

Rationality, Dialogue, and Learning:
What Community and Environmental Mediators Can Teach Us
About The Practice of Civil Society

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This paper addresses one central question: In a democratic civil society, how might citizens who speak in many voices deal with their differences, confront as well as celebrate them? In three short sections, I'd like to explore that question by taking the Studs Terkel-like reflections of environmental mediators as *windows onto the practical political world* of making democratic deliberation work. These mediators deal with class no less than with natural resources, with ethnicity no less than with regulatory agencies. They teach us about dialogue, learning, and rationality, as John Friedmann's work always has. In particular, these mediators help us to pose and to understand a series of five problems that call for theoretical insight and practical action at the same time: these are problems involving the ethics of recognition, the design of participatory processes, the rationality of democratic deliberation, the advocacy, or non-neutrality, of activist planner-mediators, and, finally, the place of traumatic memory in the democratic deliberations of a civil society. But first, consider a few worried remarks about the overall problem.

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Introduction: A Worry about Weasels

A deliberately democratic civil society is a precarious achievement, an on-going struggle, not a natural fact. No natural process guarantees that plural voices will respect and even inform one another, rather than becoming so much noise. No historical process guarantees the recognition of plural, multi-layered identities, or the critical examination of political arguments.¹

Political fashion suggests that “we are all social constructivists now,” but the truth that some social constructions do not deserve respect, that some are illegitimate, or unjustified, that some are simply untrue, seems difficult to swallow. We seem culturally sophisticated, but ethically agnostic. Or worse: if at times we can soar like sharp-eyed descriptive eagles, far too often we seem to be running for cover, a good deal more like evasive normative weasels.²

We celebrate voice, but we have difficulty recognizing that “voice” means something practical, ethically speaking: voice means making real claims on others, claims for respect and/or resources, claims which can be bogus or inflated or exaggerated or manipulative or self-serving or other-insulting or oppressing. We seem to think that recognizing or respecting a speaker forces us to be gullible, to buy whatever they say. The glitz of the latest overthrow of modernity’s meta-narratives has dazzled us a bit too much, for we too easily confuse politically critical hope with ordinary resignation; we too easily let an informed skepticism slide into a sophisticated but complaining, a kvetching post-modern cynicism. We are in danger, it seems, of forgetting that practical political claims -- the effluent is safe, the politician speaks for the community, the species will survive, the company has fixed the leak -- can be more *or less* justified, can be *tested* critically.³ That means that these and other political claims can be, roughly, humanly, *true or false*, which means, either “sound” or, in Harry Frankfurt’s sense, “bullshit,” which he takes to mean, “showing a lack of concern for the truth.”⁴

In a plural, diverse civil society the truth -- or better here, the *justification* -- of political claims can hardly be just a matter of taste or subjective preference -- for some a local matter, for others a hegemonic product of history; for some a fleeting particular, for others, a scientific Fact; for some, the property of educated elites, for others the property of a ruling class. The danger of shrugging our shoulders or weaseling away from problems of justification, the problems of distinguishing critical discourse from myth-making, of course, is that we risk blinding ourselves. We risk confusing the self-serving advertising of corporate leaders with the real possibilities of a vibrant civil society.

Now these issues of ethical justification, truth-seeking, systematic political criticism, and moral realism can involve heavy philosophical lifting, of course. But we might instead take another, lighter approach and follow the late Wittgenstein (himself a deep critic of systematic philosophy), who once remarked that philosophy could be taught by telling jokes. In that spirit, consider the joke about a post-modernist patient we're all likely to know: Hearing a diagnosis he or she doesn't like, this patient responds, "Well, doc, look -- couldn't you just "touch up" the x-rays??"

This joke's "on us," unfortunately, for in this glorious age of rhetoric, theories of discourse, textuality, and post-positivism, *we're* in constant danger of becoming this pathetic patient. The joke is literally pathetic: full of the pathos of the patient's hope and terror, the evasion promised by killing the messenger, the plea masking the tougher hint that sometimes the truth hurts. But the joke of "touching up" the x-rays conveys, of course, the deeper sense, too, that human possibilities are not just constructed at whim -- that we really can learn, in some objective ways, about our future possibilities and our real vulnerabilities. We really can learn about our own prospects, for better and at times for worse -- whether we are using x-rays or counting housing starts, exploring workplace safety conditions or air and water quality.

So this simple joke is really about critical theory after all: it teaches us that decent social theory must address possibilities, not just constraints; it must inform hope, not simply resignation; it must do more than complain about power and ambiguity and even tragic limits -- it must help us see what's involved in facing and resisting power, in creating meaning and beauty, ambiguity and all, in living in a tragic world of conflicting goods and obligations, as finite, real people.⁵

The problem for those celebrating a vibrant and diverse civil society is certainly not to find a truth machine, an ethical pasta machine with which to crank out "right answers." We face instead another challenge: how to imagine a *deliberative democratic politics* that recognizes and respects plurality and difference while being no less committed to *learning and acting together*, a politics that helps us to clarify critically the truth of our possibilities for human betterment, helping us to *listen, learn, and act* -- even as we know full well that some people along the way will be lying through their teeth (whether out of fear or out of greed).⁶ This is just what a "critical pragmatism" is all about (Forester 1993b; 1995b).

Learning from the Practice of Creating Deliberative Democratic Spaces in Civil Society: Community and Environmental Mediator's Accounts

We can learn about a few of these possibilities, now, by exploring the reflections of three practitioners who often face these issues: dealing with differences and the need to act together too, dealing with different constructions of reality and human need, and differing senses of strategy too. Community and environmental mediators deal not only with neighborhood disputes but with the legacy of racial and ethnic conflicts. They deal not only with legal rights to land, but with the meaning and identity-constituting relevance of place and space. They deal not only with issues of discrimination, but with the legacies of racism, not just getting their hands dirty with the messiness of practical agreements, but with the inevitable incompleteness of human acknowledgement. They deal with unique particulars and more general principles, as engaged and potentially critical pragmatists, not as abstracted social critics (not to say, "theorists").⁷

Dealing with large-scale land use disputes at the provincial level and complex ethnic and class-based disputes between neighboring jurisdictions, such mediators shape the civil society in which we live. Their work provides a natural laboratory, a series of deliberative experiments, that can teach us about the challenges of reconstructing civil society: the character, requirements, contingencies, and possibilities of dealing with differences in a democratically deliberative way.⁸

Regional Land-Use Planning as a Deliberative Exercise

So listen first to a Canadian mediator who recently facilitated an ambitious, eighteen month long, land-use planning process. He says, of the early stages of that process:

The Commissioner -- who is Provincial, or in U.S. terms, in a state agency -
- announced that rather than simply recommending to the cabinet what land use he saw for the area, he would rather that people negotiated over [the uses] on Vancouver Island, and he invited people to negotiate in some way. He....was swamped with over a thousand briefs, letters, faxes, and representations. What his office did was to begin to organize those into more or less like-minded perspectives. What [we] distilled out of that were fourteen different points of view: distinct enough that it wasn't possible for any one of them to speak for another. That was really our test: How can you gather people around a table in a totally inclusive way, but still be effective?...⁹ We had local government,

provincial government, forest employment, the forest manufacturers and managers, the big companies, an aboriginal presence, conservation, outdoor recreation, general non-forest employment, tourism, mining, agriculture... All of those people were at the table.

[But] I couldn't simply say, "You're going to have to negotiate, period," because that wouldn't mean anything to them. We had to demonstrate, and teach, and do some skills-based training for them to actually practice and role play before they had a sense of what it meant to attempt to solve problems with people whose values were so radically different from theirs. And when I say "theirs," I mean *every group*; every group shared that impression, [that it's us against them]. It's this dichotomy that you run into all the time in mediation, but it's much more serious in multi-party public policy [negotiations]: "There's no way that the enemy will ever understand me," because "the enemy" is inherently evil, weak, out of touch, all those things.

That being the case, "There's no way we'll ever come to terms." So the way to solve that, it seems to me, is to give people a chance privately and safely within their own sector to air their own anxiety, to practice some of this stuff, and to have an experiential bite at seeing that they can do this: they can communicate effectively, they can deal with [stupid] behavior across the table effectively. Or at least they have a sense of what that would be like. That was very effective.

[How do we have them vent their anxieties in a way that's at all productive, when it might also fuel the fires?] What's productive is for me to do an orientation on a Sunday-Monday with the green side of this problem and then on a Wednesday-Thursday with the brown side of this problem.

They're each saying *exactly* the same thing about the other. That's a piece of information that they should know. It's handy to be able to [tell them that], when they say to you, "You'll be able to trust what we say, but there's no way you can trust anything they say." It's great to be able to say to them in response that, "You won't believe this, but they used *exactly* the same words to describe their view of *you*."

They're amazed. "They did?!? *They* don't think *we're* accountable?" They

discover that there are all kinds of assumptions that one value system makes about the other that have to be debunked.

He continues:

[There's a lot more going on here than just teaching them communication skills. Macro-wise, they're just getting a bunch of information. [They're] finding out about what the process might be like, getting a sense of the great big circus they're getting into, because this thing lasted a year and a half, and any long multi-party public policy process is [like that]. There are survival skills one needs to be able to get through it. So, there's the information component, and that was a big deal.

Secondly, there's a communication skills and negotiation component that they just scratch the surface of in a day and a half, but that's important. Thirdly, I think they *begin to* crystallize their own “interests.” They don't know that yet, because they don't know what “interests” are. But they begin to retreat from positions that they take about the land base, and they begin to identify specific areas of need, desire, concern, fear, aspiration, expectation -- what I would call “interests,” that they've got to be very clear on by the time the negotiation gets rolling.

[They do that by way of the exercises in the training session,] and [through] the discussions that are going on. They're beginning for the first time to think in terms of, “What do we really want to get out of this?” rather than, “What is our opening gambit going to be?”

You want to dissuade them off all that. You want to persuade them to disclose to everyone at the table -- [and persuade] everyone else to disclose to everyone at the table -- what they're really there for, because you want to *build solutions together* that *accommodate, not compromise*, the interests of everybody. *That's* the objective. So they begin to get a sense of that. I say “begin” because it's a long process, but it happens, and it happens early.

Summarizing his thoughts about these early stages, he says:

These training sessions did begin to allay some of their apprehensions about the process, and also increased their level of recognition of others and others'

levels of recognition of them.....It was really interesting. Looking back on it, it's quite surprising to me that that was happening, because we'd never done that before. But since then, in several large things that I've done or am now working on, I've insisted upon some element of [what] I like to call "orientation." Nobody wants to be "trained," but "orientation" they can live with. And so we call them "orientations," orienting each sector to the process. That was a major hallmark of the success of how this [negotiation] went.

Now, this mediator is no judge delivering a verdict, no technical expert rendering an opinion, no bureaucrat implementing regulations.¹⁰ Instead, he (and his co-mediator) had to try practically to "deal with differences" in civil society -- here regarding land and resource use, environmental and economic issues. Even this brief excerpt, though, tells us a good deal about the challenges confronting those who hope to make democratic deliberation work.

We learn immediately about the problem of representation. In months of preparatory work, these mediators worked to constitute fourteen "sectors" to sit "at the table." They had not just to ask, but to answer the questions, "Who are the relevant members of "the community" here, the affected members of the polity, and how are they (here in fourteen "sectors") to participate? If citizens are to avoid the Oscar Wilde problem -- that the problem with socialism is that it takes too many evenings -- what scheme of representation will be both fair and workable?"¹¹

We see, too, the problem of dealing with the parties' *unexamined* presumptions, with their fall from the grace of perfect information and full rationality. We see not only each party righteously and adversarially convinced that "it's us against them," but presumptively believing, too, that: ""There's no way that the enemy will ever understand me," because "the enemy" is inherently evil, weak, out of touch, all those things. [and] "That being the case, "There's no way we'll ever come to terms.""

But we learn, too, that even if, or perhaps because, information is poor and minds are not omniscient, that the parties do actually learn about one another. The mediator tells us:

"They're each saying *exactly* the same thing about the other. That's a piece of information that they should know. . . .

It's great to be able to say to them. . . . "You won't believe this, but they used *exactly* the same words to describe their view of you."

They're amazed. "They did?!? *They* don't think *we're* accountable?"

[And so he says,] "[So] they discover that there are all kinds of assumptions that one value system makes about the other that have to be debunked."

But the deliberative learning that goes on here does not seem limited to learning about the Other, as difficult as that may be. For we get a glimpse here, too, of the parties' moral inquiry and learning *about themselves*, their own learning about "ends" and "means" together. So we learn that *somehow* the parties, "begin to crystallize their own interests...they begin to retreat from positions that they take about the land base, and they begin to identify specific areas of need, desire, concern, fear, aspiration, expectation -- what I (the mediator says) would call "interests.""

This exploration of parties' "interests" is a retreat and an advance at the same time: a retreat from a strategic position (based on an earlier, rough anticipation of the discussions at hand), and an advance toward a more particular, finer grained identification of what's really at stake and possible in this negotiation.

So the parties learn about one another and about their own evolving priorities too. In addition, this mediator tells us, the parties (and we too) can come to understand the vital practical distinction between jointly beneficial solutions that *accommodate* diverse interests and mere *compromises* that sacrifice those interests. That distinction, of course, is part of the classical promise of dialogue -- not just bargaining but social learning, not compromise but transformation, not self-sacrifice but joint gains, not the deterioration of speech into nastiness but the creation of new and mutually beneficial alternatives, ways of going on together.¹²

Lastly, this brief excerpt teaches us not just about the semantics of "training" and "orientation" sessions, but that some processes of preparation, introduction, orientation or training can enable participants to do better in their own terms -- to be more familiar with the deliberative process, to develop strategies and skills within it, to learn, as we have noted, more than they knew about others, about their own interests, and about possible outcomes they might achieve together.

Mediators like this one are hardly neutrals. They shape not only representation, but the parties' preparation, their perceptions of each other, the ways they listen and speak, the agreements they might reach. Like other midwives of a deliberatively democratic civil society,

as we shall see, these mediators have no end of practical judgments to make.

Conservation, Recreation, and Class: Ground Rules and Anger

Listen now to a second brief excerpt from another environmental mediator's account of a conservation-recreation dispute that involves local and state regulatory authorities, off-road vehicle users and defenders of a threatened bird habitat. He tells us:

There were a lot of discussions. First of all, in the mediation itself there was extensive and candid discussion of the parties' interests and concerns. [This was] in plenary session so that all the concerns were aired, including the concern of the state agency representative and including the very angry response from the local people who were pushing for the more flexible approach. They felt that this was heavy-handed regulatory government behavior, a "command and control" approach to problem-solving, and that it wasn't recognizing the realities on the ground. . . So [there were] very strong feelings.

One way to handle [that] was to try and let all of that [be] expressed and [then] work through [it]. I have a pretty high tolerance [he continues,] for what might appear to be confrontational statements and positions. I believe it's very important for people to be given a safe place to express all of their feelings, including their strong negative feelings, including their feelings of injustice, of oppression, which arose in this case.

[We did some of this] in plenary session, [because] I think that there's a place for some of that airing to occur with all parties present. There's a strong value to everyone understanding the depth of the feelings of the other players and the reasons for those feelings, what gave rise to those feelings.

There's an important part of the process [which is] *story-telling*, where each side gets to tell their story in their own way, and the other folks listen to the story without interrupting. Hopefully [they then] have better insight into the other side's *perspectives* and the reasons for their perspectives.

He goes on:

There are limits, and when there's passion, as there often is in these cases, I view it as the mediator's job to set those limits. One of the ground rules is that the parties cannot abuse one another. One of the mediator's jobs is to keep parties

focused and on track.”

A bit later he says,

“There are limits of how far I, as mediator, will allow them to go in personalizing their presentation by saying, “You did this to me.” But frankly, I try to err on the side of allowing a great deal of that kind of expression all together at least once. Once it's been done, once together, or maybe twice, then usually I'll encourage the parties not to continue to harp on their strong negative feelings, but to move on.

Sometimes they need more airing or venting, and sometimes they have things they need to say that they can't say in front of the other parties. All those sorts of expressions can take place in private caucus.

I believe that it's very appropriate and useful in a couple of ways for parties to be able to say, “This is why I'm angry.” It's useful information to the other parties, and it's helpful to the person who's expressing it to be able to feel heard on those [issues]. It's often necessary to have that kind of communication to clear the way for more dispassionate problem-solving. But a mediator's got to make a “judgment call” about how long to let that go on. You've got to make a judgment call about when it [becomes] *destructive*.

So this mediator amplifies and extends several of the points we have just considered. In the story-telling of the participants, they may be able to listen in new ways, to recognize issues, reasons, and motives that they do not already know about, to learn about one another: “Hopefully [this mediator tells us, the parties then] have better insight into the other side's perspectives and the reasons for their perspectives.”¹³

But we see more here too. This mediator tells us that emotion and passion have an important place in the discourse of civil society, in the discussions of public dispute resolution processes. The mediators work with parties who have “very strong feelings,” “very angry response(s),” no shortage of “confrontational statements and positions.” Most importantly, this mediator does *not* tell us that these emotions must “be left at the door,” as if they were to be avoided or had no place in deliberative public discussions. Quite the contrary, the problem we see here involves the recognition of such affect -- anger, fear, suspicion, confrontational moves - - and a pragmatic “working-through” of those feelings, not their denial: ¹⁴ “Sometimes they need

more airing or venting, and sometimes they have things they need to say that they can't say in front of the other parties. All those sorts of expressions can take place in private caucus.”

But here we learn, too, about one of the critical roles of any mediator -- and by extension perhaps, those hoping to foster deliberative democratic discussion more generally: creating “*a safe place* to express all of their feelings, including their strong negative feelings, including their feelings of injustice, of oppression.” Here we see the subtle and deeply political problem of setting limits, creating “ground rules,” to protect parties, to ensure safety, to “keep parties focused and on track.”¹⁵

We see, too, that even once such pragmatic ground rules are set, the mediator still must make “judgment calls” about how to apply them, to how interpret the needs of parties to express anger, to be protected from abuse, to develop trust that they will be heard, that they will be able to say what they will without disruptive interruption, intimidation, or disrespect. This work is necessarily improvised -- what Martha Nussbaum would have us call the moral improvisation that works between the fine awareness of unique particulars and the rich responsibility to encompassing principles and obligations (Nussbaum 1990; Forester 1993b).

These “judgment calls” serve the control of the mediator, to be sure, but we learn of two additional considerations. Facilitating expressions of anger, we learn, can mean disclosing information to participants, as well as enabling the expressive party to “be able to feel heard on [their] issues.” Further, and not least of all, we learn practically, “It's often necessary to have that kind of communication to *clear the way* for more dispassionate problem-solving.” Nevertheless, we are reminded, the “mediator's got to make a “judgment call” about how long to let that [expression of anger] go on.”

Land-Use, Ethnicity, and the Shape of Deliberative Rituals

We can build on the reflections of these two practitioners by listening to a third who speaks, at somewhat greater length here, of dealing with ethnic and environmental conflict, land use planning and Native American claims too. This mediator tells us of a series of meetings she facilitated to bring together local, county, and tribal community members and planning staff to discuss growth control, jurisdictional relationships, environmental protection, and their senses of space and place as well. She says:

“We've done a lot of convenings and gatherings, and by and large one always gets into “my view versus your view,” and “my needs versus your needs.”

What we did here was sweep that aside and have people talk about what that place was to me, for me, and how my life and the life of my family both before me and after me, are in that place.

I was surprised at just the history the vast majority of people had there. For instance, the one county commissioner that proved to be a real leader in this effort was third or fourth generation. His people had come there as farmers [way] back when.

So he felt [close to] the land. He characterized his feelings differently from a tribal leader, but you began to see the similarities and the common ground -- [or] not the common ground, but the *opportunity* to find the common ground. I think the video [we did] captures it really quite beautifully, people talking to one another, and people just talking about what came out of it all for them.

So we used a talking circle, [with] different people opening the circle. For the very first circle, I asked Bill Johnson, who's one of the tribal leaders, to open the circle. [Then,] just a few minutes before the thing was to start, Bill disappeared.

Oh God, I was all grindy and wondering, "Now when is Bill going to re-appear," and so on and so forth, because I had a schedule to maintain. But anyway, he finally arrived.

What he had done was [to] go off and find a cedar tree and take a bough from the tree, in ceremonial fashion, to use in this circle. Also, he'd found a particular rock, and he talked to people about what he did and why he did it and what the symbolism and the significance of it all was. That really set the tone and the tenor for the initial sharing. That was then carried forward by others who used their own symbolism and used their own orientation. But we immediately created a very special space in that initial introductory event, if you want to call it that.

What you had here was essentially two worlds, two cultures. People will say [though], "Well, hell, you know, I mean that's nonsense, because Indian people [here] have been around white people for a century or more. They run their governments. Their governments look very similar to any other form of

government. They know how to conduct meetings. They do Robert's rules, all these things. . . .What are you talking about, [two worlds]?"

[But] the fact of the matter is, an Indian world view is fundamentally different from a western world view, and the structures that we brought with us are those that have been super-imposed over Indian peoples, like it or not. [By now] you've got a real [and] pretty hefty callus that has built up. If you want to shape-shift things, if you want to shake them around and have different outcomes, then you've got to come at it differently. You've got to allow that which is not much prevalent, in the way we do things, you've got to allow that forward.

She continues,

I also, as a woman, have had great resentment, over time, to the way in which conversation and dialogue have been just obliterated from the way in which we conduct our business. The whole relational aspect of our work has been neutered, just sterilized, I think. There's no opportunity to do anything other than speak to the topic at hand. Our public engagement processes are just criminal in my mind. A public hearing, for instance, is just an abomination -- [because] it requires people to indulge in hyperbole: You've got two minutes to speak, and you've got to be as rash as you possibly can in order to make a point. There's no [opportunity for] discourse.

That is what we were trying for in this fellowship circle thing: thoughtful discourse, where I had the opportunity to tell you something about me, the way I see the world, the way I think about things, and you not being in "rebut mode," where you're sitting there poised to say, "Yes, but. . ." Or poised to use what I am saying as a way of making your own point better, but [instead] to really see my world, see things from the vantage point that is mine and mine alone. People on the video talk to this.

There's one piece that just brings tears to my eyes every time I hear it. It's Bill Johnson, who you have to sort of bend forward to hear, because he doesn't articulate, he doesn't move his lips, in a way that helps you hear very easily. But what he says is, "In those meetings where it's Robert's Rules of Order, I know that I either have nothing to say, or what I have to say counts for nothing."

It just pierces me every time I hear it. That is, by and large, the world for Indian country and Indian issues. There is not the opportunity to bring forward who and what they are in totality, so what you have are what are derogatorially termed, “the thousand year speech,” where an Indian person will stand up and talk about what [and] who they are, how they see things, what has happened to them, and people “turn off” because “the thousand year speech” is an attempt to gain standing and status, but it’s in an environment that is unsympathetic. It’s “Out of Order,” so to speak. It’s not part of the agenda, but it is a valiant and courageous attempt on the part of that particular Indian person, taking on the role of spokes-person, to let all these uncaring [others] hear just something that is different. [But] it’s ineffective.

[In our case] the intent was to get more familiar. That was the whole and sole purpose of the undertaking. [How did we] get people to not turn off? [It involved] the whole notion of collaborative learning.

She concludes

There's a wonderful image [related to this]. I've never seen this, but I've heard several people talk about it. There's a temple in Japan someplace that has a garden. The rocks are arranged in such a way that one has to walk all the way around in order to see every aspect of it. The principle is that no one individual could possibly know all that there is to know about anything, about this piece of art, let alone anything else. [So] in order for the larger truths to be revealed, all the voices, that are part of whatever it may be, need to be present and need to be heard.

Again, this practitioner’s account echoes several points of our other mediators, but it adds fresh insight as well. Like the other mediators, she faces the problem of turning adversarial presumptions into collaborative relationships (Hoch 1994). She suggests too that the parties and the facilitators alike learn from one another’s stories:

I was surprised at just the history the vast majority of people had there,” she tells us: The county commissioner ”characterized his feelings differently from a tribal leader, but you began to see the similarities and the common ground -- [or] not the common ground, but *the opportunity* to find the common ground.

She tells us more, too, though. Her sense of the action in this meeting focused upon neither bargaining nor propositional argument, not the “rebuttal”-oriented talk of adversarial debate, but “thoughtful discourse,” free of the structures that “obliterate” “dialogue,” a conversation depending instead on a structured process that encouraged common focus on place but also personal expression, listening and recognition, the discovery of common ground and the exploration of future options.¹⁶

In a moving passage, she echoes the voice of the tribal leader, Bill Johnson, who finds that conventional “ground rules” of meetings can be exclusive, dismissive and humiliating, “In those meetings where it’s Robert’s Rules of Order,” he says, “I know that I either have nothing to say, or what I have to say counts for nothing.”

In one moving, if brutal, sentence here, this tribal leader reveals both the beauty and the violence of speech, of action understood as deeply, even constitutively, communicative. He shows elegantly the subtlety of what theorists crudely term, “disciplinary power” and “systematic distortions of communication.”¹⁷ He tells us that the ground rules that structure conversation and agendas in civil society can be as important as the content of any given conversation. Not only the content matters, but so does the capacity to speak together, what we might call the “social infrastructure” of public deliberation (Forester 1993c).

By contrasting the “talking circle” with meetings structured by “Robert’s Rules of Order,” this practitioner tells us about a good deal more than the disciplinary power of agenda-setting, privileging linear argument and punishing emotional expression. She asks us to think, too, of the deliberate *ritual structuring of participation*, the ways that the structures of talk shape speakers and listeners both, shape the space they inhabit, the ways they are able to listen, the respect they give one another, the relationships they are able to reconstruct, and the historical memory they rebuild together.¹⁸ Noting differences of cultural “worlds,” arguing that the “relational aspect [of public conversation] has been neutered, just sterilized,” that public hearings, for example, are “abominations,” “requiring people to indulge in hyperbole,” she suggests the qualities that less “criminal,” however non-ideal, deliberative rituals might share.

She too, like the two mediators before her, tells us that these deliberative encounters should provide *safe spaces*. They should be structured with shared ground rules that will assure, even if they cannot guarantee, participants that they will count, that they will be heard, and that they will be safe to express their concerns, their anger, their pains and their hopes.

These deliberative rituals should be evocative: they should encourage not simply narrow, strategic argument but richer story-telling. By enacting ground rules that provide participants with the sense that each one counts, that speakers have “standing and status,” these encounters can not only dignify the participation of members and facilitate their mutual recognition, but enable their mutual learning too -- their abilities to listen and, as she puts it, to “really see” one another’s “worlds.”¹⁹

By bringing participants together across lines of interests, class, ethnicity, and gender, these deliberative conversations should *bridge differences* of experience, stereotype, established relationships, and conventional expectations. Such occasions seek not to level but to recognize special meanings, to promote not common, unitary identity but politically legitimate, consensual ways of acting together (Young 1990).

Further, by evoking concern and possibility, interest and emotion, these deliberative rituals should cultivate shared political imagination, or, as she puts it, “collaborative learning,” more than legalistic argumentation, practical judgment more than doctrinal persuasion.²⁰

Finally, here, this mediator’s own work suggests that these participatory rituals *require planning* of a quite special character. Like other community and environmental mediators, she must pay attention and be committed *both* to enhancing the *deliberative democratic space* in which parties can meet and speak, *and* to *promoting the welfare* of those parties. This double vision requires the political and ethical sensibility not of experts or generals, not of judges or bureaucrats, but of what we might call, critical “*civic friends*” (Forester 1992).²¹

Nevertheless, this third practitioner does not provide us with anything like a “theory” of participation. She suggests that “for the larger truths to be revealed, all the voices, that are part of whatever it may be, need to be present and need to be heard.” As she does so, though, she is hardly being literal, arguing against representation or calling for ideal conditions; she is instead calling our attention again to the ways that deliberative structures can narrow agendas, exclude participants, discount perspectives, “discipline voice,” “distort communication” -- or do much better than that.

Conclusion

So, these mediators’ accounts provide small windows onto the big world of civil society, but if we look closely through those windows, we can learn about real possibilities of

deliberative democratic practices. These mediators give us not recipes or technical fixes, but approaches to consider, practical directions to explore. In particular, we see that the challenges of dealing with differences, the challenges of transforming diverse and plural voices into concerted democratic action, raise problems for theoretically informed research and practice at once. We can conclude by summarizing and setting out five of these problem areas, each one demanding action, justification, and theoretical insight too:

1. First, we see that citizens make claims not just seeking interests and utilities but expressing identities. Shaped by privileged and painful political histories, citizens come with no shortage of presumptions about Others, about “enemies” and adversaries. Nevertheless, participating together, we can *listen and learn* about one another and our collective possibilities, and planners can help or hinder that learning. The theoretical issues of soc-called “identity politics” take a practical form in planning: what we might call the problem of “the practical ethics of listening or recognition.”²²
2. Second, we see that pragmatic “ground rules” for meetings, for conversations and negotiations in civil society, can *provide “safe spaces”* in which citizens can deliberate together or, alternatively, forums which can obliterate dialogue, humiliate participants, and reward hyperbole. Planners and mediators can shape processes to *encourage jointly beneficial agreements*, not just poor compromises; they can shape participatory rituals in which citizens can tell their stories and listen too, participatory rituals in which citizens surprise one another and themselves, in which they teach and learn from one another, in which they come to imagine new possibilities together. We can call these issues “the problem of political design” .²³
3. Third, we see that citizens come together with limited information, assumptions and presumptions, but they can *learn about value, about “ends” as well as means*, about “the facts that matter.” They can “crystalize their interests,” retreat from earlier positions, clarify what’s at stake in the cases at hand. Initial resignation, “There’s no way. . .” may give way to new appreciation of issues, surprising alternatives, new relationships, “collaborative learning.” We can refer to this cluster of issues as “the problem of deliberative rationality.”²⁴

4. Fourth, we see while citizens can listen, learn, and act together, doing so is anything but a natural achievement. Planners who hope in real time to foster a deliberatively democratic civil society have a host of practical “judgment calls” to make: How to *intervene to prepare* for negotiations and conversations with “training,” organizing, or “orientation”? How to *respond to inequalities* of citizens’ knowledge, skill, and other resources? How to *pace and shape conversations* and apply whatever “ground rules” are at hand? We can call this “the problem of advocacy” (or what mediators term “neutrality”).²⁵
5. Fifth, we see that citizens bring painful histories to the table, and that the place of traumatic memory in democratic deliberation is anything but clear. These mediators warn us about either dismissing those histories, asking that they be “left at the door,” or allowing them to “become destructive,” pre-empting democratic deliberations from going forward today. We can call this “the problem of trauma and *working-through in deliberation*.”²⁶

These problems -- the ethics of recognition, political design, deliberative rationality, neutrality, and deliberative working-through -- represent practical and theoretical questions to explore for all those hoping to create a deliberatively democratic civil society. These questions will arise in many instances when we try to deal with differences. Our responses, our practical answers, are hardly deep-wired: we can do better, or worse. Part of the task of any critical theory of civil society, surely, should be to help us understand the “better” possibilities we face -- and not just tell us that “power” is everywhere, that “better” is an empty or self-serving social construction. That is the abiding challenge of a critical theory, and here, too, of a planning theory, a critical pragmatism -- as Jesse Jackson’s voice, and John Friedmann’s work, has always encouraged us: to be activist realists, not resigned cynics, to bring imagination and insightful theory to bear on practical challenges, to keep real hope alive.

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Notes

1. See, e.g., Sandercock (1995), who concludes, “How does this moral vision and political practice translate to the domain of planning? Most obviously, we need to develop ways of planning (and of theorizing planning) which acknowledge and respect difference and reflect diversity.”
2. See e.g., Schram (1995), but compare Robert Beauregard’s early resistance to post-modern weightlessness: “We are not condemned to toil with a flawed modernist project, nor are we compelled to abandon it for a postmodernism that casts planners as authors of texts, eschews authoritative positions in public debates, succumbs to global forces, and, in a false respect for differences, remains politically silent in the face of objective conditions of inequality, oppression, ignorance, and greed” (Beauregard 1991:193).
3. See Forester (1995b).
4. Cited in Margalit (1993:70).
5. Benhabib (1992); Nussbaum (1990); and for the argument in planning Friedmann (1987), Forester (1989).
6. Postema (1995:366): “We should not mistake the theoretical incommensurability of different systematic conceptions of the good, for the practical impossibility of locating moral and political common ground through public discourse.” For recent work on collaborative learning in a plural civil society, see Healey (forthcoming).
7. The accounts of mediators here are drawn from a small research project funded by the Institute for Dispute Resolution, University of Victoria, 1995-1996, designed to explore the politics and ethics of public dispute resolution practice.
8. James Fishkin (1991:29): “Without deliberation, democratic choices are not exercised in a meaningful way. If the preferences that determine the results of democratic procedures are unreflective or ignorant, then they lose their claim to political authority over us. Deliberation is necessary if the claims to democracy are not to be de-legitimated.”
9. In this mediation there were 14 sectors. It was such a big mediation that we organized all of the interests on Vancouver Island, and in fact, way beyond Vancouver Island; they were global in nature. Each sector was defined as a unique perspective on the problem, so that rather than any one organization or one corporation or one government being at the table, we

simply had whole perspectives which caused them to have to form constituencies. There was a lot of integration that went on, in terms of organizing participation away from the table. We spent months doing that before the table even convened -- about four months in a preparation and pre-table assessment phase.

10. The discussions of “critical distance” and “the mediations of radical planning” in Friedmann (1987) and the related discussion of the political ethics of planners and public dispute mediators in Forester (1992). See also Hoch (1994).
11. See Michael Walzer (1980), “A Day in the Life of the Socialist Citizen,” *Obligations*, New York: Simon and Schuster, pg 230: “Oscar Wilde is supposed to have said that socialism would take too many evenings. This is, it seems to me, one of the most significant criticisms of socialist theory that has ever been made.”
12. See Lax and Sebenius (1987) for an economic view; Friedmann (1979, 1981, 1987) on social learning; Forester (1992, 1993) and Menkel-Meadows (1995) on public dispute resolution; and Warren (1992:8) who writes of “a more general failure of standard liberal democracy to appreciate the transformative impact of democracy on the self, a failure rooted in its view of the self as prepolitically constituted.” Warren (1992:8) continues to explore an alternative: “On the expansive view, were individuals more broadly empowered, especially in the institutions that have most impact on their everyday lives (workplaces, schools, local governments, etc.), their experiences would have transformative effects: they would become more public spirited, more tolerant, more knowledgeable, more attentive to the interests of others, and more probing of their own interests.”
13. As Seyla Benhabib (1988:39) reminds us, such learning about the perspectives of the other lies at the core of developing political judgment. Benhabib quotes Arendt, "The power of judgment rests on a potential agreement with others, and the thinking process which is active in judging something is not, like the thought process of pure reasoning, a dialogue between me and myself, but finds itself always and primarily, even if I am quite alone in making up my mind, in an anticipated communication with others with whom I know I must finally come to some agreement. From this potential agreement judgment derives its specific validity."
14. See Forester (1994; 1995), Marris (1975), and Nussbaum (1990). We need not recipes or reductive gimmicks, but respectful and pragmatic approaches to be adapted to cases at hand.

15. When we read “to keep parties focused and on track,” it won’t do here simply to say, “Aha! the disciplinary power of the mediator!” and to weasel away from recognizing how such power may be exercised better or worse, and *for* better or worse too.
16. As Craig Calhoun (1993:280) argues, contrary to Habermas, that “participation always holds the possibility not just of settling arguments or planning action but of altering identities. The “identity politics” common to “new social movements” is thus a normal and perhaps even intrinsic part of a successful, democratic public sphere. Even the very identity of the political community is a product, not simply a precondition, of the activity of the public sphere of civil society.” Compare with Warren (1992) quoted above.
17. See discussions of Habermas and Foucault in Forester (1989; 1993a). On humiliation and implications for practice, see Scheff (1994). Freire (1970:73): “Any situation in which some. . .prevent others from engaging in the process of inquiry is one of violence.”
18. For a detailed argument, see Forester (1996), Myerhoff (1988), and Howell (1993).
19. Benhabib (1988:39) quoting Arendt above. On the crucial importance of narrative interpretation to the understanding of human action, Rorty (1992), Somers (1994) and MacIntyre (1981). Rorty (1992) writes, “Drama reveals the form and point of the protagonist’s actions, their sometimes hidden directions and purposes. In a way, we cannot see what an action really is, until we see it contextualized, embedded in the story of which it is an essential part. Until we see the completed whole in which an action functions, we cannot determine whether it has been well or ill performed, whether it succeeds or fails. . . .”
20. So they should be (in Morten Levin’s terms) *co-generative* rather than divisive, distributive, or simply adversarial.
21. Compare the discussion of “critical distance” above, and Gauthier (1993:318) on the importance of “civic friendship” as a more general quality of deliberative democratic discussions.
22. Ernst Vollrath (1977: 165) writes: “The main condition for participation within the space of political phenomena is the recognition of participating human beings and their plurality within this space.” See also: Calhoun (1993; 1994), Guttman and Taylor (1992), Appiah (1994), Young (1990), Menkel-Meadows (1995), and Forester (1995a);

23. See the work of Dryzek (1990; 1995); Forester (1992; 1996); Healey (forthcoming); Innes (1995; 1996); and Susskind and Cruickshank (1987).
24. See Nussbaum (1990: Ch 2), Benhabib (1992), Sunstein (1991), Elster (1983), Cohen, and Sager (1994).
25. See Susskind and Cruickshank (1987), Forester and Stitzel (1989), Checkoway et al. (1994). Noting planners' possible influence, and thus the point of planning theory, Beauregard (1995:165) writes, "Democracy cannot exist without a countervailing force to the political economy. People need to be empowered, social philosophies need to be articulated, and a public sphere needs to be nurtured. Planners *can* contribute to each of these tasks. . . ." (emphasis added; jf).
26. Compare LaCapra (1994), Herman (1992), Marris (1975), Forester (1994), Bar-On (in progress), and Daniel Yankelovich (1991:117): "Fortunately, analysis of the working-through process leads to many practical methods of improvement. . . . In discussing the various forms of working through and the obstacles that beset it, we will have reached the heart of our subject, and I believe, one of the keys to the successful practice of democracy in the twenty-first century."

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