Reflections on the Dispute Resolution and Deliberative Democracy Conference
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Looking back on the conference, I'm struck by four "creative tensions" in the dialogue between deliberation theorists and conflict resolution practitioners:

➢ Stakeholders vs. publics
➢ Persuasion based on reasons vs. negotiation based on interests
➢ Deliberation vs. decision making
➢ Ad hoc vs. permanent institutions

Stakeholders vs. Publics: The critique of stakeholder-driven public conflict resolution and consensus building processes by theorists of deliberation rests on two main points: stakeholders may not represent the broader public interest, and they may make decisions through bargaining rather than reasoning. In my experience, the representation issue is more significant. There are certainly many public stakeholder convening processes that proceed with limited outreach to potentially interested publics to identify and recruit participants, and with limited transparency to the public during the process.

My own practice has been to encourage (and sometimes push) convenors to do more systematic outreach to, organizing assistance for, and ongoing engagement with stakeholder groups that would be less likely to have the information or resources to participate—primarily lower income and socially marginal groups (e.g. public housing residents for housing policy; low income and minority group residents of neighborhoods doing site-based planning, etc.). I can't say that I'm always satisfied with the results, and I do think that there is a point at which practitioners should walk away from processes that don't pass the laugh test of good faith efforts to engage a broad spectrum of stakeholders or promote process transparency.

Large-scale engagement of the interested or the statistically representative public (e.g. through Carolyn Lukensmeyer's AmericaSpeaks events or Jim Fishkin's deliberative polling) may offer a good option for promoting more direct engagement of stakeholders and publics. I am excited by the possibilities, and am currently looking at two projects where this approach might be applied.

Interests vs. Reasons: On the issue of reasoning about the public interest, I think that some theorists of deliberation may be giving the practice of public conflict resolution less than its due. Interest-based negotiation does play a key role in any public conflict resolution/consensus building process. So too does reasoning based on arguments about a) facts; b) feasible options; and c) the public interest.

I have never participated in a public conflict resolution/consensus building process in which participants did not make arguments about the public interest. Those arguments often consume hours of meeting time, as participants seek to establish principles and criteria to guide the decision making process. In my opinion, participants often waste time on this type of argument, but not because "it all comes down to who has the most power." Rather, participants sometimes have profoundly divergent views of the public

interest (e.g. the appropriate balance between regulation and market forces; between community control and Federal authority; between serving the very poorest and serving a larger number of the poor, etc.), and are simply not going to argue each other out of those views.

My sense is that the arguments at this level are valuable mainly as a way to ensure that the participants recognize the need to make trade-offs between legitimate, competing public values. Making those trade-offs requires negotiation, but I've never been in a situation where the negotiators jettisoned their values for the sake of reaching a deal, and have often been in situations where the most powerful were constrained by arguments about the public interest advanced by those less powerful.

Deliberation vs. Decision Making: There was a slightly "Bambi vs. Godzilla" flavor to our discussion on public officials' need for time-limited deliberation with clear decisions at the end. I have no objection in principle to the notion that all public issues are in some sense endless public conversations, and that all decisions can be reopened. I don't think the theorists are naïve in this regard, but I do think that there is a limit to how much time and energy any public official or stakeholder can be expected to spend discussing an issue before making at least a "temporary decision." More importantly, there is sometimes a compelling public interest in having a decision in a timely fashion (a country is under attack, widespread fraud in the stock market leads to a crisis of confidence, etc.).

Nonetheless, I left our conference wondering whether I might be giving more weight to getting a decision than to sustaining deliberation. This weighting is in part a defense against stakeholder impatience and cynicism about process. I sometimes find myself insisting that I am just as pragmatic and instrumental about "process" as the stakeholders who roll their eyes at the term. But that defense may disarm me as a process practitioner in situations where there are both instrumental and principled reasons to argue for a deeper, more sustained interaction among stakeholders. The theorists' arguments in favor of democratic deliberation as an end in itself will, I think, stay with me and influence my future responses to stakeholders who doubt its value.

Ad hoc vs. Permanent Institutions: Given the demand for decisions, conflict resolution practitioners generally focus on helping the stakeholders deal with the situation at hand, seeking a mutually acceptable solution within the time and resources available. The deliberative theorists make a strong case that we should be working harder to develop better institutions for ongoing deliberation. We do try to help the stakeholders consider implementation issues, and to develop forums for joint monitoring and conflict resolution during implementation. I think we could go further in helping stakeholders use those forums not only to address implementation issues, but also to learn from each other and from their implementation experience, and to continue informing and engaging the broader public. My aspiration after the conference is to do more to create or strengthen deliberative forums that can outlive the particular issues at hand, and to take on more projects that are explicitly institution-creating as well as problem-solving.