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Report Case Study Austria

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1 Introduction

Citizens, policymakers and social scientists often call for citizen participation for reasons of democratic legitimacy and effectiveness. A field in which this has been vigorously claimed is science and technology policy. Thus, many countries witnessed the introduction of Participatory Technology Assessment (PTA). The "litmus test" of PTA and of citizen participation, however, is their impact on policy-making. But can PTA keep its promises and increase the influence of citizens' voices on decision-making? What in actual fact is the impact of PTA on decision-making? How can we increase it?

In order to answer these questions, the project "Impact of Citizen Participation on Decision-making in a Knowledge Intensive Policy Field" (CIT-PART) studies comparatively the impact of PTA and technology assessment (TA) on policy-making in Austria, Canada, Denmark, Italy, Latvia, The Netherlands, Sweden, Switzerland, United Kingdom, the European Commission, the OECD and the Holy See. Thence the project draws conclusions about the potential impact of institutionalized citizen participation on an EU level.

This project addresses these questions through the reactions of various political systems to the challenge of xenotransplantation, which stands for the transplantation of animal organs, tissues or cells into humans. Xenotransplantation is highly controversial: Its advocates perceive it as promising since it could help to redress the shortage of human transplants; Its opponents insist that it involves too many risks - most prominently infection from animals to humans - and ethical questions.

By adopting a theoretical approach of "social practices", it is assumed in this project that the impact of citizen participation on decision-making is not only dependent on the quality of the PTA process itself, but on practices of policymakers in which PTA is embedded. Following from this theoretical approach the project applies qualitative methods of empirical research.

This report builds on previous research I carried out on the Austrian debate on xenotransplantation (Griessler 2006, 2008a) and on other areas of biomedicine such as genetic testing (Griessler 2008b), and reproductive medicine (Griessler 2010, 2012a) as well as on political practices (Biegelbauer/Griessler 2009; Griessler/Lehner 2010) and citizen participation in these areas (Griessler 2011). This paper is also based on research carried out in previous projects funded by the European Commission, in particular "Increasing Public Involvement in Debates on Ethical questions of Xenotransplantation" (XENO, Contract No. HPRP-CT-2001-00013, Griessler/Bogner 2003; Griessler/Littig 2003; Griessler/Littig 2006) and "Participatory Governance and Institutional Innovation" (PAGANINI, Contract No. CIT2-CT-2004-505791, Gottweis et al. 2007; Schultz et al. 2007).
1.1 Methods

For the purpose of this case study the results of these individual research projects were integrated to address the research question, and existing primary data such as stakeholder interviews and newspaper articles were revisited. In addition, policy documents concerning the amendment of the Medicines Act (Arzneimittelgesetz) in 2004 were analyzed.

1.2 Acknowledgements

I gratefully acknowledge the funding by the European Commission within the 7th Framework Programme for Research – Socioeconomic Sciences and Humanities. I also thank Alexander Lang for his research on the amendment of the Medicines Act (Arzneimittelgesetz) in 2004, and Peter Biegelbauer, who contributed chapter 4.1 on the Austrian political system.
2 Austrian Xenotransplantation Policies

2.1 Wait-and-See Position

While policy-makers in other countries and international organizations discussed xenotransplantation policies in the late 1990s and early 2000s, their Austrian colleagues decided on a wait-and-see position. Only after international discussions had come to an end did Austrian authorities translate a European Directive (2001/20/EC) into national legislation (see 2.2).

As civil servants in 2001 responded in a survey on existing xenotransplantation policies, there was “no specific regulation” in Austria that dealt with xenotransplantation as such in this year (European Commission 2001: 4). However, there were several laws in place, which partly covered xenotransplantation related areas. The Austrian Gene Technology Act (Gentechnikgesetz) regulated the “production (...) as well as working with and keeping of transgenic animals” (ibid.); the transplantation of organs was regulated in the Austrian Hospital Act (Krankenanstaltengesetz); regulation of medicines was covered in the Medicinal Law (Arzneimittelgesetz).

The regulatory inactivity of policy-makers was not caused by ignorance and lack of information. On the contrary, Austrian civil servants interviewed for the XENO project in 2002 (Griessler/Littig 2003) were informed about xenotransplantation and some of them were rather skeptical due to the potential infection risk (Griessler 2006). Austrian civil servants frequently participated in international conferences and workshops that dealt with regulatory problems of xenotransplantation. In 1997, civil servants from the Ministry of Science and Transport as well as the Federal Chancellery were involved in a Steering and Expert Group which prepared the international OECD xenotransplantation workshop (OECD 1999: 102, Griessler 2012b: 20). In 1998, a civil servant of the Federal Chancellery participated in a subsequent workshop in New York (Islet Foundation 1998). Moreover, an Austrian representative from the Ministry of Health, Social Affairs and Generations was present at the WHO/OECD workshop in Paris in 2000 (OECD/WHO 2001:49). Finally, Austrian civil servants answered the survey on xenotransplantation already mentioned and indicated the competent civil servants within the responsible ministries (European Commission 2001: 4 ff.).

However, this involvement in international discussions did not result in any broader debate of xenotransplantation policies in Austria. According to an interviewee, this was caused by the fact that civil servants within responsible Ministries, as he put it, didn’t want to make a fuss about xenotransplantation. They thought it would be pointless to get all excited over a technology which perhaps might become a reality in ten to twenty years (4: 370-372). This approach is in accord with a specific strategy in Austrian policy-making, which, according to
a senior civil servant of a responsible Ministry, is particularly common in delicate areas of biomedicine, i.e. procrastinate decisions (Griessler 2010: 165): to avoid discussions (see 3.2.6).

Actually, the topic of xenotransplantation never left the isolated realm of responsible ministries, and neither Austrian Parliament nor the broader public discussed the issue in any detail. Interviews with politicians, civil servants and stakeholders carried out in early 2002, showed that no political party had developed a position towards xenotransplantation (Griessler/Bogner 2003, Griessler 2006: 138). Other bioethical issues such as reproductive medicine, in-vitro-fertilization (IVF), pre-implantation genetic diagnostics, and genetic testing were considered much more important and captured the most attention.

Also, the scientific advisory system was almost entirely absent in Austrian xenotransplantation policies. Competent expert bodies such as the Advisory Board on Transplantation at the Austrian Transplantation Co-ordination Organisation,¹ as well as the Bioethics Committee at the Federal Chancellery, did not deal with the topic (European Commission 2001: 4 ff.). Only one of the experts interviewed in 2002 knew about any Austrian forum where xenotransplantation had been debated. Only one civil servant reported to the Scientific Committee for Closed Systems (Wissenschaftlicher Ausschuss für Arbeit mit genetischen veränderten Organismen in Geschlossenen Systemen, WAGG) within the Gene Technology Commission (Gentechnikkommission) to the Ministry of Health. The WAGG mentioned xenotransplantation once at one of its sessions and thought that it would be necessary in principle to develop some guidelines. However, the WAGG was of the opinion that actually no action was required in Austria at that moment (2: 73-78). The issue should be dealt with in the next amendment of the Gene Technology Act (ibid. 142-148). However, no amendment of the Gene Technology Act followed in this respect.

2.2 Translation of EU Directive into National Law

In 2001, the European Union passed Directive 2001/20/EC which stipulates that “approval to the protocol by an ethics committee, and competent regulatory authority is mandatory” for each clinical trial of xenogeneic cell therapy (Cozzi et al. 2009: 208, see also Griessler et al. 2012: 20 ff.). Austria translated this Directive in 2004 into national law by amending the Medicines Act (Arzneimittelgesetz; BGBl. I Nr. 35/2004; Cozzi et al. 2009: 210).

Research into the governmental draft bill (Österreichischer Nationalrat 2004a), the supplementary material to the bill (Österreichischer Nationalrat 2004b), statements of

¹ The Advisory Board on Transplantation comprises transplant surgeons, representatives of Austrian federal provinces and local communities as sources of hospital finance, as well as representatives of statutory social and health insurance bodies, of the Ministry of Health, of patients and of the transplantation organisation (Austrotransplant).
stakeholders in the pre-parliamentarian assessment procedure\textsuperscript{2}, reports of the responsible Parliamentary Committee, and the records of the Parliamentary Debate\textsuperscript{3}, showed that the topic of xenogeneic cells was almost never discussed during law-making. The amendment was not accompanied by any broader public debate either.

In § 40 (6) the draft bill proposed that the Ministry of Health would have a time limit of two years to decide on applications for clinical trials involving xenogeneic cell therapy (Österreichischer Nationalrat: 2004a). During the formal review procedure only one statement by the Ethics Commission of the Medical Faculty of the University of Vienna referred to this paragraph and criticized this time limit as being too long (Ethikkommission der Medizinischen Fakultät der Universität Wien: 2004). The actual law reduced the time limit to 90 days with an option to extend it by another 90 days if an advisory committee had to be consulted (BGBl. I Nr. 35/2004).

The plenary debate in Parliament did not address the issue of xenotransplantation at all (Österreichischer Nationalrat 2004c). Members of Parliament mainly criticized that pharmaceutical tests would not include an adequate number of women and children, and drugs therefore would not be fine-tuned appropriately to the needs of these groups. Moreover the issue of doping and nutritional supplements was discussed in the plenum of the National Council.

### 2.3 Public Discussion

#### 2.3.1 Newspaper coverage

Xenotransplantation did not receive much attention in Austrian print media either. A media analysis carried out in the XENO project revealed that between 1995 and 2002, altogether 145 articles were published in 19 newspapers (Griessler/Bogner 2003: 6 ff). The reports, which mostly were published in quality papers, were mainly short reports, not presented on front pages but within the science, health, and medicine sections, as well as in the local news section.

The articles reported the scientific development of xenotransplantation and focused on technical and scientific problems as well as on solutions. Xenotransplantation was presented as a technology, which was acceptable in principle, however not yet controllable. Some articles occasionally and rather vaguely pointed at ethical frontiers and questions, e.g., basic human as well as animal rights, which might be compromised by necessary safety measures.


Scientists as well as transplantation surgeons were the ones who most often presented their position in the newspapers.

Asked about the impact of their articles, interviewed journalists agreed that their reports did not meet with much resonance. They thought that xenotransplantation was not an issue in Austrian public discussion (Griessler 2006: 137).

2.3.2 Stakeholder Interviews

In interviews stakeholders articulated much more issues and problems of xenotransplantation than were covered in media reports. The topics addressed can be categorized in three areas.

First, the promises of xenotransplantation, to assuage organ shortage, to save human lives, and to improve the quality of life of patients are the driving forces of xenotransplantation. They are connected with themes such as future, progress, research, a positive attitude towards risk, and a skeptical attitude towards the possibility to steer and regulate research.

Second, there are arguments of feasibility. These did not entirely refute xenotransplantation, but questioned its technical achievability because of immunological and physiological problems and because of the infection risk.

A third group of arguments, i.e. ethical ones, completely rejected xenotransplantation. Ethical arguments include questions such as: whether it would be right to transgress a border between animal and human beings; whether humans could in principle use animals for xenotransplantation; and whether they could genetically modify them for this purpose. They also question preclinical and clinical research in xenotransplantation, and ask whether it would be justified to allocate resources in high-tech medicine in the industrialized world, when funding for basic care is missing in other parts of the world, e.g. in less developed countries.

In summary, most interviewees emphasized the promises of xenotransplantation. Some respondents questioned its feasibility and safety, and only a minority of respondents mentioned ethical concerns (Griessler 2006: 139-148).

2.3.3 Opinion polls

According to surveys, Austrians are quite skeptical about xenotransplantation (Durant et al. 1998: 249 ff., Hagelin 2004). In 1996, a Eurobarometer survey reported that an absolute

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4 However, the results of surveys, in which people are asked about their attitudes about a technology, they know nothing or little about, are certainly debatable from methodological perspective.
majority considered xenotransplantation as not being useful for society (52%), as morally unacceptable (56%), and as an approach which should not be encouraged by society (56%). A little less than half the population considered xenotransplantation risky (46%).

In contrast to the general population, groups which might directly be affected by xenotransplantation were much more positive about this technology. In a survey conducted in 1999 in a Viennese hospital, 110 patients who had received a heart transplantation were asked whether they could imagine receiving an animal organ. 64% of the respondents answered that they could imagine this “very well”, another 18% thought they could “well” imagine this; 7% were undecided, 5% could “hardly” and another 6% absolutely not imagine receiving an animal organ. 76% had no concerns that organs from pigs would be implanted, which were specially bred and genetically modified, 18% were undecided and 6% had concerns (Lapka et al. 2001: 218).

2.3.4 Public Involvement

Concerning the involvement of NGOs, representatives of patients’ groups stated in interviews that they were informed about xenotransplantation and that they would basically be positive about this technology. However, they did not enter into public discussion, because they considered other topics more important for their work as self-help groups (Griessler 2006: 138).

Also animal welfare and environmental activists responded in interviews that they would be informed about xenotransplantation, but were absent from discussion, mainly due to lack of resources and occupation with other topics (ibid.).

As already mentioned, there was no public discussion on xenotransplantation in Austria (European Commission 2001: 4) and no special public forum was set up to discuss xenotransplantation in more detail.

One important reason for this lack of public debate was that there was actually no concrete occasion which might have triggered a discussion. There was almost no xenotransplantation research, neither private nor public (c.f. 1: 129-132). Austrian authorities therefore did not have to decide on applications for research money, animal testing or experiments involving GMOs which could have caused public debate.

In addition, organ shortage is less pressing in Austria than in other countries, and transplantation as a technology is almost uncontested in the Austrian public sphere (Griessler 2006: 126 ff.).
Moreover, with a few exceptions in general there is little public debate about science and technology in Austria (see 3.2.7).\textsuperscript{5}

\footnotesize\textsuperscript{5} See Grabner et al 2002: 62; for biotechnology in medicine Felt et al. 2003 and for transplantation Griessler 2006.
3 (Participatory) Technology Assessment in the Context of Austrian Policy-Making

Just like EU policy-makers (Griessler 2011), Austrian policy-makers also regularly emphasize public involvement and dialogue when they address problems of new technologies, e.g. biotechnologies (Kronberger/Kerbe 2010: 19). Statements of the Austrian Council for Research and Technology Development (Rat für Forschung und Technologieentwicklung, in the following RFT; RFT 2003, 2009) exemplify this kind of participatory language. However, even the RFT recognizes in a strategy paper a significant discrepancy between rhetoric and the reality of public dialogue in Austrian science and technology policy, and concludes that “selling science” is clearly dominant in Austrian science communication (RFT 2009: 29).

This observation gives rise to the question of to what extent the public is in fact involved in Austrian science and technology policy in general and biotechnology policy in particular, and what the chances of PTA are. Participatory processes are subject to several preconditions such as political culture and the role of science and expertise in a given society (Felt et al. 2006: 126). Alexander Deggelsegger and Helge Torgersen emphasize in this context the significance of “deeply held beliefs and engrained practices of political decision-making” (2011: 391). Drawing on political practices in the regulation of various innovative areas of biomedicine such as transplantation and xenotransplantation (Griessler 2006), human embryonic stem cell research and pre-implantation genetic diagnostics (Griessler 2010), genetic testing (Griessler/Lehner 2010) and prenatal diagnostics (Griessler 2012a), it will be argued that TA - and PTA even more so – is facing serious difficulties in Austrian policy-making because of some of its dominant political practices, and the assumptions about policy-making and the public produced and reproduced therein.

Before entering into this subject, the following will sketch out existing experiences with PTA in Austria.

3.1 PTA in Austria

In general, formalized procedures of citizen involvement in priority setting and technology assessment are nonexistent in Austria (Kronberger/Kerbe 2010: 17, 19). The idea of PTA was adopted in Austria only in the mid-1990s, and the research community conducting social studies of science and technology agrees, that participatory exercises remained infrequent (Grabner et al. 2002; Bogner 2004; Nentwich et al 2006: 54 ff.; Felt et al. 2006: 104; Deggelsegger/Torgersen 2011: 395).

Austrian attempts of PTA were methodologically diverse and covered different areas of technologies. In 1995/1996, the City of Salzburg initiated a traffic forum that was oriented on
mediation processes and aimed at working out solutions for the traffic problems. In 1996, the Institute for Technology Assessment (ITA) carried out a Delphi exercise which included some aspects of stakeholder PTA to identify technologies for public funding (Grabner et al. 2002). In 1997, the environment agencies in Vienna, Lower Austria and the Burgenland organized a consensus conference that dealt with ground level ozone (Grabner et al. 2002: 61 ff., Felt et al. 2006: 116). In 2002, the Institute for Advanced Studies carried out stakeholder dialogues on ethical aspects of xenotransplantation (Griessler/Littig: 2003, 2006). In 2002 and 2004, two discourse days on genetic diagnostics and genome research and medicine, respectively took place (Felt et al. 2003: 118 ff.; Felt/Fechler 2010). In 2003, the RFT commissioned a consensus conference on genetic data (BürgerInnenkonferenz, Bogner 2004, Felt et al. 2006: 117 ff.).

Evaluation studies consider the success of Austrian PTA processes rather diversely and judgments range from failure to partial success. The problems encountered are similar to those in other countries and include: inadequate financing and shortage of time; problems recruiting participants; unfavorable group dynamics in the lay panel; communication difficulties between experts and laypeople; and insufficient connection to the general public and to political decision-making (Joss/Torgersen 2002, 176, Felt et al. 2006). As Alexander Bogner (2010) put it, PTA exercises in Austria remained until today “laboratory experiments”, insofar as they were cases of top-down, and invited participation, organized as methodological experiments by social scientists with no impact on political decision-making whatsoever (Kronberger/Kerbe 2010: 17).

3.2 Law-Making

In contrast to other countries, there is little discussion in Austrian Parliament about the regulation of science and technology. Taking life sciences as an example, topics such as human embryonic stem cell research (Griessler 2010), pre-implantation genetic diagnostics (Griessler/Lehner 2010), genetic testing (Griessler/Pichelstorfer 2010) and xenotransplantation (Griessler 2006), which have been debated in Parliaments of many other countries, were hardly discussed in the Austrian National Council. Though relevant laws obviously have to pass through Parliament for constitutional reasons, Austrian Parliament is not often involved in decision-making. Like many parliamentary systems, and despite the theory of separation of power, laws in Austria are not prepared by the legislative (Cruz-Castro/Sanz-Menéndez 2004: 113). Instead law-making is concentrated in the executive branch, more precisely in ministerial bureaucracy (Biegelbauer/Griessler 2009, Griessler/Lehner 2010, Degelsegger/Torgersen 2011: 391). Typically, federal laws are prepared by the civil service (Talòs/Kittel 2001), and enter Parliament as governmental bills (Regierungsvorlage; Pelinka 2008, see 4.1.2). Given the importance of this process, the following section will identify and outline political practices in law-making to allow an understanding of the chances of PTA in Austrian policy-making.
3.2.1 Strong Role of Ministries

Governmental bills are prepared by civil servants either on assignment by their political superiors (i.e. ministers and members of their staff, the so called cabinet, see 4.1.4) or on their own initiative (Griessler/Lehner 2010: 122). Civil servants start work on a law with a first draft, which is either based on existing laws, international examples, or international regulations (e.g. EU Directives). This draft is negotiated in a multistage process with a number of actors. These include during the first, informal pre-consultation process (Vorbegutachtungsverfahren) civil servants from their own, and other ministries, as well as important political actors which might be affected by the law, such as politically significant organizations or interests. After consulting their political superiors in their Ministry, and amending the draft accordingly, the draft bill enters the official consultation process (Begutachtungsverfahren) of about six weeks, in which other Ministries, provincial governments, social partners and other potentially affected groups of organized interest, and sometimes - because of their particular expertise - also single individuals, are formally invited to comment officially on the draft bill. Civil servants thereafter collect and analyze these comments. As a consequence, the draft bill is —often —marginally and —sometimes —even substantially changed before it enters the Council of Ministers. There it has to be approved unanimously to become a governmental bill. The governmental bill is then passed on to the Parliament. During the parliamentary process of law-making it is the central goal of the Ministry in charge to get the law, which has been negotiated in the pre-parliamentarian realm, “undamaged” through Parliament (Griessler/Lehner 2010: 130).

Several political practices of civil servants can be identified during the aforementioned process of law-making. These include (1) to receive and to retain a working mandate; (2) to regulate access to the law-making process; (3) time management; (4) to fix the content; (5) to write down a law (Biegelbauer/Griessler 2009: 67ff.).

This report focuses on the aspect of regulating access, which basically means including and excluding actors. Several case studies of law-making in Austria show that the involvement of actors occurred in a concentric movement, putting the Ministry in charge at the center and progressing in the course of time from inside to outside (Biegelbauer/Griessler 2009; Griessler/Lehner 2010). As already mentioned, civil servants first collect comments from within their own Ministry; this is followed by the inclusion of other Ministries which might be affected by the potential regulation. Then, and often with considerable delay, organizations of interest, most importantly the social partners (see 3.2.3), are involved. Thereafter, if ever, political parties, and other, less important organizations of interest are asked to comment. According to civil servants, in this phase of law-making it is important to mitigate in an informal way as many potential conflicts of interest as possible. Case studies indicate that civil servants as a matter of routine try to exclude the broader public from this pre-consultation process. The resulting informality enables privileged actors to communicate and to change their positions without losing face. As Austria is a small country, this informality is
facilitated by the fact that the number of actors is small and they tend to know each other. The result of the informal negotiation process, the ministerial draft, is published and sent out for official comments in the formal consultation process.

Civil servants play a much more significant role in law-making in Austria than is commonly perceived by political science and the broader public. They do not have the role of executing subordinates, but are influential actors and gatekeepers, who organize, facilitate, negotiate, transcribe, and partly co-decide the law-making process. They provide technical expertise, and are responsible for details, e.g. to negotiate or to formulate a law. Often, they make preliminary decisions which have then to be approved by their political superiors. Their contribution is not restricted to the pre-parliamentarian realm but extends into Parliament, e.g. into meetings of parliamentary factions or in committee work, where they explain the governmental bill to Members of Parliament. In some cases, changes of governmental bills are required in the National Council, and civil servants make the necessary amendments literally at “the last minute, often even in Parliament” (Griessler/Lehner 2010: 125). Because of this vital role, they are also important actors who decide about the viability of PTA as a mechanism in policy-making.

Though Ministers often lack the necessary specialized knowledge to regulate an issue and also the time to deal with all necessary options and matters in detail - and therefore depend on their civil servants (Griessler/Lehner 2010: 116) -, they are still the ones who claim the right to take fundamental political decisions in sensible areas (ibid.). Ministers reserve their right to decide politically about a regulation at any moment of the decision-making process, and in that, in contrast to EU policy-making, enjoy a considerable freedom from the obligation to follow a fixed procedure. PTA might limit this “room to maneuver” (Degelsegger/Torgersen 2011: 396).

3.2.2 Limited Role of Parliament

In comparison to civil servants, and Ministers and their staff, Members of Parliament are at a considerable disadvantage in terms of their technical expertise, and the resources, which would be necessary actually to exert the constitutional separation between the executive and the legislative branches (see 4.1.2). Members of opposition parties in particular have difficulty gaining detailed information, because they lack access to Ministries’ expertise. The chances of opposition parties prevailing against ministerial bureaucracy and parliamentary majority are therefore limited.

This disadvantage of Parliament is also one of the main reasons why an important Austrian TA organization, the Institute for Technology Assessment (ITA) “at the cost of greater distance to politics” is not directly connected to the Parliament but located at the Academy of Sciences (Peissl/Nentwich 2005: 13). Attempts to link TA to the Austrian Parliament remained infrequent and unsuccessful (Griessler 2008b). Firstly, because there were
actually no politicians in the Austrian National Council who wanted to institutionalize TA in Parliament. Secondly, as already said, parliament lacks financial resources. The main reason however, was the reality of Austrian politics, where the executive branch exceeds by far the legislative branch in political significance (see 4.1.3). Walter Peissl and Michael Nentwich therefore raise the rhetorical question of whether, given the realities of Austrian political conditions, Parliament would be the right place for discourses and decisions in technology policy. For this reason the ITA focuses its activities on advising the executive branch, i.e. different ministries (Peissl/Nentwich 2005: 21). In Austria, TA influences policies not by addressing top politicians or the parliament directly but through the backdoor, by advising bureaucracy and powerful organizations of interest (ibid. 22).

3.2.3 Neo-corporatism

Austrian policy-making is strongly influenced by neo-corporatism, which means in the context of law-making, the participation of well-organized, well-established and privileged interest groups in the pre-consultation and consultation processes (see 4.1.7 and 4.1.9). The most important actors are the so-called social partners, a small and closed circle of organizations representing employers and employees. Steven Glynn et al. paint the picture of Austrian neo-corporatism as an exclusive club of political actors, which “is small, the barriers to entry are high and the turnover of leading policy-makers low” (2003: 28).

On the other side of the coin of corporatism is the rather limited direct role of the public in policy-making. Austrian civil society is weak (see 4.1.9) and, with the exception of general elections and a few possibilities of direct democracy (see 4.1.8), citizens are not directly included in policy-making, but only rather indirectly by “obligatory membership in chambers of commerce, labor and agriculture” (Glynn 2003: 29).

Also, Austrian science and technology policy is marked by neo-corporatism. Decisions are typically made by a rather small number of actors from politics, civil service, science, and interest organizations. In the area of biomedicine, the Chamber of Physicians is of great importance as well. As a senior civil servant put it, who has been responsible for Austrian science and technology policy for a long time, “decisions in Austria are made by forty people, at the most” (Griessler 2010: 176).

Austrian neo-corporatism has to be understood in the context of a long history of a paternalistic relationship between the state and the public. This relationship is condensed in the term “enlightened absolutism” (Aufgeklärter Absolutismus), which describes a central and formative period for the Austrian State, bureaucracy and policymaking in the 18th century (Hanisch 2005: 26). Alexander Degelsegger and Helge Torgersen describe the inheritance of the Josephinian reform tradition, named after Emperor Joseph II., which is still present in Austrian policy-making, as benevolent, enlightened, but basically autocratic. Josephinism entails that “policy-makers aim to inform a public supposedly unaware of its own best
interests, while they fear obstructive mobilization against their own, in their view, essential function to drive forward objectively necessary, sensible and useful policy projects, balancing powerful interests” (Degelsegger/Torgersen 2011: 392). This paternalistic approach is still a central principle in Austrian politics in general, and in science and technology policy in particular.

In the context of research and health policy, which is important for science and technology policy in the area of biomedicine, this political paternalism is strengthened even more by a similarly paternalistic relationship between physicians and patients (Braunegger-Kallinger et al. 2006). Physicians, as well as the Chamber of Physicians, tend not to act solely on their own behalf, but as self-proclaimed representatives of their patients, acting in also the latters’ interests (Macheiner 2005).

In line with paternalism, a powerful and autonomous representation of patients’ interests is missing in Austria, and grass-root movements have difficulty influencing policy-making (see 3.3.3). A federal representative of Austrian patient self-help groups, which are not very powerful players in Austrian health policy, criticized in 2011 that physicians, contrary to their self-portrayal, would primarily represent their own interests, and only thereafter the interests of their patients. Patients would well be able speak for themselves, however patient organizations would need necessary framework conditions to allow them to keep up with other players in health policy and to be involved in decision-making (Der Standard: 2011).

3.2.4 Expert orientation

Though scientific advice in Austria is scarcely institutionalized, and occurs mostly “on an irregular and informal basis” (Kronberger/Kerbe 2010: 21) scientists do have an important influence on Austrian politics (see 4.1.10). However, the direction and extent of this influence is not always fixed and clear. Therefore “it is hard to predict when scientific advice will be followed and when it will not” (Kronberger/Kerbe 22).

In the area of biomedicine, scientific experts, particularly physicians, have a dominant power of definition (Griessler 2010, see 3.3.3). Experts and their established, self-confident and powerful organizations of interest lobby successfully and are well integrated into Austrian policy-making. In questions of biomedicine and bioethics, an elite few scientific experts and physicians play an important role in committees and advisory boards, such as the Bioethics Committee to the Federal Chancellery, the Highest Sanitary Council, the Gene Technology Commission and its Scientific Committees. However, scientists and physicians have to be considered not only as unbiased experts but also as representatives of their own interests.
3.2.5 Closed to general public

As already described, political practices of law making in Austria are typically elitist (see 3.2.3) and remain behind closed doors (see 3.2.1). Central processes such as the pre-consultation, and the consultation process, as well as parliamentary committee meetings exclude the public. Typically, the very first debate the public has access to is the plenary session in Parliament in which the law is put to a vote. This session, however, has a strong sense of ritual and theatrical performance, because it is staged for an imagined audience of voters on their television sets. In addition, no decisions are actually taken on this occasion, apart from formally accepting what has already been decided a long time ago, in the pre-parliamentarian phase by powerful actors who are not necessarily present in Parliament (Griessler 2008a: 77ff.).

3.2.6 Taboo on political conflicts

The tendency to avoid and to taboo political conflict is an important element of Austrian policy-making in general. Observing these taboos avoids entering into the same intense and seemingly intractable political conflicts encountered in the past. Taboos are also highly relevant in Austrian science and technology policy. The most important of them concern the civilian use of nuclear energy, genetically modified organisms (GMO) and, particularly important in the area of bio-, and especially reproductive medicine, abortion.

The abortion controversy is still very influential in Austrian life science policies and continues to affect areas such as human embryonic stem cell research, prenatal genetic diagnostics, pre-implantation genetic diagnostics and in-vitro-fertilization. The conflict over the criminal liability of abortion ended in 1975 with a rather fragile but permanent de-facto compromise between advocates and opponents of a permissive law. This compromise combines a permissive legal regulation with partly restrictive implementation (Griessler 2006). The lessons most policy-makers from both factions drew from the abortion conflict was to avoid debates better in order not to disturb this fragile cease-fire (Griessler 2012a). Another taboo in the area of biomedicine, which directly relates to xenotransplantation, is transplantation itself. One issue in this “non-debate” (Griessler 2006), beside the concept of brain death, is the Austrian regulation of organ donation which obliges people who refuse to donate their organs in case of brain death, to express their will explicitly (Griessler 2006; Griessler 2010: 171).

The second major taboo in Austrian science and technology policy is the civilian use of nuclear energy. This conflict ended with the decision not to put a completed power plant into operation, after the electorate opposed nuclear energy in a popular vote in 1978.

The third main taboo concerns GMOs, particularly their application in agriculture (“green biotechnology”). In 1998, the Austrian government faced a public initiative on gene
technology (Gentechnikvolksbegehren), which was extremely critical of GMOs. It demanded restrictive governmental policies and became one of the most successful public initiatives in Austrian history. This success shocked Austrian policy-makers who perceived biotechnology as a means for economic growth. Ever since, policy-makers have tried to avoid the political disaster they stumbled into in the late 1990s.

The abortion debate, the conflict about nuclear power and the public initiative on GMOs are pivotal events in Austrian science policy concerning the elite perception of the public in questions of science and technology. All of them are rare cases in which strong public mobilisation challenged the typical model of top-down policy-making, which can be characterized as a “hierarchical techno-political system” (Kroberger/Kerbe: 19). All three controversies were extremely emotional, characterized by seemingly irreconcilable rifts within society, and were followed by political deadlock.

3.2.7 Minor policy issue

Apart from major controversies about nuclear power and GMOs, science and technology policies were never prominent policy issues in Austria. Issues of biomedicine, for example, which have been intensely debated elsewhere, have hardly been discussed in a broader Austrian public (Griessler/Lehner 2010: 116, see also Griessler 2006). Austria also little debated human embryonic stem cell research (Gmeiner 2006: 30). The debate “remained restricted to a small number of stakeholders from science, theology, ethics and law, as well as a handful of politicians and civil servants” (Gottweis et al. 2007 41). As Nicole Kronberger and Wolfgang Kerbe point out, there is a “weak tradition of consultation and dialogue with regard to science, technology and innovation, and there is a tendency to avoid public – and even parliamentary – involvement” (2010: 14).

3.3 Public

3.3.1 Policy-Makers’ Perception of PTA

According to Alexander Degelsegger and Helge Torgersen, who interviewed Austrian key policy-makers in the area of science and technology policy, their respondents had rather hesitant and ambivalent relationships to PTA (Degelsegger/Torgersen 2011). Because of having been confronted with a public that strongly opposed new technologies such as nuclear energy and GMO (see 3.2.6), Degelsegger and Torgersen perceive a “tension between the fear of a mobilized public and the need to seek public support” (ibid. 396). Policy-makers see a dilemma between the obvious need for public backing, and their intention to keep the public away from political discussion and decision-making because it could obstruct the introduction of new technologies. This understanding is based on the few instances of public discussion about science and technology, which ended with major parts of the public voting against the introduction of these technologies. There is a fear among
Austrian policy-makers that PTA might strengthen such negative mobilization against technologies (ibid. 396).

Austrian policy-makers therefore do not give PTA a role to “encourage discussion” (Kronberger/Kerbe 2010: 19), to further participation in policy-making and to increase democratic legitimacy by the “inclusion of alternative rationalities” (Degelsegger/Torgersen 2011: 398). In contrast, PTA is perceived as a means “to inform and convince” the public (Degelsegger/Torgersen 2011: 398).

3.3.2 Self-Perception of Policy-Makers and their Perception of the Public

Interviews with Austrian policy-makers and experts indicate a pronounced paternalistic perspective on the public (Degelsegger/Torgersen 2011, see 3.2.3). This elite perception has two components: First, policy-makers, experts and representatives of interest groups would primarily be the ones able to find the optimal solutions, which afterwards would have to be implemented “with the least possible opposition” (ibid. 400). From this perspective “it appears impossible (...) that the combined wisdom of the policy, technical and financial experts, and the balance of powerful interests, could be trumped by lay insights” (ibid.). A second aspect of paternalism perceives the public as “ignorant” (ibid.) and in need of guidance. In this view the public “often does not, and cannot, know what it needs” (ibid. 398). In contrast, policy-makers would “know what the public ‘really’ wants” (ibid. 398) and would have to act on behalf of the public. They somehow would “have to (...) sense public opinion” (ibid.) and to decide “in the public's best interests, on novel technologies while avoiding negative public opinion” (ibid. 400). Participation, following this line of argument, is intrinsically pointless.

The regulation of technological innovation thus becomes a “balancing act between expert advice, interest representation by established powerful institutions, and the need to avoid the mobilization of a misguided emotional public rallying against rational and necessary endeavors” (ibid. 400). This basic attitude of avoiding unnecessary difficulties and public conflict also explains why Austrian policy-makers took a wait-and-see position, and decided “not to make a fuss” about xenotransplantation (see 2.1).

In line with the aforementioned, the relationship between science and public is characterized by a deficit model, which assumes that the public needs information and education (Aufklärungsdiskurs, Felt et al. 2006: 104). Also, participatory events like the citizen conference reproduced the typical hierarchy between experts and laypeople (ibid. 120, 122).

3.3.3 Bottom-up Participation

An example for the difficulties bottom-up initiatives in science technology policy are facing in Austria is the history of the “Ethics Commission FOR the Austrian Federal Government”
(Ethikkommission FÜR die Österreichische Bundesregierung). This platform was formed by organizations representing disabled as well as moderate pro-life activists because governmental officials, who did not consider them as “experts”, denied them access to the official Bioethics Commission to the Federal Chancellery (see 3.2.3 and 3.2.4). They criticized the composition of the Bioethics Commission as being expert and interest driven and excluding people who are affected by the consequences of ethical decisions. The Ethic Commission FOR the Austrian Government considered itself as the second opinion for the government and wanted to complement the opinion of the expert-oriented bioethics commission. However, because of a lack of funding, lack of public recognition and because self-help groups considered other topics more important for their work than bioethics, the group fell apart in 2006.

3.4 Conclusion

Like many western democracies, though in contrast to democracy theory and the widespread image, the Austrian Parliament holds a weak position compared to the executive branch. This is caused by a lack of financial resources and personnel, expertise and consequently power. Parliament is therefore less a place of deliberation and discussion, than, due to constitutional necessity, an obligatory passage point in law-making. Laws are prepared in Austria mainly by the executive branch. Typically draft bills enter Parliament as governmental bills, and often leave it virtually unchanged.

Since the executive branch has a particularly strong role in Austrian law-making, it is necessary to look closely at connected processes and actors. Ministers (and their cabinets) want to retain their space for political maneuver and reserve for themselves the prerogative for political decisions at any time of the political process. However, civil servants also play a particularly important role because they are technical experts, organize the law-making process and putting the law down in writing. Their influence is not limited to the pre-parliamentarian phase, but extends into Parliament. The social partners – organizations representing employers and employees – and other political actors of organized interests are other important groups of actors in the law-making process. Within the law-making process the pre-parliamentarian phase is of utmost importance. It is characterized by neo-corporatism, expert orientation, informality, and deliberate exclusion of uninvited actors and the public.

The strong notion of neo-corporatism is also important in science and technology policy. The paternalistic tendency within this policy approach is deeply rooted in Austrian history, e.g., in Counter Reformation and in 18th century enlightened absolutism. In this tradition, a dominant paternalist elite of policy-makers and experts is skeptical about the public’s ability to form its own political will in a sensible way. Despite this perspective, public support is nevertheless considered integral to the support and advancement of technologies, which are indispensable from the elite’s perspective.
Issues of science and technology policy are not debated much in the Austrian public sphere. One reason for this lack of debate is a strong notion of tabooing political controversies and procrastinating decisions on divisive topics. This, in many ways, is also relevant for science and technology policy. Past conflicts over nuclear power, GMOs, and abortion cast a cloud over current discussions of science and technology policy.

Due to these characteristics the chances that PTA might serve as a means to involve the public actively in policy-making have to be assessed rather skeptically. In many ways PTA virtually contradicts central practices and assumptions of Austrian policy-making. As Alexander Degelsegger and Helge Torgersen put it, “policy-makers would have to work with the public on policy projects instead of merely presenting them with a predefined solution for approval. If they took participation seriously, decision-makers would have to accustom themselves to the idea that it is not exclusively their task to choose the objectives and formulate the problems of S&T policy” (2001: 400). As a consequence PTA has so far been used in Austria only for “laboratory experiments” (Bogner 2010) and policy-makers perceived it rather as a marketing tool than an instrument to promote public participation in decision-making in science and technology policy.
4 Annexes

4.1 Political System

4.1.1 Cabinets

Were the governments in the last two decades single party (UK) or coalition governments (NL, Ger), minority or majority governments? Were they dominated by a certain party?

Austria has traditionally been governed by coalition governments. Typically these are majority governments. Over the 1990s and since 2007 these have been grand coalitions between social democrats (SPÖ, Sozialdemokratische Partei Österreichs) and conservatives (ÖVP, Österreichische Volkspartei), with the social democrats being the senior partner. Between 2000 and 2006 a coalition between conservatives and the nationalist Freedom Party (FPÖ, Freiheitliche Partei Österreichs) took government, causing major policy changes in a number of policy areas, including science, technology and innovation.

4.1.2 Legislature

Does it feature two chambers (Ger, I) or one (F)? Who are they representing and which one is more powerful? Where do the Members of Parliament get their information from (own staff, scientific service of parliament, federal ministries, interest groups/social partners?)

The Austrian political system features two legislative chambers, one federal (Nationalrat, the National Council), the other one regional (Bundesrat, the Federal Council). The federal chamber is much more powerful, while the regional one has the right to be heard, but not necessarily (and indeed typically) to be listened to. It only has a suspensive veto at its disposal (except for constitutional amendments and treaties directly concerning the competencies of the states („Länder“)) and therefore is of negligible influence.

There are four ways a bill can be introduced to the National Council: as a government bill („Regierungsvorlage“), as a motion of individual Members of the National Council („Initiativantrag“) or the Federal Council, or through a legislative proposal signed by at least 100.000 voters („Volksbegehren“). By far most prevalent way for a law to come into existence in Austria is the government bill (Biegelbauer/Griessler 2009).

There are several reasons why the Austrian legislature is comparatively weaker than, say the German Bundestag or the US Congress. One issue is that it has only limited resources at its disposal, especially compared with the executive. Each Member of Parliament has only a single (!) staff member, the scientific service of the Parliament is small, and thus the

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6 Chapter 4.1. has been contributed by Peter Biegelbauer.
parliamentarians are dependent on the respective party apparatus, social partnership organisations and the ministries.

Although this has been slowly beginning to change with the rise of the FPÖ and the Greens in the 1980s, by and large the legislature is still less a place where policies are created and more of a stage towards the public.

4.1.3 Executive-legislative relationship

Is it a relatively more consensual (B, CH) or rather antagonistic (US) relationship? Is the legislative more independent with a number of control rights (US) or less so, with most laws being steered through Parliament by the executive (A)?

In the Austrian Realverfassung (“real constitution”), a term juxtaposed to the letters (and intents) of the Austrian Constitution, the legislature (including the national chamber) has quite a weak position vis-a-vis the executive. This is because, amongst other reasons, the executive is led by governments with a clear (mostly indeed a two-thirds) majority, meaning that bills are introduced and pushed through the legislature by the Members of Parliament belonging to the parties comprising the respective coalition government. Because of the strict party discipline in the legislature, this means that both the federal and the regional chambers serve as stages on which the democratic rituals are played out in front of the mass media, whilst the real decision-making takes place in the Council of Ministers and the Coalition Committee, in which a handful of key party leaders from the coalition parties strike major political deals.

Because of the dominance of the executive over the legislature, the relationship between the two institutions cannot be called antagonistic. Moreover, although this has changed somewhat in the 2000s, on most occasions government and opposition vote together.

4.1.4 Bureaucracy

What is the role of the bureaucracy in all of this, is it dominant (J, classical Westminster model) or dominated (US), is it large (NL) or small (S), does it operate at arm’s length from government (UK, S) or is it more directly attached (Ger, I)?

The Austrian civil service is large, highly differentiated, hierarchical, centralised, politicised and dominated by career civil servants with a still rather Weberian meritocratic outfit, despite all the New Public Management reforms of the last 15 years. The civil service is very important for the political system, including policy-making processes. Unheeded by a public and social science alike, the lion’s share of Austrian law is negotiated and written by the civil service, with most bills created in that way going through the legislature without any changes (Biegelbauer/Griessler 2009). As such the Austrian civil service is intimately linked with, and
sometimes even plays a dominant role in politics. Again, this has neither been changed by the public management measures, nor by the ongoing agencification.

Especially in the years 2000 – 2006, when the conservative coalition government of ÖVP and FPÖ was in power, a number of changes took place in the relationship between civil service and government on the federal level (in the sense of the core executive, mainly the Ministers Council). Following an international trend, the size and importance of ministers’ cabinets ("cabinet ministeriel") have been growing since the 1970s. Yet in 2000 the cabinets of some ministers, especially those from the Freedom Party, were expanded considerably. This development was linked to the limited trust the ministers from the FPÖ had in the civil servants whom they deemed to be adversarial. The problematic relationship between civil servants and the FPÖ ministers is also signified by the fact that a number of laws in these ministries have not been written by civil servants, but by lawyers close to the Freedom Party (Biegelbauer/Mayer 2008). In these cases there has been either a very limited consultation, or none at all. In many ministries the size of ministers’ cabinets were not reduced with the end of the conservative coalition government.

4.1.5 Judicial review

Are the courts important for political decisions (US, Ger) or relatively less so (A)?

In comparison to say the USA, the UK or Spain, Austrian court decisions are less politicised and less often responsible for major changes of Austrian policies. That said, the Austrian Constitutional Court frequently overturns laws passed by the legislature. The legislature (sometimes against the will of the opposition) has often reacted by passing amendments to the constitution, which paradoxically is against the very spirit of the constitution and therefore actually unconstitutional. Moreover this has turned the Austrian Constitution into a regulatory hodgepodge frequently criticised by the Constitutional Court.

4.1.6 Party system

How many parties have been represented in Parliament, is any one of these dominant?

The Austrian post-World War II party system has been dominated by two large parties. These are the conservative Austrian People’s Party (ÖVP) and the Austrian Social Democratic Party (SPÖ), which has been the largest party in Austria since 1970. Until the 1980s these two parties together could account for more than 80% of the electoral votes. For most of the last 60 years the ÖVP and SPÖ have formed grand coalitions - they dominated the political landscape during this period. As pointed out before, this situation changed with the rise of the Freedom Party (FPÖ) and the Greens in the 1980s, which have captured up to 40% of the votes. Since the 1990s most governments did not have the two-thirds majority necessary for constitutional changes.
4.1.7 Interest group system

Is the country more corporatist with powerful trade unions, collective bargaining of wages and cooperation between the state, trade unions and business interests (A, NL, S) or is it rather pluralist with a lot of interest groups and little coordination (US, UK)? Are business interests privileged and in which way?

Typically the Austrian political system has been classified as an extreme case of consociational democracy and neo-corporatism (Schmitter 1979). The epitome of the "historic compromise" between SPÖ and ÖVP after WWII was the Austrian Social Partnership, which was created by chambers: large organisations with mandatory membership (Pflichtmitgliedschaft) representing the economic interests of their members. The Social Partnership organisations are the Austrian Chamber of Labour (Arbeiterkammer) and the Austrian Trade Union Council (Österreichischer Gewerkschaftsbund, where membership is not mandatory), representing the interests of the employees and the Austrian Economic Chamber (Wirtschaftskammer), and the Austrian Chamber of Agriculture (Präsidienkonferenz der Landwirtschaftskammer), representing the interests of employers. In an intricate neo-corporatist arrangement, the chambers are represented in a multitude of bodies in which bipartite negotiations between the chambers themselves, and tripartite negotiations between the chambers and the state could take place (Talos/Kittel 2001). There is moreover an intense integration of party representatives in the chambers: the upper echelons of the Economic Chamber were normally members of the ÖVP with the head of the chamber being represented in the Austrian Parliament. Similarly the upper levels of management of the Chamber of Labour are mostly organised in the Austrian Social Democratic Party with the peak of the organisation being represented in the Austrian Parliament (Karlhofer/Talos 1999, 2005).

With the pressure rising on the party leaderships of SPÖ and ÖVP to implement reforms, the Austrian chambers in the second half of the 1990s were no longer automatically included in each and every political decision.

4.1.8 Direct democracy

What instruments of direct democracy are provided for by the constitution (e.g. plebiscite, popular initiative by a certain number of signatures, mandatory referendum in the case of constitutional changes, petitions signed by a certain number of MPs/voters to be processed by Parliament) and have they been important until now?

On the federal level three instruments of direct democracy exist. First, popular initiatives (Volksbegehren) can be initiated by a few thousand citizens, but only have to be discussed in the legislature if they receive more than 100,000 votes. The Parliament may call a referendum as a result of the discussion of a popular initiative, which however has not
happened until now. Second, referenda (Volksabstimmung), only two of which have been called after World War II: one was on nuclear power (which was voted down in 1978), the other one on the EU accession (which was approved in 1994). Referenda are obligatory in the case of major changes to the Constitution, as was the case with the EU accession. Third, the consultative referendum of non-binding nature (Volksbefragung), which can be initiated by the legislative, has not been used until now.

There exist direct democratic instruments on the regional and at the local level, which are rather diverse. Nevertheless, they are currently the most frequently used tools of direct democracy in Austria.

4.1.9 Political culture

How strong is civil society? Is there a tradition of participation in politics? How open is decision-making?

In the classical literature (US dominated) on political culture from the 1950s and 1960s, Catholic continental European political and economic systems were shown as sharing the same cleavages and rifts characteristic of democracies in their early stages (Almond 1956). Although the political culture literature since then has been criticised for being biased towards the US society of the time, this characterisation of continental European systems fits perfectly for post-World War II Austria. For most continental European societies, the US political scientists would add, civil society was comparatively weak and its participation in politics limited; both are typical features of Austria after World War II. A few years later Andrew Shonfield, in his seminal work in comparative political economy, pointed out that in Austria “the mainstream of political life by-passed parliament”, and was channelled through the Austrian Social Partnership (Shonfield 1965, 195). The social partners therefore took the same role that civic society would have in the US and to some extent in the UK at the time. Decision-making in general was closed off, with as little public involvement as possible (compare also with Griessler 2007).

Since then internationalisation and globalisation as well as concurrent changes in the Austrian political economy, social democratic reform politics, and the rise of the new social movements in the 1970s and the Europeanization of Austria in the 1990s, to name just a few important factors, have changed the party system. The ensuing dynamic also led to the rise of civil society, which became not only more differentiated and colourful, but also more outspoken vis-a-vis the political system, demanding an opening up of political decision-making that took place, if only haltingly and gradually.

4.1.10 Science-society relations

What is the role of scientific experts and of expertise in society and in policy-making?
Scientific expertise plays an important part in Austrian political life. The social partnership is not only driven by stakeholder interest intermediation, but also by expertise provided either by social partnership organisation internal or external experts, the latter usually coming from scientific research institutions. Moreover, public opinion polls show that scientists are relatively highly esteemed by Austrians, clearly higher than important actors of political processes such as civil servants, let alone politicians. Paradoxically, science itself is not seen as important by Austrians, as displayed again in the results of the latest Eurobarometer poll from 2010, where Austrians show the highest propensity of regarding science as not being important for their lives and being unworthy of public funding.\(^7\)

### 4.1.11 Constitutional division of territorial power

*Is the central state more powerful (F) or are the regions important (B, CH, Ger)? Which issues are decided by the regions, and are there veto points arising from federalism?*

Austria is a federal state consisting of nine states/regions (Länder), featuring a federal and a regional level of administration. In matters of regulation both levels play a role, with the federal level usually the higher authority (Tálos & Kittel 2001; Müller 2006). The style of Austrian politics is predominantly consensual, not only between the social partners and other stakeholders on the federal level, but also between federal and regional levels. Self-regulation of manifold associations, chambers (Kammern), representations of interest groups and professional bodies is important in a number of policy fields, typically being organised on the level of the nine regions as well as at the federal level.

Austrian federalism is weaker than the German, Swiss or US variants, with many issues being centrally determined, and the largest part of state finances being raised by the federal state, with the regions being refunded for their services. Nevertheless, in a number of policy fields the regions have enough power to block policy-making effectively on the federal level too. Two examples of blocked reform efforts of the federal-state are: primary and secondary education; and the health system, the discussions about which have been led for decades with only marginal success.

### 4.1.12 Electoral system

*Is it relatively more disproportional (US, UK) or less so (Ger, I) and how strong are minority rights (could green parties come into existence)?*

Austria has a proportional election system with a 4% hurdle to overcome in order to obtain a seat in the National Council (the federal chamber of the legislature). Minority rights have traditionally been low in terms of the electoral system, but also the rights of the small

opposition parties in the legislature. Nevertheless the party system expanded in the 1980s and 1990s from previously being three parties (SPÖ, ÖVP, FPÖ) to five parties (Greens, for some years the Liberals and later the BZÖ, an offspring of the FPÖ).

The ongoing discussion on a possible change of the electoral system from a proportional representation to a more majoritarian voting system is fuelled by widespread criticism of grand coalitions. These are perceived as inflexible and slow-moving due to the necessity to strike compromises between two similarly large parties. A demise of the hitherto regular grand coalitions is in turn likely to weaken the neo-corporatist Social Partnership.

4.2 Policy Field

4.2.1 Cabinets, Legislature, and their relationship, bureaucracy.

*Did they have a role in the policy field for the problems handled by e.g. the bureaucracy?*

See 2.1

4.2.2 Legislature

*Did it have a role (if yes, which chamber) in the policy field for the problems tackled by e.g. the bureaucracy?*

See 2.1 and 2.2

4.2.3 Executive-legislative relationship

*Is there a history of adversarial relations between executive and legislative in the policy field (e.g. over leadership on issues, media attention)?*

See 2.1

4.2.4 Bureaucracy

*Are there specific units, which have dealt with the policy problem at hand? Is there any cooperation with other political actors?*

See 2.1

4.2.5 Judicial review

*What is the tradition of law (Common/Roman), are the courts important for the policy field?*
No.

4.2.6 Party system

Were some parties represented in Parliament interested in the policy field (e.g. the Greens)?

See 2.1

4.2.7 Interest group system

Were some interest groups involved in the policy field (e.g. pharmaceutical industry, Chamber of Commerce, professional associations)?

No

4.2.8 Political culture

Has civil society been involved in the regulation of xenotransplantation or in similar problems? How open is decision-making in this policy field?

See 3.2.5

4.2.9 Science-society relations

What is the role of scientific experts in this policy field?

See 3.2.4

4.2.10 Direct democracy

Were there attempts to use instruments of direct democracy in the policy field (e.g. petitions on GMO, BSE)?

See 3.2.6

4.2.11 Constitutional division of territorial power

Were some regions more active than others in the policy field (e.g. in the form of funding programmes, regulations)?

No
4.2.12 Demand for xenotransplantation

Are there interests asking for xenotransplantation (scientists, pharmaceutical industry, patient organizations etc.)?

See 2.1 and 2.3

4.2.13 State-EU policy relationship

How do EU policies enter and affect the political system (“download of policies”)? How do national policy initiatives enter and affect the EU (“upload of policies”)?

See 2.2

4.3 Literature


**4.4 List of Interviews reanalysed for this report**

Interview 1 Civil Servant, 1.7.2002, Vienna

Interview 2 Civil Servant, 8.7.2002, Vienna

Interview 3 Civil Servant, 19.8.2002, Vienna

Interview 4 Civil Servant, 26.11.2010, Vienna
4.5 List of Abbreviations

GMO  Genetically Modified Organisms
RFT  Rat für Forschungs und Technologieentwicklung
FFG  Forschungsförderungsgesellschaft
GTG  Gentechnikgesetz, Gene Technology Law
hESC  human Embryonic Stem Cells
ITA  Institute for Technology Assessment
IVF  In Vitro Fertilization
PERV  Porcine endogenous retrovirus
PTA  Participatory Technology Assessment
TA  Technology Assessment
S&T  Science and technology
WAGG  Wissenschaftlichen Ausschuss für Arbeit mit genetischen veränderten Organismen in Geschlossenen Systemen (Scientific Committee for the Work with Genetically Modified Organisms in Closed Systems)