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Listening to the City: A Case of Democratic Deliberation

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Abstract: *This article examines the risks and benefits of establishing a democratic deliberation process. Employing "Listening to the City" town meetings, as a case study, this article argues that the process of receiving public opinions used in this case study may be an evidence of true democracy, in which citizens are free and equal to engage in the public forums that provide them an opportunity to have a real influence on public policy decisions. However, the final decisions that ignored the public's opinions that emerged from the meetings are evidence of the limitations of deliberative democracy's practices. Thus, in order to realize the ultimate goal of deliberative advocates, to engages the public in discussion with decision makers in open and transparent ways before decisions are finalized, deliberative practitioners must avoid applying deliberative democracy as a mechanism aimed at getting some approvals on public policies that have already been set in the minds of policy makers.*

1. Introduction

The collapse of the twin towers of New York City's World Trade Center on September 11, 2001 raised not only the international issue of terrorism, but also several domestic ones, particularly those related to numerous American citizens and communities: What is an acceptable way to compensate the victims of the event? What should be built at Ground Zero? When facing such difficult kinds of problems – problems that show no clear way to arrive at an unequivocally satisfactory solution, recent scholars as well as policy-makers tend to apply a concept of democratic deliberation in the policy process.

What is democratic deliberation? What are the risks and benefits of establishing deliberative forums on issues of public importance? How does this concept (and its practice) relate to the issue of administrative ethics? To answer these questions, this article reviews a number of literatures on the topic of deliberative democracy, and finds that a

conceptualization of democratic deliberation is controversial while at the same time, the consequences of its practices have long been debated among scholars. Using "Listening to the City" town meetings as a case study, this paper also argues that the process of receiving public opinions used in the case study may be an evidence of true democracy, in which citizens are free and equal to engage in the public forums that provide them an opportunity to have a real influence on public policy decisions, yet the final decisions that ignored the public's opinions that emerged from the meetings are evidence of the limitations of deliberative practices.

2. Debating Deliberative Democracy

The concept of deliberative democracy has long been developed, yet it remains debatable. It may be conceptualized in a narrow sense as it was first devised as a discussion on the floor of the representative assembly (Bessette, 1980; Elster, 1998; Estlund, 2008). It could also be defined in a very broad sense to include an "everyday talk," which is not only formal forms of conversation but also informal ones such as storytelling, joking, and greeting, as a crucial part of the full deliberative system (Mansbridge, 1999). However, this paper focuses on the most familiar term of deliberative democracy that has widely been discussed and referred to as a theory of public administration that provides a bridge between democratic theory and concrete policy practices (Fischer, 2003). More specifically, deliberative democracy or any other terms used in this paper such as democratic deliberation, public deliberation, and so on is understood as a political process that engages the public in discussion with decision makers in open and transparent ways before decisions are finalized.

2.1 What is Democratic Deliberation?

According to Gutmann and Thompson (2004), there are at least four important characteristics of democratic deliberative process. First and most importantly, democratic deliberation is a reason-giving requirement process, in which the reasons that the deliberative democracy asks citizens and their representatives to give should appeal to principles that individuals who are trying to find fair terms of

cooperation cannot reasonably reject. The reasons are neither merely procedural nor substantive, but they are reasons that should be accepted by free and equal persons seeking fair terms of cooperation.

A second characteristic of democratic deliberation is that the reasons given in this process should be accessible to all the citizens to whom they are address. In other words, the reasons must be public, and they are public in two senses: (1) in the sense that the deliberation itself must take place in public, not merely in the privacy of one's mind; and (2) in the sense that the reasons must be public concerning their content – a deliberative justification does not even begin if those to whom it is addressed cannot understand its essential content.

The third characteristic of democratic deliberation is that its process aims at producing a decision that is binding for some period of time. In this respect the deliberative process is not like a talk show or an academic seminar. The participants do not argue for argument's sake; they do not argue even for truth's own sake. They intend their discussion to influence a decision the government will make, or a process that will affect how future decisions are made.

The fourth characteristic of democratic deliberation is that its process is dynamic. Although deliberation aims at a justifiable decision, it does not presuppose that the decision at hand will in fact be justified, let alone that a justification today will suffice for the indefinite future. It keeps open the possibility of a continuing dialogue, one in which citizens can criticize previous decisions and move ahead on the basis of that criticism.

Combining these four characteristics, Gutmann and Thompson (2004:7) define deliberative democracy as "a form of government in which free and equal citizens (and their representatives), justify decisions in a process in which they give one another reasons that are mutually acceptable and generally accessible, with the aim of reaching conclusions that are blinding in the present on all citizens but open to challenge in the future." For this reason, deliberative democracy differs from some other attitudes and practices in democratic politics in that it exhorts participants to be concerned not only with their own interests but to listen to and take account of the interests of others insofar as these

are compatible with justice. Practices of deliberative democracy also aim to bracket the influence of power differentials in political outcomes because agreement between deliberators should be reached on the basis of argument, rather than as a result of threats or force (Young, 2001).

2.2 What are the Risks and Benefits of Establishing a Democratic Deliberation Process?

What will democratic deliberation do for us? Gutmann and Thompson (1996) identify four principal benefits: it (1) helps promote the legitimacy of collective decisions; (2) encourages public-spirited perspectives on public issue; (3) promotes mutually respectful decision making; and (4) helps democracies correct the mistakes of the past. Deliberative democracy promises legitimate – that is, morally justifiable and rationally produced – solutions to vexing political problems. Especially when these problems are difficult, affording no clear way to arrive at unequivocally satisfactory solution, deliberation recommends itself because it relies on a broad consideration of alternative solution, increasing the likelihood that the perspectives held by all members of a heterogeneous community will be given voice.

Deliberation is also clarifying and enlightening, highlighting the moral issues at stake in political debates and allowing citizens to elucidate these issues for themselves. Finally, democratic deliberation enhances democracy. Democratic theorists now take deliberation to be the exemplary practice or activity for democrats, and they gear their arguments toward its realization. Hence, deliberation has become a standard for the accomplishment of democracy. And, when democratic theorists suggest remodeling our politics, it is in the direction of making them more deliberative.

With these benefits, the deliberative democrat thinks that the best way to limit political domination and the naked imposition of partisan interest and to promote social justice through public policy is to foster the creation of sites and processes of deliberation among diverse and disagreeing

elements of the polity (Young, 2003). Most deliberative democrats, however, acknowledge one objection that critics have put to this contention: deliberative methods of decision making can fail to advance these political values under unfavorable conditions such as economic equality, cultural difference, or the absence of a reciprocal willingness to engage in the practice of deliberation (Fung, 2005). Economic inequalities, for example, enable wealthier parties to improperly displace communicative power by mounting threats, purchasing compliance, drowning out other perspectives, mobilizing many forms of support, or simply privatizing some area of concern out of the domain of public deliberation. Another effect of such inequality is that individuals encounter each other with very different capacities to deliberate. Political and administrative inequalities allow officials to restrict and eliminate domains of deliberative governance and to substitute canonical expertise for argument when they do engage with citizens. Finally, cultural inequalities may favor hegemonic discourses or styles of communication in deliberative decision making.

2.3 How Does a Democratic Deliberation Relate to the Issue of Administrative Ethics?

In addition to a theoretical (and perhaps practical) debate on the risks and benefits of establishing deliberative forums on issues of public importance, the relationship between this concept (and its practice) and the issue of administrative ethics has intensively discussed among scholars. The democratic deliberation advocates, such as Gutmann and Thompson (2003), assert that the principles of deliberative democracy are morally and politically provisional in ways that leave them more open to challenge and therefore more amenable to democratic discretion. According to Gutmann and Thompson, the moral basis of the provisional status of deliberative principles comes from the value of reciprocity. Giving reasons that other could reasonably accept implies accepting reasons that other give in this same spirit. At least for a certain range of views they oppose, citizen should acknowledge the possibility that the rejected view may be shown to be correct in the future. The

process of mutual reason-giving further implies that each participant involved take seriously new evidence and arguments, new interpretations of old evidence and arguments, including moral reasons offered by those who oppose their decisions, and reasons they may have rejected in the past. "Take seriously," in this sense, means not only cultivating personal dispositions (e.g. open-mindedness and mutual respect) but also promoting institutional changes (e.g. open forums and sunset provisions) that encourage reconsideration of laws, public policies, and their justifications. One implication is that citizens and their accountable representatives should continue to test their own political views, seeking forums in which their views can be challenged, and keeping open the possibility of their revision or even rejection. Deliberative democracy thus expresses a dynamic conception of political justification, in which provisionality – openness to change over time – is an essential feature of any justifiable principles.

However, while deliberative democracy, for Gutmann and Thompson, is proper for disagreements over moral principles, for some critic such as William H. Simon (1999), such argument is overbroad. Simon argues that it can be a mistake to deliberate, if our opponent "takes a position in bad faith," being either consciously dishonest or simply not open to reflection. It can be a mistake to deliberate with such a person because at best it could be a waste of time, and at worst we could help the person present him/herself to others as more reasonable than he/she is. Moreover, the deliberative process may put some pressure on people who hold extreme positions in good faith to modify their positions simply not to appear to disrespect the deliberative process.

Whether deliberative democracy is appropriate for disagreements over moral principles or not, the above discussion, nevertheless, suggests that the concept of deliberative democracy does relate to the issue of administrative ethics. And, the room for further debate is still opened, especially by examining public policy process or cases that aim to apply the concept of democratic deliberation as a method to dealing with conflicts between political needs and pressures as well as ethics.

3. Listening to the City: Case Summary[1]

As a process that was emerged from the idea that concerns about deliberation, transparency, and openness to public input, "Listening to the City" is an appropriate case study that enable to provide us a clear picture of what the democratic deliberation in the practical world is as well as how it links to the problems of administrative ethnics. Before moving to the discussion of such topics, it would be great to learn briefly about this case.

3.1 The Program

In November 2001, the governor of New York and mayor of New York City jointly announced the creation of the Lower Manhattan Development (LMDC) to oversee the rebuilding at the site of ground zero, the former World Trade Center that was destroyed in the September 11, 2001 attacks. There are two public agencies that shared responsibility for redeveloping the World Trade Center site: the Port Authority of New York and New Jersey and a newly created Lower Manhattan Development. The Port Authority of New York and New Jersey was a financially self-supporting public agency that owned the World Trade Center site and managed many of the region's airports, tunnels, and bridges. Although it was understood that LMDC and the Port Authority would both work together, because a lack of a division of responsibility, there thus appeared to be a fundamental disparity between the two agencies with regard both to the decision-making process that should guide reconstruction and substantive priorities.

With decade of experience in building and managing enormous public works in the region, the Port Authority preferred time-tested design principles and proven expertise. They also had a commitment to rebuild all the commercial space that had been lost on the site. Specifically, this meant rebuilding 11 million square feet of office space, and 600,000 square feet of retail, as well as a 600,000-square-foot hotel. The LMDC, on the other hand, favored the rebuilding process that deliberate, transparent, and open to public input. They thus set up eight advisory councils to represent

[1] This case summary was derived from Fung and Rosegrant (2006)

key constituencies: families; residents; restaurants; retailers and small businesses; arts, education and tourism; financial services firms; professional firms; commuters and transportation; and development. On May 22, 2002, a design group headed by Beyer Blinder Belle Architects & Planners won the urban contract for the World Trade Center site.

3.2 A Growing Public Response

During these months, non-governmental groups such as the Civic Alliance sought to create a public debate about the World Trade Center site redevelopment. They employed AmericaSpeaks, a Washington, D.C.-based organizer of "21st Century Town Meetings," to help design and facilitate events. AmericaSpeaks had developed an approach to public deliberation that attempted to combine the depth and intimacy of small group discussions with the power of large group consensus. On February 7, 2002, more than 600 participants, representing a broad cross-section of the region, gathered at the South Street Seaport on the eastern side of Lower Manhattan for "Listening to the City," as the meeting was named. This meeting, as Civic Alliance leader and co-founder Robert Yaro notes, was the first opportunity for official from the LMDC to meet at one time with Port Authority leaders, representatives of recently elected Mayor Michael Bloomberg, as well as small business owners, relative of victims, members of various civic groups hoping to influence the process, and the general public.

The goal of the meeting, according to the organizers, was not to make decisions nor to debate issues like how many towers should be rebuilt, but to develop a "vision" for how Lower Manhattan should look in a decade. In the meeting, participants sat in groups of ten or twelve, with a trained facilitator for each table. Each participant had a simple numbered keypad for polling, and each table had a laptop computer, with one person designated as the scribe. The scribes had the role to capture the essence of conversation from each table's discussion about the future of the World Trade Center site and Lower Manhattan, and sent that information to a group known as the "theme team." The theme team then identified the key concepts that emerged from all the discussions, and presented them to the entire

room for corrections and additions, rejections and endorsements.

The result of the meeting was that participants suggested the planners to redevelop the World Trade Center site and Lower Manhattan as a 24-hour, mixed-use community; construct low- and moderate-income housing; increase services and amenities; build a new transportation hub and improve connections to other parts of Manhattan and the region; create more open space and access to the waterfront; and make sure that the memorial and the events of September 11 informed future development in the area. The major reaction from the LMDC leader for these recommendations was a commitment to arrange a second Listening to the City meeting in the summer.

3.3 The Second Meeting

While the first meeting was sponsored and controlled by the Civic Alliance, the second Listening to the City meeting organizers received about $2 million, half of this was co-sponsored by LMDC and the Port Authority and the rest came from corporate and foundation sponsors. On July 20, 2002, some 4,300 people gathered at the Jacob Javits Convention Center in Lower Manhattan for the second electronic town meeting.[1]

In the meeting, participants expressed broad approval of some aspects of each the plans. Many liked the expansion of open green space that all provided. Many participants approved of plans that preserved the footprints of the two towers as open space. However, many rejected the very premises of the Port Authority's Program. Participants at one table, for example, said that they "felt constrained by the

[1] The main process was almost the same as the first meeting but included another, much smaller meeting two days later attracted about 200 participants, and about 800 people took part in an online dialogue over the following two weeks. In addition, instead of a discussion on questions about the future of the World Trade Center site, participants was first asked to discuss criticisms and recommendations on the six site options and requirements of program, then express their opinion without those constraints.

prerequisite criteria of the 'plan,' and that the six plans as presented are largely six versions of one way of looking at the problem, rather than six discrete, visionary proposals to set our minds working."

A significant number of those attending also felt that the plans, and the planning process, did not sufficiently emphasize the importance of building a memorial to those killed on September 11. When participants were asked to discuss the alternative goals and courses of action that should guide the revitalization of Lower Manhattan, many, again, stressed the importance of building a robust, mixed-used neighborhood which was a major recommendation from the first meeting.

3.4 Epilogue

In October 2002, LMDC, the Port Authority, and the city jointly announced a new program that revised the previous commercial space requirements. The office space was cut by one million square feet, and allowed designers to include an underground transit hub, to add visual interest to the skyline with at least one tall tower, and to plan for depressing West Street under a promenade. However, despite those architectural responses, the design did not address social issues – such as affordable housing and an increase in neighborhood services – that emerged from Listening to the City. Moreover, while AmericaSpeaks and some civic groups lobbied for another Listening to the City meeting, LMDC and Port Authority officials said there would not be a third event.

4. Discussion and Conclusion

A deliberative democratic process can be simply understood as a political process that engages the public in discussion with decision makers in open and transparent ways before decisions are finalized. A commitment to deliberation is, after all, a commitment to finding a way to address concerns, resolve disagreements, and overcome conflicts by offering arguments to our fellow citizens that are supported by reasons. In theory, the main benefits of democratic deliberation are: to promote the legitimacy of collective decisions; to encourage public-spirited perspectives on public issue; to promote mutually respectful decision making; and to enhance democracy. However, in practice,

especially in American politics, challenges such as how more of the people who routinely speak less might take part and be heard and how those who typically dominate might be made to attend to the views of others (Sanders, 1997: 352) still occur.

A use of highly technological materials (e.g. laptop computers and the Internet) in this electronic town meeting, which was named "Listen to the City," is an exemplar of an attempt to solve some limitations of the practice of deliberative democratic process, helping people who routinely speak less to express their opinions in a face-to-face meeting. However, to determine that whether this Listening to the City meeting was success or not still depends on what criteria we apply to measure it. On one hand, if we consider the succession in terms of the people's voices being heard by the officials (at least, some of them), we could say that this meeting was success. As we have seen from the previous mentioned case, although the LMDC and Port Authority did not respond to the participants' entire request, all participants have an equal chance to express their opinions and feelings through the electronic method established in the meeting and some of those opinions help to revise the Program. This kind of deliberative practice can also be well-applied in other cases such as the one of compensation for the 9/11 victims, in which one of the most sensitive issues of assigning value to human life is at the heart of the decision-making process. Instead of using a special master to make such decisions, providing the public an opportunity to speak and listen to others can help the policy decision-makers to receive many opinions that are useful for them in making acceptable and appropriate decisions.

On the other hand, if we consider the decision that was finally made compared to the cost the organizers spent for the meeting arrangement (i.e. $2 million), we might conclude that the citizens got very little from such an expensive meeting. As we have learned from this case, there are several competing players including the officials (i.e. the appointers – the state government of New York and the city government of New York City, and the appointees – the LMDC), the Port Authority, several small business owners, the Lower Manhattan residents, and other stakeholders such

as the families of the victims. Each of these stakeholders had their own personal agendas. For example, the Port Authority had a commitment to rebuild all the commercial space that had been lost on the site. The biggest concern of the Lower Manhattan residents is the social issues such as an affordable housing and an increase in neighborhood services, while the majority of the victims' families want the site to remain a memorial. Under the condition that a variety of desires and requirements are addressed, it is difficult to find a consensus. This gap provides an opportunity for decision-makers to respond to some public interests (i.e. the LMDC responded to many of the architectural issues – cut by one million square feet, and allowed designers to include an underground transit hub, to add visual interest to the skyline with at least one tall tower, and to plan for depressing West Street under a promenade) and ignore others (i.e. social issues such as affordable housing and an increase in neighborhood services that emerged from the Listening to the City meetings), while the major commitment of the Port Authority was allowed to remain. Rather than presenting an evidence of true democracy, this case study suggests another challenge to deliberative practices. That is, democratic deliberation may be used as a mechanism aimed at getting some approvals on public policies that have already been set in the minds of policy makers, instead of a process to express the value of mutual respect among citizens and better informed public decision-making. The dream of deliberative advocates is to utilize the deliberative democratic process to bridge a wider range of perspectives to bear on the process than public officials would otherwise be willing or able to consider, but which would not come true, if the policy-makers did not commit their decisions to the real results of the deliberation.

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