DELIBERATIVE DEMOCRACY IN TAIWAN

A DELIBERATIVE SYSTEMS PERSPECTIVE

Mei-Fang Fan

Deliberative Democracy in Taiwan

This book is a pioneering analysis of the deliberative systems approach in Taiwan, extending our understanding of Taiwanese democratic politics and consolidating links between theoretical development and the practical application of deliberative practices.

As a front-runner of new democracies in Asia and a relatively open society, Taiwan provides a model for deliberative governance, with a view towards institutional innovation and increasing democratisation. This book considers how components within the intricate web of micro- and macro-deliberative systems perform different functions, complement each other and contribute both to policy change and democratic and deliberative innovations. Specific cases are provided – such as participatory budgeting in Taipei City and the government–academia alliance model – to demonstrate the long-term systemic effects of mini-publics and citizen actions. In addition, the book proposes the possibility of deliberative democracy for other countries in the world, alongside various policy issues, including mini-publics, e-participation, co-governance, citizen science, negotiation mechanisms and the deliberative practices of indigenous peoples.

Deliberative Democracy in Taiwan will appeal to students and scholars of East Asian studies, Taiwanese politics, political science and social movement studies.

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Foreword

Deliberative democracy is the main theme in recent democratic theory. Increasingly it is also applied to the empirical study of democracy and to the practicalities of institutional design. In the last decade or so, deliberative democracy has increasingly emphasized the idea of deliberative systems. For some time, exhortations to use the deliberative systems approach have been much more common than real applications of it; still fewer are real applications that are done well. That is beginning to change, but it is rare indeed that anyone takes on a whole country in deliberative system terms. Mei-Fang Fan undertakes here what I believe to be the first book-length treatment that interprets the whole political system of a country as a potentially deliberative system. That system extends from local civic practice to the formal institutions of national government, encompassing Parliament, civic organizations, indigenous peoples, social movements, local governments, designed citizen forums, experts and social media.

Deliberative Democracy in Taiwan is, then, a truly pioneering book. Of course it should interest scholars, students and others who care about Taiwanese politics, as it provides a fresh and insightful angle on this democratizing society. But it should also be read by people in the deliberative democracy field worldwide, as an exemplary (as well as pioneering) application of the deliberative systems approach, showing exactly how it can be brought to bear at a whole-country level.

Taiwan is a particularly interesting case given that, among Asian countries, it is at the forefront in both conventional liberal democratic terms and in deliberative innovations. Many of these innovations appear in the book. But, true to the systems frame, these innovations are treated in terms of how they influence and interact with larger deliberative systems. Some of the innovations, such as mini-publics and participatory budgeting, can be found in other countries too. Others, such as Citizens' Congress Watch (which monitors the performance of individual parliamentarians in deliberative terms) are Taiwan originals that deserve to be copied elsewhere. There is much that the world can and should learn from Taiwan when it comes to deliberative democratic possibilities. Of course, Taiwan is not perfect in deliberative terms, and Fan shows how its deliberative qualities could be deepened.

Mei-Fang Fan combines a sophisticated appreciation of deliberative democratic theory with in-depth empirical analysis (using multiple methods) of cases from Taiwan. The practices she covers range widely across, for example, e-participation, co-governance, citizen science, citizen forums, public consultation, rule-making and youth participation. The cases range from nuclear waste to participatory budgeting in Taipei (where an interesting alliance of academics and civic organizations proves pivotal). She provides special insight into the deliberative practices of indigenous peoples and how they constitute not just a deliberative system of their own but can be seen as joining larger deliberative systems. This is an important addition to the developing multinational literature on indigenous deliberation and how it relates to the governance of states.

In short, Mei-Fang Fan presents in this book a pioneering achievement that is a major advance in the deliberative democracy field and a powerful analysis of politics in Taiwan.

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Acknowledgements

1   Introduction
Democracy as deliberative systems

Taiwan as a potentially deliberative system

Deliberative democracy scholars consider deliberation fundamental to our thoughts about democratic deepening in transition societies, and deliberative capacity can contribute to the analysis of the democratic quality of political systems. Deliberative theory has taken an institutional, empirical and systemic turn over the years. For Dryzek (2016), the various 'turns' are essential components of a productive dialogue about how democracy can and should be pursued in theory and practice. The recent shift towards a deliberative systems approach suggests understanding public deliberation as a broad system that encompasses a diversity of communicative practices, from debates in parliaments and participatory forums to more informal conversations and communicative activities. The concept of deliberative systems offers new ways of understanding deliberation as a communicative activity that occurs in multiple spaces, and of thinking about the deliberative qualities of the system as a whole, as well as the division of deliberative labour, functions and the connectivity of its particular components (Mansbridge et al., 2012; Dodge, 2014; Stevenson & Dryzek, 2014).

For theories on deliberative democracy, it is promising that 'democratic deliberation can narrow the range of political disagreements not only in contexts of moral and religious pluralism but also in contexts of cultural pluralism' (Weinstock & Kahane, 2010, p. 13). Deliberation might enable discovering analogies or parallels between cultures, thereby making shared moral reasoning possible (Weinstock & Kahane, 2010, pp. 13–14). Deliberative democracy is crucial for seeking transitional justice in transition processes. Dryzek (2013) argues that, in a world of plural justice claims, deliberative democracy is necessary to the pursuit of justice. The main need is for 'a deliberative system encompassing those affected by collective decisions, with places for non-partisan forums and discursive representatives, conditionally open to multiple forms of communication, and geared to the productions of workable agreements under normative and discursive meta-consensus' (p. 329).

Taiwan's democratisation and democratic deepening have been accompanied by burgeoning and zealous social movements, various forms of public

participation, democratic reforms, deliberative practices and innovations. The Taiwanese political system transformed from an authoritarian dominant-party system to a democracy in the late 1980s. Kuomintang (KMT) initiated the democratic transition, leading to the first presidential national elections in 1996. In 2000, voters elected the Democratic Progressive Party's (DPP) candidate, Chen Shui-bian, as president, which resulted in the first transfer of power between parties in the central government. The second party turnover was completed in 2008, and the third power transfer was concluded in 2016. The incumbent president, Tsai Ing-wen of the DPP, won the 2020 presidential election.

The introduction of deliberative practices to Asia was influenced by deliberative democracy theory and practices in the West over the past few decades, and the diffusion of deliberative ideas and practices led to a 'deliberative turn' in East Asia. Similar to Japan, the liberal-democratic system in Taiwan has been shaped by a plurality of political cultures. Political culture influences the settings of political institutions and shapes the institutional design and practices of deliberative democracy (Tang et al., 2018). Concepts of deliberative democracy were introduced in Taiwan by Anglo-American-trained social scientists in the late 1990s. The DPP won the presidential election in 2000 due to a division of power within the KMT. With less than 40% of the electoral support and a minority in the legislature, the DPP attempted to adopt deliberative democracy to pursue democratic legitimacy. This has resulted in a growing emphasis on deliberative citizen engagement in policy-making in Taiwan.

The first consensus conferences in Taiwan were held in July 2002 on national health insurance (Lin & Chen, 2003). The Department of Health commissioned a second-generation health insurance planning team to hold the National Health Insurance Payment consensus conference – a move that set the precedent for joint promotion by the government and scholars. Since 2002, the rapid development of deliberative practices has been catalysed by scholars who advocate for and build partnerships with civil society. Citizen conferences have been conducted on various national and local issues, including surrogate motherhood, genetic testing, cable cars, urban gentrification, GM foods, water resource management and others (e.g. Lin & Chen, 2003; Lin, 2007; Fan, 2015a). By 2008, the central and local governments had commissioned over 20 consensus conferences. To date, over a hundred innovative deliberative forums have been conducted at the national, county–city and community levels in Taiwan. Most deliberative activities have been conducted by academic institutions and are commissioned by central and local governments, whereas some have been initiated by non-governmental organizations (e.g. Huang et al., 2007; Tu, 2007).

KMT's return to the central government in 2008 witnessed a decline in the practice of deliberative democracy. However, until then, the phenomenon of deliberative democracy had already diffused to different sectors of the society; in fact, several governmental departments and bureaus still rely on deliberative mechanisms to resolve policy disputes (Huang & Hsieh, 2013).

Since the Tsai government assumed office in 2016, government agencies have promoted institutional and innovative reforms. Additionally, they have encouraged national and online participation activities, such as mini-publics, e-participation for rule-making, public participation platforms, and youth participation. However, the existing literature on deliberative democracy does not encompass multi-faceted deliberative practices in Taiwan.

This book presents a pioneering whole-country application of the deliberative systems approach and deepens the understanding of Taiwan's democratic governance and institutional innovations. The book also strengthens the linkage between theoretical development and deliberative practices' multifaceted nature in Taiwan. It examines how democratic innovations operate and connect the sphere of micro-deliberative forums, empowered spaces and civic society in a multiple-level deliberative system. How democratic innovations and various components perform different functions, complement each other and contribute to the deliberative quality of the whole system, and the co-evolution of deliberative systems is also studied. As a front-runner of new democracies in Asia and with a relatively open society, Taiwan's deliberative democracy's unique features enrich the idea of deliberative systems and provide insights into deliberative governance to bring about polity-seeking transformation and improvement in the quality of democracy. In particular, scholars can contrast democratic deliberation in Taiwan with authoritarian deliberation in other Confucian societies.

Taiwan as a valuable case

Taiwanese deliberative practices and democratic innovations offer valuable insights into the rest of the world for the following reasons. First, Taiwan's history exemplifies the rapid transition to and emergence of a democratic polity, thus elucidating the global trend of democratisation. This is especially rare in Asia where there are many authoritarian (e.g. China and Vietnam) or strongly technocratic governance modes (e.g. Japan). The rise of social movements and a vibrant civil society have become constant forces that accelerate institutional reform and influence governance processes, thereby creating new spaces of public participation. Taiwan has integrated Western democratic values with those of Taiwan's many cultures, and institutional change and the promotion of democratic innovation in Taiwan continue to be flexibly adapted to emerging technologies and changes in the global environment.

Second, Taiwan shares many challenges with other actors around the globe, such as the need for energy transition, the problem of nuclear waste siting, scarcity of resources and the emergence of unprecedented risks (e.g. climate change, emergent technology risk). With particular respect to the democratisation of science, citizen activism and a revival in social movements have facilitated greater dialogue, deliberative practices and reflection on such democratisation; these have deepened institutional evolution and citizen participation in the policy-making process.

Third, Taiwan has many lessons to share with the world. These lessons have been gained from its experience with catastrophic events – involving pollution, natural disasters, technological problems and institutional failure. 'Deliberative learning' emphasises the building of civic-deliberation institutions in place of technocratic ones; it eschews institutions where policies change but dominant framing assumptions go unchallenged (Jasanoff, 2010, pp. 31–34). The many crises that Taiwan faced constitute opportunities for Taiwanese society (as opposed to only the Taiwanese state) to hone their ability to deal with uncertainty and ambiguity, evaluate policy frames and search for alternative explanations (Fan, 2015b). In the face of the present coronavirus 2019 (COVID-19) pandemic, the world has paid attention to Taiwan's effective response. Such effectiveness has been due not only to technical excellence and a robust public health infrastructure but also to a constructive and collaborative state–society relationship. Such a relationship has been honed through deliberative learning and through transparent and democratic governance processes. Taiwan learned the hard way, from its mistakes, during the 2003 SARS epidemic, where it then greatly strengthened its public health infrastructure in anticipation of the next public health crisis. The government also enhanced transparency and public communication to rebuild trust between citizens and government officials.

Fourth, young activists in Taiwan skilfully use digital technology to remake democracy to be more open and digital. This is exemplified in the Sunflower Movement in 2014. Furthermore, civic hackers and the open source community joined the Tsai government in 2016. They established the so-called Public Digital Innovation Space and institutionalised the use of online platforms to facilitate dialogue and integrate consensus-seeking into rule-making. In Taiwan, digital spaces for practicing deliberative democracy have emerged.

Framework for systemic analysis

Deliberative democracy, where citizens are to participate in normative debates, is considered the best method for remedying a lack of representativeness in institutions (Gutmann & Thompson, 1996, p. 5). Deliberative democracy emphasises the legitimacy of the collective decision-making process, encourages citizens to open-mindedly consider public interests, advocates respect for diversity in opinions and values and promotes rational communication and debate. According to Bächtiger et al. (2018), the ideals of deliberative democracy are always contested and evolving. Researchers and practitioners of deliberative democracy have introduced various types of deliberative experiments whose outcomes have influenced the evolution of deliberative democratic theory. The first-generation thinkers viewed deliberation as the give and take of reasons for and against various positions, and they combined this conception of deliberation with 'the ideals of high-quality argumentation or rational-critical debate, a focus on the common

good, mutual respect, and the concept of a rationally motivated consensus to which all could agree' (Bächtiger et al., 2018, pp. 3–8). The second-generation thinkers expanded the ideals of their predecessors, being driven by the ideals of democratic inclusion and plurality. In general, the ideals constituting good deliberation are open to revision.

Bächtiger and Parkinson (2019) provide a new understanding of deliberation that emphasises contingency, performance and distribution of deliberative acts. First, contingency stresses that 'the various forms of deliberation depend on the particular goals of deliberation and the contexts in which deliberation takes place' (Bächtiger & Parkinson, 2019, pp. 48–49). Second, the performative aspect of deliberation entails 'a dynamic vision in that actors may shift communication over time' (Bächtiger & Parkinson, 2019, pp. 48–49). Third, the interplay of different deliberative virtues across time and space is crucial to understand the effects and functions of deliberation in a democracy. Thinking of deliberation as a dynamic process opens up new ways of seeing deliberation on a large scale as a sequence of events, and it allows for understanding deliberation in a micro-forum as performed and distributed, and to apply systemic views to small-scale events.

Although many scholars of deliberative democracy consider it to be a normative ideal, many original systems theorists – such as Mansbridge, Parkinson, and Chambers – think of it more as a description of democracy. Curato et al. (2019) view the 'systemic turn' of deliberative democracy as a normative, empirical and political project. They argue that power plays an ambiguous and sometimes contradictory role in the deliberative system and that it is crucial to critically examine the context in which these exercises of power take place.

This book stands in this systemic-descriptive tradition. It uses the methods of thick description to elucidate the contextual complexities and emergence of deliberative systems in practice. In doing so, this book contributes to making deliberative democracy more deliberative and more democratic.

Dryzek (2016) argues for three images of the theory of deliberative democracy that locate its essence in, respectively, 'a single forum, a deliberative system, and an encompassing polity featuring particular integrative norms' (p. 1). Theorists of deliberative democracy need to think about how practices that make sense in terms of each image connect to the other two, which helps solve internal disputes and respond to critics – such as Carole Pateman's (2012) concerns about broad participation and Iris Young's (2000) and Lynn Sanders's (1997) critiques of rationalistic forms of communication. As Dryzek (2016) highlights:

> Forums only make sense when linked in a system that can synthesize very different deliberative virtues (notably, justification, reflection, and inclusion). Any system's democratic qualities can only be evaluated in terms of the polity. While judgment in terms of conditions of normative integration in the polity is therefore primary, particular forums can promote

deliberative authenticity in a system, and systems enable inclusive application of deliberative ideals.

(p. 1)

Dryzek (2014, p. 106) indicates that we need to think about how interlinked forums (e.g. parliaments, legislatures, assemblies, citizen forums) relate to larger processes in the informal public sphere, and how all those things fit together. Also, any deliberative system should contain what Thompson (2009) has called 'meta-deliberation' as part of a deliberative system, that is, the capacity of the system to reflect on its own shortcomings and remedy them if necessary.

Dryzek (2009) suggested that a deliberative systems approach is suitable for analysing democratic transitions. The deliberative capacity of a country in transition is its ability to host structures for reasoned, inclusive and consequential discussion. Stevenson and Dryzek (2014) identify seven components of a deliberative system as follows:

1) *Private space* is made up of the political conversations and interactions between family and friends, with colleagues or in meeting places, such as restaurants.
2) *Public space* is where more open and accessible communication is found, including in civil society, among citizens and in the media.
3) *Empowered space* is where legitimate collective decisions are taken, including parliament, a policy-making council, an executive committee, courts, international negotiations and spaces such as stakeholder dialogues that have been given by the government the power to act and decide.
4) *Transmission* of influence from public space to empowered space. Such transmission can take place in a number of ways. Narratives developed in the public space can have direct impacts on the debate within the empowered space through political campaigns and protest. Transmission can also occur more subtly as a result of cultural change that begins in the public space but eventually changes the understandings and perspectives of those in the empowered space.
5) *Accountability* involves the empowered space being responsible to the public space. Elections are the most common and important accountability mechanism within liberal democratic states, and we have to consider other accountability mechanisms in deliberative systems.
6) *Meta-deliberation* is the capacity of a deliberative system to reflect on its own shortcomings and transform itself if necessary.
7) *Decisiveness* is the degree to which the previous six elements acting together actually determine collective outcomes.

Drawing on Dryzek's work on deliberative systems, Burall (2015, pp. 29–30) adds that other accountability mechanisms include parliamentary hearings,

ombudsmen, courts and media. Burall argued that transmission from the empowered space to the public space is just as important if a system is to be truly deliberative. The spaces are interlinked and there are both positive and negative feedback loops between them. It will require mechanisms for collecting and evaluating information about who is participating in, and missing from, the system as a whole and how well the different components are interacting.

Dryzek (2009) argued in favour of the idea of deliberative capacity that is best suited for the comparative analysis of different systems. These features include deliberative authenticity, inclusiveness and consequentiality. Deliberative authenticity means that 'it is unaffected by coercion, induces reflection about preferences, reveals claims that are systemically connected to more general principles, and exhibits reciprocity' (Dryzek, 2010, pp. 136–137; see also Felicetti et al., 2016, p. 429). Inclusiveness refers to 'the range of interests and discourses present in a political setting' (Dryzek, 2009, p. 1385, as quoted in Felicetti et al., 2016, p. 15). The representativeness of arguments and views brought to the forum by the selection of invited speakers should be considered as well. Consequentiality means that a mini-public should have an effect or make a difference on collective decisions or outcomes (Dryzek, 2010; Felicetti et al., 2016, p. 431).

O'Flynn and Curato (2015) argue that 'free deliberation among equals' can be treated as an important indicator of democratic quality (p. 298). They outline a deliberative systems framework that might be used 'for *describing* or characterising the spaces where deliberation occurs and how they relate to each other, and for *evaluating* the extent to which inclusive and reasoned deliberation underpins the democratic trajectory of the transition process' (p. 299, emphasis in original). They consider deliberation fundamental to our thinking about democratic deepening in transition societies and that the fairness of an election must be premised upon deliberation. In line with Dryzek and O'Flynn and Curato (2015), this book puts further emphasis on the crucial role of digital innovations and connectivity in deliberative systems in the times of rapid development of information and communication technology (ICT) and emergent digital citizens and activism. Digital innovations allow connectivity and interconnection of multiple participation platforms, components of deliberative systems, and spaces across time, scales and borders (see Figure 1.1).

A relatively inclusive deliberative theory integrates all types of deliberation, from the micro to the macro. Public deliberation is best conceptualised as an activity that occurs in a range of discursive spheres that collectively engage a diversity of civil society actors (Hendriks, 2006). Theorising deliberation at a systemic level helps us think about how to scale deliberative forums up and out into an expanded political structure with a complex and dynamic division of deliberative labour (Karpowitz & Raphael, 2014).

Bächtiger and Parkinson (2019) take a problem-oriented approach to both micro- and macro-research on deliberation and provide a new understanding of deliberation and deliberativeness as contingent, performative and distributed.
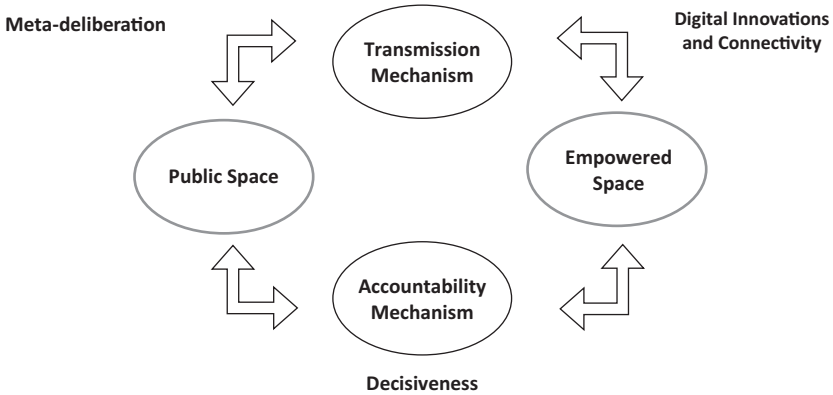
The Deliberative System

Figure 1.1 The deliberative system
Source: Modified from O'Flynn and Curato (2015, p. 304) and Burall (2015).

They link various forms of deliberation and democratic communication to five deliberative goals – epistemic, ethical, legitimacy-oriented, emancipatory and a combined transformation and clarification goal – as well as to different contexts, and provide six avenues for future research. Their development of the account of deliberative systems has been focused on three elements of sequencing – listening, structuration and deciding – that capture the dynamics of real-world political debate and provide empirical cues. As they highlight,

> One that starts with listening to and stimulating narratives and claims on the public from the public sphere; structuring the narratives and claims that emerge in an open, visible way; and making building collective decisions in a context of active listening, or representation as relationship building.
> (Bächtiger & Parkinson, 2019, p. 103)

They argue for considering six features of a deliberative system: the *agents* of deliberation; the *sites* of deliberation; the *entities* that are discussed and transmitted from site to site; the *transmission* processes themselves; the *transformation* processes that turn discussion entities into policy and law; and the *implementation* processes that see policy and law acted on and enforced (p. 17). They provide a framework of measuring deliberation and distinguish additive and summative views. An additive view tries to identify goal- and context-specific deliberative moments in various sites of a democratic system, and assumes that goal- and context-specific deliberativeness must have been present in some venues of a democratic system to make the later 'deliberative'.