## Timetable

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<th>Time</th>
<th>16 February</th>
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<tr>
<td>8:45-9:00</td>
<td>Registration</td>
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<td>9:00-9:15</td>
<td>Overview of the summer school</td>
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<td>9:15-10:30</td>
<td><strong>Module 1</strong>&lt;br&gt;The theory and practice of deliberative democracy: Emerging trends and classical debates</td>
<td><strong>Module 4</strong>&lt;br&gt;Mini-publics and deliberative democracy</td>
<td><strong>Module 6</strong>&lt;br&gt;Culture of deliberation and deliberative cultures</td>
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<td>10:30-11:00</td>
<td>Morning tea</td>
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<td>11:00-12:15</td>
<td><strong>Module 2</strong>&lt;br&gt;A turn for the better? The systemic turn in deliberative democracy</td>
<td><strong>Module 5</strong>&lt;br&gt;Studying public deliberation</td>
<td>Paper Presentations 6</td>
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<td>12:15-1:15</td>
<td>Lunch</td>
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<td>1:15-2:30</td>
<td><strong>Module 3</strong>&lt;br&gt;Scaling up or systems? The prospects of large scale deliberation</td>
<td>Paper Presentations 3</td>
<td>Module 7</td>
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<td>2:30-2:45</td>
<td>Tea</td>
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<td>2:45-4:00</td>
<td>Paper Presentations 1</td>
<td>Paper Presentations 4</td>
<td>Synthesis session</td>
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<td>4:15-5:30</td>
<td>Paper Presentations 2</td>
<td>Paper Presentations 5</td>
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<tr>
<td>7:00</td>
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<td>Meet outside Building 24 for conference dinner</td>
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<td>7:30</td>
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### Venues
- All modules and paper presentations will be at the Ann Harding Conference Centre, Building 24, University of Canberra
- Conference dinner will be at Bicicletta at 1/15 Edinburgh Avenue, New Acton, Canberra
Modules

Module 1: The theory and practice of deliberative democracy: Emerging trends and classical debates
Speaker: John Dryzek
Moderator: Nicole Curato
Details: 16 February, 9:15-10:30

The opening module discusses developments on deliberative democratic theory, classic debates that remain relevant today as well as responses to some of the major criticisms against the theory and practice of deliberative democracy. The module covers the following core questions:

- What are the ‘classical’ theoretical debates that have shaped the course of deliberative studies today?
- What issues continue to be ‘unresolved’ or ‘undertheorised’ in deliberative democracy?
- How do developments in deliberative theory speak to other developments in contemporary political theory?

Module 2: A turn for the better? The systemic turn in deliberative democracy
Speakers: John Dryzek and John Parkinson
Moderator: Carolyn Hendriks
Details: 16 February, 11:00-12:15

The concept of ‘deliberative systems’ is one of the major developments in the theory and empirical analysis of deliberative democracy. This module tackles the following questions:

- What is a deliberative system and what are its theoretical and empirical origins?
- How has the systematic turn contributed to our understanding of deliberative democracy theoretically and empirically?
- What issues remain unresolved in our understanding of ‘deliberative systems’?
- What are the themes and future challenges for research on deliberative systems?

Module 3: Scaling up or systems? The prospects of large scale deliberation
Speakers: Nicole Curato, Simon Niemeyer and John Parkinson
Moderator: André Bächtiger
Details: 16 February, 1:15-2:30

This session discusses how large-scale deliberation in complex societies can be conceptualised. In particular, this module covers the following themes:

- Is large-scale deliberation both possible and desirable?
- What are the mechanisms to scale up micro-deliberative forums?
- What normative standards should be used to assess large scale deliberation?
Module 4: Mini-publics and deliberative democracy
Speakers: André Bächtiger, Carolyn Hendriks and Simon Niemeyer
Moderator: John Parkinson
Details: 17 February, 9:15-10:30

This session explores the origins of mini-publics, issues on terminology and definitions, hopes and dangers associated with mini-publics, and their relationship to contemporary political systems.

Module 5: Studying public deliberation
Speakers: André Bächtiger, Carolyn Hendriks and Simon Niemeyer
Moderator: Selen Ercan
Details: 17 February, 11:00-12:15

This session provides an overview of empirical research undertaken in the field of deliberative democracy followed by debates about lessons and challenges in the field. The following themes will be covered:

• From theory to empirical study of deliberation: What is the role of normative theory in the empirical study of public deliberation? Can deliberative democracy be tested?
• Existing methods of analysis: What are the different methods of examining deliberation in structured forums? What are the ‘best practices’ and innovative methodological approaches in studying public deliberation? What are the prospects of combining different methods to study public deliberation?
• Empirical challenges: What are the common challenges faced in generating data on deliberation and analysing results? What are the empirical challenges of studying deliberation at a systems level? How can one respond to these challenges?

In answering these questions, panellists will focus on their fields of expertise in deliberative research. André Bächtiger will discuss quantitative and hypothesis-driven approaches including surveys and Discourse Quality Index measurements, among others. Carolyn Hendriks will focus on interpretive approaches which use methods of interviewing, document analysis, observation and performative approaches. Finally, Simon Niemeyer will discuss the exploratory and intensive methodological approaches and their implications to theoretical updating.

Module 6: Culture of deliberation and deliberative cultures
Speakers: André Bächtiger, John Dryzek and Selen Ercan
Moderator: Simon Niemeyer
Details: 18 February, 9:15-10:30

This final substantive module examines institutional and other factors that enable or constrain deliberative practices in different institutional and socio-political contexts. It offers a critical engagement with various questions:

• Is deliberation a universal human capability?
• How can we go about studying particular deliberative cultures? Are there particular cultural and institutional settings that are more conducive to deliberation?
• What are the challenges and prospects of deliberation across cultures?
Module 7: Future directions and debates in deliberative democracy research

Speakers: André Bächtiger, Nicole Curato, John Dryzek, Carolyn Hendriks and John Parkinson
Moderator: Selen Ercan
Details: 18 February, 1:15-2:30

This final substantive module discusses important lines of enquiry deliberative literature should take; also an opportunity for speakers to share their reflections and the insights gained throughout the summer school. The core questions for this module are the following:

- Lessons from the summer school: What are the key insights that emerge from the presentations and discussions at the summer school with respect to the future directions?
- The future of mini-publics: Are mini-publics an adequate response to the so-called ‘democratic deficit’ plaguing representative democracies today?
- The future of deliberative systems: What lessons can deliberative democrats learn from other approaches and disciplines in studying deliberative systems? (e.g. Communication and media studies, social movements)
- The future of methodological approaches: Is ethnographic research possible at a system level? How can deliberation studies use big data analysis to enrich its understanding of public discourse?
Presentation 1: Theoretical innovations in deliberative research
Presenters: John Min, Tomasz Jarzymowicz, Sophie Reid and Marta Wojciechowska
Discussant: John Parkinson
Details: 16 February, 2:45-4:00

Epistemic functions of deliberative systems
John Min, Saint Louis University

Deliberative democrats generally recognize that the legitimacy of democracy is dependent, at least partially, on the rational quality of deliberation. One way to substantiate this claim is to focus on the epistemic dimensions of deliberation, meaning that deliberation is conducive to producing, pooling and transmitting knowledge distributed across the civil society. Although these claims have been tested under micro-deliberative settings, there has not yet been an articulation of how those epistemic benefits could be realized at the macro level. This paper attempts to fill this gap by bringing together epistemic literature and the deliberative systems literature. In particular, I want to articulate the conditions under which epistemic dimensions of deliberation could be realized at the macro level. These conditions include inclusivity and equality of all participants, epistemic diversity of participants, and dynamicity of deliberative processes. I argue that these conditions will likely ensure that collective outcomes will be wiser and the collective learning of humanity becomes possible. The upshot of this argument is that these two epistemic benefits of deliberation are possible only in a deliberative system. This paper concludes with the considerations of several empirical constraints as well as a call for more empirical studies.

Equal respect as a moral device for better epistemic outcomes in public deliberation
Tomasz Jarzymowicz, The Arctic University of Norway

Conflicts over whose reasonability is more reasonable, how disputes should be settled, what the best regime of toleration is and so on abound. The problem has become whether there is any preferred way of treating people as free and equal, which would neither reduce democracy to competition, nor dismiss diversity of citizens’ perspectives. My claim is that neither James Bohman’s pure epistemic proceduralism, which combines democratic constrain on deliberation with availability of diversity of perspectives, nor David Estlund’s epistemic proceduralism with its moral constrain over democratic process is enough to make reflective equilibrium responsive to challenges.

I argue that Bohman’s pure epistemic proceduralism must assume some kind of moral constrain over democratic process to deliver on its ambitions epistemic claims. As a result, the real dispute between these two proposals comes down to which moral standard is a better interpretation of treating everyone as free and equal. I will propose equal respect for private and public autonomy of all citizens as a moral constrain on a democratic process, which makes epistemic dimension of democracy possible. My proposal will strengthen Bohman’s emphasis on citizens’ epistemic input, emphasize indispensability of deliberation, and will benefit from Estlund’s critique of proceduralism.
Making claims and giving reasons: Representation as the product of a deliberative process
Sophie Reid, University of Melbourne

The representative claims model of representation provides flexible and dynamic understanding of a concept that is central to a lot of political theory and practice. However the accompanying notion of ‘choseness’ represents only a limited foray into assessing representation from a democratic perspective. Focussing on the communicative and argumentative nature of representative claim-making opens up a clear entry point for application of norms drawn from the literature on deliberative democracy. This provides the possibility of a new additional basis for thinking about democratic quality of representation, independent of the formal electoral institutions of liberal democracy.

Membership and inequalities in deliberative forums: The case of mega-cities
Marta Wojciechowska, London School of Economics

This paper elaborates requirements for addressing inequalities in deliberative decision-making. I will argue that in order to analyse the problem of inequality within any deliberative forum it is necessary (yet not sufficient) to define a membership of this forum. By membership I will understand a clear rule describing who should be included, or represented, in a decision-making process. In order to support this argument, I will discuss three solutions to the inequality, namely facilitation and institutional design, enclaves’ deliberation and representation of discourses. It will show that those methods can address inequality in forums which have a well-defined membership. This claim will be illustrated by examples of deliberation in a group of friends, political party, among members of participatory budgeting process and in various mini-publics. This paper will also analyse a case of mega-cities, defined as cities inhabited by more than 10 million people. In a contrary to the forums described above, membership in mega-cities is undefined. As a result, I will discuss consequences of this kind of membership for addressing inequalities in mega-cities.

Presentation 2: Deliberative systems
Presenters: Simon Beste, Kristin Huber, Sophie Reid and Janaki Damayanthi Amarathunga
Discussant: Nicole Curato
Details: 16 February, 4:15-5:30

‘Legislative frame representation’: Toward an empirical account of the deliberative systems approach
Simon Beste, University of Lucerne

The systemic approach to deliberative democracy is still in its infant stages. There is a dearth of appropriate assessment techniques for large-scaled deliberative pro cesses. In this paper, I explore a novel pathway into the empirical translations of the deliberative systems approach, using discourse content and the representation of policy frames. I suggest that systemic approaches to deliberative democracy should focus on the relationship between the perceptions and presentations of policies in the mass media and in parliamentary debates. This relationship best proxies the interaction between civil society and the legislature, thus allowing us to monitor how well parliaments can capture the frames present at the civil society level. ‘Legislative frame representation’ is a crucial indicator for the level of sub-systemic deliberative uptake and policy responsiveness. The suggested methodology has much to offer because it does not rely on classic micro indicators which are at
loggerheads with the idea of allowing for leniency within a systemic environment of distributed deliberation. Preliminary empirical results of a comparative case study about the US and Canadian immigration discourse are presented.

**Political Corporate Social Responsibility from a deliberative systems perspective**

*Kristin Huber, University of Hamburg*

This paper assesses the concept of political corporate social responsibility (CSR) from the perspective of the ‘systemic’ turn in deliberative democracy. In this paper, I first outline the basic argument of the concept of political CSR and present how political CSR draws on deliberative democracy to theorize and legitimate the political role that corporations assume in the context of globalization. Secondly, as political CSR is based on Habermas’ notion of deliberative democracy which is inherently linked to the nation state, I introduce two specifications of deliberative systems, one by Mansbridge et al. (2012) and one by Dryzek (2010), which both go beyond the boundaries of the nation state and thus seem to be better equipped to theorize corporate conduct in a globalized society. Thirdly, I critically evaluate the notion of political CSR from the two outlined systems perspectives. From the point of view of the deliberative system as sketched by Mansbridge et al. (2012), political CSR may be necessary but cannot in and of itself be sufficient to establish the legitimacy of corporations as a political actors. Regarding the systems approach of Dryzek (2010), political CSR can be seen as necessary and potentially sufficient to establish legitimacy, but as of today most political CSR initiatives fall short of fulfilling the normative criteria of Dryzek’s system. The article concludes by outlining avenues for future research on both political CSR and the deliberative systems perspectives.

**Struggle for deliberation: in search of the Black Box, The case of Sri Lanka’s National Labour Advisory council**

*Janaki Damayanthi Amarathunga, Australian National University*

Global governance framework of labour and social sectors promoted by the International Labour Organization (ILO) has stipulated national commitments over deliberation in policy concentration and formulating labour legislations. This is particularly important given the international commitments of member countries to the international conventions of tripartism. In this context, it has been accepted that, deliberation among representatives of the governments, employers and worker’s organizations ensure more acceptable outcomes that incorporates preferences of all the parties in dialogue. This research aimed at exploring procedural aspect of deliberation during the labour law reform process in a designed tripartite partisan forum. The core idea in this research is that deliberation is, and should be considered as a process in the interconnected stages of the forum. In this exploration I probe how the favourable conditions of the system makes more legitimate outcomes. The core argument is that the representatives produce more legitimate outcomes when they employ more favourable inputs and met the conditions of quality in deliberation within the system of forum. In particular, drawing upon the conditions of discourse quality, this research explores the procedural deficiencies in this tripartite forum.
**Presentation 3: Mini-publics and governance**

Presenters: Nivek Thompson, Catherine Settle, Robert Weymouth and Jean-Paul Gagnon
Discussant: Carolyn Hendriks
Details: 17 February, 1:15-2:30

**Can democratic innovations change the existing institutions of democracy?**

Nivek Thompson, University of Technology Sydney

Deliberative mini-publics (citizens’ juries) are a popular approach to democratic innovation being used by governments around the world. In Australia citizens’ juries have been particularly popular within local and State governments as a way to engage citizens beyond the usual interest groups. Currently, there are a number of interesting initiatives using citizens’ juries happening at the state government level in South Australia and in local government at Noosa Council which deserve closer attention and research.

Unlike previous one-off experiments with citizens’ juries, both of these initiatives seek to sustain these democratic innovations over time. These two examples provide valuable sites to test some theoretical assumptions about the impact of these type of initiatives on the quality of democracy.

Is the value of these initiatives primarily as additional democratic institutions supplementing our existing system of democracy or do they also impact on existing the operation of democratic institutions? These questions can be answered by considering how sustained use of citizens’ juries impacts on the level of confidence political decision makers have in using them as well as whether they generates trust from the broader public in the process and recommendations made by the citizens’ juries.

**Engaging citizens in deliberations for health policy development: Democratising health policy?**

*Catherine Settle, Australian National University*

With deliberative mini-publics heralded for their capacity to create a more meaningful and democratic way for governments to engage with their citizens, surprisingly little qualitative research exists on the citizen’s experience of mini-publics when applied in the vexed arena of health policy development. Working to remedy this deficit and with empirical data from Australian health policy settings, this research finds that the competing rationalities and product-dominant logic within the health policy process can unfavourably impact on the citizen’s experience of deliberating in such circumstances. This is evidenced in the consequences arising from relevant policy administrators’ propensity towards a communicative irrationality when confronted with the challenge of these unfamiliar methods of policy development resulting in, amongst other things, citizens experiencing many instances of epistemic injustice.

Conversely, this research also provides glimpses into the intrinsic potential for deliberative practice to create an intersubjective space that facilitates participant transformation suggesting that mini-publics represent a significant, though currently untapped, resource in public health and wellbeing. With such findings in mind, I propose an intentionally-enabling approach to the exchange of knowledge and development of deliberative capacity so that mini-publics might become a more equitable, empowering, egalitarian, and epistemically just means of policy development.
Deliberative collaborative governance in the face of wicked problems
Robert Weymouth, Curtin University

A persistent and increasing governance challenge has appeared in the last several decades in mature democracies at all levels from national to local that stems from declining trust levels in government by citizens. This lack of trust leads to multiple policy implementation problems for governments, city and regional local governments alike, especially those facing complex sustainability issues - wicked problems.

A process known as deliberative collaborative governance that enables more meaningful public participation in issues that matter, with greater decision-making transparency, accountability and perceived legitimacy, has been demonstrably effective in helping to redress the governance gap.

National and international examples of deliberative collaborative governance over the last two decades illustrate the potential of this method to close the governance gap. A 4 year action research case study in a regional town in Western Australia is used to illustrate how deliberative collaborative governance has positively affected the implementation of local government policy and operations including their responses to wicked problems, and reduced the governance gap.

Participatory taxation and its dependence on citizens' juries
Jean-Paul Gagnon, Australian Catholic University

Participatory taxation aims to involve citizens in, and empower citizens over, the public finances of their respective governments. Different to but compatible with participatory budgeting, where citizens publically deliberate over how to spend a portion of a government’s budget, participatory taxation is an e-government initiative. Its first aim is to enable individual citizens to see online, for example, where their tax money is being held (building on, for instance, the Tax Receipt most Australians would have received as part of their tax returns process in 2014). Its second aim is to enable citizens to decide online on what they will allow their tax money to be spent. My paper will first explain participatory taxation, outlining its promises and perils, and then show how it is positioned in a research project I am pursuing – one that depends on a deliberative citizens jury. This research project aims to understand what Australians think about an idea like participatory taxation.

Presentation 4: Deliberation, protests and social movements

Presenters: Yu Sun, James Wong, Philip White and Sergio Guillen Grillo
Discussant: Selen Ercan
Details: 18 February, 2:45-4:00

Deliberative democracy and the notion of the public sphere
Yu Sun, University of Groningen

In my study, public discussions on Chinese social media platforms will be investigated to see how ‘street-level deliberation’ is shaped in Chinese cyberspace. Besides, the interaction between citizen deliberative outcome and the authorities’ policy-making will also be explored to further reveal multilevel interaction among publics and governments and the multifaceted power relations between state and society in China. To evaluate citizen deliberation on social media platforms in
Chinese public sphere, I propose a model of normative claims for informal deliberation within wide public sphere based on theories of public sphere and deliberative democracy. Besides, I will use Tang’s analytical framework of deliberative capacity building in the context of China (2014) as a deliberative system approach to investigate the connection and interplay between deliberative outcome generated in public sphere and officials’ policy-making and the influence of citizens’ participation upon the deliberative capacity building and democratization process in China.

**Mini-publics for social movement: A case from Hong Kong**

*James Wong, Hong Kong University of Science and Technology*

Deliberative mini-publics are often understood as institutional mechanisms for citizen participation within the public policy process. Whilst this interpretation largely corresponds to our empirical observations, it does not yet cover all possible roles and functions of deliberative mini-publics. In fact, the use of deliberative mini-publics can be expanded beyond the context of policy making, constituting part of a social movement. In this paper, I examine a series of ‘deliberation days’ in Hong Kong’s civil society which paved the way to the Occupy Central (Umbrella) Movement in late 2014. I compare Hong Kong’s ‘deliberation days’ with the ‘mainstream’ types of mini-publics in terms of process and outcome. I argue that, despite the unique design of Hong Kong’s ‘deliberation days’, they, like their ‘mainstream’ counterparts, largely satisfy some essential desiderata for democratic institutions. This study sheds light on the important question as to how micro-deliberation can be scaled up to make macro influence on not only a specific policy but also the public sphere at large.

**Connecting the market system to the deliberative system through consumer choice in liberalised electricity markets**

*Philip White, University of Adelaide*

This presentation will consider the relationship between the market system and the deliberative system. It will address the question, ‘Can consumer choice decisions made within the market system sometimes make a positive contribution to the functioning of the deliberative system?’ In order to answer this question it will focus on the special case of increased consumer choice in energy matters, in particular in the electricity market. Over the past thirty years, electricity markets in developed countries have been liberalised to varying degrees, creating greater room for consumers to choose the source of their electricity. This has corresponded with increased fear of nuclear energy in response to nuclear accidents, the emergence of global warming as a major political discourse, and growing interest in renewable energy. These circumstances have driven citizens to fight entrenched interests, both as activists and as green consumers, in an attempt to influence the direction of energy policy and the shape of electric power systems.

This presentation will focus principally on Japan. However illustrative examples from other countries, including Germany where consumer choice in the energy field is more advanced and citizens have had much more influence than in Japan, will also be provided.
Deepening environmental democracy? Costa Rican green activists and alternative governance spaces
Sergio Guillen Grillo, Australian National University

Contemporary approaches to environmental governance increasingly involve an active role by civil society organizations in decision making about natural resource management and policy. However, social movement organizations have become increasingly critical of top-down approaches to public engagement where the state or other elite actors retain control over the agenda and over the incorporation of their outcomes into actual policies. This has been the case in Costa Rica, where most “invited” environmental public engagement channels introduced since the 1990s have been deemed ineffective due to an adverse institutional culture, weak coordination, limited institutional capacity, and the inability to earn broad social trust (Funpadem, 2008).

This paper first contextualizes and subsequently describes my approach to the study of Costa Rican activist organizations’ efforts to reshape local spaces for public engagement in environmental governance. I first provide an outlook of the recent evolution and institutional challenges of environmental governance that sets the context for my study. I then describe the alternative types of engagement spaces appropriated by environmental NGOs and community groups that constitute the focus of my research, and explain my approach to investigating activists’ organizational practices in these spaces. I conclude by relating this research to the relevant academic debates about the existing complementarities and tensions between social change activism and democratic deliberation.

Presentation 5: Deliberative democracy and environmental governance
Presenters: Lucy Parry, Filipe Mendes Motta, Gregor Edeson and Jocelyn Stacey
Discussant: Simon Niemeyer
Details: 17 February, 4:15-5:30

Means without Ends? The value of deliberation as public engagement
Lucy J Parry, University of Sheffield

Deliberative Democracy is essentially about process – in the main part an inclusive, dynamic process by which a legitimate collective decision can be made. Although there have been a wealth of deliberative experiments such as citizen’s juries, deliberative polling and mini-publics, the accusation is frequently levelled that the outcome of such events have little or no impact on actual policy decisions. However, in this paper I argue that the deliberative process itself ought to be valued as a powerful public engagement tool, regardless of any substantive outcome.

Using observations from a recent Citizen’s Jury about Wind Farms, I suggest that a deliberative democratic framework provides the time and space for people to engage with, understand and evaluate their views on complex political issues. In particular I refute the Schumpetarian argument that public are incapable of competent political participation; rather, my observation suggest that deliberative structures are an ideal vehicle for citizens to make sense of complex issues, even when those issues are unfamiliar or participants are disengaged. Finally, I argue that the deliberative principles of mutual respect and equal consideration offer citizens a more attractive and accessible view of politics than the adversarial ‘yah-boo’ UK parliamentary politics in Westminster.
Conflict and deliberation: Questioning a dichotomy from analysis of the Gandarela issue
Filipe Mendes Motta, Universidade Federal de Minas Gerais

My master research project aims at challenging the dichotomy between conflict and consensus in the debate around deliberative theory. I will discuss how deliberative dimensions can be found in arenas considered as fundamentally agonistic, whilst agonistic dimensions can be revealed in arenas traditionally framed as deliberative. Over the last decades, scholars have developed criticisms against deliberation, attributing to it a consensual drive. However, many deliberative democrats, and especially those that have advanced the systemic turn in deliberative democracy, have dealt with the relevance of conflict in deliberative processes, thus challenging the use of some concepts, such as impartiality, substantive consensus and the exclusion of emotion in deliberative processes. In order to discuss this theoretical question, I focus on the study of an environmental struggle over the future of a mountain in Brazil. In 2009, Vale S.A., one of the biggest mining companies of the world, launched a project (Apolo Mine) to explore iron ore at Serra do Gandarela. A group of environmentalists, then, organized a series of mobilizations against the mine and developed a project to create a park in that region. I will investigate the public hearings realized to discuss the question and make interviews with the actors involved in that process in order to understand how contention and deliberation may walk hand-in-hand.

Courting public information or leveraging public knowledge: Eliciting local knowledge to support public deliberation
Gregor Edeson, University of Tasmania

Public deliberation has been shown to be effective in reducing conflict and creating consensual public agendas for action in natural resource management. For public deliberation to succeed, participants need to be informed and empowered: the process needs to be underpinned by information that is rigorous, trusted and accessible. The accessibility of technical information for public deliberation is problematic. Its production, distribution and interpretation are brokered by experts, with agency accruing amongst those deemed to have well-developed technical knowledge.

A key issue in the accessibility of technical information is the use of specialised language, abstract concepts and complex arguments based on highly quantitative information. Stakeholders with day-to-day experiences of a system use qualitative judgements, based on highly localised knowledge and experience, to assess the state of the system. This means that they are less likely to relate their experiences and understanding of the system to information expressed in technical reports. Despite their rich and well developed understanding of local systems, many resource dependent community members have limited technical education, and even less ability to reframe or dispute technical information. Public involvement in policy design is largely restricted to policy review at set stages, for example as public comment on technical reports based on pre-defined objectives. There are few opportunities for public agenda setting or deliberating on issues and strategies, which misses the opportunity to appreciate and incorporate their rich qualitative understandings of the system and its internal dynamics.

There are two approaches that can increase the use and effectiveness of public deliberation in natural resource management. The first uses events, such as mini publics or people’s parliaments, to bring people together to deliberate, build a common understanding of the issues and negotiate and agree on paths forward. The second is the establishment of ongoing processes to share power and create spaces for deliberation and social learning, such as adaptive co-management. These
approaches can be complementary (deliberative policy development and collaborative policy implementation). Their use in tandem could improve each other’s effectiveness and lay the groundwork for greater acceptance of increasingly participatory and democratic approaches.

The public law of private governance: The legality of the Forest Stewardship Council
Jocelyn Stacey, McGill University

Environmental issues confront us as an ongoing emergency from the perspective of the problem they pose for the rule of law. The epistemic features of serious environmental issues – the fact that we cannot reliably distinguish ex ante between benign policy choices and choices that may lead to environmental catastrophe – are the same features of an emergency. This means that, like emergencies, environmental issues pose a fundamental challenge for the rule of law: responding to environmental issues is incompatible with governance strictly through legal rules. This paper explores one axis along which emergencies and environmental issues seem to diverge. While emergencies lead to over-zealous state action that ignores constitutional norms, in the environmental context we are faced with the problem of state inaction. Thus, in recent decades we have seen the rise in environmental governance regimes in which the state plays a minor, or even nonexistent, role in regulating the environment. This paper argues that the concept of the environmental emergency, which the author has developed elsewhere, offers a nuanced framework for understanding the relationship between governance and legality. The environmental emergency leads us to the intersection between common law constitutionalism and democratic experimentalism, and focuses our attention on the potential for creative institutional design to maintain legal legitimacy. The author develops this argument using the Forest Stewardship Council, an example of how non-governmental regulation attempts to respond to a specific example of the environmental emergency.

Presentation 6: Deliberation and culture
Presenters: Marit Böker, Cathy Clutton and Qin Xuan
Discussant: André Bächtiger
Details: 18 February, 11:00-12:15

The (missing) cultural dimension of deliberative systems
Marit Böker, University of Essex

Although the concept of ‘deliberative systems’ has emerged in response to the limitations of institutional experiments such as mini-publics in realising deliberative democracy in practice, there is one limitation it has so far retained: the lack of a cultural dimension. In this paper, I argue that deliberative democracy at least partly manifests itself in a society’s political culture. Defined as all of the informal, unsteered norms, expectations, meanings and customs that drive citizens’ attitudes and behaviour in the political arena, political culture realises the bottom-up, emancipatory dimension of deliberative democracy that is central to its conception of democratic legitimacy yet beyond the reach of purposive institutional engineering. By going beyond small-scale institutional experiments, the systemic turn in deliberative democratic theory opens up the conceptual space for a consideration of the role of culture; yet, its conceptualisations have so far largely continued to focus on (semi-)formal institutions and actors. To remedy this, I outline the role of political culture in deliberative systems, and draw out its implications for realising deliberative democracy in practice.
Cultural competence in health related public policy deliberations: engaging with immigrants

*Cathy Clutton, Australian National University*

If there is a criticism of deliberative democracy it is that those who are included in deliberations frequently represent the well-educated, articulate, generally male, dominant majority who can engage in rational debate. This effectively excludes citizens who are less articulate, who may prefer different styles of interaction, or who are otherwise subject to discrimination such as women and visible minorities. Many immigrants fit the profile of those who are generally excluded.

This research project takes the policy maker’s perspective and focuses on the engagement of immigrants in the development of health-related public policy, comparing Australia and Canada at both the national and State/Territory/Provincial levels. Noting that both Australia and Canada have explicit national policies in favour of multiculturalism and citizen engagement, it is pertinent to review how public officials engage with citizens from increasingly culturally and linguistically diverse backgrounds.

In reviewing how government commitments to engage with all citizens work in practice, I ask whether and how paying greater attention to cultural competence can enhance public policy deliberations and thus policy outcomes. The research will present a model of cultural competence to support citizen engagement in health policy development.

**Proposal of establishing a new dataset**

*Qin Xuan, Nanyang Technological University*

China, a country with a long history of authoritarianism, is permeated with various deliberative democratic practices nowadays, including the consultative conference, deliberative polling, hearing, and residents meetings. Correspondingly, lots of theoretical and empirical studies boom on this topic in the recent years. However, most of them are concentrated on some certain cases and it is hard to see studies dealing with large number of cases and variables to exhibit a comprehensive picture in the Chinese context, and there never exist a dataset providing accurate evidence to support the related studies. As a result, my current research proposal is concentrated on filling this gap. First, I will Collect government documents and establish a new dataset about the institutionalization of current deliberative practices in China, which includes 28 provincial capital cities and 4 Direct-controlled municipalities. Second, to each city, the following indicators are employed: range of the topics for discussion, mode of representative selections, equality of the processes, and so on. The key point here is evaluating how much power individuals possess in the process of policy-making. Third, I will try to explain the existing differences among cities using qualitative and quantitative methods, and examine the dynamic interaction between institutions and individuals.
# Directory of Participants

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