

ANNIKA PORSBORG NIELSEN, JESPER LASSEN, and PETER SANDØE

## DEMOCRACY AT ITS BEST? THE CONSENSUS CONFERENCE IN A CROSS-NATIONAL PERSPECTIVE

(Accepted in revised form September 3, 2006)

**ABSTRACT.** Over recent decades, public participation in technology assessment has spread internationally as an attempt to overcome or prevent societal conflicts over controversial technologies. One outcome of this new surge in public consultation initiatives has been the increased use of participatory consensus conferences in a number of countries. Existing evaluations of consensus conferences tend to focus on the modes of organization, as well as the outcomes, both procedural and substantial, of the conferences they examine. Such evaluations seem to rest on the assumption that this type of procedure has universally agreed goals and meanings, and that therefore consensus conferences can readily be interpreted and applied across national boundaries. This article challenges this approach to consensus conferences. The core of the article is a study of national differences in ideas about what constitutes legitimate goals for participatory arrangements. The study looks at three consensus conferences on GMOs, which took place in France, Norway, and Denmark. Drawing on this study, the article discusses the ways in which interpretations of the concept of participation; the value attributed to lay knowledge vs. technical expertise; as well as ideas about the role of the layperson, are all questions that prompt entirely different answers from country to country. Further, the article analyses these national differences within a theoretical framework of notions of democratic legitimacy.

**KEY WORDS:** Public participation, consensus conference, GMO, cross-national evaluation, participatory technology assessment, TA, deliberative democracy, models of democracy, democratic legitimacy, lay and expert knowledge

### 1. INTRODUCTION

Over the past few decades, the deployment of the participatory consensus conference has spread from its place of origin in Denmark – where it was developed by The Danish Board of Technology (DBT) in the mid-1980s<sup>1</sup> – to

---

<sup>1</sup> The model of participatory consensus conferences, which is now widely referred to as “the Danish model,” was originally adapted from the expert-based consensus conferences of the US Office of Technology Assessment (OTA). The first participatory consensus conference was organized by the DBT in 1987 on the topic “Gene technology in industry and agriculture” (see the DBT web page [www.tekno.dk](http://www.tekno.dk) for a comprehensive list of Danish consensus conferences; accessed March 15, 2006).

other parts of Europe, as well as to countries as diverse as Argentina, Canada, Australia, Japan, and South Korea.<sup>2</sup> The aim of this article is to argue that attention needs to be given to the complex ways in which the consensus conference model is being interpreted, applied, and received; and to show that these interpretative processes depend on characteristics of the national political cultures into which the model is being introduced.

The tendency to regard participatory tools as cross-nationally applicable<sup>3</sup> may be closely connected with the widespread assumption that the concept of participation incorporates universally agreed meanings and connotations. However, the socio-cultural values that are ascribed to this conceptually fuzzy and seemingly all-inclusive concept vary considerably. Participation, it would seem, is the one thing that everyone agrees that we should have more of, yet there seems to be little or no reflection upon whether we really mean the same thing when we talk about participation.

Of course, it is possible to stipulate a specific definition of the concept of participation. If we should do so we would follow Fischer (2000), according to whom participation denotes the rights and duties of citizens to hold decision-makers accountable. Participation in this meaning of the word can be seen as having both intrinsic and instrumental value.<sup>4</sup>

However, our study reveals that “participation” is an ambiguous concept associated with differing values, assumptions, and goals. We agree with Joss and Bellucci (2002: 45) when they argue for a “pluralistic conception of participation, [one that] recognizes the different meanings attached to participation by various social actor groups.” In addition to the ambiguity of the concept, the problem – as discussed throughout this article – might also be that there is a lack of agreement as to what role public participation should be allowed to play in a democratic society.

---

<sup>2</sup> See the LOKA Institute web page for an overview of “Danish-style, citizen-based deliberative consensus conferences on science & technology policy worldwide”: [www.loka.org/pages/worldpanels.htm](http://www.loka.org/pages/worldpanels.htm); accessed March 15, 2006.

<sup>3</sup> Where the consensus conference has been applied outside Denmark, adaptations and adjustments to the original model have in most cases been made. The name of the arrangement has occasionally been changed (see e.g., Joly et al., 1999; Joss and Bellucci, 2002) to, for instance, Citizen Forum (Germany, 2001), PubliForum (Switzerland, 1999), or Citizens’ Conference (France, 1998). Sometimes the procedures have been adjusted to the particular institutional framework of the host country (see e.g., Einsiedel et al., 2001; Goven, 2003). One of the more significant choices about alterations to the original format is whether to require consensus to be reached, or to allow or even strive for dissent in the final report.

<sup>4</sup> The instrumental properties of participation refer to the handling of societal issues in ways that involve the public, and thus possibly increase their acceptance of or trust in policy decisions. The intrinsic characteristics relate to the fact that participation is both an inherent feature of popular democracy and at the same time functions as a democratizing mechanism.

It is interesting to note that participation is one of the few concepts to be inherently and automatically associated with positive meanings and qualities.<sup>5</sup> As Michael Ignatieff (1992) has noted, the concept of community, too, bears these inherent positive connotations – something that prompts him to speak of “community” as a “dishonest word,” in the sense that it can cover up underlying power relations or manipulative strategies. The concept of participation can be said to share these potentially deceptive characteristics, and this emphasizes the need to go beyond the concept to understand what happens when, for instance, it is interpreted and employed in different nation states.

Following the international spread of the participatory consensus conference over recent decades, several evaluations of the method have been carried out. Often these evaluations focus on organizational properties, such as the selection of lay and expert panels, time management, and funding, as well as on implications of the conference’s institutional setting and the proximity of the arrangement to the procedures of parliament and government (Joss and Durant, 1995; Einsiedel et al., 2001). Some evaluations have focused on the ability of the consensus conference to question and problematize existing dominant discourses (Goven, 2003); and most evaluative efforts have scrutinized the impact of conferences, whether this be substantive impact on policy-making, procedural impact on the institutionalization of participatory procedures, or social impact on the scope and quality of public debate and public involvement in the issue in question (Einsiedel et al., 2001).

Our aim in the present analysis of consensus conferences is a rather different one. Instead of focusing primarily on impacts, outcomes, and modes of organization, we aim to explore the underlying perceptions, interpretations, and assumptions that govern people’s understandings of the purpose and legitimacy of consensus conferences – and hence the conditions under which the tool is implemented.

The article begins, in section 2, by outlining some developments in the field of technology assessment that have paved the way for the increased use of participatory procedures. It then goes on to briefly describe the consensus conference model. Section three explains the ways in which the article’s approach differs from some of those mentioned above, and outlines the case for thinking that an alternative approach is needed. In section four, we set forth the analytical framework that will be applied to the case study of consensus conferences, and we discuss some distinctions between models of democracy that are central to the analysis. In section five we turn to our case

---

<sup>5</sup> In recent years, critiques have surfaced questioning “participation” as a taken for granted ideal; see i.e., Cooke and Kothari, 2001.

study and reflect on the methodology applied. The sixth section draws on results from the study, and discusses these results in relation to the models of democracy discussed in section four. In the final section of the article we offer some concluding remarks and observations.

## 2. BACKGROUND TO THE STUDY. TECHNOLOGY ASSESSMENT, PARTICIPATION, AND SHIFTING PERCEPTIONS OF THE PUBLIC

One field in which the concept of public participation has come to play a central role, and where various types of participatory arrangements have been and are being employed, is the area of conflict between science and technology, on the one side, and society and the public, on the other. The introduction of new technologies into society has often provoked public debate, criticism, and in some cases, overt opposition. Societal controversies over technology developed in Western countries during the 1960s, and over the following decades the ensuing conflicts – and the barriers they raised to technological development and production – led to the emergence of technology assessment (TA) as a discipline.

One line of development following the emergence of TA was the growing attempts to address the controversy over new technologies through public consultation. This approach grew out of – and indeed supported – a new perception of the role of the public. It also represented a challenge to assumptions inherent in the so-called “public understanding of science” (PUS) approach.<sup>6</sup>

The new emphasis on participatory TA, which developed particularly during the 1990s, promoted bottom-up processes of communication and interaction between members of the public and decision makers.<sup>7</sup> Participatory processes within this interactive understanding may be defined as “deliberation on the pressing issues of concern to those affected by the decisions at issue” (Fischer, 2000: 32). The growing focus on public

---

<sup>6</sup> At the foundation of the PUS approach was the belief that societal controversies over technology were the result of scientific illiteracy among the public. Although this approach is characteristic of the early phases of TA, it continued to prevail in connection with biotechnology well into the 1990s. Indeed the second wave of public controversy in this area can to some extent be interpreted as a response to the one-way, top-down PUS strategy pursued in most European countries during the 1980s (see e.g., BECAGP, 1997).

<sup>7</sup> Yet, even within this lay-oriented conception of TA, examples can be found showing that the PUS approach still informs some attempts to involve the public in techno-scientific debate and decision-making. In a recent evaluation of two New Zealand consensus conferences on plant biotechnology (in 1996 and 1999), Goven (2003) found that “deficit model thinking” informed the conferences; she convincingly shows that lay panellists’ attempts to raise critical and challenging questions were assimilated into the dominant discourse of scientific expertise.

participation in TA can be interpreted as an attempt to leave behind an era in which most Western countries had operated a *laissez-faire* and expert controlled technology policy. Thus, in the words of Hennen, this development can be seen as an attempt to "...put politics in command', that is, expand the political possibilities of action vis-à-vis the growing dynamics of scientific and technological developments" (Hennen, 1999: 304).

The development and spread of the participatory consensus conference is, in effect, an attempt to "expand the political possibilities of action" through public involvement. Although the set-up may vary slightly from one conference to another, the majority of consensus conferences do have shared organizational features: first, a panel of laypersons pass through learning processes, in which they are informed about the issue at hand and about the pros and cons of the matter. Typically this process involves lectures and the personal study of selected documents and articles. Second, using this information, the lay panel prepare a list of questions that they feel should be addressed if they are to form an opinion on the issue at hand. Third, a panel of selected experts is asked to consider these questions and present their answers to the lay panel at a public conference. Finally, the lay panel withdraws and considers the issue. It then presents its conclusions in a final document, which is presented publicly on the final day of the conference.

Citing the DBT in their description of the Danish conception of the method, Andersen and Jaeger set out the central aims of the consensus conference as follows:

(...) to give citizens the opportunity to influence important decisions affecting their lives, both through the conference itself and through the impact of the conference process on public debate; to overcome the limitations of expert knowledge, by drawing on local knowledge and the civic responsibilities of citizens (Andersen and Jaeger, 1999: 334)

While such aims can be said to underline also the declared goals of the conferences included in our study (and arguably those of most other consensus conferences), we shall show how the ideals of deliberation and participation evinced in the passage above become infused with differing meanings when they appear in different contexts. The template for consensus conferences formulated by the DBT emphasizes the aim of creating a forum in which lay people can set the agenda; one in which the ordinary person can interact with experts and decision makers. Ultimately, with all actors benefiting from the mutual exchange of knowledge, this type of process, it is assumed, will inform decision-making, which will then attain a certain degree of accord with public views, and consequently be socially robust. Thus, the consensus conference model, in the form described above, has the potential for making "real" public influence possible.

Such a definition of the consensus conference, however, reflects what we might call a “blueprint” or a textbook definition of this participatory model, rather than an appreciation of the processes of interpretation that take place when the model is applied in a particular socio-economic, cultural, and/or political context. As will become clear from the case study reported in this article, our interviewees hold no clear-cut or straightforward ideas about what counts as “real” participation, how it is brought about, or whether it is even considered politically legitimate. Acknowledging that the concept of participation is contextual and relational, our study questions the merits of any attempt to formulate a shared template for consensus conferences; it thus casts doubt on the notion that a fixed set of goals ought to inform every use of the consensus conference.

### 3. AIMS OF THE STUDY

The case study discussed in this article comprises three consensus conferences on GMOs and GM foods carried out in, respectively, France, Norway, and Denmark. We explore ways in which different models of democracy and conceptions of legitimacy impact on national interpretations of the consensus conference. Our results suggest there is reason to question whether, indeed, the participatory model of a consensus conference *travels well* (Einsiedel et al., 2001: 83), or perhaps more accurately; they suggest there is reason to investigate *what happens when it travels*. At any rate, from the outset, our purpose differs from that of Einsiedel et al. – we begin at different points of departure. Our different positions, then, have partly to do with attention being directed in different ways, but as we shall argue below, they are shaped also by more substantial disagreement.

What we propose is an exploration of the representations, perceptions, and values governing different ideals of public participation as expressed in interviews with key actors in consensus conferences. These idiosyncratic expressions are discussed in relation to dominant ideals of democracy, and the interplay between individual interpretations and traits of political cultures shape our analysis.

In contrast to this approach, Einsiedel et al. aim to explore the different ways in which lay panels construct, discuss, and assess a particular conference topic. They appear to work with the assumption that a comparison of these properties will provide an account of how the model works in different settings (2001: 83–84). Their comparative analysis covers three conferences on food biotechnology in, respectively, Australia, Canada, and Denmark, all of which took place in 1999. The authors describe differences and similarities in the organization of the conferences, and discuss

differences in the countries' approaches to, and uses of, food biotechnology. They outline the sets of questions and recommendations formulated by the respective lay panels and discuss significant similarities and differences. The comparative analysis offers interesting conclusions as to how the lay panels in the three different settings constructed and assessed this social problem, which is precisely what the authors declare to be one of their two interrelated goals (ibid: 84). So far, then, our differences concern merely the different foci of our studies.

The second question that these authors aim to address, however, is about the procedures of the model rather than the conference topic – the method's replicability in different contexts (ibid: 94); and here we encounter more substantial disagreements. For we shall argue that the significant questions that need to be addressed when one explores how the model "works" in different contexts have to do with dominant perceptions of democratic legitimacy – how it is attained and how it relates to ideals of participation and deliberation. In our analysis, we investigate at what levels, and under what circumstances, deliberative and participatory processes are seen to lend democratic legitimacy to political decisions. An underlying assumption in the analysis of Einsiedel et al. is that the employment of consensus conferences *per se* enhances legitimacy in decision-making (ibid: 95). However, the analysis presented in this article suggests that this cannot be considered an implicit feature of the method, seeing as different models of democratic legitimacy – and consequently, different interpretations of lay involvement in decision-making – prevail in different political cultures. For these reasons we would oppose a view of consensus conferences in which their ability to "travel well" can be readily inferred from their ability to produce comparable results.

Further reasons should be outlined here as to why we argue that Einsiedel et al. do not sufficiently succeed in answering their second question about the applicability of consensus conferences in different contexts – and, ultimately, why we would argue for an alternative position. The authors conclude that the consensus conference represents a way of bridging the "incommensurability of ... participation and expertise," and that the inclusion of lay people in participatory technology assessment will "demonopolize expertise and recognize that ordinary people are intrinsically part of the technological project" (ibid: 95). Our case study will show that such results are not automatically or necessarily secured through the deployment of consensus conferences, and that this limitation is intimately connected with the variable attribution of value and status to different knowledge forms and to lay and expert discourses.

Further, since Einsiedel et al. never attempt to go beyond abstract definitions of the aims of the consensus conference, and hence omit to explore

how these aims may differ when interpreted in different contexts, they take for granted the implicitness of specific aims and purposes embedded in the tool. This is what enables them to explore the “efficacy” of the model (ibid: 83), assuming, it seems, that successful deployment can be secured, or at least optimized, through attempts to meet universally defined standards and claims. Such a taking for granted of certain implicit goals inherent in the method can also be detected in Goven’s (2003) evaluation of consensus conferences, when she speaks of “realizing the democratizing potential of the consensus conference” (ibid: 424). Surely, the realization of this potential will depend on the democratic ideals dominating the political culture in which the method is being employed. Ideas about how political decisions gain legitimacy differ across nations, and so will the ways in which – and the extent to which – the consensus conference is seen as a democratizing mechanism.

Thus, instead of taking for granted a particular set of aims associated with the model, we shall explore the ways in which democratic ideals shape various perceptions of consensus conferences. Highlighting results from our case study, we shall also discuss these different perceptions and ask how they affect the interviewee’s views about the role of public deliberation, the roles of laypersons vs. experts, and the interplay between expertise and participation. It became clear in our interviews that key actors in the conferences we studied expressed differing, and even conflicting, ideas about what it is that lends democratic legitimacy and validity to political decisions. This was the backdrop to contradictory – yet each of them logically coherent – perceptions of the aims of the consensus conference. What we wish to urge, then, is that greater attention should be given to the contingent and contextual nature of the tool – and in particular to the interplay between the conceptions of deliberation and participation inherent in the tool and the conceptions of legitimacy informing different models of democracy.

#### 4. ANALYTICAL FRAMEWORK DEMOCRATIC IDEALS AS A FRAMEWORK FOR INTERPRETATION

In this section, we shall outline the analytical framework that we will later apply to the case study of consensus conferences, and in this way indicate our understanding and use of some central analytical concepts. Reflection is appropriate with regard to the merits of employing models of democratic legitimacy as key analytical concepts. Why, indeed, should the concept of democratic legitimacy add value to an analysis of national interpretations of the consensus conference?

It might be argued that such analysis should focus on institutional and organizational settings, or on historical differences or socio-cultural

categories. Throughout the article, it will become clear, however, that the models of democracy to which we refer are not employed as residual analytical categories assigned to explore marginal national differences, and that in fact they allow us to explore aspects of the interpretation of participatory procedures otherwise largely overlooked.

Let us turn to a discussion of our theoretical points of departure.

In an essay on normative models of democracy, Habermas (1996) outlines two paradigms of democracy, the liberal and the republican,<sup>8</sup> and argues for a third model invoking a proceduralist-deliberative notion of democracy. In advocating this third model, Habermas argues that its proceduralist traits assist in unburdening the “ethical overload” that to his mind characterizes the republican ideal. The approach he proposes invests the democratic process with normative connotations “...stronger than those found in the liberal model but weaker than those of the republican model” (Habermas, 1996: 27). In the liberal conception of democracy, politics is conceived as a vehicle that brings forth the interests and preferences of private citizens by means of an elected government that acts as an apparatus of public administration. The republican model of democracy, on the other hand, represents a view of politics not as mediating, but rather as constitutive of the processes of society as a whole, in the sense that it assumes integrative forces of solidarity and shared conceptions of the common good (Habermas, 1996). In the proceduralist-deliberative alternative outlined by Habermas, the deliberative ideal, in which priority is given to processes that allow for the better argument to come forth, is coupled with a respect for the procedures that secure fair and open communication processes. In short, Habermas is concerned with questions of justice, referring to regulations in the *equal* interests of all, as opposed to ethical questions, referring to the *common* interests of an integrated political community.

Different conceptions of democracy and their communitarian, deliberative, and procedural orientations form the point of departure for our investigation of national interpretations of the participatory consensus conference, as we will see in our discussion of case study results in section six. The key to our exploration of these national differences is the concept of democratic legitimacy, seeing as the case study shows that this is a concept that guides interviewees’ ideas about the appropriate institutional setting for the consensus conference, about the roles of experts and lay panels, about

---

<sup>8</sup> From these opposing conceptions of politics follow, as well, different approaches to the rights and status of citizens. The liberal conception implies a focus on what Habermas calls *negative rights*, that is rights *from* government interference or compulsion, whereas in the republican conception *positive liberties* (ibid.: 22) are conferred on the citizen, in the sense that citizens have the right *to* engage in participation and ongoing deliberation on the shared moral ideas and convictions that make up the foundations for the political community.

the valuing of forms of knowledge, and, ultimately, about the aim and purpose of initiating consensus conferences.

Within different conceptions of democracy, democratic legitimacy is attained in different ways and through various procedures. This, in turn, shapes ideas of when and how decisions are legitimate, which again leads to different perceptions of public participation and deliberation, of the ways in which these processes should be enabled, and of the levels at which they are deemed appropriate. The *proceduralist* conception of democracy – embedded in the liberal ideal outlined by Habermas – is wedded to a notion of legitimacy in which political equality is the highest value (Dahl, 1998). The equal status of all citizens in the polity is secured through the equal right to vote, and thus the highest authority lies with elected representatives carrying out the mandate of the citizenry. Legitimacy is attained through the fairness, transparency, and trustworthiness of the procedures that guard political decision-making. Although public deliberation plays a role within proceduralist, and communitarian, as well as deliberative notions of democracy, Lassen et al. (2003) argue that due to the different conceptions of legitimacy, different criteria exist for the institutionalization of deliberative procedures. Thus, in the proceduralist model, deliberation should, first and foremost, take place in a chamber of elected representatives of the public, thus securing the political equality of citizens (ibid).

The proceduralist notion of democracy embedded in the liberal paradigm contrasts with the republican approach. The focus, within the republican paradigm, on public engagement in political discourse is precisely what prompts Habermas's criticism of it (1996: 23), for instead of allowing for discussions of value orientations and interpretations, the republican ideal invites a *communitarian* reading, he argues, which leads to an "ethical constriction of political discourse." Political discourses are assimilated to the "clarification of a collective ethical self-understanding" (ibid: 24), which means that deliberation on politics will be implicitly related to a specific collective and its form of life. The communitarian model of democracy (Michelman, 1989; Lassen et al., 2003) is based on conceptions of political autonomy and political equality that can only be realized by a community of citizens with common practices and shared values and traditions – not by private citizens each of them pursuing their own interests. Within this notion of democracy, then, legitimacy is attained when political decision-making reflects the shared culture, ethics, and values of the community. Shared notions of the good life become, as it were, a public matter and provide the backdrop for deliberation over, and the regulation of, public issues. For these reasons, the participation of *lay* people in the decision process is central, seeing as the deliberation of a group of laypersons is believed to have democratic and moral authority (Lassen et al.,

2003). Hence, the primary significance of deliberation lies in its capacity to unearth the basic values of the community as a basis for discussing the moral conflict in question.

Criticizing the communitarian reading of the republican ideal, Habermas observes, "... the democratic process is dependent on the virtues of citizens devoted to the public weal" (1996: 24). Habermas's concern echoes what Benhabib refers to as liberal misgivings about the "lofty and ennobling" visions of deliberative democracy. Liberal skeptics are concerned with what will happen if "...less than noble majorities challenge the principles of political liberalism ... in such ways as to lead to religious fanaticism, persecution of unpopular minorities, intrusion of the state into the domain of private life ... all in the name of some shared good" (Benhabib, 1996a: 77).

Anticipating this dilemma, Habermas lets the success of deliberative procedures depend not only on the actions of citizens. Thus, in his joining of deliberative and proceduralist notions of democracy, Habermas also links deliberative procedures to the "... institutionalization of the corresponding procedures and conditions of communication" (Habermas, 1996: 27). The model of *deliberative* democracy has an array of advocates and proponents (Habermas, 1996; Cohen, 1996; Benhabib, 1996a; Fishkin and Laslett, 2003), and, it might be argued, just as many different readings and interpretations. Some thinkers view the deliberative democratic ideal as a way to let substantive moral commitments and shared value orientations feed into political decision-making, thus leaning to the communitarian notion, while others view the operation of deliberative procedures in itself as the measure of success, emphasizing the potential of deliberation processes to issue in a multitude of views, ideas, and concerns that are not from the outset related to a specific political community (Benhabib, 1996b). Legitimacy, within the deliberative conception, depends on the extent of approximation to the ideal of the deliberative procedure.<sup>9</sup> Thus, within this conception of democracy, the carrying out of deliberative procedures that are inclusive and transparent – and in which different actors and groups in society are accorded an equal chance to make their voices heard – will impart democratic legitimacy to political decision-making. Hence, in this model, public participation takes center stage, and the deliberation of a group of laypersons (as directly affected parties) is an indication of the legitimacy of political decisions (Lassen et al., 2003).

---

<sup>9</sup> This line of thinking has been questioned by, among others, Elster (1997), who points to the fallacy in what he refers to as the "approximation assumption": it is not true, he argues, that "a situation in which more, but not all, of the optimum conditions are fulfilled is necessarily, or is even likely to be, superior to a situation in which fewer are fulfilled"; and he states further that "one cannot assume that one will, in fact, approach the good society by acting as if one had already arrived there" (Lipsey and Lancaster quoted in Elster, 1997: 18).

As will become apparent from the discussion below of the case study interviews, conceptions of legitimacy inherent in the democratic ideals of different countries are of crucial importance to the ways in which local actors interpret the aims and purposes of consensus conferences as participatory procedures.

The following section accounts for some methodological reflections in relation to the case study on consensus conferences.

## 5. CASE STUDY: CONSENSUS CONFERENCES IN A CROSS-NATIONAL PERSPECTIVE. METHODOLOGICAL REFLECTIONS

The conferences examined in the case study<sup>10</sup> were selected partly because they covered similar topics (GM foods or GMOs), and partly because they were conducted in national settings that offer interesting comparative perspectives. The countries involved share certain features generally ascribed to Western liberal democracies. At the same time, they are each of them imbued with distinct political cultures, and social, historical, and technological currents that set them apart.

In the case study, 19 individual qualitative interviews were carried out with key actors in the conferences.<sup>11</sup> Interviewees were deliberately selected so as to secure wide representation, with people in different roles in the conferences being approached. It was felt to be important, for instance, that the conference moderators should be interviewed in order, first, to provide insight into the interaction and exchanges between members of the lay and expert panels at the public part of the conference; and secondly, to provide important insight into the process of preparation leading to the lay panelists participating in the conference, as well as the lay panel's writing up of the final report. Interviews with organizers, project leaders, evaluators, and steering committee members were also sought, as it was felt that these might cast light on the aims and motives in initiating consensus conferences.

---

<sup>10</sup> The French conference (1998) was organized by the *Parliamentary Office for the Evaluation of Scientific and Technological Choices* (OPECST); the Norwegian conference (1996) was organized by the *National Committee for Research Ethics in Science and Technology* (NENT). The roles and mandates of both of these bodies can be compared to that of the *Danish Board of Technology* (DBT), since they both function as advisory bodies to parliament in the respective countries. The DBT was the organizer of the Danish conference (1999), which was eighteenth in a series of Danish consensus conferences organized by the board.

<sup>11</sup> The interviews were carried out in Paris, Copenhagen, and Oslo in spring 2004. In addition, the case study included the examination of written documents such as discussion papers, conference transcripts, invitations, evaluation reports, and final documents produced at the three conferences.

Interviews with lay panelists were not included in the study,<sup>12</sup> thus the analysis will not provide accounts of lay people's motivations and experiences in partaking in this type of participatory arrangement. Rather, the focus is on the roles of lay people and experts, as perceived by a variety of actors in the conferences.

The individual qualitative interview was chosen as the method that would best provide insight into the expectations, perceptions, judgments, and assumptions reflected in the interviewees' views and experiences of the consensus conference and their own role in it. Each interview was structured so as to shed light on five main themes: *the aim and purpose of the conference; the organizing of the conference; selection and participation; planning and implementation; aftermath and results*. This structure would permit an investigation of the pragmatic aspects of the consensus conference by following the chronology of the arrangement. It also allowed us to explore views and expectations of the interviewee relating to the purpose and value of this type of participatory arrangement.

In the remainder of the article, we will draw upon the results of the case study to discuss how the aims and purposes – as well as the legitimacy and acceptability – of the consensus conference model is interpreted by our interviewees, and we shall discuss these interpretations in relation to the ideals of democratic legitimacy outlined above.

## 6. INTERPRETATIONS OF PARTICIPATION: CONTROVERSY OR “TRUE DEMOCRACY”?

### 6.1. *Discourses of Legitimacy*

In France and Norway the consensus conferences of 1998 and 1996, respectively, were the first to be organized in the two countries,<sup>13</sup> something that turned out to have quite a significant effect on the ways in which the conferences were conceptualized. Both Norwegian and French interviewees stressed that the focus in the process of organizing the conference had been primarily on the *procedures* of the model rather than the particular *topic* at

---

<sup>12</sup> Lay informants are not included since lay interviews were only obtained in Denmark. In Norway, the fact that the conference had taken place eight years prior to the interviews made those lay participants whom we contacted reluctant to partake because they feared they would not be able to recall the experience well enough. In the case of France, we were not able to obtain the necessary contact information for the lay participants, and thus were not able to approach them about the possibility of taking part in the case study.

<sup>13</sup> After these initial conferences, a follow-up conference was held in Norway in 2000, reconvening the same lay and expert panels, while a second consensus conference was held in France in 2002 on the topic of climate change, albeit not in a parliamentary setting.

hand – albeit for quite different reasons, which have to do with the countries’ differing perceptions of the consensus conference.

In France, the consensus conference model was perceived to be somewhat controversial. Several interviewees referred to the conference as an unusual procedure that was in some way incompatible with French political culture. The novelty of the situation meant that the organizers and the steering committee were focused on how this method could function in a French political context, rather than on how well it served as a forum for broadening debates on GMOs. Debate about GMOs was already taking place in the media, in Parliament, and among experts. The new and unusual step – and what seemed to be of most interest to the interviewees – was the participation of lay people at the national level of parliamentary politics.

Here, we touch upon the very reason why the consensus conference is perceived to be controversial in France: lay consultation at the parliamentary level interferes with the legitimacy and political equality associated with representative democracy. Even the officials from the *Parliamentary Office for the Evaluation of Scientific and Technological Choices* (OPECST) who were responsible for organizing the conference were critical of the model, while politicians rejected the initiative outright. One of the organizers, a civil servant working at that time for OPECST, describes the atmosphere surrounding the conference like this:

...the senators and the parliamentarians said “but there’s really no need to organize a citizens’ conference, because we are the ones representing the citizens. Why this madness? Why would you want to organize in the midst of the assemblies a procedure which contradicts the essence of representative democracy?” ... There you go; that’s the general picture. (Organizer, April 2, 2004)<sup>14</sup>

The organizer quoted here argued that the model was at odds with French democratic ideals, but nevertheless saw the conference as an interesting experiment, and one that might gain momentum given the right circumstances. Members of the steering committee, too, described how many politicians dismissed or were skeptical about the method, while most committee members were in favor of the model and felt it might still have a future in the French political context. Still, everyone conceded that the method was, in their view, in stark opposition with dominant ideals of democracy in France.

Some steering committee members argued that consensus conferences might be more easily accepted at the regional or municipal level: owing to the centralist traditions of French politics, public participation was seen to belong at the local level, thus not invoking the apparatus and authority of

---

<sup>14</sup> All interview excerpts have been translated from the original language by the authors of this article.

parliamentary bodies.<sup>15</sup> Here there is an interesting contrast with the Scandinavian countries we examined, where interviewees argued that the close connection of the conference procedures with parliamentary decision-making was precisely what proved their relevance and legitimacy. One member of the French steering committee offered an explanation of the strong opposition to the method from political decision makers:

In France, any kind of citizen intervention is looked upon as a perversion of representative democracy. And especially within Parliament, where they don't really have much power left now with everything being decided in Brussels, or in the government, or in the trade organizations. So they are already left with next to nothing. If you take away from them also their role as representatives of the people... well then they have nothing left at all! (Steering committee member, April 2, 2004)

All of the French interviewees felt that the consensus conference model would be widely perceived, in France, as incompatible with democracy. Some, like the steering committee member quoted above, connected negative attitudes to the model with power struggles within the political system. More commonly, however, these attitudes were linked with ideals of representative democracy – as can be seen, for example, in the earlier quotation above.

Thus, descriptions of the method's incompatibility with the political system invoke notions of legitimacy associated with the procedural model of democracy: if political decisions gain legitimacy through the workings of fair and transparent procedures, administered by publicly elected representatives, then allowing a small group of randomly selected citizens to take center stage, let alone give advice to decision makers, is deemed inappropriate and, as the interviews suggest, *undemocratic*. In the light of the French reception of the conference model, the idea that the employment of consensus conferences *per se* enhances legitimacy in decision-making can be queried. As stated in the outset of the article, this cannot be considered an implicit feature of the method; within the French conception of democracy, at any rate, it is precisely the claim to democratic legitimacy that undermines the validity of the method and renders it unacceptable in the French political context.

In Norway, quite a different picture emerged. Rather than causing controversy and resistance, the model was seen here to represent a new and useful tool for public participation in debates and decision-making on issues of societal importance. Several interviewees also hoped that the successful organization of a conference would help to strengthen the case for the

---

<sup>15</sup> Furthermore, several French interviewees argued that the country's second consensus conference on climate change, organized in 2002 by the independent organization of *Cité des Sciences*, represented a more appropriate way of applying this participatory model, precisely because it was organized by an NGO and thus did not take place in a parliamentary setting.

establishment of a Norwegian Board of Technology.<sup>16</sup> The consensus conference was seen as a way of encouraging public awareness and acceptance of participatory technology assessment. It is significant here that, in the introduction to the final report, the conference organizers use the phrase “a tool for active democracy” (De Nasjonale Forskningsetiske Komitéer, 1996). In this introduction, very little reference is made to the choice of GM foods as the conference topic – apart from the fact that it was found to be suitable for showcasing the legitimacy of the model – and the focus is primarily on the merits of the model itself.

It can be seen, then, that organizers in both Norway and France stressed the importance of deliberating thoroughly on the conference procedures in order to ensure that the proceedings would be fair, transparent, unbiased, and open. But the Norwegian interviewees were doing so in order to showcase the relevance and legitimacy of the consensus conference, while the French felt that focusing on the validity of the procedures would help to repudiate the suspiciousness and criticism of the model.

There was widespread agreement among Norwegian interviewees that the consensus conference model’s focus on lay involvement was in accord with Norwegian democratic ideals. An inclination towards the communitarian ideal, in which political decisions cannot be detached from the true source of legitimacy – the will and the values of the people – can certainly be detected in some of the views expressed by interviewees:

What the Norwegian lay peoples’ conference gave us was a first – and unique – chance to “dip into the public sea” so to speak... A chance for ordinary people’s concerns, ideas, skepticism, and creativity to take center stage and possibly affect political decision-making... (Expert panel member, March 22, 2004)

In Denmark, where consensus conferences had been run since 1987, the 1999 conference did not cause its organizers to fundamentally rethink or re-evaluate the procedural aspects of the model. Some members of the steering group argued that the organizing of the conference was approached with (what one called) a business-as-usual perspective: due to the well-established position of the method in Denmark, its legitimacy and compatibility were largely taken for granted. Several interviewees described conference preparations as focusing, not so much on procedures, but rather on the topic of GM foods – on how it was being represented, structured, framed, and discussed, and on how the conference debates, and in particular

---

<sup>16</sup> A member of the planning committee described the conference of 1996 as a step on the way towards implementing several models of public participation in TA. The conference had generated an acceptance of lay people as legitimate voices in debates over technology, and this new current would underline the need for a Board of Technology and the specific work methods that it would prioritize. A Norwegian Board of Technology was established in 1999.

the final report from the lay panel, might affect or even alter the conceptualization of the topic of GM foods in a Danish context.

There was widespread agreement among Danish interviewees that the conference method in itself represents the core concepts of Danish democracy. One steering group member refers here to the method's roots in a Danish conception of democracy:

It's not exactly a coincidence that this model was developed in Denmark. It has grown out of the democratic tradition for discussing everything. What's most important is that everyone's voice is heard and that we reach an agreement or at least an understanding. This is a fundamental part of the way we see political debates in this country, the way we see participation. (Steering group member, March 26, 2004)

Since the method was seen to represent, so to speak, the essence of Danish democracy, its compatibility with dominant views on politics was largely assumed. Further, its involvement of lay people was seen to confer legitimacy on decision-making precisely because of its close proximity to parliamentary politics. This was the case in Norway too, where one interviewee described one of the virtues of the conference as that of "bringing ordinary people's views to the very heart of politics." It is interesting, in this connection, to note that many French interviewees described lay participation in the conference as a chance for ordinary people to "get close to the centre of power." The change in emphasis is not huge, but it is significant: in France, it was a question, not of getting close to democratic decision-making in order to exert a legitimate influence, but of obtaining a rare glimpse of the workings of Parliament, "*le grand système*," and of the expert system; both of them worlds, as it were, that lay people would not usually come into contact with.

Although both the Norwegian and Danish interviewees took a positive attitude to the conference model, the ways in which its procedures were seen to attain democratic legitimacy differed. The Norwegian interviewees argued that the legitimacy of the model derived from the fact that it represented a way of "tapping into" the shared norms, values, and concerns of the national community. This mirrors what Habermas, in his discussion of the communitarian ideal, calls the "*clarification of a collective ethical self-understanding*" (1996: 24). By contrast, it seemed that Danish interviewees spoke primarily of the method's potential to allow citizens to participate actively in deliberative processes; they saw deliberation as something that allowed all voices to be heard and for the better argument to come forth. Here, a stronger emphasis on deliberative and communicative processes as a vehicle for active citizenry can be detected, echoing the values and principles of the deliberative model of democracy. A remark by the Danish moderator testifies to this:

What happens to lay people in the course of the [consensus conference] process is that they start taking themselves seriously as actors in the political process. They no longer think that politicians will do what they want anyway, they now feel they have an active role to play. And I think this is very important for people in a democracy (...) to be able to say, “*I am an engaged and active citizen.*” (Moderator, April 28, 2004)

Thus, to Norwegian interviewees the consensus conference represented a way to disclose collective views and norms that, together, constituted a shared perspective that should be brought forth for politicians to take their guidance from. But the Danish interviewees did not speak of a collective perspective needing to be consulted. Rather, they saw the model as a means by which citizens could engage in the democratic process. The citizens’ contribution to the political process would represent not a genuine “folk” perspective, as described by Norwegian interviewees, but rather a third position different from that of both the politicians and the experts.

In this section we have argued: *first*, that the interviewees’ assessments of the legitimacy of the consensus conference differ in significant ways that are related to dominant perceptions of the value of participation and deliberation; *second*, that in the eyes of interviewees, the extent to which the method could gain legitimacy, and was even acceptable, had to do also with the institutional level at which it was organized; and, *third*, that the interpretations of the method and its legitimacy that can be detected in the case study mirror key features of communitarian, procedural, and deliberative ideals of democracy.

In the last part of the discussion, we shall elaborate on the ways in which different interpretations of the conference method affect perceptions of the role and contribution of lay people in the consensus conference.

## 6.2. *The Roles of Lay People*

In the case of France, the contribution of lay people was very much viewed in terms of what the layperson was *not*. That is, he or she possessed neither the knowledge of the expert nor the mandate of the politician. In several of our French interviews, lay participants were referred to as “*les naïfs*”; the ones lacking the knowledge needed in order to discuss and assess the topic of, in this case, GMOs. The benefit of the conference, then, consists primarily in the access it gives to lay people to state-of-the-art knowledge and research. Thus, when asked what lay people brought to the process, many French interviewees mentioned the willingness to work hard to acquire the skills necessary for this type of deliberation. In effect, rather than bringing a different type of perspective to the process, the role of lay panel members was to acquire the knowledge, and, not least, the vocabulary, of the expert

world, in order to enable themselves to participate *vis-à-vis* the experts. Several French interviewees referred to lay people's participation in the conference as the "making of semi-experts."

By contrast, Norwegian and Danish interviewees focused on the contribution of laypersons, as something entirely different from that of experts or of politicians for that matter. What distinguishes this approach from that of most French interviewees is that laypersons' contribution is not assessed merely in terms of their level of factual knowledge, or their ability to meet experts on their terms. Here, lay participation is seen as representing a different set of perspectives and a form of knowledge that must be assessed on its own terms. Despite sharing this attitude, Danish and Norwegian interviewees' conceived of lay participation in rather different ways. Norwegian interviewees spoke of lay people as possessing an "*everyday knowledge*" or "*folk knowledge*," and they described them as contributing a "*holistic*" or "*genuine perspective*":

Lay people are lay people because they possess a "common sense" type of knowledge. During the conference they become 'informed' but that does not mean they lose their status as lay people. They cannot be "informed" into changing their fundamental outlook... their values are what you might call socially resistant. (Expert panel member, March 22, 2004)

Meanwhile, Danish interviewees described the value of lay people's participation in terms of their ability to set aside a self-interested point of view and partake in deliberations over the common good. In the words of one Danish expert "lay people will not be constricted to narrow perspectives, for instance economic considerations (...) they will discuss [the topic] in terms of their ideas of what the good society should be like. So they try to sit in different chairs and see how it would look from these perspectives" (Expert panel member, April 20, 2004). This perception reflects a deliberative notion of legitimacy, in the sense that in the Danish case, lay people were not necessarily taken to express "the voice of the people." Rather, the focus was on the conference discussions and work processes through which different people representing different views work together to reach common conclusions and recommendations. To echo Habermas's argument, here discussions of value orientations and interpretations are allowed for; deliberation on political issues is *not* implicitly related to a "specific collective and its form of life" (1996). Thus, an inclination towards the deliberative ideal could explain why the focus seems to be more on the value of deliberation, rather than the value of lay people's perspectives as such.

Further, the strong focus in Norway on the importance of lay people bringing their unique perspectives into the debate can be seen to mirror the communitarian notion of democratic legitimacy. There was widespread

agreement among interviewees that ordinary people possess an ability to see things in their entirety, and some argued that lay involvement would secure a connection to “*the spirit of the people*.” This corresponds with the communitarian idea that a political process acquires democratic legitimacy only when it reflects the common values of the community. Similarly, the French conception of lay people as *naïve* citizens needing to acquire semi-expert skills corresponds in some respects with the proceduralist notion of democracy in which ultimate authority lies with elected representatives. Elected representatives receive their advice from experts, and so in the odd event of lay people giving advice to decision makers, it seems logical, within this conception of democratic legitimacy, to wish to incorporate them only in the capacity of semi-experts.

Finally, the question of what type of preparation is needed for lay people to participate in the conference caused some disagreement, and this provided interesting insights into the ways in which the value of lay participation was perceived. Interviewees in all three countries broadly agreed that some kind of preparation of lay panel members was needed, and all interviewees made distinctions between the teaching of factual knowledge, on the one hand, and the training of discussion techniques and what were often referred to as “social competences,” on the other. The respective weight given to these two forms of training, however, varied considerably. In Norway and Denmark, there was quite a strong focus on “social competences,” on preparing lay panelists to “perform” at the conference *vis-à-vis* experts. In France, however, the acquisition of factual knowledge was seen as the most important element needed for lay people to gain momentum and respect at the conference. Danish interviewees, too, argued that some degree of education was needed in order for lay participation to make sense, although their focus was more on the acquisition of knowledge as a work process:

...people have to be informed, informed citizens think differently than people who just have opinions on things. They have acquired a knowledge that enables them to speak about things with a certain weight. They can say: I’m not an expert, but I know something about this, I have heard different view points and I have made up my own opinion in a process together with other people. (Moderator, April 28, 2004)

That is, the acquired knowledge enables lay people to speak about a certain topic, but still from their own perspective or a position that they have reached in deliberation with other people. Again, a strong emphasis on the deliberative and process aspects can be detected.

In France, most interviewees agreed that the acquisition of factual knowledge was indispensable if lay participation was to have any value:

The opinions and viewpoints of citizens who have no concrete knowledge about GMOs do not interest me. What is of interest to me is the point of view of a citizen

who has a minimum of enlightened knowledge; to know how he reacts, once he has been informed and educated. If he is not informed, his reactions don't interest me. (Steering committee member, April 6, 2004)

This viewpoint stands in stark opposition to the belief – shared by several Norwegian interviewees – that lay people could participate in a meaningful way even without any prior training or education in the topic in question. A layperson, it was suggested, possesses a unique approach that provides a valuable contribution in and of itself. Witness the following remarks of the Norwegian conference moderator:

What lay people bring to the process is a particular type of perspective that has value in it self. This perspective represents what you could call their resistant values; values that are not easily changed... and so on. These lay perspectives would be interesting and important... and that is why you could, in theory, involve ordinary people in a conference without necessarily putting them through preparations first. (Moderator, March 23, 2004)

To conclude this discussion, we will argue that our interviewees' ways of talking about the roles and contributions of lay people suggest that the three case countries represent very different conditions for lay participation. Such different conceptions of the role of lay people significantly affect the ways in which the layperson can contribute to deliberation in participatory forums. This should be taken into account when participatory procedures are employed in different socio-political contexts.

Thus, Einsiedel et al.'s description – referred to in the outset of the article – of consensus conferences as a way of bridging the “incommensurability of ... participation and expertise” (2001: 95), must be questioned: in the French conference, for instance, lay contributions were treated as subordinate to the discourses of expert knowledge. Further, the results of our study challenge the claim of Einsiedel et al. that the inclusion of lay people in participatory technology assessment will “de-monopolize expertise and recognize that ordinary people are intrinsically part of the technological project” (2001: 95). This, we argue, is not automatically the result: the “making of semi-experts” as a prerequisite for lay involvement serves to emphasize, indeed, the superiority of expertise, and as was illustrated above, there is widespread disagreement over the way in which ordinary people should be equipped before they can “be part of the technological project.”

## 7. CONCLUSIONS

We have argued that different democratic ideals are linked to different conceptions of the value of public deliberation and participation: a distinctive understanding of democratic legitimacy is bound to give rise to a

distinctive conception of the legitimacy (and ultimately, the acceptability) of participatory procedures. With reference to case study results we have illustrated how such different interpretations of the consensus conference are expressed and how they affect also dominant views on the roles and contributions of lay people.

We have shown how participatory procedures are interpreted in multifarious ways, and we have criticized the assumption that their applicability in different contexts can be derived from their ability to produce comparable results.

We conclude that when participatory procedures such as the consensus conference are applied in different national and political settings, the interplay of the method with dominant features of the democratic culture of the host country should be taken into consideration. This argument should not be confused with saying that one democratic culture is necessarily better suited than others to accommodate participatory procedures; that would imply, falsely, once again, that participatory procedures have a single defined aim that is best served in a particular setting. Rather, we argue that whatever the aims of participatory procedures are perceived to be, the conditions of their fulfillment should be considered in the context of the democratic culture in which they are employed.

## REFERENCES

- Andersen, I. -E. and B. Jaeger (1999), "Scenario Workshops and Consensus Conferences: Towards more Democratic Decision-making." *Science and Public Policy*, 26, pp. 5.
- BECAGP (1997), "Europe Ambivalent on Biotechnology." *Nature*, 387, pp. 845–847.
- Benhabib, S. (1996a), "Toward a Deliberative Model of Democratic Legitimacy," in S. Benhabib (ed.), *Democracy and Difference. Contesting the Boundaries of the Political*, Princeton, NJ: Princeton University Press.
- Benhabib, S. (ed.) (1996b), *Democracy and Difference. Contesting the Boundaries of the Political* (Princeton University Press, Princeton, NJ).
- Cohen, J. (1996), "Procedure and Substance in Deliberative Democracy," in S. Benhabib (ed.), *Democracy and Difference. Contesting the Boundaries of the Political*, Princeton, NJ: Princeton University Press.
- Cooke, B. and U. Kothari (2001), *Participation: The New Tyranny?*, London: Zed Books.
- Dahl, R. A. (1998), *On Democracy*, New Haven, CT: Yale University Press.
- De Nasjonale Forskningsetiske Komitéer, *Kvikklaks og Teknoburger. Sluttrapport fra Lekfolkskonferansen om genmodifisert mat* (NENT, Oslo, 1996).
- Einsiedel, E. F., E. Jelsøe, and T. Breck (2001), "Publics at the Technology Table: The Consensus Conference in Denmark, Canada, and Australia," *Public Understanding of Science* 10, pp. 83–98, IOP Publishing Ltd. and The Science Museum.

- Elster, J. (1997), "The Market and the Forum. Three varieties of Political Theory," in J. Bohman and W. Rehg (eds.), *Deliberative Democracy. Essays on Reason and Politics*, Cambridge, MA: MIT Press.
- Fischer, F. (2000), *Citizens, Experts, and the Environment The Politics of Local Knowledge*, Durham, NC: Duke University Press.
- Fishkin, J. S. and P. Laslett (eds.) (2003), *Debating Deliberative Democracy* (Blackwell, Oxford).
- Goven, J. (2003), "Deploying the Consensus Conference in New Zealand: Democracy and De-problematization," *Public Understanding of Science* 12, pp. 423–440, IOP Publishing Ltd. and The Science Museum.
- Habermas, J. (1996), "Three Normative Models of Democracy," in S. Benhabib (ed.), *Democracy and Difference. Contesting the Boundaries of the Political*, Princeton, NJ: Princeton University Press.
- Hennen, L. (1999), "Participatory Technology Assessment: A Response to Technical Modernity?" *Science and Public Policy*, 26 (5), pp. 303–312.
- Ignatieff, M. (1992), "Why 'Community' is a Dishonest Word," *The Observer* editorial page, May 3.
- Joly, P. B., C Marris, G. Assouline and J. Lemarié (1999), *Quand les candides évaluent les OGM: Nouveau modèle de "démocratie technique" ou mise en scène du débat public? [When the ingenuous evaluate GMOs: A new model for democratized technology or the staging of a public debate?]*, Paris: Annales des Mines.
- Joss, S. and J. Durant (eds.) (1995), *Public Participation in Science. The Role of Consensus Conferences in Europe* (Science Museum UK, EC Directorate General 12).
- Joss, S. and S. Bellucci (eds.) (2002), *Participatory Technology Assessment. European Perspectives* (Centre for the Study of Democracy, London).
- Lassen, J., J. Østergaard, K. K. Jensen, and P. Sandøe (2003), *Consensus Conferences. Description and Analytical Frame*. Interim report, Ethical Bio-Technology Assessment Tools for Agriculture and Food Production, Bio-TA Tools (QLG6-CT-2002-02594). LEI, The Hague.
- Michelman, F. I. (1989), "Conceptions of Democracy in American Constitutional Argument: Voting Rights." *Florida Law Review*, 41, pp. 443–490.

*Danish Centre for Bioethics and Risk Assessment*  
*Royal Veterinary and Agricultural University*  
*Rolighedsvej 30, Frederiksberg C*  
*Copenhagen, DK 1958*  
*Denmark*  
*E-mail: apn@kvl.dk*