Institutional constraints and practical problems in deliberative and participatory policy making

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[abstract is currently 175 words; please reduce to no more than 100 words]
Participation has become a mantra and common practice in governance. It is expected to contribute to the legitimacy, deliberative quality of design and easier implementation of policy. Yet, only preliminary efforts have been made to examine how innovative participatory and deliberative designs may be constrained in a political-institutional landscape characterised by representative democracy, or by the more plural but functionalist conceptions of a democracy-of-problems inherent in the governance perspective. Closer examination is warranted because there are concerns about an emerging gap between the rhetoric and the reality of participation. The aim of this article is to move beyond case studies and engage in a meta-analysis of possibly constraining impacts of governance context on the effectiveness of deliberative-participatory approaches. At the institutional level, it examines alternative forms of political participation and persistent barriers to participatory and deliberative approaches inherent in representative democracy and network governance. At the level of policy making, it highlights the practical perplexities that rise time and again in the input, throughput and output/outcome phases of running these participatory and deliberative policy projects.

Introduction

One of the major tenets of modern theories of governance in the democracies of the Atlantic world is to respond to society’s increasing complexity through institutional alignment between government, market system and civil society. Part of that response is greater and earlier involvement of stakeholders and/or citizens in the official policy-making processes as public spaces where citizens may deliberate, that is, directly reason and learn with each other and their administrators or politicians about issues of the common good (Roberts, 2004: 340; Landwehr, 2009: 118–19). Political theorists have argued that it is necessary to transform representative into deliberative and participatory democracy; or, at least, change existing democratic institutions into more participatory and deliberative directions (Pateman, 1970; Barber, 1984; Dryzek, 1990; Fishkin, 1991; Fischer and Forester, 1993; Bohman and Rehg, 1997; Elster, 1998). Indeed, helped by opportunities offered by governments themselves, professionals in policy analysis, technology assessment, healthcare, local administration and other domains have developed a considerable toolkit of concepts, methods and instruments for the actual running of participatory-cum-deliberative designs (Yankelovich, 1991; Renn et al, 1995; Mayer, 1997; Joss and Bellucci, 2002; Denters et al, 2003; Fung and Wright, 2003; Ackerman and Fishkin, 2004; Creighton, 2005; Gastil and Levine, 2005; Monnikhof, 2006). Yet, listening to citizens’ and administrators’ stories about deliberative-participatory policy making, there are
serious concerns about an emerging gap between the rhetoric of hoped-for or taken-for-granted benefits and their materialisation in reality. In academia, this becomes manifest in the increasing number of publications that review the empirical evidence, accumulating through more systematic and comparative research, on the assumed relations between inputs, processes and impacts of participatory-cum-deliberative designs (Beierle and Crayford, 2002; Delli Carpini et al, 2004; Roberts, 2004; Mayer et al, 2005; Burgess and Chilvers, 2006; Hansen, 2006; Landwehr, 2009). Also, there is increasing scientific attention to the appropriate methods for the evaluation of participatory-cum-deliberative processes (Chess, 2000; Rowe and Frewer, 2000, 2004a, 2004b; Halvorsen, 2001, 2003; Roberts, 2004: 332–5; OECD, 2005; Burton et al, 2006; National Research Council, 2008).

Both informed experiences and formal evaluations of participatory and deliberative policy-making processes show mixed results irrespective of policy domains, levels of government or stages of policy making (Renn et al, 1995; Coenen et al, 1998; Joss and Bellucci, 2002; Loeber, 2004; Roberts, 2004; Van Stokkom, 2005, 2006; Abelson and Gauvin, 2006; Monnikhof, 2006; Coenen, 2009). There is scattered and not very consistent evidence that they can lead to the beneficial individual and collective impacts expected, but are ‘rife with opportunities for going awry’ (Delli Carpini et al, 2004: 328). They appear to be beset with dilemmas, partly the result of adopting participatory-deliberative methods as a way of placating citizens who distrust experts, administrators and politicians working under the normal rules and constraints of representative democracy. As a result, changing present systems of governance to accommodate the discursive inputs of higher numbers of citizens no longer aims for all-out political-institutional reform. Rather, it aims to tag elements of deliberative and participatory democracy to the institutional repertoire of representative democracy: ‘The mass public is abandoned in favor of mini-publics, that is, designed settings that can achieve and maintain standards of critical dialogue or that can be modeled to do so’ (Chambers, 2009: 323, emphasis added). Hence, concluded Chambers, it is appropriate to say that the aspiration to transform representative into deliberative democracy has been toned down to the modest ambition to increase the political space for and influence on political decision making of mini-public or mini-people deliberative and participatory designs in policy making. One of the claims of theories of network governance is that it actually offers such spaces. Yet, one is well advised to wonder what exactly the drivers and the constraints for more democratic pluralism and deliberation in systems of network governance would be.

In their review of the participation literature to date, Abelson and Gauvin (2006: 31–4) correctly signal an important but under-researched topic, that is, the governance context in which participatory and deliberative approaches to policy making are embedded. This article focuses on two aspects of neglected governance context. The first is that citizens and administrators have some discretion to choose among different modes of democratic participation. There are other, more traditional modes of political engagement for citizens and non-governmental organisations than participatory approaches policy making. This leads to questions like, which alternative modes of participation and deliberation are available? Why would one opt for participatory-cum-deliberative approaches to policy making? The second aspect of governance context addressed here is that political leaders, authoritative policy makers and their organisations ought to be explored both as context and
impact variables in deliberative-participatory designs. Initiation, process and impact of deliberative and participatory designs are very context dependent (Delli Carpini et al, 2004: 336; Abelson and Gauvin, 2006: 18; Hendriks and Grin, 2007). The links to formal discursive and decision arenas (Parliament, Cabinet meetings, expert committees, inquiry commissions), public and not-so-public informal social arenas (popular and professional media, lobbies, activism, boycotts, strikes and other modes of public discontent and protest), the nature, scope and timeframe of the issue, the interests and prior beliefs of participants, the consultants or other people responsible for running the deliberative and participatory process, the timing and timeframe of the project itself – all these variables are affected by the institutional, political, policy network and organisational contexts of participatory designs. Their influence should be taken into account, not only because practitioners require such processes to be flexible and sensitive to context, but more fundamentally because these contexts may shape the constraints or drivers impacting on the effectiveness of the deliberative-participatory design itself.

The article, then, explores the possible constraints of governance context on the effectiveness of participatory-cum-deliberative approaches to policy making from three different angles. First, I will argue that in systems of representative democracy, deliberative and participatory designs in fact are hardly more than optional add-ons to representative democracy. Second, the lens is shifted to the transformation of government into governance, of unitary-representative to plural democracy under conditions of governance. More particularly, as an effort in meta-analysis and mid-range theory building, I explore the notion of governance as a democracy-of-problems; and try to indicate selective affinities between types of policy problems, their concomitant policy network structures, and fitting modes of political participation. These alternative modes and their pros and cons for citizens and administrators are important elements in the governance context of deliberative and participatory designs. Finally, I will address, at concrete project level, perplexities and dilemmas that crop up time and again in the set-up, running and uptake of results of deliberative and participatory policy analyses. All in all, this article hopes to add some theoretical reflection to the empirical evidence of widespread problems with making deliberative-participatory approaches to policy making effective.

The politics of participation under representative democracy

Citizens have become more critical, less loyal and less trusting of governing institutions and traditional representative bodies such as political parties and Parliaments. But criticism and distrust of others speaking on your behalf does not entail less civic engagement. More knowledgeable, better-educated citizens with more information sources at hand may well feel more inclined to make their voices heard. On the other side of the ‘abyss’ allegedly yawning between citizen and state, many politicians and administrators are willing to offer opportunities for participation. They feel that this may help bridge the gap, creates more legitimacy for policies or just offers a broader and richer information input. What politicians and officials have in common is a perspective on participation as complementary to, not a substitute for or alternative to, representative democracy.
This turns the concept of participation into an essentially contested and thus typically political concept. Not only citizens and interest or stakeholder groups have different conceptions of participation. Not infrequently even state bodies at the same or different levels of governance disagree about how much participation opportunities should be allowed by whom. To quite a few scholars, politicians and citizens, participation holds out the promise of more equal power sharing. For example, Sherry Arnstein’s (1969) much-reproduced ladder of participation distinguishes between non-participation (manipulation, therapy), tokenism (informing, consultation, placating) and citizen power (delegated power, citizen control). Some even believe that modern information and communication technology has finally overcome the barriers of numbers and complexity that forced Western societies to opt for restricted but feasible representative democracy about two centuries ago (Abramson et al, 1988; Sclove, 1995; Roberts, 2004: 337–38; but see Van de Donk et al, 1995; Edwards, 2006).

One does not necessarily become a sceptic to observe that most politicians, administrators and policy makers do rather frame political and public participation as one of political expediency and power maintenance and reproduction. In the US, Roberts (2004: 320–21) documents a shift from federally mandated ‘maximum feasible participation’ to ‘advisable citizen involvement’ at the discretion of local government. For those in positions of power, this turns participation in one possible venue for issue framing, agenda setting, policy formulation, implementation and evaluation. In some cases, they will opt for the camel nose tactics of smuggling in policy change while avoiding public exposure and debate. In other cases, they will choose to depoliticise an issue by delegation to the small and quasi-public circles of specialists and experts. In yet other cases, they may opt for all-out deliberative and participatory add-ons to the practices of normal representative democracy (Hoppe, 2008).

From above, then, public participation has a diffuse meaning, including elements like: a policy-making process that is transparent to citizens and offers them sufficient information; a degree of citizen involvement in decisions that normally are the exclusive domain of officials and elected representatives; a commitment to seek the views of stakeholders and other citizens affected by the decision at hand; or even some transfer of authority to citizen panels or advisory bodies (Bishop and Davis, 2002: 27). These elements mix and merge into a ‘menu’ of participation options, from which politicians and officials may choose; a choice, ‘shaped by the policy problem at hand, the techniques and resources available, and, ultimately, a political judgment about the importance of the issue and the need for public involvement’ (Bishop and Davis, 2002: 21, emphasis added; Thomas, 1990).

Partially based on extensive Organisation for Economic Co-operation and Development (OECD) studies of public participation practices in 10 countries, Bishop and Davis (2002: 21–6) identify a menu of five fundamentally different and discontinuous participation modes available under conditions of normal representative democracy:

• participation as consultation: the basic aim is to encourage comments on policy proposals; participants understand that their views may influence subsequent policy design, like in many citizen advisory boards, citizen panels or local boards (Williamson and Fung, 2004: 9–11);
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- participation as *partnership*: citizens, interest groups or organisations and professional or civic associations give policy recommendations through advisory boards, like in the many ‘tripartite’ advisory councils linked to state bodies; sometimes they are also involved in policy co-production, co-regulation and (community) co-management schemes without a final say;

- participation as *standing*: citizens and stakeholders may influence policies (*ex ante*) through hearings (Williamson and Fung, 2004: 8–9) and (*ex ante* and *ex post*) through administrative review procedures;

- participation as *consumer choice*: citizens get opportunities in service delivery to influence product specifications and preferred provider choices, like charter schools in some US states (Mintrom, 2003);

- participation as *control*: final decisions are handed over to citizens by means of a referendum, like in Switzerland (Kriesi and Trechsel, 2008), or through other forms of direct control like the New England town meetings (Williamson and Fung, 2004: 6–8).

**The politics of participation under conditions of governance**

**Governance entails a plural conception of democracy**

Against the yardstick of a unified political will embodied in voting and Parliament as sole sources of sovereignty and political authority, attempts to give more space to participatory and deliberative designs look awkward at best, and misguided at worst. Yet, from the perspective of governance, attempts to block or reverse the process of involving more members of society earlier in policy-making processes looks like turning around a river’s current. The core of politics and democracy is the non-violent, legible, controllable and reversible transformation of the manifold and inconsistent needs, problems, beliefs, emotions and volitions of individuals and groups in society into authoritative and legitimate expressions of collective will.

The shift from government to governance entails a shift in the way we conceive of democratic will formation. Rosanvallon (2006) has felicitously expressed this as a disenchantment with the myth of unified, generalised political will:

> A complex system of interests and wills substituted for the former ideal type of the political will, a model that presupposes a unified actor…. The regulations did not disappear, but they lost their comprehensive scope and, above all, their legibility. Society has not stopped ‘willing’, but it has come to express its wishes in muted tones…. Civil society indeed has a ‘politics’, but a discrete and silent one, the result of a multitude of deliberations in low voices and discreet choices that are never openly tallied. (Rosanvallon, 2006: 193–4)

Under conditions of governance, then, notions of representativeness also change. Instead of constructing *network governance* as merely undermining representative democracy (Papadopoulos, 2003), some consider it a cradle of new forms of democracy. If most affected parties to a public problem join the governance network, the scope for discursive contestation is widened. Intermediate levels of sub-elites are mobilised in vertically linking central steering through representative democracy
to forms of self-governing in communities and civil society associations, and in horizontally linking different communities (Sørensen and Torfing, 2005: 200).

The turn to governance is the intellectual and practical reflection of a trend towards problem-specific, pragmatic arrangements for social and political decision making. From this perspective, democracy appears not as unitary and electorally representative, but as plural. In plural democracy, representativeness may have plural origins and manifestations – one of which is its functionality in terms of an alignment between the types of problem habitually tackled in one of governance networks (or policy subsystems, policy sectors or issue domains) and that network’s democratic policy politics.

Hisschemöller (1993) has expressed and elaborated this idea of plural democracy in a meta-theory of ‘democracies of problems’. He starts from a simple definition of a policy problem as a deviation between an ‘is’ and an ‘ought’. The ‘is’ is represented in the stock of available and relevant knowledge, which can be used in understanding the problem; especially in moving away from the problematic situation, perhaps but not necessarily towards the desirable situation. There can be more or less certainty on this stock of knowledge. The ‘ought’ is represented in the set of norms, values, ideals and interests at stake in defining the problem. There can be more or less ambivalence or ambiguity of normative issues at stake. Crossing the certainty of knowledge and the ambivalence of values dimension, one gets a simple fourfold typology of problem structures (see Figure 1). The simple point is that participants in policy debates, especially proximate policy makers and authoritative decision makers, try to steer public debates in any of these four directions; and thereby create quite different political task fields for themselves and others. A structured problem’s debate on the technicalities and efficiency of fine-tuning means to context or among themselves will have a very different character than discussing unstructured, ‘wicked’ policy problems in open networks with a fluid participation of multiple players. Moderately structured problems with shared principles and goals lead to debate on the set of means, particularly about their effectiveness in view of foreseeable outcomes on agreed evaluation dimensions. But how to handle debate on unstructured or wicked problems where lack of knowledge makes it impossible to foresee which course of action will generate which outcomes; and where evaluation standards are so ambiguous and/or contested that it is impossible to reason in terms of a shared or general interest?

Hisschemöller’s (1993) claim essentially is that, depending on dominant players’ often implicit and even unconscious preferences, preference for type of problem structure triggers selective affinities with different standard political theories of democracy. This article’s claim is that this may be extended to preferred selection of different types of political participation by citizens and other policy players. Each of the four ‘democracies of problems’ has its own characteristic modes of political participation by citizens or stakeholders. Using Bishop and Davis’s (2002) types of participation introduced above, problem type–participation type matches in governance systems are summed up in Figure 2.
Dealing with structured problems (SP) normally takes place in closed networks of professional experts. Most of the time this is a matter of rule or autonomous professional-managerial decisions on solution alternatives. The rule approach to structured problems is compatible with a thin procedural interpretation of democracy as a mechanism for the peaceful circulation of elites under restricted popular influence (Hisschemöller, 1993; Hisschemöller and Hoppe, 1996; Pellizoni, 2001b: 213; detailed arguments in Hoppe, 20103). Ad-hoc or structured contacts with a few key stakeholders may influence such decisions. But such contacts may be expanded to include selected segments of the citizenry. In both cases, the management decides alone in a manner that does or does not take stakeholders’ or citizens’ views seriously into account. Respecting this rule regime, there are two major ways of giving citizens more opportunities for voice. One is by traditional legal means: giving citizens legal standing and access to review procedures, tribunals or
ombudsman-like arrangements. Legal standing is a weak influence when restricted to individuals; but when expanded to open and third-party standing, it is stronger. In the shadow of representative democracy, legal standing and (administrative) review procedures are not just a mode of citizen participation, but also a potential source of information about detailed policy implementation for other political actors, like elected politicians.

New Public Management (NPM) thinking also impinges on citizen and stakeholder participation in rule. On the one hand, maximising scope for management, less weight is given to judicial appeals and review procedures; the less formal rules, the better. On the other hand, NPM-thinking is positive about a louder citizen voice through more possibilities for consumer choice in service delivery. Instruments explored and used include surveys and focus groups; client councils ‘in the shadow of hierarchy’ (Schillemans, 2007: 271–2); but also economic instruments like purchaser/provider splits, managed competition between providers/suppliers, case management, and vouchers for users.

**Capture or partnership?**

Moderately structured problems with goal consensus (MSP-g) are most frequently dealt with in stable policy networks through problem-driven research and negotiation. The approach meshes well with standard accounts of liberal, pluralist theory, either in interest group or corporatist variations (Hisschemöller, 1993; Hisschemöller and Hoppe, 1996; Pellizoni, 2001b; Hoppe, 2010). No doubt this democratic form offers the most developed opportunities for stakeholder participation. The variety of formal consultation and partnership arrangements is almost infinite; and they are flanked by informal variants. In capitalist societies, business stakeholders enjoy special privileges here (Lindblom, 1977; Flyvbjerg, 1998), even to the extent that partnership relations degenerate into capture of regulatory and supervisory public agencies by the regulated and supervised interests. This danger looms especially large in corporatist co-regulation and co-management forms of partnership (Visser and Hemerijck, 1997).

Another drawback of highly developed corporatist consultative and partnership arrangements is that they exclude less organised interests, non-experts, communities and citizens. This is especially true at national levels of governance. But at subnational, regional, provincial and community levels, unorganised and organised ordinary citizens do have easier access to partnership arrangements like co-production and community-based co-management, where government and interest groups and/or citizens cooperate in implementing a policy – like many Neighbourhood Watch projects in public safety. Frequently in such programmes, joint fact-finding practices (Van Buuren and Edelenbos, 2004) make all participants jointly responsible for establishing a shared ‘database’ accessible to all – instead of leaving this task entirely to experts. Joint fact-finding is the core of a growing literature on Mode-2 or post-normal science methods for (externally) extended peer review or transdisciplinary research and development (Nowotny et al, 2001; Funtowicz and Ravetz, 1992; Van Asselt, 2000).
Principles or procedures?

Coping with moderately structured problems with politically divisive value dissent (MSP-m) through strategies of discourse coalition building in designed networks, aiming at pacification of open conflict through accommodationist, elite-cartel democracy (Hisschemöller, 1993; Hisschemöller and Hoppe, 1996; Pellizoni, 2001b; Hoppe, 2010), is an inherently somewhat elitist endeavour. Consultation practice will focus on participation by those who have a contribution to make to ‘peace-keeping’ policy ideas and a policy discourse of expressive overdetermination. This means that policy discourse ought to be sufficiently ‘rich’ in social and political meanings that people with diametrically opposed or incommensurable views see their own convictions and behaviour respectfully reflected in the policy language (Kahan et al, 2005). Usually this means recruitment of some immediate stakeholders, usually moderate, reasonable and realistic representatives of the conflicting parties. They are complemented by potential mediators, clarifiers or other specialists in norm generation. Sometimes hybrid commissions of Wise Persons, consisting of reputed politicians, prudent scientists, representatives of contending parties, problem specialists and legal specialists, prepare reports that may become the basis for parliamentary legislation. In other cases, permanent ethical commissions defuse and depoliticise issues, hoping to generate consensual norms, values and policy practices in the process.

Professional co-regulation and legal standing, usually in tandem, may be important elements in the participation repertoire for dealing with moderately structured problems (means). An important way of taming ‘wicked’ ethical issues is to find some professional paradigm that expressively overdetermines the conflicting principled positions of contenders on both sides of the issue. If such a paradigm can be found or constructed, it may be turned into the basis of formal legislation and policy, with delegation of day-to-day implementation and application of individual cases to the relevant professional community, which develops some kind of protocol for prudent and careful professional treatment. This is a mode of professional co-regulation. In order to guarantee transparency and public accountability, professional conduct is tied to particular legal sanctions, laid down in official legislation. From a problem-processing perspective, it should be stressed that the importance of the legal instrument and legal standing for citizens is not just the possibility for sanctions and curtailment of professional autonomy. A string of court reviews of concrete cases provides citizens and policy actors access to detailed information on implementation and application practice. In due time, this may lead to amended legislation, or adaptations in the protocols for proper professional conduct.

Political mobilisation or deliberation?

Intractable, ‘wicked’, or unstructured problems (UP) need learning processes to be approximated only through forms of participatory-deliberative democracy (Hisschemöller, 1993; Hisschemöller and Hoppe, 1996; Pellizoni, 2001b; Hoppe, 2010) and to be organised somehow in open, inclusive issue networks. Such learning processes, it has been argued, require maximising equality between citizens and pluralism of views for their success.
Pluralism is necessary because dealing with unstructured problems requires a ‘prismatic’ looking at an issue, from as many different positions or angles as is possible. Equality is required because only participation on an equal footing has a chance of maximising plurality and the mutual learning that is supposed to follow from being exposed to the views of other citizens. Deliberative-participatory designs supposedly work as a kind of hothouse for political judgement and mutual learning about problem decomposition and sorting. Some politically and socially entrenched problem definitions do become unsettled and thus appropriate for reconsideration. In a sense, experiments in participatory-cum-deliberative democracy may be viewed as the ‘gear box’ enabling, as William Connolly (1987: 141) puts it:

Modern politics (to) simultaneously operate to unsettle dimensions that have assumed a fixed character and to achieve a temporary settlement in areas where a common decision is needed but the resources of knowledge or administrative procedure are insufficient to resolve the issue.

As a matter of fact, a lot of institutional tinkering is currently going on in this field of injecting more deliberative quality and direct citizen participation into representative democracies. Any effort at generalisation, therefore, is actually premature and should be taken with considerable grains of salt. Nevertheless, it looks like four broad categories of participatory-cum-deliberative projects may be distinguished.

First, there are efforts to hand over formal control of an issue from Parliaments to the electorate. Examples are proposals for several types of referendums, for electronic voting or for participatory budgeting,4 or Dahl’s proposal for a ‘minipopulus’, or Van Stokkom’s idea of a ‘citizen chamber’. Normal referendums and electronic voting are clearly unsuitable for dealing with unstructured problems. But people’s initiatives and corrective referendums would give citizens a means of signalling gross mismatches between dominant governmental problem frames and alternative framings alive in large segments of the public. Kriesi and Trechsel (2008: 115) state that, in Switzerland, all political actors capable of making a credible referendum threat – including major interest groups and even organised social movements – have been integrated in the decision-making process by way of elaborate pre-parliamentary consultation procedures. Obviously, then, the mere possibility of a referendum forces political elites to pay more attention to all kinds of people’s representatives.

The same goes for proposals for a ‘minipopulus’ or a ‘citizen chamber’. Their basic idea is to create a ‘mini-people’ through random selection of, say, 1,000 citizens. After deliberative processes supported by electronic means, expert, administrative and stakeholder hearings, and perhaps commissioned research, such a body could decide on an agenda of issues, which co-determines the parliamentary agenda. Each issue could be discussed and deliberated by some segment of the ‘minipopulus’; the result would be a formal input to governmental decision making and the legislative process. This could take the shape of, for example, an obligation to publicly account for any substantial deviation from the citizen chamber’s proposal.

The ‘mini-people’ form of participation-cum-deliberation keeps alive the notion of representativeness through random selection of citizen participants. There are many forms of this second method, participation as partnership. They are commissioned by a public agency, and involve citizens in aspects of governmental policy formulation
through advisory boards, citizens’ advisory panels, public inquiries and so on. To be
mentioned here are citizen juries, planning cells, consensus conferences, electronic
town meetings and government-initiated public debates.

Much more practised is the third method: creating a ‘mini-public’ through stakeholder
participation and consultation, for example in the much-practised so-called ‘hybrid
forums’ or ‘platforms’ at national and regional government levels (Kern and Smith,
2008; Merkx, 2008). With no claim to representativeness, but based on their expertise
as ‘positional insight’ (Pellizoni, 2003: 200), political and policy actors have more
scope to tailor the composition of the mini-public to the needs of the issue for
deliberation. Most of the time, this entails possibilities for more structured processes
of deliberative policy analysis, like future or scenario or backcasting workshops,
strategic conferences, gaming exercises and decision conferencing (for an overview,
see Mayer, 1997: 81ff). The two features of this method – stakeholder participation
and consultation – probably make for the popularity among policy makers of this
third participation method of creating mini-publics of stakeholders. Of course,
there is a danger of over-designing stakeholder participation, thereby
undermining its function as mobilising plurality for learning about unstructured policy issues.

Perhaps, one could discern a fourth ‘method’ of participation for public learning in
dealing with unstructured problems. The word ‘method’ is bracketed because in this
form of participation, government commissioning and issue delineation are more or less absent. With regard to developments in the US, Fung and Williamson (2004: 11–12) speak of ‘collaborative forums’ as open citizen forums that create opportunities
for gathering and discussing issues through presentation of information and ‘working through’ processes to arrive at responsible political judgements (Yankelovich, 1991). They are typically promoted by civic associations and organisations dedicated to
improving the quality of citizen deliberation and public debate on important policy
issues, like the National Issue Forums initiated by the Kettering Foundation.

Different from such grassroots initiatives is the development of ‘knowledge centres’
(Halffman and Hoppe, 2005: 144). These originate in bottom-up initiatives by policy
experts and practitioners. They claim to make knowledge more available for policy
use, either by simply accumulating knowledge, or by performing a role as knowledge
debrockers. Knowledge centres see themselves as facilitators of a collective and public
learning process, targeted at non-governmental or governmental practitioners and
citizens in general, rather than central government policy makers in particular.
Their organisational form ranges from merely a portal website, run by a handful of
people, to the research facilities of university research centres. Always, they operate
chatrooms and offer other means for communication and deliberation between
users. This means that knowledge centres, although sometimes originally formed
around traditional disciplines or policy domains, can operate across well-delineated
problem areas, research fields or professional jurisdictions. It is such cross-cutting
potential between disciplines, between policy domains and between government and
civic society that makes for possible ‘new combinations’ (Van der Heijden, 2005).

Both collaborative, hybrid forums or platforms and knowledge centres are potential
‘hothouses’ for innovative policy ideas on dealing with unstructured problems. But
this is easier said than done. Designing and running experiments in deliberative-
cum-participatory policy making for unstructured problems remains haunted by its
character as an alien element in a representative democracy. Frequently, when political
mobilisation for agenda-status and decision making is in full swing, deliberation and learning have to be ‘smuggled into’ agonistic policy arenas. Sometimes, special forward-looking institutes on particularly complex or technical issue areas, like the Rathenau Institute in the Netherlands and the former Office of Technology Assessment in the US, attempt to initiate and ignite parliamentary and/or public debates on issues that in the (near) future will become politically salient but are as yet unknown or irrelevant to vested political interests.

**Practical perplexities and dilemmas in running deliberative and participatory policy projects**

So far I have analysed concerns about a mismatch between promises and results of deliberative-participatory approaches to public policy making by looking at the institutional level. Representative democracy and network governance each present different institutional drivers and constraints for the mobilisation of citizen inputs. In this section, I lower the level of analysis to that of the experiences of those actually running deliberative-participatory policy projects. I will primarily show how the institutional context reproduces time and again typical sets of problems or even dilemmas for practitioners. I focus on typical problems surfacing in stakeholder-oriented mini-public deliberative-participatory designs because of their popularity and stronger embedding in the institutional environment (as explained above). This will bring the problems into sharper relief.

In bringing some order to the discussion of typical problems, I will use Loeber’s model of a mini-public deliberative project. The model grasps the dynamics of such projects in depicting it as deliberative interactions among a variety of stakeholders and policy analysts trying to come to joint political judgement, distributed over time and in space. This allows ordering the discussion in simple terms of input (t₀-t₁), throughput (t₁-t₂), output (t₂) and outcome (t₂-tₓ). Input is the preparation stage of the project, before the actual deliberative process commences (t₁) and the frequently not so easily determinable moment when preparations seriously start (t₀). During the input stage, the project’s aspirations, its problem framing(s) and the envisaged outputs are formulated. The end or output of the project (t₂) supposedly coincides with the formulation of some end conclusion or advisory report, and its immediate ‘selling’ activities to key addressees. The impact or outcome of the project may be a multidimensional process continuing for quite some time, so that a clear end point usually cannot be given (tₓ). See Figure 3.

**Input problems**

In the input phase of a stakeholder variant of mini-public deliberative projects (M-PDPs) the same questions have to be answered as for any exercise in policy analysis, design and evaluation: who is to deliberate for whom, on what, why, when and how? (Fung, 2003); or, alternatively, whom to serve (Lindblom and Woodhouse, 1993)? As will be shown, these questions cohere and give rise to difficult choices when it comes to maximising plurality and ensuring some power equality in view of learning.
Institutional constraints of representative democracy usually mean that government itself, government agencies or Parliaments commission M-PDPs. The Dutch Cabinet decided that, as part of its deliberations on whether or not to allow further expansion of Schiphol Airport and the Rotterdam Harbour, M-PDPs had to be conducted. The Dutch Parliament decided that its own deliberations about GM-food policy ought to be simultaneously flanked by a large-scale societal debate on the same issue. The examples given already show why such M-PDPs are organised: vested political bodies try to escape normal policy-making and decision-making routines and try to generate greater legitimacy for their own views; or they create a temporary niche for ‘fresh’ deliberation. This implies that the ‘when’ question is answered by looking at politically opportune moments or placement in the policy cycle, from the vantage point of regular players. This lends most of these exercises an ad-hoc, non-recurrent and non-formal character. The implications for the roles of both politicians and analysts/organisers in M-PDPs are profound. Politicians may have an interest in commissioning a deliberative experiment, but not in participating in them. Rather, they have an interest in just waiting for the results, and only then deciding on whether or not to use them. At best, they pledge to take the outputs of an M-PDP seriously; but almost never to follow them completely or even partially. And, in the interests of frank and open deliberation, they even find a rationale not to participate themselves. Partly, there is merit in this argument. If the claims, concerns and issues of politicians come to dominate the deliberative process, freshness and openness may suffer. Also, there are good reasons for scepticism about politicians’ potential strategic and creative contributions to the debate (Bang, 2004: 172–3; Sorensen and Tørving, 2005: 215).

As for the policy analysts/organisers of M-PDPs, their relation to the client is like professional civil servants or hired consultants. Of course, this is perceived by the other participants and influences their attitudes and conduct. In addition, most of the responsibility in answering the other design questions falls to them. These questions are about the delineation of the subject and scope of the deliberative process (what?), about participant recruitment and selection (who?, also why?), about prior alignment between commissioner, analyst (team) and participants, about methodical aspects and about closure of the deliberative process, including the analysts’ role(s) itself (how?). Moreover, these questions are interrelated in many ways.
Substantive and participation closure in M-PDPs are interrelated. For instance, issue and scope determination is heavily influenced by selection between two perspectives. One is substantive closure through loyalty to the commissioner's claims, concerns and issues. The other is to let closure be arrived at through participant recruitment and selection, which requires responsive focusing (Loeber, 2004: 289) by taking seriously the claims, concerns and issues of the (prospective) participants themselves. Inviting certain stakeholders means inclusion or exclusion, highlighting or de-emphasising certain aspects of the issue. Delimiting the scope of the issue, especially with regard to a time horizon or an institutionalised policy domain, includes or excludes certain participants. This chicken-and-egg problem between issue delimitation and participant recruitment affects the entire deliberation process and its closure. In truly responsive focusing, participants influence the borders drawn around an issue. But should new stakeholders be invited when the issue broadens, and some previously invited ones leave the project if the issue becomes more narrowly circumscribed? Will commissioners still be interested in financing M-PDPs if they effectively have to fully respect the unstructured nature of issues by giving to participants every right to redefine and restructure the issue?

How are the 'stakeholders' constructed by an M-PDP's initiators; what are the 'stakes' and who are the 'holders', especially if the issue for deliberation is wicked indeed? How to avoid the participation paradox, that is, that those most likely to have contributions to make are those who will make themselves heard anyway in the normal venues of policy making? How to deal with short-term 'stakes' but issues that are long-range? How to find 'holders' if the 'stakes' are future generations, or nature? Should there be 'hot' deliberation between opinionated, maybe prejudiced participants with high stakes; or should one go for 'cold' deliberation between open-minded participants with lower stakes (Fung, 2003: 345)? Here the 'who?' spills over into the 'how best to deliberate?' question.

Meanwhile, deliberative policy analysts have developed a rather well-stocked toolkit of methods. But key questions about the political biases of these methods, their propensities in eliciting or suppressing true pluralism of views (but see Hisschemöller, 2005; Hisschemöller et al, 2009), their catalytic functions for mutual learning (but see Fishkin, 1991; Cuppen, 2010) and their impact on the quality of debate between participants, have hardly drawn sufficient attention (but see Steiner et al, 2004). Given that M-PDPs cost time, money and personnel, the answers to the 'how' question hide implicit and unacknowledged influence by commissioners, who usually constrain all of the above. For example, although detailed studies show that 'ordinary' policy preparation processes for complex issues by civil servants from several departments take between two and four years (Hoppe et al, 1995), the time given for the completion of M-PDPs hardly ever surpasses six months to one year. In practice, this means that analysts/organisers have to pay more attention to project than process management. This bears heavily on the issue of closure in deliberations. Novel ideas simply require time to emerge, participants need time to learn to understand each others' perspectives and ideas, and then to jointly elaborate new ideas into some mature state of 'joint construction' worthy of serious political consideration. Given unrealistic time constraints, policy analysts/organisers have to use crude methods for bringing debates to closure; or, alternatively, to avoid the issue of closure altogether and yet, somehow, write up some allegedly 'shared' conclusions.
If stakeholders subsequently refrain from (publicly) endorsing them, politicians can hardly be expected to pay serious attention to them.

Another way in which the ‘who’ and ‘how’ questions interfere is in determining an M-PDP’s purpose. If only creativity and novelty of ideas matter, one would rather focus on original ‘positional insight’, and avoid participants with some relationship to the ‘usual suspects’ in the relevant policy network. But if it is at all possible to recruit truly visionary and creative participants from outside the well-known pools of expertise, ‘outsider’ participation will reduce the probability of uptake of the output in normal policy making. The other way round, maximising chances for uptake by the recruitment of participants with a clear reputation and stature, with a ‘constituency’ of vested stakeholders, may impair the quality and creativity of debate (Loeber, 2004: 226–7).

**Throughput problems**

In the actual process of deliberation, the many ‘how’ questions loom large. There may be a well-stocked toolkit of methods for deliberative and frame-reflective, participatory policy analysts. But by no means does this imply a well-developed, articulated consensus on the methodology for conducting M-PDPs. At best, one may speak of practitioners who discuss their experiences with peers in an evolving community of practice (see Abelson and Gauvin, 2006). In spite of this methodological indeterminacy, there are general ambitions and guidelines for sparking off responsible political judgement and learning in M-PDPs. Inspired by Loeber (2004), I perceive three broad methodological maxims that ‘anchor’ the deliberative process:

- M-PDPs allow both ‘spectator’ and ‘actor’ perspectives on unstructured problems: deliberative analysis should adopt a hermeneutic approach to data collection, which allows for a qualitative mode of exchanging information, but does not rule out use of empirical-analytic, quantitative methods.

- M-PDPs foster not just a meeting of horizons, but make a serious effort at a fusion of horizons: ‘particularities’ and viewpoints of participants are sufficiently acknowledged in the deliberation to have a real bearing on the resulting problem definition.

- M-PDPs are about learning-about-action: the deliberative analysis should be organised in such a way that it may induce learning on the part of the participants as a result of an exchange of information on the problem situation, on divergent problem definitions and on the particularities of the contexts in which others operate, so as to enable participants to reflect on their own interpretive frames, and on the conditions in the real world under which they can act in line with the new insights.

These guidelines pose challenges to three interrelated problem clusters: fostering conditions for real learning, maintaining some sort of power balance between participants with sometimes very unequal resources in the real world, and the role(s) of the analyst/organiser.
The spectator/actor split requires accommodation of quantitative and qualitative research and findings. As many stakeholders are used to, and scientific experts are trained, in quantitative research methods, dealing with qualitative approaches is considered problematic – even though qualitative approaches are intrinsically more suitable for deliberative exercises. In addition, scientists operate in disciplinary ‘tribes’ of peers. In M-PDPs on unstructured problems they find themselves exposed to multidisciplinary contexts and highly unusual forms of peer review, extending even to non-scientists. For a lot of scientists it is very hard to unlearn to think and act through disciplinary paradigms, and become truly open to interdisciplinary collaboration and extended peer review. Analysts/organisers should be careful to invite scientists with the requisite attitude and skills.

More often than not, scientists have a role to play as experts or expert-advisors. To the extent that knowledge is power, their role vis-à-vis non-scientific participants is ambivalent. On the one hand, it is argued that scientific information is unequally distributed; hence, for the sake of a more equal power balance, information deficits should be repaired through lectures, consultations and other means of providing scientific information. On the other hand, this invokes the deficit model in the public understanding of science, which invites scientists to be teachers and all others to be students. Since deliberation, not education, is the purpose, the teacher–student roles may insert the very power imbalances they were intended to remedy.

Regarding the effort to go beyond a mere exchange of perspectives and effectuate some kind of fusion of horizons as closure in deliberation, analysts and participants suffer from ignorance and gaps in knowledge to prudently deal with incompatible, even incommensurate views (Pellizoni, 2003). So far, insights into the impact of emotional dynamics, social distribution of rhetorical power, eloquence and charisma on the power balance between participants and the quality of debate and deliberation is limited (Van Stokkom, 2005, 2006). Usually, it is doable to check for increases in instrumental or first-order learning among participants. But it is much harder to show second-order learning, that is, a certain method’s effectiveness in inducing serious reflection among participants on their own interpretive frames; let alone increased skills in coming to shared insights in constructive political judgements, or learning to learn (third-order learning) itself. Consequently, it proves very difficult to establish the quality level of a debate, and therefore the value-added of deliberation in M-PDPs compared to, say, debates among experienced politicians in parliamentary subcommittees (Pellizoni, 2001a; Steiner et al, 2004).

All this impinges on the so-called expertise and role of the deliberative analyst or organiser of M-PDPs. It was already pointed out above that the usual institutional setting forces the analyst/organiser into the role of public servant or hired consultant. Hence, the other participants ascribe to them an inherent interest in consensus creation and producing knowledge usable for their commissioner or principal. Even if the analyst/organiser were prepared to take some action in guarding the power balance among participants, this role ascription will impair such efforts. But apart from that, even if both commissioner and analyst are committed to real change in standing policies and political judgements and framings, what is the role of the analyst vis-à-vis the other participants? Facilitator, process manager, project manager, director of the show, counsellor to all parties, interpreter between all parties, change...
agent for the commissioner or servant for empowerment of the weaker parties (Reuzel et al, 2007)?

Output and outcome problems

Path dependence theory suggests that the weight of the past may block serious policy change. Policy choices in M-PDPs may be so tied in chains of past choices that they are not easily unlocked. On top of that, the point with stakeholder projects is that their output and outcome problems are quite comparable to those of non-routine, non-incremental administrative policy making: finding a niche somewhere to think creatively, and engage in really serious deliberation; and, returning with some fresh and productive ideas, how to insert them into normal political power games and ongoing public opinion forming and social learning processes. After the deliberate suspension of power differentials, and lifting the constraints on deliberation and debate deriving from ‘normal’ political strategising, all institutional constraints return in full force to test the robustness of an M-PDP’s results.

Uptake of outputs depends, first of all, on dissemination strategies for the direct output. In many cases, a carefully elaborated trajectory for ‘follow-up care’ is considered an integral part of an M-PDP. Potentially, there are many different addressees and each one requires a different dissemination strategy. Igniting a large-scale public debate is very different from briefing a department’s policy-making officials. In the former case, highly visible public figures may be recruited to present the major messages to influential media in popularised ways. In the latter case, picking a reputable analyst to give oral presentations and run a workshop is more effective. Which dissemination strategies are most effective for which audiences or for influencing important policy-making and political decision-making processes, is an empirical matter. Another issue for more empirical research is the potential feed-forward between choice of methods during the deliberation process (the throughput phase) and the dissemination strategy (output phase). There are cases where the commissioning party is willing to compromise the M-PDP’s integrity as a deliberative-interpretive project in the wrapping up of its conclusions and activities, in order to facilitate its dissemination and boost its persuasive power to relevant non-participating audiences and interests (Loeber, 2004: 277–8, 292).

More generally, dissemination is a balancing act between, on the one hand, safeguarding the integrity of the deliberative project in outputs that convey, if only vicariously, the experience of intense deliberation and the efforts spent in getting to meaningful, valid closure; and, on the other hand, giving in to the pressure of the media, politicians and interest groups for sound-bite-like summaries of the major message. Part of the dissemination effort is for the sake of accountability of the commissioner and organiser to the public (Fung, 2003: 346). In addition, the commissioner and organiser will desire to prevent others from selectively shopping or cherry-picking from the proposals resulting from an M-PDP’s total output.

However, much like how authors cannot prevent readers from producing their own interpretation of a text, so the disseminators of an M-PDP’s outputs cannot control the longer-term outcomes. Hopefully, there is the ripple effect of throwing a pebble in the pond, but this is uncertain. Goodin and Dryzek (2006: 225–37) list several potentially beneficial effects of M-PDPs: Their outputs may in the near or
longer future be taken up in normal policy-making and political decision-making processes. Media coverage of M-PDPs’ outputs, if sufficiently extensive, may inform larger publics and help in sparking off public debates. M-PDPs may function somewhat like focus groups in marketing strategies; they ‘market test’ particular policy ideas for feasibility and acceptability for key stakeholders. Because participant recruitment for M-PDPs is considered a rather open procedure, they resist the co-optive politics of bringing in (alleged) opponents of proposed policies in standard consultation processes. M-PDPs can function as legitimatory devices for policies in whose production they are a part.

Unfortunately, Goodin and Dryzek (2006) do not pay attention to less favourable effects, especially in relation to their embedding in representative democracy. Following Edelman (1988), one may as well consider the market testing and legitimation effect of M-PDPs as a mere symbolic ornament to the representative and neocorporatist modes of governance. The appearance of open participation in deliberative processes lends additional legitimacy to policies already considered, proposed and (almost) decided upon by the elites. The ad-hoc character of many M-PDPs may even lead one to hypothesise that they channel away urgent political issues from genuine public debate in agonistic political settings of political mobilisation and agenda building. M-PDPs might be just one more instrument for depoliticisation and agenda control.

Many civic associations and non-governmental organisations are deeply involved in developing alternative problem framings and alternatives to dominant opinions about solutions. Yet, they frequently refuse to participate in M-PDPs on issues of their intense concern because they do not trust the intentions of the authorities. In the Dutch GM-food public debate, environmental groups and other associations walked out of the organised public debate because they felt cheated about their possibilities for influencing the agenda and focus of the debate (Hage, 2002). More generally, they consider M-PDPs as public relations machines for manipulating public opinion. They see themselves as the legitimate problem owners; and much better representatives of a critical public opinion and larger public than those invited by authorities to participate. In systems of representative democracy, authorities that initiate deliberative experiments on an ad-hoc basis, but fail to institutionalise relations between deliberative procedures, representative bodies and their normal processes of decision making, do indeed deserve suspicion. By keeping open the option for themselves to not even respond to the outputs and recommendations, they give the impression of not taking seriously procedures they have themselves set in motion (Joly and Marris, 2003).

Conclusion

This article discussed the perplexities of mini-public deliberative and participatory designs in policy making at the institutional and project levels. In spite of its modest aims – not all-out deliberative or participatory democracy, but creating more spaces for deliberative practices in existing institutions and decision channels – I have interpreted concerns about the gap between promises and results of the growing number of deliberative-participatory approaches to policy making as understandable ambiguity and inevitable resistance among political powers with a vested interest in
the established political order of representative democracy and emergent network governance. If adopted by these dominant political players themselves, deliberative and participatory designs are hardly more than optional add-ons to the normal venues and channels of decision making. Looked at through a governance lens, deliberative and participatory designs appear as useful functional complements to merely procedural representative democracy; and as one among several distinct types of political participation and deliberation in plural democracy interpreted as ‘democracies of problems’.

Yet, even then there remains what Goodin and Dryzek (2006) have aptly called the problem of the ‘macro-political uptake of minipublics’. Papadopoulos and Wiran (2007: 460) strike at the heart of the problem when they state that deliberative-participatory approaches to policy making obey a legitimatory logic that differs from the broader political-institutional landscapes in which they are practised:

A crucial problem is that of the uneasy coupling of decisional arenas that operate under different principles of legitimation: deliberation and negotiation between (sometimes collective) stakeholders in participatory procedures versus competition for authorization in the representative circuit.

Of course, innovative practices may slowly erode existing institutions and, through layering or grafting new modes of governance upon older ones, gradually usher in new institutional conditions. Unfortunately, these are long-term, uncertain and unpredictable processes. One uncertainty in nudging present systems of representative democracy and network governance towards structurally accommodating the inputs of larger numbers of citizens is the inevitable tension between deliberation or collective ‘puzzling’ as a harmonious and peaceful mode of political interaction, and the exercise of power, ‘powering’, as a competitive and potentially violent mode of political interaction. A politics of deliberation will always meet its limits in a politics of ideological vision and/or power (Dauenhauer, 1986). Thus, an important but not-realised warning of this article is not to lose sight of the ironies of real power politics, and thereby safeguard realism and reflexivity in our strivings for more participatory and deliberative democracy (Roberts, 2004: 342–3; Hoppe, 2010: chapter 10).

Notes

1 This article is drawn from parts of my recently published book *The governance of problems: Puzzling, powering, participation* (Bristol: The Policy Press).

2 This article limits discussion of participation to practices in Western democracies in the (post-)industrialised Atlantic world – roughly, Canada, Europe and the US. Concerns about participatory and deliberative forms of doing policy analysis and research and development in Southern, non-industrialised countries have actually been voiced in Cooke and Kothari (2001) and Neef (2003).

3 For reasons of space I am forced to just posit the relation between network theory and theories of democracy; the full argument is to be found in Hoppe (2010: chapters five, six and eight).
A short description is given in Fung (2003: 360–2).

Reasons of space forbid going into typical more or less successful ways in which practitioners cope with them. Hints can be found in the handbooks listed in the references.

Loeber’s descriptive model has been successfully applied in detailed comparative descriptions, analyses and evaluations of three cases: the Phosphate Forum on clean laundry and clean water, the Novel Protein Foods project on sustainable technology development and the Gideon project on developing proposals on sustainable crop production for the Dutch Parliament.

I have left out positive effects to be expected only from other than stakeholder-directed forms of deliberative projects, like popular oversight, confidence building, and political mobilisation due to participation.

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References


Institutional constraints and practical problems...


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