

PUBLIC CONTROVERSY FACILITATION

*Mary Harrow**

The following is an informal paper describing some crucial elements to add to the facilitators' extensive 'toolboxes' when they design processes for facilitating groups to devise policy or strategy. This is particularly important when forecasting an uncertain future and deciding on a course of action within that uncertain future.

There are examples of processes necessary to achieve successful outcomes within democratic deliberation.

I briefly describe the outcomes of many studies in support of these processes

The purpose of these important facilitation elements is to overcome counterproductive systems.

I COUNTERPRODUCTIVE SYSTEMS

From Professor Richard Wiseman's '*59 Seconds Think a little, Change a lot.*' Tapping collective wisdom is not **consensus** nor involves **endless discussion**.

Deliberation in a **groupthink** setting has the disturbing effect not of opening people's minds but closing them. It is easier to go along with the group. Independence of opinion can be lost. For example "brain storming" is the process of building on others' ideas in collective brainstorming where groupthink tends to occur.

Polarisation is a form of groupthink in which people feel it is safe to voice and accept more extreme views when they feel supported by likeminded people.

Social loafing – someone else will do it eg if you are injured in the street, you are more likely to have someone come to your aid if there are very few people around because people expect 'someone else' will do it in a crowd.

Dissent and independent analysis is needed – There is a correlation between not telling the boss about things that have gone wrong and upward mobility. Employees need to uncover and act on private information for the business growth and innovation.

* AAMINZ Independent Mediator, Negotiator and Labour Law Consultant.

Vested interests – people with vested interest are usually (unjustifiably) dominant in negotiations. e.g. if you are a board member who has vested interests in a decision you have to stand aside from that process.

A book describing some of the crucial elements necessary to overcome counterproductive systems is James Surowiecki's *The Wisdom of Crowds: why the Many Are Smarter than the Few and How Collective Wisdom Shapes Business, Economies, Societies and Nations*.

The following is not the focus of the whole book, just one that serves the purposes of isolating proven effective and efficient processes. The main focus of the book is to persuade that crowds can make wiser decisions.

Groups make wiser decisions and predictions more consistently than any other methods, including use of experts such as medical pathologists and clinical psychologists, if certain criteria are followed. Weathermen and expert bridge players are the only exceptions. Trying to find smart people will not lead you astray but trying to find the smartest will.

Decisions are more accurate if the group is large and diverse. Numerous irrefutable, (by analysing in hindsight) examples are provided in the book.

For successful aggregation a group needs to input information that has diversity, independence and a particular kind of decentralisation.

Individuals must know that they are able to influence decisions by their participation. Just having an advisory capacity causes them to lose their collective wisdom.

- **diversity**—having access to a lot of different perspectives, sources of information and sets of knowledge is more valuable than individual IQ or expertise;
- **independence of opinion**—if individuals can deliver their decisions simultaneously and blind to everyone else's choices, you get real knowledge and superior decisions untouched by groupthink, peer pressure and other group dynamics; and
- **decentralised information**—People are able to specialize and draw on local knowledge.
- **aggregating information**—here is where technology and systems design come in.

A Diversity

Diversity: This is referring to diversity in the experiential, intellectual, cognitive and conceptual sense. Diversity and independence need to be maintained,

especially when the group is small as large groups are usually diverse by nature. E.g. When projecting the public use of new products.

B Independence of Opinion

This weakens the pitfalls of group decision-making such as groupthink influence, authority or group allegiance and includes enabling people to say what they really think and add different perspectives eg partially anonymous input as in election voting.

C Decentralised Information

People are able to specialize and draw on local knowledge.

D Aggregation

While the book provides many examples of successful aggregation it does not clearly analyze the processes used. This website takes it further <http://iacis.org/iis/2008/S2008_992.pdf>.

II PRACTICAL STAGES OF THE PROCESS

A Uncovering Possible Solutions

A range of possible solutions needs to be produced independently by a large diverse number of people e.g. specialists' opinions combined with public data gathering as in multiple submissions. The keys to this approach are systems that encourage lots of varied independent options many of which are not going to proceed and then to 'kill' them off quickly (with qualifications).

B Aggregation/Deciding among those Solutions

The result is most likely to be a mix of options that have been presented. Public or authority deliberations are the most common systems used. Public determination by vote rather than deliberation is seen as superior in the book. Many mathematical methodologies have been shown to produce accurate results.

Averaging a group's estimates will produce a very good result as was used in the following example. Peter Adler, who took the "Engaging Public Controversy" seminar I attended in 2011 in Sydney, liaised with Craven about the following

III FINDING THE SCORPION

In 1968, the submarine Scorpion disappeared in the North Atlantic. The vessel made a radio transmission and then just disappeared. After the navy had searched fruitlessly for months, a man named Craven assembled a diverse group of experts, from salvage, the Navy, mathematicians, and so on. He prepared a series of scenarios and had them bet on how likely the scenarios were. Using the group's

collective choice of scenario, he then ran a series of factors—speed, angle of descent, etc – through a computer algorithm. This gave him a map of the ocean floor with one spot that was most likely for the submarine. No one person had proposed this location and the Navy was not looking there. But they found the Scorpion 220 yards from where the group said it would be. As a whole, the group knew all of the factors, but no individual had all the parts.

IV AGGREGATION AND DELIBERATIVE DEMOCRACY DIALOGUE

The main case studied at the "Public Controversy Seminar" was to do with a huge Australian/New Guinean mining dispute. Most of the methodology reinforced the stance of this paper- particularly the need to maintain the tension between conflicting scenarios and forces. One possible exception was to exclude people from the process who would not be likely to make a decision other than their initial very, very extreme position.

A valuable contact from that seminar was Dr Lyn Carson <www.actedemocracy.net/biography.htm>. She put me in touch with Simon Wright, Consultation & Engagement, Wellington City Council <www.wellington.govt.nz>.

In 2006/7 Simon was responsible for the implementation of Deliberative Dialogue engagement processes used to resolve the public controversy around decisions on pre-birth foetal testing for the Bioethics Organization of NZ.

That facilitation and outcomes are heralded as the most successful to date of any comparable ones in any of the OECD countries. In January Simon generously spoke with me at great length explaining the processes they used.

Here are the links:

<www.bioethics.org.nz> - click through to the archived versions of the website and look at the pre-birth testing reports in the publications section. Also look at the custom built website.

<<http://ascentum.com/>> is the facilitation organisation who supplied the framework for the processes. They work with many high profile people including Obama. Their prices are very competitive. Their engagement processes capture and maintain the breadth of insights and contributions.

Re framing: When framing issues for deliberation, maintain independent perspectives, in contrast to the opposite neutral focus when framing them for persuasion. Check out <<http://ncdd.org/rc/item/tag/framing>>, particularly "Naming

and Framing Difficult Issues to Make Sound Decisions"
 <www.publicagenda.org/files/pdf/PA_CAPE_Paper4_BeyondDebate.pdf>:

Below is information Simon gave me in a telephone interview. I apologise if there any inaccuracies. Some of the information is from the above websites.

A *The Design Phase*

Principles for successful environmental decision-making ie Public Participation in Environmental Assessment and Decision Making–

1. Availability of decision-relevant info to all participants.
2. Explicit attention to facts and values/concerns and to analyse how the available choice options affect different values. (What would they say....?).
3. Explicit description of analytical assumptions and possible actualization of uncertain factors. To name where, instead of facts, persuasive language is used to develop the foundation of an appeal to emotion-based argument and possibly describe or portray unclear issues realistically.
4. Independent review by competent analysts with credibility to parties.
5. Iteration – Past conclusions are reconsidered on the basis of the new information and analysis.

"Best results are obtained if the processes are tailor made for the purpose. Big issues require big processes. ... Different ways of organising participants affect results. It is better not doing it, rather than doing it poorly. "

National Research Council 2008 "Evaluation of Public Participation" reported in *Public Participation Press in Environmental Analysis and Decision making*.

B *Purpose*

1. To determine issues needing to be worked on and by whom.
2. Issues - community, moral and technical.
3. Decisions- to agree on actions not on reasons.

C *Choosing Participants*

Who needs to be involved?

- Experts (only at the beginning- saves money)
- The public
- Affected people
- An authority eg the Environmental Protection Authority.

Criteria; ease of recruitment, availability and those whose participation would result in more robust decisions.

- Diverse participants
- People who can make decisions/recommendations are more effective in discussions than those who cannot
- Representative groups
- Online recruitment. Two week advertising campaign on Trademe. Any NZer could contribute
- The total number of participants was 700.

D Implementation

Print a 3xA4 booklet of relevant information

- Technologies
- Decisions-policy and people involved
- Sensitivities.

E Framing

The *Choice Book* - 38 page online - was framed in the language of the public. Framing in this case refers to using the emotive language of the public.

This "language of the public" framing

- Evens out power imbalances
- Reduces intimidation/defensiveness
- People feel heard and (as we know) are more likely to listen to the views of others.

F Forums

- Face to face
- Email (before social media availability) Required constant monitoring. By 2 facilitators
- Website
- Online groups - 20 people per group for 3 weeks daily
- Maori, Pasifika and general public - face to face public groups - maximum 8 people.

G Process

Initial engagement with public and experts

- To determine issues needing to be worked
- Describe public issues forum and providing link
- Writing up choice booklet. Described 4 scenarios and the underlying values behind them eg Life is a gift. Babies aren't commodities. If this is the perspective, what are the policies and actions?

Public Deliberation and Analysis (next rounds) involved 18 x 3 hour workshops and on-line nationwide.

- The processes and questioning were highly structured
- Analysis and Deliberation must be implemented together to be effective
- Requirement is to agree on actions, not on reasons
- Facilitator and forum links describes process and public issues
- Printed extensive 38 page choice booklet produced in hard copy and on-line.

It described scenarios and the underlying values behind each. Used public words to satisfy emotions. 70% of those who initially signed up completed. That is considered an outstanding number.

Facilitator models processes of

- Why reasoning is key, and
- Separating people from problem.
- Dealing with challenging issues-sleep on it and respond next day
- Facilitator uses participants' world views to frame issues for deliberation.

Facilitators usually reframe issues reconstructing a person's view of an experience to imbue it with a different, usually more positive or neutral meaning, to make it more acceptable and inclusive to those who hold opposing views. This is a persuasive framing focus.

Sample questions that maintain focus, diverse perspectives and independence of opinion are:

- What would supporters say on each option?
- What would detractors say on each option?

- If you could not support this, what would enable you to make it supportable?
- Are those actions what they would all want?
- What are your practical experiences personal/general involvement?
- Pretend that participants can make decisions directly to Minister - what would you report?

Public Controversy Seminar by Peter Adler

Maintaining diverse perspectives.

Sample big picture questions emphasising shared ownership, control and responsibility of individual and group while naming seemingly conflicting needs:

Eg How do we meet the (expert determined) needs of the (individual, business, economy) within a system designed to promote sustainability for all?

- Link between behaviour and actions to avert problems. There is tension between modern environment and natural resources. Humans tend to split off and disown parts of paradox to manage it. Facilitator must recognise, reframe and restore paradox/tension. This allows ownership to emerge as well as maintaining diverse perspectives
- Paradox –collaboration does not include shared authority. Some of the participants are likely to have more authority than others. Discussions from all interested parties need to impact on the outcome irrespective of the authority they hold
- Put collaboration in favourable light while describing structure and purpose.

A sample of research into the pitfalls of group decision making without the above structures.

Further reading on decision research was provided at the NZLS Workshop Mediation Masterclass with Laurence Boule.

JAE Stoner "A Comparison of Individual and Group Decisions Involving Risk" (Unpublished master's thesis, Massachusetts Institute of technology, 1961).

His experiments demonstrated that, in risk taking behaviour, when people are asked to reach a consensus in small groups of 5, this results in polarisation, which is an aspect of group-think and, in his studies, high risk decisions result consistently.

DG Myer and GD Bishop "Enhancement of dominant Attitudes in Group discussion" (1971) 20 *Journal of Personality and Social Psychology* 386-91.

Racially prejudiced groups of people make even more extreme decisions about racially charged issues than they do individually.

G Whyte "Escalating Commitment in Individual and Group Decision-Making: A Prospect Theory Approach" (1993) 54 *Organizational Behavior and Human Decision Processes* 450-55.

If business people, who are open to investing in failing projects, meet in a group they become more likely to throw good money after bad.

SJ Solnick and D Hemenway "Is More always better? A Survey on Positional Concerns" (1998) 37 *Journal of Economic Behavior and Organization* 373-83.

This study demonstrates the power of the facilitator or dominant person's framing. Framing questions in a way that enables people to feel good about themselves if they choose to disadvantage themselves, will make the majority choose a seemingly disadvantageous position to feel good.

AL Beaman, CM Cole, B Klentz and NM Steblay "(Fifteen Years of Foot-in-the-door Research: A Meta-Analysis" (1983) 9 *Journal of Personality and Social Psychology* 206-15. This study demonstrates more behavioural outcomes based on illogical responses. People will be more likely to agree to a big request if they have already agreed to a small one.

V HARVARD LAW SCHOOL AND BOND UNIVERSITY TRAINING

Harvard provided us with a memorable learning experience by getting us to take part in large group face to face facilitation without a tight structure. We were all very experienced mediators, mostly highly vocal American lawyers. That exercise demonstrated to us that all the expert skills we had were wasted without a preplanned tight structure. Time efficiency and effectiveness were the main casualties. We were shown that with large groups, each stage needs to be broken up into single focus meetings where one single issue question is answered by all. The facilitator must keep participants on topic.

Bond University emphasised the importance of all agreeing at the outset on certain processes especially

- how decisions will be arrived at
- what voting percentages would carry a vote eg 49%-51%, 70%-30%
- how decisions might be ratified, and

- how and by whom decisions would be communicated to interested parties who were not part of the facilitation process. (Ideally the facilitator would 'sell' the outcome).

VI CONCLUSION

The most important points I take from the above are for facilitators to use tight structures and processes that maintain the diversity and independence of opinion in order to establish time efficient, wise public policy, strategy and decision-making. The requirement is to agree on actions, not on reasons. The discussion processes are collectively called Deliberative Dialogue. Mediation training tells us to use neutral language and one list for the issues.

Using the language of the parties and clarifying the diversity of the issues is recommended here. This maintains the different perspectives and frames issues for deliberation in contrast to framing them for persuasion.