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Some thoughts on the impact of scale on theories of deliberative democracy, collaborative planning and dispute resolution

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Effective planning for complex and spatially interactive systems—including many of the areas of concern to planners such as environmental, transportation, and community development systems—increasingly must combine specialized expertise with multi-disciplinary perspectives, expansive demands on financial and human resources, and vocal claims made by a wide-range of geographically dispersed interest groups and electorates. Moreover, these systems frequently cross jurisdictional boundaries, affecting neighborhood, regional and national interests simultaneously.

In this context, collaborative planning and participatory democracy offers potential advantages over traditional processes that center more exclusively on either pluralist political interaction or the rationalist logic of expert-based bureaucracies. Proponents claim that collaborative decision processes promote interactive rationality and leads to decisions that are better thought-out and more fair, implementable and durable. Proponents further hail collaborative processes as a route to providing meaningful voice to concerned citizens in a democratic society, and as a vehicle for sharing power amongst multiple agencies and interest groups.

Yet, most of these claims are based on consensus building processes associated with particular projects or clearly defined policy arenas, such as the management of a coastal resource or the development of policy for fair share housing. If collaborative planning is to address problems imbedded in complex systems, we must more meaningfully engage citizens and stakeholders at multiple levels of governance. Participatory collaborative processes must develop forms and forums capable of addressing not only localized place-specific issues and more regional but discrete policy tradeoffs, but also multidimensional regional, state and national issues.

While collaborative processes have been employed at all levels of governance, most engage citizens locally. Moreover, participation often becomes more specialized at the regional and national levels, providing voice to organized interests more readily than to the broader public. This, coupled to long standing concerns about who participates (small numbers of elites) raises questions about the feasibility of collaborative democracy in general and collaborative planning in particular, as a vehicle for addressing complex regional, state and national issues.

It is precisely this problem that is at the core of political theories of deliberative democracy. If democratic decision making is to be conducted in forms that are more direct than offered by traditional representative governance, then the decision making process must provide an opportunity not only for citizen voice, but also for deliberation and decision making. Further, it must do so in a way that is transparent, provides at least equal opportunity of participation (opportunity that accounts for contextual barriers to participation), resists capture by specialized interests, and promotes reasoned discourse

and closure around issues to allow for effective decision-making. How might we link our knowledge about processes for building consensus and communicative rationality (developed to resolve discrete conflicts) with political theories for governmental decision making (developed to enable legitimate political decision making)?

Dispute resolution (DR) theory and practice have developed answers to each of these questions when participants can be limited to some relatively small group and consensus-based processes can be utilized. Deliberative democratic (DD) theory is developing ideas about practice that attack the problem from a larger scale. Most DD theorists presume that final decision making will be done via representative governance, and that the role of collaborative deliberation is to enable these representatives to more fully understand the issues and their ramifications, as seen by various publics. The processes proposed by DD theorists do not seem to be agreement seeking per se, but more broadly focus on developed shared understandings, envision shared futures, and design innovative solutions and pathways to those futures. These processes mostly stop short, however, of seeking binding consensus. Instead, they look for buy-in from elected officials, who will conform to outcomes largely because it will be politically expedient to do so. In this way, DD theorists provide legitimation and closure (by linking to representative governance), while improving transparency and reasoned discourse (through structured participation processes).

The problem of capture by special interests is dealt with differently by various DD theorists. Two approaches were particularly discussed in the conference: one emphasizing extensive outreach for highly publicized efforts, coupled to openness to widespread participation; the other emphasizing random selection of a cross-section of the community. Both were limited to relatively intense but short-lived processes (from one to three days), largely to maintain the focus and interest of participants. What are the limits of a process that is completed in 3 days? To the level of understanding and the ability to envision the future amongst its participants? To the ability of the participants to move toward a shared understanding of each other's interests and the nature of the problem, towards the design of mutually acceptable futures?

It seems, then, that DR and DD theory overlap, but that they confront the problem of scale by resolving different problems associated with scale, and by in essence ignoring other problems. It would seem that DR theory provides clearer answers about how complex problems can be addressed inter-jurisdictionally over long periods of time, but does so by in essence "professionalizing" participation, empowering well organized interests who are capable of sustained action over time, at the expense of disorganized interests and those who lack resources. While DR theory has made suggestions about how to overcome these problems, rarely are the suggestions followed. DD theory, on the other hand, has opted for intense but sporadic involvement of the public. DD theory protects against the professionalization of participation, but does so by limiting the complexity of issues that can be addressed. While the processes can incorporate large numbers of individuals, the range of involvement is more limited.

The question that I am left with is: can the theory and processes of these two fields be combined to create a more robust answer to the problems posed by scale? Can processes be designed that allow more active participation in agreement seeking, while at the same time allowing for widespread participation. DR theory suggests that the use of nested processes might resolve this difficulty, but relatively few processes have been

designed to effectively mix extensive processes involving widespread participation with intensive processes focused on consensus building and agreements. What might these processes look like?