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Thank you to all who organized and attended the conference for a thought-provoking conversation. As a public policy mediator, I came away with a number of questions and thoughts regarding the convergence and divergence of deliberative democracy and dispute resolution approaches. To add to the post-conference thinking, I've selected the following: stakeholder versus public involvement; deliberative democracy theory and the practice of public policy mediation: shared values and value added; deliberative democracy theory and public policy dispute resolution practice; and negotiations: bargaining or deliberation.

Stakeholder versus Public Involvement

A key difference between the deliberative democracy (DD) and dispute resolution (DR) approaches concerns the target participants of the processes. Deliberative democracy (DD) practitioners and theorists seemed to view "the public" as the primary and preferred participant of DD activities, while dispute resolution (DR) practitioners commonly view relevant "stakeholders" as the key participants in public policy mediation processes, in part because such processes are dependent upon representatives of interest groups reaching agreements.

As I listened to the discussions, I wondered if DD practitioners and theorists assume the public is altruistic, as opposed to stakeholders, who act from self interest. If this is an implicit assumption, I would suggest further reflection to determine the necessity and value of an altruistic public and the criteria for determining when a member of the public becomes a stakeholder.

Are members of the disinterested public assumed to be keepers of communal moral values, such as in the Kpele Moot processes (See Gibbs, James L. Jr. "The Kpelle Moot: A Therapeutic Model for the Informal Settlement of Disputes." In *Africa; Journal of the International African Institute*, Vol. XXXIII, No.1.) and in Bill Ury's concept of the Third Side? (Ury, William, *The Third Side*. New York: Penguin Books, 2000). What causes a disinterested member of the public to participate and how is such participation sustained? In the Chelsea case, are the members of the Charter Preparation Team stakeholders and those that participated in community meetings the public? Or are they all stakeholders or all the public?

Perhaps the difference between participation by the public or stakeholders is a function of the goal of the deliberative activity. For example, only stakeholders are likely to engage in a lengthy process to develop regulatory text. The long-term commitment required to create a consensus regulation is only possible because stakeholders seek to gain through the process. However, the deliberative policy making process depends upon stakeholders' abilities to reach beyond simple self interest to enlightened self-interest.

Deliberative Democracy and the Practice of Public Policy Mediation: Shared Values and Value-Added

I was struck by the similarities in values and skills of the DD and DR workshop participants. Proponents of both approaches value the inclusion of a broad cross section of those affected by public policy issues over decision making by an elite few. DD and DR practitioners value processes that enable learning and analysis of multiple framings and multiple options and approaches to increase understanding to potentially address public policy challenges.

To enable such learning and analysis, DD and DR practitioners synthesize great amounts of information to clarify and bring focus to complex public policy questions. We design the deliberative processes that create the possibility of deliberative discussions and then manage those discussions to continuously stimulate learning and increase participants' abilities to hold in their minds and assess competing frames and scenarios at the same time.

Is DD and Public Policy DR dependent upon the abilities of an elite few to create the context and capacity for deliberative processes that involve both or either interested stakeholders and the disinterested public? In structuring the processes and ultimately the questions posed, do we promote our value of increased participation? Does increased deliberative participation genuinely strengthen democratic practice or is it a means for extending our own values through our intellectual capacities?

Deliberative Democracy Theory and Public Policy Dispute Resolution Practice

Deliberative democracy theory seeks to analyze and explain the entire set of practices inherent to democracy. Public policy mediation, on the other hand, focuses on a specific practice of deliberative decision making. This leads me to wonder if DR may be considered one practice, among a set of practices, within the rubric of deliberative democracy.

If so, DD theory may need to revisit the question of legitimate participation. If, as was suggested during the workshop, DD theory concludes that some party or parties will always be left out of a process and therefore, final decisions may not be legitimately taken by any convened group, then DR cannot fit as a practice within DD. The legitimacy of DR processes and their outcomes are dependent upon inclusion of all relevant stakeholders. Multiple actions are taken to protect against the unintentional exclusion of relevant stakeholders. Further, it is within the professional ethos of public policy mediators to refuse a case if relevant stakeholders are purposely excluded.

Negotiations: Bargaining or Deliberation

During the workshop discussions, I sensed differences in understandings of the word, “negotiations.” Interestingly, some members of the DD community seemed to share the Dutch view of the word negotiation, which links negotiation to deal making and bargaining. As a DR practitioner, I have always used the word, negotiation, more broadly, to describe those interactions that occur in an effort to resolve differences among people’s wills. I think of negotiations as creating forums for discussions that contain conflict and foster the search for non-violent resolution of conflict.

In the complex world of public policy, such negotiations must involve deliberations if any progress is to be made. In complex, multi-party, multi-issue negotiations, some, but not much bargaining occurs. For example, in negotiated rulemaking, whereby typically 25 individuals negotiate hundreds of issues on behalf of their constituents, the complexity requires deliberative discussions. The varied understandings, perspectives, and knowledge bases of the participants requires discussions that lead to learning, clarifying conflicts of confusion from actual conflicts among interests and values, and parsing of nuance. Solutions and agreements only emerge when previously held assumptions give way to new understandings of old problems and challenges.