

KETTERING REVIEW



A journal of ideas and activities dedicated to improving
the quality of public life in the American democracy

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Collaborative Democracy

by Daniel Kemmis

*Citizen-driven
problem solving
across deep divides has
become an emerging
form of democracy
nationwide at the same
time that our larger
governing institutions
have become steadily
more gridlocked
and dysfunctional.*

Americans have always honored democratic deliberation, especially in our governing institutions. It's now a little hard to believe, but our ancestors took considerable pride in hearing the US Senate referred to as "the greatest deliberative body in the world." Indeed, in the days when Daniel Webster, Henry Clay, and John C. Calhoun debated the nation's most pressing issues on the Senate floor, people packed the galleries to watch and listen. Unfortunately, those days are a distant and fading memory. However else we might describe the proceedings of the Senate these days, the word "deliberative" is not likely to come up.

Indeed, as the 21st century dawned, it sometimes seemed as if the power and effectiveness of democratic deliberation had entirely disappeared from the American political ecosystem. If nature indeed abhors a vacuum, however, it isn't surprising that this vacancy began to draw forth new life forms, very tentatively at first, and then with increasing urgency and vitality. Beginning in the early 1980s, organizations like Public Agenda and the Kettering Foundation began to experiment with new mechanisms such as the National Issues Forums (NIF), to bring the power of citizen deliberation to bear on a variety of public issues. Eventually, NIF was joined in this deliberative arena by Study Circles (now Everyday Democracy), by James Fishkin's practice of deliberative polling, and then by the *Journal of Public Deliberation* in a cascading emergence of deliberative templates and forums. Among them, these organizations have by now involved millions of Americans in discussions of important public issues with

fellow citizens from widely varied backgrounds and perspectives. In fact, so many organizations are now doing such good work in this field that they have created a network of their own, the Deliberative Democracy Consortium. The mission of the consortium is “to build knowledge, strengthen networks, and forge collaborations among researchers, practitioners, funders, and public officials at all levels of government in order to improve democratic practice and democratic governance.”

In October 2012, as the tsunami of negative campaign ads unleashed by *Citizens United* began to crest in that election cycle, I traveled to Seattle to attend the fifth National Conference on Dialogue and Deliberation. There I found hundreds of people from around the country who had gathered for an intense three days of sharing stories, lessons, and new ideas about

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how to engage steadily more Americans in meaningful democratic deliberation. Session topics ranged from “Making Wise Choices in Dialogue, Deliberation, and Public Engagement” to “When Governments Listen,” with stops in between at “Bringing Deliberation into



Public Budgeting” and “Expanding Liberal-Conservative Dialogue in America.” I was especially intrigued by one session’s description and analysis of the Oregon Citizens’ Initiative Review, a process that had been formally instituted by the Oregon legislature for convening a random sample of voters to deliberate for several days on a ballot initiative and then present written findings and recommendations in the official state voters’ guide. I also heard how citizens in Ohio had just the previous week employed a similar “citizens’ jury” approach to inject a shining moment of genuine deliberation into that state’s most hotly contested congressional race.

At the very least, developments like these sustain the awareness among citizens that people of good will can almost always find more common ground when they engage in genuine deliberation than they might otherwise have expected. And activities of this kind also keep alive the memory of a fundamental fact of democratic deliberation that seems to have escaped the notice not only of the Supreme Court but of most of the rest of us. Decisions like *Buckley v.*

Valeo and *Citizens United* have been too focused on the protection of free speech to notice that democratic deliberation is never merely a matter of *speaking*; it is also, crucially, a matter of *listening*. Without active, attentive, responsive listening, there is no such thing as deliberation and therefore no opportunity for democracy to demonstrate its superlative problem-solving capacity. If our larger political culture has abetted the Supreme Court in forgetting that fundamental fact, the deliberative democracy movement has helped to revive that memory among the multitudes of citizens who have engaged in real deliberation under that movement's umbrella. That memory will prove vitally important as the work of democratic revitalization gathers steam. It has been cultivated even more actively by deliberative democracy's sister: the collaborative democracy movement.

At roughly the same time that citizen-focused deliberative practices were gaining historical momentum and establishing a presence in our self-governing ecosystem, a related democratic life form began to emerge in the open spaces left by the increasing dysfunction of older, established forms of representative, procedural, and direct democracy. A phenomenon often called "multiparty collaboration" seems to have arisen primarily as a response to some of the shortcomings of the late-20th-century framework of procedural democracy. Whatever else public hearings might accomplish, they almost never create an opportunity for anything resembling democratic problem solving. Yet, with increasing frequency, stakeholders who for decades had battled each other in public hearings have begun

to engage in serious, face-to-face, problem-solving work.

What has moved so many people to take on this hard work of collaboration has been the widespread perception that, in all too many cases, the existing governing framework was proving itself incapable of getting the job done.

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To put it bluntly, the problems that people have expected the government to solve have all too seldom been addressed in a problem-solving way. Rather than simply complain about this situation, or resign themselves to it, increasing numbers of people have been stepping up, engaging their neighbors (especially those with whom they have had significant differences), and doing the problem solving themselves. This hands-on, citizen-driven, problem-solving species of democracy has appeared and gained strength all across the country, around all kinds of issues. I will use my own part of the country—the American West—and, in particular, collaborative efforts around public land and natural resource issues to illustrate the genesis, the promise, and some of the challenges of this collaboration movement.

Of the 2.27 billion acres of land in the United States, 28 percent is owned by the federal government and administered by a variety

of agencies, most notably the US Forest Service in the Department of Agriculture, and the Bureau of Land Management, National Park Service, and Fish and Wildlife Service, all in the Department of the Interior. This vast amount of public land is heavily concentrated in one

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region of the country. According to the Congressional Research Service, 62 percent of Alaska is federally owned, as is 47 percent of the 11 coterminous western states. By contrast, the federal government owns only 4 percent of lands in the other states. But while the reservation of millions of acres of forest and grasslands kept human habitation off those lands, it did not prohibit other human uses of the public lands. The prevailing public policy was succinctly stated by Gifford Pinchot, the first chief of the US Forest Service, when he argued that the national forest reserves should be managed in such a way as to produce “the greatest good for the greatest number in the long run.” This formula eventually became enshrined in the national forest policy of “multiple use and sustained yield.” From the outset, this formula for public land management began to generate conflict between the conservationists, who had

provided the initial impetus to the reservations, and the logging, mining, and grazing interests that were invited to multiply the uses of these lands. The Congressional Research Service’s report on the concentration of public lands in the West continues with what to most westerners sounds like a study in understatement: “This western concentration has contributed to a higher degree of controversy over land ownership and use in that part of the country.” Conflict among competing interests is, of course, the raw material of democratic governments, and it is therefore not surprising that, in some ways, the “public lands West” became a case study both in a set of problems in democracy and in the emergence of some very promising democratic solutions.

The problems have arisen in no small part because the decision-making system that Congress put in place as the governing framework for public lands is breathtakingly complex. Key components include the Multiple Use Sustained Yield Act, the National Forest Management Act, the Federal Land Policy and Management Act,



the Endangered Species Act, the Wilderness Act, the National Environmental Policy Act, and the Federal Advisory Committee Act. These statutes (and several others) are fleshed out by a corresponding and even more voluminous set of agency regulations, by multiple layers of administrative appeals and frequent recourse to federal courts, and by the case law emerging from all that litigation.

Over several decades, the relentless struggle of “multiple use” interests within this byzantine governing structure has produced a level of gridlock that could neither be denied nor, apparently, resolved. The increasing problems with this governing framework have been extensively noted and analyzed. Former secretary of the interior Cecil Andrus described the public land governance system as “the tangled web of overlapping and often contradictory laws and regulations under which our federal public lands are managed.” Congressman Scott McInnis, former chair of the House Subcommittee on Forests and Forest Health, decried “a decision-making apparatus that is on the verge of collapsing under its own weight.” Former Forest Service chief Jack Ward Thomas simply called this governing framework “the blob.” In June 2002, Forest Service chief Dale Bosworth presented to Congress a report titled “The Process Predicament,” describing the effects of regulatory and administrative gridlock on national forest management, resulting in what he and his colleagues were experiencing as the agency’s increasing inability to fulfill its primary duties.

To oversimplify a complex historical development, we might say that collaborative democracy



has emerged slowly but insistently in this setting of governmental gridlock because increasing numbers of people with the most direct stakes in these landscapes have concluded that the existing decision system could not reconcile those competing stakes as effectively as could the stakeholders themselves, acting on their own initiative. It was against this background that the public lands in the West began to witness a steadily growing number of local agreements among environmentalists, ranchers, loggers, miners, and recreationists about how the public land or natural resources in their particular river drainage area or ecosystem should be managed. More and more westerners on both sides of the political fence have come to believe that they can do better by their communities, their economies, and their ecosystems by working together outside the established, centralized governing framework than by continuing to rely on the cumbersome, uncertain, underfunded, and increasingly irrelevant mechanisms of that old structure, which had taught them only how to be enemies.



Concentrated as it might have been in its early stages in one region of the country, with its natural focus on public land and resource issues, this emergent democratic practice of multiparty collaboration has been spreading steadily into other issue arenas across the country. In fact, I would argue that this kind of citizen-driven problem solving across deep ideological and interest group divides has become an important, but still emerging, form of democracy nationwide at the same time that our larger governing institutions have become steadily more gridlocked and dysfunctional. How might we account for this almost totally unexpected phenomenon? The one thing that has contributed most significantly to the steady expansion of the use of collaborative problem solving is that, in so many circumstances, *it works*, and it works better than any of the other available democratic mechanisms. In evolutionary terms, this is a straightforward example of natural selection: What works well survives and thrives. This element of adaptive-

ness becomes more striking when we consider the myriad factors that militate against collaboration, including the following:

- Most of the parties to collaborative efforts have spent years using more adversarial means of dealing with the kinds of issues they now seek to address collaboratively. This is a new, unfamiliar, and often intimidating way of proceeding.
- Dealing in a new way with people you have spent years treating (and thinking of) as enemies requires learning.
- Those who make this leap are subjected to suspicion, if not outright hostility, from other members of their own “tribe.”
- Successful collaborative efforts are almost always quite time-consuming.
- The established decision system rarely provides any space or encouragement for collaboration.
- Even highly productive collaborations are often resisted by the established system.

The survival, and indeed the spread, of collaboration against these barriers is a vivid testament to its effectiveness. And it is in the

What works well survives and thrives.

context of this harsh, putting-to-the-test environment that the democratic credentials of collaboration have been established. People only go to all the trouble that collaboration entails because they have a real and substantial stake in the matter at hand and presumably “no better

means of advancing their interest. Their work is therefore democratic in the most fundamental meaning of that word: it is the dead-serious, determined effort of people to shape the conditions under which they live, rather than leaving that shaping to someone else.

Against the background of the often-deepening failures of so many of our governing institutions, it becomes strikingly clear how valuable a democratic asset the collaboration movement is becoming. When the number of people who have partaken of this learning

are added to those who have experienced one or more of the activities of the deliberative democracy movement explored earlier, we begin to see the emergence of a truly potent constituency for a democratic renewal movement.

Daniel Kemmis is the former mayor of Missoula, Montana, and a leader in the Montana House of Representatives. This essay is drawn from his recent book, Citizens Uniting to Restore our Democracy, and is used here with the permission of the University of Oklahoma Press.

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