

Frank Fischer

The conference was useful. I say this as one who decided, with some reluctance, to fly back briefly to the U.S. from Europe to attend it.

Although the conference was billed as an exchange between deliberative democratic theorists and alternative dispute resolution practitioners, the tone was set more by the concerns of dispute resolution than deliberative democracy. It took this direction, I think, more by virtue of the orientations of the attendees than by design. For one thing, fewer of the invited deliberative democracy theorists attended. I counted about 6 people who would be identified, one way or another, as deliberative democracy theorists, as opposed to some 20 dispute resolution theorists and practitioners. Thus, the questions and concerns tended to be those of the practitioners, in particular how to relate their activities to the theory of deliberative democracy.

If the conference had been structured the other way around, i.e., 20 deliberative democracy theorists and 6 dispute resolution practitioners, it would have generated a very different discussion. But not necessarily more productive. It would have been much more abstract, often at a level that practitioners would have found frustrating. Many would have asked what they could possibly do with such argumentation. It would've been difficult to have found a middle ground on which a productive discussion could have played out. As one who operates more at the intersection of theory and policy, I would not readily reject an argument that it was better to begin with an emphasis on practical disputes. Relevance, as a practitioner would understand it, is not what the political theorist is about.

By and large, deliberative democracy theorists have shown little interest in the practices of alternative dispute resolution. They are seen either as manipulative, even if subtly so, biased, and perhaps politically naïve. Without necessarily putting to rest such charges, I think the conference demonstrated that dispute mediators have collected a range of experiences that are sophisticated enough to bear on the concerns of deliberative democracy.

The dispute resolution participants, as I saw it, seemed to have taken the theory of deliberative democracy to be more developed than it is. Not only is the work in this field in its developmental stages, there is a great deal of disagreement among those who identify with the theoretical project--too much disagreement to offer it as a set of fixed principles that can easily be linked up dispute resolution practices.

Part of the problem is that the two approaches focus on different tasks. Whereas dispute mediators are geared to solving problems in the existing world--better bargains and the like--deliberative theorists are challenging that world and calling for another one based on a different political culture. While a dialogue between the two can be productive, as the workshop seemed to show, such an interaction will necessarily involved tensions.

Perhaps the most difficult one is associated with the question of neutrality and bias. Where dispute resolution practitioners emphasize neutrality--out of necessity--

deliberative democracy theorists see bias. But this is a bias that is difficult to describe. For the most part, the concern doesn't question the credibility of the dispute practitioners per se; rather it has to do with the nature of discourse more generally. Each discourse, particularly discourses about particular policy problems, rests on an implicit construction of the world, which influences and shaped the framing of the questions to be resolved. For those working inside a given system, accepting a particular set of values (or interpretations of them), is not necessarily problematic. But theorists focus on the deeper realities that shape the way we think and act. Although these are real, bringing them to the fore in efforts to solve particular problems in a given social context tend to make it difficult to proceed. Thus, while the deliberative theorist can offer practitioners ways to think about what he or she is doing, this contribution does not automatically translate at the level of specific methods and practices.

Another issue was the question of authenticity. Larry asked how one can know or identify authenticity, saying that he had no "authenticity meter." Neither does anyone else, at least in a literal sense. Authenticity is fundamentally an intersubjective process confirmed by the participants themselves. The basic condition for authentic deliberation, John (Dryzek) has argued, is the requirement that communication induce reflection upon preferences in a non-coercive fashion. Some aspects of this can be objectively observed; others have to rely on the thoughts and feelings of those engaged.

This relates in important ways to the point made by Susan (Sherry) that most of the people calling for more deliberation and negotiation tend to be a rather elite lot with different interests, perspectives, and language than large numbers of people from whom they try to elicit deliberation. I was, in this respect, impressed with Marianella's strategy for eliciting people's opinions by going to their house, asking them to talk about the history of their life, etc.

Finally, during the conference, I stressed the role of power. Some people misunderstood, I think, taking my argument to be something of an either/or between deliberation and political advocacy. My point was that power and discourse are intricately involved with each other. One should engage in deliberation because of power, I would argue, but not forget in the process the ways it shapes at the same time the various processes of deliberation, both subtly and not so subtly.

In this respect, I think that Jenny Mansbridge's argument about representative government is important. Deliberation is not an alternative to representation, but rather a supplement to it. I would argue that the quality of a representative system depends in significant part on the level of participatory deliberation beneath it.