commission.⁸⁵ Depending on which definition of democracy one uses, an indirect chain of accountability can be sufficient to guarantee input legitimacy.⁸⁶ Nevertheless, whichever definition of democracy is used, it is quite clear that the decisions that are being made do not directly translate the will of the European citizens. Even if it is assumed that the national legislator delegates power to the European Union through the national governments, this does not necessarily mean that the citizens are agreeing with the output of the Commission.⁸⁷
23. Moravcsik also argues that the power of the European Commission is overstated. The initiatives of the Commission are controlled *ex ante* by the heads of states residing in the Council and *ex post* by the European Parliament.⁸⁸ However, this Commission’s right to take legislative initiative stays very broad and is not extensively limited by the informal control mechanisms.

The distance between the citizens and the Commission in addition to the lack of transparency and the complexity of the Commission’s work gives the institution a very bureaucratic and

⁸² Article 17 Treaty on the European Union.

⁸³ Vesnic-Alujevic and Nacarino (n 69) 64.

⁸⁴ Brown, *The European Commission and Europe’s Democratic Process* (n 60) 24–25; Thomas Winzen, ‘Bureaucracy and Democracy: Intra-Parliamentary Delegation in European Union Affairs’ (2014) 36 *Journal of European Integration* 677, 681.

⁸⁵ Brown, *The European Commission and Europe’s Democratic Process* (n 60) 27; Andrew Moravcsik, ‘The Myth of Europe’s “Democratic Deficit”’ (2008) 43 *Intereconomics* 331, 335; Vesnic-Alujevic and Nacarino (n 69) 64–65.

⁸⁶ Nicolaidis and Youngs (n 5) 1404; Jhh Weiler, ‘A Constitution for Europe? Some Hard Choices’ (2002) 40 *JCMS: Journal of Common Market Studies* 563, 380.

⁸⁷ Brown, *The European Commission and Europe’s Democratic Process* (n 60) 24–25; Curtin (n 74) 90–91.

⁸⁸ Brown, *The European Commission and Europe’s Democratic Process* (n 60) 25; Steve Peers, ‘On Knowledge as Power: Transparency of EU Law-Making Procedures’ <<http://eulawanalysis.blogspot.com/2016/01/on-knowledge-as-power-transparency-of.html>> accessed 17 April 2017; Moravcsik (n 85) (331) 335.

administrative image.⁸⁹ The lack of transparency in the working of the Commission results in issues of throughput legitimacy.

2.2.3 THE COUNCIL OF THE EUROPEAN UNION

24. The Council of the European Union, hereafter Council, is composed of ministerial representatives of every Member States. Each representative can make legally binding decisions in name of his or her government and can cast its vote.⁹⁰ Together with the Commission, the Council dominates the European decision process.
25. In every member state of the European Union, the government is accountable to the voters through the national parliament. The parliament can appoint but also fire the cabinet and the ministers are under the scrutiny of the parliament.⁹¹ Some argue that the transfer of competences from the national to the European level has resulted in a decrease in power of the national parliaments in favour of the executive power. Meanwhile, national parliaments are having a hard time exercising real control over the decision that are made at the European level.⁹² The European commissioners, bureaucrats and national governments, are not subject of the same parliamentary scrutiny as the actors in national decision-making processes.⁹³ The decrease in power of the national parliament and thereby the loss of electoral accountability, is not compensated on the European level,⁹⁴ which translates into a problem of throughput legitimacy.
26. However, it can be argued that if voters are not happy with the actions of their representatives on the European level, they can hold them responsible in the next elections. This view on

⁸⁹ Brown, *The European Commission and Europe's Democratic Process* (n 60) 28; Ana Isabel Martins, Sophie Lecheler and Claes H De vrees, 'Information Flow and Communication Deficit: Perceptions of Brussels-Based Correspondents and EU Officials' (2012) 34 *Journal of European Integration* 305.

⁹⁰ Article 16 (2) Treaty on the European Union.

⁹¹ Follesdal and Hix (n 72) 334–335.

⁹² Craig and de Búrca (n 3) 152; For more information see: Rik de Ruiter, 'Under the Radar? National Parliaments and the Ordinary Legislative Procedure in the European Union' (2013) 20 *Journal of European Public Policy* 1196.

⁹³ Follesdal and Hix (n 72) 534; Hix and Høyland (n 78) 534–535; Neill Nugent, *The Government and Politics of the European Union* (8th ed., revised and updated, Palgrave 2017) 214–215.

⁹⁴ Lenaerts and others (n 3) 741; Grainne de Burca, 'Developing Democracy beyond the State' (2007) 46 *Columbia Journal of Transnational Law* 221; JHH Weiler, 'European Models: Polity, People and System' in Paul Craig and Carol Harlow (eds), *Lawmaking in the European Union* (Kluwer law international 1998); Craig and de Búrca (n 3) 151–152; Follesdal and Hix (n 72) (533) 535; Brown, 'Critiques of the Commission' (n 69) 24.

accountability and elections is being called performance-based voting.⁹⁵ However, most of the debates in the Council take place behind closed doors and most decision are made by consensus.⁹⁶

In addition, the complexity and technical language of the European decisions process renders it more difficult for voters to understand the debates⁹⁷ and therefore hinders citizens' participation.⁹⁸ The decision-making procedure in the Council makes it almost impossible for the electorate to react on the European policies during elections. Additionally, despite the expert-driven nature the Union's policies, most policy choices still originate from political ideals.⁹⁹

The Council, and the European institutions in general, have been addressing the opacity of their functioning by adopting a set of transparency policies.¹⁰⁰ The Maastricht Treaty was the first European treaty that addressed the problems concerning legislative transparency. Ever since, each treaty has emphasised the need for transparency. In 2001, a regulation adopting rules on the release of legislative records was implemented.¹⁰¹ Thereafter, all legislative records have to be released in a time-efficient manner, unless they fall under the scope of exceptions outlined in article 4.¹⁰² In practice, many documents are only partially published (or not published at all) for reasons such as the to protection private and public interests.¹⁰³ Additionally, the Council makes

⁹⁵ For more information see: Andrew Healy and Neil Malhotra, 'Retrospective Voting Reconsidered' (2013) 16 Annual Review of Political Science 285.

⁹⁶ Dorothee Heisenberg, 'The Institution of "Consensus" in the European Union: Formal versus Informal Decision-Making in the Council' (2005) 44 European Journal of Political Research 65, (65) 66; Madeleine O Hosli, Mikko Mattila and Marc Uriot, 'Voting in the Council of the European Union after the 2004 Enlargement: A Comparison of Old and New Member States' (2011) 49 JCMS: Journal of Common Market Studies 1249, (1249) 1250; George Tsebelis, 'Bridging Qualified Majority and Unanimity Decisionmaking in the EU' (2013) 20 Journal of European Public Policy 1083, (1083) 1084-1085.

⁹⁷ Craig and de Búrca (n 3) 152.

⁹⁸ Cengiz (n 5) 580.

⁹⁹ Beetham (n 25); Beetham and Lord (n 4); Cengiz (n 5) 580; Jürgen Habermas, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (MIT Press 1996) 137.

¹⁰⁰ James P Cross and Jørgen Bølstad, 'Openness and Censorship in the European Union: An Interrupted Time Series Analysis' (2015) 16 European Union Politics 216, 217; Sara Hagemann and Fabio Franchino, 'Transparency vs Efficiency? A Study of Negotiations in the Council of the European Union' (2016) 17 European Union Politics 408, 411; Stéphanie Novak and Maarten Hillebrandt, 'Analysing the Trade-off between Transparency and Efficiency in the Council of the European Union' (2019) 4 Journal of European Public Policy 1, 2.

¹⁰¹ Regulation 1049/2001/EC of the European Parliament and of the Council regarding public access to European Parliament, 2001.

¹⁰² Article 4 Regulation 1049/2001/EC of the European Parliament and of the Council regarding public access to European Parliament,; Cross and Bølstad (n 100) 217.

¹⁰³ Cross and Bølstad (n 100) 217.

clear that documents will only be made publicly available if their publication does not hinder the efficiency of the decision-making process.¹⁰⁴

2.3 CONCLUSION

27. The European Union guarantees its legitimacy through a democratic structure. However, it has become clear that the Union's decision process suffers from a democratic deficit. The European Parliament is the only organ that is directly elected by the European citizens. However, the European elections are dominated by national issues. The European Union lacks real European politics and a public sphere.
28. The European Union is aware of the opacity of its decisions process and tries to facilitate the access to documentation and information by for example publishing the recordings of certain debates in the Council. The session of the Parliament are often broadcasted online or on television channels. More detailed information about proceedings in the Parliament can be found on specialised websites.¹⁰⁵ Nevertheless, the efficiency of the decision-making process still prevails on the transparency.

Accountability and transparency are two key elements in building a 'strong trust relationship with citizens'. However, it is quite clear that transparency and accountability alone will not fix the lack of participation and representation of citizens and the generally weak democratic value of the European decisions process.¹⁰⁶

29. If the European Union wants to actively involve the European citizens in its decision process, the Union will have to engage in a wide-ranging debate about its continuous to be very much embedded in the European decision process.¹⁰⁷ More attention should be given to the throughput legitimacy of the Union's policies and, on a more general note, citizens' participation and representation should be given more weight.

¹⁰⁴ Regulation 1049/2001/EC of the European Parliament and of the Council regarding public access to European Parliament, recital 6; Novak and Hillebrandt (n 100) 2.

¹⁰⁵ Brown, *The European Commission and Europe's Democratic Process* (n 60) 26; Hans-Joerg Trenz, 'Understanding Media Impact on European Integration: Enhancing or Restricting the Scope of Legitimacy of the EU?' (2008) 30 *Journal of European Integration* 291, 292.

¹⁰⁶ Cengiz (n 5) 579.

¹⁰⁷ Cengiz (n 5) 579.

3 A THEORETICAL AND PRACTICAL ANALYSIS OF MINI-PUBLICS

3.1 DELIBERATIVE DEMOCRACY

30. In the late 1970s and 1980s, in the area of democratic theory, scholars began to categorise various models of democracy.¹⁰⁸ How somebody understands the concept of democracy will shape their ideas on how to design democratic institutions. Traditionally, it is presumed that every definition of democracy wants to portray a specific model of democracy, one of them being deliberative democracy.

Deliberative democracy is a rather recent addition to the list of democratic models. This democratic theory is a critique against the aggregative forms of liberal democracy,¹⁰⁹ which consider maximising preference satisfaction as the main goal of democracy. This goal is preferably reached by simple majority voting by elected representatives. During elections, voters select the candidate that best represents their preferences.¹¹⁰ Aggregative democratic theorist interpret the preferences of the electorate as a given which do not need to be justified.¹¹¹

31. Contrary to aggregative democracy, the starting point of deliberative democracy is that preferences are not fixed and that people can change their mind. Not the predeterminate will of the people but the process of deliberation is the source of legitimacy in the decision-making process.¹¹²

¹⁰⁸ Mark E Warren, 'A Problem-Based Approach to Democratic Theory' (2017) 111 *American Political Science Review* 39, 40; See for example: CB MacPherson, *The Life and Times of Liberal Democracy* (Repr, Oxford university press 1979).

¹⁰⁹ Cunningham (n 49) 164; Robert E Goodin, *Innovating Democracy: Democratic Theory and Practice After the Deliberative Turn* (OUP Oxford 2008) 1; Amy Gutmann and Dennis Frank Thompson, *Why Deliberative Democracy?* (Princeton university press 2004) 13; Carolyn M Hendriks, 'Integrated Deliberation: Reconciling Civil Society's Dual Role in Deliberative Democracy' (2006) 54 *Political Studies* 486, 491; Ronald Van Crombrugge, 'The Referendum: Does It Have a Role to Play in a Deliberative System?: A Comparative Evaluation of the Rules Relating to the Initiation of the Referendum from a Deliberative Democratic Perspective' (KU Leuven Faculty of Law 2015) 22.

¹¹⁰ Van Crombrugge, 'The Referendum' (n 109) 22–23.

¹¹¹ Cunningham (n 49) 164; Gutmann and Thompson (n 109); Van Crombrugge, 'The Referendum' (n 109) 23.

¹¹² Joshua Cohen, 'Deliberation and Democratic Legitimacy' in James Bohman and William Rehg (eds), *Deliberative democracy: essays on reason and politics* (MIT Press 1997) 73; Cengiz (n 5) 581; Amandine Crespy, 'Deliberative Democracy and the Legitimacy of the European Union: A Reappraisal of Conflict' (2014) 62 *Political Studies* 81, 83; Bernard Manin, 'On Legitimacy and Political Deliberation' (1987) 15 *Political Theory* 338, 352; Stefan Rummens, 'Staging Deliberation: The Role of Representative Institutions in the Deliberative Democratic Process' (2012) 20 *Journal of Political Philosophy* 23, 27–28; Van Crombrugge, 'The Referendum' (n 109) 23; Iris Marion Young, 'Communication and the Other: Beyond Deliberative Democracy' in Seyla Benhabib (ed), *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton University Press 1996) 121.

In democratic theory, you can find a variety of definitions of deliberative democracy. Theorists have ‘applied the democratic label to everything from radical activism and protest,¹¹³ to consultative forums engaged with the state, to representative assemblies,¹¹⁴ to the deliberations of small groups of judges,¹¹⁵ even to the internal processes of making others ‘present’ in an individual’s own internal deliberations^{116, 117}

32. Despite the diversity of perspectives and definition, deliberative democracy does have a core set of key elements. Deliberative democracy insists that decision-making should be more talk-centric instead of vote-centric,¹¹⁸ so deliberations between citizens should guide the political procedure. The essential political act must be public and not be reduced to merely private voting.¹¹⁹ Society is fragmented¹²⁰ and each citizen has its own interest, as well as the capacity of expressing its preferences.¹²¹ Through deliberation, citizens get the opportunity to sharpen and even alter their views so in the end the ‘better argument’ prevails.¹²² Unrelated subjects like money, manipulation and threats, cannot be part of the deliberation¹²³

The deliberation process is based on the principle of reciprocity, meaning that preferences need to be justified in a way that is accessible to all. Therefore, during deliberations participants should justify their arguments in such a way that others can (in principle) understand them and accept

¹¹³ See for example: Seyla Benhabib, ‘Toward a Deliberative Model of Democratic Legitimacy’ in Seyla Benhabib (ed), *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton University Press 1996); Joshua Cohen and Joel Rogers, ‘Secondary Associations and Democratic Governance’ (1992) 20 *Politics & Society* 393; John S Dryzek, *Discursive Democracy: Politics, Policy, and Political Science* (Cambridge University Press 1994); David Schlosberg, *Environmental Justice and the New Pluralism: The Challenge of Difference for Environmentalism* (OUP Oxford 1999).

¹¹⁴ Habermas, *Between Facts and Norms* (n 99) 229.

¹¹⁵ Joseph M Bessette, *The Mild Voice of Reason: Deliberative Democracy and American National Government* (University of Chicago Press 1997); John Uhr, *Deliberative Democracy in Australia: The Changing Place of Parliament* (Cambridge University Press 1998).

¹¹⁶ Robert E Goodin, ‘Democratic Deliberation Within’ (2000) 29 *Philosophy & Public Affairs* 81; John Rawls, *Political Liberalism* (Columbia University Press 2005) 231–240.

¹¹⁷ John Parkinson, *Deliberating in the Real World: Problems of Legitimacy in Deliberative Democracy* (OUP Oxford 2006) 2–3.

¹¹⁸ Simone Chambers, ‘Deliberative Democratic Theory’ (2003) 6 *Annual review of political science* 307, 308; John Dryzek and Patrick Dunleavy, *Theories of the Democratic State* (Macmillan International Higher Education 2009) 215; Stephen Elstub and Peter McLaverty, ‘Introduction: Issues and Cases in Deliberative Democracy’ in Stephen Elstub and Peter McLaverty (eds), *Deliberative Democracy: Issues and Cases* (Edinburgh University Press 2014) 1.

¹¹⁹ Parkinson, *Deliberating in the Real World* (n 117) 3.

¹²⁰ Lemaire (n 3) 25–26.

¹²¹ Dryzek and Dunleavy (n 118) 216.

¹²² Parkinson, *Deliberating in the Real World* (n 117) 3; Manin (n 112) 351–353; Van Crombrugge, ‘The Referendum’ (n 109) 23.

¹²³ Raf Geenens and Ronald Tinnevelt, *De stem van het volk: democratie als gesprek* (LannooCampus 2007) 30–35.

them.¹²⁴ Additionally, the participants should enter the deliberations with an open mind, willing to take the arguments of the other into account and to change their opinions.¹²⁵

Participants will naturally formulate their arguments based on common interests because this type of argumentations makes it easier to convince the others.¹²⁶ However, this does not mean that minority interests are marginalised in the deliberation, on the contrary.¹²⁷ The deliberations should be open to everybody who is affected by its decisions¹²⁸ and everybody should have equal opportunity to influence the deliberations.¹²⁹ What counts is that preferences are formulated in such a way that the participants can relate, even though the proposition is not in their direct interest.¹³⁰ The principle of reciprocity forces participants to consider the views and opinions of others and encourages them to reach consensus.¹³¹ This is called the principle of other-regardingness.¹³²

However, consensus is not the rule, often voting will still be necessary.¹³³ Nevertheless, the outcome of deliberations is very different than in aggregative democracy.¹³⁴ During deliberations, people will have an incentive to include each other's interests and at least try to reach a consensus. Additionally, minority groups are more likely to accept the majoritarian decision, even if they don't agree with it, right because their interest were not just pushed aside, but were duly taken into account during the deliberations process.¹³⁵

¹²⁴ Benhabib (n 113) 71; Cunningham (n 49) 165; Gutmann and Thompson (n 109); Van Crombrugge, 'The Referendum' (n 109) 23.

¹²⁵ Cunningham (n 49) 165; John S Dryzek, *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford University Press 2002) 169; Manin (n 112) 358; Van Crombrugge, 'The Referendum' (n 109) 24.

¹²⁶ Cunningham (n 49) 165; Dryzek, *Deliberative Democracy and Beyond* (n 125) 169; Manin (n 112) 358; Van Crombrugge, 'The Referendum' (n 109) 23–24.

¹²⁷ Cunningham (n 49) 165; Jane Mansbridge and others, 'The Place of Self-Interest and the Role of Power in Deliberative Democracy' (2010) 18 *Journal of Political Philosophy* 64; Van Crombrugge, 'The Referendum' (n 109) 24.

¹²⁸ Joshua Estlund, 'Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority' in James Bohman and William Rehg (eds), *Deliberative democracy: essays on reason and politics* (MIT Press 1997) 177; Manin (n 112) 352; Parkinson, *Deliberating in the Real World* (n 117) 25; Van Crombrugge, 'The Referendum' (n 109) 25.

¹²⁹ Dryzek, *Deliberative Democracy and Beyond* (n 125) 172; Cohen (n 112); Mansbridge and others (n 127) 64; Parkinson, *Deliberating in the Real World* (n 117) 3; Geenens and Tinnevelt (n 123) 30–35.

¹³⁰ Van Crombrugge, 'The Referendum' (n 109) 24.

¹³¹ Cunningham (n 49) 165; Van Crombrugge, 'The Referendum' (n 109) 24.

¹³² Zsuzsanna Chappell, 'A Tension Between Ideal and Practice: Re-Evaluation of Micro and Macro Models of Deliberation' (2010) 46 *Representation* 295, 296; Van Crombrugge, 'The Referendum' (n 109) 24.

¹³³ Simone Chambers, 'Deliberation and Mass Democracy' in John Parkinson and Jane Mansbridge (eds), *Deliberative Systems: Deliberative Democracy at the Large Scale* (Cambridge University Press 2012) 63; Dryzek, *Deliberative Democracy and Beyond* (n 125) 170; Gutmann and Thompson (n 109); Van Crombrugge, 'The Referendum' (n 109) 24.

¹³⁴ Cohen (n 112) 75; Cunningham (n 49) 166; Gutmann and Thompson (n 109); Van Crombrugge, 'The Referendum' (n 109) 24.

¹³⁵ Van Crombrugge, 'The Referendum' (n 109) 24–25.

3.2 DEFINING THE CONCEPT OF MINI-PUBLIC

33. Somehow, deliberative democracy has to be institutionalised. One way of doing this is through mini-publics which are considered to be a form of democratic innovation. This umbrella concept includes all institutions designed to increase citizens' participation in the political process.¹³⁶ The aim of democratic innovation is not to replace but rather to supplement the traditional, elected representative assemblies.¹³⁷

Mini-publics are different from other deliberative innovations, like electoral innovations or consultation innovations¹³⁸, by relying on lay citizens to deliberate in small groups.¹³⁹ To ensure diversity, all participants are selected by lottery.¹⁴⁰ I will interpret mini-publics by these two core elements, yet there is quite a lot of discussion amongst scholars about the “right” definition of a mini-public.

34. Unlike mini-publics, other deliberative innovations, such as national issue forums, study circles, democracy cafés or democs, are not focussed on formulating recommendations at the end of the deliberations. These forms of deliberations are focused on educating citizens by giving them the opportunity to learn more about policies and politics in general.¹⁴¹

National issue forums will identify three or four major problems, the solution to these issues will be bundled in so-called issue books.¹⁴² Study circles are quite similar in their design to national issue forums as they also bring together citizens to discuss controversial topics. Participants will meet regularly over a certain period of time. At the end of the discussions a collective brainstorm session is organised to debate the strength and weaknesses of the solutions that were discussed

¹³⁶ Åström, Jonsson and Karlsson (n 9) 575; Dryzek and Goodin (n 9) 220; Ryan and Smith (n 9) 11; Smith, *Beyond the Ballot* (n 9) 13; Smith, *Democratic Innovations* (n 9) 1; Smith, Richards and Gastil (n 9) 243.

¹³⁷ Dryzek and Goodin (n 9) 220; John Burnheim, *Is Democracy Possible?: The Alternative to Electoral Politics* (Polity press 1985).

¹³⁸ Smith, *Beyond the Ballot* (n 9).

¹³⁹ Dryzek and Goodin (n 9) 220; Smith, *Beyond the Ballot* (n 9).

¹⁴⁰ Archon Fung uses a broader definition of mini-publics that also includes democratic innovations that totally rely on self-selection. In this research, I'll use the more generally accepted narrow definition of mini-publics. For more information on the broad definition of mini-publics see: Archon Fung, 'Survey Article: Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences' (2003) 11 *Journal of Political Philosophy* 338.

¹⁴¹ Smith, *Beyond the Ballot* (n 9) 40.

¹⁴² Smith, *Beyond the Ballot* (n 9) 46; 'National Issues Forum – Participedia' <<https://participedia.net/method/168>> accessed 9 July 2019.

during the previous discussing sessions.¹⁴³ A democracy or conversation cafe, on the other hand, is a hosted conversation of an hour and a half in which everybody who wants to join in can participate.¹⁴⁴ Democs is a card game that enabled players to learn and discuss complex policy issues. The goal of the card game is to provide information and to stimulate debates amongst the players.¹⁴⁵

35. In practise, there is a huge diversity of methods and formats of innovative citizens' participation.¹⁴⁶ Some forms of citizen's participation that are normally categorised as mini-publics are: deliberative polls, town hall meetings, citizen's jury, consensus conferences, planning cells.¹⁴⁷
36. Participants of deliberative polls are asked to fill in a survey. Afterwards they receive learning materials, they engage in debates with each other and they get the opportunity to question a panel of experts. After the deliberations, participants are asked to fill in the same survey as before. By doing so, organisers try to predict changes in public opinion.¹⁴⁸ The design and organisation will be discussed in more detail when talking about Tomorrow's Europe and EuroPolis (see p.40).
37. The goal and design of citizens' assemblies are distinctly different from deliberative polling. The participants of a citizens' assembly come together on a regular basis for an extended period of time. Since the deliberations are usually spread out over several months, the assembly really gets the chance to contribute to the policymaking. In the end, the goal of the citizens' assembly is to formulate policy recommendations.¹⁴⁹

¹⁴³ Smith, *Beyond the Ballot* (n 9) 46–47; 'Study Circles (Dialogue-to-Change) - Participedia' <<https://participedia.net/method/188>> accessed 9 July 2019.

¹⁴⁴ Smith, *Beyond the Ballot* (n 9) 47–48; 'Conversation Cafes – Participedia' <<https://participedia.net/method/184>> accessed 9 July 2019.

¹⁴⁵ Smith, *Beyond the Ballot* (n 9) 47; 'Democs – Participedia' <<https://participedia.net/method/1278>> accessed 9 July 2019.

¹⁴⁶ Jan-Hendrik Kamlage and Patrizia Nanz, 'Public Participation and Democratic Innovations: Assessing Democratic Institutions and Processes for Deepening and Increased Public Participation in Political Decision-Making' (2017) 4; Smith, *Democratic Innovations* (n 9) i.

¹⁴⁷ Dryzek and Goodin (n 9) 223–225; Rummens (n 112) 23; Ryan and Smith (n 9) 12; Smith, *Democratic Innovations* (n 9) 76.

¹⁴⁸ Smith, *Democratic Innovations* (n 9) 78; Ronald Van Crombrugge, 'Burgerparticipatie in Vlaanderen: de agenda van de decreetgever geëvalueerd' (2018) no:73 Tijdschrift voor bestuurswetenschappen & publiekrecht 242.

¹⁴⁹ Smith, *Democratic Innovations* (n 9) 74; Van Crombrugge, 'Burgerparticipatie in Vlaanderen' (n 148) 242.

The most well-known citizens' assembly is the British Columbia Citizens' Assembly (hereafter BCCA).¹⁵⁰ The BCCA was established by the government of British Columbia, Canada. The mandate of the BCCA was to analyse the province's simple plurality electoral system and to recommend an alternative system if this was deemed necessary. The whole mini-public was spread out over 11 months during 2004. From January until April, over a series of weekends participants of the citizens' assembly learnt about electoral systems. Over the next two months, fifty hearings with peers and interest groups were organised. Additionally, 1603 written submissions were taken into account. The final deliberations took place from September until November. At the end, the assembly recommended replacing the current electoral system by a version of single transferable vote. The BCCA was very unique because it was tied to a binding referendum organised by province of British Columbia.¹⁵¹

Following the BCCA, two similar citizens' assemblies were organised, both on the question of electoral reform. The government of Ontario established the Citizens' Assembly on Electoral Reform between September 2006 and April 2006. This citizens' assembly had the same basic structure and engaged in the similar activities as the one organised in British Columbia. In the Netherlands, the Electoral System Civic Forum sat between March and November 2006, charged with reviewing and making recommendations on the electoral system of the Second Chamber.¹⁵²

38. A third type of mini-public, namely citizens' juries, was developed in the 1970s by the Jefferson Centre in the USA and have been popularized especially in the UK since the 1990s. In the UK alone, more than 200 citizens' juries have been organized. The topics of citizens' juries are quite diverse, however most of the citizens' juries discuss topics related to health or are funded by local governments.¹⁵³

¹⁵⁰ Jane Mansbridge et al., 'A Systematic Approach to Deliberative Democracy', in *Deliberative Systems: Deliberative Democracy at the Large Scale*, ed. John Parkinson and Jane Mansbridge (Cambridge University Press, 2012), 16; For more information see: Mark E. Warren and Hilary Pearse, *Designing Deliberative Democracy: The British Columbia Citizens' Assembly* (Cambridge University Press, 2008).

¹⁵¹ Smith, *Democratic Innovations* (n 9) 73–74; For a more indept analysis of the BCCA see: Mark E Warren and Hilary Pearse, *Designing Deliberative Democracy: The British Columbia Citizens' Assembly* (Cambridge University Press 2008).

¹⁵² Smith, *Democratic Innovations* (n 9) 75.

¹⁵³ John Parkinson, 'Why Deliberate? The Encounter Between Deliberation and New Public Managers' (2004) 82 *Public Administration* 377, 383; Smith, *Democratic Innovations* (n 9) 76; Jackie Street and others, 'The Use of Citizens' Juries in Health Policy Decision-Making: A Systematic Review' (2014) 109 *Social Science & Medicine* 1, 2–4.

During citizens' juries, citizens do not only deliberate with each other but they also get the chance to cross witness experts. Participants first get information about the issue and will hear a wide range of witnesses. These witnesses are selected either based on their expertise or they will be representing interest groups. Following the deliberations, participants will formulate a series of recommendations as an answer to the preformulated questions.¹⁵⁴

Ever since their development, the design of citizens' juries has been evolving.¹⁵⁵ The Citizens' Council established by the UK's National Institute for Clinical Excellence is a good example hereof. This Citizens' Council involves about thirty participants and is a semi-permanent organ, organising deliberations twice a year on ethical and moral question related to resource use and allocation in health priority setting. After a number of weekends, a portion of the participants are replaced by new ones.¹⁵⁶

39. Planning cells are often confused with citizens' juries, however there are some differences. Firstly, planning cells are typically organised in series or concurrently so they include much more citizens. In contrast to citizens' juries, the facilitators of the planning cell function as experts who provide technical advice instead of independent mediators. Since planning cells include quite a lot of participants, the biggest one included 500 citizens, it is not the citizens but the facilitators who gather the views and perspectives of the participants and collate them into recommendations.¹⁵⁷

The Regional Department of Transportation of the Basque Region in Spain organized 14 planning cells to deliberate the creation of a major highway that would be going through the region. The cells helped evaluate existing plans for the highway, consider alternative routes, and identify the social and political effects of each option.¹⁵⁸

¹⁵⁴ Graham Smith and Corinne Wales, 'Citizens' Juries and Deliberative Democracy' (2000) 48 *Political Studies* 51, 55; Smith, *Democratic Innovations* (n 9) 76.

¹⁵⁵ Street and others (n 153) 1–2.

¹⁵⁶ Smith, *Democratic Innovations* (n 9) 77–78; For a more in dept analysis see: Davies Celia, Wetherell Margaret and Elizabeth Barnett, *Citizens at the Centre: Deliberative Participation in Healthcare Decisions* (Policy Press 2006).

¹⁵⁷ Smith, *Democratic Innovations* (n 9) 76; For more information Peter Diemel and Ortwin Renn, 'Planning Cells: A Gate to "Fractal" Mediation' in Ortwin Renn and others (eds), *Fairness and Competence in Citizen Participation: Evaluating Models for Environmental Discourse* (Springer Science & Business Media 1995); Smith and Wales (n 154).

¹⁵⁸ 'Planning Cells – Participedia' <<https://participedia.net/method/160>> accessed 13 July 2019.

40. Consensus conferences is quite different from all the other forms of deliberations. For starters, the organisers specifically advertise for interested citizens. Second, the participants attend two preparatory weekends where the participants themselves select the questions they will be debating on during the actual deliberations.¹⁵⁹

Since the 1980s the Danish Board of Technology, regularly organises consensus conferences on scientific and technological developments, which raise ethical and moral questions.¹⁶⁰ For example, in 2011 the Danish Board of Technology organised a consensus conference on how to ensure Denmark's drinking water supply in the future.¹⁶¹

41. Mini-publics are not a new phenomenon, the principle of random selection can be traced back to the Athenian times. Within the Athenian political system, magistrates, the council and the pool of volunteers for juries were all selected by lot.¹⁶² Still mini-publics are often perceived as experiments instead of real instruments to solve the crisis of democracy.¹⁶³ Mini-publics are mostly used on an *ad-hoc* basis.¹⁶⁴

Another heavily debated topic is about which role should be granted to deliberation forms like mini-publics. There are some forms of mini-publics that aim at substituting the elected representative assembly but these ones are really rare.¹⁶⁵

¹⁵⁹ Smith, *Democratic Innovations* (n 9) 78; For more information see: Simon Joss and John Durant, *Public Participation in Science: The Role of Consensus Conferences in Europe* (NMSI Trading Ltd 1995); Simon Joss, 'Danish Consensus Conferences as a Model of Participatory Technology Assessment: An Impact Study of Consensus Conferences on Danish Parliament and Danish Public Debate' (1998) 25 *Science and Public Policy* 2.

¹⁶⁰ Smith, *Democratic Innovations* (n 9) 77–78.

¹⁶¹ CreatingSocietyTogether, 'Water Supply in Denmark' (*The Danish Board of Technology*) <<http://www.tekno.dk/project/water-supply-in-denmark/?lang=en>> accessed 14 July 2019.

¹⁶² Smith, *Democratic Innovations* (n 9) 72.

¹⁶³ Saskia Goldberg, 'A Bottom-Up Perspective on Deliberative Participation Processes: What Citizens Want and How Expectations Affect Perceived Legitimacy' 21, 2–3; Ronald Van Crombrugge, 'Bottom up Citizens Assemblies' (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019).

¹⁶⁴ Van Crombrugge, 'Bottom up Citizens Assemblies' (n 163).

¹⁶⁵ Dryzek and Goodin (n 9) 220; For more information see: Burnheim (n 137).

3.3 LEGITIMACY OF MINI-PUBLICS

42. Critics have been questioning the legitimacy¹⁶⁶ and the efficacy¹⁶⁷ of mini-publics. In light of these criticisms, and to better understand the functioning of mini-publics, the legitimacy of mini-publics will be analysed in the following section. This analysis will look at the strengths and weaknesses of mini-publics.

3.3.1 INPUT LEGITIMACY

One of the main challenges of civic engagement in general, is the inclusiveness of the deliberations, referring to the issue on picking out who will deliberate.¹⁶⁸ Deliberations are not inherently legitimate nor democratic.¹⁶⁹ To ensure an inclusive deliberation process, the participants should represent different 'backgrounds, ages, cultures, socioeconomic situations, education level and relevant geographic regions'.¹⁷⁰ Each of the participants gets an equal voice.¹⁷¹ The goal is to bring together a group of people with different interests and views¹⁷² who would normally not interact with each other.¹⁷³

Mini-publics ensure the inclusiveness by using random selection. In reality, however, not all participants are randomly selected. The first problem that occurs are defaults in the sample that affect the recruitment of participants. For example, deliberative polls tend to use the technique of random digital dialling. Consequently, the statistical population of this sample largely consists of older people because younger generations only use mobile phones and older people tend to be

¹⁶⁶ Cristina Lafont, 'Deliberation, Participation, and Democratic Legitimacy: Should Deliberative Mini-Publics Shape Public Policy?' (2015) 23 *Journal of Political Philosophy* 40.

¹⁶⁷ Caroline W Lee, *Do-It-Yourself Democracy: The Rise of the Public Engagement Industry* (Oxford University Press 2014).

¹⁶⁸ Crespy (n 112) 83.

¹⁶⁹ Chambers, 'Deliberation and Mass Democracy' (n 133) 60.

¹⁷⁰ Gregory Barrett, Miriam Wyman and Vera Schatten, 'Assessing Policy Impacts of Deliberative Civic Engagement' in Tina Nabatchi and others (eds), *Democracy in Motion: Evaluating the Practice and Impact of Deliberative Civic Engagement* (Oxford University Press 2012) 186.

¹⁷¹ Cengiz (n 5) 581; Kimmo Grönlund, André Bächtiger and Majja Setälä, 'Towards a New Era of Deliberative Mini-Publics' in Majja Setälä (ed), *Deliberative Mini-Publics: Involving Citizens in the Democratic Process* (ECPR Press 2014) 227; Iris Marion Young, *Inclusion and Democracy* (university press 2002) 26.

¹⁷² Nicole Curato and others, 'Twelve Key Findings in Deliberative Democracy Research' (2017) 146 *Daedalus* 28, 33; James S Fishkin, *When the People Speak: Deliberative Democracy and Public Consultation* (Oxford university press 2009) 131–132.

¹⁷³ Ryan and Smith (n 9) 20; Smith, *Democratic Innovations* (n 9) 79–80.

more at home.¹⁷⁴ In general, the people who are willing to talk to the pollsters tend to be well educated.¹⁷⁵

Next, there is the issue of self-selection. Every contacted citizen can refuse to participate in the mini-public, nobody can be forced to be involved.¹⁷⁶ The BCCA, picked out citizens based on the electoral register and they were asked twice if they wanted to participate or not. From the initial 23.043 invitations, 1.715 citizens confirmed that they were willing to participate. Eventually 964 attended the selection meetings and those who wished to participate were entered into the lottery. In other words, the organisers chose to incorporate a form of selection into the mini-public. It turned out that the participants of citizen's assembly had more knowledge about politics and were more civically involved than an average person. Participants also tended to be more dissatisfied with the political system of British Columbia.¹⁷⁷

Pure random sampling is likely to oversample a certain type of citizens, more specifically high-educated people and exclude rather small minority groups. The absence of a certain group or minorities prevents their interests to be represented in the mini-public. As a result, the legitimacy of the mini-public could be damaged.¹⁷⁸ In order to solve the imperfection of random sampling, the organisers of the mini-public can chose to use a stratified sampling technique instead of pure random selection of participants. The selection sample will have predetermined quotas based on certain criteria.¹⁷⁹ As John Parkinson puts it, in this way 'small groups can be said to be statistically representative of a large population by the criteria chosen'.¹⁸⁰ Some forms of mini-publics, like citizens' assemblies, citizens' juries and consensus conferences use the technique of stratified sampling by design.¹⁸¹

¹⁷⁴ Cynthia Farrar and James Fishkin, 'Deliberative Polling: From Experiment to Community Resource' in John Gastil and Peter Levine (eds), *The deliberative democracy handbook: strategies for effective civic engagement in the twenty-first century* (Wiley 2005) 73–74; Smith, *Democratic Innovations* (n 9) 80.

¹⁷⁵ Fung (n 140) 342; Smith, *Democratic Innovations* (n 9) 80; Michael W Traugott, 'Can We Trust the Polls? It All Depends' (2003) 21 *The Brookings Review* 8, 10.

¹⁷⁶ Smith, *Democratic Innovations* (n 9) 80.

¹⁷⁷ Kenneth Carty, André Blais and Patrick Fournier, 'When Citizens Chose to Reform the SMP: The British Columbia Citizen's Assembly on Electoral Reform' in André Blais (ed), *To Keep or To Change First Past The Post?: The Politics of Electoral Reform* (OUP Oxford 2008) 149; Amy Lang, 'But Is It for Real? The British Columbia Citizens' Assembly as a Model of State-Sponsored Citizen Empowerment' (2007) 35 *Politics & Society* 35, 41; Smith, *Democratic Innovations* (n 9) 80–81.

¹⁷⁸ Smith, *Democratic Innovations* (n 9) 81.

¹⁷⁹ Parkinson, *Deliberating in the Real World* (n 117) 75; Smith, *Democratic Innovations* (n 9) 81.

¹⁸⁰ Parkinson, *Deliberating in the Real World* (n 117) 76.

¹⁸¹ Smith, *Democratic Innovations* (n 9) 81.

43. Stratified sampling has to safeguard the legitimacy of the mini-publics, yet when poorly executed it can have the opposite effect.¹⁸² The organisers of the mini-publics have to carefully think about which characteristics they will choose as a basis for the quotas they will use. They have to avoid the ‘risk of missing important differences which have not been selected for’.¹⁸³ For example, the BCCA used the technique of quotas based on three criteria: geographical district, gender and age. However, because the organisers failed to include ethnicity as one of the criteria, citizens of the Aboriginal communities were not included in the debates. The assembly chair requested two members of this community to be added, yet there continued to be no specific criteria for ‘other potential salient minority ethnic groups’. Critics argued that this possibly affected the debates.¹⁸⁴ If the group of participants is not representative, the legitimacy of the mini-public is likely to be undermined.¹⁸⁵
44. Deliberative polls and planning cells tend to use techniques of affirmative actions to correct the deficits of pure random sampling. Organisers will for example focus on extra publicity in communities that would normally be underrepresented.¹⁸⁶ Another option is to create structural incentives focussing on low-status and low-income groups, in order to encourage these citizens to participate in the mini-public.¹⁸⁷

3.3.2 THROUPUT LEGITIMACY

45. By relying on the technique of random sampling, it is presumed that the participants of the mini-public are non-experts and non-partisans.¹⁸⁸ To ensure that everyone gains the knowledge that is required to be able to debate about the central topic, different experts will be invited to give a presentation before the actual debates get started. In this regard, Jane Mansbridge argues rightfully so that truth seeking is one of the main functions of a deliberative system.¹⁸⁹ By first letting different experts present and then organising discussions in diverse debate groups, the participants can acquire a profound understanding of the different perspectives on the topic. In other words,

¹⁸² Fung (n 140) 342; ‘Smith - 2009 - Democratic Innovations Designing Institutions for.Pdf’ 81.

¹⁸³ Parkinson, *Deliberating in the Real World* (n 117) 76.

¹⁸⁴ Smith, *Democratic Innovations* (n 9) 81–82.

¹⁸⁵ Fung (n 140) 342–343; Parkinson, *Deliberating in the Real World* (n 117) 76; Ryan and Smith (n 9) 20; Smith, *Democratic Innovations* (n 9) 81.

¹⁸⁶ Fung (n 140) 342–343; Smith, *Democratic Innovations* (n 9) 82.

¹⁸⁷ Fung (n 140) 342–343.

¹⁸⁸ Dryzek and Goodin (n 9) 221.

¹⁸⁹ Mansbridge and others (n 150) 22.

at the end of the mini-public, the participants can take into account all the different outlooks on the matter at hand when formulating a final conclusion.¹⁹⁰

46. Once the mini-public can get started, the participants should get the necessary information about the topic that will be discussed. Usually, the topic and the scope of the discussion will be predetermined. In general, the participations have little to no influence on the issue that will be discussed.¹⁹¹ Graham Smith, argues that there are two reasons why citizen's influence on the process decisions, and in particular on the agenda setting, is limited. Firstly, Smith proclaims that the agenda of a mini-public should serve the interest of the authorities. If the subject of the deliberations would be changed to something less relevant to the authorities, there would be no incentive anymore for them to finance and respond to the mini-public. Secondly, participants of a mini-public are presumed to be lay citizens. In other words, they have little knowledge about the matter at hand before participating in the mini-public. Smith states that it would be difficult for them to 'make a reasoned judgement about which issues are most relevant for consideration'.¹⁹²

In my opinion, the arguments of Smith exclude bottom-up initiatives for mini-publics. I do agree that the legislator should have a role in for example, providing minimum standards that have to be respected by all deliberative initiatives.¹⁹³ However, I believe that not only the government should have the right of initiative. Nowadays, most deliberative initiatives are initiated by the government and not by the people. As a result, deliberative initiative tend to be treated as a favour instead of a right that can be enforced by the people. Deliberative initiatives, including mini-publics, that are initiated by the people give an opportunity to the citizens to set the political agenda without bypassing the traditional democratic organs like the parliament.¹⁹⁴

3.3.3 OUTPUT LEGITIMACY

47. The goal of mini-publics is to initiate general public debates. The participants of the mini-public, who were given the opportunity to learn more about the matter at hand, could use their knowledge

¹⁹⁰ Curato and others (n 172) 33; Smith, *Democratic Innovations* (n 9) 94.

¹⁹¹ Parkinson, *Deliberating in the Real World* (n 117) 132–133; Smith, *Democratic Innovations* (n 9) 88–89.

¹⁹² Smith, *Democratic Innovations* (n 9) 89.

¹⁹³ E Lanckswertdt, 'De Participatieve Democratie Als Nieuw Hoofdstuk in Het Verhaal van de Politieke Vrijheid: Ruimte Voor de Verwezenlijking van Het Menselijk Potentieel' [2010] *Tijdschrift voor bestuurswetenschappen en publiek recht* 67, 80; Van Crombrugge, 'Burgerparticipatie in Vlaanderen' (n 148) 244.

¹⁹⁴ Van Crombrugge, 'Burgerparticipatie in Vlaanderen' (n 148) 250.

to bring more nuance in some heatedly discussed topics.¹⁹⁵ As said before, mini-public serve as an addition to the traditional democratic institutions.¹⁹⁶ This means that the participants can never claim the last word, this would hinder the inclusiveness of the public debate.¹⁹⁷ Even if participants of a mini-public are a statistical representation of society, they did not get any authorisation to speak on anyone's behalf.¹⁹⁸

The outcome of a mini-public is not automatically legitimate. More specifically, 'legitimacy is not predetermined, but constituted only by convincing the public that [the mini-public's] conclusions are valid and its recommendations are worth pursuing'.¹⁹⁹ If this is necessary, there has to be the opportunity to give more information about the decision process and the conclusion of the mini-public. Citizens who did not participate in the mini-public, also have to be convinced that the conclusions are worth striving for.²⁰⁰

48. In practice, mini-publics tend to be used in an *ad hoc* manner. This means that mini-publics are a very flexible form of deliberation, which in turn, leaves room for adjustments to the matter at hand.²⁰¹ The downside of this flexibility is that the end result of a mini-public is often unknown. Whether or not the outcome of a mini-public will be translated into policies, is largely dependent on the commitment of the law making institutions.²⁰²

One of the main goals of institutionalisation is to give certainty to citizens. If there is no certainty about the end result of a mini-publics, the legislative organs may possibly just pick out the recommendations that suit their policies, while ignoring the ones they do not want to deal with.²⁰³ In other words, if the purpose of the mini-public is unclear, how can the deliberations possibly

¹⁹⁵ Marit Böker and Nicole Curato, 'Linking Mini-Publics to the Deliberative System: A Research Agenda' (2016) 49 *Policy Sciences* 173, 177; Curato and others (n 172) 33; Dryzek and Goodin (n 9) 228.

¹⁹⁶ Dahl, *Democracy and Its Critics* (n 55) 340.

¹⁹⁷ Simone Chambers, 'Rhetoric and the Public Sphere: Has Deliberative Democracy Abandoned Mass Democracy?' (2009) 37 *Political Theory* 323, 344; Böker and Curato (n 195) 177.

¹⁹⁸ Mark B Brown, 'Survey Article: Citizen Panels and the Concept of Representation' (2006) 14 *Journal of Political Philosophy* 203, 203–205; Dryzek and Goodin (n 9) 233; John Parkinson, 'Hearing Voices: Negotiating Representation Claims in Public Deliberation' (2004) 6 *The British Journal of Politics and International Relations* 370, 372–373.

¹⁹⁹ Böker and Curato (n 195) 178; For more information on legitimacy of political deliberation see: Manin (n 112).

²⁰⁰ Böker and Curato (n 195) 178; Espen DH Olsen and Hans-Jörg Trenz, 'From Citizens' Deliberation to Popular Will Formation? Generating Democratic Legitimacy in Transnational Deliberative Polling' (2014) 62 *Political Studies* 117, 119; Parkinson, 'Legitimacy Problems in Deliberative Democracy' (n 26) 183; Smith, *Democratic Innovations* (n 9) 98.

²⁰¹ Van Crombrugge, 'Burgerparticipatie in Vlaanderen' (n 148) 244.

²⁰² Joan Font and others, 'Cherry-Picking Participation: Explaining the Fate of Proposals from Participatory Processes' (2018) 57 *European Journal of Political Research* 615, 629; Smith, *Democratic Innovations* (n 9) 93.

²⁰³ Font and others (n 202) 629; Smith, *Democratic Innovations* (n 9) 93.

guarantee a problem-solving quality? The output legitimacy of a mini-publics requires that the end result and the purpose of the mini-public must be predetermined.

49. In order to guarantee output legitimacy, every stage of the deliberation process should be disclosed and explained to the public in a transparent manner. Most reports and recommendations of mini-publics are published. What is still lacking is media coverage, which is important to raise public awareness.²⁰⁴ Nevertheless, it can be noticed that also traditional media outlets are investing more and more attention to deliberations. A good example of this are the booming experiments with mini-publics in Belgium, such as the G1000, which was a town hall meeting in which citizens debated about three topics they selected themselves. These were namely social security, the financial crisis and migration policy.²⁰⁵ Another example is the citizens' cabinets organised by the Flemish Minister of Youth and Culture which aims at involving citizens by letting them debate and formulate recommendations. However, strictly speaking citizens' cabinets are more of a brain storm session with citizens instead of a form of mini-public.²⁰⁶ Earlier this year, the German speaking Community of Belgium installed a permanent institution supplementing their parliament. This model is being called the Ostbelgien model and received a fair amount of media attention.²⁰⁷

Nevertheless, the debates in mini-publics often take place behind closed doors to give the participants the feeling that they can debate in confidentiality without being pressured or judged by the outside world.²⁰⁸ This hinders the transparency of the deliberations.

50. Not too many mini-publics are part of the formal legislative procedure.²⁰⁹ The BCCA was an exception to the rule.²¹⁰ Usually, mini-publics provide recommendations to the macro-level. Sometimes the relevant authorities will be contacted before-hand, in order to avoid that the

²⁰⁴ Smith, *Democratic Innovations* (n 9) 102.

²⁰⁵ Caluwaerts and Reuchamps (n 17).

²⁰⁶ 'Burgerkabinet' (*Burgerkabinet*) <<https://www.burgerkabinet.be/>> accessed 17 May 2019.

²⁰⁷ Andries (n 18); Han Renard, 'Duitstalig België Geeft Gelote Burgers Permanent Politieke Inspraak: "Dit Is Een Wereldprimeur"' *Knack* (26 February 2019) <<https://www.knack.be/nieuws/belgie/duitstalig-belgie-geeft-gelote-burgers-permanent-politieke-inspraak-dit-is-een-wereldprimeur/article-normal-1433931.html>> accessed 9 July 2019; David Van Reybrouck, 'Belgium's Democratic Experiment' (*POLITICO*, 25 April 2019) <<https://www.politico.eu/article/belgium-democratic-experiment-citizens-assembly/>> accessed 9 July 2019; 'G1000' <<http://www.g1000.org/>> accessed 17 May 2019.

²⁰⁸ Simone Chambers, 'Behind Closed Doors: Publicity, Secrecy, and the Quality of Deliberation' (2004) 12 *Journal of Political Philosophy* 389; Smith, *Democratic Innovations* (n 9) 102–103.

²⁰⁹ Dryzek and Goodin (n 9) 224; Smith, *Democratic Innovations* (n 9) 92.

²¹⁰ Dryzek and Goodin (n 9) 225; Smith, *Democratic Innovations* (n 9) 92.

outcome of the mini-public will be ignored. This tactic is a standard feature of the town meeting AmericaSpeaks. These one-day events involve between 500 and 5000 people deliberating on a specific issue. On one day, people deliberate in demographically mixed groups of ten to twelve people. Key stakeholders provide background materials and also attend the deliberations together with public authorities. One of the most well-known AmericaSpeaks meetings is the one organised in the aftermath of the 9/11 attacks about the rebuilding of lower Manhattan.²¹¹ Citizen's juries²¹² and the Danish Consensus Conference²¹³ will also approach officials to secure the end result of the deliberations.

Often, there is no guarantee that the deliberations will directly influence the formal decision process. Additionally, it is very difficult to measure to which extent mini-publics influence substantive policy outcomes. For example, variables like contextual factors should also be taken into account.²¹⁴

51. However, mini-publics can also indirectly influence the legislative procedure. Whether a mini-public is a formal part of the decisions process or not, studies made clear that civic engagement does influence policymaking.²¹⁵ The study of Lawrence R. Jacobs, Fay Lomax Cook and Michael X. Delli Carpini found a significant correlation between face-to-face deliberations and civic participation, electoral participation and elite contacting.²¹⁶ Deliberation between citizens 'increases other forms of political and civic participation both by directly encouraging and facilitating such engagement and by increasing resources and motivation through higher levels of political capital that in turn boost participation'.²¹⁷

²¹¹ '21st Century Town Meeting « AmericaSpeaks' <index.html> accessed 30 April 2019; Dryzek and Goodin (n 9) 224; Tina Nabatchi, 'Deliberative Democracy and Citizenship: In Search of the Efficacy Effect' (2010) 6 *Journal of Public Deliberation*; Berkeley n/a, 11.

²¹² Smith, *Democratic Innovations* (n 9) 76–77; Julie L Ozanne, Canan Corus and Bige Saatcioglu, 'The Philosophy and Methods of Deliberative Democracy: Implications for Public Policy and Marketing' (2009) 28 *Journal of Public Policy & Marketing* 29, 33.

²¹³ CreatingSocietyTogether, 'The Danish Board of Technology' (*The Danish Board of Technology*) <<http://www.tekno.dk/?lang=en>> accessed 18 July 2018; Smith, *Beyond the Ballot* (n 9) 77–78; For more information see: Ozanne, Corus and Saatcioglu (n 212) 34–35; Dryzek and Goodin (n 9) 223 and 226.

²¹⁴ Julien Vrydagh, 'Under What Condition Do Mini-Publics Exert an Influence on Public Policy? A Fuzzy-Set Quantitative Comparative Analysis of Mini-Publics in Belgium' (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019).

²¹⁵ Curato and others (n 172) 29; For more information see: Barrett, Wyman and Schatten (n 170).

²¹⁶ Chambers, 'Deliberation and Mass Democracy' (n 133) 63; Lawrence R Jacobs, Fay Lomax Cook and Michael X Delli Carpini, *Talking Together: Public Deliberation and Political Participation in America* (University of Chicago Press 2009) 113–117.

²¹⁷ Jacobs, Cook and Delli Carpini (n 216) 117.

By organising a mini-public, the government tries to show that it cares for the opinions of the citizens.²¹⁸ This is a powerful signal even to the people who do not participate personally in the mini-public.²¹⁹ Additionally, mini-publics bring ordinary people into the decision-making process. Whereas there is usually a distance between a citizen and its representative, citizens will more easily identify with peers. This can generate legitimacy.²²⁰

52. Research proves that participants of mini-publics changed their opinion after the deliberations and that they feel way more informed about the topic than before.²²¹ Mini-publics try to create a safe space in which citizens can share their point of view.²²² If you are able to consider argument of the other side, maybe they seem less alien and you will mistrust them less.²²³ Deliberations have been used successfully in the constitutional process of South-Africa and Northern Ireland, both being deeply divided countries.²²⁴ One of the goals of a mini-publics, is to generate mutual trust amongst the participants and citizens in general.²²⁵

Additionally, studies have shown that ‘losers’ of a deliberative process, meaning citizens who do not agree with the outcome of the mini-public, feel like deliberations are more legitimate than the representative process. In other words, mini-publics are perceived as more legitimate even for people who do not agree with the outcome.²²⁶

However, politicians are way less enthusiastic about mini-publics, they are more likely to perceive this form of democratic innovation as non-democratic. Politicians often link democracy and democratic decision-making directly with elections.²²⁷ Yet, I would argue in general, that

²¹⁸ Celia, Margaret and Barnett (n 156) 80–81; Smith, *Democratic Innovations* (n 9) 107.

²¹⁹ Sofie Marien, ‘How Involving the Few Generates Legitimacy Perceptions among the Many’ (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019).

²²⁰ Marien (n 219); Warren (n 108) 44–45.

²²¹ Smith, *Democratic Innovations* (n 9) 95.

²²² Chambers, ‘Behind Closed Doors’ (n 208) 400; Smith, *Democratic Innovations* (n 9) 95.

²²³ Cengiz (n 5) 581; Deiric O’Broin, ‘Public Deliberation and Civil Society Participation in the Irish Local Legislative Process’ (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019); Claus Offe, ‘The Europolis Experiment and Its Lessons for Deliberation on Europe’ (2014) 15 *European Union Politics* 430, 437–438.

²²⁴ Cengiz (n 5) 581; Vivien Hart, ‘Constitution-Making and the Transformation of Conflict’ (2001) 26 *Peace & Change* 153.

²²⁵ Mansbridge and others (n 150) 11.

²²⁶ Marien (n 219).

²²⁷ John Garry and others, ‘Is Decision-making by Mini-Publics Perceived as Legitimate? Mass and Elite Evidence from Consociational Northern Ireland’ (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019).

elections alone are not by definition an adequate measure to ensure democratic decision-making. Elections do not guarantee the effective participation of citizens nor the accountability of representatives if the decision-making institutions do not act upon the election results.

3.4 DELIBERATIVE DEMOCRACY AT THE EUROPEAN LEVEL

53. The European Union has made some efforts to include deliberative elements in its decision process. In this chapter, these efforts will be critically analysed by defining the advantages and disadvantages. In addition, I will go more into detail about two deliberative polls that were organised at the European level, namely Tomorrow's Europe and EuroPolis.

3.4.1 MECHANISMS WITH A DELIBERATIVE ELEMENT

54. Following the 'White Paper on European Governance' in 2001,²²⁸ the European Union defined that communication rather than participation is the key problem in the relationship between the European Union and its citizens.²²⁹ In order to overcome this issue, the European Union has organised several initiatives with a deliberative aspect. These initiatives were mostly organised in an *ad hoc* manner and focussed on informing citizens manner, rather than institutionalising deliberative platforms.²³⁰ Most of these initiatives do not give the opportunity to the European citizens to directly communicate with each other nor do they get the chance to directly influence the decision process.²³¹
55. For example, the Commission has adopted a mechanism of online consultations in the form of a questionnaire. These public consultations are based on self-selection. Only people with online literacy and interest participate in the consultations.²³² As a consequence, only a small number of

²²⁸ European Commission, 'European Governance - a White Paper' (2013) Text <https://ec.europa.eu/europeaid/european-governance-white-paper_en> accessed 24 June 2019.

²²⁹ Cengiz (n 5) 584–585; Mundo Yang, 'Europe's New Communication Policy and the Introduction of Transnational Deliberative Citizens' Involvement Projects' in Raphaël Kies (ed), *Is Europe Listening to Us?: Successes and Failures of EU Citizen Consultations* (Routledge 2016) 20.

²³⁰ Cengiz (n 5) 585.

²³¹ Crespy (n 112) 87; Erik Oddvar Eriksen and John Erik Fossum, 'Conclusion: Legitimation through Deliberation' in Erik Oddvar Eriksen and John Erik Fossum (eds), *Democracy in the European Union: Integration Through Deliberation?* (Routledge 2002) 264.

²³² Anastasia Deligiaouri, 'E-Rulemaking in the EU' (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019).

educated citizens, most likely coming from a privileged socio-economic background, participate in these consultations.²³³

In any case, the consultation mechanism is mainly focused on civil society and experts to get involved in the European decision process. The talks between the European Union and civil society remain remote from the national level and therefore have not generated a transnational public sphere nor pan-European debates between citizens.²³⁴ The main goal of the conversations with civil society, it to take advantage of their expertise. The goal of these interaction is to generate output legitimacy²³⁵, not throughput legitimacy.

56. In general, the concept of participation as included in article 10 (3) of the Treaty on the European Union, which states ‘citizens have the right to participate in the democratic life of the European Union’, is mainly interpreted as participation by civil society and not participation by the European citizens themselves. Civil society must be interpreted very broadly, including lobbyist groups and interest group representations.²³⁶

3.4.2 DELIBERATIVE POLLING

57. Deliberative polling is a deliberation form that was conceived by the American scholar James Fishkin. The participants of a deliberative poll, who are randomly selected, are asked to fill in a survey. Next, participants are given some materials on the topic of the deliberations. Thereafter, they will discuss the topic at hand in small groups and finally a plenary session will be organised in which the participants can ask questions to experts.²³⁷ After the deliberations, participants are not asked to formulate recommendations but instead they have to fill in the questionnaire again.

²³³ Cengiz (n 5) 586; Christine Quittkat, ‘The European Commission’s Online Consultations: A Success Story?’ (2011) 49 *JCMS: Journal of Common Market Studies* 653, 79.

²³⁴ Beate Kochler-Koch, ‘Civil Society and Democracy in the EU’ in Beate Kohler-Koch and others (eds), *De-Mystification of Participatory Democracy: EU-Governance and Civil Society* (OUP Oxford 2013); Crespy (n 112) 86–87.

²³⁵ Crespy (n 112) 87.

²³⁶ Cengiz (n 5) 578.

²³⁷ Aneta Krzewinska, ‘Tomorrow’s Europe Deliberative Poll® as a Proposal to Research European Public Opinion’ (2012) 61 *Przeglad Socjologiczny* 77, 79; Van Crombrugge, ‘Burgerparticipatie in Vlaanderen’ (n 148) 242.

Since the participants of the deliberative poll are a representative sample of the society, deliberative polling allows to measure changes in the public opinion or so is claimed.²³⁸

3.4.2.1 Tomorrow's Europe and EuroPolis

58. In 2007 a deliberative poll called Tomorrow's Europe was organised by Notre Europe. This deliberative poll was the first mini-public on a supranational level, more specifically on the level of the European Union involving citizens of the 27 Member States at that moment.²³⁹ The central topics of the deliberative poll were: how the European Union should preserve its pensions systems, what role it should play in the world, how it can remain competitive in an increasingly global economy and what if anything it should do about admitting additional Member States.²⁴⁰

3550 Europeans citizens were asked to answer to a questionnaire, consisting of 119 close-ended questions. From the group of people who chose to answer to the questionnaire, 500 people were send some extra materials in their mother tongue in order to get more acquainted with the project and the topic that would be discussed during the deliberative poll itself.²⁴¹

In total, 362 people came together to deliberate at the European Parliament in Brussels from the 12th until the 14th of October 2007. The organisers of the deliberative poll praise that the participants were a representative sample of the European people. However, it has to be noted that well educated individuals and men were slightly overrepresented. At their arrival, participants were asked to fill in a questionnaire similar to the initial one in order to measure the eventual influence of the materials that were handed out beforehand. Participants were randomly divided in small groups which were assisted by a facilitator and interpreters. After the deliberations in small groups, participants were given the opportunity to ask questions to experts in a plenary session. After this session, participants were asked for the last time to fill in the survey to measure their knowledge.²⁴²

²³⁸ James S Fishkin, Robert C Luskin and Roger Jowell, 'Deliberative Polling and Public Consultation' (2000) 53 *Parliamentary Affairs* 657, 659–660; James S Fishkin and others, 'Considered Opinions on Further EU Enlargement: Evidence from an EU-Wide Deliberative Poll' (*CDD*, 2008) 2 <<https://cdd.stanford.edu/2008/considered-opinions-on-further-eu-enlargement-evidence-from-an-eu-wide-deliberative-poll/>> accessed 29 May 2019; Krzewinska (n 237) 79; Smith, *Democratic Innovations* (n 9) 78; Van Crombrugge, 'Burgerparticipatie in Vlaanderen' (n 148) 242.

²³⁹ Yannis Papadopoulos, 'On the Embeddedness of Deliberative Systems: Why Elitis Innovations Matter More' in John Parkinson and Jane Mansbridge (eds), *Deliberative Systems: Deliberative Democracy at the Large Scale* (Cambridge University Press 2012) 128; Smith, *Democratic Innovations* (n 9) 78.

²⁴⁰ Fishkin and others (n 238) 2.

²⁴¹ Krzewinska (n 237) 80–82.

²⁴² Krzewinska (n 237) 83.

59. EuroPolis was the second deliberative poll that was held on the European Union level, with climate change and immigration as the two agenda points. The poll was organised just before the European elections of 2009. The organisational structure of EuroPolis was identical to the one used for the organisation of Tomorrow's Europe. The only difference is that the participants of EuroPolis were asked to complete a questionnaire four times instead of three times, once at home, when they arrived at the deliberative poll, at the end of the event, and finally some of weeks after the elections.²⁴³

3.4.2.2 Lessons learned

60. Whether or not Tomorrow's Europe and EuroPolis had a direct effect on the European policies is doubtful. Yannis Papadopoulos argues that both deliberative polls had no effect whatsoever on the European decision process.²⁴⁴ It seems to me that the effect of both deliberative polls on the European decision process was limited, not to say that they did not have any influence at all. This can partly be explained by the design of deliberative polling. This form of deliberation aggregates the result of different surveys filled in by the participants. In the best-case scenario, the deliberative poll can observe general results like the difference attitudes of 'new' and 'old' citizens of the Union in Tomorrow's Europe or in case of EuroPolis the increasing support for the Green party after the deliberation. The nature of deliberative polling does not allow for new ideas and perspectives because the participants are just asked to answer to a questionnaire. The possible creative and critical side of citizen's participation are not appealed to.²⁴⁵ As a consequence, deliberative polling is mainly a tool for the authorities to test if they could convince the public of a certain policy.²⁴⁶ In my view, Archon Fung rightly describes deliberative polling as giving 'little advantage [to citizens] compared to experts in answering these complex policy questions'.²⁴⁷
61. However, it would be wrong to conclude that Tomorrow's Europe and EuroPolis only had downsides. Both Tomorrow's Europe and EuroPolis showed that a carefully prepared design

²⁴³ Pierangelo Isernia and James S Fishkin, 'The EuroPolis Deliberative Poll' (2014) 15 *European Union Politics* 311, 7.

²⁴⁴ Papadopoulos (n 239) 128.

²⁴⁵ Nancy Fraser, 'Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy' [1990] *Social Text* 56, 65–74; Christian F Rostboll, *Deliberative Freedom: Deliberative Democracy as Critical Theory* (SUNY Press 2008); Van Crombrugge, 'Burgerparticipatie in Vlaanderen' (n 148) 242.

²⁴⁶ Philippe Aldrin and Nicolas Hubé, 'Devenir les ambassadeurs de l'Europe: Une lecture politique de la première expérience de démocratie délibérative européenne' (2011) 34 *Politique européenne* 95, 98; Dryzek and Goodin (n 9) 229; Van Crombrugge, 'Burgerparticipatie in Vlaanderen' (n 148) 242.

²⁴⁷ Fung (n 140) 354; Van Crombrugge, 'Burgerparticipatie in Vlaanderen' (n 148) 242.

makes it possible to organise mini-publics on a supranational level, overcoming hurdles like nationality and language, generational and social differences.²⁴⁸

3.4.3 EUROPEAN CITIZENS' INITIATIVE

62. The European citizens' initiative (ECI) tries to provide an opportunity to the European citizens to be included in the European decision process. In light of a more transparent and democratic European Union, the ECI allows citizens to 'express their concerns and in a very concrete way and to influence the European political and legislative agenda'.²⁴⁹ The purpose of a citizens' initiative is to invite the European Commission to take action.²⁵⁰ In addition to its legislative goals, the ECI aims at constructing a transnational deliberative space that prompts citizens to debate, and exchange knowledge and ideas. The vertical dimension of the ECI, on the other hand, seeks to close the gap between citizens and the European institution by giving citizens a tool to set the European agenda and creating a dialogue.²⁵¹
63. In order to be valid, the citizens' initiative should be organised by a citizens' committee, composed by citizens of the European Union who are all entitled to vote for the European elections. The committee should consist of at least seven persons, from seven different Member States.²⁵² After the date of registration, the organisers get 12 months to assemble one million signatures of European citizens supporting their initiative.²⁵³ Further, the citizens signing the initiative should represent at least a quarter of the Member States.²⁵⁴

The ECI aims at inviting the European Commission to take action, hence why the topic of the initiative needs to fall under the scope of the Commission's power. If the initiative is validly registered, the Commission is obliged to publish the ECI and to receive its organisers to allow them to give further details on their proposal.²⁵⁵ The goal of the ECI is to let citizens engage in a

²⁴⁸ Cengiz (n 5) 578.

²⁴⁹ European Commission and Directorate-General Communication, *Guide to the European Citizens' Initiative: A New Right for EU Citizens : You Can Set the Agenda!*. (Publications Office 2015) 1.

²⁵⁰ Article 11 Treaty on the European Union.

²⁵¹ Karolina Borońska-Hryniewiecka and Elizabeth Monaghan, 'The European Citizens' Initiative as Democratic Legitimacy-Enhancing Tool: Toward a Broader Conceptualization' in Beatriz Pérez de las Heras (ed), *Democratic Legitimacy in the European Union and Global Governance* (Palgrave Macmillan, Cham 2017) 45–48 <https://link.springer.com/chapter/10.1007/978-3-319-41381-5_3> accessed 18 July 2018.

²⁵² Article 3 Regulation of the European Parliament and of the Council of on the citizens' initiative.

²⁵³ Article 5 Regulation of the European Parliament and of the Council of on the citizens' initiative.

²⁵⁴ Article 2 Regulation of the European Parliament and of the Council of on the citizens' initiative.

²⁵⁵ Article 10 Regulation of the European Parliament and of the Council of on the citizens' initiative; Borońska-Hryniewiecka and Monaghan (n 251) 42–43.

true dialogue with the European institutions. However, the Commission is not obliged to propose a formal initiative as a result of an ECI.²⁵⁶

The quality of the dialogue between the organisers of the ECI and the European institutions is largely dependent on the willingness and cooperation of the Parliament and the Commission. The organisers of the ‘One of Us’ campaign claimed that their initiative was given the same treatment as a letter from a lobbyist or an advocacy group.²⁵⁷ Similarly, the organisers of the ‘Right2Water’ campaign felt like the Commission did not pay much attention to their initiative.²⁵⁸

64. When looking at the theory, the ECI seems like an ideal tool to enhance public debate amongst citizens. However, so far only four initiatives were able to gather the required amount of signatures.²⁵⁹ ECI should raise awareness amongst citizens, yet the input of citizens is mostly limited to signing the petition. There is little evidence that the mere signing of an ECI truly informs citizens about the European Union or a European issue. For example, the design of the ECI does not allow for citizens to sign up for a newsletter. Organisers are legally not allowed to use the data of the citizens signing their campaign. Citizens will have to look up information about the campaign they supported on their own initiative.²⁶⁰

More generally speaking, European citizens still know little about the ECI as a participation tool. The feedback from people directly involved in organising ECI’s, indicate that the procedure is very bureaucratic, complex and burdensome and as a result difficult to understand for a lay citizen.²⁶¹

65. The ECI has been operational since 2012 but so far it has not initiated any true pan-European discussion.²⁶² The design of the ECI does not allow for true deliberation. The main part of the

²⁵⁶ European Commission, ‘Basic Facts - European Citizens’ Initiative’ <<http://ec.europa.eu/citizens-initiative/public/basic-facts>> accessed 7 April 2019.

²⁵⁷ European Ombudsman, ‘Feedback from the ECI “One of Us” to Own-Initiative Inquiry OI9/2013TN/ into the Functioning of the European Citizens Initiative Procedure’ (*European Ombudsman*, 23 January 2014) <<https://www.ombudsman.europa.eu/en/correspondence/en/53239>> accessed 22 June 2019.

²⁵⁸ ‘Feedback from the ECI “Right2water” to Own-Initiative Inquiry OI9/2013TN/ into the Functioning of the European Citizens Initiative Procedure’ <<https://www.ombudsman.europa.eu/en/correspondence/en/54514>> accessed 22 June 2019.

²⁵⁹ European Commission, ‘Basic Facts - European Citizens’ Initiative’ <<http://ec.europa.eu/citizens-initiative/public/basic-facts>> accessed 3 June 2019.

²⁶⁰ Borońska-Hryniewiecka and Monaghan (n 251) 51–52.

²⁶¹ Borońska-Hryniewiecka and Monaghan (n 251) 55–56.

²⁶² Borońska-Hryniewiecka and Monaghan (n 251) 45 and 52.

ECI is the collection of signature, which does not allow for public debate or deliberations that could confront citizens with other opinions and points of view. The ECI shows that the European leaders themselves are aware of the need for more democracy and transparency in the European decision process. However, in my view, the ECI does not fulfil its participative goal.

4 MINI-PUBLICS AS AN INTEGRAL PART OF THE EUROPEAN DECISION PROCESS

4.1 SOLUTIONS TO THE DEMOCRATIC DEFICIT IN THE EUROPEAN UNION

66. The European Union lacks an independent European political scene. It is true that the members of the European Parliament are directly elected, however the debates during the European campaign are mainly based on national issues. During the European elections, European policies should be the topic of debate and not national problems. Moreover, it is the Council that has the most influence on the European agenda and not the Parliament. Just like in the Commission, citizens are only indirectly represented in the Council. The complexity and opacity of the European decision process does not allow for the European citizens to anticipate on the political decisions that are made in both organs. It can only be concluded that the input and throughput legitimacy of the European policies are not guaranteed by the current decision-making process.
67. Some authors, like Jürgen Habermas²⁶³, Kalypso Nicolaïdis²⁶⁴, Mark Dawson and Floris De Witte²⁶⁵, suggest that the European Union should make reforms based on the national representative democratic system.²⁶⁶ Practically, this would mean that the outcome of the European elections would be decisive for the composition of the Parliament as well as for the formation of the Commission. In order to transform the European Union into a full-blooded representative system, the Commission should become fully accountable to the Parliament.²⁶⁷

However, this shift of power would not mean much if the European electorate is reluctant to cast their vote and if the European elections are still based on national themes instead of European issues.²⁶⁸

Only few scholars think it is likely that the European Parliament will get more competences in the short term.²⁶⁹ Additionally, the question arises whether or not the national model of democracy

²⁶³ Habermas, *Between Facts and Norms* (n 99); Habermas, *The Lure of Technocracy* (n 7).

²⁶⁴ Nicolaïdis (n 7).

²⁶⁵ Dawson and De Witte (n 7).

²⁶⁶ Bellamy and Kröger (n 7) 479; Cengiz (n 5) 580.

²⁶⁷ Peter Mair and Jacques Thomassen, 'Political Representation and Government in the European Union' (2010) 17 *Journal of European Public Policy* 20, 21.

²⁶⁸ Brown, *The European Commission and Europe's Democratic Process* (n 60) 29–30.

²⁶⁹ Bellamy and Kröger (n 7) 479; Andrew Duff, *Federal Union Now* (Federal Trust London 2011) 22; Jürgen Habermas, *The Crisis of the European Union: A Response* (Polity 2012).

should be the ideal that the European Union needs to adhere, since the European Member States themselves deal with a crisis of democracy. European Member States are dealing with problems like decreasing turnout numbers, decreasing trust in political institutions and increasing popularity of the extreme right-winged political movements.²⁷⁰ It is questionable whether this transfer of power from the Commission and the Council to the Parliament will remedy the European democratic deficit on the long term.²⁷¹

68. It could be argued that the members states should regain competences that they once transferred to the Union level, so the European Union can go back to focussing on its output legitimacy.²⁷² This solution presumes that national governments can produce policies within their sovereign powers, independently from external factors. However, even when European policies are not taken into account, international actors have significant influence on national policies, which sometimes leaves little room for manoeuvre.²⁷³ Additionally, issues of a transnational character, such as globalisation or climate change, cannot be resolved on national level. To put it more clearly: ‘interdependence cannot be wished away: the challenge is to ensure that the management of interdependence becomes, at root, a democratic project’.²⁷⁴
69. The only way of safeguarding the input and output legitimacy of the European policies is by involving the European citizens more profoundly in the decision-making process and by doing so creating a European public sphere.²⁷⁵

European politicians, or at least some of them, are aware of the fact that, one way or another, European citizens need to be involved during the European decision process. For example, during the debates organised in the run up to the European elections of 2019, the role of participants was a recurrent subject. This being said, the European Union does not give participation of citizens the attention it deserves. Since the 2001 White paper on Governance²⁷⁶, the official position of

²⁷⁰ Armingeon and Guthmann (n 6); Cengiz (n 5) 580; Natalie J Doyle, ‘Governance and Democratic Legitimacy: The European Union’s Crisis of de-Politicisation’ in Benjamin Isakhan and Steven Slaughter (eds), *Democracy and Crisis: Democratizing Governance in the Twenty-First Century* (Springer 2014).

²⁷¹ Bellamy and Kröger (n 7) 479; Mair and Thomassen (n 267) 31–32; Nicolaidis and Youngs (n 5) 1406.

²⁷² Cengiz (n 5) 578; Nicolaidis and Youngs (n 5) 1406–1407.

²⁷³ Cengiz (n 5) 578; Armingeon and Guthmann (n 6) 424.

²⁷⁴ Nicolaidis and Youngs (n 5) 1406.

²⁷⁵ Nicolaidis and Youngs (n 5) 1416–1417.

²⁷⁶ European Commission, ‘European Governance - a White Paper’ (n 228).

the European Union is that communication, rather than participation, is the key problem in the relationship between the European Union and its citizens.²⁷⁷

70. The question that rises is how more participation and representation of the European citizens should be institutionalised. Citizens cannot directly rely on participation and representation standards. For example, in a political system based on parliamentary representation, citizens are represented and should be able to participate through their representatives.

4.2 DELIBERATION AS AN ADDITION TO THE EUROPEAN CITIZENS' INITIATIVE

71. To effectively reach the goal of the ECI, namely more involvement and public debate in the European Union, a deliberative element could be added. If a citizens' initiative is able to gather the required amount of signatures, a mini-public could be organised, bringing together European citizens. This way, the role of the citizens is not merely reduced to signing the initiative, but they really get the chance to gain knowledge and to actively engage in debates.

The pan-European debates that occur because of mini-public, should encourage politicians to pay more attention to European topic and policies in their campaigns. It would be too optimistic to think that this measure would give fully autonomy to European politics, yet it is a first step.

Deliberations between citizens will contribute to the emergence of a European public sphere.²⁷⁸ It can be expected that participants of mini-publics tell their surroundings about the experience they had and they will share the knowledge they gained throughout the deliberation process, by word-of-mouth, as well as through social media.²⁷⁹

In my view, it is important to organise real life deliberations and not to limit the participation to online questionnaires or interviews. As pointed out previously, by letting citizens discuss issues with each other, peers may seem less alien or incomprehensible. I am of the opinion that this aspect of mini-publics is essential in building up a strong and genuine European public sphere and cannot be guaranteed by online participation.

²⁷⁷ Cengiz (n 25) 584–585; Mundo Yang, 'Europe's New Communication Policy and the Introduction of Transnational Deliberative Citizens' Involvement Projects' in Raphaël Kies (ed), *Is Europe Listening to Us?: Successes and Failures of EU Citizen Consultations* (Routledge 2016) 20.

²⁷⁸ Cengiz (n 5) 584.

²⁷⁹ Cengiz (n 5) 584–585; Yang (n 229) 20.

72. In order to reach the goal of pan-European debates and exchange of knowledge between citizens, the participants of the mini-public should have the time to first, get familiar with the topic at hand so that, in a second phase, they can engage in meaningful debates with each other. In my view, the mini-public cannot be limited to one day of deliberations because this would not allow the participations to get as well informed as they need to be. Therefore, the mini-publics should be spread out over multiple days.

The participants of the mini-public cannot be limited to the citizens who signed the ECI. In this sense, it is important that also people who are, at least initially, opposed to the citizens' initiative get the opportunity to share their views and opinions.²⁸⁰ The group of people engaging in the deliberations should be a sample of the whole European population. However, it is not hard to imagine that the sampling of a representative group for a European mini-public would be quite labour intensive. As was clear in the examples mentioned in the previous chapter, quite a lot of citizens need to be contacted in order to gather a representative group. Firat Cengiz rightfully argues that it would be good to outsource the sampling of the participants of the mini-public to national civil societies representing the interest of the citizens. The entities would have to ensure the representativeness of the mini-public's sample by calling on citizens from different socio-economic backgrounds.²⁸¹

Before the deliberation sessions take place, participants should have the opportunity to gain knowledge through presentation of experts on the topic of the ECI. However, the information that the participants receive cannot be one-sided. Therefore, the information the participants have on the ECI at hand should be supplemented by presentations of experts on the topic. It can be presumed that each expert will have its own idea about the matter at hand. Therefore multiple experts, preferably from different fields and different Member States should be invited to present their views. At the end of the information session of the mini-public, citizens should have the opportunity to ask questions to the panel of experts and the organisers of the ECI.

When it comes to the deliberation sessions themselves, it could be a good idea to organise them in several sessions, similarly to the design of planning cells. The participants engaging in the deliberations should be a representative sample of the European Union's citizens. Given that the

²⁸⁰ Nicolaidis and Youngs (n 5) 1417.

²⁸¹ Cengiz (n 5) 588.

European population consists of about 512.6 million people, splitting up the deliberation in consecutive sessions would allow for more citizens to participate in order to guarantee the input legitimacy of the mini-public. By doing so, the deliberation groups become small enough to be conducive to more efficient discussion, while the participant's group as a whole rests big enough to ensure a fair representation of the European population.²⁸²

Since the deliberation would be organised in consecutive sessions similar to the design of planning cells, some independent technical advisers should be appointed to guide the deliberations and to gather the conclusions and perspectives of the deliberative groups and to collate them into recommendations.

73. Citizens who have not been chosen to participate in the mini-public should have the opportunity to follow the initial information session, for example via a live stream. Conversely, I do not think it would be possible to do the same thing for the actual deliberations. First of all, the participants have to have the feeling that they are in a safe space and that they are free to express their opinions without being at risk of censorship or risking their public image. This feeling could be hindered if the deliberations are filmed and shared on the internet. Participants may prefer not to share their ideas and point of views outside of the deliberation session.

Firat Cengiz proposes that the citizens who are not selected to participate in the mini-public could still be invited as 'observers to ensure the participatory quality and fairness of the process'. This would surely support the transparency of the mini-public. Meanwhile, participants should be able to deliberate in a safe space, free from pressure from non-participants. If non-participants are allowed to attend the deliberation, it is possible that strong opponents or supporters of the ECI will attend the deliberations and by doing so pressure the participants to take certain decisions. In conclusion, although this measure has its advantages, I am of the believe that the free nature of the deliberations should be prioritised.

Alternatively after the information session, an online discussion forum could be launched where citizens who are not elected to participate in the mini-public could debate the discussed issues virtually.²⁸³ Additionally, after the deliberations, the deliberations could be made available

²⁸² Cengiz (n 5) 588.

²⁸³ Cengiz (n 5) 589–580.

anonymously, so everybody can read them after the round-up of the mini-publics. Of course, the recommendations should also be made public. In order to guarantee the proper functioning of the mini-public, independent observers could be invited to note irregularities if this would be necessary.²⁸⁴

The publicity of the mini-public plays a very important role. This includes traditional media but the mini-public should definitely make sure that it has a strong presence on social media. Strong media coverage can improve the transparency of the mini-public.

74. As observed in the cases of Tomorrow's Europe and EuroPolis, interpreters should be available so that participants can express themselves in their mother tongue if they wish to do so. Likewise, the interpreters of the European Union could also be used to facilitate the translations during the whole mini-public.
75. From the start, it should be very clear to the organisers and participants of the mini-public, what will happen with the recommendations of the mini-public. In addition to the presentation by the organisers of the citizens' initiative, also the recommendations by the mini-public should be represented to the Commission.

It is very important that the Commission shares, in a clear and understandable way, how it will react on the citizens' initiative. If citizens take the time and effort to learn about a certain topic and engage in debates, it is crucial that they get some form of meaningful response.²⁸⁵ If not, citizens will get the feeling that they are being ignored which will only enhance the critical position towards the European Union.

Ideally, the Commission would be obliged to act based on the outcome of the citizens' initiative and the corresponding mini-public. However, I am well aware that this is not possible given the current text of the founding treaties of the European Union. As Cengiz points out, changing the TEU and TFEU is a very complex and time-consuming task,²⁸⁶ which requires political will of those in power.

²⁸⁴ Cengiz (n 5) 588.

²⁸⁵ Deligiaouri (n 232).

²⁸⁶ Cengiz (n 5) 589–590.

In practice, it will be up to the Commission to decide whether or not it will propose a legislative initiative based on the outcomes of the citizens' initiative and the mini-public. However, if the Commission decides not to follow up the citizens' initiative and the mini-public with a legislative proposal, it should explicitly and extensively justify why it chose not to act. This is clearly a flaw in proposed mechanism because even if we add on mini-publics to the citizens' initiative organisers and citizens are still dependent on the goodwill of the Commission to formulate their proposal into a legislative initiative. We can only call on the European Union to take up their task of holding the Commission accountable of its acts.

If the Commission does not justify its inaction, citizens could possibly believe that they are ignored by the European institutions. This would enforce the general perception that the European Union as a far-away and technocratic institution that has no bound with its citizens. The cooperation in a mini-public asks for a lot of time and effort of the participants. If their efforts are just shoved aside, a boomerang effect could be created.²⁸⁷ In other words, the European democratic deficit could be strengthened by the decision of the Commission to ignore the outcome of the mini-publics.

It is worth mentioning that the above is a this are mere prediction. Since not many mini-publics are formally part of the decision-making process, it is hard to foresee how citizens will react in case of inaction of the Commission. Many factors affect a policy decision, it is hard to exactly determine exactly what the influence of mini-publics will be on the decision-making process. More research on this topic is needed.

The inability to oblige the Commission to take action, makes clear that the transparency and publicity of the mini-public, and the citizens' initiative as a whole, are very important. If citizens know about the mini-public and have an opinion on the topic, we may hope/expect that the Commission will feel pressured by the public opinion to thoroughly prepare a response to the mini-public in the form of a legislative initiative or an extensive explanation to why it was decided not to act.

²⁸⁷ Henrik Serup Christensen, Staffan Himmelroos and Maija Setälä, 'Matter of Life and Death: A Survey Experiment on the Perceived Legitimacy of Decision-Making on Euthanasia' (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019).

76. At the end, one of the biggest challenges for the implementation of my proposal is the political will of decision-makers on European and national level. Implementing mini-publics, or any form of deliberations, will require changes and adaption by the national and European politicians. Academics and scholars can analyse the democratic deficit in the European Union and plea for possible solutions. In order to make tangible changes, however policy makers will have to get on board too.

5 CONCLUSION

77. The European Union has evolved from a technocratic, international institution into a supranational institution constituting an autonomous legal order. Parallel to this evolution, the Union has transformed from a technocracy focussed on output legitimacy, to a democracy. The European decisions process has to safeguard all three aspects of legitimacy, namely input, output and throughput legitimacy. However the democratic value of the European decision process has been criticised. The vast majority of scholars agree that the European Union suffers from a democratic deficit.

The European Parliament is the only European institution that is directly elected by the citizens. However, the European elections are subsidiary to the elections on national level. The debates in the run up to the European elections are dominated by national issues or deal with very broad ideals concerning the future of the Union. Even if the European elections would be more effective, the Council has *de facto* the most influence on the European policies. Just like in the Commission, European citizens are only indirectly represented in the Council. It is very difficult to predict how the vote of the electorate will influence the European political agenda.

It has to be concluded that the European Union lacks true European politics and a European public sphere. The input and throughput legitimacy are not sufficiently safeguarded by the existing decision process. This structural lack of input and throughput legitimacy asks for bold and innovative measures.

78. The participation and representation of the European citizens will be, in my view, best guaranteed by mini-publics. During mini-publics, randomly selected citizens are given to chance to deliberate with each other about an issue of public importance. The goal is to bring together a group of people with different views and opinion, who would normally not interact with each other. In a constructive and guided manner, they will deliberate with each other in order to, at the end of the deliberations, formulate some recommendations on the subject at issue.

Most of the mini-publics that have been organised so far, were not formally part of the legislative procedure. However, this does not mean that mini-publics do not have any effect on the decision-making procedure. Through the knowledge that they have gained during a mini-public, participants can bring some nuance in heatedly debated topics. During mini-publics, citizens take

the time to listen to one another. By doing so, the views and opinion of others become less alien. Moreover, studies have shown that civic engagement can indirectly influence policymaking by encouraging and facilitating citizens to be actively participating in the public sphere. By organising mini-publics, a government can show that it cares for the opinions of its citizens.

79. The European Union itself has made some efforts to include some deliberative elements to the decision process. Citizens can participate in the European decision-process through the European citizen's initiative. By gathering signatures, the organisers of a citizens' initiative call on the European Commission to take legislative action. However, it is important to note that it is up to the Commission to decide what kind of follow-up action it will take. The European citizen's initiative aims at encouraging citizens to interact with each other and to raise awareness. However, so far the European citizen's initiative has not initiated any extensive pan-European debates. The design of the citizens' initiative does not allow true deliberations.

To effectively reach the goal of the European citizen's initiative, namely more involvement and public debate in the European Union, a deliberative element could be added. If a citizens' initiative is able to gather the required amount of signatures, a mini-public could be organised, bringing together European citizens. This way, citizens get the chance to gain knowledge and to actively engage in debates. Deliberations between citizens will contribute to the emergence of a European public sphere.

It is vital that the Commission communicates in a clear and understandable way how it will react to the citizens' initiative. If citizens take the time and effort to learn about a certain topic and engage in debates, it is crucial that they get some form of meaningful response. If not, citizens will get the feeling that they are being ignored. This would enforce the general perception that the European Union as a far-away and technocratic institution that has no bound with its citizens.

In the end, the biggest challenge to my proposal is the political will and effort of decision-makers. I am aware that my proposal is bold, even idealistic. However, in my view the European Union will need changes like these to deal with its structural lack of democratic value.

BIOGRAPHY

Treaty on the European Union

Regulation 1049/2001/EC of the European Parliament and of the Council regarding public access to European Parliament, 2001

Regulation of the European Parliament and of the Council of on the citizens' initiative

Judgement of the 5 of February 1963, Van Gend & Loos, C 26-62 CJEU ECLI:EU:C:1963:1

Judgement of the 15 of July 1964, Costa Enal, C-6/64 CJEU ECLI:EU:C:1964:66

Ake C, 'Dangerous Liaisons: The Interface of Globalization and Democracy' in Alex Hadenius (ed), *Democracy's victory and crisis* (Cambridge University Press 1997)

Aldrin P and Hubé N, 'Devenir les ambassadeurs de l'Europe: Une lecture politique de la première expérience de démocratie délibérative européenne' (2011) 34 *Politique européenne* 95

Andersen SS and Eliassen KA (eds), *The European Union: How Democratic Is It?*, (Reprint, Sage 1998)

Andries S, 'Burgers krijgen de macht in Duitstalig België' *De Standaard* <http://www.standaard.be/cnt/dmf20190225_04206192> accessed 7 April 2019

Ariely G, 'Constitutional Patriotism, Liberal Nationalism and Membership in the Nation: An Empirical Assessment' (2011) 46 *Acta Politica*; London 294

Armingeon K and Guthmann K, 'Democracy in Crisis? The Declining Support for National Democracy in European Countries, 2007-2011: Democracy in Crisis?' (2014) 53 *European Journal of Political Research* 423

Åström J, Jonsson ME and Karlsson M, 'Democratic Innovations: Reinforcing or Changing Perceptions of Trust?' (2017) 40 *International Journal of Public Administration* 575

Barrett G, Wyman M and Schatten V, 'Assessing Policy Impacts of Deliberative Civic Engagement' in Tina Nabatchi and others (eds), *Democracy in Motion: Evaluating the Practice and Impact of Deliberative Civic Engagement* (Oxford University Press 2012)

Beetham D, *Defining and Measuring Democracy* (SAGE 1994)

———, *The Legitimation of Power* (2nd Edition., Palgrave Macmillan 2013)

Beetham D and Lord C, *Legitimacy and the European Union* (Routledge 2014) <<https://www.taylorfrancis.com/books/9781315840949>> accessed 5 June 2019

Bellamy R and Kröger S, 'Representation Deficits and Surpluses in EU Policy-Making' (2013) 35 *Journal of European Integration* 477

Benhabib S, 'Toward a Deliberative Model of Democratic Legitimacy' in Seyla Benhabib (ed), *Democracy and Difference: Contesting the Boundaries of the Political* (Princeton University Press 1996)

Bessette JM, *The Mild Voice of Reason: Deliberative Democracy and American National Government* (University of Chicago Press 1997)

Blatter J, 'Efficiency and Democracy. Reconstructing the Foundations of a Troubled Relationship' in Ingolfur Blühdorn (ed), *In search of legitimacy: policy making in Europe and the challenge of complexity* (Budrich 2009)

Böker M and Curato N, 'Linking Mini-Publics to the Deliberative System: A Research Agenda' (2016) 49 *Policy Sciences* 173

Bokhorst AM, 'Bronnen van legitimiteit: over de zoektocht van de wetgever naar zeggenschap en gezag' (Tilburg university 2014)

- Borońska-Hryniewiecka K and Monaghan E, 'The European Citizens' Initiative as Democratic Legitimacy-Enhancing Tool: Toward a Broader Conceptualization' in Beatriz Pérez de las Heras (ed), *Democratic Legitimacy in the European Union and Global Governance* (Palgrave Macmillan, Cham 2017) <https://link.springer.com/chapter/10.1007/978-3-319-41381-5_3> accessed 18 July 2018
- Boswell J and Iusmen I, 'The Dilemmas of Pursuing "Throughput Legitimacy" through Participatory Mechanisms' (2017) 40 *West European Politics* 459
- Brown MB, 'Survey Article: Citizen Panels and the Concept of Representation' (2006) 14 *Journal of Political Philosophy* 203
- Brown SA, 'Critiques of the Commission: From the Rise of Euroscepticism to the Democratic Deficit', *The European Commission and Europe's Democratic Process* (Palgrave Macmillan UK 2016) <http://link.springer.com/chapter/10.1057/978-1-137-50560-6_3> accessed 6 April 2017
- , *The European Commission and Europe's Democratic Process: Why the EU's Executive Faces an Uncertain Future* (Palgrave Macmillan UK 2016)
- Burnheim J, *Is Democracy Possible?: The Alternative to Electoral Politics* (Polity press 1985)
- Caluwaerts D and Reuchamps M, *The Legitimacy of Citizen-Led Deliberative Democracy: The G1000 in Belgium* (Routledge 2018)
- Caluwaerts D, Reuchamps M and Jakobs K, *The Malaise of Electoral Democracy and What to Do About It* (Re-bel initiative 2014)
- Caporaso J and Tarrow S, 'Polanyi in Brussels: European Institutions and the Embedding of Markets in Society' [2008] IDEAS Working Paper Series from RePEc; St. Louis <http://search.proquest.com/docview/1698340444?rfr_id=info%3Aaxri%2Fsid%3Aprimo> accessed 5 June 2019
- Carolan E, 'Ireland's Constitutional Convention: Behind the Hype about Citizen-Led Constitutional Change' (2015) 13 *International Journal of Constitutional Law* 733
- Carty K, Blais A and Fournier P, 'When Citizens Chose to Reform the SMP: The British Columbia Citizen's Assembly on Electoral Reform' in André Blais (ed), *To Keep or To Change First Past The Post?: The Politics of Electoral Reform* (OUP Oxford 2008)
- Celia D, Margaret W and Barnett E, *Citizens at the Centre: Deliberative Participation in Healthcare Decisions* (Policy Press 2006)
- Cengiz F, 'Legitimacy and Multi-Level Governance in European Union Competition Law: A Deliberative Discursive Approach' (2016) 54 *JCMS: Journal of Common Market Studies* 826
- , 'Bringing the Citizen Back into EU Democracy: Against the Input-Output Model and Why Deliberative Democracy Might Be the Answer' (2018) 19 *European Politics and Society* 577
- Chambers S, 'Deliberative Democratic Theory' (2003) 6 *Annual review of political science* 307
- , 'Behind Closed Doors: Publicity, Secrecy, and the Quality of Deliberation' (2004) 12 *Journal of Political Philosophy* 389
- , 'Rhetoric and the Public Sphere: Has Deliberative Democracy Abandoned Mass Democracy?' (2009) 37 *Political Theory* 323
- , 'Deliberation and Mass Democracy' in John Parkinson and Jane Mansbridge (eds), *Deliberative Systems: Deliberative Democracy at the Large Scale* (Cambridge University Press 2012)
- Chappell Z, 'A Tension Between Ideal and Practice: Re-Evaluation of Micro and Macro Models of Deliberation' (2010) 46 *Representation* 295

- Chevallier J, 'L'Union Européenne Comme Espace Démocratique', L'identité du droit de l'Union européenne. Mélanges en l'honneur de Claude Blumann (Bruylant 2015) <<https://hal.archives-ouvertes.fr/hal-01759949>> accessed 5 March 2019
- , 'L'Union européenne comme espace démocratique' in Brunessen Bertrand and others (eds), L'identité du droit de l'Union européenne: Mélanges en l'honneur de Claude Blumann (Bruylant 2015)
- Christensen HS, Himmelroos S and Setälä M, 'Matter of Life and Death: A Survey Experiment on the Perceived Legitimacy of Decision-Making on Euthanasia' (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019)
- Cohen J, 'Deliberation and Democratic Legitimacy' in James Bohman and William Rehg (eds), *Deliberative democracy: essays on reason and politics* (MIT Press 1997)
- Cohen J and Rogers J, 'Secondary Associations and Democratic Governance' (1992) 20 *Politics & Society* 393
- Collier D, Hidalgo FD and Maciuceanu AO, 'Essentially Contested Concepts: Debates and Applications' (2006) 11 *Journal of Political Ideologies* 211
- Collier D and Levitsky S, 'Democracy with Adjectives: Conceptual Innovation in Comparative Research' (1997) 49 *World Politics* 430
- 'Conversation Cafes – Participedia' <<https://participedia.net/method/184>> accessed 9 July 2019
- Craig P and de Búrca G, *EU Law: Text, Cases, and Materials* (6th ed., Oxford university press 2015)
- CreatingSocietyTogether, 'The Danish Board of Technology' (The Danish Board of Technology) <<http://www.tekno.dk/?lang=en>> accessed 18 July 2018
- , 'Water Supply in Denmark' (The Danish Board of Technology) <<http://www.tekno.dk/project/water-supply-in-denmark/?lang=en>> accessed 14 July 2019
- Crespy A, 'Deliberative Democracy and the Legitimacy of the European Union: A Reappraisal of Conflict' (2014) 62 *Political Studies* 81
- Cromartie A, 'Legitimacy' in Richard Bellamy (ed), *Political concepts*, edited by Richard Bellamy and Andrew Mason. (Manchester University Press: Distributed exclusively in the USA by Palgrave 2003)
- Cross JP and Bølstad J, 'Openness and Censorship in the European Union: An Interrupted Time Series Analysis' (2015) 16 *European Union Politics* 216
- Culloty E, 'Promoting E-Rulemaking in the EU through Deliberative Procedures' (FuJo, 25 September 2018) <<https://fujomedia.eu/promoting-e-rulemaking-eu-deliberative-procedures/>> accessed 14 June 2019
- Cunningham F, *Theories of Democracy: A Critical Introduction* (Routledge 2002)
- Curato N and others, 'Twelve Key Findings in Deliberative Democracy Research' (2017) 146 *Daedalus* 28
- Curtin D, 'Delegation to EU Non-Majoritarian Agencies and Emerging Practices of Public Accountability' in Damien Geradin, Rodolphe Muñoz and Nicolas Petit (eds), *Regulation Through Agencies in the EU: A New Paradigm of European Governance* (Edward Elgar Publishing 2005)
- Curtin D, Mair P and Papadopoulos Y, 'Positioning Accountability in European Governance: An Introduction' (2010) 33 *West European Politics* 929
- Dahl RA, *Polyarchy: Participation and Opposition* (Yale university 1971)
- , *Democracy and Its Critics* (Yale university 1989)
- , *On Democracy* (Yale university 1998)

- Dawson M and De Witte F, 'Constitutional Balance in the EU after the Euro-Crisis' (2013) 76 *The Modern Law Review* 817
- de Burca G, 'Developing Democracy beyond the State' (2007) 46 *Columbia Journal of Transnational Law* 221
- Deligiaouri A, 'E-Rulemaking in the EU' (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019)
- 'Democs – Participedia' <<https://participedia.net/method/1278>> accessed 9 July 2019
- Dienel P and Renn O, 'Planning Cells: A Gate to "Fractal" Mediation' in Ortwin Renn and others (eds), *Fairness and Competence in Citizen Participation: Evaluating Models for Environmental Discourse* (Springer Science & Business Media 1995)
- Doyle NJ, 'Governance and Democratic Legitimacy: The European Union's Crisis of de-Politicisation' in Benjamin Isakhan and Steven Slaughter (eds), *Democracy and Crisis: Democratising Governance in the Twenty-First Century* (Springer 2014)
- Dryzek J and Dunleavy P, *Theories of the Democratic State* (Macmillan International Higher Education 2009)
- Dryzek JS, *Discursive Democracy: Politics, Policy, and Political Science* (Cambridge University Press 1994)
- , *Deliberative Democracy and Beyond: Liberals, Critics, Contestations* (Oxford University Press 2002)
- , 'Can There Be a Human Right to an Essentially Contested Concept? The Case of Democracy' (2016) 78 *The Journal of Politics* 357
- Dryzek JS and Goodin RE, 'Deliberative Impacts: The Macro-Political Uptake of Mini-Publics' (2006) 34 *Politics & Society* 219
- Duff A, *Federal Union Now* (Federal Trust London 2011)
- Elstub S and McLaverty P, 'Introduction: Issues and Cases in Deliberative Democracy' in Stephen Elstub and Peter McLaverty (eds), *Deliberative Democracy: Issues and Cases* (Edinburgh University Press 2014)
- Eriksen EO, 'The European Union's Democratic Deficit. A Deliberative Perspective' in Michael Saward (ed), *Democratic innovation: deliberation, representation, and association*, Ed. by Michael Saward (Routledge 2000)
- , *The Unfinished Democratization of Europe* (Oxford university press 2009)
- Eriksen EO and Fossum JE, 'Conclusion: Legitimation through Deliberation' in Erik Oddvar Eriksen and John Erik Fossum (eds), *Democracy in the European Union: Integration Through Deliberation?* (Routledge 2002)
- Estlund J, 'Beyond Fairness and Deliberation: The Epistemic Dimension of Democratic Authority' in James Bohman and William Rehg (eds), *Deliberative democracy: essays on reason and politics* (MIT Press 1997)
- Farrar C and Fishkin J, 'Deliberative Polling: From Experiment to Community Resource' in John Gastil and Peter Levine (eds), *The deliberative democracy handbook: strategies for effective civic engagement in the twenty-first century* (Wiley 2005)
- Ferrin M and Kriesi H, *How Europeans View and Evaluate Democracy* (Oxford University Press 2016)
- Fiket I, Olsen EDH and Trenz H-J, 'Deliberation under Conditions of Language Pluralism. Insight from the Europolis Deliberative Polling Experiment' [2011] IDEAS Working Paper Series from RePEc; St. Louis <http://search.proquest.com/docview/1698402421?rfr_id=info%3Axri%2Fsid%3Aprimo> accessed 2 June 2019

- Fishkin JS, *When the People Speak: Deliberative Democracy and Public Consultation* (Oxford university press 2009)
- , ‘Considered Opinions on Further EU Enlargement: Evidence from an EU-Wide Deliberative Poll’ (CDD, 2008) <<https://cdd.stanford.edu/2008/considered-opinions-on-further-eu-enlargement-evidence-from-an-eu-wide-deliberative-poll/>> accessed 29 May 2019
- Fishkin JS, Luskin RC and Jowell R, ‘Deliberative Polling and Public Consultation’ (2000) 53 *Parliamentary Affairs* 657
- Follesdal A, ‘Survey Article: The Legitimacy Deficits of the European Union’ (2006) 14 *Journal of Political Philosophy* 441
- Follesdal A and Hix S, ‘Why There Is a Democratic Deficit in the EU: A Response to Majone and Moravcsik’ (2006) 44 *JCMS: Journal of Common Market Studies* 533
- Font J and others, ‘Cherry-Picking Participation: Explaining the Fate of Proposals from Participatory Processes’ (2018) 57 *European Journal of Political Research* 615
- Fossum JE, ‘The European Union: In Search of an Identity’ (2003) 2 *European Journal of Political Theory* 319
- Fraser N, ‘Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy’ [1990] *Social Text* 56
- Fung A, ‘Survey Article: Recipes for Public Spheres: Eight Institutional Design Choices and Their Consequences’ (2003) 11 *Journal of Political Philosophy* 338
- Fung A and Warren ME, ‘The Participedia Project: An Introduction’ (2011) 14 *International Public Management Journal* 341
- Gagnon J-P, *Evolutionary Basic Democracy: A Critical Overture* (Springer 2013)
- Gallie WB, ‘Essentially Contested Concepts’ (1955) 56 *Proceedings of the Aristotelian Society* 167
- Garry J and others, ‘Is Decision Making by Mini-Publics Perceived as Legitimate? Mass and Elite Evidence from Consociational Northern Ireland’ (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019)
- Geenens R and Tinnevelt R, *De stem van het volk: democratie als gesprek* (LannooCampus 2007)
- Goldberg S, ‘A Bottom-Up Perspective on Deliberative Participation Processes: What Citizens Want and How Expectations Affect Perceived Legitimacy’ 21
- Goodin RE, ‘Democratic Deliberation Within’ (2000) 29 *Philosophy & Public Affairs* 81
- , *Innovating Democracy: Democratic Theory and Practice After the Deliberative Turn* (OUP Oxford 2008)
- Grimm D, ‘Does Europe Need a Constitution?’ (1995) 1 *European Law Journal* 282
- Grönlund K, Bächtiger A and Setälä M, ‘Towards a New Era of Deliberative Mini-Publics’ in Maija Setälä (ed), *Deliberative Mini-Publics: Involving Citizens in the Democratic Process* (ECPR Press 2014)
- Grugel J, *Democratization: A Critical Introduction* (Palgrave Macmillan 2002)
- Gutmann A and Thompson DF, *Why Deliberative Democracy?* (Princeton university press 2004)
- Habermas J, *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy* (MIT Press 1996)
- , *The Crisis of the European Union: A Response* (Polity 2012)
- , *The Lure of Technocracy* (Polity Press 2015)
- Hadenius A, *Democracy and Development* (Cambridge University Press 1992)
- Hagemann S and Franchino F, ‘Transparency vs Efficiency? A Study of Negotiations in the Council of the European Union’ (2016) 17 *European Union Politics* 408
- Hart V, ‘Constitution-Making and the Transformation of Conflict’ (2001) 26 *Peace & Change* 153

- Healy A and Malhotra N, 'Retrospective Voting Reconsidered' (2013) 16 Annual Review of Political Science 285
- Heisenberg D, 'The Institution of "Consensus" in the European Union: Formal versus Informal Decision-Making in the Council' (2005) 44 European Journal of Political Research 65
- Held D, Models of Democracy (Polity 2006)
- Hendriks CM, 'Integrated Deliberation: Reconciling Civil Society's Dual Role in Deliberative Democracy' (2006) 54 Political Studies 486
- Hendriks F, Vitale Democratie : Theorie van Democratie in Actie (Amsterdam University Press 2010) <<http://www.oapen.org/search?identifier=340127>> accessed 23 February 2018
- Hix S, 'Parliamentary Behavior with Two Principals: Preferences, Parties, and Voting in the European Parliament' (2002) 46 American Journal of Political Science 688
- , What's Wrong with the European Union and How to Fix It (Polity 2008)
- Hix S and Høyland B, The Political System of the European Union (3rd ed., Palgrave Macmillan 2011)
- Hosli MO, Mattila M and Uriot M, 'Voting in the Council of the European Union after the 2004 Enlargement: A Comparison of Old and New Member States' (2011) 49 JCMS: Journal of Common Market Studies 1249
- Innerarity D, 'Does Europe Need a Demos to Be Truly Democratic?' [2014] SSRN Electronic Journal <<http://www.ssrn.com/abstract=2461178>> accessed 2 June 2019
- Isernia P and Fishkin JS, 'The EuroPolis Deliberative Poll' (2014) 15 European Union Politics 311
- Jacobs LR, Cook FL and Delli Carpini MX, Talking Together: Public Deliberation and Political Participation in America (University of Chicago Press 2009)
- Jaklic K, Constitutional Pluralism in the EU (Oxford University Press 2014)
- Joss S, 'Danish Consensus Conferences as a Model of Participatory Technology Assessment: An Impact Study of Consensus Conferences on Danish Parliament and Danish Public Debate' (1998) 25 Science and Public Policy 2
- Joss S and Durant J, Public Participation in Science: The Role of Consensus Conferences in Europe (NMSI Trading Ltd 1995)
- Kamlage J-H and Nanz P, 'Public Participation and Democratic Innovations: Assessing Democratic Institutions and Processes for Deepening and Increased Public Participation in Political Decision-Making' (2017)
- Kochler-Koch B, 'Civil Society and Democracy in the EU' in Beate Kohler-Koch and others (eds), De-Mystification of Participatory Democracy: EU-Governance and Civil Society (OUP Oxford 2013)
- Kraus PA, A Union of Diversity: Language, Identity and Polity-Building in Europe (Cambridge university press 2008)
- Krzewinska A, 'Tomorrow's Europe Deliberative Poll® as a Proposal to Research European Public Opinion' (2012) 61 Przegląd Socjologiczny 77
- Lafont C, 'Deliberation, Participation, and Democratic Legitimacy: Should Deliberative Mini-Publics Shape Public Policy?' (2015) 23 Journal of Political Philosophy 40
- Lanckswertdt E, 'De Participatieve Democratie Als Nieuw Hoofdstuk in Het Verhaal van de Politieke Vrijheid: Ruimte Voor de Verwezenlijking van Het Menselijk Potentieel' [2010] Tijdschrift voor bestuurswetenschappen en publiek recht 67
- Landman T, Human Rights and Democracy the Precarious Triumph of Ideals (Bloomsbury 2014)
- Lang A, 'But Is It for Real? The British Columbia Citizens' Assembly as a Model of State-Sponsored Citizen Empowerment' (2007) 35 Politics & Society 35

- Lee CW, *Do-It-Yourself Democracy: The Rise of the Public Engagement Industry* (Oxford University Press 2014)
- Lemaire J-B, 'We the Politicians? A Comparative Analysis of Democratic Constitution-Making in the European Union and Belgium' (Katholieke Universiteit Leuven 2016)
- Lenaerts K and others, *European Union Law* (3rd ed., Sweet and Maxwell 2011)
- Lord C, *A Democratic Audit of the European Union* (Palgrave Macmillan 2004)
- MacPherson CB, *The Life and Times of Liberal Democracy* (Repr, Oxford university press 1979)
- Macron E, 'Emmanuel Macron: Dear Europe, Brexit Is a Lesson for All of Us: It's Time for Renewal' *The Guardian* (4 March 2019) <<https://www.theguardian.com/commentisfree/2019/mar/04/europe-brexit-uk>> accessed 18 June 2019
- Mair P, *Ruling the Void: The Hollowing of Western Democracy* (Verso Books 2013)
- Mair P and Thomassen J, 'Political Representation and Government in the European Union' (2010) 17 *Journal of European Public Policy* 20
- Majone G, 'Europe's "Democratic Deficit": The Question of Standards' (1998) 4 *European Law Journal* 5
- , *Regulating Europe* (Psychology Press 1996)
- Manin B, 'On Legitimacy and Political Deliberation' (1987) 15 *Political Theory* 338
- Mansbridge J and others, 'The Place of Self-Interest and the Role of Power in Deliberative Democracy' (2010) 18 *Journal of Political Philosophy* 64
- , 'A Systematic Approach to Deliberative Democracy' in John Parkinson and Jane Mansbridge (eds), *Deliberative Systems: Deliberative Democracy at the Large Scale* (Cambridge University Press 2012)
- Marien S, 'How Involving the Few Generates Legitimacy Perceptions among the Many' (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019)
- Martins AI, Lecheler S and vrees CHD, 'Information Flow and Communication Deficit: Perceptions of Brussels-Based Correspondents and EU Officials' (2012) 34 *Journal of European Integration* 305
- Menon A and Peet J, 'Beyond the European Parliament: Rethinking the EU's Democratic Legitimacy' 10
- Moravcsik A, 'Reassessing Legitimacy in the European Union' (2002) 40 *JCMS: Journal of Common Market Studies* 603
- , 'The Myth of Europe's "Democratic Deficit"' (2008) 43 *Intereconomics* 331
- Müller J-W, 'On the Origins of Constitutional Patriotism' (2006) 5 *Contemporary Political Theory*; London 278
- , 'A General Theory of Constitutional Patriotism' (2007) 6 *International Journal of Constitutional Law* 72
- , *Constitutional Patriotism* (Princeton University Press 2009)
- Nabatchi T, 'Deliberative Democracy and Citizenship: In Search of the Efficacy Effect' (2010) 6 *Journal of Public Deliberation*; Berkeley n/a
- 'National Issues Forum – Participedia' <<https://participedia.net/method/168>> accessed 9 July 2019
- Nicolaïdis K, 'European Democracy and Its Crisis: European Democracy and Its Crisis' (2013) 51 *JCMS: Journal of Common Market Studies* 351
- Nicolaidis K and Youngs R, 'Europe's Democracy Trilemma' (2014) 90 *International Affairs* 1403
- Norris P, 'Representation and the Democratic Deficit' (1997) 32 *European Journal of Political Research* 273

- Novak S and Hillebrandt M, 'Analysing the Trade-off between Transparency and Efficiency in the Council of the European Union' (2019) 4 *Journal of European Public Policy* 1
- Nugent N, *The Government and Politics of the European Union* (8th ed., revised and updated, Palgrave 2017)
- O'Broin D, 'Public Deliberation and Civil Society Participation in the Irish Local Legislative Process' (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019)
- Offe C, 'The Europolis Experiment and Its Lessons for Deliberation on Europe' (2014) 15 *European Union Politics* 430
- Olsen EDH and Trenz H-J, 'From Citizens' Deliberation to Popular Will Formation? Generating Democratic Legitimacy in Transnational Deliberative Polling' (2014) 62 *Political Studies* 117
- Oppenhuis E, van der Eijk C and Franklin MN, 'The Party Context: Outcomes' in Cees van der Eijk and Mark N Franklin (eds), *Choosing Europe? The European electorate and national politics in the face of union* (University of Michigan press 1996)
- Owen D, 'Democracy' in Richard Bellamy (ed), *Political concepts*, edited by Richard Bellamy and Andrew Mason. (Manchester University Press : Distributed exclusively in the USA by Palgrave 2003)
- Ozanne JL, Corus C and Saatcioglu B, 'The Philosophy and Methods of Deliberative Democracy: Implications for Public Policy and Marketing' (2009) 28 *Journal of Public Policy & Marketing* 29
- Papadopoulos Y, 'On the Embeddedness of Deliberative Systems: Why Elitist Innovations Matter More' in John Parkinson and Jane Mansbridge (eds), *Deliberative Systems: Deliberative Democracy at the Large Scale* (Cambridge University Press 2012)
- Parkinson J, 'Legitimacy Problems in Deliberative Democracy' (2003) 51 *Political Studies* 180
- , 'Why Deliberate? The Encounter Between Deliberation and New Public Managers' (2004) 82 *Public Administration* 377
- , 'Hearing Voices: Negotiating Representation Claims in Public Deliberation' (2004) 6 *The British Journal of Politics and International Relations* 370
- , *Deliberating in the Real World: Problems of Legitimacy in Deliberative Democracy* (OUP Oxford 2006)
- Peers S, 'On Knowledge as Power: Transparency of EU Law-Making Procedures' <<http://eulawanalysis.blogspot.com/2016/01/on-knowledge-as-power-transparency-of.html>> accessed 17 April 2017
- Poiares Maduro M, 'Europe and the Constitution: What If This Is as Good as It Gets?' [2000] conWEB <https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1576085> accessed 28 March 2017
- Quittkat C, 'The European Commission's Online Consultations: A Success Story?' (2011) 49 *JCMS: Journal of Common Market Studies* 653
- Rawls J, *Political Liberalism* (Columbia University Press 2005)
- Reif K, Schmitt H and Norris P, 'Second-Order Elections' (1997) 31 *European Journal of Political Research* 109
- Renard H, 'Duitstalig België Geeft Gelote Burgers Permanent Politieke Inspraak: "Dit Is Een Wereldprimeur"' *Knack* (26 February 2019) <<https://www.knack.be/nieuws/belgie/duitstalig-belgie-geeft-gelote-burgers-permanent-politieke-inspraak-dit-is-een-wereldprimeur/article-normal-1433931.html>> accessed 9 July 2019

- Reybrouck DV, 'Belgium's Democratic Experiment' (POLITICO, 25 April 2019) <<https://www.politico.eu/article/belgium-democratic-experiment-citizens-assembly/>> accessed 9 July 2019
- Rosenblum NL and Taylor C (eds), 'Cross-Purpose: The Liberal-Communitarian Debate', Liberalism and the moral life (Harvard university press 1989)
- Rostboll CF, Deliberative Freedom: Deliberative Democracy as Critical Theory (SUNY Press 2008)
- Ruiter R de, 'Under the Radar? National Parliaments and the Ordinary Legislative Procedure in the European Union' (2013) 20 Journal of European Public Policy 1196
- Rummens S, 'Staging Deliberation: The Role of Representative Institutions in the Deliberative Democratic Process' (2012) 20 Journal of Political Philosophy 23
- Rummens S and Sottiaux S, 'Democratic Legitimacy in the Bund or "Federation of States": The Cases of Belgium and the EU' (2014) 20 European Law Journal 568
- Ryan M and Smith G, 'Defining Mini-Publics' in Kimmo Grönlund, André Bächtiger and Maija Setälä (eds), Deliberative mini-publics: involving citizens in the democratic process (ECPR Press 2014)
- Sartori G, The Theory of Democracy Revisited. 1: The Contemporary Debate (Chatham House 1987)
- Scharpf F, Games Real Actors Play: Actor-Centered Institutionalism in Policy Research (Westview 1997)
- Scharpf FW, Demokratiethorie zwischen Utopie und Anpassung (Scriptor 1975)
- , Governing in Europe: Effective and Democratic? (Oxford university press 1999)
- Schlosberg D, Environmental Justice and the New Pluralism: The Challenge of Difference for Environmentalism (OUP Oxford 1999)
- Schmidt VA, Democracy in Europe: The EU and National Politics (Oxford university press 2006)
- , 'Democracy and Legitimacy in the European Union Revisited: Input, Output and "Throughput"' (2013) 61 Political Studies 2
- Schuman R, 'The Schuman Declaration' <https://europa.eu/european-union/about-eu/symbols/europe-day/schuman-declaration_en> accessed 6 June 2019
- Smith, 'Institutionalizing Deliberative Mini-Publics in Madrid City and German Speaking Belgium – the First Steps' (ConstitutionNet) <<http://constitutionnet.org/news/institutionalizing-deliberative-mini-publics-madrid-city-and-german-speaking-belgium-first>> accessed 14 June 2019
- Smith G, Beyond the Ballot: 57 Democratic Innovations from around the World; a Report for the Power Inquiry (The Power Inquiry 2005)
- , Democratic Innovations: Designing Institutions for Citizen Participation (Cambridge university press 2009)
- Smith G, Richards RC and Gastil J, 'The Potential of Participedia as a Crowdsourcing Tool for Comparative Analysis of Democratic Innovations' (2015) 7 Policy & Internet 243
- Smith G and Wales C, 'Citizens' Juries and Deliberative Democracy' (2000) 48 Political Studies 51
- Sowery K, 'The Nature and Scope of the Primary Law-Making Powers of the European Union: The Member States as the "Masters of the Treaties?"' (2018) 43 European Law Review 205
- Street J and others, 'The Use of Citizens' Juries in Health Policy Decision-Making: A Systematic Review' (2014) 109 Social Science & Medicine 1
- Streit ME and Mussler W, 'The Economic Constitution of the European Community: From Rome to Maastricht' (1995) 1 European Law Journal 5
- Talisse RB, Engaging Political Philosophy: An Introduction (2016) <<http://search.ebscohost.com/login.aspx?direct=true&scope=site&db=nlebk&db=nlabk&AN=1067666>> accessed 6 December 2018

- Taylor M, 'Citizen Deliberation Is the Gateway to a Better Politics' [2019] *The Economist* <<https://www.economist.com/open-future/2019/03/11/citizen-deliberation-is-the-gateway-to-a-better-politics>> accessed 13 June 2019
- Traugott MW, 'Can We Trust the Polls? It All Depends' (2003) 21 *The Brookings Review* 8
- Trenz H-J, 'Understanding Media Impact on European Integration: Enhancing or Restricting the Scope of Legitimacy of the EU?' (2008) 30 *Journal of European Integration* 291
- Tsebelis G, 'Bridging Qualified Majority and Unanimity Decisionmaking in the EU' (2013) 20 *Journal of European Public Policy* 1083
- Uhr J, *Deliberative Democracy in Australia: The Changing Place of Parliament* (Cambridge University Press 1998)
- Van Crombrugge R, 'The Referendum: Does It Have a Role to Play in a Deliberative System?: A Comparative Evaluation of the Rules Relating to the Initiation of the Referendum from a Deliberative Democratic Perspective' (KU Leuven Faculty of Law 2015)
- , 'Burgerparticipatie in Vlaanderen: de agenda van de decreetgever geëvalueerd' (2018) no:73 *Tijdschrift voor bestuurswetenschappen & publiekrecht*
- , 'Bottom up Citizens Assemblies' (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019)
- Verhoeven A, *The European Union in Search of a Democratic and Constitutional Theory* (Kluwer law international 2002)
- Vesnic-Alujevic L and Nacarino RC, 'The EU and Its Democratic Deficit: Problems and (Possible) Solutions' (2012) 11 *European View* 63
- Vrydagh J, 'Under What Condition Do Mini-Publics Exert an Influence on Public Policy? A Fuzzy-Set Quantative Comparative Analysis of Mini-Publics in Belgium' (Deliberation in law making procedures. Enhancing Trust in modern democracies, Dublin City University, School of Communications, 9 May 2019)
- Warren ME, 'A Problem-Based Approach to Democratic Theory' (2017) 111 *American Political Science Review* 39
- Warren ME and Pearse H, *Designing Deliberative Democracy: The British Columbia Citizens' Assembly* (Cambridge University Press 2008)
- Weiler J, *The Constitution of Europe: 'Do the New Clothes Have an Emperor?' and Other Essays on European Integration* (Cambridge University Press 1999)
- , 'A Constitution for Europe? Some Hard Choices' (2002) 40 *JCMS: Journal of Common Market Studies* 563
- , 'European Models: Polity, People and System' in Paul Craig and Carol Harlow (eds), *Lawmaking in the European Union* (Kluwer law international 1998)
- Weiler JHH, Haltern U and Mayer F, *European Democracy and Its Critique: Five Uneasy Pieces* (European university institute Robert Schuman centre 1995)
- Williams S, 'Sovereignty and Accountability in the European Community' in Stanley Hoffmann and Robert O Keohane (eds), *The new European Community: decisionmaking and institutional change* (Westview 1991)
- Winzen T, 'Bureaucracy and Democracy: Intra-Parliamentary Delegation in European Union Affairs' (2014) 36 *Journal of European Integration* 677
- Yang M, 'Europe's New Communication Policy and the Introduction of Transnational Deliberative Citizens' Involvement Projects' in Raphaël Kies (ed), *Is Europe Listening to Us?: Successes and Failures of EU Citizen Consultations* (Routledge 2016)

Young IM, 'Communication and the Other: Beyond Deliberative Democracy' in Seyla Benhabib (ed), Democracy and Difference: Contesting the Boundaries of the Political (Princeton University Press 1996)

——, Inclusion and Democracy (university press 2002)

European Commission, 'European Governance - a White Paper' (2013) Text <https://ec.europa.eu/europeaid/european-governance-white-paper_en> accessed 24 June 2019

——, 'Basic Facts - European Citizens' Initiative' <<http://ec.europa.eu/citizens-initiative/public/basic-facts>> accessed 7 April 2019

——, 'Basic Facts - European Citizens' Initiative' <<http://ec.europa.eu/citizens-initiative/public/basic-facts>> accessed 3 June 2019

European Commission and Directorate-General Communication, Guide to the European Citizens' Initiative: A New Right for EU Citizens : You Can Set the Agenda!. (Publications Office 2015)

European Ombudsman, 'Feedback from the ECI "One of Us" to Own-Initiative Inquiry OI9/2013TN/ into the Functioning of the European Citizens Initiative Procedure' (European Ombudsman, 23 January 2014) <<https://www.ombudsman.europa.eu/en/correspondence/en/53239>> accessed 22 June 2019

European University Institute, 2 May - Spitzenkandidaten Debate • Sala Del Consiglio | SoU 2019 <<https://www.youtube.com/watch?v=3SH2jAEU8Jc&feature=youtu.be>> accessed 3 May 2019

'21st Century Town Meeting « AmericaSpeaks' <[index.html](#)> accessed 30 April 2019

'Burgerkabinet' (Burgerkabinet) <<https://www.burgerkabinet.be/>> accessed 7 April 2019

'Burgerkabinet'—— (Burgerkabinet) <<https://www.burgerkabinet.be/>> accessed 17 May 2019

'ESS Data - Trust in Political Parties' <http://nesstar.ess.nsd.uib.no/webview/index.jsp?v=2&submode=variable&study=http%3A%2F%2F129.177.90.83%3A-1%2Fobj%2FfStudy%2FESS8e02.1&gs=undefined&variable=http%3A%2F%2F129.177.90.83%3A80%2Fobj%2FfVariable%2FESS8e02.1_V21&mode=documentation&top=yes> accessed 1 July 2019

'ESS Data - Trust in Politicians' <http://nesstar.ess.nsd.uib.no/webview/index.jsp?v=2&submode=variable&study=http%3A%2F%2F129.177.90.83%3A-1%2Fobj%2FfStudy%2FESS8e02.1&gs=undefined&variable=http%3A%2F%2F129.177.90.83%3A80%2Fobj%2FfVariable%2FESS8e02.1_V20&mode=documentation&top=yes> accessed 1 July 2019

'ESS Data - Trust in the European Parliament' <http://nesstar.ess.nsd.uib.no/webview/index.jsp?v=2&submode=variable&study=http%3A%2F%2F129.177.90.83%3A-1%2Fobj%2FfStudy%2FESS8e02.1&gs=undefined&variable=http%3A%2F%2F129.177.90.83%3A80%2Fobj%2FfVariable%2FESS8e02.1_V23&mode=documentation&top=yes> accessed 1 July 2019

'Feedback from the ECI "Right2water" to Own-Initiative Inquiry OI9/2013TN/ into the Functioning of the European Citizens Initiative Procedure' <<https://www.ombudsman.europa.eu/en/correspondence/en/54514>> accessed 22 June 2019

'G1000' <<http://www.g1000.org/>> accessed 17 May 2019

'Observatorio de La Ciudad - Ayuntamiento de Madrid'
<<https://www.madrid.es/portales/munimadrid/es/Inicio/El-Ayuntamiento/Observatorio-de-la-Ciudad/?vgnnextchannel=38a9dec3c1fe7610VgnVCM2000001f4a900aRCRD&vgnnextoid=38a9dec3c1fe7610VgnVCM2000001f4a900aRCRD>> accessed 14 June 2019

'Planning Cells – Participedia' <<https://participedia.net/method/160>> accessed 13 July 2019

'Study Circles (Dialogue-to-Change) - Participedia' <<https://participedia.net/method/188>> accessed 9 July 2019

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