

This is the author's accepted version of a work accepted for publication-

Citation:

DRYZEK, J. (2016). Symposium commentary: Reflections on the theory of deliberative systems. *Critical Policy Studies*, 10(2), 209-215.

<https://doi.org/10.1080/19460171.2016.1170620>

This file was downloaded from:

<https://researchprofiles.canberra.edu.au/en/publications/symposium-commentary-reflections-on-the-theory-of-deliberative-sy>

Copyright: [This work is made available under a Creative Commons Attribution-NonCommercial \(CC BY-NC\) license.](#)

Version:

This is an Accepted Manuscript of a work that was published by Taylor & Francis in **Critical Policy Studies** which has been published at

<https://doi.org/10.1080/19460171.2016.1170620>

Changes resulting from the publishing process may not be reflected in this document.

REFLECTIONS ON THE THEORY OF DELIBERATIVE SYSTEMS

John S. Dryzek

Alternative Histories

According to Elstub, Ercan and Mendonça in their introduction to this special double issue, we can understand the history of deliberative democracy in terms of its generations. I seem to be placed in their first, second, and fourth generations - though I think I would be equally at home in their third. Being a member of my intellectual great-grandfather's generation (as well as my grandfather's generation, and great-grandson's generation) could make life a little confusing for me, though I'm sure a Dr. Who scriptwriter could make sense of it. The 'generations' terminology suggests to me a neat periodization and classification of particular works. Closer examination might reveal a more nuanced story, but simplification has its uses (especially in pedagogy).

This is not the place to reflect on the details of intellectual history (which will be the topic of one chapter of the *Oxford Handbook of Deliberative Democracy*, now in preparation). But in this journal in particular, it should be noted that the way Elstub, Ercan, and Mendonça characterize the first generation as involving 'an emphasis on normative theorizing' does not do justice to the important role for deliberative democracy played by work in the development of critical policy studies in the 1980s. At the time the vocabulary of 'deliberative democracy' did not exist, but a lot of work at the critical end of the policy field pointed in its direction (for example, Torgerson 1986; Fischer and Forester 1987). Some of the key people involved have more recently played editorial parts in this *Critical Policy Studies* journal.

Anyway, ever since the field began to take more explicit shape under the deliberative democracy title after 1990, there has been an ambition to render whole political systems more deliberatively democratic. This ambition soon extended beyond the nation-state to the global level. At the same time, real-world experimentation often involved the design and close study of micro-level forums, such as mini-publics and (often in less explicitly deliberative terms) exercises in dispute resolution. The attractions of the micro level are easy to understand; it is so much easier to innovate piecemeal rather than change whole systems, and empirical study is so much more straightforward when one can exercise some control over conditions and gather data that is well bounded in time and place. Whatever their limits when it comes to contributing to political transformation, mini-publics in particular have provided most of the empirical analysis that makes deliberative democracy exemplary across political theory and social science for its integration of normative theoretical concerns and sophisticated empirical analysis. When it comes to practical impact, many practitioners and most observers of mini-publics agree that we must attend closely to their place in larger processes, to whose transformation and deliberative capacity they ought to be able to contribute.

To the Deliberative System

The deliberative systems approach represents the latest phase of the field's macro concerns. First introduced by Jane Mansbridge (1999) in somewhat tentative fashion (mainly to establish the importance of 'everyday talk' in deliberative politics), there has been an explosion of work in this idiom in recent years. The papers in this double special issue of *Critical Policy Studies* all contribute to further development of what Elstub, Ercan, and Mendonça tell us is the fourth generation of deliberative democracy (though the earlier generations have not died yet). Rather than just celebrating the systemic turn, these papers also identify some of the limitations and problems of systems thinking – suggesting perhaps the seeds of a fifth generation? These papers confirm the fact that deliberative democracy as a field is actually very good at recognizing and remedying its own weaknesses, as well as reformulating itself in response to critics. In this at least the field compares well with other normative theories of democracy such as agonism, which (at least when its adherents criticize deliberative democracy) forgets nothing and learns nothing. Another contrast along these lines can be made with the old-fashioned electoralist models of democracy still deployed by most democratization scholars in the field of comparative politics, oblivious to developments in thinking about the meaning of democracy, and with no idea that they may have missed something important (such as deliberation).

In this spirit, I will take up some of the weaknesses of the deliberative systems approach identified by the contributors to this first special issue on the theory of deliberative systems.

Recognizing Deliberative Systems and their Boundaries

How do we recognize a deliberative system when we see one? It is possible to specify what a deliberative system should look like in some normatively ideal sense – though even here there is little consensus among theorists. When it comes to the empirical study of real-world phenomena in deliberative system terms, I believe there is no escape from interpretive judgment in the definition of the system. And in defining the system, one should not make the mistake of thinking it has to be already deliberative – or meet some minimum threshold of deliberativeness to be analyzed in these terms. Rather, it is best to think of a particular system as being potentially deliberative. It is then possible to look at the actual performance of the parts – and the whole – in light of some deliberative standards about what they ought to be doing. With this idiom of inquiry in mind, it might be possible to identify deliberative systems with particular governments; or with governance arrangements; or with governance arrangements on particular issues. So we could treat the entire government structure of a country as a deliberative system. Or we could look at (say) the global governance of intellectual property rights in these terms.

This sort of interpretive view is not exactly the approach to defining deliberative systems taken in the article on 'The Boundaries of a Deliberative System' by William Smith, who wants to be much more discriminating when it comes to what is allowed into the system, and what needs to be excluded. Smith's title

suggests he trying to figure out how to draw the boundaries of deliberative systems. However I think what he is really doing is providing an admission test for particular components of a system, which is not exactly the same as drawing boundaries (because such drawing also require other judgments concerning, for example, the jurisdiction, level of governance, substantive area, and time that a particular system covers). For Smith, deliberative potential is not enough for a component to be admitted into the system; instead, he demands deliberative actuality. In this light, only truly deliberative action belongs in a deliberative system; though non-deliberative components can be recognized in the environment of a system and as having an influence upon it. Here, Smith appears to reject what is to many others (for example, Mansbridge et al 2012: 3) a core axiom of the deliberative systems approach: that non-deliberative practices can have positive systemic deliberative consequences, and as such should be treated as part of the system. On closer inspection, however, Smith does actually allow the kind of effect in question – he just wants to put it in a box outside the system as he defines it. In the end, I think it matters little whether non-deliberative practices with positive systemic consequences are defined in or out, provided they can still be connected with the system.

Now, comprehensively and uncontroversially deliberative actions are always going to be in short supply in this imperfect world (why else would the normative project of deliberative democracy be needed?). So judgment must be exercised as to whether or not particular parts merit categorization as deliberative enough to be included – as Smith puts it, ‘to embody paradigmatic features of deliberative conduct to an appropriate degree’. If the judgment is too stringent, the deliberative system loses all empirical purchase if we follow Smith’s path. It will also be hard to know what to make of a system where one or two bits are deliberative – but other crucial bits (such as connections between different forums that might be internally deliberative – for example the scientific assessments and citizen forums described in the article by Moore) don’t seem to be. Presumably we should then just discard the case? If the judgment is too forgiving – and this is a definite danger in taking a deliberative systems approach – then the deliberative system loses its distinctiveness, and the normative project fails. So the precise content of standards for judgment becomes crucial.

To qualify as deliberative action for Smith, a practice must embody all the deliberative virtues: reflection, respect, and dialogue. This is actually not a complete list (missing out, for example, justification and inclusion). But a sequencing account of a deliberative system could (rightly) point out that not all the virtues need to be displayed to equal extent – or even at all – in different locations in a deliberative system, defined now by time as well as space. Seeking justification and reflection in (say) two different chambers of parliament, or two different rooms in a jury trial, is perfectly defensible.

A real puzzle arises once we recognize the corollary of the fact that non-deliberative practices can have positive consequences for the deliberative system: for it is also the case that intrinsically deliberative practices can have negative consequences for the system as a whole (as Smith recognizes). So for example some theorists (notably Rawls 1993, 231) point to the U.S. Supreme

Court as an exemplary deliberative institution. But assuming the Court works in this fashion (a big assumption in these days when it divides along predictable partisan lines), might not its existence free members of Congress to engage in irresponsible demagoguery, secure in the knowledge that there is a deliberative institution elsewhere in the system that will save them from themselves? Though he does not discuss this particular kind of case, I think Smith's answer would have to be that the Supreme Court belongs in the deliberative system, but Congress does not (on this stylized account). But does that then suggest Congress need not be held to deliberative standards of the sort that would apply if it were treated as potentially part of the system?

The critics noted in passing by Smith and discussed at greater length by Moore in his article who charge expert bodies and mini-publics with 'deliberative elitism' also believe that intrinsically deliberative practices can have non-deliberative or even anti-deliberative systemic consequences. For these bodies might be internally deliberative, but they might detract from the deliberative qualities of the political system as a whole, by preventing deliberation in the larger public sphere that is consequential in the political system. Moore has a good answer to such critics concerning how to integrate such bodies to good effect into the system (which I will return to below), but it seems all Smith says is that they should be accepted as part of the system on the grounds that they embody deliberative action.

Dangers and Connectors

Ricardo Mendonça in his paper on 'Mitigating Systemic Dangers' joins Smith in worrying about casual use of the deliberative systems approach. The first of his worries is plausible, involving potential disempowering of weak actors by requiring that they spread their limited resources across too many locations in a system. It would be possible to see this problem as simply the flip side of having a lot of opportunities for influence, which is not such a bad democratic thing; Mendonça's first worry would apply to the degree a democracy provides multiple opportunities for input. His second worry is that decision makers in a deliberative system have discretion concerning which bit or bits of public opinion to pay attention to. This seems like something that could conceivably happen in real world politics (though how often?), but also something that is readily criticized in a deliberative systems framework, as a deliberate obstruction of communication by refusal to listen on the part of the powerful. Mendonça's third worry is that different discourses may dominate different bits of a deliberative system, obstructing communication between them. Mendonça gives no examples of this third possibility, but it is very easy to see when (for example) radical anti-globalization discourses are present in the public sphere – but are ignored in decision making.

The problems identified by Mendonça are real and his proposals in the form of 'inducers of connectivity' (why not just 'connectors?') are compelling. Indeed, his proposals are really just reiterations of the need to take a systemic approach: there can't be a system without connectivity. Yet it is not entirely clear how the proposals actually speak to the first two problems. The third problem is easy: if

we have no connectivity because of different discourses dominating different places, it needs to be induced, and someone needs to do it. But even here, connectivity may not be enough. With anti-globalization discourse, for example, it is not that decision makers don't hear it and need to be reminded of it. They are probably aware of the counter-discourse, but don't want to act or cannot act upon it because they are imprisoned by their location in the political economy (to use the language of Lindblom 1982). What this suggests is that not all the problems identified with deliberative systems can be solved by connectivity: instead this particular one requires wholesale critique of the political economy in which deliberative systems are embedded.

Experts and Citizens

Once we get past his 'Deliberative Elitism' title (which once again fails to do full justice to the content of the paper), Alfred Moore provides a compelling way to think about how to integrate expert knowledge into a deliberative system in a way that is true to core commitments of deliberative democracy. Mini-publics prove especially useful in enabling deliberative citizen scrutiny of expert judgments, and here Moore joins a number of authors who have recently contemplated the role that mini-publics can play in deliberative systems (see for example Hendriks 2006; Niemeyer 2014), as opposed to seeing them as substitutes for deliberative systems, which is what a number of critics both inside and outside the field seem to fear. The broader citizenry can then judge the conclusions of experts and mini-publics alike. Of course we then need to think about connections between these three sorts of locations in a deliberative system – and what Mendonça has to say about agents of connectivity could be drawn upon here, though Moore himself identifies a number of different mechanisms. Moore has less to say about the exercise of formal public authority in the system, but there would be little to stop an application of what Moore says about expert bodies to repositories of public authority such as legislatures or international organizations, which could also be linked to the broader public sphere via mini-publics.

In light of the roles and connections Moore portrays, mini-publics complement rather than displace broad citizen deliberation in the public sphere, and we can see how expertise can be linked in defensible fashion to the broader public sphere in the deliberative system. In addition, the internal workings of expert bodies can themselves be deliberative, thus passing Smith's test for inclusion. Scientific Assessments – such as those of the Intergovernmental Panel on Climate Change (noted by Moore) and the Millennium Ecosystem Assessment – come to mind as bodies that can feature deliberation because experts have to persuade people from different fields (Norgaard 2008). But even if expert bodies are not especially deliberative, it is still possible to think about the place they might occupy in the system (Smith would object here).

Moore's argument is a vast improvement over other attempts to specify a division of deliberative labor in the system between experts and lay citizens – for example, naïve suggestions that citizens should deliberate about the aims of

public policy, leaving experts to deliberate about means to those ends (Christiano 2012).

Moore does eventually come round to the elitism in his title, showing that recognizing the place of expert bodies and mini-publics in deliberative democracy does not mean that they need to be treated as deliberative elites

From Theory to Empirical Study

Theory does of course have its place, and the three articles I have discussed make significant contributions to development of the theory of deliberative systems. The deliberative systems approach does however currently feature a lot of theorizing (though this theorizing does have empirical illustration) and relatively little close study of actual deliberative systems in the terms that theorists specify. Many of the theoretical worries raised by critics ought to be capable of amelioration (or at least illumination) by close analysis of actual cases. Yet again we are reminded of the wisdom of Nike: 'Just do it!'. And that is where the pieces collected in the second of these special issues of *Critical Policy Studies* will come in.

References

Christiano, T. 2012. "Rational Deliberation Among Citizens and Experts." In *Deliberative Systems: Deliberative Democracy at the Large Scale*, edited by J. Parkinson and J. Mansbridge, 27-51. Cambridge: Cambridge University Press.

Fischer, F. and Forester, J. eds. 1987. *Confronting Values in Policy Analysis: The Politics of Criteria*. Newbury Park, CA: Sage.

Hendriks, C. M. 2006. "Integrated Deliberation: Reconciling Civil Society's Dual Role in Deliberative Democracy." *Political Studies* 54: 486-508.

Lindblom, Charles E. 1982. "The Market as Prison." *Journal of Politics* 44: 324-36.

Mansbridge, J. 1999. "Everyday Talk in the Deliberative System." In *Deliberative Politics: Essays on Democracy and Disagreement*, edited by S. Macedo, 211-38. New York: Oxford University Press.

Mansbridge, J., Bohman, J., Chambers, S., Christiano, T., Fung, A., Parkinson, J., Thompson, D.F., and Warren, M.E. 2012. "A Systemic Approach to Deliberative Democracy." In *Deliberative Systems: Deliberative Democracy at the Large Scale*, edited by J. Parkinson and J. Mansbridge, 1-26. Cambridge: Cambridge University Press.

Niemeyer, S. 2014. "Scaling Up Deliberation to Mass Publics: Mini-Publics in a Deliberative System." In *Deliberative Mini-Publics: Involving Citizens in the Democratic Process*, edited by K. Grönlund, A. Bächtiger, and M. Setälä, 177-202. Colchester: ECPR Press

Norgaard, R. B. 2008. "Finding Hope in the Millennium Ecosystem Assessment." *Conservation Biology* 22 (4): 862-9.

Rawls, John. 1993. *Political Liberalism*. New York: Columbia University Press.

Torgerson, Douglas. 1986. "Between Knowledge and Politics: Three faces of Policy Analysis." *Policy Sciences* 19: 33-59.