

**DELIBERATIVE POLICY-MAKING IN THE EUROPEAN UNION:  
THE CASE OF THE EUROPEAN INTEGRATION FORUM**

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## Abstract

This paper explores the development and workings of the European Integration Forum from the perspective of deliberative theories in EU studies. Given the novelty of the Forum [established in 2009], there has been little systematic inquiry into its mechanisms, despite an outright goal to function as a ‘deliberative assembly’. The approach taken is analytical, i.e. non-normative, aiming to understand the Forum as a structurally deliberative political setting. The question is whether deliberative processes are already part of the Forum, and how they manifest. Owing to the civil society composition of meetings, three theoretical constructs on deliberation are combined in order to establish an analytical framework: deliberative supranationalism (DS), deliberative intergovernmentalism (DI) and reflexive deliberative polyarchy (RDP). Empirical evidence is provided in the form of an exploratory study conducted on the basis of documentary and archival analysis of meetings held so far. Explicit, theory-guided expectations are put forward as ‘conditions for deliberations’, which are then identified in the institutional features and decision-making processes of the Forum. The argument is that the European Integration Forum is a formal body for deliberation - technically incentivizing inclusive, knowledge-based and reflexive policy deliberation, but in practice difficult to be exploited by participants. This is owed to limitations in policy discourse (set by the EU agenda) and conference format (brief, infrequent and official meetings).

# Table of Contents

Abstract.....	ii
Table of Contents .....	iii
List of Tables .....	iv
List of Abbreviations .....	v
Introduction.....	1
<i>The puzzle</i> .....	1
<i>Theoretical framework</i> .....	3
<i>Methodology</i> .....	3
<i>Argument</i> .....	4
<i>Structure</i> .....	5
Chapter 1 Deliberative theories in EU studies - literature review and theoretical framework.....	6
1.1. <i>Overview</i> .....	6
1.2. <i>Deliberation and democratic theory</i> .....	8
1.3. <i>Analytical approaches to deliberation in the European Union</i> .....	10
1.4. <i>Deliberations and civil society participation in the European Union</i> .....	13
1.5. <i>Theoretical framework</i> .....	16
Chapter 2 The European Integration Forum at work.....	19
2.1. <i>Background – immigrant integration policies in the EU</i> .....	19
2.2. <i>Understanding the Forum – institutional features</i> .....	22
2.3. <i>Decision-making processes</i> .....	25
2.3.1. <i>Format</i> .....	25
2.3.2. <i>Policy content</i> .....	26
2.4. <i>Summary</i> .....	28
Chapter 3 Analysis .....	30
3.1. <i>Conditions for deliberation in the European Integration Forum</i> .....	30
3.2. <i>Assessment</i> .....	35
Conclusions.....	36
<i>Findings</i> .....	36
<i>Contribution</i> .....	37
<i>Limitations</i> .....	38
<i>Areas for future research</i> .....	38
Bibliography .....	40

## **List of Tables**

Table 1. Deliberative theories in EU studies – the analytical route	p. 17
Table 2. List of Forum meetings and topics discussed	p. 27
Table 3. Categories of participants to Forum meetings	p. 31
Table 4. The European Integration Forum in the DI framework	pp. 32-33

## List of Abbreviations

COREPER	Committee of Permanent Representatives
CSO	Civil Society Organization
DDP	Directly-Deliberative Polyarchy
DG HOME	Directorate-General for Home Affairs
DI	Deliberative Intergovernmentalism
DS	Deliberative Supranationalism
EC	European Commission
EESC	European Economic and Social Committee
EP	European Parliament
EU	European Union
JHA	Justice and Home Affairs
NCPI	National Contact Points on Integration
OMC	Open Method of Coordination
RDP	Reflexive Deliberative Polyarchy
TCN	Third Country National
TFEU	Treaty on the Functioning of the European Union

## Introduction

The European Integration Forum is a co-operative project between the European Commission (EC) and the European Economic and Social Committee (EESC), launched in 2009 with the purpose to involve EU-based and national civil society organizations (CSOs) in setting the EU agenda on immigrant integration policies (European Integration Forum, 2009). From its inception, the Forum was designed to work as a “deliberative assembly” (Barrot, 2009b, p. 1), an “interactive, reactive and imaginative space” in which stakeholders at all levels would come together in order to revitalize the EU strategy on integration (Barrot, 2009a, p. 1). Meeting twice a year in a conference format gathering up to 100 participants, the Forum essentially performs the roles of an advisory body in EU policy-making (EESC, 2009).

### *The puzzle*

The institutional setting and working methods of the Forum raise several academically intriguing questions regarding the type of ‘political animal’ the newly-created body is. Given its ‘wannabe’ deliberative character, one pertinent way to proceed with the analysis is from the perspective of deliberative theories in EU studies (Neyer, 2006). This is a relatively recent field of research [emerging in the late 1990s] which proposes an analytical conceptualization of EU decision-making in deliberative fora that can be normatively evaluated from the standpoint of democratic legitimacy (Eriksen and Neyer, 2003, pp. 1-2). Herein, deliberation is understood á la Habermas (1996) - a process in which actors reach consensus decisions by reasoned argumentation and open discourse<sup>1</sup>. The present paper takes an analytical, non-normative approach to deliberation, aiming to understand the Forum as a structurally

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<sup>1</sup> The concept of ‘deliberation’ and its operationalization in this paper are discussed at length in Chapter 1.

deliberative political setting. The research agenda is empirical, centered around two questions:

- 1) To what extent are deliberative elements existent in the European Integration Forum?
- 2) How do they manifest?

The rationale behind asking such questions is straightforward. Designed to provide inputs to EU integration policies ‘from below’ via civil society participation, the Forum employs working methods set up ‘from above’ – closely resembling the EESC model. In fact, the outright goal to be deliberative was established by EU institutions, which continue to play the leading role in its procedures. This begs the question of whether the aspiration to be deliberative has been translated into practice. Otherwise, the Forum is not considered a “proper civil society actor”, but a tool meant to bring legitimacy in a field where EU developments have progressed slowly (García Agustín, 2012, p. 13). After all, the strategy to legitimize supranational policy-making by civil society involvement is not new at the EU level (cf. Smismans, 2004). For these reasons, it is relevant to examine the Forum from a deliberative perspective.

Such research objectives seek to address two gaps in the political science literature on deliberative policy-making in the European Union. The first stems from the empirical concern related to the relevance of deliberation as a decision-making method in EU policies (Eriksen and Neyer, 2003, p. 13). The idea here is to examine whether deliberative processes are already part of the EU, and what form they take. The second is related to the investigation of an emerging institution at the EU level (the Forum is only three years old), which hitherto has been overlooked by the academia in general and deliberative theorists in particular [to the best of my knowledge]. One notable exception is García Agustín (2012), who uses the

analytical framework of deliberative democracy to analyze the Forum as a transnational space for policy-making.

### ***Theoretical framework<sup>2</sup>***

Following Puetter (2006), the research questions are answered indirectly, by identifying institutional features conducive to deliberation and tracing them in the development of the Forum. Termed ‘conditions for deliberations’, these features are drawn from several analytical constructs on deliberative policy-making in EU studies: deliberative supranationalism (DS), deliberative intergovernmentalism (DI) and reflexive deliberative polyarchy (RDP). This mixed approach was deemed necessary owing to the composition of the Forum, which could not be appropriately explained by one theoretical framework alone. The European Integration Forum is neither a supranational technocratic committee (DS), nor an intergovernmental policy co-ordination body (DI); instead, it is a ‘functional assembly’ in the sense proposed by RDP - but this theory is more concerned with civil society participation and reflexivity rather than deliberative interactions (cf. Smismans, 2006c). Therefore, the paper proposes a combination of the three in order to disentangle the workings of the Forum. The idea is to review the three frameworks in order to identify the conditions for deliberation which apply to the European Integration Forum.

### ***Methodology***

Given the novelty of the Forum and the lack of “systematic empirical scrutiny” into its decision-making processes, the preferred methodological approach is exploration (Stebbins, 2001, p. 9). In general, exploratory research seeks “to find out how people get along in the setting(s) under question, what meanings they give to their actions, and what issues concern

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<sup>2</sup> A detailed overview of the theoretical framework is provided at the end of Chapter 1.



them” (Schutt, 1996, p. 13). It is mainly used in the preliminary stages of a project, when not much is known about the subject at hand. Therefore, this paper does not aim to pursue a classic research design attempting to establish causality between some selected explanatory and explained variables, but to draw descriptive inferences about the European Integration Forum from the perspective of deliberative theories in EU studies. Explicit, theory-based expectations are put forward and then ‘process-traced’ within the Forum in order to identify ‘diagnostic evidence’ (Collier, 2011, p. 824) of deliberative interactions. The goal is to enhance the understanding of the Forum as an EU deliberative assembly and to “test the feasibility of undertaking a more extensive study” into its workings (Babbie, 2001, p. 92).

The main weakness of such methodology is the lack of ‘definitive answers’ to the research questions raised, owing to the open-ended approach to data collection (Ibid, p. 93). Information is gathered using documentary and archival analysis (Burnham et al., 2004, pp. 165-188) based on official sources: the European Commission, the EESC and the European Web site on Integration - the ‘virtual platform’ of the Forum (Barrot, 2009a, p. 4). Finally, the study does not claim to be representative of EU deliberative assemblies at large, but only of those bodies similar to the Forum - involving civil society organizations. Consequently, caution is exercised when making generalizations.

### ***Argument***

The European Integration Forum displays institutional features conducive to inclusive, knowledge-based and reflexive deliberations among EU institutions and civil society representatives working in the field of immigrant integration. Despite being organized as a medium where information, best practices and ideas can be exchanged, the body operates within the scope of the EU agenda on integration, which significantly limits the possibilities

for open discourse. Conversely, the Forum's potential lies in the constant effort to improve working methods coming from participants themselves.

### *Structure*

The main body of the paper consists of three chapters. The first is a selective literature review of deliberative theories in EU studies from an analytical perspective, at the end of which the theoretical framework is put forward. The second chapter begins with a general background on immigrant integration policies in the EU, necessary to contextualize the workings of the Forum and to understand its organization and scope of agenda. Then, the data collected is presented in two steps: institutional features and decision-making processes. The third chapter advances the analysis in light of the research questions raised and the theoretical framework selected. The conclusion summarises the findings and underlines limitations and possibilities for future research.

## Chapter 1

# Deliberative theories in EU studies - literature review and theoretical framework

### *1.1. Overview*

In a 1997 article introducing various theoretical approaches to the EU's problem-solving capacity, Fritz Scharpf argued that deliberations could occur in a multi-level governance system only under "optimal procedural conditions" which did not "exist everywhere" (1997, p. 528). At the time, it was considered that such conditions could be met solely within expert bodies dealing with politically unimportant issues<sup>3</sup>, like the comitology system (Joerges and Neyer 1997a; 1997b). The emergence of new modes of governance increased significantly the policy areas where deliberations became part of the decision-making process, e.g. with the introduction of the Open Method of Coordination (Smismans 2005; Sabel and Zeitlin, 2010). Simultaneously, the existence of deliberative interactions was acknowledged even for fields of high political salience, such as economic governance within the intergovernmental institutions (Puetter, 2006; 2012).

Before long, these developments came under academic scrutiny in what was broadly described as the 'deliberative turn' in EU studies (Neyer, 2006). Two types of approaches gradually took form: one normative, the other analytical (Eriksen and Neyer, 2003). The distinction between the two is not always clear in the literature, as many authors (for the most part political scientists and legal scholars) use the terms concomitantly, albeit with discipline-specific meanings. From a political science perspective [taken throughout this paper],

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<sup>3</sup> According to Scharpf, such issues were characterized by the lack of regulatory competition or conflicts of interests among member states.

normative studies address the legitimacy challenge raised by the EU, focusing on its democratic deficit and proactively seeking for ways to solve it by means of deliberations (Eriksen and Fossum, 2000). Herein, scholars have even suggested the possibility of a deliberative democratic ideal for Europe (Gerstenberg and Sabel, 2002). In opposition, analytical studies (sometimes called positive) address the efficiency challenge of the EU and are more narrowly interested in explaining how deliberations are possible within its governance structures, what patterns they follow etc. (Neyer, 2003; Puetter 2012). Usually, such approaches take normative concerns into account merely in the sense of ‘output-oriented’ legitimacy (Scharpf, 1999). Most often, nonetheless, normative and analytical considerations are interlinked, e.g. in theorizations of civil society participation in the EU (Smismans, 2006b, 2006c, 2008).

As stated in the introduction, this paper follows an analytical, non-normative approach, aiming to examine the extent to which deliberative elements are already part of the EU in the specific case of the European Integration Forum. Since the concept of deliberation originates in normative democratic theory, the present chapter begins with a brief background in the field - necessary for understanding subsequent EU-based theorizations. In order to identify ‘conditions’ for deliberation, the focus then shifts towards analytical constructs in EU studies: deliberative supranationalism (DS) and deliberative intergovernmentalism (DI). Taking into account that the European Integration Forum relies on wide stakeholder participation and thus is neither supranational nor intergovernmental, it is necessary to additionally consider theories of civil society participation, where two frameworks are of interest: directly-deliberative polyarchy (DDP) and reflexive deliberative polyarchy (RDP). The end goal is to provide a general overview of the literature and identify theoretical elements which apply to

the European Integration Forum. Consequently, the chapter concludes with a section describing the theoretical framework which will guide the empirical analysis.

### ***1.2. Deliberation and democratic theory***

The concept of ‘deliberation’ is philosophically rooted in normative democratic theory. Although the idea of deliberative democracy can be traced back to ancient Athens - being “as old as democracy itself” (Elster, 1998, p. 1), the deliberative ‘turn’ in contemporary democratic theory took place around 1990 (Dryzek, 2000, p. V). Contextually, this occurred in response to the dominant aggregative approach [inherent in representative democracy] and its exclusive explanation of collective decision-making as strategic interaction [through voting or bargaining], in line with individual preferences (Cohen, 1998, p. 186). Deliberative theorists challenged this view on normative grounds, bringing in arguments of democratic legitimacy – which, from their perspective, could only be ensured through “the deliberation of all” (Manin, 1987, p. 257).

This did not imply, however, that ‘deliberative democracy’ automatically achieved conceptual clarity. Originally, the term was coined by Joseph Bessette in a 1980 article criticizing the elitist nature of the American constitution. Since then, scholars produced numerous definitions from both theoretical and empirical perspectives. Summarizing several contributions from an authoritative volume on the topic, Jon Elster proposed a straightforward understanding:

“the notion includes collective decision-making with the participation of all who will be affected by the decision of their representatives: this is the democratic part. Also, it includes decision making by means of arguments offered *by* and *to* participants who are committed to the values of rationality and impartiality: this is the deliberative part” (1998, p. 8).

When it comes to the European Union, deliberative approaches are considered to originate in Jürgen Habermas's discursive theory (Neyer, 2006, p. 2). In his much cited work, *Between facts and norms: contributions to a discourse theory of law and democracy*, Habermas advocates the pivotal role of deliberative politics in the democratic process (1996, p. 296). Descriptively, deliberative procedures presuppose an entirely rational, consensus-seeking discourse, motivated by the "force of the better argument" among fully sincere participants (Ibid, p. 306). Deliberations are public, inclusive and free from both internal coercion (stemming from other equal participants) and external coercion (coming from the outside). Additionally, legitimacy is ensured through the participation of "all possibly affected persons" (Ibid, p. 107), which takes place through the involvement of civil society. Deliberative politics is conceptualized as a "two-track" model (Ibid, p. 304) consisting of an 'organized public' (parliamentary bodies and other institutions of representation) and an 'unorganized public' (made of civil society at large, which in Habermas's work coincides with the public sphere). The public sphere generates communicative power (standing at the origins of political power), but this can only be 'processed' into the political system via administrative power (Ibid, p. 358). In other words, the informally-organized public gains political influence via the formally-organized public, which basically restates the importance of representative democracy.

Notwithstanding the complexity of such arguments, the work of Habermas is relevant for the purposes of this paper in a limited sense - to understand the origins of deliberative politics. This is henceforth viewed as a decision-making process in which "actors listen to each other, reasonably justify their positions, show mutual respect, and are willing to re-evaluate and eventually revise their initial preferences through a process of discourse about competing

validity claims” (Steenbergen et al, 2003, p. 21). Bearing this in mind, the discussion can now move to the particular context provided by the European Union.

### ***1.3. Analytical approaches to deliberation in the European Union***

This section critically examines two theoretical constructs analyzing deliberative governance in the EU: deliberative supranationalism (DS) and deliberative intergovernmentalism (DI). The emphasis is on the former because it is older (Joerges and Neyer, 1997a, 1997b; vs. Puetter, 2012) and its authors developed their argument in time, often responding to critics. Moreover, DI shares most of its assumptions, while having a distinct analytical focus.

From the very beginning, the concept of ‘deliberative supranationalism’ was aimed at two separate audiences: on the one side political scientists (Joerges and Neyer, 1997a), on the other legal scholars (Joerges and Neyer, 1997b). This inter-disciplinary approach sparked off a debate with regard to the analytical or normative character of the new theory, whose ‘normative ambivalence’ was acknowledged by the authors (Joerges and Neyer, 1997a, p. 621). Essentially, the misunderstanding emerged owing to different meanings of normativity found in the two targeted disciplines. On the legal side, Joerges (2006) made explicit his normative reading of DS from a lawyer’s perspective, emphasizing the benefits of the EU’s strong legalistic nature, which allowed “the development of co-ordination capacities between the Commission and member state administrations with the aim of establishing a culture of inter-administrative partnership which relies on persuasion, argument and discursive processes rather than on command, control and strategic interaction” (Joerges and Neyer, 1997a, p. 620). Drawing from the conflict-of-laws methodology, he praised the Union’s constitutionalism - capable to ‘jurify’ its conflicting legal systems on the vertical (the supremacy principle), the horizontal (between national legal systems) and the diagonal (illustrating the Union’s multi-level governance).

On the political science side, Neyer (2006) clarified that DS provides a functional understanding of deliberation, in contrast to normative democratic or rationalist theorizations. While a functional approach is focused primarily on the advantages [‘functions’] of deliberative interactions in improving the effectiveness of supranational governance, normative concerns are not ruled out altogether. In fact, one could argue that DS is a positive or ‘analytical’ theoretical construct which emerged out of normative considerations. As explained by Joerges and Neyer, the aim of a supranational polity is to “correct nation-state failures” (1997a, p. 611) by acting as a complement, not a replacement of national structure. From this perspective, DS can serve as a “normative yardstick” which, in practice, could bring about good governance via scientific and technical expertise – as exemplified by the workings of the comitology system (Joerges, 1999).

Following this line of thought, DS portrays deliberative interactions as “the rational reaction of an actor to a given opportunity structure” (Neyer, 2003, p. 250). Consequently, the focus is on providing lawful institutional ‘incentives’ to encourage deliberation. Moreover, since the Union is composed of domestically-driven sovereign governments, the usual form of interaction [strategic bargaining] is prone to cause a ‘joint decision trap’, wherein agreements are reached on the lowest common denominator (Scharpf, 1988). Conversely, ‘inclusive’ and ‘law-based’ deliberations can break such deadlocks by identifying policy alternatives consonant with the ‘general interest’, and hence likely to be accepted by all parties. In this sense, deliberations have the function to facilitate ‘efficient and effective’ policy-making (Neyer, 2006, p. 8).

Despite being attractive in theory, DS falls short in some respects - as acknowledged by its creators (Joerges, 2006, pp. 19-21). The most debated issue refers to the empirical observations which prompted the development of the theory. Until DS, the comitology



system was universally criticized for its ‘extra-legal’ functioning, illegitimate circumvention of parliamentary representation and opaque technocratic procedure. Joerges and Neyer gave it a positive twist - which still remains very much contested for its undemocratic character. Indeed, the authors fail to make evident how “all social concerns and interests” present in member states (Joerges, 1999, p. 344) can be taken into account by national expert advisors deliberating in various comitology committees (Smismans, 2006c, p. 6). Interestingly enough, however, critics of DS do not refute the existence of deliberative interactions within the comitology system *per se*, but their legitimacy from a traditional democratic standpoint. Therefore, their objections are aimed at the normative justifications of the theory rather than its actual content.

One important element from DS is applicable to the objectives of this paper: the agenda to research the “institutional structure of the EU as a means for providing systematic incentives towards inclusive forms of deliberation” (Neyer, 2006, p. 10). It would be intriguing to examine the extent to which the European Integration Forum was created for such a purpose and actually performs it in practice.

Moving to the other analytical construct mentioned in this section – deliberative intergovernmentalism (DI) - the object of study shifts from the supranational comitology system to the intergovernmental European Council and Council of Ministers (Puetter, 2012). Simultaneously, the policy scope changes from law-making to policy coordination, which explains the intergovernmental component of the term. Unlike Joerges and Neyer, the author makes explicit his entirely analytical, non-normative approach, being concerned with “enhancing our understanding of the nature of contemporary intergovernmentalism” and explaining “consensus formation” among high-level decision-makers in the EU (Ibid, 164).

What is more, he openly acknowledges the possibility that this consensus-formation process may “appear problematic from the point of view of democratic theory” (Idem).

Apart from deliberative supranationalism, DI draws its theoretical [deliberative] basis from the institutionalist literature on socialization, policy learning and policy ideas (Ibid, p. 165). Two institutional criteria for deliberation are put forward: the negotiation setting (formal or informal), and the policy content (involving “reasoned argumentation” about policy alternatives<sup>4</sup>). Surely, this is the point where DI is most pertinent for the case study selected in the present paper. Since the European Integration Forum does not have formal or informal working methods, it is worth to consider a more general distinction between ‘setting’ [who participates] and ‘content’ [what and how is discussed] (Puetter, 2006). In the empirical chapter, these will be discussed under ‘institutional features’ and ‘decision-making processes’, respectively.

Nevertheless, neither DI nor DS is particularly helpful in answering the question - “what kind of political animal is the European Integration Forum?” - due to their exclusive focus on technocratic or intergovernmental policy-making at the EU level. Given the structure of the Forum and its inclusion of numerous stakeholders in the process of deliberation, it is essential to additionally consider theoretical perspectives on civil society participation in the EU. To the best of my knowledge, two frameworks have been developed up to this point from a deliberative perspective: directly-deliberative polyarchy and reflexive deliberative polyarchy.

#### ***1.4. Deliberations and civil society participation in the European Union***

Directly-deliberative polyarchy [later also called democratic experimentalism] is a conceptualization of civil society participation in democratic settings put forward by Charles

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<sup>4</sup> For more details, see Table 1 at the end of this chapter.

Sabel and his associates. They envisaged the model as a ‘radical’, ‘participatory’ form of “what democracy could be” (Cohen and Sabel, 1997, pp. 313, 317). They suggested its use as an “institutional ideal for Europe” (Gerstenberg and Sabel, 2002), particularly in the context of new, ‘experimentalist’ modes of governance (Sabel and Zeitlin, 2010). They coined the term to denote two principal institutional features: deliberative polyarchy and direct deliberateness, respectively. The former implies that “lower level actors [...] are granted autonomy to experiment with solutions of their own devising within broadly defined areas of public policy”, thus creating a “permanent disequilibrium [...] by the grant of substantial powers of initiative to lower-level units”. The latter describes a system which “depends crucially on the exploration of possibilities, and the discovery of unsuspected ones, that occur when actors come to grips with their differences in the course of solving common problems that none can resolve alone” (Gerstenberg and Sabel, 2002 pp. 291-292). To put it bluntly, DDP describes an ideal democratic process which meets [deliberative] reason-giving requirements and involves wide stakeholder participation at the local level in a bottom-up approach to policy-making.

Despite being praised for its theoretical sophistication (Magnetite, 2006, p. 26), DDP has been criticized for its focus on ‘direct deliberateness’ at the expense of representative democracy – which should be entailed in Dahl’s (1989) concept of polyarchy. In addition, DDP shows little explanatory power when empirically tested on EU structures of governance, where local civil society actors cannot get directly involved in the process of policy-making (Smismans, 2008, pp. 8-13).

An alternative, yet complementary theoretical approach to DDP is reflexive deliberative polyarchy (RDP). This is a recent model developed by legal scholar Stijn Smismans (2006b; 2006c, 2008), based on his earlier work on the role of civil society in European governance in

the fields of social policy, and occupational health and safety policy (2004). Using DDP as a starting point, Smismans brings in elements of reflexive law theory – ‘law as autopoiesis’ (Teubner, 1993, building on Luhmann’s systems theory; see also Luhmann, 2004) - to construct an upgraded model of deliberation in the EU. ‘Reflexivity’ denotes the central characteristics of modern law to acknowledge its status as a ‘normatively-closed’, ‘self-generating’ and ‘self-referential’ subsystem among many (economic, political, religious, scientific). Moreover, it is about law’s ability to recognize: 1) its self-limitation in setting substantive rules which are universally accepted; and 2) its procedural capacity to self-regulate future shortcomings in implementation (Smismans, 2008, p. 5).

In the EU context, developments under the Open Method of Coordination (OMC) have provided the main laboratory for both DDP (Eberlein and Kerwer, 2002; De la Porte and Nanz, 2003) and reflexive law theory (De Schutter and Deakin, 2005). This can be explained by their common interest in decentralized, non-hierarchical, non-binding governance – which undoubtedly fits the OMC framework (Smismans, 2005). By merging the two perspectives, RDP successfully encapsulate the very nature of OMC - describing European governance as a “system of complex public-private interactions involving stakeholders and representatives of civil society organization as functional representatives” (Smismans, 2006a, p. 13). Thus, it simultaneously shows features of a deliberative polyarchic institutional set-up (which cannot be direct, as in DDP, because citizen involvement is ‘unrealistic’ in a multi-level governance structure such as the EU) and of horizontal reflexivity, i.e. actors are aware that they operate within interconnected subsystems and thus they realize the need to communicate with each other (Smismans, 2008, pp. 16-19).

Within the theoretical complexity of RDP, there is one element which is particularly relevant for the discussion on the European Integration Forum: the concept of ‘functional

participation’. Developed in opposition to ‘territorial representation’ and in many ways similar to ‘functional representation’, it refers to “institutionalized forms of interest group participation” as an additional source of EU legitimacy (Smismans, 2004, p. 44). The analysis focuses on civil society organizations and their role in “providing expertise, ensuring compliance and participation” in policy-making (Ibid, p. 52), while indirectly enhancing the democratic character of the process. This is exactly where RDP meets the European Integration Forum, whose chief purpose was to include civil society in setting the EU agenda on integration.

Up to this point, several conceptualizations of deliberative policy-making in the EU have been presented. Each of them is helpful for the research objectives of this paper, but neither can fully grasp the implications of the European Integration Forum, as mentioned throughout the chapter. As a result, a combination of approaches is necessary in order to map the development and workings of the Forum. This is synthesized in the next section.

### ***1.5. Theoretical framework***

Making sense of the European Integration Forum as a deliberative assembly of policy-making requires both a strong theoretical basis and an experimental approach. Since the Forum does not fit either of the existing frameworks, I propose to combine them in order to explore the new structurally deliberative political setting. In this section, I summarize the theoretical expectations that will frame the empirical analysis (see Table 1 below). Two elements are of importance: ‘conditions for deliberation’ and ‘type of deliberative interactions described’. These will provide the framework within which the Forum is evaluated in Chapter 3.

<b>Table 1. Deliberative theories in EU studies – the analytical route</b>			
	<b>Deliberative Supranationalism</b>	<b>Deliberative Intergovernmentalism</b>	<b>Reflexive Deliberative Polyarchy</b>
<i>Theoretical background</i>	Deliberative democracy Conflict-of-laws methodology	Deliberative supranationalism Sociological institutionalism: policy learning Liberal intergovernmentalism	Directly-deliberative polyarchy Reflexive law theory
<i>Authors</i>	Christian Joerges and Jürgen Neyer	Uwe Puetter	Stijn Smismans
<i>Approach</i>	Analytical Normatively justified	Analytical Explicitly non-normative	Analytical Normative
<i>View on deliberation</i>	Informed, consensus-seeking discussion in expert committees	Reasoned consensus and open discourse between most senior decision-makers from member states (Puetter, 2012, p. 164)	Rational argumentation between functional representatives in decentralized settings ensured by legal procedures (Smismans, 2008)
<i>Conditions for deliberations</i>	“institutional requirements” which provide the opportunity structure for “justification and reason-giving” (Neyer, 2003, p. 250)	Negotiation setting: a) restricted number of participants; b) organizations of discussions around shared problems; c) flexible agenda; d) confidentiality; e) participants with technical knowledge and decision-making authority; e) psychological factors (mutual trust; ideational affinity).  Policy content: a) cooperative positive sum games; b) coordination through consultation and reinforcement; c) reference to ideas; d) reference to academic and non-academic expert discourses. (Puetter, 2006, pp. 146-48)	Participation of civil society organizations and stakeholders Legal framework Institutional reflexivity
<i>Type of deliberative interactions described<sup>5</sup></i>	<u>Incentive-based</u> Inclusive Legalized	<u>Knowledge-based</u> Informal Extended [time-wise] and frequent	<u>Incentive-based</u> Procedurally framed Reflexive

<sup>5</sup> This classification is taken from Neyer (2003), who distinguishes between knowledge-based, value-based and incentive-based deliberative arguing. In this context, relevant are the first (emphasizing the exchange of technical know-how within expert communities) and the latter (underlining institutional and legal incentives to deliberate provided to rational actors).

The purpose of the literature review presented herein was to identify the analytical framework guiding the exploratory study on the European Integration Forum. Policy deliberation was described from early [abstract] conceptualizations in normative democratic theory to EU-related theorizations in different settings. For the empirical research agenda stated in the introduction, it was necessary to go through several theoretical constructs (DS, DI and RDP) and select those elements applicable to the case under focus. Bearing this in mind, I can now proceed with the empirical evidence gathered.

## Chapter 2

### The European Integration Forum at work

This chapter is divided into three sections. The first provides a general background to immigrant integration policies in the EU, necessary to contextualize the development and workings of the European Integration Forum. Next, the empirical evidence is presented in two stages: first, institutional features; then, decision-making processes – which are divided into ‘format’ and ‘content’ of Forum meetings. Throughout, there is a conscious attempt to identify deliberative elements in the Forum’s activities.

#### *2.1. Background – immigrant integration policies in the EU*

In general terms, immigrant integration refers to the ‘inclusion’ of individual newcomers with different “cultures, habits, religious manifestations” into an existing society (Jesse, 2008, p. 3). Philosophically rooted in the nation-centered dichotomy ‘us’ vs. ‘them’, i.e. nationals vs. non-nationals, the concept has significant legal implications – acting as a policy instrument used by states to confer rights and obligations to foreign citizens (Carrera, 2006, p. 1). Patterns of immigrant integration vary across Europe, from the German model of differentiated exclusion to UK multiculturalism and the French model of assimilation (Parkes, 2008, p. 3).

In the EU context, the understanding of the term is slightly more nuanced. For a long time, external migration into the European Communities was strictly considered a problem of national governments, linked with highly politicized questions of national identity - in which the emerging supranational structure had no place to meddle. Consequently, there was no



political will for a transfer of competence in the field until the late 1990s (Goeman, 2008, p. 5). Its origins are related to the completion of the internal market and the removal of national borders, which prompted the need for migration management (Carrera, 2008, p. 8). Herein, “integration” had primarily social connotations, including measures in the areas of employment, family reunification, equal opportunities or anti-discrimination (Goeman, 2008, p. 1). The underlying rationale was to “ensure that migrants benefit from comparable working and living conditions to those of nationals” (Commission, 2000, p. 19).

The Amsterdam Treaty is viewed as a turning point in the field, as national governments recognized their ‘common interest’ and allowed the issue on the EU agenda (Goeman, 2008, p. 6). In the realm of immigrant integration, this will become clear with the 1999 Tampere European Council, which set in motion the “EU fair and near-equality treatment paradigm” (Carrera, 2008, p. 8). The aim was to ensure “a more vigorous integration policy” which would give TCNs “rights and obligations comparable to those of EU citizens” and “enhance non-discrimination in economic, social and cultural life” (European Council, 1999, Para. 18).

A series of developments took place since then, which Goeman (2010, p. 2) calls a “curious mixture” of hard and soft law (following Trubek and Trubek, 2003). ‘Hard law’ covers the four directives adopted in the early 2000s: two on anti-discrimination (2000/43/EC and 2000/78/EC), one on family reunification (2003/86/EC) and another on long-term residence of TCNs (2003/109/EC). In addition, the Union was legally recognized as having shared competence in the field with the Treaty of Lisbon (2009), albeit “excluding any harmonization of the laws and regulations of the Member States” (TFEU, Art. 79.4).

In parallel, the Commission attempted to formally introduce the OMC in immigration policy (COM/2001/0387), but the initiative failed, reinforcing the principle of subsidiarity. In

response, a paradigmatic change in approach took place - coined by Sergio Carrera as „benchmarking integration” (2008, p. 11). This entailed the implementation of a number of soft policy instruments<sup>6</sup>. Thus, the National Contact Points on Integration (NCPI) were established in 2002, with the purpose to facilitate exchange of information between member states’ authorities dealing with immigrant integration (Council of the European Union, 2002, p. 26). In 2004, the Justice and Home Affairs Council (JHA) adopted the Common Basic Principles on Integration (2004), translated into a framework for implementation in the Common Agenda for Integration (2005). The Agenda also contained the proposal to establish a European Web site on Integration and a *European Integration Forum* [which would create a platform for civil society participation]. In 2004, the first edition of the European Handbook on Integration was published – a collection of best practices from various stakeholders within member states. The next editions were in 2007 and 2010.

From a financial perspective, the European Integration Fund was created to support member states actions in the integration of TCNs within the Framework Program on Solidarity and Management of Migration Flows (2007-2013). Finally, in 2011, the Commission proposed the “Second European Agenda for the Integration of Third-Country Nationals”, meant to provide “a flexible tool-box, from which national authorities will be able to pick the measures most likely to prove effective in their specific context, and for their particular integration objectives” (European Web Site on Integration, n.d.). In terms of actors, the introduction of such soft policy instruments implied the creation of a multi-level system of governance, where the main actors remained the Commission and the Council, additionally accompanied by networks [through the NCPI] and civil society actors [through the European Integration Forum] (Carrera, 2008, 22).

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<sup>6</sup> The following list is put together from the European Web Site on Integration (n.d.); DG Home (n.d.) Carrera (2008), Kate and Niessen (2008) and various documents mentioned.

To sum up, the overview of EU immigrant integration policies emphasize several contextual features of the European Integration Forum. First, the Forum developed within a new (since 1999), sensitive policy area at the EU level, for which member states were reluctant to transfer competence. Second, even after the issue was placed on the EU agenda, subsidiarity and non-harmonization remained the guiding principles of policy-making, hence giving the Commission little leeway to adopt serious measures. Third, the failure to implement the OMC [operational in other sectors in which the Union only had supporting competence, e.g. education] led to the pursuit of an alternative, backdoor approach –‘benchmarking integration’. When the Commission understood its politically limited range of action in the field, it decided to start playing a “handmaiden’s role”, passing on benchmarking functions to a series of NGOs and think tanks working in immigrant integration policies (Hilpert and Parkes 2011, p. 3). Herein, one could argue that since the Commission was not recognized as a legitimate policy actor, it had to draw its legitimacy elsewhere. Civil society organizations became crucial for this purpose, and this is where the story of the European Integration Forum begins.

## ***2.2. Understanding the Forum – institutional features***

The European Integration Forum was set up within the framework of the multiannual Hague Program adopted in 2004 in the area of Justice and Home Affairs. One of the ten priorities was to “maximize the positive impact of immigration” through the establishment of a European Framework for Integration. This was drafted in 2005 and included the goal to involve stakeholders at all levels in building a comprehensive approach which would ensure successful policies (European Commission, 2005, p. 13). The European Integration Forum was a tool created to this end, aiming to attract participation of relevant EU-umbrella organizations active in several member states. The functions of the Forum included

“consultation, exchange of expertise and drawing up recommendations to be published on the integration website” (Idem).

While the Forum was the first institution established as such to involve multiple stakeholders, the idea to bring civil society organizations into EU immigrant integration policy is older, and belongs to the EESC. In 2002, the EESC unilaterally drafted an exploratory opinion (EESC, 2002) which underlined the need for support in the field from civil society organizations, and even organized a conference on the topic in cooperation with the Commission (‘The Role of Civil Society in Promoting Integration’, Brussels, 9-10 September 2002). As a consultative body representing ‘a bridge between Europe and organized civil society’, the EESC was consequently asked by the Commission in 2007 to formulate an opinion on the “structure, organization and functioning” of the future Forum (EESC, 2009). Defined as a “platform for civil society participation”, the Forum was to be set up gradually. In addition to providing consultations and recommendations, it could draft “own initiative reports” meant to enhance the integration of TCNs; exchange “technical know-how and good practice” in cooperation with the NCPI; and contribute to the Handbooks on Integration and NCPI meetings (Para. 3.5.5-3.5.7).

In addition, the EESC exploratory opinion contained elements regarding membership in the Forum (Ibid, 3.6-3.9). They were proposing up to 100 members and biannual meetings. Representation was to be ensured from: 1) the EU level (“EU-umbrella organizations”, making one third of participants); 2) consultative bodies and platforms from members states (each nominating between one and four representatives); 3) EU institutions (Commission, Parliament, EESC and COREPER); 4) the network of NCPI; and 5) various experts (academics, researchers etc) (see also Barrot and Sepi, 2009, p. 2). The aspiration was to bring together “the most representative organizations” working in the field of immigrant

integration. Finally, the EESC was making suggestions in relation to the hierarchical organization, procedures and financial aspects of the Forum.

In fact, all proposals mentioned in the EESC exploratory opinion were incorporated in the institutional framework of the Forum, which hence became a cooperative project between the Commission and the EESC. The functioning of the new body was regulated by an exchange of letters between the two institutions in 2009, which announced the formal launch of the Forum on 20-21 April 2009, together with the European Web Site on Integration (Barrot and Sepi, 2009). The role of the Forum was made explicit: „to provide a voice for civil society representatives on integration issues”, adding value as a „complementary source of information and consultation” (Idem). Its specific responsibilities were regulated:

- Share information, technical know-how and good practices on integration related aspects put on the agenda by a 'Bureau'. The Forum's participants can propose to the 'Bureau' issues of relevance to put on the table for further debate.
- Organise, where appropriate, in working groups to tackle technical issues of relevance more in depth and propose research to develop in those areas. Support of academics and experts can also be useful in this context. This task can be fulfilled in cooperation with the network of National Contact Points on Integration.
- Draw up, when relevant, own-initiative reports in order to improve the integration of third-country nationals.
- Draw up reports at the request of EU institutions. Commission, Parliament and Council can in fact consult the Forum on European integration policies.

\* Source: Barrot and Sepi (2009, section 'Rules of Procedures', p. 2)

The Common Basic Principles on Integration (2004) served as a reference for the Forum's activities, which would remain within the Union's legal area of competence in the field and provide its legal mandate. The Forum agenda was to be set by a 'bureau' made of the Commission and the EESC (which also co-chair the plenary meetings), together with two members delegated by the Forum (one representing national organizations, the other European organizations). The bureau would meet four times a year, before and after each

plenary meeting (Forum Factsheet, 2009, p. 2). Working methods would include written documents within (virtual) working groups on specific issues: capacity building, political participation, elaboration of guidelines for the creation of fora at national level and immigrant organizations (Summary Report of the First Meeting, p. 4). Financial support was foreseen in the annual work program for Community Actions, which ensures the necessary resources for the Forum's meeting organization (European Commission, 2008).

### **2.3. Decision-making processes**

#### **2.3.1. Format**

Up to this point, seven meetings<sup>7</sup> of the Forum have been organized, two every year. Browsing through the agendas of each, one can observe a pattern of organization - all meetings take place during two days (a day and a half to be precise) at the EESC headquarters in Brussels, and follow a similar template:

- 1) Mornings of the first day are allocated to **introductory plenary sessions** with **opening speeches by high-level officials** from EU institutions: the Commission (DG Justice, Freedom and Security, afterwards DG HOME), the EESC (president or Vice-President), the EP, and a representative from the member state holding the presidency of the Council. Starting the fourth meeting, the speeches were followed by a one-hour dialogue between speakers and participants.
- 2) Afternoons of the first day are dedicated to parallel **workshops** [later called **roundtables**] on various issues, with a moderator usually coming from EU institutions or EU-umbrella organizations, and a rapporteur with relevant expertise in the respective field.

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<sup>7</sup> The Seventh Meeting took place very recently (31May-1 June 2012) and will not be covered because there is little information available on its proceedings.

- 3) **Concluding plenary sessions** take place in the mornings of the second day, where rapporteurs present the findings of the workshops/roundtables.
- 4) These are followed by **open debates**, allowing all participants to voice their opinions on the reported discussions from workshops/roundtables.
- 5) The meetings conclude with **final speeches** by high-level officials from the Commission and EESC, usually making a pledge to take into consideration the problems debated by the Forum.

Bearing all these in mind, I now turn towards the content of the meetings.

### **2.3.2. Policy content**

The first thing one can notice in terms of content is a visible improvement as time passed. In the first two meetings, the focus was primarily on establishing working methods for the Forum and delineating its main roles and functions. As Tomáš Haišman, representative of the Czech Presidency, explained in his speech: “There is no ready-made recipe as to how the Forum should function. (...) there has never been a similar platform on the EU level and that it will not be easy to coordinate its activity” (2009, p. 1). This transparent ‘learning-by-doing’ methodology was obvious from the rest of the speeches and the Summary Report of the First Meeting, which basically repeated the information of previous Commission and EESC documents (mentioned above in this chapter), sometimes using the exact wording.

However, there was a certain enthusiasm surrounding the opening of the Forum - as Jacques Barrot, Vice-president of the Commission, emphatically declared “Vive le forum!”, and emphasized the role of the new institutional architecture as an “interactive, reactive and imaginative space” meant to invigorate the EU strategy on integration (2009a, p. 1). On the occasion of the Second Meeting, Barrot restated his idealized vision of the Forum as a “deliberative assembly conceived to think integration policies together for the next years”

(2009b, p. 1). Herein, one could gather that the Forum was created to act as a deliberative community, which – for the purposes of this paper – raises some questions in relation to its ‘deliberative wannabe’ character as opposed to reality.

The following table presents an overview of the first six meetings and the issues discussed:

<b>Forum</b>	<b>Topics discussed</b>
First Meeting 20-21 April 2009	❖ The EU approach on Integration ❖ Working Methods of the Forum
Second Meeting 12-13 November 2009	❖ Future EU agenda for a cross-cutting integration policy ❖ European Integration Fund (progress to date and future developments)
Third Meeting 24-25 June 2010	❖ The civil society input the Second European Agenda for Integration ❖ The relation between migrants and the media
Fourth Meeting 6-7 December 2010	❖ Strong commitment by the host society ❖ Active participation of migrants
Fifth Meeting 23-24 May 2011	❖ Integration through local action
Sixth Meeting 9-10 November 2011	❖ The involvement of countries of origins in the integration process

The increasing professionalization of the Forum is evident starting the Third Meeting. Not only did the workshops become very issue-specific and problem-solving oriented, but also the focus was placed on arguments put forward by participants on the problems discussed. For instance, the Summary Report of the Third Meeting (2010) illustrates the individual interventions of various contributors and details the outcomes of roundtable discussions in workshops. This feature will be maintained for the next Forums. Furthermore, the Fourth Meeting ended with actual recommendations on 1) what policies are considered better; 2) what and who is missing from current frameworks; and 3) how things could be improved in the future. In addition, the Fourth Meeting saw the introduction of Background Notes (2010)



to Forum discussions, sent to participants before the meetings began. This would allow everyone to be more prepared and focused in debates, as shown by the resulting Summary Report (2010). In addition, attention was given to expert studies commissioned by EU institutions on integration topics, which were presented and debated. In the Fourth Meeting, Thomas Huddleston on behalf of the Migration Policy Group made an overview of their study “Consulting immigrants to improve national policies” (2010). At the Fifth Meeting, Sergio Carrera presented a report of the Centre for European Policy Studies on the relationship between the European Integration Fund and the Common Basic Principles on Integration.

Last, but not least, the Fifth and Sixth Meetings (2011) can be said to reveal a steady template for the organization of the Forum, dealing with a single issue at the time (see table above), being divided into interlinked, properly documented roundtable discussions (e.g. the Background Notes include descriptions of the problem, best practices from national settings, possible questions for stimulating the debate) and concrete recommendations from the concluding session.

#### **2.4. Summary**

Overall, it can be said that the Forum evolved from merely discussing internal working methods and possible roles in EU agenda-setting to actually debating immigrant integration problems and weighing feasible policy-making at the EU level. This last point can be explained through a constant process of self-improvement to which the Forum committed. To this end, it must be mentioned that an important step was prompted by the Civil Society Input for the Fourth Meeting, which acknowledged that good intentions are insufficient to ensure the Forum’s effectiveness. Instead, it proposed to: 1) link its agenda with current developments at the EU level; 2) draft specific recommendations after each meeting, which

should later be submitted to the Ministerial Conferences and to the JHA Council; 3) keep activities continuous (through the virtual platform provided by the European Web Site on Integration); 4) improve the transparency of participant selection procedures; 5) launch an “open debate within the Forum on its representativeness and ownership of the initiative” (2011, p. 2). Since most of these suggestions have been incorporated in subsequent meetings, it can be argued that the voice of civil society representatives seems to have been indeed taken into consideration. From this perspective, the Forum proved definitely more than a platform for “good intentions and repeating clichés” (Sepi, 2009, p. 2).

## Chapter 3

### Analysis

This chapter puts forward an evaluation of the empirical evidence presented in light of the research questions raised in the introduction and the theoretical elements summarized at the end of the literature review. In order to assess whether deliberative elements are indeed part of the European Integration Forum, it was proposed first to identify ‘conditions for deliberation’ according to each of the analytical frameworks selected. Now, these are ‘process-traced’ in the development and workings of the Forum. The analysis follows the three theoretical constructs selected.

#### *3.1. Conditions for deliberation in the European Integration Forum*

According to deliberative supranationalism, deliberations are “the rational reaction of an actor to a given opportunity structure” (Neyer, 2003, p. 250, following Elster, 1998). The meaning of ‘opportunity structure’ is understood in institutional terms, i.e. creating an institutional setting in which deliberative interactions are nurtured. The European Integration Forum undoubtedly fulfils this criterion. Established with the particular purpose to act as a “deliberative assembly”, it operates as a “physical platform for dialogue” among “all stakeholders and organizations active in the area of integration” (Barrot, 2009a, p. 4). The formula used for participation and organization is proposed by the EESC, as shown in the 2009 exploratory opinion. The Forum aims to be inclusive and representative of civil society groups at all levels. For this reason, it invites a broad range of organizations, as shown below<sup>8</sup>.

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<sup>8</sup> The table is put together from the list of participants available online for each of the Forum meetings. The lists for EU-based and national organizations are not exhaustive, owing to word limitations.

**Table 3. Categories of participants to Forum meetings**

EU institutions	EU-based organizations (examples)	National fora* (examples)
<p>DG HOME</p> <p>EESC</p> <p>EP</p> <p>COREPER</p> <p>Bureau of the European Integration Forum</p> <p>Representative from the country holding the Council Presidency of the EU</p>	<p>Caritas Europa</p> <p>European Council on Refugees and Exiles</p> <p>European Anti Poverty Network</p> <p>EUNOMAD</p> <p>ERLAI Network</p> <p>Black European Women's Council</p> <p>European Network against Racism</p> <p>Red Cross EU Office</p> <p>European Network of Migrant Women (ENoMW) and AKIDWA</p>	<p>Counseling Centre for Integration (Czech Republic)</p> <p>The Danish-Ethnic Youth Council</p> <p>Greek Forum OF Migrants</p> <p>Caritas Lithuania</p> <p>Conseil national pour Etrangers (Luxembourg)</p> <p>ARCA - Romanian Forum for Refugees and Migrants</p> <p>Foro para la Integración Social de los Inmigrantes (Spain)</p> <p>Swedish Red Cross</p> <p>Migrants' Rights Network (United Kingdom)</p> <p>*usually two per member state</p>

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It is important to mention that participation remains constant over time (the same people are invited for every meeting), which ensures a certain degree of continuity, stability and acquaintance among members. Furthermore, the Forum operates within a clear legal framework, implemented as part of the Commission’s 2005 Agenda for Integration. The activities of the Forum are regulated in ‘Rules of Procedures’ (Barrot and Sepi, 2009). Participants are expected to engage in the exchange of best practices and provide inputs on the EU agenda for immigrant integration. In other words, CSOs are given the incentive to participate and thus ‘have their voice heard’ in immigrant integration policies, albeit their opinion is asked solely on issues pertaining to the EU’s own agenda. In relation to this last point, García Agustín underlines the limitation of the Forum to only discussing the situation of third country nationals and not immigrants at large (as done at the EU level). According to the author, this “discursive closure” alters the scope for deliberation: “the discursive dimension tones down some of the advantages of deliberative democracy and the ability of civil society to change policies, at least in terms of the frameworks for enhancing policy-making” (2012, p. 19). Nevertheless, he admits that it would be impossible to conceive of the Forum outside the EU’s blueprint for integration policies. After all, it is a co-operative project between the EC and the EESC.

The limited possibilities for open discussion are also emphasized when making an analysis according to deliberative intergovernmentalism. The framework provides additional insights:

<b>Table 4. The European Integration Forum in the DI framework</b>			
<b>‘Catalysts’ for deliberation</b>		<b>Assessment</b>	<b>Comments</b>
<b>Negotiation setting</b>	Restricted number of participants	No	Around 100 participants
	Shared problems	Yes	Framed within the EU agenda on Integration, Background Papers circulated in advanced
	Flexible Agenda	No	Summary Reports reflect the program originally announced; Forum

<b>Negotiation setting</b>			participants have little leeway to discuss issues outside EU competence.
	Confidentiality	Yes	Forum meetings are confined to one room of the EESC building, only people invited can participate.
	Participants profile	Technical knowledge in the field No decision-making authority – the Forum is a consultative body	
	Psychological factors	Large group of people meeting infrequently – little familiarity	
<b>Policy content</b>	Cooperative interactions & coordination	Exchange of information and best practices on immigrant integration policies;  Improving the functioning of the Forum.	
	Reference to policy ideas & academic /expert discourse	Yes	Expert studies are presented and debated during meetings

\*Following Puetter (2006, pp. 146-48)

Overall, the institutional features and decision-making processes of the Forum appear rather unfavorable to policy deliberation. Despite the fact that participants share technical knowledge in the field and their discussions centre around common problems, deliberative interactions can be considered formal [given the conference format, with roundtable discussions, previously-set agendas etc], short [lasting only a day and a half] and infrequent [two times a year]. Participants do not have the time to become familiarized with each other, their interactions being limited by pre-established topics for discussion and a tight schedule.

Finally, in respect to reflexive deliberative polyarchy, the first thing to mention is the role of CSOs. Interestingly enough, they too view the Forum as an opportunity for open discourse on immigrant integration issues. One of the leading participants – Caritas Europa (also elected in the Bureau of the Forum on the part of EU organizations) – described the Second Meeting as “an event during which many opinions on how to approach integration were aired and many shared, giving all the European Integration Forum’s participants a highly successful opportunity to compare their methods with the common aim of ending social exclusion in

Europe” (Caritas Europa, 2009). García Agustín considers that the Forum indeed provides civil society actors a higher “possibility of having real influence on EU policies” in what resembles a “bottom-up form of deliberating and decision-making” (2012, p. 14). The growing importance of the Forum was emphasized by Mr. Peter Verhaeghe, Caritas Europa’s Head of Advocacy and representative in the Bureau: “The EIF has gained momentum. I mention in particular the fact that the civil society organizations representatives of the EIF were invited to participate in the EU Ministerial conference on Integration in April 2010 in Zaragoza, during the Spanish EU presidency” (Verhaeghe, 2011). Undoubtedly, the role of CSOs is to act as functional representatives in the way Smismans referred to “institutionalized forms of interest group participation” (2004, p. 52).

From this perspective, it can be said that the Forum provides a “win-win situation” (García Agustín, 2012, p. 13). EU institutions get to legitimize their role in immigrant integration policies, while CSOs actually come to play a part in determining the content of these policies. This is most obvious when looking at the Second European Agenda for the Integration of Third-Country Nationals, which explicitly mentions the inputs from the Forum (2011, p. 8). Simultaneously, the issues emphasized in the document would later become principal themes discussed in the Fourth, Fifth and Sixth meetings, e.g. a) integration through participation, b) more action at local level, and c) involvement of countries of origin.

Last, but not least, institutional reflexivity is visible in the Forum’s constant commitment to self-improvement – as shown by the agenda of the first meeting, but especially by the Civil Society Input for the Fourth Meeting [which was taken into consideration later on]. Because there was no “ready-made recipe as to how the Forum should function” (Haišman, 2009, p. 1), participants were allowed to shape the format of the meetings, as they were basically ‘learning-by-doing’. In this sense, the Forum displayed both a self-limitation in claiming to

create a flawless deliberative assembly and a procedural capacity to self-regulate (Smismans, 2008, p. 5). Both elements are in accordance to RDP.

### ***3.2. Assessment***

What do all these tell us about the European Integration Forum? Unquestionably, the body displays several elements of deliberative decision-making. As shown above, it is possible to identify in the Forum ‘conditions for deliberation’ from each of the analytical frameworks discussed. To begin with, the European Integration Forum has the legal and institutional framework to act as a consensus-seeking deliberative assembly, as emphasized in DS. However, in practice, the negotiation setting and policy content seem less conducive to deliberative interactions, at least according to a DI analysis. This happens because the model for deliberations is imposed from above (i.e. the EESC): formal conference meetings over short time periods which take place [rather] rarely. Simultaneously, the policy discourse is framed by the EU agenda in the field, thus leaving little room for discussing alternative ‘common’ problems. Notwithstanding such limitations, the Forum is successful in bringing together civil society actors as “functional representatives” of immigrant integration issues from both the national and the EU level. Additionally, as suggested by RDP, the body constantly ‘reflects’ upon its own procedures and makes efforts to improve them. The mere fact that “working methods can be refined over time” (Puetter, 2012, p. 175) indicates a core features of deliberative interactions: rationality (cf. Elster, 1998, p. 8).

On the whole, one could argue that the Forum is a formal body for deliberation - technically incentivizing policy deliberation, but practically difficult to be exploited by participants. This could only be a matter of time, given the novelty of the project, but predictions are difficult to make on such a fluid institutional framework



## Conclusions

### *Findings*

This paper aimed to explore the development and workings of the European Integration Forum using an analytical framework drawn from deliberative theories in EU studies. The Forum was an intriguing object of study owing to its hybrid nature - established in a top-down fashion by the Commission and the EESC to encourage bottom-up participation in EU policy-making. Designed to create a consultative civil society body, this supranational project aspired from the very beginning to be much more - a ‘forum’ for discussions, not just another ‘committee’ in EU structures. Given its choice of name, there was a strong deliberative implication – which the present paper attempted to explore in light of analytical approaches to deliberation. Three theoretical constructs were considered: deliberative supranationalism, deliberative intergovernmentalism and reflexive deliberative polyarchy.

From a DS perspective, the European Integration Forum was shown to provide institutional incentives for inclusive deliberations – gathering relevant stakeholders from civil society organizations in order to exchange information, share opinions and best practices in the field, discuss expert studies and ultimately just ‘communicate’ to each other. Nevertheless, a more in-depth analysis according to DI suggested that the technical requirement to act as a ‘deliberative assembly’ is not fully met in practice. There are not many institutional features and decision-making processes conducive to deliberation, apart from the participants’ common knowledge in the field. Thus, the Forum meets briefly and infrequently in a large assembly which constrains rather than nurtures the emergence of open discourse. Additionally, the scope for debates is limited by the EU’s own agenda on integration and the

issues currently pursued at the supranational level. While this may be understandable when considering the organization of the Forum by two EU institutions and its financing from EU budget, it still alters the possibility to engage in fully open deliberations. Lastly, from the lenses of RDP, the Forum can be praised for its involvement of civil society actors as functional representatives of immigrant integration problems in the European Union. Although CSOs cannot guarantee to represent “all affected persons” in the field (see Habermas, 1996, p. 107), they can undoubtedly ‘voice’ concerns and show initiative. Simultaneously, the ability to display institutional reflexivity - by constantly seeking to improve working methods – is a deliberative quality to be appreciated in any policy-making setting.

Overall, the European Integration Forum appears an inclusive, knowledge-based and reflexive civil society assembly at the EU level. To this extent, it can surely be considered a deliberative body of policy-making (or policy consultation, to be more accurate). At a closer look, however, the Forum seems less favorable to deliberation, owing to discourse limitations during short and infrequent meetings. The continuous tendency toward self-improvement may overcome such deficiencies in time, but a lot depends on the increase of EU competence in migration policies [which would enlarge the scope for policy discussions].

### ***Contribution***

Taking all this into consideration, the present paper has contributed to the existing literature on EU deliberative policy-making in at least two ways. On the one hand, it has advanced an empirical agenda for studying deliberative theories in the European Union. It has shown that existing frameworks are insufficient for comprehending the workings of the Forum, and hence a mixed approach is necessary. While RDP, as a civil society theory, could

hypothetically be applied for understanding Forum developments, its research methodology still needs to be supplemented from other analytical constructs in order to build a full picture of civil society assemblies at the EU level.

On the other hand, the paper provided a preliminary investigation into the workings of a novel, hitherto overlooked EU body. The European Integration Forum is definitely worth further research into its mechanisms, as the analysis presented here has shown its potential for operating as a fully-fledged deliberative assembly. At the same time, the Forum seems symptomatic of an emerging EU trend to involve CSOs in policy fields where the Union does not have much competence - as a way to legitimize intervention.

### ***Limitations***

Nevertheless, the analysis presented earlier suffers from one major shortcoming: the lack of insiders' views into 'how the Forum works'. The empirical chapter would have benefited greatly from interviews with participants in Forum meetings, who could have been inquired: a) whether they feel a deliberative formula is imposed on them from the EESC; b) whether they consider to have a real possibility to participate in Forum discussions; or c) whether they think their opinions are taken into consideration in subsequent summary reports and other EU documents. For this reason, it is considered feasible to conduct additional research into the deliberative workings of the Forum from normative, analytical and policy-oriented perspectives.

### ***Areas for future research***

There are several ways in which the present exploratory study could be developed further. First, scholars could follow a normative approach to deliberation and investigate the Forum from the perspective of democratic legitimacy, which is particularly pertinent given the role

played by civil society in a politically sensitive area like immigrant integration. Second, the output generated by the Forum could be examined in order to test its effectiveness. Is this advisory body really working? Are its opinions taken into account? etc. Third, policy writers could look into the problems of the current *modus operandi* of the Forum in order to make recommendations on how to improve its efficacy and strengthen its position at the EU level. Ultimately, the Forum has great potential which awaits to be fulfilled.

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