

Scenario 2: Metropolitan Policy-Making

Facilitator: David Booher

Panelists: John Dryzek, Mike Elliott, Frank Fischer, Bill Isaacs, Susan Sherry

Scenario: A metropolitan agency wants to engage a wide range of stakeholders in a policy dialogue regarding regional “fair share” housing policy. State and metro agencies have agreed to hire a professional “mediator” to help manage a policy dialogue on a metropolitan scale. The question is, what should the mediator's mandate include, especially with regard to the involvement of advocates of low income residents and residents of color who may or may not have the knowledge and skills needed to participate on an equal footing with real estate and municipal interests. The 15 suburban towns on the periphery of the region are trying to fend off litigation (and possibly state legislation) charging that their exclusive land use policies are excluding poor people from the jobs and housing available outside the central city.

Participants’ comments focused on the need for change, process design, the role of the mediator, individual learning, and time-scale.

I. Need For Change

S.Sherry focused the conversation on how elected officials can address conflict resolution and expand it more into something like deliberative democracy. She asked how practitioners can take into account those who are underserved or disenfranchised.

Specifically, she asked how the disenfranchised could be included when there is either no organized interest to represent them or their representative is overstretched. C.Menkel-Meadow cautioned against thinking of ignored groups as homogenous. There are vastly different concerns at play.

B. Isaacs asked, “Which problem are we trying to solve?” He reflected that the answer depends on the participants and their time constraints. He went on to say that in order to change the discourse at any level, it needs to be changed at every level. He challenged workshop participants to raise questions which could not be answered, to take risks and make themselves vulnerable. He suggested that the group think in terms of microcosms in which different dialogues can take place, and in terms of what we would do if we had ten years to develop a decision-making process and get movement. He commented that although we often get movement, we don’t know why. Therefore, there is a need to raise the level of inquiry by voicing our own uncertainties.

M. Elliott asked what it means to reconstitute communities, specifically in cases where we have not had community at the regional level and we are now creating it. Such ambiguity about the ends, D. Booher countered, actually reflects the real world. Part of the deliberative process is to deliberate about what the ends are. Subsequently, we can deliberate about the means. C. Lukensmeyer added that we need new governance mechanisms. Polling data show that the public supports a move toward regional government, but it is the existing government that is not interested in ceding power. This represents an institutional failure, said J. Innes. We don't view deliberative processes as being capable of changing institutions. She reminded the participants that we do not have to accept the boundaries as they are at the beginning. We can rethink goals. M. Elliott noted that people's identities and how they frame a problem may be more important to solving a problem like this (i.e. in the scenario) than the facts. In order to make progress, he said, we need to catalyze a level of commitment, learning and engagement through a long-term, sequenced process. This will require an interactive process of civic outreach involving the media, not an alternative dispute resolution process. We need to envision a different kind of future around first principles. Then, we can move forward to develop concrete actions and strategies that generate commitments from particular communities.

M. Sclavi returned to S. Sherry's question about how to include disenfranchised people. She suggested that we need to re-create a group spirit. Otherwise, civil and public servants will be tempted to just go back to their offices, and public citizens to return to their homes, and the community spirit will not be preserved. Policy-makers feel more comfortable in the living room of the disenfranchised than the disenfranchised do in policy-maker's board rooms. Civil servants must learn to meet in the neighborhoods where disenfranchised people live, drink coffee with them, and in general be their guests. This levels the playing field and can enhance trust. At every stage, she said, you must create a collaborative mood that will last after they go home. We will only work together if it is enjoyable, rewarding, and leads to creative solutions.

D.Booher noted that there are disincentives for deliberation. Some officials make a show of committing to a deliberative processes, but really just want to educate the public about the decisions they have already made. In light of this, he asked, “How do we design deliberative and representative institutions? or are we kidding ourselves that deliberative and democratic institutions can be up to the challenges of the modern age?”

II. Process

J.Dryzek asked if, instead of connecting deliberative exercises to policy decisions, the key question might actually be the reconstitution of social relationships. In deeply divided societies, deliberation can be separate from decision-making. In these cases, the key function of deliberation is the process of dialogue itself. In the most problematic cases, such as those divided along ethnic, religious, or national lines, connecting that dialogue to decision-making may obstruct both. The focus should be on learning to live together rather than on any decision-making moment..

Picking up where M. Sclavi left off on the issue of location, J.Fishkin commented that we need to pay attention to the type of forum used and its design. Deliberative democracy is not just one thing. Reiterating the relativity of process design, he argued that everything depends on which design you employ, and this decision depends on the circumstances.

C.Lukensmeyer added an additional design principle to those mentioned, the principle of embeddedness. She said that we need to think not just microscopically, but macroscopically as well. The challenge is to think about the macroscopic implications of our microscopic decisions.

III. Role of mediator

F.Fisher commented that deliberation and dispute resolution cannot do much outside of the current distribution of power. Mediators are politically constrained, and the bargains they broker benefit some communities more than others. One way to address this is to not use alternative dispute resolution at the outset. Instead, the mediator could focus on ways to reduce the communicative implications of power differentials, and find ways to build

social and political capital. Drawing on participatory action research methods, the mediator could organize community seminars in ways that build social capital, paying particular attention to disadvantaged and disenfranchised communities. Media coverage could also be used as a discursive resource to lend the deliberations some weight.

D.Fairman asked what mediators can do if they recognize that there is a governance problem and that it is impossible for the regulatory agency to do its job. Do you do your job and come back with the recommendation that a new institution is needed before we can address this? Or, do we suggest that we have to muddle through, knowing that it won't solve the governance problem at its core?

S.Sherry noted another practical dilemma. She described instances in which practitioners want to do what feels right in terms of the disenfranchised and underserved, but they know that this may not serve the common interest. She offered the example of curb-cuts in sidewalks that handicapped citizens request but which cost taxpayers an inordinate amount of money.

IV. Learning: Individual

Following up on the notion of learning, J.Forester commented that learning processes do not reduce simply to exchange or bargaining. Participants in a process listen to the others at the table. The challenge is to think about how people can learn in non-argumentative ways, such as breaking bread together. What happens during these social exchanges that is not reducible to rational exchange of goods and services? We do not give a good account of this, yet it can help us to reach agreement.

V. Time-scale and Continuous Process

M.Elliott asked how deliberative democracy handles complexity. Federal agencies have the capacity to carry things through for 10 years. However, is it possible for unpaid laypeople to do this meaningfully? He remarked that we do not have good models for how to do this over 10 years. Many of the problems that we face don't have solutions. Instead, they create corollary problems. This creates the need for an ongoing effort,

which we as a society are quite capable of confronting. However, the institutional base for doing this is critical.