Reconciling epistemic and democratic legitimacy.

A plea for the hand-picked selection of participants in policy formulation.

Eva Kristina Krick

University of Oslo/Humboldt University Berlin

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Was Plato Right? Should the Experts Rule?

Directors: Cathrine Holst and Bo Rothstein

Abstract

Modern governance is confronted with growing public demands to base policies on expertise. At the same time, the democratic principle calls for an involvement of the people into policy-making. Against this background it seems we have a choice between elitist rule of the knowing few and democratic rule of the ignorant masses.

The paper discusses ways of reconciling democratic and epistemic standards that go beyond the ‘truth-tracking’ potential of majority voting and at the same time break up one of the most utopian and potentially normatively harmful assumptions of deliberative democracy: equal and open access to political decision-making.

Building on debates within Social Epistemology, Science and Technology Studies and Democratic Theory, this contribution shows that the tension between good rule and democratic rule is overstated and partly emanates from idealised and simplified notions of ‘expertise’ and ‘public participation’ that overlook the social constitution of knowledge and the manifold sources of expertise as well as the systematic class bias of public participation and its complementary relationship with the representative principle.

The paper’s main argument against the incongruity between epistemic and democratic standards is that in many instances of policy formulation, a careful selection of decision-makers and a “division of labour” is not only conducive to the development of expertise, but it is also essential for true democratic participation. If you select participants wisely, both epistemic and democratic standards can be met by the same, relatively small collective and the line between ‘experts’ and ‘citizens’ blurs. After all, ‘ordinary citizens’ have repeatedly shown their competences to engage meaningfully in discussions about science and technology, societal stakeholders often fulfil double roles, and experts’ discourse and citizens’ deliberations in fact have to respond to similar quality criteria as regards their procedures of interaction.
Introduction

In “the age of expertise” (Fischer 2009, 1), modern governance is confronted with growing public demands to base policies on expert knowledge in order to assure ‘evidence-based’ and ‘well-informed’ solutions (Brown et al. 2005, 81; Fischer 2009, 2-3; Holst 2014, 2; Jasanoff 2005, 2011, 622; Lövbrand et al. 2011, 475; Maasen/Weingart 2005, 5; Strassheim 2013, 70f). It is particularly the complexity of modern societies that has been offered as an explanation for the growing need for specialised knowledge and large amounts of information (Holst/Molander 2014, 16; Urbinati/Warren 2008, 390).

At the same time, there is growing demand for citizen participation as a means to increase the legitimacy of public policies, to contain controversy and generate self-determined, genuinely democratic and broadly accepted decisions as well as more target-oriented and enforceable regulations (Fung 2006; Hansen/Allansdottir 2011, 609; Irvin/Stansbury 2004, 55; Jasanoff 2011, 621; Maasen/Weingart 2005, 5; Papadopulos/Warrin 2007, 446-450). Across Europe and the US, policy-makers have strongly reacted to this public demand since the 1990s by setting up a growing number of participatory programs in all kinds of fields, with a special focus on technological change and large infrastructure projects (Hagendijk/Irwin 2006, 167; Lengwiler 2008, 194; Irvin/Stansbury 2004, 56; Webler/Tuler 2000, 566). Emphasis has been on direct, issue-specific forms of exercising voice, for instance through petitions and referenda on single issues, as well as on so-called ‘minipublics’ (Fung 2003; Urbinati/Warren 2008) such as ‘focus groups’ or ‘citizen conferences’, where a selected group of ‘ordinary citizens’ deliberate on policy issues. From this perspective, all barriers to participation should be removed (Chilvers 2008, 425; Mansbridge et al. 2012) in order to include

1 Expertise can be described as a kind of knowledge that is particularly relevant in the policy-making context and can stem from a variety of sources (cf. Beck 2012, 11; Haas 2004, 573; Maasen/Weingart 2005). It is advisory in its nature (Jasanoff 2005, 211; Lentsch/Weingart 2011b, 353), i.e. it comes into being when somebody is asked for guidance, or provides a recommendation without being asked.

2 Lentsch and Weingart (2011a, 5-7) offer a more complex explanation. They construe the increasing demand for expert advice from the expansion of state functions and the subsequently growing complexity of policy-making, a tendency to minimise state administration and a consequent need to outsource the production and obtainment of expertise, the development of an advisory market that creates demand for its products and a general rationality mandate that calls on governments to have their policies supported by expert opinion.

3 As a working definition, ‘public’ or ‘citizen participation’ shall be understood as the involvement of those affected into public policy-making, whether through demonstrations, elections or referenda, party membership or inclusion into citizen councils; ‘democratic participation’ qualifies this involvement according to certain criteria of democratic worth (cf. section 3 for a more detailed conceptualisation).
citizens as widely as possible and thus approximate the democratic ideal of encompassing assent of all those affected (Dryzek/Niemeyer 2006, 635).

In theory there are considerable tensions between these two claims which raise doubts about their compatibility: The principle of inclusion and equality that underlies democratic participation raises serious epistemic questions as to the abilities of ‘ordinary citizens’ in dealing with complex matters, for which specialisation is necessary. The dependency on experts constitutes a democratic challenge, since expertise builds on specialisation and is thus elitist by nature. Experts are never neutral nor are they legitimate representatives that can be held accountable for their considerable influence (cf. Fischer 2009; Jasanoff 2011; Mansbridge et al. 2012; Turner 2014). “Science” or “academia” as society’s main knowledge provider and “the public” as the prime source of citizen participation represent two traditionally unrelated realms of society (Jasanoff 2003, 235). There is often a “noticable tension between what scientists and technologists consider feasible and what the broader public finds acceptable or desirable” (Hansen/Allansdottir 2011, 609). When lay people are involved in the formulation of policies, its quality may suffer because “people may not possess enough specialised knowledge and material resources” (Jasanoff, 2003, 237) and they may lack both the habitus and terminology of expert discourses (Young 2000, 53). Efficient and effective decision-making may further rule out extensive consultation, public participation, and democratic audits of expertise, which tend to be time-consuming and demanding (Maasen/Weingart 2005, 10). When dealing with questions of risk that naturally arise from technological innovation, there will be even less room for genuine citizen involvement and open deliberation. Complicated problems that call for high amounts of information and complex analyses can strain the capacities of lay people to interpret the information, to know their preferences vis-à-vis these issues and act accordingly (Dahl 1994, 31; Hauptman 2001, 401; Urbinati/Warren 2008, 390).

Does this mean we have a choice between elitist rule of the knowing few and democratic rule of the ignorant masses? Are there ways of integrating these two distinct

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4 The current interest in extending public input into policy-making represents a general shift from government to governance (Papadopulos/Warrin 2007, 446) and it fills the legitimacy gap that has been left by the demise of representative democracy and its flagship institutions, political parties and general elections, that attract less and less citizens. It has been traced to a growing respect on the side of policy-makers towards democratic rights and procedural freedom, as well as to the more practical recognition that implementing unpopular policies may result in widespread protest and reduced trust in governing bodies (Rowe/Frewer 2000, 5).
perspectives, the perspective of the expert and that of the citizen? Which institutions have the potential to reconcile these conflicting demands?

This paper scrutinises the epistemic and democratic potential of a handpicked selection of stakeholders and researchers in the phase of policy development.

It starts by looking at two popular schools of thought within political theory that deal with the relationship of knowledge and democracy: aggregative attempts at ‘truth-tracking’ and integrative, deliberative theories of democracy (section 1). Because of the limited scope of aggregative methods of truth-tracking for the focus of the paper, these approaches are not built on here. Since the study is interested in solutions to complex everyday policy problems and the inclusion of both expert and citizens perspectives, it focuses on the phase of policy formulation and builds primarily on deliberative theory. Yet, it questions the theory’s ‘open access’-claim, discusses existing solutions to the expert-citizen divide within the deliberative framework and offers an institutional alternative.

Section 2 makes a first step towards reconciling epistemic and participatory claims by bringing knowledge theories and democracy theories together and challenging ‘purity notions’ of expertise and citizen participation and of ‘experts’ and ‘citizens’. Building on debates within Social Epistemology, Science and Technology Studies (STS) and Democratic Theory, it illustrates that useful expertise can come from all kinds of sources and that in most instances, meaningful participation relies on delegation and the careful selection of participants.

Section 3 deals with institutional solutions to the tension between expert knowledge and citizen participation and discusses three group selection mechanisms from epistemic and democratic perspectives. It points out that the principle of open access dramatically distorts the representativeness of the deliberating round and that the most discussed alternative, random selection, is blind towards questions of competence and experience, while the method of targeted selection can produce decision-making rounds that represent both the relevant expertise as well as the affected citizens’ perspectives and lend particular weight to intermediary organisations, such as NGOs and interest organisations.

In the ideal case, the participants of these institutions ‘mirror’ the respective policy problem (Ansell/Gash 2007, 556), represent ‘microcosms of society’ (Jasanoff 2005,
and develop consensual policy solutions that meet both epistemic and democratic demands, while the roles of ‘expert’ and ‘citizen’ converge. This focus is prompted by a belief in the innumerable sources of useful, policy-relevant knowledge, the necessarily representative nature of meaningful citizen input and the legitimacy of interest representation.

1. Aggregative and integrative accounts of the relationship of democracy and expertise

Considerations of the relationship between democracy and expertise are as old as democratic thought itself. This contribution touches briefly upon two schools that deal with the conciliation of epistemic and democratic concerns and that have been gaining increasing attention in recent years: one school could be described as aggregative, truth-tracking approaches to collective decision-making, the other as integrative, deliberative democratic theories.

The first line of thought goes under the headings of “judgment aggregation”, “Condorcet jury theorem”, “epistemic democracy” and also “collective wisdom” (Landemore/Elster 2012; Estlund 2008; List/Goodin 2001; List 2012; cf. also Cohen 1986). These approaches share an interest in finding the best collective decision rule or “truth-tracking” mechanism that does not rely on external norms or individual judgements; they build on the belief that one true answer exists to problems and are concerned with ways of tracking it down (Landwehr 2012, 359). The mechanisms that these approaches discuss for producing both epistemically and democratically satisfactory results range from majority voting to information markets and lotteries (Landemore 2012, 12). These mechanisms have different merits and limitations, but generally speaking they build on the aggregation, not on the development of preferences, and they tend to follow a majoritarian or competitive logic, not a consensual, integrative one. They go without extensive communication and assume given preferences of decision-makers. They recommend themselves from an epistemic perspective when straight-forward questions are considered, to which there is one single correct answer. Examples are the very rare purely factual issues that do not depend on context or perspective, binary choices (e.g. guilty/not guilty of having committed a certain crime), or questions, that do not require any special knowledge or experience but can be answered on the grounds of common
sense (e.g. guessing the weight of one specific ox). These mechanisms also have democratic value: they adhere to inclusion and equality principles in that they all qualify for large collectives and set participants on an equal footing.

Majoritarian decisions may be better than random (Estlund 2008) at producing good results under the described circumstances and they certainly are an honourable mechanism for straightforward choices of political personnel and closed, single issue questions that are offered in elections and referenda. Yet, when judgments have to be made on value issues and when interests have to be mediated to develop the best solution for a particular collective, preference aggregation does not take us very far. In the phases of agenda-setting and policy formulation that hinge on reasoning and judgment, will formation, deliberation and interest mediation for the development of good ideas and the formation of viable policy-options, communicative procedures of collective decision-making come to the fore that have been theorised by deliberative democracy approaches.

Deliberative democratic theory builds on deliberation, i.e. deciding by weighing reasons (Cohen 2007, 219), as the mode of collective decision-making and the mechanism for finding the best or right solution to collective problems (ibid. 223). Following Habermas, truth materialises in an ‘ideal speech situation’ that is exempt of power imbalances, time constraints and other inadequacies of human existence. The theory’s basic decision logic is integrative and consensual and preferences and values are supposed to be reflected upon and developed during the deliberative process (Chambers 2003, 309; Mansbridge et al. 2010, 65). Deliberative approaches share a belief in the superiority of debate for finding fair and problem-adequate joint solutions. Their emphasis is on the force of the better argument, “not the advantage of the better situated” (Cohen 2007, 220), which pays respect to the democratic norm of equality; the deliberative principles of fairness, openness and inclusion during will formation and decision-making adhere to substantive democratic values.

Recently, deliberative theorists have moved away from the rationalist language of early approaches, and turned towards “mutual justifiability” (Mansbridge et al. 2010, 67) as their normative standard; they have relaxed some of the highly unrealistic assumptions of the earlier days of theory development, such as the assumption of a unitary common good or the absence of self-interest and of bargaining logics in groups (Chambers 2003,
Some assumptions are, however, very persistent because they concern the core of the deliberative idea. One of these claims is the postulate of open and equal access to deliberations. It follows from democratic norms of self-determination and runs through both classic and modern approaches (Knight/Johnson 1994; Manin 1987, 352; Mansbridge et al. 2010, 65; cf. also Ansell/Gash 2007; Papadopoulous/Warrin 2007). Yet, this ‘openness claim’ is problematic because it is inconsistent with the deliberative principles of intensive, respectful and fair debate for which small collectives are a prerequisite; it also leads to a highly biased self-selection in empirical reality that can undermine deliberative principles of equality and representativeness (cf. section 3 for a more thorough discussion).

Within the deliberative universe, some interesting answers to the relationship between experts and citizens and institutional alternatives to ‘open access’ have been suggested. There are, for one, those forms of minipublics that complement a citizen panel with panels of experts who explain complicated issues to the decision-making ‘lay people’ (cf. Fung 2003; Parkinson 2006). While minipublics in general tend to allow open access (Fung 2003, 342), these panels, for which citizen juries or consensus conferences are examples, are often open to public observation while their members are most commonly determined by a combination of random selection and targeted selection on the grounds of some demographic data. Such arenas can be beneficial for the political efficacy and education of a limited group of ‘lay citizens’, but they can be too disconnected from the legislative process and a common concern is a lack of influence of their input and their ‘token-democratic’ functions. Besides, these arenas are descriptively representative in terms of some demographic variables only and the relationship between citizens (or lay persons) and experts suffers from an epistemic hierarchy.

Another approach of reconciling the equality principle with the need for specialised expertise in modern societies is the phase model that was suggested by Christiano (2012). It builds on a division of labour between citizens, intermediary agents,

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5 Early approaches of this essentially normative theory abstracted from human nature and the social context to an extent that it seemed as if deliberating citizens “live on a another planet” and “are devoid of race, class and gender” (Sanders 1997, 353). One example is the condition of unrestricted time, that may be important for successful deliberation but is of course inconsistent with reality.

6 The Danish Board of Technology, for instance, which developed consensus conferences, sends out invitations to a random sample of ca. 2000 people. On the basis of applications that an interested, self-selected set hands in, a group is selected that shows varied backgrounds regarding age, gender, occupation, education and geographical location, for instance.
legislators and the executive as well as experts in the different phases of the policy cycle. Citizens decide on political personnel in elections and experts inform policy formulation. But again, a relatively strict division between experts and citizens is presupposed and the phase-logic does not provide for joint preference development and learning of these different groups of agents.

This study suggests a different approach to reconciling epistemic and democratic demands in policy development: it focuses on small collectives, that are made up of researchers and of societal stakeholders or intermediary organisations, predominantly, who can provide both expertise and citizens’ perspectives.

As a first step towards illustrating the potential of such institutions, the next section deals with the notions of expertise and participation and questions the divide between experts as providers of knowledge and citizens as the voice of the public.

2. Purity notions of knowledge and citizen participation

The tension that follows in theory from the opposition between a) the specialisation and the division of labour that is essential for expertise and b) the open and inclusive postulate of democratic participation, disintegrates considerably when you take a closer look at the constitution of knowledge and the roles of expert and lays as well as the inherent inconsistencies of democratic participation: The tension partly builds on slightly romanticised ideas about knowledge and the expert on the one hand, and of political participation and the citizen on the other hand, that are widespread in popular thought and political practice and that are also reflected within theory: In recent decades, Science and Technology Studies have developed sophisticated accounts of the social constitution of all kinds of knowledge and the relationship of science and society and had “a keen eye for the controversial, value-laden and politicised aspects of science” (Biegelbauer/Hansen 2011, 590). In the course, academia or science has been largely dethroned as society’s only producer of expertise and the notion of knowledge has been detached from the idea of absolute truth and opened up towards all kinds of different sources and backgrounds. STS thinking puts technical and scientific knowledge on a par with ‘local’ (Beck/Forsyth 2015, 15) and ‘informal’ knowledge (Mansbridge et al 2012, 17; Beck 2012; Jasanoff 2011) and emphasises the problem-solving capacity, relevance and usefulness of ideas as well as consensual closure and agreement as indicators of

The claim to democratise science in STS brought about a very inclusive view on the sources of relevant knowledge and slightly idealised assumptions on the common-good orientation of citizen participation and the “authenticity of the lay perspective” (Hennen 2012, 36). Since the “deliberative turn” (Lövbrandt et al. 2011, 476), STS has shown great trust towards all kinds of participatory endeavours (Biegelbauer/Hansen 2011, 590; Chilvers 2008, 423) and a general assumption that the involvement of citizens in policy development makes these processes more democratic and is thus a good thing per se (Irvin/Stansbury 2004, 55; Lengwiler 2008, 197).

However, the purity of the lay perspective is a romantic construction that does not hold what it promises and the “sacrosant role” of citizen participation (Day 1997, 422) in European and US political culture can in fact undermine democratic norms.7 Within democracy theory, by contrast, questions surrounding the production and consumption of knowledge, such as the relevance of competences and experiences of the speaker for the epistemic value of many statements, remain largely unproblematised (Fischer 2009; Wynne 1995). Besides, there is often no attention to the role of science in these processes (Chilvers 2008, 423). “Mainstream analyses of democracy tend to have a textbook-like image of science as a source of relatively uncontested knowledge and expertise” (Biegelbauer/Hansen 2011, 590). This mirrors conventional assumptions of scientific purity within public debates, where exclusive, linear, deterministic notions of technological progress and reliance on ‘sound science’ for providing truth for society still dominate (Stirling 2005, 264). It also reflects traditional assumptions about the “deficiencies in the knowledge and reasoning abilities of laypersons” (Rowe/Frewer 2000, 5), who are assumed to be driven by emotional assessments and crises of the day, which is why complex and technical questions should be left in the hands of scientists and experts (ibid.).

7 It is unrealistic and possibly harmful to idealise the ‘citizen’ as the more democratic political agent who represents the common good. There is no reason to believe that the lay person (or somebody with citizen status) has purer motives than the more politically involved or that there exists such a thing as a unified public will that can be expressed by such a random speaker of the people. Indeed, a ‘citizen’ does not have a mandate to act for others and surely often follows self-interests. In many participatory endeavours, those directly affected take part with a NIMBY-motivation, while the rest of the deliberative round is often made up of professional NGO or interest group representatives who officially take part “in a personal capacity” (cf. interview by the author with a service provider of participatory programs, October 2015).
Yet, democratic theory and empirical assessments of participatory governance have provided encompassing and careful analyses of the merits and challenges of citizen involvement into policy-making in recent decades. They have pointed to internal inconsistencies of the idea of citizen participation and described the conditions of meaningful and essentially democratic participation under real-world conditions (cf. e.g. Fung 2003, 2006; Hagendijk/Irwin 2006; Rower/Frewer 2000; Webler/Tuler 2006, 719). These analyses have pointed out the *class bias* that comes with the ‘unconventional’, more deliberative forms of citizen participation in particular (Fung 2003, 342; 2006, 67; Lijphart 1997, 2; Irvin/Stansbury 2004, 59; Papadopulos/Warrin 2007, 455). Democratic theory has also demonstrated the elitist nature of deliberative arenas that stems from the transaction costs of communicative group decision-making (Bächtiger et al. 2005, 236; Rowe/Frewer 2000, 13; Irvin/Stansbury 2004, 58; Papadopulos/Warrin 2007, 456) and from the tension between ‘levels of inclusion’ and ‘levels of civility’ in groups (Mansbridge et al. 2012, 19). These approaches have rejected the ‘logic of identity’ between the represented and the rulers and the idea of a unified general will on which public policies can be build (Young 2000, 133); they have pointed out that in mass democracies “no person can be present at all decisions or in all decision-making bodies whose actions affect her life” (Young 2000, 124) and that the idea of direct participation in all these decisions thus seems fanciful (Dahl 1994, 32; cf. also Fung 2006, 66; Warren 2002, 686). Due to time constraints and the complexity of political problems, amongst other things, people can only directly participate in some decisions on certain selected issues, while in all other cases “delegated participation” (Warren 2002, 686), i.e. indirect participation through representatives needs to be the rule if we want to abide by fundamental democratic principles.

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8 Political participation is in general biased against the less well-to-do citizens (Fung 2006, 6; Lijphart 1997, 1). While participation within political parties and general elections has traditionally been more balanced, “there is no equivalent equality of influence or voice in the non-electoral domain, where the advantages of education, income, and other unequally distributed resources are more likely to translate into patterns of over- and underrepresentation” (Urbinati/Warren 2008, 405). Especially when it comes to the more time-consuming and intensive forms of participation, we can speak of a “democratic dilemma of unequal participation” (Lijphart 1997, 2), or a “participation paradox” (Marien et al. 2010, 141).

9 Notwithstanding the practical obstacles of motivating every single affected individual to participate actively in political debates or of organising such a large decision-making event, if we managed to assemble all those affected by decisions, fair and respectful collective deciding by weighing reasons would not be possible because these processes rely on face-to-face communication, on responding and listening to other group members, on careful arguing and reasoning and on persuading and convincing others. Such deliberative processes of mutual recognition and understanding only work in small collectives (Bächtiger et al. 2005, 236; Goodin 2000, 2004; Ryfe 2005, 51;) and they are thus necessarily elitist (Papadopulos/Warrin 2007, 451). Therefore, for collective decision-making to qualify as deliberative, some sort of selection has to be made and the inclusion of everybody is out of the question.
3. Democratic participation in policy expertise production

Against these theoretical backgrounds, how can ‘good expertise’ and ‘democratic participation’ be conceptualised?

First, because of general limits of knowing the truth but also the particularly socially constituted type of knowledge that ‘expertise’ represents, the epistemic quality of policy expertise shall be understood as indicated by consensual closure on the validity of knowledge claims regarding their reliability and problem adequacy. This inclusive, post-empiricist understanding of knowledge opens up the role of the ‘expert’ to a range of agents beyond the researcher, and embraces stakeholders, practitioners, avocational specialists and adept hobby experts. This widens the range of available knowledge and expertise to particularly ‘socially embedded’, ‘situated’, ‘policy-relevant’ and ‘usable’ knowledge.\(^{10}\)

Second, because of the fact of mass societies, because of groups dynamics and the limitations of human nature, democratic participation is to be understood as the effective involvement of those affected into collective decision-making, whether directly or through representatives.\(^{11}\) This representative understanding is not to be seen as a sell out or a rotten compromise. In fact, a wise choice of delegates is key to achieving equal and effective participation and to overcoming the participation paradox.

Thus, a careful selection of decision-makers and a “division of labour” is not only conducive to the development of expertise, but it is also essential for true, democratic participation in many instances of policy formulation. If you select participants wisely, both epistemic and democratic standards can be met by the same, relatively small collective and the line between ‘experts’ and ‘citizens’ blurs: After all and against popular wisdom, ‘ordinary citizens’ have repeatedly shown their competences to engage meaningfully in policy debates, even if they depended on relatively complex and technical understandings (Hagendijk/Irwin 2006, 167; Hennen 2012, 31; Pateman 2012, 10\(^{\text{Cf. for these descriptions Straßheim/Kettunen (2014, 259), Haraway (1988, 581), Beck (2012, 11) and Haas (2004, 573), respectively.}}\))


11 This definition reveals that there are two dimensions to meaningful participation: an **equality** dimension that relates to the equal political involvement of those affected, whether via representatives or directly and an **effectiveness** dimension that relates to the potential impact of participation. The impact-dimension is indicated, for instance, by two-sided communication processes between public authorities and participants or by resonance of the participatory input in the political sphere (cf. e.g. Hansen/Allansdottir 2011). This two-dimensional understanding is shared by most scholars of democracy and participation, yet not always explicitly (cf. Fung 2006, 66; Krick 2014, 10f.; Marien et al. 2010, 140; Rowe/Frewer 2000, 12, 14; Pateman 1970, 42; Warren 2002, 693, Young 2000, 24).
The fact that societal stakeholders, such as interest organisations or NGOs, bring highly specialised – and dearly sought-after – policy expertise into the policy process (Eden et al. 2006, 1064f.; Hall/Deardor 2006, 73; Jamison 2001), allows them to fulfil the double role of expert and citizen representative. Besides, experts' discourse and citizens' deliberations respond to similar quality criteria as regards their procedures of interaction – the inclusion of a plurality of viewpoints, fair and equal procedures and, ideally, consensual closure of the debate at some point are prerequisites of both the epistemic and democratic worth of collective decisions (Beck 2011, 305, 2012, 5; Beck/Forsyth 2013, 6, 15; Fischer 2009, 203; Fricker 1998, 173; Goldman 2001, 105; Jasanoff 2003, 161, 2005, 220; Mansbridge et al. 2012, 17f.; Holst and Tørnblad 2015, 170).

The question then is: What does such a ‘wise selection’ look like? How do we select participants of deliberative, policy advisory fora with the rationale of achieving a both democratically and epistemically valuable division of labour?

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

In a simplified manner, one can minimally differentiate between the selection methods of open access, random selection and targeted selection (cf. Fung 2006; Ryfe 2005). Unfortunately, all selection procedures have democratic but also epistemic shortcomings and their suitability depends very much on context.

At first sight, the principle of open access does not look like a selection mechanism at all; yet, de facto, participants self-select when you allow open access to deliberative arenas.

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12 If “bounded but candid deliberation among the holders of divergent viewpoints” is encouraged, this promises to lead to “a sharpening of analysis, more accountable exercise of judgments and eventually better assessments” (Jasanoff 2003, 161).
The more time-consuming and intense the participatory endeavour, the more distorted this self-selected groups gets and those with strong views and special interests, the better educated, wealthy and privileged will be overrepresented (Fung 2003, 342; 2006, 67; Marien et al 2010, 142; Lijphart 1999, 1; Urbinati/Warren 2008, 405; Young 2000, 217). “If participants are allowed to self-select, those who participate are very likely to be white, college-educated, and middle-class” (Ryfe 2005, 52). The participation paradox will lend additional weight to already privileged voices and it “will leave most decisions to an activist few who will, ironically, make decisions based on the authority they derive from a participatory process” (Hauptman 2001, 401). This is of course highly problematic from a democratic standpoint. A combination of this selection method with incentives and affirmative action can moderate this shortcoming, but can be quite costly and not always effective (Ryfe 2005). From a purely epistemic perspective you might at first appreciate the fact that the less informed and less interested tend to exclude themselves, as the Swiss case shows (Kriesi 2008). Yet, apart from the democratic problem that follows from the fact that the less informed tend to belong to disenfranchised groups, the homogeneity that follows from self-selection also has serious epistemic drawbacks: the diversity of ideas and the inclusion of a large variety of standpoints, backgrounds and experiences makes for the learning effects of deliberative processes, allows open and encompassing discussions about conflicts, adds to the “verific value” (Fricker 1998, 173) of an “epistemic practice” (ibid.) and the development of problem-adequate solutions (Beck 2011, 305; Beck 2012, 5; Beck and Forsyth 2013, 15; Goldman 2001, 105; Holst and Törnblad 2015, 170; Jasanoff 2003, 161, 2005, 220; Mansbridge et al. 2012, 17; Ryfe 2005, 52; Straßheim/Kettunen 2014, 268).13

One of the most discussed alternatives to self-selection, random selection, has been described as the “best way to achieve descriptive or mirror representation” (Fung 2006, 68) or “good representativeness”(Rowe/Frewer 2000, 13; cf. also Urbinati/Warren 2008, 407). Yet, this principle that is applied in deliberative polling, for instance, is based on the identity notion of representation that can obscure differences within groups and reduce people to very few, usually demographic characteristics (Young 2000, 125, 142). The choice that is made can further be difficult to enforce since you

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13 Of course, the self-selection problem can be mitigated somewhat by empowerment measures. Affirmative action (e.g. targeted publication of the event in less-well-to do neighbourhoods) or incentives (e.g. monetary or rights-related) can encourage disenfranchised to participate and quotas can also help (Young 2000, 149).
cannot force the chosen ones to participate and incentives can be expensive (Ryfe 2005, 53); if randomly selected participants are allowed to refuse, this can again distort the representativeness of the picture and infringe on the democratic quality of this method. Random selection can also sidestep existing equilibria in policy networks and thus, for instance, undermine established NGOs in a certain sector (Mansbridge et al. 2012, 17). This can be problematic from an epistemic point of view, because you lose the valuable expertise that NGOs and interest groups acquire within a policy field. The whole idea of random choice does not take into account the importance of competences and experiences. Yet, for participating meaningfully in a deliberative forum and for making epistemically valuable, potentially problem-solving collective decisions, participants need to possess the information and competence to make good judgments (Fung 2006, 67). When you choose randomly, you will certainly not have chosen those with the relevant expertise and experience in an issue or those with the necessary analytical and debating skills.

For the development of policy proposals this contribution suggests a selection method that builds on targeted selection of participants on the grounds of deep insights into the policy network. The appointing authority selects purposefully a group that does not exceed the workable limit of the small decision unit (ca. 20-30 people altogether) and that represents “a broad enough spectrum to mirror the problem” (Ansell/Gash 2007, 556). Through a “careful selection of a representative group of stakeholders” (Irvin/Stansbury 2004, 60) good, representative participation, but also knowledgeable, well-informed policy advice can be achieved (cf. also Ansell/Gash 2007, 556; Christiano 2012; Warren 2002, 689).

Since the size of the group is limited, and since we embrace both delegated participation and non-scientific expertise, such a group should mainly assemble those agents that can fulfil double roles, i.e. bring specialised expertise and experience to the process and stand for affected interests and perspectives. This applies to intermediary actors in the policy field that advocate societal interests and are often summarised as societal stakeholders (Ansell/Gash 2007, 555). These intermediary organisations or societal stakeholders are professionally engaged in the respective policy issue, and they certainly comprise ‘NGOs’, ‘advocacy groups’, ‘charities’, ‘civil society organisations’, ‘pressure groups’ and ‘interest associations’ of both special and collective interests, such as global human rights or national consumer rights organisations, special issue citizens’
initiatives, regional neighbourhood organisations, trade unions or business associations.\textsuperscript{14} When building a “microcosm of the potentially interested segment of society” (Jasanoff 2005, 220) in the form of an advisory arena, one could also consider including political parties, which can very well stand for societal streams and which can feed valuable expertise into the process. These intermediary organisations explicitly and professionally represent the interests of groups, are usually organised as membership organisations and are open to every interested or affected individual. They can be targeted and issue-specific, flexible and responsive to emerging problems; they can even respond to non-territorial constituencies and thus function across borders and be suitable for global problems that policy-making faces (Urbinati/Warren 2008, 403).

Such a selection approach presupposes democratic systems with developed civil societies, where about all societal interests are organised. While economic interests are usually much more resourceful, better organised and thus more powerful, even the weaker, non-economic interests such as those of patients or the unemployed have their advocates in most Western democracies. By inviting these organisations to policy advisory rounds, the status of these institutions is recognised and strengthened. To counterweight power imbalances in the world of organised interests, empowerment measures such as incentives and organisational help by public authorities should be provided (Young 2000). Such an empowerment approach has been pursued by the European Commission, who fostered the formal and informal participation of civil society organisations and directly funded them (Mahoney/Beckstrand 2011). It also underlies the principle of mandatory membership in professional chambers that in many European countries applies to certain professions (cf. e.g. lawyers, medical practitioners, journalists, craftsmen and even students) and in rarer cases also to employees of a certain constituency (cf. the chambers of labour in Austria and in some German constituent states). Compulsory membership in professional chambers strengthens bargaining power of these interests and, together with the fact that these organisations’ leadership is usually elected by theirs members, it establishes close accountability relations.

\textsuperscript{14} The line between these types of organisations and these types of interests is in fact difficult to draw and such classifications very often follow political or moral considerations, with ‘civil society organisations’, ‘NGOs’, ‘charities’ and ‘advocacy groups’ as well as collective interests indicating a more legitimate agenda, while ‘pressure groups’, ‘interest associations’ and special interests are eyed suspiciously; yet, from a pluralist democratic standpoint, the pursuit of all interests is legitimate.
Of course, even if weaker interests are actively strengthened by the state and thus get access to arenas of policy development, they can again get marginalised during the processes of deliberation due to their relatively lower bargaining assets or a lack of experience in comparison to highly professional and strategic representatives of economic interests. Surely, one can also question the representative status of intermediary organisations, since their leaderships are not always officially authorised by their members and they can then not be held accountable through formal, electoral channels. Yet, for one thing, many membership organisations are in fact democratically institutionalised, elect their leadership and are dependent on their members lending them their names and not exiting the organisation (Urbinati/Warren 2008, 404), which makes them surely much more authorised to exercise voice than the random citizen on whom so many democratic hopes rest (cf. also Fung 2003, 346; Parkinson 2006). Secondly, when judging the accountability of organisations that do not build on members\textsuperscript{15}, we should look beyond the formal direct channels of accountability: Such groups may not be authorised directly but “may be held to account indirectly through ‘horizontal’ policing by other groups, by boards, or by the media, often through comparisons between the group’s representative claims (e.g., in its mission statement) and its actions”, as well as through devices such as performance indicators, audits, and surveys (Urbinati/Warren 2008, 405).

The procedure of selecting participants for policy advisory bodies can of course be difficult: There are no general criteria that can be applied when hand-picking participants; it requires intimate knowledge of the policy field and judgment in every single case of policy development of what it means to mirror the respective problem, i.e. who is affected by the problem and who legitimately claims to represent which interests. While the general rationale should be to assemble the same number of representatives for every legitimate interest, establishing the status of affectedness is of course quite difficult (cf. Fung 2013, 247; Goodin 2007, 52, 68). Of course, the status of affectedness depends on the substance of the choice itself (Fung 2013, 247), which can change somewhat during deliberation (Goodin 2007, 52) and it has to be decided for every decision-making situation. That means that every advisory and consultative round

\textsuperscript{15} Cf. e.g. certain advocacy groups, in which social entrepreneurs campaign for the rights of weaker groups in society or ‘Greenpeace’ as one particularly prominent example of a pressure group that does not build on membership but on sponsoring and donations, financially, and on permanent staff, volunteers and supporters, organisationally.
needs to be assembled anew in accordance with the respective policy issue it deals with and that it should be open to minimal re-arrangements and additions in personnel during the process. This corresponds to a “dynamic understanding of the principle of affected interests, in which the definition of those who ought to be included in influencing any particular organization’s decisions changes over time as the consequences of that organization’s actions fall on different individuals” (Fung 2013, 250f.). Besides, the scope of affected interests can be rather large whilst collective choice mechanisms dictate a limited number of participants in decision rounds. Yet, this number can be kept in check if the round of those included is limited to those seriously and regularly affected by decisions and to delegates of societal interests.

These stakeholders of affected interests can be complemented by a handful of academic experts in the respective field who bring in a further source of (research-based) knowledge but do not stand for societal positions. These can additionally be supplemented by government- and state-related entities, such as representatives of public agencies who can provide valuable administrative expertise and the perspective of the state. While the additional inclusion of a handful of lay people or ‘ordinary citizens’ by random selection could further broaden the horizon of the deliberating group, I would argue against this and expect the chosen NGOs and advocacy groups to gather these perspectives among their clientele and feed them into the deliberation process. This is not because lay people would be incapable of processing technical information – an assumption that has been considerably challenged within recent research, as mentioned above. Aspects in disfavour of lay persons’ inclusion are rather the limited size of workable deliberative units, the lack of representativeness of such scattered private agents and, quite pragmatically, an expectable information asymmetry that would require costly education of those individuals on the subject matter.

Conclusion

This study has argued against an incompatibility between the specialisation that is essential for expertise on the one hand and the inclusive and equal rationale of the democratic principle on the other. It argued that the divide appears much larger than it actually is because of widespread romantisations of citizen participation and knowledge as well as of the expert as the bearer of truths and the citizen as advocate of the common good.
It showed that if you acknowledge that expertise comes from various sources, including citizens and societal representatives and that democratic participation does not mean direct inclusion of every citizen, the hard line between the expert and the citizen disintegrates and the tension between epistemic and political authority softens considerably. It becomes clear from this perspective that, if participants are wisely chosen, both the relevant expertise and the affected interests can in fact be represented within one relatively small collective – and they can even converge within one particular type of agent that takes centre stage in these processes: intermediary organisations such as NGOs, interest associations, advocacy groups and political parties.

The study suggested an institutional solution to the tension between epistemic and democratic standards that builds on the targeted, hand-picked selection of participants on the grounds of profound knowledge of the respective policy networks and fields of expertise: arenas of policy advice and consultation that assemble societal stakeholders and researchers and deliberate jointly on policy solutions in the phase of policy formulation. If these participants mirror the respective policy problem, are largely constituted as microcosms of society and develop consensual policy solutions, both epistemic and democratic demands can be met.

The partial perspective that each of these societal stakeholders will hold is not an argument against such an assembly, because the joint policy solutions are negotiated and deliberated under integrative, consensual decision modes in mixed groups. Of course, in order to avoid that weaker interests get marginalised during the decision-making process and that power imbalances are reconfirmed, a framework of fair and inclusive deliberation needs to be established that lends a fairly equal voice to all participants.

In the ‘age of expertise’, and apparently also of citizen participation, interest representation has largely been discredited. Yet, in the course of our enthusiasm for public participation and a common belief in an unrivalled complexity of modern policy problems and the authority of evidence-based solutions, we should not forget that there is no such thing as objective knowledge, that participation is burdened with a heavy class bias, that societal interests are a fact and that societal stakeholders fulfil important and irreplaceable functions in plural democracies. In fact, the principle of interest representation in political decision-making deserves rehabilitation for both epistemic and democratic reasons.
Literature


