Scenario 1: Municipal Decision-Making

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Panelists: Josh Cohen, Archon Fung, David Laws, Carolyn Lukensmeyer, Jane Mansbridge, Nancy Roberts, Jay Rothman

Scenario: A local government decides that it wants to "consult" citizens more directly before a critical long-term development decision is made (regarding the investment of a substantial amount of public money). The dispute centers on the appropriateness of filling mapped wetlands so that a new highway spur connecting the city to the nearby interstate can be built. As usual the battle lines have been drawn between environmentalists who oppose filling the wetlands and development interests who say that the roadway is the key to revitalizing the declining city economy. Elected officials are deciding who to include in the consultation and how to include them. One faction wants the mayor to pick a blue ribbon advisory committee to formulate suggested city policies and priorities governing wetland protection (above and beyond federal and state laws). Another wants to run a set of public hearings once the experts selected by the city have prepared a detailed plan for the roadway. A third proposes a non-binding referendum. A fourth wants a consensus building process that would involve all relevant stakeholder groups (and let them nominate their own representatives). This consensus building process would involve a fairly large group of stakeholders in generating detailed plans for the site as well as local wetland protection polices.

Participants began by identifying current deficiencies of each field. Comments centered on the need for change, a need for representation of the common interest, the transformation by which individual opinion becomes collective judgment, institutional memory and process design.

I. Need For Change

To help conceptualize the different kinds of citizen participation, A.Fung described it as a three-dimensional space. Along one axis are the participants: elected representatives, professional stakeholders, randomly or self-selected citizens. Along another axis is the process through which these participants interact: listening, deliberating, or bargaining. Along a third axis is the participants' level of decision-making power: none, some, or total. Each form of assembly has deficiencies, regarding the distribution of power.

J.Mansbridge cautioned that although the representative process should be critically analyzed, its merits should not be overlooked. If representatives have the trust of their respective groups, they may be able to forge a satisfactory compromise. However, since

we are interested in reasonable and fair solutions, deliberation ought to illuminate common interests and conflicts among interests. Even when representation is not an issue, P.Adler warned, mediators often feel unable to raise support for crafting a resolution. This could be improved by thinking about consent, not just consensus, and trying to reach a centrist political position that can withstand centrifugal force. To illustrate this point, M.Elliott noted an example from the news. Fourteen centrist senators had just averted a filibuster of presidential judicial nominations by forging an agreement behind closed doors. Media coverage of this event has focused on how conservatives disapproved of the compromise centrist position.

C.Lukensmeyer was the first of many to note that representative democracy needs to be supplemented with more analysis of power relations and stronger links to decision-making. One way to help participants commit to decision-making and implementation is the creation of democratic spaces within which the polity and authorities can invest time and resources, and take a "leap of faith" — agree to implement whatever final decisions are produced within that democratic space. The call for such a space would be echoed during later sessions.

C.Menkel-Meadow asked the group to consider how we think about representativeness, specifically, demographics. The word "demographics" comes from the word "demos," meaning "people." She cautioned against making assumptions about people based on their demographic group, because it can lead to a formulaic approach to creating "representativeness": "getting X people from column A and Y from column B to the discussion table in order to ensure 'representativeness,'" such as in jury selection. Though politicians and the media exacerbate identity politics by filtering out points of view through use of demographics, we need to remember that we all belong to multiple identity groups.

Emphasizing another dimension of the consensus-building/deliberation processes, D.Kahane urged that before deciding on methodology, groups need to enumerate ideology by prioritizing normative ideals such as efficiency and justice.

II. Voice for the Common Interest

Related to the recognition of a need for change, participants discussed a need for representation of the common interest. C.Lukensmeyer began this conversation by asking which voices can speak for the public good. J.Innes asked who would then be a representative of the common interest? How would we know that someone actually represents the common interests (and public good), and how would that be different from a consensus building process? J.Mansbridge answered that not just one person but a group of people would work to develop something that represented the public good. The group's conversation would follow, as closely as possible, the ideal elected representative process. C.Lukensmeyer added to this idea the qualification that participants would not have pre-formed positions about the issue. J.Innes wanted to know how such people would be selected, and N.Roberts answered by citing successful cases in which community members are invited to participate in whatever capacity they choose. One benefit of this method is that it encourages some people to participate who might otherwise abstain or lack representation. To help publicize the invitation the press should also be involved early in the process. Reminding the group that representation should not always be maximized, A.Fung cited cases in which there might be reasons to exclude the most interested stakeholders, such as bipartisan redistricting in the United States. In such cases, a random group of citizens might be less biased, and therefore more capable of deciding what is best.

However, regarding the process of random sampling and deliberative processes in general, S.Podziba warned against assuming that altruism, and not private interests, will characterize citizens' behavior. Citing Hobbes, she said there are always private interests. If we want to elevate ourselves above the "state of nature" by crafting and adhering to creative and community-building solutions, we need to test assumptions of altruism. D.Kahane noted that although people may start out with different and divisive private interests, the right process can encourage a move towards consensus. "How much faith do we have that that can happen?" he asked, concerned that some people are inevitably excluded but that democratic agonism yields positive results.

III. Transformation: Individual Opinions to Collective Judgment

D. Kahane's comments led participants to raise specific comments about the transformation he described. D.Yankovitch commented that the dialogue that facilitates this transformation is just as important as who is chosen to participate. The shift from individual opinion to collective judgment requires that participants listen provisionally to each other. He lamented that our society is skewed towards advocating individual interests. The general public's interest would be better balanced if the individual transformation he described could take place on a wider scale.

Regarding this transformation from "raw" to "informed" opinion, J.Cohen distinguished between individuals' points of view (e.g., religious, sectarian), which they do represent, and their interests. People have points of view that do not necessarily represent their interests.

To avoid confusing the two, L.Susskind suggested that some kind of nomenclature other than "common interest" be used to represent other people's needs and desires when discussing this transformation from raw to informed opinion. He went on to say that consensus can only be reached if participants consider both their own interests and the interests of others. Therefore, introducing to the dialogue the goal of consensus, and perhaps a decision rule that requires participants to reach an agreement, can help people take account of others. By doing so, it can shift the purpose of dialogue from developing understanding of opposing perspectives to consensus-building.

C.Lukensmeyer was concerned about the media's role in the transition from individual or stakeholder identity to a collective identity. Can the media be part of public education, and thereby strengthen the democratic process, or are they only looking for errors and controversy?

IV. Institutional Memory

M.Elliott cited the need for more reflective practice and institutional memory, saying that we need the capacity to take what has happened in one situation and carry it over to another.

V. Process Design

Participants also raised a number of ideas about how to design processes to bring about change. N.Roberts emphasized the need for creative, open-ended, future-oriented solutions that invite exploration, emphasize positive results, and supplement representative democracy. J.Rothman suggested that the focus should first be on passion and vision, and then on specific processes to be used — what are the stakeholders' passions and what do they envision? He continued, after these things have been accounted for and a process has been implemented, there must be an opportunity to reframe problems and redesign the resolution process. Otherwise, people will not see an opportunity to become involved and they will lose hope for the future. Participants' goals and priorities should inform this redesign process. In this way we can incorporate input from the bottom up while policy-makers work to develop guidelines to help guide the discourse between the environment and development groups. Given the need for feedback and bottom-up input, Rothman also recognized the need for concrete action within time constraints.

J.Cohen cautioned that some people do not want to think in terms of vision. Deliberative democracy is about individuals exercising their power. Therefore, we must be careful about identifying deliberative democracy with a particular way of doing business and "vision."

C.Lukensmeyer recognized the need to mix and integrate methods and apply them to appropriate processes.

L.Susskind shifted the focus from stakeholders to their representatives, reminding the group that elected representatives, not just stakeholders, need to be able to implement any

decisions that are made. "We do not want to replace representative democracy with ad-hocracy," he said. In order for elected officials to be interested in the decision-making process, there need to be certain minimum conditions met. First, representatives of stakeholder interests, including the common interest, need to be self-selected. "Blue ribbon" experts selected by the convening authority will lack credibility. Second, someone must be accountable for enforcing the agreed upon design process. A mediator is a good candidate for this role, but whoever it is must be perceived as legitimate by the public and elected officials. Third, there must be an opportunity for joint inquiry and problem-solving, such as joint fact-finding. Fourth, there must be a written agreement to which people can be held accountable. Participants should sign it after the final draft is circulated among those being represented.

D.Laws added that people who participate in such efforts become process designers. In his view, it is critical that people have the ability to reshape the agenda, the ground rules and the roster of participants. D.Kahane noted that some processes do not allow participants to reframe the process. He asked if that was a question of efficiency or if in some cases there were reasons why we might not want participants to be able to reframe the process.

C.Menkel-Meadow pointed out that deliberation and reasoned argument use particular political frames. Given this process pluralism, L.Susskind's principles are important in many, but not all processes. There is no panacea, no process that fits all situations. "It depends."

Reflecting on the idea of feedback, M.Hajer identified the risk of assuming that one decision-making moment exists. Instead, there is a chain of decisions, and many new and different considerations at each stage in any process.