Disrupting deliberation: The impact of political protest on deliberative systems

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The influential defence of a deliberative systems approach offered by Mansbridge et al claims that disruptive protest can be an important corrective to systemic malfunctions. Their discussion culminates in a call for further research into the pros and cons of disruptive protest for deliberative systems. This presentation offers some preliminary responses to this call for further research. The core theme is that analysis of the relationship between protest and deliberative systems should depart from an assumption that informs the view of Mansbridge et al. This assumption is that protest is generally a non-deliberative form of conduct that should be evaluated in terms of its impact on a malfunctioning system. The presentation gestures toward a more nuanced position, which is guided by two central ideas. The first is that disruptive protest can be categorized as deliberative, partially-deliberative, or non-deliberative, depending on its aims and conduct. The second is that disruptive protest can have different deliberative impacts depending upon whether the relevant context is (a) the absence of a deliberative system, (b) the presence of a malfunctioning system, or (c) the emergence of a fully functioning system. The resulting conceptual framework is illustrated through briefly considering the relationship between innovative forms of digital disruption and deliberative systems

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The influential statement of the 'deliberative systems' approach by Mansbridge et al (2012) incorporates a short but interesting discussion about the relationship between disruptive protest and deliberative democracy. According to the authors, protest is a form of non-deliberative action that is difficult to reconcile with the norms of civic conduct associated with deliberative democracy. This is because protest involves the threat of sanctions or the imposition of costs as a mode of coercing opponents, the use of slogans or tactics that have the effect of diminishing epistemic subtlety, or methods of contestation that reduce levels of mutual respect. The authors nonetheless suggest that this kind of non-deliberative conduct can contribute to deliberative systems as a 'remedial force introduced to correct or publicize a failure or weakness in fulfilling any of its key functions' (Mansbridge et al 2012: 18). This is the case insofar as it has the effect of drawing attention to important information, contesting disrespectful narratives or policies, or correcting inequalities or exclusions that distort public debate and collective decisions. The challenge, according to these theorists, is to develop analytical tools that will place us in a better position to evaluate the pros and cons of disruptive protest for deliberative systems. This requires 'empirical and conceptual-analytical findings regarding the short-run and long-run inequalities redressed by the protesters and the short-run and long-run chilling effects of their actions upon deliberation' (Mansbridge et al 2012: 19).

This call for further research has proven to be both important and timely, given the continued prominence of disruptive protest across the political landscape.[1] The discussion of protest offered by Mansbridge et al, although brief, certainly includes useful pointers for further research, particularly their insistence that we must attend to the positive and negative systemic impacts of disruption. It is, though, necessary to interrogate certain assumptions about protest that inform their argument, which can be illustrated by considering an innovative example of disruptive protest. The 'deportation class' action of 2001 was a multipronged protest campaign carried out by German activists against the airline Lufthansa, because of the use of its aircraft by the German government to deport immigrants (Sauter 2014: 53-54). The protest was notable for combining traditional activist tactics, such as disrupting shareholder meetings, with innovative

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[1] The call for research made by Mansbridge and her fellow systems theorists appeared in print a few months after TIME magazine voted the protester its 'person of the year' in 2011.

digital methods, such as disrupting the airline's public-facing web-site. The negative publicity caused by the action resulted in the airline changing its policy, such that its flights would no longer be used for the deportation of immigrants. This type of action might seem to illustrate the view of Mansbridge et al that disruptive protest is a non-deliberative method of achieving goals through exerting force on an opponent. It is striking, though, that the German court system would eventually exonerate those involved in the protest, by characterising their campaign as a non-coercive means of achieving their objectives through appealing to public opinion. The case thus raises interesting questions about the most appropriate way of characterising disruptive protest, particularly in light of the emergence of non-traditional protest tactics that rely on online action as much as, or instead of, established offline methods.

This discussion paper aims to explore some of these questions, through offering a response to the call of Mansbridge et al for further analysis of the relationship between protest and deliberative systems. The position that is developed here builds upon their suggestions, but envisages a rather more nuanced approach to the systemic study of disruptive protest. The framework for research elaborated in this paper is based around two central ideas. The first idea – which is discussed in the first section – is that research should be guided by a typology of protest acts, which categorizes disruptive actions according to the extent to which they embody constitutive features of deliberative action. This approach departs from the tendency of Mansbridge et al to describe disruptive protest as a necessarily non-deliberative act that stands in need of systemic validation. The second claim – which is discussed in the second section – is that research into the consequences of protest for deliberative systems should be orientated by three guidelines, which focus respectively on the systemic context of protest, the communicative dynamics of protest, and the impacts of protest across multiple dimensions. This approach differs from Mansbridge et al in a number of ways, perhaps most notably in its criticism of their aim to arrive at conclusive evaluations of protest as 'good' or 'bad' for deliberative systems. The resulting framework can be applied to the study of a diverse range of campaigns and tactics, which is illustrated – in the third section – through considering the case of online or digital disruption in greater depth.

1. Deliberative and non-deliberative disruption

The first set of reflections interrogates the assumption of Mansbridge et al that protest should be categorised as a non-deliberative mode of action. This assumption gains some support through the intuition that action should only be described as 'deliberative' insofar as it embodies certain behavioural norms. It thus rejects the temptation to view an act as deliberative on the grounds that it might have the intended or unintended consequence of stimulating deliberation in the public sphere. A terrorist campaign, or a random act of violence, could have the effect of stimulating deliberation, but it would be mistaken to describe the act itself as deliberative. It is, though, important to urge caution about categorising all forms of protest as non-deliberative. To pick up on the terminology used by Mansbridge et al, the fact that protest 'often appears' to violate deliberative norms does not mean that it always does. The following arguments thus suggests that systems theory should adopt an analytical framework that can be employed to categorize protest events or protest strategies as deliberative, partially deliberative, or non-deliberative

The elaboration of this framework relies on a concept of deliberative action, which identifies the paradigmatic features of deliberative conduct (Smith 2015a). The first feature is that deliberation must be a *reflective* mode of behaviour, which entails the engagement of our capacities for practical judgement. A contribution to deliberation should encourage interlocutors to weigh and balance the relevant considerations that bear on a particular problem or decision. The idea of reflection thus captures the cognitive, or epistemic, dimension that must be present in deliberation but may be absent in other modes of expression or conversation. The second feature is that deliberation must be a *respectful* mode of interaction, which entails an appropriate attitude towards the rational agency of our discursive interlocutors. A contribution to deliberation should engage interlocutors as agents capable of autonomous choices, rather than as a means to power or influence. The idea of respect captures the deliberative preference for achieving goals through reason or persuasion, rather than through coercion or manipulation. The third feature is that deliberation should be a *dialogic* mode of conduct, in the sense that it involves a plurality of agents elaborating and exchanging opinions that are relevant to reaching collective decisions. This dialogic process, following Robert Goodin, can have both an 'external-collective' dimension, understood as the discursive interactions that occur between actors in the public sphere, and an 'internal-reflective' dimension, understood as the act of mental imagining through which individuals reflect upon competing perspectives. The key point is that deliberation must

involve actual or imagined dialogue that engages with multiple perspectives, rather than a monologue that functions to entrench pre-existing preferences or opinions. This account requires that conduct must do more than merely aim to communicate a perspective in order to qualify as deliberative. The practice of deliberation is thus not identified with conversation or expression, but with the processes through which persons, individually or collectively, weigh the merits of competing perspectives in the course of reaching a decision.

This account can be employed to elaborate a typology of disruptive protests. The idea is to categorize protest events according to the extent to which they adhere to the conduct-related norms associated with deliberative action. The first category is 'deliberative disruption', which describes protest acts that are conducted as reflective, respectful, and dialogic contributions to public deliberation. This category can be illustrated through reference to certain interpretations of civil disobedience, such as the recent 'communicative' theory proposed by Kimberley Brownlee (2012). Civil disobedience is, on this account, a *reflective* mode of action that involves the expression of conscientious convictions. It is, furthermore, a *respectful* action that recognises the agency of an audience that is to be rationally persuaded rather than forced into accepting those convictions. It is, finally, *dialogic* in the sense that it is a means 'to communicate our convictions to others in an effort to engage them in reasoned deliberation about its merits' (Brownlee 2012: 42). The disruption that is implicit in acts of civil disobedience is not in and of itself incompatible with deliberation as a mode of interaction, illustrated by Brownlee through the following hypothetical example:

> Suppose I hold a peaceful sit-in in a government building to protest against our military's activities in another country, and by doing so, I prevent you temporarily from carrying out your job as a civil servant. I have used you as a means to highlight my cause, but the impact on you is modest and my usage does not deny your status as an end (Brownlee 2012: 21).

There are clearly complex evaluations to be made about how much and what kind of disruption is compatible with respect for agency. It is, to pursue this example further, likely that a sit-in at a government building would shade into non-respectful or non-dialogic conduct if occupations become a daily occurrence, such that workers experience ongoing and significant restrictions on their day-to-day routines. The point at which this line is crossed clearly cannot be settled in advance, but must be determined through an evaluation of the full range of considerations

relevant to evaluating the particular protest. The key point is that, assuming that Brownlee's analysis of civil disobedience has merit, the category of deliberative disruption is both conceptually coherent and empirically relevant.[2]

The second category is non-deliberative disruption, which describes protest acts that are not carried out as a contribution to reflective, respectful or dialogic deliberation. The archetypal case of non-deliberative disruption is described by Mansbridge et al as protest that involves coercion, simplified slogans, disrespectful rhetoric, or combinations of all three. This category can be illustrated through the analysis of certain instances of animal rights activism offered by Matthew Humphrey and Marc Stears (2005).[3] These activists, according to Humphrey and Stears, depart from deliberative norms through their willingness to engage in cost levying and the politics of moral disagreement. Cost-levying is a means for activists to achieve their political objectives not through rational persuasion, but through increasing the costs of intransigence on the part of their political opponents. The politics of moral disagreement entails the use of polarizing rhetoric that sharpens the disagreements between activists and their opponents, often with the effect that oppositional arguments are demonized or otherwise discredited. This type of activism can have the effect of instigating reflection or dialogue, but it is not the primary goal of the protest. As the authors suggest:

> the vast majority of animal rights protestors do not understand the role of their political strategies in terms simply of agenda-setting and what might be called deliberative initiation. They might be pleased to promote such a widespread discussion of animal rights and the morality of animal experimentation but they primarily understand their role rather in terms of the potential political outcomes. The strategy is not, therefore, one that is to be put aside when 'fairer' deliberation begins, but it is to be employed in order to help obtain a particular political goal (Humphrey and Stears 2005: 414).

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[2] The idea of deliberative disruption is discussed at much greater length in Smith (2015a). I should also note that, although Brownlee's theory has considerable merits, it perhaps overstates the extent to which civil disobedience can be described as dialogic merely by virtue of its non-coercive conduct. I would suggest that dialogic intent might require additional types of behaviour on the part of protesters, such as moderation of their rhetoric or a willingness to engage dialogic opponents by responding to reasonable objections (see Smith 2014).

[3] The authors make clear that their arguments do not apply to all animal rights activists, but only to certain groups. This reflects the significant diversity among animal rights activists in relation to aims and tactics (which, indeed, is a feature of almost all activist groups, networks or movements)

This characterisation might lead to the misleading thought that deliberative disruption is less concerned than non-deliberative disruption in strategic achievement of activist objectives. Almost all activists are, at the end of the day, concerned with strategy in the broad sense of how best to achieve their goals. The difference between deliberative and non-deliberative disruption, rather, is that activists engaged in the former adopt deliberative norms as constraints on their conduct, while activists engaged in the latter do not. This could derive from a principled commitment to deliberation or, perhaps more likely, a belief that engaging in deliberative disruption may be the best strategic means available to secure activist objectives.

The third type of protest is a complex hybrid category, which I describe as partially-deliberative disruption. This category incorporates two distinct modes of protest. The first is protest that embodies some but not all of the paradigmatic features of deliberative conduct. It is, for instance, possible that a disruptive protest might be conducted as a means of triggering reflection on the part of an audience but without embodying the conduct-related constraints that would be necessary to categorise it as a respectful or dialogic address. The second is protest that is simultaneously an attempt to engage a certain addressee in rational deliberation and an attempt to subject another addressee to a form of non-discursive pressure. The clearest example of this would be a protest that aims to apply a certain degree of pressure on a specific opponent, such as a government, international organization or a corporation, while at the same time appealing for political support to a broader public. The different attitudes that protesters adopt toward these addressees can shape their conduct in significant ways. A protester might, for instance, regard her major opponent as an unsuitable, because unwilling or insincere, candidate for deliberative interaction, such that she will be fully prepared to make that opponent the target of non-deliberative tactics like cost-levying and demonizing rhetoric. That same protester might nonetheless view other potential addressees as potential participants in deliberation, such that she modifies her interactions with those other addresses accordingly. This may entail attempts to avoid or off-set costs that could be caused to those addresses by her protest, to reach out to those audiences through constructive and non-antagonistic rhetoric, and to offer actual or symbolic invitations to reflection and dialogue. The term 'partially-deliberative' is not entirely satisfactory as a description of this kind of multifaceted conduct, but reflects the intuition that deliberative behaviour is typically associated with (a) conduct that embodies *all* of the features associated with paradigmatic deliberative interaction and (b) conduct that potentially engages *all* our

potential interlocutors in a similarly respectful and dialogic fashion. The decision to adopt a deliberative attitude to some, but not all, of our addressees falls short of that expectation and thus renders problematic the categorization of our conduct as *fully* deliberative.

There are three further observations about the preceding typology of disruptive protests. The first is that categorising protest acts is not a straightforward process. The paradigmatic features of deliberation require agents to adopt an appropriate kind of attitude towards their conduct. The agents should, in other words, understand their behaviour as a genuine effort to instigate reflection, which displays the appropriate kind of respect towards their dialogic interlocutors. This is significant, because the extent to which a mode of behaviour can be understood as deliberative is likely to depend upon its relation to a broader pattern of behaviour by the relevant actor. The determination of whether the paradigmatic features of deliberation are realized to an appropriate degree in any given instance must, then, be ascertained through careful analysis of the conduct and context of the relevant protest action. The second comment is that the typology proposed here points towards a rather more nuanced orientation to the role of disruptive protest than that suggested by the systems theorists considered at the outset. Those theorists start from the assumption that disruptive protest is a departure from deliberative norms that stands in need of some kind of systemic validation or moral justification. The categories of deliberative and partially deliberative disruption suggest that, in some cases at least, such an assumption might be misleading. This is significant, because it may be inappropriate to treat certain types of protest as departures from deliberative norms that stand in need of special justification, rather than as modes of conduct that exemplify a commitment to those norms. The third comment is that it is mistaken to assume that deliberative disruption is necessarily more beneficial to deliberative systems than non- or partially-deliberative disruption. This coheres with an important insight associated with the systemic turn, which is that a highly deliberative element might be less beneficial to realizing systemic functionality than a less deliberative element. In some contexts, for example, the highly respectful norms of conduct associated with deliberative disruption might be less efficacious than non-deliberative disruption in disturbing inertia or challenging inequality. This is an important truth that lends credibility to the systemic call for further research into an analysis of the pros and cons of non-deliberative behaviour for realizing the various aspirations associated with deliberative democracy.

2. The systemic impacts of disruption

The second set of reflections picks up on this theme, through turning to the challenge of evaluating the advantages and disadvantages of disruptive protest for deliberative systems. This is a difficult issue to address in the abstract, as the impacts of protest are likely to vary greatly depending on context. It is particularly difficult to develop an analysis of systemic impacts that is both nuanced and balanced. As Mansbridge et al put it:

> Without criteria to evaluate when non-deliberative, weakly deliberative, or even anti-deliberative behaviour nevertheless enhances the deliberative system, one risks falling into the blind spot of old style functionalism: everything can be seen as, in one way or another, contributing to the system (Mansbridge et al 2012: 19).

The phrase 'criteria' suggests that Mansbridge et al are calling for guidelines that can be employed to arrive at all-things-considered appraisals of the systemic benefits of disruptive protest for deliberative systems. Although this is a laudable goal, as shall become apparent, there are significant challenges for elaborating this kind of theoretical framework. The discussion that follows thus pursues the rather more modest goal of identifying important guidelines for further research on the systemic impacts of disruption, which focus on the *post hoc* evaluation of protest rather than the practical task of guiding the deliberations of activists.

This investigation requires a clearer idea of what a deliberative system is. The concept is defined by Mansbridge et al in the following fashion:

> A system here means a set of distinguishable, differentiated, but to some degree interdependent parts, often with distributed functions and a division of labour, connected in such a way as to form a complex whole…A *deliberative* system is one that encompasses a talk-based approach to political conflict and problem-solving – through arguing, demonstrating, expressing, and persuading (Mansbridge et al 2012: 4-5).

John Dryzek suggests that 'many different sorts of deliberative system are possible, with many different kinds of components' (Dryzek 2010: 13). The interpretation I favour conceptualises a deliberative system as comprised of a set of spaces and relationships that are constituted by deliberative action.[4] These spaces can, in principle, include any forum or arena within which agents come together, physically or virtually, to deliberate about issues of common concern. The

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[4] This, somewhat controversial, account of a deliberative systems is developed at greater length in (Smith 2015b).

different components of the system do not need to achieve a particularly high standard of deliberation, but must realize norms of deliberative action to some degree in order to qualify as components of the system. The concept is not, therefore, understood in a totalizing fashion, in the sense that it includes anything and everything that might impact in some way on its functioning. The system is, instead, treated as an embedded matrix, which functions against the backdrop of a complex set of social, cultural, economic, political and legal practices and arrangements. These practices and arrangements are important elements of the environment within which deliberative systems emerge, but do not embody the norms of deliberative action in a way that would be necessary for their inclusion within the system. The variety in deliberative systems that Dryzek discusses can be understood in various ways, such as the range of actors and spaces that systems can include (e.g. government or non-government actors, national or transnational spaces) and the specific issue or policy-areas around which systems can form (e.g. environmental regulation, health care, food safety, internet security). The conceptual requirement that such systems incorporate deliberative components suggests that the idea of a deliberative system should not be projected onto any spatial context or policy discussion. A deliberative system can only be said to obtain if a corresponding set of spaces and relationships that are constituted by deliberative action can be identified.

This account of a deliberative system suggests the following three guidelines for research and reflection on the impacts of deliberative systems. The first is: *the diverse systemic contexts that trigger disruptive protests should be explored, which include cases where deliberative systems need to be forged, repaired or enhanced.* The fact that systemic impacts must be evaluated with due sensitivity to diverse systemic contexts may seem an obvious point, but it has significant implications for elaboration of a systemic theory of protest. It is striking, for instance, that Mansbridge et al tend to frame their analysis as if disruptive protest should be assessed in terms of its impact on *already-existing* deliberative systems. It is, though, premature to assume that deliberative systems are ever-present features of the political environment; as Dryzek points out, 'a deliberative system always needs to be constructed and performed when an issue arises' (Dryzek 2010: 81). The diverse contexts against which systemic impacts might be evaluated include the *absence* of a deliberative system, such that there is either no deliberation around a specific public issue and/or institutional arrangement or no deliberation across a network of inter-linked nodes. It is tempting to treat protest in this context solely from the instrumental

perspective of whether and to what extent it contributes to the establishment of a system. This is certainly important, but it is also crucial to consider the reasons behind both the absence of a system and the resort to protest by certain actors. If entrenched forces block the emergence of a deliberative system, it may be more appropriate to evaluate the impact of protest in terms of its capacity to mobilize relevant constituencies or win strategic victories against opponents. A related but distinct context is the emergence of a *malfunctioning* system, which suffers from pathologies that 'keep political institutional arrangements from approaching more closely the deliberative ideal in the system as a whole' (Mansbridge et al 2012: 22). It is, again, important to reflect on the nature of the malfunction and the reasons that it triggers disruptive protest. The severity of the pathology afflicting the system is particularly relevant to the way we appraise disruptive protest. If, for example, a deliberative system appears to be corrupted beyond repair, then it may be inappropriate to worry about whether disruptive protest is good or bad for that particular system. A final context is the presence of a *functioning* system, such that an issue or agenda is given adequate consideration in inter-linked deliberative sites. This case is seldom considered in the literature, perhaps because of the latent assumption that protest is either unnecessary or unethical in circumstances conducive to deliberation. The presence of disruptive protest even in such favourable conditions can, in fact, trigger reflection on the limitations of deliberative systems that rely solely on non-disruptive modes of communication, through drawing attention to the capacity for disruptive protest to enhance or improve aspects of the system. This is particularly salient in light of the earlier discussion of deliberative and partially-deliberative disruption, which reveals the scope for deliberative interaction to incorporate disruptive modes of communication. The general idea of this guideline is to approach disruptive protest as a phenomenon that can cast light on important dimensions of systems theory and practice, rather than to treat disruptive protest merely as a phenomenon that can be theorized, or validated, by the application of systems theory.

The second guideline is: *the communicative dynamics of disruptive protest should be analysed, with particular focus on the strengths and weaknesses of protest as a systemic resource*. This guideline is, to a certain extent, informed by the typology of disruptive protests considered in the previous section, which can be mobilized as part of a comprehensive analysis of the complexion and impact of a variety of activist tactics. The guideline focuses the attention of analysts on the intimate connection between the conduct of protest and the impact that it has

on deliberative systems. It is, of course, highly likely that systemic impacts will be attributable to a number of factors, including the resources and opportunities available to protesters, the attitudes and actions of their addressees, and other context-dependent variables. There may, though, be discernible connections in some cases between the conduct of protest and its positive and negative impacts on systemic functionality. Of particular interest is exploring whether and in what circumstances the impacts of protest can be attributed, at least in part, to their deliberative, partially deliberative or non-deliberative character. Also relevant is exploring how disruptive protest compares to non-disruptive modes of communication as a means of forging, repairing or enhancing deliberative systems. This kind of investigation allows for the development and testing of claims about the efficacy of protest as a systemic resource. The systemic strengths of protest are considered by Mansbridge et al in terms of its capacity to give voice to emerging perspectives, but also significant is that securing voice through disruption adds extra layers of meaning and impact to our utterances. It can, for instance, function to convey the intensity with which a certain position is held, which might be a relevant factor for publics with a less pressing stake in the matter under consideration. It can also function as a means of getting publics to see an issue in a different light through confrontational, shocking or humorous tactics, which may be harder to achieve through limiting communication to more conventional modes. The weaknesses of protest, by contrast, are considered by Mansbridge et al in terms of its risks of polarizing opinion, obstructing spaces for dialogue and reflection, and corroding mutual respect. These are all significant, but also worthy of consideration is the danger that debate about the medium of communication swamps debate about the message. It is often difficult for activists to focus attention on the issues that motivate their protest, because their discursive interlocutors may focus more on their conduct. The media might prefer to focus on violent acts carried out by individuals in a street protest, the criminal justice system will likely limit its focus to issues of legality, and political representatives may play up the disruptive consequences of protest as a means of de-legitimizing or marginalizing its aims. The problem that disruptive tactics may divert attention from the grievances of activists is an intrinsic limitation of protest as a mode of communication, which does not arise in relation to less disruptive modes.

The third guideline is that: *the systemic impacts of disruptive protest across multiple dimensions should be considered, rather than prioritizing any single dimension*. This, again, is somewhat obvious, but it has important implications for the kind of research agenda anticipated

by the likes of Mansbridge et al (2012). As noted, Mansbridge et al appear to call for criteria that will generate all-things-considered evaluations of disruptive protest as a systemic resource. This aspiration is appropriate if it is interpreted as a call for reflection on the full range of impacts that protest can have. It would appear, though, that the authors have the more ambitious goal of reaching general conclusions about whether specific protests are 'good' or 'bad' for deliberative systems. This is suggested by their discussion of 'Tea Party' and 'Radical Left' protests:

> we might in the end want to say that although these movements brought new voices into public debate, a move that is system enhancing, these benefits were outweighed by the partisan and aggressive tenor of many of the public protests and disruptions, a context that creates a toxic atmosphere for deliberation and thus is not system enhancing over time (Mansbridge et al 2012: 19).

Although such clear cut evaluations may be possible in some contexts, it is highly unlikely that they will be possible in all, or perhaps even many, cases. The reason, as Mansbridge et al are aware, is that the impacts of protest actions can be measured against multiple dimensions. This is a commonplace insight in the literature on social movements and contentious politics, which studies the impact of protest not merely in terms of achievement of policy objectives, but also in terms of agenda-setting, mobilization of relevant constituencies, long-range social and cultural developments, learning on the part of social organizations and the self-understandings of activists. The impacts on deliberative systems can be similarly multifaceted, which reflects their capacity to impact on the development of different aspects of the complex infrastructure of functioning systems. This infrastructure includes (a) informed and empowered agents that interact within the system, (b) physical and virtual spaces for deliberation, and (c) channels of communication or transmission between different elements of a system. A comprehensive analysis of the systemic impacts of protest, therefore, will include discussion of its effects on activist communities or the interests that they claim to represent, as well as their consequences for discursive opponents. The imperative to examine the impacts of protest on the long-term evolution of systems can also render extremely problematic the kind of conclusive evaluations hoped for by Mansbridge al. The empirical and conceptual-analytic research programme that they call for might, then, be more productively geared towards producing fine-grained analysis of the multiple effects of protest campaigns, rather than reaching a potentially reductive conclusion about whether they are good or bad for deliberative systems.

These guidelines are not intended as a blueprint for further research, but as pointers towards the kind of themes that should be addressed. This includes the kind of conceptual-analytical reflection associated with the tripartite categorisation of protest elaborated in the previous section, along with the kind of case studies of emerging protest tactics or movements illustrated in the following section. This research, it should be noted, focuses primarily on the perspective of learning more about the nature and impact of protest on deliberative systems. Although not objectionable in itself, this might be seen as an unfortunate departure from the close association between deliberative democracy and the ethical dimensions of citizenship. There are, for instance, a number of studies in the theoretical literature that aim to provide normative guidance for citizens contemplating disruptive protest (Fung 2005; Markovits 2005; Smith 2013). The research envisaged here, by contrast, appears to have a more theoretical and less practical orientation. A first defence of this approach relates to the challenges of generating an ethics of citizenship on the basis of a systemic account. The problem is not merely the somewhat abstract nature of deliberative systems compared to the more immediate concerns of most activists, but the difficulty that activists have in anticipating the consequences of their actions. As Humphrey and Stears note, it is 'almost impossible for any individual or group to be certain that a particular form of non-deliberative action taken now will lead to increased opportunities for deliberative criticism and/or mutual respect between parties in "the long run"' (Humphrey and Stears 2005: 410). A second defence highlights a tension between the kind of 'categorical' standards associated with an ethics of citizenship and the 'systemic' approach envisaged here. The tension is discussed at length by Dryzek (2010: 82-83). He notes that speech and conduct by actors who are not motivated by deliberative norms can nonetheless have highly desirable consequences for deliberative systems. The following section – on digital disruption carried out by online activists – arguably gives an example of this kind of scenario. The systemic approach thus suggests that deliberative theorists should attend to these systemic benefits, which might – somewhat paradoxically – be lost if we insist that all citizens are bound by categorical standards. A third defence is that the kind of conceptual and empirical research envisaged here might, in the end, furnish resources for practical guidance. If, for instance, we develop more knowledge about the relative merits of deliberative or non-deliberative disruption as a means of achieving activist objectives, this would clearly be of relevance to embedded actors making choices about how best to achieve their goals. The hope is that the normative relevance of

systems theory to various actors might emerge in and through this kind of research, rather than in the form of ethical principles that are worked out prior to any consideration of practice.

3. Deliberative systems and digital disruption

The discussion thus far has been fairly general, such that it might be helpful to briefly consider how the systemic approach could be applied to the study of particular disruptive protests. The case that I consider in this section relates to an emerging tactic rather than a specific campaign. Digital disruption is a category of protest that involves the use of computer hardware and software programmes to cause various types of disruptions. The innovative nature of digital disruption is reflected in the fact that there is considerable debate about how it relates to established protest strategies, with some defending it as an online analogue to traditional tactics such as occupations or sit-ins (Dominguez 2009) and others suggesting that it lacks important constitutive features associated with classic civil disobedience actions (Calabrese 2004). The following reflections will focus on (a) the emergence of digital disruption, (b) its deliberative credentials, and (c) its systemic impacts.

(a) Distributed denial of server actions

There is an emerging repertoire of digital disruption tactics, including revealing and distributing personal or sensitive information ('doxing'), defacing corporate or government web-sites, bombing a server through mass-email campaigns and distributed denial of server (DDoS) actions. The latter type of action refers to a concerted effort to disrupt a targeted web-site by flooding it with simultaneous requests for information. The tactic assumes a political dimension when used in the context of a broader protest campaign, which is reflected in the fact that DDoS actions are often publicized by activists in advance and accompanied by other physical or virtual actions. The discussion here will focus mostly on DDoS actions, as it is perhaps the most widely discussed example of digital disruption (Sauter 2014). The primary aim is to draw out the relationship between DDoS actions and deliberative systems, though it will be helpful to provide a little more context for the emergence of DDoS actions in the last two decades.

The practice was initially introduced in a series of theoretical texts authored by the Critical Art Ensemble (CAE), a collective of artists exploring the intersections between art and radical politics and philosophy. The CAE emerged out of established activist communities,

which is reflected in the approach of their landmark study *Electronic Civil Disobedience*, published in 1994. This text is explicit in stating that their intention is to translate established civil disobedience ideas and tactics from physical to virtual space (or 'cyberspace' to use the vernacular of the time). The intellectual case for this transition was that, as the agents of capital were migrating from physical to virtual spaces, activists must adopt their strategies to contest emerging online sites of corporate and political power:

> As in civil disobedience, primary tactics in electronic civil disobedience are trespass and blockage. Exits, entrances, conduits, and other key spaces must be occupied by the contestational force in order to bring pressure on legitimized institutions engaged in unethical or criminal actions (quoted in Dominguez 2009, p. 1806).

An off-shoot of CAE, called the Electronic Disturbance Theatre (EDT), created the *FloodNet* tool to allow multiple users to take part in scheduled protests against online targets. This software was rolled out in a series of Zapatista-inspired protests against the Mexican and US governments in the late 1990s, with varying levels of success (Dominguez 2009: 1807). The early approaches to digital disruption associated with EDT are characterised by efforts on the part of activists to model their online protests as closely as possible on traditional offline tactics, which is perhaps best exemplified by the EDT's concerted effort to label their actions as 'electronic civil disobedience'. This approach is also reflected in the willingness of leading EDT-activists to publicize their actions in advance and to reveal their identities, which was defended as an important component of assuming personal responsibility for their disruptive protests (Sauter 2014: 96-97).

The link between online and offline protest tactics has become much less strong in recent years, which is reflected in the increasing prominence of the nebulous 'Anonymous' network. Anonymous has its roots not in traditional activist communities, but with the anarchic world of online forums such as 4chan. The predominant ethos of such forums is captured by Gabriella Coleman's characterisation of their members as 'trolls and tricksters' more concerned with pursuing 'lulz' than political causes (Coleman 2014: 19-51). The politicization of these 'trolls and tricksters' appears to have been a gradual and unpredictable process, which reflects both a genuine allegiance to the cause of internet freedom and a roguish commitment to spreading a unique brand of online chaos. The campaigns associated with Anonymous arose in an ad hoc

fashion in response to various attempts by state or non-state actors to restrict discussion or activities on the internet. The most prominent examples include campaigns against the Church of Scientology for their attempt to prevent online circulation of embarrassing video material, the Motion Picture Association of America (MPAA) and the Recording Industry Association of America (RIAA) for their attempts to limit file sharing, and PayPal and other organizations alleged to be complicit in actions against Julian Assange and Wiki-leaks (Coleman 2014). These campaigns are all characterized by innovative imagery, piercing humour, and an intuitive grasp of how to attract media attention through spectacle. Anonymous are far less concerned than the CAE or EDT with cleaving to the civil disobedience tradition, as is most obviously reflected in their principled commitment to online anonymity (Sauter 2014: 99). The comparative lack of connection between Anonymous and established activist tropes has, perhaps surprisingly, placed it in a much better position to impact popular consciousness than movements such as the EDT. This point is developed by Molly Sauter, who argues that the EDT's 'bids to attract participants were hampered through its use of limited platforms, such as specialized mailing lists and message boards, for recruitment and the professionalized, occasionally alienating language used throughout its recruitment and press materials and in the FloodNet tool itself' Sauter 2013: 989). The downside of Anonymous's more free-wheeling approach is that, as shall be discussed below, it has arguably lost some of the moral authority that can be purchased through a concerted effort to associate DDoS actions with the civil disobedience tradition.

(b) The deliberative credentials of DDoS actions

The EDT conceptualised DDoS as a tactic that could function analogously to direct action, where the aim is to disrupt or prevent activity that is the target of the protest campaign. The actions were also conceptualised as a method of communication, through using digital disruption as a means of generating publicity and stimulating discussion. The publicity-generating dimension has, according to Sauter, become more prominent, perhaps due to the impossibility of securing activist objectives through mimicking the effects of direct action online (Sauter 2014: 988-989). DDoS actions nonetheless cannot qualify as deliberative disruptions merely on the grounds that they are often conducted as a means of securing publicity. This is because, as noted, deliberation goes beyond the goal of communication by incorporating substantive commitments to reflection, respect and dialogue. The suggestion here is that DDoS actions can be conducted in

a way that is deliberative or partially deliberative, but that many such actions—particularly those associated Anonymous---are best seen as instances of non-deliberative disruption.

The relationship between DDoS actions and freedom of speech is particularly salient in considering its deliberative credentials. There has, for some time, been a lively debate among activists about the ethics of DDoS actions, with some arguing that it represents an infringement of their target's rights to freedom of speech (Coleman 2014: 138). The thinking behind this complaint is that taking down the web-site of an individual or corporation through a DDoS action effectively functions as a means of non-state sanctioned censorship. This complaint, if sound, would in all likelihood compromise the deliberative credentials of DDoS, because of the presumptive difficulty of reconciling censorship with both respect for the rights of our opponents and a willingness to enter dialogue. It is, though, not at all apparent that the complaint has much force, at least in relation to the majority of DDoS actions. First, it is not clear that a DDoS attack constitutes an infringement of the right to freedom of speech. This clearly raises complex issues about the nature and scope of the right, but the salient consideration here is that a DDoS attack generally constitutes a disruption of one particular means through which a target can exercise that right. It does not prevent that target from simultaneously exercising freedom of speech rights through other avenues. This is illustrated by Sauter through the case of a DDoS action against the WTO during its 1999 Ministerial Conference in Seattle, which targeted its main conference servers and public-facing web-sites. The resulting disruption did not prevent the WTO from communicating its message to the public or conducting their conference deliberations: 'though certain aspects of the WTO's telecommunications infrastructure were negatively effected, the activists engaged in the DDoS and e-mailing bombing actions cannot be said to be "censoring" the speech of the WTO' (Sauter 2014: 49). Second, a DDoS attack might be interpreted in the context of power dynamics that function to inhibit a genuinely free or equal exchange of opinion in the public sphere. This point is emphasized by activists and scholars who note that many DDoS actions are carried out by agents that are vastly less resource-rich than the corporations or governments that they target. Coleman suggests that 'by enabling the underdog—the protester or infringed group—to speak as loudly as its more resourceful opponents…we might understand a tactic like DDoS as a leveller: a free speech win' (Coleman 2014: 138). There might be substantive free speech concerns about DDoS actions against the web-sites of relatively weak or comparatively small organizations that enjoy limited capacity to get their message across, but

less so in relation to agents that typically have a prominent, perhaps even dominant, impact on public discussion (Sauter 2014: 50).

There is a related concern that DDoS actions constitute a form of coercion or a show of force that stops short of an infringement of rights. If, for instance, DDoS actions are carried out as a means of cost-levying, it would be difficult to reconcile with the deliberative norms of reflection, respect and dialogue. It is certainly possible that a DDoS action could be carried out as a means of exerting non-deliberative pressure on an opponent; indeed, it is perhaps arguable that the majority of DDoS campaigns fall under this heading. It would, though, be wrong to reach this conclusion about all such campaigns. Of particular relevance here is the 'deportation class' campaign mentioned in the introduction, which included DDoS actions against the Lufthansa airline web-site. The campaign aimed to disrupt online ticket sales, as a means of both drawing attention to Lufthansa's activities and to prompt a change of behaviour on the part of the airline (Sauter 2014: 53-54). The Lower Regional Court of Frankfurt found one of the organizers of the action, Andreas-Thomas Vogel, guilty of inciting people to employ coercion against Lufthansa. This decision was overruled by the Higher Regional Court of Frankfurt, on the basis that 'the online demonstration did not constitute a show of force but was intended to influence public opinion' (quoted in Dominguez 2009: 1809). The broader context of the action, particularly the concerted efforts to communicate the message of the public through alternative channels, supports this reading of the action. The protest can thus be interpreted along the lines of Peter Singer's defence of civil disobedience as a plea towards an audience to reconsider its decision or actions, rather than as a show of force designed to compel a certain outcome (Singer 1974). The fact that the deportation class action did not use force does not exhaust the issue of whether it can be classed as deliberative disruption. It would, in addition, be necessary to explore whether and to what extent the activists embodied the expectations associated with a willingness to enter dialogue with their opponents. It is possible, for example, that a fuller examination of activist conduct would reveal that, although reflective and respectful, the necessary dialogic requirements had not been met. This would render their protest partially, rather than fully, deliberative. The key point, though, is that the deportation class action suggests that DDoS actions are not necessarily coercive.

There are, of course, examples of DDoS actions that are best understood as instances of non-deliberative disruption, which can be illustrated through considering Anonymous. There are

two considerations that make it difficult to conceptualise these actions as deliberative or partially deliberative. The first relates to the culture associated with Anonymous, which often privileges what we might describe as the anti-deliberative virtues of confrontation, rudeness and mocking humour above the deliberative virtues of respect, civility and reasoned argument. It is notable that the communicative rhetoric of Anonymous often incorporates threats, which are intended to induce apprehension, if not fear, in their targets. A notable consequence of this is that journalists and academics have expressed anxiety about probing too deeply into Anonymous for fear that they will become a target of their online activities. In her comprehensive analysis of DDoS actions, Sauter says of Anonymous that 'the inflection or tone of their outward messaging is…seen as deeply problematic, as it often incorporates cursing, vulgar humour, epithets, and a host of content unsuitable to polite conversation' (Sauter 2014: 92). These attributes, as Sauter argues, certainly does not invalidate their dissent, but it does place considerable strain on their status as deliberative. The second consideration is that DDoS actions conducted by Anonymous, unlike the deportation class action and earlier EDT actions, have often involved botnets. A botnet is 'a collection of computers connected to the Internet, allowing a single entity extra processing power or network connections toward the performance of various tasks including (but not limited to) DDoSing and spam bombing' (Coleman 2014: 92-93). Although botnets can be constructed on a voluntary basis, they are more commonly comprised of computers that, unbeknownst to their owners, have been infected with malware. The effectiveness of a DDoS action is thus enhanced through assimilating the processing strength of up to thousands of infected computers. The use of non-voluntarily botnets deals a fatal blow to the deliberative credentials of a DDoS action. There is no respect showed to the rational capacity of those whose machines are herded into a DDoS action; they are not given the opportunity to consent and nor are they even aware that they are participating. There is, in addition, an inevitable transference of risk involved in corralling personal computers into legally dubious online protests. This use of persons as means, unlike the hypothetical case of a physical sit-in considered earlier, therefore cannot be described as a minor or modest infringement of their rational agency. The use of non-voluntary botnets may be a reflection of the fact that Anonymous does not have a mooring in activist traditions that give considerable attention to the relationship between tactics and moral authority, though Coleman notes that many participants expressed opposition to the use of such botnets (Coleman 2014: 137-138). These two considerations suggest that Anonymous campaigns are non-

deliberative disruptions that may, as we shall see, nonetheless have powerful system-enhancing consequences. The general conclusion of this discussion is that the appropriate categorization of DDoS actions should be based on the broader context of the action, the ethos that informs it, and whether and to what extent participation in such an action is voluntary.

(c) The systemic impacts of DDoS actions

The systemic impact of DDoS actions can be gauged through a case-by-case approach, focusing on the context and outcomes of specific campaigns. The deportation class action, for instance, could be evaluated in terms of its success in alerting publics to the fact that deportation is not merely an unpleasant administrative process, but a system that allows commercial actors—in this case airlines—to profit from human suffering (Walters 2010: 70). The rich empirical data that a case-by-case approach would generate is clearly of great value, but the approach I adopt here is somewhat different. It treats the systemic impacts of DDoS actions in a more *general* fashion, through focusing on debates triggered by increased awareness and understanding of DDoS actions as a mode of political protest. The following discussion takes its lead from the three guidelines introduced in the previous section.

The first guideline focuses on the systemic context of disruptive protest. The relevant context for considering the emergence of digital disruption, I suggest, is the nature and extent of societal discussion about the digital realm itself, including issues such as the nature of online discussion, internet security, and the structure of online space. The reason that this context is relevant is that digital disruption implicitly or explicitly pushes these kinds of issues onto the agenda as a result of the type of strategies and methods that it employs. It is often difficult to discern a functioning, or indeed malfunctioning, deliberative system that focuses on general issues surrounding the internet, even in societies where internet use is routine and widespread. This is reflected in the widespread ignorance that publics often display about these issues, coupled with extensive levels of uncertainty among policy-makers surrounding the regulation of online space. There are, as Sauter argues, widespread misconceptions about the nature and limitations of the internet as a communicative space. The popular perception that the internet can provide a forum for the circulation and consideration of plural perspectives is difficult to sustain in light of what Sauter describes as the 'self-referential swirl of content that demands constant comment but never leaves room for reflection and analysis' (Sauter 2014: 30). There are also

pervasive concerns about online personal security, reflected in anxiety surrounding cybercrime and identity theft, commercial exploitation of personal data, and recent revelations about the extent of state-sanctioned surveillance of our online (and offline) activities. An even more serious concern for Sauter—and, indeed, for many online activists—is the extent to which the structure of the online realm is not conducive to political dissent. The ease with which we can access online space obscures the extent to which almost all web-spaces are private domains, in the sense that even the most radical blog or extreme web-site has a designated 'owner'. There is thus much less legal protection afforded to speech on online forums than offline spaces that are designated as public. It is also—again somewhat paradoxically given the ease with which we can access online spaces—much more difficult to protest against a government or corporate web-site than it is to protest at a government building or corporate workplace. The difficulty of protesting online space is normatively problematic because, as the CAE rightly contend, the virtual world is now one of the principal sites and sources of social power. This is all highly relevant for systems theorists, because there appears to be a significant disjuncture between, on the one hand, the importance of the internet issue-agenda for democratic publics and, on the other hand, the apparent absence of anything resembling system-level deliberation about that agenda.

The second guideline draws our attention to the communicative dynamics of protest as a systemic resource, thinking in particular about whether disruption is a more efficacious means of communication than non-disruptive means. There is, I suggest, a strong basis for contending that tactics such as DDoS actions are uniquely well-suited to triggering reflection about the type of issue-agenda discussed above. This is because there is an intimate connection between the medium and the message in these circumstances. This is illustrated in an exemplary fashion by Sauter's close reading of the meaning that is implicit within DDoS actions (Sauter 2014: 21-31). These actions function as a means of disrupting the everyday routines associated with our online activities, through the imposition of 'silence' (the taking-down of a web-site that delivers content) and 'delay' (reducing server speed and access to content). The effect is to invite what Dryzek describes as 'meta-deliberation' about the internet as a potential site or element of a deliberative system (Dryzek 2010: 12). It interrupts the more-or-less continual babble of online discussion, and in so doing creates opportunities for a different, perhaps more reflective, conversation about the nature and limits of the internet as a discursive space. It also has the effect of showing us just how vulnerable online space is, through demonstrating the ease with which

systems can be disrupted or servers hacked. And it opens us a space for political dissent on the internet simply through showing how that dissent can be performed, albeit through a necessitated resort to unlawful tactics. These communicative dynamics are achieved because of the nature of DDoS actions; indeed, it is difficult to see how one could achieve the same kind of effects on an audience through any other medium. As Sauter puts it, 'the imposition of silence and delay into a signal rich environment can be not only a powerful discursive contribution, but also a necessary one for the proper functioning of the public sphere' (Sauter 2014: 29). The communicative advantages of DDoS as a means of triggering reflection about the internet can, ironically, become something of a disadvantage when employing it as a means of publicizing a different type of issue. This is significance because activists do not always use DDoS to highlight general issues surrounding the internet, but also, or instead, to publicize other political causes, as in the 'deportation class' example considered above. The problem, as was briefly discussed earlier, is that reporters often focus on the novelty of online protest, at the expense of covering the issues that activists intend to draw attention to. There is thus something of a trade-off involved in DDoS actions, as activists, at least for now, have to accept that this type of digital disruption will always have a tendency to raise a larger set of issues that may be quite different to those that motivate the protest itself (Sauter 2014 59).

The third guideline suggests that we should chart the impacts of disruption through multiple dimensions, even if doing so undermines attempts to frame disruption as 'good' or 'bad' for deliberative systems all things considered. The recent studies of digital disruption, which have informed and underpinned the discussion of this section, suggest that the proliferation of DDoS actions have made modest but notable contributions to elements that might become the infrastructure of deliberative systems focused on the internet as a discursive space. The publicity surrounding the Anonymous campaigns has been significant, which is partly due to the ethically dubious use of involuntary botnets; as Coleman notes in relation to its Wikileaks campaign, 'without this turbo boosting enabled by the hijacked computers…[the action] would never have resulted in the downtimes that generated the media attention that was sought' (Coleman 2014: 137). The protests thus illustrate Dryzek's point that action incompatible with categorical standards of morality might nonetheless have beneficial systemic impacts, though whether these systemic impacts suffice to exonerate the action is a huge issue beyond the scope of this paper. The growing use of DDoS actions, particularly by Anonymous, has also marked a process

through which apolitical trouble-makers have become political trouble-makers. This could be seen as advantageous for the long-term development of system-level deliberation about the internet, at least on the reasonable assumption that members of technologically-savvy sub-cultures can make a more productive contribution to that process if they become more socially aware and politically concerned.

There are, however, also clear signs that DDoS has certain negative consequences for deliberative systems. An obvious example is perhaps the already-noted fact that some journalists and academics held back from criticizing Anonymous due to fear of reprisals, which is a perfect illustration of anxiety that protest can have a 'chilling effect on deliberation' (Mansbridge et al 2012: 21). It should be noted, though, that this fear appears to have dissipated somewhat, in part due to Anonymous's strategic decision not to attack media targets (Coleman 2014: 200). Another potentially negative consequence of DDoS actions is that they have triggered increasingly hostile responses from aspects of the political-legal system. This is reflected in several harsh sentences that have been handed down to certain activists in the US and the UK who have been found guilty of participating in DDoS actions. These punitive sentences are arguably facilitated, at least in part, by the continued failure to dispel media-narratives that depict online activists as criminals or cyber-terrorists. Sauter goes so far as to suggest that state and corporate actors have used the proliferation of disruptive activism as a justification for measures that function to close down avenues for dissent online (Sauter 2014: 149-151). If so, this would suggest that the legacy of DDoS is deeply ambivalent and so-far unsettled: on the one hand, the tactic has opened up new sites for political agency and deliberative action but, on the other, it may be paving the way for measures that ultimately result in closing down these spaces. This seems to bear out the earlier suspicion that a conclusive evaluation of protest as a systemic resource is simply not possible in many cases. The goal of research, as has been stressed throughout this discussion paper, should instead be to provide nuanced analyses of the deliberative credentials and systemic impacts of disruptive protests that will always have a somewhat ambivalent relationship to deliberative systems.

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