

Harmonising Divergent Voices: Sharing the Challenge of Decision-Making

After facilitating countless community engagement exercises, it has become apparent to us that there are two critical preconditions for effective deliberative democracy Janette Hartz-Karp



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The community engagement we have been pioneering in Western Australia (WA) in the Department for Planning and Infrastructure is part of a nascent, growing social movement towards participative deliberative democracy. It is exciting work, and the stakes are high.

As the research scholar Peter Levine (2003) has stated - if our democracy is to survive, it *requires* deliberation. Democracy requires deliberation for three reasons:

- To enable citizens to discuss public issues and form opinions;
- To give democratic leaders much better insight into public issues than elections are able to do;
- To enable people to justify their views so we can sort out the better from the worse.

In Australia, it is easy to suggest deliberative democracy is not so relevant. After all, we have frequent elections and, unlike most other democracies, our citizens are required to vote. Moreover, given our Aussie culture, with people apathetic and cynical about politics and more worried about sport than national affairs, then there is little point.

However, the diffuse act of voting—representation—is only one element of democracy—the other is participation. In our view, participation is only credible if citizens have a real opportunity to deliberate and influence governance.

Deliberation has come to mean many things to many people. Here, we are using it very specifically:

Deliberation is an approach to decision-making in which citizens consider relevant facts from multiple points of view, converse with one another to think critically about options before them and enlarge their perspectives, opinions and understandings. (Deliberative Democracy Consortium, 2003)

Deliberative democracy, then, has a very specific function:

Deliberative democracy strengthens citizen voices in governance by including people of all races, classes, ages and geographies in deliberations that directly affect public decisions. As a result, citizens influence—and can see the result of their influence on—the policy and resource decisions that impact their daily lives and their future. (Deliberative Democracy Consortium, 2003)

Deliberative democracy is not new. Citizen deliberation was the hallmark of Ancient Greece, and the town hall meetings of emerging democratic states of the western world. It reappeared in the USA in the early 20th Century only to disappear again after World War II.

The interesting question is why deliberative democracy has begun to emerge again across western democracies; and more importantly, is it just a fad or a significant change in how we practise democracy? In my view, given both the

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supply and demand sides of governance, then it could be that the time is right for increased participation.

In terms of the supply side, due to the endemic conflict and polarisation of our democratic process, it is becoming increasingly dysfunctional. This is exacerbated by the media's obsession with 'infotainment'. Better decisions are becoming harder to make.

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Politicians and bureaucrats have little idea about what citizens—their constituents—value and hope for. Neither frequent polls, nor elections, or even referenda, give sufficiently meaningful information to understand this.

On the demand side, citizens demanding better government, often get it. If politicians expect citizens will hold them accountable, they are more likely to behave more temperately and accountably.

The public are increasingly wary about the power of special interest groups and more likely to cry foul when the greatest rewards go to the best organised few.

Citizens are becoming increasingly aware about what is needed for a sustainable future, more capable of asking difficult questions, and more willing to participate in making this happen.

From the viewpoints of both decision-makers and the public, this re-emergence of deliberative democracy could well be a response to facing up to our past failures in community consultation, and recognising that there must be a better way.

In Australia, as in other western democracies, civic disengagement is rife. Special interest groups have captured the agenda. Our attempts to involve people have often resulted in increasing their cynicism, and reducing their appetite even further to invest in civic life. As a consequence, social capital declines further.

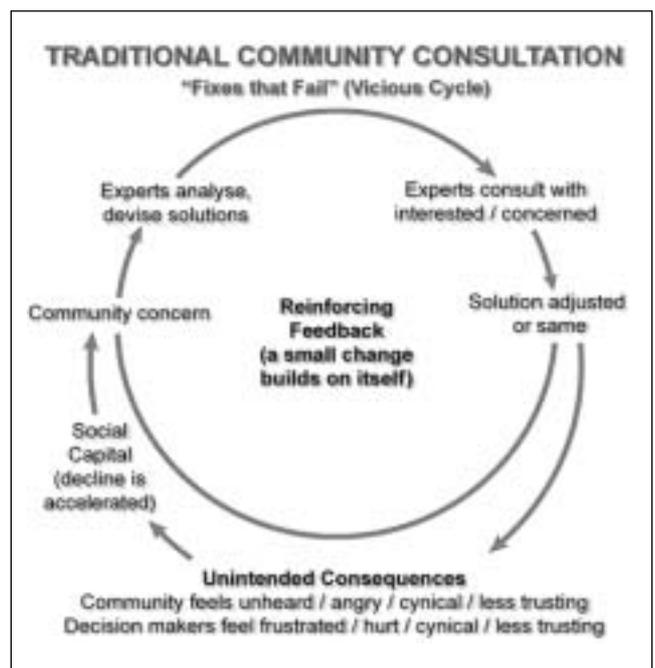
The following consultation scenario is typical. An issue is perceived as a problem. It is given to experts in that field to address. In gaining an understanding of the problem, the experts also gain understanding of the potential solutions. To implement the solutions, it is decided community input is needed.

The community consultation implemented is full of people with special interests. Participants are keen to express their own views, but largely uninterested in learning from one another. Discourse is divisive rather than collaborative, defensive rather than expansive. The consultation ends with much community criticism of the solutions proposed.

The experts feel this community response is essentially uninformed, or misinformed by special interests. Nonetheless, some adjustments are made to take into account community views, and the potential solution is implemented. Unsurprisingly, the public is either uninterested or outraged. Sometimes an impasse is created that continues for years.

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What we have created, in systems thinking, is a 'fix that fails'. Not only did we fail to resolve the original 'problem'—an issue we hoped would be resolved by civic engagement - but the 'fix', the consultation, has often exacerbated the problem. The result is we get caught in a perpetual cycle of solving yesterday's 'solutions'.



In this, what is termed, 'vicious cycle', the reinforcing 'unintended consequences' feedback loop assures that a small change builds on itself and social capital is decreased further.

Where did we go wrong? In my view, we went wrong at almost every step in the process. What is the point in consulting only with people who have special interests? Why do we presume they would be interested in others' points of view, let alone willing to act in others' interests? Why do we think those without special interests would

give their time and energy without any reason for doing so? Why should they bother if experts think they already have the answers, and if decision-makers make no commitment to acting on the outcomes?

What we have been doing is not deliberative democracy. In the main, it is about applying a ‘fix that fails’.

In systems thinking, there are only two ways to deal with ‘fixes that fail’. The first is to acknowledge that the fix is merely alleviating a symptom. The second is to make the commitment to solve the real problem now – civic disengagement.

So, how could we choose to do it differently? Unfortunately, there is no tried and true way. Most western democracies are still in the stage of early innovation. But we can learn from those who have been pioneering.

We can begin this journey close to home – with some of the initiatives that have been taking place in NSW, many of them facilitated by Lyn Carson from the University of Sydney—as well as those we have been implementing in WA. After facilitating countless community engagement exercises, it has become apparent to us that there are two critical preconditions for effective deliberative democracy.

The first is to create an environment of trust - in the language of dialogue—a ‘container’ in which honest and open dialogue can take place and people are clear that it will matter. The second is to create the conditions for participants to reframe the issue so alternative and emergent solutions or trade-offs are possible.

Although we did not set out to do so, I think we have stumbled upon a useful set of building blocks that maximise the opportunities to establish trust and reframe. These building blocks tend to act synergistically. They involve:

- participants who are representative of the population;
- a focus on thoroughly understanding the issues and their implications;
- serious consideration of differing viewpoints and values;
- a search for consensus or common ground; and
- the capacity to influence policy and decision-making.

Each of these building blocks is important. Representativeness enables us to engage, in the words of John Ralston Saul (1997) ‘disinterested’ citizens, who can take seriously the long-term or wider view, which is dependent on a measure of disinterest. This inevitably changes the focus.

Honest and open deliberation based on comprehensive, ‘open book’ information and careful consideration of differing viewpoints, enables expansive, creative thinking. This is very different to advocacy and debate.

The search for common ground enables full consideration of numerous potential solutions and numerous potential trade-offs required to achieve worthwhile end goals. This is very different to polarisation.

Having the capacity to influence ensures participants take their deliberative responsibilities seriously. There is a qualitative difference in how people interact when they know the outcome is likely to be enacted.

Using these building blocks, our aim is to grow a collaborative environment where our community takes joint responsibility for creating the quality of life we envision for ourselves. In so doing, we will be gradually increasing social capital.



In this ‘virtuous cycle’, the reinforcing feedback loop assures that a small change builds on itself and social capital is increased.

Why are trust and reframing so critical to useful outcomes? It is probably easier to understand why trust is so crucial, although it is much more difficult to achieve. Without it, open and honest deliberation cannot occur. Why is the reframing of issues important? The following are a few examples from WA.

In the WA Health Department, there was concern about the health of a particular Aboriginal community in the far north. Indigenous people were consulted on their preferred health service, using ‘best practice’ methods of consulting with Aboriginal people. As a result of this input, a new health facility was built. At the launch, an Aboriginal elder called it, somewhat unceremoniously—“a palace floating in a sea of shit.” Their health problem was the lack of sewerage, not medical facilities. One can only wonder how often we build “palaces floating in a

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In retrospect, analysing each community engagement exercise we have run in the WA portfolio of Planning and Infrastructure where successful outcomes have been achieved, participants have reframed the issue.

For example, before the Reid Highway Citizens’ Jury, the expert bureaucrats had defined the issue as a problem with road traffic flows. The key concerns they had heard were of the ‘not in my backyard’ type. In their view, they were in a win-lose situation. One of the two communities was bound to be very angry about the resulting traffic flows through their suburb.

However, the jurors were from a local random sample, with general civic but not specific interests. As a result of their exploration of viewpoints and deliberation, they reframed the problem from a traffic flow problem, which they felt was easily resolved, to a safety problem—protecting the schoolchildren at the affected school and nearby playground. Not only did this enable them to come to a unanimous decision, it was a decision that was accepted by both communities without further murmur.

Similarly, in retrospect, examining the outcomes of Dialogue with the City, again, the key issue was reframed by the process. The problem presented to participants was—where do we fit the increasing population into greater Perth? And what will it look like? This was reframed by the process, becoming—how do we want the increasing population to live? And how do we want to plan?

The Dialogue with the City deliberations have resulted in a planning strategy significantly different to prior plans for the city. The strategy proposes real ‘stretch goals’, crossing political and agency boundaries and silos. However, because it does address the whole system and has evolved from collective wisdom, it is probably more achievable than the prior plans of expert city planners.

Deliberative democracy as it is being practised around the world, does not necessarily entail each of these building blocks. However, at least one or more of them is emphasised. The following is a brief tour through some examples world-wide.

PLANNING CELLS, CITIZENS’ JURIES AND CONSENSUS CONFERENCES

Planning Cells were introduced into Germany and Citizens’ Juries into the USA in the 1970s quite

independently, though the techniques are similar. Randomly chosen jurors are asked to deliberate on complex, often contentious issues, for example, dilemmas in the areas of health, technology and the environment. Jurors cross-examine expert witnesses, deliberate and make recommendations.

The Citizens’ Jury was first piloted in Australia by Alan Davies in the 1970s in an ACT school, and in the 1980s in a Tasmanian trade union. Then there were trials in northern NSW in the early 1990s. The first Citizens’ Jury linked to government occurred in 2000 in NSW on container deposit legislation.

WA’s first Citizens’ Jury was in health. The Citizens’ Juries we ran in Planning and Infrastructure in 2001 and 2002, provided advice on very specific but contentious transport and land use issues that had split communities. In each instance, the jury recommendations were accepted by the WA Government and acted upon.

Representativeness, informed deliberation, and the search for common ground are key elements of all Citizens’ Juries. However, the extent to which they influence governance has varied considerably.

Although Citizens’ Juries have now been used countless times across the western world, they are still perceived to be experimental.

On the other hand, the Consensus Conference—a jury process open to the public—has been incorporated by the Danish Parliament into its democratic process. Focusing largely on technological issues, the findings are presented to a Parliamentary Research Committee, and routinely fed into Danish government policy and legislation.

Australia’s first Consensus Conference was held in Canberra in 1999 on gene technology in the food chain. It was timed to influence government policy but there was no direct linkage through to governance.

DELIBERATIVE POLLS

The Deliberative Poll, which was developed in the USA, and later used in a televised form in the UK and USA, is known to most Australians. We used a Deliberative Poll in 1999 on whether we should become a republic, again in 2001 on reconciliation, and since then on reform of the Upper House in South Australia.

The Deliberative Poll, unlike the usual polling, engages the random sample being polled in deliberation. Participants are sent information prior to a conference which they are paid to attend, and are polled on their opinions. The conference involves both small group discussion and interaction with a panel of experts. At the conclusion, participants are polled again to see if their opinions have changed as a result of the deliberation.

In Texas, USA, between 1996 and 1998, eight electricity organisations undertook deliberative polls to determine the energy options their customers preferred to meet future electricity requirements. The community preference for renewable energy surprised all the stakeholders. This outcome has since translated into legislative targets for renewable energy.

Televotes, to date, have not had the same direct influence. Here, a random sample of the population is sent information to discuss with family and friends before voting on an issue. Televotes have been carried out in the USA, New Zealand and Australia - one in NSW in 2000 as part of the container deposit legislation Citizens' Jury; and a Telesurvey in WA in 2002, as part of the Freight Network Review. The WA Telesurvey has resulted in different criteria being established for the limits to growth of the Fremantle harbour.

PARTICIPATIVE BUDGET

By 1991, Porte Alegre had developed a Participatory Budget process that significantly involved the community—the poor as well as the rich. In 2002, over 45,000 citizens and 1,000 local representatives participated. The community decides on the amounts of income and expense, where and when investments will be made, and the budget priorities of Government.

The process involves much effort to ensure representativeness and effective deliberation. The outcome has a direct impact on Government budget priorities and investment. It is reported that poorer people in particular find it a more effective way to exercise their rights and responsibilities as citizens than voting in elections.

More than seventy cities in Brazil are now establishing a Participative Budget system.

CONSENSUS FORUMS

This is a hybrid engagement technique used. Considerable effort is made to ensure representativeness, informed deliberation, understanding of different viewpoints, searching for common ground, and continuing participant involvement through to implementation. The outcomes have a direct influence on government decision-making.

Several Consensus Forums have been held. Each has involved a series of two to four deliberative forums. Participants remain involved through to implementation via a stakeholder Implementation Team, stakeholder Working Parties and regular updates on progress to all participants.

To enhance the deliberation, Consensus Forums have been combined with other deliberative techniques including versions of a Telesurvey and Electronic Town Meeting, as well as a Multi Criteria Analysis Conference.

21ST CENTURY TOWN MEETING

21st Century Town Meetings, initiated by AmericaSpeaks in 1997, are large-scale forums of 300–5,000 participants. They engage citizens in public decision-making processes at the local, regional and national levels of governance. Dialogue is supported by key-note polling, networked computers and interactive television that enable almost immediate feedback of themes, issues and priorities.

Representative groups of citizens are recruited through a variety of means, including grassroots organising and the media. All major stakeholders are engaged in the process, and a clear link to decision-making is established from the start.

'Listening to the City: Rebuilding Lower Manhattan' after September 11, that involved almost 5,000 citizens is the best known example. As a result, the plans for the 'ground zero' site were radically altered. The Strategic Planning and Budgeting for Washington DC held bi-annually over the past 6 years directly impacts on Washington DC's priorities, budget and performance indicators of Government CEOs.

WA's Dialogue with the City process has ensured our '21st Century Town Meeting' of 1,100 was only one step in the process of community dialogue. By making sincere efforts to engage the whole community prior to the Forum, and continuing the engagement after the Forum, the people of Perth were encouraged to create the quality of life they envision for themselves.

Other Deliberative Democracy techniques include:

- Health Care Dialogues held in Canada
- Constructive Conversations
- Dialogue
- Community-wide Study Circle
- National Issues Forum
- Electronic Processes
 - Electronic Town Meetings
 - Online public forums.
 - Network Democracy
 - Web Lab
 - E-Democracy
- Search Conferences
- Civic Scenario Workshops
- Open Space Technologies
- Enquiry by Design and Charrettes.

CONCLUSION

This rapid deliberative democracy tour highlights on the one hand, a gathering momentum, but on the other, that deliberative democracy has rarely become integral to governance.

To reverse the trend of disengagement and build deliberative democracy will involve a paradigm shift – a fundamental change in the rules and way community consultation is practised. Truly engaging the community will need to become a priority and accepted practice in governance.

Is deliberative democracy relevant to Australia? From an overview of community consultation carried out in Australia over the past few decades, community engagement is the exception, not the rule. While the language of what we do has changed, the practice has rarely followed suit. We have done little to alter the level of citizen disengagement and the decline in social capital.

To reverse the trend of disengagement and build deliberative democracy will involve a paradigm shift – a fundamental change in the rules and way community consultation is practised. Truly engaging the community will need to become a priority and accepted practice in governance.

If democracy is important to us as Australians then, as John Ralston Saul (1997) notes, the primary question is not what kind of government? Or how much government? But *whose* government? All citizens need the opportunity and capacity to take up their legitimate roles as participants in this process. In reflecting on so many of our efforts however, the famous words of the political scientist E E Schattschneider (1960) seem very apt:

The flaw in the pluralist heaven is that the heavenly chorus sings with a strong upper-class accent.

There are several remaining and recurring questions that need to be addressed:

Can we afford community engagement in terms of the resources needed? Outlining the costs of different initiatives, some of which are expensive, some of which are not, in my view, misses the point.

Firstly, we already spend huge amounts of money on expert research, which we accept as crucial for good decision-making. Surely, 'community-based research', exemplified in many of the initiatives outlined, is worthy of increased funding. Secondly, in terms of cost benefit

—given the frequent need to rectify our consultative 'fixes that fail', then we may well be saving money.

Should we be engaging the community on all issues important to them? Clearly, it is not feasible to engage the community on every issue. However, on the important ones, when we don't have the answers, or the imprimatur to implement change—then can we afford not to?

Do we have the time to engage the community when engagement is such a time consuming exercise? As John Ralston Saul (1977) noted:

Democracy is built and maintained through individual participation, yet society is structured to discourage it...Ours is the most structured of civilizations...Why is the function which makes democracy viable treated as if it were expendable... Or rather, why is it excluded by being reduced to a minor activity requiring the sacrifice of time formally allotted to other things?

How do we begin? Robert D Putnam (2000) makes a most useful suggestion:

Just as one cannot start a heart with one's remote control, one cannot jump-start citizenship without direct, face-to-face participation. Citizenship is not a spectator sport.

It's up to each one of us to play the game.

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