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Democracy and Environmental Decision-Making

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ABSTRACT: It has been argued that environmental decision-making can be improved be introducing citizen panels. The authors argue that citizen panels and other models of citizen participation should only be used as a consulting forum in exceptional cases at the local level, not as a real decision-making procedure. But many problems in the field of environmental policy need nonlocal, at least regional or national, regulation due to the fact that they are of national importance. The authors argue that there are good reasons not to institutionalise national citizen panels. They advocate the view that more reasonable and more competent solutions can be found by introducing forms of direct democracy.

KEYWORDS: Participation, citizen panels, consensus conferences, democracy

Conventional environmental decision-making procedures seem to be problematic: a) They do not adequately take into account the concerns and preferences of the citizens; b) they are often not satisfactory from an environmental point of view. It has been argued by the American and the German sociologists Thomas Webler and Ortwin Renn that environmental decision-making can be improved by introducing what they call citizen panels. In this paper we will deal with this proposal. First, we will depict what citizen panels actually are. Second, we will argue that citizen panels should only be used as a consulting forum in exceptional cases at the local level, not as a real decision-making procedure. Third, we will advocate the view that there are good reasons to introduce forms of direct democracy with regard to environmental issues.

1. CITIZEN PANELS

1.1. *The general idea*

In Lancaster, a small town in Massachussets, the State Department of Environmental Protection held a public hearing concerning the siting of a waste incinerator.[1] Expert scientists and public officials explained to the public why the plant was necessary and they also informed the residents about the risks posed

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by the incinerator. It was the aim of the meeting to get the approval of the residents. But the residents' reaction turned out to be a disappointment for the experts and the public officials. The waste incinerator was fiercely rejected. The residents argued that the plant posed unacceptable risks. An angry couple shouted: 'You're killing our children'. The meeting had consequences: the citizens of Lancaster started a battle against the plant, a battle they finally won. The plant was not built in their town; instead, a community nearby, which was less critical of the risks involved, accepted the waste incinerator. The Lancaster residents achieved a measure of success: the plant they did not want was not built. But on the other hand they also failed: they did not get the integrated waste management they opted for. They had to buy themselves into another already existing incinerator somewhere else. The solution they reached was not an optimal one, as judged by the aims the citizens of Lancaster were pursuing. The solution was also not an optimal one from an environmental point of view. The options supported by the residents of Lancaster, of recycling and reducing waste, were left unexplored.

The Lancaster case is not a unique one. Opposition to projects which pose risks to people and their environment can be found all over the western world. Thus it seems to be a crucial question for environmental policy making whether more reasonable solutions can be found in situations such as the one described above.

According to Ortwin Renn and Thomas Webler there is indeed a way to reach a more reasonable or as they sometimes say a more competent solution. They think that this can be done by involving the citizens in the decision-making process. Now of course, in the Lancaster case the citizens did participate in the decision process. They were informed about the plant and they also had their say. But on the Renn/Webler view another form of participation is needed to make more competent decisions. The citizens should get involved in the decision making process at an earlier stage. They should be able to bring in their views into the collective decision making process before a certain proposal has already been developed by experts and public officials. Renn and Webler think that such an involvement of the citizens serves not only the goal of a competent solution but also the goal of fairness. The 'criterion of fairness seeks to ensure that all citizens have an opportunity to become involved in their own governing ...'[2] The idea of fairness requires that all individuals have the possibility to articulate in public their concerns and preferences with respect to the different possible options.

Renn and Webler developed a model of a decision making process that meets the criterion of competence as well as the criterion of fairness. They call it the 'three-stage model of participation' which consists of the following three parts: value-tree analysis, experts' judgements and citizen panels. Before we go into the details of this participation model, it should be emphasised that the aim of the proposed model is not just to find a way to resolve social conflicts but also a way

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to find a decision making process that is morally satisactory. It should make sure that solutions are on the one hand fair and on the other better suited to meeting environmental requirements than other decision procedures do.

1.2. *The three step model of participation*

But what is exactly meant by a three step model of participation? The first step is the identification of the values and concerns of those who are affected by the decision. This should be done by asking members of socially organised groups what their values and concerns are. This step is actually divided into six substeps:[3]

i)   personal interview between the analyst and representatives of the respective stakeholder group;

ii) structuring the values and criteria into an order by the analyst;

iii) feedback of the value-tree to the representatives for comments and modification;

iv) iteration of the process until the interviewed are satisfied with the result;

v)   combination of the different value-trees into a single value-tree; and

vi) validation of this single tree by all participating persons.

The second step is the collection of expert judgements. Experts are asked by the analysts to determine how each option performs with regard to the different value dimensions. How does a certain option affect justice and welfare, or the freedom to act, or health, or the ecological balance and so on, just to mention some of the values people consider to be important? Following Renn and Webler, these questions should be assessed not only by one but by different expert groups of three or four people. The different experts come up with their judgements which are then discussed in a plenary meeting. The more the assessment of a group deviates from the median assessment the more the particular group has to explain and justify its judgements. This whole procedure leads either to an agreement or to the formation of dissenting views on how the different options perform with regard to the values revealed in the first step. The judgements are finally presented – and this is the third step – to what Renn and Webler call a citizen panel. The citizen panel has to aggregate and weigh the different option profiles.

What are citizen panels? They consist of randomly selected citizens.[4] The members of these citizens panels are informed about the different options and also about the expert judgements concerning the value performance of the options. They might add other values and concerns. Their task is to evaluate these options through discussions in small groups. Here is a typical sequence of a citizen panel:[5]

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i)   introduction to the issue through lecture and field tour;

ii)   background knowledge through lectures;

iii) introduction of conflicting interpretations of information;

iv)   introduction of different options;

v)   problem-structuring with regard to each option through group and plenary discussions;

vi)   introduction of the value-tree;

vii) evaluation of the options through discussions within the groups;

viii) drafting of rough recommendations;

ix)   feedback of the citizens' report to the participants;

x)   public presentation of the citizens' report to the media.

Citizen panels do not make real decisions, they just advise the public officials and the populace, and – where forms of direct democracy obtain, as in Switzerland – the voters, who can finally decide the public policy issues.

It is very important that the participants be randomly selected and not be representatives of socially organised interest groups. As Renn and Webler argue, the citizen panels should represent the common populace and not well organised interest groups. In this respect citizen panels differ from mediation procedures which have been carried out in different places in the United States and in Germany. Mediation is a procedure in which representatives of the relevant interest groups try to negotiate an agreement, or try to work out an acceptable compromise. The representatives of such groups articulate the fixed interests which they do not question. As representatives of group interests they are not allowed to question or to reformulate the interests they are obliged to articulate. Renn and Webler believe that the participants of citizen panels have more room to discuss and to change the concerns and interests they had before they joined the panel. So what might go on in citizen panels is the laundering of the participants' interests, something that does not seem to be possible in a conventional participation process. According to Renn and Webler citizen panel should be seen as a model of a rational discourse.

1.3. *An example*

The three stage model of participation does not just exist on paper. The model has been tested by Renn and Webler in the United States and also in Switzerland.[6] Let us focus on the experiences they made in Switzerland. Renn carried out one test in the Canton Aargau where a location for a waste disposal site had to be found. Citizens of twelve communities which offered potentially suitable

locations for the waste disposal site were asked to take part in a citizen panel. One community refused to participate. Citizens of the other communities met regularly over a period of six months. They were divided into four committees. At the beginning the participants were actually very sceptical about the whole procedure. They considered the citizen panels as a purely psychological trick to calm down the populace. Moreover, 80% of the participants thought that their own community was not a suitable location for a waste disposal site. But after six months most of the participants had changed their minds. The four committees agreed that the small township of Schinznach was the best location for the waste disposal site. Here are the final recommendations of the four committees:

Committee 1	*Committee 2*	*Committee 3*	*Committee 4*
Schinznach	Schinznach	Schinznach	Schinznach
Dietwil	Abtwil	Dietwil	Uezwil
Auw	Fislisbach	Auw	Abtwil
Abtwil	Auw		Hagglingen

This result confirms the view that citizen panels are places where the change of preferences takes places. Laymen are obviously more willing to reconsider their preferences and views than representatives of interest groups. The recommendations of the four committees went afterwards to a supercommittee which consisted of representatives of the four committees. Here the whole procedure experienced a setback: the agreement which had been reached within the committees was broken off. Particularly the representatives of those communities which got on the top of the lists seemed to have second thoughts. They now defended the interests of their communities opting against the solution they agreed upon within the committees. But the recommendations of the committees were in a way so clear that the supercommittee finally agreed on the same solution, which is to say that they put Schinznach on the top of the list. This result is a sufficient reason to be optimistic about the abilities citizen panels have to reach reasonable and competent solutions concerning environmental as well as other public policy issues.

1.4. *The Assessment*

Let us now turn to an assessment of the citizen panels. Are they really a suitable tool for environmental decision-making? We think that there are two reasons which support this conclusion:

a) The three stage participation model does indeed better satisfy the fairness requirement than other decision procedures do, including conventional forms of participation. The citizens are able to bring in their concerns and preferences. That is to say, their concerns and preferences have an impact on

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the selection and evaluation of different options. There is also some evidence that citizens themselves consider decisions by citizen panels as fairer than decisions by conventional participation processes as well as by a cost-benefit analysis (citizens of a small town in Switzerland had been asked what kind of decision procedure they considered to be fair. Only 2% opted for a cost-benefit analysis).[7]

b) The random selection of citizens affected by a certain decision improves no doubt the chances that the decision process is not just a negotiation process among the socially influential interest groups. As the tests carried out by Renn and Webler have shown, randomly selected citizens are ready to change their views and preferences. At least in the Canton Aargau case a majority of them came out of the discussions with new preferences. They seemed to be less interested in just pushing through the things they wanted. One might say that they were much more public interest oriented than the representatives of socially organised interest groups. The citizens seem to have committed themselves to a course of action that they considered to be in the public interest.

Nevertheless, the three stage participation model also faces problems that should not be underestimated. We think there are two main problems citizen panels are confronted with.

a) The participants had to spend a lot of time listening to lectures, reading material and discussing the issues over and over again with each other. Now of course, that might have been an exciting experience for some or even for all. But we think it is not realistic to expect citizens to engage in such procedures regularly. We all have our private lives and our private projects. Citizen panels might just to be too costly in terms of the time and the energy the participants have to invest. It is therefore far from clear whether citizen panels can be used as a decision procedure on every public policy issue. It is at least doubtful whether citizens would be ready to take part in citizen panels throughout the year. If citizen panels were set up for every public policy issue they might turn into a playground for fundamentalist or radical groups which would not represent the common populace. Thus, the three stage participation model should be seen as a decision procedure which is only suitable for exceptional, especially very controversial public policy issues.

b) There is another point which has to be noted: the citizen panels in the United States and in Switzerland did not make real decisions. They were just advising public officials and the wider public through the media. Not surprisingly thus, 30% of the participants in the case described above considered the whole procedure to be a game. Of course, some of us take games very seriously, sometimes as seriously as real life. But still, most of us take games as games. Some of the representatives of the township of

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Schinznach agreed that Schinznach was the best location for the waste disposal site. But as a matter of fact, they knew that they thereby were not making a real decision. Would they have done the same thing if they had to make a real decision? Would they have been more sceptical about the solution reached in the four committees? Would they have behaved more strategically? The fact that the agreement was threatened in the supercommittee suggests that this might indeed have been the case.

Some might hold the view, despite the uncertainties just mentioned, that it would indeed be a good thing if citizen panels could really decide public policy issues. But if citizen panels had this competence another problem would arise. It is very likely that in this case the socially organized interest groups would try to influence the decision process within the citizen panels. If these panels had real power they might lose their independence. They might just turn into another local parliament consisting of the representatives of the different well organised interest groups. In this case citizen panels would lose the advantages they have over conventional democratic decision procedures. Citizen panels should therefore only be used as a consulting forum. This way they might better formulate solutions which might indeed be seen as reasonable and competent ones.

2. CITIZEN PANELS AND NATIONAL PUBLIC POLICY

2.1. *Citizen panels at a national level*

We have discussed citizen panels working at a local level. But many problems in the field of environmental policy should be solved at a higher level. Many problems are of national relevance (like pollution, the regulation of technology, food additives, fluorination). They need nonlocal, at least regional or national regulation. It may thus be suggested that we should constitute something like the citizen panels at the regional or national level.

This idea is not new. In some European countries so called consensus conferences have been instituted. In these consensus conferences lay people discuss questions of technological and environmental public policy. But such consensus conferences are not citizen panels in the sense we have described. There are important differences.

What is a consensus conference? A consensus conferences is, to cite a common definition, 'a forum in which lay people develop and put forward their views on socially sensitive questions through dialoque with experts'.[8] The idea of consensus conferences has its origin in the United States. In Europe it was primarily developed in Denmark by the Danish Board of Technology. Consensus Conferences have also been organised in the Netherlands and the United Kingdom.

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The best example of the procedures of a consensus conference is provided by the Danish conferences. The lay panel consists of between fifteen and twenty people. All these people are selected by advertising in national newspapers. People are selected who have a general interest in public policy but who are not well-informed about the special topic. They should represent the population with respect to age, gender, area of residence, occupation and level of education. The consensus conferences have three parts. At the first stage the participants are informed about the relevant basic theories and are informed about existing and planned applications. The lay panel outlines key topics of interest and at a second stage they formulate key questions and identify experts to answer these questions. At the last stage the experts present their answers which the lay people then discuss. They have the opportunity of asking new questions and at the end of the third stage the lay people should have written a final document, a report of their consensus. This consensus report is presented first to all participants and the experts have the opportunity to correct factual errors. Then it is presented at a media conference. The organisers publish another report which includes the consensus report of the lay panel and gives informations about the procedures of the conference. This report was sent to politicians, journalists and interest groups. In contrast to citizen panels consensus confererences take place on questions of general interest. Topics of the Danish Consensus Conferences are subjects such as 'mapping the human genome' (1989), 'traffic and the environment' (1993) or 'electronic identity cards' (1994).

2.2. *Assessment of consensus conferences*

We think there are arguments against this type of consensus conference.

First, the lay people are volunteers answering an advertisement. But people who answer such an advertisement do not really represent the general public: they show greater interest in questions of public policy. Perhaps we could suppose that they have greater civic virtues, but still we cannot assume that they in any way represent the public interest, which means the average concerns and preferences of the populace.[9]

Second, you get the famous 'framing of decision effect' depending on the experts chosen by the organisers. Furthermore, the way the organisers inform the lay people will predetermine the consensus concerning certain aspects. Politicians, journalists and interest group learn something about the way certain lay people think about the topic when they are informed in a certain way.

But perhaps we can optimise consensus committees by introducing elements of citizen panels. The following features of citizen panels should be introduced:

- The participants should be randomly selected.

- The committees should get involved in the political decision process at an early level.

- They should aggregate and weigh options experts have developed.

- They should advise the parliament and the administration.

Given that consensus conferences can be optimised in this way the question still is whether national citizen panels are desirable.

2.3. *Arguments against national citizen panels*

In recent years, the relationship between politicians and the public has become a subject of increasing concern. Especially in the fields of technological and environmental public policy the general public distrusts conventional policy procedures. The influence of the industry and of scientific experts is considered so great that public policy fails to safeguard the interests of most citizens. National citizen panels seem to be a way to promote both greater public influence in political decision making and greater acceptability of the decisions. Experts and politicians are confronted and consulted by the concerns and opinions of lay people. At the best, politicians will make political decisions which will promote the public interest. So, today, there are good reasons to favour the idea of national citizen panels: they increase the acceptability of certain decisions and they make sure that the decision better fits the public interests.

Non institutionalised citizen panels will work as long as they are not institutionalised. But their success will lead to them being institutionalised either *de facto* or *de jure* in which case they would lose their beneficial aspects.

If we institutionalise a national citizen panel, interest groups would try to infiltrate and influence the decisions of national citizen panels. Lobbies would result, in which the members of the national citizen panel would be contacted by trusts, organisations and firms. And the interest groups would try to influence the selection of experts, and more important, the selected members of the national citizen panels. Institutionalised national citizen panels will face the same problems as conventional decision making processes in a parliamentary democracy which is basically the problem of lobbyism.

National citizen panels would probably not decide public issues. But still they might have a great impact on the decisions of the parliament or the administration. The opinions formed in the national citizen panel are in certain aspects just and fair. At least, they show the acceptability of an option. And the members of the parliament have to assume that the decision of a national citizen panel is considered to be highly legitimate by the general public. So it will be difficult for a parliament to change the proposals of national citizen panels. If they change them the general public will assume that special interest groups have influenced the politicians. The decision will not be considered to be legitimate or will be considered to be less legitimate. This seems to be a good thing if we look at present day representational democracies. But these advantages can only be preserved as long as national citizen panels are not institutionalised.

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So it might be a good thing to have national citizen panels on certain issues advising the public administration. If they do not get institutionalised we think that they will not have a great influence on public decision making and especially on the parliament. (The socially well-organised interest groups will still pursue their own interests.) So if we want to reach more reasonable and competent political solutions citizen panels seem to be an inperfect tool to reach this aim. But we think there is a way to find more reasonable and competent solutions, this is *the way of direct democracy.*

3. DEMOCRACY WITH REFERENDA AND INITIATIVES

3.1. *Direct Democracy*

Citizen panels can be compared with classical forms of direct democracy. They discuss problems of limited local interest. And they are dominated by oral communication. But beside this classical form of direct democracy there is the modern variant of the 'referendum and initiative democracy'.

- 'Referendum democracy' means that the parliament put forward their decisions to the voters. Depending on the kind of set up one has referenda may then follow automatically or be optional, i.e.there must be a certain number of citizens demanding a vote. If a certain number of voters choose to do so, laws and decisions that have passed parliament can be submitted to a decisive citizens' vote (in Switzerland for instance 50.000 voters are necessary for a referendum).

- 'Initiative votes' are started by the citizens. They propose regulations which the parliament ignores or rejects.

There are important arguments which speak in favour of 'referendum and initiative democracy':

(i) *The limited power of political parties.* In direct democracy the influence of political parties is more limited and restricted. In most countries with representative democracy we face the problem that large political parties block certain developments (e.g. the change of the voting system or the introduction of environmental protection into the constitution). In a 'referendum and initiative democracy' the voters are a form of opposition which can change public policy against the will of the political establishment. Whatever the parliament decides the politicians face the danger of referenda and initiatives. The citizens can thereby control the parliament. There might be indeed a difference between what politicians and political parties and what the voters want. Take the following example. In Switzerland an initiative has been launched to abolish the Swiss army. The main parties in Switzerland rejected the initiative apart from the

Communist party which, not surprisingly, has no impact on Swiss policy. To the surprise of all politicians 36% voted in favour of the initiative.

(ii) *The limited power of interest groups.* By launching referenda and initiatives citizens are able to bring in their preferences and concerns. This possibility limits the power of socially well organised interest groups. In Switzerland the parliament was forced by a referendum to elaborate a new agricultural policy which should better meet enviromental standards.

(iii) *The deliberation of political topics.* Referendums and initiatives are deliberated among the general public. The voters are informed about the options. In the newspapers and on televison they are confronted with the opinions of the political and scientific experts. In this process of public deliberation preferences of the voters can be changed. The chances of shifting preferences are at least greater in a direct than in a representative democracy. One great advantage of citizen panels thus becomes visible on a larger scale.

(iv) *The higher legitimacy of decisions.* In modern forms of direct democracy people have many opportunities to bring their preferences into the process of the formation of public policy. In cases of political decisions of low acceptability politicians have to expect a referendum. So they have two options. They look for a compromise and hope that no referendum will be started. Or they have to argue publicly for their option trying to win the vote. In all, one may expect a high level of acceptability of the final solution. And the solution will be legitimate, in the sense that the preferences of the people were respected in the best possible way.

3.2. *Some Problems*

We have considered some strong arguments in favour of direct democracy. But we are fully aware of the fact that direct democracy has its own problems. There are arguments against direct democracy, too: the argument of slowness, the argument of the small number and, finally, the argument of information.

(i) *The argument of slowness.* It is sometimes argued that an important advantage of representative democracy is the ability to react faster to changing political circumstances. This might be true in two respects:

- At all times one must suspect that the great majority of all citizens in a country has a conservative tendency. They fear changes and they stick to well-established ways of lifes. One can therefore assume that direct democracies tend to be more conservative than representative democracies.

- It is also true that the process of legislation can be very slow if there is the possibility of a referendum.

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But, on the other side, experience shows that 'initiative democracies' react faster than the representative democracies. This is true especially in the highly sensitive fields of technological and environmental policy making. In Switzerland, an initiative for higher safety standards in nuclear power stations was started in 1979. The initiative was rejected, but the public deliberation about nuclear power occured a number of years earlier than in the representative democracies of France or Germany. In environmental policy the Swiss 'initiative democracy' reacts better to the preferences of the lay people.

(ii) *The argument of the small number.* It has been argued that the system of direct democracy can work only in small countries. It cannot function in larger countries such as the Federal Republic of Germany or the United Kingdom. This argument seems to presuppose the conditions of the classical form of direct democracy. This classical form of oral deliberation is limited to small societies and villages. But today information technologies and other elements of modern technology reduce the costs of voting in such a way that direct democracy is a possibility in all industrialised countries of the world.

(iii) *The argument of information.* Democracies, whether direct or representative, have a great problem. They presuppose informed voters. But it is not rational for voters to pay the costs of information. The influence of a single vote is too small. So, as Downs suppose, the voters will be 'rational ignorants'.[10] This problem is more urgent in a direct democracy. The voters in a representative democracy need information about political parties, politicians and their programs. The voter in a direct democracy needs more detailed information. And he or she has to pay these costs more frequently. So democracy and especially direct democracy presupposes a civic morality. Or to speak in the words of public choice theory, democracy works better if supported by a civic morality.[11]

What does this mean? Civic morality not only requires that people should vote. Civic morality also demands that people vote 'intelligently, seriously, and in a publicly defensible manner'.[12] Authors in the republican tradition speak in favour of the likelihood of the existence of such civic morality. But there is an important difficulty.

It is true that citizens vote, if they vote, often morally, given that voting takes part in a low cost situation.[13] Citizens can do something for the poor, the environment, future generations without having to pay much for such generosity. Voting lowers, according to Brennan and Lomasky, 'the cost of acting on one's perceived moral duties' (p. 173). But we cannot say that each moral vote is a vote supported by civic morality. The 'moral vote' can be a purely emotional response to a movie or television spot. And it is not certain that a *prima facie* generous vote really promotes the public good. Perhaps, it favours an oversized welfare state with great disadvantages for future generations.

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It might be true that not every vote is supported by civic morality. But there is at least some evidence that the voters are public interest oriented, that is, oriented towards what they conceive of to be morally required. Take the following example. The Swiss voters voted in favour of an animal protection law which meets one of the highest standards in the world. It is very likely that the parliament would not have agreed on this law. The farmers who have to bear the costs of this law would have blocked the law in this form. That confirms somehow the view of Brennan and Lomasky that the way one votes has an expressive dimension.

One might argue that this only works if people are informed. But we think that people who do vote in a direct democracy (in Switzerland on the average between 40-60%) are better informed because the issues are discussed not only in the media but also in pubs, at dinner parties, at home as well at as work. Direct democracies prompt people to discuss specific issues in advance of a vote. The arguments put forward in such discussions have to be public interest-oriented. Otherwise they would not be convincing. Thus, the likelihood and the intensity of such a civic morality is indeed greater in a direct democracy. In a representative democracy the voters have fewer opportunities to show civic virtues. Public deliberation in a representative democracy tends to be more a deliberation about persons, political parties and political programs and less a discussion about individual political issues. In a direct democracy people deliberate about individual issues and they have the opportunity to decide these issues.

That speaks in favour of introducing forms of direct democracy also with respect to questions of environmental policy.

NOTE

Our thanks to an anonymous referee for *Environmental Values* for valuable comments.

[1] cf. Renn and Webler (1992: 84/85).
[2] Renn and Webler (1992: 85).
[3] Renn and Webler (1992: 86).
[4] In the Canton Aargau example the citizen panel consisted of about 80 people.
[5] Renn and Webler (1992: 88).
[6] cf. Renn (1993)
[7] cf. Oberholzer-Gee, Frey, Hart and Pommerehne (1995)
[8] cf. Consensus Conferences (1994).
[9] Moreover, we cannot see how fifteen or twenty people could represent the common populace.
[10] Cf. Downs (1957).
[11] Cf. Lomasky and Brennan (1993:ch. 10).
[12] Lomasky and Brennan (1993: 195).

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[13] Lomasky and Brennan (1993; ch.2; cf. also Sunstein (1993: 208): 'People may, in their capacity as political actors, attempt to satisfy altruistic or other-regarding desires, which diverge from the self-interested preferences sometimes characteristic of markets.'

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