Over the past decade or so scholars have broadened and revived deliberative democracy’s research agenda by developing its “systemic” interpretation (Parkinson and Mansbridge 2012; Neblo 2005). Conceiving of deliberation as a set of institutions and practices distributed throughout society, with different sites playing functionally differentiated roles simultaneously, brings the theory closer to political practice and opens up new normative potentials (Neblo 2015). However, the general turn towards a systemic interpretation of deliberation has also, at least implicitly, issued a substantial theoretical promissory note. Deliberative theorists now owe a detailed specification of what the key sites of deliberation are, how they relate to each other, and how those relations can yield emergent legitimacy, sometimes from practices and institutions that are not obviously deliberative on their face (Owen and Smith 2015). Without such a specific account, deliberative theory becomes problematically protean, leaving its attendant empirical research program unmoored as well as its claims to normative authority unwarranted (Bächiger et al. 2010; Neblo 2007).

Below we attempt to pay off a substantial portion of this theoretical debt by identifying the key connections between sites in the deliberative system, we elaborate on the conditions that must obtain for the core of the system to function successfully. In doing so, we start with (but amend) Habermas’s notion of the circulation of communicative power in society (Habermas 1996, 358).

Habermas’s two-track model of the state and civil society insists that the proper circulation of communicative power must both originate from and return to the normative resources of communicative practices in civil society. We do not disagree with this view exactly, in that we agree that ultimately “all government rests on opinion” (Arendt 1970). But we do think that this picture is in need of emendation to account for the fact that the deliberations (and political conflicts) within and among the formal institutions of
government "stage" the political choices that average citizens can consent to or withhold consent from (Drisch 2011). That is, the state and civil society, as well as sub-sites within them, must remain mutually permeable to each other in the right way. They must be able to receive, interpret, and translate inputs from another site into their own terms, as well as to re-present such transformations outwardly to further sites in the system. For example, mini-publics can only serve their legitimating function if they accurately represent the considered beliefs and opinions of the public at large, and can translate those beliefs into some manner of public report that is accessible to both the public at large and the state. Indeed, it may not be too much to say that such translations and re-presentations just are deliberative politics on the systemic conception (Lazer, Neblo, and Estefling 2011).

So we seek to clarify how one site in the deliberative system opens itself to influence by another site, translates (or re-presents) the former's communicative power on its own terms, and in turn hands off the baton (so to speak), to a further site within the system. We do not have the space to elaborate on every case of such connections, so we focus on what we take to be the key sites of deliberation as well as their key modes and conditions of interaction.

**Conditions for Deliberative Influence across the System**

One issue to note at the outset is that the role a given site plays in a deliberative system is different from whether or to what degree a site is *internally* democratic or deliberative. Indeed, one of the main points of systemic analysis is that facially non-deliberative or non-democratic practices may contribute to a larger system that is more deliberative or democratic than the sum of its parts (Hendriks 2006; Dryzek 2012; Parkinson and Mansbridge 2012). A deliberative system will operate most effectively to produce legitimate, high-quality decisions when it has a high ratio of signal to noise. Note that this goal can be undermined by either the under-provision of the signal or the over-provision of noise.

We analyze the interaction between various sites in a deliberative system using the following general criteria: awareness, translatability, receptivity, and flexibility. These criteria are not exhaustive, but do seem necessary for a deliberative system to achieve "mutual communication that involves weighing and reflecting on preferences, values and interests regarding matters of common concern" (see Introduction, this volume, Chapter 1). Without awareness of other sites in the system, a given site will be unable to interact with other sites. Without translatability, the information that can move between sites without distortion will be limited. Without receptivity, a site is unlikely to take seriously the information it acquires from another site. And without flexibility, it is unlikely that a site can do anything with new information.

Once we have established the general characteristics of concern, we can then examine differential applications for particular sites as components of a deliberative system.

**Awareness:** This characteristic refers to the need for sites in a deliberative system to be genuinely aware of each other's activities in order to circulate communicative power between them. The ideal here would presumably be total knowledge of all other sites in the deliberative system. However, a system could approximate such an ideal in practice through a combination of redundancy and communicative chains. Redundancy would simply entail having multiple sites that fulfill similar purposes, so that the likelihood of being aware of at least one site that fulfills a given function increases. Communicative chains entail the existence of something like a "communication game," just as a language game consists of a network of concepts that may share a particular meaning without all sharing any given component of that meaning, so too, a deliberative system might operate well without any site being connected to all other sites. Instead, each site would have some connections to other sites, and communicative power could be passed along this chain of connections until it arrived at the proper end point. Awareness seems likely to track closely with publicity—the more public a given site makes its outputs, the more likely it is that other sites are "aware" of it in the relevant sense. The news media is the pre-eminent example of this, as their entire function is to increase public awareness of issues of note.

**Translatability:** This characteristic refers to the need for deliberative sites to both understand the products of other sites and to produce understandable products themselves. The ideal here would entail easy and accurate translation from one site to the next. It would also require that outputs be resistant to miscommunication, so as to survive travel through a communicative chain involving multiple sites. There is always the worry that the movement of information through a deliberative system will undergo the kind of mistranslation endemic to a "telephone game," even if all actors are doing their best to serve as unbiased conduits. So, for example, it is not clear that public desires are translated well by the interest groups who represent the public to the legislature.

Easy translation would require not only general simplicity but also the ability to translate across different nomenclatures. Resistance to mistranslation suggests a need for a level of specificity rather than abstraction in outputs. There is thus a tension within translatability between producing simple output while also making sure that the core meaning of the initial input has been maintained. Both require the existence of rules of translations that are shared across sites, or, if there are multiple such rules, the ability for these different language games to communicate with one another. It seems reasonable to suggest, as a general matter, that translation will improve with practice; therefore, the frequency of interaction between sites is likely of great importance. Thus, interest groups might make up some of their translation deficit through their frequent interactions with the state; that is, the information from the public that makes it through the wringer of interest group uptake is more likely to go on to reach the state itself because of the frequency of interest group–state interaction.
Receptivity: This characteristic refers to the need for deliberative sites to engage with the products of other sites rather than rejecting them out of hand, and to produce outputs that are likely to be accepted as worth engaging with by other sites.

Receptivity obviously falls between the poles of excessive insularity and excessive openness. On the one hand, to ignore the products of other sites in a deliberative system obviously undermines the functioning of that system—communicative power cannot circulate if a given site becomes a choke point. On the other hand, not all products from one site will be either appropriate or adequate to the needs of another site. As we will explore in the applications below, discernment is therefore necessary for effective receptivity.

As a general matter, discernment requires specific knowledge of what the purpose of one's own site is, as well as enough imagination to conceive of what information might be relevant. Discrimination is therefore also likely to improve with practice, though of a different sort than the kind that improves translatability. Instead of practice in interacting with other sites, the necessary practice is in pursuing the site's own functions under a variety of circumstances, so the full range of relevant (and irrelevant) input becomes more apparent.

Flexibility: This characteristic refers to the need for deliberative sites to be able to do something with input from other sites, and to produce outputs that are easy to do things with once they reach other sites. Much like receptivity, the ideal level of flexibility will fall between total rigidity, where there is no room to incorporate new inputs, and total amorphousness, where there is not even the framework necessary to support fitting in new information. Productive flexibility is therefore the product of something like "democratic experimentalism"—general rules and oversight with local flexibility (Dorf and Sabel 1998). This suggests an important role for creativity in deliberative systems—flexibility, for example, in the interpretation of legislation by the judiciary and administrative bodies when the legislation in question lacks clear guidance.

KEY TRANSFER SITES IN THE DELIBERATIVE SYSTEM

To make the four general characteristics of awareness, translatability, receptivity, and flexibility more operationally concrete, we here sketch their application to a reduced set of core sites within the deliberative system. We develop this account at a level of abstraction that should provide a helpful example that can then be used in considering yet more concrete examples. The point is not to precisely describe the operations of each site in any particular system, or to identify all possible or even important deliberative sites, but to show briefly how the four characteristics discussed in the previous section can be applied to sites as they are described in the model. Each site (Media, Citizens, Parties and Interest Groups, Mini-Publics, Legislatures, Courts, and the Executive/Administrate State) will be accompanied by a short description of that site's "ideal type," followed by an application of the four characteristics discussed above for the site in question.

THE MEDIA

In its traditional form, the media serves a unique function within most Western deliberative systems, which is to disseminate information between all other sites. In particular, however, the media serves to inform citizens of the operations of more formal sites of deliberation. Thus, the media takes in the informational components of the outputs of other formal sites of deliberation, repackages that information so as to be legible to citizens, and then disseminates these translations through various channels like the internet, television, radio, and print (Habermas 2006).

Awareness: The media needs to be aware both of sites in need of coverage and of possible audiences for a given piece of information. The former task will become more difficult as the sites in need of coverage become less public and less formal—it is unlikely that even local media will report on neighborhood meetings, for example, even though the results of neighborhood associations might be of interest to other groups. Awareness of audiences will be more or less difficult depending upon the resources of the given media.

Translatability: The ability of the media to translate information is its core function, but this does not make the task a simple one. Effective translation will preserve the core informative content of a given input while rendering the message understandable to its eventual audience. This is simplified somewhat in the media's case by inputs and outputs both being informational rather than requiring translating information into action, which is necessary at many other sites in the deliberative system.

Receptivity: For the media, receptivity will refer to whether or not it finds a given source of information credible, and whether or to what degree it caters its offerings to the sensibilities of particular audiences. Media should not, presumably, simply accept any and all information as factual, nor should it cater so much to audiences' pre-existing beliefs that even new or surprising information is made to appear less so.

Flexibility: Since the core function of the media is translation, flexibility will entail the ability to effectively translate different (fewer or more) kinds of input into (fewer or more) kinds of output. Here, larger media sites will likely have an advantage, as they will have more employees and therefore more chance of having expertise in a variety of areas.
Citizens

Citizens serve as the beginning and end point of the simple model presented here. At the beginning of the cycle of communicative power, citizens’ public concerns and beliefs serve as inputs for parties, interest groups, and mini-publics, as well as for courts and legislatures. At the end of the cycle, the executive and administrative aspects of the state produce regulations that are then inputs for citizens’ future behavior—their “yes/no” attitudes, producing the opinion on which Madison and Arendt thought that all government rested (Conover and Searing 2009).

Awareness: In the present model, citizens need to be aware of the opportunities they have for expressing their various beliefs and desires, and also the various regulations propagated by the administrative state. Both are likely to be difficult given how many different regulations most modern states issue, and how many different opportunities are often available for expressing needs. It is likely that ceteris paribus, citizens will be aware of a few sources of regulation (those that affect them the most) and opportunities for expression (those that deal with especially pressing needs). That said, given the bleak picture painted by political science, it is easy to underestimate citizens’ potential to become aware, engaged, and informed (Esterling, Neblo, and Lazer 2011).

Translatability: At the level of input, citizens need to be able to translate the regulations of the administrative state into individual behaviors. At the level of output, citizens must be capable of expressing their beliefs and desires to other sites, especially mini-publics, parties and interest groups. Furthermore, citizens must be able to turn the former into the latter, that is, to translate the effects of the administrative state into desires and beliefs that can be expressed as outputs. This will likely be the most difficult task, at least if citizens wish to express anything beyond yes/no position taking. More complex needs will require imagination and expertise that come with formal education and work experience in most modern states.

Receptivity: The bodies that citizens bring their beliefs and desires to are not themselves simple translation devices, but have their own worldviews that will make them more or less receptive to certain kinds of inputs. Citizens need to be able to tailor their representations to other sites; this is probably a matter of the frequency of interaction promoting more or less learning. Citizens themselves can also be more or less receptive to the particular regulations propagated by the administrative state—here, the issue is whether and to what degree administrative bodies can receive actionable feedback from their audiences.

Flexibility: For citizens, flexibility refers to the ability to incorporate new regulations into daily behavior, as well as the ability to move between different sites for presenting their beliefs and desires. In addition to mental acuity, flexibility with regard to regulation is likely to improve as a citizen’s access to material and social resources increases; a generally egalitarian society might therefore witness a great deal of inequality with respect to flexibility as well. Moving between different sites, assuming a citizen is aware of them, will depend on the ability to effectively navigate different cultural milieus.

Parties and Interest Groups

In the present model, parties and interest groups serve a similar role, which is to take in the concerns and desires of citizens and translate them into platforms that serve as inputs for legislatures. This reflects White and Yip’s (2011) arguments that (at its best) “Partisanship, unlike factionalism, involves efforts to harness political power not for the benefit of one social group among several but for that of the association as a whole, as this benefit is identified through a particular interpretation of the common good.” Public interest groups can be taken to serve a similar function, at least in the simplified model presented here, whereas general interest groups again try to render citizen desires operationally ready for legislatures, but in a way that is more openly factional (2011, 38).

Awareness: On the one hand, parties and interest groups need to be aware of the groups of citizens who require their beliefs and desires to be translated before being presented to the state. These citizens may or may not be aware that their desires and beliefs require such translation, or even exist in the first place. Parties and interest groups thus may be expected to serve as sites of desire and belief formation, as well as translation.

On the other hand, parties and interest groups must have an awareness of which state organs are available and relevant to the citizens who are being represented. Overlooking relevant opportunities or competing for irrelevant ones will reduce parties and interest groups efficiency.

Translatability: The chief difficulty here is to effectively translate individual beliefs and desires into an aggregate form that can be presented as a unified whole to state agencies. This is made all the more difficult if the parties and interest groups in question take their representative role seriously, rather than cynically building coalitions on false or misleading premises. One means of effective translation in such circumstances, typically employed by interest groups, is to only attempt to represent citizens’ desires and beliefs on a narrow set of issues, thereby decreasing the probability of internecine conflict that comes with attempts at more comprehensive representation. For parties which typically aim at reflecting more comprehensive worldviews, the solution would seem to lie in internal decision procedures that render the party line acceptable to even dissenting members (Invernizzi-Accetti and Wolkenstein 2017).

Receptivity: Parties and interest groups must balance receptivity to the needs of a wide variety of citizens with the need to not expand so much that an unmanageable coalition is created. Furthermore, the outputs of parties and interest groups will need to take forms that legislatures and courts are themselves receptive to, without thereby losing the ability to properly represent constituents. Both tasks will be rendered possible by the parties and interest groups in question having a clear set of foundational principles that set the boundaries within which receptivity can be modified without undermining representativeness.

Flexibility: While remaining true to their core mission, parties and interest groups still require enough flexibility to incorporate new concerns from their constituents and new opportunities for advancing those constituents’ interests in the legislature and the
courts. Just as with receptivity, too much or too little flexibility will undermine parties and interest groups’ representative function. The solution is also similar—a core set of clearly established practices, with procedures in place to ensure that changes are approved by constituents.

MINI-PUBLICS

On our account, mini-publics are bodies that allow citizens to develop their public beliefs and desires in a deliberative setting, which is not typically provided by parties or interest groups. The outputs of mini-publics then often go on to serve as inputs for legislatures. As Fung (2003) notes, there are a variety of possible forms that mini-publics might take; what unites them is their emphasis on internal deliberation (see also Fishkin 2011; Minozzi et al. 2015; Neblo et al. 2010).

Awareness: Mini-publics, insofar as they attempt to reflect general rather than particular interests, must be aware of the composition of the public(s) in need of representation. Furthermore, insofar as mini-publics tend to aim at adjudication rather than mobilization, awareness of opportunities to access legislatures and courts will likely require more effort than for parties and interest groups. One solution is to utilize mini-publics to generate relative consensus on issues that parties and interest groups have already brought to public attention. Another is to employ mini-publics when legislatures are already aware of an issue and require further information.

Translatability: Insofar as deliberation entails the modification of pre-existing desires and beliefs in light of reason, translatability will entail ensuring that such modification is procedurally legitimate for those involved in the mini-public and externally valid for those citizens who are being represented. External validity is the less obvious issue, as mini-publics are explicitly designed to provide procedural legitimacy (Lazer et al. 2013; cf. Lafont 2015; Neblo 2011). But in a deliberative system, if the products of mini-publics do not translate into external recognition by represented citizens, those products will be legitimate but not recognized as such by large swaths of the population. This will produce tension between parties, interest groups, and mini-publics as to which group’s translation is the “real” one (Parkinson 2006).

Receptivity: Because mini-publics instantiate relatively idealized circumstances, the issue of receptivity is especially fraught. Regarding inputs, mini-publics do not recognize pre-existing desires, but rather desires and beliefs that are the outcome of a deliberative process. It will be of great concern to the wider deliberative system that this process not render mini-publics too restrictive (Chambers 2002). Regarding outputs, because the product of a well-run mini-public makes special claims on legislative attention (cf. Lafont 2015), rendering that product more palatable has the appearance of illegitimacy even if doing so improves uptake. A possible solution is to involve the participants of the mini-public itself in such strategic considerations.

The legislature takes input from citizens directly, and from interest groups, parties, and mini-publics. These inputs inform the process of creating legislation, which legislatures output to the executive and administrative aspects of the state. Of course legislation affects more than simply the administrative state, but it is through administration that most law is translated into effects on citizens’ lives (Bessette 1994).

Awareness: As an aspect of the state, the relations of the legislature will likely be more formal than for citizens and institutions of civil society. However, for the legislature to serve its purpose within a deliberative system it is necessary for it to be aware of all the audiences in need of representation, much as mini-publics must be (Burden et al. 2007). There will likely be a tension here between representing those citizens who actually voted for a given candidate and those citizens who did not. Furthermore, insofar as the legislature puts laws into action via communication with the executive and administrative functions of the state, awareness of the full range of what are often quite large but exclusive audiences will also be necessary. This suggests a need for expert support for legislators.

Translatability: The legislature has one of the more difficult translation jobs in a deliberative system, as it must translate judgments and desires into laws. This requires translating from informational content into bases for action. It will also often be difficult to write law that is both publicly legible (i.e. simple and written in a vernacular) and specific enough to provide guidance to the administrative state. The solution here would seem to be to write laws that contain both broad and binding provisions and also more specific but more changeable guidance for regulators.

Receptivity: The receptivity of the legislature to the demands of various other sites will likely lead to tensions as those different sites present different, perhaps conflicting, proposals. The answer is not to simply respond only to the entreaties of citizens directly; there is no a priori reason why citizens’ perceptions of their needs before they have been translated through mini-publics, parties, or interest groups should be binding (Enterling, Lazer, and Neblo 2013). The legislature must therefore do its best to balance different sources of information, keeping in mind both these other sites’ strengths and weaknesses and the need to render expressed desire into law in a way that is legitimate and fair. One solution, which many states employ, is to split the legislature into multiple bodies, with each body representing a different subset of the population as a whole.
Flexibility: For the legislature, flexibility will largely consist of the ability to creatively implement the desires of citizens, parties, interest groups, and mini-publics. The scope of this creativity will be limited by the available resources of the administrative state, at least in the short term. The general requirement will be for the legislature to take an open mind towards how to achieve different goals. However, maintaining flexibility may require undermining short-term possibilities for the sake of the long term—employing a single agency, like the military, for a variety of goals might lead to a situation in which that agency is the only effective option, even for tasks quite outside of its ambit.

JUDICIARY

Much like legislatures, courts take inputs from citizens, as well as interest groups, political parties, and mini-publics. Citizens, either directly or in groups, serve as the actual parties to court cases; parties, interest groups, and mini-publics have input via processes like amicus briefs. Also like legislatures, courts produce decisions that then serve as inputs for the administrative state (Nino 1999; Sunstein 1998; Goodin 2008; Hübner Mendes 2013).

Awareness: Even more than legislatures, courts are typically accessed through formal means. This formality leads to the concern that the courts will be aware neither of all the relevant problems that they should be solving to live up to their functional role, nor of all the data relevant to resolving the problems of which they are aware. Regarding access to courts, it is notable that the entire responsibility for bringing claims is usually placed upon citizens; that is, they are not encouraged to bring claims by the Judiciary. This could lead to systematically overlook the complaints of those citizens who lack the requisite resources to consistently access courts. There is also more general issue that courts in the modern era tend to only recognize specific bases of action, rather than the more generally formulated problems that the legislature recognizes. On the side of output, it seems reasonable to require the provision of some expert aid for judges, whose role is not necessarily to be familiar with the entire apparatus of the administrative state.

Translatability: Like the legislature, courts are faced with the difficult task of turning the ultimate desires of citizens into law. This task is rendered both more and less difficult by the restrictions that are typically placed upon courts. Further complicating the issue is that there is usually a large role for judicial discretion within these boundaries, which then places the onus of responsibility on the judge to effectively translate citizens' desires (Mansbridge 2005). It is also the case that the citizens whose desires must be translated are not usually limited to the particular citizens appearing in the courtroom—the courts are meant to speak for the people at large, at least in some sense, and therefore must consider the wider public. The need to represent the public generally suggests a need for some sort of democratic process to appoint judges, though too frequent or too infrequent democratic inputs could undermine the legitimacy of the judiciary.

Receptivity: Courts are quite selective about the information they are receptive to, and intentionally so—to allow too much discretion would promote capriciousness. However, the need for fair standards should not be the only goal in setting rules of evidence—the court also needs enough information to fulfill its problem-solving function. Balancing these two concerns will also be rendered more difficult by newly developed technologies, which tend to constitute sources of both new problems and new information.

Flexibility: Courts are inflexible by design. But this lack of flexibility must be balanced against the need for decisions to fit the cases, or more generally for the care not to be either inadequate or worse than the disease. Just as with the issue of translatability, concerns about unfairness will likely limit the scope of individual judge's ability to experiment. For the sake of fairness, it seems reasonable to suggest that experiments be carried out at the national level, so that the location of courts does not affect verdicts.

EXECUTIVE AND ADMINISTRATIVE

In the simple model presented here, the administrative bodies of the state are the final step in the journey of communicative power, at which point the outputs of the legislature and courts are translated into everyday governance that affects the lives of citizens.

Awareness: The administrative state will, in the present model, receive its marching orders from the legislature and, to a greater or lesser extent in different systems, the courts. Awareness will be of greater interest when it comes to the output of the administrative state—regulations, standards, funding, etc.—which affect the everyday lives of citizens. This kind of awareness will be developed by creating connections between the administrative state and citizens above and beyond regulations themselves, which are the object in need of evaluation. If the administrative state does not develop such connections, it will neither know what are the target populations that must be regulated to put a given law into effect nor receive feedback on how regulations are actually put into practice.

Translatability: The administrative state faces translation difficulties regarding both inputs and outputs. With regard to inputs, most laws and court orders will not be written at a level of specificity that leaves no room for interpretation, which must then be conducted by regulatory bodies in a way that comports with the spirit of the initial input. With regard to outputs, regulations must be implemented in such a way that they are sensible to citizens. This will require a level of simplicity so that the regulations are legible, as well as a concern with ensuring that they link up to the perceived needs and desires of citizens.

Receptivity: On the one hand, regulation agencies must avoid too little receptivity to either inputs from the courts and the legislature or outputs that regulate citizens—a lack of receptivity can lead to accusations of the administrative state forming a “deep state.” On the other hand, the administrative state is likely to be the greatest source of expertise.
in the actual conduct of governance within a given deliberative system (Fischer 2009). This means that it would also be problematic if the administrative state is too receptive to inputs or works too hard to make regulations palatable to citizens. Both goals can be achieved through providing feedback—first, from the administrative state to courts and the legislature, perhaps via the appointment of experts to assist in lawmaking, and second, from citizens to the administrative state (Kahane 2007).

**Flexibility:** The administrative state must retain a high level of flexibility in its ability to accept new directives from the courts and legislature, as otherwise regulations will be ineffective. As mentioned in the section on the legislature, part of the efficacy of the administrative state will depend upon its effective management and funding by the legislature—an excessive concentration or diffusion of power will undermine regulatory efficacy.

**Conclusion**

The systemic conception of deliberative democracy offers a flexible yet powerful interpretation of the more general family of deliberative theories. Yet that power and flexibility also pose a problem in that the theory threatens to stretch the concept of deliberation beyond its recognizable and distinctive usage. Without a much more concrete and specific elaboration of how the different elements of the deliberative system can, should, and do influence each other in ways that are congruent with our normative aspirations, the approach remains partly notional. We have only been able to sketch the outlines of such an account, but hope to have provided the elements for a larger research agenda to further specify the normative entanglements of the various sites of deliberation, as well the empirica preconditions for enhancing deliberative legitimacy. The promise of deliberative politics resides in the ability of different actors cooperatively translating and representing each other as power circulates through the political system.

**References**


