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A systemic approach to deliberative democracy

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The last several decades have seen growing agreement among political theorists and empirical political scientists that the legitimacy of a democracy depends in part on the quality of deliberation that informs citizens and their representatives. Until recently, those who wanted to study and improve the quality of deliberation in democracies began with, basically, two strategies. One concentrated on deliberation in legislative bodies of all sorts and the campaigns that produce their members. The other strategy, not necessarily at odds with the first, addressed the design, promulgation, and empowerment of small deliberative initiatives in which citizens could deliberate under relatively favourable conditions.

Both of these strategies, however, focused only on individual sites and not on the interdependence of sites within a larger system. Typically, the ideal has been cast in the image of the best possible single deliberative forum. Most empirical research on deliberative democracy, accordingly, has concentrated 'either on a single episode of deliberation, as in one-time group discussions, or on a continuing series with the same group or in the same type of institution' (Thompson 2008a: 213). Yet no single forum, however ideally constituted, could possess deliberative capacity sufficient to legitimate most of the decisions and policies that democracies adopt. To

This introduction was written in a process of deliberative co-authorship led by Jane Mansbridge, who prepared the first draft from multiple contributions and oversaw the many revisions. Although each co-author, if writing independently, would no doubt present the arguments and analyses somewhat differently, the chapter represents a direction of thought to which each co-author has substantially contributed and which all collectively endorse.

understand the larger goal of deliberation, we suggest that it is necessary to go beyond the study of individual institutions and processes to examine their interaction in the system as a whole. We recognize that most democracies are complex entities in which a wide variety of institutions, associations, and sites of contestation accomplish political work – including informal networks, the media, organized advocacy groups, schools, foundations, private and non-profit institutions, legislatures, executive agencies, and the courts. We thus advocate what may be called a *systemic approach to deliberative democracy*.[1]

Thinking in terms of a system offers several advantages. First, a systemic approach allows us to think about deliberative democracy in large-scale societal terms. A continual challenge for deliberative democracy theory has been the problem of scale. Face-to-face deliberation happens only in small groups. Parliamentary deliberation is confined to those forms of deliberation organized by states or subnational units. In what sense can we say that whole societies, demoi, peoples, or even different communities deliberate together? A systemic approach allows us to think productively and creatively about this question. It expands the scale of analysis beyond the individual site and allows us to think about deliberations that develop among and between the sites over time.

The systemic approach does not dictate that we take a nation or large polity as our object of study. Schools and universities, hospitals, media, and other organizations can be understood along the lines offered by a deliberative system approach. But in allowing for the possibility of ratcheting up the scale and complexity of interrelations among the parts, this approach enables us to think about democratic decisions being taken in the context of a variety of deliberative venues and institutions, interacting together to produce a healthy deliberative system.

Second, a systemic approach allows us to analyse the division of labour among parts of a system, each with its different deliberative strengths and

[1] Habermas suggested a broad approach, compatible with a systemic one, in his earlier writing. In (1996) he advanced a 'two-track' view combining a relatively 'wild' sphere of deliberation among 'weak' publics with more formal legislative deliberation. For a recent view, see Habermas (2006). On deliberative systems, see Mansbridge (1999) introducing the term and concept of a 'deliberative system', Goodin (2005) on 'distributed deliberation', Parkinson (2006a) on 'legitimacy across multiple deliberative moments and the wider deliberative system', Hendriks (2006a) on an 'integrated deliberative system', Bohman (2007) on 'institutional differentiation' with 'multiple and intersecting processes of public deliberation', Krause (2008) on the 'different types of constraint on deliberation in each domain', Thompson (2008a) on the 'allocation of deliberation', Dryzek (2009) on 'deliberative capacity' in the system, on the 'systemic turn' in deliberative theory (in a book [2010a] largely on the deliberative system), and Neblo (2010) on elements of a deliberative system working together to 'serve the larger deliberative standard'.

weaknesses, and to conclude that a single part, which in itself may have low or even negative deliberative quality with respect to one of several deliberative ideals, may nevertheless make an important contribution to an overall deliberative system. For example, highly partisan rhetoric, even while violating some deliberative ideals such as mutual respect and accommodation, may nonetheless help to fulfil other deliberative ideals such as inclusion. In another example, serious discussions on European Union (EU)-wide matters take place mostly among elites, while the national media and, to a lesser degree, national politicians, organize the public debate on EU issues. Although the overall system is far from ideal epistemically, the elite discourse provides expertise, reasoned and informed mutual accommodation, and mutual respect, while the nationally instigated deliberation provides perspectives that might otherwise not be heard. By enhancing inclusion, the national media also increase the EU's normative democratic legitimacy.

Parts of a system may have relationships of complementarity or displacement. In a complementary relationship, two wrongs can make a right. Two venues, both with deliberative deficiencies, can each make up for the deficiencies of the other. Thus an institution that looks deliberatively defective when considered only on its own can look beneficial in a systemic perspective. Conversely, an institution that looks deliberatively exemplary on its own, such as a well-designed minipublic, can look less beneficial in a systemic perspective when it displaces other useful deliberative institutions, such as partisan or social movement bodies. In another instance of displacement, legislatures are less likely to take their deliberative responsibilities seriously when a constitutional court is treated as the primary deliberative forum (Gutmann and Thompson 1996: 45–7; see also Dryzek 2010a: 13).

Third, a systemic approach introduces into the analysis large contextual issues and broad systemic inadequacies that have an impact on individual sites and shape the possibilities of effective deliberation. Once we identify what a deliberative system should accomplish, we can identify gaps in a system's deliberative quality. For example, a deliberative system may fail to include in a policy deliberation individuals with legitimate claims for inclusion, owing to legal exclusion or to deficiencies of education, information, or transparency. Or a system may rely excessively on parliamentary processes that frame debate but fail to make space for deliberation, leading to decisions of relatively poor quality. Even if a legislature has a high quality and well informed debate about, for example, reducing the deficit, the deliberation looks less adequate in the context of a system that permits highly unequal campaign contributions or enables the media to frame the issue by highlighting the dangers of deficits with little mention of the harm

that cuts would do to the least advantaged citizens in society or to fiscal stimuli aimed at stemming recession. A systemic approach allows us to see more clearly where a system might be improved, and recommend institutions or other innovations that could supplement the system in areas of weakness.

In the next section we lay out, in general and programmatic terms, what a systemic approach to deliberation entails, and discuss in more detail the benefits of this approach. While we may at times favour certain directions and theoretical orientations over others, we want to stress that the approach we outline could be taken up by any number of theories of deliberative democracy. Like any useful paradigm, deliberative democracy theory contains many theoretical variations, competing articulations, and contested definitions. Our aim is to articulate an overarching approach to deliberation that could signal a new and we think exciting direction for deliberative theory, but which is not itself a free-standing theory of deliberative democracy.

We take up in a separate section three elements of a democratic system that are usually not considered part of the exercise of deliberative democracy, and reconsider their place in terms of the system. We evaluate experts, pressure, and protest, and the partisan media, asking whether they do or could enhance the quality of deliberation in the system. We present these three only as examples of the sorts of directions a full systemic approach to deliberative democracy might take. Nevertheless we think that they represent central elements in almost any deliberative democratic system. They illustrate particularly well the advantages of a systemic approach, because all three are often assumed to be incompatible with deliberative democracy and do in fact create tensions with it. In a final section we identify five potential pathologies that threaten any deliberative system. Although some of these pathologies have their analogues at the level of individual sites, they are fundamentally problems inherent in a system and most clearly discerned through a broad systemic approach.

What is a deliberative system?

A *system* here means a set of distinguishable, differentiated, but to some degree interdependent parts, often with distributed functions and a division of labour, connected in such a way as to form a complex whole. It requires both differentiation and integration among the parts. It requires some functional division of labour, so that some parts do work that others cannot do as well. And it requires some relational interdependence, so that a change in one component will bring about changes in some others. A *deliberative* system is one that encompasses a talk-based approach to

political conflict and problem-solving – through arguing, demonstrating, expressing, and persuading. In a good deliberative system, persuasion that raises relevant considerations should replace suppression, oppression, and thoughtless neglect. Normatively, a systemic approach means that the system should be judged as a whole in addition to the parts being judged independently. We need to ask not only what good deliberation would be both in general and in particular settings, but also what a good deliberative system would entail.

A systemic approach, in our view, does not require that every component have a function or that every component be interdependent with every other such that a change in one will automatically bring about a change in all others. If a component does contribute to a function, it is not necessary that the function be fulfilled optimally in one location, since in a deliberative system the same function may be distributed across various subsystems. The concept as we apply it is not intended to be mechanistic; nor do we require a system to have clearly identifiable boundaries. Our point is that normatively, in the systemic approach the entire burden of decision-making and legitimacy does not fall on one forum or institution but is distributed among different components in different cases.

We expect that a highly functional deliberative system will be redundant or potentially redundant in interaction, so that when one part fails to play an important role another can fill in or evolve over time to fill in. Such a system will include checks and balances of various forms so that excesses in one part are checked by the activation of other parts of the system. We also envision systems that are dynamic rather than static. Thus it may be hard to predict in advance when or why some parts of the system will respond to certain forms of public opinion or represent certain interests and publics or certain kinds of values and procedures.

It should not be surprising that a political system requires a division of labour. Political judgments are complex, and the system in which they are made should also be complex. Because political judgments involve so many factual contingencies and competing normative requirements, and because politics involves the alignments of will, both in concert and in opposition, among large numbers of citizens, it is virtually impossible to conceive of a political system that does not divide the labours of judgment and then recombine them in various ways. The concept of a system highlights these necessities.

To take an example of the systemic approach applied to a concrete policy deliberation, John Parkinson (2006a) has analysed a series of UK initiatives that promoted deliberative public involvement in health policy-making, including through citizens' juries – small groups of citizens chosen relatively randomly and convened to deliberate on the issue. As he points

out, health care is 'a tough testing ground of the ability of any deliberative process to handle legitimacy deficits' (2006a: 44). He shows that understanding the deliberative process in the UK on this issue requires looking beyond the particular deliberative site of citizens' juries to a complex deliberative system with many participants – including health service professionals, unions, activists, administrators, charity groups, and more – each set of players with its own, sometimes internally competing, agendas and points of view. The processes cut across levels of government, from the local and regional to the national. Parkinson shows that it matters a great deal which groups commission forms of 'micro-deliberation' like citizens' juries and how they construct the procedures. It also matters at what level of the policy hierarchy such micro-deliberative procedures are used. These procedures 'tend to be used lower down in the hierarchy' because the lower echelons have greater legitimation needs and feel stronger pressures to be responsive (2006a: 64). A systems analysis allows us to see how on this issue the citizens' juries can themselves score relatively high on deliberative standards and at the same time have both negative and positive systemic effects. On the negative side, they to some degree displaced and weakened the existing advocacy organizations, thus reducing the impact of these groups on societal deliberation. On the more positive side, they served as a stimulating 'focal point' (2006a: 177) for organizing societal deliberation. A deliberative system approach thus takes into account not only a particular forum or innovation but also the role of that forum or innovation in the larger deliberative system, allowing us to gauge its democratic weaknesses and strengths within the larger dynamic of groups and levels.

A deliberative systemic approach also suggests looking for 'deliberative ecologies', in which different contexts facilitate some forms of deliberation and avenues for information while others facilitate different forms and avenues. Partisanship and information heuristics or shortcuts are usually contrasted with deliberation and seen as among the most serious obstacles to good quality deliberation. But a deliberative systemic approach asks when and where there is an appropriate ecological niche for partisan campaigns and heuristics. Because legislators and citizens in their busy lives will tend to rely on partisan organization and heuristics to guide their decisions, a good deliberative system will draw from the virtues of these individually deliberatively deficient devices but guard in various ways against their vices. Sometimes associations that are internally non-deliberative and homogeneous will, for that very reason, be able to assert a coherent public position and sharpen a public debate. Sometimes particular stages or sequences in a political process will embody a useful division of labour, with relatively open deliberations at the beginning narrowing to a focus as the point of decision is reached. Sometimes arguments made in one part of

the system will be tested in another part. Such mechanisms enable a good deliberative system to be self-correcting.

Here are three examples of how partisanship may appear to undermine deliberation at a micro level but not at a systems level:

- The British House of Commons engages in partisan heckling that violates many standards of good deliberation. Yet that very culture of heckling provides incentives to poke holes in the reasoning of a Government that otherwise makes all the major decisions and rules by strict and overriding majority. It may also function to frame and sharpen broader public deliberations.
- Some politically partisan media are of very low deliberative quality, but in conjunction with other media of equally low deliberative quality bring out information and perspectives that television stations or newspapers aiming at the middle of the road do not raise or address.
- Activist interactions in social movement enclaves are often highly partisan, closed to opposing ideas, and disrespectful of opponents. Yet the intensity of interaction and even the exclusion of opposing ideas in such enclaves create the fertile, protected hothouses sometimes necessary to generate counter-hegemonic ideas. These ideas then may play powerful roles in the broader deliberative system, substantively improving an eventual democratic decision.

A systemic approach can also illuminate how partisanship that is functional in one part of the system becomes dysfunctional when it spreads to another part of the system that requires other virtues. For example, the attitudes and practices of campaigning – emphasizing the sharp differences with opponents, refusing to find common ground or look for ways to compromise, and concentrating on defeating rather than cooperating with opponents – are not deliberative but may be appropriate, even necessary, in a campaign. Yet as campaigns become 'permanent' and their practices come to dominate the institutions of governing, they can overpower the deliberative practices that promote desirable change, thus creating a bias in the system in favour of the status quo (Gutmann and Thompson 2010).

To clarify the systemic approach for democracies, we need to consider the boundaries of the system, the functions within the system, and the standards by which the system should be evaluated.

Boundaries of the system

What are the boundaries of a deliberative system? In our current analysis, these boundaries define a decision-making arena that is at least loosely

democratic. It is of course possible to think about a deliberative system independently of democracy. Authoritarian regimes have deliberation. Much deliberation goes on within the Catholic Church. Scientific communities could perhaps be said to have deliberative systems. But because we focus here on deliberative *democratic* systems, we begin with systems that are broadly defined by the norms, practices, and institutions of democracy.

As a first cut, we adopt here an institutional approach in which the deliberative system is conceptualized and evaluated as it functions within the boundaries of nation states, supranational states, international decision-making bodies, and the international institutions with which the nation states and supranational states are linked. Our analysis applies to all governmental and non-governmental institutions, including governance networks and the informal friendship networks that link individuals and groups discursively on matters of common concern.

One can define the boundaries of a deliberative system either institutionally or by reference to a particular issue. Both demarcations, however, include societal decisions. This important dimension added by the systemic approach has often been excluded from deliberative analysis. Informal discussion can contribute to an eventual state decision and to broad societal decisions, such as the decision not to settle a particular matter through the state. Such societal decisions in our understanding are emergent rather than definite. They are binding only in a loose social sense. As decisions by accretion (Mansbridge 1986), they have no clear-cut point at which an observer can say that a decision has been taken. Yet when the majority of a society or a subgroup changes its norms and practices, bringing to bear social sanctions on those who deviate from the new norms and practices, it seems fair to say that in a general way that majority has taken a decision, especially when the change has been accompanied by extensive discussion of the pros and cons of such a change. Thus the widespread societal conclusion that discrimination in hiring by race and gender is unjust is reasonably described as a collective decision, resulting in part from certain binding state decisions but also in large part from hundreds or millions of individual and institutional decisions based on widespread collective discussion and interaction. The lack of a clear decisional point in such emergent decisions provides one more reason why looking only at a part of a system can cause one to miss significant phenomena that affect deliberation. New emergent discourses change over time the way that people conceptualize problems – from explicit social agreements not to engage in genital cutting in Africa (Mackie forthcoming) to accepting the idea of sustainable development. We conceive of such discursive interactions as part of the deliberative system.

Other decisions with significant societal effects, for example by corporations to end sweatshop conditions, are not necessarily binding in the legal sense, but when they derive from or affect the arguments surfaced in broad societal deliberation they are part of the deliberative system. Sometimes exclusion from the state generates a livelier discourse, as when environmental activists, excluded from the neo-corporatist German state from the late 1960s to the mid 1980s, generated some of the most profound green critiques of political economy at a distance from the state (Dryzek *et al.* 2003; see also Dryzek 2010a: 170–6). Including societal discussions and emergent decisions in a deliberative system does not, however, mean including all talk. Our criteria for inclusion in a deliberative system are that the discussions in question involve matters of common concern and have a practical orientation. By a practical orientation we mean the discussion is not purely theoretical but involves an element of the question 'what is to be done?'.

Deliberative systems include, roughly speaking, four main arenas: the binding decisions of the state (both in the law itself and its implementation); activities directly related to preparing for those binding decisions; informal talk related to those binding decisions;[2] and arenas of formal or informal talk related to decisions on issues of common concern that are not intended for binding decisions by the state.[3]

When Jürgen Habermas (1996) employed the spatial metaphor of centre/periphery – the centre being the place of binding decisions (will-formation) and the periphery being the place of less formal deliberation (opinion-formation) – his deliberative system took the modern nation state as its subject and made the legislature its centre. Many subsequent scholars have done the same, conceiving of the deliberative system as 'rings' around the state.[4] By contrast, our understanding of deliberative systems includes both informal decisions by accretion and binding decisions that take place outside the state. It goes beyond the boundaries of the nation state to include international, transnational, and supranational institutions, and extends as well to societal and institutional (e.g. corporate) decisions that do not involve the state. We take the state and its legislatures as the ultimate decision-makers in a polity, but not as the centre to which everything

[2] This kind of talk is often described as informal '*political*' talk (Searing *et al.* 2007), talk about '*politics*' (Neblo 2010), talk about '*public issues*' (Chambers, Chapter 3 in this volume; Jacobs *et al.* 2009), or 'private talk that is recognizably *political*' (Parkinson, Chapter 7, this volume), our emphases.

[3] The definition of 'common concern' in these non-state arenas is contested. Mansbridge (1999) defined it as encompassing 'issues the public ought to discuss', thus making the contest at its heart explicit.

[4] E.g. Searing (2007), Hendriks (2006a), and to some degree Neblo (2010).

is aimed in the polity's deliberative system. It is true that, to the degree that any given constitution and set of international agreements permit, the state can in theory make binding decisions in all issue areas. We also recognize the state's central role in solving human collective action problems by making and implementing binding decisions with a monopoly on the legitimate use of violence. Moreover, the state has a unique role to play in constituting deliberative systems. Liberal-democratic constitutional states create spaces of deliberation within political institutions such as legislatures and courts. They also enable deliberation within society by protecting free speech and association. They encourage deliberation by underwriting institutions in which deliberation is itself constitutive, such as universities and scientific research establishments. But even though states play a central and often constitutive role in deliberative systems, not all efficacious and important parts in the system lead to the state. The state is not the terminus of all deliberation. For example, our institutional demarcation of the deliberative system includes societal decisions, many of which have only a very indirect impact on state legislation.

A map of nodes in the deliberative system would reveal many nodes, with multiple forms of communication among them. Those nodes would include nation state bodies at different levels of government and with their different legislative houses, administrative agencies, the military, and the staffs of all of these; international bodies at different levels and their staffs; multinational corporations and local businesses; epistemic communities; foundations; political parties and factions within those parties; party campaigns and other partisan forums; religious bodies; schools; universities with their departments, fields, and disciplinary associations; unions, interest groups, voluntary associations and non-governmental organizations (NGOs) both *ad hoc* and long-standing; social movements with both their enclaves and their broader participation; the media including the internet, blogs, social media, interactive media, books, magazines, newspapers, film, and television; informal talk among politically active or less active individuals whether powerful or marginalized; and forms of subjugated and local knowledge that rarely surface for access by others without some opening in the deliberative system.

Functions of the deliberative system

In the systemic approach, we assess institutions according to how well they perform the functions necessary to promote the goals of the system. Theorists disagree about the goals of deliberation within a democracy, and thus they may not agree about the most important functions of a deliberative system. However, we believe that the system approach can accommodate a