

SYNTHESIS

This is based on comments from J.Forester and J.Innes and their summaries of comments from other participants.

I. Need for Change

J.Forester noted the need to move high-quality deliberation from the periphery to the core of political decision-making. There is a lack of collective attention to creating new governance mechanisms that remain authentic. We also have to be more concerned about embedding high-quality deliberation in the institutional structure of decision-making.

II. Continuous Process

J.Innes remarked that a well-run consensus-building process often continues in various forms long beyond the time a “final” decision is made. Participants come to realize that implementation involves ongoing negotiations and that multiple voices and a forum are needed to address emergent problems and new information.

III. Location

J.Innes highlighted J.Dryzek’s explanation of the different locations in which deliberative democracy might be situated. J. Forester noted that there is no single site, actor, or location where decisions can be made.

IV. Unjust Process

J.Forester suggested that the question about inevitable or necessary injustice should be understood as deeply ambiguous, or as a matter of inevitable incompleteness. Although an effective dispute resolution process may not promise complete justice, it does create sufficient justification for public action. Practitioners and theorists need to be humble about the limits of dispute resolution processes.

V. Bias in Mediation

J. Forester noted additional dispute resolution practitioners' biases: that interdependence produces opportunities to negotiate and a space of possibilities to explore; that we should consider inappropriate the inequalities that are typically present in complex public policy disputes (but do not yet involve sufficient legal or constitutional inequities or violations of rights); that conversation matters even when parties distrust, dislike, disbelieve and are disinclined to talk to each other; that disputants bring partial information and judgments ("raw opinion" as D. Yankelovich put it) and can and will learn; and, that disputants can create workable options and proposals under supportive conversational conditions that protect them from escalating arguments about blame.

J. Innes asked for more discussion about what the biases in stakeholder processes are or might be. It is a serious concern that needs to be addressed directly. Perhaps consensus building is biased toward people who are better deliberators, or favors interests that are by their nature better able to organize. Perhaps it has a bias towards representativeness, towards empowering the less empowered or challenging the status quo and existing authority. Perhaps it is biased against the people who are not there.

VI. Resistance

Public

In reference to D. Yankelovich's comment about public resistance to dispute resolution processes, practitioners around the country find themselves disabusing people all the time about various myths regarding what dispute resolution and consensus building actually involve. People need to know that it is not about replacing regulatory agencies, it is about supplementing them; it is not about compromising on principles, it is about reaching mutually satisfying (rather than lose-lose) outcomes; it is not about giving up on expertise and letting anyone's technical information dominate, it is about taking advantage of the best available information and avoiding my expert versus your expert. We need to work to unravel the enormous resistance to these processes.

Decision-makers

J.Forester noted that P.Adler's comment that decision-makers have problems getting what they need to make decisions actually reflects a huge challenge for all of us to develop a better understanding of the culture, function, and structure of administrative systems in which dispute resolution processes can be helpful and might be welcomed by decision-makers.

VII. Time Scale

J.Forester noted that concerns about time linger. It's terribly important to find out if, in opposition to common stereotypes, dispute resolution processes might in fact be more efficient, time-wise, than regulatory processes held hostage to "blue ribbon committees" and the courts.

VIII. Learning and Opinion to Judgment

J.Forester reiterated D.Yankelovich's desire for a better understanding of the ways in which "raw opinion" evolves into "considered public judgment." This evolution, typical of dispute resolution processes, underscores the importance of respecting those who are pounding their fists on the table and asserting their demands. The processes we are talking about should not involve making compromises or betraying one's principles.

J.Forester would also have liked to see more attention paid to how we think that parties learn, to strategies that would promote that learning, and to what that implies for institutional design. Specifically, we need further discussion about how dispute resolution processes encourage learning about others' and one's own interests, "value," what is at stake, and the "facts that matter" in particular cases that haven't yet been recognized by any party. Other participants noted a lack of discussion about the institutional basis for reflective learning and continuity between decisions, as well as learning about values and interests.

IX. Linking the Two Fields

J.Innes drew attention to the late exchange initiated by S.Sherry asking for take-home lessons from the deliberative democracy theorists. F.Fisher had suggested that the benefit of the discussion would actually accrue more to the theorists than the practitioners. However, theorists can help practitioners who want to think about and talk about what they are doing.

J.Innes reflected that the two fields may be engaged in very different kinds of enterprises. The theorists are looking to frame, discuss and refine ideas about deliberation and democracy and build a conceptual framework for a field. Some do it using logic and disciplined argument and some do it through a type of grounded theorizing based on actual cases. They are working on developing their own discipline and judging by our difficulties in getting some well-known theorists to come, somewhat uninterested in talking with others or building cross-disciplinary links. It should be noted that the theorists who did attend were mostly people who do empirical research.

The practitioners are trying to produce societally beneficial outcomes through dialogue. They are interested in how best to do this and are caught up in a very real world of politics, conflict and specific problems they work to solve. Although they would love help from the world of political theory, they do not really relate to the enterprise that the theorists are engaged in. They think that theory is more easily translatable to action than it typically is, particularly theory that comes through logical argumentation rather than grounded theorizing. Their time horizon is much shorter than the theorists', since the tasks they work on are pressing and immediate. Yet, it seems that they hold similar values and goals regarding fair, informed and just decision-making. They differ perhaps in being more focused on decision-making, but their concerns intersect with the deliberative democracy group in that they know that stakeholder-based dialogues are not necessarily representative of the unorganized citizenry. They know that whatever is decided by these largely elite and skilled stakeholders may meet most interests, but still has to face a less-informed and less-interested public when it comes up for formal

governmental approval. They want to be able to link stakeholder decision-making to the public-at-large, but they lack the methods and skills to do so.

J.Forester noted that C. Menkel-Meadow's comment that many of us "are trained to argue," is fundamental. We have cultural models, institutions, training, and familiarity with argument and debate, with images of neutral moderating, with argumentative styles of attack and counterattack, even with ground rules, and we are all too familiar with the ways that vigorous argument can become ad-hominem and personal. This matters all the more when we contrast that to the public ignorance – lack of models, institutions, training, and familiarity – with the basic creative moves of joint inquiry, mediated negotiation, and consensus building.

X. What was Missing from the Workshop Discussion

J.Innes noted that there was little discussion of capacity—the capacity of a community to govern itself and to engage in dialogue or dispute-resolution. If dispute resolution and public dialogue processes both build capacity, how do we look at the issues differently? It may be a gradual and iterative process to build the type of citizenry we need.

J.Forester highlighted the relatively large amount of time devoted to discussion of process design and representation, and the small amount of time we spent discussing “third party” roles and actual practice. This and a similar lack of attention to mediator behavior in the theoretical literature reveals a structural and procedural—rather than a pragmatic—bias in the literature. Perhaps it is indicative of an implicit search for a system that will be abstractly sufficient and legitimate instead of a search for an informed sense of practical judgment that reflects and might inform what practitioners do.

Additional issues that participants identified as missing from the discussion were: the precise design of deliberative institutions, cases where the population of potential stakeholders is unbounded (e.g. transnational, transgenerational), strategies for addressing resource constraints at local, regional, national, and global levels, the fact that power in political contexts is dynamic not static, and what our role might be as change agents.