**Message received? Examining transmission in deliberative systems[[1]](#footnote-1)**

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# Abstract

With the systemic turn in deliberative democratic theory, there is renewed and broadened emphasis on the inclusion of all affected by a political decision in the making of those decisions. The key enabler of inclusion at a system level is *transmission*: theoretically a deliberative system is more democratic if it can foster the transmission of claims and ideas across different sites, especially between informal sites of public deliberation and the more formal institutions of political decision-making. Yet little is known about the mechanisms of transmission in deliberative systems. How, and to what effect, is transmission facilitated in practice? This paper draws on case studies of three promising mechanisms of deliberative transmission: institutional, innovative and discursive. We discuss the key factors that enable or hinder different forms of transmission, and reflect on the ways in which they might be strengthened in deliberative systems. Our analysis suggests that the systemic turn in deliberative democracy should go hand-in-hand with a nuanced understanding of how transmission occurs across different sites. As such, our discussion has important implications for deliberative scholars and practitioners as they go about conceptualising, studying and steering deliberative democracy at the large scale.

# Keywords

Deliberative system, empirical, interpretive method, public deliberation, transmission

# Introduction

The ‘deliberative system’ has become an increasingly popular theme among theorists, researchers and even practitioners of deliberative democracy—as this special issue attests. The central notion of a deliberative system is that deliberation is conceived of as an activity occurring in differentiated ways across a range of interconnected communicative sites. Though there may be little or no perfect democratic deliberation in any site, the collective work done across the system may still produce a suitably deliberative democratic whole (see Mansbridge et al. 2012; Parkinson 2006; Dryzek 2009). The systemic turn expands the range of spaces and institutions that can be understood in deliberative democratic terms, and opens up new areas of focus for policy makers, reformers and researchers. Certainly, thus far, the idea of the deliberative system has been closely associated with the search for, or infusion of, crucial aspects of deliberation in unexpected places (e.g. Mansbridge 1999; Chambers 2012).

However, beyond ideal theoretical prescriptions, we still know very little about if and how these different deliberative sites link together, and how they constitute an inclusive deliberative system in practice. This paper fills this gap: it asks how, and to what effect, ideas and claims are transmitted in practice between different sites across deliberative systems.

Building on previous work outlining the value of interpretive research in understanding deliberative systems (Ercan et al. forthcoming), we approach this task by drawing across three interpretive case studies of deliberative systems in different policy areas, each illustrating a different mechanism of deliberative transmission at work. The first case exemplifies the prospects for transmission within existing democratic institutions through a study of public deliberation on ‘honour killings’; the second case considers how transmission works in the context of a novel democratic institution where a mini-public on energy policy was coupled with a parliamentary inquiry; the last case considers how narratives about the issue of obesity facilitate the transmission of claims across sites and institutions. Combined, these studies provide rich insights into how transmission occurs in practice, how it can be enabled but also distorted, and what this means for inclusion across deliberative systems.

The paper proceeds in four sections. First, we define the concept of transmission, and outline the key mechanisms which deliberative democrats hold hope for enabling effective transmission. Second, we outline our case-based approach and justify its value in examining transmission across deliberative systems. Third, we present an analysis of transmission in each of the three cases. Fourth, we discuss the implications of our empirical insights on recent debates on deliberative systems.

# Theorising transmission

Transmission is a central concept underpinning the shift to a deliberative systems perspective. The idea is that claims must be proliferated across and among sites so that they can be challenged and ‘laundered’ through the system. Transmission places the emphasis on the connections between the various components that make up deliberative systems, particularly between public and empowered (decision-making) sites.

Especially important are the works of Habermas (1996), which prefigures deliberative systems, and Dryzek (2009), which builds on this account to provide the most comprehensive account of deliberative transmission to date. Habermas (1996) constructs a ‘two-track’ model of democratic legitimation. In the first track, deliberation in the public sphere fosters ‘opinion formation’, where affected publics reach agreement on how to deal with complex and contested matters. The resulting opinions are then transferred, via the media, social movements and election campaigns, to the second track, comprised of binding assemblies of ‘will formation’ where laws are debated and passed. Dryzek (2009) subsequently points to weaknesses in this model—most noticeably its simplistic representation of communication in contemporary politics, especially given the absence of many of the new sites and forms of deliberation associated with the move towards a more deliberative form of governance—but builds on it to produce an account of transmission more attuned to the complexities of deliberative systems. For him, there should be a multiplicity of sites on a spectrum from ‘public’ to ‘empowered’ space, with the work of the deliberative system to transmit ideas and claims from the former to the latter. Dryzek accepts the need for some process of filtration —indeed the role of intermediary sites is to sift and sort appropriate public claims to be presented in empowered sites. Nevertheless, the thrust of his account is that transmission should primarily involve the movement of claims from more informal, open sites to the more formal, closed institutions. Transmission, as envisaged by Habermas and augmented by Dryzek, is what conceptually makes the proliferation of deliberative sites a *system*, and a *democratic* one at that.

But, as with much of the emerging deliberative systems’ account, the extent to which this theoretically elegant vision plays out in reality remains unclear. This is not to say that the way in which ideas and opinions shift through democracies is a complete ‘black box’. There is a growing body of literature on the affinities (or lack thereof) between key democratic sites, especially on the links between mass media coverage and legislative attention (see, for example, Gamson and Modigliani 1989; Ferree et al. 2002; Yanovitsky 2002; McCoombs 2005). There is a larger body of scholarship still on policy responsiveness to public opinion (see Shapiro 2011 for an overview). However, neither body of literature encompasses the broad array of sites and institutions through which claims travel in a deliberative system. More importantly, neither focuses at all on whether, and to what extent, such transmission is *deliberative* in nature.

Understanding transmission, in these terms, requires more than studying whether claims flow through institutions. Transmission is a complex political process. It cannot be equated with legislative responsiveness to public opinion. This might occur, but more important from a deliberative standpoint is that there is recognition of claims raised in public space and careful consideration of them within more empowered settings. Understanding transmission, from a deliberative systems perspective, must involve a deeper analysis of how diverse viewpoints are expressed, acknowledged and facilitated, and whether the claims associated with these viewpoints cross-pollinate different deliberative sites. Knowledge of transmission in these terms undoubtedly remains a significant gap.

The nascent literature on deliberative systems points to at least three key mechanisms of transmission, each involving interplay between individual agency and institutional structure.[[2]](#footnote-2) One is ‘middle democracy’ (Gutmann and Thompson 1996), whereby actors throughout the system can pursue matters of common interest through existing democratic spaces or conventional institutional links between public and empowered space (eg. public hearings, legislative inquiries). Two is democratic innovation, with emphasis on the ‘coupling’ of inclusive participatory forums to empowered institutions (see Hendriks forthcoming). Three is discourses, understood as broad ensembles of ideas, categories and metaphors, which Dryzek (2009) in particular hopes can enable actors across the system to draw on as shared argumentative resources.

In this paper, we draw together three different case studies, focused on each of these proposed mechanisms, to shed greater light on deliberative transmission in practice. We show how these mechanisms work (or don’t) in practice.

# Transmission in practice: Approach and case studies

This paper brings together empirical insights from three research projects, each conducted separately by the contributing authors. Each project focuses on a particular policy controversy, and offers an analysis of that controversy with focus on a particular mechanism of transmission. Nevertheless, there is considerable value in placing these studies side-by-side, and laying bear the commonalities and discrepancies among them.

Firstly, though the studies emphasise different transmission mechanisms—the ‘honour killings’ case focuses on transmission via existing democratic spaces; the energy case focuses on transmission via democratic innovation; the obesity case focuses on transmission via narrative—all are concerned with the interplay between institutional and discursive conditions within which deliberation takes place. Furthermore, all recognise that transmission depends on both existing structures and individual agency. Accordingly, the analytical difference in the empirical accounts is more one of accent than of substantive distinction. The findings augment each other.

Secondly, the deliberative systems that surround each issue have common characteristics which can permit comparison. While the institutional and discursive conditions surrounding these cases are different, these seemingly unrelated issues share important features. Each is complex, in that its implications cross an array of public silos and involve a multiplicity of actors. Each involves significant uncertainty, in respect to both the suite of options available to deal with the issue and the perceived legitimacy of any intervention. And each is politically intractable, in that it has a tendency to mobilise fierce interest or identity politics.

Thirdly, all three analyses share an overarching interpretive orientation, in that they are fundamentally interested in examining how transmission is enacted in practice, taking into account the broader institutional and socio-political contexts, as well as the key actors involved. As such, shared themes across the three cases were developed through an iterative process of both individual and communal interpretation of our data and its implications on deliberative scholarship. The overall philosophy is, in this sense, consistent with the interpretive tradition within which each of the projects belongs, and which elsewhere we have argued has much to offer the empirical study of deliberative systems (see Ercan et al. forthcoming).

What this inductive, mixed-case comparison facilitates is a linking of contextual understanding of political phenomena with broader theoretical ideas (see Flyvbjerg 2006 on the accretion of rich insights from case material). The result is a collective account that is suggestive of ‘plausible conjectures’ (see Rhodes 2014) that apply across deliberative systems in respect to different jurisdictions, issues, and mechanisms, but which still achieves some of the richness and vividness associated with single case research. Taken together, then, these cases offer timely insights into emerging ideas about deliberative systems. Our exploration sheds light not just on whether transmission occurs but on how, under what conditions, and to what effect.

Case 1: Honour killing debate and the role of the institutional transmission mechanisms

The first case focuses on how transmission occurs through conventional institutions of representative democracies. More specifically, it examines the extent to which existing mechanisms and tools (such as parliamentary inquiries) can facilitate the transmission of ‘problem definitions’ and possible solutions from various sites of public debate and deliberation. The case concentrates on the institutional tools that inhabit the area between the informal and formal spheres of democracy. It illustrates the importance of institutional links for enabling the transmission of claims from public to empowered spaces.

The case discussion here draws on a comparative broader study of deliberative systems surrounding ‘honour killing’ debates in two democracies, Britain and Germany (Ercan 2012). ‘Honour killing’ is usually defined as the murder or attempted murder of young women by family members on ‘cultural grounds’ for behaviour said to offend the principles of family or community honour. In recent years, there were heated debates over these murders in both Britain and Germany in similar sites including media, parliaments, and courts. When seen from a deliberative system perspective, these debates can be seen as diffuse and collective ‘meaning-making process’ characterised by the contestation of discourses of what an ‘honour killing’ is and what needs to be done about it.

In line with this, this study involved mapping the key sites, actors and discourses around these murders and analysing whether and how certain discourses moved across different sites, and identifying the factors that enabled the movement and transmission of discourses from one site to another. In doing so, the study drew on a variety of sources including: documents produced by government agencies (such as police reports, court verdicts, national plans and strategies, reports from government inquiries into ‘honour killings’ and written consultation responses); documents produced by civil society organizations and advocacy groups (such as strategy papers and campaign information from various women’s organizations); transcripts of parliamentary debates and motions on ‘honour killing’ which are consistently well documented in both countries; selected media coverage; and published academic research on the issue of ‘honour killing’. The study used these documents to re-construct the ‘honour killing’ debates in Britain and Germany from a deliberative systems perspective.

A close analysis of public and policy debates over the issue of ‘honour killing’ revealed that these murders came to the political agenda in both Germany and Britain around the same time (in Britain in 2003 after the murder of Heshu Yones, and in Germany in 2005, after the murder of Hatun Sürücü) and debated in similar ways. In both countries, two particular discourses of these murders gained traction: culture-based and gender-based discourses. Those employing culture-based discourses defined ‘honour killing’ as a culturally specific type of murder that occurs only in minority cultures. Such discourses were particularly evident in the case of German public and policy debates. Here, ‘honour killing’ is predominantly framed as an indicator of failed integration of minorities in Germany (Ercan 2015). The below excerpt from a press release of the Christian Democratic Union (CDU) provides a clear example of culture-based discourses of these murders:

*The concept of so-called multicultural society has failed. It supported the establishment of parallel societies and the segmentation of cultural groups with their own value systems. This also entails the worst form of self-justice: the so-called honour killing.[[3]](#footnote-3)*

Similar culture-based discourses were obviously present also in the case of Britain. The alternative ‘problem definition’ of ‘honour killing’ was suggested by gender-based discourses, which depicted these murders under the broader paradigm in terms of domestic violence, or ‘violence against women’ in general (Ercan 2014; forthcoming). The gender-based discourse emphasised the patriarchal roots of ‘honour killing’ which occur worldwide: *whenever a man regards a woman as his property and seeks to uphold that false assumption by cruel and abusive force[[4]](#footnote-4)*. In his parliamentary speech on ‘honour killing’, Lord Giddens for instance suggested mainstreaming these murders under the umbrella of violence against women. He argued that that Britain is *by no means free of the impulsions and imperatives which underline honour killings more generally.[[5]](#footnote-5)*

In both Britain and Germany, the discursive contestations over the meaning of ‘honour killing’ occurred mainly between culture-based and gender-based frames of these murders and yielded different kind of outcomes. What is particularly instructive for the purposes of this paper is that although the gender-based frames were evident in the public space in both countries, their transmission to empowered space was possible only in the case of Britain. In other words, the deliberative system that emerged around the issue of ‘honour killing’ in Britain allowed the alternative ‘problem definitions’ developed in one sphere to flow to others, whereas this was not the case in Germany. This was largely due to the fact that the institutional transmission mechanisms that were present in the case of Britain were absent in Germany.

The British ‘honour killing’ debate draws our attention also to the importance of institutional transmission mechanisms located at the intersection of public space and empowered space. In this context, two transmission mechanisms that were present in British case and absent in the German case deserve particular attention: *semi-formal institutions* and *government sponsored inquires* that are designed to address the issues around honour-based violence including ‘honour killings’. In terms of the former, the Women’s National Council (WNC) was particularly instrumental in terms of enabling transmission of ‘gender- based frames’ from public space to empowered space. The WNC represented more than 450 partners including women and women’s organizations in England, Northern Ireland, Scotland and Wales ([Donaghy 2007](#_ENREF_1)). The presence of umbrella organisations such as the WNC provided feminist counter publics with the incentives to coordinate their strategies within more encompassing frames. WNC also offered an important institutional opportunity structure for marginalised groups, most notably for women in minority communities to articulate their concerns and influence state policies on violence against women. The WNC steered a number of public consultations with women in ethnic minorities with the aim of informing government policies (see for example, (She Who Disputes: Muslim Women Shape the Debate 2006). Women’s organisations have successfully utilized the WNC and the public consultations it has facilitated with women in minority communities to influence state policies and establish a gender-based definition of domestic violence and ‘honour killing’ (Predelli 2009).

The second institutional transmission mechanisms, namely the government sponsored enquires over the issue of ‘honour killing’ assumed a similar function of deliberative transmission. In July 2007, the House of Commons Home Affairs Select Committee launched an inquiry into issues around violence against women which consisted of a series of consultations with key personnel and survivors, visits to women’s organisations and refuges, oral evidence from expert witnesses and survivors and an online consultation which ran for six weeks from January 2008. This inquiry was particularly influential in changing the terms of the ‘honour killing’ debate in Britain. The final report of this inquiry characterised ‘honour killing’ as gender-based violence and called government to tackle these crimes through the prism of gender ([Home Affairs Committee 2008](#_ENREF_3)).

Both institutional mechanisms discussed here, semi-formal institutions and government inquiries focusing particularly on the issue of ‘honour killing’ were missing in the case of Germany. Here, the main transmission mechanism between public space and empowered space has been political parties and party affiliated organisations (*Parteinahe Stiftungen*). Political parties serve as the central mechanisms for ‘political linkage’ between civil society and formal decision-making institutions. They are responsible for transmitting the political will into political action (so called *Transmissionsriemen der Politik*). Although this is a role typically attributed to all political parties, what merits particular attention in the German context is the lack of any other institutionalised mechanisms enabling the transmission of public opinion into decision-making. Insofar as other actors, such as women’s or migrant organisations, seek a policy voice in Germany, the primary route is through political parties and party organisations. Even strong civil society movements cannot rely exclusively on ‘extraparliamentary politics’ ([Rucht 1996:201](#_ENREF_6)). Put differently, the German political system privileges individuals and organisations with close ties to political parties. Only they have the potential to access and influence the decision mechanisms.

In the case of ‘honour killing’ debate the party dominated institutional structure in Germany hindered the possibilities for direct interaction and transmission between counterpublics in the public space and formal decision-making circles in the empowered space. Unless such actors were tied to political parties, their ‘problem definitions’ and policy proposals remained unheard. Also what weakened the chances of gender-based discourses to be transmitted to the empowered space in the case of Germany was that here feminist groups did not employ ‘gender-based’ discourses of ‘honour killing’. In contrast with Britain German feminists defined ‘honour killing’ as an issue that concerned solely the members of patriarchal cultures, most notably Islamic cultures (Ercan 2015; Ferree 2012).

A close analysis of the British and German ‘honour killing’ debates over time reveals that there are several factors that affect the prospects of transmission across different sites. In this sense, it would be mistaken to reduce the differences between these two cases to the differences in the institutional settings of these countries. In other words, although crucial, the institutional linkage between different spheres alone does not guarantee a successful transmission. Besides the presence of institutional channels, the transmission of ideas or discourses from one site to another also depends on the discursive opportunity structures in a given society at a given time. The discursive opportunity structures are about the ‘established notions of who and what are considered reasonable, sensible and legitimate’ over the issue at stake ([Koopmans 2004:451](#_ENREF_4)). In other words, such structures are about the question of who is recognized as the main meaning- making body on the issue at hand. In the British ‘honour killing’ debate, counterpublics organized around women’s organisations have had a ‘discursive advantage’, as they have been recognized by the government as the main meaning-making institutions. Government agencies openly acknowledge their expertise in this field and emphasise the need for collaboration to address ‘honour killing’ effectively. Several policy documents such as White Papers and consultation reports point to the preferred role and legitimacy of women’s organisations. Similarly, most media reports have included their views on the issue of ‘honour killing’. The discursive establishment of women’s organisations as central actors in policy reports, in the media as well as in the course of the parliamentary debates, provided a conducive context for their claims to be transmitted to decision-making cycles and ultimately changing the terms of the ‘honour killing’ debate in Britain. This is particularly manifest in the way ‘honour killings’ have been debated in the empowered sites, most notably in the parliament (Ercan, forthcoming). The subsequent shift of framing of ‘honour killing’ in the key government documents (such as the strategy papers of the Association of Chief Police Officers of England, Wales and Northern Ireland or Crown Prosecution Service) the as a gender-based violence can be seen as an indicator that the transmitted arguments were seriously considered with a view to revising views and opinions in the empowered sites.

Overall, the comparison of how the institutional differences between Germany and Britain played out in the public and policy debates over ‘honour killing’ show that the many of the mechanisms located in and around existing democratic institutions assume an important role in enabling transmission of ideas from public to empowered spaces.

Case 2: Energy debate and the role of innovative transmission mechanisms

The second case examines transmission between an innovative democratic process engaging ‘everyday citizens’, and a conventional empowered deliberative institution. More specifically, it draws on an empirical study of a mini-public that was formally embedded in a parliamentary inquiry in 2012 on energy policy in the state of New South Wales, Australia (see Hendriks 2013).

Mini-publics stand at the heart of the debates on democratic innovations. Many scholars hold great aspirations for the capacity of mini-publics to act as ‘deliberative transmitters’ (see Grönlund et al 2014). For example, mini-publics are advocated as a means: to indicate how an informed public would vote (Fishkin 2009); to link informal and formal deliberative sites (Hendriks 2006); to transmit information on public views on complex issues to executive agencies and to the voting public (Mackenzie & Warren 2012), to promote mass public deliberation by distilling, constraining and synthesising discourses (Niemeyer 2014). In all these proposals it is assumed that the process and outcomes of mini-publics are transferred into the broader deliberative system. Yet some empirical research suggests that in practice many mini-publics are poor transmitters because they lack any institutional or political connection to relevant and significant deliberative sites in empowered spaces, such as the media, elite committees and parliaments (Ercan & Hendriks 2013; Dryzek & Goodin 2006).

In what follows, we consider how transmission occurs when a mini-public is intentionally established as a mechanism for transmitting ideas from the public into the empowered deliberative space of a parliamentary committee, and then onto parliament. Under deliberation is the dry and technical issue of energy around which there is seldom an active public sphere. While some energy related topics such as climate change and local infrastructure projects can generate public interest, the complex and more mundane business of generating, distributing and selling energy typically lacks public interest and broad deliberation.

To compensate for this deliberative void, the NSW Parliament’s Public Accounts Committee (PAC) took a more proactive approach to soliciting public input into its inquiry into the economics of energy generation.[[6]](#footnote-6) In addition to its conventional consultative activities which included public hearings and written submissions, the PAC incorporated a mini-public process into its Energy Inquiry. The participatory design involved two concurrent citizens’ juries involving a total of 54 randomly selected citizens: one run in an urban centre (Sydney); and the other in a rural centre (Tamworth) (see Hendriks 2013). This was the first consultative exercise of its kind for the NSW parliament. The citizens’ juries were asked to consider the financial and public perception aspects of alternative forms of energy generation. Both juries met four-five times over a ten week period between June and August 2012. After several months of deliberation the juries each produced a report, which were considered by the PAC in the preparation of its own report to parliament which was released in late 2012 (for details, see PAC 2012).

The discussion here draws on a study that examined if, and how, transmission occurred between the mini-public and the relevant elites and their institutions (see Hendriks 2013; 2015). This qualitative study involved semi-structured interviews with committee members (six Members of Parliament (MPs)), direct observations, and document analysis of minutes, relevant reports and policy documents. No data was collected to examine transmission between the mini-public and the broader public debate. The analysis suggests that transmission (between the mini-publics and elites) took place on several levels.

First, according to the Committee members interviewed, the citizens’ recommendations were considered and discussed at length (Hendriks 2013). A number of MPs stated that they particularly valued the citizens’ reports because they offered fresh ‘common sense’ insights into a highly polarised and technical issue. Some MPs interviewed strongly believed that the citizens’ recommendations received more weight that other submissions, for example:

*Why the citizens’ feedback received such a weighting is because they’re not the usual suspects. They’re delivering, without any vested interest, their circumstances, their opinions, their impacts, based on the way they see it. And it is valuable because it’s happened in this format in a structured and more detailed way than we see often when policies are being debated or reports are being delivered.*

Second, there is evidence that some of the citizens’ ideas and suggestions shaped the Committee’s formal report (see PAC 2012). For example, the citizens’ reports were included as appendices in main PAC report, and their recommendations were summarized in Chapter 5. Various elements of the citizens’ recommendations were also integrated, and taken up throughout the PAC report. For example, recommendation 8 (of 24) explicitly calls on the NSW government to convene more deliberative democracy processes, and recommendation 12 (of 24) explicitly refers to a recommendation of the Sydney citizens’ jury “*that electricity network extensions to renewable energy resources should be funded by Commonwealth Government’s Clean Energy Finance Corporation.”* Several other recommendations made by the citizens were also incorporated in the PAC report particularly issues of concern to consumers, such as demand management and providing greater opportunities for consumers to participate in the market.

But while the committee may have considered all the citizens recommendation, not all ideas were accepted. As one MP explained:[[7]](#footnote-7)

*The citizens’ reports certainly did have an impact and when there’s no complicating factors, then it often finds its way into the recommendation or part of the recommendation as well.*

In other words the citizens’ reports had an impact on the MPs recommendations to the extent that they did not compromise existing government policy, or party positions. Moreover, some of the more controversial or more radical proposals were noted but not explicitly accepted, others were noted and rejected. For example, the PAC report does not address the broader issue of market distortion that the citizens were concerned about including the long standing advantage that coal fired power stations have had in terms of low costs capital, subsidised supporting infrastructure (such as rail, ports and so on), and low cost coal contracts that emerging renewable technologies have not had. More problematic was that some issues of ‘public concern’ were reduced to ‘lack of public information’. For instance, some themes of concern to the citizens, such as their rejection of coal seam gas production due to their lack of confidence in the technology were addressed in terms of providing the public with more accurate information. Other more politically controversial topics were explicitly avoided altogether such as the role of the state in regulating the electricity market. This watering down or omission of some of the citizens’ recommendations suggests a certain kind of blockage in the deliberative system. How severe this blockage is depends on how seriously the MPs considered the citizen ideas and claims in their own deliberations. Best case, they may have considered them at length and then excluded them for particular reasons, or worst case they simply ignored them. The problem with parliamentary committees for this kind of research is that their deliberations are typically behind closed doors, so instead of studying transcripts of committee deliberations, we have to rely on self-reporting. According to the committee members interviewed all the citizens recommendations were fully considered, and discussed at length.

Third, apart from the selective transmission of substantive policy ideas, in this case there was also some transmission of democratic norms from the mini-public into the parliamentary space. In particular, the mini-public process facilitated a rethinking of how the MPs typically engage with the public in formal parliamentary processes. Most of the PAC committee members (MPs) interviewed were very positive about the mini-public experience, describing it variously as “a great initiative”, an “interesting exercise” and a “terrific success”. Several interviewees explicitly stated that the citizens’ reports had made significant impact on the committee’s internal deliberations. For example, according to one MP:

*It’s definitely played a role and I think it’s heightened the awareness of a direct democratic approach ... Members of Parliament do have that direct involvement with community members, but this is done in a structured way and I think, when I read the recommendations … there’s no doubt that it’s had a good influence, bottom up, into many of the recommendations and the commentary within the report that will ultimately be tabled at Parliament.*

Overall then, in this case deliberative transmission was not entirely seamless, but in comparison with other mini-public projects, the citizens’ juries and their recommendations here did have an impact on policy recommendations and democratic norms (c.f. Goodin and Dryzek, 2006). In terms of inclusion there was an attempt to consider the views of both urban and rural publics, which can differ considerably on energy matters. There is also some evidence that more marginalised ideas were considered and included. For example, the PAC’s report seized on some of the more publically controversial recommendations that one of the citizens’ juries proposed, such as the need to “start a discussion about nuclear technology”. Such an idea, though likely to be unpalatable in a wider unreflective public setting, made its way from the mini-public into parliamentary deliberations.

What were some of the factors that aided transmission in this case? First, the process was perceived as novel and welcomed by almost all the elected representatives on the PAC*.* Most openly admitted in the interviews that they did not know how to best represent their constituents on the issue of energy – it is too dry and technical. So the idea of intentionally forming a public to elicit their views that would then inform their own empowered deliberations was a welcomed one. The MPs not only valued the process, but what the citizens had to say. The process was also strongly supported and championed by the Chair of the Committee. He not only commissioned newDemocracy to undertake the innovation, but he encouraged his fellow committee members to observe the citizens’ juries, and consider the citizens’ recommendations.

Transmission is this case was also facilitated by relationships established between deliberators from different deliberative sites. In this case the empowered deliberators (MPs) personally met most of the citizen deliberators on several occasions (for example, when they attended one of the juries) and they witnessed their hard work. The MPs also realised that these ordinary citizens were wrestling with a topic that they (as elected representatives) also had little expertise on. This manifested itself in a sense of obligation that the MPs felt to act on the citizens’ input. As one MP explained: “I think there was an obligation to treat the process and output with respect”. Another MP explained how he wanted to send a message of gratitude to the citizens in the report.

Finally, transmission was aided in this case by the public context of parliament. For example, when the PAC tabled their report in parliament, five of the six PAC members (including those most sceptical of the juries) stood up in the chamber and congratulated the committee, and the citizens for their contributions to the report. In other words, in the public arena of parliament all the MPs were keen to be seen to be supporting the use of the mini-public in this instance.

Overall this case presents an example of how transmission between an intentionally formed public and an empowered deliberative site might be facilitated. But institutional designs alone are not enough. Effective transmission needs champions who are willing to invite the public into their deliberations, and empowered deliberators willing to welcome and listen to public input.

## Case 3: Obesity debate and role of discursive transmission mechanisms

The final case also encompasses a range of deliberative settings, but its accent is on a discursive rather than institutional mechanism of transmission: it explores how narratives—broad chronological accounts that actors rely on to make sense of and communicate about complex and contested matters (see Boswell 2013)—transmit ideas, claims and evidence across a range of deliberative sites, from the mass media in public space, via expert and stakeholder settings, to the empowered institutions of policy making. The particular focus of the case is the issue of obesity in Australia and the UK, where a so-called ‘epidemic’ of this condition over the last decade or so has prompted considerable policymaking concern, confusion and conflict. Drawing on over 1000 documents, 25 hours of video footage and 36 interviews with relevant policy actors across the complex deliberative systems on obesity in both countries, the analysis focuses not just on whether narratives move across sites in the deliberative system, but *how* they move, with a particular focus on how the competing narratives on obesity are performed across public and empowered space.

At a superficial level, the analysis shows that narrative is indeed a key mechanism of transmission in deliberative systems. Most narratives on obesity prevalent in public space—studied here through an analysis of mass media coverage—are transmitted all the way to empowered spaces of policy decision-making. Narrative, in this sense, facilitates a ‘communicative miracle’ of sorts (see Hajer 1995), allowing lay actors, scientists, professionals, policymakers, NGO and industry representatives a common language with which to assess the problem of obesity and prescribe policy solutions. Indeed, many of the actors interviewed as part of the project spoke of the value of being able to engage across different sites to transmit key ideas and claims to different audiences.

However, the analysis reveals that the extent of this ‘communicative miracle’ is limited. There is, importantly, significant distortion in the process of transmission. It shows how the critical narratives on obesity that emerge in public space, demanding significant policy change and challenging existing assumptions and practices of policymaking on this issue, are invariably blunted, muted and emptied of specificity as they enter or approach empowered space.

This dynamic is apparent in both deliberative systems but it is in Australia that it is most stark, never more so than in the wake of the incoming Rudd government’s decision to make tackling obesity a priority in its first term. The government seeded deliberation on the issue across a range of expert and stakeholder settings, including a far-reaching Parliamentary Inquiry, a specialist taskforce, and as an important part of the health stream at the innovative 2020 Summit in which Australia’s Parliament was opened up to the ideas and engagement of 1000 of the nation’s ‘best and brightest’. These developments were especially welcome at the time, coming after the conservative Howard-led Coalition government’s reluctance to prioritise this issue or engage with experts and stakeholders about it. All of these sites elicited impassioned, radical performances of key critical narratives on obesity. Most often this was in the form of the predominant counter-narrative, transmitted from deliberative sites in public space, which sees obesity as an environmental issue created and sustained by the insidious influence of ‘Big Food’. All these radical internal deliberations, which typically invoked demands for much stronger regulation of the food sector, then fed into composite outputs which performed this counter-narrative on obesity in a way that was far more moderate and generic, on the basis that this would be a more ‘realistic’ way of influencing the status quo. The result were sets of recommendations that worked to ‘reduce exposure to food marketing’ or ‘make healthier choices easier’, formulations of this account which permitted plenty of ‘wriggle room’ in how they could be interpreted. All were then met with an official government response which, though it continued to feature these key markers of the counter-narrative and some other critical accounts, reinterpreted and reproduced them in such a way as to almost entirely empty them of their original meaning. The policy outcome has been a series of ‘soft’, moderate and voluntary measures around food reformulation, marketing restrictions and labelling requirements. These moves, and the discussions that surrounded them, provide the veneer of taking seriously the concerns expressed in public spaces. They serve both to avoid deliberation of the substance of these ideas in empowered spaces, and to neutralise the broader issue by pushing it down the public agenda (see Boswell forthcoming).

Some civil society actors spoke with immense frustration about this less miraculous side of transmission via narrative. One commented on his dismay at the manner in which the critical counter-narrative he subscribed to was delivered to empowered space:

*Everything is getting watered down, even the existing documents that have been put together the whole thing about reducing the intake of the unhealthy food and junk foods has been cleansed out of it.[[8]](#footnote-8)*

Another argued that the narrative was reflected back from empowered space with distortion:

*Look at the official government response. It's unbelievable. Everything gets watered down, becomes much less than it was this. A few things they're not going to do, but a lot of things, well, ‘this will be addressed by this’, ‘this will be addressed by that’. Oh, a little bit, maybe. And some of those bigger ideas just don't even get addressed![[9]](#footnote-9)*

While another, more resigned to this inevitability rather than upset because of it, tried to make sense of this broader dynamic:

*[Decision-makers] need room to move. That’s what they need. Even if they’ve got a frame themselves, they perhaps prefer not to make it too explicit…. There has to be enough space in the frame for the people that they want to participate in this to play, as it were. So you can’t set the boundaries too explicitly, and too clearly, and too ideologically, too early.*[[10]](#footnote-10)

The point is important because it highlights that transmission cannot be a one-way process. An important complement to Habermas and Dryzek’s theoretical ideas about deliberative transmission, in this sense, is Neblo’s (2005). He reverses the direction of transmission, and places particular emphasis on the need for actors in empowered space to convince those in public space that their claims and actions map onto the public’s expressed beliefs and preferences. His account accepts that *transmission* must inevitably involve some *transformation*, encountering formal obstacles and technical elements as ‘opinion’ is translated into ‘will’. This is certainly what we see in the obesity case where administrative, legal and, above all, political obstacles engender a significant transformation of the critical narrative in question. Yet Neblo also stresses the importance of actors in empowered space explicitly addressing and justifying this process in order to sustain their representative claims in a dynamic process. Here, we see a lack of any such public accountability; powerful interests worked to neutralise the issue as the critical narrative became diffused across sites and over time. The obesity case highlights, then, how problematic it can be when distorted transmission goes under-acknowledged and unchecked.

So, although the analysis shows that narrative can operate as a useful discursive mechanism for transmitting claims and ideas across sites of various kinds, its attentiveness to how narratives are performed across these deliberative systems tempers enthusiasm for their democratising potential in deliberative systems. Indeed, the result is that actors in public space are unaware of, or at least feel powerless to challenge, the muting and moderation of claims as they approach empowered space. In spite of superficial appearances, they do not feel their narrative is adequately represented in empowered space.

# Discussion

So, what do these cases collectively tell us about deliberative transmission? Aggregating the insights from across the studies, we can ascertain both potentials and pitfalls, and use them to underpin some suggestions for how deliberative transmission might be strengthened.

On the one hand, the studies highlight the transmission that can and does occur in deliberative systems. Indeed, they show that deliberative transmission occurs in multiple, interrelated ways. While in each case there was some evidence of transmission for policy impact, this is not the only, or sometimes even the most important type of transmission on display. In particular, echoing Goodin and Dryzek’s (2006) account of the multiple potential impacts of micro citizen deliberation, all three cases highlight the importance of transmission as a form of acknowledgment, legitimating the political value of identities (respectively activist, citizen and expert) that had been excluded or under-acknowledged.

On the other hand, the three studies highlight problems which can inhibit or distort transmission across deliberative systems. They show that transmission is vulnerable to the vagaries of the institutional and political context in which it occurs. Given that all contexts will pose challenges, what can be done to strengthen deliberative transmission to ensure that the claims raised in public space can have a greater influence on deliberation in empowered space? Below we outline three ways in which deliberative transmission can be strengthened.

**Enabling transmission**

A key message from the case on honour killings is that existing institutions can play an important role in facilitating deliberative transmission from public space to empowered space. When the idea of transmission first emerged, deliberative democrats, such as Habermas (1996) and Dryzek (2009), placed great emphasis on communicative mechanisms, such as the media, protests, and boycotts, to connect informal and formal deliberative spheres. Yet our first case shows that some of the semi-formal deliberative spaces that are embedded in our existing institutions of representative democracy (such as commissions of inquiry or parliamentary committees) offer crucial mechanisms of transmission between informal public opinion (public space) and formal decision-making cycles (empowered space). In fact, without such spheres and procedurally guaranteed links between informal and formal spheres, ‘the legitimacy generated by the former cannot reasonably claimed by the latter’ ([Squires 2002:134](#_ENREF_8)). The institutional architecture of deliberative systems must be able to accommodate the variety of affected actors and organisations in public space, providing them with the means to transmit ideas and claims to more formal sites in empowered space.

Yet one important lesson from this case, and that on energy policy, is that relying on the existing institutional architecture may not always be sufficient. Some deliberative systems, like those surrounding the issue of ‘honour killings’, will continue to feature exclusionary discourses and norms which do not recognise the legitimate meaning-making power of counter publics, and for which there is no easy institutional fix. Other systems, for example, those pertaining to non-salient issues or technical topics, may lack an active public that is available to mobilise citizens at the grassroots and engage in institutional opportunities to represent their claims. For non-salient issues, we need not only to seed opportunity structures for engagement, but we also need to create opportunities for publics to form.

The second case study provides insights into how this process of seeding can be done. The key is not that democratic innovations, such as mini-publics, are better than established institutions. Indeed the limitation with mini-publics, typically, is that they risk being disconnected from many of the elite sites that dominate deliberative systems (Papadopoulos 2012). We show that institutional designs may be needed in some deliberative systems to encourage connections between public spaces and empowered spaces (Hendriks forthcoming). In this case a novel democratic innovation, a mini-public, was used to bring together a group of randomly selected citizens to deliberate on a complex issue who then made a series of recommendations for decision makers. Here a participatory innovation was able to open up an elite and expert dominated policy issue like energy, and in doing so it offered a vital dose of democratic inclusivity, rendering the otherwise hidden or implicit value assumptions more visible, and transmitting lay perspectives on these which can challenge the status quo.

**Amplifying transmission**

All three cases demonstrate the importance of agency in amplifying (or muffling) transmission across the deliberative system. While theorists such as Habermas (1996) and Dryzek (2009) might celebrate the role of social movements in deliberative transmission, there is little specific recognition of the role individual actors can play in both assisting, and in some cases distorting, transmission. The Habermasian definition of deliberation as a broad and ‘subjectless communication’ tends to divert the attention away from the individuals who might facilitate or hinder transmission across different sites. Yet in our second and third cases we saw how a few particular policy actors were crucial in shaping what voices were heard and how messages were transmitted into more empowered sites. In some instances, as we saw in the energy mini-public, actors play an important mentoring role by encouraging others to listen to the voices of weaker publics and then ensuring that these publics’ preferences are transmitted (with greater legitimacy) into empowered spaces.

We also saw in these two cases how actors with privileged access to empowered space could choose not to amplify particular claims. This is not, in itself, problematic. After all, not every claim expressed in public space can or should make it to empowered space. But we might hope to encounter justification for these choices. Indeed, such minimal accountability is a long-held criterion in deliberative democratic theory (Gutmann and Thompson 1996).

The results on this front were mixed. In the energy case, all the recommendations proposed by the citizens were included in the MPs report and a few made it into the MPs final recommendations to parliament. The reasoning for why certain proposals from the citizens - especially more radical and politically unpalatable suggestions - did not make it into the MPs recommendations could have been much more transparent. In the obesity case, there was very little explicit recognition of public claims let alone discussion. There was instead a tacit muting and moderation of claims and ideas in line with *realpolitik* assumptions about what would be feasible given the perceived preferences of powerful stakeholders.

One important ingredient in effective amplification appears to be the connectivity and accountability between the empowered actors and those whose claims they might amplify. In the obesity case, the relationships between the various deliberative sites have been ad hoc, ambiguous and unstructured; as a result the accountability ties are weak. In contrast the deliberate coupling of the energy mini-public with the parliamentary committee (PAC), or the parliamentary inquires in the case of British ‘honour killing’ case certainly facilitated a sense of accountability that the MPs felt towards the citizens or relevant stakeholders (even though there were no formal representative ties). Nevertheless, as in the other cases, the citizens’ views were filtered to a certain degree as they made their way into the more empowered space of the parliamentary committee. In our opinion a more robust deliberative system should strive to make this filtering process as transparent as possible; for example, in the energy case the MPs could have publicly defended why they accepted only some of the citizens’ recommendations, and, more importantly, why they rejected others.

The overall implication here is that the two-way relationship between actors engaged in empowered spaces and those they represent ought to be structured in deliberative systems so as to better ascertain the strength of their ‘representative claims’ (Saward 2009).

**Sustaining transmission**

Finally, the importance of sustaining transmission between public and empowered spaces over time is a theme of all three cases. In the obesity case we saw how the narratives in public space progressively lost strength and specificity as they moved towards empowered space, highlighting the potential for mere surface transmission in deliberative systems. This points to a need for transmission from public to empowered spaces to work equally well the other way, ensuring that the claims and actions of empowered actors are subject to scrutiny and challenge in public space. Institutional architecture which permits greater deliberative transmission throughout the long journey from public deliberation to policy action can help to shed greater light on, and allow greater public influence over, the inevitable ‘wriggle room’ that empowered actors rely on.

In the energy case, transmission was not long-lived and it was largely in the direction from public to empowered space. The mini-public served as an ‘anticipatory public’ not so much to guide executive agencies, as Mackenzie and Warren (2012) suggest, but to inform the specific deliberations of elected representatives. Once the MPs had produced their own report, the citizens’ recommendations had served their purpose. Two-way transmission in this case was also minimal. For example, the citizens were not brought together to scrutinize the MPs recommendations and hold them ‘to account’ as is the case in some mini-publics (see Hendriks 2005). The mini-public in this case was also not designed to stimulate the sustained mass public deliberation in the way that Niemeyer (2014) envisages.

The ‘honour killing’ case shows that sustaining transmission between public space and empowered space depends on various factors. Besides the presence of semi-formal such as WNC, transmission depends on discursive legacies, on the established notions of what makes sense, and whose voice is considered reasonable and legitimate in a given society. Furthermore, the chances of transmission of ideas and discourses from public space to empowered space seems to be significantly higher in democracies characterised by the presence of strong and vocal counter publics and where these counter publics are acknowledged as the legitimate participants of meaning-making processes over contested issues.

# Conclusion

This paper makes a significant contribution to ideas about transmission in the deliberative system. It shows what kinds of deliberative transmission take place in practice, which mechanisms and features can enable it, but also what institutional or discursive features can distort or inhibit it. The paper therefore contains important lessons both for theory and practice.

For deliberative scholars, the observations lend a more nuanced hue to the notion of transmission. Firstly, our case studies illustrate that deliberative transmission can occur in multiple ways – via existing institutions, via democratic innovations as well as via discourses. It is important to acknowledge that these are not mutually exclusive alternatives and in many cases when they occur simultaneously they could potentially generate competing legitimacy claims. An important question for future research is to think about what happens in deliberative terms when transmission mechanisms transmit contesting messages to empowered spaces? There are also many other transmission mechanisms operating in deliberative systems that deserve empirical attention such as social movements, voting, and social media.

Secondly, our cases demonstrate that deliberative transmission should not just be thought of as occurring if claims correspond across public and empowered space. This is at once too restrictive—there are other important forms of transmission besides policy impact—and too naïve—discursive affinity does not imply a substantive impact. These findings should encourage theorists of deliberative systems to think harder about what deliberative transmission does and should entail.

For empirical scholars, the cases presented here demonstrate a variety of ways to study deliberative transmission. They begin a scholarly conversation about how claims travel reciprocally among sites on a dynamic spectrum from public to empowered space. Further research is needed, both to confirm the features of transmission in deliberative systems that we uncover and to test the efficacy of enabling, amplifying and sustaining transmission in the ways that we suggest. Our analysis provides different pathways to parse these out–focusing on different mechanisms or compiling insights from across them to produce a cumulative account. It therefore represents an important contribution along the way.

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1. A slightly amended version of this paper is forthcoming in a special symposium of *Critical Policy Studies* on deliberative systems. [↑](#footnote-ref-1)
2. We acknowledge that there are other potential transmission mechanisms which none of our analyses pick up on—in particular elections, referenda, and social movement activism—but justify this approach on the basis that the three mechanisms emphasised here represent the major ones around which most theoretical and empirical scholarship has centred. [↑](#footnote-ref-2)
3. Nicolas Zimmer, Press Release, The CDU Fraction Berlin, 14.09.2005 [↑](#footnote-ref-3)
4. Hansard texts, 14 March 2002. All Hansard texts that are referenced in this paper are available at www.parliament.uk/. [↑](#footnote-ref-4)
5. Hansard texts, 15 December 2005 [↑](#footnote-ref-5)
6. The Public Accounts Committee (PAC) of the NSW Parliament is concerned with issues of public accountability. One of its primary functions is to follow up on reports from the Auditor General. From time to time, the PAC is also asked by the Parliament or by a Minister to examine a particular policy issue. [↑](#footnote-ref-6)
7. The names of the interviewees in this study are not included to protect their anonymity. All interviews for this study took place at the New South Wales Parliament, Sydney on 15 November 2012. [↑](#footnote-ref-7)
8. Professor Boyd Swinburn on *SBS Insight*, March 24, 2009. [↑](#footnote-ref-8)
9. Interview with Australian clinician and advocate, June 2011. [↑](#footnote-ref-9)
10. Interview with Australian public health researcher, July 2011. [↑](#footnote-ref-10)